

preventing and restraining Defendants from engaging in unfair and deceptive practices.

3. Defendant PETER FRATI is an individual residing in Brunswick, Maine. Defendant Frati is the chief operating officer of Coastal Trading Post, Inc.

4. Defendants, COASTAL TRADING POST, INC., is a Maine Corporation with offices in Brunswick, Maine.

5. This Court has jurisdiction over this action pursuant to 5 M.R.S.A. § 209(1979) and 4 M.R.S.A. § 105 (Supp. 1984).

STATUTORY BACKGROUND

6. 30 M.R.S.A. §§ 3151-3155 (1979) sets out certain statutory requirements governing the conduct of persons engaged in the business of pawnbroking. 30 M.R.S.A. § 3151 (1979) requires any pawnbroker to obtain a license from the municipality where the business is located.

7. 30 M.R.S.A. § 3152 requires a pawnbroker to "keep a book in which he shall enter the date, duration, amount and rate of interest of every loan made by him, an accurate account and description of the property pawned, and the name and residence of the pawner." In addition, § 3152 requires the pawnbroker to deliver to the pawner a written memorandum signed by the pawnbroker containing the information required to be placed into the book.

8. 30 M.R.S.A. § 3153 prohibits pawnbrokers from directly or indirectly receiving a rate of interest greater than 6% on any loan in excess of \$25.00 made upon pawned property.

FACTS

9. Beginning in 1976 and continuing to the date of this Complaint, Defendants have operated a pawnbroking business in Brunswick, Maine, in which Defendants have loaned money and taken possession of merchandise from the borrowers as collateral for the loans.

10. Prior to February 1977 Defendants had a valid pawnbroker's license issued by the Town of Brunswick. Since February 1977, Defendants have not had a valid pawnbroker's license but have continued to engage in the business of pawnbroking by loaning money and taking merchandise as security for the loans.

11. Defendants neither keep a book detailing each transaction nor furnish the required information to each pawnner as required by 30 M.R.S.A. § 3151 (1979).

12. Defendants, on at least two occasions, have charged a rate of interest greater than 6% on loans in excess of \$25.00. For example, Defendants charged 30% on a \$40.00 loan made upon a Pioneer stereo pawned on April 4, 1984.

FIRST CAUSE OF ACTION

13. Plaintiff realleges and incorporates by references herein paragraphs 1 through 12.

14. Defendants, by charging an interest rate in excess of that allowed by statute, have engaged in unfair and deceptive practices in violation of § 207 of the Unfair Trade Practices Act.

SECOND CAUSE OF ACTION

15. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 12.

16. Defendants, by failing to keep a book detailing each transaction and by failing to furnish the required information to each customer, have engaged in unfair and deceptive practices in violation of § 207 of the Unfair Trade Practices Act.

THIRD CAUSE OF ACTION

17. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 12.

18. Defendants, by failing to maintain a pawn shop license while in fact engaging in the business of pawnbroking, have engaged in unfair and deceptive acts and practices in violation of § 207 of the Unfair Trade Practices Act.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Court:


1. Declare that the Defendants have violated 5 M.R.S.A. § 207.
2. Issue a preliminary and permanent injunction pursuant to 5 M.R.S.A. § 209 (Supp. 1984) enjoining the Defendants, its agents, employees, assigns or other persons acting for the Defendants or under their control from:
 - (a) operating a pawnbroking business without maintaining a pawnbroker's license;
 - (b) operating a pawnbroking business without maintaining a book detailing each transaction that is required by 30 M.R.S.A. § 3152 (1979);
 - (c) operating a pawnbroking business without providing to each pawner the information required by 30 M.R.S.A. § 3152 (1979); and
 - (d) while operating a pawnbroking business charging a rate of interest in excess of that set forth in 30 M.R.S.A. § 3153 (1979).
3. Order Defendants to pay restitution to the Attorney General for distribution to customers who were charged an excessive interest rate.

4. Order Defendants to pay the costs of this suit and of the investigation of Defendants by the Attorney General.

5. Grant such other relief as this Court deems just and equitable.

Dated: August 21, 1985

JAMES E. TIERNEY
Attorney General



STEPHEN L. WESSLER
Assistant Attorney General
Chief, Consumer & Antitrust Div.
State House Station 6
Augusta, Maine 04333
(207) 289-3661

8/21/85

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CIVIL ACTION ACTION
DOCKET NO. CV 85-409

STATE OF MAINE,)
 Plaintiff)
)
 v.)
)
)
 PETER FRATI, an individual)
 residing in Brunswick, Maine,)
 and)
 COASTAL TRADING POST, INC.)
 a Maine corporation with)
 offices in Brunswick, Maine,)
 Defendants)

CONSENT DECREE OF PETERREC'D & FILED
FRATI and COASTAL PEARL VALERIE PAGE
TRADING POST, INC.

AUG 23 1985

CLERK OF COURTS
KENNEBEC COUNTY

Plaintiff STATE OF MAINE has filed its Complaint in this matter on *August 22* 1985, and Plaintiff and Defendants by their respective authorized agents have consented to the entry of this Consent Decree without trial or adjudication of any issue of fact or law herein. Defendants, by entering into this Consent Decree, do not admit any of the allegations in Plaintiff's complaint.

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby ordered and decreed as follows:

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1. This Court has jurisdiction of the subject matter of this action. The Complaint states a claim upon which relief can be granted against Defendants under 5 M.R.S.A. § 209 (Supp. 1984).

2. Defendants, their agents, employees, assigns or other persons acting for Defendants or under their control, are permanently enjoined from:

A. operating a pawnbroking business without maintaining a pawnbroker's license;

B. operating a pawnbroking business without maintaining a book detailing each transaction as required by 30 M.R.S.A. § 3152 (1979);

C. operating a pawnbroking business without providing to each pawner the information required by 30 M.R.S.A. § 3152 (1979); and


D. while operating a pawnbroking business, charging a rate of interest in excess of that set forth in 30 M.R.S.A. § 3153 (1979).

3. Defendants are ordered to pay on or before the date of this Decree \$750 to the Department of the Attorney General as payment of the costs of this suit and of the investigation made by the Attorney General.

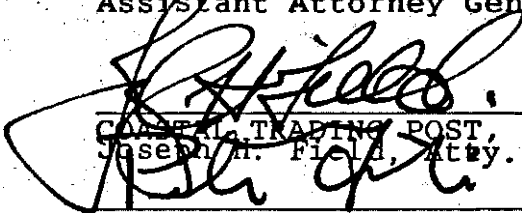
REC'D & FILED
PEARL VALERIE PAGE

AUG 23 1985

Dated: August 21, 1985


STEPHEN L. WESSLER
Assistant Attorney General

Dated: 15 August 85

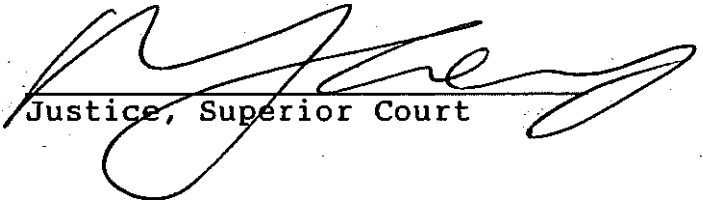

JOSEPH M. FIELD, Atty. for Defendants

Dated: 15 August 85

PETER J. FRATI

The settlement is approved. Judgment shall be entered in accordance with the above agreement.

Dated: 8-28-85


Justice, Superior Court