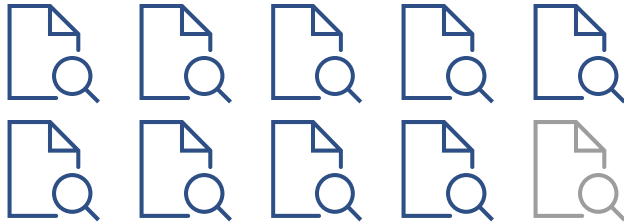


What If You Have A Criminal Conviction?

Key points for applicants with prior criminal history when applying for a license.



OUTCOMES OF LICENSE APPLICATION CASES REFERRED TO BOARDS AFTER IFF CONFERENCE



90% APPROVED WITHOUT RESTRICTION

10% DENIED or ISSUED WITH CONDITIONS

NO BARRIER CRIMES

An individual's criminal record is never an **absolute** prohibition to obtaining a license in any DPOR-regulated profession.

State law requires a case-by-case analysis of nine factors to determine if a prior conviction is **directly related** to working in the occupational area.

3-Step Process:



DOCUMENTATION

Submit the **Criminal Conviction Reporting Form** along with an official police or court report for every state where you have convictions. The Board may request additional documentation about your criminal record.



IFF CONFERENCE

The **Informal Fact-Finding (IFF) Conference** is conducted by a Presiding Officer and a court reporter makes a transcript. The purpose is to put facts "on the record" to help the Board in its deliberations. You may present evidence, bring witnesses, and be represented by an attorney (if you choose).



BOARD MEETING

You are allowed *no more than five minutes* to address the Board about whether you agree or disagree with the Presiding Officer's recommendation (*without presenting new evidence or information*). The Board considers everything in the case file and then votes to approve or deny your license application.



NOTE: The process is lengthy and may take **several months** because it includes application review and referral; documentation turnaround time; notice and scheduling; conducting the IFF Conference and writing the recommendation; and case placement on the next scheduled board meeting agenda.



Visit http://www.dpor.virginia.gov/Applicants/Criminal_History_IFF/ for more details.

9 FACTORS

Boards must consider when determining whether to approve or deny a license application with prior criminal history.

A criminal conviction is never an automatic barrier to licensure.

State law prohibits DPOR boards from denying an otherwise qualified applicant a license based **solely** on prior criminal history, unless the crime directly relates to the occupation or profession. (§ 54.1-204 of the Code of Virginia).

In order to make its determination, the regulatory board must look at each of the following criteria and justify the decision in writing.

1 Type of Offense
.....
The nature and seriousness of the crime

2 Occupational Nexus
.....
The relationship of the crime to the purpose for requiring a license to engage in the occupation

3 Recidivism Potential
.....
The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved

4 Appropriateness
.....
The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession

5 Prior Offenses
.....
The extent and nature of the person's past criminal activity

6 Age
.....
The age of the person at the time of the commission of the crime

7 Time Passed
.....
The amount of time that has elapsed since the person's last involvement in the commission of a crime

8 Work History
.....
The conduct and work activity of the person prior to and following the criminal activity

9 Rehabilitation
.....
Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release