

12-306.

(a) A dealer shall allow an authorized law enforcement officer OR AGENT, on request, to enter the place of business or storage premises of the dealer during business hours to inspect a record REQUIRED TO BE MAINTAINED UNDER THIS TITLE or precious metal object as part of a stolen property investigation OR AN INVESTIGATION OF A VIOLATION OF THIS TITLE.

(b) (1) On request of the dealer, the officer OR AGENT shall make the inspection in the presence of the dealer or an agent of the dealer.

(2) If the dealer refuses to allow access or produce the record or precious metal object for inspection, the officer OR AGENT shall seek a search warrant.

(3) A WARRANT AUTHORIZING AN ADMINISTRATIVE INSPECTION FOR POSSIBLE REGULATORY VIOLATIONS SHALL BE ISSUED IF THE OFFICER OR AGENT ESTABLISHES PROBABLE CAUSE FOR THE SELECTION OF THE PLACE OF BUSINESS IN QUESTION FOR INSPECTION AND THAT THE INSPECTION WILL BE REASONABLY LIMITED IN TIME, PLACE, AND SCOPE.

(C) A DEALER WHO REFUSES TO ALLOW ACCESS OR TO PRODUCE RECORDS, PRECIOUS METAL OBJECTS FOR INSPECTION ON REQUEST, SHALL BE SUBJECT TO THE PROVISIONS OF § 12-209 OF THIS TITLE AND, IN ADDITION, MAY BE ASSESSED A CIVIL PENALTY AS PROVIDED IN SUBSECTION (D) OF THIS SECTION.

(D) (1) THE SECRETARY MAY IMPOSE ON A LICENSEE WHO VIOLATES THIS SECTION A CIVIL PENALTY NOT EXCEEDING \$500 FOR EACH VIOLATION.

(2) IN SETTING THE AMOUNT OF A CIVIL PENALTY UNDER THIS SUBSECTION, THE SECRETARY SHALL CONSIDER:

(I) THE SERIOUSNESS OF THE VIOLATION;

(II) THE GOOD FAITH OF THE VIOLATOR;

(III) ANY PREVIOUS VIOLATIONS;

(IV) THE HARMFUL EFFECT OF THE VIOLATION ON THE COMPLAINANT, THE PUBLIC, AND THE BUSINESS OF THE DEALER OR PAWNBROKER; AND

(V) ANY OTHER RELEVANT FACTORS.

12-403.

(A) IF THERE IS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS TITLE HAS OCCURRED, THE SECRETARY SHALL HAVE THE AUTHORITY TO ISSUE SUBPOENAS FOR RECORDS, REPORTS, OR ARTICLES IN CONNECTION WITH ANY INVESTIGATION OR ADMINISTRATIVE PROCEEDING UNDER THIS TITLE.

(B) IF A LICENSEE OR A LICENSEE'S EMPLOYEE FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER THIS SECTION, ON PETITION OF THE SECRETARY, A CIRCUIT COURT MAY COMPEL COMPLIANCE WITH THE SUBPOENA.