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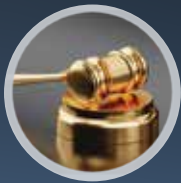
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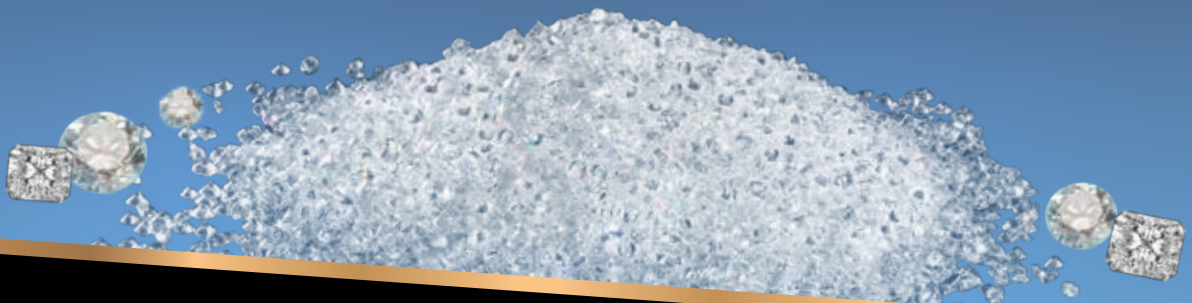
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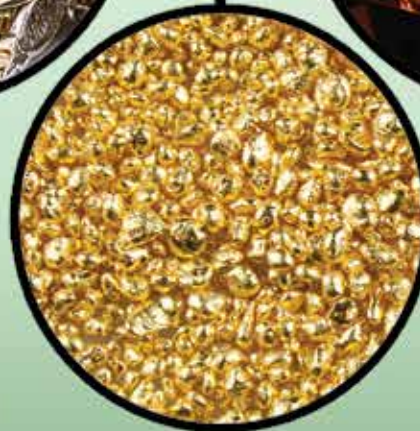
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## OFFICERS

**Stan Lukowicz, III**  
*President*  
Loyalty Pawn  
1708 Broadway  
Sacramento, CA 95818  
Phone: 916-822-5626  
stanjr@loyaltypawn.com

**Patrick Rogers**  
*President-elect*  
Perris Pawn & Hemet Pawn  
310 E 4<sup>th</sup> Street  
Perris, CA 92570  
Phone: 951-443-1716  
pat@perrispawn.com

**Michael Klass**  
*Treasurer*  
Santa Monica Jewelry  
and Loan  
408 Broadway  
Santa Monica, CA 90401  
Phone: 310-451-2840  
mk@pjloan.com

**Mike Herda**  
*Secretary*  
Atlas Loan & Jewelry  
16522 Bellflower Blvd.  
Bellflower, CA 90706  
Phone: 562-263-7296  
atlaspawn@aol.com

**Jan Schneider**  
*Immediate Past President*  
R & J Jewelry & Loan  
1775 Story Rd., #115  
San Jose, CA 95122  
Phone: 408-295-3610  
jewelryjan@att.net

## STAFF

**Kimberly Andosca**  
*Executive Director*  
CAPA  
One Capitol Mall, Suite 800  
Sacramento, CA 95814  
Phone: 916-669-5322  
Fax: 916-444-7462  
kandosca@amgroup.us

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## Directors

**Israel Adato**  
*Express Financial Services*  
561 E. San Ysidro Blvd.  
San Diego, CA 92173  
Phone: 619-428-8003  
israeladato@yahoo.com

**Moris Adato**  
*Cashco Jewelry & Loan*  
4502 University Avenue #103  
San Diego, CA 92105  
Phone: 619-215-9653  
morisgg@me.com

**Lucio Aguilar**  
*Empire Jewelry & Loan, Inc.*  
24571 Sunnymead Blvd.  
Moreno Valley, CA 92553  
Phone: 951-242-3215  
lucioaguil26@gmail.com

**Danielle Batha-Bengtson**  
*Chico Cash Exchange*  
1923 Park Avenue  
Chico, CA 95928  
Phone: 530-892-2222  
dbarthabengtson@gmail.com

**Tim Cassidy**  
*Cassidy's Jewelry & Loan*  
393 E. Market Street  
Stockton, CA 95202  
Phone: 209-462-7593  
cas12744@aol.com

