

OCCC CASE NO. L23-00023

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 IMPOSING ADMINISTRATIVE PENALTY

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order Imposing Administrative Penalty against Briarwest Enterprises Inc. d/b/a Ashford Pawn (“Briarwest Enterprises”).¹

Statement of Facts and Law

Briarwest Enterprises is a pawnshop licensed by the OCCC under Chapter 371 of the Texas Finance Code. Briarwest Enterprises operates under master file number 2608 at one licensed location, under license number 5766. Briarwest Enterprises’ 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 A pawnshop must comply with all instructions from the OCCC relating to submitting the report, and must file a report for each licensed location.³ The report is due by July 31 of each year for the prior calendar year’s activity.⁴

On October 21, 2019, the OCCC issued an Order to File Timely and Accurate Annual Reports (the “Order”) against Briarwest Enterprises for failing to timely file its 2018 annual report. The Order required Briarwest Enterprises to timely file complete and accurate future reports.

Briarwest Enterprises did not file its 2021 annual report by July 31, 2022, for one licensed location, under license number 5766.

¹ Tex. Fin. Code § 14.208.

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

³ 7 Tex. Admin. Code § 85.502.

⁴ 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.⁵ The Commissioner may impose an administrative penalty on a pawnshop that violates an injunction.⁶

By failing to timely file its 2021 annual report, Briarwest Enterprises has violated Chapter 371 of the Texas Finance Code and the OCCC's Order to File Timely and Accurate Annual Reports.

Order

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

1. pay an administrative penalty in the amount of \$500.00 (calculated as \$500.00 each for Briarwest Enterprises' one licensed location) within 30 days after the date of this Order; and
2. file its 2021 annual report within 30 days of after the date of this Order, if it has not already done so.

Pawnshop annual reports must be submitted 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.

⁶ Tex. Fin. Code § 14.208(c).

Right to Request Hearing

You have the right to request a hearing regarding this Order.⁷ To request a hearing, you must send a written hearing request to the OCCC no later than 30 days after the date of this Order.⁸ You must send your request to Audrey Spalding, Assistant General Counsel, by mail to 2601 N. Lamar Blvd., Austin, Texas 78705, or by email to 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.⁹ If you fail to request a hearing by the deadline, this Order will be considered final and enforceable.¹⁰

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 at audrey.spalding@occc.texas.gov.

Signed this 7th day of October, 2022.

/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(b).

¹⁰ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on October 7, 2022, a true and correct copy of this Order Imposing Administrative Penalty has been sent to Briarwest Enterprises Inc. d/b/a Ashford Pawn by regular mail and certified mail, return receipt requested, at:

CMRRR# 9214 8901 9403 8300 0090 3923 43
Briarwest Enterprises Inc.
Attn: Fred Petticrew, Compliance Officer
11740 Westheimer Rd.
Houston, TX 77077

CMRRR# 9214 8901 9403 8300 0090 3923 50
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
2601 North Lamar Blvd.
Austin, Texas 78705
512-936-7659 (phone)
audrey.spalding@occc.texas.gov