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St. Thomas, VI 00802

October 31, 2019

VIA E-MAIL

Re: U.S.V.I. Business License Process

Thank you for trusting Tully Law, PLLC with handling your business needs. The Firm strives to be as transparent as possible with our billing. This letter is meant to provide our clients with an overall picture of the business license application/renewal process so that our clients are better able to understand the legal fees and expenses associated with acquiring their business license.

While your business license application is being processed, you will receive various requests for information from our staff. The information the Firm requests is needed to satisfy the requirements of the Department of Licensing and Consumer Affairs (DLCA) and the various other government agencies regulating your particular business license. At minimum, there are six (6) different government agencies involved in obtaining a business license. Our office handles all interactions with these agencies on your behalf.

If you have any questions during this process, please do not hesitate to ask.

Sincerely,

A handwritten signature in cursive script that reads "Jessica Tully".

Jessica C. Tully, Esq.

In addition to filing a completed “Application for U.S. Virgin Islands Business License” with the DLCA, the following items will need to be on file with the DLCA **before** a business license may be issued:

I. Requirements for All Business Licenses

a. Certificate of Trade Name/ Partnership and Corporation Registration

Lt. Governor's Office

Telephone: STT (340) 776-8515 / STX (340) 773-6449

Website: <http://ltg.gov.vi/corporations-and-trademarks.html>

b. Tax Clearance Letter

U.S.V.I. Bureau of Internal Revenue

Telephone: STX (340) 773-1040 STT (340) 715-1040

Website: <http://www.vibir.gov>

All applicants for license renewal must submit a tax clearance letter showing good standing with the U.S. Virgin Islands Bureau of Internal Revenue. This review will be conducted on the applicant's behalf by the DLCA Division of Licensing upon submission of the application for a new business license.

c. Police Records Check

Police Department

Telephone: STT (340) 774-2211 / STX (340) 778-2211

Website: http://www.vipd.gov.vi/Departments/Office_of_the_Police_Commissioner/Records_Bureau.aspx

All applicants must submit to a Background Check from the Police Department. This review will be conducted on the applicant's behalf by the DLCA Division of Licensing upon submission of the application for new business license or change of principal(s).

d. Zoning Approval

Department of Planning and Natural Resources

Telephone: STT (340) 774-3320 / STX (340) 773-3450

Website: <http://www.dpnr.gov.vi/pages/about-dpnr-1>

All businesses must submit to a review by the Department of Planning and Natural Resources for zoning compliance. This review will be conducted on the applicant's behalf by the DLCA Division of Licensing upon submission of application for business license.

e. Fire Inspection

Fire Service

Telephone: STT (340) 774-7610 / STX (340) 773-8050

All businesses must submit to a review by the Fire Service for fire code compliance. The Fire service will determine the nature of the review that is required for your business type.

II. Additional Requirements for Certain Businesses

a. Health Inspection

Department of Health

Telephone: STT (340) 774-9000 /STX (340) 773-1311

Website: <http://www.healthvi.org/>

Some businesses will need to submit to a review by the Department of Health, depending on type of license requested (i.e., food-related business, counseling practices, massage therapists, etc.).

b. Board Certifications

Office of Boards and Commissions

Telephone: STT (340) 774-3130 / STX (340) 773-2226

Website: <http://dlca.vi.gov/boardcertifications>

The following listed professions must be certified by their respective board to practice in the U.S.V.I.:

- Architects, Engineers, and Land Surveyors;
- Barbers, Beauticians and Manicurists;
- Construction Contractors;
- Electricians;
- Plumbers;
- Public Accountancy;
- Real Estate Appraisers;
- Real Estate Commissioners;
- Social Workers

NOTE: To avoid unnecessary delays, please make sure your business is ready for inspection and has complied with all rules and regulations concerning your type of business and/or profession prior to submitting your business license application.

Construction Contractor License

Purpose of Licensure:

To set standards of qualifications, education, training, and experience for persons engaged in Construction. To promote high standards of professional performance for those persons working in the Construction field. To ensure that everyone engaged in work in the construction field is licensed.

