



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana

DEPARTMENT OF JUSTICE

P.O. BOX 94005

BATON ROUGE

70804-9005

July 30, 2012

Louisiana Auctioneers Licensing Board
Attn: Sandy Edmonds
11736 Newcastle Avenue, Bldg. 2, Suite C
Baton Rouge, Louisiana 70816

Re: LALB Case No. 12-002 (Charles G. "Jerry" Rosato)

Dear Ms. Edmonds,

Enclosed you will find the Findings of Fact and Conclusions of Law from the adjudicatory hearing referenced above conducted by the Board on July 16, 2012. Please forward a copy to Ms. Dow and Mr. Rosato at your earliest convenience.

The Findings of Fact and Conclusions of Law from the other case heard on July 16, 2012 will be forwarded to you separately.

If you have any questions, please do not hesitate to contact me.

Yours very truly,

JAMES D. "BUDDY" CALDWELL
Attorney General

BY: Lindsey K. Hunter
Lindsey K. Hunter
Assistant Attorney General

JDC/LKH/chb

**LOUISIANA AUCTIONEERS
LICENSING BOARD**

DOCKET NO. 12-002

VERSUS

**LOUISIANA AUCTIONEERS
LICENSING BOARD**

**CHARLES G. "JERRY" ROSATO
LICENSE NO. 387**

STATE OF LOUISIANA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Louisiana Auctioneers Licensing Board (the "Board") held an Administrative Adjudicatory Hearing in this matter on July 16, 2012. A quorum of the Board was present. Lindsey Hunter, an Assistant Attorney General appointed to act as hearing officer was present. The Louisiana Auctioneers Licensing Board was represented by Anna E. Dow. Respondent chose not to make an appearance on the record, be sworn in, or participate in any way in the hearing and he left the building.

After receiving the evidence presented, the Board made the following findings of fact:

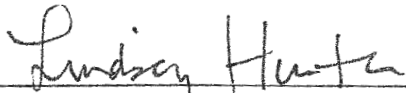
On or about March 9, 2012, Mr. Rosato conducted an auction and failed to pay all or part of the monies due to the consignor as a result of a sale within the time period allowed by law. The evidence further showed that although paid untimely, the consignor had been paid in full as of July 16, 2012.

Based upon the evidence presented and considering the law, the Commission concluded that Mr. Rosato violated La. R.S. 37:3125(B), which provides that every auctioneer shall pay the consignor within thirty days from the receipt of funds, or within sixty days from the date of sale at auction, whichever is lesser, or alternatively return to the consignor by that time, all property purchased by not yet paid for, except as provided in Paragraph A(2) of this La. R.S. 37:3125, and render a full account of all sales and all property entrusted to him for sale by anyone employing

his services when the owner of such money or property demands an accounting. Respondent's failure to timely pay the monies due as a result of the sale at auction is a violation of La. R.S. 37:3125.

After making the findings of facts and conclusions of law, the Board imposed a penalty of \$1,500.00 for violating La. R.S. 37:3125 and ordered that payment of that penalty be made no later than 30 days from the date of the adjudicatory hearing. The Board also voted to place Mr. Rosato on supervised probation for a period of twelve months starting from the date of the hearing. While on supervised probation, Mr. Rosato must turn over all records to Ms. Sandy Edmonds within ten business days after each auction he conducts.

Signed this 30th day of July, 2012 at Baton Rouge, Louisiana.



LINDSEY K. HUNTER
HEARING OFFICER

COMPLAINANT INFORMATION:

NAME: Cheryl Hammer

ADDRESS: 1004 Philip Street, New Orleans, LA 70130

PHONE NUMBERS: HOME (504) 598-9648 ^{cell} WORK (504) 256-3589

DID YOU HAVE A WRITTEN CONTRACT WITH THE AUCTIONEER?

YES NO

If yes, attach copy of contract.

ATTEMPTS TO RESOLVE THE PROBLEM:

What attempts, (if any) have been made to resolve this complaint prior to filing with the board?

Please see letter.

