

In re: The Precious Metals and Gem Dealer License of:

Cash N' Gold, LLC
Agent: Francisco SANDINO Sr.
1214 S. Cesar E.Chavez Dr.
Milwaukee, Wisconsin 53204

CITY OF MILWAUKEE
09 DEC 22 PM 3:45
RONALD D. LEONHARDT
CITY CLERK

SWORN CHARGES BY CHIEF OF POLICE FOR REVOCATION OF LICENSE

Pursuant to Wis. Stat. § 134.71(10), and § 92-10-6, Milwaukee Code of Ordinances, Chief of Police Edward FLYNN, by Captain Donald J. GAGLIONE, Commander of Police District Two, being first duly sworn and upon his oath, respectfully charges the following based upon review of official Milwaukee Police Department investigative reports and communication with police and city officials:

1. That Francisco nmn SANDINO SR. (DOB 09-15-1951), [herein after referred to as "Licensee" or "SANDINO SR."], is the holder of a Precious Metals and Gem License, herein after referred to as PM & G, for the premises known as Cash N' Gold Jewelry located at 1214 S. Cesar Chavez Dr. in the City and County of Milwaukee, WI. That SANDINO SR.'s PM & G license number for the 2009 year is #273, and for the 2010 year is #329;
2. Your affiant states that for the past three months, P.O. Jeffrey THIELE and his partner, P.O. Glenn PODLESNIK, who are police officers under your affiants command, have been assigned to a special burglary detail at District 2. During this period, P.O.'s THIELE and PODLESNIK learned through their investigations that jewelry taken from these numerous burglaries had been sold to jewelry shops throughout District 2 in violation of the requirements of Wisconsin Statute section 134.71 and City of Milwaukee Ordinance 92-10-6;
3. That your affiant knows through everyday dealings that the price of gold has substantially increased in recent months;
4. That your affiant knows that P.O.'s THIELE and PODLESNIK have arrested several burglars over this three month period and several of those burglars have confessed to their crimes. That these burglars told P.O.'s THIELE and PODLESNIK during Mirandized interviews that they sold the gold and jewelry they stole to jewelry shops in District 2 such as Star Jewelry, Cash N' Gold and Reflections. Specifically, Juvenile N.O. (DOB 07-04-1994) was arrested by P.O.'s THIELE and PODLESNIK and did confess to a burglary during a Mirandized interview. That juvenile N.O. stated he sold the jewelry at Cash N' Gold Jewelry and received \$500 for the gold and jewelry. The gold that was purchased from this minor was purchased against the law and was not recovered. There were no records for this transaction and no way to recover the items stolen for the victim.

5. That your affiant knows through records kept in the every day course of Milwaukee Police Department/City of Milwaukee business that the owners of Cash N' Gold Jewelry and Star Jewelry are father and son;
6. That your affiant knows that according to City of Milwaukee ordinance 92-10-6 and its subsections, that PM & G dealers are required to obtain a picture identification card from a member of the general public who wishes to sell gold or jewelry and other precious metals to a PM & G dealer. That in lieu of a picture identification card, the PM & G dealer may take another form of identification and then obtain a fingerprint. That PM & G dealers located within the City of Milwaukee are required by ordinance to properly complete a Milwaukee Police Department provided form, labeled a PP-16A, every time they purchase gold and jewelry or other precious metals from the general public. That PM & G dealers are required by ordinance to obtain a written declaration of ownership from the general public seller. That PM & G dealers are required by law to maintain a book or ledger and are to record legibly and in the English language every purchase of gold and jewelry and precious metals in said book, and that the book or ledger shall be kept for a period of one year. PM & G dealers are required by law to keep the jewelry purchased from the general public seller for a period of 15 days;
7. That on November 11, 2009, at approximately 12:33 p.m., an undercover police officer entered Cash N' Gold Jewelry located at 1214 S. Cesar Chavez Dr., and was able to sell jewelry to the owner of Cash N' Gold Jewelry, Francisco SANDINO SR., (DOB 09-15-1951), without the use of a picture identification card of any kind. SANDINO SR. purchased several pieces of gold jewelry and a watch for \$150.00. This transaction was captured on audio and video recordings. The money received by the under cover police officer was placed on MPD Inventory #496834, and the video placed on MPD Inventory #496835;
8. That based upon information obtained through the investigations of P.O.'s THIELE and PODLESNIK, and the undercover operation, P.O. THIELE authored a search warrant for Star Jewelry. The Honorable Barry C. SLAGLE, Milwaukee County Court Commissioner, signed the warrant. The warrant was for illegally obtained jewelry, the recovery of Milwaukee Police Department jewelry that had been purchased by SANDINO SR., and documents, utility bills and other papers that showed who was in control of the business, and video surveillance equipment;
9. That on Tuesday, November 24, 2009, at approximately 10:23am, P.O.'s THIELE and PODLESNIK, along with P.O.'s Laura CAPTAIN and Juan LOPEZ, assisted by Sgt. Sean HANLEY, executed that search warrant on Cash N' Gold Jewelry. The Licensee was the only employee in the business at the time of the warrant execution. That P.O. THIELE read the warrant to SANDINO SR. and provided him with a copy of said warrant. It should be noted that November 24, 2009 is a date that falls within the 15 day holding period from the sale of the jewelry to the Licensee by the undercover officer, in which licensed PM & G dealers are to hold onto gold and jewelry purchased from the general public as required by law;

