

17 CAR § 236-2002. Consideration of petition.

(a) A completed petition shall be submitted to the Arkansas State Board of Public Accountancy's Executive Director.

(b)(1) The Executive Director shall present any properly completed petition to the board's Compliance Committee at the next Compliance Committee meeting following receipt of the petition.

(2) However, if the Executive Director determines that the petition has not been properly completed, he or she shall return the petition to the petitioner at the address provided on the petition with instructions as to any additional information the petitioner needs to supply.

(c) After considering the petition, the Compliance Committee shall make a recommendation to the board regarding its determination on the petition.

(d) The board shall consider the petition and may accept, reject, or modify the Compliance Committee's recommendation.

(e) For the purposes of considering a prelicensure criminal background petition, the board shall accept as true the facts as stated in the petition.

(f) In making its determination on a prelicensure criminal background petition, the board shall address the following three (3) issues:

(1) Whether the petitioner's criminal record, as set forth in the petition, will disqualify the petitioner from licensure under Arkansas Code § 17-3-102;

(2) If the petitioner's criminal record will disqualify the petitioner from licensure, then whether the petitioner could obtain a waiver under Arkansas Code § 17-3-102(b); and

(3) Whether the petitioner's criminal record could result in the denial of an application for licensure or renewal of a license under Arkansas Code § 17-12-601, regardless of whether the petitioner would be disqualified from licensure under Arkansas Code § 17-3-102.

(g) The board's determination on a prelicensure criminal background petition shall be put in writing and served on the petitioner at the address provided in the petition via certified mail, return receipt requested.

(h) The board's determination is not subject to appeal.