Date of demand letter(s) (if any) asking for refund or other demand: _____
(Attach copies of any correspondence)

Date of formal complaint (if any) filed in any court: _____
(Attach copies of documents)

Response (if any) by Auctioneer or Business: _____
(Attach copies of any correspondence)

Are you willing to appear before the Board at a formal hearing on this matter? YES NO

Filling out this form with as much information as is known will expedite the investigation of your complaint.

Please sign this document and mail it along with copies of supporting documents.

The complainant states that he/she is the complainant in the foregoing complaint and that all of the allegations contained therein are true and correct to the best of Complainant's knowledge, information and belief.

Cheryl S. Hammer
COMPLAINANT'S SIGNATURE

5/25/12
DATE

Cheryl S. Hauver
1004 Philip Street
New Orleans, LA 70130
Telephone (504)256-3589
E-mail hauverc@bellsouth.net

June 7, 2012

Louisiana Auctioneer Licensing Board
11736 Newcastle Avenue
Bldg. 2, Suite C
Baton Rouge, LA 70816

To whom it may concern:

This is an attachment to the Consumer Complaint Form enclosed.

My father, Robert L. Santa Cruz, and I contacted Charles "Jerry" Rosato on the recommendation of Adam Lambert of Crescent City Auction House, an auctioneer who family members have placed auction items with for many years. We were seeking an auctioneer who would assist us in selling items from the family's former antique and collectibles business.

Mr. Rosato met with us at our former residence at 5111 MacArthur Boulevard, New Orleans, LA 70131, on February 11, 2012, to pick up the items to be auctioned. He and his two assistants loaded the boxes onto a delivery truck to take to his auction house, Hampshire House Auction Gallery, located at 2441 Florida Avenue, Kenner, Louisiana 70065.

We were in contact with Mr. Rosato over the next month concerning the scheduling of the auction and also we had additional items to be entered into the auction. We visited the auction house and signed a contract with Mr. Rosato on February 13, 2012. We attended the auction which was held on March 9, 2012 at 6:00 p.m. I have attached the list of items from the auction and have annotated those that I believe were from our family. There were items from other consignees in the auction but approximately 75% of the items belonged to us. The auction ended at approximately 10:15 p.m. even though all of our items had not been put up for bid. Mr. Rosato said that they would be held for the next auction.

Mr. Rosato returned to our house again on April 1, 2012 to collect the final items for the next auction. At that time he stated that the next auction date would be in the middle of May. My father asked about the payment from the first auction and Mr. Rosato said that he would have his wife make out the check and send it to us at the end of the week. The contract states that the payment for the auction items will be sent within 30 days of the auction. We did not receive the check even though it had been over five weeks since the auction. My father and I made numerous attempts to contact Mr. Rosato on his cell phone, which is the only telephone number he provided.

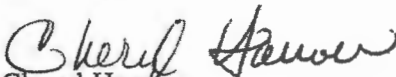
Mr. Rosato did answer his telephone on May 2, 2012. He informed me that he had a check for \$5,800 for our portion of the items that were auctioned. I asked him to mail the check. To date, we have not received the check and Mr. Rosato does not answer his phone and his voicemail box does not accept messages.


During our telephone conversation in May, Mr. Rosato told me that the next auction was scheduled for Saturday, May 19, 2012, at 10:00 a.m. We went to the auction house that morning and there was no one there at the building. Our remaining items for auction are still at the auction house, as far as we know.

We are asking your assistance in obtaining our payment from the auction held on March 9, 2012. We would also request that our unsold items be returned to us. We are also willing to be witnesses in any court proceedings against Mr. Rosato. I will be forwarding a copy of this letter to Mr. Rosato.

Thank you for your assistance in this matter.

Sincerely,


Cheryl Haufer


Robert Santa Cruz

Attachments

Contract
Auction Listing



AUCTIONEER CONSUMER COMPLAINT FORM

THIS FORM IS TO BE USED IF YOU ARE FILING A COMPLAINT AGAINST A LICENSED AUCTIONEER BECAUSE HE OR SHE HAS VIOLATED A STATUTE, RULE OR ORDINANCE. PLEASE FILL OUT THE FORM AND RETURN IT TO THE ADDRESS STATED ON THE FORM.

