

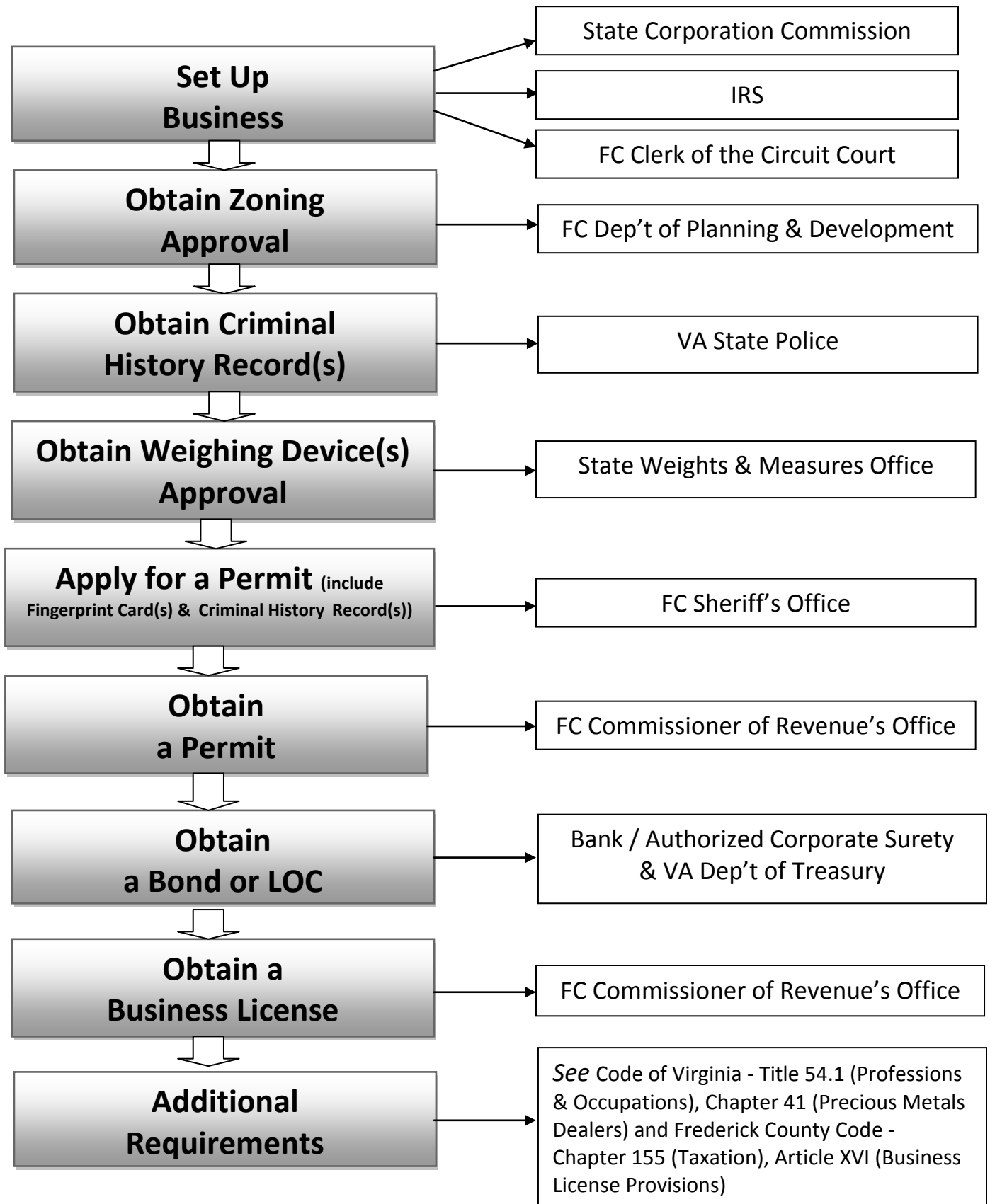


# FREDERICK COUNTY, VIRGINIA

[www.fcva.us/biztax](http://www.fcva.us/biztax)



## PRECIOUS METALS DEALER





# FREDERICK COUNTY, VIRGINIA



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## **PRECIOUS METALS DEALER: INSTRUCTIONS/CHECKLIST** **TO OBTAIN A PERMIT & BUSINESS LICENSE**

(Business must be conducted only from the fixed & permanent location listed in the Permit Application.)

