DEPARTMENT OF LABOR
LICENSING AND REGULATION

v.

CASE NO.: SPMG 10-0025

DAVID MACARTHUR
dba Fast Cash Pawnbrokers, Inc.

Respondent

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

CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulations ("Department") as a result of a complaint filed by Corporal Shawn Hanley, of the Baltimore County Police Department. Upon a review of the complaint, the Department has determined that administrative charges against David MacArthur dba Fast Cash Pawnbrokers, Inc. (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. 2091) with the Department, which was originally issued on October 16, 2003.

3. On September 8, 2009, the Respondent acquired a computer, through the Respondent's business, Fast Cash Pawnbrokers, 3401 Dundalk Avenue, Baltimore, MD 21222.

4. The Respondent timely filed the daily transaction report of the transaction of the computer (Transaction No. 230584) to the Baltimore County Police Department.

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5. The Respondent failed to properly complete Transaction No. 230584 by failing to:

A. include a serial number, and the color and the size of the computer;

B. provide distinguishing features by failing to note whether the seller had a beard, mustache, glasses, tattoos, scars, and other features of the seller; and

C. provide the Respondent's name.

6. The Respondent knew, or should have known, of the requirements to record the serial number, and color and size of the computer; to provide distinguishing features of the seller of the computer; and indicate the Respondent's name on the transaction report.

7. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §12-301 (b) and (c), 12-302 (b), and 12-304 (c) ii), Annotated Code of Maryland, which provide:

§12–301. Required of Records

(b) *Record of pawnbrokers.* - Each pawnbroker shall make a written record, on a form provided by the Secretary, of each business transaction that involves:

(1) lending money on pledge of personal property, other than a security or printed evidence of indebtedness; or

(2) buying personal property on condition of selling it back at a stipulated price; or

(3) buying the following items for the purpose of resale:

(i) binoculars;
(ii) cameras;
(iii) firearms;
(iv) furs;
(v) household appliances;
(vi) musical instruments;
(vii) office machines or equipment;
(viii) radios, televisions, videodisc machines, videocassette recorders, and stereo equipment;
(ix) personal computers, tapes, and disc recorders;
(x) watches;
(xi) bicycles; and
(xii) tangible personal property pledged as collateral.

(c) *Same -- Acquisition of items for resale.* - Each pawnbroker shall make a written record, on a form provided by the Secretary, of each transaction that involves the acquisition of

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an item described in subsection (b)(3) of this section for the purpose of resale.

§12–302. Contents of Records

(b) *Records of Pawnbrokers* - 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) Each copy of a record, submitted to the primary law enforcement unit and, if applicable, local law enforcement unit, shall include:

(1) the license number of the dealer;
(2) the location of each item listed in the record; and
(3) the information required under § 12-302 of this subtitle.

8. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of $ 150.00 upon the Respondent's execution of this Consent Order.

9. 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.

10. 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 30th DAY OF March, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Article §12-301 (b) and (c), 12-302 (b), and 12-304 (c) ii), Annotated Code of Maryland;

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ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of $150.00 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 violation and the civil penalty of $150.00 imposed on the Respondent.

David MacArthur

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

3/25/10
Date

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