DEPARTMENT OF LABOR *
LICENSING AND REGULATION

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* CASE NO.: SPMG 10-0090

DANIEL BARUCH . *
dba Gold Buyer's At The Mall

*

Respondent *

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

CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulation ("Department") as a result of a complaint filed by the Baltimore County Police Department against Daniel Baruch (the Respondent) dba Gold Buyer's At The Mall. Upon a review of the complaint, the Department has determined that administrative charges against the Respondent 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:

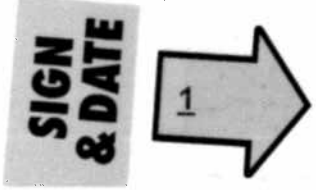
1. At all times relevant to the matters set forth this Consent Order, the Department had jurisdiction over the subject matter and the Respondent.

2. The Respondent was issued a license as a Secondhand Precious Metal Object Dealer (License No. 2374) on January 12, 2010 at 10300 Mill Run Circle, Owings Mills, Maryland 21117.

3. On March 10, 2010 representatives of the Baltimore County Investigation Unit/Burglary met with Mayan Assif, an authorized employee of the Respondent, to conduct an inspection of precious metal objects that the Respondent acquired during the period February 21, 2010 through March 8, 2010 at the Gold Buyers At The Mall location.

4. Mr. Assif was not able to produce for inspection by the Baltimore County Police, the following transactions:

a) Transaction No. 721415, dated February 23, 2010;
b) Transaction No. 722327, dated February 24, 2010;
c) Transaction No. 722607, dated February 24, 2010;
d) Transaction No. 722617, dated February 24, 2010;
e) Transaction No. 724380, dated February 27, 2010;



f) Transaction No. 724816, dated February 27, 2010;
g) Transaction No. 725352, dated March 1, 2010;
h) Transaction No. 727147, dated March 2, 2010;
i) Transaction No. 727150, dated March 2, 2010;
j) Transaction No. 728485, dated March 4, 2010;
k) Transaction No. 729437, dated March 5, 2010;
l) Transaction No. 729554, dated March 5, 2010;
m) Transaction No. 729589, dated March 5, 2010;
n) Transaction No. 730024, dated March 5, 2010;
o) Transaction No. 730280, dated March 6, 2010;
p) Transaction No. 730306, dated March 6, 2010;
q) Transaction No. 730323, dated March 6, 2010;
r) Transaction No. 730851, dated March 7, 2010; and
s) Transaction No. 730948, dated March 7, 2010

5. Mr. Assif advised the Baltimore County Police that the policy of Gold Buyers At The Mall was that merchandise with a total value of $500 or more be sent to corporate headquarters, which is located in International Blvd., Suite 200, Mahwah, New Jersey 07495.

6. Mr. Assif was not able to provide copies of the Respondent's records of the transactions of secondhand precious metal objects in the month of February, 2010.

7 An inspection of the records pertaining to Transaction No. 706952, dated January 31, 2001, revealed that the Respondent or the Respondent's employees failed to positively identify the seller of the items in the transition by obtaining two form of identification in lieu of a valid driver's license.

8. The Respondent acknowledges that on January 5, 2010 he met with representatives of the Department at which time he received a copy of the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act.

9. The Respondent acknowledges that at the January 5, 2010 meeting, Department's representative distributed to him an information sheet about the Secondhand Precious Metal Object Dealers and Pawnbrokers Act that detailed the responsibilities of licensees to hold secondhand precious metal objects for a period of 18 days at the licensee's fixed business address.

10. Based upon the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §§12-302 (a) (4), 12-303, and 12-304 (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...

§ 12-303. 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.

§ 12-305. Holding period for precious metal objects.

(a) *Duration - In general.-*

(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.

11. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of $3,800 upon the Respondent's execution of this Consent Order.

12. 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.

13. 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.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 26th DAY OF May, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION

ORDERED that the Respondent has violated Business Regulation Article §§12-302 (a) (4), 12-303, and 12-304 (a) (1), Annotated Code of Maryland; and it is further

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of $ 3,800.00 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 violations, the reprimand and the civil penalty of $3,800.00 imposed on the Respondent.

Daniel Baruch

5/21/10
Date

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

DLLR
STATE OF MARYLAND
DEPARTMENT OF LABOR, LICENSING AND REGULATION

MARTIN O'MALLEY, Governor
ANTHONY G. BROWN, Lt. Governor
ALEXANDER M. SANCHEZ, Secretary

Division of Occupational and Professional Licensing
Stanley J. Botts, Commissioner

DLLR Home Page • http://www.dllr.state.md.us
DLLR E-mail • op@dllr.state.md.us

May 3, 2010

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Daniel Baruch
dba Gold Buyers at the Mall
10300 Mill Run Circle
Owings Mills, Maryland 21117

RE: DLLR Complaint Nos: SPMG10-0090
Department of Labor, Licensing and Regulation
v.
Mr. Daniel Baruch
dba The Gold Buyers at the Mall

