

OCCC CASE NO. L20-00017

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 13231	§	OFFICE OF CONSUMER
MICHAEL & TANYA BARKER	§	
d/b/a COLEMAN PAWN	§	CREDIT COMMISSIONER
P.O. BOX 966	§	
COELMAN, TEXAS 76834	§	STATE OF TEXAS

ORDER IMPOSING ADMINISTRATIVE PENALTY

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order Imposing Administrative Penalty against Michael & Tanya Barker d/b/a Coleman Pawn (“Coleman Pawn”).¹

Statement of Facts and Law

Coleman Pawn is a pawnshop licensed by the OCCC under Chapter 371 of the Texas Finance Code. Coleman Pawn operates under master file number 13231 at one licensed location, under license number 9911. Coleman Pawn’s compliance officer is Mike Barker, and its designated contact address is P.O. Box 966, Coelman, Texas 76834.

A pawnshop must file annual reports with the Consumer Credit Commissioner (“Commissioner”).² A pawnshop must file annual reports with the Consumer Credit Commissioner (“Commissioner”).³ For each pawnshop licensed location, a pawnshop must file an annual report by July 31 for the prior calendar year’s activity, and must comply with all instructions relating to submitting the report.⁴

Coleman Pawn did not file its 2018 annual report with the Commissioner for licensed location number 9911 by July 31, 2019.

¹ Tex. Fin. Code § 14.208(a).

² Tex. Fin. Code § 371.201; 7 Tex. Admin. Code § 85.502.

³ Tex. Fin. Code § 371.201; 7 Tex. Admin. Code § 85.502.

⁴ Tex. Fin. Code § 371.201; 7 Tex. Admin. Code § 85.502; <https://occc.texas.gov/industry/pawnshops-and-pawn-employees/annual-reports>

On December 6, 2018, the OCCC issued an Injunctive Order to File Timely and Accurate Annual Reports (the "Order") against Coleman Pawn for violating Chapter 371 of the Texas Finance Code by failing to timely file its 2017 annual report. The Order required Coleman Pawn to timely file all future annual reports.

Coleman Pawn did not file its 2018 annual report with the Commissioner for licensed location number 9911 by July 31, 2019. Coleman Pawn violated the Order by failing to timely file its 2018 annual report and is therefore subject to an administrative penalty for violation of the Order.⁵

Order

IT IS ORDERED that Michael & Tanya Barker d/b/a Coleman Pawn:

1. pay an administrative penalty in the amount of **\$500**, calculated as \$500.00 each for Coleman Pawn's one licensed location, within 30 days of service of this Order; and
2. file its 2018 annual report within 30 days of service of this Order, if it has not already done so.

Pawnshop annual reports must be submitted either by mail to 2601 N. Lamar Blvd., Austin, Texas 78705, or through the OCCC's Application Licensing Examination and Compliance System (ALECS): alecs.occ.texas.gov. Instructions are available by clicking the "File Annual Report" button on the OCCC's home page, occ.texas.gov.

⁵ Tex. Fin. Code § 14.208(c).

Response and Right to Request Hearing

You have the right to request a hearing regarding this Order.⁶ Your request must be made in writing and sent to the OCCC not later than 30 days after you receive this Order. You must send your request to:

Audrey Spalding
Office of Consumer Credit Commissioner
2601 N. Lamar Blvd.
Austin, Texas 78705
Fax: (512) 936-7610
audrey.spalding@occc.texas.gov

If you request a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.⁷ If you fail to request a hearing by this deadline, this Order is considered final and enforceable.⁸

All communications with the OCCC concerning this matter must be through Audrey Spalding, Assistant General Counsel, who may be contacted by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at (512) 936-7659, or by email to audrey.spalding@occc.texas.gov.

Signed this 21 day of October, 2019.

/s/ Leslie Pettijohn
Leslie L. Pettijohn
Consumer Credit Commissioner
State of Texas

⁶ Tex. Fin. Code § 14.208(b).

⁷ Tex. Fin. Code § 14.208(b).

⁸ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on the 21 day of October, 2019, a true and correct copy of this Injunctive Order to File Timely and Accurate Annual Reports has been sent to Michael & Tanya Barker d/b/a Coleman Pawn by regular mail and certified mail, return receipt requested, at:

CMRR# 91 7199 9991 7037 5229 1060
Michael & Tanya Barker
Attn: Mike Barker, Compliance Officer
P.O. Box 966
Coelman, TX 76834

CMRR# 91 7199 9991 7037 5229 1077
Michael & Tanya Barker
Attn: Mike Barker, Registered Agent
2913 S. Park Dr.
Coleman, TX 76834

/s/Audrey Spalding
Audrey Spalding
Assistant General Counsel
Office of Consumer Credit Commissioner
State Bar No. 24111055
North Lamar Blvd.
Austin, Texas 78705
(512) 936-7659
(512) 936-7610 (fax)
audrey.spalding@occc.texas.gov