

OCCC CASE NO. L19-00159

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO. 2625	§	OFFICE OF CONSUMER
MONEYFAST INC.	§	
D/B/A CASH PLUS PAWN	§	CREDIT COMMISSIONER
4636 DENTON HWY.	§	
HALTOM CITY, TEXAS 76117	§	STATE OF TEXAS

ORDER TO CEASE AND DESIST

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Cease and Desist against MoneyFast Inc. d/b/a Cash Plus Pawn (“Cash Plus Pawn”) based on the violations of law described below.¹

Statement of Facts and Law

Cash Plus Pawn is licensed by the OCCC as a pawnshop under Chapter 371 of the Texas Finance Code. Cash Plus Pawn operates under master file number 2625. Cash Plus Pawn’s compliance officer is Richard Payne, and its designated contact address is 4636 Denton Hwy., Haltom City, Texas 76117.

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

The OCCC received pawnshop employee license applications for Amber Boykin and Jose Hernandez on June 8, 2018 and June 10, 2018, respectively. These applications were approved and the employee licenses are currently active. The pawnshop employee license applications of the two individuals state that employment began on April 5, 2018. However, a July 5, 2018, examination of Cash Plus Pawn found pawn tickets written by Amber Boykin and Jose

¹ Tex. Fin. Code § 14.208.
² Tex. Fin. Code § 371.101(c).
³ 7 Tex. Admin. Code § 85.604(b)(9).

Hernandez on September 26, 2017. Statements from Ms. Boykin and Mr. Hernandez indicate that Ms. Boykin and Mr. Hernandez were hired on September 25, 2017. Therefore, Ms. Boykin was employed for 256 days before applying for a pawn shop employee license, and Mr. Hernandez was employed 258 days before applying for a pawnshop employee license, in violation of Section 371.101 of the Texas Finance Code.

According to the signed affidavits from Ms. Boykin and Mr. Hernandez, they did not complete the pawnshop employee license applications themselves. Cash Plus Pawn set up accounts in the OCCC's online portal, completed the applications on their behalf, and entered false hire dates. The false April 5, 2018 hire date is within 75 days of the date the application was filed and would not have been flagged as a violation by the OCCC's licensing department while processing the applications.

A pawnshop that willfully makes a false entry in a record required by Chapter 371 of the Finance Code commits a criminal misdemeanor.⁴ A pawnshop employee license application is a record required by Chapter 371.⁵ Therefore, Cash Plus Pawn violated Chapter 371 by entering a false hire date on the pawnshop employee license applications submitted on behalf of Ms. Boykin and Mr. Hernandez.

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.⁶

The Commissioner has reasonable cause to believe that Cash Plus 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

⁴ Tex. Fin. Code § 371.305.

⁵ Tex. Fin. Code § 371.101(a) (requiring a pawnshop employee to apply for a license not later than the 75th day after the date employment begins); Tex. Fin. Code § 371.101(c) (prohibiting a pawnshop from employing an individual to engage in pawn transactions without submitting a timely license application); Tex. Fin. Code § 371.103(a)(5) (requiring a pawnshop employee to identify each business or occupation in which the applicant engaged for the five years preceding the date of the application);

⁶ Tex. Fin. Code § 14.208(a).

employee license or applying for a license within 75 days of beginning employment. The Commissioner has reasonable cause to believe that Cash Plus Pawn is violating Chapter 371 by entering a false hire date on the pawnshop employee license applications submitted on behalf of Ms. Boykin and Mr. Hernandez.

Order

IT IS ORDERED that MoneyFast Inc. d/b/a Cash Plus Pawn cease and desist from:

1. 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; and
2. entering false information on license applications filed with the OCCC.

Violation of Order

Cash Plus Pawn may be assessed an administrative penalty of up to \$1,000 for each day of violating this Order after it becomes final.⁷ Multiple violations may also result in license revocation.⁸

Right to Request Hearing

Cash Plus Pawn has the right to request a hearing regarding this Order.⁹ 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:

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

⁷ Tex. Fin. Code § 14.208(c).

⁸ Tex. Fin. Code § 371.251; 7 Tex. Admin. Code § 85.604(b)(5), (7).

⁹ Tex. Fin. Code § 14.208(b).

If Cash Plus Pawn requests a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.¹⁰ If Cash Plus Pawn does not request a hearing by the deadline, this Order is considered final and enforceable.¹¹

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 30th day of January, 2019.

/s/ Leslie L. Pettijohn

Leslie L. Pettijohn

Consumer Credit Commissioner

State of Texas

¹⁰ Tex. Fin. Code § 14.208(b).

¹¹ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on January 30, 2019, a true and correct copy of this Order to Cease and Desist has been sent to MoneyFast Inc. d/b/a Cash Plus Pawn by regular mail and certified mail, return receipt requested, at:

CMRRRR# 91 7199 9991 7037 5162 1011

MoneyFast Inc.

ATTN: Richard Payne, Compliance Officer

4636 Denton Highway

Haltom City, Texas 76117

CMRRRR# 91 7199 9991 7037 5162 1028

George Blackman

ATTN: George Blackman, Registered Agent

3540 Milton Ave.

Dallas, Texas 75205

/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