

### Solicitation in the Community

April 27, 2004

It's not unusual to see people walking along the streets of South Riding performing door-to-door sales, or solicitation. Although the interruptions to our lives caused by solicitors are often bothersome and inconvenient, door-to-door solicitation is legal within Loudoun County.

Chapter 828 of the Loudoun County Code regulates the activities of door-to-door solicitors and peddlers. Solicitation defined as 'traveling from premises to premises or from street to street, taking or attempting to take orders for the sale or lease of goods, wares, merchandise or personal property of any nature for future delivery or for service to be furnished or performed at that time or in the future, whether or not such person carries or exposes for sale a sample such sale or lease or whether or not he is collecting advance payment on such sales or leases.' Peddling means 'traveling from premises to premises or from street to street offering or exposing for sale or lease or making sales or leases of goods, wares or merchandise.'

Section 828.03b also defines situations that are NOT considered soliciting or peddling, including:

- Sales of perishable or farm grown items that the seller did not purchase for resale OR/and who has a state license to sell perishables from a vehicle.
- Sales where the proceeds are to be used solely for nonprofit charitable, religious or community service purposes, for example, churches, volunteer fire and rescue groups, the Leukemia & Lymphoma Society, and Scouts. If there is a question regarding the validity of the nonprofit organization, contact the Consumer Protection Hotline of the Virginia Department of Agriculture and Consumer Affairs in Richmond at 804-786-2042.
- Sales people who call on businesses, for example, pharmaceutical reps who call on doctors.
- The delivering or soliciting of newspaper subscriptions.
- 'The soliciting of personal services by persons to be furnished by such persons on the premises where such solicitations are made.' This covers solicitors offering to do hail damage repairs, asphalt sealers, lawn cutters, etc. While they aren't required to have a Solicitors Permit, they may need a local business license or state contractors license depending on the services they provide. If there are questions, contact the Office of the Commissioner of the Revenue, 703-777-0260.
- 'Any person who has a regularly established place of business or identifiable geographic location in the County, from which he transacts business and deals in goods, wares or merchandise or performs services or solicits orders for the same on a continuing and on-going basis within the County.' This covers businesses like a Loudoun County restaurant selling pizza coupons, or businesses located in the Peacock Market Plaza.
- 'Persons licensed by the State', a broad category that includes, for example, insurance agents.

While it isn't necessary for you to memorize the Loudoun County Code on solicitation, it should be noted that your definition of a solicitor might not be the same as the legal definition.

Companies or persons wishing to solicit within Loudoun County must first register with the Loudoun County Sheriff's Office (LCSO) and receive a Solicitor Permit. In order to receive the Permit, the applicant must provide many pieces of information and identification, including: two front-view photographs, a description of their business and products to be sold, and the registration information for any vehicles being used. The applicant must not be a convicted felon. A solicitor with a valid Solicitor Permit who is abiding by the Loudoun County ordinance cannot be required to stop soliciting by the LCSO.

In the past some of our neighbors were involved with a series of fly-by-night contractors. Their typical con was an offer to repair or reseal driveways at exorbitant cost, often seeking compensation up front. After receiving payment, the 'contractors' never return. In another scam, one thief kept residents occupied at the front of their home while the thief's partner entered the house from the rear. Valuables were taken while the residents were conversing in their front yard.

While it is important to be concerned about fraud, there are also many legitimate contractors that provide valuable services to South Riding residents. Not every door-to-door salesperson is a scam artist. You can protect yourself and your family by following a few simple guidelines:

- Never buy from a solicitor without first seeing their Solicitor Permit or Business license. If they can't provide one, ask for a business card or write down their company information. If you think you might be interested in their products or services, request that they come back later. Call the LCSO non-emergency line (703-777-1021) to verify that they have or need to have a Solicitors Permit. You will need to provide a description of the solicitor, their vehicle, and the direction they are headed. If they don't have a Solicitor's Permit and are required to have one, the LCSO can stop the activity.
- Don't let solicitors into your home; they may be inspecting your valuables for a future theft.
- Don't trust salespeople who claim to have done other work within South Riding, but refuse to give you the names of some past customers.
- Be suspicious of anyone who tries to sell by playing on your emotions. For example, some sellers will suggest you are shirking your responsibilities to your family if you don't buy their product.
- Don't pay any money up front. Ask yourself how you will get your money back, if the salesperson doesn't deliver or the product is defective.
- Finally, if a solicitor is particularly aggressive, call 911. According to the Standard of Conduct provided by the Loudoun County Ordinances, a solicitor must conduct themselves in an orderly and lawful manner at all times.

The South Riding Proprietary does not have a bylaw or administrative resolution addressing Solicitation, and has no authority in dealing with Solicitors. For those residents who wish to discourage solicitors, it is permissible to place a small 'No Solicitation' sign next to the front door. These signs can be purchased at most hardware stores, and should not exceed an inch in height and four to six inches in length. If a solicitor is abiding by the county ordinance, the LCSO cannot require them to cease based strictly on the sign by your door. If you request that the solicitor leave your property, and they fail to do so, then the LCSO can charge them with trespassing. If you have any questions or comments, please email [neighborhoodwatch@southriding.net](mailto:neighborhoodwatch@southriding.net) or contact Town Hall at 703-327-4390.

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