DEPARTMENT OF LABOR, LICENSING AND REGULATION *

v. *

* CASE NOS.: SPMG 10-0113

ZAKAR TRUTSI *
dba Gold Trading Center II,

*

*

Respondent *

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

CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulation ("Department") as a result of three complaints filed by the Baltimore County Police Criminal Investigation Unit/Burglary. Upon a review of the complaint, the Department has determined that administrative charges against Zakar Trutsi (the "Respondent"), dba Gold Trading Center II 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 originally issued a secondhand precious metal object dealer's and pawnbrokers license (License No. 727-01) dba Gold Trading Center, located at 7106 Liberty Road, Baltimore, Maryland 21207 on August 14, 1996.

3. On May 4, 2010, members of the Baltimore County Police Department conducted an inspection of the Respondent's place of business to determine the Respondent's compliance with the provisions of the Secondhand Precious Metal Object Dealers and Pawnbrokers Act.

4. The inspection determined that the Respondent or the Respondent's employee(s) did not obtain the documentation to positively identify the seller of items obtained in the following two pawn transactions as follows:

a) in Transaction No. 69818, dated January 26, 2010, the only form of identification obtained from the seller was a passport.

b) in Transaction No. 69993, dated March 5, 2010, the only form of identification obtained from the seller was a passport.

5. The inspection also determined that in Transaction 70282, dated April 23, 2010, the Respondent or the Respondent's authorized employee erroneously indicated that the driver's license of the seller of a secondhand precious metal object was issued by the Maryland Motor Vehicle Administration, when the state issuing the license was the State of West Virginia.

6. The Respondent acknowledges that he and the Respondent's employees know or should have known the requirements for obtaining two forms of identification from a seller of secondhand precious metal objects or items acquired in a pawn transaction in lieu of a valid driver's license.

7. The Respondent acknowledges that he and the Respondent's employees know or should have known the requirements for accurately indicating State of issuance and Soundex Number of the seller's driver's license in the filing daily transaction reports to local law enforcement agencies.

8. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §§12-301 (a) and 12-302 (a) (4), 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.
>
> **§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.

9. Based on the aforementioned violation, the Respondent agrees to pay to the Department a civil penalty of $ 300.00 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 16th DAY OF June, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Article §§12-301 (a) and 12-302 (a) (4), Annotated Code of Maryland;

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.

Zakar Trutsi

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

6-14-2010
Date