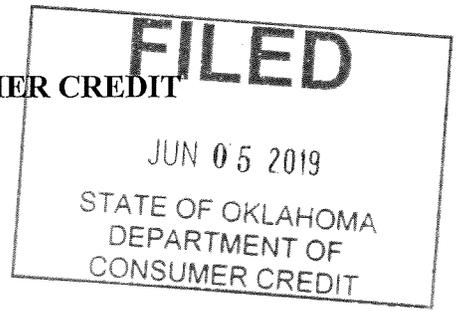


BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT  
STATE OF OKLAHOMA



STATE OF OKLAHOMA, )  
ex rel., DEPARTMENT OF )  
CONSUMER CREDIT, )  
 )  
Petitioner )  
 )  
v. )  
 )  
BEAR WEAR'S PAWN AND GUN, L.L.C., )  
A/K/A BREW-WEAR'S PAWN )  
AND GUN, L.L.C., )  
 )  
Respondent )

Case No. 19-0020-DIS

**FINAL AGENCY ORDER**

This matter was heard on the 2nd day of May, 2019, at approximately 9:45 a.m., after allowing additional time for the named respondent or his representative(s) to attend, the above numbered and entitled cause (scheduled for 9:30 a.m.) came on for hearing at the Office of the Oklahoma Department of Consumer Credit, 3613 N.W. 56<sup>th</sup> Street, Suite 240, Oklahoma City, Oklahoma 73112.

The State of Oklahoma *ex rel.* Oklahoma Department of Consumer Credit ("Petitioner"), was represented by Petitioner's Chief Enforcement Counsel, John T. Coyne, and Respondent, Bear Wear's Pawn and Gun, L.L.C., a/k/a Brew-Wear's Pawn and Gun, L.L.C., whose physical address and mailing address of record is 1000 E. Shawntel Smith Blvd., Muldrow, OK 74948 ("Respondent"), did not appear in person or through an attorney, even though an Attorney named David Gean, III, Sallisaw, OK 74955 had previously indicated through an email to Petitioner that he had been retained by Respondent in this matter, after such Respondent having been personally

served a copy of the Emergency Order and Notice of Hearing filed by Petitioner herein on March 13, 2019 (the "Notice of Hearing"), in Case No. 19-0020-DIS, pursuant to the requirements of Article II of the Administrative Procedures Act (the "APA"), 75 O.S. §§ 308a-323, at the address given to Petitioner by Respondent at 1000 E. Shawntel Smith Blvd., Muldrow, OK 74948, and was personally delivered to Respondent by a representative of Petitioner, Deshia Parks, as verified through the Affidavit of Service by Deshia Parks that she served the Notice of Hearing on an individual named Ron Wear on March 13, 2019, on behalf of Respondent which Affidavit of Service has been filed herein.

While the hearing in this matter was originally set for emergency hearing at the Office of the Department of Consumer Credit, 3613 N.W. 56<sup>th</sup> Street, Suite 240, Oklahoma City, Oklahoma 73112 on March 18, 2019, the case was subsequently continued for an emergency hearing until April 4, 2019, through a document entitled "Continuance" issued and filed herein on March 14, 2019, through electronically delivered notice to Respondent at [bearwarpawn7800@gmail.com](mailto:bearwarpawn7800@gmail.com) to Kerrye Lawson on March 14, 2019, the email delivery receipt of such electronically delivered notice having been served as sworn to and signed by Petitioner's Legal Administrative Programs Officer, Anissa Campbell, through a notarized Affidavit of Service on April 26, 2019.

This case was subsequently continued a second time for an emergency hearing until May 2, 2019, through a document entitled "Continuance" filed herein on April 1, 2019, through electronically delivered notice to Respondent at [bearwarpawn7800@gmail.com](mailto:bearwarpawn7800@gmail.com) to Kerrye Lawson on April 1, 2019, the email delivery receipt of such electronically delivered notice having been served as sworn to and signed by Petitioner's Legal Administrative Programs

Officer, Anissa Campbell, through a notarized Affidavit of Service on April 23, 2019.

Petitioner's Chief Enforcement Counsel John T. Coyne, announced at the May 2, 2019, continued emergency hearing that he had not recently heard from or spoken to Respondent about its appearance at the hearing in person or through an attorney. Mr. Coyne indicated that he wished to secure, in the absence of Respondent who had an opportunity for a hearing and for whom he indicated he had good service, a judgment by default pursuant to 75 O.S. § 309(E). Further, Mr. Coyne indicated that Petitioner's recommendation in this matter is that the existing Cease and Desist Order currently in effect against Respondent to cease and desist from engaging and/or offering to engage and/or operating as a pawnbroker continue and remain in place until such time as this pending license approval matter is handled through Petitioner's Licensing department, and that Petitioner would waive payment all costs in this matter by Respondent.

