



PLEASE NOTE: THE DEPARTMENT REVISED AND POSTED THE REVISED “MMCP-C-1001A CULTIVATOR APPLICATION SECTION 1 IDENTIFIERS” ON MAY 26, 2017. APPLICANTS ARE STRONGLY ENCOURAGED TO USE THE VERSION POSTED ON THE MMCP WEBSITE AS OF THAT DATE. FOR APPLICANTS THAT HAVE ALREADY COMPLETED “MMCP-C-1001A CULTIVATOR APPLICATION SECTION 1 IDENTIFIERS”, THE DEPARTMENT ENCOURAGES APPLICANTS TO RE-DO THE FOLLOWING FORMS AND SUBMIT AS PART OF THE APPLICATION:

- **EXTRA FORMS – FORM 1L BUSINESS IN OTHER JURISDICTIONS**
- **EXTRA FORMS – FORM 1K INDIVIDUAL BACKGROUND INFORMATION**
- **REVISED FORM – FORM 1A BUSINESS ENTITY AND CONTACT INFORMATION FORM**
- **REVISED FORM – CULTIVATOR APPLICATION FILING PACKET NOTARIZED COVER SHEET**
- **REVISED FORM – FORM 1N TAX PAYMENT RECORDS COVER PAGE**

The Department has received several questions regarding the specific procedure and timing for submission of fingerprints and criminal records check results during the application process, and would like to offer the following information to assist applicants in the formulation and submission of cultivator applications. This does not constitute legal advice, which should be sought from a licensed attorney.

- When must the BCI&I and FBI criminal records checks be complete?
 - Fingerprints must be submitted to the WebCheck vendor prior to submission of a cultivator application.
 - Results must be received by the Department prior to issuance of provisional licenses.
 - The Department is not responsible for delays in receiving criminal records check results. The Department highly recommends submitting for a criminal records check as soon as possible.
- How are the results submitted to the Department? Can I submit results from a previous criminal records check with my application?
 - A criminal records check must be submitted to BCI&I by a WebCheck vendor. If you have had a criminal records check in Ohio in the last 12 months, you may be eligible to request an update. Please refer to <http://www.ohioattorneygeneral.gov/FAQ/Background-Check-FAQs.aspx> for further information.
- What codes do I provide to the vendor to use when performing the criminal records check?
 - The appropriate codes are 3796.12. If for some reason this code does not appear, the vendor may select “other,” and fill in “3796.12.”
- What is the procedure for out-of-state residents to complete a criminal records check?
 - Out-of-state applicants can find information on the procedure here: <http://www.ohioattorneygeneral.gov/FAQ/Background-Check-FAQs.aspx>.
- Who must submit to a criminal records check?
 - An administrator or other person responsible for the daily operation of a cultivator, an owner or prospective owner, officer or prospective officer, or board member or prospective board member of the cultivator must complete a criminal records check pursuant to rules promulgated by the Department of Commerce (O.R.C. 3796.12). This must be submitted prior to the submission of a cultivator application, and the results must be received by the Department prior to the issuance of a provisional license.
 - All employees must apply for and be issued an employee identification card by the Department prior to performing any work for a licensed cultivator. A criminal records check is required for the issuance of an employee identification card. Employee licensure will begin after the issuance of provisional licenses.
- If an individual submits a criminal records check with an application, and is found to have a disqualifying offense, will the remaining members of the applying entity be allowed to amend the application without that individual? Or will the application be denied?
 - The application will be denied.



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- Individuals must certify on Form 1K that they have not been convicted of a disqualifying offense. This certification by an individual who has been convicted of a disqualifying offense constitutes a false or misleading statement to the Department, and will be justification for denial.
- If an individual wishes to verify information on their own criminal records check, that individual may arrange to receive their own results directly from BCI&I.

For further information regarding the required criminal records checks, applicants should thoroughly review O.R.C. 3796.12 at <http://codes.ohio.gov/orc/3796> and O.A.C. 3796:5-2-02 at <http://codes.ohio.gov/oac/3796%3A5-2>.