THIS COMPLAINT IS FILED AGAINST THE INDIVIDUAL/BUSINESS BELOW:

AUCTIONEER'S NAME: Jerry Rosato
 LICENSE # (if known): not known
 ADDRESS: 2441 Florida Ave Kenner, La. 70062-5707
 PHONE NUMBER(S): 423-202-6245 504-469-2341
 COMPANY NAME: Hampshire House
 PHONE NUMBER(S): _____

PLEASE STATE THE EXACT NATURE OF YOUR COMPLAINT INCLUDING DATES.

Give as much detail as possible. You may attach a separate sheet if necessary.

5 pcs. Calceum pattern (1 pc. luggage (with travel stickers))
1 brown leather print (2 women) 1 travel poster 1 calendar

All of the above listed items were left at Hampshire House office
on October 28, 2011. It was told that all items were sold
at several auctions. I have not received a copy of price
paid or could see if I have not received any money. None
of the items have been returned.



AUCTIONEER CONSUMER COMPLAINT FORM

THIS FORM IS TO BE USED IF YOU ARE FILING A COMPLAINT AGAINST A LICENSED AUCTIONEER BECAUSE HE OR SHE HAS VIOLATED A STATUTE, RULE OR ORDINANCE. PLEASE FILL OUT THE FORM AND RETURN IT TO THE ADDRESS STATED ON THE FORM.

THIS COMPLAINT IS FILED AGAINST THE INDIVIDUAL/BUSINESS BELOW:

AUCTIONEER'S NAME: Jerry Rosato
 LICENSE # (if known): not known
 ADDRESS: 2441 Florida Ave Kenner, La. 70062-5707
 PHONE NUMBER(S): 423-202-6245 504-469-2341
 COMPANY NAME: Hampshire House
 PHONE NUMBER(S): _____

PLEASE STATE THE EXACT NATURE OF YOUR COMPLAINT INCLUDING DATES.
 Give as much detail as possible. You may attach a separate sheet if necessary.

5 pcs. Louisiana pottery (1 pc. luggage (with travel stickers))
1 framed fashion print (2 women) 1 travel poster 1 Christmas

All of the above listed pieces were left at Hampshire House office
on October 28, 2011. It was told that all pieces were sold
at several auctions. I have not received a copy of pieces
paid for each piece. I have not received any money. None
of the items have been returned.

COMPLAINANT INFORMATION:

NAME: Joan Bostick

ADDRESS: 1027 Claret St. New Orleans 70117

PHONE NUMBERS: HOME 504-949-2508 ^{Cell} WORK -504-458-4236

DID YOU HAVE A WRITTEN CONTRACT WITH THE AUCTIONEER?

YES NO

If yes, attach copy of contract.

ATTEMPTS TO RESOLVE THE PROBLEM:

What attempts, (if any) have been made to resolve this complaint prior to filing with the board?

Text messages at 423-203-6245 April 8 - April 7 - April 5, April 2,

March 31 -

Phone call March 26, 2012

Date of demand letter(s) (if any) asking for refund or other demand: April 7, 2012
(Attach copies of any correspondence)

Date of formal complaint (if any) filed in any court: none
(Attach copies of documents)

Response (if any) by Auctioneer or Business: none
(Attach copies of any correspondence)

Are you willing to appear before the Board at a formal hearing on this matter? YES NO

Filling out this form with as much information as is known will expedite the investigation of your complaint.

Please sign this document and mail it along with copies of supporting documents.

The complainant states that he/she is the complainant in the foregoing complaint and that all of the allegations contained therein are true and correct to the best of Complainant's knowledge, information and belief.

Joan B Bostick
COMPLAINANT'S SIGNATURE

4-20-12
DATE

1022 Clouet St
New Orleans, La

4-7-12

Mr Rocato -

I've called you several times regarding
the 9 items I left at your shop on 10-28-11
Have also sent text messages as well.
To date I have not received any payment
nor the merchandise returned to me. Please
advise. Receipt ^{copy} is attached.

