

DEPARTMENT OF LABOR
LICENSING AND REGULATION

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v.

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CASE NO.: SPMG 11-0028

TIMOTHY RALPH BLANTON
dba Reeds Jewelers,

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Respondent

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CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulation ("Department") as a result of a complaint filed by the Baltimore County Criminal Investigation Unit, against Timothy Ralph Blanton, dba Reeds Jewelers, 8200 Perry Hall Blvd, Baltimore, MD 21236 ("the Respondent"). Upon a review of the complaint, the Department has determined that administrative charges against the Respondent 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 in this Consent Order, the Department had jurisdiction over the subject matter and the Respondent.
2. The Respondent obtained a license (License No. 2252) as a Secondhand Precious Metal Object Dealer/Pawnbroker, dba Reeds Jewelers, 8200 Perry Hall Blvd, Baltimore, MD 21236 September 30, 2008.
3. On March 16, 2010, the Respondent received a written warning from members of the Baltimore County Criminal Investigation Unit regarding the Respondent's failure to timely file transaction reports for secondhand precious metal objects that the Respondent had acquired.
4. On July 2, 2010, the Respondent was requested by members of the Baltimore County Criminal Investigation Unit to submit a copies of daily transaction reports as part of a routine inspection to determine the Respondent's compliance with the reporting requirements of the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act, Title 12, Business Regulation Article, Annotated Code of Maryland.

5. The review of the transaction reports submitted by the Respondent to the Baltimore County Criminal Investigation Unit, determined that Transaction No. 11711380, dated April 2, 2008 and time-stamped 6:45 PM, was not electronically filed with the police agency until April 9, 2010 at 4:42 PM.

6. The review of the transaction reports submitted by the Respondent to the Baltimore County Criminal Investigation Unit, determined that Transaction No. 117116202, dated September 11, 2010, failed to indicate the signature of the seller of the items in the transaction.

7. The Respondent or the Respondent's employees knew, or should have known, of the requirements concerning the proper description of the seller of secondhand precious metal object/pawn items that is to be reported to local law enforcement agencies on the daily transaction report forms.

8. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §§12-301 (a) , 302 (6) and 304 (b) 2, Annotated Code of Maryland:

§12-301. Required Records.

(a) (1) 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.

(2) Each dealer shall retain the original copy of the written record required to be made under paragraph (1) of this subsection at the dealer's place of business.

(b) *Records of pawnbrokers.* - Each pawnbroker shall make a written record, on a form provided by the Secretary, of each business transaction that involves:

(1) lending money on pledge of personal property, other than a security or printed evidence of indebtedness; or

(2) buying personal property on condition of selling it back at a stipulated price; or

(3) buying the following items for the purpose of resale:

(i) binoculars;

(ii) cameras;

(iii) firearms;

(iv) furs;

(v) household appliances;

(vi) musical instruments;

(vii) office machines or equipment;

- (viii) radios, televisions, videodisc machines, videocassette recorders, and stereo equipment;
- (ix) personal computers, tapes, and disc recorders;
- (x) watches;
- (xi) bicycles; and
- (xii) tangible personal property pledged as collateral.

(c) *Records of pawnbrokers - Acquisition of items for resale.*- Each pawnbroker shall make a written record, on a form provided by the Secretary, of each transaction that involves the acquisition of an item described in subsection (b)(3) of this section for the purpose of resale.

(d) *Separate entries.* - A separate record entry shall be made for each item involved in a transaction. However, items in a matching set may be recorded as a set if acquired in a single transaction.

(e) *Tagging and numbering of items.* - 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.

(f) *Presumption of precious metal.* - For the purposes of this subtitle, there is a presumption that an object is a precious metal object if:

- (1) it reasonably appears to be a precious metal object; and
- (2) it was received by a dealer in the course of business or is found in the place of business or storage facility of a dealer.

§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;

(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.

(5) a statement indicating whether or not the person making the transaction is personally known to the dealer; and

(6) the signature of the person from whom the precious metal object or personal property is acquired and the dealer or employee who accepted the precious metal object.

§ 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.

(2) If the dealer transacts business in accordance with § 12-206(b) of this title, the dealer also shall submit the required information from the records to the local law enforcement unit in accordance with subsection (b) of this section.

(3) On the request of a dealer, the Secretary shall provide to the dealer a list of local law enforcement units.

(b) *Delivering copies in general*; (1) Subject to paragraph (2) of this subsection, 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.

(2) A dealer may request an extension of up to 48 hours to submit the records required under paragraph (1) of this subsection.

(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.

(d) Confidentiality. - The required information from a record submitted under this section:

- (1) shall be kept confidential;
- (2) is not a public record; and

(3) is not subject to Title 10, Subtitle 6 of the State Government Article.

(e) *Ceasing to maintain record.* - A law enforcement unit may cease to maintain a record submitted under this section after 1 year from the date the law enforcement unit receives the copy.

9. 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.

10. 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.

11. 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.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 5th DAY OF January, 2011, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Article §§12-301 (a), 302 (6) and 304 (b) 2, Annotated Code of Maryland; and it is further

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.

RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER
Timothy Ralph Blanton

DEPUTY SECRETARY'S SIGNATURE
APPEARS ON ORIGINAL ORDER
Leornard J. Howie, III
Deputy Secretary

MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION

1/11/11
Date