

MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION

v.

GEORGE C. ABELL, JR.,

Respondent

* BEFORE THE MARYLAND
* DEPARTMENT OF LABOR,
* LICENSING AND REGULATION
* Case No.: SPMG-17-0004
*

* * * * *

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. Upon review of the complaint and a subsequent investigation, the Department determined that administrative charges against George C. Abell, Jr. (the “Respondent”) were appropriate and that an administrative hearing should be held.

On or about August 9, 2017, the Department issued a Statement of Charges and Order for Hearing (“Charge Letter”) alleging that the Respondent engaged in certain violations of the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act (the “Act”). Prior to the scheduled administrative hearing, the parties agreed to enter into this Consent Order as a full and final resolution 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 Charge Letter, dated August 9, 2017, is incorporated by reference herein. The Respondent agrees to the facts as alleged in said Charge Letter.
3. The Respondent holds a secondhand precious metal object dealers and pawnbrokers license with the Department (Registration No. 2565) and operates a business known as 5 Mile Pawnbrokers, located at 8610 Washington Boulevard, Suites 116-117, Laurel, Maryland 20794. The Respondent’s license is currently due to expire on November 14, 2018.
4. At the times of his application for and renewal of his dealer’s license, the Respondent certified under penalty of perjury that he was aware of the requirements of the secondhand precious metal object laws and would follow them. The Department has made the secondhand precious metal object laws and explanations of those laws available to the Respondent. The Respondent knew, or

should have known, the requirements concerning the contents of records including the description of secondhand precious metal objects.

5. On or about August 3, 2016, Detective/Corporal Lance Bergersen of the Howard County Police Department Pawn Unit conducted a routine inspection of the Respondent's business. Prior to conducting his inspection Detective/Corporal Bergersen searched the State's electronic reporting system, the Regional Automated Property Information Database ("RAPID"), for secondhand precious metal object transactions conducted by the Respondent's business for the purpose of comparing reported descriptions of the secondhand precious metal objects to the objects themselves.

6. Detective/Corporal Bergersen's inspection revealed that the Respondent and/or an employee failed to provide adequate descriptions of secondhand precious metal objects, *i.e.*, jewelry, in the following transactions:

a) July 18, 2016 - Transaction No. 5665:

- Item no. 36259834: Item was described as "M 14K YG BAND RING MEN'S 14K YG RING WGT 9.2(G) BAND 06 Peyton Sophia 11/16/06 92". The ring was not properly described as it actually appeared to be white gold or platinum, not yellow gold, and the engraving actually read "Peyton 11/16/06 Sophia 9/16/02".
- Item No. 36259835: Item was described as "M PLATINUM BANK RING MEN'S PLATINUM RING WGT: 13.5(G) BANK WEEDING (sic) BAND". The description failed to include the manufacturer's engraving of "ArtCarved Plat".

b) July 20, 2016 - Transaction No. 3923:

- Item no. 36294353: Item was described as "W 14K YG RING WOMEN'S 14K YG RING WGT: 4.5(G) INITIALS: CSR FREE FORN RING". The description failed to include the engraving: "Love Gregory 86-90".
- Item no. 36294356: Item was described as "W 10K YG RING WOMEN'S 10K YG RING WGT: 2.2(G) FREE FORM RING GEM (1 MARQUISE SHAPED PURPLE AMETHYST)". The description failed to include the engraving "JCM", which was on the inside of the secondhand precious metal object.
- Item no. 36294361: Item was described as "W 10K YG PENDANT WOMEN'S 10K YG PENDANT WGT: 1.8(G) GEM (1 SQUARE SHAPED BLUE 1CT AQUAMARINE)". The description failed to state the secondhand precious metal object was in the shape of a cross.

c) July 23, 2016 - Transaction No. 5689:

- Item no. 36338503: Item was described as “W 14K YG BAND RING WOMEN’S 14K YG RING WGT: .9(G) BAND FREE FORM RING GEM (1 MARQUISE SHAPED RED RUBY)”. The stone was not a marquise cut and the description failed to state that the object also contained clear stones.
- Item no. 36338504: Item was described as “W 14K YG WOMEN’S 14K YG OTHER WGT: 8.2(G) BAR LINK W/ CHARMS”. The description failed to identify the object as a bracelet and failed to describe the charms as an anchor, hearts, a coin, and a lock and key.

