

DEPARTMENT OF LABOR
LICENSING AND REGULATION

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v.

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CASE NO.: SPMG 11-0037

RUSSEL LEE STERNER
dba County Pawn,

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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 Baltimore County Criminal Investigation Unit against Russell Lee Sterner, dba County Pawn, 5623 Baltimore National Pike, Baltimore, MD 21228 (“the Respondent”). 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 in this Consent Order, the Department had jurisdiction over the subject matter and the Respondent.

2. The Respondent obtained a license (License No. 2146) as a Secondhand Precious Metal Object Dealer/Pawnbroker, dba Reeds dba County Pawn, 5623 Baltimore National Pike, Baltimore, MD 21228 on October 7, 2007.

3. On August 24, 2010, the Respondent conducted a transaction (Transaction No. 10629) in which the Respondent or the Respondent’s employee failed to obtain the proper identification of the seller of secondhand precious metal objects/pawn items that the Respondent had acquired. The only form of identification that was obtained in this transaction was a social security card provided by the seller.

4. On September 9, 2010, the Respondent conducted a transaction (Transaction No. 03-521194) in which the Respondent or the Respondent’s employee failed to obtain the proper identification of the seller of secondhand precious metal objects/pawn items that the Respondent

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had acquired. The only form of identification that was obtained in this transaction was a photograph identification provided by the seller. The Respondent or the Respondent's employee to did not indicate the agency that issued the identification document to the seller.

5. The Respondent or the Respondent's employees knew, or should have known, of the requirements for obtaining two forms of identification from the seller of secondhand precious metal object/pawn items in lieu of a valid driver's license.

6. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §§12-301 (a) (1) and 302 (4), Annotated Code of Maryland:

§12-301. Required Records.

(a) (1) 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.

(2) Each dealer shall retain the original copy of the written record required to be made under paragraph (1) of this subsection at the dealer's place of business.

(b) *Records of pawnbrokers.* - Each pawnbroker shall make a written record, on a form provided by the Secretary, of each business transaction that involves:

(1) lending money on pledge of personal property, other than a security or printed evidence of indebtedness; or

(2) buying personal property on condition of selling it back at a stipulated price; or

(3) buying the following items for the purpose of resale:

- (i) binoculars;
- (ii) cameras;
- (iii) firearms;
- (iv) furs;
- (v) household appliances;
- (vi) musical instruments;
- (vii) office machines or equipment;
- (viii) radios, televisions, videodisc machines, videocassette recorders, and stereo equipment;
- (ix) personal computers, tapes, and disc recorders;
- (x) watches;
- (xi) bicycles; and
- (xii) tangible personal property pledged as collateral.

(c) *Records of pawnbrokers - Acquisition of items for resale.*- Each pawnbroker shall make a written record, on a form provided by the Secretary, of each transaction that involves the acquisition of an item described in subsection (b)(3) of this section for the purpose of resale.

(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.

(f) *Presumption of precious metal.* - For the purposes of this subtitle, there is a presumption that an object is a precious metal object if:

- (1) it reasonably appears to be a precious metal object; and
- (2) it was received by a dealer in the course of business or is found in the place of business or storage facility of a dealer.

§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;
- (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.

7. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of \$200.00 upon the Respondent's execution of this Consent Order.

8. 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.

9. 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.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 18 DAY OF January, 2011, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Article §§12-301 (a) (1) and 302 (4), 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 \$200.00 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 \$200.00 imposed on the Respondent.

RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER
Russel Lee Sterner

1/11/2011

Date

DEPUTY SECRETARY'S SIGNATURE
APPEARS ON ORIGINAL ORDER
Leonard J. Howie, III
Deputy Secretary

MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION