DEPARTMENT OF LABOR
LICENSING AND REGULATION

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CASE NO.: SPMG 10-0020

JEFFREY IAN HURWITZ.
dba Jewelers Colonial, Inc.

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Respondent

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CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulations ("Department") as a result of a complaint filed by Nicky Burris, Pawn Administrator for the Frederick County Sheriff's Department. Upon a review of the complaint, the Department has determined that administrative charges against Jeffrey Ian Hurwitz (the "Respondent") be filed and an administrative hearing should be held. In an effort to resolve this matter 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 holds a secondhand precious metal object dealers and pawnbrokers license (License No. 779) with the Department.

3. During the period September 11 and September 15, 2009 the Respondent and or and employees acquired secondhand precious metal objects.

4. The Respondent and or employees completed the daily transaction for the objects that were acquired.

5. The Respondent provided those forms to law enforcement agencies.

6. The Respondent filed forms that were completed improperly and/or incorrectly, as follows:

A. The daily transaction form for Transaction No. 1443, dated September 11, 2009 failed to adequately describe the objects acquired; failed to adequately include the seller's telephone number, and failed to note whether the seller had a beard, mustache, glasses, and other distinguishing features. In addition, the form failed to include separate record entries for each object.

B. The daily transaction form for Transaction No. 1444, dated September 12, 2009 failed to adequately describe the objects acquired and failed to note whether the seller had a beard, mustache, glasses, and other distinguishing features. In addition, the form failed to include separate record entries for each object.

C. The daily transaction form for Transaction No. 1445, dated September 15, 2009 failed to adequately describe the objects acquired; failed to include the time of the transaction; failed to note whether the seller had a beard, mustache, glasses, and other distinguishing features; and filed to include the seller's driver's license number or other type of identification. In addition, the form failed to include separate record entries for each object.

7. The Respondent permitted Charles Lawson, who was not authorized as an employee by the Department, to act on the Respondent's behalf in purchasing the objects in these transactions and by completing and signing the daily transaction report forms.

8. The Respondent acknowledges that he knew or should have known of all of the requirements concerning the completion of the daily transaction report forms and the registration of employees.

9. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §§12–203, 301(a) and (d), 12-302 (a)(1), (3), and (4), and 12-304 (c)(3), Annotated Code of Maryland as well as Code of Maryland Regulations ("COMAR) 09.25.01.05. which provide:

§12–203. Fees for employees

Before an individual may begin work for a dealer as an employee:

(1) the dealer shall submit to the Secretary, on the form that the Secretary provides, the name of the individual; and

(2) the individual shall apply for a national and State criminal history records check required under § 12-204(b) of this subtitle.

§12–203. Records of Dealer

(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…

(d) Separate entries – A separate record entry shall be made for each item involved in a transaction. However, items in a matching set may be recorded as a set if acquired in a single transaction.

§12–203. Contents of records

(a) Records of dealers - in addition to any other information required by the Secretary, the records of a dealer shall include:

(1) the date, place, and time of each transaction that involves the acquisition of a precious metal object;

(2) the name and address of the principal, if the transaction is by an agent;

(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;

(5) a statement indicating whether or not the person making the transaction is personally known to the dealer; and

(6) the signature of the person from whom the precious metal object or personal property is acquired and the dealer or employee who accepted the precious metal object.

(b) In addition to any other information required by the Secretary, the records of a pawnbroker shall include, for each item pawned:

(1) the type of item;

(2) its manufacturer, model number, year of manufacture if known, and serial number if known; and

(3) its color and size.

§12–304. Contents of records

(c) Contents - Each copy of a record, submitted to the primary law enforcement unit and, if applicable, local law enforcement unit, shall include…

(3) the information required under § 12-302 of this subtitle.

Code of Maryland Regulations

Chapter 01 Licenses

.05 Employees of the Licensee.

A. At the time an individual applies for a license, the individual shall:

(1) On a form provided by the Secretary, submit the name of each employee who, on behalf of the applicant, will engage in a precious metal object transaction or pawn transaction;

(2) Submit documents, as required by the Secretary, necessary to conduct a criminal background investigation for each employee who will engage in a precious metal object or pawn transaction; and

(3) Pay the fee for each employee pursuant to Business Regulation Article, §12-203, Annotated Code of Maryland.

B. A current licensee shall notify the Secretary, under the requirements of §A of this regulation, of the identity of an employee whom the licensee intends to hire to engage in a precious metal object or pawn transaction.

C. The licensee may not permit an employee to engage in a precious metal object or pawn transaction until the Secretary notifies the licensee of the licensee's compliance with §A or B of this regulation.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 20th ~~16th~~ DAY OF April, 20 10, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Article §§12–203, 301 (a) and (d), 12-302 (a)(1), (3) and (4), and 12-304(c)(3), Annotated Code of Maryland as well as Code of Maryland Regulations ("COMAR) Regulations COMAR 09.25.01.05; and it is further

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of $700.00. 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 and the civil penalty of $700.00 imposed on the Respondent.

Jeffrey Ian Hurwitz

4-16-2010
Date

Maryland Department of Labor,
Licensing and Regulation

Leonard J. Howie, III
Deputy Secretary