

OCCC CASE NO. L19-00081

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO. 9413	§	
TP & J INC.	§	OFFICE OF CONSUMER
D/B/A TEXAS PAWN & JEWELRY	§	CREDIT COMMISSIONER
PO BOX 604	§	
HUTTO, TEXAS 78634	§	STATE OF TEXAS

ORDER TO CEASE AND DESIST

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Cease and Desist against TP & J Inc. d/b/a Texas Pawn & Jewelry (“Texas Pawn”) based on the violations of law described below.¹

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.² A pawnbroker is responsible for its employees in the conduct of the pawnshop business.³

Texas Pawn is licensed by the OCCC as a pawnshop under Chapter 371 of the Texas Finance Code. Texas Pawn operates under master file number 9413. Texas Pawn’s compliance officer is Troy Farr, and its designated contact address is PO Box 604, Hutto, Texas 78634.

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

¹ Tex. Fin. Code § 14.208.
² Tex. Fin. Code § 371.101(c).
³ 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.⁴

The Commissioner has reasonable cause to believe that Texas 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 TP & J Inc. d/b/a Texas Pawn & Jewelry 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

Texas Pawn may be assessed an administrative penalty of up to \$1,000 for each day of violating this Order after it becomes final.⁵ Multiple violations may also result in license revocation.⁶

Right to Request Hearing

Texas Pawn has the right to request a hearing regarding this Order.⁷ 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:

⁴ Tex. Fin. Code § 14.208(a).

⁵ Tex. Fin. Code § 14.208(c).

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

⁷ Tex. Fin. Code § 14.208(b).

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

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

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

⁸ Tex. Fin. Code § 14.208(b).

⁹ 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 TP & J Inc. d/b/a Texas Pawn & Jewelry by regular mail and certified mail, return receipt requested, at:

CMRRRR# 91 7199 9991 7038 3483 1016

TP & J Inc.

ATTN: Troy Farr, Compliance Officer

PO Box 604

Hutto, TX 78634

CMRRRR# 91 7199 9991 7038 3483 1023

TP & J Inc.

ATTN: Andrea Farr, Registered Agent

2100 Faldo Lane

Round Rock, TX 78664

/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

Applicant Name	License Number	License Status	Application Date	Days Employed Before Applying
Clifford Faught	1436696	Inactive	3/2/2018	174