



GETTING TO WORK WITH A CRIMINAL RECORD: NEW YORK STATE LICENSE GUIDES 2020 EXPANDED EDITION



**INSTITUTE FOR JUSTICE
AND OPPORTUNITY**
at JOHN JAY COLLEGE

**CU
NY** THE CITY
UNIVERSITY
OF
NEW YORK

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ABOUT THE GUIDES

WHAT ARE THE NEW YORK STATE LICENSE GUIDES?

The New York State License Guides explain the process for obtaining licenses in 25, high-demand occupations and professions for people who have conviction records. These guides aim to dispel the myths and misinformation that may discourage people with convictions from pursuing employment and career pathways that are actually available to them. There is a common misconception that a conviction record makes licensing impossible; in fact, 86 percent of people with conviction records who applied for New York State occupational licensing in 2018 were approved.¹

Too often, workforce development professionals, academic advisors, and other gatekeepers make choices that immediately diminish economic opportunity; they may channel job seekers with conviction records into particular job tracks, or they may not propose or approve internships and field placements. These guides are intended to encourage workforce professionals and other gatekeepers to support people with convictions in pursuing the jobs and careers they seek. They also offer guidance to help determine when barriers really do exist, and whether it's possible to overcome them.

These guides update and expand our first edition released in 2018, which included 10 occupations. We selected an additional 15 occupations and professions based on interest from people with conviction records and input from many professionals in the workforce development field, and by evaluating labor market data to determine growing sectors and jobs that have licensure restrictions.

WHO CAN USE THE GUIDES?

These guides are designed specifically for:

- 1 Anyone with a conviction record who is interested in pursuing a license in any of the 25, high-demand occupations and professions.
- 2 Workforce development providers, academic advisors, faculty, and other human service professionals who help people find jobs and explore education and career options.
- 3 Lawyers and other human services providers who are seeking quick answers for their clients.

WHAT IS AN OCCUPATIONAL OR PROFESSIONAL LICENSE?

Some jobs require an occupational or professional license before you can start working. These licenses let employers and customers know that you have permission from New York State to be employed in that position. Different government agencies issue licenses; the licensing agencies and their procedures are explained in these guides.

Because some occupational and professional licenses require significant time and money, it is helpful to review any conviction record restrictions before enrolling in training programs or paying application fees.

HOW DOES LICENSING WORK?

Just as a driver's license gives you the right to drive but doesn't give you a car, an occupational or professional license gives you permission to find work in a particular field but does not guarantee you a job. Employers may still deny you a job based on your conviction record, even if you have a license. However, most employers may not have blanket restrictions on hiring people with conviction records, and they must follow New York State law to ensure they are not illegally discriminating against applicants with records. This law, called "Article 23-A," is discussed in depth in these guides and in the Glossary. In addition, most employers in New York City must follow the Fair Chance Act, which has additional rules about how employers must consider applicants with conviction histories.

¹ New York State Council on Community Re-entry and Reintegration. "Reducing Barriers for New Yorkers with Criminal Convictions." See ny.gov/criminal-justice-reform/new-york-state-council-community-re-entry-and-reintegration

ABOUT THE INSTITUTE FOR JUSTICE AND OPPORTUNITY

The Institute for Justice and Opportunity at John Jay College of Criminal Justice (the Institute) is committed to addressing systemic workforce barriers and creating opportunity for people with convictions.

Founded in 2005 as the Prisoner Reentry Institute, we changed our name to the Institute for Justice and Opportunity in 2020. Our new name recognizes the power of language and better reflects our values and our mission – to create opportunities for people to live successfully in the community after involvement with the criminal legal system by addressing structural racial and economic inequalities. We focus much of our work on increasing access to higher education and career pathways for people with conviction histories. Our comprehensive approach includes direct service, research, technical assistance, and policy advocacy.

ACKNOWLEDGEMENTS

The Institute would like to express our sincere gratitude to the NYC Mayor's Office for Economic Opportunity and the Young Men's Initiative for their commitment to this project and to creating opportunity for individuals with convictions. In particular, we would like to thank Carson Hicks, Ph.D., Deputy Executive Director, and Parker Krasney, Assistant Director of Programs and Partnerships, at the Mayor's Office for Economic Opportunity.

We would especially like to thank the Legal Action Center (LAC) for their work creating the legal content of the new edition of guides, and specifically Sally Friedman, Vice President of Legal Advocacy; Rebekah Joab, Staff Attorney; and Colleen McCormack-Maitland, Senior Staff Attorney for Legal Services.

LAC is the only non-profit law and policy organization in the United States whose sole mission is to fight discrimination against people with histories of addiction, HIV/AIDS, or criminal records, and to advocate for sound public policies in these areas. Since being founded in 1973, LAC has worked to guard the civil rights and civil liberties of those they serve and dismantle systemic, discriminatory barriers. To accomplish this work, LAC provides direct legal services to impacted individuals and technical assistance to providers, brings civil litigation, engages in policy reform and coalition building, provides trainings and educational materials for impacted communities, and more.

LAC created the legal content for the following fifteen guides: Certified Public Accountant, Firefighter (NYC-Specific), Lawyer, Licensed Practical Nurse (LPN), Licensed Master Social Worker (LMSW) and Licensed Clinical Social Worker (LCSW), Notary Public, Nurse Practitioner, Occupational Therapist, Optometrist, Physical Therapist, Physician Assistant, Radiological Technologist, Real Estate Salesperson and Broker, Registered Professional Nurse (RN), and Teacher.

We also wish to thank Youth Represent for their work on the first edition of the guides. Youth Represent created the legal content for the following ten guides in 2018, which have been updated for this 2020 edition: Barber Operator, Bus Driver (Passenger & School), Certified Nurse Aide (CNA), Childcare/Daycare Employee, Chauffeur (Taxi/Uber/Lyft Driver), Cosmetologist, Dental Hygienist, Electrician (NYC-Specific), Emergency Medical Services (EMT/Certified First Responder), Security Guard.

From the Institute for Justice and Opportunity, we'd like to acknowledge Ann Jacobs, Executive Director; Alison Wilkey, Director of Public Policy; Zoë Johnson, Policy Coordinator; Tommasina Faratro, Special Projects Coordinator; Elena Sigman, Director of Collaborative Learning; Drew Oldfield, former Director of Career Pathways; and Antonia Salerno, Manager of College Initiative.

We are so grateful to the second cohort of students in the Institute's Navigator Certificate in Human Services & Community Justice program for their invaluable feedback on early editions of the guides.

Finally, we thank MESH Design & Development for designing this edition of the guides, and specifically Kathryn Dreier, Liz Turner, and Megan Bullock.

The NYS License Guides are for informational use only and cannot replace legal advice. Please talk to a lawyer for legal advice on your specific situation.

BARBER OPERATOR¹



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The application asks if you have any criminal convictions (felonies and misdemeanors) and open criminal cases.

There is no automatic disqualification for any conviction.

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits the New York State Education Department (NYSED) from asking about or considering them.²

You should provide a detailed explanation of any unsealed criminal conviction or open criminal case. You must send court records for each conviction, including a copy of the **Accusatory Instrument** and a **Certificate of Disposition**.

You do NOT need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.³

You should include **evidence of rehabilitation** for the required **Article 23-A** analysis. If you have them, you must include any **Certificate of Relief from Disabilities**, **Certificate of Good Conduct**, or **Executive Pardon** with the application.

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

The Department of State (DOS) must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of a Barber Operator, or
- 2 Creates an unreasonable risk to the property or safety of other people.

To make this decision, DOS is required to evaluate all **Article 23-A factors.**⁴

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: dos.ny.gov/licensing/barber/barbering.html

- ✓ Successfully complete a qualifying course
- ✓ Demonstrate that you are free from “infectious or communicable diseases”
- ✓ Pass a barber’s exam
- ✓ Be of “**good moral character**”

LICENSING AGENCY

**NEW YORK STATE
DEPARTMENT OF STATE
DIVISION OF LICENSING SERVICES**

MAILING ADDRESS

P.O. Box 22001
Albany, NY 12201-2001

NEW YORK CITY ADDRESS

123 William St., 2nd Fl.
New York, NY 10038-3804

PHONE

518-474-4429
212-417-5747 (New York City)

WEBSITE

[dos.ny.gov/licensing/
barber/barbering.html](https://dos.ny.gov/licensing/barber/barbering.html)

[dos.ny.gov/licensing/
lawbooks/barber.pdf](https://dos.ny.gov/licensing/lawbooks/barber.pdf)



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

If DOS denies, suspends, or revokes your license, you may be able to have a judge review the final decision by filing an [Article 78](#) appeal in court. You have four months to file.⁵



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

Your barber's license may be suspended or revoked if your conviction is considered a [Crime Involving Moral Turpitude](#) or if you are convicted of selling alcohol to a person under age 21 at your place of business.⁶

If you are convicted of such a crime, you will receive a Hearing Notice. At the [hearing](#), you should bring any positive information you have about yourself, including [evidence of rehabilitation](#) and witnesses to testify to your [good moral character](#).

After the [hearing](#), DOS will review all the information and decide whether to revoke or suspend your license. The decision will be mailed to you.⁷

If your license is revoked, it cannot be reinstated for one year from the date of the revocation.

FOOTNOTES

- 1** A Barber Operator License allows you to work as a barber. If you would like to open your own barber shop, you will need to submit a "Barber Shop Owner or Area Renter" application.
- 2** N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 3** N.Y. Exec. Law § 296(16)
- 4** N.Y. Correction Law § 753
- 5** N.Y. Civil Practice Laws and Rules § 7801
- 6** N.Y. General Business Law § 441
- 7** N.Y. General Business Law § 411(2)

GETTING TO WORK WITH A CRIMINAL RECORD

This guide cannot replace legal advice from a qualified attorney.

If you have questions or need legal advice, please use the accompanying Resources or LawHelpNY.org to find a lawyer.

BUS DRIVER

PASSENGER & SCHOOL BUS



DO YOU NEED A SPECIAL DRIVER'S LICENSE TO BE A BUS DRIVER?

If your job requires you to transport things or people, you most likely will need to get a special endorsement on your driver's license and successfully pass a number of tests. Given the large number of different licenses that exist, it is important to ask the employer to specify which license is required. Each license has unique requirements that depend on several factors, including:

- Who or what is being transported;
- What the purpose of transporting is;
- How large the vehicle is;
- The number of passengers.¹

To work as a **standard commercial driver** for passengers, you must first obtain a "P" (passenger) endorsed driver's license. To work as a **school bus driver**, you must have both a "P" (passenger) and "S" (school) endorsed driver's license.

While the driver's test is different for the two licenses, both have restrictions based on criminal records.



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The application asks if you have any criminal convictions (felonies and misdemeanors).

The chart on the next page shows the types of crimes that will result in disqualification, and if it is possible to overcome the disqualification.

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits the Department of Motor Vehicles (DMV) from asking about or considering them.²

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.³

You should include **evidence of rehabilitation** for the required **Article 23-A** analysis. Even if the application does not ask for this information, try to submit it with your application.

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.

Finally, there are additional non-criminal record restrictions based on your driving and accident record. Check with a lawyer or your local DMV if you are concerned about these restrictions.⁴

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: dmv.ny.gov/commercial-drivers

- ✓ Have a valid New York State driver's license
- ✓ Be at least 18 years old to get a passenger bus driver's license
- ✓ Be at least 21 years old to get a school bus driver's license

LICENSING AGENCIES

NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES

LOWER MANHATTAN
11 Greenwich Street
New York, NY 10004
212-645-5550

HARLEM
159 E 125th Street
New York, NY 10035
718-488-5710

BROOKLYN
625 Atlantic Avenue
Brooklyn, NY 11217
212-645-5550

BRONX
696 E. Fordham Road
Bronx, NY 10458
718-966-6155

QUEENS
168-35 Rockaway Blvd
Jamaica, NY 11434
718-966-6155

STATEN ISLAND
1775 South Avenue
Staten Island, NY 10314
718-966-6155



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

If your conviction does not fall under the disqualifying crimes listed in the chart on the next page, the DMV must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of a Bus Driver, or
- 2 Creates an unreasonable risk to the property or safety of other people.

To make this decision, the DMV is required to evaluate all **Article 23-A** factors.⁵



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

If you have a conviction or charge that would or could disqualify you from being a school bus driver, the DMV will notify you. You may be able to appeal the disqualification to the DMV if there is a mistake in the conviction history that the DMV used to make its decision. You will be told how to appeal the possible errors.

If the disqualification is based on your actual conviction, you cannot appeal to the DMV. However, you may appeal the final decision by filing an **Article 78** appeal in court within four months of the denial.⁶



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

This guide provides a basic outline of how misconduct is evaluated. However, the process is complex, and it is recommended that you consult with an attorney. See the Resources page for help finding a lawyer.

You cannot continue to hold a *passenger bus driver's license* if you are convicted of any of the offenses specified in the chart on the next page. If you are employed when convicted of one of these offenses, you must provide your employer written notice of the conviction within one business day of the conviction. If your bus driver's license is revoked or suspended, the DMV commissioner will notify your employer.⁷

You cannot continue to hold a *school bus driver's license* if you are *convicted* of any of the offenses specified in the chart on the next page. Upon New York Division of Criminal Justice Services (DCJS) or Federal Bureau of Investigation (FBI) notification to the DMV commissioner that you were convicted of a disqualifying offense and that your license was revoked or suspended, the DMV commissioner will notify you, the school district, and your motor carrier; you may no longer be employed as a school bus driver.

If DCJS or the FBI tells the DMV commissioner that you were *charged* of an offense that disqualifies you from being a school bus driver, the DMV commissioner will notify you, the school district, and your motor carrier, that you were charged without specifying the alleged offense. When the case is complete, you must provide the DMV with an original court document with the disposition of the case.⁹

If you were convicted of an offense for which you are disqualified from being a passenger bus driver or school bus driver, you may not qualify to drive again unless you are approved for requalification and get a requalification letter from the DMV's Bus Driver Unit (BDU). Contact the BDU to request a requalification letter. Before you can be reemployed, the BDU must notify the employer.¹⁰

FOOTNOTES

- 1 See New York State Commercial Driver's Manual: dmv.ny.gov/commercial-drivers/new-york-state-commercial-drivers-manual
- 2 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 3 N.Y. Exec. Law § 296(16)
- 4 N.Y. Vehicle & Traffic Law § 509-c
- 5 N.Y. Correction Law § 753
- 6 N.Y. Comp. Codes R. & Regs. tit. 15, § 6.4(e)
- 7 N.Y. Veh. & Traf. Law § 509-i
- 8 N.Y. Veh. & Traf. Law § 509-cc
- 9 N.Y. Veh. & Traf. Law § 509-i; N.Y. Comp. Codes R. & Regs. tit. 15, § 6.4
- 10 N.Y. Comp. Codes R. & Regs. tit. 15, § 6.27; N.Y. Comp. Codes R. & Regs. tit. 15, § 6.28

GETTING TO WORK WITH A CRIMINAL RECORD

This guide cannot replace legal advice from a qualified attorney.

If you have questions or need legal advice, please use the accompanying Resources or LawHelpNY.org to find a lawyer.

PASSENGER & SCHOOL BUS

Crimes that will result in a disqualification for 5 years from the date of last conviction

You cannot overcome this disqualification; you must wait for five years to pass.

- Driving under the influence of alcohol or drugs WHILE driving a bus or other commercial vehicle;
- Two or more convictions for driving under the influence of alcohol or drugs in ANY circumstance;
- Hit and run that resulted in death or personal injury;
- Aggravated unlicensed operation of a motor vehicle.

PASSENGER BUS

Crimes that will result in a permanent disqualification

You can overcome this disqualification if:

- Five years have passed since you were discharged or finished your sentence of imprisonment, AND
- You receive a "Certificate of Relief" or "Certificate of Good Conduct."