**Steve Chandler**  
*Jewelry-N-Loan*  
1872 Newport Blvd.  
Costa Mesa, CA 92627  
Phone: 949-645-0488  
steve@jewelrynloan.com

**Tony DeMarco**  
*Western Loan & Jewelry*  
4818 Whittier Blvd.  
Los Angeles, CA 90022  
Phone: 323-268-4120  
westernloan@aol.com

**Jesse Farmerie**  
*Lambert Pawn Shop*  
14158 Lambert Rd.  
Whittier, CA 90605  
Phone: 562-945-0290  
jfarmerie@gmail.com

**Stephen Foster**  
*Fresno Coin Gallery Jewelry & Loan, Inc.*  
4616 N Blackstone Avenue  
Fresno, CA 93726  
Phone: 559-222-2646  
fresnocoin@aol.com

**Steve Jacobson**  
*Mr. Steve's Pawn Shop*  
2800 S. Western Avenue  
Los Angeles, CA 90062  
Phone: 323-735-0110  
mrstevespawnshop@yahoo.com

**David Lisso**  
*AJ's Superpawn*  
496 E Holt Avenue  
Pomona, CA 91767  
Phone: 909-622-0334  
nfmalice@gmail.com

**Daniel Lukowicz**  
*Capital City Loan & Jewelry*  
5656 Auburn Boulevard #1  
Sacramento, CA 95841  
Phone: 916-334-7296  
dan@capitalcityloan.com

**Keven Pedersen**  
*Salinas Pawn*  
431 E Market Street  
Salinas, CA 93905  
Phone: 831-422-7296  
slnspwn@aol.com

**Alfonso Rivera**  
*Lincoln Pawn Shop*  
2673 W Lincoln Avenue  
Anaheim, CA 92801  
Phone: 714-229-5864  
alfonso@pawnanahaim.com

**Sam Shocket**  
*King's Jewelry & Loan*  
800 South Vermont Avenue  
Los Angeles, CA 90005  
Phone: 213-383-5555  
sam@kingspawn.com

**Scott Tiemann**  
*Central Mega Pawn*  
11031 S. Central Avenue  
Ontario, CA 91762  
Phone: 909-627-9622  
centralloan@gmail.com

## Trustee

**Angel Manzano**  
*R&J Jewelry and Loan*  
1775 Story Road #115  
San Jose, CA 95122  
Phone: 408-295-3610  
pawnfather@gmail.com

## CAPA Vendor Council Co-Chairs

**Seth Ward**  
*Union Life and Casualty*  
seth@ulcinsurance.com

**Rafael Amador**  
*United Precious Metals*  
rafael@unitedpmr.com



Stan Lukowicz, III

# President's Message

**H**ello Team CAPA (California Pawnbrokers Association),

This is my first president's newsletter, I want to share a little history about myself and my pawn brokering history, end with a snapshot of my

leadership style and vision for my term but would first like to share part of my own company December newsletter (which we do monthly).

"I truly hope you all had an amazing Thanksgiving! It is that time of the year that I feel we must think of others; our team members, family, and our clients. We are in business to make a profit for sure, but we want to do that by living our Vision, Values and Goals. We produced those and I believe we have been able to truly grow and do a better job of living these Values and have done an incredible job of building our culture. Culture makes profit; culture amongst us, culture with our teams and culture with our clients. If we did not have clients, SLA team members, our leadership teams, and our corporate office ... HR, and our bookkeeper, we would not be in business. I feel we have built a culture where each part of our puzzle relies on the other to run an efficient and profitable company..."

I hope that we can all express the importance of our team members and clients, especially during this time of appreciation, holidays, and joy. I for one am grateful for this industry and all it has done for me and my family. Thank you all for being members of CAPA (California Pawnbrokers Association).

