

LAURA CURRAN  
COUNTY EXECUTIVE



GREGORY A. MAY  
COMMISSIONER

## DEPARTMENT OF CONSUMER AFFAIRS

Dear Vendor:

Enclosed is the Nassau County Second-Hand Precious Metal and Gem Dealers License Application.

Please be sure to read the instructions and provide the required documentation before submitting the application. If your application is not complete, it may be returned to you and/or require you to provide more information which could result in the delay of your license being issued.

Once completed, please mail your application with the applicable fee, which is located on the instructions page, to the address below:

Department of Consumer Affairs  
240 Old Country Road  
Mineola, New York 11501  
Attention: Licensing

All payments to our office should be made by certified check or postal money order payable to: **THE COUNTY OF NASSAU**.

Please provide our office three (3) to four (4) weeks to process your application.

Thank you for making Nassau County your place to do business.

Sincerely yours,

*Gregory A. May*

Gregory A. May  
Commissioner



## DEPARTMENT OF CONSUMER AFFAIRS

### GENERAL INSTRUCTIONS FOR THE SECOND-HAND PRECIOUS METAL AND GEM DEALERS LICENSE

\*\*\*\* THE FILING OF AN APPLICATION DOES NOT CONSTITUTE PERMISSION TO OPERATE\*\*\*\*

A LICENSE MUST ACTUALLY BE IN THE POSSESSION OF THE LICENSEE  
BEFORE ANY OPERATION OR PROMOTION THEREOF BE LEGALLY CONDUCTED.

Failure to complete the required information or the giving of false information in the application may result in the denial of said application for a license or any renewal thereto, as well as cancellation, suspension or revocation in the event such license has been issued. Falsification of an official document is punishable under the law to the fullest extent. The issuance of a license is subject to verification of the requirements herein provided.

1. An application must be signed before a Notary Public and thereafter filed with this Office. If the application is made by an out-of-state individual, partnership or Corporation, you must provide a Certificate of Authority to do business in NY State, have a NY State location as well as an authorized contact person that can be reached in New York.
2. The following enclosed forms must be completed:
  - a) APPLICATION form completed and NOTARIZED by an owner or corporation principal.
  - b) DISCLOSURE: each individual, partner, officer, director, stockholder, manager and salesperson of the business must complete this form and have it NOTARIZED.
3. Two (2) professional passport (2"x2") photographs, taken within the past 6 months, MUST be submitted for:
  - a) each individual
  - b) all partners in a partnership
  - c) all corporate officers, directors and stockholders (including NY contacts for out of state corps)
  - d) all employees and/or salespersons who have the authority to estimate and/or negotiate a contract.Photos must be free of any hats and/or sunglasses. Home photos are NOT acceptable.
4. Each of the above must also submit proof of residence. This proof must be a NYS DMV Driver's License or Non-Driver ID Card AND ONE of the following only: a current utility bill (electric or home telephone), NYS Auto Registration or a copy of a current lease. Please be advised, PO Boxes are NOT acceptable.
5. You must also submit a copy of a current utility bill or a current lease to show proof of business location, if the business address is different from the home address.
6. A copy of the business phone bill showing the land line business phone number and address must be submitted. Cell phones and toll-free numbers are not permitted for this requirement. Home phones are acceptable as business numbers if you are doing business from your home.
7. All persons are required to state all criminal convictions, including DWI, DWAI and DUI, and provide an official disposition from the applicable court. A complete copy of the court case may be required.

