

DEPARTMENT OF LABOR
LICENSING AND REGULATION,

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v.

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CASE NO.: SPMG 11-0022

GEDALIA WEISSMANN
dba Chesapeake Gold Buyers and Jewelers

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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 Montgomery County Police Department. Upon a review of the complaint, the Department has determined that administrative charges against Gedalia Weissman (the “Respondent”) dba Chesapeake Gold Buyers & Jewelers (License No 01-2404), 927 West Street, Suite 102, Annapolis, Maryland 21401 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 licenses with the Department: (License No. 2404) dba Chesapeake Gold Buyers & Jewelers, at the business address of 927 West Street, Suite 102, Annapolis, Maryland 21401, which was originally issued on April 1, 2010.
3. At all times relevant to the matters set forth in this Consent Order, the following provision of the Secondhand Precious Metal Object Dealers and Pawnbrokers Act applied to the Respondent (*Note: Chapter 404, Acts 2010 deleted (1) under (b) and deleted (c), effective October 1, 2010*) :

“§12-206. Scope of license.

- (a) *In general.* – A license authorizes the licensee to do business as a dealer only at the address for which the license is issued.
- (b) *Location of business* – Notwithstanding subsection (a) of this section, and except as provided in subsection (c) of this section, a dealer who holds a license under this subtitle may:
 - (1) transact business as a dealer for up to 7 consecutive days at an event that takes place at a location other than the fixed business address at which a transaction may occur after giving written notice at least 7 days in advance of the event to the primary law enforcement unit and to the local law enforcement unit where the event will be held.
 - (2) make purchases at an estate and judicial sale; and
 - (3) transact business at the residence of the owner of a precious metal object or a place where the owner keeps a precious metal object:
 - (i) on request of the owner; and
 - (ii) after giving written notice of the proposed transaction and its location to the local law enforcement unit with jurisdiction over that location.
- (c) *Compliance.* A dealer is not required to comply with subsection (b) (1) of this section unless the dealer, or the dealer’s employee or agent, has acquired space at a location other than the fixed business address at which a transaction may occur or has published notice of or advertised the event by any means”

4. On September 17, 2010, the Respondent contacted the Montgomery County Police Department that he intended to conduct a secondhand precious metal object buying event at Roberto Clemente Middle School, 18808 Waring Station Road, Germantown, Maryland 20874.

5. At approximately 4:03 PM on September 17, 2010, Detective Mary Corsiatto of the Montgomery County Police Department emailed the Respondent that the Respondent was not authorized to conduct an event at Roberto Clemente Middle School because the Respondent did not provided the Montgomery County Police Department with 7 days notice of the event.

6. On September 19, 2010, the Respondent held a secondhand precious metal object buying event at Roberto Clemente Middle School at which 10 secondhand precious metal object transactions with members of the public occurred.

7. The Respondent failed to provide any notice to the Anne Arundel County Police Department that the Respondent intended to conduct a secondhand precious metal object buying event at Roberto Clemente Middle School on September 17, 2010.

8. The Respondent did not report the 10 secondhand precious metal object transactions to the Montgomery County Police Department.

9. Transaction Nos. 0243, 0244, 0245, 0246, 0247, 0248, 0249, 0250, 0251 and 0252. failed to include the location of the offsite event, Roberto Clemente Middle School, 18808 Waring Station Road, Germantown, Maryland 20874, as is required on the form provided by the Department for the purpose of recording transactions..

10. Transaction No.0245 failed to indicate that the stones had been removed from a pair of earrings that were listed under Item No. 2096412.

11. Transaction No.0247 failed to list both colors of the gold on a bracelet listed under item number 2104975, and did not list the wedding band as white gold and having the "V" shape design under item number 2104983.

12. Transaction No.0248 failed to list the inscription "BEST FRIEND" on a bracelet under item number 2105376.

13. Transaction No.0250 failed to describe the two charms on a necklace as one boy and one girl under item number 2106664.

14. Transaction No. 0251 failed to describe the school ring as having a lion and a golfer design on the ring.

15. The Respondent knew, or should have known of the 7-day requirement to notify the law enforcement agency in the jurisdiction where a secondhand precious metal object transaction at a location other than the Respondent's fixed business is to take place.

16. The Respondent knew, or should have known of the 7-day requirement to notify the law enforcement agency in the jurisdiction where the Respondent's fixed business address is located that the Respondent intended to conduct a secondhand precious metal object transaction at another location.

17. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Regulation Articles §§12-206, 12-301 (a)(1), 12-302 (a) (1)-(6), and 12-304 (a) (1) and (2), Annotated Code of Maryland, which provide:

“§12-206. Scope of license.

- (a) *In general.* – A license authorizes the licensee to do business as a dealer only at the address for which the license is issued.
- (b) *Location of business* – Notwithstanding subsection (a) of this section, and except as provided in subsection (c) of this section, a dealer who holds a license under this subtitle may:
 - (1) transact business as a dealer for up to 7 consecutive days at an event that takes place at a location other than the fixed business address at which a transaction may occur after giving written notice at least 7 days in advance of the event to the primary law enforcement unit and to the local law enforcement unit where the event will be held.
 - (2) make purchases at an estate and judicial sale; and
 - (3) transact business at the residence of the owner of a precious metal object or a place where the owner keeps a precious metal object:
 - (i) on request of the owner; and
 - (ii) after giving written notice of the proposed transaction and its location to the local law enforcement unit with jurisdiction over that location.
- (c) *Compliance.* A dealer is not required to comply with subsection (b) (1) of this section unless the dealer, or the dealer’s employee or agent, has acquired space at a location other than the fixed business address at which a transaction may occur or has published notice of or advertised the event by any means”

§ 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.

(2) Each dealer shall retain the original copy of the written record required to be made under paragraph (1) of this subsection at the dealer's place of business.

(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) *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.

(2) If the dealer transacts business in accordance with § 12-206(b) of this title, the dealer also shall submit the required information from the records to the local law enforcement unit in accordance with subsection (b) of this section.

(3) On the request of a dealer, the Secretary shall provide to the dealer a list of local law enforcement units.

(b) (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:

(1) the license number of the dealer;

(2) the location of each item listed in the record; and

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

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

19. 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.

20. 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.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 10 DAY OF
May, 2011, BY THE DEPARTMENT OF LABOR, LICENSING
AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Articles §§12-206, 12-301 (a)(1), 12-302 (a) (1)-(6), and 12-304 (a) (1) and (2), Annotated Code of Maryland;

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of \$1,000.00 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 \$1,000.00 imposed on the Respondent.



Gedalia Weissmann

DEPUTY SECRETARY'S SIGNATURE
APPEARS ON ORIGINAL ORDER

Leonard J. Howie, III
Deputy Secretary
MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION

Date

5/9/11

ORDERED that the Respondent has violated Business Regulation Articles §§12-206, 12-301 (a)(1), 12-302 (a) (1)-(6), and 12-304 (a) (1) and (2), Annotated Code of Maryland;

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ORDERED that the Department's records and publications reflect the violation and the civil penalty of \$1,000.00 imposed on the Respondent.

RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER
Gedalia Weissmann

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

MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION

Date

5/9/11