

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE  
REGULATION AND ENFORCEMENT

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IN THE MATTER OF:  
M-D METALS, LLC  
7974 Decatur-Conehatta Road  
Decatur, MS 39327

ADMINISTRATIVE PROCEEDING  
No. LM-16-1747  
SOS REGISTRATION No. 14105552

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**CONSENT AGREEMENT**

**I. Jurisdiction**

Finding it appropriate and in the public interest, the Regulation and Enforcement Division of the Office of the Secretary of State of Mississippi (“Division”), on behalf of the Secretary of State, having the power to administer and to provide for the Mississippi Scrap Metal Dealer Act of 2008, Miss. Code Ann. § 97-17-71 to § 97-17-71.2 (“Act”), and M-D Metals, LLC, (“Respondent”), do hereby enter into this Consent Agreement. This Agreement is entered into as a resolution of administrative charges issued by the Division on March 15, 2016, alleging three separate violations of Mississippi Code Annotated Section 97-17-71(12), the same occurring on February 12, 2016, February 16, 2016, and March 10, 2016. Specifically, this code section provides as follows:

It shall be unlawful to sell to a scrap metal dealer any bronze vase and/or marker, memorial, statue, plaque, or other bronze object used at a cemetery or other location where deceased persons are interred or memorialized, **or for any such dealer to purchase those objects**, unless the source of the bronze is known and notice is provided to the municipal or county law enforcement agency where the dealer is located. The notice shall identify all names, letters, dates and symbols on the bronze and a photograph of the bronze shall be attached thereto. Written permission from the cemetery and the appropriate law enforcement agency must be received before any type of bronze described in this subsection may be purchased, processed sold or melted.

*Miss. Code Ann. § 97-17-71(12) (emphasis added).*

The Division alleges that on three separate occasions M-D Metals, LLC, purchased bronze cemetery flower vases totaling 992 pounds, paying a total of \$1,043.60. Over 200 cemetery vases were purchased by M-D Metals, LLC, from the same individual, who currently stands charged with multiple counts of grand larceny.

## **II. Agreement**

Respondent admits the jurisdiction of the Division as to all parties and matters herein under the authority of the Act. In consideration of a final resolution of the matters set forth herein, the Division and Respondent hereby agree and stipulate to the following:

1. The Secretary of State has the authority to administer and to provide for the enforcement of all provisions of the Act, which regulates the purchase of regulated metals in the State of Mississippi.
2. As a purchaser of regulated metal property, M-D Metals, LLC, is subject to the requirements of the Act.
3. Respondent, M-D Metals, LLC, agrees to comply with all provisions of the Act as currently enacted and any further amendments.
4. Respondent will remit upon execution of this Agreement an administrative fine to the Secretary of State in the amount of Two Thousand Two Hundred and Fifty Dollars (\$2,250.00), made payable to the Secretary of State's Office.
5. As a result of this Agreement, the Secretary of State agrees not to pursue any further action against M-D Metals, LLC, regarding the aforementioned violations alleged by the Division, contingent upon compliance with the terms of this Consent Agreement.
6. Nothing contained herein shall be construed as limiting Respondent's rights to contest any finding or determination made by the Division or by a court of competent jurisdiction

concerning an alleged failure by Respondent to comply with any of the terms and provisions of this Agreement.

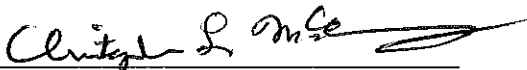
7. Respondent is aware of its right to a hearing on this matter at which it may be represented by counsel, present evidence, and cross-examine witnesses. Respondent hereby irrevocably waives the right to such a hearing.
8. Respondent understands that the entry of this Agreement represents the settlement of regulatory claims by the Division against the Respondent.


### III. Acknowledgement

The parties acknowledge that they have read this Agreement in its entirety and fully understand the rights, terms, and obligation of each contained therein and they have been vested with the express authority to enter into this Agreement. The parties further acknowledge that they have not be threatened or otherwise coerced into entering into this Consent Agreement.

The undersigned hereby acknowledge and agree to the terms and conditions of the foregoing Agreement by written consent.

So Agreed, this the 24<sup>th</sup> day of March, 2016.

By:   
Christopher Lee McElhenney  
Member  
M-D Metals, LLC

By:   
Dave Scott  
Assistant Secretary of State  
Regulation and Enforcement