8. Trade Names, Partnerships and Corporations.

- a) individuals using their own name or a trade name must present a certified copy of the business certificate on file in the Nassau County Clerk's Office. (ref: Blumberg form # X201)
- b) a partnership conducting business, must submit a certified copy of the partnership certificate on file in the Nassau County Clerk's Office. (ref: Blumberg form # X74)
- c) a corporation must furnish a copy of the Secretary of State's Filing receipt. The corporation must maintain a bonafide establishment at a definite location within the State of New York. If this is not a New York corporation, you must submit a Certificate of Authority to do business in New York State.
- d) If your corporation is using a DBA, you must submit an Assumed Name Certificate that has been filed with New York State authorizing you to use the name in Nassau County.
- e) All corporations must furnish the original and current corporate structure naming all principals, officers, directors and stockholders including all minutes showing changes made to the corporate structure.

NOTE: If the Corporation was formed more than 3 years ago, you must also submit a Certificate of Good Standing issued by the New York State Bureau of Corporations. (518) 473-2492.

9. A Certificate of Insurance, with Nassau County Consumer Affairs as the certificate holder, MUST be provided to show proof of liability coverage. Coverage requirements can be found on a separate sheet.

10. A Certificate of Workman's Compensation is required covering all employees (form U26 or 105.2). If you DO NOT have employees, you must submit a Certificate of Attestation Exemption (CE-200) form from the Workman's Compensation Board. The form can be obtained online at [www.wcb.state.ny.us](http://www.wcb.state.ny.us) or by calling (866) 546-9322. Please verify that you are selecting the correct form for your type of business before filling out and printing.

11. NY State law requires ALL businesses to have a Federal Employers Identification number, and a NY State Sales Tax number if you collect sales tax. You must list these numbers on your application or it will NOT be accepted. You can obtain these numbers by calling 1(800) 829-4933 for Federal and (518) 457-5431 for Sales Tax.

12. A Bond or other Surety to the County of Nassau in the sum of \$5,000.00. The bond shall be for the purpose of guaranteeing payments up to the face amount of the bond for bank drafts or other negotiable instruments issued by the licensee in exchange for precious metals and gems.

13. Only devices approved for use in trade by the New York State Department of Agriculture and Markets shall be lawful. No weighing or measuring device shall be used in the purchase or sale of precious metals or gems within Nassau County without first notifying the Nassau County Department of Consumer Affairs.

**YOU MUST CALL (516) 571-3200 TO SCHEDULE AN INSPECTION OF YOUR SCALES.**

14. You must provide this office with a copy of your Schedule of Rates and Charges.

15. All applicants must submit to a fingerprint based background check. Once your application has been received and reviewed you will be notified with instructions to be fingerprinted.

Nassau County Second-Hand Precious Metal and Gems Dealers License fees are as follows:

1. New application for a two (2) year license:	\$650.00
2. Additional location:	\$110.00
3. Duplicate copy for lost license:	\$ 55.00
4. Name changes:	\$110.00

ALL PAYMENTS MUST BE MADE BY CERTIFIED CHECK OR POSTAL MONEY ORDER  
PAYABLE TO:

**THE COUNTY OF NASSAU.**

Please be advised, ANY name change MUST be accompanied by a fully completed application in proper form, and the original current license MUST be surrendered.

The license shall be affixed in a conspicuous place at each business location.

ALL FORMS ARE TO BE COMPLETED **LEGIBLY** IN BLUE OR BLACK INK OR TYPED.  
DO NOT WHITE OUT ANY INFORMATION ON THE APPLICATION.

TWO YEAR LICENSE WILL BE MAILED TO ALL APPLICANTS  
AFTER THE APPLICATION HAS BEEN APPROVED AND PROCESSED.

**REFUNDS WILL NOT BE CONSIDERED.**



DEPARTMENT OF CONSUMER AFFAIRS

**LIABILITY INSURANCE COVERAGE  
FOR SECOND-HAND PRECIOUS METAL AND GEM DEALERS LICENSE**

Applicants must provide a current and in effect Certificate of Public Liability Insurance which includes:

Producer's name, address and phone number.

Authorized Representative Signature.

Insured's business name and address exactly as the application reads. All business locations must be listed on the certificate.

Type of insurance, policy number, policy effective and expiration dates. Such insurance shall remain in effect for the entire period for which the license is valid.

Limits of Insurance:           Public Liability and Property Damage - \$100,000/\$300,000  
  Bodily Injury - \$50,000 per occurrence  
  Combined Limit \$300,000 minimum

Certificate Holder:           Nassau County Department of Consumer Affairs  
  240 Old Country Road  
  Mineola, New York 11501

Cancellation Notice: A notice shall be sent to this office within 15 days prior to any cancellation, non-renewal, or change in coverage of a license holder's insurance policy.

SHOULD THERE BE ANY QUESTIONS REGARDING THESE INSTRUCTIONS, YOU MAY CONTACT:  
Licensing Division 516-571-3872

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**BOND/SURETY**

Applicant shall submit a bond to the County of Nassau in the sum of \$5,000.00.

Such bond shall remain in force during the entire period for which the license is valid.

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**WEIGHING & MEASURING DEVICES**

Only devices approved for use in trade by the New York State Department of Agriculture and Markets shall be lawful. No weighing or measuring device shall be used in the laundry business within Nassau County without first notifying the Nassau County Department of Consumer Affairs Weights and Measures Division.

YOU MUST CALL (516) 571-3200 TO SCHEDULE AN INSPECTION OF YOUR SCALES.



**NASSAU COUNTY**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
240 Old Country Road, Mineola, NY 11501  
Phone: (516) 571-2600  
www.nassaucountyny.gov

*FOR OFFICE USE ONLY*

**Application Fee:** \$650.00 per company  
Date Paid: \_\_\_\_\_ Receipt No.: \_\_\_\_\_  
CC/MO No.: \_\_\_\_\_  
Issued By: \_\_\_\_\_

**SECOND-HAND PRECIOUS METAL AND  
GEM DEALERS LICENSE APPLICATION**

License No: \_\_\_\_\_  
Issue Date: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Business Address: \_\_\_\_\_ Business Phone: \_\_\_\_\_  
\_\_\_\_\_ Cell Phone: \_\_\_\_\_

Assumed name of Corporation (If any): \_\_\_\_\_

Mailing Address: \_\_\_\_\_ If different than business  
\_\_\_\_\_ address.

**For any supplemental location, an additional \$110.00 fee is required.**

Business Address: \_\_\_\_\_ Business Phone: \_\_\_\_\_  
\_\_\_\_\_ Cell Phone: \_\_\_\_\_

**EACH INDIVIDUAL OWNER, OFFICER, PRINCIPAL ETC. MUST BE LISTED.**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Home Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
\_\_\_\_\_ Signature: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Home Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
\_\_\_\_\_ Signature: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Home Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
\_\_\_\_\_ Signature: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Home Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
\_\_\_\_\_ Signature: \_\_\_\_\_

ALL EMPLOYEES AND SALESPERSONS WHO HAVE AUTHORITY TO ESTIMATE, NEGOTIATE AND/OR FINALIZE CONTRACTUAL AGREEMENTS MUST BE LISTED BELOW, AND ARE REQUIRED TO SUBMIT DISCLOSURE FORMS, PHOTOS, IDENTIFICATION AND PROOF OF HOME ADDRESS. (All non-employees used as sub-contractors must have in their possession a valid Nassau County License.)

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Home Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Home Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Home Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Signature: \_\_\_\_\_

Description of business being conducted: \_\_\_\_\_

(Use additional sheet if necessary)

**ALL QUESTIONS ARE APPLICABLE TO APPLY FOR A NASSAU COUNTY  
LICENSE AND MUST BE ANSWERED.**

(1) a) Has any trade license ever been denied, cancelled, suspended or revoked? \_\_\_\_\_

b) If yes, explain. \_\_\_\_\_

(2) a) Have you ever held any Nassau County License previously? \_\_\_\_\_

b) If yes, please state number(s). \_\_\_\_\_

c) Do you or have you held a license in any other municipality? \_\_\_\_\_

If yes, please submit a copy of the license with your application.

(3) a) Have you ever had any contact with this agency or any other governmental agency regarding consumer complaints? \_\_\_\_\_

b) If yes, state when, where and how resolved. \_\_\_\_\_

continued

- (4) If the business has employees, you are required to have Workmen's Compensation Insurance.

Name of Ins. Co: \_\_\_\_\_ Policy Number: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

If the business does NOT have employees, you are required to write "NO EMPLOYEES", and submit a current, signed and dated waiver from the Workman's Compensation Board. \_\_\_\_\_

- (5) Surety Bond Insurance (if applicable): Amount of Bond: \_\_\_\_\_

Name of Ins. Co: \_\_\_\_\_ Policy Number: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

- (6) YOU ARE REQUIRED TO SUBMIT TO THIS OFFICE YOUR BUSINESS':

- a) Federal Employers' Identification No. \_\_\_\_\_
- b) NY State Employers' Identification No. \_\_\_\_\_
- c) NY State Sales Tax Identification No. \_\_\_\_\_

In consideration of being granted the license hereby applied for, it is agreed that the applicant will comply with the rules and regulations of the Department of Consumer Affairs that are now in force or that may in the future be promulgated. PENALTY FOR FALSIFICATION: Falsification of any statement made herein is an offense punishable by a fine, and/or revocation or denial of license and criminal action.

**YOU ARE REQUIRED TO NOTIFY THIS OFFICE IN WRITING WITHIN 10 DAYS OF ANY CHANGE IN OWNERSHIP, OPERATION OR CHANGE OF ADDRESS WITH RESPECT TO YOUR CORPORATION AND/OR STOCKHOLDERS, PARTNERSHIP OR INDIVIDUAL BUSINESS**

**\*Failure to do so may result in revocation of license\***

\_\_\_\_\_  
Applicant Signature

Sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public



DEPARTMENT OF CONSUMER AFFAIRS

**DISCLOSURE FORM - This form is to be completed by each individual owner, partner, officer, principal, director and stockholder (holding more than 5% of the outstanding stock), sales representative, manager, and any other person that negotiates with a consumer. All applicants will be fingerprinted. Fingerprints will be submitted to DCJS for a criminal background check.**

TYPE OR PRINT CLEARLY IN BLACK OR BLUE INK.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Home Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Signature: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

DMV ID No.: \_\_\_\_\_ Social Security No.: \_\_\_\_\_ DOB: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Sex: \_\_\_\_\_

**ALL QUESTIONS MUST BE ANSWERED ACCURATELY AND TO THE BEST OF THE APPLICANT'S KNOWLEDGE UNDER PENALTY OF LAW.**

**IF YOU ANSWER "YES" TO ANY OF THE FOLLOWING, YOU MUST PROVIDE CERTIFIED COPIES OF COURT DISPOSITIONS AND WRITTEN EXPLANATION FOR ALL CHARGES. A COPY OF THE COURT CASE(S) MAY BE REQUIRED.**

HAVE YOU EVER BEEN CONVICTED OF A CRIME? ☐ Yes ☐ No

DO YOU CURRENTLY HAVE ANY CRIMINAL CHARGES PENDING AGAINST YOU? ☐ Yes ☐ No

DO YOU HAVE ANY CHILD SUPPORT ORDER(S)? IF YES, YOU MUST SUBMIT A COPY OF THE ORDER AND PROOF THAT ALL SCHEDULED PAYMENTS ARE BEING MADE. ☐ Yes ☐ No

DO YOU HAVE ANY JUDGMENTS, LIENS OR TAX WARRANTS ☐ Yes ☐ No

DO YOU CURRENTLY HAVE OR HAVE YOU EVER HAD A SECOND-HAND PRECIOUS METAL & GEM DEALERS LICENSE ISSUED BY ANY OTHER MUNICIPALITY? [IF "YES", LIST INFO BELOW] ☐ Yes ☐ No

\_\_\_\_\_  
MUNICIPALITY

\_\_\_\_\_  
LICENSE NUMBER

\_\_\_\_\_  
EXPIRATION DATE

\_\_\_\_\_  
MUNICIPALITY

\_\_\_\_\_  
LICENSE NUMBER

\_\_\_\_\_  
EXPIRATION DATE



DEPARTMENT OF CONSUMER AFFAIRS

EACH INDIVIDUAL OWNER, PARTNER, OFFICER, DIRECTOR AND STOCKHOLDER (HOLDING MORE THAN 5% OF THE OUTSTANDING STOCK) MUST SUBMIT THIS AFFADAVIT WITH THE APPLICATION

AFFADAVIT OF APPLICANT  
FOR SECOND-HAND PRECIOUS METAL AND GEM DEALERS LICENSE

I, \_\_\_\_\_ having been duly sworn, as \_\_\_\_\_  
of \_\_\_\_\_  
\_\_\_\_\_ *Print Full Name* *Title*  
\_\_\_\_\_ *Name of Business*  
having been duly sworn, depose and state that:

- a) I have examined this application and to the best of my knowledge, all information and answers herein are true, correct and complete.
- b) I certify that my age is at least 18 years.
- c) I understand and agree that the fees paid with this application are non-refundable and that the payment of these fees does not guarantee the issuance of a license.
- d) I am required to notify this office in writing within ten (10) days of any change in address.
- e) In consideration of being granted the license hereby applied for, it is agreed that the applicant will comply with the rules and regulations of the Department of Consumer Affairs that are now in force or that may in the future be promulgated. The Rules and Regulations can be viewed at [www.nassaucountyny.gov/agencies/oca/Legal/laws](http://www.nassaucountyny.gov/agencies/oca/Legal/laws).
- f) No weighing or measuring device shall be used in the purchase or sale of precious metals or gems within Nassau County without first notifying the Department of Consumer Affairs of its intended use. This is to include new, used, repaired devices or devices which have been moved from the location where they were originally tested and sealed, either within or outside of the County of Nassau.
- g) By the close of the business day shall keep a written and electronic record in machine-readable format in a form prescribed by the Commissioner.
- h) The Commissioner may at any time request any additional information that she deems fit and appropriate in order to properly assess the eligibility of any applicant for Nassau County Second-Hand Precious Metal and Gem Dealers License
- i) I understand that, pursuant to §210.45 of the NYS Penal Law, it is a crime punishable as a Class "A" misdemeanor to knowingly make a false statement herein.

**PENALTY FOR FALSIFICATION:** Falsification of any statement made herein is an offense punishable by a fine, and/or revocation or denial of license and criminal prosecution by the Office of the District Attorney.

**MUST BE NOTARIZED**

Sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Applicant Printed Name)

\_\_\_\_\_  
Notary's Signature

\_\_\_\_\_  
(Applicant Signature)



DEPARTMENT OF CONSUMER AFFAIRS

**RULES & REGULATIONS RELATING TO  
SECOND-HAND PRECIOUS METALS AND GEM DEALERS**

BY VIRTUE OF THE AUTHORITY VESTED IN ME UNDER THE PROVISIONS OF THE NASSAU COUNTY ADMINISTRATIVE CODE TITLE D-1 §21-11.7(4), I HEREBY PROMULGATE THE FOLLOWING REGULATIONS RELATING TO SECOND-HAND PRECIOUS METALS AND GEM DEALERS.

**1. Use of License Number and Company Name.**

- (a) All display advertising and promotional literature shall contain the licensee's license number as printed on the license.
- (b) All display advertising and promotional literature shall contain the licensee's full company name as printed on the license.
- (c) No Second-Hand Precious Metals and Gem Dealers shall permit his/her license and/or license number to be used by another.

**2. Commercial Practices.**

- (a) Representations and illustrations of products or services offered to the public shall be accurately represented in all advertisements or descriptive material.
- (b) Materials to be furnished shall be accurately described.
- (c) Warranty or Guarantee. Where reference is made to a warranty or guarantee, such warranty or guarantee shall be clearly disclosed including the subject of the warranty or guarantee and the terms and requirements, if any.
- (d) Price Reductions. All references to a price reduction or savings must be based on the usual and customary selling price of the item in the regular course of business. Such statements or representations shall not be based upon fictitious prices or infrequently used prices.
- (e) Pricing. Where a price is quoted which does not include cost for labor, parts or accessories necessary for the proper functioning or appearance of a product or service, then said extra cost shall be prominently noted in conjunction with the price quoted. (e.g. "necessary accessories at extra cost.")
- (f) Fingerprinting. Individual owner(s) (sole proprietorship), general partners (partnership), officers, directors and stockholders holding more than five percent (5%) of the outstanding stock (corporation) are required to submit to fingerprinting. All fees are to be paid by applicant.

**3. Form of Bonds.**

The bond or other surety to the County of Nassau as required under §21-27.4(3) must be in such form as is acceptable to the County Attorney.

**4. Lost or Misplaced Licenses.**

Any dealer who should misplace or lose his/her Second-Hand Precious Metal and Gem Dealers License shall immediately file an affidavit of loss with the Department of Consumer Affairs. The fee for the issuance of a replacement license is Fifty Five (\$55.00) dollars.

**5. Age Qualification.**

In order to obtain a Second-Hand Precious Metals and Gem Dealers License from the Nassau County Department of Consumer Affairs, the applicant must be eighteen (18) years of age.

**6. Insurance.**

All Second-Hand Precious Metals and Gem Dealers shall submit proof of insurance to the Department of Consumer Affairs for each year of the license and must contain the license number and expiration date of the license on the form or on an attached cover letter.

**7. Hearings and Decisions.**

(a) Notice. No license shall be revoked until after a hearing before an officer or employee of the Commissioner designated for such purpose, upon at least ten (10) days written notice to licensee except as provided for in this section. The notice shall be served by registered or certified mail and shall state the date and place of hearing and set forth the ground(s) constituting the charges against the licensee. If licensee fails to attend the hearing, the Commissioner shall revoke the license of said licensee.

(b) Suspension of License. Any person who fails to pay any such fine, penalty or pending compliance of any Order imposed by the provisions of this Title, shall be subject to suspension of his/her license.

**8. Restrictions.**

(a) The Department of Consumer Affairs must be notified prior to a change of any weighing or measuring device.

(b) Only devices for use in trade which have been approved by the New York State Department of Agriculture and Markets shall be lawful.

(c) New York Agriculture and Markets Law Article 16, Section 182. No person shall use, for the purpose of determining weight, quantity or price of any commodity sold, or offered or exposed for sale, any new, used or repaired weighing or measuring device or system, or accessory related thereto, unless he/she has first notified the Commission by written notice.

**9. Unlicensed Dealing in Second-Hand Precious Metals and Gems.**

(a) Upon the service of a notice of violation upon, any person for the alleged violation of §21-27.2 (Unlicensed Dealing in Second-Hand Precious Metal and Gems), a police officer, the Commissioner, or his or her designated representative are required to effect the immediate closure of any business, which may be effected by either padlocking or otherwise securing the business premises at which the violation occurred, or, in the event the unlawful activity occurred at another location, such as a flea market, fair, bazaar, or religious or charitable organization function, by taking possession of the inventory of the person accused of unlawfully engaging in business as a second-hand precious metal or gem dealer.

(b) The Commissioner or a designee of the Commissioner shall hold a hearing to adjudicate the violation underlying the charges and the closure of the business or taking of inventory within five (5) business days of the date of the arrest or issuance of a notice of violation that resulted in the closing of the business or taking of inventory. The sole issue to be considered at such hearing is whether or not there was a violation of §21-27.2 and, if so, the amount of fines and/or civil penalties to be imposed.

