

DEPARTMENT OF LABOR,
LICENSING AND REGULATION

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v.

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CASE NO.: SPMG 11-0012

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JOHN GREGG SHMERLER
PAUL WINICKI
In Partnership
t/a
Baltimore Diamond Exchange,
Db a Radcliffe Jewelers,

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Respondents

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CONSENT ORDER

This matter comes before the Maryland Department of Labor, Licensing and Regulation ("Department") as a result of complaints filed by the Baltimore County Police Department. Upon a review of the complaint, the Department has determined that administrative charges against John Gregg Shmerler and Paul Winicki, in Partnership, t/a Baltimore Diamond Exchange, dba Radcliffe Jewelers (the "Respondents"), 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 Respondents originally obtained a license as a secondhand precious metal object dealer (License No. 336) dba Radcliffe Jewelers, at 790 Fairmount Avenue, Towson, MD 21204 on March 8, 1991. The Respondents' current license expires on January 29, 2012.
3. On June 9, 2010, Lucas Papavasiliou, an authorized employee of the Respondents. Conducted Transaction No. 1888, which involved the acquisition of a 14 karat gold 16 inch

necklace with a diamond pendent and a 14 karat gold ring. In this transaction Mr. Papavasiliou obtained the social security number of the seller in lieu of a driver's license number.

4. The Respondents acknowledges that the Respondents and Mr. Papavasiliou knew or should have known the requirement for obtaining two forms of identification from a seller in lieu of a driver's license number.

5. Based on the aforementioned facts, the Respondents acknowledges that they have violated Business Regulation Article §§12-301 (a), 12-302 (a) (4), which state:

§ 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.

§12-302. Contents of Records

(a) In addition to any other information required by the Secretary, the records of a dealer shall include...

4) or 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;

6. Based on the aforementioned violations, the Respondents agree to pay to the Department a civil penalty of \$250.00 upon the Respondents execution of this Consent Order.

7. The Respondents 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 Respondents, 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 22 DAY OF Sept, 2010, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent violated Business Regulation Article §§12-301 (a), 12-302 (a) (4), Annotated Code of Maryland, Annotated Code of Maryland;

ORDERED that the Respondents are, hereby, reprimanded;

ORDERED that the Respondents be assessed a civil penalty of \$250.00 for the violations, which amount is payable to the Department upon the Respondents' 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 \$250.00 imposed on the Respondents.

(RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER)

John Gregg Shmerler

(RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER)

Paul Michael Winicki

DEPUTY SECRETARY'S SIGNATURE
APPEARS ON ORIGINAL ORDER

LEONARD J. HOWIE, III
DEPUTY SECRETARY
MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION

9/22/10
Date