

# APPLICATION FOR CERTIFICATE OF REGISTRATION FOR SOLICITORS

NORTH OGDEN CITY – 505 East 2600 North, North Ogden, UT 84414 – (801) 782-7211

**With this application you must submit; (i)** an original or a copy of a BCI background check **(ii)** a signed copy of a waiver allowing the City to obtain a name/date of birth BCI background check for purposes of completing the application process and **(iii)** two passport size pictures of yourself taken within the last three (3) months. Applicants must be at least 18 years of age.

## Applicant contact information

Legal name: \_\_\_\_\_

Aliases or former names used within the last 10 years: \_\_\_\_\_

Telephone # \_\_\_\_\_

Home address: \_\_\_\_\_

Mailing address: \_\_\_\_\_

## Responsible party/entity contact information

Responsible party/entity name: \_\_\_\_\_

Telephone # \_\_\_\_\_

Address: \_\_\_\_\_

Special Events Sales Tax Number: \_\_\_\_\_

Which address should correspondence go to? \_\_\_\_\_

## Managers if any:

Name	Address	Phone
_____	_____	_____
_____	_____	_____
_____	_____	_____

## Marketing information

What is the expected duration of solicitation? \_\_\_\_\_

What type of goods or services do you offer? \_\_\_\_\_

(include an commonly known, registered or trademarked names)

List any other licenses, permits, registrations or other qualifications required by federal or state law to promote, provide or render advice regarding the offered goods or services: \_\_\_\_\_

## Prior registration information

Dates of prior soliciting: \_\_\_\_\_

Other jurisdictions you have held a certificate of Registration: \_\_\_\_\_

Have you ever had a Certificate of Registration or its equivalent document revoked or suspended in any jurisdiction? If so, please explain: \_\_\_\_\_

## Please circle your answer to each of the following questions:

Have you been criminally convicted of: (i) felony homicide, (ii) physically abusing, sexually abusing, or exploiting a minor, (iii) the sale of distribution of controlled substances, or (iv) sexual assault of any kind? Yes No If yes, please explain \_\_\_\_\_

Are any criminal charges currently pending against you for: (i) felony homicide, (ii) physically abusing, sexually abusing, or exploiting a minor, (iii) the sale or distribution of controlled substances, or (iv) sexual assault of any kind? Yes No If yes, please explain \_\_\_\_\_

Have you been criminally convicted of a felony within the last ten (10) years? Yes No If yes, please explain \_\_\_\_\_

Have you been incarcerated in a federal or stated prison with the past five (5) years? Yes No If yes, please explain \_\_\_\_\_

Have you been criminally convicted of a misdemeanor within the last five (5) years involving a crime or: (i) moral turpitude, or (ii) violent or aggravated conduct involving persons or property? Yes No If yes, please explain \_\_\_\_\_

Has a Final Civil Judgment been entered against you within the last five (5) years indicating that: (i) you had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of yours was non-dischargeable in bankruptcy pursuant to 11 U.S.C. § 523 (a)(2), (a)(4), (a)(6), or (a)(19) Yes No If yes, please explain \_\_\_\_\_

Are you currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device? Yes No If yes, please explain \_\_\_\_\_

Do you have an outstanding arrest warrant from any jurisdiction? Yes No If yes, please explain \_\_\_\_\_

Are you currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction? Yes No If yes, please explain \_\_\_\_\_

Please review the information packet for solicitation applicants. Your signature below acknowledges that you have received it.

Printed name of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

**OFFICE USE ONLY**

Proof of identity:

Valid driver's license issued by any State \_\_\_ State \_\_\_\_\_ Number \_\_\_\_\_

Valid passport issued by the United States \_\_\_ Number \_\_\_\_\_

Valid identification card issued by any State \_\_\_ State \_\_\_\_\_ Number \_\_\_\_\_

Valid ID issued by the a branch of the US Military \_\_\_ Branch \_\_\_\_\_ Number \_\_\_\_\_

