

BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT
STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
ex rel, DEPARTMENT OF)
CONSUMER CREDIT)
)
Petitioner)
)
v.) Case No. 12-0024-DIS
)
TULSA PAWN STARZ)
)
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 administration and enforcement of the Oklahoma Pawnshop Act, 59 O.S. §§ 1501 et seq.
2. No person shall engage in business as a pawnbroker without first obtaining a license from the Administrator specifically authorizing engagement in such business. 59 O.S. § 1503.
3. Any pawnbroker shall make available a copy or report within three (3) days of any buy transaction to the local law enforcement agency of the municipality or other political subdivision in which the pawnshop is located. Such invoice shall be shown upon request to the Administrator or his duly authorized representative or any authorized peace officer. 59 O.S. § 1515(A).

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 August 22, 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. On March 9, 2012, the Petitioner received a pawnbroker license application from the Respondent located at 1619 North Lewis Ave., Tulsa, OK 74110.

2. On March 22, 2012, Consumer Credit Examiners Brad Custard and Karen Banks visited the Respondent's business location at 1619 North Lewis Ave., Tulsa, OK 74110 to investigate a complaint that Respondent was operating an unlicensed pawnshop.

3. On March 22, 2012, Tony Long, owner of Respondent's business, provided Consumer Credit Examiners Brad Custard and Karen Banks a business card with the following information:

"TULSA PAWNSTARZ 'TREATING PEOPLE RIGHT' FOR TWENTY FIVE YEARS 1619 NORTH LEWIS AVENUE TULSA OKLAHOMA 918 292 8532 TONY LONG"

4. On March 22, 2012, Consumer Credit Examiners Brad Custard and Karen Banks reviewed the following pawn tickets with the following information:

"MARTIN, KYLE A NO. 12001 3-15-12 10:29 MATURITY DATE 4-14-12 TULSA PAWNSTARZ 1619 North Lewis Avenue - Tulsa, Oklahoma 74110 (918) 292-8532 AMOUNT FINANCED \$30 FINANCE CHARGE \$6 TOTAL OF PAYMENTS \$36 ANNUAL PERCENTAGE RATE 240% PAYMENT SCHEDULE 1 @ \$36 RED TOOLS & BOX W999621297 M W 6-1 165 BR HZ 5-28-86 Itemization of the Amount Financed or \$30 Amount given to you directly \$30 I am 18 years of age or older, and I acknowledge receipt of a true copy of this agreement. I have owned the pledged goods 2 years"

"PELHAM, DONALD O NO. 12002 3-16-12 MATURITY DATE 4-15-12 TULSA PAWNSTARZ 1619 North Lewis Avenue - Tulsa, Oklahoma 74110 (918) 292-8532 AMOUNT FINANCED \$75 FINANCE CHARGE \$15 TOTAL OF PAYMENTS \$90 ANNUAL PERCENTAGE RATE 240% PAYMENT SCHEDULE 1 @ \$90- 14K 3.5 DIAMOND RING C999265018 1-22-79 I am 18 years of age or older, and I acknowledge receipt of a true copy of this agreement. I have owned the pledged goods 5 years"

"WEAVER, BRENDEN NO. 12005 2033 E. TECUMSEH TULSA 3-17-12 MATURITY DATE 4-17-12 TULSA PAWNSTARZ 1619 North Lewis Avenue - Tulsa, Oklahoma 74110 (918) 292-8532 AMOUNT FINANCED \$50 FINANCE CHARGE \$10 TOTAL OF PAYMENTS \$60 ANNUAL PERCENTAGE

RATE 240% PAYMENT SCHEDULE 1 @ \$60 PLAYSTATION 360 W/CONTROLLER W083032860 M C 23 6/2 180 B BR 11-19-89 Itemization of the Amount Financed or \$50 Amount given to you directly \$50 I am 18 years of age or older, and I acknowledge receipt of a true copy of this agreement. I have owned the pledged goods 4 months"

"SCOTT, STEVEN NO. 12006 3-19-12 12:02 MATURITY DATE 4-18-12 TULSA PAWNSTARZ 1619 North Lewis Avenue - Tulsa, Oklahoma 74110 (918) 292-8532 AMOUNT FINANCED \$40 FINANCE CHARGE \$8 TOTAL OF PAYMENTS \$48 ANNUAL PERCENTAGE RATE 240% PAYMENT SCHEDULE 1 @ \$48 KODAK ZD5612 IS TOM TOM 125 B G081615356 5-12-58 Itemization of the Amount Financed or \$40 Amount given to you directly \$40 I am 18 years of age or older, and I acknowledge receipt of a true copy of this agreement. I have owned the pledged goods 1 year"

"JONES, SHERYL No. 12007, 3-19-12 MATURITY DATE 4-18-12 TULSA PAWNSTARZ 1619 North Lewis Avenue - Tulsa, Oklahoma 74110 (918) 292-8532 AMOUNT FINANCED \$300 FINANCE CHARGE \$50 TOTAL OF PAYMENTS \$350 ANNUAL PERCENTAGE RATE 210% PAYMENT SCHEDULE 1 @ \$350 4 - 10K DIA CARNOIT 408233LA14 Amount Refinanced \$300"

