DEPARTMENT OF LABOR, LICENSING AND REGULATION	*	
	*	
v.		
	*	**CASE NO: SPMG-09-0002**
THOMAS J. PRETE,		
TNT Jewelers	*	
1239 Shopping Center Road		
Stevensville, Maryland 21666,	*	
Respondent	*	

* * * * *

CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulation ("Department") based on a complaint filed by Prince George's County Police Department. Based on that complaint, the Department determined that administrative charges against Thomas J. Prete ("Respondent") were appropriate and that an administrative hearing on those charges should be held. A hearing was scheduled for December 8, 2009 at the Office of Administrative Hearings. However, the Department and the Respondent reached an agreement to resolve the matter by Consent Order rather than proceed with that hearing. The Department and the Respondent consent to the entry of this Order as final resolution of the regulatory charges in Case No. SPMG-09-0002.

IT IS STIPULATED BY THE PARTIES that:

1. The Respondent became licensed (No. 2178) as a secondhand precious metal object dealer ("dealer"), as defined in § 12-101(b) of the Business Regulation Article of the Maryland Annotated Code, on or about March 10, 2008.

2. The Respondent is currently licensed as a dealer.

3. The name of the company through which the Respondent acquires secondhand precious metal objects is/has been TNT Jewelers.

4. From October 10 through October 12, 2008, the Respondent's shop held an event in Prince George's County, Maryland, at which he acquired secondhand precious metal objects.

5. The Respondent and/or employees completed required daily return, or transaction, forms and provided them to law enforcement agencies.

6. Forms were completed incorrectly, as follows:

   a. All daily return, or transaction, forms which were submitted to the police failed to include transaction numbers.

   b. The daily return form dated October 10, 2008, with a time of 10:45, failed to include the dealer price of each precious metal object acquired.

   c. The daily return form dated October 10, 2008, with a time of 11:00, failed to include the dealer price of each precious metal object acquired.

   d. The daily return form dated October 10, 2008, with a time of 11:10, failed to include the dealer price of each precious metal object acquired and to note whether

the seller/customer had "other distinguishing features."

e. The daily return form dated October 10, 2008, with a time of 11:25, failed to include the dealer price of each precious metal object acquired.

f. The daily return form dated October 10, 2008, with a time of 11:30, failed to include the dealer price of each precious metal object acquired.

g. The daily return form dated October 10, 2008, with a time of 11:45, failed to include the dealer price of each precious metal object acquired.

h. The daily return forms dated October 10, 2008, with times of 12:00, failed to include the dealer price of each precious metal object acquired. In addition, one of those forms failed to include the height and weight of the seller/customer.

i. The daily return form dated October 10, 2008, with a time of 12:20, failed to include the dealer price of each precious metal object acquired and failed to note whether the seller/customer had "other distinguishing features."

j. The daily return form dated October 10, 2008, with a time of 12:30, failed to include the dealer price of each precious metal object acquired.

k. The daily return form dated October 10, 2008, with a time of 12:35, failed to include the dealer price of each precious metal object acquired.

l. The daily return form dated October 10, 2008, with a time of 12:45, failed to include the dealer price of each precious metal object acquired.

m. The daily return form dated October 10, 2008, with a time of 1:10, failed to include the dealer price of each precious metal object acquired.

n. The daily return form dated October 10, 2008, with a time of 1:15, failed to include the dealer price of each precious metal object acquired.

o. The daily return form dated October 10, 2008, with a time of 1:20, failed to include the dealer price of each precious metal object acquired.

p. The daily return form dated October 10, 2008, with a time of 1:45, failed to include the dealer price of each precious metal object acquired.

q. The daily return form dated October 10, 2008, with a time of 2:00, failed to include the dealer price of each precious metal object acquired and to note whether the seller/customer had "other distinguishing features."

r. The daily return form dated October 10, 2008, with a time of 2:45, failed to include the dealer price of each precious metal object acquired.

s. The daily return form dated October 10, 2008, with a time of 2:50, failed to include the dealer price of each precious metal object acquired.

t. The daily return form dated October 10, 2008, with a time of 3:30, failed to include the dealer price of each precious metal object acquired.

u. The daily return form dated October 10, 2008, with a time of 3:45, failed to include the dealer price of each precious metal object acquired.

v. The daily return form dated October 10, 2008, with a time of 4:10, failed to include the dealer price of each precious metal object acquired.

w. The daily return form dated October 10, 2008, with a time of 5:00, failed to include the dealer price of each precious metal object acquired.

x. The daily return form dated October 10, 2008, with a time of 2:25 or 7:25, failed to include the dealer price of each precious metal object acquired. In addition, the form failed to include the date of birth of the seller/customer and to note whether the seller/customer had "other distinguishing features."

y. The daily return form dated October 11, 2008, with a time of 11:00, failed to include the dealer price of each precious metal object acquired.

z. The daily return form dated October 11, 2008, with a time of 11:10, failed to include the dealer price of each precious metal object acquired and to note whether the seller/customer had "other distinguishing features."

aa. The daily return form dated October 11, 2008, with a time of 11:20, failed to include the dealer price of each precious metal object acquired. In addition, the form failed to include information about the hair, eyes, height, and weight of the seller/customer.

bb. The daily return form dated October 11, 2008, with a time of 11:45, failed to include the dealer price of each precious metal object acquired.

cc. The daily return form dated October 11, 2008, with a time of 12:30, failed to include the dealer price of each precious metal object acquired.

dd. The daily return form dated October 11, 2008, with a time of 12:40, failed to include the dealer price of each precious metal object acquired.

