

OCCC CASE NO. L19-00056

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO. 2583	§	OFFICE OF CONSUMER
TELEPHONE ROAD JEWELRY & LOAN	§	CREDIT COMMISSIONER
PO BOX 4392	§	
PASADENA, TEXAS 77502	§	STATE OF TEXAS

**FIRST AMENDED ORDER TO CEASE AND DESIST**

The Office of Consumer Credit Commissioner (“OCCC”) issues this First Amended Order to Cease and Desist against Telephone Road Jewelry & Loan (“Telephone Road Jewelry”) 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>

Telephone Road Jewelry is licensed by the OCCC as a pawnshop under Chapter 371 of the Texas Finance Code. Telephone Road Jewelry operates under master file number 2583. Telephone Road Jewelry’s compliance officer is Braxton Roberts, and its designated contact address is PO Box 4392, Pasadena, Texas 77502.

Attached to this Order as Exhibit A is a list of one or more individuals employed by Telephone Road Jewelry. Telephone Road Jewelry 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 Telephone Road Jewelry 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 Telephone Road Jewelry & Loan 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**

Telephone Road Jewelry 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**

Telephone Road Jewelry 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 Telephone Road Jewelry 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 Telephone Road Jewelry 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 30th day of January, 2019.

/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 January 30, 2019, a true and correct copy of this First Amended Order to Cease and Desist has been sent to Telephone Road Jewelry & Loan by regular mail and certified mail, return receipt requested, at:

CMRRRR# 91 7199 9991 7037 5228 6837  
Telephone Road Jewelry & Loan  
ATTN: Braxton Roberts, Compliance Officer  
PO Box 4392  
Pasadena, TX 77502

CMRRRR# 91 7199 9991 70337 5228 6844  
Telephone Road Jewelry & Loan  
ATTN: Braxton L. Roberts, Sr., Registered Agent  
3935 Bolivia  
Pasadena, TX 77504

/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>
Andres Figueroa	1435145	Active	9/25/2017	84