

OCCC CASE NO. L20-00128

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO. 1900065262	§	OFFICE OF CONSUMER
MUNTHER ALLAN	§	
d/b/a CASH 4 GOLD	§	CREDIT COMMISSIONER
1335 NORTH BELTLINE ROAD #5	§	
IRVING, TEXAS 75061	§	STATE OF TEXAS

**ORDER TO CEASE AND DESIST UNREGISTERED ACTIVITY AND TO
TAKE AFFIRMATIVE ACTION**

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Cease and Desist Unregistered Activity and to Take Affirmative Action against Munther Allan d/b/a Cash 4 Gold (“Cash 4 Gold”), based on the violations described below.¹

Statement of Facts and Law

I. Purchase of Crafted Precious Metal Without a Registration

Under Chapter 1956, Subchapter B of the Texas Occupations Code, a person who purchases and sells crafted precious metal must obtain a registration with the OCCC.² Crafted precious metal includes jewelry, silverware, artwork, or other objects made from a precious metal selling at five percent or more than the scrap value of the metal.³ Precious metals include gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or an alloy of those metals.⁴ To apply for a registration with the OCCC, a crafted precious metal dealer must provide any assumed name that the dealer uses.⁵

Munther Allan, doing business as Cash 4 Gold, is a crafted precious metal dealer located at 1335 North Beltline Road #5, Irving, Texas, 75061. Munther Allan owns Cash 4 Gold.

¹ Tex. Fin. Code § 14.208.
² Tex. Occ. Code § 1956.0612.
³ Tex. Occ. Code § 1956.051 (3).
⁴ Tex. Occ. Code § 1956.0612 (6).
⁵ 7 Tex. Admin. Code § 85.1002(c)(2).

The OCCC investigated Cash 4 Gold for unregistered activity after it received a referral from the Irving Police Department. An OCCC investigator visited Cash 4 Gold's location multiple times between October and December of 2019. The location had flyers and signage advertising the purchasing of gold and other crafted precious metals. On October 29, 2019, Mr. Allan obtained a crafted precious metal dealer registration with the OCCC for the location at 1335 North Beltline Road, Irving, Texas 75061. Mr. Allan listed "Munther" as the entity name and did not provide the name "Cash 4 Gold." This registration expired on December 31, 2019.

The Irving Police Department, supplied the OCCC with purchase tickets from Cash 4 Gold, showing transactions from January through March 2020. These documents show that Cash 4 Gold purchased crafted precious metal after the registration expired.

By purchasing crafted precious metal without a registration from the OCCC, and by failing to provide its assumed name to the OCCC, Cash 4 Gold violated Chapter 1956, Subchapter B of the Texas Occupations Code and its implementing rules.

II. Transaction Reporting Violations

Under Chapter 1956, Subchapter B of the Texas Occupations Code and its implementing rules, a crafted precious metal dealer must prepare a transaction report for each transaction.⁶ The transaction report must contain required elements, including the following:

- a. the date of purchase;
- b. the name and address of the dealer's permanent business location;
- c. the dealer's registration number;
- d. the full name of the seller, as listed on the seller's driver's license or personal identification certificate;
- e. a physical description of the seller;
- f. the physical address of the seller;
- g. the seller's driver's license number, personal identification number, or handgun license number;
- h. a description of the crafted precious metal purchased by the dealer,

⁶ Tex. Occ. Code § 1956.063(c); 7 Tex. Admin. Code § 85.2001(a).

using either a list containing the description, or a description accompanied by a clear image, including the following details:

1. total number of items purchased by the dealer;
 2. type of each item;
 3. type, color, and purity of each kind of metal purchased;
 4. weight for each metal group;
 5. amount paid by the dealer for each metal group;
 6. color, number, and approximate size of any stones and which items include those stones;
 7. a clear photocopy or digital photograph of all items purchased by the dealer; and
 8. any unique markings that are not visible and identifiable from the image;
- i. the total amount paid to the seller by the dealer;
 - j. the seller's certification that the seller's name and address, as well as the description of the crafted precious metal, are true and complete;
 - k. the seller's representation that the seller has the right to possess and sell the property; and
 - l. the following notice: "This business is registered under the laws of the State of Texas and by state law is subject to regulatory oversight by the Office of Consumer Credit Commissioner. Any consumer wishing to file a complaint against this business may contact the Office of Consumer Credit Commissioner through one of the means indicated below: In Person or U.S. Mail: 2601 North Lamar Boulevard, Austin, Texas 78705-4207. Telephone No.: (800) 538-1579. Fax No.: (512) 936-7610. E-mail: consumer.complaints@occc.texas.gov. Website: occc.texas.gov."⁷

Within 48 hours of each transaction, a crafted precious metal dealer must report each item of crafted precious metal that the dealer purchases to local law enforcement.⁸ A crafted precious metal dealer must retain a copy of each transaction report until the third anniversary from the date the report is filed.⁹

Between September 2019 and March 2020, Cash 4 Gold reported crafted precious metal transactions by giving purchase tickets to the Irving Police Department and through LeadsOnline, a real-time electronic reporting system. In

⁷ 7 Tex. Admin. Code § 85.2001(a).