Felonies:

- Rape and criminal sexual act (class B & D)
- Sexual abuse (class D)

Misdemeanors:

- Sexual abuse (class A)

SCHOOL BUS

Crimes that will result in a disqualification for 5 years from the date of last conviction

You can overcome this disqualification at any time if:

- You receive a "Certificate of Relief" or "Certificate of Good Conduct." The Certificate must specifically state that it lifts any barriers to obtaining a school bus driver's license

Felonies:

- Arson (class B & C)
- Assault (class B & D)
- Burglary (class B & C), robbery (class C & D), criminal trespass (class D)
- Criminal mischief (class B)
- Criminal possession of a controlled substance (class B, C, & D), criminal sale of a controlled substance (class C & D)
- Criminal possession of a weapon (class C & D), criminal use of a firearm (class B & C), criminal sale of a firearm (class C), manufacture/transport of weapons, prohibited use of weapons
- Criminal possession of marijuana (class C) and criminal sale of marijuana (class C & D)
- Endangering the welfare of an incompetent or physically disabled person (class E)
- Obscenity (class D & E) and disseminating indecent material to minors (class E)
- Patronizing a person for prostitution (class D & E), aggravated patronizing a minor for prostitution (class B, D, & E)
- Rape (class E)
- Reckless endangerment (class D)
- Substitution of children (class E)
- Unlawful imprisonment (class E)
- Vehicular assault (class C, D, & E)

Misdemeanors:

- Endangering a child and unlawfully dealing with a child (class A)
- Obscenity (class A) and public lewdness (class B)
- Prohibited use of weapons
- Prostitution (class B) and promoting prostitution (class A)
- Sexual abuse/misconduct, forcible touching (class A & B)

Crimes that will result in a permanent disqualification

You can overcome this disqualification if:

- Five years have passed since you were discharged or finished your sentence of imprisonment, AND
- You receive a "Certificate of Relief" or "Certificate of Good Conduct." The Certificate must specifically state that it lifts any barriers to obtaining a school bus driver's license.

Felonies:

- Arson (class A-I)
- Course of sexual conduct against a child (class B & D) and facilitating a sex offense with a controlled substance (class D)
- Criminal possession of a controlled substance (class A-II, A-I), criminal sale of a controlled substance (class A-I, A-II, & B)
- Criminal possession of a weapon (class B)
- Criminal sexual act (class B, D & E)
- Criminally negligent homicide (class C & E)
- Disseminating indecent material to minors (class D), use of a child in a sexual performance (class C), promoting or possessing a sexual performance by a child (class D & E)
- Kidnapping (class A-I & B)
- Luring a child, abandonment of a child, or aggravated assault upon a child (class E)
- Manslaughter (class B & C),
- Murder (class A-I)
- Predatory sexual assault and predatory sexual assault against a child (class A-II)
- Promoting prostitution (class B, C, & D)
- Rape (class B & D)
- Robbery (class B)
- Sex trafficking and sex trafficking of a child (class B)
- Sexual abuse (class D & E), and aggravated sexual abuse (class B, C, D)
- Vehicular manslaughter (class C & D), aggravated vehicular homicide (class B)

Misdemeanors:

- Sexual abuse (class A)

If the offense for which you were convicted occurred before 9/15/1985, you are ONLY disqualified for felony rape (class B & D), felony criminal sexual act (class B & D), felony sexual abuse (class D) and misdemeanor sexual abuse (class A).

You can overcome this disqualification if:

- Five years have passed since you were discharged or finished your sentence of imprisonment, AND
- You receive a "Certificate of Relief" or "Certificate of Good Conduct." The Certificate must specifically state that it lifts any barriers to obtaining a school bus driver's license.

CERTIFIED NURSE AIDE (CNA)



HOW WILL A CRIMINAL RECORD AFFECT GETTING CERTIFIED?

New York State Department of Health (DOH) will run a fingerprint-based background check to assess your conviction history.

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits DOH from asking about or considering them.¹

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.²

If you have any of the following types of convictions, DOH will probably recommend that your application be denied:

- Any felony sex offense;
- Any felony conviction within the past 10 years involving violence;
- Any Class A felony;
- Any Class B or C felony within the 10 years before the background check;
- Any Class D or E felony within the 10 years before the background check for assault, menacing, reckless endangerment, promoting a suicide attempt, stalking, luring a child, larceny, robbery, criminal misuse of prescription drugs, sexual offenses, or controlled substance offenses;
- Certain convictions within the 10 years before the background check for endangering a vulnerable elderly person, or an incompetent or physically disabled person in the first or second degree; or
- Any comparable offense outside of New York.³

Before making any final decision, DOH will notify you if they do not consider you suitable for the certification and will give you an opportunity to submit **evidence of rehabilitation** and reasons your application should be approved. You have 30 days from the mailing date of your DOH notification to submit your **evidence of rehabilitation**.⁴

If you have an open case(s), you may want to speak with your attorney about whether to apply for the certification while the case(s) is pending.

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: prometric.com/nurseaide/ny

- ✓ Complete a New York State-approved nurse aide training program
- ✓ Pass the New York State Nursing Home Nurse Aide Competency Examination
- ✓ Complete a fingerprint-based background check

Once these steps are completed, you must apply for a certificate through the New York State Department of Health (DOH). DOH has contracted with the company Prometric to administer the CNA test and registry. The certificate must be renewed every two years.

LICENSING AGENCY

NEW YORK STATE DEPARTMENT OF HEALTH

Corning Tower
Empire State Plaza
Albany, NY 12237

PHONE
1-866-881-2809

WEBSITE
health.ny.gov



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

If you have convictions for any other crimes not listed above, DOH must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of a Nurse Aide, or
- 2 Creates an unreasonable risk to the property or safety of other people.

To make this decision, DOH is required to evaluate all [Article 23-A](#) factors.⁵



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

Before DOH makes a final decision about your employment eligibility, they will give you 30 calendar days to explain in writing why your eligibility should be approved. The 30 days begins on the date when the notice is sent to you. DOH will tell you if the reason you are not being approved is because of your criminal record, and you may submit a written request to the employer or prospective employer asking for a copy of the conviction history report that DOH relied on in making the decision about your eligibility.⁶



WHAT HAPPENS IF YOU ALREADY HAVE YOUR CERTIFICATION AND ARE CONVICTED OF A NEW CRIME?

If you are certified as a CNA and charged or convicted of a crime, the New York State Division of Criminal Justice Services (DCJS) will notify your employer. The employer must decide if the charge or conviction presents a threat to the health, safety, and well-being of a resident or patient.⁷

FOOTNOTES

- 1 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 2 N.Y. Exec. Law § 296(16)
- 3 N.Y. Comp. Codes R. & Regs. tit. 10, § 402
- 4 N.Y. Comp. Codes R. & Regs. tit. 10, § 402.7
- 5 N.Y. Correction Law § 753
- 6 N.Y. Comp. Codes R. & Regs. tit. 10, § 402.7
- 7 N.Y. Comp. Codes R. & Regs. tit. 10, § 402.8

GETTING TO WORK WITH A CRIMINAL RECORD

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If you have questions or need legal advice, please use the accompanying Resources or LawHelpNY.org to find a lawyer.

CERTIFIED PUBLIC ACCOUNTANT



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The certified public accountant application asks if you have any criminal convictions (felonies and misdemeanors) and open criminal cases.²

There is no automatic disqualification for any conviction.

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits the New York State Education Department (NYSED) from asking about or considering them.³

You should provide a detailed explanation of any unsealed criminal conviction or open criminal case. You must send court records for each conviction, including a **Certificate of Disposition**.

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.⁴

You should include **evidence of rehabilitation** for the required **Article 23-A** analysis. Even if the application does not ask for this information, try to submit it with your application.

While your application is pending, you must update NYSED about any changes to your answers.

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

If you have any criminal convictions, the Office of Professional Discipline completes an investigation of your convictions as part of an assessment of your "**moral character**."⁵

If the investigation leaves a question about your **moral character**, the results and supporting documents go to the State Board for Public Accountancy (SBPA), which assists NYSED in licensing decisions and discipline at different points in the review process.⁶

The SBPA must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of a certified public accountant, or
- 2 Creates an unreasonable risk to the property or safety of other people.⁷

To make this decision, OCFS is required to evaluate all **Article 23-A factors.**⁸

The SBPA concludes whether or not you will receive the license.⁹

There is no specified timeframe for this evaluation.

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: op.nysed.gov/prof/cpa/cpalic.htm

- ✓ File an application with the New York State Education Department (NYSED) Office of the Professions
- ✓ Have the required education
- ✓ Have satisfactory experience
- ✓ Pass the required examination
- ✓ Be at least 21 years old
- ✓ Pay required fees, which can be partially refunded if your license application is denied
- ✓ Be of "**good moral character**"¹

LICENSING AGENCY

**NEW YORK STATE
EDUCATION DEPARTMENT (NYSED)**

OFFICE OF THE PROFESSIONS
State Education Building,
2nd Floor
Albany, NY 12234

PHONE
518-474-3817

WEBSITE
op.nysed.gov/prof/cpa/cpalic.htm



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

Within 30 days of the SBPA denial, you may make a written request for a **hearing**.¹⁰

At the **hearing**, you can be represented by a lawyer, present evidence, call witnesses, and cross examine witnesses.¹¹

The SBPA issues a report with its decision.¹²

Either you or the Office of Professional Discipline can appeal within 30 days of the SBPA report. Both parties can submit written documents.¹³

The Committee on the Professions makes a final decision.¹⁴

If you are denied a license, you may file an **Article 78** appeal in court, within four months of the *final* denial.

If you are denied a license, you can reapply 18 months after the panel submitted its report (whether or not there was an appeal).¹⁵



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

This guide provides a basic outline of how professional misconduct is evaluated. However, the process is complex, and it is recommended that you consult with an attorney. See the Resources page for help finding a lawyer.

Conviction of any crime when you have a license is considered "professional misconduct" even if the conviction is not related to work.

The SBPA may hold a **hearing** to decide if it should take disciplinary action, which can include placing you on probation, suspending all or part of your license, or revoking it.

The SBPA is required to send written notice of the **hearing**. You may respond to the charges in writing before the **hearing**.

At the **hearing**, you may be represented by a lawyer, present evidence, call witnesses, and cross examine witnesses.

The SBPA can also end penalties and restore your license.¹⁶

If the SBPA suspends or revokes your license, you may file an **Article 78** appeal in court, within four months of the *final* disciplinary action.

FOOTNOTES

- 1 N.Y. Educ. Law § 7404
- 2 See the CPA Application: op.nysed.gov/prof/cpa/cpa1.pdf
- 3 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 4 N.Y. Exec. Law § 296(16)
- 5 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.2
- 6 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.2, N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.3; N.Y. Educ. Law § 7403.
- 7 N.Y. Exec. Law § 296(15); N.Y. Correct. Law § 752
- 8 N.Y. Correct. Law § 753
- 9 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.4
- 10 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.4
- 11 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 12 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 13 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 14 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 15 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.7
- 16 N.Y. Educ. Law § 6509; N.Y. Educ. Law § 6510; N.Y. Educ. Law § 6511

GETTING TO WORK WITH A CRIMINAL RECORD

This guide cannot replace legal advice from a qualified attorney.

If you have questions or need legal advice, please use the accompanying Resources or LawHelpNY.org to find a lawyer.

CHAUFFEUR

TAXI / UBER / LYFT DRIVER



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The application asks if you have any criminal convictions (felonies and misdemeanors) and open criminal cases. The New York City Taxi and Limousine Commission (TLC) will complete a fingerprint-based background check on you.

If you have pending criminal charges, TLC will wait to consider your application. If the charges are not resolved within 90 days after the submission of the application, the application will be denied.

TLC will deny an application if you have been convicted of:

- A felony involving the use of a motor vehicle
- A felony involving manufacturing, distributing or dispensing a drug in which a motor vehicle was used
- Leaving the scene of an accident
- Operating a pre-arranged for-hire vehicle without a license where your license was revoked as a result of violations committed while driving a pre-arranged for-hire vehicle
- Vehicular manslaughter
- Homicide and criminally negligent homicide
- Assault
- Sexual offenses
- Kidnapping
- Burglary²

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits TLC from asking about or considering them.³

You do NOT need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.⁴

You should include evidence of rehabilitation for the required **Article 23-A** analysis. Even if the application does not ask for this information, try to submit it with your application.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

TLC may deny an application if they believe the applicant is not fit to have a license based on the requirements listed in the Summary of General Requirements and in the full list of Fitness Rules.

If your conviction does not fall under any of the mandatory restrictions listed above, TLC must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of a TLC driver, or
- 2 Creates an unreasonable risk to the property or safety of other people.

To make this decision, TLC is required to evaluate all **Article 23-A** factors.⁵

SUMMARY OF GENERAL REQUIREMENTS

The following information outlines criteria for the New York City Taxi and Limousine Commission (TLC), which might not apply to other cities and towns in New York State

- ✓ You must be at least 19 years old
- ✓ You must have a valid Social Security Number
- ✓ You must have a Chauffeur class driver's license (A, B, C, or E)
- ✓ You must have a doctor complete a medical form proving you are physically and mentally fit
- ✓ You must pass a drug test after your application is submitted
- ✓ You must complete all education requirements¹
- ✓ You cannot have 6 or more points on your DMV license within the 15 months before your most recent violation date
- ✓ You must pay all parking and traffic tickets and cannot have outstanding judgments
- ✓ You cannot have pending criminal charges that will not be resolved within 90 days after your application is submitted
- ✓ You must be of **"good moral character"**

There are more restrictions based on traffic infractions, accidents, and violations of TLC rules. Be sure to read the full list of Fitness Rules at: www1.nyc.gov/assets/tlc/downloads/pdf/new_fitness_rules_english.pdf



WHAT ARE YOUR LEGAL OPTIONS IF YOUR LICENSE IS DENIED OR REVOKED?

If your application is denied, the Chairperson may ask for additional information from you. This request may be an in-person interview, telephone call, letter, email, or other method of communication. It is important to appear at an in-person interview, if requested, or provide the requested information within the time frame you are given. Any failure to comply with the Chairperson's request will result in your application being denied.⁶

If your application is denied after the Chairperson's review or your license is revoked after a **hearing**, you may be able to have a judge review the final denial by filing an **Article 78** appeal in court. You have four months to file.⁷



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

If you are arrested, the TLC is notified and may suspend your license while you are awaiting a decision on charges in criminal court. You will have the right to a trial at the Office of Administrative Trials and Hearings (OATH) to try to get your license reinstated.⁸

If you are convicted of a crime, fail a drug test, or the TLC alleges you acted fraudulently, such as using someone else's ID, your license may be suspended or revoked. You will have the right to a fitness trial at OATH where you can tell your side of the story and/or provide the judge with **evidence of rehabilitation**, such as how much time has passed since your conviction and whether anything has since changed in your life.⁹

Your license will be revoked if you are convicted of homicide or assault arising out of the operation of a vehicle or criminal negligence in the operation of a vehicle resulting in death.¹⁰

Always talk to your criminal defense lawyer before testifying at OATH or any other **hearing** while you have an open criminal case.

FOOTNOTES

- 1 For a list of driver education requirements and courses, see: www1.nyc.gov/site/tlc/drivers/driver-education.page
- 2 35 NYC Administrative Code § 80-08
- 3 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 4 N.Y. Exec. Law § 296(16)
- 5 N.Y. Correction Law § 753
- 6 5 NYC Administrative Code, 80-04(h)(4); New York Vehicle and Traffic Law § 498(1)(f)
- 7 N.Y. Civil Practice Laws and Rules § 7801
- 8 See Taxi and TLC-Licensee Cases: A Guide to Your Trial at the OATH Trials Division, p. 13: www1.nyc.gov/assets/oath/downloads/pdf/OATH_taxicases_guide.pdf
- 9 See Taxi and TLC-Licensee Cases: A Guide to Your Trial at the OATH Trials Division, p. 18: www1.nyc.gov/assets/oath/downloads/pdf/OATH_taxicases_guide.pdf
- 10 N.Y. Vehicle & Traffic Law § 510(2)(i)

LICENSING AGENCY

NYC TAXI & LIMOUSINE COMMISSION LICENSING AND STANDARDS DIVISION

QUEENS

31-00 47th Avenue, 3rd Floor
Long Island City, NY 11101

STATEN ISLAND

1139 Hyland Blvd
Staten Island, NY 10305

PHONE

718-391-5501

WEBSITE

nyc.gov/tlc

GETTING TO WORK WITH A CRIMINAL RECORD

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CHILDCARE / DAYCARE EMPLOYEE



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The application asks if you have any criminal convictions (felonies and misdemeanors) and open criminal cases. The NYS Office of Children and Family Services (OCFS) will complete a fingerprint-based background check on you.

