



## ARIZONA DEPARTMENT OF AGRICULTURE PEST MANAGEMENT DIVISION

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### **Frequently Asked Questions about the requirement for Background Checks for New Certified Applicator and Qualified Certified Applicator Applicants**

#### **Q: Why are you doing background checks?**

A: The State Auditor General's Office recommended background checks be required for all applicators; considering Arizona Administrative Code (A.A.C.) states "an applicator shall be of good moral character. A conviction for a felony or a misdemeanor involving moral turpitude may demonstrate a lack of good moral character" (see. A.A.C. R3-8-203 and R3-8-204). Arizona Senate Bill No. 1414 amended Arizona Revised Statutes ("A.R.S.") § 3-3614 to require that both applicators and qualified applicators shall provide a full set of fingerprints to the Pest Management Division of the Department of Agriculture ("AZDA") for the purpose of background investigations of applicants. The Division has long been required to deny a license for any applicator who is not "of good moral character". Arizona Administrative Code ("A.A.C.") R3-8-203 and R3-8-204, under which a conviction for a felony or a misdemeanor involving moral turpitude may demonstrate a lack of good moral character. In addition, independently from SB1414, the Arizona Auditor General's Office recommended that the Division do background checks on applicants for applicator licenses.

***In 2022, A.R.S. §3-3614 was amended, via Senate Bill No. 1147, to include the following language:***

*D. An individual who applies for certification as a new applicator or a new qualified applicator may meet the requirement prescribed in subsection c of this section by submitting a current, unexpired fingerprint clearance card issued pursuant to section 41-1758.03 or a current, unexpired level I fingerprint clearance card issued pursuant to section 41-1758.07 to the department as part of the individual's application.*

#### **Q: I was previously certified as an applicator but that certification expired, am I subject to the background investigation?**

A: Yes. Anyone whose prior certification cannot be renewed, must apply as a new applicant in accordance with Arizona Administrative Code R3-8-208.

#### **Q: Has the ninety-day certification exemption been extended?**

A: No. Arizona Administrative Code R3-8-201(C)(3)(b) remains in effect, however Senate Bill 1147 requires the following:

*A. Notwithstanding any other law, the time period in which the pest management division shall approve or deny an application for certifications a new applicator pursuant to section 3-*

3614, Arizona Revised Statutes, as amended by this act, is within one hundred twenty days after the application is received.

B. This section is repealed from and after June 30, 2023.

In layman's terms, the PMD must approve or deny an application within 120 days of receipt of the application, based on the information/documentation submitted at that time. Applicants that have been denied will be afforded their right to appeal the decision.

**Q: What is "moral turpitude"?**

A: Arizona Revised Statute 1-215(24) defines moral turpitude as offense, whether a misdemeanor or felony, that is related to extortion, burglary (*entry into a building illegally with intent to commit a crime, especially theft*), larceny (*theft of personal property, shoplifting is a form of larceny*), bribery, embezzlement, robbery (*theft accomplished by violence or the threat of violence*), racketeering, money laundering, forgery, fraud, murder, voluntary manslaughter or a sexual offense that requires the individual to register pursuant to section 13-3821. Please note, this is not an exhaustive list and other offenses may meet the definition of moral turpitude.

**Q: When does this requirement take effect?**

A: Background Checks have been required for new Qualified Applicator (QA) Applicants since 2018. Background Checks will be required for new Applicator Certification (CA) Applicants received on or after January 1, 2022.

This means any applicator application received on or after January 1, 2022 must also provide the following:

- A completed fingerprint card,
- A cashier's check or money order (in the amount of \$22.00) made payable to the Arizona Department of Public Safety or AZDPS,
- FBI Notification of Applicant Privacy Rights Form, and
- Fingerprint Verification Form; or
- Current, unexpired Fingerprint Clearance Card issued pursuant to section 41-1758.03; or
- Current, unexpired Level 1 Fingerprint Clearance Card issued pursuant to section 41-1758.07

**Q: Will this requirement extend to existing certified applicators who submit an application to broaden or renew their certification?**

A: No. The language in the law is specific to "new" applicator applicants only.

**Q: What if I submit a new applicator application prior to January 1, 2022, but Central Licensing has not processed it yet?**

A: The law takes effect on January 1<sup>st</sup>; thus any application received prior to January 1<sup>st</sup> is not subject to the background check. Fingerprint cards for new applicator certification applications received prior to January 1 cannot and will not be accepted. They must be destroyed or returned, because the chain of custody has already been broken. The cashier's check or money order (in the amount of \$22.00) made payable to the Arizona Department of Public Safety or AZDPS will be returned to the remitter.

