DEPARTMENT OF LABOR
LICENSING AND REGULATION

v.

PAUL G. BOWMAN

dba Absolute Pawnbrokers

Respondent

CASE NOS.: SPMG 10-0068

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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 Detective/Private First Class Jennifer McKenzie of the Criminal Investigations Division, Property Crimes Unit of the Charles County Sheriff's Department. Upon a review of the complaint, the Department has determined that administrative charges against Paul G. Bowman, dba Absolute Pawn Brokers (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 license as a secondhand precious metal object dealer and pawnbroker (Registration No. 2128-01) dba Absolute Pawn, 3262 Leonardtown Road, Waldorf, Maryland 20101, which was issued on February 19, 2010.

3. The Respondent held a license as a secondhand precious metal object dealer and pawnbroker (Registration No. 2128) dba Absolute Pawn, 3175 Leonardtown Road, Waldorf, Maryland 20602, which was originally issued on November 20, 2006.

4. The Respondent closed the Absolute Pawnbrokers location at 3175 Leonardtown Road, Waldorf, Maryland 20602 on February 1, 2010.

5. The Respondent conducted seven secondhand precious metal object and/or pawn transaction at 3262 Leonardtown Road, Waldorf, Maryland 20101during the period February 13 and February 15, 2010.

6. The Respondent completed and filed an application with Department on February 17, 2010.

7. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §§12-201 (a) and (b), 12-202, 12-205 (a) and (b), Annotated Code of Maryland and Code of Maryland Regulations COMAR 09.25.01.02, which state:

> **§12–201. License Required.**
>
> (a) *In general.* - Except as otherwise provided in this title, an individual shall have a license before the individual does business as a dealer in the State.
>
> (b) *Pawnbrokers.* - Except those pawnbrokers who are exempt from State licensing under § 12-102(c) of this title, all pawnbrokers must be licensed as dealers.
>
> **12-202. Applications for licenses.**
>
> (a) *Application required.*-
>
> (1) An applicant for a license shall:
>
> (i) submit to the Secretary an application on the form that the Secretary provides; and
>
> (ii) pay to the Secretary an application fee of $75.
>
> (2) The application fee is nonrefundable.
>
> (b) Required signature. - The applicant shall sign the application under oath.
>
> (c) *Contents of application.* - In addition to any other information that the Secretary requires, the application shall state:
>
> (1) the name, date of birth, and residence address of the applicant;
>
> (2) the fixed business address of the applicant;
>
> (3) the fixed address in the State where precious metal objects will be stored, if different from the fixed business address, provided, however, that a bank or safe deposit box is not an acceptable storage location

unless written consent by the applicant and a bank official authorizing access to the storage facility and examination of its contents by law enforcement officers or agents accompany the application;

(4) a telephone number at which the applicant can be reached during normal business hours;

(5) each address where the applicant has conducted any business during the 36 months before application;

(6) the driver's license number, if any, of the applicant; and

(7) the name and permanent address of each employee who will work with the applicant in the business of the applicant.

(d) *Statement about stolen property investigation.* - The application form shall contain, immediately above the signature line, the following:

"If issued a license, I agree to allow a municipal, county, or State police officer or agent acting in the course of a stolen property investigation or an investigation of a violation of this title to inspect and photograph all precious metal objects and records at my business or storage locations."

§ 12-205. Issuance of license.

(a) *In general.* - Upon receipt of a complete national and State criminal record report from the Central Repository in accordance with §12-204 of this subtitle, the Secretary shall issue a license to each applicant who meets the requirements of this subtitle.

(b) *Fixed business address required.* - The Secretary:

(1) may issue a license only for a fixed business address; but

(2) may not issue a license for an address that is:

(i) a hotel or motel room;

(ii) a motor vehicle;

(iii) a post office box; or

(iv) a location which does not meet the qualifications as defined in § 12-101(d) of this title.

COMAR 09.25.01 .02 License Address.

A. A dealer's license may only be issued for a specific fixed address.

B. A license may not be transferred to another address.

C. If a dealer moves the place of business to a new address, the dealer shall obtain a new license before engaging in the secondhand precious metals business at the new address.

D. If a dealer has more than one place of business, a separate license shall be obtained for each address.

8. Based on the aforementioned violation, the Respondents agree to pay to the Department a civil penalty of $ 100.00 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 Respondents, 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 Respondents enter into this Consent Order freely, knowingly and voluntarily.

BASED ON THESE STIPULATIONS, IT IS, THIS 20th DAY OF April, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Article §§12-201 (a) and (b), 12-202, 12-205 (a) and (b), Annotated Code of Maryland and Code of Maryland Regulations COMAR 09.25.01.02;

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of $100.00 for the violation, which amount is to payable to the Department upon the Respondents' 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 $100.00 imposed on the Respondent.

Paul G. Bowman

Mar. 30, 2010
Date

Leonard J. Howie, III
Deputy Secretary

MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION