

OCCC CASE NO. L19-00086

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO. 17553	§	
TWS OUTFITTERS INC.	§	OFFICE OF CONSUMER
D/B/A TEXAS PAWN AND GUN	§	CREDIT COMMISSIONER
2346 S. BRIDGE ST.	§	
BRADY, TEXAS 76825	§	STATE OF TEXAS

**ORDER TO CEASE AND DESIST**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Cease and Desist against TWS Outfitters Inc. d/b/a Texas Pawn And Gun (“Texas Pawn and Gun”) 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>

Texas Pawn and Gun is licensed by the OCCC as a pawnshop under Chapter 371 of the Texas Finance Code. Texas Pawn and Gun operates under master file number 17553. Texas Pawn and Gun’s compliance officer is John M. Carr, and its designated contact address is 2346 S. Bridge St., Brady, Texas 76825.

Attached to this Order as Exhibit A is a list of one or more individuals employed by Texas Pawn and Gun. Texas Pawn and Gun 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 Texas Pawn and Gun 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 TWS Outfitters Inc. d/b/a Texas Pawn And Gun 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 and Gun 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**

Texas Pawn and Gun 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 Texas Pawn and Gun 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 Texas Pawn and Gun 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 TWS Outfitters Inc. d/b/a Texas Pawn And Gun by regular mail and certified mail, return receipt requested, at:

CMRRRR# 91 7199 9991 7038 3483 1115  
TWS Outfitters Inc.  
ATTN: John M. Carr, Compliance Officer  
2346 S. Bridge St.  
Brady, TX 76825

CMRRRR# 91 7199 9991 7038 3483 1122  
TWS Outfitters Inc.  
ATTN: Greg Kubacak, Registered Agent  
604 W. 13th  
Brady, TX 76825

/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>
Garrett McDonald	1435198	Active	11/30/2017	98