If you have any criminal charges pending, OCFS will not make a decision about your application and you will not be granted clearance while your case is open.¹

OCFS will deny your application if you have an unsealed felony conviction for murder, child abuse or neglect, crimes against children, spousal abuse, a sex offense, kidnapping, arson, assault, or any violent misdemeanor conviction that you committed as an adult against a child.²

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits OCFS from asking about or considering them.

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.⁴

You should include **evidence of rehabilitation** for the required **Article 23-A** analysis. Even if the application does not ask for this information, try to submit it with your application.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

For convictions other than the ones specified above, OCFS must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of a childcare employee, or
- 2 Creates an unreasonable risk to the property or safety of other people.

To make this decision, OCFS is required to evaluate all **Article 23-A factors.**⁵



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

Before denying your application, OCFS must give you a chance to explain in writing why it should not be denied. However, your only opportunity to do this might be on the application itself. If you do have convictions, you should include with your application any **evidence of rehabilitation** that you have—any documentation of positive things you've done since your most recent conviction—that shows your justice system involvement should not be used as the reason to deny you.

If your clearance is denied, you have the right to see the conviction history information that OCFS used to deny you. You may be able to have a judge review the final denial by filing an **Article 78** appeal in court. You have four months to file.⁶

SUMMARY OF GENERAL REQUIREMENTS

This guide explains the clearance process for the NYS Office of Children and Family Services (OCFS), which has jurisdiction over statewide childcare and *home-based* childcare in New York City.

To work or volunteer at a *center-based* child care or *summer camp* in New York City, you need to be cleared through the NYC Department of Health and Mental Hygiene (NYC DOHMH). Although the process is similar, there may be additional clearance requirements.

To work in *Pre-K* or *3-K*, you need to be cleared through the NY State Education Department – see the **Teacher** guide for more information on that process.

LICENSING AGENCY

**OFFICE OF CHILDREN AND FAMILY SERVICES
DIVISION OF CHILD CARE SERVICES**

PHONE
518-474-9454

To find the address and phone number for the nearest regional office, visit:
ocfs.ny.gov/main/childcare/regionaloffices.asp



WHAT HAPPENS IF YOU ALREADY HAVE CLEARANCE AND YOU HAVE A NEW ARREST?

If you get arrested after you start working, OCFS will conduct a safety assessment and may suspend your ability to work. The safety assessment includes:

- A review of the duties you perform;
- The extent to which you may have contact with children in the daycare facility or program; and
- The status and nature of the conviction or charge.

If the case ends in a conviction, your clearance may be revoked.⁸

FOOTNOTES

- 1** N.Y. Social Service Law § 390-b(3)(a)(iv); 18 NYCRR § 413.4(e)
- 2** N.Y. Social Services Law § 390-b(3)(a)(i)
- 3** N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 4** N.Y. Exec. Law § 296(16)
- 5** N.Y. Correction Law § 753
- 6** N.Y. Social Services Law § 390-b(4); N.Y. Comp. Codes R. & Regs. tit. 18, § 413.4(g)
- 7** N.Y. Civil Practice Laws and Rules § 7801
- 8** N.Y. Social Services Law § 390-b(3); N.Y. Comp. Codes R. & Regs. tit. 18, § 413.4(e)

GETTING TO WORK WITH A CRIMINAL RECORD

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COSMETOLOGIST



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The cosmetology application does not ask about convictions, and there are no criminal record restrictions on new applications.

However, once you receive your license, it may be suspended or revoked if you are convicted of one or more “specific offenses.” If your license is revoked, it cannot be reinstated for one year from the date of the revocation. The New York State Department of State (DOS) will not issue you a license after your license has been revoked twice.¹



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

DOS may suspend or revoke your license if you are convicted of one of these specific offenses after you’ve received a license:

- Assault
- Bribery
- Falsifying Business Records
- Firearms crimes
- Fraud
- Grand larceny
- Kidnapping
- Manslaughter
- Murder
- Perjury
- Robbery
- Sexual offenses (including sex trafficking and compelling prostitution)

DOS cannot legally suspend or revoke your cosmetology license based on any **sealed** case or case that ended with **youthful offender** status, a conviction for which an **Executive Pardon** was issued, or where there is **evidence of rehabilitation** for a conviction, like a Certificate of Relief.²



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTIONS?

If you are convicted of any of the specific offenses listed above, DOS may decide to suspend or revoke your license. They will evaluate any **evidence of rehabilitation**, such as a Certificate of Relief.



WHAT ARE YOUR LEGAL OPTIONS IF YOUR LICENSE IS REVOKED?

If DOS revokes your license, they will send you a letter. You can ask for a **hearing** to explain why your license should not be revoked.³ It is very important to ask for the hearing within the time frame DOS gives you.

If your license is still revoked after the hearing, you may be able to have a judge review the final decision by filing an **Article 78** appeal in court. You have four months to file.⁴

This guide cannot replace legal advice from a qualified attorney. If you have questions or need legal advice, please use the accompanying Resources or LawHelpNY.org to find a lawyer.

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: dos.ny.gov/licensing/cosmetology/cosmetology.html

- ✓ Complete a 1,000-hour approved course of study
- ✓ Pass the New York State written and practical examinations
- ✓ Apply for a license through the New York State Department of State (DOS)

Once you obtain your license, you are required to renew every four years.

LICENSING AGENCY

**NEW YORK STATE
DEPARTMENT OF STATE
DIVISION OF LICENSING SERVICES**

MAILING ADDRESS

P.O. Box 22001
Albany, NY 12201-2001

NEW YORK CITY ADDRESS

123 William St., 2nd Fl.
New York, NY 10038-3804

PHONE

518-474-4429

WEBSITE

dos.ny.gov/licensing/cosmetology/cosmetology.html

FOOTNOTES

- ¹ N.Y. General Business Law § 410(1)
- ² N.Y. General Business Law § 410(1)(f)
- ³ N.Y. General Business Law § 411(2)
- ⁴ N.Y. Civil Practice Laws and Rules § 7801

DENTAL HYGIENIST



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The application asks if you have any criminal convictions (felonies and misdemeanors) and open criminal cases.

There is no automatic disqualification for any conviction.

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits the New York State Education Department (NYSED) from asking about or considering them.²

You should provide a detailed explanation of any unsealed criminal conviction or open criminal case. You must send court records for each conviction, including a **Certificate of Disposition**.

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.³

You should include **evidence of rehabilitation** for the required **Article 23-A** analysis. Even if the application does not ask for this information, try to submit it with your application.

While your application is pending, you must update NYSED about any changes to your answers.

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

The State Board of Dentistry must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of a Dental Hygienist, or
- 2 Creates an unreasonable risk to the property or safety of other people.

To make this decision, the State Board of Dentistry is required to evaluate all **Article 23-A factors.**⁴

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: op.nysed.gov/prof/dent/dentdhlic.htm

- ✓ Successfully complete the required educational programming and testing
- ✓ Be at least 17 years old
- ✓ Be of "**good moral character**"
- ✓ Apply for a license through the New York State Education Department, Office of the Professions¹

LICENSING AGENCY

**NY STATE EDUCATION DEPARTMENT
OFFICE OF THE PROFESSIONS
DIVISION OF PROFESSIONAL
LICENSING SERVICES**

DENTISTRY UNIT
89 Washington Avenue
Albany, New York 12234-1000

PHONE
518-474-3817

WEBSITE
op.nysed.gov/prof/dent/dentdhlic.htm



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

If you're denied a license, you will have the right to request a **hearing**. You must send your request for a hearing in writing within 30 days of receiving the State Board of Dentistry's decision. You will then receive a letter in the mail with the time and place of the hearing.⁵ The hearing will take place before a panel of three State Board of Dentistry members.

At your **hearing**, you may be represented by an attorney, cross-examine witnesses, produce witnesses, and present evidence in support of your "**good moral character**."

If your license application is denied by the hearing panel, you have the right to appeal the decision to the Committee on the Professions. You only have 30 days to file this appeal, so you should contact a lawyer immediately.⁶

If your license is denied by the Committee on the Professions, you may be able to have a judge review the final denial by filing an **Article 78** appeal in court. You have four months to file.⁷

Whether or not you decide to file an **Article 78** appeal, you can re-apply for a license 18 months after the date your license application was denied by the hearing panel.⁸



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

This guide provides a basic outline of how misconduct is evaluated. However, the process is complex, and it is recommended that you consult with an attorney. See the Resources page for help finding a lawyer.

Conviction of any crime when you have a license is considered "professional misconduct" even if the conviction is not related to work.

The State Board for Dentistry (SBD) may hold a **hearing** to decide if it should take disciplinary action, which can include placing you on probation, suspending all or part of your license, or revoking it.

The SBD is required to send written notice of the **hearing**. You may respond to the charges in writing before the hearing.

At the **hearing**, you may be represented by a lawyer, present evidence, call witnesses, and cross examine witnesses.

The SBD can also end penalties and restore your license.⁹

If the SBD suspends or revokes your license, you may file an **Article 78** appeal in court within four months of the final disciplinary action.

FOOTNOTES

- 1 N.Y. Education Law § 6609
- 2 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 3 N.Y. Exec. Law § 296(16)
- 4 N.Y. Correction Law § 753
- 5 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 6 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 7 N.Y. Civil Practice Laws and Rules § 7801
- 8 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.7
- 9 N.Y. Educ. Law § 6509; N.Y. Educ. Law § 6510; N.Y. Educ. Law § 6511

GETTING TO WORK WITH A CRIMINAL RECORD

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ELECTRICIAN

NYC-SPECIFIC



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

There are two types of electrician licenses issued by the New York City Department of Buildings: Master Electrician and Special Electrician. The following information outlines the criteria for these licenses, which might not apply to other cities and towns in New York State. Both licenses require you to complete a questionnaire that asks you to list criminal offenses that resulted in conviction (felonies, misdemeanors, and violations).

There is no automatic disqualification for any conviction.

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits the New York City Department of Buildings from asking about or considering them.³

You must provide information about the conviction date, details of the offense, name and location of the court, and the sentence and date of sentence.

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.⁴

You should include **evidence of rehabilitation** for the required **Article 23-A** analysis. Even if the application does not ask for this information, try to submit it with your application.

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

The Commissioner of Buildings must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of an Electrician, or
- 2 Creates an unreasonable risk to the property or safety of other people.

To make this decision, the Commissioner of Buildings is required to evaluate all **Article 23-A factors.**⁵

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all re-requirements: www1.nyc.gov/site/buildings/industry/master-electricians-become.page

- ✓ Be over the age of 21
- ✓ Demonstrate “**good moral character**”
- ✓ Meet the minimum requirements for education and experience
- ✓ Pass both a written and practical exam
- ✓ Complete a background check
- ✓ Have a physical examination from a doctor
- ✓ Submit an application to the NYC Department of Buildings¹

Once you obtain your license, you are required to renew every year.²

LICENSING AGENCY

NEW YORK CITY DEPARTMENT OF BUILDINGS

LICENSING DIVISION

280 Broadway, 6th Floor
New York, NY, 10007

PHONE

212-393-2259

WEBSITE

www1.nyc.gov/nycbusiness/description/electrician-license



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

If your license is denied, you can ask for your application to be reviewed again within 60 days of the date of the denial letter. You must write a letter requesting reconsideration and submit any additional information relating to the background investigation. This additional information can include **evidence of rehabilitation**.⁶

If your license application or renewal is denied after reconsideration or a **hearing**, you may be able to have a judge review the final denial by filing an **Article 78** appeal in court. You have four months to file.⁷



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

Your license may be suspended or revoked for a violation of the rules of the Department of Buildings, which may include a new conviction. In most cases, you have an opportunity for a **hearing** after proper notice before your license is suspended or revoked by the Commissioner of Buildings.⁸

FOOTNOTES

- 1 NYC Admin Code § 27-3010
- 2 NYC Admin Code § 27-3015(a)
- 3 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 4 N.Y. Exec. Law § 296(16)
- 5 N.Y. Correction Law § 753
- 6 See Licensing Frequently Asked Questions, #6: www1.nyc.gov/site/buildings/industry/licensing-frequently-asked-questions.page#general-licensing-6
- 7 N.Y. Civil Practice Laws and Rules § 7801
- 8 NYC Admin Code § 27-3016(a)(1)

GETTING TO WORK WITH A CRIMINAL RECORD

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If you have questions or need legal advice, please use the accompanying Resources or LawHelpNY.org to find a lawyer.

EMERGENCY MEDICAL SERVICES

EMT/CERTIFIED FIRST RESPONDER



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The New York State Department of Health (NYSDOH) will run a background check and see if you have any convictions. If you have any convictions, DO NOT sign the "personal affirmation" section on the application form.

There is no automatic disqualification for any conviction.

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits the New York State Department of Health (NYSDOH) from asking about or considering them.¹

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.²

NYSDOH will review convictions for murder, manslaughter, assault, sexual abuse, theft, robbery, fraud, embezzlement, drug abuse, or sale of drugs. These convictions may result in a denial of your certification. NYSDOH may also use other convictions to deny your license in exceptional circumstances.³

If NYSDOH reviews your conviction history, you will be asked to provide written documentation, including:

- A notarized sworn letter that you have only been convicted of the crime or crimes that have been currently identified. You must sign the document and, by signing, swear to the truth.
- A letter describing why you want to be an EMT.
- A letter describing the circumstances surrounding each conviction.
- A **Certificate of Disposition**.
- A recommendation letter from your probation or parole officer if you are under supervision.
- Letters of recommendation.⁴

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

NYSDOH must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of an EMT, or
- 2 Creates an unreasonable risk to the property or safety of other people.

To make this decision, the NYSDOH is required to evaluate all **Article 23-A factors.**⁵

After reviewing your application, a NYSDOH EMS Representative may also conduct a personal interview, or hold a **hearing**. After the interview or hearing, you will be notified in writing of NYSDOH's decision.

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: www1.nyc.gov/nycbusiness/description/emergency-medical-services-ems-certification

- ✓ Be 18 years of age or older
- ✓ Successfully complete a State-approved class for Certified First Responder (CFR) or Emergency Medical Technician (EMT), or related courses
- ✓ Pass the State practical skills exam and the written certification exam

Once you have completed the above requirements, you must submit an application to the New York State Department of Health (NYSDOH).

LICENSING AGENCY

**NEW YORK STATE
DEPARTMENT OF HEALTH**

**BUREAU OF EMERGENCY
MEDICAL SERVICES**

875 Central Avenue
Albany, NY 12206

PHONE
518-402-0996

WEBSITE
health.ny.gov/professionals/ems/



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

There is no formal appeal process if you are denied certification. If you want to challenge the decision, you may write to NYSDOH asking for reconsideration. You should include any **evidence of rehabilitation** that shows why NYSDOH should reverse its decision.

You may appeal a final decision by filing an **Article 78** appeal in court within four months of the denial.⁶



WHAT HAPPENS IF YOU ALREADY HAVE YOUR CERTIFICATION AND ARE CONVICTED OF A NEW CRIME?

Your license may be suspended or revoked for a felony conviction involving murder, manslaughter, assault, sexual abuse, theft, robbery, fraud, embezzlement, drug abuse, or sale of drugs. NYSDOH may also use other convictions to revoke or suspend your license in exceptional circumstances.⁷

FOOTNOTES

- 1 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 2 N.Y. Exec. Law § 296(16)
- 3 N.Y. Comp. Codes R. & Regs. tit. 10, §§ 800.3(ak)
- 4 For a full list of required documentation, see health.ny.gov/professionals/ems/pdf/15-04.pdf
- 5 N.Y. Correction Law § 753
- 6 N.Y. Civil Practice Laws and Rules § 7801
- 7 N.Y. Comp. Codes R. & Regs. tit. 10, §§ 800.3(ak), 800.16

GETTING TO WORK WITH A CRIMINAL RECORD

This guide cannot replace legal advice from a qualified attorney.

