

CAPITAL PAWN SHOP, INC. 4359 TROY HIGHWAY MONTGOMERY, AL 36116,	§	STATE OF ALABAMA DEPARTMENT OF REVENUE ADMINISTRATIVE LAW DIVISION
Taxpayer,	§	DOCKET NO. MISC. 08-751
v.	§	
STATE OF ALABAMA DEPARTMENT OF REVENUE.	§	

FINAL ORDER

The Revenue Department assessed Capital Pawn Shop, Inc. ("Taxpayer") for a privilege license tax for October 2007 through September 2008. The Taxpayer appealed to the Administrative Law Division pursuant to Code of Ala. 1975, §40-2A-7(b)(5)a. A hearing was conducted on January 6, 2009. Luke Finkelstein was notified of the hearing by certified mail, but failed to appear. Assistant Counsel John Breckenridge represented the Department.

The Taxpayer advertises that it buys scrap jewelry, including gold, silver, and platinum, by weight for recycling. Based thereon, the Department determined that the Taxpayer was required to have a junk dealers license pursuant to Code of Ala. 1975, §40-12-116. It assessed the Taxpayer accordingly for the period in issue. The Taxpayer paid the final assessment and appealed.

The Taxpayer's representative argued in his appeal that §40-12-116 conflicts with the Pawn Shop Act found at Code of Ala. 1975, §5-19A-1, et seq. He also claims that he purchased a Buy and Sell Gold and Silver license from the City of Montgomery. He argues that he was told by an employee of the Alabama Department of Banking that he would not need a junk dealers license.

The Department of Banking license is a regulatory license, whereas the §40-12-116 junk dealers license is a privilege license. The Banking license and the §40-12-116 privilege license are not mutually exclusive. That is, the Taxpayer is liable for both licenses, and requiring the Taxpayer to also obtain the §40-12-116 junk dealers license does not “conflict” with the Pawn Shop Act, as argued by the Taxpayer.

As indicated above, the Taxpayer has paid the final assessment in full. No refund is due. Judgment is entered accordingly.

This Final Order may be appealed to circuit court within 30 days pursuant to Code of Ala. 1975, §40-2A-9(g).

Entered January 7, 2009.

BILL THOMPSON
Chief Administrative Law Judge

bt:dr

cc: John J. Breckenridge, Esq.
Luke Finkelstein
Janet Stathopoulos