Proof of registration with Department of Commerce \_\_\_\_\_

# INFORMATION PACKET FOR SOLICITATION APPLICANTS

## **WRITTEN DISCLOSURES**

- 1) The Applicant' submission of the Application authorizes the City to verify information submitted with the Completed Application including:
  - a. The Applicant's address;
  - b. The Applicant's and/or Responsible Person or Entity's state tax identification and special use tax numbers, if any;
  - c. The validity of the Applicant's Proof of Identity
- 2) The City may consult any publicly available sources for information on the Applicant, including but not limited to, databases for any outstanding warrants, protective orders or civil judgments.
- 3) Establishing Proof of Identity is required before Registration is allowed;
- 4) Identification of the fee amount that must be submitted by Applicant with a Completed Application;
- 5) The Applicant must submit a BCI background check as defined in 4-4-3:6 with a Completed Application;
- 6) To the extent permitted by State and/or Federal law, the Applicant's BCI background check shall remain a confidential, protected, private record not available fore public inspection;
- 7) The City will maintain copies of the Applicant's Application Form, Proof of Identity, and Identification Badge. These copies will become public records available for inspection on demand at the City offices whether or not a Certificate is denied, granted or renewed.
- 8) The criteria for Disqualifying Status, denial or suspension of a Certificate under the provision of this Chapter (see pages 2 and 3)
- 9) A request for a temporary Certificate will be granted or denied the same business day that a Completed Application is submitted.

## **CERTIFICATION PROCESS**

- (1) **Temporary Certificate.**
  - A. A temporary Certificate shall issue allowing the Applicant to immediately begin Door-to-Door Solicitation upon the following conditions:
    - (I) Applicant's submission of a Completed Application;
    - (ii) Applicant's submission of the required fee;
    - (iii) Applicant establishes Proof of Identity;

- (iv) the Applicant's representations on the Application Form do not affirmatively show a Disqualifying Status;
- (v) the B.C.I. does not affirmatively show a Disqualifying Status; and
- (vi) the Applicant has not previously been denied a Certificate by the City, or had a Certificate revoked for grounds that still constitute a Disqualifying Status under this Chapter.

B. A temporary Certificate will automatically expire after twenty-five (25) calendar days from issuance, or upon grant or denial of an annual Certificate, whichever period is shorter.

(2) **Annual Certificate.** Within twenty-five (25) calendar days of the issuance of a temporary Certificate the City shall:

- A. Take any and all actions it deems appropriate to verify the truthfulness and completeness of the information submitted by the Applicant, including, but not limited to those disclosed with the Application Form.
- B. Issue written notice to the Applicant and the Responsible Person or Entity, if any, that the Applicant either:
  - (I) will be issued an annual Certificate, eligible for renewal one year from the date of issuance of the temporary Certificate; or
  - (ii) will not be issued an Annual Certificate for reasons cited in Section 16-11-14 of this Chapter.

(3) **Renewal Certificate.** An annual Certificate shall be valid for one year from the date of issuance of the temporary Certificate and shall expire at midnight on the anniversary date of issuance. Any annual Certificate that is not suspended, revoked, or expired may be renewed upon the request of the Registered Solicitor and the submission of a new Completed Application and payment of the Fee, unless any of the conditions for the denial, suspension or revocation of a Certificate are present as set forth in Section 16-11-14; or a Disqualifying Status is present.

A temporary Certificate shall be issued allowing the Applicant to immediately begin Door-to-Door Solicitation upon the following conditions:

- (i) Submission of a Completed Application
- (ii) Submission of the required fee
- (iii) Establishment of Proof of Identity
- (iv) Representations on the Application Form do not affirmatively show a Disqualifying Status
- (v) B.C.I. does not affirmatively show a Disqualifying Status
- (vi) Applicant has not previously been denied a Certificate by the City, or had a Certificate revoked for grounds that still constitute a Disqualifying Status under Chapter 4 of the North Ogden City Code

## DENIAL, SUSPENSION OR REVOCATION OF A CERTIFICATE OF REGISTRATION

- (1) **Denial.** Upon review, the Licensing Officer shall refuse to issue a Certificate to an Applicant for any of the following reasons:
  - A. **Denial of Temporary Certificate.**
    - (I) the Application Form is not complete;
    - (ii) the Applicant fails to (1) establish Proof of Identity, (2) provide a B.C.I. or (3) pay the Fees;
    - (iii) the Completed Application or B.C.I. indicates that the Applicant has a Disqualifying Status; or
    - (iv) the Applicant has previously been denied a Certificate by the City, or has had a Certificate revoked for grounds that still constitute a Disqualifying Status under this chapter.
  - B. **Denial of Annual Certificate.**
    - (i) the information submitted by the Applicant at the time of the granting of the temporary Certificate is found to be incomplete or incorrect;
    - (ii) since the submission of the Completed Application, the Applicant is subject to a previously undisclosed or unknown Disqualifying Status;
    - (iii) failure to complete payment of the Fees;
    - (iv) since the submission of the Application, the City has received a Substantiated Report regarding the past or present conduct of the Applicant;
    - (v) since the submission of the Application, the City or other governmental entity has either Criminally Convicted or obtained a civil injunction against the Applicant for violating this Chapter or similar Federal, State, or municipal laws in a manner rising to the level of a Disqualifying Status; or
    - (vi) since the submission of the Application, a Final Civil Judgment has been entered against the Applicant indicating that: (I) the Applicant had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of the applicant was non-discharge able in bankruptcy pursuant to 11 U.S.C. § 523(a)(2), (a)(4), (a)(6), or (a)(19).

