OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
REGULATION AND ENFORCEMENT DIVISION

IN THE MATTER OF: ) ) Administrative Proceeding
Revette Scrap Metal ) Number: LM-14-1106
1862 Highway 45 South ) )
Buckatunna, MS 39322 ) )
Respondent ) )

FINAL ORDER

This cause came before a hearing officer on December 3, 2014. At the conclusion of the hearing, the hearing officer dictated his recommendations into the record. Therefore, the above-styled cause stands ready for final adjudication via this Final Order. The Undersigned accepts and adopts the hearing officer’s report and recommendations in the above styled cause. As such, the Undersigned finds as follows:

1. The Secretary of State has the authority to administer and to provide for the enforcement of all provisions of the Mississippi Scrap Metal Property Dealer Registration Act (hereinafter “Act”), Mississippi Code Annotated Section 97-17-71, which regulates the purchase of regulated metals in the State of Mississippi.

2. As a purchaser of regulated metal property, Revette Scrap Metal (hereinafter “Revette”) is subject to the requirements of the Act and regulations promulgated thereunder.

3. Following an examination of Revette by an Examiner from the Regulation and Enforcement Division of the Secretary of State on August 8, 2014, the following violations of the Act were alleged:

   a. Revette paid cash on the spot for regulated metals. Pursuant to Mississippi Code Annotated Section 97-17-71(8), a cash purchase of a regulated metal is a violation of Mississippi Metal Dealer Act of 2008.
b. In accordance with Mississippi Code Annotated Section 97-17-71(2), a scrap metal dealer must capture a number of identifying pieces of information for each regulated metal purchase. On August 8, 2014, Revette Scrap Metal failed to obtain the following items from regulated metal customers.

i. Revette failed to obtain vehicle license tag numbers, state of issue for the tag, and the make and type of vehicle used by customers to transport the metal property to the business. This is a violation of Section 97-17-71(2)(e).

ii. Revette failed to obtain a photograph, video or similar likeness from customers who delivered metal property in which the person’s facial features were clearly visible and in which the metal property being sold or delivered was clearly visible. This is a violation of Section 97-17-71(2)(i).

c. Customer transaction records of all regulated metal purchases must be uploaded to the Secretary’s agent, LeadOnline, by 5:00 p.m., following the date of purchase. 1 Mississippi Administrative Code Pt. 13, Rule 5.1. Specifically, Revette failed to upload the purchase transactions by 5:00 p.m. of the following business day.

4. At the hearing held on this cause on December 3, 2014, the hearing officer received documents and testimony that substantiated the violations outlined above in paragraph 3. In addition to the same, testimony and documentation were presented that the business practices at Revette following the Division’s examination of August 8, 2014, had improved substantially. As of December 3, 2014, the business was capturing the required
information from its scrap metal customers and making the same timely available to law enforcement agencies with its uploads to the LeadOnline system.

5. In light of Revette's efforts at improving compliance prior to the December 3rd hearing, the hearing officer recommended an administrative penalty in the amount of Two Thousand Dollars ($2,000.00) only for the aforementioned violations.

6. The Undersigned accepts the recommendation of the hearing officer with no modifications or amendments.

Therefore, an administrative penalty is hereby ORDERED in the amount of Two Thousand Dollars ($2,000.00) against Revette Scrap Metal, SOS Registration No. 12095489. Such penalty shall be paid within thirty (30) days from the date of this Order.

SO ORDERED and ADJUDGED.

This, the 19 day of December, 2014.

C. DELBERT HOSEMAN, JR.
Secretary of State
State of Mississippi