Okay, now a little about me (if you do not already know). My name is Stan Lukowicz, III, I have been a pawnbroker for 30 years. I was fortunate enough to open a pawnshop in Sacramento, Capital City Loan & Jewelry with my father. I was incredibly lucky because I was a dumb 18-year-old, my father a brilliant self-made businessman, NOT BROKE! I was incredibly happy making \$25.00 a day, until I got kicked out of my parents' house, as my father would put it do I have to buy us a business and pay for room and board, he was not wrong and as difficult as it was, it was another great lesson for me from my father. From there it was learning and growing, then more learning and growing, then more of the same. Much of this learning came from my father sitting on the board for many years and that is when I became a board member, not exactly sure when I became the board member as I attended most meetings with my father. My brother Daniel Lukowicz (also a board member), worked for the company and then became a partner a few years out of high school. Daniel and I grew the company, with the help of Keven and Dannie Pedersen (Keven is the one who thinks he is

funny and a board member) to nine locations. We did get a few raises in between but per my father's guidance we re-invested as much as possible back into the company to keep our debt as small as possible. This strategy worked extremely well for our company, however as great as it was working within a family business is not always as easy as it may seem (I feel many of us are far too aware of this). It was a hard decision, but we split our company five years ago as amicably as possible, again not with some great holiday discussions, but we worked it out and are a close family and even closer competitors. During the shut-downs and looting one of my locations was looted and the first people to help were my brother and his general manager. In conclusion, I currently operate 4 locations



Sam and Jan at the game.

under the name of Loyalty Pawn in Sacramento and my father and brother operate 4 locations under Capital City Loan & Jewelry. We are successful competitors along with other long-standing members of CAPA; California Loan and Jewelry (Est. 1909, WOW!), Best Collateral and others. I wanted to share some of my story and show appreciation to all pawnbrokers in this industry. The ones that started me out from my father, to my team, to my competitors and especially to OUR CAPA!

I believe I have been given an amazing board from Jan Schnieder the “Pawn Mama” and some new, ambitious board members. You can ask my own team “I am not a micro manager” that style does not work well for me (I did that for a lengthy period of my career, and it did not work FOR ME). I have asked many of your board members to lead our committee positions and I believe we will continue the success we have had in the past with the leadership teams that are soon to be set in place. I will give directions to our chairs and take direction from them and their committee. They will run each committee with timely reports to the board and/or executive committee. The chairs will run each committee and the entire board with lengthy discussion will vote on how to proceed with each topic, and we will share that with our membership in emails, newsletters, social media posts and conferences. That is how this board will work or should. I do not know of any perfect board, but that is my goal.

We are a team AND I mean that this entire member-

ship is a team we take the highs (fee increases, defeating negative regulation, incredible member/member interactions, etc.) and we will take the low (pandemic, federal issues, and lawsuits, etc.) TOGETHER. We are all aware of this I hope that some of what I have said, and I have opened to will show that the board and myself are here for this industry. Help us protect the industry in California not just for ourselves, but for our clients. I have learned, grown and made more money due to CAPA as we all have. I show my commitment to this industry I will match up to \$10,000 any non-board members (board members already, put in more than \$2000.00 each, also for many years \$5000) commitment to our association. I am committed to leading this association in making our social media more efficient, communication between members and association leadership (in all committees), we have the best legislative team our industry has ever seen that will continue to happen, with your help bring new members, open family friendly conventions and holding myself and our board accountable as has always been done.

We are all business owners. My fellow CAPA Board members work for free and are happy to do it, but we do need help, time, and money. I would also add to this letter how lucky we are to have the Mastagni Law firm and Kim Andosca the best executive director in the business, and her entire team at AMG. Thank You.

*Stan Lukowicz, III*  
CAPA President ■



Tony DeMarco

## CAPA Negotiates to Extend New CAPSS Implementation

**W**ith the passage of SB1317 that will protect our customers information from being shared with Government

Agencies, the DOJ was set to turn on the new format without giving the industry enough time to comply. CAPA had several meetings with the DOJ's CAPSS team. In those meetings we convinced them to push back the implementation date until such time our software provides had time to build and test the new reporting format. This was no easy task. Especially during the holidays. Here is how this will work. We are reaching out to all CAPA software vendors to develop the new reporting format. This will probably take about one month. If your software vendor is not a CAPA vendor, please do two things: 1)tell them to join CAPA! 2)point them to the CAPSS resources page for the new instruc-

tions. They must start developing immediately for the changeover will happen very soon.

In addition to the format changes (removing all customer info, print, & signature), your vendor must also allow you to produce a customer record of ALL information (including customer info) on each transaction if law enforcement requests this. It's the law. This should be produced in a pdf format so you can print or email this info upon request. I cannot tell you what a huge accomplishment SB1317 was to our industry. Our customer records have been on display for decades, even showing up on 3rd party databases. Profiling our customers has now been stopped. You can now assure your customers that no one will have access to their information or be susceptible to governmental data breaches. Happy New Year members, more to come from CAPA.

