



For Official Use Only

FORTUNE TELLER PERMIT
APPLICATION CHECKLIST

- New Application Renewal

Fortune Teller Permit License Fees:

New or Renewal of License Application: **\$30.00** (001.00000.3385)

Background Check: **\$113.00** per owner (001.21110.3788)

(Required for new or renewal each year)

Please mark a check by the box that we have received and reviewed the completed documents

- Completed Fortune Teller Application for each Owner/Officer
(Each Partner or Corporate Officers also need to complete an application)
- Completed Live Scan Application form if applying as New
(Each Partner or Corporate Officers need Live Scan and pay for a background check)
- Copy of California Driver's License (for each owner/officer)
- For New Applications a Completed Business Tax Application approved by Planning & Zoning Department
- Two (2) recent passport sized color photographs (for each owner/officer)

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Business Tax #: _____ Expiration date: _____

Received by: _____ Date: _____



FORTUNE TELLER APPLICATION

Nonrefundable fee of \$30.00 on all applications.

Name: _____

Address: _____

Daytime Phone Number: _____ Home Phone Number: _____

Driver's License or I.D. Number: _____ SSN: _____

Maiden Name: _____ Alias Name(s): _____

Name and address of business where applicant will be practicing:

Three horizontal lines for business address.

Name and address of all previous fortune teller business employment:

Three horizontal lines for previous employment address.

Have you ever been denied a fortune teller permit or had a permit to practice fortune telling revoked?

Yes No

If so, explain.

Three horizontal lines for explanation.

Have you ever been convicted of any crime? Yes No

List all convictions, including dates, charges, and locations.

Three horizontal lines for convictions.

Do you have any cases pending against you in court? Yes No

If so, where and for what?

Three horizontal lines for pending cases.



Finance Department | Revenue Division
39550 Liberty Street, P.O. Box 5006, Fremont, CA 94537-5006
(510) 494-4790 | businessstax@fremont.gov | www.fremont.gov

I certify under penalty of perjury that the statements I have made on this application are true and correct. I authorize the City of Fremont, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in this application and my qualifications for the permit. I further understand that any misrepresentations, omissions or falsifications will be grounds for the permit denial or future revocation.

Print Name: _____

Signature: _____ Date: _____



REQUEST FOR LIVE SCAN SERVICE

Applicant Submission

CA0010500 FORTUNE TELLER PERMIT
 ORI (Code assigned by DOJ) Authorized Applicant Type

FORTUNE TELLER PERMIT
 Type of License/Certification/Permit OR Working Title (Maximum 30 characters - if assigned by DOJ, use exact title assigned)

Contributing Agency Information:

Fremont Police Department 05565
 Agency Authorized to Receive Criminal Record Information Mail Code (five-digit code assigned by DOJ)

P.O. Box 5007, 2000 Stevenson Blvd M. Fontana
 Street Address or P.O. Box Contact Name (mandatory for all school submissions)

Fremont CA 94538 (510) 790-6682
 City State ZIP Code Contact Telephone Number

Applicant Information:

Last Name First Name Middle Initial Suffix

Other Name: (AKA or Alias)

Last Name First Name Suffix

Sex Male Female

Date of Birth Driver's License Number

Height Weight Eye Color Hair Color Billing Number
(Agency Billing Number)

Place of Birth (State or Country) Social Security Number Misc. Number
(Other Identification Number)

Home Address Street Address or P.O. Box City State ZIP Code

I have received and read the included Privacy Notice, Privacy Act Statement, and Applicant's Privacy Rights.

Applicant Signature Date

Your Number: _____
OCA Number (Agency Identifying Number)

Level of Service: DOJ FBI
(If the Level of Service indicates FBI, the fingerprints will be used to check the criminal history record information of the FBI.)

If re-submission, list original ATI number: _____
(Must provide proof of rejection) Original ATI Number

Employer (Additional response for agencies specified by statute):

Employer Name _____

Street Address or P.O. Box _____ Telephone Number (optional)

City _____ State ZIP Code Mail Code (five digit code assigned by DOJ)

Live Scan Transaction Completed By:

