

LOCAL LAW NO. 3 OF 2013
COUNTY OF ROCKLAND COUNTY
STATE OF NEW YORK

(Sponsor: Hon. Alden H. Wolfe)

Mr. Soskin offered the following Local Law, which was seconded by Mr. Moroney and unanimously adopted:

A local law amending local law number 9 of 1980, as amended by local law number 10 of 1980, local law number 6 of 1981, local law 17 of 1983, local law number 9 of 1990, and local law number 5 of 1999 (Chapter 340 of the laws of Rockland county), providing for the control and regulation of secondhand precious metals or gem dealers for Rockland county.

Be it enacted by the legislature of the county of Rockland as follows:

Section 1. Legislative intent.

Due to the fact that the number of businesses purchasing gold and silver has increased and the number of transactions has increased dramatically due to increases in prices, the Sheriff's Department has been inundated with reports of sales and has procured a software program with which permit license holders may report their sales electronically and also allows the Sheriff's Department to search purchases more efficiently. The law is being amended to provide for electronic reporting.

Section 2. Definitions.

§340-2 is amended as follows:

DIRECTOR-The Director of Consumer Protection or his/her designee.

Section 3. Application for license; fee; bond.

§340-4 is amended as follows:

A. Every person desiring to procure a license shall file with the Director an application supplied by the Director, containing the following information:

(1) The name and description of the applicant in the form and manner as set forth in the Rules and Regulations.

(7) Two photographs of the applicant, taken not more than 60 days prior to the filing of the application, which photographs shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner. If the applicant is a partnership, photographs and fingerprints as provided herein are required for each partner. If the applicant is a corporation, all officers shall be photographed and fingerprinted as provided herein.

(9) A copy of the applicant's fingerprints shall be provided as set forth in the Rules and Regulations.

B. Such application for a secondhand precious metal or gem dealer's license shall be accompanied by a nonrefundable filing fee in the amount as set forth under the Rules and Regulations adopted pursuant to this Chapter and a bond or other surety to the County of Rockland in the sum of \$2,000, conditioned for the due observance during the term of the license of any of the laws relating to such dealers.

Section 4. Issuance of license.

§340-5 is amended as follows:

A. Upon receipt of the license application and the payment of the filing fee and bonds required of the applicant, the Director shall prepare and deliver to the applicant his license.

B. The Director shall keep a record of all licenses issued, as well as any matters herein described.

C. No license shall be granted under this chapter to any dealer in secondhand precious metals or gems:

3. Whose license under this chapter has been revoked or as provided in § 340-8 of this chapter.

- D. Notwithstanding any provision of this chapter to the contrary, the Director, in his/her discretion, may grant a license as provided herein to any applicant who has been convicted of a crime within the last 10 years, upon the finding by the Director that said applicant is of good moral character and has demonstrated reliability and trustworthiness in finance and commercial transactions and would not compromise or jeopardize the public in the transaction of secondhand precious metal or gem business.

Section 5. Expiration and renewal of license.

§340-6 is amended as follows:

Every license shall expire on the 30th day of November next after its issuance. Every license may be renewed as of the first day of December, upon payment of the required fee as set forth in the Rules and Regulations and filing a renewal application with the Director, certifying that no changes have occurred with respect to any of the facts or information required or supplied on the original application, or, if there have been any changes, the applicant shall furnish the facts and information relating to such changes and shall comply with the requirements of § 340-3 hereof with respect thereto.

Section 6. Non-transferability of license.

§340-7 is amended as follows:

No license under the provisions of this chapter shall be transferred or assigned to any person or used by any person other than the licensee to whom it was issued, his agents, employees or duly authorized representatives, said agents, employees or duly authorized representatives having been approved by the Director.

Section 7. Suspension or revocation of license; appeals.

