

OCCC CASE NO. L19-00128

IN THE MATTER OF:	§	BEFORE THE
LICENSE NO.: 1432251	§	OFFICE OF CONSUMER
ERNESTO CORTEZ	§	CREDIT COMMISSIONER
2237 MEADOWROCK DR.	§	
SPRING, TEXAS 77389	§	STATE OF TEXAS

**ORDER TO CEASE AND DESIST**

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

**Statement of Facts and Law**

An individual who is employed at a pawnshop to write pawn transactions, buy or sell merchandise, or supervise another employee who writes pawn transactions or buys or sells merchandise to a consumer must either hold a pawnshop employee license on the date of employment or apply for a pawnshop employee license not later than the 75th day after beginning employment.<sup>2</sup>

On July 26, 2018, the OCCC received Ernesto Cortez’s application for a pawnshop employee license related to Ernesto Cortez’s employment with RDFM Inc., which is licensed by the OCCC under Master File No. 1867. Ernesto Cortez was issued a pawnshop employee license (No. 1432251) and the license is currently active.

According to the license application, Ernesto Cortez began working for RDFM Inc. on April 1, 2017. Ernesto Cortez did not hold an active pawnshop employee license on April 1, 2017. Ernesto Cortez worked 481 days as a pawnshop employee before submitting a license application to the OCCC, in violation of Section 371.101(a) 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(a).

## **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>3</sup>

The Commissioner has reasonable cause to believe that Ernesto Cortez is violating Chapter 371 by writing pawn transactions, buying or selling merchandise, or supervising another employee who writes pawn transactions or buys or sells merchandise without either holding a pawnshop employee license or applying for a pawnshop employee license within 75 days of beginning employment.

## **Order**

IT IS ORDERED that Ernesto Cortez cease and desist from writing pawn transactions, buying or selling merchandise, or supervising another employee who writes pawn transactions or buys or sells merchandise without holding a pawnshop employee license or applying for a license within 75 days of beginning employment.

## **Violation of Order**

Ernesto Cortez may be assessed an administrative penalty of up to \$1,000 for each day of violating this Order after it becomes final.<sup>4</sup> Multiple violations may also result in license revocation.<sup>5</sup>

## **Right to Request Hearing**

Ernesto Cortez has the right to request a hearing regarding this Order.<sup>6</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>3</sup> Tex. Fin. Code § 14.208(a).

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

<sup>5</sup> Tex. Fin. Code § 371.255; 7 Tex. Admin. Code § 85.604(b)(5), (7).

<sup>6</sup> Tex. Fin. Code § 14.208(b).

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

If Ernesto Cortez requests a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.<sup>7</sup> If Ernesto Cortez does not request a hearing by the deadline, this Order is considered final and enforceable.<sup>8</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>7</sup> Tex. Fin. Code § 14.208(b).

<sup>8</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 Ernesto Cortez by regular mail and certified mail, return receipt requested, at:

CMRRR# 91 7199 9991 7038 3517 9957

Ernesto Cortez  
2237 Meadowrock Dr.  
Spring, TX 77389

CMRRR# 91 7199 9991 7038 3517 9964

RDFM Inc.  
ATTN: Ernesto Cortez  
5901 C Westheimer Road #C  
Houston, TX 77057

/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