

From: Caldwell, John H
To: Adams, Marcia S <Marcia.Adams@SCDMV.net>
Date: 3/29/2004 2:41:09 PM
Subject: FW: SLED Criminal checks

This is SLED's response to our request for free background checks

-----Original Message-----

From: Konduros, Cindy [mailto:CKonduros@sled.sc.gov]
Sent: Monday, March 29, 2004 2:25 PM
To: Caldwell, John H
Cc: sdenglish@gov.sc.gov
Subject: RE: SLED Criminal checks

Yes, Richard did talk to me. We remain consistent in our position recommending that your agency pass the fee on to the applicant. It is our hope that if your agency chooses to run a criminal history check, you will also choose to recoup the cost of that check for the state. Waiving this fee for your applicants will cause others (who are currently paying the fee or who want to begin running background checks) to pursue them for free. These fees help pay for the system. Please call should you need me. Thanks, Cindy.

-----Original Message-----

From: Caldwell, John H [mailto:John.Caldwell@SCDMV.net]
Sent: Monday, March 29, 2004 9:47 AM
To: 'Konduros, Cindy'
Subject: RE: SLED Criminal checks

Cindy, did Richard share with you that Rep. Young was OK with the charge being waived for DMV employ checks. This should not impact the General fund or SLED funds since DMV has not paid for them in the past. I understand your point about other agencies, but the DMV handles very sensitive documents.

-----Original Message-----

From: Konduros, Cindy [mailto:CKonduros@sled.sc.gov]
Sent: Thursday, March 25, 2004 1:20 PM
To: Caldwell, John H
Cc: sdenglish@gov.sc.gov; Stewart, Robert; Hunton, Richard
Subject: RE: SLED Criminal checks

Dear John,

We continue to have the same position regarding the fee. The fee must be charged; however, as recommended to you last week it would be passed on to the applicant. I had a conversation with JJ Gentry, House Education Committee, yesterday and advised him that legislation was not necessary because the applicant could run the state criminal history check over the Internet and attach it to the application similar to what other employers require. Otherwise there would be an impact on revenues either to the General Fund or to SLED. Once the General Fund receipts equal \$4.4 million, SLED is authorized to retain overage for agency operations (maintaining the system and infrastructure).

I also responded to his statement regarding your agency running these federal and state checks in the past without specific statutory authority and at no cost. I delicately explained that the federal checks were not conducted within federal guidelines or statutory authority which was

something of a problem. As for the state checks, a proviso specifically states that a fee must be paid for each state check and deposited into the General Fund of the State.

Any amendment to this proviso would cause a negative impact on the General Fund or SLED's base budget (carried deficits in last two years). SLED's other funds are critical to maintaining the basic level of operations. If you have any questions regarding SLED's concerns about this language, please give me a call at 896-7001. Thank you for giving me the opportunity to share our reservations. Cindy.

-----Original Message-----

From: Caldwell, John H [mailto:John.Caldwell@SCDMV.net]
Sent: Thursday, March 25, 2004 9:04 AM
To: 'ckonduros@mail.sled.state.sc.us'
Subject: FW: SLED Criminal checks

Cindy this is what I sent to Richard last week. Call if you have questions.

> -----Original Message-----

> From: Caldwell, John H
> Sent: Thursday, March 18, 2004 3:54 PM
> To: 'rhunton@sled.sc.gov'
> Cc: Adams, Marcia S; Lake, Steven
> Subject: SLED Criminal checks

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> Richard ; Cindy , This is the language that we would like to see in the
> amendment. Please let me know if this is ok with you so I can forward it
> to JJ.

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> "State criminal history record checks must be conducted for persons
> selected for employment by the Department of Motor Vehicles. The record
> checks may be obtained electronically from the State Law Enforcement
> Division. The Department of Motor Vehicles shall not be charged a fee for
> the state criminal history record check."