

DEPARTMENT OF LABOR
LICENSING AND REGULATION

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CASE NO.: SPMG 11-0040

DANIEL BARUCH .
dba Gold Buyer's At The Mall

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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 Frederick County Sheriff's Pawn Unit 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. 2374-06) on October 26, 2010 at 5500 Buckeystown Pike (Francis Scott Key Mall), Frederick, MD 21701.

3. On December 4, 2010 representatives of the Frederick County Sheriff's Pawn Unit conducted an inspection of transaction reports filed by the Respondent during the period November 15, 2009 through November 23, 2010.

4. The inspection determined that the Respondent failed to properly complete the following transactions:

- ✓ a) Transaction No. 155362, which was conducted on 11/15/2010, contained a typographical error involving the first number in the MD soundex number the number on the electronic sheet was listed as the No. 4 and should have been No. 6.

- ✓ b) Transaction No. 155376, which was conducted on 11/20/2010, the issuing state for the driver's license was listed as Maryland and it should have been listed as West Virginia.
- ✓ c) Transaction No. 155368, which was conducted on 11/17/2010, the issuing state for the driver's license was listed as Maryland and it should have been listed as West Virginia.
- ✓ d) Transaction No. 155375, which was conducted on 11/20/2010, contained a typographical error in the MD soundex number the number on the electronic sheet failed to list the last three numbers of the soundex.
- ✓ e) Transaction No. 155373, which was conducted on 11/20/2010, contained a typographical error involving the ninth number in the MD soundex number the number on the electronic sheet was listed as the No. 2 and should have been No. 5.
- f) Transaction No. 155388, which was conducted on 11/20/2010, contained a typographical error involving the sixth number in the MD soundex number the number on the electronic sheet was listed as the No. 6 and should have been No. 8.
- g) Transaction No. 155386, which was conducted on 11/23/2010, the issuing state for the driver's license was listed as Maryland and it should have been listed as Virginia.

Transaction No. 155384, which was conducted on 11/23/2010, contained a typographical error in the MD soundex number; the first two numbers in the soundex number were superimposed.

5. The Respondent or the Respondent's employees knew, or should have known of the requirements for the proper completion and filing of transaction reports concerning secondhand precious metal objects

6. Based upon the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Article §§12-301 (a) 2-302 (a) (4), Annotated Code of Maryland, which state:

§ 12-301. Required records.

(a) *Records of dealers.-*

(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...

§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...

7. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of \$500 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) and 302 (a) (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 \$ 500.00 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 \$500.00 imposed on the Respondent.

RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER
Daniel Baruch

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

MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION

1/4/10

Date