



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

October 1, 2010

Louisiana Auctioneers Licensing Board
Attn: Sandy Edmonds
5222 Summa Ct., Suite 352
Baton Rouge, Louisiana 70809-37273

Re: LALB Case No. 10-002

Dear Ms. Edmonds,

Enclosed you will find the Findings of Fact and Conclusions of Law from the adjudicatory hearing conducted by the Board in the matter of Charles G. "Jerry" Rosato (License No. 387).

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

Yours very truly,

JAMES D. "BUDDY" CALDWELL
Attorney General

BY: Richard L. McGimsey
Richard L. McGimsey
Director, Civil Division

JDC/RLM/dam

cc: Anna E. Dow
Charles G. "Jerry" Rosato

**LOUISIANA AUCTIONEERS
LICENSING BOARD**

DOCKET NO. 10-002

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 September 20, 2010. A quorum of the Commission was present. Richard L. McGimsey, an Assistant Attorney General appointed to act as hearing officer was present. The Louisiana Auctioneers Licensing Board was represented by Anna E. Dow. Respondent was present and was not represented by counsel.

After receiving the evidence presented, including exhibits and testimony, the Board made the following findings of fact:

On or about August 29, 2009, Mr. Rosato failed to pay all or part of the monies due as a result of a sale. Specifically, the evidence showed Mr. Rosato failed to pay the sum of \$6,512.98 from proceeds of the estate sale he handled for complainant's mother within sixty days from the date of sale at auction. The evidence showed that respondent owed the complainant \$6,775.00 for the property Mr. Rosato purchased from the estate. The evidence further showed that Mr. Rosato has made full payment to the complainant although said payment was untimely pursuant to La. R.S. 37:3125.

Based upon the evidence presented and considering the law, the Commission concluded that Mr. Rosato violated La. R.S. 37:3125, 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 \$500.00 for violating La. R.S. 37:3125 and ordered that payment of that penalty be made no later than 60 days from the date of the adjudicatory hearing. The Board also voted to lift the suspension of Mr. Rosato's license (license number 387) effective from the date of the adjudicatory hearing.

Signed this 30th day of September, 2010 at Baton Rouge, Louisiana.

Richard L. McGimsey

RICHARD L. MCGIMSEY
HEARING OFFICER

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**CHARLES G. "JERRY" ROSATO
LICENSE NUMBER 387**

STATE OF LOUISIANA

JUDGMENT

This matter having come on for hearing on the 20th day of September, 2010, on a complaint filed by Thomas Burns herein against licensee CHARLES G. "JERRY" ROSATO, License Number 387, after a hearing on the matter, the complainant not being present, but testimony having been heard on the matter, there being findings of fact and conclusions of law reached, it is hereby

ORDERED, ADJUDGED AND DECREED that the licensee CHARLES G. "JERRY" ROSATO, License Number 387, violated LSA-R.S. 37:3125; and it is further

ORDERED, ADJUDGED AND DECREED that the licensee CHARLES G. "JERRY" ROSATO is hereby ordered to pay a fine of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) for violating LSA-R.S. 37:3125, said fine to be paid within 60 days of the hearing date of September 20, 2010; it is further

ORDERED, ADJUDGED AND DECREED that the suspension of the license issued to CHARLES G. "JERRY" ROSATO is hereby lifted, effective from the date of the hearing, September 20, 2010.

BATON ROUGE, LOUISIANA, this ____ day of October, 2010.



J. KENNETH COMER, JR.
CHAIRMAN