

# **ADMINISTRATIVE NOTE**

**IN**  
**SPMG 15-0015**

**The Respondent did not exercise the right to file exceptions to the decision of the Secretary of the Department of Labor, Licensing and Regulation in this case, pursuant to COMAR 09.01.03.07 and stated in Section G. of this Proposed Order. As a result, this Proposed Order was deemed a Final Decision and Order by the Secretary on October 16, 2015.**

**BEFORE THE SECRETARY OF THE  
DEPARTMENT OF LABOR, LICENSING AND REGULATION**

DEPARTMENT OF LABOR,  
LICENSING AND REGULATION,

v.

JOHN DOYLE,

Respondent

\* MARYLAND SECONDHAND  
\* PRECIOUS METAL OBJECT  
\* DEALERS & PAWNBROKERS  
\*

\* Case No.: SPMG-15-0015  
\*

\* OAH No.: DLR-PMG-64-15-02770  
\*  
\*

\* \* \* \* \*

**PROPOSED ORDER**

The Findings of Fact, Conclusions of Law and Recommended Order of the Administrative Law Judge dated August 18, 2015, has been received, read and considered and is incorporated by reference, except as may be otherwise indicated, it is, by the Secretary of the Department of Labor, Licensing and Regulation, this 25<sup>th</sup> day of September 2015, **ORDERED:**

A. That the Findings of Fact of the Administrative Law Judge ("ALJ") set forth in the Recommended Decision dated August 18, 2015 be, and hereby are, **AFFIRMED** and **ADOPTED**;

B. That the following Conclusions of Law set forth in the Recommended Decision dated August 16, 2015, are hereby **ACCEPTED AND AFFIRMED**:

1. Respondent, John Doyle, violated Md. Bus. Reg. Code Ann., §§ 12-301 and 12-302 (2010 Repl. Vol., 2014 Supp.) by failing to make a written record, with required information, on a form provided by the Secretary, of transactions involving the acquisition of Secondhand Precious Metal Objects ("SPMO") occurring between January 23, 2014 and May 14, 2014;

2. Respondent, John Doyle, violated Md. Bus. Reg. Code Ann., § 12-304 (2010 Repl. Vol., 2014 Supp.) by failing to submit, to the primary law enforcement unit, required information from SPMO transactions occurring between January 23, 2014 and May 14, 2015;

3. Respondent, John Doyle, violated Md. Bus. Reg. Code Ann., § 12-402 (2010 Repl. Vol., 2014 Supp.) by failing to obtain a statement of ownership from a person that sold SPMO's to the Respondent through transactions occurring between January 23, 2014 and May 14, 2014;

4. Respondent, John Doyle, is subject to the provisions of Md. Bus. Reg. Code Ann., §§ 12-209 (2010 Repl. Vol., 2014 Supp.) as a result of his failure to adequately complete required paper daily returns forms, provide adequate electronically transmitted required information, and timely submit records for transactions that occurred between January 23, 2014 and May 14, 2014;

C. That, as a result of these violations, the Secretary hereby **ORDERS** that all licenses in the name of John Doyle, Respondent, issued by the Department of Labor, Licensing and Regulation authorizing the Respondent to conduct business as a secondhand precious metal object dealer are hereby **REVOKED** pursuant to Md. Bus. Reg. Code Ann., §§ 12-209(a)(3) (2010 Repl. Vol., 2014 Supp.);

D. That, in addition, as a result of these findings and conclusions, a civil statutory penalty in the amount of \$20,000.00 be imposed on Respondent, John Doyle, pursuant to Md. Bus. Reg. Code Ann., § 12-209(a)(3) (2010 Repl. Vol., 2014 Supp.) , and that said penalty shall be paid in full to the Department of Labor, Licensing and Regulation within 30 days of the date of this Proposed Order;

**Dennis Gring**  
**Executive Director, Second Hand Precious Metal Objects Dealer**  
**and Pawnbroker Licensing Division**

**Sloane Fried Kinstler, Assistant Attorney General**


E. That the Respondent shall be deemed ineligible for license reinstatement, until the civil penalty imposed by paragraph D is paid in full;

F. That, pursuant to COMAR 09.01.03.09, Respondent has the right to file exceptions to the Proposed Order and present arguments to the Secretary. Respondent has twenty (20) days from the postmark date of this Proposed Order to file exceptions with the Secretary. COMAR 09.01.03.09A(1). Exceptions should be directed to Dennis Gring, Executive Director, Secondhand Precious Metal Object Dealer and Pawnbroker Licensing Division, 3rd Floor, 500 North Calvert Street, Baltimore, Maryland 21202. The date of filing exceptions is the date of personal delivery or the postmark date on mailed exceptions. COMAR 09.01.03.09A(2);

G. That, unless written exceptions are filed within the twenty-day deadline noted above, this Proposed Order shall be deemed to be the **FINAL DECISION AND ORDER** of the Secretary, which is subject to judicial review pursuant to Bus. Reg. Art., Ann. Code of Md., § 12-211 (2010 Repl. Vol., 2014 Supp.); and

H. That the records and files of the Department of Labor, Licensing and Regulation reflect this Order.

**Signature on File**

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

cc: Vickie Wilkins  
Commissioner of Occupational and Professional Licensing

John Papavasiliou  
Deputy Commissioner of Occupational and Professional Licensing

MARYLAND DEPARTMENT OF  
LABOR, LICENSING AND  
REGULATION

v.

