

ALABAMA STATE
BANKING DEPARTMENT
MONTGOMERY, ALABAMA

IN THE MATTER OF)
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)

BYRON JOHNSON)
BYRON'S JEWELRY PAWN, LLC.)
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ADMINISTRATIVE ORDER
NO. PS-2014-002

The Alabama State Banking Department (hereafter "the Department"), having the authority to administer and provide for the enforcement of all provisions of Title 5, Chapter 19A, of the Code of Alabama, the Alabama Pawnshop Act ("Act"), upon due consideration of the subject matter hereof, having information of certain unlicensed activities, has determined as follows:

RESPONDENTS

1. BYRON JOHNSON is the organizer and operator of BYRON'S JEWELRY PAWN, LLC, as listed on the Articles of Incorporation found in the Secretary of State of Alabama's business records.
2. BYRON'S JEWELRY PAWN, LLC, Birmingham, Alabama (hereafter "the Pawnshop") is an Alabama Limited Liability Company with business addresses of 425 Huffman Road in Birmingham, Alabama and 7494 Parkway Drive in Leeds, Alabama.

STATEMENT OF FACTS

3. RESPONDENT is presently not licensed under the Act at either the Huffman Road or Parkway Drive locations. Respondent has operated a pawnshop business at the Huffman Road location since 2008 and the Parkway Drive location since 2011.

4. RESPONDENT contacted the Department at least twice during October 2014 regarding obtaining a license under the Act. RESPONDENT admitted to personnel of the Department that he had operated a pawnshop at the Huffman Road location since 2008. RESPONDENT states that he believed that he had all the necessary licenses prior to October 2014.

5. RESPONDENT did not disclose the existence of the Parkway Drive location until a later phone call with personnel of the Department.

6. RESPONDENT submitted records of pawn activity for both locations. The transactions and the activities related to the pawn transactions appear to be in compliance with the Act. The Department has not received any consumer complaints regarding the pawn activities conducted by RESPONDENT. However, the Department has not reviewed all records at either location of the RESPONDENT.

7. On October 27, 2014, the undersigned and the Department's Associate Counsel, Anne W. Gunter, participated in an informal meeting discussing, reviewing, and assessing the RESPONDENT'S issues.

8. At the informal meeting, RESPONDENT stated that he does not desire to contest the violations of the ACT and does not request a public hearing.

CONCLUSIONS OF LAW

9. Pursuant to §5-19A-11 of the Act, a person may not engage in business as a pawnbroker unless the person has a valid license authorizing engagement in the business. A separate license is required for each place of business and the license is to be obtained from the Supervisor, Bureau of Loans. Section 5-19A-1 defines the Supervisor as the Supervisor of the Bureau of Loans of the Alabama State Banking Department.

10. Section 5-19A-17 of the Act provides that when the Supervisor has reasonable cause to believe that a person is violating the Act, the Supervisor, in addition to and without prejudice to

the authority provided elsewhere in the Act, may enter an order requiring any person to stop and refrain from violations of the Act.

WHEREAS, RESPONDENTS agree that the activities of the RESPONDENTS were conducted without benefit of the required license under the Act, and further acknowledge and agree that the information and assertions presented to the Department are true and correct; and

WHEREAS, the Department finds that RESPONDENTS have violated §5-19A-11 of the Alabama Pawnshop Act by operating pawnshops without the benefit of the license required by the Act; and

WHEREAS, RESPONDENTS are now fully aware of the requirements of the Alabama Pawnshop Act and the licensing requirements therein; and

WHEREAS, RESPONDENTS have decided that they do not desire to contest the violations of the Alabama Pawnshop Act and do not desire to request a public hearing, and instead desire to fully and finally settle this matter with the Department without a public hearing on the terms and conditions set forth herein; and

WHEREAS, the Department having determined that this Order is necessary and appropriate, The Supervisor of the Bureau of Loans, hereby ORDERS the following:

1. RESPONDENTS shall complete and submit an application for license for each location to the Department immediately upon issuance of this Order.
2. RESPONDENTS shall immediately and hereafter abide by all laws and regulations applicable to the operation of their business
3. RESPONDENTS shall immediately and hereafter ensure that proper procedures are enacted to preclude any future non-compliance with the Act.

4. RESPONDENTS shall pay an administrative assessment of two thousand five hundred dollars (\$2,500.00) to the Department. The assessment shall be certified funds and paid contemporaneously with the entry of this Order.

The provisions of this Order shall be binding upon Byron's Jewelry Pawn, Byron Johnson, any affiliated parties, and any successors and assigns thereof.

The provisions of this Order shall not bar, estop, or otherwise prevent the Department, or any other State or Federal agency or department from taking any other action against Byron's Jewelry Pawn, Byron Johnson, or any successors and assigns thereof.

This Order shall be effective immediately.

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AGREED AND CONSENT to on the dates indicated:

RESPONDENTS:

Byron Johnson
BYRON'S JEWELRY PAWN, LLC
BY: ORGANIZER AND OPERATOR

11/13/2014
DATE

Byron Johnson
BYRON JOHNSON

11/13/2014
DATE

Entered at Montgomery, this the 14~~th~~ day of November, 2014.

Alabama State Banking Department
401 Adams Avenue, Suite 680
PO Box 4600
Montgomery, Alabama 36103-4600
(334) 242-3452

BY: /s/ Scott Corcadden
Scott Corcadden, Supervisor, Bureau of Loans