

Criminal Background Requirements

KRS 324.045 (4) and 201 KAR 11:430

This notice should be provided to all new students and candidates for a license through a reciprocal agreement. Please read this notice carefully. Applicants applying for a license under a reciprocal agreement should refer to the reciprocal license instructions and application information for requirements which may be applicable to their situation.

All persons applying for a Kentucky Real Estate License shall submit proof of a FBI Criminal Background Check to the Commission as a part of the application for a real estate license. **Please note that this process could take 10-12 weeks.** This record must indicate that there have been no felony convictions at any time or any misdemeanor convictions within the previous five-year period. Some examples of misdemeanors which may be subject to a Commission investigation include: DUI, sexual assault, certain theft charges, and certain drug convictions. In general, speeding and minor traffic violations would not be misdemeanors. Some serious traffic violations could be misdemeanors. The Commission may investigate any charges that are revealed by the FBI report or any other evidence of dishonesty, untruthfulness or bad reputation of the candidate.

If a license candidate is on parole, probation or any other state supervised reporting requirements ordered by the court, the candidate may be denied a license by the Commission until such time as the parole, probation or supervision has ended. Upon completion of the probation, the candidate may reapply to the Commission for consideration. If you are currently on probation or parole, you may want to delay taking classes and the examination until after the probationary period has ended.

Where can I obtain the necessary FBI forms? To obtain the fingerprint cards, check with your local law enforcement agency, the Kentucky State Police (check www.kentuckystatepolice.org/post.htm for the nearest location), or call the West Virginia office of the FBI at 304-625-3878. If you contact the FBI, ask for the fingerprint card and for information to obtain an identification record check **for personal review.**

Who will take my fingerprints? Most local law enforcement agencies, county sheriff's departments, and some city and county police departments, or any state police post may be able to take your fingerprints. In Louisville, the Department of Corrections located at the county jail on Sixth Street handles fingerprinting services for the Jefferson County Sheriff's Department. Some law enforcement agencies may charge a fee for fingerprinting services. The cost may vary.

What is the cost and where do I send it? Send the completed fingerprint card, a short letter (A sample letter is attached or is available from your school) advising the FBI that the report is **desired for personal review,** and a certified check or money order, payable to the Treasury of the United States, in the amount of \$18 to the address listed below. If all items are not included, the request will be returned to you by the FBI for correction.

Federal Bureau of Investigation
Criminal Justice Information Services Division
SCU MOD D2
1000 Custer Hollow Rd.
Clarksburg, WV 26306
304-625-2000 to check the status of your report

The fingerprint process outlined in this document is the only acceptable method for obtaining the FBI report.

What if my report comes back indicating that the prints are unreadable? If a criminal background report comes back from the FBI indicating that the prints are unreadable, the applicant should contact the Commission to obtain an affidavit, which must be signed before a notary. The completed affidavit, original

fingerprint card, and FBI report which indicated the prints were unreadable must be attached to the individual's application and other documents when they are submitted to obtain the license.

How long does this process take and how long is the report valid? Approximately **10-12 weeks**, upon submission of the fingerprint card to the FBI. Thus, you should apply for the criminal background report at least 12-14 weeks before you plan to take the examination or submit an application for a license by reciprocity. We might suggest that you send the information by UPS or next day air from the postal service. **The report is only valid for six months.**

We cannot accept a copy of a report that has been done for any other entity or organization. The fingerprint card and report become a part of the licensee's permanent file.

What should I do if my report is clear? The report will be mailed directly to you. The original report(s) and fingerprint card **must be attached** to your application and submitted with the other documents that are required to obtain your license. Photocopies of the fingerprint card and/or the written report from the FBI are not acceptable.

What happens if I have a misdemeanor or a felony on my record? You must submit the criminal background report and card to the Commission within five days of receipt of the FBI identification record. The Commission will then require that you complete a Privacy Act Waiver and will begin an investigation. Following the completion of the investigation, the applicant will either be allowed to continue with the education and testing process to apply for a license or directed to appear before the Commission for a hearing.

If the FBI report does not show the final disposition of the charges (what you were convicted of, whether it was a felony or misdemeanor, and the penalty), you may want to obtain this information from the court before sending in your application. If we do not have the final disposition, we will have to obtain it before your application can be processed for investigation or passed on to the Licensing Department.

If a conviction is noted, how long will the Commission's investigation process take? Approximately 60-90 days depending upon how quickly all of the documents are returned to the Commission and the backlog of cases.

May I take the test after I have completed my coursework and submitted my request for the criminal records check? YES, as long as you have completed the fingerprint process and have mailed your request to the FBI for the background check to be completed. When you call to make a reservation for the examination, the testing service will ask whether you have been fingerprinted and have applied for the FBI criminal background check.

IMPORTANT NOTE: Regulation 201 KAR 11:210 (6) requires that all exam candidates apply for their license within 60 days of the examination date. **If you delay requesting the background report and take the exam without having first applied to the FBI for the criminal check, your test scores can be invalidated, thus requiring a retest.**

Persons with any felony convictions or certain misdemeanors (within the last five years) SHOULD NOT enroll in classes and/or pay tuition or fees for courses or take the examination until the Commission has determined your eligibility for a license. If you continue with classes and take the test, you do so at your own risk.

If you have further questions, contact the Commission office.

Kentucky Real Estate Commission
10200 Linn Station Rd., Suite 201
Louisville, KY 40223
Phone: 502-429-7250 or 1- 888-373-3300
Fax: 502-429-7246 Web Site: www.krec.ky.gov

Federal Bureau of Investigation
Criminal Justice Information Services Division
1000 Custer Hollow Road
Clarksburg, WV 26306

RE: CRIMINAL BACKGROUND CHECK

I am requesting this background check and report for a personal review. Enclosed is the required, completed fingerprint card, along with the \$18 processing fee. (Certified check or money order, payable to: Treasury of the United States).

PLEASE RETURN THE REPORT TO ME AT THE FOLLOWING ADDRESS:

Printed or Typed: _____

Full Legal Name

Street Address

City, State, Zip Code

Signature

Date