C. **Denial of Annual Certificate Renewal.**

- (i) the information submitted by the Applicant when seeking renewal of a Certificate is found to be incomplete or incorrect;
- (ii) since the submission of the renewal Application, the Applicant is subject to a previously undisclosed or unknown Disqualifying Status;
- (iii) failure to complete payment of the Fees;
- (iv) since the submission of the Application or granting of a Certificate, the City has received a Substantiated Report regarding the past or present conduct of the Solicitor;
- (v) the City or other governmental entity has either Criminally Convicted or obtained a civil injunction against the Applicant for violating this Chapter or similar Federal, State, or municipal laws in a manner rising to the level of a Disqualifying Status; or
- (vi) since the submission of the Application, a Final Civil Judgment has been entered against the Applicant indicating that: (i) the Applicant had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of the applicant was non-discharge able in bankruptcy pursuant to 11 U.S.C. § 523(a)(2), (a)(4), (a)(6), or (a)(19).

(2) **Suspension or Revocation.** The City shall either suspend or revoke a Certificate when any of the reasons warranting the denial of a Certificate occurs.

(3) **Notice of Denial or Suspension.** Upon determination of the Licensing Officer to deny an Applicant's Completed Application or to suspend a Registered Solicitor's Certificate, the City shall cause written notice to be sent to the Applicant or Registered Solicitor by the method indicated in the Completed Application. The Notice shall specify the grounds for the denial or suspension, the documentation or information the City relied on to make the decision, the availability of the documentation for review by Applicant upon one (1) business day notice to the City, and the date upon which the denial or suspension of the Certificate shall take effect. It shall further state that the Applicant or Registered Solicitor shall have ten (10) business days from the receipt of the notice of denial or suspension to appeal the same. The denial or suspension of the Certificate shall be effective no sooner than two (2) calendar days from the date the notice is sent, unless that suspension is because of exigent circumstances outlined in Section 16-11-3, in which case, the suspension is effective immediately. The denial or suspension shall remain effective unless and until the order is rescinded, overturned on appeal, or determined by a court to be contrary to equity or law. Failure to appeal the suspension of a Certificate automatically results in its revocation.

## **DUTIES OF SOLICITORS**

- (1) Every person Soliciting or Advocating shall check each Residence for any "No Soliciting" sign or placard or any other notice or sign notifying a solicitor not to solicit on the premises, such as, but not limited to, "No Solicitation" signs. If such sign or placard is posted such Solicitor shall desist from any efforts to solicit at the Residence or dwelling and shall immediately depart from such property. Possession of a Certificate of Registration does not in any way relieve any solicitor of this duty.
- (2) It is a violation of this Chapter for any person Soliciting or Advocating to knock on the door, ring the doorbell, or in any other manner attempt to attract the attention of an occupant of a Residence that bears a "No Solicitation" sign or similar sign or placard for the purpose of engaging in or attempting to engage in Advocating, a Home Solicitation Sale, Door-to-Door Soliciting, or Soliciting.
- (3) It is a violation of this Chapter for any Solicitor through ruse, deception, or fraudulent concealment of a purpose to Solicit, to take action calculated to secure an audience with an occupant at a Residence.
- (4) Any Solicitor who is at any time asked by an occupant of a Residence or dwelling to leave shall immediately and peacefully depart.
- (5) The Solicitor shall not intentionally or recklessly make any physical contact with, or touch another person without the person's consent;
- (6) The Solicitor shall not follow a person into a Residence without their explicit consent;
- (7) The Solicitor shall not continue repeated Soliciting after a person and/or Competent Individual has communicated clearly and unequivocally their lack of interest in the subject, Goods or Services of the Solicitor;
- (8) The Solicitor shall not use obscene language or gestures.

## **TIME OF DAY RESTRICTIONS**

It shall be unlawful for any person, whether licensed or not, to Solicit at a Residence before 9:00 a.m. or after 9:00 p.m. Mountain Time, unless the Solicitor has express prior permission from the resident to do so.