

BEFORE THE MARYLAND DEPARTMENT OF LABOR

DEPARTMENT OF LABOR

v.

RICHARD DAVIS

Respondent

CASE NOS. : SPMG-19-0016
SPMG-21-0003

* * * * *

CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Department of Labor (“Department”) as a result of complaints filed by the Baltimore County Police Department. Upon review of the complaints, the Department determined that administrative charges against Richard Davis d/b/a American Bullion Office (“Respondent”), should be filed and administrative hearings should be held. Prior to the filing of formal charges in SPMG-19-0016 and SPMG-21-0003, the Respondent and the Department agreed to enter into this Consent Order as final settlement of both matters.

THE PARTIES AGREE AND STIPULATE:

1. The Respondent holds a secondhand precious metal object dealers and pawnbrokers license with the Department (Reg. No. 2528).
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.

SPMG-19-0016

3. On or about February 21, 2019, the Baltimore County Police Department reviewed precious metal object transactions which occurred at the Respondent’s place of business between January 1, 2019 and February 21, 2019.
4. That the review revealed reporting errors and omissions in violation of Maryland Annotated Code, Business Regulation Article (“BR”) §§12-301(a)(1), (d), 12-302(a), 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, failing to list items separately and failing to report the transactions.
5. Examples of the violative conduct include, but are not limited to:

SILVERMAN THOMPSON

Silverman Thompson Slutkin White

ATTORNEYS AT LAW

A Limited Liability Company

201 N. Charles Street
26th Floor
Baltimore, Maryland 21201
Telephone 410.385.2225
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silvermantompson.com

Baltimore | Towson | New York | Washington, DC

Writer's Direct Contact:

(410) 494-7100
Reply to Towson

December 27, 2021

VIA FEDERAL EXPRESS

Christopher Dorsey, Esquire
Department of Labor
500 N. Calvert Street, 3rd fl.
Baltimore, Maryland 21202

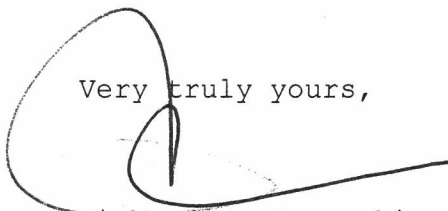
Re: Richard Davis

Dear Mr. Dorsey:

Enclosed please find a Consent Order and Settlement Agreement signed by Mr. Richard Davis on December 27, 2021. Also enclosed is Mr. Davis' check representing payment of his civil fine in the amount of \$3,000.00.

Thank you.

Very truly yours,



Richard M. Karceski

RMK/amk
Enclosures

Receipt #19775 dated 2/16/19 lists 1 Monster box Silver \$9,300.00 with an illegible signature. A search was conducted in the Regional Automated Property Information Database (RAPID) system with a negative result.

Receipt #19602 dated 1/2/19 lists a person's Class 77 ring Test & Call \$45.00 (410) 491-4551. That person was not listed in the RAPID system for January or February 2019.

Receipt #19706 dated 1/29/19 lists Silver \$210.00. A search was conducted in RAPID system for both January and February with a negative result for a transaction matching a \$210.00 value.

Receipt #19719 dated 2/1/19 lists 2 rings for \$73.00. This matches the electronically reported transaction for ticket # 392 reported on 2/6/2019.

Receipt #19724 dated 2/4/19 lists Misc. Silver \$610.00. A search was conducted in RAPID system with a negative result.

Receipt #19728 dated 2/5/19 lists Misc. Jewelry, Silverware for \$1,200.00. A search was conducted in RAPID system with a negative result.

Receipt #19732 dated 2/6/19 lists Silver Bullion for \$14.02. A search was conducted in RAPID with a negative result.

Receipt #19734 dated 2/6/19 lists Class ring, Misc. junk for \$589.00. A search was conducted in RAPID system with a negative result.

Receipt #19735 dated 2/6/19 lists Misc. Gold for \$900.00. A search was conducted in RAPID system with a negative result.

Receipt #19754 no date lists One (1) 10g Fine Gold for \$360.00. A search was conducted in RAPID system with a negative result.