§340-8 is amended as follows:

- A. Any license granted under this chapter may be suspended for a specific time not to exceed one year or revoked for cause, after a hearing before a hearing officer appointed by the County Executive of Rockland County. The determination as to suspension or revocation shall be made by said hearing officer. Any such hearing shall be held after reasonable written notice by the Director to the licensee of the charges, and the licensee shall have the right to counsel and to present evidence. Whenever any license shall be revoked or suspended, no refund of unearned portion of the license fee shall be made.

A license to conduct, operate, engage in and transact secondhand precious metals and gems may be suspended or revoked by the hearing officer for any one (1) or more of the following causes:

1. Fraud, misrepresentation or bribery in securing a license.
2. The making of any false statement as to a material matter in any application for a license or in any proceeding with respect to the suspension or revocation of a license, or a response to any order, demand, or inquiry made by the hearing officer or by the Director with respect to a license or with respect to any transaction taken pursuant to this Chapter.
3. The person or the management personnel of the licensee are untrustworthy or not of good moral character.
4. Failure to display the license as provided in this chapter.
5. Violation of any provision of this chapter or of any rule or regulation adopted hereunder.

B. Appeals.

1. Any person aggrieved by the action of a hearing officer in suspending or revoking a license or the Director in refusing to grant a license or the making of any other decision or determination may take an appeal therefrom to the Legislature of Rockland County within 30 days after said decision or determination has been made. Such appeal shall be taken by filing, with the Clerk to the Legislature, a notice of appeal specifying the grounds therefore and the person from whom the appeal is being taken.

Section 8. Restrictions.

§340-9 is amended as follows:

- A. It shall be unlawful for any dealer of secondhand precious metals or gems to engage in buying activities in any place within Rockland County other than the place of business designated in such license, except to meet with a customer at his home, bank or suitable place of business. A dealer in secondhand precious metals or gems may, upon application to the Director and receiving approval of the Director, extend his license to cover other locations, such as flea markets, fairs, bazaars or religious or charitable organization functions.

- D. It shall be unlawful for any dealer in secondhand precious metals or gems to sell or dispose of any secondhand precious metals or gems until the expiration of 20 days after the acquisition by such dealer of said precious metals or gems.
- G. It shall be unlawful for any dealer of secondhand precious metals or gems to damage, destroy, alter or in any way change or direct or request anyone else to alter or change the structure or makeup of a precious metal or gem so as to make it unidentifiable within 20 days after the acquisition by said dealers of such precious metal or gem. In the event that said precious metal or gem dealer damages, destroys, alters or in any way changes the precious metal or gem, the secondhand precious metal or gem dealer shall restore the precious metal or gem to its original condition as possible, provided that the secondhand precious metal or gem dealer receives a written request to do so from the owner of said item and law enforcement agency within the time limits set forth in this Subsection G and § 340-11 of this chapter, whichever is longer.

Section 9. Display of daily price required.

§340-10 is amended as follows:

The daily price upon which the dealer bases his quotation for gold and silver shall be clearly displayed in Arabic numbers in the manner as set forth in the Rules and Regulations.

Section 10. Records.

§340-12 is amended as follows:

- A. Every dealer in secondhand precious metals or gems by the close of the business day shall keep an electronic record in the form as set forth in the Rules and Regulations or a written record in duplicate and on a form prescribed by the Director of consecutively numbered transactions, legibly written in English, which shall contain a complete, thorough description of every secondhand precious metal or gem article so purchased, utilizing accepted trade words and phrases such as, but not limited to, serpentine, herringbone, braided herringbone, rope, crosscut, woven link, cobra, basket weave, tricolor, florentine, twist, beveled, gem names as listed in § 340-2, quantities of gems, number or numbers of said articles and any monograms, inscriptions or other marks of identification that may appear on such articles. The record whether electronic or written shall also include the name, residence address and description of the person from whom such purchase was made, including the day and hour of the purchase. Within 48 hours of the close of business on the day of purchase, the dealer in precious metals or gems shall forward by electronic means or mail, to the Rockland County Bureau of Criminal Identification the duplicate record of purchase, as provided herein, of each transaction which had taken place on that day.

