

County of Oconee,
State of Georgia.

AMENDMENT TO THE RESOLUTION OF THE OCONEE COUNTY BOARD OF COMMISSIONERS TO ADOPT POLICIES IN CONNECTION WITH THE CRIMINAL HISTORY RECORD REQUIREMENTS OF THE ALCOHOL ORDINANCE LICENSE

WHEREAS, Oconee County has previously adopted an ordinance regulating the sale of alcoholic beverages in Oconee County, Georgia, known as the Alcoholic Beverages Ordinance and such Ordinance required fingerprinting and the use of the Georgia Crime Information Center (GCIC), Criminal Justice Information System (CJIS) Network/National Crime Information Center (NCIC); and

WHEREAS, model policies have been provided for such purposes and were adopted by Resolution of this Board of Commissioners dated March 7, 2017; and

WHEREAS, Oconee County desires to adopt an additional policy related to such matters for use in its administration of the Alcoholic Beverages Ordinance;

NOW THEREFORE, the Oconee County Board of Commissioners does hereby take the following actions:

1. The Resolution of March 7, 2017, is confirmed and readopted;
2. Each applicant who is the subject of a Georgia or Federal Bureau of Investigation national fingerprint/biometric-based criminal history record check as part of being issued a license under the Alcoholic Beverages Ordinance shall be provided a copy of the notice which was attached as Exhibit D to such Resolution and a copy of the notice which is attached as Exhibit A to this Amendment. For the purposes set out therein, any applicant shall have a period of thirty days after written notice from Oconee County that the license under the Alcoholic Beverages Ordinance may be denied based on such criminal history record check in which to correct or complete the record, or decline to do so. Such written notice shall include a copy of such criminal history record.

So resolved this 4th day of February, 2020.

OCONEE COUNTY BOARD OF COMMISSIONERS



(County Seal)

Attest: *Kelly Hayes*
Clerk, Oconee County Board of Commissioners

By: *J. Danzell*
John Danzell, Chairman

By: *Mark Thomas*
Mark Thomas, Member

By: *Chuck Horton*
Chuck Horton, Member

By: *W. E. Wilkes*
W. E. Wilkes, Member

By: *Mark Saxon*
Mark Saxon, Member

EXHIBIT A

Georgia Crime Information Center Applicant Privacy Rights Notification Policy Standard Operating Procedure

Subject:

Applicant Notification Policy for information derived from the Georgia Crime Information Center (GCIC) Criminal Justice Information System (CJIS) Network.

Effective Date:

February 4, 2020

Notification:

The Oconee County Board of Commissioners licenses businesses desiring to serve alcoholic beverages and, as part of the process, conducts fingerprint-based background checks through the Georgia Crime Information Center. Prior to fingerprinting, each individual must complete an application and receive a copy of both the Applicant Privacy Rights and the Privacy Rights Statement. The Oconee County Board of Commissioners provides the applicant with the privacy rights as part of the application packet.

Once the applicant has read and understands the Applicant Privacy Rights and the Privacy Act Statement, they will sign a form stating the notification was received. (The form will be maintained for no less than three (3) years.)

Record Challenge/Correction:

If an applicant chooses to challenge the accuracy of the criminal history record or needs to correct or update a record, they will be given 30 days to do so. The applicant is notified that the procedures for challenging an FBI records are set forth in 28 CFR 16.30 through 16.34, and the procedures for challenging can be found on the GBI website. If requested, the applicant may receive a copy of the criminal history record.

Appeal Process:

The applicant is provided an opportunity to appeal an adverse decision based on the criminal history records information provided from the fingerprint-based background check. The procedures for the appeal process are as follows:

- Notify County Clerk's Office in writing that the applicant wishes to appeal.
- Provide documentation that the finger-print background check is in error.
- County Clerk's Office will investigate the appeal and may contact the Sheriff's Office to verify the accuracy of documentation provided.
- Notification of the appeal decision will be given to the applicant within seven (14) business days.