

OCCC CASE NO. L21-00208

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.:1600054742	§	OFFICE OF CONSUMER
CLIMB INVESTCO, LLC	§	
133 WEST 19TH ST., FLOOR 4	§	CREDIT COMMISSIONER
NEW YORK, NEW YORK 10011	§	
	§	STATE OF TEXAS

**ORDER TO FILE TIMELY AND ACCURATE ANNUAL REPORTS**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to File Timely and Accurate Annual Reports against Climb Investco, LLC (“Climb Investco”).<sup>1</sup>

**Statement of Facts and Law**

Climb Investco is a regulated lender licensed by the OCCC under Chapter 342 of the Texas Finance Code. Climb Investco operates under master file number 1600054742 at one licensed location, under license number 154682. Climb Investco’s compliance officer is Angela Ceresnie, and its designated contact address is 133 West 19th St., Floor 4, New York, New York, 10011.

A regulated lender must file annual reports with the Consumer Credit Commissioner (“Commissioner”).<sup>2</sup> A regulated lender must comply with all instructions from the OCCC relating to submitting the report.<sup>3</sup> The report is due by May 1 of each year for the prior calendar year’s loan activity.<sup>4</sup>

Climb Investco did not file its 2020 annual report with the OCCC on or before May 1, 2021.

The Commissioner may issue an injunction ordering a regulated lender to file one or more complete, accurate, and timely annual reports if the Commissioner has reasonable cause to believe that the regulated lender is

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<sup>1</sup> Tex. Fin. Code § 14.208.

<sup>2</sup> Tex. Fin. Code § 342.559.

<sup>3</sup> 7 Tex. Admin. Code § 83.835.

<sup>4</sup> Tex. Fin. Code § 342.559; 7 Tex. Admin. Code § 83.835.

violating Chapter 342 of the Texas Finance Code.<sup>5</sup>

The Commissioner has reasonable cause to believe that Climb Investco is violating Chapter 342 of the Texas Finance Code, and therefore issues this Order, because Climb Investco failed to timely file its 2020 annual report.

## **Order**

IT IS ORDERED that Climb Investco, LLC:

1. comply with, and cease and desist from violating, the reporting requirements set forth in Section 342.559 of the Texas Finance Code and Title 7, Section 83.835 of the Texas Administrative Code;
2. file its 2020 annual report within 30 days of service of this Order, if it has not already done so; and
3. timely file complete and accurate future annual reports.

Regulated lender annual reports must be submitted through the OCCC's Application Licensing Examination and Compliance System (ALECS): [alecs.occ.texas.gov](http://alecs.occ.texas.gov). Instructions are available by clicking the "File Annual Report" button on the OCCC's home page, [occ.texas.gov](http://occ.texas.gov).

## **Violation of Order**

If you violate this Order, the OCCC may impose an administrative penalty of up to \$1,000 per day.<sup>6</sup> Multiple violations may also result in the suspension or revocation of your license.<sup>7</sup>

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<sup>5</sup> Tex. Fin. Code § 14.208.

<sup>6</sup> Tex. Fin. Code § 14.208(c).

<sup>7</sup> Tex. Fin. Code § 342.156.

## Right to Request Hearing

You have the right to request a hearing regarding this Order.<sup>8</sup> To request a hearing, you must send a written hearing request to the OCCC no later than 30 days after service of this Order.<sup>9</sup> You must send your request to Audrey Spalding, Assistant General Counsel, by mail to 2601 N. Lamar Blvd., Austin, Texas 78705, or by email to [audrey.spalding@occc.texas.gov](mailto:audrey.spalding@occc.texas.gov).

If you request a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.<sup>10</sup> If you fail to request a hearing by the deadline, this Order will be considered final and enforceable.<sup>11</sup>

All communications with the OCCC concerning this matter must be through Audrey Spalding, Assistant General Counsel, who may be contacted by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at (512) 936-7659, or by email to [audrey.spalding@occc.texas.gov](mailto:audrey.spalding@occc.texas.gov).

Signed this 13th day of September, 2021.

/s/ Leslie Pettijohn \_\_\_\_\_  
Leslie L. Pettijohn  
Consumer Credit Commissioner  
State of Texas

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<sup>8</sup> Tex. Fin. Code § 14.208(b).

<sup>9</sup> Tex. Fin. Code § 14.208(b).

<sup>10</sup> Tex. Fin. Code § 14.208(b).

<sup>11</sup> Tex. Fin. Code § 14.208(c).

## CERTIFICATE OF SERVICE

I certify that on September 13, 2021, a true and correct copy of this Order to File Timely and Accurate Annual Reports has been sent to Climb Investco, LLC by regular mail and certified mail, return receipt requested, at:

CMRRR # 9214 8901 9403 8300 0046 8630 88  
Climb Investco, LLC  
Attn: Angela Ceresnie, Compliance Officer  
133 West 19th St., Floor 4  
New York, NY 10011

CMRRR # 9214 8901 9403 8300 0046 8630 95  
Climb Investco, LLC  
Attn: Business Filings Incorporated,  
Registered Agent  
701 Brazos Street, Ste. 720  
Austin, TX 78701

/s/ Audrey Spalding  
Audrey Spalding  
Assistant General Counsel  
Office of Consumer Credit Commissioner  
State Bar No. 24111055  
2601 North Lamar Blvd.  
Austin, Texas 78705  
(512) 936-7659 (phone)  
(512) 936-7610 (fax)  
audrey.spalding@occc.texas.gov