### **1. Set Up Business** **STATE CORPORATION COMMISSION, IRS, AND/OR CLERK OF THE COURT**

**Decide on Type of Business Entity and Establish Your Business**

- **For Corporation or LLC (limited liability company):**
  - file formation documents with State Corporation Commission *online* at [www.scc.virginia.gov](http://www.scc.virginia.gov) or at 804-371-9733
  - obtain a federal Employer ID number (EIN) from IRS -- if you apply online, you can get your EIN immediately upon completion & validation of the form at [www.irs.gov](http://www.irs.gov) or call 800-829-4933
- **For Sole Proprietorship / Sole Owner**
  - if not using your legal name for the business, file a Certificate of Assumed or Fictitious Name and pay filing fee with the Clerk of the Circuit Court (540-667-5770) (see further explanation below) – application form at [www.winfredclerk.com](http://www.winfredclerk.com)
  - unless you intend to have your social security number connected to the business, obtain a federal Employer ID number (EIN) from IRS -- if you apply online, you can get your EIN immediately upon completion & validation of the form at [www.irs.gov](http://www.irs.gov) or call 800-829-4933
- **For Partnership:**
  - obtain Partnership Agreement Certificate with seal stamped on it – form available from the State Corporation Commission
  - obtain a federal Employer ID number (EIN) from IRS -- if you apply online, you can get your EIN immediately upon completion & validation of the form at [www.irs.gov](http://www.irs.gov) or call 800-829-4933

The “legal name” of a business is the name of the person or entity that owns a business.

- *Sole Owner/Sole Proprietorship* = the owner’s legal name or a fictitious name. A fictitious or assumed name is a name that a person (individual or business entity) uses instead of the person’s legal name. Businesses must register or file with the Circuit Court Clerk’s office their fictitious name to prevent customer confusion between two local businesses that use the same name and to provide the name and contact information (address etc.) of the owner.
- *Partnership* = the legal name as provided in the partnership agreement.
- *LLC or Corporation* = the legal name that was registered with the state government (in Virginia, with the State Corporation Commission).

### **2. Obtain Zoning Approval** **FREDERICK COUNTY DEP’T OF PLANNING & DEVELOPMENT (540) 665-5651**

**Complete and Submit the Zoning Review Form and Obtain Approval**

Properties are zoned for different uses. A specific use of your property may be disallowed in the zoning ordinances. Complete the Zoning Review Form for Business License which is available either *online* or in *printable* form at [www.fcva.us/planning](http://www.fcva.us/planning). If not filing online, form must be sent or delivered to the Planning Department for approval.

### 3. Obtain Criminal History Record VA STATE POLICE

#### **Completed Criminal History Record**

The VA Code, §54.1-4100 states: "Dealer" means any person, firm, partnership, or corporation engaged in the business of (i) purchasing secondhand precious metals or gems; (ii) removing in any manner precious metals or gems from manufactured articles not then owned by the person, firm, partnership, or corporation; or (iii) buying, acquiring, or selling precious metals or gems removed from manufactured articles. "Dealer" includes all employers and principals on whose behalf a purchase is made, and any employee or agent who makes any purchase for or on behalf of his employer or principal.

Each individual included in the definition of "Dealer" (as defined in the VA Code) can obtain their criminal history record by completing a Criminal History Record Name Search Request (Form SP-167) which can be typed directly on the form from the website and then printed out, or printed and completed by hand. Individuals do NOT need to fill in the "Signature of Person Making Request" section, but rather request that the Record be returned directly to him/her by completing the "Name and Mailing Address of Individual Making Request: Mail Reply To:" section. The Affidavit section must be signed and notarized. Two copies of the completed, signed & notarized form along with the applicable fee must be mailed to the Virginia State Police. Go to [http://www.vsp.state.va.us/CJIS\\_Criminal\\_Record\\_Check.shtm](http://www.vsp.state.va.us/CJIS_Criminal_Record_Check.shtm) for the form from the Virginia State Police / CJIS. The criminal history record will then be mailed back to the requesting individual from the VA State Police within approximately 10-15 business days. **NOTE: The Criminal History Record must be dated within 30 days of the Permit Application.**

### 4. Obtain Weighing Device(s) Approval STATE WEIGHTS & MEASURES OFFICE

#### **Obtain Weighing Device(s) Approval**

Before a Permit can be issued, a Precious Metals Dealer must have all weighing devices (Class 3 scales) to be used in the business inspected and approved by State weights and measures officials and must obtain written evidence of such approval. The Virginia Office of Weights and Measures can be contacted at 804-786-2476. A regional office is located at 261 Mt. Clinton Pike, Harrisonburg VA (540-209-9145). Call to set up an appointment for an inspector to come onsite for the inspection. Once inspected, the inspector will immediately print out a report indicating approval or denial.

### 5. Apply for a Permit FREDERICK COUNTY SHERIFF'S OFFICE (540) 662-6168

#### **Submit Documentation**

- Completed Permit Application form (available in printable form at [www.fcva.us/sheriff](http://www.fcva.us/sheriff) and [www.fcva.us/biztax](http://www.fcva.us/biztax)).
- Completed Fingerprint Card(s)  
Fingerprints can be taken at the Frederick County Sheriff's office Monday through Friday (except holidays) from 8 am to 5 pm or at the VA State Police – Area 13 Office (located at 3680 Valley Pike in Winchester 540.662.3313 - note: call for hours). **The fingerprint card will be retained for 30 days and then destroyed UNLESS it is made known that applicant wishes to pick it back up.**
- Completed Criminal History Record(s).  
The Criminal History Record(s) will be reviewed by the Sheriff to ensure that applicant and all individuals included in the definition of "Dealer" have not been convicted of a felony or crime of moral turpitude within seven years prior to the date of application or have not been denied or had a permit revoked under any ordinance similar in substance to the provisions of the Code of Virginia, Title 54.1 (Professions and Occupations), Chapter 41 (Precious Metals Dealers).

