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Chesterfield looks to change 'good character' permit laws

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Chesterfield County is looking to repeal its "good character" requirements for certain business permits after a spiritual counselor filed a lawsuit accusing the county of violating her constitutional rights.

Last month, Patricia Moore-King, who operates under the name "Psychic Sophie," filed the lawsuit in U.S. District Court in Richmond alleging that the county is discriminating by requiring her to go to great lengths to obtain a business license.

She claims the county's requirement that applicants considered "fortunetellers" obtain a police permit and provide a character reference signed by five residents is unconstitutional. A background check also is required.

Tomorrow, County Attorney Steven L. Micas will ask the Board of Supervisors to set a public hearing for February to consider changing the laws. He has proposed removing the "good character" standard.

State law enacted decades ago gives local police chiefs the say in whether certain types of businesses are granted licenses. Those include fortunetellers, precious-metal dealers, door-to-door salesmen, nightclubs, massage parlors and adult businesses.

Chesterfield's related ordinances allow the police chief to deny a permit on grounds such as previous denials or felony convictions, but also if the applicant is deemed to be not of "good character" or "good moral character."

"Virginia still has these in various places and they've been around for a long time, but other courts in other states have found them unconstitutional," Micas said.

Micas, who filed a response last week asking that Moore-King's lawsuit be dismissed, said that case was not the only reason for the proposed changes.

"We began looking at this when we had the recent issue relating to nightclubs," he said. "Since this latest dispute, we went back and looked at all of our permits. We decided that our permits are better reviewed exclusively based on past criminal convictions."

Last March, Chesterfield police began a crackdown under a zoning ordinance prohibiting the combination of dancing, drinking alcohol and live music without a nightclub license. As affected businesses applied, some ran into problems because of the police requirements.

The proposed changes -- if adopted by the Board of Supervisors -- still would not allow Moore-King to reopen her Bon Air business, which she closed in August because she lacked a license. She opted not to apply for one after being informed of the process.

Her psychic counseling and Tarot card business was in a community business zoning district. That is outside the county's acceptable area of operation for fortunetellers, which are limited to the general business district. King contends in her suit that she is not a fortuneteller.

"It appears that the county is acknowledging the constitutional problems with their antiquated ordinances," said Moore-King's attorney, Roman P. Storzer. "We are pleased that this may be remedied soon by legislative action. It does not redress all of the legal roadblocks faced by [Moore-King], but it's a good start."