

DEPARTMENT OF LABOR
LICENSING AND REGULATION,

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v.

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CASE NO: SPMG 13-0002

SAMEER A .JIVANI
t/a Gold Country
also dba Waldin Jewelry,

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Respondent

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CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulation (“Department”) as a result of a complaint filed by the Frederick County Sheriff’s Department. Upon a review of the complaint, the Department has determined that administrative charges against Sameer A. Jivani (the “Respondent”) t/a Gold Country, also trading as Waldin Jewelry, 5500 Buckystown Pike #680, Frederick, Maryland 21703 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 (License No 01-2472-01), holds secondhand precious metal object dealers and pawnbrokers license with the Department, which was initially issued on June 7, 2011.
3. On February 15, 2012, the inspectors from the Frederick County Sheriff’s Department conducted an inspection of the Respondent place of business to determine the Respondent’s compliance with the provisions of the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act.
4. The inspection revealed the following description violations of the reporting requirements for transactions committed by the Respondent:

- A. Transaction No.134953, conducted on January 7, 2012, for a school ring listed under item number 8118214 failed to include the following information “Urbana High School Hawks, 2005,” engraved with the name, “Thomas Harvey;”
- B. Transaction No. 3136130 conducted on January 8, 2012 failed to include the 3 diamonds that were on the man’s white gold ring under item number 8121652;
- C. Transaction No. 3211299 conducted on January 22, 2012 failed to describe the EAGLE charm on the bracelet listed under item number 8314011;
- D. Transaction No. 3268845 conducted on February 1, 2012 at 1:10 PM was actually conducted on January 31, 2012, at approximately 1100 AM by an undercover police officer. The transaction also failed to include the 4 diamond chips (clear stones) on the 10 karat yellow gold woman’s ring listed under item number 8464578, the last name was not completely transferred from the handwritten daily transaction sheet to the electronic report on the Rapid system;
- E. Transaction No. 3269066 conducted on February 2, 2012 failed to include the heart shaped charm on the bracelet listed under item number 8465162;
- F. Transaction No. 3286958 conducted on February 5, 2012 failed to describe the chain style under item number 8510948 which is described as a ladies 10 karat white gold chain 22” in length and a weight of 13.5 grams;
- G. Transaction No. 3306729 conducted on February 8, 2012 failed to include the 3 diamond (clear stones) for a ladies 14karat yellow gold ring listed under item number 8563276; and .
- H. All of the transactions listed above, failed to indicate the race of the seller when the transaction report was electronically filed with the Frederick County Sheriff’s Department.

5. The Respondent acknowledges that the Respondent and his authorized employees knew, or should have known, of the requirement of the Secondhand Precious Metal Object Dealers and Pawnbrokers Act for the timely reporting of transaction reports to the Frederick County Sheriff’s Department, the proper descriptions of secondhand precious metal objects that are acquired, and the proper descriptions of the sellers of secondhand precious metal objects.

6. Based on the aforementioned facts, the Respondent acknowledges that the Respondent or the Respondent’s employees have violated Business Regulation Articles §§12-301, 302, and 304, Annotated Code of Maryland, and Code of Maryland Regulations COMAR 09.25.02.02, which provide:

§12-301. Required records.

(a) (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.

(2) Each dealer shall retain the original copy of the written record required to be made under paragraph (1) of this subsection at the dealer's place of business.

(b) Each pawnbroker shall make a written record, on a form provided by the Secretary, of each business transaction that involves:

(1) lending money on pledge of personal property, other than a security or printed evidence of indebtedness; or

(2) buying personal property on condition of selling it back at a stipulated price; or

(3) buying the following items for the purpose of resale:

(i) binoculars;

(ii) cameras;

(iii) firearms;

(iv) furs;

(v) household appliances;

(vi) musical instruments;

(vii) office machines or equipment;

(viii) radios, televisions, videodisc machines, videocassette recorders, and stereo equipment;

(ix) personal computers, tapes, and disc recorders;

(x) watches;

(xi) bicycles; and

(xii) tangible personal property pledged as collateral.

(c) Each pawnbroker shall make a written record, on a form provided by the Secretary, of each transaction that involves the acquisition of an item described in subsection (b)(3) of this section for the purpose of resale.

(d) (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.

(e) (1) 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.

(f) For the purposes of this subtitle, there is a presumption that an object is a precious metal object if:

(1) it reasonably appears to be a precious metal object; and

(2) it was received by a dealer in the course of business or is found in the place of business or storage facility of a dealer.

§12-302. Contents of records.

(a) 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;

(5) a statement indicating whether or not the person making the transaction is personally known to the dealer; and

(6) the signature of the person from whom the precious metal object or personal property is acquired and the dealer or employee who accepted the precious metal object.

(b) In addition to any other information required by the Secretary, the records of a pawnbroker shall include, for each item pawned:

(1) the type of item;

(2) its manufacturer, model number, year of manufacture if known, and serial number if known; and

(3) its color and size.

§ 12-304. Copies to primary law enforcement units

(a) *In general.* - (1) A dealer shall submit a copy of the required information from each record to the primary law enforcement unit in accordance with subsection (b) of this section.

(b) 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.

7. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of \$ 800.00 upon the Respondent's execution of this Consent Order.

8. 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.

9. 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.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 7 DAY OF Summer, 2013, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Articles §§12-301, 302, and 304, Annotated Code of Maryland;

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of \$800.00 for the violation, which amount is to be payable to the Department upon the Respondent's execution of this Consent Order and Settlement Agreement, and it is further

ORDERED that the Department's records and publications reflect the violation and the civil penalty of \$800.00 imposed on the Respondent.

RESPONDENT'S SIGNATURE
ON ORIGINAL DOCUMENT
Sameer A. Javani

DEPUTY SECRETARY'S SIGNATURE
ON ORIGINAL DOCUMENT
Scott Jensen, Deputy Secretary
MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION

01/03/2013
Date