Accordingly, the Independent Hearing Examiner announced from the bench that his recommendation in this matter to Petitioner's Administrator would be to grant the requested default judgment, that the existing Cease and Desist Order currently in effect against Respondent to cease and desist from engaging and/or offering to engage and/or operating as a pawnbroker continue and remain in place until such time as this pending license approval matter is handled through Petitioner's Licensing department, and for Petitioner to waive payment of all costs in this matter by Respondent.

After reviewing the administrative record of this individual proceeding, reviewing the evidence presented at the May 2, 2019 hearing, and reviewing the Proposed Order filed by Independent Hearing Examiner, Bryan Neal, the Administrator of Consumer Credit issues the following findings, conclusions and orders.

## JURISDICTION AND AUTHORITY

1. The Administrator of Consumer Credit (the “Administrator”) is responsible for the enforcement of the Oklahoma Pawnshop Act, 59 O.S. §§ 1501 *et seq.*, 59 O.S. § 1512(A).

2. No person shall engage in business as a pawnbroker without a license from the Administrator specifically authorizing engagement in such business. 59 O.S. § 1503.

3. The Administrator may issue an emergency order, pending the final outcome of the proceeding, that includes the suspension of a license *instanter* or a cease and desist *instanter* if the public health, safety or welfare imperatively requires such action. An emergency order shall include an order for a hearing that is scheduled within ten (10) days from the date of service of the emergency order. The Administrator shall serve an emergency order by certified mail, return receipt requested, or by personal delivery. 75 O.S. §§ 314 (C ) (2) and 314.1, OKLA. ADMIN CODE (OAC) 160:15-9-3.

### **Penalties**

1. The Administrator may, after notice and a hearing, pursuant to Article II of the Administrative Procedures Act, 75 O.S. §§ 308a *et seq.*, decline to renew a license, suspend or revoke any license, or in addition to or in lieu of suspension or revocation, order refunds for any unlawful charges or enter a cease and desist order if the administrator finds that:

(a) The licensee or any entity or individual subject to the Oklahoma Pawnshop Act has failed to pay any fee or charge properly imposed by the Administrator under the authority of the Oklahoma Pawnshop Act;

(b) The licensee, either knowingly or without the exercise of due care to prevent the same, has violated any provision of the Oklahoma Pawnshop Act or any rule or order

lawfully made pursuant to and within the authority of the Oklahoma Pawnshop Act; or

(c) Any fact or condition exists which, if it had existed or had been known to exist at the time of the original application for a license, clearly would have justified the Administrator in refusing the license. 59 O.S. § 1507(B).

2. Any entity or individual offering to engage or engaged in making pawn transactions in the State of Oklahoma without a license shall be subject to a civil penalty not to exceed Five Thousand Dollars (\$5,000.00). 59 O.S. § 1507(I).

### **FINDINGS OF FACT**

The Administrator of Consumer Credit finds that the following facts were proven through Respondent's default by clear and convincing evidence:

1. The proceedings in this matter were conducted in accordance with the provisions of the Oklahoma Pawnshop Act, 59 O.S. §§ 1501 *et seq.* and Article II of the Administrative Procedures Act, 75 O.S. §§ 308a-323.

2. Respondent failed to appear in person or through an attorney at the continued emergency hearing on May 2, 2019, at the scheduled time of 9:30 a.m. or later that same morning when its case was heard at approximately 9:45 a.m., Respondent having received notice of the continued hearing in this matter set for May 2, 2019, at 9:30 a.m., continued a second time for an emergency hearing until May 2, 2019, at the scheduled time of 9:30 a.m., through a document entitled "Continuance" filed herein on April 1, 2019, through electronically delivered notice to Respondent at [bearwarpawn7800@gmail.com](mailto:bearwarpawn7800@gmail.com) to Kerrye Lawson on April 1, 2019, the email delivery receipt of such electronically delivered notice having been served as sworn to and signed by Petitioner's Legal Administrative Programs Officer, Anissa Campbell, through a notarized

Affidavit of Service on April 23, 2019, a copy of which has been filed herein.

