

**STATE OF ILLINOIS**  
**OFFICE OF BANKS AND REAL ESTATE**  
**BUREAU OF BANKS AND TRUST COMPANIES**

IN THE MATTER OF: )  
 ) No. 2004-BBTC-02  
Gold & Diamond Exchange Pawn Shop, Inc. )  
1004 West University Avenue )  
Urbana, Illinois 61801 )

**ORDER ASSESSING CIVIL MONETARY PENALTY**  
**AND COMPELLING RESTITUTION**

The COMMISSIONER OF BANKS AND REAL ESTATE (the “Commissioner”), having conducted an examination of facts related to Gold & Diamond Exchange Pawn Shop, Inc., 1004 West University Avenue, Urbana, Illinois (“Gold & Diamond”), and having found that Gold & Diamond has committed multiple violations of the Pawnbroker Regulation Act [205 ILCS 510/0.01 *et seq.*] (the “Act”), hereby issues this ORDER pursuant to the authority provided by Section 0.05 of the Act.

**FINDINGS OF FACT**

The Commissioner FINDS the following:

1. Gold & Diamond is a licensed pawnbroker located at 1004 West University Avenue, Urbana, Illinois;
2. On at least 47 occasions between January 20, 2003 and November 20, 2003, Gold & Diamond made pawn loans pursuant to which it contracted for and received a monthly finance charge, including interest and fees, in excess of one-fifth of the loan amount;
3. On at least 23 occasions between January 20, 2003 and November 20, 2003, Gold & Diamond failed to record the serial number or identification number of an item pledged in connection with a pawn loan when the item pledged bore a serial number or an identification number;
4. On at least 58 occasions between January 20, 2003 and November 20, 2003, Gold & Diamond failed to record the time of pledging in connection with a pawn loan;
5. Gold & Diamond failed to maintain pawn records and pawn tickets for numerous pawn loans that occurred in the three-year period ending November 20, 2003;

6. Section 2 of the Act provides that a pawnbroker may contract for and receive a monthly finance charge, including interest and fees, on pawn loans not to exceed one-fifth of the loan amount;
7. Section 5 of the Act requires a pawnbroker to record the serial number or identification number of every item pledged that bears such a number;
8. Section 5 of the Act requires a pawnbroker to record the time of pledging of an item for every pawn loan made;
9. Section 6(b) of the Act requires a pawnbroker to maintain pawn records and pawn tickets for every pawn loan for at least three years after the date on which the pawn record or pawn ticket was prepared; and
10. Section 0.05 of the Act provides the Commissioner the authority to issue orders for the purpose of administering the Act and to assess a civil monetary penalty against any person for each violation of any provision of the Act.

## **CONCLUSIONS OF LAW**

The Commissioner CONCLUDES:

1. That by contracting for and receiving a monthly finance charge in excess of one-fifth of the loan amount on at least 47 occasions, Gold & Diamond violated Section 2 of the Act at least 47 times;
2. That by failing to record the serial number or identification number of an item pledged in connection with a pawn loan on at least 58 occasions when the item pledged bore such a number, Gold & Diamond violated Section 5 of the Act at least 58 times;
3. That by failing to record the time of pledging of an item in connection with a pawn loan on at least 23 occasions, Gold & Diamond violated Section 5 of the Act at least 23 times; and
4. That by failing to maintain pawn records and pawn tickets for every pawn loan made for the three-year period ending November 20, 2003, Gold & Diamond violated Section 6(b) of the Act each and every time a pawn record or a pawn ticket was not maintained.

## **NOW THEREFORE IT IS HEREBY ORDERED:**

1. Gold & Diamond shall be and hereby is assessed a civil monetary penalty in the amount of \$2,000.00 pursuant to Section 0.05(a)(6) of the Act;
2. The civil monetary penalty in the amount of \$2,000.00 shall be paid no later than 60 days after service of this ORDER upon Gold & Diamond;

3. The civil monetary penalty in the amount of \$2,000.00 shall be paid by means of a certified check or money order made payable to the Office of Banks and Real Estate;
4. Pursuant to Section 0.05(a)(2) of the Act, Gold & Diamond shall make restitution to all persons who paid Gold & Diamond a monthly finance charge in excess of the amount permitted by Section 2 of the Act during the period beginning January 20, 2003 and ending November 20, 2003;
5. The restitution to be made by Gold & Diamond to each person affected shall be in the amount which the monthly finance charge exceeded one-fifth of the loan amount and shall be made no later than 60 days after service of this ORDER upon Gold & Diamond;
6. Restitution payments shall be made in a manner satisfactory to the Commissioner, and a copy of this ORDER shall accompany each restitution payment; and
7. Gold & Diamond shall supply the Commissioner with written proof satisfactory to the Commissioner that restitution has been made.

ORDERED THIS 6th DAY OF JANUARY, 2004.

SCOTT D. CLARKE  
ASSISTANT COMMISSIONER  
STATE OF ILLINOIS  
OFFICE OF BANKS AND REAL ESTATE

You are hereby notified that this ORDER is an administrative decision. Pursuant to 38 Ill. Adm. Code, Section 392, any party may file a request for a hearing on an administrative decision. The request for a hearing shall be filed within 10 days after the receipt of an administrative decision. A hearing shall be held within 30 days after the receipt by the Commissioner of Banks and Real Estate of a request for a hearing. Absent a request for a hearing, this Order shall constitute a final administrative order subject to the Administrative Review Law [735 ILCS 5/3-101 *et seq.*].