DEPARTMENT OF LABOR
LICENSING AND REGULATION

v.

THOMAS ALEXANDER SMYTH
dba Albert S. Smyth, Co., Inc.

Respondent

CASE NO.: SPMG 10-0048
SPMG 10-0055

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CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulations ("Department") as a result of a complaints filed by Corporal Christine Sisk, of the Baltimore County Police Department. Upon a review of the complaints, the Department has determined that administrative charges against Thomas Alexander Smyth, dba Albert S. Smyth Co., 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. 70-01) with the Department, which was originally issued on March 23, 1997.

3. On December 15, 2009 and January 8, 2010 Corporal Sisk, conducted a review of daily transaction report filed by the Respondent in the Baltimore Regional Pawn Data Sharing System ("RPDSS") and found that the Respondent or one of the Respondent's employees failed to obtain the required identification information of the seller of secondhand precious metal objects acquired by the Respondent.

4. The Respondent acknowledges that the transaction reports of secondhand precious metal objects acquired on December 11, 2009 were improperly completed as follows:

A. Transaction No. 0914531 contained the incorrect date of birth for the seller;

B. Transaction No. 0914621 listed the incorrect driver's license number;

C. Transaction No. 0914628 was used in two separate transactions involving two different sellers;

D. Transaction No. 0914789 was used in two separate transactions involving two different sellers;

E. Transaction No. 0914768 contained the incorrect date of birth for the seller; and

F. Transaction No. 0914790 listed the incorrect driver's license number.

5 The Respondent acknowledges that the transaction reports of secondhand precious metal objects acquired on December 16, 2009 were improperly completed for Transaction Nos. 0915226 and 0915361 because the only form of identification of the seller was a U.S. Passport.

6. The Respondent or the Respondent's employees knew or should have known that, in the absence of verifying the seller's identification through a driver's license, two forms of identification of the seller are required to be obtained and recorded.

7. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §§12-301 (a) and (d), 12-302 (a) (4) (i) and (ii), Annotated Code of Maryland:

§12–301. Business transaction report records required.

(a) 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) 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.

§12–302. Contents of Records

(a) In addition to any other information required by the Secretary, the records of a dealer shall include…:

(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;

8. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of $ 300.00 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.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 27th DAY OF January, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Article §§12-301 (a) and (d), and 12-302 (a) (4) (i) and (ii), Annotated Code of Maryland;

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of $300.00 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 $300.00 imposed on the Respondent.

Thomas Alexander Smyth

1/22/10

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

1/27/2010

Date