

MARYLAND DEPARTMENT OF
LABOR, LICENSING
AND REGULATION

v.

BRAD BERGERSEN,

Respondent

* BEFORE THE
* MARYLAND DEPARTMENT
* OF LABOR, LICENSING & REGULATION
* COMPLAINT NOS.: SPMG-10-0093, 0107,
* 0111, 0115, 0120, and 0122 and SPMG-
* 11-0003, 0005, 0008, and 0010

* * * * *

SETTLEMENT AGREEMENT AND CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulation (“Department”) based on complaints filed by the Frederick County Sheriff’s Office (Complaint Nos. SPMG-10-0093, SPMG-10-0111, SPMG-10-0115, SPMG-10-0120, and SPMG-11-0008), the Anne Arundel County Police Department (Complaint No. SPMG-10-0111), the Baltimore County Police Department (Complaint Nos. SPMG-10-0122 and SPMG-11-0010), the Montgomery County Police Department (Complaint No. SPMG-11-0003), and the Howard County Police Department (Complaint No. SPMG-11-0005) against Brad Bergersen (Respondent”). Based on those complaints, the Department determined that administrative charges against the Respondent were appropriate and that a hearing on those charges should be held. However, before forwarding the matter to Office of Administrative Hearings for the scheduling of a hearing, the Department and the Respondent reached an agreement to resolve the complaints. Accordingly, the Department and the Respondent consent to the entry of this Order as final resolution of this action as to administrative charges in Complaint Nos. SPMG-10-0093, 0107, 0111, 0115, 0120, and 0122 and SPMG-11-0003, 0005, 0008, and 0010,

as well as any additional claims, complaints or administrative actions of whatever kind or nature, whether known or unknown, which the Department could file against the Respondent from the date of issuance of his secondhand precious metal dealer's license (2009) to the effective date of this Agreement.

IT IS STIPULATED BY THE PARTIES that:

1. The Respondent is currently licensed as a secondhand precious metal object dealer ("dealer"), dba 24K Brokers, Inc.
2. The Respondent states that there is sufficient evidence for the Department to likely prove the alleged violations of the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act and the Department's regulations contained in the following complaints:

Complaint No. SPMG-10-0093

A. Sections 12-301(a), 12-302(a), 12-304(b) and (c)(3), and 12-305(a), as well as Code of Maryland Regulations ("COMAR") 09.25.02.02.

Complaint No. SPMG-10-0107

A. Sections 12-301(a), 12-302(a), and 12-304(b).

Complaint No. SPMG-10-0111

A. Section 12-304(b).

Complaint No. SPMG-10-0115

A. Sections 12-206(b), 12-301(a), 12-302(a)(1), and 12-304(b) and (c)(3).

Complaint No. SPMG-10-0120

A. Sections 12-301(a), 12-302(a)(1), and 12-304(b) and (c)(3).

Complaint No. SPMG-10-0122

A. Section 12-304(b).

Complaint No. SPMG-11-003

A. Sections 12-206(b), 12-208, 12-301(a), 12-302(a), 12-304(b) and (c)(3), and 12-305(a), as well as COMAR 09.25.02.02.

Complaint No. SPMG-11-0005

A. Sections 12-301(a), 12-302(a), and 12-304(b) and (c)(3).

Complaint No. SPMG-11-0008

A. Sections 12-301(a), 12-302(a)(1), and 12-304(b) and (c)(3).

Complaint No. SPMG-11-0010

A. Sections 12-206(b) and 12-304(b).

3. The State of Maryland filed 59 criminal charges against the Respondent in the District Court for Montgomery County (Case No. 2D00249454) for violations of the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act.

4. On or about August 25, 2010, the Respondent entered into a Memorandum of Understanding with the State's Attorney for Montgomery County in that criminal case.

5. The Memorandum of Understanding provided:

1. I Brad Bergersen, agree to surrender my Maryland Secondhand Precious Metals Dealer License before October 1, 2010 and any other license that is (sic) my name issued by Montgomery County Maryland or the Department of Labor, Licensing and Regulation. I also understand that I may not work directly with purchasing or selling of secondhand precious metals. Additionally I may not reapply for a period of 36 months, starting April 1, 2010.

