

OCCC CASE NO. L20-00169

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1900064814	§	OFFICE OF CONSUMER
K2 FINANCIAL GROUP LLC	§	
11625 W HARDY TOLL	§	CREDIT COMMISSIONER
HOUSTON, TEXAS 77076	§	
	§	STATE OF TEXAS

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

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to File Timely and Accurate Quarterly and Annual Reports against K2 Financial Group LLC (“K2 Financial Group”).¹

Statement of Facts and Law

K2 Financial Group is a credit services organization licensed to act as a credit access business under Chapter 393 of the Texas Finance Code. K2 Financial Group operates under master file number 1900064814 at one licensed location, under license number 163538. K2 Financial Group’s compliance officer is Keith Hebert, and its designated contact address is 11625 W Hardy Toll, Houston, Texas 77076.

A credit access business must file quarterly and annual reports with the Consumer Credit Commissioner (“Commissioner”).² A credit access business must submit for each of its licensed locations its 2020 2nd quarter reports on or before July 31, 2020.³ All information provided on the quarterly and annual reports must be accurate and calculated in accordance with the OCCC’s instructions.⁴

K2 Financial Group did not file its 2020 2nd quarter reports with the Commissioner on or before July 31, 2020.

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code §§ 393.622, 393.627.

³ 7 Tex. Admin. Code § 83.5001.

⁴ 7 Tex. Admin. Code § 83.5001(a).

The Commissioner may issue an injunction ordering a credit access business to file one or more complete, accurate, and timely quarterly or annual reports if the Commissioner has reasonable cause to believe that the credit access business is violating Chapter 393 of the Texas Finance Code.⁵

The Commissioner has reasonable cause to believe that K2 Financial Group is violating Chapter 393 of the Texas Finance Code, and therefore issues this Order, because K2 Financial Group failed to timely file its 2020 2nd quarter reports.

Order

IT IS ORDERED that K2 Financial Group LLC:

1. comply with, and cease and desist from violating, the reporting requirements set forth in Section 393.627 of the Texas Finance Code and Title 7, Section 83.5001 of the Texas Administrative Code;
2. file its 2020 2nd quarter report within 30 days of service of this Order, if it has not already done so; and
3. timely file complete and accurate future quarterly and annual reports.

Credit access business quarterly and annual reports must be submitted through the OCCC's Application Licensing Examination and Compliance System (ALECS): alecs.occ.texas.gov. Instructions are available by clicking the "File Annual Report" button on the OCCC's home page, occ.texas.gov.

Violation of Order

You may be assessed an administrative penalty of up to \$1,000 for each day of violation of this Order.⁶ Multiple violations may also result in the suspension or revocation of your license.⁷

⁵ Tex. Fin. Code § 14.208; 7 Tex. Admin. Code § 83.5001(e)(1).

⁶ Tex. Fin. Code § 14.208(c); 7 Tex. Admin. Code § 83.5001(e)(2).

⁷ Tex. Fin. Code § 393.614; 7 Tex. Admin. Code § 83.5001(e)(3).

Right to Request Hearing

You have the right to request a hearing regarding this Order.⁸ Your request must be made in writing and sent to the OCCC not later than 30 days after you receive this Order. You must send your request to:

Audrey Spalding
Office of Consumer Credit Commissioner
2601 N. Lamar Blvd.
Austin, Texas 78705

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.⁹ If you fail to request a hearing by this deadline, this Order is considered final and enforceable.¹⁰

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.

Signed this 11 day of September, 2020.

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

⁸ Tex. Fin. Code § 14.208(b).

⁹ Tex. Fin. Code § 14.208(b).

¹⁰ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on the 11 day of September, 2020, a true and correct copy of this Injunctive Order to File Timely and Accurate Quarterly and Annual Reports has been sent to K2 Financial Group LLC by regular mail and certified mail, return receipt requested, at:

CMRRR #9214 8901 9403 8300 0019 0024 83
K2 Financial Group LLC
Attn: Keith Hebert, Compliance Officer
11625 W Hardy Toll
Houston, TX 77076

CMRRR #9214 8901 9403 8300 0019 0024 90
K2 Financial Group LLC
Attn: Keith Hebert, Registered Agent
815 Brazos St, Ste 500
Austin, TX 78701

/s/ Audrey Spalding _____
Audrey Spalding
Assistant General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24111055
2601 North Lamar Blvd.
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