*Tony DeMarco* ■



Alberto Torrico



Cathleen Galgiani

# Capitol Report

The 2022 election saw the departure of 9 members of the 40 member Senate. In the Assembly, we acknowledged that 23 of the 80 lawmakers who were sworn into office in December 2020 wouldn't be returning in 2022. We will also be saying goodbye to three more incumbent Assemblymembers who won their primary elections but failed to win their general elections. Assemblymember Ken Cooley lost a close election to Republican newcomer Joshua Hoover. In two closely watched races with both challengers being incumbents, Cottie Petrie-Norris won the race against Steven Choi, and Marie Waldron defeated Randy Voepel. We wish to thank each and every departing member for their many years of public service.

## State Legislative Races

Results for several races were not finalized until after Thanksgiving as county elections offices continued to process tens of thousands of mail-in ballots. As of December 5<sup>th</sup>, the swearing-in date for new Legislators, two races were still too close to call with candidates in both battles holding onto 50% of the vote. Now that all votes have been officially reported to the Secretary of State, incumbent Democratic Senator Melissa Hurtado has won with a 20-vote lead over Republican challenger David Shepard in the Central Valley's 16<sup>th</sup> Senate District in what appears to be the second closest legislative race in California history. In the 47<sup>th</sup> Assembly District stretching across San Bernardino and Riverside counties, Republican Greg Wallis won the race against Democrat Christy Holstege by a razor-thin edge of 85 votes. The Wallis vs Holstege race is the closest Assembly race since November of 1980 when then newcomer Patrick Johnston beat incumbent Adrian Fondse in the Central Valley by 35 votes after a recount of ballots was finalized in March the following year.

After the shake-up, the Assembly consists of 62 Democrats and 18 Republicans, while the Senate is composed of 32 Democrats and 8 Republicans. Prior to the election the Republicans held 19 seats in the Assembly, and 9 seats in the Senate.

## New Legislative Leadership

December 5<sup>th</sup> was a day of celebration as newly elected legislators were sworn into office. In their first official act, new Assemblymembers formally voted to adopt the succession plan for a new speaker which was largely forged by the preceding class prior to November's elections. Speaker Anthony Rendon will remain in the leadership position until June 30, 2023 when the carefully crafted transition of power to Assemblymember Robert Rivas from Hollister becomes official.

Last May, Assemblymember Rivas announced publicly that he had secured the 34 pledges necessary to succeed Speaker Rendon. Despite a six-hour debate in the Democratic Caucus, Assemblymembers stopped short of calling a vote as Speaker Rendon had not chosen to step down and members wanted to avoid any political fall-out. Months of jockeying and lobbying of new Assembly candidates followed as nearly a third of the Assembly seats would be changing hands. In the end a deal was made between Rendon and Rivas, sparing the new class





from a bitter fight, and the high-stakes gamble of picking the right horse or crippling political futures.

By holding onto the gavel until June of next year, Speaker Rendon will become the longest-serving speaker since the adoption of term limits in 1992. Willie Brown, who ruled the lower house from 1980-1995, holds the record as the longest-serving speaker in California history.

Meanwhile on the red carpet, Senate Minority Leader Scott Wilk voluntarily stepped down paving the way for Senator Brian Jones of Santa Clarita to lead the Republican Caucus. And Pro Tem Toni Atkins will continue leading the Democratic majority in the position she's held since March of 2018.

### Governor Newsom Signs CAPA Sponsored "Item Only" Legislation

CAPA is proud to announce that Governor Gavin Newsom signed Senate Bill 1317 (Bradford) to prevent our customers' personal identifying information from being stored in the DOJ's California Pawn and Second-hand Dealer System (CAPSS). Pawnbrokers can now assure our customers that their transactions are strictly confidential.

SB 1317 faced stiff opposition from law enforcement whose members made an aggressive lobbying effort once the bill hit the Assembly floor during the last week of the legislative session. The Sheriffs' Association argued that the change in reporting would delay investigations of property crimes, and the Police Chiefs' Association asserted that the "deterrent" effect of placing the personal information in CAPSS would be lost. CAPA countered that these arguments were misplaced. First of all, under SB 1317 the personal information of each customer would still be collected and stored. Secondly, pawn brokers would be required to provide the personal identifying information immediately upon request from law enforcement.


