

DEPARTMENT OF LABOR
LICENSING AND REGULATION,

v.

TARA LYNN CARBO
t/a Gold Party Event, LLC,

Respondent

CASE NOS: SPMG 12-0054
SPMG 12-0057
SPMG 13-0009

* * * * *

CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulation (“Department”) as a result of complaint filed by the Anne Arundel County Police Department and the Howard County Police Department. Upon a review of the complaints, the Department has determined that administrative charges against Tara Carbo (the “Respondent”), who t/a Gold Party Event, LLC, with two business locations: 836 Ritchie Highway, Suite 23B, Severna Park, Maryland 21146 (under License No. 2500) and 10015 Old Columbia Road, Suite B-215, Columbia, Maryland 21046 (under License No. 2500-01); be filed and an administrative hearing should be held. In an effort to resolve this matter without a formal hearing, the Respondent and the Department have agreed to enter into this Consent Order as the final settlement of this matter.

THE PARTIES AGREE AND STIPULATE:

1. At all times relevant to the matters set forth this Consent Order, the Department had jurisdiction over the subject matter and the Respondent.
2. The Respondent (License Nos. 01-2500 and 01-2500-01, holds secondhand precious metal object dealers and pawnbrokers licenses with the Department.
3. On April 28, 2012, the Respondent’s employees conducted the following transactions:
 - a. Transaction DLK91 in which 16 items were acquired;
 - b. Transaction DLK 96, in which a 10ky ladies pendant (Item no. 9855177) was acquired;

- c. Transaction DLK99, in which an oval charm (Item No. 9855177) was acquired; and
- d. Transaction DLK101, in which a class ring was acquired.

4 In Transaction DLK91, the 16 items were reported on the Regional Automated Property Inventory Database (RAPID) System to the Anne Arundel County Police Department as "925." Upon inspection, the 16 items were identified by the Anne Arundel County detectives as "silver".

5. In Transaction DLK96, a 10ky ladies pendant (Item no. 9855177) was reported on the RAPID System to the Anne Arundel County Police Department. Upon inspection, the items was identified by the Anne Arundel County detectives as "pin/tie tac" 10 ky pendant with an interior design that included the initials "HJG."

6 In Transaction DLK99, an oval shaped charm (Item no. 9857084) was reported on the RAPID System to the Anne Arundel County Police Department. Upon inspection, the item was identified by the Anne Arundel County detectives as a die-cast with the words "Saint Christopher Protect US."

7. In Transaction DLK101, a class ring (Item No. 9846208) was reported on the RAPID System to the Anne Arundel County Police Department. Upon inspection, the item was identified by the Anne Arundel County detectives as including the name "Corbi Lynn Foster" and included an emblem titled, "Mother Mary," inside of the ring.

8. On June 2, 2012, the Respondent acquired three (3) yellow gold ladies necklaces, one yellow gold man's ring, and a yellow gold woman's ring in Transaction No. DLK134.

9. On June 4, 2012 at 11:20:23 AM, the Respondent reported Transaction DLK134 on the RAPID System to the Howard County Police Department.

10. On June 6, 2012 at 2:20:00 PM, Respondent sent an email to the Howard County Police Department advising that the Respondent returned the items acquired in Transaction No. DLK 134 to the seller.

11. On December 1, 2012, the Respondent acquired nine (9) items in Transaction No. TLC708. The Transaction was filed on the RAPID System on December 2, 2012 to the Arundel County Police Department. The report of the transaction did not include the metal content of the nine (9) items acquired and did not separately list a 28 inch chain and a 19 inch chain.

12. On December 1, 2012, the Respondent acquired five (5) items in Transaction No. TLC710. The transaction was filed on the RAPID System on December 3, 2012 to the Arundel County Police Department. The report of the transaction did not include the metal content of the five (5) items acquired and did not separately list a two distinct pairs of earrings.

13. On December 2, 2012, the Respondent acquired 29 items in Transaction No. TLC712. The Transaction was filed on the RAPID System on December 3, 2012 to the Arundel County Police Department. The report of the transaction did not include the metal content of the 29 items acquired and did not separately list:

- a. two (2) distinct pairs of earrings;
- b. three ladies rings; and
- c. a class ring that did not identify the school name and year.

14. On December 6, 2012, the Respondent acquired a school ring that was issued from North East High School in Transaction No. TLC720. The transaction was filed on the RAPID System on December 7, 2012 to the Arundel County Police Department. The report of the transaction did include the graduation year on the ring.