If you have questions or need legal advice, please use the accompanying Resources or LawHelpNY.org to find a lawyer.

FIREFIGHTER

NYC-SPECIFIC



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

Before becoming a firefighter, the New York City Fire Department (FDNY) runs a background investigation on you.² When applying, you will be asked to disclose all arrests, convictions, and open cases, including **sealed** or expunged cases, **juvenile delinquent** adjudications, and **youthful offender** adjudications.³

Having any felony conviction(s) will permanently disqualify you from being a firefighter unless you have a Certificate of Good Conduct.⁴

However, there are no automatic bars for non-felony convictions.

You should try to include **evidence of rehabilitation** for FDNY consideration, even if you are not specifically asked for this information.

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

If you have any non-felony conviction(s), including **sealed** and unsealed violations and misdemeanors, the FDNY does not have to review the specific facts of your conviction history or evaluate the **Article 23-A** factors.⁵



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

If you are denied a license, you may file an **Article 78** appeal in court within four months of the final denial.

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: www1.nyc.gov/site/fdny/jobs/career-paths/firefighter-eligibility-requirements.page

- ✓ File an application with the New York City Fire Department (FDNY)
- ✓ Be a United States citizen
- ✓ Be fluent in English (including reading and writing)
- ✓ Be between 18-29 years old at the time of filing the application (to be appointed you must be at least 21 years old)
- ✓ Have the required education/experience and credentials
- ✓ Pass required exams
- ✓ Graduate from the fire academy (18 weeks)
- ✓ Pass medical, psychological, and drug screening tests
- ✓ Demonstrate "good character" and pass a background investigation!

LICENSING AGENCY

NEW YORK CITY FIRE DEPARTMENT (FDNY)

RECRUITMENT UNIT

PHONE

718-999-3369

EMAIL

recruitment@fdny.nyc.gov

HOURS

Monday-Friday,
9:00 a.m.-5:00 p.m.



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

This guide provides a basic outline of how disciplinary hearings issues are evaluated. However, the process is complex, and it is recommended that you consult with an attorney. See the Resources page for help finding a lawyer.

If you are convicted of a criminal offense while you are a firefighter, FDNY can charge you and have public disciplinary **hearing**. You will receive a copy of the charges in writing.⁶

The rules of these disciplinary hearings are made by the Fire Commissioner, who must approve any final hearing decisions.⁷

The Fire Commissioner may reprimand, withhold pay, or dismiss you from the FDNY.⁸

Within one year of the FDNY decision, you may apply in writing to the NYC Mayor to have the Fire Commissioner rehear the charges against you and decide if the decision and/or sanction should be changed.⁹

You may file an **Article 78** appeal in court within four months of the final disciplinary action.

FOOTNOTES

- 1 New York City Admin. Code § 15-103
- 2 See Firefighter Eligibility Requirements: www1.nyc.gov/site/fdny/jobs/career-paths/firefighter-eligibility-requirements.page
- 3 See Comprehensive Personnel Document (CPD-B) Applicant Guidelines: nyc.gov/html/careers/downloads/pdf/db_app_guidelines.pdf
- 4 New York City Admin. Code § 15-103
- 5 New York City Admin. Code § 8-107(11)
- 6 New York City Admin. Code § 15-113
- 7 New York City Admin. Code § 15-113
- 8 New York City Admin. Code § 15-113
- 9 New York City Admin. Code § 15-115

GETTING TO WORK WITH A CRIMINAL RECORD

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HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

As part of the character and fitness evaluation, the admission application asks you to list and explain “interactions” (arrests, convictions, etc.) with the criminal justice system, including as an adult and youth. You may be asked later to provide police and/or court records.

There is no automatic disqualification for any conviction.

Unlike most other licenses, you **DO** need to provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, charges that are currently **adjourned in contemplation of dismissal (ACDs)**, and arrests that did not result in a conviction.

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

Applicants are investigated and interviewed by a member of the committee on character and fitness.

The applicant has the burden of proving that they have the required **good moral character** and ability to practice law.²

There is no specified time limit for this evaluation.

Note that the applications and the character and fitness committees are specific to the Appellate Division of the Supreme Court to which you are assigned, but the general processes for the Divisions are the same.



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

This guide provides a basic outline of how character and fitness committee decisions are reviewed. However, the process is complex, and it is recommended that you consult with an attorney. See the Resources page for help finding a lawyer.

If the character and fitness committee does not “certify” your good character and fitness, you will be notified and may have a **hearing** before the committee on character and fitness. At the **hearing**, you can be represented by a lawyer, present evidence, call witnesses, and cross-examine witnesses.

You and the assigned Appellate Division will get a copy of the final written decision of the committee.

If the committee does not certify your character and fitness after the hearing, you can appeal to your assigned Appellate Division.³

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: nybarexam.org/UBE/UBE.html

- ✓ Have the required education
- ✓ Pass required exams
- ✓ Complete the pro bono service requirement
- ✓ Pass character and fitness requirements
- ✓ Pay required fees¹

LICENSING AGENCY

You will be told which Appellate Division of the Supreme Court you are assigned to.

YOU CAN FIND THE DIVISIONS' CONTACT INFORMATION HERE:
nycourts.gov/courts/appellate-divisions.shtml



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

This guide provides a basic outline of how professional misconduct is evaluated. However, the process is complex, and it is recommended that you consult with an attorney. See the Resources page for help finding a lawyer.

If you are convicted of a crime while you are admitted to the NY bar, you must file a record of the conviction to the Appellate Division of the Supreme Court where you are admitted within 30 days of the conviction.

If the Appellate Division intends to suspend or “remove” (disbar) you from practicing law because of the conviction, the court is required to serve you with a copy of the charges against you.

If you are convicted of a felony, you will be “struck from the roll of attorneys” and will not be permitted to practice law; however, you may be reinstated following a **hearing**.

If you are convicted of a “serious crime,”⁴ you will be suspended from practicing law; however, you may be reinstated following a **hearing**.

If you are going to be, or were, suspended or removed from practicing law, you will receive notice and may request a **hearing** with the Appellate Division of the Supreme Court where you are admitted.

After the **hearing**, the Appellate Division may impose discipline based on the facts and circumstances.

You can appeal the Appellate Division’s final decision to the Court of Appeals.

If you were removed based on a felony or serious crime, the Appellate Division may decide to “vacate” or modify the removal if,

- 1 The conviction is later reversed or pardoned, or,
- 2 If convicted of a felony, after 7 years, you have not had any other convictions in that time.⁵

FOOTNOTES

- 1 See Uniform Bar Examination, New York Law Course & New York Law Exam: nybarexam.org/UBE/UBE.html
- 2 N.Y. Judiciary Law § 90
- 3 Rules of App Div, 1st Dept § 602.1; Rules of App Div, 2d Dept §§ 690.10-690.17; Rules of App Div, 3d Dept § 805.1; Rules of App Div, 4th Dept § 1015.18.
- 4 “Serious crime” means an out-of-state felony that is not a felony in NYS, or a crime where an element is interference with the administration of justice, false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or conspiracy or solicitation of another to commit a serious crime. N.Y. Judiciary Law § 90
- 5 N.Y. Judiciary Law § 90; “Vacate” means to annul or render void.

GETTING TO WORK WITH A CRIMINAL RECORD

This guide cannot replace legal advice from a qualified attorney.

If you have questions or need legal advice, please use the accompanying Resources or LawHelpNY.org to find a lawyer.

LICENSED SOCIAL WORKER

LMSW AND LCSW



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The Licensed Master Social Worker (LMSW) and Licensed Clinical Social Worker (LCSW) license applications ask if you have any criminal convictions (felonies and misdemeanors) and open criminal cases.

There is no automatic disqualification for any conviction.

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits the New York State Education Department (NYSED) from asking about or considering them.³

You should provide a detailed explanation of any unsealed criminal conviction or open criminal case. You must send court records for each conviction, including a **Certificate of Disposition**.

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.⁴

You should include evidence of rehabilitation for the required **Article 23-A** analysis. Even if the application does not ask for this information, try to submit it with your application.

While your application is pending, you must update NYSED about any changes to your answers.

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

If you have any criminal convictions, the Office of Professional Discipline completes an investigation of your convictions as part of an assessment of your "**moral character**".⁵

If the investigation leaves a question about your **moral character**, the results and supporting documents go to the State Board for Social Work (SBSW), which assists NYSED in licensing decisions and discipline at different points in the review process.⁶

The SBSW must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of a LMSW/ LCSW, or
- 2 Creates an unreasonable risk to the property or safety of other people.⁷

To make this decision, the SBSW is required to evaluate all **Article 23-A factors.**

The SBSW concludes whether or not you will receive the license.⁹

There is no specified timeframe for this evaluation.

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit op.nysed.gov/prof/sw/lmsw.htm for information about all requirements for LMSW and op.nysed.gov/prof/sw/lcsw.htm for LCSW.

See more information from the Association of Social Work Boards at www.aswb.org/licensees/about-licensing-and-regulation/social-work-regulation/

Licensed Master Social Worker (LMSW)

- ✓ File an application with the New York State Education Department (NYSED) Office of the Professions
- ✓ Have the required education
- ✓ Complete required coursework in identifying and reporting child abuse
- ✓ Pass the required exam
- ✓ Be at least 21 years old
- ✓ Pay required fees, which can be partially refunded if your license application is denied
- ✓ Be of "**good moral character**"¹

LICENSING AGENCY

NEW YORK STATE EDUCATION DEPARTMENT (NYSED)

OFFICE OF THE PROFESSIONS
State Education Building, 2nd Floor
Albany, NY 12234

PHONE
518-474-3817

WEBSITES
op.nysed.gov/prof/sw/lmsw.htm
op.nysed.gov/prof/sw/lcsw.htm



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

Within 30 days of the SBSW denial, you may make a written request for a **hearing**.¹⁰

At the **hearing**, you can be represented by a lawyer, present evidence, call witnesses, and cross examine witnesses.¹¹

The SBSW issues a report with its decision.¹²

Either you or Office of Professional Discipline can appeal within 30 days of SBSW report. Both parties can submit written documents.¹³

The Committee on the Professions makes a final decision.¹⁴

If you are denied a license, you may file an **Article 78** appeal in court within four months of the *final* denial.

If you are denied a license, you can reapply 18 months after the panel submitted its report (whether or not there was an appeal).¹⁵



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

This guide provides a basic outline of how professional misconduct is evaluated. However, the process is complex, and it is recommended that you consult with an attorney. See the Resources page for help finding a lawyer.

Conviction of any crime when you have a license is considered "professional misconduct" even if the conviction is not related to work.

The SBSW may hold a **hearing** to decide if it should take disciplinary action, which can include placing you on probation, suspending all or part of your license, or revoking it.

The SBSW is required to send written notice of the **hearing**. You may respond to their charges in writing before the **hearing**.

At the **hearing**, you may be represented by a lawyer, present evidence, call witnesses, and cross examine witnesses.

The SBSW can also end penalties and restore your license.¹⁶

If the SBSW suspends or revokes your license, you may file an **Article 78** appeal in court within four months of the *final* disciplinary action.

This guide cannot replace legal advice from a qualified attorney.

If you have questions or need legal advice, please use the accompanying Resources or LawHelpNY.org to find a lawyer.

SUMMARY OF GENERAL REQUIREMENTS Continued

Licensed Clinical Social Worker (LCSW)

- ✓ File an application with the New York State Education Department (NYSED) Office of the Professions
- ✓ Hold a LMSW and have 3 years post-graduate, supervised experience in diagnosis, psychotherapy, and assessment-based treatment planning
- ✓ Have the required education
- ✓ Complete required coursework in identifying and reporting child abuse
- ✓ Pass the required exam
- ✓ Be at least 21 years old
- ✓ Pay required fees, which can be partially refunded if your license application is denied
- ✓ Be of "**good moral character**"¹²

FOOTNOTES

- 1 N.Y. Educ. Law § 7704
- 2 N.Y. Educ. Law § 7704
- 3 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 4 N.Y. Exec. Law § 296(16)
- 5 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.2, N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.3
- 6 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.3; N.Y. Educ. Law § 7703
- 7 N.Y. Exec. Law § 296(15); N.Y. Correct. Law § 752
- 8 N.Y. Correct. Law § 753
- 9 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.4
- 10 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.4
- 11 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 12 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 13 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 14 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 15 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.7
- 16 N.Y. Educ. Law § 6509; N.Y. Educ. Law § 6510; N.Y. Educ. Law § 6511

LICENSED PRACTICAL NURSE (LPN)



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The licensed practical nurse license application asks if you have any criminal convictions (felonies and misdemeanors) and open criminal cases.

There is no automatic disqualification for any conviction.

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits the New York State Education Department (NYSED) from asking about or considering them.²

You should provide a detailed explanation of any unsealed criminal conviction or open criminal case. You must send court records for each conviction, including a **Certificate of Disposition**.

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.³

You should include **evidence of rehabilitation** for the required **Article 23-A** analysis. Even if the application does not ask for this information, try to submit it with your application.

While your application is pending, you must update NYSED about any changes to your answers.

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

If you have any criminal convictions, the Office of Professional Discipline completes an investigation of your convictions as part of an assessment of your "**moral character**".⁴

If the investigation leaves a question about your moral character, the results and supporting documents go to the State Board for Nursing (SBN), which assists NYSED in licensing decisions and discipline at different points in the review process.⁵

The SBN must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of a licensed practical nurse, or
- 2 Creates an unreasonable risk to the property or safety of other people.⁶

To make this decision, the SBN is required to evaluate all **Article 23-A factors.**⁷

The SBN concludes whether or not you will receive the license.⁸

There is no specified timeframe for this evaluation.

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: op.nysed.gov/prof/nurse/nursinglpn.htm

- ✓ File an application with the New York State Education Department (NYSED) Office of the Professions
- ✓ Have the required education
- ✓ Pass required exam
- ✓ Be at least 17 years old
- ✓ Pay required fee, which can be partially refunded if your license application is denied
- ✓ Be of "**good moral character**"¹

LICENSING AGENCY

NEW YORK STATE EDUCATION DEPARTMENT (NYSED)

OFFICE OF THE PROFESSIONS

State Education Building,
2nd Floor
Albany, NY 12234

PHONE

518-474-3817

WEBSITE

op.nysed.gov/prof/nurse/nursinglpn.htm



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

This guide provides a basic outline of how professional misconduct is evaluated. However, the process is complex, and it is recommended that you consult with an attorney. See the Resources page for help finding a lawyer.

Within 30 days of the SBN denial, you may make a written request for a **hearing**.⁹

At the **hearing**, you can be represented by a lawyer, present evidence, call witnesses, and cross examine witnesses.¹⁰

The SBN issues a report with its decision.¹¹

Either you or the Office of Professional Discipline can appeal within 30 days of the SBN report. Both parties can submit written documents.¹²

The Committee on the Professions makes a final decision.¹³

If you are denied a license, you may file an **Article 78** appeal in court within four months of the *final* denial.

If you are denied a license, you can reapply 18 months after the panel submitted its report (whether or not there was an appeal).¹⁴



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

Conviction of any crime when you have a license is considered “professional misconduct” even if the conviction is not related to work.

The SBN may hold a **hearing** to decide if it should take disciplinary action, which can include placing you on probation, suspending all or part of your license, or revoking it.

The SBN is required to send written notice of the hearing. You may respond to the charges in writing before the **hearing**.

At the **hearing**, you may be represented by a lawyer, present evidence, call witnesses, and cross examine witnesses.

The SBN can also end penalties and restore your license.¹⁵

If the SBN suspends or revokes your license, you may file an **Article 78** appeal in court within four months of the *final* disciplinary action.

FOOTNOTES

- 1 N.Y. Educ. Law § 6906
- 2 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 3 N.Y. Exec. Law § 296(16)
- 4 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.2; N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.3
- 5 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.3; N.Y. Educ. Law § 6904
- 6 N.Y. Exec. Law § 296(15); N.Y. Correct. Law § 752
- 7 N.Y. Correct. Law § 753
- 8 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.4
- 9 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.4
- 10 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 11 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 12 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 13 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 14 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.7
- 15 N.Y. Educ. Law § 6509; N.Y. Educ. Law § 6510; N.Y. Educ. Law § 6511

GETTING TO WORK WITH A CRIMINAL RECORD

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If you have questions or need legal advice, please use the accompanying Resources or LawHelpNY.org to find a lawyer.