JOHN DOYLE,  
RESPONDENT

\* BEFORE M. TERESA GARLAND,  
\* AN ADMINISTRATIVE LAW JUDGE  
\* OF THE MARYLAND OFFICE  
\* OF ADMINISTRATIVE HEARINGS  
\* CASE NO.: DLR-PMG-64-15-02770  
\* COMPLAINT NO.: SPMG-15-0015

\* \* \* \* \*

**RECOMMENDED DECISION**

STATEMENT OF THE CASE  
ISSUES  
SUMMARY OF THE EVIDENCE  
FINDINGS OF FACT  
DISCUSSION  
CONCLUSIONS OF LAW  
RECOMMENDED ORDER

**STATEMENT OF THE CASE**

On January 20, 2015, the Maryland Department of Labor, Licensing and Regulation (DLLR) ordered John Doyle (Respondent) to appear for an administrative hearing to respond to charges that he violated various statutory provisions under the Maryland Secondhand Precious Metal Object Dealers and Pawnbrokers Act (Act). Md. Code Ann., Bus. Reg., §§ 12-101 through 12-601 (2015). The order to appear advised the Respondent that the hearing could result in a reprimand, or a suspension or revocation of his license, and/or civil penalties of up to \$5,000.00 per violation.

On May 26 and 27, 2015, I held the ordered hearing at the Office of Administrative Hearings (OAH) in Hunt Valley, Maryland, pursuant to section 12-210 of the Maryland

DLLR Ex. 12 – Consent Order, dated June 25, 2014

DLLR Ex. 13 – District Court of Maryland (True Copy) Application for Statement of Charges,  
dated November 12, 2012

DLLR Ex. 14 – RPDSS search for Bradley Campbell, dated January 28, 2014

The Respondent offered the following documents for admission into evidence.

Resp. Ex. 1 – Transaction Report Results, dated May 6, 2014

---

Resp. Ex. 2 – Transaction Report Results, dated May 7, 2014

Resp. Ex. 3 – Transaction Report Results, dated May 5, 2014

Resp. Ex. 4 – Transaction Report Results, dated May 8, 2014

Resp. Ex. 5 – Bill of Sale, dated May 23, 2015

Resp. Ex. 6 – Bill of Sale, dated May 22, 2015

- DLLR Ex. 4 – Dealers and Pawnbrokers’ Daily Transaction Sheet, undated
- DLLR Ex. 5 – Advisory from DLLR, dated March 24, 2015
- DLLR Ex. 6 – Guidelines for Completing and Filing Daily Transaction Reports, dated January, 2010
- DLLR Ex. 7 – Compliance Advisory, dated March 12, 2012
- DLLR Ex. 8 – DLLR I.D. Registration – Secondhand Precious Metal Object Dealers, dated May 18, 2015
- DLLR Ex. 9 – DLLR Dealers/Pawnbrokers License Renewal, dated September 9, 2014
- DLLR Ex. 10 – Law Enforcement Complaint Referral Forms, dated January 27, 2014 to December 9, 2014, with ninety-seven attached electronic and paper transaction reports
- DLLR Ex. 11 – Consent Order, dated January 11, 2011
- DLLR Ex. 12 – Consent Order, dated June 25, 2014
- DLLR Ex. 13 – District Court of Maryland (True Copy) Application for Statement of Charges, dated November 12, 2012
- DLLR Ex. 14 – RPDSS search for Bradley Campbell, dated January 28, 2014

The Respondent offered the following documents for admission into evidence.

- Resp. Ex. 1 – Transaction Report Results, dated May 6, 2014
- Resp. Ex. 2 – Transaction Report Results, dated May 7, 2014
- Resp. Ex. 3 – Transaction Report Results, dated May 5, 2014
- Resp. Ex. 4 – Transaction Report Results, dated May 8, 2014
- Resp. Ex. 5 – Bill of Sale, dated May 23, 2015
- Resp. Ex. 6 – Bill of Sale, dated May 22, 2015



Testimony

The Department presented the following witnesses:

Tanya Minion, DLLR Investigator for Secondhand Precious Metal Object Dealers and Pawnbrokers Program (Program); Joseph Petrosino, DLLR Data Processor Supervisor, Licensing System; Detective David Donnelly, Baltimore County Police Department, Pawnshops and Precious Metals Dealers; Laura Tapp, Police Service Officer, Baltimore County Police Department.

---

The Respondent testified on his own behalf.

**FINDINGS OF FACT**

I find the following facts by a preponderance of the evidence:

1. Employees of DLLR's Program work in conjunction with local law enforcement agencies to regulate and monitor the purchase, sale and pawn of secondhand precious metal<sup>2</sup> objects. The Program serves several purposes, including deterring the illegal transfer and promoting the recovery of stolen goods.
2. The Respondent owns one pawn shop, JD Loan Company, located in Baltimore County, Maryland.
3. The Respondent was first issued a license by the State of Maryland to act as a secondhand precious metal object dealer for JD Loan Company on November 12, 1993. (DLLR Ex. 3; T. Minion.)
4. On March 29, 1994, the Respondent submitted a Renewal Application to the DLLR for a license to act as a secondhand precious metal objects dealer. As part of that application, the Respondent affirmed under penalty of perjury that he had read sections 12-101

---

<sup>2</sup> The metals considered precious under the Secondhand Precious Metal Objects and Pawnbrokers Act are gold, silver, platinum, iridium, and palladium. (DLLR Ex. 6)

through 12-601 of the Business Regulation Article and COMAR 09.25.01.01 through .04 and that he understood his responsibilities under the law. He also agreed that if he were issued a license, he would allow any municipal, county, or state police officer, or agent acting in the course of a stolen property investigation or an investigation of a violation of the Act, to inspect and photograph all precious metal objects and records at his business or storage locations. His signature on the Application for Renewal was dated March 10, 1994. (DLLR Ex. 3.)