"DEVILO, JOSEPH NO. 12008, undated pawn transaction date, undated maturity date TULSA PAWNSTARZ 1619 North Lewis Avenue - Tulsa, Oklahoma 74110 (918) 292-8532 AMOUNT FINANCED \$80 FINANCE CHARGE \$16 TOTAL OF PAYMENTS \$96 ANNUAL PERCENTAGE RATE 240% PAYMENT SCHEDULE 1 @ \$96 14K WHITE GOLD DIA PENDANT USA PASSPORT C03400625 5-21-85 Itemization of the Amount Financed or \$80 Amount given to you directly \$80 I am 18 years of age or older, and I acknowledge receipt of a true copy of this agreement. I have owned the pledged goods 5 years"

"CHRISTIAN PAUL NO. 12009 116N C. ST SKIATOOK 3-19-12 MATURITY DATE 4-19-12 TULSA PAWNSTARZ 1619 North Lewis Avenue - Tulsa, Oklahoma 74110 (918) 292-8532 AMOUNT FINANCED \$75 FINANCE CHARGE \$15 TOTAL OF PAYMENTS \$90 ANNUAL PERCENTAGE RATE 240% PAYMENT SCHEDULE 1 @ \$90 HIATACHI, BOSTICH TRIM NAILER DEWALT GRINER & CORDED SADALL PORTER CABLE ROUTER K999389237 M 5-15-64 Itemization of the Amount Financed or \$90 Amount given to you directly \$90 I am 18 years of age or older, and I acknowledge receipt of a true copy of this agreement. I have owned the pledged goods 2 years"

"CHRISTIAN PAUL NO. 12010 116 N C ST SKATOOK 3-20-12 MATURITY DATE 4-20-12 TULSA PAWNSTARZ 1619 North Lewis Avenue -

Tulsa, Oklahoma 74110 (918) 292-8532 AMOUNT FINANCED \$25 FINANCE CHARGE \$5 TOTAL OF PAYMENTS \$30 ANNUAL PERCENTAGE RATE 240% PAYMENT SCHEDULE 1 @ \$30 DEWALT SANDER DEWALT SCREWGUN DREMIL TYPE TOOL K999389237 M 5-15-64 Itemization of the Amount Financed or \$25 Amount given to you directly \$25 I am 18 years of age or older, and I acknowledge receipt of a true copy of this agreement. I have owned the pledged goods 6 M"

"SMITH PHILLIP NO. 12011 1441 N BOSTON TULSA 3-20-12 MATURITY DATE 4-20-12 TULSA PAWNSTARZ 1619 North Lewis Avenue - Tulsa, Oklahoma 74110 (918) 292-8532 AMOUNT FINANCED \$10 FINANCE CHARGE \$2 TOTAL OF PAYMENTS \$36 ANNUAL PERCENTAGE RATE 240% PAYMENT SCHEDULE 1 @ \$12 SAMSUNG PHONE SA#R7Y92185Y6Y 082098838 M 7-7-88 Itemization of the Amount Financed or \$10 Amount given to you directly \$10 I am 18 years of age or older, and I acknowledge receipt of a true copy of this agreement. I have owned the pledged goods 1 year"

"TYLER, LYNDSEY NO. 12012 3-20-12 MATURITY DATE 4-19-12 TULSA PAWNSTARZ 1619 North Lewis Avenue - Tulsa, Oklahoma 74110 (918) 292-8532 AMOUNT FINANCED \$20 FINANCE CHARGE \$4 TOTAL OF PAYMENTS \$24 ANNUAL PERCENTAGE RATE 240% PAYMENT SCHEDULE 1 @ \$24 EMERSON EDC210 N039528384 5-25-59 Itemization of the Amount Financed or \$20 Amount given to you directly \$20 I am 18 years of age or older, and I acknowledge receipt of a true copy of this agreement. I have owned the pledged goods 1 year"

"MARTIN, KYLE A 918 730 6285 NO. 12013 3-21-12 MATURITY DATE 4-20-12 TULSA PAWNSTARZ 1619 North Lewis Avenue - Tulsa, Oklahoma 74110 (918) 292-8532 AMOUNT FINANCED \$50 FINANCE CHARGE \$10 TOTAL OF PAYMENTS \$60 ANNUAL PERCENTAGE RATE 240% PAYMENT SCHEDULE 1 @ \$60 PIONEER CD JENSEN AMP Itemization of the Amount Financed or \$50 Amount given to you directly \$50 I am 18 years of age or older, and I acknowledge receipt of a true copy of this agreement. I have owned the pledged goods 2 years 4 months"