Name of Operator

Date

Transmitting Agency

LSID

ATI Number

Amount Collected/Billed



REQUEST FOR LIVE SCAN SERVICE

Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information. The California Justice Information Services (CJIS) Division in the Department of Justice (DOJ) collects the information requested on this form as authorized by Business and Professions Code sections 4600-4621, 7574-7574.16, 26050-26059, 11340-11346, and 22440-22449; Penal Code sections 11100-11112, and 11077.1; Health and Safety Code sections 1522, 1416.20-1416.50, 1569.10-1569.24, 1596.80-1596.879, 1725-1742, and 18050-18055; Family Code sections 8700-87200, 8800-8823, and 8900-8925; Financial Code sections 1300-1301, 22100-22112, 17200-17215, and 28122-28124; Education Code sections 44330-44355; Welfare and Institutions Code sections 9710-9719.5, 14043-14045, 4684-4689.8, and 16500-16523.1; and other various state statutes and regulations. The CJIS Division uses this information to process requests of authorized entities that want to obtain information as to the existence and content of a record of state or federal convictions to help determine suitability for employment, or volunteer work with children, elderly, or disabled; or for adoption or purposes of a license, certification, or permit. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The DOJ's general privacy policy is available at <http://oag.ca.gov/privacy-policy>.

Providing Personal Information. All the personal information requested in the form must be provided. Failure to provide all the necessary information will result in delays and/or the rejection of your request.

Access to Your Information. You may review the records maintained by the CJIS Division in the DOJ that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. In order to process applications pertaining to Live Scan service to help determine the suitability of a person applying for a license, employment, or a volunteer position working with children, the elderly, or the disabled, we may need to share the information you give us with authorized applicant agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes.
- To another government agency as required by state or federal law.

Contact Information. For questions about this notice or access to your records, you may contact the Associate Governmental Program Analyst at the DOJ's Keeper of Records at (916) 210-3310, by email at keeperofrecords@doj.ca.gov, or by mail at:

Department of Justice
Bureau of Criminal Information & Analysis
Keeper of Records
P.O. Box 903417
Sacramento, CA 94203-4170



REQUEST FOR LIVE SCAN SERVICE

Privacy Act Statement

Authority. The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose. Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses. During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental, or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.



REQUEST FOR LIVE SCAN SERVICE

Noncriminal Justice Applicant's Privacy Rights

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification¹ that your fingerprints will be used to check the criminal history records of the FBI.
- You must be provided, and acknowledge receipt of, an adequate Privacy Act Statement when you submit your fingerprints and associated personal information. This Privacy Act Statement should explain the authority for collecting your information and how your information will be used, retained, and shared.²
- If you have a criminal history record, the officials making a determination of your suitability for the employment, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or update of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the criminal history record.³

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.⁴

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.) *You can find additional information on the FBI website at <https://www.fbi.gov/about-us/cjis/background-checks>.*

¹ Written notification includes electronic notification, but excludes oral notification

² <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>

³ See 28 CFR 50.12(b)

⁴ See U.S.C. 552a(b); 28 U.S.C. 534(b); 34 U.S.C. § 40316 (formerly cited as 42 U.S.C. § 14616), Article IV(c)

Chapter 5.60 FORTUNE-TELLING

Sections:

- 5.60.010 Purposes and findings.**
- 5.60.020 Definitions.**
- 5.60.030 Permit – Compliance with conditions required.**
- 5.60.040 Permit application.**
- 5.60.050 Investigation.**
- 5.60.060 Issuance of permit.**
- 5.60.070 Permit revocation.**
- 5.60.080 Posting of fees.**
- 5.60.090 Receipts.**
- 5.60.100 Client’s record of consultation.**
- 5.60.110 Exceptions.**
- 5.60.120 Appeals.**
- 5.60.130 Authority to access and use summary criminal history information.**

5.60.010 Purposes and findings.

The practice of fortune-telling, as defined in this chapter, has historically been subject to abuse by certain unscrupulous persons using the practice to commit fraud and larceny upon clients.

It is the purpose of this chapter to regulate the practice of fortune-telling in such a manner as to reduce the risk of fraud and larceny to clients, while allowing fortune-tellers to provide their services to clients with only minimal restrictions.

The provisions of this chapter requiring obtaining a permit, posting of fees, providing receipts and allowing client recordation of the consultation will make it more difficult for an unscrupulous fortune-teller to commit fraud or larceny, and yet, as informational regulations, will not affect the nature of the information conveyed by the fortune-teller nor the manner in which it is conveyed. These regulations require only minimal expense and effort on the part of the fortune-teller and will not, therefore, impose any undue burden on their practices.

Fortune-telling for entertainment purposes, as defined in this chapter, does not create the same risk of fraud and larceny by an unscrupulous practitioner as would the practice with an individual client because it is done with a group at a public place for the purpose of entertaining and not to deal with the private concerns of an individual.

For these and other reasons, the provisions of this chapter are necessary to protect the health, safety and welfare of the community. (Ord. 1739 § 1, 9-16-86. 1990 Code § 3-6300.)

5.60.020 Definitions.

- (a) “For pay” means for a fee, reward, donation, loan or anything of value.

