DEPARTMENT OF LABOR *
LICENSING AND REGULATION
*
v. *
* CASE NO.: SPMG 10-0089

DAVID MACARTHUR *
dba Fast Cash Pawnbrokers, Inc.
*
*
Respondent *

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

CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulation ("Department") as a result of two complaints filed by Corporal Christine Sisk of the Baltimore County Police Department Unit/Burglary. Upon a review of the complaints, the Department has determined that administrative charges against David MacArthur (the "Respondent"), dba Fast Cash Pawnbrokers 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 obtained a license for a secondhand precious metal object dealer's license dba Fast Cash Pawnbrokers, located at 3401 Dundalk Avenue, Baltimore, Maryland 21222 on October 16, 2003.

3. On March 11, 2010 Corporal Sisk conducted an inspection of the Respondent's place of business to investigate the Respondent's compliance with the provisions of the Secondhand Precious Metal Object Dealers and Pawnbrokers Act.

4. The inspection by Corporal Sisk determined that the Respondent or the Respondent's employees did not hold a 14kt, white gold ring with small round diamonds, which was an item reported to the Baltimore County Police Department in Transaction No. 236945. This transaction was conducted on February 27, 2010.

5. The inspection by Corporal Sisk found that in Transaction No. 236305, dated January 29, 2010, the Respondent or the Respondent's employees failed to obtain the proper

identification of the seller. The number indicated for the driver's license did not follow the format of the Soundex number for Maryland driver's licenses. The Respondent or the Respondent's employees did not obtain two forms of identification in lieu of a proper driver's license number.

6. The Respondent and his employees knew or should have known of the requirements of the information that is needed to file transaction reports to the Baltimore Police Department.

7. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §12-302 (a) (4) and 12-305 (a) (1), Annotated Code of Maryland, which state:

> **§12–302. Contents of Records**
>
> (a) In addition to any other information required by the Secretary, the records of a dealer shall include…
>
> (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.
>
> **§12–305. Minimum holding period.**
>
> (a) (1) Except as otherwise provided in this section, a dealer who acquires a precious metal object shall keep it in the county where the dealer holds a license from the time of acquisition until at least 18 days after submitting a copy of a record of its acquisition under § 12-304 of this subtitle.

8 Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of $ 300.00 upon the Respondent's execution of this Consent Order.

9. 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.

10. 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.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 9th DAY OF June, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Articles §§12-302 (a) (4) and 12-304 (a) and (b) Annotated Code of Maryland, and Code of Maryland Regulations COMAR 09.25.02;

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of $300.00 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 $300.00 imposed on the Respondent.

David MacArthur

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

5/29/10
Date