

MARYLAND DEPARTMENT OF LABOR

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CASE NO. SPMG-2023-0006

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v.

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KARL GETSCHEL,

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SMYTH JEWELERS

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Respondent

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CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Department of Labor ("Department") because of a complaint filed by the Anne Arundel County Pawn Unit. After a review of the complaint, the Department and Karl Getschel, affiliated with Smyth Jewelers ("Respondent") agree to enter into this Consent Order as final settlement.

THE PARTIES AGREE AND STIPULATE:

1. The Respondent holds a secondhand precious metal object dealers and pawnbrokers ("SPMG") license with the Department (Reg. No. 01-2797).
2. At all times relevant to the matters set forth in this Consent Order, the Department had jurisdiction over the subject matter and the Respondent.
3. On or about June 13, 2023, an officer from the Anne Arundel County Pawn Unit reviewed two (2) secondhand precious metal object transactions which occurred at the Respondent's place of business in Annapolis, Maryland. Ticket #2230178 had a transaction date of June 4, 2023. Ticket #2230180 had a transaction date of June 5, 2023.
4. Officer Dohoney's investigation revealed the following: in both transactions, the Respondent failed to adequately describe secondhand precious metal items, specifically

by failing to include the length of the items and by failing to include any unique identifying information about the items.

5. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §12-302(a)(3), which provides in pertinent part:

§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:

(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;

6. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of Five Hundred Dollars (\$500), to be paid within thirty (30) days of execution of this Consent Order.
7. The Respondent agrees that he 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 written certification to the Department stating that he has received the required remedial training within seven days of completion of the training.
8. 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.

9. The Respondent, by entering into this Consent Order, expressly waives 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.
10. The Respondent enters into this Consent Order freely, knowingly, and voluntarily, and with the opportunity to seek the advice of counsel.
11. 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 _____ day of _____, 2023, by the Maryland Department of Labor:

ORDERED, that the Respondent has violated Business Regulation Article §12-302(a)(3); and it is further

ORDERED, that the Respondent be assessed a civil penalty of Five Hundred Dollars (\$500) for the violations, which amount is payable to the Department within thirty (30) days of the execution of this Consent Order; 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 the Respondent shall undergo, and the Respondent shall provide written documentation of the satisfactory completion of, remedial training by the Department pertaining to the Act, applicable regulations, and the Department's Guidelines in accordance with the provisions of Paragraph 7 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 7 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 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.

**SIGNATURE APPEARS
ON ORIGINAL DOCUMENT**

KARL GETSCHEL

Respondent

8/10/2023

Date

**SIGNATURE APPEARS
ON ORIGINAL DOCUMENT**

PORTIA WU

Secretary

Maryland Department of Labor

8/21/23

Date