(b) "Fortune-telling" means:

(1) Telling fortunes, forecasting futures, or furnishing any information not otherwise obtainable by ordinary rational process of knowledge; or

(2) Use of any occult, psychic power, faculty, force, clairvoyance, clairaudience, cartomancy, psychology, psychometry, phrenology, spirits, tea leaves or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mind-reading, telepathy, craft, art, science, cards, talisman, charm, potion, magnetism, magnetized article, magnetized substance, gypsy cunning, foresight, crystal gazing, oriental mysteries, magic, or any other such unusual method.

(c) "Police chief" means the chief of police of the city of Fremont, or any delegate of the chief of police. (Ord. 1739 § 1, 9-16-86. 1990 Code § 3-6301.)

5.60.030 Permit – Compliance with conditions required.

(a) No person shall practice or allow fortune-telling in any way for pay without obtaining a permit to do so and posting that permit as required under this chapter.

(b) No person shall violate any permit conditions imposed or any provisions outlined in this chapter. Each day violations occur constitutes a separate offense. (Ord. 1739 § 1, 9-16-86. 1990 Code § 3-6302.)

5.60.040 Permit application.

Every person who practices fortune-telling for pay shall file a verified permit application with the police chief. The application shall contain:

(a) The name, home address, business address, home phone number, and business phone number of the applicant and any other person practicing or allowing fortune-telling in conjunction with the applicant;

(b) The applicant's fingerprints on a Fremont police department form;

(c) The address, city, state, and approximate dates where and when the applicant has practiced similar businesses;

(d) A sworn statement, submitted individually by the applicant and any other person practicing or allowing fortune-telling, verifying that the persons submitting the statements have not been convicted of the following crimes within the last five years: murder, mayhem, kidnapping, robbery, fraud, assault, perjury, battery, rape, arson, burglary, possession of burglarious instruments or deadly weapons, or attempts to commit any of the above. These crimes are defined in the California Penal Code. (Ord. 1739 § 1, 9-16-86. 1990 Code § 3-6303.)

5.60.050 Investigation.

The police chief may investigate the application. The investigation may be conducted only to verify sworn statements and facts in the application. The investigation shall be completed within 14 days after the

complete application is filed, unless the applicant consents to an extension of that period. (Ord. 1739 § 1, 9-16-86. 1990 Code § 3-6304.)

5.60.060 Issuance of permit.

- (a) Within 14 days after the complete application is filed, the police chief shall issue the permit if:
- (1) The information contained in the application is true;
 - (2) A sworn statement is provided that the applicant has not been convicted of the crimes listed in Section [9.50.040](#); and
 - (3) The applicant agrees to comply with all permit conditions; provided, however, that the police chief must impose conditions representing the least restrictive means of accomplishing the safety of persons and property. The police chief shall state the reasons for any condition in writing. Applicants issued permits must agree to post their prices, issue receipts to customers for money received, upon request, and to allow notes or audio recordings to be made or taken during fortune-telling.
- (b) The police chief shall deny the permit only if one of the conditions set forth above cannot be met.
- (c) If the police chief approves the permit, the city's tax and license collection supervisor shall issue the permit when the fee required by the master fee resolution has been paid.
- (d) The permit shall be valid for no more than the term of a regular business tax certificate. (Ord. 1739 § 1, 9-16-86. 1990 Code § 3-6305.)

5.60.070 Permit revocation.

The police chief may conduct a hearing upon 10 days' written notice to the applicant (at the address listed on the application) to determine whether the permit should be revoked upon:

- (a) Discovery of any false or misleading statement in the application;
- (b) Discovery of any misrepresentation in procuring the permit; or
- (c) Violation of any provision of this chapter or condition of the permit. (Ord. 1739 § 1, 9-16-86. 1990 Code § 3-6306.)

5.60.080 Posting of fees.

Each person required to obtain a permit under Section [5.60.030](#) shall post on his or her business premises a sign containing the following information:

- (a) The true name of the fortune-telling practitioner;
- (b) Each service provided by the fortune-telling practitioner;

- (c) The fees charged for each service provided by the fortune-telling practitioner;
- (d) The statement, "By law, this business is prohibited from charging or soliciting any fee, payment or remuneration beyond these established rates."

The sign required by this section shall be prominently posted in the interior of the business premises at a point near the entry and shall be conspicuously visible to every person seeking the services of the fortune-teller. The sign lettering shall be of uniform size with each letter at least one-half inch in height.

