

APPLICATION FOR PRECIOUS METALS DEALER PERMIT
[G.S. §66-165]

Name of business: _____

Address of business: _____

Full name of applicant: _____ Date of birth: _____

Current address: _____

All addresses of applicant for previous five years: _____

Any names used by applicant, in the last five years, other than that given above:

Physical description: Race: _____ Color of eyes: _____
 Height: _____ Color of hair: _____
 Weight: _____

Distinguishing marks or characteristics: _____

Drivers license number/state of issue: _____

List all felony convictions in any state or federal court: _____

List all other criminal convictions in any state or federal court during the past five years,
excluding minor traffic violations: _____

Form of business (check one):

_____ Individual _____ Partnership _____ Association or corporation

If partnership, association or corporation:

(a) List name and current address of all Officers, Directors of the corporation and all persons owning 10% or more of the stock in the corporation or interest in the partnership or association: [Note: all persons listed must complete the Co-Owner Supplemental Information Form.]

Names	Addresses
_____	_____
_____	_____
_____	_____
_____	_____

(b) List all other names and addresses used now or in the past five years by the partnership, association or corporation:

Names	Addresses
_____	_____
_____	_____
_____	_____
_____	_____

(c) _____ A supplementary information sheet is attached for each person listed in subsection (a) above.

List names of all current employees: _____

Photograph: _____ A recent photograph or copy of driver's license or ID card is attached (approved by law enforcement agency to which application is submitted), OR

_____ I request that the law enforcement agency photograph me for this application.

Fingerprints: _____ A full set of fingerprints is attached. (The applicant should contact the law enforcement agency issuing the permit about being fingerprinted.)

This application is for: _____ regular permit

_____ special occasion permit

I propose to meet the bond or trust requirements of G.S. 66-168 by:

_____ Posting a cash bond
_____ Posting a surety bond

_____ Establishing a trust account

Signature of applicant: _____

Sworn to and subscribed before me this

the _____ day of _____, 20____.

Notary Public

My commission expires: _____

-----**FOR LAW ENFORCEMENT AGENCY USE ONLY**-----

\$180.00 Annual fee received: ____ day of _____, 20__; Check No. _____
Amount: \$_____.00.

SBI Fingerprint check fee in the amount of \$_____.00; Check No. _____

A copy of the Security Bond was received on ____ day of _____, 20____.

Date and time application filed: _____, 20____, _____ am/pm

APPLICATION APPROVED BY: _____

Name of Law Enforcement Agency: _____

AUTHORITY FOR RELEASE OF INFORMATION

I authorize the North Carolina Department of Justice through the State Bureau of Investigation, Special Operations Division, to perform a fingerprint search of the State's criminal history record file and, if applicable, a fingerprint search of the Federal Bureau of Investigation's files for a national criminal history record check in connection with my application for Precious Metal Dealer permit with WILKESBORO POLICE DEPARTMENT pursuant to N.C.G.S. 66-165.

(Print or Type Legibly)

Last Name	First	Middle	Maiden
_____	_____	_____	_____
Social Security Number (Optional *)	Date of Birth	Sex	Race
_____	_____	_____	_____

I understand that the North Carolina State Bureau of Investigation, Special Operations Division, the Federal Bureau of Investigation, and its officials and employees shall not be held legally accountable in any way for providing this information to the above named agency, and I hereby release said agency and persons from any and all liability which may be incurred as a result of furnishing such information. I further understand that the above named agency cannot provide a **hard copy** of the results of this criminal history record check to me.

*Disclosure of social security number is entirely voluntary and not required. If disclosed, the social security number will be utilized to assist with accurate identification/exclusion of possible criminal history records.

Applicant's/Employee's Signature

Date

This form must be maintained on file with the above named agency for one year. Do not mail this form or a copy of this form to the State Bureau of Investigation.

**SUPPLEMENTARY INFORMATION SHEET
FOR CO-OWNER OF PRECIOUS METALS BUSINESS**
[G.S. § 66-165]

[Note: A copy of this form must be completed by each officer and director of a corporation and any person owning 10% or more of the stock and any person owning 10% or more of a partnership or association.]

Name of business: _____

Full name of co-owner: _____ Date of birth: _____

Current address: _____

All addresses of co-owner for previous five years: _____

Any names used by co-owner, in the last five years, other than that given above:

Physical description: Race: _____ Color of eyes: _____
 Height: _____ Color of hair: _____
 Weight: _____

Distinguishing marks or characteristics: _____

Driver's license number/state of issue: _____

List all felony convictions in any state or federal court: _____

List all other criminal convictions in any state or federal court during the past five years, excluding minor traffic violations: _____

Photograph: _____ A recent photograph is attached (approved by law enforcement agency to which application is submitted), OR

_____ I request that the law enforcement agency photograph me for this application, and I agree to pay a fee of \$_____ for this service.

