DEPARTMENT OF LABOR
LICENSING AND REGULATION

CASE NO.: SPMG 10-0001

CHARLES ROLONDUS NASTASI
dba Legendary Ink

Respondent

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CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulations ("Department") as a result of a complaint filed by Detective Robert Gibson of the Anne Arundel County Police Department. Upon a review of the complaint, the Department has determined that administrative charges against Charles Rolondus Nastasi (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 was issued a license by the Department as a secondhand precious metal object dealers and pawnbroker license (License No. 2284) dba Legendary Ink, 6711 Ritchie Highway #413 Glen Burnie Mall, Glen Burnie, Maryland 21061 on March 31, 2009..

3. On June 23, 2009, during a site visit by members of the Anne Arundel County Police Department, a clerk in the employ of the Respondent provided two daily returns, or transaction, forms in connection with secondhand precious metal objects that were acquired by the Respondent.

4. The Respondent admits that the daily transaction forms had been completed incorrectly or improperly as follows:

A. The daily transaction form, dated June 7, 2009, relating to a seller (Seller #1) failed to include: a transaction number; the licensees

name; the time and date and location of the transaction; the race or ethic i.d. of the seller; notations as to whether the seller had a beard, mustache, glasses, tattoos, scars, or other distinguishing features; a notation as to whether the seller was known to the dealer; a notation whether photographic identification was used; an adequate description of the objects acquired; information concerning the approximate metallic composition, the weight, and the presence of jewels, stones, or glass concerning the objects; the dealer price(s) for the objects; and the signature of the buyer.

B. The daily transaction form, dated June 7, 2009, relating to a seller (Seller #2) failed to include: a transaction number; the licensees name; the time and date and location of the transaction; the race or ethic i.d. of the seller; notations as to whether the seller had a beard, mustache, glasses, tattoos, scars, or other distinguishing features; a notation as to whether the seller was known to the dealer; a notation whether photographic identification was used; an adequate description of the objects acquired; information concerning the approximate metallic composition, the weight, and the presence of jewels, stones, or glass concerning the objects; the dealer price(s) for the objects; and the signature of the buyer.

5. The Respondent failed to submit the above-referenced forms to the Anne Arundel County Police Department, the primary law enforcement unit, or if the Respondent did submit the forms in a properly completed format, he did not keep copies of these forms.

6. The Respondent kept the items at the Respondent's home, which had not been approved by the Department as a storage location.

7. The Respondent used a scale to weigh the objects acquired that had not been registered with the Maryland Department of Agriculture.

8. The Respondent admits that he knew, or should have known, of the requirements concerning the proper completion of daily return forms, the forwarding of those forms to the primary law enforcement unit, and the registration of scales.

9. The Respondent acknowledges that he has violated Business Regulation Article §§12-301 (a),12–302 (a) (1)-(6), 12- 303, and 12-304 (a) – (c), Annotated Code of Maryland, as well as Code of Maryland Regulations COMAR 09.25.01.02 which provide:

§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;

(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.

§12–303. Retention of Records.

Unless otherwise authorized by the Secretary, a dealer shall keep the records required by this subtitle, at a location within the State, for 3 years after the date of the transaction.

§12–304. Copies to primary law enforcement units.

(a) (1) *In general* - A dealer shall submit a copy of 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 a copy of the records to the local law enforcement unit in accordance with subsection (b) of this section

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 $750.00 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 11th DAY OF June, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Article, §§12-301 (a),12–302 (a) (1)-(6), 12- 303, and 12-304 (a) – (c), Annotated Code of Maryland, as well as Code of Maryland Regulations COMAR 09.25.02.02 ; and it is further

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of $750.00 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 $750.00 imposed on the Respondent.

Charles Rolandus Nastasi

6/6/2010
Date

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