DEPARTMENT OF LABOR *
LICENSING AND REGULATION
*

v. *

* CASE NOS.: SPMG 10-0070

CHRISTINE GUGLIUZZA-HYATT *
dba The Gold Ladies
*

*
Respondent *

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

CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulations ("Department") as a result of a complaint filed by Ms. Nicky Burris of the Frederick County Sheriff's Department. Upon a review of the complaint, the Department has determined that administrative charges against Christine Gugliuzza-Hyatt, dba the Gold Ladies (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 obtained a license for a secondhand precious metal object dealer's license dba the Gold Ladies, 504 Stratford Road, Fallston, MD 21047 on April 16, 2009.

3. On October 23, 2009, the Respondent acquired secondhand precious metal objects at a gold buying event that was held at 1080 West Patrick Street, Frederick, Maryland 21703 in the following transactions:

4. The Respondent used a scale that did not bear an inspection sticker from the Maryland Department of Agriculture to measure items acquired in the following transactions: Transaction Nos. 2, 4, 093, 095, 0096, 0099, 0100, 0102, 0104, 0106, 0107, 0108 0110 and 0111.

5. In Transaction Nos. 0099 and 0104 the Respondent obtained the signature of the sellers on the transaction report form prior to entering the descriptive information required on the daily transaction form provided by the Department.

6. In Transaction No. 0110, the Respondent failed to indicate the total value of the price paid for the items that were acquired.

7. The Respondent or the Respondent's employees knew or should have known of the requirements of the information that is needed to file transaction reports to the Frederick County Sheriff's Department.

8. The Respondent or the Respondent's employees knew or should have known of the requirements of the information that is needed to file transaction reports to the Frederick County Sheriff's Department.

9. Based on the aforementioned facts, the Respondent acknowledges that she has violated Business Regulation Articles §12-302 (a) (4) and 12-304 (a) and (b) Annotated Code of Maryland, and Code of Maryland Regulations COMAR 09.25.02 which state:

> **§12–302. Contents of Records**
>
> (a) In addition to any other information required by the Secretary, the records of a dealer shall include…
>
> (1) the date, place, and time of each transaction that involves the acquisition of a precious metal object;
>
> (2) the name and address of the principal, if the transaction is by an agent;
>
> (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;
> (v) a statement whether it appears to have been altered by any means, including:
>
> 1. obscuring a serial number or identifying feature;
> 2. melting; or
> 3. recutting a gem; and
>
> (vi) the amount paid or other consideration;
>
> (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.

§ 12-304. Copies to primary law enforcement units

(a) In general. - (1) A dealer shall submit a copy of the required information from each record to the primary law enforcement unit in accordance with subsection (b) of this section.

(b) 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.

COMAR 09.25.02.02 Registration Required.

A. A licensed dealer shall register with the Department of Agriculture any weights and measures which are used in buying from, selling to, or trading commercially with the public, any secondhand precious metal object.

B. Registration with the Department of Agriculture shall be in accordance with Agriculture Article, 11-204.1----- 11-204.7, Annotated Code of Maryland.

C. A licensed dealer shall display the registration conspicuously in the place of business of the licensee.

10. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of $ 500.00 upon the Respondent's execution of this Consent Order.

11. 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.

12. 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.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 10 DAY OF April, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Articles §12-302 (a) (4) and 12-304 (a) and (b) Annotated Code of Maryland, and Code of Maryland Regulations COMAR 09.25.02;

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of $500.00 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 $500.00 imposed on the Respondent.

Christine Hyatt

Christine Gugliuzza-Hyatt

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

4-10-2010
Date