5. On March 15, 1998, the Respondent submitted an application to the DLLR for renewal of his license to act as a secondhand precious metal objects dealer. As part of that application, the Respondent affirmed under penalty of perjury that he had read sections 12-101 through 12-601 of the Business Regulation Article and COMAR 09.25.01.01 through .04 and that he understood his responsibilities under the law. He also agreed that if he were issued a license, he would allow any municipal, county, or state police officer, or agent acting in the course of a stolen property investigation or an investigation of a violation of the Act, to inspect and photograph all precious metal objects and records at his business or storage locations. His signature on the Application was dated March 16, 1998. (DLLR Ex.3.)

6. Secondhand Precious Metal Object Dealers licenses must be renewed every two years. The Respondent submitted a number of license renewal applications on-line.<sup>3</sup>

7. As part of that on-line application, the Respondent affirmed under penalty of perjury that he had read sections 12-101 through 12-601 of the Business Regulation Article and COMAR 09.25.01.01 through .04 and that he understood his responsibilities under the law. He also agreed that if he were issued a license, he would allow any municipal, county, or state police officer, or agent acting in the course of a stolen property investigation or an investigation of a

---

<sup>3</sup> Electronic license renewal began in 2000. DLLR could not produce the Respondent's on-line Renewal Applications due to a computer programming issue which renders it impossible to print the completed on-line application. (T. Petrosino.)

violation of the Act, to inspect and photograph all precious metal objects and records at his business or storage locations. (DLLR Ex. 9; T. Minion)

8. The Respondent renewed his license for JD Loan Company on July 2, 2013, with an expiration date of August 31, 2015.

9. When dealers become licensed they are instructed to employ the following procedures for the purchase and sale of objects:

- 
- Fill out daily transaction sheets, signed by the seller(s) and the dealer or an authorized employee, providing very detailed descriptions of the seller(s) and each of the objects purchased;
  - By noon the next business day, enter in the State's electronic database (RAPID) the information from the daily transaction sheets for review and use by law enforcement agencies in identifying potentially stolen objects; and
  - Individually bag, tag and store the purchased items for at least eighteen days.

(T. Minion)

10. Daily transaction sheets are forms provided to secondhand precious metal objects dealers by the Program. These forms have blank lines, boxes, columns, and rows for specific, detailed information about secondhand precious metal transactions, and signature lines for the buyer and seller engaged in a transaction. If filled out properly, the form contains all information required for such transactions under the relevant statutes and regulations. Additionally, the Program publishes "Guidelines for Completing and Filing Daily Transaction Reports," which has pages of pictures to assist dealers and their employees in using the proper terminology to accurately describe types of chains for necklaces and bracelets, different types of stone cuts, and other characteristics of acquired jewelry. (T. Minion; DLLR Exs. 4 & 6.)

11. DLLR issues Advisories, via its website, which clarify changes in the law.

(DLLR Exs. 5 & 7.)

12. On May 15, 2014 and June 20, 2014, Laura Tapp, Police Service Officer (PSO), and members of the Baltimore County Police Department Pawn Unit, conducted an inspection of JD Loan Company. The Respondent was present during the inspection.

13. In the course of the inspection, PSO Tapp and Detectives Fitch and Donnelly examined daily return or transaction forms and electronic entries for the time period of January 23, 2014 through May 14, 2014, finding the following problems:<sup>4</sup>

- Transaction No. 22889 – failed to adequately describe the bracelet;
- Transaction No. 22891 – failed to describe the ring and failed to note the change in the seller’s address and provided an incorrect address for the seller;
- Transaction No. 22894 – failed to obtain identification information from the seller and failed to adequately describe the ring;
- Transaction No. 22898 – failed to provide the color of the guitar;
- Transaction No. 22899 – failed to describe the ring;
- Transaction No. 22905 – failed to adequately describe the ring, the necklace and the pendant/charm;
- Transaction No. 22906 – provided an inadequate and/or improper description, i.e. “scrap”; failed to adequately describe the length and link of the necklace as well as the shape of the earrings;
- Transaction No. 22908 – failed to adequately describe the necklace link and provided an incorrect address for the seller;
- Transaction No. 22910 – failed to adequately describe the watch in the electronic form and provided an incorrect serial number for the watch;
- Transaction No. 22911 – failed to describe the bracelet and the pendant/charm;
- Transaction No. 22913 – failed to adequately describe the bracelet and provided conflicting weights in the electronic reporting form versus the paper reporting form;
- Transaction No. 22914 – failed to adequately describe the earrings and failed to sign the paper form as the buyer;
- Transaction No. 22921 – provided an inadequate and/or improper description of silverware by describing them as “scrap” and in the