NOTARY PUBLIC



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The notary public application asks if you have been convicted of any crime or offense (not minor traffic violations). If you answer yes, it instructs you to include details and documentation.²

There is no automatic disqualification for any conviction.

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits the Department of State (DOS) from asking about or considering them.³

You should include **evidence of rehabilitation** for the required **Article 23-A** analysis. Even if the application does not ask for this information, try to submit it with your application.

The application also asks if you have any open misdemeanor or felony cases. If you answer yes, it instructs you to submit a copy of the **accusatory instrument**, indictment, criminal information, or complaint.⁴

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

The Secretary of State is involved in making certain licensing and disciplinary decisions for DOS at different points in the review process.

If you provided information about criminal convictions or open cases, the Secretary of State evaluates this information before deciding if you should get your license.⁶

The Secretary of State must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of a notary public, or
- 2 Creates an unreasonable risk to the property or safety of other people.⁷

To make this decision, the Secretary of State is required to evaluate all Article 23-A factors.⁸

There is no specified timeframe for this evaluation.

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: dos.ny.gov/licensing/notary/notary.html

- ✓ File an application with the Department of State (DOS), Division of Licensing Services
- ✓ Be a United States citizen
- ✓ Be a New York State resident or have an office or business in New York State
- ✓ Be at least 18 years old
- ✓ Pass required exam (unless you are a court clerk of the Unified Court System OR an attorney who is currently a member of the NY State Bar)
- ✓ Pay required non-refundable application fee
- ✓ Have "**good moral character**"¹¹

LICENSING AGENCY

DEPARTMENT OF STATE (ALBANY LOCATION)

One Commerce Plaza
99 Washington Ave
Albany, NY 12231

DEPARTMENT OF STATE (NEW YORK CITY LOCATION)

123 William Street
New York, NY 10038

PHONE

518-474-4429

WEBSITE

dos.ny.gov/licensing/



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

If you are denied a license, you may file an [Article 78](#) appeal in court within four months of the *final* denial.



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

This guide provides a basic outline of how misconduct is evaluated. However, the process is complex, and it is recommended that you consult with an attorney. See the Resources page for help finding a lawyer.

Your notary public license can be revoked or suspended by the Secretary of State for “misconduct.”

Before any decision is made, you will receive written notice of the charges against you and have the opportunity for a [hearing](#).⁹

If the Secretary of State suspends or revokes your license, you may file an [Article 78](#) appeal in court within four months of the *final* disciplinary action.

FOOTNOTES

- 1 N.Y. Exec. Law § 130
- 2 See Notary Public Application: dos.ny.gov/forms/licensing/0033-f-a.pdf
- 3 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 4 See Notary Public Application: dos.ny.gov/forms/licensing/0033-f-a.pdf
- 5 N.Y. Exec. Law § 296(16)
- 6 N.Y. Exec. Law § 130, N.Y. Exec. Law § 131
- 7 N.Y. Exec. Law § 296(15); N.Y. Correct. Law § 752
- 8 N.Y. Correct. Law § 753
- 9 N.Y. Exec. Law § 130

GETTING TO WORK WITH A CRIMINAL RECORD

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If you have questions or need legal advice, please use the accompanying Resources or LawHelpNY.org to find a lawyer.

NURSE PRACTITIONER (NP)



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The nurse practitioner license application does not ask about moral character or criminal record.²

However, in order to be a nurse practitioner, you must be a registered professional nurse.³

The application for registered professional nurse does require that you have “**good moral character**” and asks about your criminal conviction history.

There is no automatic disqualification for any conviction.

See the *Registered Professional Nurse License Guide* for more information about that licensing process.

If asked to disclose conviction history at any point:

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, juvenile delinquent adjudications, or arrests that did not result in a conviction. New York law prohibits the New York State Education Department (NYSED) from asking about or considering them.⁴

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.⁵

You should include **evidence of rehabilitation** for the required **Article 23-A** analysis.

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

The State Board for Nursing (SBN), assists NYSED in licensing decisions and discipline at different points in the licensing and review processes.⁶

If SBN were to investigate any convictions, it would be required to review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of a nurse practitioner, or
- 2 Creates an unreasonable risk to the property or safety of other people.⁷

To make this decision, the SBN is required to evaluate all **Article 23-A factors.**⁸

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: op.nysed.gov/prof/nurse/np.htm

- ✓ File an application with the New York State Education Department (NYSED) Office of the Professions
- ✓ Have a NY registered professional nurse license
- ✓ Have the required education
- ✓ Pass the required exam
- ✓ Complete required coursework
- ✓ Pay required fees, which can be partially refunded if your license application is denied¹

LICENSING AGENCY

NEW YORK STATE EDUCATION DEPARTMENT (NYSED)

OFFICE OF THE PROFESSIONS

State Education Building,
2nd Floor
Albany, NY 12234

PHONE

518-474-3817

WEBSITE

op.nysed.gov/prof/nurse/np.htm



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

If the SBN denies your license, within 30 days you may make a written request for a [hearing](#).⁹

At the [hearing](#), you can be represented by a lawyer, present evidence, call witnesses, and cross examine witnesses.¹⁰

The SBN will issue a report with its decision.¹¹

Either you or the Office of Professional Discipline can appeal within 30 days of the SBN report. Both parties can submit written documents.¹²

The Committee on the Professions makes a final decision.¹³

If you are denied a license, you may file an [Article 78](#) appeal in court within four months of the *final* denial.

If you are denied a license, you may reapply 18 months after the panel submitted its report (whether or not there was an appeal).¹⁴



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

This guide provides a basic outline of how professional misconduct is evaluated. However, the process is complex, and it is recommended that you consult with an attorney. See the Resources page for help finding a lawyer.

Conviction of any crime when you have a license is considered "professional misconduct" even if the conviction is not related to work.

The SBN may hold a [hearing](#) to decide if it should take disciplinary action, which can include placing you on probation, suspending all or part of your license, or revoking it.

The SBN is required to send written notice of the [hearing](#). You may respond to their charges in writing before the [hearing](#).

At the [hearing](#), you may be represented by a lawyer, present evidence, call witnesses, and cross examine witnesses.

The SBN can also end penalties and restore your license.¹⁵

If the SBN suspends or revokes your license, you may file an [Article 78](#) appeal in court within four months of the *final* disciplinary action.

FOOTNOTES

- 1 N.Y. Educ. Law § 6910
- 2 See Nurse Practitioner Application Form: op.nysed.gov/prof/nurse/np1.pdf
- 3 N.Y. Educ. Law § 6910
- 4 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 5 N.Y. Exec. Law § 296(16)
- 6 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.3; N.Y. Educ. Law § 6904
- 7 N.Y. Exec. Law § 296(15); N.Y. Correct. Law § 752
- 8 N.Y. Correct. Law § 753
- 9 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.4
- 10 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 11 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 12 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 13 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 14 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.7
- 15 N.Y. Educ. Law § 6509; N.Y. Educ. Law § 6510; N.Y. Educ. Law § 6511

GETTING TO WORK WITH A CRIMINAL RECORD

This guide cannot replace legal advice from a qualified attorney.

If you have questions or need legal advice, please use the accompanying Resources or LawHelpNY.org to find a lawyer.

OCCUPATIONAL THERAPIST



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The occupational therapist license application asks if you have any criminal convictions (felonies and misdemeanors) and open criminal cases.

There is no automatic disqualification for any conviction.

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits the New York State Education Department (NYSED) from asking about or considering them.²

You should provide a detailed explanation of any unsealed criminal conviction or open criminal case. You must send court records for each conviction, including a **Certificate of Disposition**.

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.³

You should include **evidence of rehabilitation** for the required **Article 23-A** analysis. Even if the application does not ask for this information, try to submit it with your application.

While your application is pending, you must update NYSED about any changes to your answers.

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

If you have any criminal convictions, the Office of Professional Discipline completes an investigation of your convictions as part of an assessment of your "**moral character**".⁴

If the investigation leaves a question about your **moral character**, the results and supporting documents go to the State Board for Occupational Therapy (SBOT), which assists NYSED in licensing decisions and discipline at different points in the review process.⁵

The SBOT must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of an occupational therapist, or
- 2 Creates an unreasonable risk to the property or safety of other people.⁶

To make this decision, the SBOT is required to evaluate all **Article 23-A factors.**⁷

The SBOT concludes whether or not you will receive the license.⁸

There is no specified timeframe for this evaluation.

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: op.nysed.gov/prof/ot/otlic.htm

- ✓ File an application with the New York State Education Department (NYSED) Office of the Professions
- ✓ Have the required education
- ✓ Pass required exam
- ✓ Be at least 21 years old
- ✓ Pay required fee, which can be partially refunded if your license application is denied
- ✓ Be of "**good moral character**"¹

LICENSING AGENCY

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OFFICE OF THE PROFESSIONS

State Education Building,
2nd Floor
Albany, NY 12234

PHONE

518-474-3817

WEBSITE

op.nysed.gov/prof/ot/otlic.htm



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

Within 30 days of the SBOT denial, you may make a written request for a **hearing**.⁹

At the **hearing**, you can be represented by a lawyer, present evidence, call witnesses, and cross examine witnesses.¹⁰

The SBOT issues a report with its decision.¹¹

Either you or the Office of Professional Discipline can appeal within 30 days of the SBOT report. Both parties can submit written documents.¹²

The Committee on the Professions makes a final decision.¹³

If you are denied a license, you may file an **Article 78** appeal in court within four months of the *final* denial.

If you are denied a license, you can reapply 18 months after the panel submitted its report (whether or not there was an appeal).¹⁴



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

Conviction of any crime when you have a license is considered "professional misconduct" even if the conviction is not related to work.

The SBOT may hold a **hearing** to decide if it should take disciplinary action, which can include placing you on probation, suspending all or part of your license, or revoking it.

The SBOT is required to send written notice of the **hearing**. You may respond to the charges in writing before the **hearing**.

At the **hearing**, you may be represented by a lawyer, present evidence, call witnesses, and cross examine witnesses.

The SBOT can also end penalties and restore your license.¹⁵

If the SBOT suspends or revokes your license, you may file an **Article 78** appeal in court within four months of the *final* disciplinary action.

FOOTNOTES

- 1 N.Y. Educ. Law § 7904
- 2 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 3 N.Y. Exec. Law § 296(16)
- 4 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.2; N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.3
- 5 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.3; N.Y. Educ. Law § 7903
- 6 N.Y. Exec. Law § 296(15); N.Y. Correct. Law § 752
- 7 N.Y. Correct. Law § 753
- 8 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.4
- 9 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.4
- 10 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 11 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 12 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 13 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 14 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.7
- 15 N.Y. Educ. Law § 6509; N.Y. Educ. Law § 6510; N.Y. Educ. Law § 6511

GETTING TO WORK WITH A CRIMINAL RECORD

This guide cannot replace legal advice from a qualified attorney.

If you have questions or need legal advice, please use the accompanying Resources or LawHelpNY.org to find a lawyer.



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The optometrist license application asks if you have any criminal convictions (felonies and misdemeanors) and open criminal cases.²

There is no automatic disqualification for any conviction.

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits the New York State Education Department (NYSED) from asking about or considering them.³

You should provide a detailed explanation of any unsealed criminal conviction or open criminal case. You must send court records for each conviction, including a **Certificate of Disposition**.

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.⁴

You should include **evidence of rehabilitation** for the required **Article 23-A** analysis. Even if the application does not ask for this information, try to submit it with your application.

While your application is pending, you must update NYSED about any changes to your answers.

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

If you have any criminal convictions, the Office of Professional Discipline completes an investigation of your convictions as part of an assessment of your "**moral character**."⁵

If the investigation leaves a question about your **moral character**, the results and supporting documents go to the State Board for Optometry (SBO), which assists NYSED in licensing decisions and discipline at different points in the review process.⁶

The SBO must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of an optometrist, or
- 2 Creates an unreasonable risk to the property or safety of other people.⁷

To make this decision, the SBO is required to evaluate all **Article 23-A factors.**⁸

The SBO concludes whether or not you will receive the license.⁹

There is no specified timeframe for this evaluation.

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: op.nysed.gov/prof/optom/optomlic.htm

- ✓ File an application with the Department of State (DOS), Division of Licensing Services
- ✓ Have the required education
- ✓ Have satisfactory experience
- ✓ Pass the required exam
- ✓ Be at least 21 years old
- ✓ Pay required fees, which can be partially refunded if your license application is denied
- ✓ Be of "**good moral character**"¹

LICENSING AGENCY

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OFFICE OF THE PROFESSIONS

State Education Building,
2nd Floor
Albany, NY 12234

PHONE

518-474-3817

EMAIL

op.nysed.gov/prof/optom/optomlic.htm



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

Within 30 days of the SBO denial, you may make a written request for a **hearing**.¹⁰

At the **hearing**, you can be represented by a lawyer, present evidence, call witnesses, and cross examine witnesses.¹¹

The SBO issues a report with its decision.¹²

Either you or the Office of Professional Discipline can appeal within 30 days of the SBO report. Both parties can submit written documents.¹³

The Committee on the Professions makes a final decision.¹⁴

If you are denied a license, you may file an **Article 78** appeal in court within four months of the *final* denial.

If you are denied a license, you can reapply 18 months after the panel submitted its report (whether or not there was an appeal).¹⁵



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

This guide provides a basic outline of how misconduct is evaluated. However, the process is complex, and it is recommended that you consult with an attorney. See the Resources page for help finding a lawyer.

Conviction of any crime when you have a license is considered "professional misconduct" even if the conviction is not related to work

The SBO may hold a **hearing** to decide if it should take disciplinary action, which can include placing you on probation, suspending all or part of your license, or revoking it.

The SBO is required to send written notice of the hearing. You may respond to the charges in writing before the **hearing**.

At the **hearing**, you may be represented by a lawyer, present evidence, call witnesses, and cross examine witnesses.

The SBO can also end penalties and restore your license.¹⁶

If the SBO suspends or revokes your license, you may file an **Article 78** appeal in court within four months of the *final* disciplinary action.

FOOTNOTES

- 1 N.Y. Educ. Law § 7104
- 2 See Optometry Application for Licensure: op.nysed.gov/prof/optom/opt1.pdf
- 3 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 4 N.Y. Exec. Law § 296(16)
- 5 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.2; N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.3
- 6 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.3; N.Y. Educ. Law § 7103
- 7 N.Y. Exec. Law § 296(15); N.Y. Correct. Law § 752
- 8 N.Y. Correct. Law § 753
- 9 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.4
- 10 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.4
- 11 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 12 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 13 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 14 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 15 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.7
- 16 N.Y. Educ. Law § 6509; N.Y. Educ. Law § 6510; N.Y. Educ. Law § 6511

GETTING TO WORK WITH A CRIMINAL RECORD

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PHYSICAL THERAPIST



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The physical therapy license application asks if you have any criminal convictions (felonies and misdemeanors) and open criminal cases.²

There is no automatic disqualification for any conviction.

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits the New York State Education Department (NYSED) from asking about or considering them.³

You should provide a detailed explanation of any unsealed criminal conviction or open criminal case. You must send court records for each conviction, including a **Certificate of Disposition**.

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.⁴

You should include **evidence of rehabilitation** for the required **Article 23-A** analysis. Even if the application does not ask for this information, try to submit it with your application.

While your application is pending, you must update NYSED about any changes to your answers.

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

If you have any criminal convictions, the Office of Professional Discipline completes an investigation of your convictions as part of an assessment of your "**moral character**."⁵

If the investigation leaves a question about your **moral character**, the results and supporting documents go to the State Board for Physical Therapy (SBPT), which assists NYSED in licensing decisions and discipline at different points in the review process.⁶

The SBPT must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of a physical therapist, or
- 2 Creates an unreasonable risk to the property or safety of other people.⁷

To make this decision, the SBPT is required to evaluate all **Article 23-A factors.**⁸

The SBPT concludes whether or not you will receive the license.⁹

There is no specified timeframe for this evaluation.

