



Professional Employer Organization (PEO) Controlling Person Notice

Professional Employer Organizations and Groups Licensing Title 39 Chapter 8 Section 202 Montana Code Annotated (MCA) has been amended, also included are specific instructions in **bold**.

39-8-202(b)(i) As a prerequisite to the issuance of a license, the department shall require the applicant and any controlling person to submit fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation.

(ii) The applicant and any controlling person shall sign a release of information to the department and are responsible to the department of justice for the payment of all fees associated with the criminal background check. **Currently our initial and renewal applications contain "Controlling Person Authorization for Release of Information" forms. This form will suffice for any "release" the Montana Departments of Justice and Labor currently require.**

(iii) Upon completion of the criminal background check, the department of justice shall forward all criminal justice information, as defined in 44-5-103, concerning the applicant or any controlling person that involves the conviction of a criminal offense in any jurisdiction to the department, as authorized in 44-5-303. **The applicant is responsible for payment, please remit a check payable to: Montana Criminal Records in the amount of \$30 per individual. The remittance along with a completed FBI fingerprint card(s) for each controlling person must be submitted to the Montana Department of Labor/ERD, 1315 Lockey Ave, Helena MT 59601.**

(iv) At the conclusion of any background check required by this section, the department must receive the criminal background check report but may not receive the fingerprint card of the applicant or of any controlling person. Upon receipt of the criminal background check report, the department of justice shall promptly destroy the fingerprint card of the applicant and of any controlling person.

(c) If an applicant or any controlling person has a history of criminal convictions, then pursuant to 37-1-203, the applicant or controlling person has the opportunity to demonstrate to the department that the applicant or controlling person is sufficiently rehabilitated to warrant the public trust, and if the department determines that the applicant or controlling person is not, the license may be denied.

If your license is denied for a criminal conviction, the department will allow the applicant or control person 30 days to appeal the decision. The following information is provided for the control person to obtain a copy and/or challenge their record.

How do I obtain a copy of my FBI Identification Record for personal review?
You may obtain a copy of your FBI Identification Record by sending a request to:

Federal Bureau of Investigation
CJIS Division
Attention: Records Request
1000 Custer Hollow Rd
Clarksburg WV 26306

You are required to provide the following:

- 1) Your written request
- 2) Payment for the \$18 processing fee, either by certified check or money order payable to the US Treasury.
- 3) A current, original tenprint fingerprint submission (not previously processed) taken by a local law enforcement agency and bearing your name, date of birth, and place of birth.

How do I challenge my record? If after reviewing your record, you believe it is inaccurate or incomplete, you may challenge the record by contacting the agency that originally submitted the information or by sending your challenge to the:

FBI's CJIS Division
Attention: Correspondence Group
1000 Custer Hollow Road
Clarksburg WV 26306

The Correspondence Group will contact the appropriate agencies in an attempt to verify or correct the challenged entry for you. Upon receipt of official communication from the agency with jurisdiction over the data, the FBI will make appropriate changes, if necessary, and notify you of the outcome. Updating your FBI criminal history record can include having final disposition data entered, cases expunged, pardons entered, a conviction level changed, or rights restored. When challenging, you should submit any supporting documentation you have in your possession that indicates the final outcome of the arrest(s).

Your FBI Identification Record may not reflect all instances in which you were arrested and fingerprinted. The FBI maintains criminal history records voluntarily submitted by local, state, federal, and certain international agencies. You may need to contact the arresting agency or the repository of the state in the arrest(s) occurred for criminal history record information. A state repository is responsible for maintaining and updating state criminal history records.

FBI/CJIS Customer Service Group can be contacted at (304)625-5590

Should you have any questions for the Department of Labor/ERD please contact me or visit our website.

Amber Weekes
Program Manager
Phone: (406)444-7748
Email: DLIERDPEO@mt.gov
Website: <http://erd.dli.mt.gov/work-comp-regulations/professional-employer-organizations>