---

<sup>4</sup> Unless otherwise noted, the deficiencies existed, with some minor degree of variation, on both the electronic reporting form as well as the paper reporting form. The transgressions were described in minute detail in DLLR Exs. 1 and 10. I have abbreviated the description of each of the transgressions in this Decision.

electronic form entered "Stieff" as the model number and not the manufacturer;

- Transaction No. 22923 – provided an inadequate and/or improper description of the ring by describing it as "scrap" and provided an invalid driver's license for the seller;
  - Transaction No. 22930 – failed to adequately describe the ring;
  - Transaction No. 22931 – failed to adequately describe the ring and provided conflicting weight figures for the ring on the electronic reporting and the paper reporting forms; failed to include the hair color of the seller;
  - Transaction No. 22932 – failed to describe the bangle (bracelet) on the electronic form; failed to adequately describe the bangle (bracelet) on the paper form;
- 
- Transaction No. 22935 – failed to obtain and or provide identification information for the seller;
  - Transaction No. 22936 – included an incorrect date of birth for the seller and failed to adequately describe the rings;
  - Transaction No. 22941 – provided an incorrect address for the seller; failed to provide identification information for the seller and failed to adequately describe the ring;
  - Transaction No. 22942 – failed to provide the model number and the year of manufacture for the item; on the electronic form, included a description of a precious metal item without identifying the object or making a separate entry for the item; on the paper reporting form, failed to mention the precious metal object in any fashion;
  - Transaction No. 22944 – failed to adequately describe the locket, the pendant/charm and the cross;
  - Transaction No. 22945 – failed to adequately describe the ring;
  - Transaction No. 22947 – failed to adequately describe three necklaces and a pendant/charm;
  - Transaction No. 22948 – failed to describe the rings; failed to provide a correct address for the seller;
  - Transaction No. 22950 – incorrectly identified a necklace as a bracelet and included an incorrect date of birth for the seller on the electronic form; failed to adequately describe the ring on the paper form;
  - Transaction No. 22951 – failed to adequately describe three bracelets and two necklaces and failed to attach a paper report to the electronic transaction;
  - Transaction No. 22955 – failed to adequately describe the ring;
  - Transaction No. 22956 – failed to adequately describe the necklace;
  - Transaction No. 22959 – provided an inadequate and/or improper description of the object by describing it as "scrap"; also included an incorrect address and an incorrect driver's license number for the seller;
  - Transaction No. 22967 – on the paper reporting form, failed to obtain and/or provide the signature of the seller;

- Transaction No. 22972 – failed to adequately describe the necklace; failed to describe the pendant/charm on the electronic form;
- Transaction No. 22974 – failed to adequately describe the bracelet;
- Transaction No. 22979 – failed to describe the necklace;
- Transaction No. 22986 – failed to obtain and/or provide identification information for the seller;
- Transaction No. 22988 – failed to adequately describe three rings, included an incorrect date of birth for the seller, on the paper form, failed to sign the form as the buyer;
- Transaction No. 22989 – failed to adequately describe the necklace;
- Transaction No. 22992 – failed to adequately describe the school ring;
- Transaction No. 23001 – failed to adequately describe the necklace and failed to describe the ring;
- Transaction No. 23002 – failed to adequately describe the bracelet, the necklace and the pendant/charm;
- Transaction No. 23005 – failed to adequately describe the ring;
- Transaction No. 23006 – failed to describe the rings and used an incorrect address for the seller;
- Transaction No. 23023 – on the paper reporting form failed to sign as the buyer;
- Transaction No. 23027 – provided an inadequate and/or improper description of the object by describing it as “scrap” and failed to adequately describe the ring and the pendants/charms;
- Transaction No. 23032 – provided an inadequate and/or improper description of the object by describing it as “scrap”;
- Transaction No. 23048 – failed to adequately describe the necklace and the ring;
- Transaction No. 23050 – failed to adequately describe the cross pendant/charm;
- Transaction No. 23053 – failed to describe or adequately describe two rings;
- Transaction No. 23055 – failed to describe or adequately describe the bangle bracelet;
- Transaction No. 23056 – failed to adequately describe the ring;
- Transaction No. 23064 – provided an inadequate and/or improper description of the object which were described as “scrap” on the paper reporting form; failed to adequately describe the object(s);
- Transaction No. 23066 – failed to describe the ring and included an incorrect date of birth for the seller;
- Transaction No. 23067 – failed to adequately describe three rings;
- Transaction No. 23075 – failed to describe two rings and a pendant/charm on the electronic form; failed to adequately describe three rings and a pendant/charm on the paper form; failed to include the hair color of the seller on both forms;
- Transaction No. 23081 – failed to describe the ring;