"JONES, CHARLES NO. 12014 3202 E TECUMSEH APT 18 3-21-12 MATURITY DATE 4-20-12 TULSA PAWNSTARZ 1619 North Lewis Avenue - Tulsa, Oklahoma 74110 (918) 292-8532 AMOUNT FINANCED \$80 FINANCE CHARGE \$16 TOTAL OF PAYMENTS \$96 ANNUAL PERCENTAGE RATE 240% PAYMENT SCHEDULE 1 @ \$96 I PHONE 4 W/CHARGER IN ENVELOPE J999885031 M W 21 6-00 185 BR BR 6-13-90 Itemization of the Amount Financed or \$80 Amount given to you directly \$80 I am 18 years of age or older, and I acknowledge receipt of a true copy of this agreement. I have owned the pledged goods 2 months"

"ROACH, SARA J NO. 12015 3-21-12 MATURITY DATE 4-20-12 TULSA PAWNSTARZ 1619 North Lewis Avenue - Tulsa, Oklahoma 74110 (918) 292-8532 AMOUNT FINANCED \$100 FINANCE CHARGE \$20 TOTAL OF PAYMENTS \$120 ANNUAL PERCENTAGE RATE 240% PAYMENT SCHEDULE 1 @ \$100 VIZIO 32 INCH F999213493 F B 5-00 105 BR BR 4-22-74 I am 18 years of age or older, and I acknowledge receipt of a true copy of this agreement. I have owned the pledged goods 2 yrs"

"SWEET, LENA NO. 12016 1708 N COLUMBIA TULSA 3-21-12 MATURITY DATE 4-21-12 TULSA PAWNSTARZ 1619 North Lewis Avenue - Tulsa, Oklahoma 74110 (918) 292-8532 AMOUNT FINANCED \$80 FINANCE CHARGE \$16 TOTAL OF PAYMENTS \$96 ANNUAL PERCENTAGE RATE 240% PAYMENT SCHEDULE 1 @ \$96 LOS 10KT YG BRACELET 5.7 WT J799012179 F 1/28/60 Itemization of the Amount Financed or \$80 Amount given to you directly \$80 I am 18 years of age or older, and I acknowledge receipt of a true copy of this agreement. I have owned the pledged goods 10 yrs"

"BANKS, BONNIE NO. 12017 1551 W LATIMER CT TULSA 3-21-12 MATURITY DATE 4-21-12 TULSA PAWNSTARZ 1619 North Lewis Avenue - Tulsa, Oklahoma 74110 (918) 292-8532 AMOUNT FINANCED \$85 FINANCE CHARGE \$17 TOTAL OF PAYMENTS \$102 ANNUAL PERCENTAGE RATE 240% PAYMENT SCHEDULE 1 @ \$102 SONY BRAVIA 52" F/S TV #8001659 NO REMOTE K081810407 M 3/27/71 Itemization of the Amount Financed or \$85 Amount given to you directly \$85 I am 18 years of age or older, and I acknowledge receipt of a true copy of this agreement. I have owned the pledged goods 3 years"

"HENDERSON, STANFORD NO. 12018 3-21-12 MATURITY DATE 4-21-12 TULSA PAWNSTARZ 1619 North Lewis Avenue - Tulsa, Oklahoma 74110 (918) 292-8532 AMOUNT FINANCED \$15 FINANCE CHARGE \$3 TOTAL OF PAYMENTS \$18 ANNUAL PERCENTAGE RATE 240% PAYMENT SCHEDULE 1 @ \$18 P999454008 M 9/15/52 Itemization of the Amount Financed or \$15 Amount given to you directly \$15 I am 18 years of age or older, and I acknowledge receipt of a true copy of this agreement. I have owned the pledged goods 10 months"

5. On March 22, 2012, Consumer Credit Examiners Brad Custard and Karen Banks photographed an interior room of Respondent's business location at 1619 North Lewis Ave., Tulsa, OK 74110 which showed the stored pawn items.

6. On March 22, 2012, Consumer Credit Examiners Brad Custard and Karen Banks photographed a white van with lettering with the following information:

"LOAN OR BUY GOLD SILVER PAWN STARZ 1619 N LEWIS"

7. On April 10, 2012, Respondent became licensed as a Pawnbroker in the State of Oklahoma, license number PB001762.

ALLEGED VIOLATIONS OF LAW

1. The Respondent has violated 59 O.S. § 1503 by engaging in business as a pawnbroker without first obtaining a license from the Administrator specifically authorizing engagement in such business.

2. The Respondent has violated 59 O.S. § 1507(I) by offering to engage or engaging in making pawn transactions in the State of Oklahoma without a license.

3. The Respondent has violated 59 O.S. § 1509 (D) by failing to disclose the date of the pawn transaction and the maturity date of the pawn transaction concerning pawn transaction number 12008, customer Joseph Devilo.

TIME, PLACE AND NATURE OF HEARING

1. A hearing will be held before an independent hearing examiner on August 27, 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 405-522-0292, email: rmartin@okdocc.ok.gov.



Roy John Martin

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