2. For the purpose of this agreement, capitalized terms if not defined herein shall have the same meaning as ascribed to them in Section 12-101 of the Business Regulation Article of the Maryland Code (as amended). During the period outlined in paragraph 1, I also agree to the conditions and/or restrictions outlined below. Specifically:

a. I may not attend any Precious Metal Object purchase event (home residence or public venue) located in the State of Maryland and engage in any Pawn Transaction involving the purchase of Precious Metal Objects in the State of Maryland, with such restrictions including:

- Handling, weighing or conducting visual, mechanical or chemical analysis of Precious Metal Objects.
- Making a cash offer or promises of any kind to any customer or guest for the purpose of completing a purchase of Precious Metal Objects.
- Filling out or signing any documentation associated with the purchase of a Precious Metal Object, including the Maryland State Transaction Form.

b. I may not conduct any Pawn Transaction in the State of Maryland that are (sic) characterized as "Customer walk-ins" and engage in any Pawn Transaction involving the purchase of Precious Metal Objects in the State of Maryland, with such restrictions including:

- Handling, weighing or conducting visual, mechanical or chemical analysis of Precious Metal Objects.
- Making a cash offer or promises of any kind to any customer or guest for the purpose of completing a purchase of Precious Metal Objects.
- Filling out or signing any documentation associated with the purchase of a Precious Metal Object, including the Maryland State Transaction Form.

c. Have any physical contact with any Precious Metal Object purchased by 24K Brokers, Inc. in the State of Maryland as delineated in paragraph 2.a or 2.b., including the transport of said Precious Metal

Object for the purpose of redeeming or refining the Precious Metal Object in exchange for funds.

d. I may not directly or indirectly manage, coordinate or conduct the scheduling of events to purchase Precious Metal Objects in the State of Maryland including any verbal, written or electronic correspondence with any potential buyers, sellers or go-betweens.

e. It is further Agreed that Def. Brad Bergersen will enter a Consent Agreement with Dept. of Labor, Licensing & Regulation whereas he formally Agrees to revocation of his Secondhand Precious Metal Objects and Pawn Brokers License.

f. Def-Brad Bergersen Agrees to plead Guilty to Count 1 Violation BR 12-302, Count 56 BR 304 and Count 57 Violation BR 12-305.

6. On September 2, 2010, the Court entered a finding of guilty as to Charge No. 1 and sentenced the Respondent to a jail term of 6 months, a fine in the amount of \$5,000.00, and probation with an ending date of September 2, 2011.

7. The Court suspended the jail term and the fine.

8. Also on September 2, 2010, the Respondent pled guilty to Charge Nos. 56 and 57 and received sentences of unsupervised probation before judgment, with probation ending on September 2, 2011.

10. The other charges were placed on the Stet docket.

11. As part of the disposition of that criminal case, the Respondent paid \$15,000.00 to Montgomery County.

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

13. The Respondent wishes to resolve this matter without the need for an administrative hearing, thereby avoiding the costs associated with such hearing and potential appeals, and therefore

agrees to resolve this matter fully, finally, and completely without an administrative hearing as set forth in this Agreement, and further accepts without condition, and fully agrees to abide by, each and every term set forth in this Agreement.

14. The Respondent agrees to abide by the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act, Maryland Annotated Code, Business Regulation Article, §12-101 *et seq.*, and regulations of the Department should he ever become licensed again as a secondhand precious metal object dealer.

BASED ON THESE STIPULATIONS, IT IS, THIS 30 day of Sept, 2010, BY THE MARYLAND DEPARTMENT OF LABOR, LICENSING AND REGULATION,

ORDERED that Respondent Brad Bergersen has violated Business Regulation Article, Maryland Annotated Code, §§12-206(b), 12-208, 12-301(a), 12-302(a)(1), 12-304(b), 12-304(c)(3), and 12-305(a), as well as COMAR 09.25.02.02, and it is further

ORDERED that all dealer's licenses held by the Respondent are revoked effective immediately upon execution of this Consent Order by the Department, and it is further

ORDERED that, the Respondent may not apply for a secondhand precious metal object dealer's license for a period of 36 months, beginning April 1, 2010, and it is further

ORDERED, that, during that 36-month period, the Respondent may not act as an "employee," as defined in Section 12-101(c) of the Business Regulation Article of the Maryland Annotated Code, and it is further.

ORDERED that the Department's records and publications shall reflect the terms of this

Consent Order.

(RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER)
BRAD BERGERSEN

DEPUTY SECRETARY'S SIGNATURE
APPEARS ON ORIGINAL ORDER
LEONARD J. HOWIE, III
DEPUTY SECRETARY
MARYLAND DEPARTMENT OF LABOR, LICENSING
& REGULATION

9/30/2010
Date