

omitting or providing incorrect item description information, omitting or incorrectly classifying the items, and failing to list items separately.

5. Examples of the violative conduct include, but are not limited to:

- Transaction APR06 conducted on April 19, 2017, lists the seller's first and middle names as his first name (and first name misspelled) with an unknown gender, 5'10" height and his race as Native American. A search of his driver's license soundex number reveals that he has one first name, he is male, 6'00" tall and his race is Caucasian. The item(s) purchased are all listed on the same line as "Classification Jewelry Sub-Class Scrap Jewelry; Ladies 14K Yellow Gold Scrap Gold Costume Jewelry weight 8.1 Broken Pieces unable to tell" making it impossible to discern how many items there are and what it is or they are. If multiple items, they would need to be listed individually and if one broken item, it needs to be described (item no. 40051820).
- Transaction MAY06 conducted May 16, 2017, fails to list the race of the seller in the RAPID system. The item is described as classification jewelry, sub-class necklace Ladies' 10K yellow gold chain link; weight 1.4 dwt pendant chain tangled. This description fails to describe the pendant and fails to identify the link type of the chain. It is also unclear as to whether there is one (1) necklace or two (2).

SPMG-18-0021

6. On or about September 14, 2016, a detective from the Anne Arundel County Police Department reviewed fifteen (15) secondhand precious metal object transactions which occurred at the Respondent's place of business between July 2, 2016, and September 6, 2016.

7. That the Detective's review revealed reporting errors and omissions in violation of BR §§12-301(d), 12-302(a)(3) and (4), and 12-304(a) - (c), including misspelling or omitting the seller's identification information, omitting or providing incorrect item description information, omitting or incorrectly classifying the items, and failing to list items separately.

8. Examples of the violative conduct include, but are not limited to:

- Transaction 707 conducted July 15, 2016, fails to include the seller's identification (i.e., soundex) information, and does not list the size of the ring purchased.
- Transaction 805 conducted August 12, 2016, fails to list the gender or weight of the seller and misspells the seller's address. Item 36662681 lists a quantity of 13 and no description other than "14k yellow gold scrap". These items need to be listed individually if not a matching set.

SPMG-18-0022

9. On or about April 5, 2017, a detective from the Anne Arundel County Police Department reviewed thirteen (13) secondhand precious metal object transactions which occurred at the Respondent's place of business between December 12, 2016, and March 30, 2017.

10. That the Detective's review revealed reporting errors and omissions in violation of BR §§ 12-302(a)(3) and (4), and 12-304(a) - (c), including misspelling or omitting the seller's identification information, omitting or providing incorrect item description information, and failing to make reports timely.

11. Examples of the violative conduct include, but are not limited to:

- Transaction Mar 06 conducted March 11, 2017, was not reported until March 19, 2017. The seller's height, weight, eye and hair color, race, and identification (i.e., soundex number) were not included, and the seller's first name and address were incorrectly entered. Insufficient description information was provided for items no. 39608097, 39608098, and 39608099.
- Transaction mar 7 conducted March 15, 2017, was not reported until March 19, 2017. The seller's height, weight, eye and hair color, race and identification (i.e., soundex number) were not included, and the seller's birth date was incorrect. Insufficient description information was provided for items 39608131, and 39608132.

12. Based on the aforementioned facts, the Respondent acknowledges that he has violated the noted statutes, which provide in pertinent part:

§12-301 Required Records

(a) Records of dealers. -- (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.

(d) Separate entries. -- (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.

§12-302 Contents of records

(a) Records of dealers. -- 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;

§12-304 Copies to primary law enforcement agencies

(a) In general. --

(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) Delivering copies in general; Howard County provision. --

(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) Contents. -- 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.

13. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of Three Thousand Five Hundred Dollars (\$3,500) upon the Respondent's execution of this Consent Order.

14. The Respondent agrees that he and all current employees shall undergo training by the Department pertaining to the Act, applicable regulations, and the Department's Guidelines within three months of the date of this Consent Order. The Respondent shall provide a written certification to the Department stating that all employees have received the required training within seven days of completion of training.

15. The Respondent further agrees to the suspension of his license to conduct secondhand precious metal transactions for a thirty (30) day period beginning at 12:01 a.m., October 15, 2018, and concluding at midnight on November 14, 2018.

16. The Respondent further agrees that he shall abide by all provisions of the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act, BR §12-101 *et. seq.*, and COMAR 09.25.01, *et. seq.* with regard to all relevant future activities.

17. 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 and all further proceedings before the Department to which the Respondent may be entitled in this matter, and any rights to appeal from this Order.

18. The Respondent enters into this Consent Order freely, knowingly and voluntarily, and with the opportunity to seek advice of counsel.

19. The Respondent agrees and acknowledges that this Consent Order shall constitute a Final Decision and Order of the Department and shall be enforceable as such.

Based on these stipulations, it is this 9th day of October, 2018, by the Department of Labor, Licensing and Regulation:

ORDERED, that the Respondent has violated Business Regulation Article §§12-301(a)(1), (d), 12-302(a), and 12-304(a) - (c), Annotated Code of Maryland, and it is further

ORDERED, that the Respondent's license to conduct secondhand precious metal transactions (Reg. No. 2365) is suspended from 12:01 a.m., October 15, 2018, through midnight, November 14, 2018, and it is further

ORDERED, that the Respondent and all current employees shall undergo, and the Respondent shall provide written documentation of the satisfactory completion of, training by the Department pertaining to the Act, applicable regulations, and the Department's Guidelines in accordance with the provisions of paragraph 14 of this Consent Order; and it is further

ORDERED, that if the Respondent fails to comply with any of the requirements for training and/or proof of completion in accordance with paragraph 14 of this Consent Order,

the Respondent's license to act as a secondhand precious metal object dealer and pawnbroker shall be immediately and automatically suspended until such time as compliance occurs; and it is further

ORDERED, that the Respondent be assessed a civil penalty of Three Thousand Five Hundred Dollars (\$3,500) for the violations, which amount is payable to the Department upon the Respondent's execution of this Consent Order and Settlement Agreement, and it is further

ORDERED, that if the Respondent fails to make the required payment in accordance with the terms of this Consent Order, the Respondent's license to act as a secondhand precious metal object dealer and pawnbroker shall be immediately and automatically suspended until such time as the required payment is made; and it is further

ORDERED, that this matter shall be resolved in accordance with the terms of this Consent Order, and that the same shall be reflected among the records of the Department; and it is further

ORDERED, that this Consent Order shall constitute a Final Decision and Order of the Secretary of the Maryland Department of Labor, Licensing and Regulation.

Signature on File

AMIR PYARALI

October 1, 2018

Date

Signature on File

KELLY M. SCHULZ

Secretary

Maryland Department of Labor, Licensing and Regulation

10-8-18

Date