

DEPARTMENT OF LABOR
LICENSING AND REGULATION,

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v.

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CASE NO: SPMG 12-0046

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WESAM KAYED
dba Spotlight, 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 Hagerstown Police Department. Upon a review of the complaint, the Department has determined that administrative charges against Wesam Kayed (the “Respondent”) dba Spotlight (License No 01-2271), 71 W. Franklin Street, Hagerstown, Maryland 21740, 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 01-2407), holds a secondhand precious metal object dealers and pawnbrokers license with the Department dba Spotlight, Inc., 71 W. Franklin Street, Hagerstown, Maryland 21740, which was originally issued on April 25, 2010.
3. On January 28, 2012, an officer of the Hagerstown Police Department accompanied a victim of a burglary to the Respondent’s place of business. The victim identified two rings in the possession of the Respondent that were acquired in a secondhand precious metal object transaction.

4. The Hagerstown police officer requested that the Respondent or the Respondent's employee hold the item pending further investigation. The Respondent or the Respondent's employee agreed to secure the item in the Respondent's office until contacted by the Police Department.

5. On February 1, 2012, another police officer of the Hagerstown Police Department returned to the Respondent's place of business to recover the two rings that had been placed on hold on January 28, 2012. An employee of the Respondent reported to the police officer that he could not locate the two rings.

6. Based on the aforementioned fact, the Respondent acknowledges that the Respondent or the Respondent's employees have violated Business Regulation Article §12-401 (c), Annotated Code of Maryland, which provides:

§12-401. Release of Stolen Property; rejoinder of trials

(a) This section applies to all dealers and all pawnbrokers wherever located in the State.

(b) A dealer or pawnbroker shall release to the primary law enforcement unit an item of personal property, other than a security or printed evidence of indebtedness, located at the place of business of the dealer or pawnbroker if:

- (1) the item is established to have been stolen;
- (2) the owner of the item or victim of the theft has positively identified the item;
- (3) the owner of the item or the agent or designee of the owner has provided an affidavit of ownership;
- (4) the stolen property report describes the item by:
 - (i) a date;
 - (ii) initials;
 - (iii) an insurance record;
 - (iv) a photograph;
 - (v) a sales receipt;
 - (vi) a serial number;
 - (vii) specific damage;
 - (viii) a statement of the facts that show that the item is one of a kind; or
 - (ix) a unique engraving; and
- (5) the primary law enforcement unit provides to the dealer or pawnbroker a receipt that describes the item and that notifies the dealer or pawnbroker of the dealer's or pawnbroker's right to file an application for a statement of charges against the individual who sold the item to the

dealer or pawnbroker, or other alleged thief for theft under § 7-104 of the Criminal Law Article.

(c) A dealer shall retain in the dealer's place of business, for an additional period of 12 days, any item of personal property or other valuable thing, other than securities or printed evidence of indebtedness, if:

- (1) the primary law enforcement unit requests that the dealer retain the item;
- (2) the primary law enforcement unit has reasonable cause to believe the item has been stolen; and
- (3) the item has not been identified under subsection (b) (2) of this section.

(d) When a primary law enforcement unit no longer needs an item for evidence, the primary law enforcement unit shall give the item to its owner.

(e) A dealer or pawnbroker who is required to release an item under this section is not entitled to reimbursement for any pledge or purchase price paid for the item from:

- (1) the primary law enforcement unit to which the dealer released the item;
- (2) the owner of the item; or
- (3) the victim of the theft.

(f) If the owner of the item or the victim of the theft chooses to participate in the prosecution of the alleged identified thief, then the charges of theft from the owner or the victim of the theft and the charges of theft from the dealer or pawnbroker may be heard in a joint trial.

(g) The Secretary shall distribute to licensed dealers or post on the Department's website the name of the primary law enforcement unit responsible for enforcing this title in each jurisdiction, including municipalities.

5. Based on the aforementioned violation, the Respondent agrees to pay to the Department a civil penalty of \$ 2,000.00 upon the Respondent's execution of this Consent Order.

6. 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.

7. 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.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 18TH DAY OF APRIL, 2012, BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION:

ORDERED that the Respondent has violated Business Regulation Article §12-401 (c), Annotated Code of Maryland;

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of \$2,000.00 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 \$2,000.00 imposed on the Respondent.

RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER
Wesam Kayed

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

4-5-12
Date

MARYLAND DEPARTMENT OF LABOR,
LICENSING AND REGULATION