435-10

DEPARTMENT OF LABOR LICENSING AND REGULATION	*	
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	*	CASE NO.: SPMG 10-0104
BRAD KAY dba Superpawn	*	
	*	
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 Howard County Police Department against Brad Kay (the Respondent) dba Superpawn. 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. 991) on July 8, 1998. The current location of the Respondent's business is 10119 A/B Washington Boulevard, Laurel, Maryland 20723.

3. On January 28, 2010, officers of the Property Crimes Section Pawn Unit section Howard County Investigation Unit/Burglary conducted an investigation of the Respondent's compliance with requirements of the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act.

4. A review of Transaction No. 414803, dated January 27, 2010, revealed that the Respondent failed to file a complete and accurate report of the items in the transaction with the Howard County Police Department

5. The Howard County Police Department took photographs of the following items in Transaction No 414803 that were described as "14 karat gold 30.8g/Y Scrap Gold Pieces":

a) a woman's yellow gold rope design ring with 1 green, 1red, and 1 white oval stone(s);

b) a yellow gold pendant with an a kneeling archer inside of a circle;

c) a yellow gold pendant of the head of Jesus;

d) a gold ring with the initial "D" on the flat face of the ring;

e) a woman's yellow gold ring with three rows of three diamond chips;

f) a thin yellow gold chain that appears to be broken;

g) an unknown design of a yellow gold small chain necklace with lobster type clasp;

h) a yellow gold wide basket weave design necklace;

i) two yellow gold herring bone necklaces;

j) a woman's 1986 class ring from Coolidge High School with a round red stone and heart shape design on each side of the ring.

6. The Howard County Police Department also determined that the telephone number of the seller of the items contained in Transaction No. 414803 was incorrect.

7. The Respondent acknowledges the he knew or should have known about the requirements to accurately describe precious metal objects, including a separate listing for each item in the transaction, in transaction reports to local law enforcement agencies.

8. Based upon the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §§12-301 (a), (d) and (e); 12-302 (a) (1)-(3), Annotated Code of Maryland, which state:

§ 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.

(d) *Separate entries.*- A separate record entry shall be made for each item involved in a transaction. However, items in a matching set may be recorded as a set if acquired in a single transaction.

(e) *Tagging and numbering of items.*- 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.

§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…

9. 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.

10. 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.

11. 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.

12. 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 §§12-301 (a), (d) and (e); 12-302 (a) (1)-(3), 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 $ 1,000.00 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 $1,000.00 imposed on the Respondent.

Brad Kay

5-21-10
Date

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