

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE

BUREAU OF CRIMINAL INFORMATION AND ANALYSIS

ONLY
P.O. BOX 903387
SACRAMENTO, CA 94203-3870

Facsimile: (916) 227-3774

June 12, 2008

Richard Hopp
Post Office Box 3601
Van Nuys, California 91407

RE: Public Records Act Request

Mr. Hopp:

The California Department of Justice (DOJ) does not issue exemptions to individual persons or entities, with regards to the licensing requirements within the state of California, pertaining to Secondhand Dealers or Pawnbrokers. The Business and Professions Code and the Finance Code clearly define what activities require licensure as a Secondhand Dealer or Pawnbroker. It is clear, from your letter, that you are familiar with these statutes and the applicable sections.

The local law enforcement agencies (Police Departments and/or Sheriff's Offices) in California are the licensing authority and the enforcement authority for Secondhand Dealers or Pawnbrokers. The DOJ receives applications from local law enforcement agencies, collects fees, performs background investigations, and provides the results of those investigations back to the local law enforcement agency, which in turn decides whether or not to issue a license to the applicant(s). The local law enforcement agency, as the local licensing authority makes a determination based on state laws, particularly from the California Business and Professions Code and the Finance Code (with respect to Pawnbrokers). Local laws and ordinances, which vary from jurisdiction to jurisdiction, may also be considered.

From the description of your collecting activities, specifically that you only purchase goods (i.e. books, documents, and ephemera) and do not resell them, and having examined your websites, it does not appear that your activities constitute a Secondhand Dealership. However, your statement regarding the fact that you "recycle and donate" some of the items you collect is vague and the DOJ is not able to comment on what, if any, implications there would be for those activities.

The DOJ is not stating or implying that there are not other state or local permit, license, reporting, or other regulatory requirements that your activities, which do constitute a form of commerce, may be subject to. The DOJ does not provide legal services to private individuals. Therefore, DOJ cannot make any comments on issues that fall outside the statutory boundaries of our business area. We recommend that you contact the local law enforcement agencies in the

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jurisdictions in which you plan to conduct your collecting activities for additional information.

You may find all of the pertinent state laws at:

<http://www.leginfo.ca.gov/calaw.html>

This site allows searches by specific Code and by Keyword.

Thank you for your efforts to ensure that you are complying with all pertinent laws that may apply to your activities.

An electronic version of the above correspondence, from a DOJ email address, was also sent to you today, Thursday, June 12, 2008.

Sincerely,

**INFORMATION
ONLY**

ALFRED BOEHM, Manager

Secondhand Dealer & Pawnbroker Licensing Unit

For EDMUND G. BROWN JR.
Attorney General