

Precious Metals – Frequently Asked Questions

By when do I have to be registered?

- *January 1, 2015*

When do I have to start paying in check, draft or money order for each transaction of \$25.00 or more for precious metal purchased for the purpose of resale?

- *January 1, 2015*

How much does registration cost and how long is it good for?

- *A person who applies for certification pursuant to section 3882 of this title shall pay a nonrefundable fee of \$200.00 to the Department of Public Safety*
- *A certification shall expire two years from the date it is issued, and may be renewed by payment of \$200.00 and approval of the department*

What do I have to keep for records as a precious metal dealer?

- *For each item of precious metal sold to a precious metal dealer, he or she shall:*
 - *Assign a distinct entry number or, in the case of a lot of items, an entry number for the lot and a sub-lot number for each unmatched item in the lot;*
 - *Maintain the following records for each item or lot of items:*
 - *The amount of money paid and the date and time of the transaction;*
 - *The name, current address, and telephone number of the seller;*
 - *A legible description written on the day of the transaction that includes for each item any distinguishing mark and name of any kind, such as brand and model name, model and serial number, engraving, etching, affiliation with any institution or organization, date, initials, color, vintage, or image represented;*
 - *A digital photograph or video, taken at the time of the transaction, that references the entry number required under subdivision (a)(1) of this section and the date of the transaction;*
 - *A government-issued identification card issued to the seller that bears his or her photograph or a government-issued identification card and a digital photograph of the seller's face;*

- *And documentation of lawful ownership, including a bill of sale, receipt, letter of authorization, or similar evidence, provided that if these forms of documentation are unavailable, the seller shall submit an affidavit of ownership.*
- *A precious metal dealer who sells \$50,000.00 or more of precious metal in a consecutive 12-month period shall maintain the records required in this section in a computerized format that can be readily accessed, electronically transmitted, and reproduced in physical form.*
- *A precious metal dealer shall retain the records required in this section for at least three years at his or her normal place of business or other readily accessible and secure location.*
- *At all reasonable times, the records required under this section shall be open to the inspection of law enforcement.*

What would disqualify me from getting a certificate? What would cause my certification to be revoked?

- *The Department shall revoke a certification upon the conviction, on or after January 1, 2015, for a disqualifying offense by a precious metal dealer or one of its principals.*
 - *A felony under:*
 - *13 V.S.A. chapter 47 (fraud);*
 - *13 V.S.A. chapter 49 (fraud in commercial transaction);*
 - *13 V.S.A. chapter 57 (larceny and embezzlement); or*
 - *13 V.S.A. chapter 84 (possession and control of regulated drugs);*

or
 - *A violent felony under 18 V.S.A. § 4474g(e); or*
 - *One of the following misdemeanors, if a conviction for the misdemeanor occurred within the ten years preceding the date on which the convicted person applies for a certification to do business as a precious metal dealer:*
 - *petit larceny in violation of 13 V.S.A. § 2502;*
 - *receipt of stolen property in violation of 13 V.S.A. § 2561;*
 - *false pretenses or tokens in violation of 13 V.S.A. § 2002;*
 - *burglary in violation of 13 V.S.A. § 1201; or*
 - *false tokens in violation of 13 V.S.A. § 2003; or*
 - *A violation of this chapter punishable under subdivision 3890(c)(2) of this title.*
- *Department may revoke a certification upon the conviction, on or after January 1, 2015, for a disqualifying offense by an employee of a precious metal dealer*

acting within his or her scope of employment when he or she committed the offense.

- *The Department may revoke a certification for cause at any time during the period of the certification after notice and a hearing pursuant to 3 V.S.A. chapter 25.*

What is required for my business to become certified?

- *An application for certification shall include for each applicant and its principals
 - *The name, address, telephone number, and valid e-mail address or other electronic contact information;*
 - *The name of, and the nature of the affiliation with, any business involving the purchase or sale of precious metal within the past five years;*
 - *The age, date, and place of birth of each natural person;*
 - *The residential address and place of employment of each natural person;*
 - *Any crime of which a natural person has been convicted and the date and place of conviction.**
- *The Department shall not issue or renew a certification if an applicant or one of its principals has been convicted on or after January 1, 2015 of a disqualifying offense.*
- *Prior to issuing or renewing a certification pursuant to this section, the Department shall obtain a Vermont criminal history record, an out-of-state criminal history record, and a criminal history record from the Federal Bureau of Investigation for an applicant and each of its principals.
 - *A person for whom a record is requested shall consent to the release of criminal history records to the Department on forms substantially similar to the release forms developed in accordance with 20 V.S.A. § 2056c.*
 - *Upon obtaining a criminal history record, the Department shall promptly provide a copy of the record to the person who is the subject of the record and shall inform the person of the right to appeal the accuracy and completeness of the record pursuant to rules adopted by the Department.*
 - *The Department shall comply with all laws regulating the release of criminal history records and the protection of individual privacy.*
 - *No person shall confirm the existence or nonexistence of criminal history record information to any person who would not be eligible to receive the information pursuant to this chapter.**

Where do I need to display my certification?

- *A precious metal dealer shall prominently display his or her certification number at his or her place of business, and shall include his or her certification number in*

each advertisement, in any medium, that promotes the business or services of the precious metal dealer.

How long do I have to hold an item?

- *A precious metal dealer shall retain precious metal that he or she purchases for no fewer than 10 days before offering an item for sale or for scrap, and he or she shall not remove an item from the State prior to the expiration of this 10-day period.*
 - *Example: An antique rocking chair does not have to held for a 10-day period UNLESS you are planning on taking precious metal off the chair for resale*

Can I purchase precious metal from a person under the age of 18?

- *NO - A precious metal dealer shall not purchase precious metals offered for sale by a person under the age of 18*

How do I get onto the stolen property notification system?

- *When you file your application and it is approved you will automatically be added to the stolen property notification system. You MUST supply us with a valid e-mail address on your application and keep us apprised of any changes.*

Are there penalties for violating the rules?

- *Except as otherwise provided in this section, a person who violates a provision of this chapter shall be assessed a civil penalty of not more than \$1,000.00.*
- *A person who operates as a precious metal dealer without the certification required by section 3882 of this title shall be:*
 - *For a first offense, imprisoned for not more than six months or fined not more than \$10,000.00, or both;*
 - *For a second or subsequent offense, imprisoned not more than three years or fined not more than \$50,000.00, or both.*
- *A person who violates a provision of sections 3885–3888 of this title shall be:*
 - *For a first offense, imprisoned for not more than six months or fined not more than \$10,000.00, or both;*
 - *For a second or subsequent offense, imprisoned not more than three years or fined not more than \$50,000.00, or both.*
- *The Attorney General or a State’s Attorney shall have the authority to pursue an injunction to prohibit the conduct of a person in violation of this chapter.*

- *For purposes of this section, each transaction in which a person violates a provision of this chapter shall constitute a single violation, regardless of the number of violations of this chapter that occur in the transaction.*
- *A Judicial Bureau is created within the Judicial Branch under the supervision of the Supreme Court.*
- *The Judicial Bureau shall have jurisdiction of the following matters:*
 - *Violations of 9 V.S.A. chapter 97A that are subject to civil penalties pursuant to 9 V.S.A. § 3890(a), relating to the purchase and sale of precious metal by a precious metal dealer, as defined in 9 V.S.A. § 3881.*