BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT
STATE OF OKLAHOMA

FILED
APR 10 2014
STATE OF OKLAHOMA
DEPARTMENT OF
CONSUMER CREDIT

STATE OF OKLAHOMA, ex rel., DEPARTMENT OF CONSUMER CREDIT, Petitioner	)	
v.	)	Case No. 14-0035-DIS
JBJ JEWELERS, INC., d/b/a HUNT'S GOLD & SILVER EXCHANGE, Respondent	)	

FINAL AGENCY ORDER

ON THE 10th day of March, 2014, at approximately 1:35 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"), was represented by the Department's General Counsel Roy John Martin and the Respondent JBJ Jewelers, Inc. d/b/a Hunt's Gold & Silver Exchange, located at 4551 NW 23rd Street, Suite 2000, Oklahoma City, Oklahoma 73127 (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 12, 2014 (the "Notice of Hearing"), in Case No. 14-0035-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 at the Respondent's business

mailing address at 104 W. Main Street, Ardmore, Oklahoma 73401, and was delivered to the Respondent by a representative of the U.S. Postal Service on February 14, 2014, as evidenced by the 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 February 14, 2014, with a return receipt attached thereto signed by Shelly Preston.

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 March 10, 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 and gem 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 through the Respondent's default 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 March 10, 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 March 10, 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 Respondent's business mailing address at 104 W. Main Street, Ardmore, Oklahoma 73401, by a representative of the U.S. Postal Service on February 14, 2014, as evidenced by the sworn Affidavit of Service by the Department's General Counsel Roy John Martin attesting to mail-delivery thereof on February 14, 2014, with a return receipt attached thereto signed by Shelly Preston.

3. The Respondent, a corporation registered with the Oklahoma Secretary of State, registration number 1900580944, is a licensed precious metal and gem dealer, license number PM001504, that transacts business at 4551 NW 23rd Street, Suite 2000, Oklahoma City, Oklahoma 73127.

4. On November 25, 2013, Consumer Credit Examiner, Rich Kellogg, visited the Respondent's business location at 4551 NW 23rd Street, Suite 2000, Oklahoma City, Oklahoma 73127, to conduct an inspection of the Respondent's precious metal and gem transactions, but the location was closed during the listed business hours.

CONCLUSIONS OF LAW

The Administrator of Consumer Credit concludes that based on the evidence and testimony in this individual proceeding 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) 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.

3. 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:

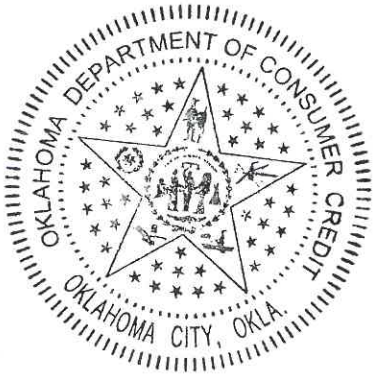
1. The Respondent is hereby found to be a licensed precious metal and gem dealer that has violated 59 O.S., § 1530(A) by failing to keep precious metal and gem transaction records of certain transactions with any person involving the purchasing of any used item made, or containing in whole or in part,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

that 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.

3. The Respondent, based upon the commission of such violations, shall be fined in the amount of One Thousand Dollars ($1,000.00) as authorized in 59 O.S., § 1528(B)(3), and as the Respondent, through its default, is not the prevailing party, the Respondent shall be assessed the hearing costs incurred in this matter, in the amount of One Hundred Sixty Dollars 31/100 ($160.31), as authorized in 59 O.S., § 1528(A).

So ordered this 10th day of April, 2014.



Scott Lesher
Administrator of Consumer Credit
State of Oklahoma