

OCCC CASE NO. L23-00021

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 1344	§	OFFICE OF CONSUMER
GEM PAWN SHOP INC.	§	
1305 W. ADAMS AVE.	§	CREDIT COMMISSIONER
TEMPLE, TEXAS 76504	§	
	§	STATE OF TEXAS

ORDER IMPOSING ADMINISTRATIVE PENALTY

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order Imposing Administrative Penalty against Gem Pawn Shop Inc. (“Gem Pawn Shop”).¹

Statement of Facts and Law

Gem Pawn Shop is a pawnshop licensed by the OCCC under Chapter 371 of the Texas Finance Code. Gem Pawn Shop operates under master file number 1344 at one licensed location, under license number 2749. Gem Pawn Shop’s compliance officer is Craig Prather, and its designated contact address is 1305 W. Adams Ave., Temple, Texas 76504.

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 November 6, 2020, the OCCC issued an Order to File Timely and Accurate Annual Reports (the “Order”) against Gem Pawn Shop for failing to timely file its 2019 annual report. The Order required Gem Pawn Shop to timely file complete and accurate future reports.

Gem Pawn Shop did not file its 2021 annual report by July 31, 2022, for one licensed location, under license number 2749.

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, Gem Pawn Shop 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 Gem Pawn Shop Inc.:

1. pay an administrative penalty in the amount of \$500.00 (calculated as \$500.00 each for Gem Pawn Shop's 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 Gem Pawn Shop Inc. by regular mail and certified mail, return receipt requested, at:

CMRRR# 9214 8901 9403 8300 0090 3923 05
Gem Pawn Shop Inc.
Attn: Craig Prather, Compliance Officer
1305 W. Adams Ave.
Temple, TX 76504

CMRRR# 9214 8901 9403 8300 0090 3923 12
Gem Pawn Shop Inc.
Attn: Richard C. Vaughan, Registered Agent
6030 FM 438
Temple, TX 76501

/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