

17 CAR § 236-902. Criminal background checks.

(a)(1) Each applicant for an initial license, including a reciprocal license, or for a new license under Arkansas Code § 17-12-504(h), shall apply, using forms furnished by and pursuant to instructions provided by the Arkansas State Board of Public Accountancy, for state and national criminal background checks to be conducted by the Identification Bureau of the Division of Arkansas State Police and the Federal Bureau of Investigation.

(2) The board may, in its discretion and on reasonable cause, require an applicant seeking the reinstatement of a license under Arkansas Code § 17-12-504(g) to apply for the criminal background checks as provided herein.

(b) The criminal background checks shall have been completed no earlier than six (6) months prior to the date of receipt of the application, unless the delay is beyond the control of the applicant.

(c) An applicant who seeks a waiver under Arkansas Code § 17-3-102(b) of disqualification from licensure resulting from a criminal conviction shall deliver to the board:

(1) File-marked copies of court documents pertinent to conviction, i.e., information, indictment, or other charging documents, and judgments, orders, final rulings, or other documents specifying conviction and sanctions and penalties; and

(2) Documentation from the appropriate governmental official regarding the applicant's status and compliance with regard to terms of:

- (A) Probation;
- (B) Parole;
- (C) Restitution;
- (D) Penalty; or
- (E) Any other sanctions.

(d)(1) If the Executive Director notifies an applicant for licensure that his or her application has been denied on the grounds that the applicant is ineligible for licensure due to a criminal conviction covered by Arkansas Code § 17-3-102(a), then the

applicant may request a waiver of the disqualifying condition and a hearing pursuant to Arkansas Code § 17-3-102(b).

(2) The request for a waiver and hearing shall be made in writing and submitted to the Executive Director.

(3) The request for waiver shall not be considered until the application, fees, applicable documentation, both federal and state criminal background check reports, and written request for waiver are received by the board.

(4) The board shall conduct the waiver hearing in accordance with the provisions of Arkansas Code § 17-3-102 and the hearing procedures set forth in Subpart 10 of this part.