Fingerprints: _____ A full set of fingerprints is attached. (The co-owner should contact the law enforcement agency issuing the permit about being fingerprinted.)

Signature of co-owner: _____

Sworn to and subscribed before me this

the _____ day of _____, 20____.

Notary Public

My commission expires: _____

-----**FOR LAW ENFORCEMENT AGENCY USE ONLY**-----

SBI Finger Print check fee in the amount of \$_____.00. Check No. _____

Received by: _____

PRECIOUS METALS BUSINESS EMPLOYEE REGISTRATION FORM

I have been informed that G. S. § 66-165(b) requires every employee engaged in the Precious Metals Business to register his name and address with the appropriate local law enforcement agency within two days of being employed. I also have been informed that the law requires each employee to be photographed and to pay a fee of \$10.00 before being issued a Certificate of Compliance allowing him or her to work in a Precious Metals Business. I have also been informed that the subsequent annual renewal fee is \$3.00 for the same employee. I have further been informed that the certificate of compliance must be posted in the work area of the Precious Metals Permit holder:

I hereby submit this request for registration as follows:

Print Name of Employee: _____

Home Address of Employee: _____

Employer's Name: _____

Employer's Address: _____

Location of business (if different): _____

Permit Issued for Business on: ____/____/____.

Photograph: ____ A recent photograph or a copy of driver's license or ID card is attached (approved by law enforcement agency to which application is submitted), OR

____ I request that the law enforcement agency photograph me for this application.

This the ____ day of _____, 20____.

Signature of Employee

-----FOR LAW ENFORCEMENT AGENCY USE ONLY-----

\$10.00 Employee Registration fee paid: ____/____/____

Check No. _____

Photographs taken: _____ Collected by Officer: _____
(date)

Subsequent years renewals approved by Law Enforcement Agency:

Renewal Fee of \$3.00 paid ____/____/____ (for renewal of employee registration following year of initial registration (G.S. 66-165(b)))

Collected by Officer: _____

Renewal Fee of \$3.00 paid ____/____/____ (for renewals of employee registration following year of initial registration (G.S. 66-165(b)))

Collected by Officer: _____

Renewal Fee of \$3.00 paid ____/____/____ (for renewals of employee registration following year of initial registration (G.S. 66-165(b)))

Collected by Officer: _____

Renewal Fee of \$3.00 paid ____/____/____ (for renewals of employee registration following year of initial registration (G.S. 66-165(b)))

Collected by Officer: _____

Renewal Fee of \$3.00 paid ____/____/____ (for renewals of employee registration following year of initial registration (G.S. 66-165(b)))

Collected by Officer: _____

(repeat above renewal form for additional years of registration of this same business employee)

STATE OF NORTH CAROLINA

PRECIOUS METALS DEALER

COUNTY OF _____

BOND
[G.S. § 66-168]

We _____ of

(address), as PRINCIPAL, and

of _____

(address), a corporation
incorporated under the laws of the State of _____

and duly licensed to transact a SURETY business in the State of North Carolina, as SURETY, are indebted and bound to the State of North Carolina in the sum of TEN THOUSAND DOLLARS (\$10,000.00) for which payment we bind ourselves and our legal representatives and successors jointly and severally.

The condition of this obligation is that the PRINCIPAL is desirous of conducting and will conduct a precious metal business as defined in North Carolina General Statute § 66-163, et seq., and it is required by the provisions of the aforesaid law, that the PRINCIPAL furnish a bond on the terms and conditions set forth therein.

If the PRINCIPAL and all his agents and employees shall faithfully and honestly perform all their obligations as required by the aforesaid statutes, then this obligation shall be null and void; otherwise, it shall be in full force and effect.

This SURETY bond is intended to comply with the requirements of Article 25 of Chapter 166 of the North Carolina General Statutes and in accordance with the provisions and requirements of that Act, it is expressly provided that:

1. This bond is executed by the said PRINCIPAL and SURETY to enable the PRINCIPAL to obtain a license under the provisions of this law;
2. Any person who sustains injury by reason of any act or omission covered by this bond may, in addition to any other remedy that he may have, bring an action in his own name on this bond for the recovery of damages sustained by him.

