

ESCROW/REMO BACKGROUND CHECK INSTRUCTIONS

Oregon law requires every principal (“applicant”) of an Escrow Agency or Real Estate Marketing Organization to submit fingerprints and criminal offender information. Oregon Administrative Rule requires the background check be completed during the license or registration process. One of the **first steps** in the licensing process is submission of the Background Check Application with any required attachments, one completed fingerprint card, and the \$40 processing fee to the Agency.

The background check takes an average of two to three months. If your history includes issues that require review and consideration, it will take even longer to complete the review. Applicants are urged to submit their background checks at their earliest opportunity.

DISCLOSURE. It is important to read all questions carefully before answering, especially the “Background Questions”. Regardless of any advice received from others, the applicant alone is responsible for disclosing complete and accurate information. Failure to disclose pertinent information will cause substantial delays in the process and may result in the denial of a license. Many applications are delayed in processing because the applicant failed to include the required attachments, didn’t thoroughly answer all questions or failed to make full disclosure. Any documents submitted become part of your background check and will not be returned to you. Photocopies of documents are acceptable, but must be legible.

All felony and misdemeanor convictions must be disclosed. All arrests that have not been adjudicated must be disclosed. Offenses include major traffic violations such as DUI, reckless driving, fleeing from or attempting to elude a police officer, and driving while suspended. “Convictions” include a guilty or “no contest” plea, verdict of guilty by a judge or jury, or a forfeiture of bail. All convictions and arrests must be disclosed whether or not they were later dismissed, whether or not a diversion program was completed, and whether or not they occurred when the applicant was a minor.

Do not assume that a criminal record does not exist. Criminal information is kept on record for 30 years or more by the Oregon State Police (OSP) and the Federal Bureau of Investigation (FBI).

Applicants must disclose whether or not they are the subjects of administrative proceedings including investigations, sanctions, hearings or other disciplinary actions by any administrative agency. The Agency processes applicant names through a nationwide data bank containing regulatory disciplinary actions.

Applicants are also required to disclose specific civil and financial issues, including any adverse judgments against them related to a real property matter, all unsatisfied judgments or bankruptcies.

Having a criminal or otherwise derogatory history does not automatically result in a denial of a license. In these cases, the application must be reviewed by an Agency investigator, which will delay the process. The Agency will contact an applicant if further information is necessary to conduct and complete the review.

Each application requiring further review is evaluated separately. The purpose of the background check is to determine the current fitness of the applicant to receive a license. Positive information concerning the applicant’s employment or business activity since the incidents in question may prove crucial in determining whether or not a license should be granted. Therefore, it is important the required information relating to employment and references be submitted with the application.

Some may be denied licensure. The law does not list specific criminal offenses or other circumstances that would prevent a license from being issued. **However, failure to disclose criminal, civil and administrative proceedings is grounds for denial of a license.**

For more detailed information regarding the background check process, visit the Agency’s website at www.rea.state.or.us to review the Frequently Asked Questions. If you have further questions about the background check process, call the Regulation Division at (503) 378-4170, selection 4 from the menu.

FINGERPRINT CARDS. All fingerprint cards are processed through OSP and FBI. Fingerprints must be submitted on form FD-258, which can be obtained from the Agency or local law enforcement offices. **Do not send the fingerprint cards directly to the FBI or OSP.**

Fingerprint cards must be completed properly, with all of the identification information filled out. The applicant must sign the card in the presence of the person taking the prints, who will also sign. Applicants will be required to show picture identification (i.e. driver’s license, state issued identification card, military identification card, passport) at the time of fingerprinting.

The prints themselves must be of a quality meeting FBI standards, which are printed on the back of each fingerprint card. If the instructions are not followed, or the fingerprints do not meet FBI standards, the cards may be rejected by the Agency, OSP, or FBI. The most common reasons for rejection are that the prints do not show clear ridge detail or are smudged; or the fingers are not fully rolled and do not include the detail necessary for classification. Rejected cards are sent back to the applicant with new cards for resubmission. This will delay the application process.

Fingerprinting services are available from some private real estate schools, law enforcement agencies, and fingerprinting services listed in the telephone directory yellow pages in some areas. Fees for fingerprinting services may vary.