DEPARTMENT OF LABOR *
LICENSING AND REGULATION
*
v. *
* CASE NO.: SPMG 10-0061

BENJAMIN CHARLES FROMME
dba Royal Jewelers *
*
*
Respondent *

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

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 Criminal Investigation Division. Upon a review of the complaint, the Department has determined that administrative charges against Benjamin Charles Fromme (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 trades as Royal Jewelers and was issued a license as a secondhand precious metal object dealers and pawnbrokers license (License No. 2304) by the Department on April 26, 2009.

3. On January 20, 2010, Detective Robert Gibson and Laura Dahoney, Pawn Unit Assistant conducted an inspection of secondhand precious metal objects that the Respondent acquired on or about the following dates: January 2, 7 and 17, 2010.

4. During the inspection Detective Gibson and Ms. Dahoney found that the following items listed in the following transaction reports that were filed with Anne Arundel County Police Department were inadequately described as follows.

A. Transaction No 278, filed January 2, 2010:

(1) Item 1070390 was described as a "ladies 10K yg bracelet size 7.5" wgt 3.2 w/round diamond stone. Upon

inspection, the item was found to be an "XO" link tennis bracelet with several diamond chips;

(2) Item 1070390 was described as "ladies 14k wg ring, 1 round diamond" Upon inspection, the item was found to have three center stones with 11 diamond chips;

(3) Item 107091 was described as "men's 10 yg ring class/school engraving DTR 1 black oval stone. The description of the item failed to include the year, 1965, and the school, Greenville Co Emporia High; and.

(4) Item 1070392 was described as a "ladies 10k wg blue oval stone with one diamond, 1 round shape." Upon inspection, the item was found to have a blue oval center stone with a diamond chip on each side.

B. Transaction No. 266, filed January 7, 2010:

(1) Item 1032164 was described as "Ladies 14K Yellow Gold Bracelet Rope". The item, upon inspection, was found to also have a heart charm attached;

(2) Item 1032167 was described as "ladies 14k yg ring size 7, wgt 1.40". Upon inspection, the item was found to have four diamond chips surrounding six empty mountings.

(3) Item 1032169 was described as a ladies 14K yg band size6 wgt.70". Upon inspection the item was found to be a "V" shaped band;

(4) Item 1032170 was described as "1 ladies 14k yg earrings wgt 1.65gem." Upon inspection the item was found to be a pair of scroll pattern hoop earrings;

(5) Item 1032173 was described as a "ladies 10k yg ring costume jewelry size 6, wgt 2.50". Upon inspection the item was found to include a rotating dolphin;

(6) Item 1032174 was described as a "ladies 10k yg band size 6 wgt .95.0 1 ct purple oval stone." Upon inspection, the item was found to be a yellow gold ring with a small garnet center stone with one diamond chip on each side;

(7) Item 1032175 was described as a "ladies 10k tri-color costume ring size 6 wgt 1.40". Upon inspection, the item was found to be a two-tone tallow and rose, gold filigree ring.

(8) Item 1032176 was described as "1 ladies sterling silver scrap weight 83.40." Upon inspection, the item was found to include many identifiable pieces including one pair of silver hoop earrings, one silver omega type necklace which was bent, three silver herringbone necklaces, one silver five-strand necklace with matching bracelet, one silver twisted rope necklace, one silver rope necklace, one silver rope necklace with matching bracelet, one pair of silver dolphin hoops, one thin silver chain necklace, one silver circle link necklace, one silver box link necklace, one silver rope bracelet, one pair silver puffed heart dangle earrings, one silver square silver bucket type ring with square black onyx stone, one small silver oval opal ring, one plain silver toe ring, and one twisted pattern toe ring.

(C) In Transaction No. 273, dated January 27, 2010, Item 1046226 was described as "scrap 18K yg wgt 2.30". Upon inspection, the item was found to be a piece of dental gold.

5. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §§12–301 (a) and (d), and 302 (a) (3) (i)-(iv), Annotated Code of Maryland, which provide:

§12–301. Required Records

(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) The dealer shall tag each item individually with a number that corresponds to the transaction under which it was acquired. However, items acquired in a matching set may be tagged as a set.

§12–302. Contents of Records

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

(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;

6. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of $300 upon the Respondent's execution of this Consent Order.

7. 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.

8. 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.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 17th DAY OF May, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Article §§12–301 (a) and (d), and 302 (a) (3) (i)-(iv), 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 violations and the civil penalty of $300.00 imposed on the Respondent.

Benjamin Charles Fromme

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

Please Sign & Date

13 MAY 10
Date

Please Sign & Date