ee. The daily return form dated October 11, 2008, with a time of 12:50, failed to include the dealer price of each precious metal object acquired and to note whether the seller/customer had "other distinguishing features."

ff. The daily return form dated October 11, 2008, with a time of 2:20, failed to include the dealer price of each precious metal object acquired. In addition, the form failed to include the seller/customer's telephone number and failed to note whether photographic identification was provided and whether the seller/customer had "other distinguishing features."

gg. Another daily return form dated October 11, 2008, with a time of 2:20, failed to include the dealer price of each precious metal object acquired.

hh. The daily return form dated October 11, 2008, with a time of 3:00, failed to include the dealer price of each precious metal object acquired.

ii. The daily return form dated October 11, 2008, with a time of 3:20, failed to include the dealer price of each precious metal object acquired.

jj. The daily return form dated October 11, 2008, with a time of 3:45, failed to include the dealer price of each precious metal object acquired.

kk. The daily return form dated October 11, 2008, with a time of 4:00, failed to include the dealer price of each precious metal object acquired.

ll. The daily return form dated October 11, 2008, with a time of 4:30 or 7:30, failed to include the dealer price of each precious metal object acquired.

mm. The daily return form dated October 11, 2008, with a time of 4:45, failed to include the dealer price of each precious metal object acquired.

nn. The daily return form dated October 11, 2008, with a time of 5:00, failed to include the dealer price of each precious metal object acquired. In addition, the form failed to note whether the seller/customer had "other distinguishing features."

oo. The daily return form dated October 12, 2008, with a time of 11:27, failed to include the dealer price of each precious metal object acquired.

pp. The daily return form dated October 12, 2008, with a time of 11:40, failed to include the dealer price of each precious metal object acquired. In addition, the form failed to note whether the seller/customer had "other distinguishing features."

qq. The daily return form dated October 12, 2008, with a time of 12:15, failed to include the dealer price of each precious metal object acquired.

rr. The daily return form dated October 12, 2008, with a time of 12:20, failed to include the dealer price of each precious metal object acquired.

ss. The daily return forms dated October 12, 2008, with times of 1:45, failed to include the dealer price of each precious metal object acquired. In addition, one of those forms failed to note whether the seller/customer had "other distinguishing features" or tattoos or scars.

tt. The daily return form dated October 12, 2008, with a time of 2:30, failed to include the dealer price of each precious metal object acquired.

uu. The daily return form dated October 12, 2008, with a time of 3:00, failed to include the dealer price of each precious metal object acquired.

vv. The daily return form dated October 12, 2008, with a time of 3:20, failed to include the dealer price of each precious metal object acquired. In addition, the form failed to note whether photo identification was used or whether the seller/customer had "other distinguishing features."

ww. The daily return form dated October 12, 2008, with a time of 3:25, failed to include the dealer price of each precious metal object acquired.

xx. The daily return form dated October 12, 2008, with a time of 4:00, failed to include the dealer price of each precious metal object acquired and to note whether the seller/customer had "other distinguishing features."

yy. The daily return forms dated October 12, 2008, with times of 4:30, failed to include the dealer price of each precious metal object acquired.

zz. The daily return forms dated October 12, 2008, with times of 4:45, failed to include the dealer price of each precious metal object acquired. One of the forms also failed to note whether the seller/customer wore glasses, had tattoos, scars or other marks, or had "other distinguishing features."

aaa. The daily return form dated October 12, 2008, with a time of 4:50, failed to include the dealer price of each precious metal object acquired.

bbb. All daily return forms which the Respondent submitted to the police failed to include the name of the licensee, or dealer, *i.e.*, Thomas J. Prete.

ccc. The following daily return forms, as referenced above, failed to include a complete address for the customer/seller: Nos. 2-24; 26-38; 40-45; 46-51; and 53. In addition, a daily return form dated October 10, 2008, with a time of 11:00, failed to include a complete address for the customer/seller, as did a daily return form dated October 10, 2008, with a time of 1:30, a daily return form dated October 11, 2008, with a time 2:25, and a daily return form dated October 12, 2008, with a time of 3:47 or 1:47.

7. By entering this Consent Order, the Respondent expressly waives his right to any hearing or further proceeding to which he may be entitled in this matter and any rights to appeal from the Consent Order.

8. The Respondent enters this Consent Order freely, knowingly, and voluntarily, and with the advice of counsel.

9. The Respondent agrees to comply with the requirements of §12-101 *et seq.* of the Business Regulation Article, Maryland Annotated Code, and the Code of Maryland Regulations 09.25.01.01 *et seq.* in future transactions.

BASED ON THESE STIPULATIONS, IT IS, THIS 4th ~~30th~~ day of December ~~NOVEMBER~~, 2009, **BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION,**

ORDERED that Respondent Thomas J. Prete has violated Maryland Annotated Code, Business Regulation Article, §§ 12-301(a) and 12-302(a)(1-4), and it is further

ORDERED that the Respondent is assessed a total civil penalty of $1,000.00 for those violations, which amount is payable to the Department within 30 days of the date of this Consent Order is executed by the Department, and it is further

ORDERED that, if payment of the civil penalty is not made within that 30-day period, the Respondent's license as a "dealer" shall be automatically suspended until payment is made, and it is further

ORDERED that the Department's records and publications shall reflect the discipline imposed on the Respondent.

THOMAS J. PRETE

11/30/09
Date

12/4/09
LEONARD J. HOWIE III
DEPUTY SECRETARY
DEPARTMENT OF LABOR, LICENSING
AND REGULATION

PM:ch/consent order/prete