DEPARTMENT OF LABOR, LICENSING AND REGULATION *

*

v. *

* CASE NOS.: SPMG-10-0011

EUGENE W. GILBERT
Genuine Gold, LLC *
11155 Dolfield Boulevard
Suite 104 *
Owings Mills, Maryland 21117,

*

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 Frederick County Sheriff's Office. Based on that complaint, the Department determined that administrative charges against Eugene W. Gilbert ("Respondent") were appropriate and that an administrative hearing on those charges should be held. Before a hearing was scheduled, the Department and the Respondent reached an agreement to resolve the matter. The Department and the Respondent consent to the entry of this Order as final resolution of the regulatory charges in Case No. SPMG-10-0011.

IT IS STIPULATED BY THAT PARTIES that:

1. The Respondent is currently licensed (No. 2194) 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 name of the company through which the Respondent acquires secondhand precious metal objects is/has been Genuine Gold, LLC.

3. From July 17 through July 19, 2009, the Respondent held an event in Frederick County, Maryland, at which he and/or employees acquired secondhand precious metal objects.

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

5. Forms were completed improperly and/or incorrectly, as follows:

> a. The daily return form for Transaction No. F-950 failed to note whether the seller had tattoos, scars, or other distinguishing features.
> b. The daily return form for Transaction No. F-951 failed to note whether the seller had glasses.
> c. The daily return form for Transaction No. F-952 failed to include the seller's full address and fail to note whether the seller had other distinguishing features.
> d. The daily return form for Transaction No. F-953 failed to note whether the seller had other distinguishing features.
> e. The daily return form for Transaction No. F-954 failed to note whether the seller had a beard, mustache, tattoos, scars, or other distinguishing features and failed to include the quality and the weight of the objects.
> f. The daily return form for Transaction No. F-955 failed to note whether the seller had other distinguishing features.
> g. The daily return form for Transaction No. F-958 failed to note whether the seller had glasses and whether she had tattoos, scars, or other distinguishing features.
> h. The daily return forms for Transaction Nos. F-959 and F-960 failed to note whether the sellers had tattoos, scars, or other distinguishing features.
> i. The daily return form for Transaction No. F-962 failed to note whether the seller had other distinguishing features.
> j. The daily return form for Transaction No. F-964 failed to note whether the seller had glasses and whether she had tattoos, scars, or other distinguishing features.
> k. The daily return form for Transaction No. F-970 failed to note whether the seller had tattoos, scars, or other

distinguishing features and failed to include the approximate metallic composition of the object

l. The daily return form for Transaction No. F-972 failed to note whether the seller had other distinguishing features.

m. The daily return form for Transaction No. F-980 failed to note whether the seller had tattoos, scars, or other distinguishing features.

n. The daily return form for Transaction No. F-983 failed to note whether the seller had a beard, mustache, tattoos, scars, or other distinguishing features; failed to note whether the seller had glasses; and failed to include the dealer price for each object.

o. The daily return form for Transaction No. F-984 failed to note whether the seller had glasses and whether she had tattoos, scars, or other distinguishing features. In addition, the form included incorrect information as to "other i.d. type."

p. The daily return form for Transaction No. F-985 failed to note whether the seller had tattoos, scars, or other distinguishing features and failed to include the seller's full address. In addition, the form included incorrect information as to "other i.d. type."

q. The daily return form for Transaction No. F-987 failed to note whether the seller had other distinguishing features and failed to include the seller's full address.

r. The daily return form for Transaction No. No. F-989 failed to note whether the seller had tattoos, scars, or other distinguishing features and failed to include the seller's correct date of birth.

s. The daily return form for Transaction No. F-996 failed to note whether the seller had tattoos, scars, or other distinguishing features.

t. The daily return form for Transaction No. F-997 failed to note whether the seller had other distinguishing features and whether the seller was known to the dealer.

u. The daily return form for Transaction No. F-1000 failed to note whether the seller had other distinguishing features and included incorrect information as to "other i.d. type."

v. The daily return forms for Transaction Nos. F-1003 and F-1006 failed to note whether the sellers had other distinguishing features.

w. The daily return forms for Transaction Nos. F-1009, F-1012, and F-1013 failed to note whether the sellers had

glasses and whether they had tattoos, scars, or other distinguishing features.

x. The daily return form for Transaction No. F-1016 failed to note whether the seller had glasses and tattoos, scars, or other distinguishing features.

y. The daily return form for Transaction No.F-1018 failed to note whether the seller had glasses and tattoos, scars, or other distinguishing features. In addition, the form included incorrect information as to "other i.d. type."

z. The daily return forms for Transaction Nos. F-1020 and F-1023 failed to note whether the sellers had glasses and tattoos, scars, or other distinguishing features.

aa. The daily return forms for Transaction Nos. F-1026, F-1032, and F-1036 failed to note whether the sellers had tattoos, scars, or other distinguishing features.

bb. The daily return form for Transaction No. F-1037 failed to include the seller's race or ethnic i.d. and failed to note whether the seller had tattoos, scars, or other distinguishing features.

cc. The daily return form for Transaction No. F-1038 failed to note whether the seller had glasses and tattoos, scars, or other distinguishing features. In addition, the form failed to note whether the seller was known to the dealer.

dd. The daily return form for Transaction No. F-1040 failed to include the seller's weight and year of birth and failed to note whether the seller had tattoos, scars, or other distinguishing features.

ee. All the above-referenced daily return forms failed to include the name of the licensee, or dealer.

ff. All the above-referenced forms failed to include the location of the transaction.

gg. At least as to the daily return forms in Transaction Nos. F-984, F-985, F-1000, and F-1018, the forms were not completed when the transactions were made.

7. 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.

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

9. 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 STIPULATIONS, IT IS, THIS 15 day of Sep, 2009, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION,

ORDERED that Respondent Eugene W. Gilbert violated Maryland Annotated Code, Business Regulation Article, §§12-301(a) and 12-302(a)(1-6), 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 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 that payment is made, and it is further

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

EUGENE W. GILBERT

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

9/8/2009
Date