

OCCC CASE NO. L19-00076

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO. 2631	§	OFFICE OF CONSUMER
FIRST TEXAS CASH INC.	§	CREDIT COMMISSIONER
2056 HWY. 157 N.	§	
MANSFIELD, TEXAS 76063	§	STATE OF TEXAS

ORDER TO CEASE AND DESIST

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Cease and Desist against First Texas Cash Inc. (“First Texas”) 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>

First Texas is licensed by the OCCC as a pawnshop under Chapter 371 of the Texas Finance Code. First Texas operates under master file number 2631. First Texas’s compliance officer is Don Payne, and its designated contact address is 2056 Hwy. 157 N., Mansfield, Texas 76063.

Attached to this Order as Exhibit A is a list of one or more individuals employed by First Texas. First Texas 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 First Texas 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 First Texas Cash 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**

First Texas 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**

First Texas 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 First Texas 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 First Texas 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 First Texas Cash Inc. by regular mail and certified mail, return receipt requested, at:

CMRRRR# 91 7199 9991 7038 3509 7411

First Texas Cash Inc.

ATTN: Don Payne, Compliance Officer

2056 Hwy. 157 N.

Mansfield, TX 76063

CMRRRR# 91 7199 9991 7038 3509 7428

First Texas Cash Inc.

ATTN: Don Payne, Registered Agent

7 Mistywood Ct.

Mansfield, TX 76063

/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>
Salvador Martinez	1434893	Active	2/14/2018	197