

DEPARTMENT OF LABOR
LICENSING AND REGULATION,

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v.

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CASE NO: SPMG 12-0010

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MARK STEVEN COLEMAN
dba Nelson Coleman and Sons, Ltd.,

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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 Mark Steven Coleman (the “Respondent”) dba Nelson Coleman and Sons, Ltd. (License No 01-2271), 307 East Joppa Road, Baltimore Maryland 21286, 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 (License No 01-2271), holds secondhand precious metal object dealers and pawnbrokers license with the Department dba Nelson Coleman and Sons, Ltd., which was originally issued on February 3, 2009.

3. On February 8, 2011, the Respondent or the Respondent’s employees failed to adequately describe a woman’s yellow gold bracelet that was acquired in Transaction No. 161.

4. On March 10, 2011, the Respondent or the Respondent’s employees failed to adequately describe a man’s class ring that was acquired in Transaction No. 170.

5. On March 10, 2011, the Respondent or the Respondent's employees failed to separately list multiple items of broken jewelry that were acquired in Transaction No. 171.

6. On April 13, 2011, the Respondent or the Respondent's employees failed to separately list multiple items were acquired in Transaction No. 190. The items were listed as old silver and gold jewelry.

7. On May 26, 2011, the Respondent or the Respondent's employees failed to adequately a secondhand precious metal object in Transaction No. 211. The item was only described as "ladies yellow gold scarp gold.'

8. On June 20, 2011, the Respondent or the Respondent's employees failed to separately list multiple items of broken jewelry that were acquired in Transaction No. 225.

9. The Respondent or the Respondent's employees erroneously reported that Transaction No. 226 occurred on June 17, 2011 instead of the actual date of June 20, 2011. The transaction failed to list three rings separately.

10. The Respondent acknowledges that the Respondent and the Respondent's employees knew or should have known of the requirements of the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act for the proper recording of transaction dates, the proper description of items and the need to list each item acquired separately. and to

11. Based upon the aforementioned facts, the Respondent acknowledges that the Respondent and or the Respondent's employees have violated Business Regulation Articles §§ 12-301 and 12-302, Annotated Code of Maryland, which provide:

§12-301. Required Records

(a) (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.

(b) Each pawnbroker shall make a written record, on a form provided by the Secretary, of each business transaction that involves:

(1) lending money on pledge of personal property, other than a security or printed evidence of indebtedness; or

(2) buying personal property on condition of selling it back at a stipulated price; or

(3) buying the following items for the purpose of resale:

- (i) binoculars;
- (ii) cameras;
- (iii) firearms;
- (iv) furs;
- (v) household appliances;
- (vi) musical instruments;
- (vii) office machines or equipment;
- (viii) radios, televisions, videodisc machines, videocassette recorders, and stereo equipment;
- (ix) personal computers, tapes, and disc recorders;
- (x) watches;
- (xi) bicycles; and
- (xii) tangible personal property pledged as collateral.

(c) Each pawnbroker shall make a written record, on a form provided by the Secretary, of each transaction that involves the acquisition of an item described in subsection (b)(3) of this section for the purpose of resale.

(d) (1) A separate record entry shall be made for each item involved in a transaction.

(2) Items in a matching set may be recorded as a set if acquired in a single transaction.

(e) (1) The dealer shall tag each item individually with a number that corresponds to the transaction under which it was acquired. However, items acquired in a matching set may be tagged as a set.

(2) Each item tagged by a dealer under paragraph (1) of this subsection shall remain tagged for the entire period the item is stored in the dealer's inventory.

(f) For the purposes of this subtitle, there is a presumption that an object is a precious metal object if:

(1) it reasonably appears to be a precious metal object; and

(2) it was received by a dealer in the course of business or is found in the place of business or storage facility of a dealer.

§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.

12. Based on the aforementioned violations, the Respondent agrees to pay to the Department a civil penalty of \$ 600.00 upon the Respondent's execution of this Consent Order.

13. 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.

14. 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.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 23rd DAY OF March, 2012, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Articles §§ 12-301 and 12-302, Annotated Code of Maryland;

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of \$600.00 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 \$ 600.00 imposed on the Respondent.

RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER
Mark Steven Coleman

3/13/12
Date

DEPUTY SECRETARY'S SIGNATURE
APPEARS ON ORIGINAL ORDER
Scott Jensen
Deputy Secretary

MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION