BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT
STATE OF OKLAHOMA

FILED
OCT 19 2016
STATE OF OKLAHOMA
DEPARTMENT OF
CONSUMER CREDIT

STATE OF OKLAHOMA, ex rel, DEPARTMENT OF CONSUMER CREDIT,	)	
Petitioner,	)	
v.	)	Case No. 16-0157-DIS
TRADING POST,	)	
Respondent	)	

CONSENT ORDER

The Petitioner, State of Oklahoma, ex rel., Department of Consumer Credit ("Petitioner") and the Respondent, Trading Post, ("Respondent") voluntarily enter into this Consent Order as an informal disposition of this individual proceeding to avoid litigation. The Respondent agrees to waive its right to a hearing under the Oklahoma Administrative Procedures Act and both parties agree as follows:

(1) The Petitioner restates and incorporates by reference the allegations made by the Petitioner in the Notice of Hearing filed in this matter.

i. The Respondent transacts business at 810 W. 8th Street, Cache, Oklahoma 73527. The Respondent does not appear to be registered with the Oklahoma Secretary of State.

ii. As of September 8, 2016, the Respondent is not licensed as a pawnbroker in the State of Oklahoma pursuant to 59 O.S. § 1503.

iii. On September 2, 2016, Consumer Credit Examiners, Viola Peters, Alicia Gregg and Chris Williams visited the business location of the Respondent at 810 W. 8th Street, Cache, Oklahoma 73527.

iv. Examiner Chris Williams began taking pictures of

the outside of the Respondent's building when a female inside the building came to the door and told him to stop taking pictures. The examiner approached the individual at the door of the building and identified himself as being with the Department of Consumer Credit and that he was there to conduct an examination. He asked the individual for her name. The female individual refused to offer any identification.

v. The examiner requested access to the building but the individual refused. The individual did indicate that the normal operating hours are 7:00 a.m. to 2:00 p.m., but the business was not open today and she further stated that they would not be open for the examiners at any time.

vi. The examiner advised the individual that the Department was notified that the Respondent was conducting business as a pawn shop and that he was required to conduct an examination of the Respondent and he asked the individual if she would comply. The individual stated that they would not comply and shut the door.

vii. Examiner Viola Peters contacted the Cache Police Department and spoke with Chief of Police Donna Kimmel. The examiner was given information that the Cache Police Department had recently conducted an investigation regarding the Respondent and had gathered partial evidence.

viii. Examiners Gregg, Peters and Williams reviewed evidence regarding the Respondent's pawn transactions at the Cache Police Department and a Cache Police Department shed, including pawn tickets issued by the Respondent and pledged goods received by the Respondent from customers in connection with pawn transactions. Chief Kimmel further advised the examiners that due to limited resources of the police department and the vast amount of items, Cache Police Department officers were not able to secure all the items and some items remained at the Respondent's business premises.

ix. During the course of the examination as to the secured evidence, the examiners noticed that numerous pawned items did not have pawn tickets. Chief Kimmel advised the examiners that much of the evidence were allegedly stolen goods. The examiners were able to find fifty (50) pawn tickets issued by the Respondent, some numbered and some un-numbered. Most of the Respondent's pawn tickets are handwritten on a Conoco retail credit sales invoice document. Some pawn tickets appear to be written on the back of a receipt as well as handwritten on a torn piece of paper. Most of the evidence seized by the Cache Police Department from the Respondent did not include any pawn tickets.

x. As of September 9, 2016, the Respondent is not licensed as a pawnbroker in the State of Oklahoma and has never been licensed as a pawnbroker in the State of Oklahoma.

xi. Since the Respondent is not authorized to engage or offer to engage and/or operate as a pawnbroker at 810 W. 8th St., Cache, Oklahoma 73527, the public health, safety, and welfare imperatively requires emergency action ordering the Respondent to cease and desist from engaging or offering to engage and/or operating as a pawnbroker at 810 W. 8th St., Cache, Oklahoma 73527 pending the final outcome of this individual proceeding.

(2) The Respondent does not admit to the allegations made by the Petitioner in the Emergency Order and Notice of Hearing filed in this matter and incorporated by reference in this Consent Order.

(3) The Respondent agrees to pay a Five Thousand Dollar ($5,000.00) civil penalty, payable to the Oklahoma Department of Consumer Credit. The Respondent agrees to pay the Five Thousand Dollar ($5,000.00) civil penalty in monthly installments as follows:

(a) An initial payment of One Thousand Five Hundred Dollars ($1,500.00) on or before October 31, 2016;

(b) A payment of One Thousand Dollars ($1,000.00) on or before November 30, 2016;

(c) A payment of One Thousand Dollars ($1,000.00) on or before December 31, 2016;

(d) A payment of One Thousand Dollars ($1,000.00) on or before January 31, 2017 and

(e) A payment of Five Hundred Dollars ($500.00) on or before February 28, 2017.

(4) The payment shall be made payable by check or money order to the Oklahoma Department of Consumer Credit, shall indicate the payment is for Case Number 16-0157-DIS and shall be addressed to the attention of Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

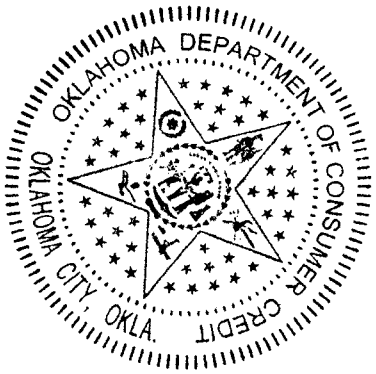
(5) The Respondent agrees to not submit an application for a pawnbroker license and further agrees to permanently cease and desist from engaging and/or offering to engage and/or operating as a pawnbroker at 810 W. 8th St., Cache, Oklahoma 73527 and at any other location in the State of Oklahoma.

(6) The records of the Respondent that were reviewed by the Department were not recorded or maintained in a manner that allows the Department to determine compliance with the Oklahoma Pawnshop Act for purposes of determining refunds to the customers of the Respondent. Should records of the Respondent become available to the Department that allows the Department to determine compliance with the Oklahoma Pawnshop Act for purposes of determining refunds to customers of the Respondent, the Department may initiate an examination and/or enforcement action regarding such records for purposes of determining any necessary customer refunds.

(7) The Department does not have a hold on any goods obtained from the Respondent by the Cache Police Department.

(8) A file stamped copy of this Consent Order will be returned to the Respondent upon signature of the Administrator of the Department of Consumer Credit or the Deputy Administrator of the Department Consumer Credit.

(9) If the Respondent fails to comply with the terms of this Consent Order, the Administrator of the Department of Consumer Credit is authorized to file an application to enforce this Consent Order in the District Court of Oklahoma County, Oklahoma in accordance with the provisions of 59 O.S. § 1507 (J).



Scott Lesher
Administrator
State of Oklahoma
Department of Consumer Credit

Dated: 10/19/16

Wayne Gipson
Trading Post

Dated: 10-12-16

VERIFICATION OF CONSENT ORDER, CASE NUMBER 16-0157-DIS

STATE OF Oklahoma)
)
COUNTY OF Comanche)

Signed and sworn to (or affirmed) before me on October 12, 2016, by Wayne Gipson, on behalf of Trading Post.

Wayne Gipson
Wayne Gipson
Trading Post

Sheila Gibbs

(Seal, if any)

NOTARY PUBLIC State of OK
SHEILA GIBBS
Comm. # 16005642
Expires 06-08-2020

Notary Public

My commission expires:

6-8-2020