

OCCC CASE NO. L19-00044

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 2047	§	OFFICE OF CONSUMER
PORTER'S SPORTING GOODS INC.	§	
d/b/a PORTER'S SPORTING GOODS	§	CREDIT COMMISSIONER
& PAWN SHOP	§	
21973 HWY. 155	§	STATE OF TEXAS
FLINT, TEXAS 75762		

**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 Porter's Sporting Goods Inc. d/b/a Porter's Sporting Goods & Pawn Shop (“Porter's Sporting Goods and Pawn”).<sup>1</sup>

**Statement of Facts and Law**

Porter's Sporting Goods and Pawn is a pawnshop licensed by the OCCC under Chapter 371 of the Texas Finance Code. Porter's Sporting Goods and Pawn operates under master file number 2047 at one licensed location, under license number 7437. Porter's Sporting Goods and Pawn’s compliance officer is Gerald Porter Jr., and its designated contact address is 21973 Hwy. 155, Flint, Texas 75762.

A pawnshop must file annual reports with the Consumer Credit Commissioner (“Commissioner”).<sup>2</sup> 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.<sup>3</sup> An annual report for each pawnshop licensed location must be filed for the period of January 1st to December 31st of the preceding year.<sup>4</sup>

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<sup>1</sup> Tex. Fin. Code § 14.208.

<sup>2</sup> Tex. Fin. Code § 371.201, 7 Tex. Admin. Code § 85.502.

<sup>3</sup> 7 Tex. Admin. Code § 85.502.

<sup>4</sup> 7 Tex. Admin. Code § 85.502.

A pawnshop must file a 2017 annual report for each licensed location on or before June 1, 2018.<sup>5</sup> The OCCC notified Porter's Sporting Goods 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, Porter's Sporting Goods and Pawn still had not filed its 2017 annual report with the Commissioner for licensed location number 7437.

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.<sup>6</sup>

The Commissioner has reasonable cause to believe that Porter's Sporting Goods and Pawn is violating Chapter 371 of the Texas Finance Code, and therefore issues this Order, because Porter's Sporting Goods and Pawn failed to timely file its 2017 annual report.

## **Order**

IT IS ORDERED that Porter's Sporting Goods Inc d/b/a Porter's Sporting Goods & Pawn Shop:

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.

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<sup>5</sup> 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).

<sup>6</sup> 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](mailto:annualreport@occc.texas.gov), or through the OCCC's Application Licensing Examination and Compliance System (ALECS): [alecs.occc.texas.gov](http://alecs.occc.texas.gov). Instructions are available by clicking the "File Annual Report" button on the OCCC's home page, [occc.texas.gov](http://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.<sup>7</sup> Multiple violations may also result in the suspension or revocation of your license.<sup>8</sup>

### **Right to Request Hearing**

You have the right to request a hearing regarding this Order.<sup>9</sup> 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.<sup>10</sup> If you fail to request a hearing by this deadline, this Order is considered final and enforceable.<sup>11</sup>

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

<sup>8</sup> Tex. Fin. Code § 371.251; 7 Tex. Admin. Code § 85.604(a).

<sup>9</sup> Tex. Fin. Code § 14.208(b).

<sup>10</sup> Tex. Fin. Code § 14.208(b).

<sup>11</sup> 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](mailto:laurie.hobbs@occc.texas.gov).

Signed this 6<sup>th</sup> 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 Porter's Sporting Goods Inc. d/b/a Porter's Sporting Goods & Pawn Shop by regular mail and certified mail, return receipt requested, at:

CMRRR: 91 7199 9991 7036 0729 3034

Porter's Sporting Goods Inc.

Attn: Gerald Porter Jr., Compliance Officer

21973 Hwy. 155

Flint, Texas 75762

CMRRR: 91 7199 9991 7036 0729 3027

Porter's Sporting Goods Inc.

Attn: Gerald Porter, Jr., Registered Agent

21973 Hwy. 155 S.

Flint, Texas 75762

/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