

**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
REAL ESTATE BROKERS
4CCR 725-1**

**NOTICE OF PROPOSED RULEMAKING HEARING
August 3, 2010**

A-15 Criminal History Check Required Prior to Renewal

- Section 1. Authority
- Section 2. Scope and Purpose
- Section 3. Applicability
- Section 4. A-15 Criminal History Check Required Prior to Renewal

Section 1. Authority

The statutory basis for the adoption of this rule regarding real estate brokers is Part 1 of Title 12, Article 61 C.R.S. The specific rulemaking provisions contained therein are sections 12-61-114(4) and 12-61-114.5, C.R.S.

Section 2. Scope and Purpose

Pursuant to 12-61-103(1)(b)(I), C.R.S. and effective August 8, 2005, applicants for a real estate broker's license must submit a set of fingerprints to the Colorado Bureau of Investigation for the purpose of conducting a state and national fingerprint-based criminal history record check. The Colorado Real Estate Commission may require a name-based criminal history record check for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable. Pursuant to 12-61-110(4)(a), C.R.S., the Colorado Real Estate Commission must require that each person licensed under Part 1 of Title 12, Article 61 C.R.S. renew each license on an anniversary date every three years, which will be conditioned upon the fulfillment of continuing education requirements and submission of fingerprints. This rule is to ensure that all licensees have complied with the fingerprint-based criminal background checks necessary for licensure.

The purpose of this rule is to ensure compliance with Part 1 of Title 12, Article 61 C.R.S.

Section 3. Applicability

This rule applies to real estate brokers licensed by the Colorado Real Estate Commission.

Section 4. A-15 Criminal History Check Required Prior to Renewal

Any broker who has not submitted fingerprints to the Colorado Bureau of Investigation to be used to complete a one-time only criminal history record check pursuant to 12-61-103(1)(b)(1), C.R.S. or 12-61-110(4), C.R.S, must do so prior to renewal of an active license. Renewed licenses will remain on inactive status until the Commission has received the results of a criminal record check. Fingerprints may be submitted for processing prior to renewal either electronically or on Card No. FD-258 in a manner acceptable to the Colorado Bureau of Investigation. The Commission may acquire a name-based criminal history record check for a renewing licensee who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.

A hearing on the above subject matter will be held on Tuesday, August 3, 2010, at the Colorado Division of Real Estate, 1560 Broadway, Suite 1250C, Denver, Colorado 80202 beginning at 9:00 a.m.

Any interested person may participate in the rule making through submission of written data, views and arguments to the Division of Real Estate. Persons are requested to submit data, views and arguments to the Division of Real Estate in writing no less than ten (10) days prior to the hearing date and time set forth above. However, all data, views and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered.

Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.