

**BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT
STATE OF OKLAHOMA**

STATE OF OKLAHOMA,)
ex rel, DEPARTMENT OF)
CONSUMER CREDIT)
)
Petitioner)
)
v.) Case No. 12-0025-DIS
)
J & M PAWNSHOP)
)
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) may adopt, amend and repeal such rules as are necessary for the enforcement of the provisions of the Oklahoma Pawnshop Act, 59 O.S. §§ 1501 et seq. 59 O.S. § 1512(A).
2. The Administrator is responsible for the enforcement of the Oklahoma Administrative Code, OKLA. ADMIN. CODE § 160:1-1-1 et seq.
3. At least thirty (30) days before a pawnshop is to be closed, the owner shall notify the Administrator in writing. The owner shall post an announcement on the front door listing the business telephone number and mailing and business address of another location, if any. The announcement shall remain posted until the existing pawnshop closes. In the closing notice, the owner shall certify to the Administrator the date the announcement was posted and shall attach a copy of the announcement along with the license for the closing pawnshop. OKLA. ADMIN. CODE § 160:15-5-6(b).

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).

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 penalties and/or documents 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 is licensed as a Pawnbroker in the State of Oklahoma, license number PB001662.

2. On April 3, 2012, Consumer Credit Examiner Drew S'Renco visited the Respondent's business location at 6 W. Ohio, Coalgate, OK 74538 to conduct an examination.

3. Consumer Credit Examiner Drew S'Renco observed that Respondent's business was not open during listed business hours.

4. Consumer Credit Examiner Drew S'Renco observed a paper on the door of the Respondent's business location that stated the location was out of business, and to call (580) 927-1119.

5. Consumer Credit Examiner Drew S'Renco made a telephone call to (580) 927-1119, the Respondent's business telephone number of record, and discovered the number was no longer in service.

6. As of June 7, 2012, Respondent is licensed as a Pawnbroker in the State of Oklahoma, license number PB001662.

7. As of June 7, 2012, Respondent had not notified Petitioner of the closing of Respondent's business.

ALLEGED VIOLATIONS OF LAW

1. The Respondent has violated the Oklahoma Pawnshop Act, 59 O.S. § 1507(B)(2) by violating OKLA. ADMIN. CODE § 160:15-5-6(b) by failing to notify the Administrator in writing at least thirty (30) days before the pawnshop was to be closed.

TIME, PLACE AND NATURE OF HEARING

1. A hearing will be held before an independent hearing examiner on July 23, 2012 at 9:00 p.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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