Receipt #19757 dated 2/12/19 lists General List for the address; and under Item is lists Coins \$100.00 and Two (2) Bracelets \$41.00. Having a total of \$141.00 of which \$100.00 (coins) was not required to be reported. A search was conducted in RAPID system with a negative result.

Receipt #19758 dated 2/12/19 lists One (1) Class ring for \$147.00. This matches the electronically reported transaction for ticket #396 reported on 2/13/2019 at 5:23 PM.

Receipt #19759 dated 2/12/19 lists One (1) Cluster ring for \$110.00. This matches the electronically reported transaction for ticket #395 reported on 2/13/2019 at 5:05 PM.

Receipt #19760 dated 2/13/19 lists Jewelry for \$380.00. A search was conducted in RAPID system with a negative result

Receipt #19761 dated 2/13/19 lists One (1) Bracelet for \$35.00. A search was conducted in RAPID system with a negative result.

Receipt #19763 dated 2/13/19 lists Misc. Silver for \$525.00. A search was conducted in RAPID system with a negative result.

Receipt # 19766 dated 2/14/19 lists General List for the address; and under Item is lists Spoons \$30.00, Decanters \$25.00, One (1) Necklace \$40.00, One (1) Coin Silver \$17.00. Having a total value of \$112.00 of which \$17.00 (coin) was not required to be reported. A search was conducted in RAPID system with a negative result.

Receipt #19769 dated 2/14/19 lists One (1) Watch and One (1) Ring for \$850.00. A search was conducted in RAPID system with a negative result.

Receipt #19773 dated 2/17/19 lists Misc. Silver for 1030 (not sure if 10.30 or \$1030.00). A search was conducted in RAPID system with a negative result.

Receipt #19774 dated 2/17/19 lists Misc. Gold for \$654.00. A search was conducted in RAPID system with a negative result.

Receipt #19782 dated 2/18/19 lists Jewelry for \$180.00. A search was conducted in RAPID system with a negative result.

SPMG-21-0003

6. On or about March 4, 2020, the Baltimore County Police Department reviewed secondhand precious metal object transactions which occurred at the Respondent's place of business between February 8, 2020 and February 17, 2020.

7. That the Baltimore County Police Department review revealed reporting errors and omissions in violation of the Business Regulation Article.

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

Ticket #538 dated 2/8/2020 was electronically reported 2/10/2020 at 12:24 PM and the MD Soundex was listed as 0256744071126 instead of O256744071126.

Ticket #539 dated 2/8/2020 was electronically reported 2/10/2020 at 1:48 PM and it should have listed Hamilton in the Manufacturer field.

Ticket #540 listed the stones as several small clear stones, it failed to identify the shape and actual number of stones

Ticket #541 dated 2/11/2020 was electronically reported 2/12/2020 at 12:54 PM and failed to state if the man's wedding band had any type of design.

Ticket #542 dated 2/12/2020 was electronically reported 2/19/2020 at 1:56 PM.

Ticket #544 dated 2/17/2020 was electronically reported 2/18/2020 at 2:17 PM and it failed to identify the rectangular shape of the black stone and the channel set shape and number of the clear stones under item #53643187. It also failed to properly describe the round shape of the three blue stones and the round shape of the four small clear stones.

9. 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;

- (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.

10. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of Three Thousand Dollars (\$3,000.00) upon the Respondent's execution of this Consent Order.

11. 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.

12. The Respondent further agrees to the suspension of his license to conduct secondhand precious metal transactions for a fifteen (15) day period beginning at 12:01 a.m., January 1, 2022, and concluding at midnight on January 15, 2022.

13. 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.

14. 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.

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

16. 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 28th day of December, 2021, by the Department of Labor:

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. 2528) is suspended from 12:01 a.m., January 1, 2022, through midnight, January 15, 2022, 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 11 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 11 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 Dollars (\$3,000.00) 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.

Signature on File _____

RICHARD DAVIS

DEC. 27, 2021
Date

Signature on File _____

TIFFANY ROBINSON
Secretary
Maryland Department of Labor

12/28/21
Date