

OCCC CASE NO. L19-00197

IN THE MATTER OF:	§	BEFORE THE
LICENSE NO.: 1437618	§	OFFICE OF CONSUMER
AMBER BOYKIN	§	CREDIT COMMISSIONER
1326 KNOLL RIDGE CT.	§	STATE OF TEXAS
GRAND PRAIRIE, TEXAS 75050	§	

ORDER TO CEASE AND DESIST

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Cease and Desist against Amber Boykin, based on the violations of law described below.¹

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.²

On June 8, 2018, the OCCC received Amber Boykin’s application for a pawnshop employee license related to Amber Boykin’s employment with MoneyFast Inc. d/b/a Cash Plus Pawn (“Cash Plus Pawn”), which is licensed by the OCCC under Master File No. 2625. Amber Boykin was issued a pawnshop employee license (No. 1437618) and the license is currently active.

According to the license application, Amber Boykin began working for Cash Plus Pawn on April 5, 2018. However, a July 5, 2018, examination of Cash Plus Pawn found pawn tickets written by Amber Boykin on September 26, 2017. Additionally, Amber Boykin stated in a signed affidavit that her employment as a pawnbroker at Cash Plus Pawn began on September 25, 2017. These facts contradict the hire date indicated on the pawnshop employee license application.

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code § 371.101(a).

Pawn employees must sign and affirm the pawnshop employee license application as true, correct, and complete.³ A license may be suspended or revoked if there are errors or incomplete information in the license application.⁴ Falsifying information on a license application can be grounds for the OCCC to deny a pawn employee application if the applicant is not of good moral character.⁵

Amber Boykin did not hold an active pawnshop employee license on September 25, 2017, when she began employment at Cash Plus Pawn. Amber Boykin worked 256 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. Further, the hire date on Amber Boykin's pawnshop employee application was incorrect.

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.⁶

The Commissioner has reasonable cause to believe that Amber Boykin 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 Amber Boykin cease and desist from:

1. 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

³ Tex. Admin. Code Title 7 §85.301

⁴ Tex Admin. Code Title 7 §85.601(f)(4)

⁵ Tex Admin. Code Title 7 §85.601

⁶ Tex. Fin. Code § 14.208(a).

- for a license within 75 days of beginning employment; and
2. entering incorrect or false information on license applications filed with the OCCC.

Violation of Order

Amber Boykin may be assessed an administrative penalty of up to \$1,000 for each day of violating this Order after it becomes final.⁷ Multiple violations may also result in license revocation.⁸

Right to Request Hearing

Amber Boykin has the right to request a hearing regarding this Order.⁹ 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:

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

If Amber Boykin requests a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.¹⁰ If Amber Boykin does not request a hearing by the deadline, this Order is considered final and enforceable.¹¹

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.

⁷ Tex. Fin. Code § 14.208(c).

⁸ Tex. Fin. Code § 371.255; 7 Tex. Admin. Code § 85.604(b)(5), (7).

⁹ Tex. Fin. Code § 14.208(b).

¹⁰ Tex. Fin. Code § 14.208(b).

¹¹ Tex. Fin. Code § 14.208(c).

Signed this 30th day of January, 2019.

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

CERTIFICATE OF SERVICE

I certify that on January, 30 2019, a true and correct copy of this Order to Cease and Desist has been sent to Amber Boykin by regular mail and certified mail, return receipt requested, at:

CMRRR# 91 7199 9991 7037 5162 1035

Amber Boykin
1326 Knoll Ridge Ct.
Grand Praire, Texas 75050

CMRRR# 91 7199 9991 7037 5162 1042

MoneyFast Inc.
ATTN: Amber Boykin
4636 Denton Hwy
Haltom City, Texas 76117

/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