15. On December 9, 2012, the Respondent acquired 2 items in a transaction that was filed as Ticket No. 5327083 on the RAPID System on December 10, 2012 to the Arundel County Police Department. The report of the transaction did not include the metal content of the one of the items, a bracelet. The bracelet was listed as "925."

16. The Respondent and the Respondent's employees knew, or should have known, the requirements for describing items that are acquired and the 18 day holding period for items that are acquired prescribed by the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act.

17. Based on the aforementioned facts, the Respondent acknowledges that the Respondent and the Respondent's employees have violated Business Regulation Articles §§ 301, 302, 304 and 305, Annotated Code of Maryland, which provide:

§12-301. Required records.

(a) (1) Each dealer shall make a written record, on a form provided by the Secretary, of each business transaction that involves the acquisition of a secondhand precious metal object when the transaction is made.

(2) Each dealer shall retain the original copy of the written record required to be made under paragraph (1) of this subsection at the dealer's place of business.

(b) Each pawnbroker shall make a written record, on a form provided by the Secretary, of each business transaction that involves:

(1) lending money on pledge of personal property, other than a security or printed evidence of indebtedness; or

(2) buying personal property on condition of selling it back at a stipulated price; or

(3) buying the following items for the purpose of resale:

- (i) binoculars;
- (ii) cameras;
- (iii) firearms;
- (iv) furs;
- (v) household appliances;
- (vi) musical instruments;
- (vii) office machines or equipment;
- (viii) radios, televisions, videodisc machines, videocassette recorders, and stereo equipment;
- (ix) personal computers, tapes, and disc recorders;
- (x) watches;
- (xi) bicycles; and
- (xii) tangible personal property pledged as collateral.

(c) Each pawnbroker shall make a written record, on a form provided by the Secretary, of each transaction that involves the acquisition of an item described in subsection (b)(3) of this section for the purpose of resale.

(d) (1) A separate record entry shall be made for each item involved in a transaction.

(2) Items in a matching set may be recorded as a set if acquired in a single transaction.

(e) (1) The dealer shall tag each item individually with a number that corresponds to the transaction under which it was acquired. However, items acquired in a matching set may be tagged as a set.

(2) Each item tagged by a dealer under paragraph (1) of this subsection shall remain tagged for the entire period the item is stored in the dealer's inventory.

(f) For the purposes of this subtitle, there is a presumption that an object is a precious metal object if:

- (1) it reasonably appears to be a precious metal object; and
- (2) it was received by a dealer in the course of business or is found in the place of business or storage facility of a dealer.

§12-302. Contents of records.

(a) In addition to any other information required by the Secretary, the records of a dealer shall include:

- (1) the date, place, and time of each transaction that involves the acquisition of a precious metal object;
- (2) the name and address of the principal, if the transaction is by an agent;
- (3) a description of the precious metal object, including:
 - (i) its approximate metallic composition;
 - (ii) any jewels, stones, or glass parts;
 - (iii) any mark, number, word, or other identification on the precious metal object;
 - (iv) its weight, if payment is based on weight;
 - (v) a statement whether it appears to have been altered by any means, including:
 1. obscuring a serial number or identifying feature;
 2. melting; or
 3. recutting a gem; and
 - (vi) the amount paid or other consideration;
- (4) for each individual from whom the dealer acquires a precious metal object:
 - (i) the name, date of birth, and driver's license number of the individual; or

(ii) identification information about the individual that:

1. positively identifies the individual from at least 2 forms of identification, which may include an age of majority card, military identification, or passport; and

2. provides a physical description of the individual, including the sex, race, any distinguishing features, and approximate age, height, and weight of the individual;

(5) a statement indicating whether or not the person making the transaction is personally known to the dealer; and

(6) the signature of the person from whom the precious metal object or personal property is acquired and the dealer or employee who accepted the precious metal object.

(b) In addition to any other information required by the Secretary, the records of a pawnbroker shall include, for each item pawned:

(1) the type of item;

(2) its manufacturer, model number, year of manufacture if known, and serial number if known; and

(3) its color and size.

§ 12-304. Copies to primary law enforcement units

(a) (1) A dealer shall submit the required information from each record to the primary law enforcement unit in accordance with subsection (b) of this section.

(2) If the dealer transacts business in accordance with § 12-206(b) of this title, the dealer also shall submit the required information from the records to the local law enforcement unit in accordance with subsection (b) of this section.

(3) On the request of a dealer, the Secretary shall provide to the dealer a list of local law enforcement units.