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: op.nysed.gov/prof/pt/ptlic.htm

- ✓ File an application with the New York State Education Department (NYSED) Office of the Professions
- ✓ Have the required education
- ✓ Have satisfactory experience
- ✓ Pass the National Physical Therapy Examination (or similar exam)
- ✓ Be at least 21 years old
- ✓ Pay required fees, which can be partially refunded if your license application is denied
- ✓ Be of "**good moral character**"¹

LICENSING AGENCY

NEW YORK STATE EDUCATION DEPARTMENT (NYSED)

OFFICE OF THE PROFESSIONS

State Education Building,
2nd Floor
Albany, NY 12234

PHONE

518-474-3817

WEBSITE

op.nysed.gov/prof/pt/



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

Within 30 days of the SBPT denial, you may make a written request for a **hearing**.¹⁰

At the **hearing**, you can be represented by a lawyer, present evidence, call witnesses, and cross examine witnesses.¹¹

The SBPT issues a report with its decision.¹²

Either you or the Office of Professional Discipline can appeal within 30 days of the SBPT report. Both parties can submit written documents.¹³

The Committee on the Professions makes a final decision.¹⁴

If you are denied a license, you may file an **Article 78** appeal in court within four months of the *final* denial.

If you are denied a license, you can reapply 18 months after the panel submitted its report (whether or not there was an appeal).¹⁵



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

This guide provides a basic outline of how misconduct is evaluated. However, the process is complex, and it is recommended that you consult with an attorney. See the Resources page for help finding a lawyer.

Conviction of any crime when you have a license is considered "professional misconduct" even if the conviction is not related to work.

The SBPT may hold a **hearing** to decide if it should take disciplinary action, which can include placing you on probation, suspending all or part of your license, or revoking it.

The SBPT is required to send written notice of the hearing. You may respond to the charges in writing before the **hearing**.

At the **hearing**, you may be represented by a lawyer, present evidence, call witnesses, and cross examine witnesses.

The SBPT can also end penalties and restore your license.¹⁶

If the SBPT suspends or revokes your license, you may file an **Article 78** appeal in court within four months of the *final* disciplinary action.

FOOTNOTES

- 1 N.Y. Educ. Law § 6734
- 2 See Physical Therapy Application for Licensure: op.nysed.gov/prof/pt/pt1.pdf
- 3 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 4 N.Y. Exec. Law § 296(16)
- 5 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.2, 1.3
- 6 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.3; N.Y. Educ. Law § 6733
- 7 N.Y. Exec. Law § 296(15); N.Y. Correct. Law § 752
- 8 N.Y. Correct. Law § 753
- 9 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.4
- 10 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.4
- 11 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 12 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 13 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 14 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 15 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.7
- 16 N.Y. Educ. Law § 6509; N.Y. Educ. Law § 6509; N.Y. Educ. Law § 6511

GETTING TO WORK WITH A CRIMINAL RECORD

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PHYSICIAN ASSISTANT (PA)



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The physician assistant license application asks if you have any criminal convictions (felonies and misdemeanors) and open criminal cases.

There is no automatic disqualification for any conviction.

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits the New York State Education Department (NYSED) from asking about or considering them.²

You should provide a detailed explanation of any unsealed criminal conviction or open criminal case. You must send court records for each conviction, including a **Certificate of Disposition**.

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.³

You should include **evidence of rehabilitation** for the required **Article 23-A** analysis. Even if the application does not ask for this information, try to submit it with your application.

While your application is pending, you must update NYSED about any changes to your answers.

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

If you have any criminal convictions, the Office of Professional Discipline completes an investigation of your convictions as part of an assessment of your "**moral character**."⁴

If the investigation leaves a question about your **moral character**, the results and supporting documents go to the State Board for Medicine (SBM), which assists NYSED in licensing decisions and discipline at different points in the review process.⁵

The SBM must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of a physician assistant, or
- 2 Creates an unreasonable risk to the property or safety of other people.⁶

To make this decision, the SBM is required to evaluate all **Article 23-A factors.**⁷

The SBM concludes whether or not you will receive the license.⁸

There is no specified timeframe for this evaluation.

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: *op.nysed.gov/prof/med/rpa.htm*

- ✓ File an application with the New York State Education Department (NYSED) Office of the Professions
- ✓ Have the required education
- ✓ Complete required training
- ✓ Pass required exam
- ✓ Be at least 21 years old
- ✓ Pay required fee, which can be partially refunded if your license application is denied
- ✓ Be of "**good moral character**"¹

LICENSING AGENCY

**NEW YORK STATE EDUCATION
DEPARTMENT (NYSED)**

OFFICE OF THE PROFESSIONS

State Education Building,
2nd Floor
Albany, NY 12234

PHONE

518-474-3817

WEBSITE

op.nysed.gov/prof/med/rpa.htm



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

Within 30 days of the SBM denial, you may make a written request for a **hearing**.⁹

At the **hearing**, you can be represented by a lawyer, present evidence, call witnesses, and cross examine witnesses.¹⁰

The SBM issues a report with its decision.¹¹

Either you or the Office of Professional Discipline can appeal within 30 days of the SBM report. Both parties can submit written documents.¹²

The Committee on the Professions makes a final decision.¹³

If you are denied a license, you may file an **Article 78** appeal in court within four months of the *final* denial.

If you are denied a license, you can reapply 18 months after the panel submitted its report (whether or not there was an appeal).¹⁴



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

This guide provides a basic outline of how misconduct is evaluated. However, the process is complex, and it is recommended that you consult with an attorney. See the Resources page for help finding a lawyer.

Conviction of any crime when you have a license is considered "professional misconduct" even if the conviction is not related to work.¹⁵

The commissioner of health and state board for professional medical conduct (SBPM) may interview you, investigate, and hold a **hearing** if they believe that you have shown professional misconduct.¹⁶

If there is a **hearing**, you will be given notice of the charges. You may respond to the charges in writing before the **hearing**.

At the **hearing** you may be represented by a lawyer, present evidence and witnesses, and cross examine the government's witnesses.¹⁷

If you were convicted or charged with a felony and the commissioner of health believes that the type of conduct is an "imminent danger to the health of the people," your license may be suspended until the **hearing** and final decision is completed. The suspension ends if the charges are dismissed or reduced.¹⁸

The SBPM may choose to discipline you by revoking, annulling, or suspending your license. You will get a written copy of the results of the hearing.¹⁹

After the **hearing**, you can file a petition to have the decision reconsidered (if there is new evidence or changed circumstances).²⁰

If the SBPM suspends or revokes your license, you may file an **Article 78** appeal in court within four months of the *final* disciplinary action.

FOOTNOTES

- 1 N.Y. Educ. Law § 6541
- 2 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 3 N.Y. Exec. Law § 296(16)
- 4 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.2; N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.3
- 5 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.3; N.Y. Educ. Law § 7703
- 6 N.Y. Exec. Law § 296(15); N.Y. Correct. Law § 752
- 7 N.Y. Correct. Law § 753
- 8 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.4
- 9 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.4
- 10 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 11 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 12 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 13 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 14 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.7
- 15 N.Y. Educ. Law § 6530
- 16 N.Y. Public Health Law § 230(p)
- 17 N.Y. Public Health Law § 230
- 18 N.Y. Public Health Law § 230(12(b))
- 19 N.Y. Public Health Law § 230
- 20 N.Y. Public Health Law § 230(q)

GETTING TO WORK WITH A CRIMINAL RECORD

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RADIOLOGICAL TECHNOLOGIST



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The radiologic technologist application asks if you have any criminal convictions (felonies and misdemeanors) that involve a threat or use of physical violence, sexual behavior, illegal possession or use of drugs, theft, or fraud.²

There is no automatic disqualification for any conviction.

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits the Department of Health (DOH) from asking about or considering them.³

You should provide details for any unsealed criminal conviction that you need to disclose. You must send court records for each conviction, including a **Certificate of Disposition** and any **Certificates of Relief from Disabilities** or **Certificate of Good Conduct**.

You should include evidence of rehabilitation for the required **Article 23-A** analysis. Even if the application does not ask for this information, try to submit it with your application.

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.⁴

If you have an open criminal case that has a direct relationship to being a radiologic technologist, DOH may wait to decide about your license until your case is over.⁵

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

Conviction of a crime can create a question about your "**moral character**."⁶

If you provided information about criminal convictions or open criminal cases, DOH evaluates this information before deciding if you should get your license.⁷

DOH must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of a radiologic technologist, or
- 2 Creates an unreasonable risk to the property or safety of other people.⁸

To make this decision, DOH is required to evaluate all **Article 23-A factors.**⁹

There is no specified timeframe for this evaluation.

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: health.ny.gov/environmental/radiological/radon/docs/part_89.pdf

- ✓ File an application with the Department of Health (DOH)
- ✓ Have the required education
- ✓ Pass the required exam
- ✓ Be at least 18 years old
- ✓ Pay required non-refundable fee
- ✓ Be of "**good moral character**"¹

LICENSING AGENCY

NEW YORK STATE DEPARTMENT OF HEALTH (DOH)

BERP – RADIOLOGIC TECHNOLOGY

Corning Tower –
Empire State Plaza
12th Floor – Room 1221
Albany, NY 12237

PHONE

518-402-7580



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

If DOH denies your application, they must give you written notice, including their reasons for the denial and your right to request a **hearing**.¹⁰

Within 30 days of the denial notification, you can request a **hearing**.

If the Commissioner of Health (“Commissioner”) decides to hold a **hearing**, DOH is required to notify you about the hearing date, place, and the charges against you, at least 15 days before the hearing.¹¹

At least five days before the **hearing**, you must file a written response.¹²

Your **hearing** will be in front of a **hearing officer**. You can be represented by a lawyer, cross-examine witnesses, and present evidence and witnesses.¹³

The **hearing officer** will give a written report to the Commissioner, who decides whether to grant or deny your license.¹⁴ To make this decision, the Commissioner is required to evaluate all **Article 23-A** factors.

If you are denied a license, you may file an **Article 78** appeal in court within four months of the *final* denial.

If you are denied a license, you can reapply either:

- 1 After two years, or
- 2 If you get an **Executive Pardon, Certificate of Good Conduct**, or **Certificate of Relief from Disabilities**.¹⁵



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

This guide provides a basic outline of how misconduct is evaluated. However, the process is complex, and it is recommended that you consult with an attorney. See the Resources page for help finding a lawyer.

If you are convicted of a misdemeanor that has a direct relationship to your employment, poses an unreasonable risk to public safety, or one that “involve[s] **moral character**,” the DOH may file a petition with written charges.¹⁶

If the Commissioner decides to hold a **hearing**, DOH must notify you (at least 15 days before the hearing) about the charges against you, the hearing date, and the hearing place.¹⁷

Your **hearing** will be in front of a **hearing officer**. You can be represented by a lawyer, cross-examine witnesses, and present evidence and witnesses.¹⁸

The hearing officer will give a written report to the Commissioner who will decide to dismiss the charges or take disciplinary action by suspending, revoking, or annulling your license, or otherwise disciplining you.¹⁹

If you are convicted of a felony, you cannot hold a license unless you are granted an **Executive Pardon**, a **Certificate of Relief from Disabilities**, or a **Certificate of Good Conduct**, AND the Commissioner restores your license after determining that you are not a threat to patient health and safety. (This is not a formal hearing process, but you may have the opportunity to submit evidence about why your license should be restored.)²⁰

You may file an **Article 78** appeal in court within four months of the final disciplinary action.

If the Commissioner revoked or annulled your license following a misdemeanor or felony conviction, you can apply to have it restored after two years.²¹

FOOTNOTES

- 1 N.Y. Public Health Law § 3505; N.Y. Comp. Codes R. & Regs. tit. 10, § 89.10.
- 2 See Application for New York State Radiologic Technologist Licensure: health.ny.gov/forms/doh-372.pdf
- 3 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 4 N.Y. Exec. Law § 296(16)
- 5 N.Y. Comp. Codes R. & Regs. tit. 10, § 89.11
- 6 N.Y. Comp. Codes R. & Regs. tit. 10, § 89.10
- 7 N.Y. Comp. Codes R. & Regs. tit. 10, § 89.10
- 8 N.Y. Exec. Law § 296(15); N.Y. Correct. Law § 752
- 9 N.Y. Correct. Law § 753
- 10 N.Y. Comp. Codes R. & Regs. tit. 10, § 89.11
- 11 N.Y. Comp. Codes R. & Regs. tit. 10, § 89.11
- 12 N.Y. Comp. Codes R. & Regs. tit. 10, § 89.11; N.Y. Public Health Law § 3511
- 13 N.Y. Comp. Codes R. & Regs. tit. 10, § 89.11; N.Y. Public Health Law § 3511
- 14 N.Y. Comp. Codes R. & Regs. tit. 10, § 89.11; N.Y. Public Health Law § 3511
- 15 N.Y. Comp. Codes R. & Regs. tit. 10, § 89.11
- 16 N.Y. Public Health Law § 3510
- 17 N.Y. Public Health Law § 3511
- 18 N.Y. Public Health Law § 3511
- 19 N.Y. Public Health Law § 3510, N.Y. Public Health Law § 3511
- 20 N.Y. Public Health Law § 3510
- 21 N.Y. Public Health Law § 3511

GETTING TO WORK WITH A CRIMINAL RECORD

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REAL ESTATE SALESPERSON AND BROKER



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The real estate salesperson/broker applications ask if you have any misdemeanor or felony convictions and instruct you to list them. They also ask if you have any open misdemeanor or felony cases.³

There is no automatic disqualification for any conviction.

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits the Department of State (DOS) from asking about or considering them.⁴

You should provide a detailed explanation of any unsealed criminal conviction and send the court records, including the **Certificate of Disposition, accusatory instrument** (information/indictment), and any **Certificate of Relief from Disabilities, Certificate of Good Conduct, or Executive Pardon**.

You should also include **evidence of rehabilitation** for the required **Article 23-A** analysis. Even if the application does not ask for this information, try to submit it with your application.

For each open criminal case, you must provide court records, including the **accusatory instrument** and **adjournment notice(s)** for future court dates.

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.⁵

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

The Secretary of State is involved in making certain licensing and disciplinary decisions for DOS at different points in the review process.

If you provided information about criminal convictions or open cases, the Secretary of State evaluates this information before deciding if you should get your license.

The Secretary of State must review the specific facts of your conviction(s) to decide whether your conviction(s):

- 1 Directly relate to the duties of a real estate salesperson or broker, or
- 2 Create an unreasonable risk to the property or safety of other people.⁷

To make this decision, the Secretary of State is required to evaluate all Article 23-A factors.⁸

There is no specified time limit for this evaluation.

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit dos.ny.gov/licensing/re_salesperson/re_salesperson.html for information about all requirements for Real Estate Salesperson, and visit dos.ny.gov/licensing/re_broker/re_broker.html for Real Estate Broker.

Real Estate Salesperson

- ✓ File an application with the Department of State (DOS), Division of Licensing Service
- ✓ Complete a 75-hour salesperson course
- ✓ Pass required exam
- ✓ Pay required non-refundable fee¹

Real Estate Broker

- ✓ File an application with the Department of State (DOS), Division of Licensing Service
- ✓ Have 2 years of qualifying experience as a licensed real estate salesperson or 3 years of qualifying experience in the general real estate field (or a combination)
- ✓ Complete 120 hours of real estate courses
- ✓ Pass required exam
- ✓ Pay required non-refundable fee²



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

If the Secretary of State believes your license application should be denied, you will be informed in writing about the reason why.

Within 30 days, you may request a **hearing** where you can be represented by a lawyer.

After the **hearing**, you will be informed in writing if the license was denied.⁹

If you are denied a license, you may file an **Article 78** appeal in court within four months of the *final* denial.¹⁰



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

This guide provides a basic outline of how “untrustworthiness and incompetence” are evaluated. However, the process is complex, and it is recommended that you consult with an attorney. See the Resources page for help finding a lawyer.

Your real estate broker or salesperson license can be revoked or suspended, or you can be fined up to \$1,000 or reprimanded, if DOS finds you to be “untrustworthy or incompetent.”

