

OCCC CASE NO. L19-00232

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO: 341	§	OFFICE OF CONSUMER
PAWN TX, INC.	§	
d/b/a VALU + PAWN	§	CREDIT COMMISSIONER
9725 BISSONET ST., STE. A	§	
HOUSTON, TX 77036	§	STATE OF TEXAS

ORDER TO CEASE AND DESIST

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order to Cease and Desist against Pawn TX, Inc. d/b/a Valu + Pawn (“Valu + Pawn”), based on the violations of law described below.¹

Statement of Facts and Law

Valu + Pawn is a pawnshop licensed to conduct business under Chapter 371 of the Texas Finance Code. Valu + Pawn operates under master file number 341 located at 9725 Bissonet St., Ste. A, Houston, Texas 77036 under license number 6504.

A pawn ticket must include a description of the pledged goods, including serial numbers if reasonably available.² The goods must be accurately and fully described including any identifying marks. As applicable, the item type, brand, make, model number, engraving, inscriptions, color, size, length, unique markings, and design must be recorded.³

On November 5, 2018, the OCCC received a complaint⁴ from the Houston Police Department (“HPD”) alleging that Valu + Pawn had description errors on several pawn tickets. HPD observed pawn tickets had serial numbers incorrectly recorded for items such as hardware equipment. For example, HPD inspected a Kobalt impact wrench on which the serial number appeared to have been removed by using a scratching device. Generally, an item on which the serial number has obviously been defaced, altered, or removed may not be taken into

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code § 371.157(4).

³ 7 Tex. Admin. Code § 85.405(e).

⁴ OCCC Complaint No. 113370

pawn..⁵

On December 19, 2018, the OCCC completed an investigation of Valu + Pawn. During the investigation, the OCCC examiner identified 14 pawn tickets with description of goods violations. All of these pawn tickets contain missing or incorrect serial numbers in violation of Section 371.157(4) of the Texas Finance Code and Title 7, Section 85.405 of the Texas Administrative Code. In addition, the OCCC examiner identified nine purchase tickets with missing or incorrect serial numbers in violation of Section 371.157(4) of the Texas Finance Code and Title 7, Section 85.405 of the Texas Administrative Code.

Authority

If the Consumer Credit Commissioner (“Commissioner”) has reasonable cause to believe that a person is violating Chapter 371 of the Texas Finance Code, the Commissioner may issue an order to cease and desist from the violation, take affirmative action, or both, to enforce compliance.⁶

Order

IT IS ORDERED that Valu + Pawn comply with, and cease and desist from violating, the requirements for describing pledged goods, as set forth in Section 371.157 of the Texas Finance Code, and in Title 7, Section 85.405 of the Texas Administrative Code.

Violation of the Order

Valu + Pawn may be assessed an administrative penalty of up to \$1,000 for each day of violating this Order after it becomes final.⁷ Violations of this Order may also result in the revocation of Valu + Pawn’s license.⁸

⁵ Tex. Admin Code § 85.418

⁶ Tex. Fin. Code §§ 14.208, 371.302(a).

⁷ Tex. Fin. Code § 14.208(c).

⁸ Tex. Fin. Code § 371.251; 7 Tex. Admin. Code § 85.604(a).

Right to Request Hearing

Valu + Pawn has the right to request a hearing regarding this Order.⁹ Valu + Pawn's request must be made in writing and sent to the OCCC not later than 30 days after Valu + Pawn receives this Order. Valu + Pawn must send its request to:

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

If Valu + Pawn 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 Valu + Pawn fails to 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.

Signed this 14th day of November, 2019.

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

⁹ Tex. Fin. Code § 14.208(b).

¹⁰ Tex. Fin. Code § 14.208(b).

¹¹ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on November 14, 2019, a true and correct copy of this Order to Cease and Desist has been sent to Pawn TX Inc. d/b/a Valu + Pawn by the following:

Pawn TX, Inc.
Attn: Rocio De Los Santos,
Compliance Officer
1600 West 7th Street
Attention Compliance/
Licensing 5th Floor
Fort Worth, TX 76102
rocio.delossantos@firstcash.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
#91 7199 9991 7036 0669 8083

Pawn TX, Inc.
R Douglas Orr, Registered Agent
1600 West 7th St.
Fort Worth, TX 76102
licensing@firstcash.com

- hand-delivery
- facsimile
- electronic mail
- regular mail
- certified mail, return receipt requested
#91 7199 9991 7036 0669 8090

/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