10. That P.O.'s THIELE and PODLESNIK demanded to see all the gold that SANDINO SR. had purchased within the last 15 days and demanded to see his books or ledgers. That SANDINO SR. did claim to provide all the gold and jewelry that he had purchased in the last 15 days. That SANDINO SR. stated to P.O. THIELE that his books/ledgers were not on scene, but had been confiscated by P.O. THIELE the day before and taken to Star Jewelry, a different store owned by his son. When asked why he didn't keep his own set of books/ledgers for his own store, SANDINO SR. had no comment, only that he shares his books and ledgers regarding general public purchases with his son;
11. That SANDINO SR. stated to police that he follows the laws and does nothing wrong. That SANDINO SR. stated that he does not purchase gold and jewelry illegally. That SANDINO SR. denied any wrong doing until P.O. THIELE showed SANDINO SR. a photograph of the jewelry that our undercover officer sold to him, and then was showed a photograph of SANDINO SR. himself at the window of his business conducting gold and jewelry transactions with the undercover officer while not following the law. That SANDINO SR. then admitted he conducted that transaction illegally;
12. That while P.O.'s THIELE and PODLESNIK sorted through the gold and jewelry, they demanded to see the PP-16A's for each transaction and for each piece of gold and jewelry, and also demanded to see any kind of written declaration of ownership that SANDINO SR. obtained from each general public seller. P.O.'s THIELE and PODLESNIK also demanded to see the jewelry that had been sold to SANDINO SR. by the undercover officer. SANDINO SR. did turn over those reports, but stated to P.O.'s THIELE and PODLESNIK that he had melted down and disposed of the jewelry that had been sold to him by the undercover officer. SANDINO SR. could not provide P.O.'s THIELE and PODLESNIK with any PP-16A's for any of the gold and could not provide any kind of written declaration for any of the gold. All of the illegally purchased gold was confiscated by P.O.'s THIELE and PODLESNIK and photographs were taken at the scene. All of the gold confiscated was weighed in the presence of SANDINO SR. and weighed 1206.2 grams;
13. That all of the gold that was removed from Cash N' Gold Jewelry was placed on Milwaukee Police Department inventory numbers #496953 along with papers, ledgers, and surveillance equipment;
14. That P.O.'s THIELE and PODLESNIK know through investigation that suspects regularly commit crime in other jurisdictions outside the City of Milwaukee, and that those suspects regularly bring the stolen gold and jewelry into the City of Milwaukee to sell. That on Thursday, December 3, 2009, P.O. THIELE called every police jurisdiction in the County of Milwaukee and informed them of the jewelry investigation. That P.O. THIELE invited every police jurisdiction in the County of Milwaukee to send a representative to District 2 to view the gold and jewelry before the public could view it in an attempt to possibly clear outside jurisdiction burglaries or crimes in which gold and jewelry were taken. That on Thursday, December 3, 2009, at approximately 11:30am, your affiant held a media/press conference at the District 2 police station. That your

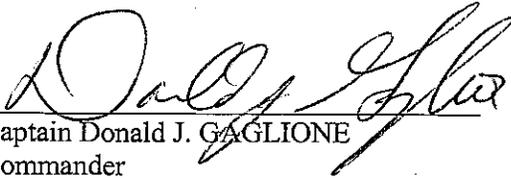
affiant informed the media/press of the operation that had been conducted and that P.O.'s THIELE and PODLESNIK would hold a public viewing of the gold starting on Tuesday, December 7, 2009. That your affiant made it very clear to the public that in order to view the gold and jewelry, the citizen would have to have reported a valid crime prior to the operation and have that corresponding police report on hand, along with picture identification;

