DEPARTMENT OF LABOR
LICENSING AND REGULATION

CASE NO.: SPMG 09-0012

JAMES B. MOLL, SR.
dba Pretty Pickens, LLC
Jewelry Cares Division

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 Detective Venus Atkinson of the Prince Georges County Police Department, on March 10, 2009, against James B. Moll, Sr. dba Pretty Pickens, LLC, Jewelry Cares Division. Upon a review of the complaint, the Department has determined that administrative charges against James B. Moll, Sr. (the "Respondent") are appropriate and that a hearing on the charges should be held. In an effort to resolve this matter, however, 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 became licensed as a Secondhand Precious Metal Object Dealer (License No. 2258) on October 23, 2008.

3. On January 30, 2009, the Respondent held a secondhand precious metal object buying event in Prince Georges County at which the respondent acquired secondhand precious metal objects from the public.

4. The Respondent timely completed the required daily transaction forms and provided them to law enforcement agencies.

5. The Respondent improperly and/or incorrectly completed the daily transaction reports as follows:

A. The daily return forms for Transaction Nos. 91 and 92 94, 95, 96, 97, 99, 100, 101, 102 and 103 failed to note whether the sellers has a beard, mustache, tattoos, scars, or other distinguishing features and whether the sellers had glasses.

B. The daily return forms for Transaction No. 93 failed to note whether the sellers has a beard, mustache, tattoos, scars, or other distinguishing features and whether the sellers had glasses. In addition, the form failed to include information about two rings acquired in this transaction.

C. The daily return for Transaction No. 98 failed to note whether the sellers has a beard, mustache, tattoos, scars, or other distinguishing features and whether the sellers had glasses. In addition, the form failed to adequately describe the objects acquired, i.e. their engravings.

5. The Respondent, as a licensed secondhand precious metal object dealer, knew, or should have known, of the requirements concerning the completion of the daily transaction report forms.

6. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article § 302-(a) (3) and (4)(ii) 2, Annotated Code of Maryland, which provide:

§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.

§12–302. Contents of Records

(a) In addition to any other information required by the Secretary, the records of a dealer shall include:

(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;

(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.

7. Based on the aforementioned violations, the Respondent agrees to pay a civil penalty of $100.00 upon the Respondent's execution of this Consent Order.

8. 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.

9. 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 Respondent may be entitled to in this matter, and any rights to appeal from this Order.

10. The Respondent enters into this Consent Order freely, knowingly and voluntarily.

BASED ON THESE STIPULATIONS, IT IS, THIS 14th DAY OF April, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation §§ 12-301 (a) and 12-302 (a)(3) and (4)(ii) 2, 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 $100.00 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, the reprimand and the civil penalty of $100.00 imposed on the Respondent.

James B. Moll, Sr.

James B. Moll, Sr.

04/08/10

Date

Leonard J. Howie, III
Deputy Secretary
MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION