

OCCC CASE NO. L20-00037

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 2608	§	OFFICE OF CONSUMER
BRIARWEST ENTERPRISES INC.	§	
d/b/a ASHFORD PAWN	§	CREDIT COMMISSIONER
11740 WESTHEIMER RD.	§	
HOUSTON, TEXAS 77077	§	STATE OF TEXAS

ORDER TO FILE TIMELY AND ACCURATE ANNUAL REPORTS

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to File Timely and Accurate Annual Reports against Briarwest Enterprises Inc. d/b/a Ashford Pawn (“Ashford Pawn”).¹

Statement of Facts and Law

Ashford Pawn is a pawnshop licensed by the OCCC under Chapter 371 of the Texas Finance Code. Ashford Pawn operates under master file number 2608 at one licensed location, under license number 5766. Ashford Pawn’s compliance officer is Fred Petticrew, and its designated contact address is 11740 Westheimer Rd., Houston, Texas 77077.

A pawnshop must file annual reports with the Consumer Credit Commissioner (“Commissioner”).² 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.³

Ashford Pawn did not file its 2018 annual report with the Commissioner for licensed location number 5766 by July 31, 2019.

¹ Tex. Fin. Code § 14.208.

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

³ Tex. Fin. Code § 371.201; 7 Tex. Admin. Code § 85.502; <https://occc.texas.gov/industry/pawnshops-and-pawn-employees/annual-reports>

The Commissioner may issue an injunction ordering a pawnshop to file one or more complete, accurate, and timely annual reports if the Commissioner has reasonable cause to believe that the pawnshop is violating Chapter 371 of the Texas Finance Code.⁴

The Commissioner has reasonable cause to believe that Ashford Pawn is violating Chapter 371 of the Texas Finance Code, and therefore issues this Order, because Ashford Pawn failed to timely file its 2018 annual report.

Order

IT IS ORDERED that Briarwest Enterprises Inc. d/b/a Ashford Pawn:

1. comply with, and cease and desist from violating, the reporting requirements set forth in 371.201 of the Texas Finance Code and Title 7, Section 85.502 of the Texas Administrative Code;
2. file its 2018 annual report within 30 days of service of this Order, if it has not already done so; and
3. timely file complete and accurate future annual reports.

Pawnshop annual reports must be submitted either by mail to 2601 N. Lamar Blvd., Austin, Texas 78705 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.

Violation of Order

If you violate this Order, the OCCC may impose an administrative penalty of up to \$1,000 for each day.⁵ Multiple violations may also result in the suspension or revocation of your license.⁶

⁴ Tex. Fin. Code §§ 14.208, 371.302(a).

⁵ Tex. Fin. Code §§ 14.208(c), 371.303; 7 Tex. Admin. Code § 85.604(b).

⁶ Tex. Fin. Code § 371.251; 7 Tex. Admin. Code § 85.604(b).

Right to Request Hearing

You have the right to request a hearing regarding this Order.⁷ 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.⁸ If you fail to request a hearing by this deadline, this Order is considered final and enforceable.⁹

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

⁷ Tex. Fin. Code § 14.208(b).

⁸ Tex. Fin. Code § 14.208(b).

⁹ 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 Order to File Timely and Accurate Annual Reports has been sent to Briarwest Enterprises Inc. d/b/a Ashford Pawn by regular mail and certified mail, return receipt requested, at:

CMRRR# 91 7199 9991 7037 5229 1466

Briarwest Enterprises Inc.

Attn: Fred Petticrew, Compliance Officer

11740 Westheimer Rd.

Houston, TX 77077

CMRRR# 91 7199 9991 7037 5229 1473

Briarwest Enterprises Inc.

Attn: Fred Petticrew, Registered Agent

1011 Bittersweet Dr.

Richmond, TX 77406

/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