15. That starting on Tuesday, December 7, 2009, P.O.'s THIELE and PODLESNIK displayed the jewelry at the District 2 police station for the public to view. That over the next 3 days, (Tuesday, December 7, 2009 through Thursday, December 9, 2009), P.O.'s THIELE and PODLESNIK had over 150 citizens come into District 2 and view the gold and jewelry. Citizens came from as far away as Green Bay, Sheboygan, Fond Du Lac, and Madison;
16. That over these 3 days, P.O.'s THIELE and PODLESNIK were able to partially clear 7 burglaries or thefts in the City of Milwaukee, and 8 burglaries or thefts from outside jurisdictions;
17. That Elida MARTINEZ was the victim of a burglary on November 11, 2009, and her Greenfield Police Department Incident number is #09-004268. That MARTINEZ positively identified 3 items that had been taken in her burglary. These items were descriptively documented in her police report. These items were returned to her, thus partially clearing her burglary. These items were originally recovered by P.O.'s THIELE and PODLESNIK during the search warrants at **Star Jewelry and Cash N' Gold Jewelry**. There will be no chance of identifying a suspect in this offense because both SANDINO Jr. and SANDINO SR. failed to follow the laws and ordinances that govern PM & G dealers when purchasing from the general public. Both SANDINO Jr. and SANDINO SR. failed to obtain identification, failed to file the PP-16A, failed to record the transaction in their ledger and failed to obtain any kind of written declaration of ownership from the seller;
18. That Lupe HERNANDEZ was the victim of a burglary on March 4, 2009 and her Racine Sheriff's Department Incident number is 09-11912. HERNANDEZ positively identified 3 pieces of gold and jewelry. These items were descriptively documented in her police report. These items were returned to her, thus partially clearing a burglary from Racine. These items were originally recovered by P.O.'s THIELE and PODLESNIK during the search warrants at **Star Jewelry and Cash N' Gold Jewelry**. There will be no chance of identifying a suspect in this offense because both SANDINO Jr. and SANDINO SR. failed to follow the laws and ordinances that govern PM & G dealers when purchasing from the general public. Both SANDINO Jr. and SANDINO SR. failed to obtain identification, failed to file the PP-16A, failed to record the transaction in their ledger and failed to obtain any kind of written declaration of ownership from the seller;
19. That after the jewelry display to the public was over and this operation was coming to an end, P.O.'s THIELE and PODLESNIK went to all 4 jewelry stores involved in this operation and did spot check all 4 businesses. P.O.'s THIELE and PODLESNIK noted that it took an undercover operation, 85 citations with fines over \$40,000, and over 50

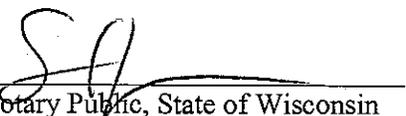
PA-33's, along with the confiscation of approximately \$75,000 worth of illegally purchased gold, for these businesses to start complying with the laws of the State of Wisconsin and the ordinances of the City of Milwaukee. That after this spot check, two more incidents had occurred at Star Jewelry and Cash N' Gold;

20. That Krystal NAVARRO was the victim of a burglary on November 27, 2009, and her Milwaukee Police Department Incident report number is #093310019. That Juvenile MJH was identified as the suspect in this offense. That Juvenile MJH admitted to NAVARRO that he did burglarize her residence and that he had a friend go and sell the jewelry at Cash N' Gold Jewelry located at 1214 S. Cesar Chavez. That NAVARRO went to Cash N' Gold jewelry in an attempt to recover her stolen jewelry. That SANDINO SR. Sr. told her that she would have to buy the gold back from him since he purchased it from a seller. That NAVARRO contacted the police and P.O. PODLESNIK went to Cash N' Gold and was able to recover the property from SANDINO SR. The items were returned to NAVARRO, thus partially clearing the burglary with property recovered, and clearing the rest of the burglary with confessions from the suspects;
21. That the above-described conduct by the Licensee on the licensed premises amounts to the purposeful frustration of burglary and theft investigations, and other crimes that involve stolen jewelry in connection to the licensed premises. That the Licensee failed to abide by the laws of the State of Wisconsin and the ordinances of the City of Milwaukee by failing to obtain a picture identification card, failing to complete a PP-16A, failing to record any transaction in his ledger, failing to keep that ledger for at least one year, failing to obtain any written declaration of ownership and failing to keep jewelry purchased from the public for the 15 day holding period;
22. That the premise is operated in such a manner that it constitutes a public nuisance. That the conduct of the Licensee had a substantial adverse effect upon the well being of the citizens and neighbors. That the continued operation of the Licensee on this licensed premise is not in the best interests and good order of the city as set forth in the Milwaukee Code of Ordinances. Therefore, the Chief of Police, by his designee, respectfully requests that the PM & G License of Francisco SANDINO SR. Sr. for the premises known as Cash N' Gold Jewelry, located at 1214 S. Cesar Chavez, City and County of Milwaukee, Wisconsin, be immediately revoked.

Respectfully submitted,


Captain Donald J. GAGLIONE
Commander
Milwaukee Police District Two

The foregoing complaint seeking revocation of the PM & G Dealer License was subscribed and sworn to before me this 22nd day of December, 2009.


Notary Public, State of Wisconsin
My Commission is permanent/expires: 1-1-2012

Approved as to form and content:
Jarely Ruiz, Assistant City Attorney
Adam Stephens, Assistant City Attorney

