

DEPARTMENT OF LABOR
LICENSING AND REGULATION

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CASE NO.: SPMG 11-0023

JUDY MARTIN
dba Kay Jewelers #1151,

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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 Anne Arundel County Police Pawn and Precious Metal Unit, against Judy Martin, dba Kay Jewelers #1151, 1305 Annapolis Mall, Annapolis Maryland 21401 (“the Respondent”). Upon a review of the complaint, the Department has determined that administrative charges against the Respondent should be held. In an effort to resolve this matter without a formal hearing, the Respondents 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 in this Consent Order, the Department had jurisdiction over the subject matter and the Respondent.
2. The Respondent obtained a license (License No. 2357-03) as a Secondhand Precious Metal Object Dealer, dba Kay Jewelers #1151, 1305 Annapolis Mall, Annapolis, Maryland 21401 on December 8, 2009.
3. On October 22, 2010, members of the Anne Arundel County Police Pawn and precious Metal Unit conducted an inspection of secondhand precious metal objects acquired by the Respondent or the Respondent’s employees during the period September 4 through September 21, 2010, Kay Jewelers #1151, 1305 Annapolis Mall, Annapolis, Maryland 21401.
4. The inspection found that the Respondent or the Respondent’s employees, failed to retain the following items at the Respondent’s business location for 18 days following acquisition:

- a) Transaction 1151-01-100610-7943-070397, Item No. 2220019, dated October 6, 2010 - one half carat, yellow gold earrings for which \$2,085 was paid to the seller;
 - b) Transaction Identification Number 1151-04-9858-070441, Item No. 22480378, dated October 8, 2010 - a white gold 1.5 carat ring for which \$3,580 was paid to the seller; and
 - c) Transaction Identification Number 1151-03-100810-373-070442, Item No. 2238037, dated October 8, 2010, a 1/3 carat white gold ring, for which \$1,030 was paid to the seller.
5. The inspection also determined that for the transactions indicated in Stipulation #4, the Respondent or the Respondent's employees did not adequately describe:
- a) the items acquired in the transactions by failing to indicate the number of stones; and
 - b) the seller of the item by failing to indicate the color of hair.
6. The Respondent or the Respondent's employees knew, or should have known, of the requirements concerning the proper description of items and the seller of the items to be reported on the daily transaction report forms and in the electronic filing of this information to local law enforcement agencies.
7. Based on the aforementioned facts, the Respondents acknowledges that she has violated Business Regulation Article §§12-301 and 302 (a), (3), (4) (i) and (ii) 2, (6), and 305 (a) (1), Annotated Code of Maryland:

§12-301. Required Records.

(a) 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.

§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;...
- (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;
- (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.

§ 12-305. Holding period for precious metal objects.

(a) Duration - In general.-

(1) Except as otherwise provided in this section, a dealer who acquires a precious metal object shall keep it in the county where the dealer holds a license from the time of acquisition until at least 18 days after submitting a copy of a record of its acquisition under § 12-304 of this subtitle.

8. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of \$2,000.00 upon the Respondent's execution of this Consent Order.

9. 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.

10. 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 Respondents may be entitled to in this matter, and any rights to appeal from this Order.

11. The Respondents enters into this Consent Order freely, knowingly and voluntarily.

BASED ON THESE STIPULATIONS, IT IS, THIS 21ST DAY OF December, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Article §§12-301 and 302 (a), (3), (4) (i) and (ii) 2, (6), and 305 (a) (1), Annotated Code of Maryland; and it is further

ORDERED that the Respondent is, hereby, reprimanded;

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

RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER
Judy Martin

DEPUTY SECRETARY'S SIGNATURE
APPEARS ON ORIGINAL ORDER
Leonard J. Howie, III
Deputy Secretary

12/15/10
Date

MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION