

BEFORE THE MARYLAND DEPARTMENT OF LABOR, LICENSING AND REGULATION

DEPARTMENT OF LABOR,
LICENSING AND REGULATION

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v.

CASE NOS. : SPMG-18-0003

SHANNON MARTIN

Respondent

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CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Department of Labor, Licensing and Regulation ("Department") as a result of a complaint filed by the Charles County Sheriff's Office. Upon review of the complaint, the Department determined that administrative charges against Shannon Martin d/b/a JW Jewelers, ("Respondent") should be filed and an administrative hearing should be held. Prior to hearing, the Respondent and the Department agreed 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 license with the Department (Reg. No. 2450), which is currently due to expire on January 25, 2019. There is also a license for a second location (Reg. No. 2450-01).

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 July 5, 2017, a detective from the Charles County Sheriff's Office reviewed five (5) secondhand precious metal object transactions which occurred at the Respondent's place of business in Waldorf (License Reg. No. 2450-01) between January 3, 2017, and July 3, 2017.

4. That the Detective's review revealed reporting errors and omissions in violation of Maryland Annotated Code, Business Regulation Article ("BR") §§12-301(d)(1) and (2), and (f)(1) and (2), 12-302(a), and 12-304(a) - (c), including providing the incorrect employee conducting the transaction, providing the incorrect address for the location of the transaction,

failing to include transaction numbers, not reporting transactions in a timely manner, failing to properly tag property, failing to report items and omitting or providing incorrect or inadequate item description information.

5. Additionally, an employee was not submitted for approval to the Department, in violation of BR § 12-203 and COMAR 09.25.01.05.

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

§ 12-203. Fees for employees

Before an individual may begin work for a dealer as an employee:

- (1) the dealer shall submit to the Secretary, on the form that the Secretary provides, the name of the individual; and
- (2) the individual shall apply for a national and State criminal history records check required under § 12-204(b) of this subtitle.

§12-301 Required Records

(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.

(f) Tagging and numbering of items. -- (1) When a dealer places items into the dealer's inventory, 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.

§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;

§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.

COMAR 09.25.01.05 Employees of the Licensee.

A. At the time an individual applies for a license, the individual shall:

(1) On a form provided by the Secretary, submit the name of each employee who, on behalf of the applicant, will engage in a precious metal object transaction or pawn transaction;

(2) Submit documents, as required by the Secretary, necessary to conduct a criminal background investigation for each employee who will engage in a precious metal object or pawn transaction; and

(3) Pay the fee for each employee pursuant to Business Regulation Article, §12-203, Annotated Code of Maryland.

B. A current licensee shall notify the Secretary, under the requirements of §A of this regulation, of the identity of an employee whom the licensee intends to hire to engage in a precious metal object or pawn transaction.

C. The licensee may not permit an employee to engage in a precious metal object or pawn transaction until the Secretary notifies the licensee of the licensee's compliance with §A or B of this regulation.

7. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of Seven Thousand Five Hundred Dollars (\$7,500), to be paid in monthly installments of One Thousand Two Hundred Fifty Dollars (\$1,250) for a period of six

(6) months beginning December 10, 2018, and continuing on or before the 10th of each month thereafter until the full amount is paid.

8. The Respondent agrees that she 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.

9. The Respondent further agrees to the suspension of her license to conduct secondhand precious metal transactions for a seven (7) day period beginning at 12:01 a.m., December 23, 2018, and concluding at midnight on December 29, 2018. This suspension applies to the license, which includes both locations.

10. The Respondent further agrees that she 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.

11. 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.

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

13. 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 7th day of December, 2018, by the Department of Labor, Licensing and Regulation:

ORDERED, that the Respondent has violated Business Regulation Article §§12-203, 12-301(d), and (f), 12-302(a), and 12-304(a) - (c), and COMAR 09.25.01.05, and it is further

ORDERED, that the Respondent's license to conduct secondhand precious metal transactions (Reg. No. 2450, and sub-license 2450-01) is suspended from 12:01 a.m., December 23, 2018, through midnight, December 29, 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 8 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 8 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 Seven Thousand Five Hundred Dollars (\$7,500) for the violations, which amount is payable to the Department in monthly installments of One Thousand Two Hundred Fifty Dollars (\$1,250) for a period of six (6) months beginning December 10, 2018, and continuing on or before the 10th of each month thereafter until the full amount is paid, and it is further

ORDERED, that if the Respondent fails to make the required payments 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(s) is/are 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

SHANNON MARTIN

11-13-18

Date

Signature on File

KELLY M. SCHULZ
Secretary
Maryland Department of Labor, Licensing
and Regulation

12-7-18

Date