

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

STATE OF OKLAHOMA,)
ex rel, DEPARTMENT OF)
CONSUMER CREDIT)
)
Petitioner)
)
v.)
)
MUTZIG JEWELERS, INC.,)
doing business as)
MEIGS JEWELRY)
)
Respondent)

Case No. 12-0021-DIS



NOTICE OF HEARING

The State of Oklahoma, ex rel., Department of Consumer Credit, alleges and states as follows:

JURISDICTION, AUTHORITY AND REQUIREMENTS

1. The Administrator of Consumer Credit (Administrator) 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 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).

Penalties

1. The Administrator may, after notice and hearing, deny, decline to renew a license, suspend or revoke any license or order a cease and desist order if it is found that:

(a) 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;

(b) 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

(c) 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).

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

Appointment of independent hearing examiner

1. The Administrator shall appoint an independent hearing examiner to conduct all administrative hearings involving alleged violations of the Precious Metal and Gem Dealer Licensing Act. The independent hearing examiner shall have authority to exercise all powers granted by Article II of the Administrative Procedures Act in conducting hearings. 59 O.S. § 1528(A).

2. The independent hearing examiner shall have authority to recommend penalties authorized by the Precious Metal and Gem Dealer Licensing Act and issue proposed orders, with proposed findings of fact and proposed conclusions of law, to the Administrator pursuant to Article II of the Administrative Procedures Act. The Administrator shall review the proposed order and issue a final agency order in accordance with Article II of the Administrative Procedures Act. 59 O.S. § 1528(A).

Hearing costs

The costs of the hearing examiner may be assessed by the hearing examiner against the Respondent, unless the Respondent is the prevailing party. 59 O.S. § 1528(A).

Appeals

A final agency order issued by the Administrator shall be appealable by all parties to the district court as provided in Article II of the Administrative Procedures Act. 59 O.S. § 1528(A).

Requirements for individual proceedings at the Department of Consumer Credit

The Respondent is responsible for reviewing the administrative rules regarding procedures and requirements for references of parties, entries of appearances, continuances, subpoenas and Consent Orders for individual proceedings at the Department of Consumer Credit. The administrative rules regarding individual proceedings are located at OKLA. ADMIN. CODE § 160:3-1-4. A copy of the individual proceeding rules has been attached to this Notice of Hearing for reference.

Consent Order

1. The Respondent may waive the right to a hearing and enter into a Consent Order with the Department. If the Respondent wishes to waive the right to a hearing, the Respondent shall sign and notarize the enclosed Consent Order and submit to the attention of Roy John Martin, General Counsel, Oklahoma Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

2. The signed and notarized Consent Order and any applicable penalty indicated in the Consent Order shall be received by the Petitioner on or before July 18, 2012.

Enforcement of final agency order or settlement agreement

Any administrative order or settlement agreement imposing a civil penalty pursuant to the Precious Metal and Gem Dealer Licensing Act may be enforced in the same manner as civil judgments in the State of Oklahoma. The Administrator may file an application to enforce an administrative order or settlement agreement imposing a civil penalty in the district court of Oklahoma County. 59 O.S. § 1528(G).

ALLEGATIONS OF FACT

1. The Respondent was licensed as a Precious Metal and

Gem Dealer in the State of Oklahoma, license number PM001502.

2. The Respondent's Precious Metal and Gem Dealer license was not renewed for 2012 by the deadline of December 31, 2011.

3. On January 3, 2012, a delinquency letter was mailed via certified mail to the Respondent's mailing address at 100 N. Muskogee, Tahlequah, OK 74464. The letter stated that the renewal was not submitted by December 1, 2011, and the license would expire on January 18, 2012 unless the license and fees were postmarked on or before January 18, 2012.

4. On January 12, 2012, the Petitioner received a return receipt for the delinquency letter sent via certified mail to the Respondent's mailing address on January 3, 2012.

5. As of March 1, 2012, the Respondent did not respond to the delinquency letter.

6. As of June 5, 2012, the Respondent is not licensed as a Precious Metal and Gem Dealer at 100 N. Muskogee, Tahlequah, OK 74464.

7. The Respondent's Internet website at <http://www.meigsjewelry.com/store-specials-and-events.html> dated June 5, 2012 includes the following information:

"Meigs Jewelry buys gold & silver! Have any silver coins laying around? Old or broken gold and silver jewelry that you don't wear anymore? We want it all! It only takes five minutes for Meigs Jewelry to get you the best trade in value for your gold and silver."

ALLEGED VIOLATIONS OF LAW

1. The Respondent has violated 59 O.S. § 1523 by operating as a precious metal dealer without first obtaining a license from the Administrator specifically authorizing them to act in such capacity.

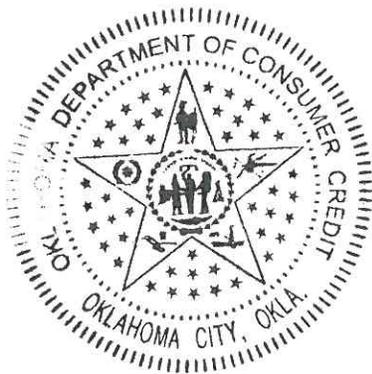
2. The Respondent has violated 59 O.S. § 1528(F) by engaging or offering to engage as a Precious Metal and Gem Dealer in the State of Oklahoma without a license.

TIME, PLACE AND NATURE OF HEARING

1. A hearing will be held before an independent hearing examiner on July 23, 2012 at 9:00 a.m. at the office of the Administrator of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112.

2. The purpose of the hearing is to address the allegations contained in this Notice and to determine if any penalties authorized by the Precious Metal and Gem Dealer Licensing Act shall be imposed against the Respondent.

3. Correspondence regarding this matter shall be directed to Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, Oklahoma 73112, telephone number 405-522-4665, email: rmartin@okdocc.ok.gov.



Roy John Martin

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