

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE  
REGULATION AND ENFORCEMENT

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IN THE MATTER OF:	)	ADMINISTRATIVE
MARTIN BROS	)	PROCEEDING NUMBER:
CLARKSDALE, LLC	)	L-11-0225
MR. HENRY MARTIN	)	
P.O BOX 102	)	
SARDIS, MS 38666	)	
REGISTRATION NO. H10095485	)	

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CONSENT AGREEMENT

**I. Jurisdiction**

Finding it appropriate in the public interest, the Regulation and Enforcement Division of the Office of the Secretary of State of Mississippi (hereafter "Division"), on behalf of the Secretary of State, having the power to administer and to provide for the Mississippi Scrap Metal Dealer Registration Act, Miss. Code Ann. § 97-17-71, *et seq.* (hereafter "Act"), and Respondent do hereby enter into this Consent Agreement (hereafter "Agreement"). In an administrative hearing held November 17, 2011, with the parties before a hearing officer, the Division alleged violations of the Act by the Respondent. In lieu of the issuance of a Final Order by the Division, this Agreement is entered into by the Division and the Respondent.

**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 agree and stipulate to the following:

1. At the hearing held in this matter on November 17, 2011, the Division presented documentation and testimony reflecting violations of the following as determined by the Division's on site examination conducted on August 17, 2011.

- a. Mississippi Code Annotated Section 97-17-71(2)(i) for failing to capture and record still photographic images of regulated metal sellers and still photographic images of the regulated metal purchased by the business;
  - b. Mississippi Code Annotated Section 97-17-71(8) for failing to withhold payment for catalytic converters for three days; and
  - c. Mississippi Code Annotated Section 97-17-71(3) for failing to hold separate and identifiable for three days regulated metal purchases.
2. At the administrative hearing, Respondent presented substantial documentation and proof of steps taken to comply with the Act following the Division's examination of August 17, 2011, including engaging a technology professional to assist in compliance with the Act and the purchase of necessary hardware to enable better compliance with the Act in the future.
3. The Division places great weight and consideration in the Respondent's actions to comply with the Act and particularly the attention and investments it has made since August 17, 2011.
4. As such, Martin Bros Clarksdale, LLC, and the Division agree to the following:
  - a. Pursuant to Mississippi Code Annotated Section 97-17-71.1(5)(c)(i), Martin Bros Clarksdale, LLC, agrees to pay an administrative penalty of two thousand five hundred dollars (\$2,500) for violations of Mississippi Code Annotated Sections 97-17-71 *et seq.*
  - b. As a result of this Agreement, the Division agrees to not pursue any further actions against Respondent regarding the aforementioned violations. Respondent agrees to forego any appeal rights it might have to the Division's enforcement action that is the subject of this Consent Agreement.

- c. Both parties understand that the entry of this Agreement represents the final, unappealable 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 obligations 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 been 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 29 day of November, 2011.

MARTIN BROS CLARKSDALE, LLC

BY: Henry O. Martin  
HENRY MARTIN  
MEMBER

Date: 12-12-11

C. DELBERT HOSEMANN, JR.  
SECRETARY OF STATE  
In his Official Capacity

BY: Dave Scott  
Dave Scott  
Assistant Secretary of State  
Regulation and Enforcement

Date: 12-12-11