- Transaction No. 23084 – an inadequate and/or improper description of the object described as “scrap”;
- Transaction No. 23087 – failed to adequately describe the watch;
- Transaction No. 23088 – failed to adequately describe two rings and failed to include the hair color of the seller;
- Transaction No. 23092 – failed to adequately describe the bracelet and had an incorrect date of birth for the seller;
- Transaction No. 23095 – failed to adequately describe the necklace and had conflicting descriptions of the objects between the electronic reporting and the paper form;
- Transaction No. 23097 – failed to describe the ring;
- ~~Transaction No. 23100 – failed to adequately describe the ring;~~
- Transaction No. 23106 – failed to adequately describe the necklace; included an invalid driver’s license number for the seller and failed to submit the record of the transaction in a timely manner;
- Transaction No. 23107 – failed to submit the record of the transaction in a timely manner;
- Transaction No. 23108 – failed to adequately describe the cuff links; failed to submit the record of the transaction in a timely manner; included an incorrect last name for the seller;
- Transaction No. 23109 – failed to submit the electronic record of the transaction in a timely manner;
- Transaction No. 23110 – failed to adequately describe the necklace and failed to submit the electronic record of the transaction in a timely manner;
- Transaction No. 23111 – failed to adequately describe the necklace and failed to submit the electronic record of the transaction in a timely manner;
- Transaction No. 23112 – failed to adequately describe all objects acquired; failed to obtain and/or provide identification for the seller and failed to submit the electronic record of the transaction in a timely manner;
- Transaction No. 23115 – failed to adequately describe the class/school ring and failed to submit the electronic record of the transaction in a timely manner;
- Transaction No. 23117 – failed to adequately describe the necklace; failed to obtain and/or provide identification for the seller; failed to submit the electronic record of the transaction in a timely manner;
- Transaction No. 23126 – failed to adequately describe the necklace;
- Transaction No. 23130 – failed to adequately describe the ring; provided an incorrect address for the seller;
- Transaction No. 23131 – failed to adequately describe the pendant; incorrectly provided descriptions of the object as “manufacturer” and “model” and provided an incorrect date of birth for the seller;
- Transaction No. 23132 – failed to adequately describe all objects acquired as to their approximate metallic composition and weight; failed to adequately describe the rings; provided an incorrect date of birth for the seller;

- Transaction No. 23133 – failed to adequately describe the bracelet;
- Transaction No. 23136 – failed to adequately describe the necklace, two rings and a pendant/charm;
- Transaction No. 23139 – failed to provide the guitar’s color;
- Transaction No. 23141 – failed to adequately describe the rings;
- Transaction No. 23143 – failed to adequately describe the watch;
- Transaction No. 23146 – failed to adequately describe two rings, two bracelets and a pendant/charm; provided conflicting weights for the objects in the electronic reporting and the paper reporting form;
- Transaction No. 23148 – failed to adequately describe the pendant and incorrectly provided a description of the object as “manufacturer” and “model” on the electronic form; failed to adequately describe the pendant on the paper form;
- Transaction No. 23149 – failed to adequately describe the ring;
- Transaction No. 23151 – failed to adequately describe the ring and incorrectly provided a description of the ring as “manufacturer” and “model” on the electronic form; failed to adequately describe the ring on the paper form;
- Transaction No. 23152 – failed to adequately describe the ring;
- Transaction No. 23156 – provided an inadequate and/or improper description of the silverware, when described as “scrap”; provided an incorrect first name for the seller;
- Transaction No. 23162 – failed to or adequately described the bracelet, curb link and pendant/charm; inappropriately described objects in the “manufacturer” and “model.”
- Transaction No. 23163 – failed to adequately describe the necklace and ring; failed to submit the electronic record of the transaction in a timely manner;
- Transaction No. 23167 – failed to adequately describe the necklace, the pendant/charm and incorrectly entered “crucifix” as the serial number of the object on the electronic form; failed to adequately describe the necklace on the paper form;
- Transaction No. 23168 – failed to adequately describe the pendant/charm and incorrectly entered “Virgin Mary” as the object’s “model” on the electronic form; failed to adequately describe the pendant/charm on the paper form;
- Transaction No. 23170 – provided an inadequate and/or improper description of the object described as “scrap”; included an incorrect driver’s license number and first name for the seller;
- Transaction No. 23175 – failed to describe or adequately describe the necklace;
- Transaction No. 23177 – failed to correctly describe the pendant/charm; incorrectly entered pendant/charm instead of two necklaces; incorrectly entered “butterfly” as the pendant/charm model on electronic form; incorrectly entered two pendants instead of bracelets, failed to note shape,



- markings and color of objects on paper form; included incorrect driver's license number for seller on both forms;
- Transaction No. 23185 – failed to adequately describe two bracelets and incorrectly entered one earring when there were two; failed to adequately describe the earrings on the paper form;
- Transaction No. 23200 – failed to describe the bracelet; failed to adequately describe a necklace; included an incorrect address for the seller;
- Transaction No. 23206 – failed to note that the color of the object was black; included an incorrect driver's license number for the seller.

---

14. On January 18, 2011, the Respondent entered into a Consent Order with DLLR

wherein he admitted to violating sections 12-301 and 302 of the Act, accepted a reprimand and agreed to pay a \$400.00 civil penalty. The Respondent further agreed to abide by sections 12-101 et. seq. of the Act as well as COMAR 09.24.01 et.seq. The Consent Order resulted from a November 5, 2010 inspection of the Respondent's business resulting in the discovery of numerous reporting violations. (DLLR Ex. 11.)

