

OCCC CASE NO. L19-00070

<p>IN THE MATTER OF:</p> <p>MASTER FILE NO. 1344</p> <p>GEM PAWN SHOP INC.</p> <p>1305 W. ADAMS AVE.</p> <p>TEMPLE, TEXAS 76504</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>BEFORE THE</p> <p>OFFICE OF CONSUMER</p> <p>CREDIT COMMISSIONER</p> <p>STATE OF TEXAS</p>
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ORDER TO CEASE AND DESIST

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Cease and Desist against Gem Pawn Shop Inc. (“Gem Pawn”) based on the violations of law described below.<sup>1</sup>

**Statement of Facts and Law**

A pawnbroker may not employ an individual to write pawn transactions, buy or sell merchandise, or supervise another employee who writes pawn transactions or buys or sells merchandise to a consumer unless the individual holds a pawnshop employee license or the individual applies for a license not later than the 75th day after beginning employment.<sup>2</sup> A pawnbroker is responsible for its employees in the conduct of the pawnshop business.<sup>3</sup>

Gem Pawn is licensed by the OCCC as a pawnshop under Chapter 371 of the Texas Finance Code. Gem Pawn operates under master file number 1344. Gem Pawn’s compliance officer is Kathy Brisbin, and its designated contact address is 1305 W. Adams Ave., Temple, Texas 76504.

Attached to this Order as Exhibit A is a list of one or more individuals employed by Gem Pawn. Gem Pawn employed each individual as a pawnshop employee for more than 75 days without the individual holding or applying for a pawnshop employee license, in violation of Section 371.101(c) of the Texas Finance Code.

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<sup>1</sup> Tex. Fin. Code § 14.208.  
<sup>2</sup> Tex. Fin. Code § 371.101(c).  
<sup>3</sup> 7 Tex. Admin. Code § 85.604(b)(9).

## **Authority**

If the Commissioner has reasonable cause to believe that a person is violating Chapter 371, the Commissioner may issue an order to cease and desist from the violation, take affirmative action, or both, to enforce compliance.<sup>4</sup>

The Commissioner has reasonable cause to believe that Gem Pawn is violating Chapter 371 by employing individuals to write pawn transactions, buy or sell merchandise, or supervise another employee who writes pawn transactions or buys and sells merchandise without holding a pawnshop employee license or applying for a license within 75 days of beginning employment.

## **Order**

IT IS ORDERED that Gem Pawn Shop Inc. cease and desist from employing a person to write pawn transactions, buy or sell merchandise, or supervise another employee who writes pawn transactions or buys or sells merchandise to a consumer unless the person holds a pawnshop employee license or the person applies for a license not later than the 75th day after beginning employment.

## **Violation of Order**

Gem Pawn may be assessed an administrative penalty of up to \$1,000 for each day of violating this Order after it becomes final.<sup>5</sup> Multiple violations may also result in license revocation.<sup>6</sup>

## **Right to Request Hearing**

Gem Pawn has the right to request a hearing regarding this Order.<sup>7</sup> A request must be made in writing and sent to the OCCC not later than 30 days after receiving this Order. The request must be sent to:

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<sup>4</sup> Tex. Fin. Code § 14.208(a).

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

<sup>6</sup> Tex. Fin. Code § 371.251; 7 Tex. Admin. Code § 85.604(b)(5), (7).

<sup>7</sup> Tex. Fin. Code § 14.208(b).

Michael Rigby  
Office of Consumer Credit Commissioner  
2601 N. Lamar Blvd.  
Austin, Texas 78705

If Gem Pawn requests a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.<sup>8</sup> If Gem Pawn does not request a hearing by the deadline, this Order is considered final and enforceable.<sup>9</sup>

All communications with the OCCC concerning this matter must be through Michael Rigby, General Counsel, who may be contacted by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at (512) 936-7623, or by email to michael.rigby@occc.texas.gov.

Signed this 9th day of November, 2018.

/s/ Leslie L. Pettijohn  
Leslie L. Pettijohn  
Consumer Credit Commissioner  
State of Texas

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<sup>8</sup> Tex. Fin. Code § 14.208(b).

<sup>9</sup> Tex. Fin. Code § 14.208(c).

## CERTIFICATE OF SERVICE

I certify that on November 15, 2018, a true and correct copy of this Order to Cease and Desist has been sent to Gem Pawn Shop Inc. by regular mail and certified mail, return receipt requested, at:

CMRRRR# 91 7199 9991 7038 3509 7299  
Gem Pawn Shop Inc.  
ATTN: Kathy Brisbin, Compliance Officer  
1305 W. Adams Ave.  
Temple, TX 76504

CMRRRR# 91 7199 9991 7038 3509 7305  
Gem Pawn Shop Inc.  
ATTN: Richard C. Vaughan, Registered Agent  
6030 FM 438  
Temple, TX 76501

/s/Michael Rigby  
Michael Rigby  
General Counsel  
Office of Consumer Credit Commissioner  
State Bar No. 50511925  
2601 North Lamar Blvd.  
Austin, Texas 78705  
(512) 936-7623  
(512) 936-7610 (fax)  
michael.rigby@occc.texas.gov

# EXHIBIT A

<b>Applicant Name</b>	<b>License Number</b>	<b>License Status</b>	<b>Application Date</b>	<b>Days Employed Before Applying</b>
Julieta Contreras	1435457	Active	1/10/2018	125