(c) Following an adjudication that has resulted in a determination that a person has unlawfully engaged in business as a second-hand precious metal or gem dealer, the business premises may be released to that person, and/or in the event that business inventory was taken, the inventory may be released to that person, but only upon payment of all applicable fines and civil penalties and all reasonable costs of removal and storage incurred in enforcing this provision. If such adjudication results in a determination that the accused has not unlawfully engaged

in business as a second-hand precious metal or gem dealer, such business premises or business inventory will be released to such person as soon as practicable.

(d) Notwithstanding the provisions of numbers (b) and (c) above, no business premises shall be unlocked or inventory returned to such person unless and until such person submits an application for a license to engage in business as a second-hand precious metal or gem dealer in Nassau County.

#### **10. Adjudication of Violations.**

(a) A fine may be imposed pursuant to §21-27.16 for violations of the provisions of Article D-18 (other than violations of §21-27.2) only after a hearing before an officer or employee of the Commissioner, designated for such purpose by the Commissioner, upon notice to the licensee of at least ten (10) days. If the accused has not been previously served with a notice of violation, the notice shall be served upon the accused by registered or certified mail and shall state the date and place of hearing and set forth the ground or grounds constituting the charges against the licensee. The licensee shall be heard in his defense either in person or by counsel and may offer evidence on his behalf. The Commissioner or any officer or employee of the department designated by the Commissioner may administer oaths, take testimony, subpoena witnesses and compel the production of book, papers, records and documents deemed pertinent to the subject of investigation. If the licensee fails to attend such hearing, the hearing officer or other designee shall impose the maximum fine or civil penalty permitted under § 21-27.16.

(b) The Commissioner shall review such findings and the recommendation and, after due deliberation, shall issue a final order accepting, modifying or rejecting such recommendation.

(c) Any fine imposed as a result of such final decision of the Commissioner shall be payable to the County of Nassau, in the manner and within the time specified by the order.

(d) Any fine authorized by § 21-27.15 may be waived or compromised by the Commissioner or his designated representative in the best interests of the County.

#### **11. Revocation and Suspension Hearings.**

(a) Before an issued license is suspended or revoked pursuant to the authority granted the Commissioner under §21-27.7 (1), (2) or (3), the licensee shall, by registered or certified mail, be informed of the alleged violation and be directed to appear at a hearing to show cause why the license should not be suspended or revoked as the case may be. A hearing shall be conducted before an officer or employee of the Commissioner designated for such purpose by the Commissioner upon notice to the licensee of at least ten (10) days. If the accused has not been previously served with a notice of violation, the notice shall be served upon the accused by registered or certified mail and shall state the date and place of hearing and set forth the ground or grounds constituting the charges against the licensee. The licensee shall be heard in his defense either in person or by counsel and may offer evidence on his behalf. The Commissioner, or any officer or employee of the department designated by the Commissioner, may administer oaths, take testimony, subpoena witnesses and compel the production of book, papers, records and documents deemed pertinent to the subject of investigation. If the licensee fails to attend such hearing, the hearing officer or other designee shall recommend that the licensee's license be revoked.

(b) Following the hearing, the Commissioner shall issue an initial determination as provided in §21-27.6 (4) based upon the hearing officer's recommendation. Any sanction to be imposed shall take effect ten days after service of the decision upon the licensee by certified or registered mail.

(c) In the event that the licensee seeks a formal hearing pursuant to the provisions of §21-27.7(5), the imposition of the sanction imposed shall be deemed stayed pending the formal hearing and issuance of the Final Determination of the Commissioner. The sanction, if any, will be reinstated and deemed final and binding upon the licensee ten (10) days from the service of the Commissioner's Final Determination by either registered or certified mail.