

OCCC CASE NO. L22-00018

IN THE MATTER OF:	§	BEFORE THE
	§	
MASTER FILE NO.: 2015	§	OFFICE OF CONSUMER
MALMAR INC. d/b/a	§	
MODERN PAWN & JEWELRY	§	CREDIT COMMISSIONER
1701 AIRLINE RD. #102	§	
CORPUS CHRISTI, TEXAS 78412	§	STATE OF TEXAS

ORDER IMPOSING ADMINISTRATIVE PENALTY

The Office of Consumer Credit Commissioner (“OCCC”) issues this Order Imposing Administrative Penalty against Malmar Inc. d/b/a Modern Pawn & Jewelry (“Modern Pawn & Jewelry”).¹

Statement of Facts and Law

Modern Pawn & Jewelry is a pawnshop licensed by the OCCC under Chapter 371 of the Texas Finance Code. Modern Pawn & Jewelry operates under master file number 2015 at one licensed location, under license number 7084. Modern Pawn & Jewelry’s compliance officer is Georganna Afram, and its designated contact address is 1701 Airline Rd. #102, Corpus Christi, Texas 78412.

A pawnshop must file annual reports with the Consumer Credit Commissioner (“Commissioner”).² A pawnshop must comply with all instructions from the OCCC relating to submitting the report, and must file a report for each licensed location.³ The report is due by July 31 for the prior calendar year’s activity.⁴

¹ Tex. Fin. Code § 14.208.

² Tex. Fin. Code § 371.201; 7 Tex. Admin. Code § 85.502.

³ 7 Tex. Admin. Code § 85.502.

⁴ 7 Tex. Admin. Code § 85.502; <https://occc.texas.gov/industry/pawnshops-and-pawn-employees/annual-reports>

On December 6, 2018, the OCCC issued an Injunctive Order to File Timely and Accurate Annual Reports (the “Order”) against Modern Pawn & Jewelry for violating Chapter 371 of the Texas Finance Code by failing to timely file its 2017 annual report. The Order required Modern Pawn & Jewelry to timely file all future annual reports. On October 21, 2019, the OCCC issued an Order Imposing Administrative Penalty against Modern Pawn & Jewelry for failing to timely file its 2018 annual report.

Modern Pawn & Jewelry did not file its 2020 annual report by July 31, 2021, for one licensed location, under license number 7084.

The Commissioner may issue an injunction ordering a pawnshop to file one or more complete, accurate, and timely annual reports if the Commissioner has reasonable cause to believe that the pawnshop is violating Chapter 371 of the Texas Finance Code.⁵ The Commissioner may impose an administrative penalty on a pawnshop that violates an injunction.⁶

By failing to timely file its 2020 annual report, Modern Pawn & Jewelry has violated Chapter 371 of the Texas Finance Code and the OCCC’s Injunctive Order to File Timely and Accurate Annual Reports.

Order

IT IS ORDERED that Malmar Inc. d/b/a Modern Pawn & Jewelry:

1. pay an administrative penalty in the amount of **\$1,000.00**, calculated as \$1,000.00 each for Modern Pawn & Jewelry’s one licensed location, within 30 days of the date of this Order; and
2. file its 2020 annual report within 30 days of the date of this Order, if it has not already done so.

Pawnshop annual reports must be submitted through the OCCC’s Application Licensing Examination and Compliance System (ALECS): alecs.occc.texas.gov. Instructions are available by clicking the “File Annual Report” button on the OCCC’s home page, occc.texas.gov.

⁵ Tex. Fin. Code § 14.208.

⁶ Tex. Fin. Code § 14.208(c).

Right to Request Hearing

You have the right to request a hearing regarding this Order.⁷ To request a hearing, you must send a written hearing request to the OCCC no later than 30 days after the date of this Order.⁸ You must send your request to Matthew Nance, Deputy General Counsel, by mail to 2601 N. Lamar Blvd., Austin, Texas 78705, or by email to matthew.nance@occc.texas.gov.

If you request a hearing, a hearing on this matter will be set and conducted in accordance with Chapter 2001 of the Texas Government Code.⁹ If you fail to request a hearing by the deadline, this Order will be considered final and enforceable.¹⁰

All communications with the OCCC concerning this matter must be through Matthew Nance, Deputy General Counsel, who may be contacted by mail at 2601 N. Lamar Blvd., Austin, Texas 78705, by telephone at 512-936-7660, or by email at matthew.nance@occc.texas.gov.

Signed this 12th day of November, 2021.

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

⁷ Tex. Fin. Code § 14.208(b).

⁸ Tex. Fin. Code § 14.208(b).

⁹ Tex. Fin. Code § 14.208(b).

¹⁰ Tex. Fin. Code § 14.208(c).

CERTIFICATE OF SERVICE

I certify that on November 12, 2021, a true and correct copy of this Order Imposing Administrative Penalty has been sent to Malmar Inc. d/b/a Modern Pawn & Jewelry by regular mail and certified mail, return receipt requested, at:

CMRRR# 9214 8901 9403 8300 0057 0813 03

Malmar Inc.

Attn: Georganna Afram, Compliance Officer

1701 Airline Rd. #102

Corpus Christi, TX 78412

CMRRR# 9214 8901 9403 8300 0057 0813 10

Malmar Inc.

Attn: Joseph M. Afram, Registered Agent

1702 Airline Rd. #102

Corpus Christi, TX 78412

/s/ Matthew Nance

Matthew J. Nance

Deputy General Counsel

Office of Consumer Credit Commissioner

State Bar No. 24074794

2601 North Lamar Blvd.

Austin, Texas 78705

512-936-7660 (phone)

512-936-7610 (fax)

matthew.nance@occc.texas.gov