

PRE-LICENSURE CRIMINAL BACKGROUND CHECK AND WAIVER REQUEST

I. PRE-LICENSURE CRIMINAL BACKGROUND CHECK

- A. Individuals may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.
- B. The individual must obtain the pre-licensure criminal background check petition form from the Arkansas Department of Agriculture.
- C. The Board or its designee will respond with a written decision to a completed petition immediately following the Board's next quarterly meeting and state the reasons for the decision.
- D. All decisions made in response to a pre-licensure criminal background check petition will be determined by the information provided by the individual, and are not subject to appeal.
- E. A copy of the petition and response will be retained and reviewed as necessary during the formal application process.

II. WAIVER REQUEST

- A. If an individual has been convicted of an offense listed in A.C.A. § 17-3-102(a), except those permanently disqualifying offenses found in subsection (e), the Board or a committee of the Board may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:
 - 1. An affected applicant for a license; or
 - 2. An individual holding a license subject to revocation.
- B. The Board or committee may grant a waiver upon consideration of the following, without limitation:
 - 1. The age at which the offense was committed;
 - 2. The circumstances surrounding the offense;
 - 3. The length of time since the offense was committed;
 - 4. Subsequent work history since the offense was committed;
 - 5. Employment references since the offense was committed;
 - 6. Character references since the offense was committed;
 - 7. Relevance of the offense to the occupational license; and
 - 8. Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.
- C. A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.
- D. The Board, committee, or designee will respond with a decision in writing and will state the reasons for the decision. All committee decisions are subject to approval by the Board.
- E. An appeal of a determination under this section will be subject to the Administrative Procedure Act §25-15-201 *et seq.*