

DEPARTMENT OF LABOR
LICENSING AND REGULATION,

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v.

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CASE NO: SPMG 12-0015

FRANK A. DESIMONE
dba C&D Pawn Inc. t/a
Catonsville Jewelry and Pawn,

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Respondent

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CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulations (“Department”) as a result of a complaint filed by the Baltimore County Police Department. Upon a review of the complaint, the Department has determined that administrative charges against Frank A. Desimone (the “Respondent”) dba C&D Pawn Inc. t/a Catonsville Jewelry and Pawn, Charing Cross Shopping Center, 5210-A Baltimore National Pike, Baltimore, Maryland 21229 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 holds secondhand precious metal object dealers and pawnbrokers license (License No 01-955) with the Department dba C&D Pawn Inc. t/a Catonsville Jewelry and Pawn, Charing Cross Shopping Center, 5210-A Baltimore National Pike, Baltimore, Maryland 21229, which was initially issued on January 28, 1999..

3. On March 1, 2011, the Respondent conducted Transaction No. 10019044, which involved the acquisition of a secondhand precious metal objects for which a legal alien identification card was obtained for the purpose of identifying the seller.

4. On August 11, 2011, the Respondent conducted Transaction No. 10019520, which involved the acquisition of a secondhand precious metal objects for which a passport was obtained for the purpose of identifying the seller.

5. The Respondent acknowledges that the Respondent and his employees knew, or should have known, of the requirement of the Secondhand Precious Metal Object Dealers and Pawnbrokers Act to obtain two forms of identification on an occasion when a seller cannot present a driver's license.

6. Based on the aforementioned facts, the Respondent acknowledges that the Respondent or the Respondent's employees have violated Business Regulation Article §12-302 (a) (4) (ii), Annotated Code of Maryland, which provides:

§ 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;
 - (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;
- (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.

(b) In addition to any other information required by the Secretary, the records of a pawnbroker shall include, for each item pawned:

(1) the type of item;

(2) its manufacturer, model number, year of manufacture if known, and serial number if known; and

(3) its color and size.

7. Based on the aforementioned violation, the Respondent agrees to pay to the Department a civil penalty of \$500.00 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 17 DAY OF July, 2012, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

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

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 violation and the civil penalty of \$ 500.00 imposed on the Respondent.

RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER
Frank A. Desimone

INTERIM SECRETARY'S SIGNATURE
APPEARS ON ORIGINAL ORDER
Scott Jensen
Interim Secretary
MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION

7/3/12
Date