In a very close vote, SB 1317

passed the Assembly floor and the stand-off with law enforcement continued once our bill made it to the Governor's office. CAPA argued that the impact of identity theft is devastating, and the process for restoring a victim's credit and financial well-being can take years. Furthermore, the reality is that many law enforcement departments, particularly in small and disadvantaged communities, simply lack the budget and personnel to pursue and prosecute crimes of identity theft. In the end, we were able to convince the Governor that protecting property should never outweigh the importance of

protecting people from identity theft and he signed SB 1317 into law.

CAPA continues to work with Department of Justice (DOJ) staff so that we are prepared to fully comply with both AB 1969 and SB 1317 after January 1, 2023. Over the past two years, DOJ staff have been working on regulations and implementation for AB 1969 affecting those who use a Matrícula Consular for identification purposes. Once the DOJ provides the platform and format for loading item descriptions, it is incumbent upon them to provide pawn brokers all instructions on uploading item information. ■

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# CAPA CONTRACTS AND FOREIGN LANGUAGE CUSTOMERS

**W**hat is a pawnbroker required to provide to a customer that does not speak English when the customer seeks to enter a pawn transaction?

If a business enters into a contract, such as a pawn transaction, **and** the customer and the pawnbroker “negotiate **primarily** in Spanish, Chinese, Tagalog, Vietnamese, or Korean” then the pawnbroker “**shall**” provide a “translation” of the “contract” in the language in which the “contract... was negotiated”. The “translation” must include “every term and condition” in the contract. The translation must be provided **before** the contract is signed by the customer.

Additionally, the pawnbroker must provide a “notice” in the specified languages (“Spanish, Chinese, Tagalog, Vietnamese, or Korean”) that is “conspicuously displayed” that states the pawnbroker is required to provide the “contract” in the language “negotiated” or a “translation”. (*See Reyes v. Superior Court (1981) 118 Cal.App.3d 159.*)

Moreover, the way “contract” is defined includes “any subsequent document making substantial changes in the rights and obligations of the parties.” On its face, this would appear to require that if a pawnbroker sends a “grace notice” to a client which needed a contract “translated” the “grace notices” would need to be translated as well. (*See Reyes, supra, 118 Cal.App.3d 159.*)

A translation may retain the following elements of the executed English-language contract or agreement without translation: names and titles of individuals and other persons, addresses, brand names, trade names, trademarks, registered service marks, full or abbreviated designations of the make and model of goods or services, alphanumeric codes, numerals, dollar amounts expressed in numerals, dates, and individual words or expressions having no generally accepted non-English translation.

The translation *may* be signed, but it is not required under statute. However, in order to show that the translation was provided *before* the “contract” was signed, it would be prudent to include – on the translation document at the end – a disclaimer that the translation was provided before the English contract was signed and a signature block for the customer.

It is advisable that the pawnbroker provide a translation

of the contract and have the customer sign the English “contract” for a host of reasons.

First, California law has specific font requirements which are more easily satisfied in the current CAPA contract.

Second, the current format and content of the CAPA contract satisfies federal law (*e.g.*, TILA, Reg. Z, MLA, *etc.*).

Third, “the terms of the contract or agreement that is executed in the English language shall determine the rights and obligations of the parties.” A “translation” is required to satisfy the statute; however, care should be exercised in making sure the translation accurately communicates the “material terms and conditions of the contract.” If the translation is not carefully done, the translation “shall be admissible in evidence only to show that no contract was entered into because of a substantial difference in the material terms and conditions of the contract and the translation.” Failure to comply with the statute may result in the contract being rescinded by the customer.

If the customer has their own translator, who is not a minor, that can and does translate the contract, then a translation is not required. (*See Cal. Civ. Code § 1632(h)(1)-(2); see also Lopez v. Asbury Fresno Imports, LLC (2015) 234 Cal.App.4th 71.*) However, if this issue were ever to be litigated, it makes a fact dispute of whether a translator was present, their age, etc. It seems most advisable for a pawnbroker to have a translation of each contract in the above referenced languages.

If you have any questions, comments, or concerns, feel free to contact Mastagni Holstedt, A.P.C. by email at CAPA@mastagni.com or by phone at (916) 491-4250.

