

OCCC CASE NO. L19-00150

|                        |   |                     |
|------------------------|---|---------------------|
| IN THE MATTER OF:      | § | BEFORE THE          |
| LICENSE NO.: 1435237   | § | OFFICE OF CONSUMER  |
| ANDREW MESSER          | § | CREDIT COMMISSIONER |
| 308 NORMAL ST., APT. 4 | § | STATE OF TEXAS      |
| DENTON, TEXAS 76201    | § |                     |

**ORDER TO CEASE AND DESIST**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Cease and Desist against Andrew Messer, 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 November 24, 2017, the OCCC received Andrew Messer’s application for a pawnshop employee license related to Andrew Messer’s employment with McBride Music & Pawn LLC, which is licensed by the OCCC under Master File No. 1500052107. Andrew Messer was issued a pawnshop employee license (No. 1435237) and the license is currently active.

According to the license application, Andrew Messer began working for McBride Music & Pawn LLC on June 1, 2015. Andrew Messer’s previous pawnshop employee license (No. 1423880) expired on July 1, 2017. Andrew Messer worked 115 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.

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<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 Andrew Messer 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 Andrew Messer 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**

Andrew Messer 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**

Andrew Messer 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:

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<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 Andrew Messer 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 Andrew Messer 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

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<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 Andrew Messer by regular mail and certified mail, return receipt requested, at:

CMRRR# 91 7199 9991 7037 5160 3895

Andrew Messer  
308 Normal St., Apt. 4  
Denton, TX 76201

CMRRR# 91 7199 9991 7037 5160 3901

McBride Music & Pawn LLC  
ATTN: Andrew Messer  
116 W. Oak St.  
Denton, TX 76201

/s/Michael Rigby  
Michael Rigby  
General Counsel  
Office of Consumer Credit Commissioner  
State Bar No. 50511925  
2601 North Lamar Blvd.  
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