

BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT
STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
ex rel, DEPARTMENT OF)
CONSUMER CREDIT)
)
Petitioner)
)
v.) Case No. 12-0028-DIS
)
69 PAWN, LLC)
)
Respondent)



NOTICE OF HEARING

The State of Oklahoma, ex rel., Department of Consumer Credit, alleges and states as follows:

JURISDICTION, AUTHORITY AND REQUIREMENTS

1. The Administrator of Consumer Credit (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. Every licensee, on or before each December 1, shall pay the Administrator an annual fee for the succeeding calendar year. If the annual fee remains unpaid fifteen (15) days after written notice of delinquency has been given to the licensee by the Administrator, the license shall expire. 59 O.S. § 1506(C).

Penalties

1. The Administrator may, after notice and hearing, 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).

Appointment of independent hearing examiner

1. The Administrator shall appoint an independent hearing examiner to conduct all administrative hearings involving alleged violations of the Oklahoma Pawnshop Act. The independent hearing examiner shall have authority to exercise all powers granted by Article II of the Administrative Procedures Act in conducting hearings. 59 O.S. § 1507(A).

2. The independent hearing examiner shall have authority to recommend penalties authorized by the Oklahoma Pawnshop Act and issue proposed orders, with proposed findings of fact and proposed conclusions of law, to the Administrator pursuant to Article II of the Administrative Procedures Act. The Administrator shall review the proposed order and issue a final agency order in accordance with Article II of the Administrative Procedures Act. 59 O.S. § 1507(A).

Hearing costs

The costs of the hearing examiner may be assessed by the hearing examiner against the Respondent, unless the Respondent is the prevailing party. 59 O.S. § 1507(A).

Appeals

A final agency order issued by the Administrator shall be

appealable by all parties to the district court as provided in Article II of the Administrative Procedures Act. 59 O.S. § 1507(A).

Requirements for individual proceedings at the Department of Consumer Credit

The Respondent is responsible for reviewing the administrative rules regarding procedures and requirements for references of parties, entries of appearances, continuances, subpoenas and Consent Orders for individual proceedings at the Department of Consumer Credit. The administrative rules regarding individual proceedings are located at OKLA. ADMIN. CODE § 160:3-1-4. A copy of the individual proceeding rules has been attached to this Notice of Hearing for reference.

Consent Order

1. The Respondent may waive the right to a hearing and enter into a Consent Order with the Department. If the Respondent wishes to waive the right to a hearing, the Respondent shall sign and notarize the enclosed Consent Order and submit to the attention of Roy John Martin, General Counsel, Oklahoma Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

2. The signed and notarized Consent Order and any applicable penalty indicated in the Consent Order shall be received by the Petitioner on or before July 18, 2012.

Enforcement of final agency order or settlement agreement

Any administrative order or settlement agreement imposing a civil penalty pursuant to the Oklahoma Pawnshop Act may be enforced in the same manner as civil judgments in the State of Oklahoma. The Administrator may file an application to enforce an administrative order or settlement agreement imposing a civil penalty in the district court of Oklahoma County. 59 O.S. § 1507(A).

ALLEGATIONS OF FACT

1. Respondent was licensed as a Pawnbroker in the State of Oklahoma, license number PB001632.

2. The Respondent's Pawnbroker's license was not renewed

for 2012 by the deadline of December 1, 2011.

3. On January 19, 2012, Administrative Technician Tiffany Roberts emailed Respondent at [pawn 69@hotmail.com](mailto:pawn69@hotmail.com). The email included the following information:

"Your license #PB001632 expired 12/31/11. Please let me know ASAP if this was an oversight or if this location is closed."

4. On January 19, 2012, Administrative Technician Tiffany Roberts received a delivery receipt via email stating that the email was delivered to Respondent's email address.

5. On April 12, 2012, Consumer Credit Examiner Fred Britt visited Respondent's business location at 623 N. 1st Street, Durant, OK 74701.

6. Consumer Credit Examiner Fred Britt photographed the exterior of Respondent's business. The photograph depicted a sign which included the following information:

"PAWN 69 POWER TOOLS CASH LOANS SILVER"

7. Nat Castle, the manager of Respondent's business, gave Consumer Credit Examiner Fred Britt a business card which included the following information:

"69 PAWN FASTEST LOANS IN TOWN 623 Nth 1st Ave. Durant, Oklahoma 74702 \$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$ Phone(580)924-6069 Fax(580)924-6069 Nat Castle/Shannon Castle the69pawnshop@yahoo.com"

8. The Petitioner received a new Pawnbroker's license application from Respondent on April 17, 2012.

9. The Respondent was licensed as a Pawnbroker in the State of Oklahoma on May 23, 2012, license number PB001765.

ALLEGED VIOLATIONS OF LAW

1. The Respondent has violated the Oklahoma Pawnshop Act, 59 O.S. § 1507 (H) by offering to engage or engaged in making pawn transactions in this state without a license.

TIME, PLACE AND NATURE OF HEARING

1. A hearing will be held before an independent hearing examiner on July 23, 2012 at 9:00 a.m. at the office of the Administrator of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

2. The purpose of the hearing is to address the allegations contained in this Notice and to determine if any penalties authorized by the Oklahoma Pawnshop Act shall be imposed against the Respondent.

3. Correspondence regarding this matter shall be directed to Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112, telephone number 405-522-4665, email: rmartin@okdocc.ok.gov.



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