

CREDIT UNION DEPARTMENT STATE OF
TEXAS

IN THE MATTER OF:

No. 15-019-02

SOUTHWESTCU@FINANCIER.COM
D/B/A "SOUTHWEST CREDIT UNION"
(855) 504-2220

ORDER TO CEASE AND DESIST

The Credit Union Department has recently obtained evidence that southwestcu@financier.com d/b/a "Southwest Credit Union" ("Respondent"), a person who is not a credit union authorized to do business in Texas under the Texas Credit Union Act or the Federal Credit Union Act, has been doing business in this state under a name or title containing the words "credit union" or "cu" (a derivation of the term credit union that indicates or reasonably implies the person carries on or transacts the kind of business carried on or transacted by the credit union). Based on the grounds detailed below, the Credit Union Commissioner has determined that Respondent's business has been conducted in violation of TEX. FIN. CODE. § 122.003(c).

GROUND

1. Respondent, southwestcu@financier.com d/b/a "Southwest Credit Union" is not a credit union authorized to do business in Texas under the Texas Credit Union Act or the Federal Credit Union Act.
2. TEX. FIN. CODE § 122.003 states: CORPORATE NAME; CRIMINAL PENALTY.
 - (a) The name of a credit union must include the words "credit union" or the abbreviation "CU" and an appropriate descriptive word or words, or an acronym made up of initials of the appropriate descriptive word or words and ending in "CU," approved by the Commissioner.
 - (b) Unless a credit union is formed by merger or consolidation, the Commissioner may not issue a certificate of incorporation to the credit union or approve the change of the name of the credit union if it would have the same name as another credit union or a name so nearly resembling the name of another credit union as to be calculated to deceive.
 - (c) A person who is not a credit union authorized to do business in this state under this subtitle or the Federal Credit Union Act (12 U.S.C. Section 1751 et seq.), or an organization, corporation, or association the membership or ownership of which is

primarily confined to credit unions or credit union organizations, may not do business under or use a name or title containing the words "credit union" or any derivation of that term that:

- (1) indicates or reasonably implies that the person carries on or transacts the kind of business carried on or transacted by a credit union; or
 - (2) is calculated to lead a person to believe that the business being conducted is the type of business carried on or transacted by a credit union.
- (d) A person who violates Subsection (c) commits a Class A misdemeanor.
- (e) The Commissioner may petition a court to enjoin a violation of this section.
3. On or about February 20, 2015, Respondent advertised its business in the Amarillo Globe News. [See **Exhibit 1**, attached] The advertisement stated:
Loans Wide Range of Purpose.
Pay Bills! Credit Cards,
Debts Loans One Monthly
Payment all Outstanding.
Quick!GetHelp! No Apps Fee.
Personal-Business-Debt
Auto-Home improvements
Call 1.855.504.2220
southwestcu@financier.com
 4. On or about February 27, 2015, a Credit Union Department employee, Carla Bienkowski, called the telephone number in Respondent's advertisement from the Amarillo Globe News, February 20, 2015 (1-855-504-2220). An automated response system answered "Thank you for calling Southwest Credit Union Service..." and offered options from an automated menu system. Ms. Bienkowski selected the options to speak to a customer service representative and explained to the representative that she was interested in securing a loan. The representative offered to complete her application over the phone; when she requested application documents for review, the representative offered to transfer her to another individual at which time the phone call was disconnected.
 5. Based on the law and the facts stated above, the Department has determined Respondent has been doing business in this state under a name or title containing the words "credit union." In addition, the Department has determined Respondent has been doing business in this state under a name or title containing "cu;" this abbreviation is a derivation of the term credit union that, particularly in the context of Respondent's advertisement, indicates or reasonably implies the person carries on or transacts the kind of business carried on or transacted by a credit union.
 6. Immediate action is necessary to enforce compliance with the Texas Finance Code and to ensure the welfare of the public, the credit union industry, depositors, creditors, and members.

Therefore in accordance with Section 122.2575 of the Texas Finance Code, the Commissioner issues the following:

ORDER TO CEASE AND DESIST

IT IS HEREBY ORDERED that the Respondent shall cease to do business in the state of Texas as southwestcu@financier.com d/b/a "Southwest Credit Union," in violation of TEX. FIN. CODE § 122.003(c).

The provisions of this ORDER shall be binding upon Respondent, its directors, officers, employees, agents and other persons participating in the conduct of the affairs of southwestcu@financier.com d/b/a "Southwest Credit Union".

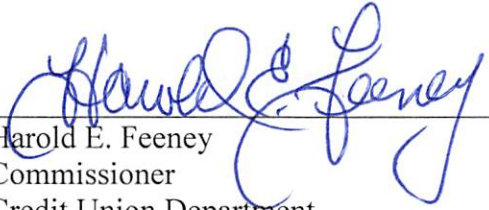
This ORDER shall be effective immediately and remain effective and enforceable until such time it is rescinded, or until Respondent becomes a credit union authorized to do business in Texas under the Texas Credit Union Act or the Federal Credit Union Act.

Respondent, within ten (10) days of the service of this ORDER, may tender a written request for appeal. The right to appeal will be forfeited if the written request for an administrative hearing is not timely filed. The filing of an appeal does not suspend the ORDER.

If Respondent timely requests an appeal in writing, the hearing will be conducted in accordance with TEXAS FINANCE CODE Section 122.259, TEXAS ADMINISTRATIVE CODE Chapter 93 and TEXAS GOVERNMENT CODE Section 2001.001 *et seq.*

If Respondent does not respond within ten (10) days of the service of this ORDER, this ORDER will become a Final Order. If Respondent or other person designated in a Final Order does not comply with the ORDER, the Commissioner, after giving notice, may assess an administrative penalty against Respondent in an amount of not less than \$100 or more than \$10,000 each for each day of the violation of the ORDER. A violation of TEX. FIN. CODE § 122.003 (c) is a Class A misdemeanor and may subject Respondent to additional penalties under the Texas Penal Code.

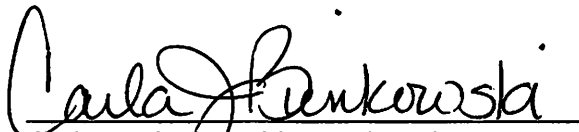
SO ORDERED this 16TH day of MARCH 2015.



Harold E. Feeney
Commissioner
Credit Union Department

CERTIFICATE OF SERVICE

I certify that true and correct copies of the foregoing Order to Cease And Desist has been sent by email, to southwestcu@financier.com, on this 16th day of March, 2015.


Carla J. Bienkowski, Legal Assistant
Credit Union Department

Loans Wide Range Of Purpose.

**Pay Bills! Credit Cards,
Debts Loans One Monthly
Payment All Outstanding.**

Quick! Get Help! No Apps Fee.

**Personal • Business • Debt
Auto • Home improvements**

**Call 1.855.504.2220
southwestcu@financier.com**