

**OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
REGULATION AND ENFORCEMENT**

IN THE MATTER OF:)	ADMINISTRATIVE
SCOTTY'S RECYCLING LLC)	PROCEEDING NUMBER:
13070 HWY 19 NORTH)	
PHILADELPHIA, MS 39350)	LM-18-3196
<i>Respondent</i>)	

CONSENT ORDER

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 provide for the Mississippi Scrap Metal Act, Mississippi Code Annotated Section 97-17-71 ("Act"), and Respondent do hereby enter into this Consent Order ("Order"). This Order is entered into by the Division and the Respondent in lieu of the issuance of formal charges by the division alleging a violation of the Act.

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, stipulate, and undertake as follows:

1. Scotty's Recycling LLC ("Scotty's Recycling") is a scrap metal dealer registered with the Secretary of State's Office. An examination of Scotty's Recycling was conducted by the Division on May 17, 2018.
2. Respondent hereby admits to the following violations of the Act:
 - a. Scotty's Recycling, in violation of Mississippi Code Annotated Section 97-17-71(8), purchased regulated metal property with cash on the same day as the sales

transaction. Specifically, the Division's examination of Scotty's Recycling revealed that Scotty's Recycling, from May 2, 2018 through May 14, 2018, purchased regulated metal property with cash on the same day as the sales transaction on at least seventeen (17) separate occasions.

- b. Scotty's Recycling, in violation of Mississippi Code Annotated Section 97-17-71(3), failed to hold purchased metal property separate and identifiable from other purchases for at least three (3) business days from the date of purchase. Specifically, the Division's examination of Scotty's Recycling revealed that, on May 14, 2018 and May 16, 2018, Scotty's Recycling failed to both tag and hold two (2) containers of copper separate and identifiable from other purchases on the same date of purchase.
- c. Scotty's Recycling, in violation of Mississippi Scrap Metal Rule 5.1, failed to electronically submit Customer Transaction Reports to www.LeadsOnline.com by 5:00 p.m. of the next business day following the date of purchase. Specifically, the Division's examination of Scotty's Recycling revealed that between May 2, 2018 and May 14, 2018, Scotty's Recycling failed to transmit required transaction data to www.LeadsOnline.com by 5:00 p.m. of the next business day following at least seventeen (17) separate purchases of regulated metal property.
- d. Scotty's Recycling, in violation of Mississippi Code Annotated Sections 97-17-71(2)(a) through 97-17-71(2)(i), failed to keep an accurate and legible record for at least seventeen (17) separate purchases of regulated metal property. Examples of information that Scotty's Recycling failed to record include, but are not limited to, a photograph of the customer, the name, address and age of the customer from

whom the metal property was purchased, the vehicle license tag number, state of issue and the make and type of the vehicle used to deliver the metal property, photographs of the metal property purchased signed scanned copies or photocopies of the personal identification card of the customer in the purchase transaction, etc.

3. Scotty's recycling agrees to follow the laws contained in the Act and the regulations promulgated thereunder.
4. Scotty's Recycling will remit upon execution of this Order an administrative fine to the Secretary of State in the amount of Two Thousand Dollars (\$2,000.00), made payable to the Secretary of State's Office. This fine is for violations of the Act as authorized in Mississippi Code Annotated Section 97-17-71(16) and is due to the Secretary of State's Office no later than the close of business on Friday, August 31, 2018.
5. Respondent is aware of the right to a hearing on this matter at which Respondent may be represented by counsel, present evidence, and cross-examine witnesses. Respondent hereby irrevocably waives the right to such a hearing.
6. Respondent understands that the entry of this Order represents the settlement of an impending regulatory charge by the Division and Respondent as of the date of this Order.
7. Respondent understands that the Division retains jurisdiction over the matters addressed in this Consent Order until all obligations by Respondent are fulfilled.

III. Acknowledgement

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

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

So Agreed, this the 2nd day of AUG 2018.

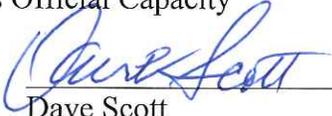
SCOTTY'S RECYCLING LLC

BY: 

Scotty Vowell
Member

Date: AUG 2, 2018

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

BY: 

Dave Scott
Assistant Secretary of State,
Regulation and Enforcement

Date: 7-31-18