DEPARTMENT OF LABOR *
LICENSING AND REGULATION
*

v. *

* CASE NO.: SPMG 10-0065

BRIAN MINKIN *
t/a Kaylah Designs
*

*
Respondent *

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

CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulations ("Department") as a result of a complaint filed by Corporal Christine Sisk, of the Baltimore County Criminal Investigation Unit/Burglary. Upon a review of the complaint, the Department has determined that administrative charges against Brian Minkin (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 Department issued the Respondent a secondhand precious metal object dealers and pawnbrokers license (License No. 2232-03) for a location at 1414 Reisterstown Road, 1st Floor, Pikesville, MD 21208 on December 7, 2009.

3. On November 24, 2009, during a site visit by Corporal Sisk at the Respondent's business address, 1414 Reisterstown Road, Pikesville, Maryland 21208, an inspection of secondhand precious metal objects that the Respondent acquired was conducted to determine the Respondent's compliance with the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act.

4. During the inspection Corporal Sisk determined that the Respondent could not locate the transaction reports for four bags of secondhand precious metal objects that the

Respondent acquired that were tagged with the following Transaction Nos.: 0093964, 0094114, 0094115, and 0094103.

5. The Respondent acknowledges that he lost the documentation to support Transaction Nos. 0093964, 0094114, 0094115, and 0094103 due to the fact that he recently moved the location of his business.

6. The transaction report form issued by the Secretary of the Department contains the following statement:

> "This record shall be retained by the dealer in permanent form for three (3) years after the date of the transaction."

7. The Respondent acknowledges that he knew or should have known of his responsibility to maintain documentation of transactions of secondhand precious metal objects for a period of three years from the date of the transaction.

8. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §§12–301 (a), 302 (a) (1)-(6) and 12-303, Annotated Code of Maryland, which provide:

> **§12–301. Required Records**
>
> (a) 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) 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. Transaction report retention schedule

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. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of $ 1,000 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 21 DAY OF June, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Article §§12–301 (a), 302 (a) (1)-(6) and 12-303, Annotated Code of Maryland;

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of $1,000.00 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 $1,000.00 imposed on the Respondent.

Brian Minkin

6/17/10
Date

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