

MINUTES OF PUBLIC HEARING ON AN ORDINANCE AMENDING  
RECORD-KEEPING REQUIREMENTS AND ESTABLISHING PENALTIES FOR  
DEALERS IN PRECIOUS METALS AND STONES (CONTINUED FROM  
10/10/95).

October 24, 1995

Council Chambers

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President Sandy F. Klebanoff called the hearing to order at 7:30 p.m..

Present were Councilors Robert Bouvier, Owen Eagan, Sandy F. Klebanoff, Charles R. Matties, Patrick McCabe, Madeline S. McKernan, Larry Price and Andy Schatz. Councilor Alfred Turco was absent.

President Klebanoff: There is in front of us a communication actually it is to Mr. Feldman. Is this something we need for the record?

Mr. Feldman: Madam Mayor, I believe there is that communication as well as some other information I will share with you.

President Klebanoff: Mr. Feldman, perhaps you would like speak.

Mr. Feldman: Madam Mayor, just picking up on where we left off a couple of weeks ago. The public hearing was continued because you asked that we contact the Chamber of Commerce which we did and I spoke with Linda French and as of late this afternoon Linda communicated to me a general concern, I guess, from retail jewelers. I don't know if there is anybody here tonight that is going to speak about that issue but I will just pass that on. I see you have a correspondence from the Diamond Exchange expressing their concern. I do want you to know that we have Detective Paul Melanson who is here and is prepared to address some of the issues that you may have. Actually, if I remember right, it was Paul who really kind of came up with the suggestion at a code meeting that we had a number of months ago. So when you are ready, Detective Melanson is here to discuss generally about what benefits come from the changes if you should choose to adopt it and I'm sure he would be happy to answer any questions as well.

President Klebanoff: Thank you. Mrs. Wilder.

Mrs. Wilder: Just to clarify also some points made last time. This ordinance change for the most part, with one exception that I will get to, conforms our ordinance to a statutory requirement. The statute requires licensure of these dealers and the statute requires a \$10 licensing fee. Where there is some room for discussion and I'm sure the

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officer will provide us that information which is not a requirement of the statute is the waiting period prior to the holding, the ten days versus the five days for the retention of the goods but other than that the changes in the ordinances conform our ordinances to State statutory requirements. A violation of the State statute is a \$1,000 fine. In the past there has been no specific penalty in this provision of the ordinances though our ordinances do have a general penalty which provides for a penalty for violation of ordinances where there is nothing specific.

President Klebanoff: I'm confused.

Mrs. Wilder: I'm sorry.

President Klebanoff: I'm confused about what the hardship is that is addressed in the letter from Mr. Davis. It talks about a hardship. Is it something that is within our discretion? Is it the time or is it the whole idea of having our ordinance conform to the State statute? I'm not sure I understand what it is.

Mrs. Wilder: Madam Mayor, I just saw it myself and didn't probably read it as thoroughly as I should have but my impression was in reading it, and again the officer can provide you the details of what the police do for this license. My understanding is that with the ten day holding period that was a concern. That is my impression in reading it.

President Klebanoff: And that is discretionary.

Mrs. Wilder: Yes, it is, as far as I know and as far as I found.

President Klebanoff: Would anyone else like to ask any questions before we hear from the officer? Would you please come to the podium.

Mr. Feldman: Madam Mayor, you may not recognize Detective Melanson. He used to wear a bicycle. He doesn't wear his bicycle any more. He is one of our first bike officers so if he does look a little familiar that's why.

Detective Melanson: Thank you. When I was promoted to a detective, I was given the task of the precious metals and what happens is per the Town ordinance the way it is right now, every jeweler who purchases precious metals from people who come in and turn it in to them they must submit a form to us detailing who they bought it from, what they bought and right now there is a five day limit. When I first started doing this what we found was happening was that they have to submit it to us within five days so an example of this would be if a jeweler bought a diamond ring for

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\$5,000 on Monday. He does not have to file until the end of the week which would be probably that following Monday. By that time he can already sell it. We do not get this before Wednesday so the diamond is gone. On Wednesday we would get the form saying that he had bought it and with the name of who he bought it from. What was happening was we would determine that it was a stolen diamond ring, go to the jeweler and by the time we made it to the jeweler the diamond was already in New York and gone. This has happened several times. It has happened with a diamond ring, with Rolex watches, etc. and we require more time to be able to go over these forms because what we do is we recognize names and we check with the Hartford police. Many of these items that are bought and sold are stolen in burglaries where we have to check back with the burglaries to determine what was missing. The more that this happened and that we couldn't recover the jewelry we would prove it was stolen, however, that does us little to no good if we cannot recover the actual jewelry.

It is a habit for these jewelers, what they do is immediately when they get it they pop it out of the band, because the band is worthless to them, they pop the diamond out of the band and then they send it into New York and the jewelry is gone. Right now we have no fine established and no way to keep these people in check.

I feel with this ten day waiting period at least it would give us time to look over, review the records that they submit to us per State statute and after reviewing this after this time that we have at least we can determine whether jewelry was stolen or not. There is a clause in here, a stipulation that for instance if they buy a large bulk of estate jewelry, they can call us and we will go down there and review it immediately so that they can get rid of it immediately.

I don't feel that this is a burden on them because if they do take in a large quantity for some reason, they can call us and we can go down there. This is in our ordinance so that we can clarify it. The problem really is there just is not enough time for us to review this. Besides everything we do up there and all the cases that we are assigned, we have to review these sheets and there are hundreds of names every week that come through. All these names are sometimes not immediately recognized. We check them with our computers, with the Hartford police. There are just several instances since I became a detective that have found the jewelry was stolen and we haven't been able to recover it.

For instance, one jeweler had waited the five day period but that wasn't enough time. We went to the store and the jewelry wasn't there, however, he was wearing the Rolex on his wrist so this is just a for instance, he bought a \$5,000

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Rolex for \$50 from a 17 year old. That is what sets us off is that immediately you see a 17 year old with a \$5,000 Rolex and the jeweler bought it for \$50.00. You don't have to be detective for bells to go off and we followed it back and it ends up he was visiting a girl friend who was baby-sitting and he stole the Rolex. This is why we need this period. This is why we also put in for the ordinance that we will help them out and if they need to move something, we will go over there and check it out for them, verify that it isn't stolen, and allow them to sell it. That is why I am in favor of the ordinance.

Are there any questions?

Councilor Matties: Is there a time?

Detective Melanson: There is no time. It says if they wish to sell it, do you want the actual wording of it? The Chief of Police or his designee may in his or her discretion permit a licensee to sell or purchase goods prior to the expiration of the ten business day period after he inspects the retained goods and makes a determination that there is no probable cause to believe that they are stolen.

The reason I believe they left it open was that in certain instances stolen goods travel in a wide variety of ways. Right now we are working with the FBI Rolex staff which goes all along the east coast. He received fifteen Rolex's and we have in here that within forty eight hours of our inspection, we have to give him permission, the problem is within forty eight hours we might not determine whether it was stolen or not. Sometimes you might need three days. That is a for instance. That is why I believe they didn't want to put a certain limit on or a deadline. There has never been a problem if somebody has called. We have gone out there within the next day. We have given them a response. I don't feel that that would be a problem.

(Inaudible)

President Klebanoff: Any further questions? Thank you. Is there anyone here who wishes to speak to the ordinance? If not, we will close the public hearing. The hearing adjourned at 7:50 p.m.

Norma W. Cronin  
Acting Town Clerk/Council Clerk