

OCCC CASE NO. L19-00052

<b>IN THE MATTER OF:</b>  <b>MASTER FILE NO. 481</b> <b>UNCLE DAN’S PAWN JEWELRY &amp;</b> <b>GUN SALES INC.</b> <b>2900 AMHERST AVE.</b> <b>DALLAS, TEXAS 75225</b>	§ § § § § § §	<b>BEFORE THE</b>  <b>OFFICE OF CONSUMER</b> <b>CREDIT COMMISSIONER</b>  <b>STATE OF TEXAS</b>
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**ORDER TO CEASE AND DESIST**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Cease and Desist against Uncle Dan’s Pawn Jewelry & Gun Sales Inc. (“Uncle Dan’s Pawn”) based on the violations of law described below.<sup>1</sup>

**Statement of Facts and Law**

A pawnbroker may not employ an individual to write pawn transactions, buy or sell merchandise, or supervise another employee who writes pawn transactions or buys or sells merchandise to a consumer unless the individual holds a pawnshop employee license or the individual applies for a license not later than the 75th day after beginning employment.<sup>2</sup> A pawnbroker is responsible for its employees in the conduct of the pawnshop business.<sup>3</sup>

Uncle Dan’s Pawn is licensed by the OCCC as a pawnshop under Chapter 371 of the Texas Finance Code. Uncle Dan’s Pawn operates under master file number 481. Uncle Dan’s Pawn’s compliance officer is Kim Foster, and its designated contact address is 2900 Amherst Ave., Dallas, Texas 75225.

Attached to this Order as Exhibit A is a list of one or more individuals employed by Uncle Dan’s Pawn. Uncle Dan’s Pawn employed each individual as a pawnshop employee for more than 75 days without the individual holding or applying for a pawnshop employee license, in violation of Section 371.101(c) of the Texas Finance Code.

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<sup>1</sup> Tex. Fin. Code § 14.208.  
<sup>2</sup> Tex. Fin. Code § 371.101(c).  
<sup>3</sup> 7 Tex. Admin. Code § 85.604(b)(9).

## **Authority**

If the Commissioner has reasonable cause to believe that a person is violating Chapter 371, the Commissioner may issue an order to cease and desist from the violation, take affirmative action, or both, to enforce compliance.<sup>4</sup>

The Commissioner has reasonable cause to believe that Uncle Dan's Pawn is violating Chapter 371 by employing individuals to write pawn transactions, buy or sell merchandise, or supervise another employee who writes pawn transactions or buys and sells merchandise without holding a pawnshop employee license or applying for a license within 75 days of beginning employment.

## **Order**

IT IS ORDERED that Uncle Dan's Pawn Jewelry & Gun Sales Inc. cease and desist from employing a person to write pawn transactions, buy or sell merchandise, or supervise another employee who writes pawn transactions or buys or sells merchandise to a consumer unless the person holds a pawnshop employee license or the person applies for a license not later than the 75th day after beginning employment.

## **Violation of Order**

Uncle Dan's Pawn may be assessed an administrative penalty of up to \$1,000 for each day of violating this Order after it becomes final.<sup>5</sup> Multiple violations may also result in license revocation.<sup>6</sup>

## **Right to Request Hearing**

Uncle Dan's Pawn has the right to request a hearing regarding this Order.<sup>7</sup> A request must be made in writing and sent to the OCCC not later than 30 days after receiving this Order. The request must be sent to:

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<sup>4</sup> Tex. Fin. Code § 14.208(a).

<sup>5</sup> Tex. Fin. Code § 14.208(c).

<sup>6</sup> Tex. Fin. Code § 371.251; 7 Tex. Admin. Code § 85.604(b)(5), (7).

<sup>7</sup> Tex. Fin. Code § 14.208(b).

Michael Rigby  
Office of Consumer Credit Commissioner  
2601 N. Lamar Blvd.  
Austin, Texas 78705

If Uncle Dan's Pawn requests a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.<sup>8</sup> If Uncle Dan's Pawn does not request a hearing by the deadline, this Order is considered final and enforceable.<sup>9</sup>

All communications with the OCCC concerning this matter must be through Michael Rigby, General Counsel, who may be contacted by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at (512) 936-7623, or by email to michael.rigby@occc.texas.gov.

Signed this 9th day of November, 2018.

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

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<sup>8</sup> Tex. Fin. Code § 14.208(b).

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

**CERTIFICATE OF SERVICE**

I certify that on November 15, 2018, a true and correct copy of this Order to Cease and Desist has been sent to Uncle Dan's Pawn Jewelry & Gun Sales Inc. by regular mail and certified mail, return receipt requested, at:

CMRRRR# 91 7199 9991 7031 6392 6018  
Uncle Dan's Pawn Jewelry & Gun Sales Inc.  
ATTN: Kim Foster, Compliance Officer & Registered Agent  
2900 Amherst Ave.  
Dallas, TX 75225

/s/Michael Rigby  
Michael Rigby  
General Counsel  
Office of Consumer Credit Commissioner  
State Bar No. 50511925  
2601 North Lamar Blvd.  
Austin, Texas 78705  
(512) 936-7623  
(512) 936-7610 (fax)  
michael.rigby@occc.texas.gov

# EXHIBIT A

<b>Applicant Name</b>	<b>License Number</b>	<b>License Status</b>	<b>Application Date</b>	<b>Days Employed Before Applying</b>
Anis Aguilar	1435084	Canceled	10/2/2017	82