

**BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT
STATE OF OKLAHOMA**

STATE OF OKLAHOMA,)
ex rel., DEPARTMENT OF)
CONSUMER CREDIT,)
)
Petitioner)
)
v.)
)
MAYA GOLD, INC., d/b/a)
LOS MEJORES COMPRADORES DE ORO,)
)
Respondent)

FILED
MAR 25 2014
STATE OF OKLAHOMA
DEPARTMENT OF
CONSUMER CREDIT

Case No. 14-0014-DIS

FINAL AGENCY ORDER

ON THE 24th day of February, 2014, at approximately 1:38 p.m. (after providing additional time to the Respondent or his legal counsel, if any, to appear beginning at 1:30 p.m.), the above numbered and entitled cause (scheduled for 1:30 p.m.) came on for hearing at the Office of the Oklahoma Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

The State of Oklahoma, ex rel. Oklahoma Department of Consumer Credit (the “Department”), was represented by the Department’s General Counsel Roy John Martin and the Respondent Maya Gold, Inc., d/b/a Los Mejores Compradores De Oro, located at 420 SW 25th Street, Oklahoma City, Oklahoma 73109 (the “Respondent”), did not appear in person through a representative or through an attorney, after such Respondent having been mailed a copy of the Notice and Order of Hearing filed by the Department herein on January 27, 2014 (the “Notice of Hearing”), in Case No. 14-0014-DIS, pursuant to the requirements of Article II of the Oklahoma Administrative Procedures Act (the “APA”), 75 O.S. §§ 308a-323, by first class U.S. Mail

certified with return receipt requested to the Respondent's Registered Agent Abdelhameed Othman at the Respondent's business address at 420 SW 25th Street, Oklahoma City, Oklahoma 73109, and was delivered to the Respondent's Registered Agent by a representative of the U.S. Postal Service on January 27, 2014, as evidenced by the USPS Track & Confirm sheet 70110470000023744004 on February 24, 2014. The said USPS Track & Confirm sheet was attached to a sworn Affidavit of Service by the Department's General Counsel Roy John Martin attesting to service by certified mail return receipt requested delivery of the Notice of Hearing on January 29, 2014. Mr. Martin stated that the requested return receipt was not returned to the Department which is the reason he had submitted the said USPS Track & Confirm sheet as an attachment to his Affidavit of Service to evidence actual delivery of the Notice of Hearing by mail. When questioned as to whether the Department had secured good service on the Respondent by mail, Mr. Martin responded that yes the Department had good service.

The Department's General Counsel Roy John Martin announced that he had not heard from or spoken to the Respondent about its appearance at the hearing in person through a representative or through an Attorney. Continuing, Mr. Martin indicated that he wished to secure, in the absence of the Respondent who had an opportunity for a hearing and for whom he had good service, a judgment by default pursuant to 75 O.S. §309(E). Accordingly, the Independent Hearing Examiner announced from the bench that he was taking this matter under advisement.

After reviewing the administrative record of this individual proceeding, reviewing the arguments, testimony and evidence presented at the February 24, 2014 hearing, and reviewing the proposed order filed by Independent Hearing Examiner, Bryan Neal, the Administrator of Consumer Credit issues the following findings, conclusions and orders:

JURISDICTION AND AUTHORITY

1. The Administrator of Consumer Credit is charged with the administration and enforcement of the Precious Metal and Gem Dealer Licensing Act. 59 O.S., §1521 et seq.

2. No person, unless exempt by the Precious Metal and Gem Dealer Licensing Act, 59 O.S., §1521 et seq., shall operate as a precious metal dealer or employee without first obtaining a license from the Administrator specifically authorizing the person to act in such capacity. 59 O.S., §1523.

3. Any entity or individual offering to engage or engaged as a precious metal and gem dealer in this state without a license shall be subject to a civil penalty not to exceed Five Thousand Dollars (\$5,000.00). 59 O.S., §1528 (F).

FINDINGS OF FACT

The Administrator of Consumer Credit finds that the following facts were proven by clear and convincing evidence:

1. The proceedings in this matter were conducted in accordance with the provisions of the Precious Metal and Gem Dealer Licensing Act, 59 O.S. § 1521 et seq. and Article II of the Administrative Procedures Act, 75 O.S. §§ 308a-323.

2. The Respondent, who did not appear at the hearing on February 24, 2014, at 1:30 p.m., in person through a representative or through an attorney, received notice of the hearing in this matter set for February 24, 2014, at 1:30 p.m., by first class U.S. Mail return receipt requested through mail-delivery of a copy of the original Notice of Hearing filed in this matter on January 27, 2014, served upon the Respondent's Registered Agent Abdelhameed Othman at the

Respondent's business address at 420 SW 25th Street, Oklahoma City, Oklahoma 73109, by a representative of the U.S. Postal Service on January 27, 2014, as evidenced by the USPS Track & Confirm sheet 70110470000023744004 on February 24, 2014 through its attachment to the sworn Affidavit of Service by the Department's General Counsel Roy John Martin attesting to mail-delivery thereof on January 27, 2014.

3. The Respondent is a licensed precious metal and gem dealer; license number PM007599, which transacts business at 420 SW 25th Street, Oklahoma City, Oklahoma 73109.

CONCLUSIONS OF LAW

The Administrator of Consumer Credit concludes that based upon the evidence and testimony through the Respondent's default that:

1. Article II of the Administrative Procedures Act, 75 O.S., §309(E), provides that informal disposition may be made of any individual proceeding by default.

2. The Respondent, as a licensed precious metal and gem dealer, has violated 59 O.S. § 1530(B) by failing to:

Keep precious metal and gem transaction records for a period of four (4) years and making such records available during regular business hours for inspection by the Department of Consumer Credit and any law enforcement officer authorized by a law enforcement agency to inspect such records.

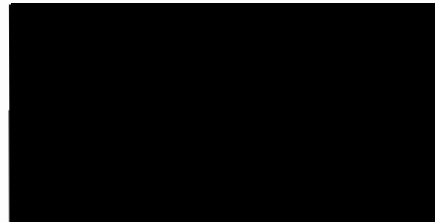
ORDER

Based upon the findings of fact and conclusions of law in this individual proceeding and based upon the recommendation of the Independent Hearing Examiner, the Administrator of

Consumer Credit issues the following orders:

1. The Respondent shall be fined in the amount of One Thousand Dollars (\$1,000.00) as authorized in 59 O.S., § 1528(B)(3), and that, as the Respondent, through its default, is not the prevailing party, the Respondent shall be assessed two hundred and seventy dollars (\$270.00) for hearing costs incurred in this matter as authorized in 59 O.S., § 1528(A).

So ordered this ~~25~~²⁴ day of March, 2014.



~~Scott Lesner~~
Administrator of Consumer Credit
State of Oklahoma