If the fortune-telling services are provided at a location other than the fortune-teller's permanent place of business, the fortune-teller shall provide the information required by this section on eight and one-half by 11-inch paper and legibly printed or typewritten. The paper shall also include the name and permanent address of the person providing the fortune-telling services. A true, correct and complete copy of such paper shall be given to each client prior to providing any fortune-telling services.

No person shall charge any fee, payment, remuneration or item of value for fortune-telling services in excess of the fees set forth on the sign or paper required by this section. (Ord. 1739 § 1, 9-16-86. 1990 Code § 3-6307.)

5.60.090 Receipts.

Prior to the acceptance of any money or item of value from a client, other than the acceptance of a gratuitous tip given voluntarily by the client, the fortune-teller shall issue a written receipt to the client, clearly showing:

- (a) The date;
- (b) The name of the client;
- (c) The amount of money received or a specific description of the item of value received; and
- (d) The purpose for which the money or item of value was received. (Ord. 1739 § 1, 9-16-86. 1990 Code § 3-6308.)

5.60.100 Client's record of consultation.

No person engaging in fortune-telling services shall prohibit a client from making an audio recording or taking written notes of the information conveyed by the fortune-teller. (Ord. 1739 § 1, 9-16-86. 1990 Code § 3-6309.)

5.60.110 Exceptions.

- (a) This chapter shall not apply to any person doing all of the following: entertaining the public by demonstrations of mind-reading, mental telepathy, thought conveyance, or horoscopic readings; at public places; in the presence of and within the hearing of other persons; when no questions are answered, as part of such entertainment, except when all persons can hear the answers to those questions simultaneously.

(b) This chapter shall not apply to persons conducting religious services when they both hold certificates of ordination as ministers, missionaries, mediums, healers, or clairvoyants, hereinafter referred to collectively as ministers; and when the certificate is from a bona fide religious association maintaining a church, holding regular services, and having a set of religious principles recognized by all churches of like faith; provided, that:

(1) Except as provided in subsection (b)(3) of this section, things of value received for services shall be accounted for and paid solely for the benefit of the religious association;

(2) Ministers shall file with the police chief a certified copy of their certificate of ordination with their names, ages, street addresses, and phone numbers where the activity is to be conducted; and

(3) Such religious associations may pay their ministers compensation based upon some percentage, under an agreement with the ministers, embodied in a resolution and transcribed in the minutes of such churches or religious associations. (Ord. 1739 § 1, 9-16-86. 1990 Code § 3-6310.)

5.60.120 Appeals.

If the police chief denies an application for a permit filed under this chapter, or issues a permit with conditions, the applicant may appeal that determination by filing a notice of appeal with the city clerk as provided under Section [1.25.010](#). Likewise, any other aspect of the police chief's or tax and license collection supervisor's actions taken with respect to the application may be appealed in a similar manner. The provisions contained in Section [1.25.010](#) and following shall govern the city council's consideration of such an appeal. (Ord. 1739 § 1, 9-16-86. 1990 Code § 3-6311.)

5.60.130 Authority to access and use summary criminal history information.

(a) Findings. The city council of the city of Fremont makes the following findings in support of this chapter. First, the normal and efficient operations of the city require that criminal history information be obtained in the course of determining whether a fortune-telling permit should be issued. Second, Cal. Penal Code §§ [11105](#) (b)(10) and 13300 authorize the city and its officials to seek access to summary criminal history information in fulfilling certification and licensing duties. Third, the provisions of state law set forth certain limitations on the access such public officials have to summary criminal history information in order to protect the rights to privacy of fortune-tellers; this is a policy expressly recognized by this chapter. Fourth, besides being an attempt to follow statutory and constitutional law and policies, this chapter is enacted to recognize and balance the privacy rights and safety of the citizens of Fremont and those of fortune-tellers.

(b) Under the above sections of the California Penal Code, the police chief, the city manager, the city council, and the city attorney are authorized hereby to have access to and utilize summary criminal history information when it is needed to assist those persons in fulfilling their licensing duties set forth in this chapter.

(c) Notwithstanding the provisions of Section [5.60.120](#), if an applicant appeals the denial or conditional issuance of his or her permit and it is reasonably foreseeable summary criminal history information will be at

issue or in evidence during the hearing on the appeal, the provisions of Cal. Gov't Code § [54956.7](#) regarding closed sessions shall apply. (Ord. 1739 § 1, 9-16-86. 1990 Code § 3-6312.)

The Fremont Municipal Code is current through Ordinance 05-2021, passed April 20, 2021.

Disclaimer: The City Clerk's office has the official version of the Fremont Municipal Code. Users should contact the City Clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.fremont.gov/>

City Telephone: (510) 284-4060

[Code Publishing Company](#)