

OCCC CASE NO. L19-00102

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|----------------------|---|---------------------|
| IN THE MATTER OF: | § | BEFORE THE |
| LICENSE NO.: 1436583 | § | OFFICE OF CONSUMER |
| CLAUDIA HERNANDEZ | § | CREDIT COMMISSIONER |
| 1106 URANIUM AVE. | § | STATE OF TEXAS |
| PENITAS, TEXAS 78576 | § | |

ORDER TO CEASE AND DESIST

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Cease and Desist against Claudia Hernandez, based on the violations of law described below.¹

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.²

On February 21, 2018, the OCCC received Claudia Hernandez’s application for a pawnshop employee license related to Claudia Hernandez’s employment with Texas EZPawn LP, which is licensed by the OCCC under Master File No. 771. Claudia Hernandez was issued a pawnshop employee license (No. 1436583) and the license is currently active.

According to the license application, Claudia Hernandez began working for Texas EZPawn LP on November 18, 2016. Claudia Hernandez’s previous pawnshop employee license (No. 1432249) expired on July 1, 2017. Claudia Hernandez worked 234 days as a pawnshop employee before submitting a new license application to the OCCC, in violation of Section 371.101(a) of the Texas Finance Code.

¹ Tex. Fin. Code § 14.208.

² 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.³

The Commissioner has reasonable cause to believe that Claudia Hernandez violated 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 Claudia Hernandez 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

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

Right to Request Hearing

Claudia Hernandez has the right to request a hearing regarding this Order.⁶ 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:

³ Tex. Fin. Code § 14.208(a).

⁴ Tex. Fin. Code § 14.208(c).

⁵ Tex. Fin. Code § 371.255; 7 Tex. Admin. Code § 85.604(b)(5), (7).

⁶ Tex. Fin. Code § 14.208(b).

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

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

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

⁷ Tex. Fin. Code § 14.208(b).

⁸ 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 Claudia Hernandez by regular mail and certified mail, return receipt requested, at:

CMRRR# 91 7199 9991 7038 3483 1436

Claudia Hernandez
1106 Uranium Ave.
Penitas, TX 78576

CMRRR# 91 7199 9991 7038 3483 1443

Texas EZPawn LP
ATTN: Claudia Hernandez
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.
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