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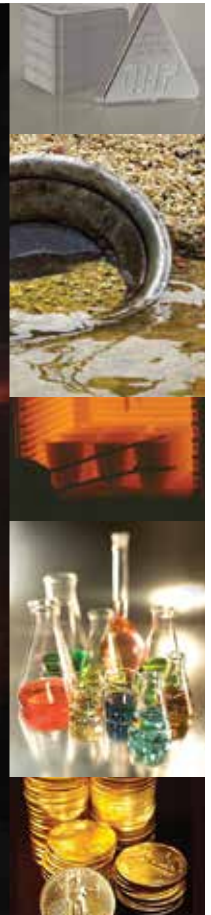


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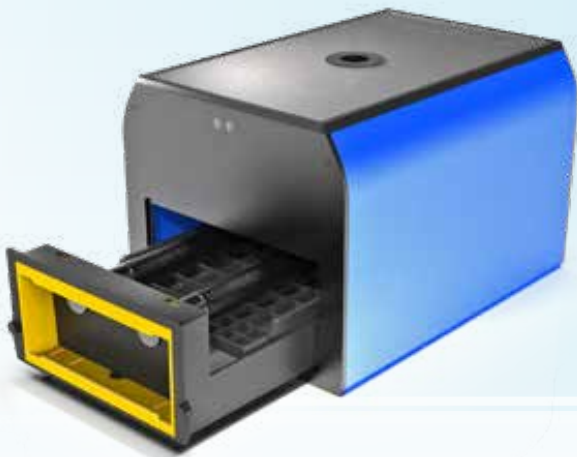
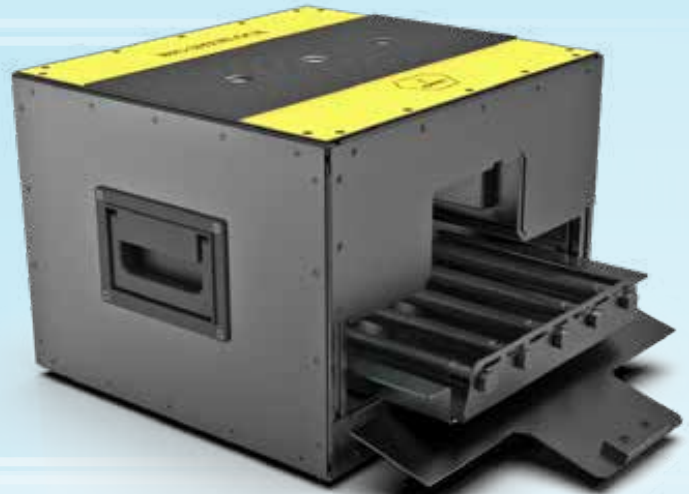
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— Jan Schneider, CAPA President

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**CALL NOW FOR YOUR APPOINTMENT**

# WHAT IS A "LAYAWAY"?

**A** "layaway" means an agreement by a retail seller with a consumer to retain specified consumer goods for sale to the consumer at a specified price, in earnest of which sale the consumer has deposited with the retail seller an agreed upon sum of money, and any other terms and conditions not contrary to law which are mutually agreed upon. (Cal. Civ. Code § 1749.1(c).) "Consumer good" means any article which is used or bought for use primarily for personal, family, or household purposes; (Cal. Civ. Code § 1749.1(a)) and "retail seller" means an individual, firm, partnership, corporation, joint stock company, association, organization, or other legal entity which engages in the business of selling consumer goods

to retail buyers. (Cal. Civ. Code § 1749.1(b).)

Any retail seller which permits consumers to lay away consumer goods must provide to any consumer entering into a layaway agreement with the seller a written statement of the terms and conditions of the agreement, including the following information: (1) the amount of the deposit received; (2) the length of time the goods will be held on layaway, which may be expressed as a period of time or as a date when final payment for the goods is due; (3) a specific description of the goods; (4) their total purchase price, including a separate listing of any handling or processing charges; (5) any other terms and conditions of the layaway agreement; and (6) that the seller will re-



## What is a "Layaway"?

fund any layaway deposit and subsequent payments, if any, when, before the end of the stated layaway period, the goods have for any reason become no longer available in the same condition as at the time of the sale to the consumer. (See Cal. Civ. Code § 1749.)

Any waiver by the buyer of consumer goods of the layaway provisions is contrary to public policy, unenforceable, and void. (Cal. Civ. Code § 1749.2.)