Period of Licensure:

All permanent licenses are issued on an annual basis from **November 1 to October 31** of each calendar year.

Application Process:

Applications must be completed entirely and legible. Initial Application Requirements:

- Completed and notarized application;
- Three (3) 2x2 photographs of applicant;
- One (1) letter of favorable character testimony;
- Two (2) letters of professional reference of applicant's work in the construction field from a licensed contractor along with their proof of current registration or certification;
- Automobile insurance for Construction;
- File with the Board, in such form as the Board requires, proof that he/she carries all insurance required by law, including but not limited to, workmen's compensation and general liability insurance;
- Payment of Required Fees.

Required Fees:

Non-Refundable Application Fee	\$50.00
Examination Fee	\$300.00 both part \$200.00 one part
License Fee	\$130.00
Renewal Fee	\$130.00

Mailing Addresses:

Attention: H. Nathalie Hodge
Assistant Commissioner, Office of Boards and Commissions
V.I. Board of General Construction Contractors
Department of Licensing and Consumer Affairs
Golden Rock Shopping Center, Suite #9
Christiansted, VI 00820-4311

Renewal of License:

In order to renew both a professional and or business license, visit the Department of Licensing and Consumer Affairs website (www.dlca.vi.gov), and follow the simple steps in order to obtain a reference number and choose your payment option.

- A favorable tax approval is required and shall be provided electronically from the VIBIR;
- Proof of Commercial Liability Insurance; and
- Proof of Workman's Comp



Government of the Virgin Islands
of the United States

Department of Licensing and Consumer Affairs

Golden Rock Shopping Center
3000 Estate Golden Rock, Suite 9
St. Croix, VI 00820-4311
Telephone: 340.713.3522
Facsimile: 340.773.6982

Administrative Complex
"The Battery"
St. John, VI 00830
Telephone: 340.693.8036
Facsimile: 340.776.6989

Property & Procurement Building
8201 Subbase, Suite 1
St. Thomas, VI 00802-5826
Telephone: 340.714.3522
Facsimile: 340.776.8303

Office of Boards and Commissions

REQUIREMENT FOR CONSTRUCTION CONTRACTOR'S EXAMINATION

1. COMPLETED AND NOTARIZED APPLICATION.
2. (3) 2X2 PASSPORT SIZE PHOTOGRAPHS OF APPLICANT.
3. (2) PROFESSIONAL REFERENCE LETTERS FROM LICENSED GENERAL CONTRACTORS, PROFESSIONAL ENGINEERS OR REGISTERED ARCHITECTS.
Letters from professional references must submit a copy of current license along with their letter.
4. (1) CHARACTER REFERENCE LETTER.
5. *If applicant is already licensed*, Evidence of passing the NASCLA (National Association of State Contractors Licensing Agencies) National Examination.
6. Fees: Non-Refundable Application Fee \$50.00
Non-Refundable NCIC Background Check Fee \$250.00

COMPLETED APPLICATIONS CAN BE SUBMITTED ON:

ST. CROIX

Department of Licensing and Consumer Affairs
Office of Boards and Commissions
3000 Golden Rock Shopping Center, Suite 9
Christiansted St. Croix, Virgin Islands 00820
(340) 713-DLCA (3522)
(340) 718-8250 (fax)

or

ST. THOMAS

Department of Licensing and Consumer Affairs
Office of Boards and Commissions
Property and Procurement Building
No. 1 Subbase, Room 205
St. Thomas, Virgin Islands 00802
(340) 714-DLCA (3522)

"Serving Businesses and Assisting, Educating, & Protecting Consumers"

www.dlca.vi.gov



17. Has your license ever been revoked? () yes () no
If yes, please explain: _____

18. Have you ever been censured for unprofessional conduct? () yes () no
If yes, please explain: _____

Part III

19. LIST CURRENT PROFESSIONAL REGISTRATIONS:

State/Country	Registration or License #	Title of License	Expiration Date

20. LIST MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS:

Organization	Class of Membership

21. REFERENCES (2 Professional and 1 Character reference other than Board Members and Relatives of Applicant. Letters submitted must correspond with the names listed below and professional references must submit a copy of current license .)