The total aggregate liability of the SURETY hereon shall be limited to the sum of TEN THOUSAND DOLLARS (\$10,000.00).

Upon termination or cancellation of this bond, notice thereof shall be immediately
CC&PS Precious Metals Form 7 (rev. 11/1/02)

given to the law enforcement agency issuing the permit as set forth in North Carolina General Statute § 66-168.

IN WITNESS WHEREOF, the above bounded parties have executed this Instrument under their several seals, this the ____ day of _____, 20 ____, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

PRINCIPAL

By: _____

Title: _____

SURETY

By: _____

Title: _____

§ 66-165. Permits.

(a) Dealer Permit. — Except as provided in subsection (c) of this section, it is unlawful for any person to engage as a dealer in the business of purchasing precious metals either as a separate business or in connection with other business operations without first obtaining a permit for the business from the local law enforcement agency. The Department of Crime Control and Public Safety shall approve the forms for both the application and the permit. The application shall be given under oath and shall be notarized. A 30-day waiting period from the date of filing of the application is required prior to initial issuance of a permit. A separate permit shall be issued for each location, place, or premises within the jurisdiction of the local law enforcement agency which is used for conducting a precious metals business, and each permit shall designate the location, place or premises to which it applies. No business shall be conducted in a place other than that designated in the permit, or in a mobile home, trailer, camper, or other vehicle, or structure not permanently affixed to the ground or in any room customarily used for lodging in any hotel, motel, tourist court, or tourist home. The permit shall be posted in a prominent place on the designated premises. Permits shall be valid for a period of 12 months from the date issued and may be renewed without a waiting period upon filing of an application and payment of the annual fee. The annual fee for a permit within each jurisdiction is one hundred eighty dollars (\$180.00) to provide for the administrative costs of the local law enforcement agency, including the purchase of required forms and the cost of conducting the criminal history record check of the applicant. The fee is not refundable even if the permits are denied or later suspended or revoked. A permit issued under this section is in addition to and not in lieu of other business licenses and is not transferable. No person other than the dealer named on the permit and that dealer's employees may engage in the business of purchasing precious metals under the authority of the permit.

Any dealer applying to the local law enforcement agency for a permit shall furnish the local law enforcement agency with the following information:

- (1) The applicant's full name, and any other names used by the applicant during the preceding five years. In the case of a partnership, association, or corporation, the applicant shall list any partnership, association, or corporate names used during the preceding five years.
- (2) Current address, and all addresses used by the applicant during the preceding five years.
- (3) Physical description.
- (4) Age.
- (5) Driver's license number, if any, and state of issuance.
- (6) Recent photograph.
- (7) Record of felony convictions.
- (8) Record of other convictions during the preceding five years.
- (9) A full set of fingerprints of the applicant.

If the applicant for a dealer's permit is a partnership or association, all persons owning a ten percent (10%) or more interest in the partnership or association shall comply with the provisions of this subsection. These permits shall be issued in the name of the partnership or association.

If the applicant for a dealer's permit is a corporation, each officer, director and stockholder owning ten percent (10%) or more of the corporation's stock, of any class, shall comply with the provisions of this subsection. These permits shall be issued in the name of the corporation.

No permit shall be issued to an applicant who has been convicted of a felony involving a crime of moral turpitude, or larceny, or receiving stolen goods or of similar charges in any federal court or a court of this or any other state, unless the applicant has had his or her rights of citizenship restored pursuant to Chapter 13 of the General Statutes for five years or longer immediately preceding the date of application. In the case of a partnership, association, or corporation, no permit shall be issued to any applicant with an officer, partner, or director who has been convicted of a felony involving a crime of moral turpitude, or larceny, or receiving stolen goods or of similar charges in any federal court or a court

of this or any other state, unless that person has had his or her rights of citizenship restored pursuant to Chapter 13 of the General Statutes for five years or longer immediately preceding the date of application.

The Department of Justice may provide a criminal history record check to the local law enforcement agency for a person who has applied for a permit through the agency. The agency shall provide to the Department of Justice, along with the request, the fingerprints of the applicant, any additional information required by the Department of Justice, and a form signed by the applicant consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the State or national repositories. The applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The agency shall keep all information pursuant to this subsection privileged, in accordance with applicable State law and federal guidelines, and the information shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

The Department of Justice may charge each applicant a fee for conducting the checks of criminal history records authorized by this subsection.

