

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING AND SECURITIES

FILED

2019 APR -1 AM 9:17

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF BANKING AND :
SECURITIES, COMPLIANCE OFFICE :

PA DEPARTMENT OF
BANKING AND SECURITIES

v. :

DOCKET NO. 19 0035 (BNK-ORD)

PAWN AMERICA INC :
: :
: :

NOTICE TO ANSWER AND REQUEST A HEARING

You, PAWN AMERICA INC, have the right to challenge the attached Order ("Order") by filing an Answer, in writing, with the Docket Clerk **within 30 days** of the date of this Order as required by 1 Pa. Code § 35.37. **If you do not file an Answer within 30 days, then you will waive your right to a hearing and the Banking and Securities Commission ("Commission") may enter a final order against you.**

Your Answer must be in writing. Your Answer must specifically admit or deny the allegations in the Order, set forth the facts you rely upon and state concisely the law you rely upon. General denials of the allegations set forth in the Order are not sufficient; you must support your denials with specific facts. Failure to support your denials with specific facts may cause the Commission to deem the facts in the Order as admitted and to enter a final order against you, without a hearing.

The Answer and any other documents relating to this matter must be filed with the Docket Clerk:

Linnea Freeberg, Docket Clerk
Department of Banking and Securities
17 North Second Street, Suite 1300
Harrisburg, PA 17101

Further, you must serve a copy of the Answer and any other documents on the person who signed the attached Order by providing a copy to their counsel set forth below:

Office of Chief Counsel
Department of Banking and Securities
17 North Second Street, Suite 1300
Harrisburg, PA 17101

Once you file your Answer, you will be notified of pertinent information such as the name of the presiding officer designated by the Commission to hear this matter and, if a hearing is scheduled, the date, time and location of the hearing. You have the right to be represented by an attorney.

All procedural matters will be governed by the Pennsylvania Administrative Agency Law, 2 Pa. C.S. §§501-508, 701-704, and the General Rules of Administrative Practices and Procedures, 1 Pa. Code §§31.1-35.251.

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v.

DOCKET NO. 19 0035 (BNK-ORD)

PAWN AMERICA INC

ORDER

1. The Department of Banking and Securities ("Department") is the Commonwealth of Pennsylvania's administrative agency authorized and empowered to administer and enforce the Pawnbrokers License Act, 63 P.S. § 281-1 *et seq.* ("PLA").

2. The Compliance Office is primarily responsible for administering and enforcing the Pawnbrokers License Act for the Department.

3. PAWN AMERICA INC ("PAWN AMERICA") is currently licensed as a Pawnbroker, license no. 0105.

4. PAWN AMERICA maintains its principal place of business at 923 Hamilton Street, Allentown, PA 18101.

BACKGROUND

5. The Pawnbrokers License Act at 63 P.S. § 281-1 *et seq.* imposes certain requirements on Pawnbroker licensees like PAWN AMERICA.

6. The Pawnbrokers License Act states in pertinent part as follows: "Every pawnbroker licensed under this act shall annually, on or before the first day of March, file a report with the Secretary of Banking giving such relevant information as the Secretary of Banking may require concerning the business and operations during the previous calendar year of such licensed place of business conducted by the pawnbroker within this Commonwealth. Such report shall be made under oath and shall be in the form

prescribed by the Secretary of Banking. For failure to file such report within the time specified, a pawnbroker shall pay to the Secretary of Banking a penalty of ten (\$10.00) dollars for each calendar day which such report is overdue, but the Secretary of Banking may, in his discretion, relieve a pawnbroker of any portion or all of such fine.” 63 P.S. § 281-10.

7. The Department determined that each Pawnbroker licensee was required to complete an Annual Report for the previous calendar year of 2018 through the Department’s Banking Online Application System by March 1, 2019.

8. PAWN AMERICA provided Redacted as an email address for use by the Department to receive notifications. The Department provided the annual report notification to PAWN AMERICA at that address on November 19, 2018.

9. The Department sent annual report reminders by email to PAWN AMERICA on January 3, 2019, January 18, 2019, February 1, 2019, February 15, 2019 and ending with the last reminder being sent on February 25, 2019.

10. PAWN AMERICA did not complete its Annual Report for the calendar year of 2018 by the deadline of March 1, 2019.

11. PAWN AMERICA filed the Annual Report by the end of the day on March 5, 2019.

12. PAWN AMERICA filed the Annual Report 4 days after the due date of March 1, 2019.

VIOLATION

13. By not filing the Annual Report when it was due, PAWN AMERICA violated the PLA at 63 P.S. § 281-10.

AUTHORITY

14. The Department has the authority to issue orders to enforce the PLA 63 P.S. § 281-8.

15. Section 10 of the Pawnbrokers Act authorizes the Department to impose a fine of \$10 for each calendar day after the due date that the Annual Report is filed.

AND NOW THEREFORE, because PAWN AMERICA has failed to timely file the Annual Report for the calendar year of 2018, the Compliance Office, pursuant to its authority referenced above, hereby imposes the following Order:

16. Pursuant to the Department's authority in 63 P.S. § 281-10 of the Pawnbrokers License Act, PAWN AMERICA is hereby fined \$40 (forty dollars), which is payable within 30 days of the date of this order.

17. Payment shall be made by ACH or wire transfer, or if ACH or wire transfer is unavailable, by certified check or money order made payable to the "Department of Banking and Securities" and mailed or delivered in person, to the attention of. Department of Banking and Securities, Compliance Office, 17 N. 2nd Street, Suite 1300, Harrisburg, PA 17101.

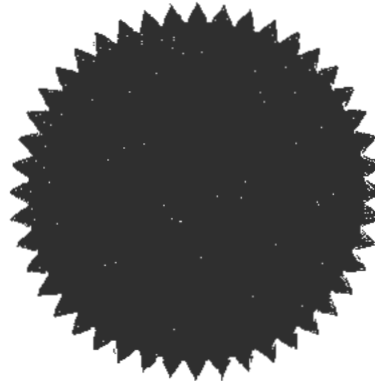
18. Failure to pay the fine within 30 days may result in additional enforcement action, including, but not limited to, the suspension, revocation or refusal to renew PAWN AMERICA's license.

19. Nothing in this Order shall prevent the Compliance Office from taking any further administrative actions as deemed necessary.

IT IS SO ORDERED.

Redacted

James Keiser, Chief
Compliance Office
Department of Banking and Securities



March 29, 2019

(Date)

FILED

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PAWN AMERICA, INC. :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **Order to Pay Fine** upon the parties below, who constitute the only parties of record in this proceeding, in accordance with the requirements of 1 Pa. Code §§ 33.35 and 33.36:

BY CERTIFIED MAIL AND FIRST CLASS MAIL:

Pawn America, Inc.
923 Hamilton Street
Allentown, PA 18101

Dated:

4/1/19

Redacted

Eileen Smith, Legal Assistant
Commonwealth of Pennsylvania
Department of Banking and Securities
17 North Second Street, Suite 1300
Harrisburg, PA 17101
(717) 787-1471