

OCCC CASE NO. L19-00091

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO. 1700057542	§	OFFICE OF CONSUMER
R & W PAWN LLC	§	CREDIT COMMISSIONER
957 N. 5TH ST.	§	
SILSBEE, TEXAS 77656	§	STATE OF TEXAS

ORDER TO CEASE AND DESIST

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Cease and Desist against R & W Pawn LLC (“R&W 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

R&W Pawn is licensed by the OCCC as a pawnshop under Chapter 371 of the Texas Finance Code. R&W Pawn operates under master file number 1700057542. R&W Pawn’s compliance officer is Robert W. Ward, Jr., and its designated contact address is 957 N. 5th St., Silsbee, Texas 77656.

Attached to this Order as Exhibit A is a list of one or more individuals employed by R&W Pawn. R&W 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 R&W 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 R & W Pawn LLC 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

R&W 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

R&W 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 R&W 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 R&W 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 R & W Pawn LLC by regular mail and certified mail, return receipt requested, at:

CMRRRR# 91 7199 9991 7038 3483 1214
R & W Pawn LLC
ATTN: Robert W. Ward, Jr., Compliance Officer
957 N. 5th St.
Silsbee, TX 77656

CMRRRR# 91 7199 9991 7038 3483 1221
R & W Pawn LLC
ATTN: Robert Wilburn Ward, Jr., Registered Agent
308 Live Oak St.
Silsbee, TX 77656

/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
Robert Ward	1437476	Active	6/10/2018	344