Name	Address	Telephone Number
1.		
2.		
3.		

Part IV

22. **EDUCATION:** (Please list in chronological order, beginning with most recent)

Name and Address of Institution	Attendance From To	Technical Course	Graduation	Degree Received

23. **TRAINING AND EXPERIENCE:** (Please list in chronological order your practical experience in the construction industry for at least the past 5 years) Use additional sheet if necessary, following the same format or attach resume.

From	To	Name, Address and Phone # of Employer	Name of Immediate Supervisor	Job Title Job Description

All information must be verifiable. Any false information may be reason for denial of application.

Part V

AFFIDAVIT

(Must be completed by all applicants)

24. State of _____
Territory of _____
Country of _____

I, _____, being duly sworn, depose and say that I am the person who executed the foregoing instrument; that I have read the same and know the contents thereof; that the matters stated therein are true to my knowledge; that I have not suppressed any information that might affect this application; and that I have read and understand this affidavit.

Applicant's Signature

Sworn and Subscribed before me this _____ day of _____, 20_____.

SEAL

Notary Public

My Commission expires on _____

Do not write below this line:

Disposition:

Application Approved:

YES

NO

DLCA Authorized Signature

Date: _____

DLCA Authorized Signature

Department of Licensing and Consumer Affairs



Office of Boards and Commissions

**STUDY GUIDE INFORMATION FOR CONSTRUCTION CONTRACTOR
EXAMINATION CANDIDATES**

The contents of the examination, include but are not necessarily limited to, information taken from the following reference materials.

- A. **THE BUILDING CODE**, found in Title 29 of the Virgin Islands Code, can be obtained from the Office of the Lieutenant Governor.
- B. **THE UNIFORM BUILDING CODE - 1994.**
- C. **CONGRESS OF AMERICA BUILDING OFFICIALS (CABO) CODE.**

The applicant should be familiar with the following:

- 1. **AMERICAN CONCRETE INSTITUTE CODES AND RULES**
 - a. Concrete strength, curing, testing and design
 - b. Installation of concrete forms
 - c. Different concrete mixes
- 2. **USE OF THE AISC MANUALS AND THE APPLICATION OF THE FOLLOWING**
 - a. Bar size and bending
 - b. Steel strengths
 - c. Placement of installation of steel
- 3. **APPLICATION OF TIMBER IN CONSTRUCTION**
 - a. Interior or exterior grade
 - b. Pressure or non-pressure treatment
 - c. Common sizes
 - d. Strength of different types of wood (UBC)
- 4. **RESPONSIBILITIES VIS-A-VIS**
 - a. Project architect and/or engineer

Department of Licensing and Consumer Affairs



Office of Boards and Commissions

- b. Owner - private or government - government procedures regarding change orders, payments and acquisitions of permits from the Department of Planning and Natural Resources
- c. Labor laws for trades and crafts

5. ESTIMATES

6. CONTRACTS - USE FLORIDA CONTRACTOR'S REFERENCE MANUAL, CHAPTER 5

- a. Essential elements of a contract
- b. Types of construction contracts
- c. Subcontractors

7. PROJECT MANAGEMENT

- a. Scheduling
- b. Critical path method
- c. Cost control

8. RISK MANAGEMENT

- a. Assessing risk
- b. Insurance and insurance policies
- c. Contract requirements
- d. Types of construction insurance
- e. Bonds

9. SAFETY REGULATIONS - USE FLORIDA CONTRACTOR'S REFERENCE MANUAL, CHAPTER 8

- a. Federal OSHA
- b. Asbestos
- c. Hazardous chemicals

ACT NO. 63 37

BILL NO. 23-0006

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS OF THE UNITED STATES

Regular Session

1999

To create a Virgin Islands Board of General Construction Contractors

—0—

BE IT ENACTED by the Legislature of the Virgin Islands:

SECTION 1. (a) Title 27 of the Virgin Islands Code is hereby amended by adding a new Chapter 10 to read as follows:

“Chapter 10. Virgin Islands Board of General Construction Contractors

§ 321. Board of General Construction Contractors

(a) The Virgin Islands Board of General Construction Contractors is hereby established within the Department of Licensing and Consumer Affairs. The Board shall consist of seven members, including the Commissioner of the Department of Licensing and Consumer Affairs or his designee as an ex officio member, and six other members appointed by the Governor with the advice and consent of the Legislature. Each appointed member shall be a resident of the United States Virgin Islands and shall have been a licensed general construction contractor in good standing for at least three years prior to the date of appointment. Three members shall be residents of the District of St. Croix, and three members shall be residents of the District of St. Thomas/St. John, one of whom shall be a resident of St. John; provided, however, that at least two members from each district shall be member designees of the Association of General Contractors or a similar organization in the district in which he resides.

(b) The Governor shall appoint the Board as follows: two members shall be appointed for one year; two members shall be appointed for two years, and two members shall be appointed for three years. Thereafter, all members shall serve terms of three years, except that any person appointed to fill a vacancy occurring on the Board prior to the expiration of the term for which his predecessor was appointed, shall be appointed

only for the remainder of such term. Each member of the Board shall continue to serve until his successor is appointed by the Governor and confirmed by the Legislature. Four members of the Board shall constitute a quorum.

(c) The Board shall elect at its first meeting in each calendar year one of its members to serve as Chairman and another member to serve as Vice Chairman.

(d) The Board, under the hand of its Chairman and the seal of the Board, may subpoena witnesses and compel their attendance and require the production of papers, records or documents in any inquiry, proceeding or for discovery that may be instituted by it or be pending before it. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

(e) Each member of the Board shall receive \$50 for each day or part thereof spent in the work of the Board, plus actual travel expenses including meals and lodging.

(f) A member of the Board may be removed by the Governor for cause.

(g) As used in this Chapter, 'Board' means the Virgin Islands Board of General Construction Contractors and 'Commissioner' means the Commissioner of the Department of Licensing and Consumer Affairs.

§ 322. Unlawful practice of general construction

It shall be unlawful for any person to operate as a general construction contractor within the Virgin Islands unless he is licensed as provided for in this chapter.

§ 323. License required

(a) Any person wishing to become a general construction contractor in the Virgin Islands or to engage in any construction trade as a business shall obtain a license to do so in accordance with the provisions of this chapter.

(b) Notwithstanding subsection (a) of this section, the Virgin Islands Board of General Construction Contractors, established under section 321 of this chapter, shall issue a license to an applicant without examination, after making a determination that an applicant has practiced as a general construction contractor in the Virgin Islands for at least five years prior to the passage of this chapter and has not had any official complaints filed against the applicant and is in good standing with the Department of Licensing and Consumer Affairs.

§ 324. Powers and duties of the Board

The Board shall have the power and duty to:

- (a) adopt an official seal;
- (b) examine , recommend, issue, suspend and revoke licenses issued under this chapter;
- (c) establish fees to be charged and collected;
- (d) adopt, amend and repeal rules and regulations and bylaws, not inconsistent with the provisions of this chapter, upon finding that such are necessary for the furtherance of the provisions of this chapter, which rules, regulations or bylaws, when approved by the Governor, shall be deemed to be a part of and of the same effect as this chapter;
- (e) employ counsel, subpoena witnesses, and administer oaths;
- (f) submit to the Governor and to the Legislature, through the Commissioner, annual reports containing a summary of its work, and any other data, which the Governor, the Commissioner or the Legislature may request;
- (g) develop and administer the criteria, standards and testing for examination and determining the competency and qualifications of contractors;
- (h) determine the types and classes of licenses and the qualifications for each applicable license;
- (i) investigate acts of negligence, wrongdoing, and official complaints filed through the Department of Licensing and Consumer Affairs; and
- (j) establish and set the rate basis for fees.

