

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

STATE OF OKLAHOMA, )  
ex rel., DEPARTMENT OF )  
CONSUMER CREDIT )  
 )  
Petitioner )  
 )  
v. )  
 )  
LIBERTY GOLD AND SILVER d/b/a )  
LIBERTY GOLD TRUST, )  
 )  
Respondent )

Case No. 13-0029-DIS

**FILED**  
SEP 10 2013  
STATE OF OKLAHOMA  
DEPARTMENT OF  
CONSUMER CREDIT

**FINAL AGENCY ORDER**

ON THE 15th day of July, 2013, at 1:17 p.m. (after providing additional time to the Respondent or his legal counsel to appear beginning at 1:00 p.m.), the above numbered and entitled cause (scheduled for 1:00 p.m.) came on for hearing at the Office of the Oklahoma Department of Consumer Credit, 3613 N.W. 56<sup>th</sup> 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 Liberty Gold and Silver d/b/a Liberty Gold Trust, located at 6103 S.E. 15<sup>th</sup> Street, Suite A, Midwest City, Oklahoma 73110, who through the course of this proceeding actually proved to be an individual named Dennis Kirby King, a sole proprietor (the "Respondent"), did not appear in person or through an attorney even though an attorney, Edward F. Saheb, of Norman, Oklahoma, filed an Entry of Appearance of Counsel herein on March 14, 2013.

While the hearing in this matter was originally set for March 25, 2013, it has been continued several times by the Department until the hearing was most recently set for July 15, 2013, at 1:00 p.m. through a document entitled "Continuance" that was filed herein on June 28,

2013, with an Affidavit of Service attached thereto that certified that the Respondent had been served notice of the July 15, 2013, hearing by U.S. Mail, certified return receipt requested through his legal counsel, a representative of which signed the delivery receipt on June 20, 2013, which receipt itself was also attached verifying delivery of the said Continuance.

Pursuant to the requirements of Article II of the Oklahoma Administrative Procedures Act, 75 O.S. §§ 308a-323, a copy of the Notice and Order of Hearing filed in this matter on February 22, 2013, was served upon the Respondent at 6103 S.E. 15<sup>th</sup> Street, Suite A, Midwest City, Oklahoma 73110, as evidenced by the U.S. Postal Service Certified Mail Receipt signed by Dennis K. England, the sole proprietor of the Respondent.

The Department's General Counsel Roy John Martin, having granted a Continuance to the Respondent dated and filed herein on June 6, 2013, that continued this matter to July 15, 2013, at 1:00 p.m., announced that he had not heard from or spoken to the Respondent or his attorney about their respective appearances at the hearing. Continuing, Mr. Martin further announced that he wished to proceed with the hearing in the absence of the Respondent and his attorney and was prepared for hearing. Accordingly, Mr. Martin made an opening statement and called his first witness, Angela Gober.

Upon being duly sworn, Ms. Gober testified that she was employed by the Department as an Examiner, that as such she conducts investigations and looks into complaints against unlicensed precious metal and gem dealers, and that the Department's Deputy Administrator asked her to see if this location, 6103 S.E. 15<sup>th</sup> Street, Suite A, Midwest City, Oklahoma 73110, was licensed as a precious metal and gem dealer. Ms. Gober stated that she conducted research on line in January of this year, that such research indicated that the business of the Respondent at

6103 S.E. 15<sup>th</sup> Street, Suite A, Midwest City, Oklahoma 73110 was active, that she placed a phone call to the Respondent on January 31, 2013, asking the if the Respondent bought used jewelry, that the individual who answered the phone (and who did not identify himself) said "yes", to bring in the gold and silver so that he could test it, that she discussed the Respondent's purchase of used gold and silver with jewels in it. Continuing, Ms. Gober testified that on January 31, 2013, she found the Respondent's facebook page with pages of photographs of scrap silver, that later she found the Respondent's webpage and that she printed the Respondent's facebook page that she identified as Exhibit 1 consisting of 6 pages, the first of which contains a photo of silverware with the next page including a map of the business location at 6103 S.E. 15<sup>th</sup> Street, Suite A, Midwest City, Oklahoma 73110, stated business hours from 10:00 a.m. to 6 p.m., listing a business telephone number of (405) 610-8868 (which was the same telephone number that she had called for information, and with a statement to the effect that Liberty Gold Trust buys, sells and trades rare coins, gold, silver and jewelry. Upon Ms. Gober's identification of Exhibit 1, said exhibit was admitted into evidence without objection.

Ms. Gober identified another document marked as Exhibit 2 as a Craig's List advertisement consisting of a single page dated June 13, 2013, with a listing of the Respondent's business name as "Liberty Gold Trust" with business hours from 10:00 a.m. to 7:00 p.m. and the same telephone number and address as, which exhibit was admitted without objection. Continuing, Examiner Gober identified a document of the Respondent marked as Exhibit 3 from an internet site named "weebly.com" that contains ads, this one with the Respondent's business name, address and telephone number dated June 13, 2013, with its own web address of "libertygoldtrust.weebly.com". There being no objection, Exhibit 3 was admitted into evidence.