(b) **Employee Requirements.** – Every employee engaged in the precious metals purchasing business shall, within two business days of being so engaged, register his or her name and address with the local law enforcement agency and have his or her photograph taken by the agency. The employee also shall consent to a criminal history record check, which shall be performed by the local law enforcement agency. A person who refuses to consent to a criminal history record check shall not be employed by a dealer required to be licensed under this section. A person who has been convicted of a felony involving a crime of moral turpitude, larceny, receiving stolen goods, or of similar charges shall not be employed by a dealer required to be licensed under this section, unless the person has had his or her rights of citizenship restored pursuant to Chapter 13 of the General Statutes for five years or longer immediately preceding the date of registration. The agency shall issue to the employee a certificate of compliance with this section upon the applicant's payment of the sum of ten dollars (\$10.00) to the agency. The certificate shall be renewed annually for a three-dollar (\$3.00) fee and shall be posted in the work area of the registered employee. An employee is not subject to the requirements of this subsection if the employee is engaged in the precious metals purchasing business only incidentally to his or her main job responsibilities, and each precious metals transaction with which the employee is involved is overseen by a licensed dealer or registered employee. All records of transactions must be signed by the licensed dealer or registered employee at the time of the transaction, as required under G.S. 66-169(a).

The Department of Justice may provide a criminal history record check to the local law enforcement agency for an employee engaged in the precious metals business. The agency shall provide to the Department of Justice, along with the request, the fingerprints of the employee, any additional information required by the Department of Justice, and a form signed by the employee consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the State or national repositories. The employee's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The agency shall keep all information pursuant to this subsection privileged, in accordance with applicable State law and federal guidelines, and the information shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

The Department of Justice may charge each employee a fee for conducting the checks of criminal history records authorized by this subsection.

(c) **Special Occasion Permit.** – A special occasion permit authorizes the permittee to purchase precious metals as a dealer participating in any trade shows, antique shows, and crafts shows conducted within the State. A special occasion permit shall be issued by any local law enforcement agency;

provided, however, that a permittee under subsection (a) of this section shall apply for a special occasion permit with the local law enforcement agency that issued the dealer's permit. The Department of Crime Control and Public Safety shall approve the forms for both the application and the permit. The application shall be given under oath and notarized. A 30-day waiting period from the date of filing of the application is required prior to initial issuance of a permit.

Any dealer applying to a local law enforcement agency for a special occasion permit shall furnish the local law enforcement agency with the information required in an application for a dealer's permit as set forth in subsection (a) of this section. In addition, the applicant shall provide a physical address where any item included in a dealer purchase will be held for the period required under G.S. 66-170. The physical address shall be the location where the purchase was made, unless another physical address within the law enforcement jurisdiction where the purchase was made is approved by the law enforcement agency that issues the permit. The items shall be available at all reasonable times for inspection on the premises by law enforcement agencies.

If the applicant for a special occasion permit is a partnership or association, all persons owning a ten percent (10%) or more interest in the partnership or association shall comply with the provisions of this subsection. Any such permits shall be issued in the name of the partnership or association.

If the applicant for a special occasion permit is a corporation, each officer, director and stockholder owning ten percent (10%) or more of the corporation's stock, of any class, shall comply with the provisions of this subsection. Any such permits shall be issued in the name of the corporation.

No permit shall be issued to an applicant who has been convicted of a felony involving a crime of moral turpitude, or larceny, or receiving stolen goods or of similar charges in any federal court or a court of this or any other state, unless the applicant has had his or her rights of citizenship restored pursuant to Chapter 13 of the General Statutes for five years or longer immediately preceding the date of application. In the case of a partnership, association, or corporation, no permit shall be issued to any applicant with an officer, partner, or director who has been convicted of a felony involving a crime of moral turpitude, or larceny, or receiving stolen goods or of similar charges in any federal court or a court of this or any other state, unless that person has had his or her rights of citizenship restored pursuant to Chapter 13 of the General Statutes for five years or longer immediately preceding the date of application.

The Department of Justice may provide a criminal history record check to the local law enforcement agency for a person who has applied for a permit through the agency. The agency shall provide to the Department of Justice, along with the request, the fingerprints of the applicant, any additional information required by the Department of Justice, and a form signed by the applicant consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the State or national repositories. The applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The agency shall keep all information pursuant to this subsection privileged, in accordance with applicable State law and federal guidelines, and the information shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

The Department of Justice may charge each applicant a fee for conducting the checks of criminal history records authorized by this subsection.

