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Wednesday, January 27, 2010 |

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[Home](#) > [News](#) > [Local](#)

Spiritual adviser suing Chesterfield County



LINDY KEAST RODMAN/TIMES-DISPATCH

Sophie King moved to Chesterfield County in 2008 from Los Angeles and began a spiritual-counseling business in Bon Air last March.

Related Info

County code

Chesterfield County defines a fortuneteller as: “any person or establishment engaged in the occupation of occult sciences, including a fortuneteller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologist, card reader, spiritual reader, tea-leaf reader, prophet, psychic or adviser or who in any other manner claims or pretends to tell fortunes or claims or pretends to disclose mental faculties of individuals for any form of compensation.”

To see the full codes relating to fortunetelling, see Part II, Chapters 6 and 15 at <http://www.chesterfield.gov/content.aspx?id=118>.

WESLEY P. HESTER TIMES-DISPATCH STAFF WRITER

Published: January 21, 2010

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A spiritual counselor has filed a lawsuit against Chesterfield County in U.S. District Court in Richmond, claiming that the county is discriminating against her and her beliefs through over-regulation.

Sophie King says Chesterfield is violating her constitutional rights to free speech, free exercise of religion and equal protection by failing to differentiate between fortunetellers and spiritual counselors.

King, who claims to be the latter, said she should not be subject to county requirement for fortunetelling businesses, which include a background check, character references, zoning restrictions, and a \$300 business license tax, significantly more than for most other business categories.

"The law is ridiculous and totally unfair. It reminds me of the Dark Ages," said King, who has worked as a psychic for 17 years and who reads Tarot cards and provides other spiritual counseling.

King claims she is not a fortuneteller -- a term she says carries negative connotations -- because she does not predict the future.

Rather, she "relays information that she receives without knowing how it relates to the individual client or its specific chronological significance," according to the lawsuit.

She is asking to have the county's codes relating to spiritual counselors changed to permit her to reopen the business she closed in August because she didn't have a business license, and to be compensated an unspecified amount for the time she has been unable to operate.

County Attorney Steven L. Micas filed a motion Tuesday to have the suit dismissed "for a number of reasons."

"The plaintiff asserts that she's a religion, but in fact she's just a business and subject to the normal regulations that affect businesses," he said.

The response also asserts the suit is inappropriately filed, as federal court does not have jurisdiction over claims relating to the county's business license tax or zoning ordinance, and King did not seek appropriate zoning.

King moved to Chesterfield in October 2008 from Los Angeles and began a spiritual-counseling business in Bon Air last March. She said she initially was unaware that she needed a business license to operate.

In August, after an anonymous phone caller asked whether she had the proper permits, King went to the county commissioner of the revenue's office to register her business and apply for a license, she said.

Commissioner Joseph A. Horbal determined that her business would fall under the section of county code for fortunetellers, which requires them -- along with bondsmen, massage therapists, and nightclub and adult-business operators, among others -- to obtain a permit from the chief of police.

Asked how it was determined that she should be classified as a fortuneteller, Horbal replied: "Well, because that's what she is."

Among other things, the permit for a fortuneteller requires a background check and a certificate signed by five county residents attesting that the applicant "is of good character and honest demeanor."

"That's a requirement that doesn't apply to anybody else operating any kind of establishment or providing any type of services except for fortunetellers," said King's attorney, Roman P. Storzer.

"She's new to the community and does not know that many people that live in the county, so not only can she not comply with that, but she doesn't feel that it's right to single her out because of her beliefs and what she does."

In Henrico County, fortunetellers -- along with clairvoyants and card readers -- are allowed to operate in the retail business district without a police permit and none pay a business license tax, which is only required for business with more than \$100,000 in annual gross receipts.

In Richmond, fortunetellers fall under "personal service business" and can operate in any of the city's business zoning districts. Any applicant must appear before the police chief, be photographed, fingerprinted, have a minimum of five character references, and undergo a background investigation. The applicant must also pay a license tax of \$3,000.

In Hanover, where business license taxes are not required, fortunetellers are permitted in all business districts without a police permit.

Horbal said there was nothing unique about King's circumstances in Chesterfield.

"I never made the determination that she was not a spiritual adviser," he said. "I made the classification that she falls under the section of the code that talks about fortunetellers, clairvoyants, Tarot card readers, et cetera. These are all activities she told us that she did."

That leaves King in the lurch: The areas in which a fortuneteller can operate are limited to the general business zoning districts and only with a conditional-use permit. King's business is located in a community business district.

"The way the laws are set up, they're making what they call a fortuneteller jump through more hoops than any other business, including adult businesses," she said. "What they are doing is unconstitutional."

In August, King received notice from the commissioner of the revenue that she owed \$343.75 in license taxes, late fees and interest, and she ceased operation. She has not paid the bill.

Storzer said he likes King's chances.

"The courts have held repeatedly that this type of activity is deserving of First Amendment

protection," he said.

Kent Willis, executive director of the American Civil Liberties Union of Virginia, agreed, saying "Chesterfield appears to be discriminating based on the content of speech, since some kinds of advice are allowed and other kinds not."

"While this case may not seem very compelling to the casual observer, it presents us with some very real and important questions about what constitutes an exercise of religion and the power of the government to interfere with a religious activity," he said.