

DEPARTMENT OF LABOR,
LICENSING AND REGULATION

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v.

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CASE NO.: SPMG 11-0009

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FRANK A. DESIMONE
dba
Catonsville Jewelry and Pawn,

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Respondent

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CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulations (“Department”) as a result of complaints filed by the Baltimore County Police Department. Upon a review of the complaint, the Department has determined that administrative charges against Frank A. Desimone, dba Radcliffe Jewelers (the “Respondent”), 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 originally obtained a license as a secondhand precious metal object dealer and pawnbroker (License No. 955) dba Catonsville Jewelry and Pawn, 5210 –A Baltimore National Pike, Baltimore, MD 21229 on January 28, 1997. The Respondent’s current license expires on December 29, 2011.
3. On May 21, 2010 members of the Baltimore County Police Department Pawn Unit conducted an inspection to determine the Respondent’s compliance with the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act.

4. The inspection determined that in Transaction No. 52702, dated April 5, 2010, which involved a pawn transaction of a laptop computer, the Respondent or the Respondent's employees obtained the social security number, in lieu of a driver's license number.

5. The inspection also determined that in Transaction No. 52650, dated March 29, 2010, which involved a pawn transaction of a laptop computer, the Respondent or the Respondent's employees obtained the social security number, in lieu of a driver's license number.

6. The Respondent or the Respondent's employees knew or should have known the requirements for obtained two forms of identification in lieu of a driver's license.

7. Based on the aforementioned facts, the Respondent acknowledges that they have violated Business Regulation Article §§12-301 (a), 12-302 (a) (4), which state:

§ 12-301. Required records.

(a) Records of dealers.- 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.

§12-302. Contents of Records

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

4) or 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;

8. Based on the aforementioned violations, the Respondents agree to pay to the Department a civil penalty of \$100.00 upon the Respondent's execution of this Consent Order.

9. The Respondent further agrees that he 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.

10. 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.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 20 DAY OF August, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent violated Business Regulation Article §§12-301 (a), 12-302 (a) (4), Annotated Code of Maryland, Annotated Code of Maryland;

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of \$100.00 for the violations, which amount is payable to the Department upon the Respondents' execution of this Consent Order and Settlement Agreement, and it is further

ORDERED that the Department's records and publications reflect the violations and the civil penalty of \$100.00 imposed on the Respondent.

(RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER)

Frank A. Desimone

DEPUTY SECRETARY'S SIGNATURE
APPEARS ON ORIGINAL ORDER

LEONARD J. HOWIE, III
DEPUTY SECRETARY
MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION

8/20/10
Date