The Department's second witness was Lindsie Lundy. Upon being duly sworn, Lindsie Lundy testified that she was employed by the Department as the Department Administrative Program Officer, in which capacity she reviews and approves license applications for precious metal and gem dealers, that the Respondent was not so licensed as a precious metal and gem dealer in January of 2013, that the Respondent is not so licensed as of the day of the hearing (July 15, 2013) and that upon a review of the Department's data base, the Respondent has never been licensed by the Department as a precious metal and gem dealer. Ms. Lundy identified a document marked as Exhibit 4 that she stated was an Application from the Respondent for licensure as a precious metal and gem dealer received by the Department on June 18, 2013 (the "Application"), that is incomplete and remains pending as its missing certain required information including but not limited to documents from the Secretary of State's Office as to the authority of the Respondent to operate in Oklahoma, fingerprint cards for the owners/operators, and a surety bond of \$10,000 for each business location. According to Ms. Lundy, the Applicant's name as stated in the Application is "Dennis Kirby England", the Respondent's business name as stated in the Application is "Liberty Gold & Silver", the Application states that the Respondent's business is a sole proprietorship with the business address of 6103 S.E. 15<sup>th</sup> Street, Midwest City, Oklahoma 73110 and all of the required fees have been tendered.

At this point the Department rested. 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 July 15, 2013 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).
4. The proceedings herein were conducted in accordance with the provisions of Article II of the Administrative Procedures Act, 75 O.S. §§ 308a-323.

**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 received notice of the hearing in this matter set for July 15, 2013, at 1:00 p.m., by U.S. Mail, certified return receipt requested through his legal counsel, a representative of which signed the delivery receipt on June 20, 2013, which receipt itself was

attached to the Continuance filed herein on June 28, 2013, verifying delivery of the Continuance.

3. The Respondent is not registered with the Oklahoma Secretary of State as Liberty Gold and Silver or Liberty Gold Trust.

4. The Respondent, based upon his representations in his Application, is an individual named "Dennis Kirby King" who seeks a license to operate his precious metal and gem dealer business as a sole proprietorship in the State of Oklahoma under the business name of "Liberty Gold and Silver".

5. The Respondent, based upon his representations in his Application filed with the Department on June 18, 2013, transacts business at 6103 S.E. 15<sup>th</sup> Street, Midwest City, Oklahoma 73110 and, based upon his representations in various internet/web pages, on January 31, 2013, and again on June 13, 2013, transacts business at 6103 S.E. 15<sup>th</sup> Street, Suite A, Midwest City, Oklahoma 73110.

6. Respondent maintains a Facebook website at [www.facebook.com/libertygoldtrust](http://www.facebook.com/libertygoldtrust), incorporated by reference herein; that made certain representations on January 31, 2013, including, but not limited to:

"Liberty Gold Trust is a coin shop owned & operated by patriots. We advocate a return to honest biblical & constitutional money: Gold & Silver"

"About: we Buy/Sell/Trade rare coins, gold, silver & jewelry, 6103 S.E. 15<sup>th</sup> Street, Midwest City, OK 73110".

#### **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. § 1523 by operating as a precious metal and gem dealer or employee thereof without first obtaining a license from the Administrator specifically authorizing the Respondent to act in that capacity.

2. The Respondent has violated 59 O.S. § 1528 (F) by engaging and/or offering to engage as a precious metal and gem dealer in the State of Oklahoma without a precious metal and gem dealer license.

### **ORDER**

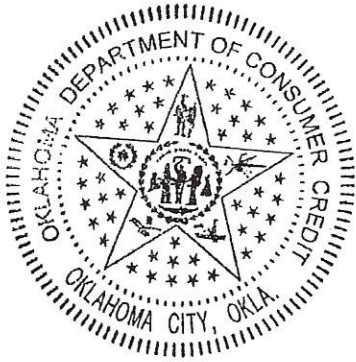
Based upon the findings of fact and conclusions of law in this individual proceeding and based upon the recommendation of the Independent Hearing Examiner, the Administrator of Consumer Credit issues the following orders:

1. The Respondent shall be fined in the amount of Five Thousand Dollars (\$5,000.00) as authorized in 59 O.S. § 1528 (F), and that, as the Respondent is not the prevailing party, the Respondent shall be assessed the costs of the Independent Hearing Examiner incurred in this matter as authorized in 59 O.S. § 1528 (A) in the amount of \$603.75.

2. The \$5,000.00 civil penalty and \$603.75 in hearing costs shall be paid by check or money order, shall indicate that payment is for Case Number 13-0029-DIS and shall be submitted 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, within thirty (30) days from the date of receipt of this order.

3. The Respondent's Application, a copy of which was filed herein as Exhibit 4, contains personal information in the form of a social security number that should be redacted by the Department from the Department's hearing file in this matter.

So ordered this 9th day of September, 2013.



Scott Lesher  
Administrator of Consumer Credit  
State of Oklahoma