The Sheriff's office will then forward to the Commissioner of the Revenue's office the completed Permit Application form with the Sheriff's sign-off. Upon receipt, COR staff will contact applicant to continue the process as follows.

**6. Obtain the Permit**  
**FREDERICK COUNTY COMMISSIONER OF REVENUE'S OFFICE (540) 665-5681**

**Submit Documentation**

- Written report of inspection and approval of all weighing devices

**Submit Payment of annual Permit application fee of \$200**

- Payment can be made online via the Treasurer's website at [www.fredtax.com](http://www.fredtax.com) or in person at the Treasurer's office (107 N. Kent Street, Winchester)

**Receive issued Permit** (valid for one year from date of issuance and not transferable)

**7. Obtain a Bond or Letter of Credit**  
**CORPORATE SURETY AUTHORIZED IN VA**

**Confirm obtaining a Bond or LOC**

The Code of Virginia requires that every dealer, at the time of obtaining a permit, must enter into a recognizance to the Commonwealth of Virginia secured by a corporate surety authorized to do business in VA in the penal sum of \$10,000; in lieu of a bond, obtain a Letter of Credit in favor of the Commonwealth of Virginia for \$10,000 issued by a bank authorized to do business in VA.

The bond or Letter of Credit needs to be sent to the Virginia Department of Treasury (804-225-4620):

Virginia Department of Treasury  
ATTN: Don LeMond  
101 North 14<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Richmond VA 23219

**8. Obtain a Business License**  
**FREDERICK COUNTY COMMISSIONER OF REVENUE'S OFFICE (540) 665-5681**

**Provide Documentation and Information**

Provide the following:

- **For ALL BUSINESSES:**
  - The start date of your business.
- **For Corporation or LLC (limited liability company):**
  - your federal Employer ID number (EIN) from IRS (we will verify your registration with the SCC)
- **For Sole Proprietorship/Owner:**
  - proof of citizenship (e.g., copy of your valid VA driver's license or other proof of legal U.S. residence)
  - if not using your legal name for the business, a copy of your Certificate of Assumed or Fictitious Name filed with the Clerk of the Circuit Court
  - your federal Employer ID number (EIN) from IRS or your social security number if not obtaining an EIN
- **For Partnership:**
  - copy of your Partnership Agreement Certificate with seal stamped on it
  - your federal Employer ID number (EIN) from IRS

**Applicable Business Category and Tax Rate**

Precious Metals Dealers are licensed based on gross receipts and pay the same license tax or fee as retailers as set forth in Chapter 155, Article XVI (Business License Provisions).

**Complete and Submit the Business License Application Form**

Application For New Business License is available at [www.fcva.us/biztax](http://www.fcva.us/biztax) online or in *printable* form.

**Pay for Business License**

- Pay *online* by credit card or check at [www.fredtax.com](http://www.fredtax.com)
- Pay *in person* to the Treasurer's office (107 N. Kent Street)
- Pay *by mail* payable & sent to: Frederick County Treasurer, PO Box 220, Winchester VA 22604-0220

**Receive and Post Business License**

## 9. FOLLOW-UP & ANNUAL DUTIES AND RESPONSIBILITIES

- Read the Code of Virginia, Title 54.1 (Professions and Occupations), Chapter 41 (Precious Metals Dealers) for additional recordkeeping, reporting, and retention requirements as well as the Frederick County Code, Chapter 155 (Taxation), Article XVI (Business License Provisions) to ensure compliance with all of the County requirements.
- Display the Permit and the Business License in a conspicuous place on the premises. Note that an issued Permit issued may be revoked if convicted of a felony or crime of moral turpitude.
- Submit a Fingerprint Card and Criminal History Record for all additional individuals who fall within the meaning of "Dealer" as defined in the Code of Virginia (e.g., newly-hired employees). (See Sections 3 and 5 herein.)
- Immediately report to the Commissioner of the Revenue the permanent closing of a business or any change of applicant contact information (mailing address, telephone number, email address, etc.).
- Renew the Permit annually prior to its expiration in the same manner as initially obtained. It is suggested that you begin the renewal process at least two months prior to the permit's expiration date. A Permit is not transferable and valid for one year from date of issuance.
- A Business License is issued on an annual calendar year basis (January - December) and must be renewed annually by March 1; can be done online at [www.fcva.us/biztax](http://www.fcva.us/biztax).