3. Respondent is a domestic limited liability company in the State of Oklahoma, Oklahoma Secretary of State filing number 3512088084, inactive filing status.

4. Respondent is listed as "Brew-Wear's Pawn and Gun, LLC" in Petitioner's database and Respondent's pawn tickets, but is listed as "Bear-Wear's Pawn and Gun, L.L.C." with the Oklahoma Secretary of State and on Respondent's signage. Petitioner levied all allegations against both iterations of Respondent's name as herein stated above.

5. Respondent transacts business at 1000 E. Shawntel Smith Blvd., Muldrow, OK 74948.

6. Respondent was previously licensed as a pawnbroker in the State of Oklahoma, license number PB001636, at 1000 E. Shawntel Smith Blvd., Muldrow, OK 74948. Respondent's pawnbroker license expired December 31, 2018, and was not timely renewed by Respondent.

7. On March 11, 2019, Jimmie Ray and Michael Thompson, Consumer Credit Investigators, conducted an investigation of Respondent at Respondent's business location at 1000 E. Shawntel Smith Blvd., Muldrow, OK 74948.

8. Petitioner's investigators spoke with Kerrye Lawson, an employee of Respondent. The investigators asked Ms. Lawson if Respondent was open and conducting pawn transactions. Ms. Lawson advised Respondent was open and has been in business since 2006. The investigators requested pawn tickets and buy tickets for 2019. A review of the tickets on March 11, 2019, reflects Respondent conducted an estimated 340 pawn transactions and 10 buy transactions since January 1, 2019. The investigators scanned pawn tickets from each month

Respondent's business operated with an expired license.

9. Since Respondent did not timely renew its pawnbroker license and because Respondent is not currently authorized to engage or offer to engage and/or operate as a pawnbroker at 1000 E. Shawntel Smith Blvd., Muldrow, OK 74948, the public health, safety, or welfare did imperatively require emergency action ordering Respondent to cease and desist from engaging or offering to engage and/or operating as a pawnbroker at 1000 E. Shawntel Smith Blvd., Muldrow, OK 74948 pending the outcome of this individual proceeding.

### **CONCLUSIONS OF LAW**

The Administrator of Consumer Credit concludes as follows:

1. Respondent has violated 59 O.S. § 1507 (I) by offering to engage or engaging in making pawn transactions in the State of Oklahoma at 1000 E. Shawntel Smith Blvd., Muldrow, OK 74948, without a pawnbroker license since January 1, 2019.
2. Respondent has violated 59 O.S. § 1507 (B) by failing to pay any fee or charge properly imposed by the Administrator under the authority of the Oklahoma Pawnshop Act.

### **ORDER**

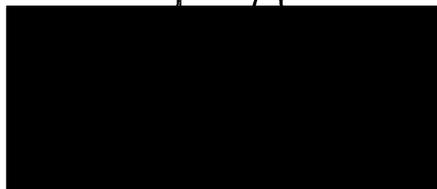
Based upon the findings of fact and conclusions of law in this individual proceeding and based in part upon the recommendation of the Independent Hearing Examiner, the Administrator of Consumer Credit issues the following orders:

1. Respondent should be found to have violated 59 O.S. § 1507 (I) by engaging or offering to engage and/or operating as a pawnbroker in the State of Oklahoma at 1000 E. Shawntel Smith Blvd., Muldrow, OK 74948, without a pawnbroker license since January 1, 2019.

2. Respondent should be found to have violated 59 O.S. § 1507 (B) by failing to pay any fee or charge properly imposed by the Administrator under the authority of the Oklahoma Pawnshop Act.

Accordingly, the existing Cease and Desist Order should continue against Respondent to cease and desist from offering to engage or engaging in making pawn transactions in the State of Oklahoma at 1000 E. Shawntel Smith Blvd., Muldrow, OK 74948, without a pawnbroker license since January 1, 2019, that such Cease and Desist Order continue and remain in place until such time as this pending license approval matter is handled through Petitioner's Licensing department, and that, even though Respondent is not the prevailing party in this matter, Respondent should not be assessed the costs of the Independent Hearing Examiner incurred in this matter as authorized in 59 O.S. § 1507(A) at the request of Petitioner, which has recommended the waiver of Respondent's payment of the costs of the Independent Hearing Examiner incurred in this matter.

So ordered this 5<sup>th</sup> day of June, 2019.



Scott Leshner  
Administrator of Consumer Credit  
State of Oklahoma