The remedies provided are cumulative and may not be construed as restricting any remedy that is otherwise available. (Cal. Civ. Code § 1749.3.) Moreover, the layaway provisions may not be construed to limit or reduce any legal obligations imposed under the legislation governing credit and retail installment sales or under any other applicable law. (Cal. Civ. Code § 1749.4; NOTE: Cal. Civ. Code § 1749.4 specifically references and cites to Cal. Civ. Code § 1801, et seq., also known as the Unruh Act.)

In addition to state laws, layaways may implicate federal law and regulation if not done carefully. Currently, there are no federal law that specifically governs layaway transactions. However, you should be aware of two federal laws—the Federal Trade Commission Act and the Truth in Lending Act—that could affect your layaway plan.

The Federal Trade Commission Act prohibits unfair or deceptive acts or practices in or affecting commerce. Failure to disclose important terms of your layaway plan under certain circumstances may violate the Act. The information contained in this booklet should enable you to avoid such potential violations.

Your layaway plan may be covered by the Truth in Lending Act if you require your customers to agree in writing to make all payments until an item is paid in full. If you do not bind your customer in writing to complete the layaway purchase, then the Truth in Lending Act does not apply. For further information about the requirements of the Truth in Lending Act, contact the Federal Trade Commission.

There are some particularly important aspects of layaway plans to consider disclosing. These include: cancellation and refund policies; payment plans; service or layaway charges; and the location, availability, and identification of layaway merchandise.

It is always a good business practice to inform cus-

tomers about your cancellation and refund policies because the absence of cancellation and refund information can be a great source of customer dissatisfaction. By disclosing these policies in writing, you may significantly reduce customer complaints and the possibility of dissatisfied customers taking their business elsewhere.

Retailers use a number of different refund policies for layaway transactions. Some give full or partial cash refunds if layaways are not completed. Others give credit toward future purchases. Unfortunately, California law is not clear on which one to follow. California Civil Code § 1749(3) requires a full refund of “any layaway deposit and subsequent payments, if any, when, before the end of the stated layaway period, the goods have for any reason become no longer available in the same condition as at the time of the sale to the consumer.” This would not seem to require a refund if the customer just stops paying or is unable to continue to make payments.

If you require a specific amount of money to be paid at set intervals (for example, every two weeks), or require payments to be completed within a set period of time (for example, within 60 days of the start of the layaway), it will help your layaway customers to know your exact requirements. This disclosure might include:

- the required payment amounts;
- the dates when payments are due; and
- the date when the final payment must be made, if applicable.

If you have any questions, comments, or concerns, feel free to contact Mastagni Holstedt, A.P.C. by email at [CAPA@mastagni.com](mailto:CAPA@mastagni.com) or by phone at (916) 491-4250.

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# APRIL 29 – 30, 2023

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- Up-to-the-minute details on important strategic legislative efforts in process...these efforts will enhance your business opportunities and your association in ways that will prepare us for the future.

## SCHEDULE BASICS

**SATURDAY, APRIL 29, 2023:**

Welcome Reception

**SUNDAY, APRIL 30, 2023:**

Breakfast and Lunch Provided,  
Education and Vendor Exhibits



**APRIL 29 – 30, 2023**

**RESORT AT SQUAW CREEK • 400 SQUAW CREEK ROAD • OLYMPIC VALLEY, CA 96146**

**ATTENDEE REGISTRATION FORM**

Member Store/Company Name: \_\_\_\_\_ Contact Person: \_\_\_\_\_  
 Street Address: \_\_\_\_\_ City, State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**FULL CONFERENCE**

*(Includes Welcome Reception, Breakfast & Lunch)*

**BADGES:**

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**CONSENT**

I understand that by participating in this CAPA event I consent to sharing my profile data and contact information with CAPA event partners. These partners may include exhibitors of companies that are supporting our event. If you do not want to consent to sharing your information, please check/click opt-out.

- I understand
- OPT-OUT

**Questions or Concerns?**  
**Call Evan at 916.669.5322 x117**

**COMMITMENT/PAYMENT**

Attendee Member: \$225 \$ \_\_\_\_\_  
 Attendee Non-Member: \$295 \$ \_\_\_\_\_  
 Employee/Guest: \$ \_\_\_\_\_  
 \$205 ea. # Persons \_\_\_\_\_

**TOTAL ENCLOSED:** \$ \_\_\_\_\_

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**Payment is due in full at the time of registration.**

Refunds requested on or before April 14, 2023, must be submitted in writing to CAPA and a \$25 processing fee per registration will be assessed for each cancellation.