The meaning of “untrustworthiness or incompetence” is not clearly explained in the law; however, criminal convictions can be considered. The Secretary of State has wide discretion in deciding “untrustworthiness or incompetence.”¹¹

If you are convicted of a felony, sex offense, or sexually violent offense while you are licensed as a real estate salesperson or broker, you must provide a certified copy of the judgment of conviction to the DOS within five days of being sentenced.¹²

Any decision to revoke, suspend, fine, or reprimand you will be given to you in writing.¹³

You may file an **Article 78** appeal in court within four months of the *final* disciplinary action.¹⁴

You are eligible to reapply for a real estate salesperson/broker license one year after the revocation.¹⁵

FOOTNOTES

- 1 N.Y. Real Prop. Law § 440-a
- 2 N.Y. Real Prop. Law § 440-a
- 3 See Real Estate Salesperson Application: dos.ny.gov/forms/licensing/0022-f-a.pdf; See Real Estate Broker Application: dos.ny.gov/forms/licensing/0036-f-a.pdf
- 4 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 5 See applications, footnote 3; N.Y. Exec. Law § 296(16)
- 6 N.Y. Real Prop. Law § 440-a
- 7 N.Y. Exec. Law § 296(15); N.Y. Correct. Law § 752
- 8 N.Y. Correct. Law § 753
- 9 N.Y. Real Prop. Law § 441-e
- 10 N.Y. Real Prop. Law § 441-f
- 11 N.Y. Real Prop. Law § 441-c; Gold v. Lomenzo, 29 N.Y.2d 468, 477 (1972); Fogel v. Dep't of State, 209 A.D.2d 615 (1994)
- 12 N.Y. Real Prop. Law § 441-a
- 13 N.Y. Real Prop. Law § 441-c
- 14 N.Y. Real Prop. Law § 441-f
- 15 N.Y. Real Prop. Law § 441-c

LICENSING AGENCY

DEPARTMENT OF STATE (ALBANY LOCATION)

One Commerce Plaza
99 Washington Ave
Albany, NY 12231

DEPARTMENT OF STATE (NEW YORK CITY LOCATION)

123 William Street
New York, NY 10038

PHONE

518-474-4429

WEBSITE

www.dos.ny.gov/licensing/

GETTING TO WORK WITH A CRIMINAL RECORD

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REGISTERED PROFESSIONAL NURSE (RN)



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The registered professional nurse license application asks if you have any criminal convictions (felonies and misdemeanors) and open criminal cases.

There is no automatic disqualification for any conviction.

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits the New York State Education Department (NYSED) from asking about or considering them.²

You should provide a detailed explanation of any unsealed criminal conviction or open criminal case. You must send court records for each conviction, including a **Certificate of Disposition**.

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.³

You should include **evidence of rehabilitation** for the required **Article 23-A** analysis. Even if the application does not ask for this information, try to submit it with your application.

While your application is pending, you must update NYSED about any changes to your answers.

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

If you have any criminal convictions, the Office of Professional Discipline completes an investigation of your convictions as part of an assessment of your "**moral character**".⁴

If the investigation leaves a question about your **moral character**, the results and supporting documents go to the State Board for Nursing (SBN), which assists NYSED in licensing decisions and discipline at different points in the review process.⁵

The SBN must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of a registered professional nurse, or
- 2 Creates an unreasonable risk to the property or safety of other people.⁶

To make this decision, the SBN is required to evaluate all **Article 23-A factors.**⁷

The SBN concludes whether or not you will receive the license.⁸

There is no specified timeframe for this evaluation.

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: op.nysed.gov/prof/nurse/nursingrn.htm

- ✓ File an application with the New York State Education Department (NYSED) Office of the Professions
- ✓ Have the required education
- ✓ Pass required exam
- ✓ Be at least 18 years old
- ✓ Pay required fee, which can be partially refunded if your license application is denied
- ✓ Be of "**good moral character**"¹

LICENSING AGENCY

NEW YORK STATE EDUCATION DEPARTMENT (NYSED)

OFFICE OF THE PROFESSIONS

State Education Building,
2nd Floor
Albany, NY 12234

PHONE

518-474-3817

WEBSITE

op.nysed.gov/prof/nurse/nursingrn.htm



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

Within 30 days of the SBN denial, you may make a written request for a **hearing**.⁹

At the **hearing**, you can be represented by a lawyer, present evidence, call witnesses, and cross examine witnesses.¹⁰

The SBN issues a report with its decision.¹¹

Either you or the Office of Professional Discipline can appeal within 30 days of the SBN report. Both parties can submit written documents.¹²

The Committee on the Professions makes a final decision.¹³

If you are denied a license, you may file an **Article 78** appeal in court within four months of the *final* denial.

If you are denied a license, you can reapply 18 months after the panel submitted its report (whether or not there was an appeal).¹⁴



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

This guide provides a basic outline of how misconduct is evaluated. However, the process is complex, and it is recommended that you consult with an attorney. See the Resources page for help finding a lawyer.

Conviction of any crime when you have a license is considered "professional misconduct" even if the conviction is not related to work.

The SBN may hold a **hearing** to decide if it should take disciplinary action, which can include placing you on probation, suspending all or part of your license, or revoking it.

The SBN is required to send written notice of the **hearing**. You may respond to the charges in writing before the hearing.

At the **hearing**, you may be represented by a lawyer, present evidence, call witnesses, and cross examine witnesses.

The SBN can also end penalties and restore your license.¹⁵

If the SBN suspends or revokes your license, you may file an **Article 78** appeal in court within four months of the *final* disciplinary action.

FOOTNOTES

- 1 N.Y. Educ. Law § 6905; see LMSW License Requirements: op.nysed.gov/prof/sw/lmsw.htm
- 2 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 3 N.Y. Exec. Law § 296(16)
- 4 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.2; N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.3
- 5 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.3; N.Y. Educ. Law § 6904
- 6 N.Y. Exec. Law § 296(15); N.Y. Correct. Law § 752
- 7 N.Y. Correct. Law § 753
- 8 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.4
- 9 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.4
- 10 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 11 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.5
- 12 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 13 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.6
- 14 N.Y. Comp. Codes R. & Regs. tit. 8, § 28-1.7
- 15 N.Y. Educ. Law § 6509; N.Y. Educ. Law § 6510; N.Y. Educ. Law § 6511

GETTING TO WORK WITH A CRIMINAL RECORD

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SECURITY GUARD



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The application process requires all candidates to pass a fingerprint-based criminal background check, and provide all public criminal history information.

You do **NOT** need to answer any questions or provide information about **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, or arrests that did not result in a conviction. New York law prohibits DOS from asking about or considering them.³

You do **NOT** need to provide information about charges that are currently **adjourned in contemplation of dismissal (ACDs)**.⁴

The New York State Department of State (DOS) will deny your application if you have a "Serious Offense" – a felony conviction for any offense listed below – or "Certain Misdemeanors" – a conviction that DOS thinks would affect your ability to be a security guard (determined on an individual basis). An open case may also impact your application.

If you have a **Certificate of Relief** or a **Certificate of Good Conduct**, your application should not be automatically denied, even if you have a "Serious Offense" or "Certain Misdemeanor" conviction.

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



WHAT IS A "SERIOUS OFFENSE" UNDER THE SECURITY GUARD ACT?

If you have a felony-level "Serious Offense," or a felony conviction for solicitation, conspiracy, or attempt to commit any of these offenses, and you do not have a **Certificate of Relief** or a **Certificate of Good Conduct**, the DOS will deny your application. The "Serious Offenses" are:⁵

- Aggravated Assault and Reckless Endangerment
- Aggravated Harassment in the First Degree
- Arson
- Assault
- Bribery Involving Public Servants and Related Offenses
- Burglary
- Commercial Bribing and Commercial Bribe Receiving
- Criminal Impersonation and Scheme to Defraud
- Criminal Mischief
- Criminal Nuisance in the First Degree
- Criminal Possession of a Controlled Substance
- Criminal Possession of Stolen Property
- Criminal Sale of a Controlled Substance
- Criminal Sale of Marijuana
- Criminal Tampering and Tampering with a Consumer Product
- Criminal Trespass
- Crimes Against Public Safety
- Falsely Reporting an Incident in the Second or First Degree
- Forgery, false written statements, and related offenses
- Kidnapping or Coercion
- Larceny and Offenses Involving Theft
- Manslaughter
- Murder
- Offenses Involving Computers
- Perjury and related offenses
- Riot in the First Degree
- Robbery
- Sex Offenses
- Tampering with Physical Evidence
- Tampering with a Witness or Intimidating a Victim or Witness
- Unlawful Imprisonment
- Vehicular Manslaughter

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. Visit this website for information about all requirements: dos.ny.gov/licensing/securityguard/sguard.html

- ✓ Be at least 18 years old
- ✓ Complete an 8-hour training course and required on-the-job training¹
- ✓ Be a U.S. citizen or resident alien
- ✓ Apply for a license through the New York State Department of State (DOS)

Once you obtain your license, you are required to renew every 2 years.²

LICENSING AGENCY

**NEW YORK STATE
DEPARTMENT OF STATE
DIVISION OF LICENSING SERVICES**

MAILING ADDRESS

P.O. Box 22001,
Albany, NY 12201-2001

NEW YORK CITY ADDRESS

123 William St., 2nd Fl.
New York, NY 10038-3804

PHONE

518-474-7569

WEBSITE

dos.ny.gov/licensing/securityguard/sguard.html



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

If you have a “Serious Offense” or “Certain Misdemeanor” conviction:

DOS will mail you a letter asking for details on your case and any **evidence of rehabilitation**. They will review this information and either approve or propose to deny your license application. If they propose to deny your license application, you can ask for a **hearing** within 35 days of receiving the notice. At the hearing, you can present evidence to show why you are still eligible and qualified to be approved for the license despite your criminal record.

If you do not have a “Serious Offense” or “Certain Misdemeanor” conviction, DOS must review the specific facts of your conviction history to decide whether your conviction:

- 1 Directly relates to the duties of a Security Guard, or
- 2 Creates an unreasonable risk to the property or safety of other people.

To make this decision, DOS is required to evaluate all **Article 23-A** factors.⁶



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

If the license is still denied after the **hearing**, you may appeal to the Secretary of State within 30 days after you receive the hearing decision. If you are still denied by the Secretary of State, you may be able to have a judge review the final denial by filing an **Article 78** Appeal. You have four months to file.⁷



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND YOU HAVE A NEW ARREST?

If you already have your security guard license, and you are arrested for a “Serious Offense” (listed above), your license can be temporarily suspended while your criminal case is pending, or until DOS holds a suspension or revocation **hearing**.⁸ This can happen in two ways:

- 1 The criminal court can temporarily suspend your license if there is reasonable cause to believe to you committed the offense;⁹ or
- 2 DOS can temporarily suspend your license if reasonable cause exists to believe that you committed the serious offense, and there is a direct relationship between the serious offense and employment as a security guard.¹⁰

If your license is temporarily suspended, a **hearing** will automatically be scheduled within 30 days of the notice of temporary suspension.¹¹

If you are convicted of a “Serious Offense” or “Certain Misdemeanor” (listed above), your license can be suspended for up to 18 months or permanently revoked.¹² You will receive a notice in the mail that your license will be revoked. You can ask for a **hearing** within 35 days of receiving the notice.¹³

At the **hearing**, you should bring any positive information you have about yourself, including **evidence of rehabilitation** and witnesses to testify to your **good moral character**. After the **hearing**, DOS will review all the information and decide whether to reinstate or revoke your license.¹⁴ The decision will be mailed to you. If your license was temporarily suspended, you will receive a decision in the mail within 15 days.¹⁵

If your license is revoked, it cannot be reinstated for one year from the date of the revocation.¹⁶

FOOTNOTES

- 1 For a list of training courses, see: criminaljustice.ny.gov/ops/sgtraining/sgpcourses.htm
- 2 N.Y. General Business Law § 89-h
- 3 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380
- 4 N.Y. Exec. Law § 296(16)
- 5 N.Y. General Business Law § 89-f(13)
- 6 N.Y. Correction Law § 753
- 7 N.Y. Civil Practice Laws and Rules § 7801
- 8 N.Y. General Business Law § 89-l(4)(a)
- 9 N.Y. General Business Law § 89-l(4)(a)(i)
- 10 N.Y. General Business Law § 89-l(4)(a)(ii)
- 11 N.Y. General Business Law § 89-l(3)
- 12 N.Y. General Business Law § 89-l(1)
- 13 N.Y. General Business Law § 89-l(1)
- 14 N.Y. General Business Law § 89-l(6)
- 15 N.Y. General Business Law § 89-l(8)
- 16 N.Y. General Business Law § 89-l(8)

GETTING TO WORK WITH A CRIMINAL RECORD

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TEACHER



HOW WILL A CRIMINAL RECORD AFFECT GETTING A LICENSE?

The New York State Education Department (NYSED) requires applicants to submit fingerprints for criminal background checks. You must give consent for NY and FBI background checks and pay the required fees.²

The background checks include criminal convictions and open criminal cases.³

There is no automatic disqualification for any conviction.

NYSED cannot consider the following types of cases, and they should not be reported: **sealed** misdemeanor convictions, **sealed** felony convictions, **youthful offender** adjudications, **juvenile delinquent** adjudications, arrests that did not result in a conviction, or charges that are currently **adjourned in contemplation of dismissal (ACDs)**.⁴

You should also include **evidence of rehabilitation** for the required **Article 23-A** analysis. Even if the application does not ask for this information, try to submit it with your application.

If you have an open case(s), you may want to speak with your attorney about whether to apply for the license while the case(s) is pending.



HOW DOES THE AGENCY MAKE DECISIONS ABOUT CONVICTION HISTORY?

The NYSED Commissioner of Education is involved in decisions regarding license applications and discipline of licensees.

If you have criminal convictions or open criminal cases that the Commissioner of Education can consider, they must review the specific facts of your conviction(s) to decide whether your conviction(s):

- 1 Directly relates to the duties of a teacher, or
- 2 Create an unreasonable risk to the property or safety of other people.⁵

To make this decision, the Commissioner of Education is required to evaluate all Article 23-A factors.⁶

There is no specified time limit for this evaluation.



WHAT ARE YOUR LEGAL OPTIONS IF YOU ARE DENIED A LICENSE?

If the Commissioner of Education denies your certification because of your background check, you will be told in writing and be given a **hearing** where you can present evidence to contest the denial.⁷

If you are denied the certification at the hearing, you may file an **Article 78** appeal in court within four months of the *final* denial.

If your license application is denied, you will be told if and when you may reapply.

SUMMARY OF GENERAL REQUIREMENTS

This is a summary of certification requirements. There are many different types of teaching certificates that may have specific requirements. You should carefully check the requirements for the certificate that you want. Visit this website for information about all requirements: higher.ed.nysed.gov/cert/certificate/certprocess.html

- ✓ File an application with the New York State Education Department (NYSED) Office of the Professions
- ✓ Have the required education
- ✓ Pass the required exams
- ✓ Be at least 18 years old
- ✓ Be a U.S. citizen
- ✓ Complete required course work (reporting child abuse and maltreatment; school violence prevention and intervention)
- ✓ Pay required fees, which can be partially refunded if your license application is denied
- ✓ Complete and clear fingerprint-based criminal background check¹

LICENSING AGENCY

NEW YORK STATE EDUCATION DEPARTMENT (NYSED)

OFFICE OF THE PROFESSIONS

State Education Building,
2nd Floor
Albany, NY 12234

PHONE

518-474-3817

WEBSITE

op.nysed.gov/



WHAT HAPPENS IF YOU ALREADY HAVE YOUR LICENSE AND ARE CONVICTED OF A NEW CRIME?

If you are convicted of a crime while holding a teaching certification, the Commissioner of Education and the State Board for Education (SBE), as well as the superintendent of your school district, may bring disciplinary charges against you.

State Commissioner of Education/State Board of Education Process:

You will be given a copy of the disciplinary charges in writing. You should contact an attorney soon after getting the charges, because you need to respond within a specified time. Read all notices carefully.⁸

If you are convicted of a sex offense or certain violent felonies, your certification will be revoked without a **hearing**. (If a conviction for a sex offense or violent offense is later overturned, your license may be reinstated.)⁹

For most other convictions, you may request a **hearing**.

