

DEPARTMENT OF LABOR,  
LICENSING AND REGULATION

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v.

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CASE NO.: SPMG 11-0001

PAUL G. BOWMAN

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dba Absolute Pawnbrokers,

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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 a complaint filed by the Charles County Sheriff’s Department. Upon a review of the complaint, the Department has determined that administrative charges against Paul G. Bowman, dba Absolute Pawn Brokers (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 holds a license as a secondhand precious metal object dealer and pawnbroker (Registration No. 2128-01) dba Absolute Pawn, 3262 Leonardtown Road, Waldorf, Maryland 20101, which was issued on February 19, 2010.

3. On June 11, 2010, a member of the Charles County Sheriff’s Department conducted an inspection of the Respondent’s place of business to determine the Respondent’s compliance with the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act.

4. The inspection determined the Respondent’s license was not displayed in a conspicuous location.

5. An inspection of the Respondent's scale, Model AWS 600, which was used in secondhand precious metal object transactions, did not have an inspection sticker of registration from the Maryland Department of Agriculture, Bureau of Weights and Measures.

6. Further, an employee of the Respondent produced a Small Capacity Scale Report, dated May 25, 2010, that was issued by the Department of Agriculture in which the scale was rejected and noted that the scale was not legal for trade. The report also required that the violations found in the scale be corrected by June 8, 2010.

7. A review of the Respondent's records showed that 42 transactions, in which the scale that was rejected by the Department of Agriculture was used, were conducted during the period May 25 - June 15, 2010.

8. The Respondent conducted Transaction 823749 on May 27, 2010 and filed an electronic report that listed one (1) ladies white gold ring. An inspection of the items bagged and tagged with this transaction also contained the following:

- a) a ladies white gold band with diamonds in a channel setting;
- b) a ladies yellow gold ring with four green marquee stones and five clear marquee stones;
- c) a yellow gold charm for a necklace the charm is a medical insignia with the letter R in front of the insignia and the letter N behind the insignia;
- d) two broken yellow gold thin chain necklaces; and half of a yellow gold ring;
- e) two broken yellow gold thin chain necklaces; and
- f) half of a yellow gold ring.

9. An examination of Transaction No. 826021 involving a Dell laptop computer, dated May 29, 2010 determined that the Respondent did not electronically file the transaction with the Charles County Sheriff's Department until 1:00 PM on May 31, 2010. The transaction report failed to indicate the correct model and serial number of the laptop and its black carrying bag.

10. The Respondent conducted Transaction No. 8206043 on May 29, 2010 which involved ten power tools. The inspection found that the electronic filing of the transaction contained missing or erroneous serial numbers for nine of the tools reported, description errors. In addition, the manual transaction report failed to include the buyer's signature.

11. The Respondent conducted Transaction No. 841541. An examination of the transaction determined that the electronic filing of the transaction did not adequately describe the design and the number of stones of two women's rings.

12. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §§12-208, 12-301 (a) - (e), 12-302 (a) (1) - (3), 6, and

(b), and 12-304 (b), Annotated Code of Maryland and Code of Maryland Regulations COMAR 09.25.02.02, which state:

**§ 12-208. Display of license.**

Each licensee shall display the license conspicuously in the place of business of the licensee.

**§ 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.

(b) *Records of pawnbrokers.* - 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) *Records of pawnbrokers* - Acquisition of items for resale.- 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) *Separate entries*. - A separate record entry shall be made for each item involved in a transaction. However, items in a matching set may be recorded as a set if acquired in a single transaction.

(e) *Tagging and numbering of items*. - 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.

**§ 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;

(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) *Records of pawnbrokers.* - 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 the required information from each record to the primary law enforcement unit in accordance with subsection (b) of this section.

(b) *Delivering copies in general;* - 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.

(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 09.25.02.02 Registration Required.**

A.. A licensed dealer shall register with the Department of Agriculture any weights and measures which are used in buying from, selling to, or trading commercially with the public, any secondhand precious metal object.

B. Registration with the Department of Agriculture shall be in accordance with Agriculture Article, 11-204.1-----11-204.7, Annotated Code of Maryland.

C. A licensed dealer shall display the registration conspicuously in the place of business of the licensee.

13. Based on the aforementioned violation, the Respondents agree to pay to the Department a civil penalty of \$ 2,000.00 upon the Respondent's execution of this Consent Order.

14. 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.

15. The Respondents, 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.

16. The Respondents enter into this Consent Order freely, knowingly and voluntarily.

BASED ON THESE STIPULATIONS, IT IS, THIS 2nd DAY OF Aug, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

**ORDERED** that the Respondent has violated Business Regulation Article Business Regulation Article §§12-208, 12-301 (a) – (e), 12-302 (a) (1) – (3), 6, and (b), and 12-304 (b), Annotated Code of Maryland and Code of Maryland Regulations COMAR 09.25.02.02,

**ORDERED** that the Respondent is, hereby, reprimanded;

**ORDERED** that the Respondent be assessed a civil penalty of \$ 2,000.00 for the violation, which amount is to 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 violation and the civil penalty of \$2,000.00 imposed on the Respondent.

(RESPONDENT'S SIGNATURE  
APPEARS ON ORIGINAL ORDER)

\_\_\_\_\_  
Paul G. Bowman

\_\_\_\_\_  
Date

May 2, 2010

DEPUTY SECRETARY'S SIGNATURE  
APPEARS ON ORIGINAL ORDER

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LEONARD J. HOWIE, III  
DEPUTY SECRETARY

MARYLAND DEPARTMENT OF LABOR,  
LICENSING AND REGULATION