

DEPARTMENT OF LABOR
LICENSING AND REGULATION,

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v.

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CASE NO: SPMG 13-0006

RUBINA LALANI
t/a Gold Palace,

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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 Anne Arundel County Police Department. Upon a review of the complaint, the Department has determined that administrative charges against Rubina Lulani (the “Respondent”) t/a Gold Palace, 8760 Annapolis Mall, Annapolis, Maryland 21401 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 (License No 01-2417-01), holds secondhand precious metal object dealers and pawnbrokers license with the Department, which was initially issued on February 24, 2011.
3. On July 18, 2012, the detectives from the Anne Arundel County Police Department, during the course of a burglary investigation, responded to the Respondent’s business address in an attempt to recover items that been sold to the Respondent on July 1, 2012.
4. The Anne Arundel County police detectives contacted the Respondent by telephone and requested that the Respondent produce the items that were allegedly stolen

5. The Respondent met with the Anne Arundel County Police detectives and produced the items that were requested
6. During the investigation it was determined that the items were purchased on the Respondent's behalf by Kevin Shresta.
7. Mr. Shresta acquired 13 items of jewelry, weighing a total of 183 grams of gold, and paid the seller \$1,300.00 on behalf of the Respondent.
8. A review of the records of the Department indicated that Kevin Shresta was not authorized to conduct secondhand precious metal object transaction on behalf of the Respondent.
9. As of March 27, 2013, the Respondent has not filed a "Dealers Report of Employee" to the Department requesting that Mr. Shresta be approved to conduct transactions on behalf of the Respondent.
10. During the course of the burglary investigation it was determined that the Respondent did not file a transaction report of the purchase of gold items to the Anne Arundel County Police Department until July 23, 2012.
11. The Respondent knew, or should have known, the requirements of the Maryland Public Accountancy Act that requires:
 - A. the Department's approval and authorization of employees who purchase secondhand precious metal objects on behalf of the Respondent;
 - B. a transaction report of the items acquired to be filed with the Anne Arundel County Police Department by noon of the next business day of the acquisition;
 - C. a thorough description of the items that are acquired;
 - D. a thorough description of the seller of the items that are acquired;
 - E. signatures of the buyer and the seller involved in the transaction.

Based on the aforementioned facts, the Respondent acknowledges the Respondent has violated Business Regulation Articles §§ 12-203, 301, 302, and 304, Annotated Code of Maryland, and Code of Maryland Regulations COMAR 09.25.02.02, which provide:

§12-203. Employees of dealer

Before an individual may begin work for a dealer as an employee:

- (1) the dealer shall submit to the Secretary, on the form that the Secretary provides, the name of the individual; and

(2) the individual shall apply for a national and State criminal history records check required under § 12-204(b) of this subtitle.

§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) 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) 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) (1) A separate record entry shall be made for each item involved in a transaction.

(2) Items in a matching set may be recorded as a set if acquired in a single transaction.

(e) (1) 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.

(2) Each item tagged by a dealer under paragraph (1) of this subsection shall remain tagged for the entire period the item is stored in the dealer's inventory.

(f) 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;
- (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;

(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.

(b) In addition to any other information required by the Secretary, the records of a pawnbroker shall include, for each item pawned:

- (1) the type of item;

- (2) its manufacturer, model number, year of manufacture if known, and serial number if known; and

- (3) its color and size.

§ 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.

12. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of \$ 1,550.00 upon the Respondent's execution of this Consent Order.

13. 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.

14. 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.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 10th DAY OF April, 2013, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Articles §§12-301, 302, and 304, Annotated Code of Maryland;

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of \$1,550.00 for the violation, which amount is to be 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 \$1,550.00 imposed on the Respondent.

RESPONDENT'S SIGNATURE
ON ORIGINAL DOCUMENT
Rubina Lalani

DEPUTY SECRETARY'S SIGNATURE
ON ORIGINAL DOCUMENT

Scott Jenson,
Deputy Secretary

MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION

April 10 2013
Date