DEPARTMENT OF LABOR, LICENSING AND REGULATION *

*

v. *

* CASE NO.: SPMG-09-0008

ALEKSANDR YASHNIK
Dollar Unlimited *
337 Hospital Drive
Unit C-1 *
Glen Burnie, Maryland 21061,
*
Respondent

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CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulation ("Department") based on a complaint filed by the Anne Arundel County Police Department. Based on that complaint, the Department determined that administrative charges against Aleksandr Yashnik ("Respondent") were appropriate and that an administrative hearing on those charges should be held. This matter was scheduled for a hearing at the Office of Administrative Hearings on August 26, 2009, but the Department withdrew the hearing to allow this resolution to occur. The Department and the Respondent consent to the entry of this Order as final resolution of the regulatory charges in Case No. SPMG-09-0008.

IT IS STIPULATED BY THAT PARTIES that:

1. The Respondent is currently licensed (No. 2151) as a secondhand precious metal object dealer ("dealer"), as defined in Section 12-101(b) of the Business Regulation Article of the Maryland Annotated Code.

2. The Respondent became licensed as a dealer on or about November 15, 2007.

3. The name of the company through which the Respondent acquires secondhand precious metal objects is Dollar Unlimited.

4. On or about January 5, 2009, an employee of the Respondent's shop acquired a secondhand precious metal object ("object") from an undercover police officer of the Anne Arundel County Police Department.

5. The employee was not registered with and approved by the Department of Labor, Licensing and Regulation ("Department").

6. The employee completed a daily return, or transaction, form at the time of this transaction.

7. The form (No. SW [Search Warrant] 11) failed to adequately describe the object; failed to include the licensee's name and license number, as well as the date, time and location of the transaction; failed to note whether the seller (Steven McAdams) had a beard, mustache, glasses, tattoos, scars, or other distinguishing features; failed to note whether photographic identification was used; and failed to note whether the seller was known to the dealer.

8. The Respondent did not submit a copy of the form to the primary law enforcement unit and did not store the object at the business location.

9. From the time the Respondent obtained a dealer's license through January 9, 2009, he, or his shop, acquired secondhand precious metal objects from members of the public.

10. The Respondent, or employees, completed daily return, or transaction, forms for those transactions.

11. Forms were completed incorrectly, as follows:

a. A daily return form (No. SW 1) failed to include the licensee's name and license number; the date, time and place of the transaction; any description of the seller (Blanche Hudson); notations as to whether photographic identification was used and whether the seller was known to the dealer; an adequate description of the object; and the signatures of the seller and the buyer.

b. A daily return form (No. SW 2) failed to include the licensee's name, address, and license number; the date, time and place of the transaction; notations as to whether photographic identification was used and whether the seller (Sylvester Wheeler) was known to the dealer; adequate descriptions of the objects, notations as to whether the seller had tattoos, scars, or other distinguishing features; the signature of the buyer; and the dealer price of each object.

c. A daily return form (No. SW 3) failed to include the licensee's name, address, and license number; the date, time and place of the transaction; a complete address for the seller (Jamar Coates); an adequate description of the seller; an adequate description of the object; and notations as to whether photographic identification was used and whether the seller was known to the dealer. In addition, the individual who signed the form as the buyer was not registered with and approved by the Department.

d. A daily return form (No. SW 4) failed to include the licensee's name and license number; the date, time and place of the transaction; a statement as to whether the seller (Rodney Iler) had other distinguishing features; an adequate description of the objects; and the dealer price of each object. In addition, the individual who signed the form as the buyer was not registered with and approved by the Department.

e. A daily return form (No. SW 5) failed to include the licensee's name and license number; the date, time and place of the transaction; a notation as to whether the seller (Edward Kelson) had other distinguishing features; adequate descriptions of the objects; and the dealer price of each object. In addition, the individual who signed the form as the buyer was not registered with an approved by the Department.

f. A daily return form (No. SW 6) failed to include the licensee's name, address, and license number; the date, time and place of the transaction; a complete address and a telephone number for the seller (Daisy Galloway); an adequate description of the seller; notations as to whether photographic identification was used and whether the seller was known to the dealer; an adequate description of the objects; the dealer price of each object; and the buyer's signature.

g. A daily return form (No. SW 7) failed to include the licensee's name, address, and license number; the date, time and place of the transaction; an adequate description of the seller (Melisa Gatling); the seller's telephone number; and an adequate description of the object.

