

CREDIT UNION DEPARTMENT STATE OF
TEXAS

IN THE MATTER OF:

) No. 20-025-02
)

TD CREDIT UNION)
2071 Wright Court; Amarillo Texas)
PHONE (408) 837-3885)
)

ORDER TO CEASE AND DESIST

The Credit Union Department has recently obtained evidence that "TD 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, "TD 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 February 28, 2020, a Public Information Act request was received by the Credit Union Department relating to Respondents authority to operate within the state of Texas.
 4. On or about March 2, 2020, the Credit Union Department initiated contact and was routed to a voice mail system with no identifying information provided by the entity. Further review indicated the Respondent has registered a website at tdcunow.com.
 5. A search of credit unions throughout the national systems indicate no credit union charter under the name "TD Credit Union" is currently an active federal or state charter.
 6. 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.
 7. 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 TD 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 "TD Credit Union."

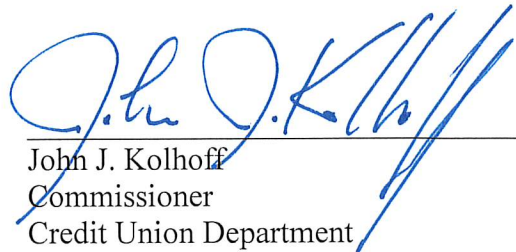
This ORDER shall be effective immediately and remain effective and enforceable until such time it is rescinded, or until Respondent becomes a credit union authorized to do business in Texas under the Texas Credit Union Act or the Federal Credit Union Act.

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 3rd day of March 2020.



John J. Kolhoff
Commissioner
Credit Union Department