**Mail, Fax or Email Completed Registration Form with Payment to:**

**California Pawnbrokers Association  
 One Capitol Mall, Suite 800  
 Sacramento, CA 95814  
 Fax: 916-444-7462  
 Email: ewise@amgroup.us**

# SNAPSHOTS FROM CAPA'S 2022 ANNUAL CONVENTION





# Launched: Pawnshops for Parks

**S**eth Ward's passion for parks stems from the fact that he spent most of his youth playing sports in the parks where he grew up in Idaho, New Jersey, Utah, and finally, Arizona. Now, he's launched a nonprofit that will enable pawnshops to enhance the lives in their communities through improvements to city parks and youth sports facilities.

It's an idea he's had for a long time. "This idea was first proposed in 2014, but this year I felt compelled to finally get it going. With the support of my family and many friends in the pawn industry today we are officially a 501C3 non profit. We have established bank accounts having already recieved funding by several California Pawnbrokers" he shared.

"It's important that we continue to make sure the children of today can enjoy safe and clean spaces to play. Whether playing tag or organized sports, it's critical we all do our part to preserve these public spaces. P4P provides a unique opportunity for the pawn industry to show that we care and are willing to help wherever we can."

Ward points out that the projects may range from simply planting a few trees in a local park to a full overhaul with new equipment and facilities—the potential is unlimited. "Serving others is the key," he adds.

"The pawn industry is filled with big hearts wanting to



make a difference, he adds, "so much different than the mostly-negative images depicted in movies and TV shows." ■

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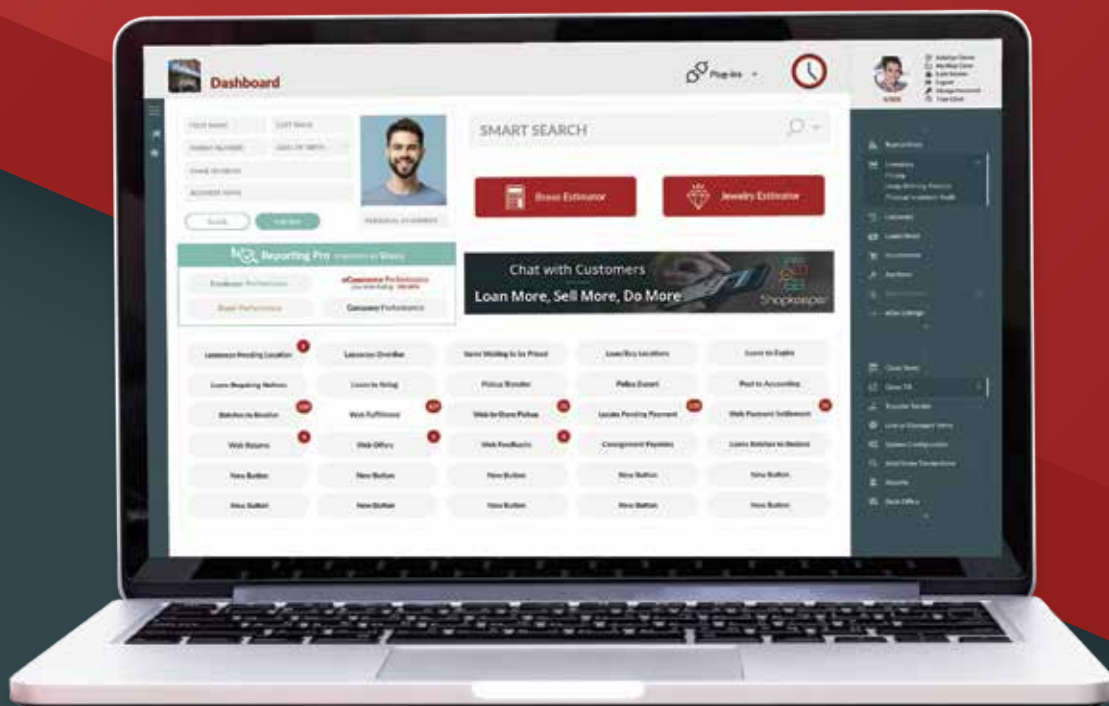
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