

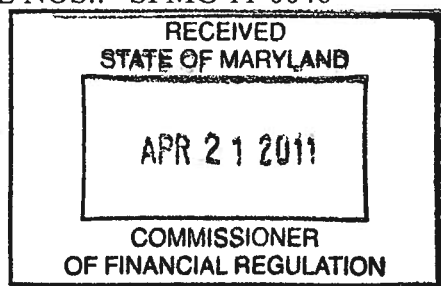
DEPARTMENT OF LABOR
LICENSING AND REGULATION,

v.

MATTHEW GRAHAM LERNER
dba Frederick Coin Exchange,

Respondent

CASE NOS.: SPMG 11-0046



* * * * *

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 Matthew Graham Lerner (the “Respondent”) dba Frederick Coin Exchange, 25 North Market Street, Frederick, Maryland 21701 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 secondhand precious metal object dealers and pawnbrokers license with the Department (License No. 2354) dba Frederick Coin Exchange, 25 North Market Street, Frederick, Maryland 21701, which was originally issued on November 3, 2009.
3. The Respondent knew or should have known of the requirements to electronically submit records of transactions involving the Respondent’s acquisition of secondhand precious metal object to the Frederick County Sheriff’s Office.
4. On or about January 20, 2011, Ms. Nicky Burriss of the Frederick County Sheriffs Office conducted an inspection of the Respondent’s business, Frederick Coin Exchange, 25 North Market Street, Frederick, Maryland 21701,

5. The Respondent acknowledges that during the inspection, Ms. Burris found that during the period December 2, 2010 through February 16, 2011 the Respondent failed to comply with the requirements to timely file transaction reports to the Frederick County Sheriff's Department for 26 transactions as follows:

- a) Transaction No.196, conducted on December 2, 2010, was electronically filed on December 21, 2010;
- b) Transaction No. 136, conducted on December 4, 2010, was electronically filed on December 8, 2010;
- c) Transaction Nos. 140 and 142, conducted on December 5, 2010, were electronically filed on December 8, 2010;
- d) Transaction No. 134, conducted on December 6, 2010, was electronically filed on December 8, 2010;
- e) Transactions Nos.149 and 150, conducted on December 8, 2010, were electronically filed on December 10, 2010 and December 11, 2010;
- f) Transaction No.184, conducted on December 12, 2010, was electronically filed on December 19, 2010;
- g) Transaction No. 164, conducted on December 12, 2010, was electronically filed on December 15, 2010;
- h) Transactions Nos.183, 185, and 182, conducted on December 13, 2010, were electronically filed on December 19, 2010;
- i) Transaction Nos. 165 and 166, conducted on December 13, 2010, were electronically filed on December 15, 2010;.
- j) Transaction No. 206; conducted on December 22, 2010; was electronically filed on December 24, 2010;
- k) Transaction No. 219, conducted on January 5, 2011, was electronically filed on January 7, 2011;
- l) Transaction No. 241, conducted on January 7, 2011, was electronically filed on January 12, 2011;
- m) Transaction No. 233, conducted on January 7, 2011, was electronically filed on January 11, 2011;.
- n) Transaction No. 259, conducted on January 13, 2011; was electronically filed on January 18, 2011;
- o) Transaction No. 253, conducted on January 13, 2011; was electronically filed on January 17, 2011;
- p) Transactions Nos. 411, 412, and 413, conducted on February 14, 2011, were electronically filed on February 16, 2011;

q) Transaction No. 435, was conducted on February 15, 2011; was electronically filed on February 17, 2011; and.

r) Transaction No. 450, conducted on February 16, 2011, was electronically filed on February 18, 2011.

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

§ 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.

7. Based on the aforementioned violation, the Respondent agrees to pay to the Department a civil penalty of \$ 1,500.00 upon the Respondent's execution of this Consent Order.

8 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.

9. 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.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 27 DAY OF April, 2011, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

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

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of \$1,500.00 for the violation, 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 violation and the civil penalty of \$1,500.00 imposed on the Respondent.

RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER
Matthew Graham Lerner

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

4/19/2011
Date

MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION