

**238.525 Licensing requirements -- Criminal history background check -- Disqualification.**

- (1) Licenses shall be issued by the department on an annual or biennial basis, except as otherwise permitted in KRS 238.530 and 238.545. A license term may be determined by the department in any manner it deems appropriate to facilitate efficient licensing. The department shall charge a renewal fee not to exceed the maximum amounts established in KRS 238.530, 238.535, and 238.555.
- (2) The department may issue a temporary license to an applicant who has met the requirements for a license. A temporary license shall be valid from the date of issuance until the regular license is issued or for a period of sixty (60) days, whichever is shorter. A temporary license shall not be renewed, except for good cause and shall not exceed a total of nine (9) months in length.
- (3) An applicant for any license to be issued under KRS 238.530 and 238.555 shall be subjected to a state and national criminal history background check by the department, with the assistance of the Department of Kentucky State Police and the Federal Bureau of Investigation. An applicant for any license to be issued under KRS 238.535 shall be subjected to a state criminal history background check and may, if deemed reasonably necessary, be subjected to a national criminal history background check by the department with the assistance of the Department of Kentucky State Police and the Federal Bureau of Investigation. The criminal history background check shall apply to the chief executive officer and the chief financial officer or director of an applicant; any employee or member of an applicant who has been designated as chairperson of the charitable gaming activity; the applicant itself; and any individual with a ten percent (10%) or more financial interest in the applicant. The department shall require the fingerprinting of all applicants for licensure under KRS 238.530 and 238.555 and may require, if deemed reasonably necessary, the fingerprints of all applicants for licensure under KRS 238.535, who are natural persons in connection with the national criminal history background check to assure the identity of the applicant or applicants. The department may charge a reasonable fee not to exceed the actual cost of fingerprinting and records searching.
- (4) No applicant shall be licensed and no license holder shall be able to maintain a license if an individual associated with the applicant or license holder in a capacity listed in subsection (3) of this section or the applicant or license holder itself has been convicted of a felony, gambling offense, criminal fraud, forgery, theft, falsifying business records, violation of KRS 238.995(7), or any two (2) misdemeanor crimes in federal court or the courts of any state, the District of Columbia, or any territory, consistent with the provisions of KRS Chapter 335B within ten (10) years preceding the application for licensure.
- (5) No applicant shall be licensed unless all applicants required to be fingerprinted under the provision of subsection (3) of this section have been fingerprinted. The Department of Kentucky State Police may submit fingerprints of any applicant to the Federal Bureau of Investigation for the national criminal history background check. The department may by administrative regulation impose additional qualifications to meet the requirements of Pub. L. 92-544.

- (6) If a change occurs in any information submitted during the license application process, the applicant or licensee shall notify the department in writing within thirty (30) days of the date the change occurred.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 538, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 85, sec. 272, effective June 26, 2007. -- Amended 2000 Ky. Acts ch. 374, sec. 6, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 232, sec. 4, effective April 1, 1998. -- Amended 1996 Ky. Acts ch. 331, sec. 5, effective April 10, 1996. -- Created 1994 Ky. Acts ch. 66, sec. 6, effective March 16, 1994.