

DEPARTMENT OF LABOR,
LICENSING AND REGULATION

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v.

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CASE NO. SPMG 11-0011

JACK IRWIN BROWN
dba Jay Bee Diamond & Jewelry, Inc.,

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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 Jack Irwin Brown, dba Jay Bee Diamond & Jewelry, Inc. (the “Respondent”) 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 issued a license (Reg. No. 2118) as a secondhand precious metal object dealer dba Bee Diamond & Jewelry, Inc., located at 1430 Reisterstown Road Baltimore, MD 21208, on April 19, 2006 and is currently licensed through April 19, 2011.
3. On July 21, 2010, the Respondent conducted a secondhand precious metal object transaction (Transaction No. 1974) but did not electronically file the transaction with the Baltimore County Police Department until July 27, 2010.
4. In Transaction No. 1974, the Respondent failed to list and describe six (6) secondhand precious metal objects items and did not indicate the date of the transaction.

5. The Respondent acknowledges that he has violated Business Regulation Article, §§12-301 (a) and (d), 12-302 (a) and 12-304 (a) and (b), Annotated Code of Maryland, which provide:

§ 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.

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.

§ 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:

(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.

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

(a) *(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* - 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.

6. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of \$1,000.00 upon the Respondent's execution of this Consent Order.

7. 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.

8. 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.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 17th DAY OF September, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has Business Regulation Article, §§12-301 (a) and (d), 12-302 (a), and 12-304 (a) and (b), 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 \$1,000.00 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 \$1,000.00 imposed on the Respondent.

(RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER)

Jack Irwin Brown

9/16/2010
Date

DEPUTY SECRETARY'S SIGNATURE
APPEARS ON ORIGINAL ORDER

LEONARD J. HOWIE III
DEPUTY SECRETARY

MARYLAND DEPARTMENT OF
LABOR, LICENSING AND REGULATION