

OCCC CASE NO. L19-00061

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO. 341	§	
PAWN TX, INC.	§	OFFICE OF CONSUMER
1600 WEST 7TH STREET, ATTENTION	§	CREDIT COMMISSIONER
COMPLIANCE/LICENSING 5TH FLOOR	§	
FORT WORTH, TEXAS 76102	§	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 Pawn TX, Inc. (“Pawn TX”) 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>

Pawn TX is licensed by the OCCC as a pawnshop under Chapter 371 of the Texas Finance Code. Pawn TX operates under master file number 341. Pawn TX’s compliance officer is Tami Simpson, and its designated contact address is 1600 West 7th Street, Attention Compliance/Licensing 5th Floor, Fort Worth, Texas 76102.

Attached to this Order as Exhibit A is a list of one or more individuals employed by Pawn TX. Pawn TX 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 Pawn TX 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 Pawn TX, 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**

Pawn TX 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**

Pawn TX 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 Pawn TX 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 Pawn TX 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 Pawn TX, Inc. by regular mail and certified mail, return receipt requested, at:

CMRRRR# 91 7199 9991 7037 5228 6851

Pawn TX, Inc.

ATTN: Tami Simpson, Compliance Officer

1600 West 7th Street, Attention Compliance/Licensing 5th Floor

Fort Worth, TX 76102

CMRRRR# 91 7199 9991 7037 5228 6868

Pawn TX, Inc.

ATTN: R. Douglas Orr, Registered Agent

1600 West 7th St.

Fort Worth, TX 76102

/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>
Mandy Ortiz	1436482	Active	2/9/2018	256