

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

STATE OF OKLAHOMA,)
ex rel, DEPARTMENT OF)
CONSUMER CREDIT)
)
Petitioner)
)
v.) Case No. 12-0022-DIS
)
OKLAHOMA COIN AND GOLD)
BROKERS)
)
Respondent)



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.

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 August 22, 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. On or about March 26, 2012, Consumer Credit Examiner Deshia Parks visited the Respondent's business location at 4001 N.W. 39th St., Oklahoma City, OK 73112.

2. On or about March 26, 2012, a sign outside of Respondent's business location at 4001 N.W. 39th St., Oklahoma

City, OK 73112 was identified that includes the following information:

"Oklahoma Coin and Gold
Gold
Silver
Jewelry
Diamonds
Coins
Old U.S.
Foreign Currency
288-0222"

3. On or about March 26, 2012 a sign in the window of Respondent's business location at 4001 N.W. 39th St., Oklahoma City, OK 73112 was identified that includes the following information:

"We buy jewelry gold and silver."

4. On or about March 26, 2012, a sign in the window of Respondent's business location at 4001 N.W. 39th St., Oklahoma City, OK 73112 was identified that includes the following information:

"OKC's Highest Payout CASH for GOLD."

5. As of June 21, 2012, the Respondent is not licensed as a Precious Metal and Gem Dealer at 4001 N.W. 39th St., Oklahoma City, OK 73112.

ALLEGED VIOLATIONS OF LAW

1. The Respondent has violated 59 O.S. § 1523 by operating as a Precious Metal and Gem 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 August 27, 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 405-522-0292, email: rmartin@okdocc.ok.gov.



Roy John Martin

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