7. Detective/Corporal Bergersen had previously conducted an inspection of the Respondent’s business in June of 2016 and, during that inspection, discovered numerous issues with electronic reporting which included providing inadequate and/or incorrect descriptions. The Respondent was given a verbal warning concerning the requirement to provide adequate and accurate descriptions.

8. Based on the aforementioned facts, the Respondent acknowledges and admits to violations of Md. Ann. Code, Business Regulation Article, §§ 12-302(a) and 12-304(a) through 12-304(c), which provide as follows, in pertinent part:

§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:

- (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 of 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 of other consideration;

§12-304. Copies to primary law enforcement units.

(a) *In general.* - (1) A dealer shall submit the required information from each record to the primary law enforcement unit in accordance with subsection (b) of this section.

(b) *Delivering copies in general; Howard County provision.* - (1) Subject to paragraph (2)

of this subsection, the dealer shall submit the records by transmitting the required information from the records electronically, in a format acceptable to the receiving law enforcement unit by noon of the next business day.

(2) A dealer may request an extension of up to 48 hours to submit the records required under paragraph (1) of this subsection.

(c) *Contents.* - Each record, submitted to the primary law enforcement unit and, if applicable, local law enforcement unit, shall include:

(3) the information required under §12-302 of this subtitle.

9. The Respondent agrees to the following sanctions as a result of his violations:

a) The Respondent shall pay a civil penalty in the amount of \$500.00 to the Department, which amount is due on or before the date of this Consent Order. In the event that the Respondent fails to make the required payment in accordance with the terms of this Consent Order, the Respondent's license to act as a secondhand precious metal object dealer and pawnbroker shall be immediately and automatically suspended until such time as the required payment is made;

b) The Respondent and all current employees shall undergo training by the Department pertaining to the Act, applicable regulations, and the Department's Guidelines within three months of the date of this Consent Order. The Respondent shall provide a written certification to the Department stating that all employees have received the required training within seven days of completion of the training.

10. The Respondent, by entering into this Consent Order, expressly waives the right to an administrative hearing, any further proceedings before the Department to which he may otherwise be entitled in this matter, and waives any rights to appeal from this Order.

11. The Respondent agrees that he shall abide by the provisions of the Act and applicable regulations (Code of Maryland Regulations 09.25.01 *et. seq.*) with regard to all future transactions.

12. The Respondent enters into this Consent Order freely, knowingly and voluntarily, and with the opportunity to seek advice of counsel.

13. The Respondent acknowledges and agrees that this Consent Order shall constitute a Final Decision and Order of the Department and shall be enforceable as such.

BASED ON THESE STIPULATIONS, IT IS, THIS 5th DAY OF January, 2018, BY THE MARYLAND DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Article, §§ 12-302(a) and

12-304(a) through (c), Annotated Code of Maryland;

AND IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$500.00 to the Department in accordance with the provisions of paragraph 9(a) of this Order;

AND IT IS FURTHER ORDERED that, if the Respondent fails to make the required payment in accordance with the terms of this Consent Order, the Respondent's license to act as a secondhand precious metal object dealer and pawnbroker shall be immediately and automatically suspended until such time as the required payment is made;

AND IT IS FURTHER ORDERED that the Respondent and all current employees shall undergo, and the Respondent shall provide written documentation of the satisfactory completion of, training by the Department pertaining to the Act, applicable regulations, and the Department's Guidelines in accordance with the provisions of paragraph 9(b) of this Consent Order;

AND IT IS FURTHER ORDERED that, if the Respondent fails to comply with any of the requirements for training and/or proof of completion in accordance with paragraph 9(b) of this Consent Order, the Respondent's license to act as a secondhand precious metal object dealer and pawnbroker shall be immediately and automatically suspended until such time as compliance occurs;

AND IT IS FURTHER ORDERED that this matter shall be resolved in accordance with the terms of this Consent Order, and that the same shall be reflected among the records of the Department;

AND IT IS FURTHER ORDERED that this Consent Order shall constitute a Final Decision and Order of the Secretary of the Maryland Department of Labor, Licensing and Regulation.

Signature of File

GEORGE C. ABELL, JR., RESPONDENT

12/20/17
DATE

Signature of File

KELLY M. SCHULZ, SECRETARY
DEPARTMENT OF LABOR, LICENSING AND REGULATION

1-5-18
DATE