**Q: Where do we go to get our applicators fingerprinted?**

A: We cannot recommend where an applicant can be fingerprinted. Additionally, the AZ DPS does not provide fingerprinting for the public for this purpose. For fingerprinting services, it is recommended you contact your local law enforcement agency or a professional fingerprinting service.

**Q: I have a Fingerprint Clearance Card, do I still need to be fingerprinted to obtain an applicator certification?**

A: No.

**Q: I have a Concealed Carry Weapons Permit, do I still need to be fingerprinted to obtain an applicator certification?**

A: Yes.

**Q: Where can we get fingerprint cards?**

A: Fingerprint Cards (FD-258) can be obtained from the AZDA upon receipt of an applicator application, or they can be ordered directly from the [FBI](#). You will need to provide the Originating Agency Identification (ORI) number (AZDPS2000) followed by DPS-AFIS OPERTNS PHOENIX, AZ.

Once you have received the fingerprint cards, you will need to put the following information in the appropriate location on the fingerprint cards (we can provide a template\*):

- Employer and Address:  
**Arizona Department of Agriculture – 1010 West Washington St., Phoenix, AZ 85007**
- Reason Fingerprinted:  
**A.R.S. § 3-614(C)**
- Your NO. OCA:  
**XX007817L**

*Please note: This is in addition to the required information about the applicant.*

*\*We use the manual feed tray when we print the information on the fingerprint cards and adjust the tray to the width of the fingerprint card.*

**Q: Can I pay for the Background Check with a Credit Card?**

A: No! Background Checks are conducted by the Arizona Department of Public Safety. They require payment by way of Cashier's Check or Money Order only. No personal checks, no business checks, no credit cards, no cash, no bitcoin, etc.

**Q: Can my Fingerprint Cards be submitted electronically?**

A: No. Fingerprint cards must be submitted in accordance with the instructions provided on the New CA and New QA Certification Applications.

**Q: Can my applicator train while we wait for the background check to be completed?**

A: Yes. Arizona Administrative Code R3-8-201(C)(3) allows an individual to apply pesticides without being certified for not more than 90-days out of the last 365 days as long as the individual is supervised by a certified applicator, who is certified in the category for which supervision is provided; provides immediate supervision when the individual performs pest management services in the wood-destroying organism treatment, aquatic, or fumigation category, uses a restricted use pesticide, or uses a pesticide under an experimental use permit; and provides direct supervision when the individual performs pest management services not covered by subsection (C)(3)(c)(ii).

Keep in mind, an individual may not provide pest management services at a school, child care facility, health care institution, or food-handling establishment unless the individual is a certified applicator in the certification category for which services are being provided.

**Q: How long does this process take?**

A: By law, we must determine administrative completeness within 30 days of receipt. Fingerprints and payment are forwarded to AZ DPS within 2 business days of receipt of a completed application and supplemental documents.

The process works as follows:

Applicant submits an application and fee:

- Online applications receive a receipt and confirmation instantly on-screen and via email.
  - An “Approval to Test” email is sent to the email address provided on the application.
  - Application is deemed incomplete and a fingerprint packet is mailed out.
- Walk-in applicants receive a receipt. Once entered into our licensing database, applicants will receive an “Approval to Test” email or letter (if email address is not provided).
  - If the application does not include the fingerprint card and subsequent documents, the application is deemed incomplete and a fingerprint packet is mailed out to the applicant.
  - If the application includes the fingerprint card and subsequent documents, the application is deemed administratively complete, applicants are told they will be contacted once we receive the results of the background check.
- Mail-in applicants don't receive a receipt or confirmation. Once entered into our licensing database, applicants will receive an “Approval to Test” email or letter (if email address is not provided).
  - If the application does not include the fingerprint card and subsequent documents, the application is deemed incomplete and a fingerprint packet is mailed out to the applicant.
  - If the application includes the fingerprint card and subsequent documents, the application is deemed administratively complete.

Upon receipt of the fingerprint card and subsequent documents as instructed, the fingerprint card and fee is forwarded to the Applicant Team at the AZ DPS for processing.

Upon receipt of the background check from AZ DPS, we determine if the application can be approved or the applicant has to provide more information.

- Applicants with clear background checks will have their application approved.
- Applicants whose background check has one or more misdemeanors involving moral turpitude or any felony (with the exception of drug offenses), we will request more information. By law, we cannot provide the offenses listed on the background check; to do so is a Class 6 Felony. We can provide a time frame and jurisdiction.
  - Convictions that are set aside, expunged, or vacated cannot be considered.
  - Applicants with 2nd Chance Certificates cannot be denied based on the conviction(s) for which they have received a 2nd Chance.

Background investigations are taking longer than usual to process due to several factors beyond AZDA and AZDPS’s control, thus we recommend you submit a complete applicator certification application, including the background investigation requirements, as soon as possible.