Jean Bastick

**LOUISIANA AUCTIONEERS LICENSING BOARD
NOTICE OF FAILURE TO COMPLY**

Charles "Jerry" Rosato, License Number 387

April 28, 2012

**TO: Charles "Jerry" Rosato
Hampshire House
34 Normandy Drive
Kenner, LA 10062-5707**

You may have failed to comply with the Louisiana Auctioneers Licensing Statute as follows:

A complaint has been filed against you by Joan Bostick, regarding the sale of certain items by your auction. A copy of that complaint is attached for your response.

Specifically, the complaint states that you took various pieces of California pottery and other items on consignment, which were sold but the consignor was not paid for these sales.

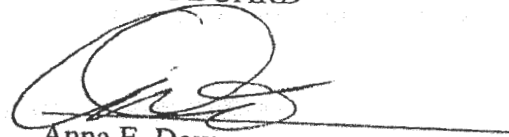
These acts may be a violation of the Louisiana Auctioneers Licensing Statute, specifically Section 3125 (B), which states

B. Every auctioneer shall pay the consignor within thirty days from the receipt of funds, or within sixty days from the date of sale at auction, whichever is lesser,* or alternatively return to the consignor by that time, all property purchased but not yet paid for, except as provided in Paragraph A(2) of this Section, and render a full account of all sales and all property entrusted to him for sale by anyone employing his services whenever the owner of such money or property demands an accounting. Each auctioneer, surety on his bond, and auction house shall be liable in solido to the owner of goods thereof for all money and property coming into the auctioneer's hands or the hands of the auction house which is unaccounted for.

Pursuant to Section 961(C) of Title 49, the Administrative Procedure Act, you have fifteen (15) days in which to show that you have complied with the requirements of the Louisiana Auctioneers Licensing Act. Please address any responses which you have to the Louisiana Auctioneers Licensing Board, 11736 Newcastle Avenue, Building 2, Suite C, Baton Rouge, Louisiana 70816.

Charles "Jerry" Rosato
Notice of Noncompliance
Page Two

FOR THE BOARD



Anna E. Dow
Attorney

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Complaint Attached



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THIS COMPLAINT IS FILED AGAINST THE INDIVIDUAL/BUSINESS BELOW:

AUCTIONEER'S NAME: Jerry Rocato

LICENSE # (if known): not known

ADDRESS: 2441 Florida Ave Kenner, La. 70062-5707

PHONE NUMBER(S): 423-202-6245 504-469-2341

COMPANY NAME: Hamshire House

PHONE NUMBER(S): _____

PLEASE STATE THE EXACT NATURE OF YOUR COMPLAINT INCLUDING DATES.

Give as much detail as possible. You may attach a separate sheet if necessary.

5 pcs. California pottery (Dpc. luggage (with travel stickers))
Chained fashion print (2 women) Dunant poster (D. Chardler)

All of the above listed pieces were left at Hamshire House office on October 28, 2011. I was told that all pieces were sold at several auctions. I have not received a copy of price paid for each piece. I have not received any money. None of the items have been returned.

COMPLAINANT INFORMATION:

NAME: Jean Bostick

ADDRESS: 1022 Claret St. New Orleans, 70117

PHONE NUMBERS: HOME 504-949-2508 ^{Cell} WORK 504-458-4230

DID YOU HAVE A WRITTEN CONTRACT WITH THE AUCTIONEER?

YES NO

If yes, attach copy of contract.

ATTEMPTS TO RESOLVE THE PROBLEM:

What attempts, (if any) have been made to resolve this complaint prior to filing with the board?

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March 3, -
Phone call March 26, 2012

Date of demand letter(s) (if any) asking for refund or other demand: April 7, 2012
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Date of formal complaint (if any) filed in any court: none
(Attach copies of documents)

Response (if any) by Auctioneer or Business: none
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Are you willing to appear before the Board at a formal hearing on this matter? YES NO

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The complainant states that he/she is the complainant in the foregoing complaint and that all of the allegations contained therein are true and correct to the best of Complainant's knowledge, information and belief.

Jean B Bostick
COMPLAINANT'S SIGNATURE

4-20-12
DATE