- B. Such electronic or written record shall be kept on the business premises of the secondhand precious metal or gem dealership or at the place designated on the fully approved license, at all times during normal business hours. Such record shall be open to the inspection of any police officer or the Director or any person duly authorized for such purposes by the Director.
- C. If the record of sales is in written form the dealer is mandated to use the forms prescribed by the Director and shall reimburse the Director for the cost of said forms.

Section 11. Identity of person from who purchase is made.

§340-13 is amended as follows:

- B. Only the following shall be deemed acceptable evidence of identity:
 - (1) Any official document, except a Social Security Account number card, issued by the United States Government, any state, County, municipality or subdivision thereof, any public agency or department thereof or any public or private employer, which requires and bears signature and picture of the person to whom issued.

Section 12. Reporting of records information.

§340-14 is amended as follows:

Every secondhand precious metal or gem dealer shall furnish to the Director or his/her agent or the appropriate law enforcement agency all information requested relative to all records required to be kept under this chapter.

Section 13. Duty to enforce.

§340-15 is amended as follows:

It shall be the duty of the Director or any police officer having jurisdiction at the site where a person is seen dealing in secondhand precious metals or gems to require such person seen so dealing and who is not known to the Director or such police officer to be duly licensed to produce or display his secondhand precious metal dealer's license and to enforce the provisions of this chapter against any person found to be in violation of the same. It shall be the duty of the Director or any police officer as described herein to require the immediate closure of any business dealing in the purchase of secondhand metals or gems as defined herein who is operating said business without a license as required by § 340-3 of this chapter.

Section 14. Penalties for offenses.

§340-17 is amended as follows:

- C. In addition to the penalties provided above, any offense against the provisions of this chapter or the rules or regulations adopted under this chapter shall subject the person committing the offense to a civil penalty in an amount not to exceed \$1,000 as imposed by the Director for each day that the offense shall continue. Said penalty shall be collectible by and in the name of the County of Rockland.

Section 15. The local law is amended to add the following:

§340-18 Rules and Regulations.

The Director shall have the authority to adopt rules and regulations in respect to any subject matter over which he/she has jurisdiction under this chapter or any other law after a public hearing by the Director and subject to the approval of the Rockland County Legislature. Upon adoption and approval of such rules and regulations they shall be duly filed with the clerk to the Rockland County Legislature.

Section 16. Separability.

If any part of this local law, or the application thereof to any person or circumstance shall be it judged invalid by any court of competent jurisdiction such judgment shall be confined it its operation to the parts of the provision directly involved in the controversy in which such judgment shall have been rendered and shall not effect or impair the validity of the remainder of this law or the application thereof to any other persons or circumstances.

Section 17. Effective date.

This local law shall take effect immediately upon filing in the office of the secretary of state pursuant to section 27 of the municipal home rule law.

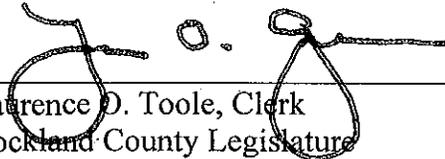
STATE OF NEW YORK)
) ss.:
COUNTY OF ROCKLAND)

I, the undersigned, Clerk to the Legislature of the County of Rockland DO HEREBY CERTIFY that the attached is an original Local Law of such Legislature, duly adopted on the 3rd day of September 2013 by a majority of the members elected to the Legislature while such Legislature was in regular session with a duly constituted quorum of members present and voting.

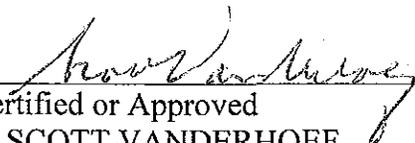
I FURTHER CERTIFY that at the time said Local Law was adopted said Legislature was comprised of seventeen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 4th day of September 2013.

Date sent to the County Executive:
September 4, 2013



Laurence D. Toole, Clerk
Rockland County Legislature



Certified or Approved
C. SCOTT VANDERHOEF
County Executive, County of Rockland

9/5/13

(date)

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