15. On December 1, 2014, the Respondent entered into a Consent Order with DLLR wherein he admitted to violating sections 12-209(a)(2)(iv), (vii) and (viii), 12-301(a)-(d) and (f), 12-302, 12-303, 12-304)a(1), (b)(1) and (c), and 12-305(d) of the Act, accepted a fifteen day suspension of his dealer's license and agreed to pay a \$10,000.00 civil penalty. He agreed to abide by the Act in future transactions. The Respondent further agreed that, should related charges pending against him in the District Court for Baltimore County result in a conviction (in either District or Circuit Court) his dealer's license would be revoked. The Consent Order resulted from a January 13, 2012 and a May 2013 inspection of the Respondent's business resulting in the discovery of sixty-five reporting violations. DLLR issued a charging document on June 29, 2014 as a result of the inspections, which was withdrawn upon the Respondent's execution of the December 1, 2014 Consent Order. (DLLR Ex. 12.)

16. On November 7, 2012, while investigating a rash of burglaries in the Garrison area of Baltimore County, Baltimore County police detectives observed two suspects enter the Respondent's business, JD Loan, and remain in the business approximately fifteen minutes. After the suspects exited the business, the officers entered. As a result of their investigation, the detectives seized over a thousand pieces of undocumented jewelry and were able to immediately identify several pieces of jewelry related to two burglaries in Westminster. The Respondent also failed to complete transaction reports on eleven school rings.

17. On November 12, 2012, the Respondent was criminally charged with violating sections 12-301, 12-302, 12-303 and 12-304 of the Act related to the items seized on November 7, 2012. (DLLR Ex. 13.)

18. On August 13, 2013, the Respondent was found guilty of violating sections 12-301, 12-303 and 12-304 of the Act. On each count he was sentenced to concurrent jail terms of six months, which was suspended, and he was fined \$2,000.00. (DLLR Ex. 13.)<sup>5</sup>

### DISCUSSION

The DLLR charged the Respondent with violating several provisions of the Act. Because the Department is asserting that the Respondent committed the alleged violations, it bears the burden of proof. *See Schaffer v. Weast*, 546 U. S. 49, 56 (2005). It must prove its allegations by a preponderance of the evidence. Md. Code Ann., State Gov't § 10-217 (2009).

Section 12-202 of the Act requires an individual seeking to be licensed as a secondhand precious metal objects dealer to submit an application. By statute, the application form must contain the following language, immediately above the signature line: "If issued a license, I agree to allow a municipal, county, or State police officer or agent acting in the course of a stolen

---

<sup>5</sup> DLLR Ex. 13 reflects that the Respondent filed a timely Motion for Modification of his sentence, but does not reflect the outcome of the Motion.

property investigation or an investigation of a violation of this title to inspect and photograph all precious metal objects and records at my business or storage locations.” Section 12-202(d). The Respondent applied for a license, agreeing to abide by the quoted condition, but he failed to make an adequate written record of the transactions noted in Finding of Fact thirteen.

The DLLR charged the Respondent with various record-keeping violations. Section 12-301 addresses some of the Act’s record-keeping requirements:

---

§ 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.

(b) Records of pawnbrokers. -- 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;
- (2) buying personal property on condition of selling it back at a stipulated price;
- (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.

...

The Respondent was required to make an adequate record of each transaction. Section 12-301(a)(1). He failed to do so upon acquiring jewelry, electronics and musical instruments (guitars), which failures were discovered by the Inspectors in the May 15, 2014 and June 20, 2014 inspections and specifically set forth in DLLR Exhibit 10.

The DLLR also alleged that the Respondent had failed to keep adequate and accurate records on acquisitions. For dealers and pawnbrokers, the content of required records is governed by section 12-302(a) and (b):

Section 12-302 - content of the 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.

On May 15, 2014 and June 20, 2014, PSO Tapp, along with Detectives Fitch and Donnelly (collectively the Inspectors), inspected JD Loan, the Respondent's business in Owings Mills, Maryland. The inspections resulted from ongoing errors in the Respondent's record keeping dating back to 2010, which had resulted in consent orders and criminal prosecution. The Respondent was present during the inspections. During the inspections, the Inspectors selected approximately 200 transaction forms from January 2014 through May 14, 2014, with a specific eye toward the accurate completion of the transaction forms. The transaction forms on their face showed a plethora of violations of Section 12-302(a)(3) for failure to accurately record/report jewels and stones, missing metal content of items, missing size/length and weight of items, and failure to describe many items at all. The Respondent also incorrectly described many items as scrap, including collectible silverware. Additionally, the description, dates of birth and driver's license numbers of numerous sellers were either missing or inaccurate, a violation of Section 12-302(a)(4). The Respondent further entered specious information on the forms regarding the

model numbers, manufacturers and item description by, *inter alia*, entering the item description in the box designated for the model number.

Finding of Fact #13 describes the Respondent's failures in this area, all during the span of time between January 23 and May 14, 2014.<sup>6</sup> Descriptions of objects were inadequate.

Records included the following recurring problems:

- the metallic composition of acquired items was not given
- the weight of the item was not recorded
- jewels or stones were inadequately described
- items were incorrectly described as scrap
- marks and inscriptions were not included in descriptions
- descriptions of items were absent
- signatures of seller and buyer (Respondent) were missing
- seller's identifying information was missing or incorrect
- diamonds were not included in the description

The purpose of all this elaborate record-keeping is several-fold, but the primary reason is to inhibit trafficking in stolen goods. Law enforcement officials are supposed to be able to review the records created by the dealer or the dealer's employees and determine whether the acquisitions include any stolen property. When items are poorly or inaccurately described, or not described at all, it hampers law enforcement's efforts to find and retrieve stolen goods. The Respondent failed on numerous occasions to comply with the requirements of section 12-302.

