

OCCC CASE NO. L19-00144

IN THE MATTER OF:	§	BEFORE THE
LICENSE NO.: 1435198	§	OFFICE OF CONSUMER
GARRETT MCDONALD	§	CREDIT COMMISSIONER
703 S. CHINA 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 Garrett McDonald, 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 November 30, 2017, the OCCC received Garrett McDonald’s application for a pawnshop employee license related to Garrett McDonald’s employment with TWS Outfitters Inc., which is licensed by the OCCC under Master File No. 17553. Garrett McDonald was issued a pawnshop employee license (No. 1435198) and the license is currently active.

According to the license application, Garrett McDonald began working for TWS Outfitters Inc. on August 24, 2017. Garrett McDonald did not hold an active pawnshop employee license on August 24, 2017. Garrett McDonald worked 98 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.

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 Garrett McDonald 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 Garrett McDonald 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

Garrett McDonald 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

Garrett McDonald 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 Garrett McDonald 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 Garrett McDonald 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 Garrett McDonald by regular mail and certified mail, return receipt requested, at:

CMRRR# 91 7199 9991 7037 5160 3772

Garrett McDonald

703 S. China St.

Brady, TX 76825

CMRRR# 91 7199 9991 7037 5160 3789

TWS Outfitters Inc.

ATTN: Garrett McDonald

2346 S. Bridge St.

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