

RESOLUTION
ALABAMA ELECTRONIC SECURITY BOARD OF LICENSURE
MAY 10, 2022

WHEREAS, Code of Alabama 1975 § 34-1A-5(d)(2)(b), grants the Alabama Electronic Security Board of Licensure (“Board”) and its management staff the ability to consult with the Alabama Law Enforcement Agency (ALEA) and the Federal Bureau of Investigations (FBI) regarding an applicant’s criminal history background.

WHEREAS, Code of Alabama 1975 § 34-1A-3(15), grants the Board the power to “*delegate its power and duties by resolution to a named designee.*”

WHEREAS, the Board has on its Qualifying Agent Application and its Individual Application a section designated for the applicant to select if he/she has or has not been arrested or convicted of a crime other than a minor traffic accident. Further, the applicant is instructed to select only one of the two choices and is warned that falsifying the application may result in the application being denied.

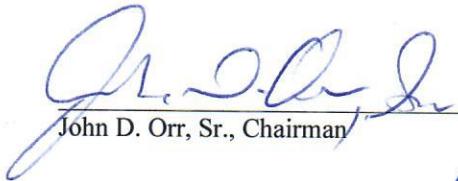
WHEREAS, the Board’s management staff periodically receives applications in which the individual has selected that they have not been arrested or convicted, but the criminal history report (CHRI) received from ALEA indicates that they have been arrested or convicted or both.

WHEREAS, if a renewing applicant selects that they have not been arrested or convicted, a state only background check is conducted through ALEA. If a renewing applicant selects that they have been arrested or convicted, a state and federal background check must be conducted. All first-time applicants receive a state and federal background check regardless of whether or not they have been arrested or convicted.

WHEREAS, the Board approved a proposed Rule change at its February 8, 2022, board meeting that would allow for the Executive Director to deny an application that is considered falsified and request that the applicant re-apply and submit to a state and federal background check, providing that a state-only background check was conducted initially. Further, the Board voted to adopt the Rule change at its May 10, 2022, board meeting, and the new Rule [304-X-1-.03(60)(j)] shall be certified and effective July 15, 2022.

NOW, THEREFORE BE IT RESOLVED as follows:

1. The Board recognizes that applicants that have falsified their application, whether mistakenly or purposely, must wait until the next quarterly board meeting before obtaining a decision from the Board as to the denial of the application. Subsequently, the applicant is unable to work during the interim. In granting this authority to the Executive Director, the Board recognizes that this will expedite the licensing process and allow for the submission of a state and federal background check. Further, upon the discretion of the Executive Director, and in lieu of an outright denial of licensure, a subsequent state and federal background check may be requested.
2. At its May 10, 2022, meeting, the Board voted to authorize the Executive Director to deny all applications that are found to have been falsified as evidenced by the individual’s CHRI that is received from ALEA.
3. In conjunction with the certified Rule change, this Resolution shall be effective July 15, 2022.



John D. Orr, Sr., Chairman



Sheriff Derrick Cunningham, Vice Chairman



Andy Crowder, Legal Counsel