DEPARTMENT OF LABOR, LICENSING AND REGULATION *

*

v. *

* CASE NO.: SPMG-09-0020

GERALD S. LICHTER
DB & GL, LLC, d/b/a *
THE GOLD MARKET
17 Warren Road *
Suite 5-A
Pikesville, Maryland 21208, *

*

Respondent

* * * * * * * * * * * * *

CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulation ("Department") based on a complaint filed by the Frederick County Sheriff's Office. Based on that complaint, the Department determined that administrative charges against Gerald S. Lichter ("Respondent") were appropriate and that an administrative hearing on those charges should be held. However, prior to a hearing being scheduled, the Department and the Respondent reached an agreement to settle this case. The Department and the Respondent consent to the entry of this Order as final resolution of the regulatory charges in Case No. SPMG-09-0020.

IT IS STIPULATED BY THAT PARTIES that:

1. The Respondent is currently licensed (No. 2277) 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 on or about February 17, 2009.

3. The name of the company through which the Respondent acquires secondhand precious metal objects is DB & GL, LLC, d/b/a The Gold Market.

4. From May 15 - May 17, 2009 and from May 29 – May 31, 2009, the Respondent held events in Frederick County, Maryland, at which he and/or employees acquired secondhand precious metal objects ("object" or "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 and/or improperly, as follows:

a. The daily return form for Transaction No. F1 failed to adequately describe the seller's eye color and hair color.

b. The daily return form for Transaction No. F2 failed to include the seller's full address; failed to include the time of the transaction; and failed to adequately describe the seller's eye color.

c. The daily return form for Transaction No. F3 failed to note whether the seller used glasses and had tattoos, scars, or other distinguishing features.

d. The daily return form for Transaction No. F4 failed to note whether the seller had tattoos, scars, or other distinguishing features.

e. The daily return form for Transaction No. F5 failed to include the time of the transaction.

f. The daily return form for Transaction No. F6 failed to include the correct date on the first page of the form and failed to include the (legible) time of the transaction.

g. The daily return form for Transaction No. F7 failed to include the time of the transaction; failed to adequately describe the seller's eye color; failed to include the seller's full address; failed to include the total dealer price and to note whether the transaction was by check or

cash; failed to note whether the seller used glasses or had tattoos, scars, or other distinguishing features; and failed to note whether the seller was known to the dealer.

h. The daily return form for Transaction No. F8 failed to adequately describe the color of the seller's hair; failed to include the time of the transaction; failed to note whether the seller had a beard, mustache, tattoos, scars, or other distinguishing features; failed to note whether the seller used glasses; and failed to note whether the transaction was by check or cash.

i. The daily return form for Transaction No. F9 failed to include the time of the transaction; failed to note the seller's race/ethnic id; failed to adequately describe the color of the seller's hair; failed to note whether the seller had tattoos, scars, or other distinguishing features; and failed to note whether the transaction was by cash or check.

j. The daily return form for Transaction No. F10 failed to give the seller's full address and failed to note whether the seller had other distinguishing features.

k. The daily return form for Transaction No. F11 failed to include the time of the transaction; failed to adequately describe the color of the seller's hair and eyes; failed to note whether the seller used glasses or had tattoos, scars, or other distinguishing features; and failed to note whether the transaction was by cash or check.

l. The daily return form for Transaction No. F12 failed to adequately describe the color of the seller's eyes and included an incorrect name of the seller.

m. The daily return form for Transaction No. F13 failed to include the time of the transaction; failed to note the seller's race/ethnic id; failed to adequately describe the color of the seller's hair and eyes; failed to note whether the seller used glasses or had tattoos, scars, or other distinguishing features; and failed to include all objects acquired.

n. The daily return form for Transaction No. F14 failed to note whether the seller had tattoos, scars, or other distinguishing features.

o. The daily return form for Transaction No. F15 failed to adequately describe the color of the seller's hair; failed to note whether the seller

had tattoos or scars; and failed to note whether the transaction was by cash or check.

p. The daily return form for Transaction No. F16 included the incorrect date of the transaction; failed to include the seller's full address; failed to note whether the seller had other distinguishing features; and failed to note whether the transaction was by cash or check.

q. The daily return form for Transaction No. F17 failed to note whether the seller had tattoos, scars, or other distinguishing features and failed to note whether the transaction was by cash or check.

r. The daily return form for Transaction No. F18 failed to include the time of the transaction; failed to note the seller's race/ethnic id; failed to adequately describe the color of the seller's hair and eyes; and failed to note whether the seller used glasses or had tattoos, scars, or other distinguishing features.

s. The daily return form for Transaction No. F19 failed to note whether the seller had tattoos, scars, or other distinguishing features; failed to include the seller's full address; and failed to note whether the transaction was by cash or check.

t. The daily return form for Transaction No. F20 failed to adequately describe the color of the seller's hair and eyes; failed to note whether the seller used glasses or had tattoos, scars, or other distinguishing features; failed to include the dealer price of the second object listed; failed to include the correct total dealer price; failed to include the weight (or the correct weight) of the second and third objects listed; and failed to include the weight of the fourth object in a legible manner.

u. The daily return form for Transaction No. F21 failed to include the time of the transaction and failed to note whether the seller used glasses or had tattoos, scars, or other distinguishing features.

v. The daily return form for Transaction No. F22 failed to note whether the seller had tattoos, scars, or other distinguishing features.

w. The daily return form for Transaction No. F23 failed to note whether the seller had tattoos, scars, or other distinguishing features.

x. The daily return form for Transaction No. F24 failed to adequately describe the color of the seller's hair and eyes; failed to note whether the seller used glasses or had tattoos, scars, or other distinguishing features; failed to adequately describe the fifth object listed; failed to include the approximate metallic composition of the fourth object(s); failed to include the weights of the first, second, and third objects listed in a legible manner; and failed to note whether the transaction was by cash or check.

y. The daily return form for Transaction No. F25 failed to note whether the seller had tattoos, scars, or other distinguishing features.

z. The above-referenced daily return forms failed to include the licensee's name and the locations of the transactions.

7. The Respondent failed to submit the daily return forms for the May 15 – May 17, 2009 event to the proper local law enforcement agency in a timely manner.

8. The Respondent knew, or should have known, of the requirements for the completion of daily return forms and the submission of those forms to law enforcement agencies.

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

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

11. The Respondent agrees to comply with the requirements of Section 12-101 *et seq.* of 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 14th day of July, 2008, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION,

ORDERED that Respondent Gerald S. Lichter has violated Maryland Annotated Code, Business Regulation Article, §§12-301(a), 12-302(a)(1) – (6), and 12-304(a),(b)(1), and (c), and it is further

ORDERED that the Respondent is assessed a total civil penalty of $500.00 for those violations, which amount is payable to the Department within 30 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 30-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 civil penalty imposed on the Respondent.

GERALD S. LICHTER

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

6/18/09
Date