

BEFORE THE MARYLAND DEPARTMENT OF LABOR

DEPARTMENT OF LABOR

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v.

CASE NO. : SPMG-18-0019

MARK COLEMAN

Respondent

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CONSENT ORDER AND SETTLEMENT AGREEMENT

This matter comes before the Maryland Department of Labor ("Department") as a result of a complaint filed by the Baltimore County Police Department. Upon review of the complaint, the Department determined that administrative charges against Mark Coleman d/b/a Nelson Coleman & Sons, LTD, aka Nelson Coleman Jewelers, ("Respondent") should be filed and an administrative hearing was scheduled. Prior to the 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. 2271), which is currently due to expire on February 3, 2021.
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 April 18, 2018, an officer from the Baltimore County Police Department reviewed ten (10) secondhand precious metal object transactions which occurred at the Respondent's place of business in Towson, Maryland between April 12, 2018, and April 13, 2018.
4. The officer's review revealed that none of the ten (10) transactions were reported by noon the next business day as required, and no request for extension was submitted. Delays were anywhere from three (3) days to five (5) days.
5. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §12-304(a)-(c), which provide in pertinent part:

**§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.

6. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of Three Thousand Dollars (\$3,000), to be paid within thirty (30) days of execution of this Consent Order.

7. 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.

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 4<sup>th</sup> day of MARCH, 2020, by the Maryland Department of Labor:

ORDERED, that the Respondent has violated Business Regulation Article §12-304(a) - (c); 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 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 the Respondent be assessed a civil penalty of Three Thousand Dollars (\$3,000) 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(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.

**SIGNATURE ON ORIGINAL DOCUMENT**  
\_\_\_\_\_  
MARK COLEMAN  
Respondent

3.4.2020  
\_\_\_\_\_  
Date

**SIGNATURE ON ORIGINAL DOCUMENT**  
\_\_\_\_\_  
TIFFANY P. ROBINSON  
Secretary  
Maryland Department of Labor

3/5/2020  
\_\_\_\_\_  
Date