BEFORE THE ADMINISTRATOR OF CONSUMER CREDIT
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel., DEPARTMENT OF CONSUMER CREDIT,	)	
Petitioner	)	
v.	)	Case No. 14-0051-DIS
YUKON GOLD BUYERS, LLC.,	)	
Respondent	)	

FINAL AGENCY ORDER

ON THE 10th day of March, 2014, at approximately 1:35 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 Yukon Gold Buyers, LLC, located at 438 W. Main Street, Yukon, Oklahoma 73099 (the "Respondent"), appeared in person through its owner, Gregory Clifford Therien, 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. 14-0051-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 Owner, Gregory Clifford Therien, at the address given to the Department by

the Respondent at 4121 NW 55th Street, Oklahoma City, Oklahoma 73112, and was delivered to the Respondent's Owner, Gregory Clifford Therien, by a representative of the U.S. Postal Service on February 18, 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 18, 2014, to which was attached the return receipt signed by Patricia A. Therien.

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 its Owner, Gregory Clifford Therien. Mr. Martin indicated that he wished to proceed with the hearing, that his witness was available and that as the Respondent had not contacted the Department at any time prior to the scheduled date and time of the hearing that the Department was not prepared to enter into any consent agreement with the Respondent. Continuing, Mr. Martin did indicate that as the Respondent's Owner, Gregory Clifford Therien, had been cooperative during the Department's inspection of its records, the Department was recommending that the Respondent pay a fine of Two Hundred Dollars ($200.00), that if the Respondent is not the prevailing party in this matter, that the Respondent pay for the costs of the hearing and that the Respondent could waive its opportunity for a hearing provided it would stipulate to all of the Department's allegations provided in the Notice of Hearing.

The Respondent through its Owner, Gregory Clifford Therien, which Respondent had an opportunity for a hearing, being so advised, determined and agreed to waive the hearing and stated that the Department's inspection of its records was correct as to the errors noted, that the Department's inspection was done properly and that the Respondent's Owner, Gregory Clifford

Therien, would stipulate to all of the Department's allegations provided in the Notice of Hearing. Accordingly, the Independent Hearing Examiner announced from the bench that his recommendation in this matter to the Department's Administrator would be that the Respondent pay a fine of Two Hundred Dollars ($200.00) and as the Respondent is not the prevailing party in this matter, that the Respondent pay for the costs of the hearing (being those costs of the Independent Hearing Examiner incurred in this matter as authorized in 59 O.S., § 1528(A)).

After having considered all of the stipulated evidence and being fully advised in the premises as to the above matter 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 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 appeared at the hearing on March 10, 2014, at 1:35 p.m., in person through its Owner, Gregory Clifford Therien, received notice of the hearing in this matter set for March 10, 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 February 12, 2014, served upon the Respondent's Owner, Gregory Clifford Therien, at the address given to the Department by the Respondent at 4121 NW 55th Street, Oklahoma City, Oklahoma 73112, by a representative of the U.S. Postal Service on February 18, 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 18, 2014, to which was attached the return receipt signed by Patricia A. Therien.

3. The Respondent is a registered limited liability company with the Oklahoma Secretary of State, registration number 3512388801.

4. The Respondent is a licensed precious metal and gem dealer; license number PM007658, which transacts business at 438 W. Main Street, Yukon, Oklahoma 73099.

5. On December 10, 2013, Consumer Credit Examiner, Vanessa Todd, visited the Respondent's business location at 438 W. Main Street, Yukon, OK 73099, to conduct an inspection of the Respondent's records of its precious metal and gem transactions.

6. The Report of Inspection issued by the Petitioner, dated December 27, 2013, attached

and incorporated by reference in the Notice of Hearing and herein, states that the Respondent failed to obtain the addresses of the sellers, driver's license number of the sellers, signatures of the sellers on transaction records, and failed to document descriptions of the precious metal and gem items.

CONCLUSIONS OF LAW

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

1. 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.

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. Accordingly, the Respondent shall be fined in the amount of Two Hundred Dollars ($200.00) as authorized in 59 O.S., § 1528(B)(3), and since the Respondent is not the prevailing party, the Respondent shall be assessed hearing costs in the amount of Two Hundred and Twenty-Four Dollars 10/100 ($224.10), incurred in this matter a authorized in 59 O.S., § 1528(A).

So ordered this 10th day of April, 2014.

[redacted]

Administrator of Consumer Credit
State of Oklahoma