**R722. Public Safety, Criminal Investigations and Technical Services, Criminal Identification.**

**R722-390. Certificate of Eligibility for Removal from the White Collar Crime Offender Registry.**

**R722-390-1. Purpose.**

The purpose of this rule is to establish procedures by which a petitioner may seek a certificate of eligibility for removal from the White Collar Crime Offender Registry (WCCR) pursuant to Section 77-42-108.

**R722-390-2. Authority.**

This rule is authorized by Subsection 63G-4-203(1).

**R722-390-3. Definitions.**

(1) Terms used in this rule are defined in Section 77-42-102.

(2) In addition:

(a) "WCCR certificate of eligibility" has the same meaning as "certificate of eligibility" as defined in Subsection 77-42-102(4);

(b) "petitioner" means a person seeking a WCCR certificate of eligibility from the bureau; and

(c) "traffic offense" has the same meaning as defined in Section 77-40a-101.

**R722-390-4. Application for a Certificate of Eligibility for Removal.**

(1)(a) A person may apply for a WCCR certificate of eligibility by submitting a completed Application for Removal of Name from the White Collar Crime Offender Registry form to the bureau.

(b) The application form must be accompanied by a payment of the application fee established by the bureau in the form of cash, check, money order, or credit card.

(2)(a) Upon receipt of a completed application form and payment of the application fee, the bureau shall review each criminal episode contained on the petitioner's criminal history, in its entirety, to determine whether the petitioner meets the requirements for a WCCR certificate of eligibility found in Subsection 77-42-108(2)(b).

(b) In making its determination, the bureau shall also review any federal, state and local criminal records, to which it has access.

(3) If the bureau has insufficient information to determine whether the petitioner meets the requirements for a WCCR certificate of eligibility, the bureau may require the petitioner to submit additional information.

(4) If the bureau finds that the petitioner meets the requirements for the issuance of a WCCR certificate of eligibility, the bureau shall send the WCCR certificate to the petitioner at the address indicated on the application form.

(5) If the bureau finds that the petitioner does not meet the criteria for the issuance of a WCCR certificate of eligibility, the bureau shall send a letter to the petitioner, at the address indicated on the application form, which describes the reasons why the petitioner's application was denied and notifies the petitioner that the petitioner may seek agency review of the bureau's decision by following the procedures outlined in Subsection R722-390-5.

**R722-390-5. Agency Review of a Decision to Deny an Application for a Certificate of Eligibility for Removal.**

(1) A petitioner may seek agency review of the denial of an application for a WCCR certificate of eligibility, as provided by Section 63G-4-301, by mailing a written request for review to the bureau within 30 days from the date the denial letter is issued.

(2) The request for agency review must:

(a) be signed by the petitioner;

(b) state the specific grounds upon which relief is requested;

(c) indicate the date upon which it was mailed; and

(d) include documentation which supports the petitioner's request for review.

(3) An employee of the bureau shall be designated to review the petitioner's written request, any accompanying documents supplied by the petitioner, and the materials contained in the application file to determine whether the petitioner meets the requirements for a WCCR certificate of eligibility.

(4)(a) Within a reasonable time after receiving the request for review, the bureau shall issue a final written order on review, which shall be mailed to the petitioner at the address indicated on the application.

(b) If further review indicates that the petitioner meets the requirements for the issuance of a WCCR certificate of eligibility, the order shall indicate that the petitioner must pay the issuance fee before receiving the WCCR certificate of eligibility.

(c) If further review indicates that the petitioner does not meet the requirements for a WCCR certificate of eligibility, the order shall describe the reasons why the bureau's decision was upheld and notify the petitioner that the petitioner's opportunity to review the bureau's decision is limited to review by the district court as described in Subsection R722-390-6.

**R722-390-6. Judicial Review.**

A petitioner may seek judicial review of the bureau's final written order on review denying an application for a WCCR certificate of eligibility, as provided by Section 63G-4-402, by filing a complaint in the district court within 30 days from the date the bureau's final written order is issued.

**KEY: certificate of eligibility for removal, white collar crime offender registry, white collar crime offenders**

**Date of Last Change: November 8, 2024**

**Notice of Continuation: November 23, 2020**

**Authorizing, and Implemented or Interpreted Law: 63G-4-203(1); 77-42-108; 77-42-102; 77-40a-101**