289-10

DEPARTMENT OF LABOR LICENSING AND REGULATION	*	
	*	
v.	*	
	*	CASE NOS.: SPMG 10-0069
EUGENE W. GILBERT In Association with JAY NATHAN ZUKERBERG	* *	
dba Genuine Gold, LLC		
	*	
Respondents	*	

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

CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulations ("Department") as a result of a complaint filed by Nicky Burris of the Frederick County Sheriff's Police Department. Upon a review of the complaint, the Department has determined that administrative charges against Eugene W. Gilbert in association with Jay Nathan Zukerberg, dba Genuine Gold, LLC (the "Respondents") 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. Respondent Gilbert holds a license as a secondhand precious metal object dealer (Registration No. 2194) which was originally issued on April 15, 2008.

3. Respondent Zukerberg holds a license as a secondhand precious metal object dealer (Registration No. 2241) which was originally issued on August 19, 2008.

4. The Respondents hold equal shares in Genuine Gold, LLC which trades the fixed business address 11155 Dolefield Road, Suite 104, Owings Mills, MD 21117.

5. The Respondents acknowledge that they held an event under the name Genuine Gold, LLC, at which secondhand precious metal objects were acquired at the Hampton Inn, 5311 Buckeystown Pike, Frederick, MD 21704 from January 15 through 17, 2010.

6. The Respondents completed and filed daily transaction reports to the Frederick County Sheriff's Department for the event held at the Hampton Inn, 5311 Buckeystown Pike, Frederick, Maryland 21704 from January 15 through 17, 2010.. The Respondents acknowledge that they failed to electronically report Transaction No. F-1334 which contained the following twelve items:

a. One (1) 16 karat yellow gold ring.

b. Three (3) pieces dental gold described as "16 karat yellow gold."

c. One (1) 10 karat yellow gold class ring which contained the date "1944."

d. One (1) Charlotte Hall Military Academy, ten (10) karat yellow gold ring with green stone, dated 1951, with inscription "TFW."

e. One (1) 10 karat yellow gold ring with black stone with inscription "JST."

f. One (1) Bulova, 14 karat white gold watch.

g. One (1) six-inch, 14 karate yellow gold Omega bracelet.

h. One (1) 16 karat yellow white gold ring, with no stone.

i. One (1) 14karat yellow gold Florentine ring.

j. One (1) of broken, twisted chains.

7. The Respondent's paid out a total of $310.00 to the seller in return for the items listed in Transaction No. F-1334.

8. Transaction No. F-1334 was manually filed by Ms. Nicky Burris on January 25, 2010.

9. Based on the aforementioned facts, the Respondents acknowledge that they have has violated Business Regulation Article §12-304 (a) (1) and (b), Annotated Code of Maryland, which state:

> **§12–304. Copies to primary law enforcement units.**
>
> a) *In general* (1) A dealer shall submit the required information from each record to the primary law enforcement unit in accordance with subsection (b) of this section.

(b) *Delivering copies.* - The dealer shall submit the records by transmitting the required information from the records electronically, in a format acceptable to the receiving law enforcement unit, by noon of the next business day.

10. Based on the aforementioned violation, the Respondents agree to pay to the Department a civil penalty of $ 350.00 upon the Respondent's execution of this Consent Order.

11. The Respondents 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.

12. 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.

13. The Respondents enter into this Consent Order freely, knowingly and voluntarily.

BASED ON THESE STIPULATIONS, IT IS, THIS 15th DAY OF April, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Article§12-304 (a) (1) and (b), Annotated Code of Maryland;

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of $350.00 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 $350.00 imposed on the Respondents.

Eugene W. Gilbert

4/15/2010

Date

Leonard J. Howie, III
Deputy Secretary

MARYLAND DEPARTMENT OF LABOR, LICENSING AND REGULATION

Jay Nathan Zukerberg

4/

Date