BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel., DEPARTMENT OF CONSUMER CREDIT,	)	
Petitioner	)	
v.	)	Case No. 14-0034-DIS
AMERICAN COIN AND JEWELRY,	)	
Respondent	)	

FINAL AGENCY ORDER

ON THE 5th day of May, 2014, at approximately 1:40 p.m. (after providing additional time to the Respondent or its 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" or "Petitioner"), was represented by the Department's General Counsel Roy John Martin and the Respondent American Coin and Jewelry, located at 4347 SE 15th Street, Del City, Oklahoma 73115 (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 February 26, 2014 (the "Notice of Hearing"), in Case No. 14-0034-DIS, pursuant to the requirements of Article II of the 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 business address at 4347 SE 15th Street, Del City, Oklahoma

73115, and was delivered to the Respondent by a representative of the U.S. Postal Service on March 15, 2014, as evidenced by 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 March 15, 2014, to which was attached the return receipt signed by Scott Levine.

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).

After reviewing the administrative record of this individual proceeding, reviewing the arguments, testimony and evidence presented at the May 5, 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. The Administrator may, after notice and hearing, deny, decline to renew a license, suspend or revoke any license, order a cease and desist order, impose an administrative fine in an amount not to exceed Five Thousand Dollars ($5,000.00) or impose a combination of such penalties if it is found that the applicant has been convicted of a felony or crime involving fraud, theft, receiving or possession of stolen property in the five (5) years preceding the submission of

the application; the licensee has failed to pay any fee or charge properly imposed by the Administrator under the authority of the Precious Metal and Gem Dealer Licensing Act; the licensee or any entity or individual subject to the Precious Metal and Gem Dealer Licensing Act has violated any provision of the Precious Metal and Gem Dealer Licensing Act or any rule promulgated or order made pursuant to and within the authority of the Precious Metal and Gem Dealer Licensing Act; or any fact or condition exists which, if it had existed or had been known to exist at the time of the original application for a license, clearly would have justified the Administrator in refusing the license. 59 O.S. § 1528(B).

3. 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.

4. 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 the hearing on May 5, 2014, at 1:30 p.m., in

person or through an attorney, received notice of the hearing in this matter set for May 5, 2014, at 1:30 p.m., by first class U.S. Mail certified return receipt requested through mail-delivery of a copy of the original Notice of Hearing filed in this matter on February 12, 2014, served upon the Respondent at the business address of the Respondent at 4347 SE 15th Street, Del City, Oklahoma 73115, by a representative of the U.S. Postal Service on March 15, 2014, as evidenced by the sworn Affidavit of Service by the Department's General Counsel Roy John Martin attesting to mail-delivery thereof on March 15, 2014, to which was attached the return receipt signed by Scott Levine.

3. The Respondent is registered with the Oklahoma Secretary of State, registration number 3612366509.

4. The Respondent is a licensed precious metal and gem dealer; license number PM001443, at 4347 SE 15th Street, Del City, OK 73115.

5. On December 3, 2013 and December 4, 2013, Consumer Credit Examiner, Rich Kellogg, visited the Respondent's business location at 4347 SE 15th Street, Del City, OK 73115 to conduct an inspection of the Respondent's precious metal and gem transactions.

6. The Report of Inspection issued by the Petitioner, dated December 4, 2013, attached to the Notice of Hearing and incorporated by reference both therein and herein, states that the Respondent failed to obtain the addresses of the seller, signature of the seller, the dollar amount of the item, and failed to document a description of the precious metal and gem items in numerous transactions in 2012 and 2013.

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 has violated 59 O.S. § 1530(A) and (B) by failing to:

   A. Keep a record of any transaction with any person involving the purchasing of any used item made, or containing in whole or in part, any precious metal, or gem, the following information:

      1. An account and description of the item purchased, including, if applicable, the manufacturer's name, the model, the model number, the serial number and any engraved marking;
      2. The amount of money involved in the transaction;
      3. The date;
      4. The name, address and driver's license number of the person involved in the transaction with the dealer; if the person has no driver's license, then the date of birth and general physical description, including hair color and approximate height and weight of that person; and
      5. The signature of the seller.

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 is hereby found to be a licensed precious metal and gem dealer that has violated 59 O.S., § 1530(A) by failing to keep precious metal and gem transaction records of certain transactions with any person involving the purchasing of any used item made,

or containing in whole or in part, any precious metal, or gem, the following information: (1) an account and description of the item purchased, including, if applicable, the manufacturer's name, the model, the model number, the serial number and any engraved marking; (2) the amount of money involved in the transaction; (3) the date; (4) the name, address and driver's license number of the person involved in the transaction with the dealer; if the person has no driver's license, then the date of birth and general physical description, including hair color and approximate height and weight of that person; and, (5) the signature of the seller.

2. The Respondent, having been found in violation of 59 O.S., § 1530(A) as provided above, shall be fined in the amount of ONE THOUSAND THREE HUNDRED DOLARS ($1,300.00) as authorized in 59 O.S., § 1528(B), and that, as the Respondent, is not the prevailing party, the Respondent shall be assessed TWO HUNDRED AND SIX DOLLARS ($206.00) in costs incurred in this matter as authorized in 59 O.S., §1528(A).

WITNESS my hand this 17th day of June, 2014.

Scott Lesher
Administrator of Consumer Credit
State of Oklahoma