The Respondent also failed, on numerous occasions, to submit required information electronically to local law enforcement in a timely manner. Section 12-304 of the Act provides as follows:

§ 12-304. Submission of copies

(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.

...

---

<sup>6</sup> See also DLLR Ex. 10 which includes a more detailed description of each of the ninety-six violations.

(b) *Delivering copies in general* - (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.

...

(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.

...

---

The evidence before me demonstrates that the Respondent failed to timely submit information regarding transactions to local law enforcement on at least nine occasions, all in May 2014.

The final administrative charge brought by the DLLR is that the Respondent violated section 12-402, which states as follows:

§ 12-402. Statement of ownership

A person that sells an item to a dealer shall sign a statement, under the penalties of perjury, that the person is the owner of the item.

After reviewing the testimony and documents presented, I have found one transaction where the signature of the seller was missing on the documentation. Consequently, the DLLR has provided sufficient evidence of the Respondent's violation of section 12-402.

Having determined that the Respondent violated the Act, I turn to the question of sanctions and penalties. Sanctions and penalties for violation of the Act are set forth in section 12-209, which provides, in pertinent part, as follows:

§ 12-209. Denials, reprimands, suspensions, and revocations – Grounds; restraining order.

(a) *Grounds*

....

(2) Subject to the hearing provisions of § 12-210 of this subtitle, the Secretary may deny a license to an applicant, reprimand a licensee, or suspend or

revoke a license if the applicant or licensee or an agent, employee, manager, or partner of the applicant or licensee:

...

(vii) willfully fails to provide or willfully misrepresents any information required to be provided under this title; [or]

(viii) violates this title[.]

....

(3)(i) Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this subsection, the Secretary may impose a penalty not exceeding \$5,000 for each violation.

(ii) To determine the amount of the penalty imposed under this subsection, the Secretary shall consider:

1. the seriousness of the violation;
2. the harm caused by the violation;
3. the good faith of the licensee; and
4. any history of previous violations by the licensee.

Tanya Minion, Investigator for DLLR, testified that she acts as a liaison between law enforcement and second hand precious metals dealers.<sup>7</sup> She is charged with investigating complaints and determining whether such complaints require only remedial training or a referral for investigation. She also conducts "spot checks" of businesses. She explained that that each new application and all subsequent renewal applications require the applicant to affirm under penalty of perjury that s/he had read sections 12-101 through 12-601 of the Business Regulation Article and COMAR 09.25.01.01 through .04 and that s/he understood her/his responsibilities under the law.

When the Respondent applied for his dealer's license, he averred that he had read the relevant statutes and regulations and that he understood his duties. The DLLR did not produce copies of the Respondent's most recent Applications due to a programming flaw in its on-line application process which does not permit the printing of completed applications. However, I do not find the lack of a tangible electronic application to be fatal to the DLLR's case. The DLLR

---

<sup>7</sup> Ms. Minion was previously with the Anne Arundel County Police Department for twenty-two years.



presented copies of applications previously filed by the Respondent as well as a copy of a blank on-line application. Joseph Petrosino testified that, for the relevant time, the Respondent's renewal application was filed via the internet. This is corroborated by the Respondent's licensing information which shows an application date of July 3, 2013 and an expiration date of August 31, 2015. (DLLR Ex. 8.) According to the DLLR's exhibits, the Respondent has held the JD Loans license since 1993 and has renewed it eleven times since then. Each time a renewal application is filed with DLLR, the Respondent must affirm that he had read the relevant statutes and regulations and that he understood his duties. Hence, there is no excuse for the Respondent's alleged failure to understand the importance of the record-keeping aspects of his business.

The Respondent testified and conveyed that he has been a pawnbroker since the early 1990's. He did not contest the violations found by the Investigators or the ninety-six count charging document that was issued as a result. Instead, he responded to each charge by stating whether the item pawned was redeemed by the seller, sold, scrapped, still in stock or whether he purchased the item outright from the seller. He minimized the mistakes he made regarding sellers' incorrect drivers license numbers and dates of birth. He admitted with respect to several transactions, where either the seller's signature was missing or the Respondent did not obtain identification from the seller, that he did not know the seller prior to the transaction. He testified that on January 28, 2014, he conducted a transaction and failed to obtain any identification from the seller. To mitigate his culpability, the Respondent asserted that he had previously had eight or nine contacts with that particular seller and that he had his identification on record in his shop. Tanya Minion conducted a data search of that particular seller dating from August 2010 through February 2015 and found only the January 28, 2015 transaction for that seller. (DLLR Ex. 14.)