h. A daily return form (No. SW 8) failed to include the licensee's name, address, and license number; the date, time and place of the transaction; an adequate description of the seller (Sherrie Asbury); a notation as to whether the seller was known to the dealer; adequate descriptions of the objects; and the dealer price of each object.

i. A daily return form (No. SW 9) failed to include the licensee's name and license number; the date, time and place of the transaction; a complete description of the seller (Kimberly Fester); notations as to whether photographic identification was used and whether the seller was known to the dealer; and an adequate description of the object. In addition, the individual who signed the form as the buyer was not registered with and approved by the Department.

j. A daily return form (No. SW 10) (Seller: Melanee Johnson) failed to include the licensee's name and license number; the date, time and place of the transaction; an adequate description of the objects; and the dealer's price of each object. In addition, the individual who signed the form as the buyer was not registered with and approved by the Department.

k. A daily return form (No. SW 12) failed to include the licensee's name, address, and license number; the complete address of the seller (William Mints); an adequate description

of the seller; a notation as to whether the seller was known to the dealer; the "State" of the identification used for the seller; an adequate description of the objects; and the dealer price for each object. In addition, the individual who signed the form as the buyer was not registered with and approved by the Department.

l. A daily return form (No. SW 13) failed to include the licensee's name, address, and license number; a complete address for the seller (Tymeka Mindell); and the seller's telephone number. In addition, the form was not signed by the buyer and was signed by the seller in the wrong place.

m. A daily return form (No. SW 14) failed to include the licensee's name, address, and license number; an adequate description of the seller (Tymeka Mindell); a notation as to whether the seller was known to the dealer; any description whatsoever of the object(s); any indication whatsoever of the dealer's price; and signatures of the seller and the buyer.

n. A daily return form (No. SW 15) failed to include the licensee's name and license number; an adequate description of the seller (Sherrie Asbury); a complete address for the seller; notations as to whether photographic identification was used and whether the seller was known to the dealer; adequate descriptions of the objects; and the dealer's price for each object. In addition, the individual who signed the form as the buyer was not registered with and approved by the Department.

o. A daily return form (No. SW 16) failed to include the licensee's name and license number; an adequate description of the seller (Glen Reedy); and an adequate description of the object. In addition, the individual who signed the form as the buyer was not registered with and approved by the Department.

p. A daily return form (No. SW 17) failed to include the licensee's name and license number; adequate identifying information about the seller (Monica Caldwell); a notation as to whether photographic identification was used; adequate descriptions of the objects; and the dealer's price for each object. In addition, the individual who signed the form as the

buyer was not registered with and approved by the Department.

q. A daily return form (No. SW 18) failed to include the licensee's name and license number; an adequate description of the seller (Ronald Whatley); and an adequate description of the object. In addition, the individual who signed the form as the buyer was not registered with and approved by the Department.

r. A daily return form (No. SW 20) failed to include the licensee's name, address, and license number; the time and location of the transaction; a complete address for the seller (Lyleiny Cordero); an adequate description of the seller; notations as to whether photographic identification was used and whether the seller was known to the dealer; an adequate description of the object; and any mention of the dealer price. In addition, the individual who signed the form as the buyer was not registered with and approved by the Department.

12. Copies of the above-referenced forms were not submitted to the primary law enforcement unit, and the Respondent failed to store the objects at the business location.

13. By virtue of his certification on his application for a dealer's license, the Respondent knew, or should have known, of all requirements concerning completion of the daily return forms, submission of those forms to the primary law enforcement unit, registration of employees, and the location at which objects must be stored.

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

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

16. The Respondent agrees to comply with the requirements of Section 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 STIPULATION, IT IS THIS 25 DAY OF Sept, 2009, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION,

ORDERED that Respondent Aleksandr Yashnik violated Maryland Annotated Code, Business Regulation Article §12-202(c), 12-203, 12-301(a), 12-302(a), 12-304(a)-(c), and 12-305(d), as well as Code of Maryland Regulations 09.25.01.05C,and it is further

ORDERED that the Respondent is assessed a total civil penalty of $1,250.00 for those violations, which amount is payable to the Department within 120 days of the date 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 120-day period, the Respondent's license as a "dealer" shall be automatically suspended until that payment is made, and it is further

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

ALEXSANDR YASHNIK

LEONARD J. HOWIE III
DEPUTY SECRETARY
DEPARTMENT OF LABOR, LICENSING
& REGULATION