§ 325. Applications for licenses; qualifications

(a) Applications for licenses under this chapter shall be forwarded to the Chairman of the Board and shall be accompanied by satisfactory proof in writing that the applicant -

(1) has resided in the Virgin Islands for twelve consecutive months immediately preceding his application; and

(2) is of good moral character as shown by at least three letters of favorable character testimony; and

(3) has had a previous valid license in any other jurisdiction or prior experience in the field of construction.

(b) The residence requirements specified in this section shall not apply to bona fide residents of the Virgin Islands who have been temporarily absent studying or practicing as general construction contractors.

§ 326. Examinations and issuance of licenses

(a) Every applicant for a license pursuant to this chapter shall be required to be tested in writing or orally and by practical examination issued and administered by the Board to show that the applicant has sufficient knowledge, technical training and administrative ability to perform, supervise and manage the practice of general construction. The Board shall administer examinations three times each year on each island. The Board shall also conduct such investigations as may be proper to determine the character, fitness, and knowledge of applicants.

(b) Within 15 days after an applicable examination, the Board shall notify the Commissioner of the names and addresses of all persons who have passed the examination and of the particular licenses they are entitled to receive. The Commissioner shall, upon such notification and payment of fees, issue such appropriate licenses.

(c) Any person who fails to pass an examination may apply for reexamination after the expiration of 60 days upon payment of the regular examination fee. No person shall be allowed to sit for the examination more than two times in any calendar year.

(d) All examinations and any accompanying information issued by the Board, to carry out the provisions of the chapter, shall be issued in English and in Spanish.

§ 327. Requirements for licensure

Applicants for licenses pursuant to this chapter shall:

(a) file with the Board proof that he carries all insurance required by law including, but not limited to Workmen's Compensation and adequate public liability and automobile insurance, and that he is financially responsible.

(b) show that he maintains a regular place of business at a physical address in the Virgin Islands.

§ 328. Use of licensee's name by another

No person who has obtained a license pursuant to this chapter shall allow his name or the business in whose name the license was issued to be used by another person or company either for the purpose of obtaining required permits or for doing business or work under such license.

§ 329. Bonds

(a) Every person licensed under the provisions of this chapter shall execute and deposit with the Commissioner a bond in a sum of not less than \$10,000 and with such number of U.S. Treasury listed and rated sureties as the Board may determine, to be conditioned upon:

(1) the faithful performance of all work in accordance with applicable building codes and regulations,

(2) the licensee's paying all fines and penalties properly imposed upon him for violation of the provisions of this chapter and any other applicable law; and

(3) the licensee's indemnifying the Government of the Virgin Islands as being held harmless from the consequences of any and all acts of said licensee during the period covered by such bond.

(b) No license issued pursuant to this chapter shall be valid unless a bond is executed and deposited as provided by this section. Pursuant to the powers granted by section 324 of this chapter, the Board may, by rules and regulations, uniformly increase the amount of any bond required by this section.

§ 330. Fees

The fee for taking each examination to be licensed as a general construction contractor shall be set by the Board but shall not be less than \$50. Such fee shall be paid to the Department of Licensing and Consumer Affairs prior to the examination.

§ 331. Revocation or suspension of licenses

(a) The Board may refuse to grant, or may suspend, revoke or refuse to renew any license if the holder has -

(1) secured such license by any misrepresentation;

(2) demonstrated a level of competence manifestly inconsistent with the retention of the license in question;

(3) engaged in fraudulent business activities or in misleading advertising practices;

(4) violated a provision of this chapter;

(5) committed an act of gross negligence or condoned such an act by an employee of his;

(6) failed to adequately and properly supervise employees in compliance with recognized safety standards as applicable to local and federal agencies having oversight and jurisdiction;

(7) failed to secure each required inspection of building construction in order to ascertain compliance with the Uniform Building Code, CABO Building Code and any other rules, regulations, applicable provisions and standards as they may apply or is amended hereafter; and,

(8) failed to perform construction in conformance with standards established by the Uniform Building Code, CABO Building Code and any other rules, regulations, applicable provisions and standards as they may apply or is amended hereafter.

