

OCCC CASE NO. L20-00021

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 18013	§	OFFICE OF CONSUMER
BRANDON R. WILKES	§	
d/b/a B & W GUN AND PAWN	§	CREDIT COMMISSIONER
406 W. FERGUSON	§	
MOUNT PLEASANT, TEXAS 75455	§	STATE OF TEXAS

**ORDER IMPOSING ADMINISTRATIVE PENALTY**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order Imposing Administrative Penalty against Brandon R. Wilkes d/b/a B & W Gun And Pawn (“B&W Gun”).<sup>1</sup>

**Statement of Facts and Law**

B&W Gun is a pawnshop licensed by the OCCC under Chapter 371 of the Texas Finance Code. B&W Gun operates under master file number 18013 at one licensed location, under license number 58432. B&W Gun’s compliance officer is Brandon R. Wilkes, and its designated contact address is 406 W. Ferguson, Mount Pleasant, Texas 75455.

A pawnshop must file annual reports with the Consumer Credit Commissioner (“Commissioner”).<sup>2</sup> A pawnshop must file annual reports with the Consumer Credit Commissioner (“Commissioner”).<sup>3</sup> 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.<sup>4</sup>

B&W Gun did not file its 2018 annual report with the Commissioner for licensed location number 58432 by July 31, 2019.

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<sup>1</sup> Tex. Fin. Code § 14.208(a).

<sup>2</sup> Tex. Fin. Code § 371.201; 7 Tex. Admin. Code § 85.502.

<sup>3</sup> Tex. Fin. Code § 371.201; 7 Tex. Admin. Code § 85.502.

<sup>4</sup> 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 B&W Gun for violating Chapter 371 of the Texas Finance Code by failing to timely file its 2017 annual report. The Order required B&W Gun to timely file all future annual reports.

B&W Gun did not file its 2018 annual report with the Commissioner for licensed location number 58432 by July 31, 2019. B&W Gun 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.<sup>5</sup>

## **Order**

IT IS ORDERED that Brandon R. Wilkes d/b/a B & W Gun And Pawn:

1. pay an administrative penalty in the amount of **\$500**, calculated as \$500.00 each for B&W Gun'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.occc.texas.gov](http://alecs.occc.texas.gov). Instructions are available by clicking the "File Annual Report" button on the OCCC's home page, [occc.texas.gov](http://occc.texas.gov).

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<sup>5</sup> Tex. Fin. Code § 14.208(c).

## Response and Right to Request Hearing

You have the right to request a hearing regarding this Order.<sup>6</sup> 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.<sup>7</sup> If you fail to request a hearing by this deadline, this Order is considered final and enforceable.<sup>8</sup>

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

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<sup>6</sup> Tex. Fin. Code § 14.208(b).

<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 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 Brandon R. Wilkes d/b/a B & W Gun And Pawn by regular mail and certified mail, return receipt requested, at:

CMRR# 91 7199 9991 7037 5229 1145

Brandon R. Wilkes  
Attn: Brandon R. Wilkes, Compliance Officer  
406 W. Ferguson  
Mount Pleasant, TX 75455

CMRR# 91 7199 9991 7037 5229 1152

Brandon R. Wilkes  
Attn: Brandon R. Wilkes, Registered Agent  
707 CR 4323  
Pittsburg, TX 75686

/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