



# DEPARTMENT OF COMMERCE

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*In reply refer to:*  
**Serial No:** DOC -

## DEPARTMENT OF COMMERCE [DOC] ECONOMIC DEVELOPMENT DIVISION [EDD] HOW TO APPLY FOR A BUSINESS LICENSE

Any person at least 21 years of age who wishes to establish a business in the Territory of American Samoa must obtain a valid business license certificate.

Any person, partnership or corporation, which operates a business venture in two or more locations in American Samoa, must obtain a business license certificate for each location. Similarly, any person, partnership or corporation, which operates a business venture that is engaged in two or more activities, must obtain a separate business license certificate for each activity.

The applicant should proceed to DOC offices located in the A.P. Lutali Executive Office Building, Village of Utulei and obtain a business license application. DOC staff will conduct an initial interview to determine whether the applicant will need to apply for a land use permit or zoning variance in relation to the business license application. DOC staff will provide the applicant with all the necessary permit application forms.

### **Procedures for processing business license applications (One-Day Business License Process):**

A new one-day business license process is currently administered by the Department of Commerce (hereinafter sometimes "DoC").

It is the intention of this new process to create an environment that fosters a one day turn-around in the issuance of most business licenses, while at the same time providing ample notice to relevant agencies of new business activities that are subject to their supervision, control, or special licensing authority.

The procedures are as follows:

1. Application Forms. A newly revised ASG Form ADMIN-41 (Revised 3/26/2013) shall be in use going forward and made available to the public by DoC.
2. Place of Application. Every applicant for a business license must file the application at the DoC office on the Second Floor of the Executive Office Building in Utulei.

3. Processing of Application.
  - a. DoC will review the application to ensure completeness, and provide the applicant a public information document or brochure setting forth the necessary regulatory approvals for various types of business activities. The public information document or brochure shall be provided in both English and Samoan languages.
  - b. Upon confirming completeness and receipt of the application, with required attachments, if any, DoC will approve the license **unless the applicant is majority owned by non-U.S. Nationals or Citizens, or non-permanent residents**, and forward the application to Treasury for collection of the license fee and issuance of the license.

**For applicants majority owned by non-U.S. Nationals or Citizens, or non-permanent residents, the application will be referred to the Territorial Planning Commission for further review.**
  - c. Treasury, upon collecting the fee and issuing the license, will confirm issuance of the license by return of the original application to DoC.
  - d. DoC shall then forward a copy of the approved business license application with attachments to all ASG departments, agencies and offices having either regulatory authority over or fiscal interests in private sector business activity.
  - e. It shall then be the responsibility of the relevant departments, agencies and offices to ensure the business licensee's compliance with laws and regulations or fiscal interests under their jurisdiction.
  - f. No business can commence operations until it has obtained all approvals necessary to the business activity named in the license application.
  - g. Any false statement made on the business license application or any supporting documents or attachments will be grounds for revocation of the license or fine or imprisonment under ASCA 46.4607.
4. Inter-agency cooperation.
  - a. All departments, offices and other agencies previously involved in reviewing business license applications prior to their issuance are directed to coordinate with DoC their receipt of newly approved business licenses via e-mail or other expedited means, to ensure timely processing so that the required inspections, certifications, or other official actions necessary to an applicant commencing business operations are acted upon in a prompt and timely manner.
  - b. All departments, offices and other agencies and their officials and employees are directed to cooperate with and support DoC in the implementation of these procedures, so that persons making application for business licenses in the territory will receive maximum courtesies and assistance, and that such applications are processed and licenses issued with the minimum delay consistent with effective enforcement of the law.

**Additional information for Applicants who are not U.S. Nationals or U.S. Citizens or permanent residents**

- a. New businesses that are majority-owned by non-U.S. Nationals or non-U.S. Citizens or non-permanent residents will be referred to the Territorial Planning Commission for further review in accord with Title 27 ASCA and Title 27 ASAC.

- b. A certified financial statement must be submitted for each non-U.S. National or non-U.S. Citizen or non-permanent resident principal owner of the business.
- c. New industries seeking establishment in the territory must include a formal business proposal.
- d. The Territorial Planning Commission may at times request a sum of money to be placed in escrow to offset unanticipated payroll deficit and/or other liability.
- e. The Territorial Planning Commission may demand additional information if the original data submitted is not satisfactory.
- f. The applicant's proposal should address the following factors:
  - 1) Traffic safety
  - 2) Adequate parking facilities
  - 3) Availability of water and sewage facilities
  - 4) Effect on land resources and economic opportunities for resident American Samoans
  - 5) Conformity to the general comprehensive plan and the general economic plan.

Depending on the type of ownership that is applied: If a Partnership, attach a notarized copy of your Partnership Agreement. If a corporation, attach a copy of your Articles of Incorporation, along with evidence of issuance of shares of stock unless a publically held corporation. Such evidence could include Stock Certificates verifying ownership, Minutes of the Organizational Meeting, or a certified copy of the Shareholder Registry.

Depending on the type of business activity, applicant may be required to include copies of endorsements issued by appropriate special licensing authorities, boards of commissions. These business activities include but are not limited to medical doctors, lawyers, engineers, contractors, architects, surveyors, tradesmen, beauticians and accountants.

Once you have satisfied all requirements return your business license application to the EDD staff who will review your application for completeness. Then the completed application will be forwarded to the EDD Manager for final review prior submission to the Director of DOC for approval. EDD staff will notify you of the decision. If approved, the Department of Treasury, Revenue Branch, will issue the business license certificate upon payment of the appropriate fees.

We trust the information provided in this document entitled "How to apply for a Business License" will assist you with your business license application process. Should you require any further assistance please do not hesitate to contact Alex Zodiocal, Assistant to Administrator/Economic Development Division Manager at 684-633-5155 or email at [alex.zodiocal@doc.as](mailto:alex.zodiocal@doc.as).