

OCCC CASE NO. L19-00101

IN THE MATTER OF:	§	BEFORE THE
LICENSE NO.: 1435940	§	OFFICE OF CONSUMER
WALTER SMITH	§	CREDIT COMMISSIONER
4117 WICHITA AVE.	§	STATE OF TEXAS
MCALLEN, TEXAS 78503	§	

**ORDER TO CEASE AND DESIST**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Cease and Desist against Walter Smith, based on the violations of law described below.<sup>1</sup>

**Statement of Facts and Law**

An individual who is employed at a pawnshop to write pawn transactions, buy or sell merchandise, or supervise another employee who writes pawn transactions or buys or sells merchandise to a consumer must either hold a pawnshop employee license on the date of employment or apply for a pawnshop employee license not later than the 75th day after beginning employment.<sup>2</sup>

On December 19, 2017, the OCCC received Walter Smith’s application for a pawnshop employee license related to Walter Smith’s employment with Texas EZPawn LP, which is licensed by the OCCC under Master File No. 771. Walter Smith was issued a pawnshop employee license (No. 1435940) and the license is currently canceled.

According to the license application, Walter Smith began working for Texas EZPawn LP on June 7, 2017. Walter Smith did not hold an active pawnshop employee license on June 7, 2017. Walter Smith worked 195 days as a pawnshop employee before submitting a license application to the OCCC, in violation of Section 371.101(a) of the Texas Finance Code.

---

<sup>1</sup> Tex. Fin. Code § 14.208.

<sup>2</sup> Tex. Fin. Code § 371.101(a).

## **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>3</sup>

The Commissioner has reasonable cause to believe that Walter Smith is violating Chapter 371 by writing pawn transactions, buying or selling merchandise, or supervising another employee who writes pawn transactions or buys or sells merchandise without either holding a pawnshop employee license or applying for a pawnshop employee license within 75 days of beginning employment.

## **Order**

IT IS ORDERED that Walter Smith cease and desist from writing pawn transactions, buying or selling merchandise, or supervising another employee who writes pawn transactions or buys or sells merchandise without holding a pawnshop employee license or applying for a license within 75 days of beginning employment.

## **Violation of Order**

Walter Smith may be assessed an administrative penalty of up to \$1,000 for each day of violating this Order after it becomes final.<sup>4</sup> Multiple violations may also result in license revocation.<sup>5</sup>

## **Right to Request Hearing**

Walter Smith has the right to request a hearing regarding this Order.<sup>6</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:

---

<sup>3</sup> Tex. Fin. Code § 14.208(a).

<sup>4</sup> Tex. Fin. Code § 14.208(c).

<sup>5</sup> Tex. Fin. Code § 371.255; 7 Tex. Admin. Code § 85.604(b)(5), (7).

<sup>6</sup> Tex. Fin. Code § 14.208(b).

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

If Walter Smith requests a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.<sup>7</sup> If Walter Smith does not request a hearing by the deadline, this Order is considered final and enforceable.<sup>8</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

---

<sup>7</sup> Tex. Fin. Code § 14.208(b).

<sup>8</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 Walter Smith by regular mail and certified mail, return receipt requested, at:

CMRRR# 91 7199 9991 7038 3483 1412

Walter Smith  
4117 Wichita Ave.  
McAllen, TX 78503

CMRRR# 91 7199 9991 7038 3483 1429

Texas EZPawn LP  
ATTN: Walter Smith  
2500 Bee Cave Rd., Bldg 1, Suite 200  
Rollingwood, TX 78746

/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