



NOTICE OF REQUIRED BACKGROUND CHECKS & EMPLOYEE INVESTIGATIONS

Addendum to Instructions for a Georgia Residential Mortgage License

Background Checks

All Georgia Residential Mortgage Applicants and Licensees are required to obtain background checks on all covered employees (as defined below) as a condition of employment with the applicant.

The background check must be done through the Georgia Crime Information Center (GCIC) and includes a Federal Bureau of Investigation (FBI) check. In order to properly complete a comprehensive check, the background check authorization form **must** include all five significant identifying pieces of information on which to base the investigation: Full Name, Complete Address, Social Security Number, Date of Birth, Sex, and Race. **DO NOT** limit your search to "Felon Only". A copy of the background check authorization form is included in this application package. **(Note that no licensee may employ a felon working for the company in any state and maintain this Georgia license.)**

Background Checks which are returned that indicate that the data is incomplete or which indicate that the individual is a multi-source offender require that the employer submit fingerprint cards on that employee to the Department for further investigation. An applicant or licensee may employ the person on whom further investigation is required and has 90 days from the **initial** date of hire to obtain satisfactory background data. By Department Rule 80-11-1-.05 (1), applicants are required to submit background checks to proper law enforcement authorities to begin this investigation process within **10 business days** of initial hire. Information regarding obtaining and processing fingerprint cards is included in this application package.

Please note, however, that the Department conducts complete background checks on all individuals shown in **the initial application**. Please follow these application instructions for obtaining a new license regarding background checks and fingerprint cards required to properly complete your application for a license. **Requests for fingerprint cards MUST be made before submission of the application so that the completed cards can be submitted with the application.**

Employee Investigations

All Georgia Residential Mortgage Applicants and Licensees are also required to examine the Department's public records [Code §7-1-1004(i)] to determine that any person they wish to employ is **not** subject to a Cease and Desist Order as defined in Code §7-1-1018. Such information may be found on the Department's web site at <http://dbf.georgia.gov/dbfmtg/>, under the option **Cease & Desist or Consent Orders**.

The abbreviated code sections on the following page are provided for your convenience. A copy of the complete Georgia Residential Mortgage Act (Article 13) is available on the Department's website. Emphasis added for your reference.

Officials at the governmental institutions and other entities authorized to submit fingerprints and receive FBI identification records under this authority must notify the individuals fingerprinted that the fingerprints will be used to check the criminal history records of the FBI. These officials also must advise the applicants that procedures for obtaining a change, correction, or updating of an FBI identification record are set forth in Title 28, C.F.R. 16.34.



7-1-1004. Investigation of applicant and its officers; background checks; other requirements relative to licensees. [Sections (i) and (k) covering background checks.]

(i) The department shall be authorized to obtain conviction data with respect to any applicant or any person who is a director, officer, partner, agent, employee, or ultimate equitable owner of 10 percent or more of the applicant and any individual who directs the affairs of the company or establishes policy. The department shall submit to the Georgia Crime Information Center two complete sets of fingerprints of such applicant or such person, together with the required records search fees and such other information as may be required. Fees for background checks that the department administers shall be sent to the department by applicants and licensees together with the fingerprints. Applicants and licensees shall have the primary responsibility for obtaining background checks of **covered employees** which are defined as employees who work in this state and also have the authority to enter, delete, or verify any information on any mortgage loan application form or document. The department shall, however, retain the right to obtain conviction data on covered employees.

(k) Every licensee and applicant shall be authorized and required to obtain background checks on covered employees. Such background checks shall be handled by the Georgia Crime Information Center pursuant to Code §35-3-34 and the rules and regulations of the Georgia Crime Information Center. Licensees and applicants shall be responsible for any applicable fees charged by the center. **A background check must be initiated for a person in the employ of a licensee or applicant within ten days of the date of initial hire and be completed with satisfactory results within the first 90 days of employment.** This provision does not apply to directors, officers, partners, agents or ultimate equitable owners of 10 percent or more or to persons who direct the company's affairs or establish policy, whose background must have been investigated through the department before taking office, beginning employment, or securing ownership. Upon receipt of information from the Georgia Crime Information Center that is incomplete or that indicates an employee has a criminal record in any state other than Georgia, the employer shall submit to the department two complete sets of fingerprints of such person, together with the applicable fees and any other required information. The department shall submit such fingerprints as provided in subsection (e) of this Code section.

(o) The department may not issue a license to and may revoke a license from an applicant or licensee if such person employs any other person against whom a final **cease and desist order** has been issued within the preceding **five** years, if such order was based on a violation of O.C.G.A §7-1-1013 or based on the conducting of a mortgage business without a required license, or whose license has been revoked within **five** years of the date such person was hired. **Each applicant and licensee shall, before hiring an employee, examine the department's public records to determine that such employee is not subject to the type of cease and desist order described in this subsection.**

IMPORTANT NOTICE

Fingerprint cards are processed through both the Georgia and Federal crime information centers. Although every effort will be made to process your application as quickly as possible, processing time for your application is affected by this processing of fingerprint cards through these systems. Therefore application processing time may extend from 6 to 8 weeks.

**CRIMINAL HISTORY RECORD INFORMATION
CONSENT FORM**

I hereby authorize

(individual's or agency/company representative's full name, agency/company name)

to receive any criminal history record information pertaining to me which may be in the files of any state or local criminal justice agency in Georgia.

Full Name Printed

Address

City

State

Zip

Sex

Race

Date of Birth

Social Security Number

I understand that by signing this form I am giving the authorized party noted above permission to periodically run additional background checks on me as a condition of my employment with them. No additional consent is required from me as long as I am employed with the company. This authorization ends upon the termination of my employment with the company.

Signature

Date