

OCCC CASE NO. L19-00039

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 18013	§	OFFICE OF CONSUMER
BRANDON R. WILKES	§	
d/b/a B & W GUN AND PAWN	§	CREDIT COMMISSIONER
406 W. FERGUSON	§	
MOUNT PLEASANT, TEXAS 75455	§	STATE OF TEXAS

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

The Office of Consumer Credit Commissioner (“OCCC”) issues this Injunctive Order to File Timely and Accurate Annual Reports against Brandon R. Wilkes d/b/a B & W Gun and Pawn (“B & W Gun and Pawn”).¹

Statement of Facts and Law

B & W Gun and Pawn is a pawnshop licensed by the OCCC under Chapter 371 of the Texas Finance Code. B & W Gun and Pawn operates under master file number 18013 at one licensed location, under license number 58432. B & W Gun and Pawn’s compliance officer is Brandon R. Wilkes, and its designated contact address is 406 W. Ferguson, Mount Pleasant, Texas 75455.

A pawnshop must file annual reports with the Consumer Credit Commissioner (“Commissioner”).² A pawnshop must file an annual report providing certain information in a format prescribed by the Commissioner and in accordance with the Commissioner's instructions.³ An annual report for each pawnshop licensed location must be filed for the period of January 1st to December 31st of the preceding year.⁴

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code § 371.201, 7 Tex. Admin. Code § 85.502.

³ 7 Tex. Admin. Code § 85.502.

⁴ 7 Tex. Admin. Code § 85.502.

A pawnshop must file a 2017 annual report for each licensed location on or before June 1, 2018.⁵ The OCCC notified B & W Gun and Pawn that its 2017 report had not been received and extended the deadline to file the report to September 10, 2018. As of November 1, 2018, B & W Gun and Pawn still had not filed its 2017 annual report with the Commissioner for licensed location number 58432.

The Commissioner may issue an injunction ordering a pawnshop to file one or more complete, accurate, and timely annual reports if the Commissioner has reasonable cause to believe that the pawnshop is violating Chapter 371 of the Texas Finance Code.⁶

The Commissioner has reasonable cause to believe that B & W Gun and Pawn is violating Chapter 371 of the Texas Finance Code, and therefore issues this Order, because B & W Gun and Pawn failed to timely file its 2017 annual report.

Order

IT IS ORDERED that Brandon R. Wilkes d/b/a B & W Gun and Pawn:

1. comply with, and cease and desist from violating, the reporting requirements set forth in 371.201 of the Texas Finance Code and Title 7, Section 85.502 of the Texas Administrative Code;
2. file its 2017 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.

⁵ 7 Tex. Admin. Code § 85.502 (requiring a pawnshop to file an annual report in conjunction with the annual license renewal); 7 Tex. Admin. Code § 85.104 (setting June 1 as the deadline for annual license renewal).

⁶ Tex. Fin. Code § 14.208; 7 Tex. Admin. Code § 371.302(a).

Pawnshop annual reports must be submitted either by mail to 2601 N. Lamar Blvd., Austin, Texas 78705, by email to annualreport@occc.texas.gov, or through the OCCC's Application Licensing Examination and Compliance System (ALECS): alecs.occc.texas.gov. Instructions are available by clicking the "File Annual Report" button on the OCCC's home page, occc.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.⁷ Multiple violations may also result in the suspension or revocation of your license.⁸

Right to Request Hearing

You have the right to request a hearing regarding this Order.⁹ 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:

Laurie Hobbs
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.¹⁰ If you fail to request a hearing by this deadline, this Order is considered final and enforceable.¹¹

⁷ Tex. Fin. Code §§ 14.208(c), 371.303; 7 Tex. Admin. Code § 85.604(a).

⁸ Tex. Fin. Code § 371.251; 7 Tex. Admin. Code § 85.604(a).

⁹ Tex. Fin. Code § 14.208(b).

¹⁰ Tex. Fin. Code § 14.208(b).

¹¹ Tex. Fin. Code § 14.208(c).

All communications with the OCCC concerning this matter must be through Laurie Hobbs, Assistant General Counsel, who may be contacted by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at (512) 936-7621, or by email to laurie.hobbs@occc.texas.gov.

Signed this 6th day of December, 2018.

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

CERTIFICATE OF SERVICE

I certify that on December 12, 2018, a true and correct copy of this Injunctive Order to File Timely and Accurate Annual Reports has been sent to Brandon R. Wilkes d/b/a B & W Gun and Pawn by regular mail and certified mail, return receipt requested, at:

CMRRR: 91 7199 9991 7036 0729 3119

B & W Gun and Pawn

Attn: Brandon R. Wilkes, Compliance Officer

406 W. Ferguson

Mount Pleasant, Texas 75455

CMRRR: 91 7199 9991 7036 0729 3102

B & W Gun and Pawn

Attn: Brandon R. Wilkes, Registered Agent

707 CR 4323

Pittsburg, Texas 75686

/s/ Laurie B. Hobbs

Laurie B. Hobbs

Assistant General Counsel

Office of Consumer Credit Commissioner

State Bar No. 24002296

2601 North Lamar Blvd.

Austin, Texas 78705

(512) 936-7621

(512) 936-7610 (fax)

laurie.hobbs@occc.texas.gov