NOTICE OF INTENDED AGENCY ACTION FOR SETTLEMENT PURPOSES ONLY

Dear Mr. Baruch:

On March 10, 2010, representatives of the Baltimore County Police Department Criminal Investigation Unit/Burglary, conducted an inspection of secondhand precious metal objects that you acquired at your business, Gold Buyers at the Mall. Following that inspection, the Baltimore County Police Department filed a complaint against you with the Department of Labor, Licensing and Regulation ("Department"). In the complaint, it is alleged that you violated provisions of the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act. Specifically, it is alleged that you failed to hold precious metal objects that you acquired in 22 transactions during the period February 23 through March 7, 2010. Additionally, it is alleged that you failed to retain copies of transaction records of secondhand precious metal objects you acquired for the period January 12, 2010 through February 28, 2010. Further, it is alleged that you or your employees failed to obtain the proper identification of the seller of secondhand precious metal objects in Transaction No. 706952, dated January 31, 2010.

The Department has reviewed this complaint and has determined that there is a reasonable basis to believe grounds exists for disciplinary action against you, pursuant to the Secondhand Precious Metal Object Dealers and Pawnbrokers Act, Business Regulation Article, §§12–209(a)(2), Annotated Code of Maryland.

Accordingly, the Department intends to issue a Statement of Charges and Order for Hearing for a formal hearing before an Administrative Law Judge. Should the administrative charges against you be proven, the Department may impose a suspension or revocation of your license and or monetary penalty of up to $5,000.00 for each violation.

Before issuing the Statement of Charges and Order for a Hearing, however, the Department has authorized this matter to be resolved through Consent Order. A proposed Consent Order is enclosed. To accept the Department's settlement offer, please review the enclosed Consent Order, and, if acceptable, where indicated, sign and return it to my attention, along with any payment due under the terms of the Consent Order, within 20 days of the date of this letter. Upon receipt of the signed Consent Order and the payment due, the Department will record this matter as settled and will close the file in this matter without any further proceedings.

Please be advised that by signing and returning the enclosed Consent Order, you are agreeing to:

1. **admit that you have violated Business Regulation Article §§12-302 (a) (4), 12-303, and 12-304 (a) (1), Annotated Code of Maryland;**
2. **accept a reprimand; and**
3. **pay a civil penalty in the amount of $3,800.00**

Please note that by entering into the Consent Order you are waiving your right to have the pending allegations by the Department reduced to a written charge, to have a formal administrative hearing before an Administrative Law Judge of the Office of Administrative Hearings, the findings of fact and conclusions of law by the Administrative Law Judge, any and all further proceedings before the Department to which you may be entitled, and any and all rights of appeal. You have the right to have an attorney of your own choosing at your own expense review this settlement offer on your behalf before accepting it.

If you choose not to accept the Department's settlement offer by returning the signed Consent Order along with any payment due under the terms of the Consent Order to the Department within twenty (20) days of the date of this letter, the Department will refer this matter to the Office of the Attorney General which could result in charges being issued and a formal hearing on the charges before the Office of Administrative Hearings. The Office of Administrative Hearings will issue a separate Notice of Hearing which will designate the date, time and location of the formal hearing. At that time the Department may seek a suspension or revocation of your license and or a civil penalty of up to $5,000.00 for each violation.

Should you have any questions regarding this matter, e-mail me at dgring@dllr.state.md.us or call me at (410) 230-6224.

Very truly yours,

Dennis L. Gring
Executive Director
Department of Labor, Licensing and Regulation
Secondhand Precious Metal Object Dealers
and Pawnbrokers Licensing Program

Enclosure
cc: File – SPMG 10-0090

GOLD BUYERS
AT THE MALL

May 19, 2010

Mr. Dennis L. Gring
Executive Director
Department of Labor, Licensing and Regulation
Secondhand Precious Metal Object Dealers
and Pawnbrokers Licensing Program
State of Maryland
500 N. Calvert Street, 3rd Floor
Baltimore, MD 21202-3651

RE: DLLR Complaint Nos: SPMG10-0090
Department of Labor, Licensing and Regulation
v.
Mr. Daniel Baruch
dba The Gold Buyers at the Mall

Dear Mr. Gring,

Thank you for taking the time to speak with me today and explaining the items on the Consent Order.

We understand the violations and are sending a check in the amount of $3,800.00.

All purchases will be held at the store for 19 days and electronic files will be transmitted daily. We will retain a copy of the transaction in the store.

I appreciate your assistance in resolving this matter. Please contact me at 201-512-5784 or by email at tspeakman@premiumgoldbuyers.com if you require anything further.

Very truly yours,

Timothy Speakman
Chief Operating Officer

One International Blvd., Suite 200 | Mahwah, NJ 07495 | Phone: 201-512-5780 | Fax: 201-512-5781 | Website: www.goldbuyersatthemall.com