(b) (1) Subject to paragraph (2) of this subsection, the dealer shall submit the records by transmitting the required information from the records electronically, in a format acceptable to the receiving law enforcement unit, by noon of the next business day.

(2) A dealer may request an extension of up to 48 hours to submit the records required under paragraph (1) of this subsection.

(c) Each record, submitted to the primary law enforcement unit and, if applicable, local law enforcement unit, shall include:

- (1) the license number of the dealer;
- (2) the location of each item listed in the record; and
- (3) the information required under § 12-302 of this subtitle.

(d) The required information from a record submitted under this section:

- (1) shall be kept confidential;
- (2) is not a public record; and
- (3) is not subject to Title 10, Subtitle 6 of the State Government Article.

(e) The primary law enforcement unit shall adopt a procedure for a dealer to amend a record required to be submitted under this section.

(f) A law enforcement unit may cease to maintain a record submitted under this section after 1 year from the date the law enforcement unit receives the copy.

§12-305. Holding period for secondhand precious metal objects.

(a) (1) (i) 1. Except as otherwise provided in this section, a dealer who acquires a precious metal object shall keep it in the county where the dealer holds a license from the time of acquisition until at least 18 days after submitting a copy of a record of its acquisition under § 12-304 of this subtitle.

2. Notwithstanding subparagraph (ii) of this paragraph, the 18-day holding period established under this subparagraph applies to a precious metal object that:

A. a dealer licensed in Prince George's County acquired in a pawn transaction; and

B. an individual seeks to redeem by presenting the original ticket issued as part of the pawn transaction.

(ii) A dealer who holds a license in Prince George's County and who acquires a precious metal object, other than a pawned precious metal object described in subparagraph (i) 2 of this paragraph, shall keep it in Prince George's County from the time of acquisition until at least 30 days after submitting a copy of a record of its acquisition under § 12-304 of this subtitle.

(2) A dealer who acquires a precious metal object at an event which takes place at a location other than the dealer's fixed business address shall place the object and a record of its acquisition at a location in accordance with subsection (d) (1) or (2) of this section by the next business day after acquiring the object.

(3) In partial compliance with the 18-day holding requirement under this subsection, a dealer may maintain an object and the record of its acquisition at a location other than the dealer's fixed business address, if the local law enforcement unit in the jurisdiction where the item was acquired provides written approval.

(b) (1) A dealer may submit to the primary law enforcement unit a written request for a shorter holding period for a specific precious metal object.

(2) Within 48 hours after the primary law enforcement unit receives a request, the primary law enforcement unit shall approve or deny the request.

(3) After inspecting the precious metal object, the primary law enforcement unit may authorize in writing a shorter holding period.

(4) If the primary law enforcement unit denies the request, the primary law enforcement unit shall state the reasons in writing.

(c) (1) Except as provided in paragraph (2) of this subsection, a dealer may not alter a precious metal object before or during the holding period.

(2) During the holding period, a dealer may chemically test a precious metal object to determine its metal content or value if the dealer does not alter the precious metal object so as to affect its identification or value.

(d) During the holding period for a precious metal object, a dealer shall keep the precious metal object and the record of its acquisition in:

- (1) the place of business of the dealer; or
- (2) a storage facility specified in the license application of the dealer.

18. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of \$ 1,500.00 upon the Respondent's execution of this Consent Order.

19. The Respondent further agrees that the Respondent shall abide by the provisions of the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act, § 12-101 et. seq. and COMAR 09.25.01, et. seq.

20. The Respondent, by entering into this Consent Order, expressly waives the right to have the pending allegations by the Department reduced to written charges, the right to an administrative hearing on the charges and the making of Findings of Fact and Conclusions of Law, and any all further proceeding before the Department to which the Respondent may be entitled to in this matter, and any rights to appeal from this Order.

21. The Respondent enters into this Consent Order freely, knowingly and voluntarily.

BASED ON THESE STIPULATIONS, IT IS, THIS 28th DAY OF June, 2013, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Articles §§12-301, 302, 304 and 305, Annotated Code of Maryland;

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of \$1,500.00 for the violation, which amount is to be payable to the Department upon the Respondent's execution of this Consent Order and Settlement Agreement, and it is further

ORDERED that the Department's records and publications reflect the violation and the civil penalty of \$1,500.00 imposed on the Respondent.

RESPONDENT'S SIGNATURE
ON ORIGINAL DOCUMENT
Tara Lynn Carbo

DEPUTY SECRETARY'S SIGNATURE
ON ORIGINAL DOCUMENT
Scott Jenson,
Deputy Secretary

MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION

6-10-13
Date