

NSBAIDRD POLICY LANGUAGE RE: AB 319 PETITIONS

- (1) On initial contact, gather contact information and inform the person that you will send him or her a packet relating to the petition. The person should be informed on initial contact that he or she will need to pay NCIS for the fingerprints to be run and will need to pay the board a fee of \$50 *before* the petition will be considered.
- (2) Send the person a packet containing:
 - a. A letter informing the person that you cannot process the petition unless and until he or she returns the following:
 - i. A letter from the petitioner requesting consideration and explaining whatever the person deems appropriate;
 - ii. A fingerprint card;
 - iii. A form authorizing the board to obtain, possess, and review the person's criminal history;
 - iv. The fee of \$50;
 - v. An Open Meeting Law explanation form
 - b. The letter should contain a brief but complete explanation of the process that will occur once all the requisites in subsection (2)(a) are in the board's possession. This explanation should include that the board members will each be seeing, reviewing, and discussing among themselves the person's criminal history. Also, the letter should explain what the board's determinations is non-binding on itself or future boards and might include directions about how to remedy a disqualifying criminal history and that a determination of disqualification would prohibit the person from seeking another petition for at least two years thereafter. The letter will also need to explain that this is not a "contested case" and that the determination will not be accorded any of the APA's rights.
- (3) Upon receiving a complete set of documents per subsection (2), the petition should be included on the next Agenda.
- (4) At the meeting, the board will review the person's criminal history and petition documents. In every case, the board should move to go into closed session for such a review, and should then come out into public session for a motion to render a determination regarding the petition.
- (5) A written determination letter should be prepared and sent to the petitioner. The letter must be sent before 90 days from the board's receipt of the complete petition packet from the petitioner.
- (6) Data regarding the petition should be maintained and reported as required by Sec. 2 and Sec. 4 of AB 319.
- (7) The petitioner's file should include the criminal history documents and should be maintained per NCIS requirements.