346-10

DEPARTMENT OF LABOR LICENSING AND REGULATION	*	
	*	
v.	*	
	*	CASE NOS.: SPMG 10-0102
	*	
	*	
RALPH EVERETT YATES	*	
	*	
	*	
Respondent	*	

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

CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulations ("Department") as a result of complaints filed by the Frederick County Sheriff's Office. Upon a review of the complaint, the Department has determined that administrative charges against Ralph Everett Yates (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 as a secondhand precious metal object dealer and pawnbroker, for a location at 1469 Nieman Road, Shady Side Maryland, 20764 on February 18, 2009.

3. On March 20, 2010, the Respondent conducted a home gold buying event at 1507 Laurel Wood Way, Frederick, Maryland 21701.

4. In Transaction No 3/20-07, the Respondent acquired 13 secondhand precious metal items. The Respondent electronically filed this transaction to the Frederick County Sheriff's Department on March 21, 2010.

5. On March 30, 2010, Ms. Nicky Burris of the Frederick County Sheriff's conducted a review of the transactions filed by the Respondent for the gold buying event conducted on March 20, 2010. Ms. Burris's review revealed that the Respondent or one of his employees failed to report the following six (6) items that were acquired in Transaction No. 3/20-07:

(a) A women's, 10 karat yellow gold, ring with multiple clear stones;
(b) A 20-inch long 14 karat yellow gold herringbone necklace;
(c) A women's, 14 karat yellow gold ring;
(d) A 21-inch long, 14 karat yellow gold wheat chain;
(e) A14 karat yellow gold Cross with a clear stone; and
(f) A 14-inch, 14 karat yellow gold rope chain.

6. The Respondent or the Respondent's employees knew or should have known of the requirements for the proper filing of secondhand precious metal objects that are acquired from the public to local law enforcement agencies.

7. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §§12-301 (a), 12-302 (a) (3), and 12-304 (a) (1), (b) and (c), Annotated C ode of Maryland, which state:

> **§ 12-301. Required records.**
>
> (a) Records of dealers.- 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.
>
> **§12–302. Contents of Records**
>
> *a) Records of dealers.* - 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

§ 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 in general*; - 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.

(c) Contents. - Each record, submitted to the primary law enforcement unit and, if applicable, local law enforcement unit, shall include:

(1) the license number of the dealer;
(2) the location of each item listed in the record; and
(3) the information required under § 12-302 of this subtitle.

8. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of $ 200.00 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 6th DAY OF May, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Article §§12-301 (a), 12-302 (a) (3), and 12-304 (a) (1), (b) and (c), Annotated Code of Maryland;

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of $200.00 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 $200.00 imposed on the Respondent.

Ralph Yates

Ralph Everett Yates

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

5-3-10

Date