The filing fee for a special occasion permit application is one hundred eighty dollars (\$180.00) to provide for the administrative cost of the local law enforcement agency including purchase of required forms and the cost of conducting the criminal history record check of the applicant. The fee is not refundable even if the permit is denied or is later suspended or revoked. A special occasion permit is in addition to and not in lieu of other business licenses and is not transferable. No person other than the dealer named on the permit and that dealer's employees may engage in the business of purchasing precious metals under the authority of the permit.

A special occasion permit is valid for 12 months from the date issued, unless earlier surrendered,

suspended, or revoked. Application for renewal of a permit for an additional 12 months shall be on a form approved by the Department of Crime Control and Public Safety and shall be accompanied by a nonrefundable renewal fee of one hundred eighty dollars (\$180.00).

Each special occasion permit shall be posted in a prominent place on the premises of any show at which the permittee purchases precious metals. (1981, c. 956, s. 1; 2002-147, s. 2; 2009-482, s. 2.)

§ 66-168. Bond or trust account required.

Before any permit shall be issued to a dealer pursuant to G.S. 66-165, the dealer shall execute a satisfactory cash or surety bond or establish a trust account with a licensed and insured bank or savings institution located in the State of North Carolina in the sum of ten thousand dollars (\$10,000). The bond or trust account shall be in favor of the State of North Carolina. A surety bond is to be executed by the dealer and by two responsible sureties or a surety company licensed to do business in the State of North Carolina and shall be on a form approved by the Department of Crime Control and Public Safety. Any bond shall be kept in full force and effect and shall be delivered to the law-enforcement agency which first issued a current permit to the dealer. A bond or trust account shall be for the faithful performance of the requirements and obligations of the dealer's business in conformity with this Article. Any law-enforcement agency shall have full power and authority to revoke the permit and sue for forfeiture of the bond or trust account upon a breach thereof. Any person who shall have suffered any loss or damage by any act of the permittee that constitutes a violation of this Article shall have the right to institute an action to recover against such permittee and the surety or trust account. Upon termination of the bond or trust account the permit shall become void. (1981, c. 956, s. 1; c. 1001, s. 4.)

§ 66-169. Records to be kept.

(a) Every dealer to whom a permit has been issued pursuant to G.S. 66-165 shall maintain consecutively numbered records of each precious metals transaction. Each consecutively numbered record shall be made at the time of the transaction and shall contain a clear and accurate description of the transaction. A valid description shall include each of the following applicable and available items of information: the manufacturer's name, the model, the model number, the serial number, and any engraved numbers or initials found on the items; the date of the transaction; the name, sex, race, residence, telephone number and driver's license number of the person selling the items purchased; and the signature of both the dealer or registered employee and the seller. In the event the seller cannot furnish valid, unexpired photographic identification in the form of a drivers license, State-issued identification card, passport, or military identification card, the dealer shall require two forms of positive identification.

(b) The consecutively numbered records required by this section shall be kept either (i) in a paginated, bound book or set of books with pages numbered in sequence or (ii) in an electronic database that prevents record deletion, tracks all modifications to records, and provides for electronic signatures.

(c) The records shall be open at all reasonable times to inspection on the premises by law enforcement agencies, and an individual record shall be retained for at least two years after a transaction. If a dealer maintains a record book rather than an electronic database, the book shall be retained until at least two years following the last recorded transaction.

(d) A copy of each consecutively numbered record entry shall be filed within 48 hours of the transaction in the office of the local law enforcement agency. Records shall be filed in the manner authorized by the local law enforcement agency, which may include reporting electronically by transmission over a computer network, by facsimile machine, or by hand delivering hard copies to the local law enforcement agency. In any case where a technological failure prevents a dealer from reporting electronically or by facsimile, the dealer shall have the option of hand delivering a hard copy of the record to the local law enforcement agency. Regardless of the manner in which the local law enforcement agency allows reporting, a dealer shall provide a hard copy of records upon the request of a law enforcement agency.

(e) The files of local law enforcement agencies that contain copies of records shall not be subject to inspection and examination as authorized by G.S. 132-6. Any public official or employee who shall knowingly and willfully permit any person to have access to or custody or possession of any portion of such files, unless the person is one specifically authorized by the local law enforcement agency to have access for purposes of law enforcement investigation or civil or criminal proceedings, shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined up to five hundred dollars (\$500.00) in the discretion of the court. (1981, c. 956, s. 1; 1993, c. 539, s. 526; 1994, Ex. Sess., c. 24, s. 14(c); 2009-482, s. 4.)