Further, the Respondent blamed the late submission of transaction reports on his “IT guy” or his computer system. There was no evidence that, during the relevant period, he ever conveyed a problem to the local police department or ever asked for an extension of time within which to submit his transaction reports. The Respondent submitted four exhibits (Resp. Exs. 1-4) which purportedly show that the Respondent entered the required information regarding four transactions in a timely manner, yet the reports were not received by the local police department until after noon the following day. Some of the reports were received up to three days after the transaction occurred. Even if I accept the Respondent’s evidence as valid, there were nine instances in which the Respondent failed to submit the required transaction reports in a timely manner. Had he had verification that the remaining five transactions had been timely submitted, I infer he would have submitted that documentation. Further, the Respondent contended that the paper transaction sheets did not always match the electronic transaction sheets because there was “not enough room” on the paper sheets for all of the information.<sup>8</sup> I find the Respondent’s response disingenuous. I have reviewed DLLR Exhibit 4, the paper transaction sheet, and find that it is not lacking in space in which to describe items. Moreover, the Respondent admitted that if he ran out of room to describe an item, he could have either used a second line on the form or used a second form.

The Respondent paints himself as a “Robin Hood” of sorts. He said that “a lot of section eights come to [him] for loan money. If they need gas, they bring in items and [he] gives them money to gas-up their cars. Then they come back for their items.” He claimed to have not intentionally omitted item descriptions for his own gain. However, the Respondent has a remarkable history of non-compliance with reporting requirements dating back to 2010 when Ms. Tapp informed the Respondent of twenty-eight reporting errors, including five errors for

---

<sup>8</sup> There were at least ten transactions that failed to note the presence of diamonds.

failing to obtain sellers' identification (for which he had been previously warned in 2009). During 2010, the Respondent was the subject of seven contacts with Ms. Tapp regarding errors. He was administratively charged with violations on November 10, 2010, December 27, 2012 and May 30, 2013. The Respondent was administratively charged on January 25, 2012, which also resulted in criminal charges.

These violations are serious. They provide a real barrier to law enforcement efforts to investigate property crimes and reunite theft victims with stolen property. The seriousness of the Respondent's failure to create and maintain adequate records is only magnified by his unwillingness to comply with the law after many attempts by the Baltimore County Police Department and DLLR. The Respondent's varied and repeated violations rise to the level of willfulness.

The DLLR proved the violations in this proceeding. Section 12-209 authorizes the agency to impose a civil penalty of \$5,000.00 for each violation. The DLLR recommended a \$20,000.00 civil penalty in this case and the revocation of the Respondent's dealer's license. This is a substantial penalty, in fact the ultimate penalty; however, in light of the facts of this case it is not excessive. The Respondent has demonstrated a pattern of ignoring laws which exist for the protection of society. He entered into a Consent Order on January 18, 2011 where, in exchange for accepting a reprimand and a \$400.00 civil penalty, the Respondent agreed to comply with the provisions of the Act. In that regard he has failed miserably. The Respondent's acts have jeopardized the community and, if these acts are not appropriately sanctioned, it would diminish the very intent of the laws regarding reporting requirements for Secondhand Precious Metal Object Dealers and Pawnbrokers.

MARYLAND DEPARTMENT OF  
LABOR, LICENSING AND  
REGULATION

v.

JOHN DOYLE,

RESPONDENT

BEFORE M. TERESA GARLAND,

\* AN ADMINISTRATIVE LAW JUDGE

\* OF THE MARYLAND OFFICE

\* OF ADMINISTRATIVE HEARINGS

\* CASE NO.: DLR-PMG-64-15-02770

\* COMPLAINT NO.: SPMG-15-0015

\*

\* \* \* \* \*

**FILE EXHIBIT LIST**

The DLLR submitted the following documents, which I admitted into evidence:

DLLR Ex. 1 – Notice of Hearing and Statement of Charges, dated January 29, 2015

DLLR Ex. 2 – Notice of Hearing (rescheduled), dated April 3, 2015

DLLR Ex. 3 – Application for original license and renewal application, dated May 19, 2015

DLLR Ex. 4 – Dealers and Pawnbrokers' Daily Transaction Sheet, undated

DLLR Ex. 5 – Advisory from DLLR, dated March 24, 2015

DLLR Ex. 6 – Guidelines for Completing and Filing Daily Transaction Reports, dated January, 2010

DLLR Ex. 7 – Compliance Advisory, dated March 12, 2012

DLLR Ex. 8 – DLLR I.D. Registration – Secondhand Precious Metal Object Dealers, dated May 18, 2015

DLLR Ex. 9 – DLLR Dealers/Pawnbrokers License Renewal, dated September 9, 2014

DLLR Ex. 10 – Law Enforcement Complaint Referral Forms, dated January 27, 2014 to December 9, 2014, with ninety-seven attached electronic and paper transaction reports

DLLR Ex. 11 – Consent Order, dated January 11, 2011

**CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact and Discussion, I conclude as a matter of law that the Respondent violated sections 12-301, 12-302, 12-304 and 12-402 of the Act and that he is subject to sanctions and civil penalties under section 12-209.

**RECOMMENDED ORDER**

Based upon the foregoing Findings of Fact, Discussion, and Conclusions of Law, I **RECOMMEND** that the Maryland Department of Labor Licensing and Regulation Order as follows:

1. The Respondent has violated sections 12-301, 12-302, 12-304, and 12-402 of the Business Regulations Article,
2. The Respondent shall pay a civil penalty of \$20,000.00; and
3. The Respondent's license to act as Secondhand Precious Metal Object Dealers be **REVOKED**; and
4. The records and publications of the Maryland Department of Labor Licensing and Regulation reflect this decision.

August 18, 2015  
Date decision mailed

MTG/kkc  
Doc. #156768

**Signature on File**

M. Teresa Garland  
Administrative Law Judge

EE