

Program Administrative Rule LIC-10.03

Reporting of Regulated Property Transactions

A. If paper forms are approved for use by the Portland Police Bureau, the Bureau will provide all Dealers with transaction reports at cost. The Chief of Police may specify the size, shape and color of the transaction report. The Chief of Police may require the transaction reports to include any information relating to the regulations of this Chapter. Dealers may utilize their own forms, in lieu of those supplied by the Police Bureau, if the Chief of Police has approved such forms. The Declaration of Proof of Ownership is considered to be included in references in this Chapter to the transaction reports, as appropriate.

B. When receiving regulated property, the Dealer must obtain acceptable identification from the seller. The Dealer must verify that the photograph is a photograph of the seller. The Dealer must record the seller's current residential address and thumbprint on the transaction report and have the seller complete the Declaration of Proof of Ownership. When a Dealer conducts multiple pawn transactions with a customer during a single visit, the Dealer is only required to obtain a copy of the pawner's acceptable identification and thumbprint for one of the pawn transactions during that visit.

C. At the time of the transaction, the Dealer must record on the transaction report a complete, legible and accurate description of the regulated property of sufficient detail to distinguish like objects one from the other.

1. New items. If an item is new, the Dealer must include the word "new" in the property description.

2. Jewelry. If the transaction report for the acquisition of jewelry is accompanied by an electronic photograph that clearly shows the item(s), the description of the item(s) may be limited to the category (e.g. "ring"), gender, type, color and karatage of metal (if stamped), cut and color of the stones in each piece, and any inscriptions or identifiable markings.

3. Precious metal scrap. If the transaction report for the acquisition of precious metal scrap is accompanied by an electronic photograph that clearly shows the individual item(s), the description of the item(s) may be limited to the number, category, type, and color of the metal.

4. Found property. If an item being sold or pawned is found property, the Dealer must include the word "found" in the property description.

D. The Dealer must complete the transaction report in its entirety. The identity of the individual completing the report must be included on the transaction report. Transaction reports must be completed in legible English.

E. Declaration of Proof of Ownership.

1. Acquisitions. The seller must legibly complete the Declaration of Proof of Ownership. The employee must obtain the digital print (identifiable) of the seller's right thumb (left if right unavailable) at the time of the transaction. Thumbprints and the information on the Declaration of Proof of Ownership may be produced using a paper format with prior approval of the process from the Chief of Police. Paper copies of Declarations of Proof of Ownership must be retained by the Dealer for three years.

2. Pawn Transactions. The Dealer must ask the customer to indicate how long they have possessed each item. The answer must be entered by the Dealer into the pawnbroker's point of sale software program.

F. A Dealer may provide a description of any motor vehicle (including license number) identified as used in the delivery of regulated property and record the description and license number next to the seller's thumbprint.

G. Transaction reports are designed to assist in the investigation of the theft of property. Therefore, additional reporting for Dealers includes unregulated property that is identifiable with markings indicating apparent ownership. Any such items will not count towards the 50 items per year regulated property purchase limitations for Occasional Secondhand Dealers.

H. Dealers must take either a digital photograph or still digital video of each person selling or loaning on an item of regulated property or make a digital copy of the acceptable identification presented by the seller and include the digital image in the transaction submitted to the reporting system. All information on the digital image must be legible. A stored copy of the image of the acceptable identification (from a previous transaction) may be attached to the record of a new transaction if the acceptable identification is identical to the stored image. With the permission of the Chief of Police the necessary images may be made by photostatic copying, computerized scanning or any other photographic, electronic, digital or other process that preserves and retains an image of the document, and which can be subsequently produced or reproduced for viewing of the image. If a photograph is taken, a print of the photograph must be referenced to the transaction report number. A video photograph (still) must be referenced by time and date and transaction report number to correspond to the regulated property accepted. Copied identification must be kept with the transaction report or shall be referenced to the transaction report number. The photograph or videotape or copied identification must be kept by the Dealer for one year and must be provided to the Portland Police Bureau or the Revenue Bureau upon request.

I. Unless specifically authorized by the Chief of Police to submit paper transaction report forms, Dealers must submit into the reporting system, by the close of each business day all transaction reports describing articles received during that business day. When the completed transaction report shows the seller to live outside the City of Portland, the Portland Police Bureau may send a copy of the transaction report to the police agency

having jurisdiction where the seller resides.

J. Dealers must retain at their business location a copy of all completed and voided transaction reports, in digital or paper form, for a period of not less than one year from the date of purchase. Any unused transaction reports must be available for inspection by the Portland Police Bureau or the Revenue Bureau.

K. The Portland Police Bureau will destroy paper transaction reports and the Declaration of Proof of Ownership forms (including thumbprints obtained on paper) immediately after the statute of limitations for the suspected crime(s) has expired unless the report is needed as evidence in a pending criminal prosecution. Thumbprints that are part of a transaction report may only be used by the Portland Police Bureau to identify a suspect or to confirm or deny the identity of a suspect in a criminal case and in the subsequent prosecution of a criminal defendant.

XX-XX-XXXX

Date
Adopted XX-XX-XXXX

Director, Revenue Division

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