DEPARTMENT OF LABOR
LICENSING AND REGULATION

v.

CASE NO.: SPMG 10-0023

BRIAN MINKIN
t/a Kaylah Designs
dba Annapolis Gold Buyers

Respondent

RECEIVED
JAN 05 2010
Board of Certified
Public Accountancy

CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulations ("Department") as a result of a complaint filed by Detective Robert Gibson of the Anne Arundel County Police Department. Upon a review of the complaint, the Department has determined that administrative charges against Brian Minkin (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. 2232-02) with the Department.

3. On October 1, 2009, during a site visit by members of the Anne Arundel County Police Department at the Wachovia Bank, 171 Jennifer Road, Annapolis, MD 21401, the approved alternative storage facility for the Respondent, an inspection of secondhand precious metal object that the Respondent acquired was inspected.

4. During the inspection with Ira Klein, a registered employee of the Respondent, two bags were inspected. Neither bag was marked with a transaction number. Mr. Klein could not produce the transaction report forms for these transactions. Mr. Klein indicated that one of the transactions was numbered "0098602" and the other was numbered 929-1. Mr. Klein

later produced the transaction report sheets for inspection by Detective Gibson and the members of the Anne Arundel County Police.

5. Transaction report form No. 0098602, one of the bags that was not marked with a transaction number, failed to include a state or zip code for the address of the seller.

6. Transaction report form No. 929-1, the other bag that was not marked with a transaction number, failed to include the engraving "BMD-ERH 5-2-64" that appeared on a man's wedding ban , failed to include the city or state for the address of the seller, and failed to indicate whether the seller was known by the Respondent or his employee.

7. The Respondent and/or his employee incorrectly or improperly completed the following transactions as follows:

A. Transaction No. 98753 did not list the sex, height, weight or date of birth for the seller, and failed to include the individual price paid for the items acquired;

B. Transaction Nos. 98812, 98782, and 98781 failed to list the metallic composition of the items acquired;

C. Transaction Nos. 98804 and 98762 failed to indicate the date of birth of the seller;

D. Transaction Nos. 98807 and 99804 failed to indicate the height of the seller;

E. Transaction No. 98840 failed to indicate the buyer's signature;

F. Transaction No. 98443 failed to indicate the seller's telephone number;

G. Transaction No. 98758 failed to indicate the sex of the seller.

H. Transaction No. 98761 failed to indicate the weight of the seller and did not use the proper identification form to establish the identity of the seller; and

I. Transaction No. 98883 failed to indicate the price of individual items that were acquired.

8. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §12–301 and 302, Annotated Code of Maryland and Code of Maryland Regulations COMAR 09.25.01 A. which provide:

(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.

9. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of $ 500.00 upon the Respondent's execution of this Consent Order.

10. 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.

11. 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.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 4 TH DAY OF January, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation §§ 12-301 and 302 Annotated Code of Maryland;

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of $500.00 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 $500.00 imposed on the Respondent.

Brian Minkin

12/28/09
Date

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