§ 332. Charges against licensee; hearing

(a) Any person aggrieved by an action of a licensee may file charges against the licensee as set forth in this section. Such charges shall be in writing and shall be sworn to by the person making them and shall be filed with the secretary of the Board. The Board, unless dismissed by the Board as unfounded or trivial, shall hear all charges, after completing any necessary investigation.

(b) The time and place for the hearing shall be fixed by the Board and a copy of the charges together with a notice of the time and place of hearing shall be personally served on or sent by certified mail to the last known address of the licensee at least 15 days before the date fixed for the hearing.

(c) At any hearing the accused licensee shall have the right to appear personally and by counsel to cross-examine witnesses appearing against him and to produce evidence and witnesses in his own defense.

(d) No license shall be suspended or revoked except upon the agreement of at least four members of the Board.

(e) The losing party shall reimburse the prevailing party for all reasonable costs, expenses and attorney's fees. The Board shall promulgate rules and regulations establishing reasonable costs, expenses and attorneys' fees.

§ 333. Revocation and Reapplication

A person whose license has been revoked may become eligible not earlier than one year from the date of the revocation for a new license, upon meeting all of the requirements of this chapter.

§ 334. Appeal

(a) Any person aggrieved by an action of the Board in revoking, suspending, or refusing to issue his or its license may appeal such action to any court of competent jurisdiction in the Virgin Islands within 30 days after the date of such action. The filing of an appeal shall not stay the action complained of, unless specifically ordered by the court. If the aggrieved party fails to file an appeal with the court within thirty days, the Board's findings and ruling shall be final.

(b) Upon appeal, every finding, decision and determination by the Board, as to questions of fact, shall be deemed final in the absence of conclusive evidence showing to the court fraud or that the decision of the Board was not based on substantial evidence in the record.

§ 335. Penalties

Whoever violates any provisions of this chapter or any rule or regulation thereunder shall be fined not less than \$1,000 for each violation or act of non-compliance."

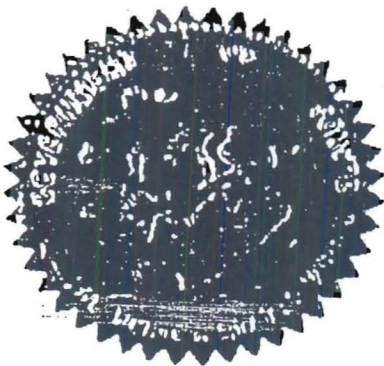
Thus passed by the Legislature of the Virgin Islands on December 15, 1999.

Witness our Hands and the Seal of the Legislature of the Virgin Islands this 22 Day of December, A.D., 1999.



Vargrave Richards
VARGRAVE A. RICHARDS
President

Roosevelt St. C. David
ROOSEVELT ST. C. DAVID
Legislative Secretary



The above bill is hereby approved.

Witness my hand and the Seal of the Government of the United States Virgin Islands at Charlotte Amalie, St. Thomas, this 30th day of December, A.D., 1999.

Charles W. Turnbull
Charles W. Turnbull
Governor

§ 329. Bonds

(a) Every person licensed under the provisions of this chapter shall execute and deposit with the Commissioner a bond in a sum of not less than \$100,000 and with such number of U.S. Treasury listed and rated sureties as the Board may determine, to be conditioned upon:

(1) the faithful performance of all work in accordance with applicable building codes and regulations;

(2) the licensee's paying all compensatory awards to consumers in whose favor such awards are rendered by the Board, as well as all fines and penalties properly imposed upon him for violation of the provisions of this chapter and any other applicable law; and

(3) the licensee's indemnifying the Government of the Virgin Islands, or the Board, as being held harmless from the consequences of any and all acts of said licensee during the period covered by such bond.

(b) No license issued pursuant to this chapter shall be valid unless a bond is executed and deposited as provided by this section. Pursuant to the powers granted by section 324 of this chapter, the Board may, by rules and regulations, uniformly increase the amount of any bond required by this section.

(Added Dec. 30, 1999, No. 6337, § 1(a), Sess. L. 1999, p. 243; amended Feb. 1, 2001, No. 6391, § 2(o)(7), Sess. L. 2000, p. - .)