

OCCC CASE NO. L19-00198

IN THE MATTER OF:	§	BEFORE THE
LICENSE NO.: 1437620	§	OFFICE OF CONSUMER
JOSE HERNANDEZ	§	CREDIT COMMISSIONER
10510 FERGUSON RD.	§	STATE OF TEXAS
DALLAS, TEXAS 75228	§	

ORDER TO CEASE AND DESIST

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Cease and Desist against Jose Hernandez, 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 10, 2018, the OCCC received Jose Hernandez’s application for a pawnshop employee license related to Jose Hernandez’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. Jose Hernandez was issued a pawnshop employee license (No. 1437620) and the license is currently active.

According to the license application, Jose Hernandez 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 Jose Hernandez on September 26, 2017. Additionally, Jose Hernandez stated in a signed affidavit that his 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

Jose Hernandez did not hold an active pawnshop employee license on September 25, 2017. Jose Hernandez worked 258 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 Jose Hernandez'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 Jose Hernandez 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 Jose Hernandez 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 for a license within 75 days of beginning employment; and

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).

2. entering incorrect or false information on license applications filed with the OCCC.

Violation of Order

Jose Hernandez 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

Jose Hernandez 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 Jose Hernandez 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 Jose Hernandez 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 Jose Hernandez by regular mail and certified mail, return receipt requested, at:

CMRRR# 91 7199 9991 7037 5162 1059

Jose Hernandez
10510 Ferguson Rd.
Dallas, Texas 75228

CMRRR# 91 7199 9991 7037 5162 1066

MoneyFast Inc.
4636 Denton Hwy
Haltom City, Texas 76117

/s/Michael Rigby

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