

# CREDIT UNION DEPARTMENT

## STATE OF TEXAS

**IN THE MATTER OF:**

**No. 21-033-02**

**UNITED WOOD CREDIT UNION**  
**4901 Old Jacksonville Hwy**  
**Tyler, Texas 75703**  
**PHONE (408) 837-3885**

**ORDER TO CEASE AND DESIST**

The Credit Union Department has recently obtained evidence that "United Wood 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. Finance Code. §122.003(c).

### **GROUND**

1. Respondent, "United Wood 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. Finance Code §122.003 states: SEC. 122.003. 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 July 27, 2021, the Credit Union Department received information relating to Respondents website located at unitedwoodcu.com which makes claims of authority to operate as a financial institution within the state of Texas and provides a main branch address in Tyler, Texas which is an actual branch of a United Credit Union, a Texas chartered credit union.
  4. A search of credit unions throughout the national systems indicated no credit union charter under the name "United Wood Credit Union" is currently an active federal or state charter.
  5. The Department confirmed with United Credit Union that the website in question was not associated, and review of the website clearly indicated its purpose to gather data on consumers while fraudulently claiming to be an actively chartered financial institution.
  6. On or about July 28, 2021, the Credit Union Department initiated contact via telephone and was routed to an automated voice mail system claiming to be "United Wood Credit Union" with no further identifying information provided by the entity. Further review indicated the Respondent has registered a website at unitedwoodcu.com.
  7. 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" without authorization and in violation of the Texas Finance Code.
  8. 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 United Wood 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 "United Wood 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. Finance Code §122.003 (c) is a Class A misdemeanor and may subject Respondent to additional penalties under the Texas Penal Code.

SO ORDERED this 28<sup>th</sup> day of July 2021

  
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John J. Kolhoff  
Commissioner  
Credit Union Department