⁸ Tex. Occ. Code § 1956.062(d)(2); ⁷ Tex. Admin. Code § 85.2002(b).

⁹ Tex. Occ. Code § 1956.063(d).

these transactions, the transaction reports used by Cash 4 Gold did not include all elements required by Chapter 1956 of the Occupations Code and its implementing rules. In particular, the transaction reports did not consistently contain the full name of the seller, a physical description of the seller, the address of the seller, a full description of the items sold, the seller's certification that the information was true and correct, or the required information about the OCCC.

The transactions reports for Cash 4 Gold were not always delivered to the Irving Police Department within the 48 hour timeframe. When an Irving Police Department property evidence analyst visited Cash 4 Gold during September 2019, an employee of Cash 4 Gold gave the analyst unreported purchase tickets dating from March 2019 through May 2019.

By failing to include required elements in its transaction reports, and by failing to deliver transaction reports to local law enforcement within 48 hours of each purchase of crafted precious metal, Cash 4 Gold violated Chapter 1956, Subchapter B of the Texas Occupations Code and its implementing rules.

Authority

If the Consumer Credit Commissioner (“Commissioner”) has reasonable cause to believe that a person is violating Chapter 1956, Subchapter B of the Texas Occupations Code, the Commissioner may issue an order to cease and desist from the violation, an order to take affirmative action, or both to enforce compliance.¹⁰

The Commissioner has reasonable cause to believe that Cash 4 Gold has violated Chapter 1956, Subchapter B of the Texas Occupations Code and its implementing rules by failing to register with the OCCC as a crafted precious metal dealer, by failing to provide its assumed name to the OCCC, by failing to include required elements in its transaction reports, and by failing to report crafted precious metal purchases to local law enforcement within 48 hours of each purchase.

¹⁰ Tex. Fin. Code §§ 14.201, 14.208(a).

Order

IT IS ORDERED that:

1. Cash 4 Gold must comply with, and cease and desist from violating, the crafted precious metal dealer registration requirement found in Section 1956.0612 of the Texas Occupations Code.
2. Cash 4 Gold must cease and desist from advertising or entering into new transactions in which it purchases crafted precious metal without a registration.
3. Cash 4 Gold must comply with, and cease and desist from violating, the transaction report requirements described in Sections 1956.062 and 1956.063 of the Texas Occupations Code, and Title 7, Sections 85.2001 and 85.2002 of the Texas Administrative Code.
4. Cash 4 Gold must file a complete copy of each transaction report, including all required elements, with local law enforcement within 48 hours of each purchase of crafted precious metal, in a manner approved by local law enforcement.
5. Cash 4 Gold must maintain each transaction report for three years from the date the report is filed, and must make each transaction report available for inspection by the OCCC and local law enforcement.
6. **No later than July 10, 2020**, Cash 4 Gold must send a statement by e-mail to Audrey Spalding at audrey.spalding@occc.texas.gov. The statement must either:
 - a. explain that Cash 4 Gold has ceased purchasing any crafted precious metal; or
 - b. explain that Cash 4 Gold has obtained a crafted precious metal dealer registration with the OCCC, has provided all information required to apply for a registration, and has prepared an amended transaction report form containing all required elements. Cash 4 Gold must attach a copy of any amended transaction report form to its statement.

Administrative Penalty

You may be assessed an administrative penalty of up to \$1,000 for each day of violation of this Order.¹¹

Right to Request Hearing

You have the right to request a hearing regarding this Order.¹² 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
Assistant General Counsel
Office of Consumer Credit Commissioner
2601 N. Lamar Blvd.
Austin, Texas 78705

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.¹³ If you fail to request a hearing by this deadline, this Order is considered final and enforceable.¹⁴

All communications with the OCCC concerning this matter must be through Audrey Spalding, Assistant General Counsel. You may contact her 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 28th day of May, 2020.

/s/Leslie Pettijohn

Leslie L. Pettijohn
Consumer Credit Commissioner
State of Texas

¹¹ Tex. Fin. Code § 14.208(c).

¹² Tex. Fin. Code § 14.208(b).

¹³ Tex. Fin. Code § 14.208(b).

¹⁴ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on May 28, 2020, a true and correct copy of this Order to Cease and Desist Unregistered Activity and to Take Affirmative Action has been sent to Munther Allan d/b/a Cash 4 Gold by the following:

Munther Allan d/b/a Cash 4 Gold

Attn: Munther Allan, Compliance Officer

1335 North Beltline Road

Irving, TX 75061

allan.m11@yahoo.com

hand-delivery

facsimile

electronic mail

regular mail

certified mail, return receipt requested
#9214 8901 9403 8300 0013 1353 85

Munther Allan d/b/a Cash 4 Gold

Attn: Munther Allan

1704 Mapleleaf Drive

Wylie, TX 75098

hand-delivery

facsimile

electronic mail

regular mail

certified mail, return receipt
requested #9214 8901 8300 0013 1353 92

/s/Audrey Spalding

Audrey Spalding

Assistant General Counsel

Office of Consumer Credit Commissioner

State Bar No. 24111055

2601 North Lamar Blvd.

Austin, Texas 78705

(512) 936-7659

(512) 936-7610 (fax)

audrey.spalding@occc.texas.gov