



Test Your Knowledge

Question:

My tenant paid last month's rent on the 28th. They paid this month's rent on the 1st. Now the rent for last month has come back NSF. Can I?

- A. Change the receipt and ledger to show this month is delinquent?
- B. Start an eviction?
- C. Try a bluff 3-Day Pay Rent Notice?

Which answer is correct?
Answer located at the bottom



Lori Larsen

Current holds the title of "Mrs. Kenmore"

WON First Runner-up in the "Mrs. Washington State" Beauty Pageant!

Lori is a Portfolio Manager for Quantum Management Services

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[How Long Do I Keep Background Check Reports?](#)

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Tenant Screening Reports Now Have New Look!



Your Reports will be in two separate sections:

- 1. Credit **PLUS** Criminal/Eviction
- 2. References

We are making this change in an effort to serve you more efficiently.

Questions? Email Retha at: retha@orcainfo-com.com OR Lucy at: lucy@orcainfo-com.com

What our client's are saying about Orca...

"Kathryn, I have to tell you that I really like dealing with you for everything ORCA related! You are so nice!"

K.S. - Yakima, WA

ORCA ♦ WISDOM ♦

Happiness lies in making others happy, in forsaking self-interest to bring joy to others.

-P.Y.

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Answer is C
Test Your Knowledge

FCRA Compliance Series Q&A

By Pinnacle Investigations with additions by Rebekah Near of Orca Information, Inc.

Q: How many years should I keep (background check) records?

A: If the subject is not hired, best practices would be to keep records for a minimum of 5 years in order to comply with the statute requirement. If the subject is hired, best practices would be to keep the background check in the personnel file for the duration of employment. If employment ends before 5 years, the record should be kept for the same timeframe specified above. Also make sure that the file is secure and when disposed that it is done so in a way that is compliant with FACTA.

Q. What is FACTA?

A. The Fair and Accurate Credit Transaction Act . Click on the following link. It will take you to the FACT Act. It is a law passed defining "proper" destruction and disposal of confidential information. Link: <http://www.ftc.gov/opa/2005/06/disposal.shtm>

Q: What kind of restriction for salary > \$75K?

A: If an applicant is reasonably expected to make an annual salary greater than \$75,000, then the standard Fair Credit Reporting Act (FCRA) restrictions do not apply (for using criminal records older than 7 years) and all information can be considered. NOTE: Some states have greater restrictions than the Federal FCRA and *do not* allow for any salary exceptions. If state statute preempts federal statute, then you are still bound by the greater state restriction, even if the annual salary is over \$75,000. There are also challenges in some jurisdictions obtaining information past 7 years, so even if allowed by the statute, all information may not be available. Make sure you work with your screening company to understand the statutes and availability of records in specific jurisdictions.

Q: Are the rules different for public safety positions (for example, the Sheriff's Office, who conducts their own backgrounds)?

A: There are some industries with specific requirements beyond the scope of the FCRA. If a Sheriff's office conducts their own background, then they can utilize all information found. CRA's are regulated by the FCRA in all circumstances. So if a screening company is utilized, FCRA guidelines must be followed.

Q: Some of our volunteers (at our Church) are under 18 - we currently do not do any background checks on under 18. Is that ok?

A: As best practices, employees and volunteers that are under the age of 18 should still have criminal background checks conducted. In many cases individuals that have convictions as a minor are public record and in the courts and can be reported on a criminal background report. There are some cases where the juvenile records are sealed and unavailable, but many of the convictions are prosecuted in the district and municipal courts and are reportable.

Q: Are sex crimes also restricted to the 7 year limitation?

A: In locations where there is a 7 year limit on the reporting of convictions, this applies to sex crimes as well. The Sex Offender registry can vary from state to state and although a crime may be past the 7 year limit, it is still reportable that the individual is a registered sex offender.

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