At the **hearing** you may be represented by a lawyer, present evidence, present witnesses, and cross examine the government's witnesses.¹⁰

While the **hearing** is ongoing, you may be suspended with or without pay.¹¹

Following the disciplinary **hearing**, you will receive a written decision and notice of any imposed penalty. Penalties can include suspending, partially suspending, or revoking your license.¹²

If your certificate is suspended or revoked, you may file an **Article 78** appeal in court within four months of the *final* disciplinary action.

Local School District Process:

If you are convicted of a crime, the superintendent of your school district can hold a **hearing**.

If you are charged with a sex offense, the district attorney will immediately notify the superintendent of the school where you work.¹³

You will get notice of the **hearing** and charges and an opportunity to defend yourself.

The superintendent may decide to invalidate your certificate and must notify the Commissioner of Education.¹⁴

If your certificate is suspended or revoked by the Commissioner of Education/SBE or the superintendent of your school district, you may file an **Article 78** appeal in court within four months of the *final* disciplinary action.

FOOTNOTES

- 1 N.Y. Educ. Law § 3001; N.Y. Educ. Law § 3004; N.Y. Educ. Law § 3004-b; see the Office of Teaching Initiatives: highered.nysed.gov/tcert/
- 2 If you have already been cleared for licensure by the NYC Department of Education, you can request to have the school district forward a copy of your criminal history record to the commissioner. If you are applying to teach in an NYC school, you can request to have your background information sent to the school. N.Y. Educ. Law § 3004-b
- 3 N.Y. Educ. Law § 3004-b
- 4 N.Y. Exec. Law § 296(16); N.Y. Fam. Ct. Act § 380; N.Y. Educ. Law § 3004-b
- 5 N.Y. Exec. Law § 296(15); N.Y. Correct. Law § 752
- 6 N.Y. Correct. Law § 753
- 7 N.Y. Educ. Law § 3004-c
- 8 N.Y. Educ. Law § 3018; N.Y. Educ. Law § 3020-a. Tenured teachers may have a specific disciplinary process dictated by the collective bargaining agreement. Members of a union should contact their union representative upon receiving notice of any disciplinary charges. N.Y. Educ. Law § 3020
- 9 N.Y. Educ. Law § 3020-a; N.Y. Educ. Law § 305
- 10 N.Y. Educ. Law § 3020-a
- 11 N.Y. Educ. Law § 3020-a
- 12 This is not a complete list. N.Y. Educ. Law § 305; N.Y. Educ. Law § 3021-a
- 13 N.Y. Educ. Law § 3021-a
- 14 N.Y. Educ. Law § 3018

GETTING TO WORK WITH A CRIMINAL RECORD

This guide cannot replace legal advice from a qualified attorney.

If you have questions or need legal advice, please use the accompanying Resources or LawHelpNY.org to find a lawyer.

CERTIFICATE OF RELIEF FROM DISABILITIES & CERTIFICATE OF GOOD CONDUCT

WHAT IS THE BENEFIT OF HAVING A CERTIFICATE OF RELIEF OR CERTIFICATE OF GOOD CONDUCT?¹

Both certificates remove any mandatory bars to licensure or employment. This means you cannot be automatically disqualified for a particular license or job because of your conviction(s); the licensing agency or employer must consider you “rehabilitated” and evaluate you on an individual basis.

In addition, a Certificate of Good Conduct restores the right to apply for “public office,” if the public office that you want to hold has an automatic bar for people with conviction histories. Most do not.

DOES THE CERTIFICATE EXPUNGE, SEAL, OR PARDON MY CONVICTION(S)?

No. You still must list your unsealed convictions when asked on license and job applications. Employers will still see your unsealed convictions if they get your rap sheet or do a background check.

DOES THE CERTIFICATE GUARANTEE ME A LICENSE OR JOB?

No. The licensing agency or employer must take your certificate into account when deciding whether to license or hire you, and they must assume that you are “rehabilitated” unless there is evidence indicating otherwise. But, the law still allows a licensing agency or employer to refuse to license or hire you if they find that there is a “direct relationship” between your conviction(s) and the license or employment, or that licensing or hiring you would create an “unreasonable risk.”

See [Article 23-A](#) in the Glossary for more information on how they make this determination.

DO I NEED A CERTIFICATE TO BE ABLE TO REGISTER TO VOTE?

You can register to vote without a certificate! Only people who are currently incarcerated for a felony are ineligible to vote. If you are not currently incarcerated for a felony, you can register to vote. All people on parole in New York State are issued a conditional pardon that restores their right to vote. The conditional pardon is renewed on a monthly basis.

If you are on parole and want to check if your voting rights have been restored, you can search online by name: publicapps.doccs.ny.gov/ParoleeLookup/

Register to vote here: dmv.ny.gov/more-info/electronic-voter-registration-application

Learn more about voting on parole here: bit.ly/VoteOnParole

CERTIFICATE OF RELIEF FROM DISABILITIES²

CERTIFICATE OF GOOD CONDUCT³

WHICH CERTIFICATE AM I ELIGIBLE FOR? ELIGIBILITY DEPENDS ON YOUR CONVICTION(S)

- Maximum of 1 felony*
- Any number of misdemeanors

* Two or more felony convictions in the same court on the same day are counted as one felony.

- 2 or more separate felonies
- Any number of misdemeanors

Note: Some "public office" jobs require you to have a Certificate of Good Conduct, (regardless of your conviction type).

"Public office" positions include:

- Some elected positions;
- Some government jobs;
- Law enforcement jobs, such as firefighters or police officers.

HOW MANY CONVICTIONS DOES THE CERTIFICATE COVER?

Each Certificate of Relief from Disabilities only covers one conviction.

You can apply for a separate Certificate of Relief from Disabilities for each misdemeanor or felony conviction.

If you have many convictions, you should at least try to get Certificates of Relief from Disabilities for your most recent and most serious convictions.

One Certificate of Good Conduct will cover all of your felony and misdemeanor convictions.

WHEN CAN I APPLY FOR A CERTIFICATE?

Right away – there is no waiting period for this certificate.

Depends on your most serious conviction (not your last one):

- **A or B felony:** 5 years
- **C, D, or E felony:** 3 years
- **Misdemeanors only:** 1 year

The waiting period starts:

the last time you got out of prison or jail (onto parole or maxed out)

OR

at the time of your last criminal conviction if you weren't incarcerated.

Note: If you were convicted in another state or in federal court, the waiting period will be determined by what the level of the conviction would have been if the conviction happened in New York State.

CAN I GET THE CERTIFICATE AT MY SENTENCING?

Yes! You can get a Certificate of Relief from Disabilities from the judge at the time you are sentenced, unless you are sentenced to incarceration in a state facility.

Getting a Certificate at sentencing is especially important if you have a job or license that will be affected by a conviction, or if you live in public housing.

Talk to your defense attorney about asking for a Certificate of Relief from Disabilities at sentencing.

No, you must wait until the time period above passes.

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CERTIFICATE OF RELIEF FROM DISABILITIES

CERTIFICATE OF GOOD CONDUCT

CAN I GET THE CERTIFICATE WHILE ON PAROLE OR PROBATION?

You can get a temporary Certificate of Relief from Disabilities while on parole or probation. A temporary Certificate of Relief from Disabilities will automatically become permanent after a specified date unless the issuing court or the parole board revokes it.

You cannot apply for a Certificate of Good Conduct while you are on parole or probation.

WHERE DO I APPLY FOR THE CERTIFICATE?

It depends on where you were convicted and if you were incarcerated in a state facility:

If you were convicted in New York but you were not incarcerated in state prison:

You have to apply to the court where you were convicted.

If you were convicted in New York and you were incarcerated in a state prison, OR if you were convicted of a federal or out-of-state misdemeanor or felony:

You have to apply to the New York State Department of Corrections and Community Supervision (DOCCS).

You must apply to the New York State Department of Corrections and Community Supervision (DOCCS).

HOW DO I REQUEST THE APPLICATION?

If you are on parole or probation:

You should request the certificate from your parole or probation officer. Your parole or probation officer will then forward the request to DOCCS.

If you are applying to the court where you were convicted (and not on parole):

Contact the court clerk where you were convicted. They have a different application than DOCCS. See this chart of NYC Sentencing Courts by borough from the Community Service Society: bit.ly/CourtsChart

If you are applying to DOCCS (and not on parole):

You can download one application for each conviction at: doccs.ny.gov/certificate-relief-good-conduct-restoration-rights
OR call and ask DOCCS to send you the application(s) at: 518-485-8953

You can download the application at:
doccs.ny.gov/certificate-relief-good-conduct-restoration-rights

OR call and ask DOCCS to send you the application(s) at: 518-485-8953

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**WHAT SHOULD
I INCLUDE WITH
MY APPLICATION?**

If you are applying to DOCCS:

In addition to your completed, signed, and notarized application, you will need to send proof of income for the last two years:

- ❶ Copies of your Federal Income Tax Filings for the last two years if you were employed, and/or
- ❷ Copies of your Statement and Wages (W-2 Form) for the last two years if you earned wages, and/or
- ❸ Copies of any miscellaneous income statements (Tax Form 1099) for the last two years if you received one.

If you do not have copies of any of the documents listed above, you can get them from the IRS at www.irs.gov/individuals/get-transcript or 1-800-829-1040.

If you received public assistance, unemployment insurance, or Social Security benefits for any or all of the two-year period:

You must include a printout from the agency that provided you with the benefits/support, showing all the benefits that you received.

If you had no reportable income for any or all of the two-year period (including any other benefits not listed above):

You must provide a notarized document explaining how you supported yourself.

For all applications:

You should send as much **evidence of rehabilitation** as you have, such as:⁴

- Proof of your current employment and/or job training
- Proof of any education you have completed or are pursuing (high school equivalency, certificate programs, higher education)
- Proof of any programs you are attending or have completed (substance use treatment, anger management, etc.)
- Letters of support from community members (employer, religious leader, etc.)
- Letters of support from counselors, therapists, or doctors
- Letters describing your community service/volunteer work

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CERTIFICATE OF RELIEF FROM DISABILITIES

CERTIFICATE OF GOOD CONDUCT

WHAT DOES A TYPICAL APPLICATION PROCESS LOOK LIKE?

If you are applying to the court where you were convicted:

Every court sets up its own procedure for processing applications. You might:

- Have to meet with a probation officer who will evaluate your “rehabilitation.”
- Your meeting with a probation officer might be the same day or within a few weeks of applying, so you should bring all of your evidence of rehabilitation with you when you apply.
- The probation officer will prepare a report that includes a recommendation on whether you should get a Certificate. The court should provide you with a copy of that report if you request it.
- You may have to appear before a judge, depending on the court.

If you are applying to DOCCS:

After DOCCS has received all necessary documents and records from you, they will assign a field Parole Officer to complete an investigation. The field Parole Officer will:

- Contact you to arrange an interview at your home/ residence to answer any remaining questions and confirm your current circumstances and living situation.
- DOCCS will then decide whether to grant you a certificate.
- DOCCS may choose to grant none, one, some, or all of your applications.

After DOCCS has received all necessary documents and records from you, they will assign a field Parole Officer to complete an investigation. The field Parole Officer will:

- Contact you to arrange an interview at your home/ residence to answer any remaining questions and confirm your current circumstances and living situation.
- DOCCS will then decide whether to grant you a certificate.

It could take **a year or more** to obtain a Certificate of Good Conduct or a Certificate of Relief from Disabilities. If you need your certificate urgently, you should include a letter explaining why when you send your completed application form.

WHEN WILL I RECEIVE THE CERTIFICATE?

If you apply to a court:

The typical processing time is six to ten weeks.⁵

If you apply to DOCCS:

The processing time will vary depending on the complexity of your case and whether you provide all of your supporting documentation upfront. The assigned parole officer will complete their report within 60 days of when all documentation has been submitted.

The processing time will vary depending on the complexity of your case and whether you provide all of your supporting documentation upfront. The assigned parole officer will complete their report within 60 days of when all documentation has been submitted.

FOOTNOTES

- 1 See LawNY's, "Certificates of Rehabilitation:" lawny.org/node/42/certificates-rehabilitation and Legal Action Center's, "Lowering Criminal Record Barriers:" lac.org/wp-content/uploads/2014/12/LoweringCriminalRecordBarriers_rev3.pdf for more information.
- 2 N.Y. Correct. Law § 703
- 3 N.Y. Correct. Law § 703-A
- 4 See Legal Action Center's Guide, "How to Gather Evidence of Rehabilitation:" lac.org/wp-content/uploads/2016/04/How-to-Gather-Evidence-of-Rehabilitation-3.30.16.pdf
- 5 See "Certificate of Relief from Civil Disabilities:" www1.nyc.gov/site/probation/services/certificate-of-relief-from-disability.page

GLOSSARY

Accusatory Instrument

This is a written accusation against someone alleging that they have committed a crime. It can be an indictment, an information, a simplified information, a prosecutor's indictment, a superior court information, a misdemeanor complaint, or a felony complaint.

Adjourned in Contemplation of Dismissal (ACD)

In certain cases, the court will adjourn a case and order an individual to complete specified conditions that will allow their case to be dismissed on a later date, often after six months or one year. Common conditions include community service or requiring that the individual not be rearrested for a period of time. The prosecution may object to dismissal on the basis that the individual did not meet the required conditions or they believe it is not in the interest of justice.

Adjournment Notice

Written notice that a case is postponed to a later date.

Appeal

Asking a court of higher position or power to review a legal decision and potentially change the result. For example, you can Appeal to the New York State Supreme Court to review and overturn a decision by a city agency.

Article 23-A (Correction Law 23-A)

A New York law that protects people who have criminal conviction(s) from illegal discrimination when applying for employment or licenses. The law says that an application for a license or employment cannot be denied based upon a criminal offense, unless:

- 1 There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held; or
- 2 The issuance or continuation of the license or employment would create an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

Employers are required to consider these eight factors to decide if they can deny you based on your criminal record:

- 1 The New York State policy to encourage the licensure and employment of people with criminal convictions;
- 2 The specific responsibilities related to the license or employment you want or have;
- 3 Any effect your criminal record has on your ability to complete those responsibilities;
- 4 The amount of time since the offense occurred;
- 5 Your age when the offense occurred;
- 6 The seriousness of the convictions;

- 7 Any Evidence of Rehabilitation, including a Certificate of Relief or a Certificate of Good Conduct; and
- 8 The legitimate interest of the licensing agency in protecting property and the safety and welfare of specific individuals or the general public.

*Most employers are NOT allowed to consider the following cases as part of your conviction history:

- Sealed misdemeanor convictions
- Sealed felony convictions
- Youthful offender adjudications
- Juvenile delinquent adjudications
- Arrests that did not result in a conviction
- Charges that are currently adjourned in contemplation of dismissal (ACDs).

Article 78

A lawsuit that challenges a final decision made by a New York State, New York City, or other local administrative agency. Article 78 proceedings must be filed in court within four months of the agency's decision. It is possible to file the appeal on your own, but we recommend that you find a lawyer to help you. Legal services in NYC can be found on the Resources page.

Certificate of Disposition

An official paper from the court stating what offense(s) you were charged with, how the case ended, and any sentence you received. You must get a separate Certificate of Disposition for each arrest. You can get Certificates of Disposition from the court where your criminal case was heard. A \$10 fee and government ID may be required. If your case was sealed, the Certificate of Disposition will be given to you but not to the public. Talk to a lawyer before showing the Certificate to anyone.

Certificates of Rehabilitation

There are two types of Certificates of Rehabilitation in New York: a "Certificate of Relief from Disabilities" and a "Certificate of Good Conduct." While they have different names, they both do the same thing: help prove that you have been "rehabilitated" since your conviction(s). While these Certificates of Rehabilitation do not seal or expunge your case(s), they will appear as a positive mark on your record and remove any automatic bars based on your conviction. You do not need a Certificate of Rehabilitation if your case ended without a conviction.

See the *Certificate of Relief and Certificate of Good Conduct Guide for more information.*

Collateral Consequences

A conviction from court can have a long-term impact on a person's life, whether or not they serve jail/prison time. A conviction, or even sometimes just an arrest, can affect a person's job, housing, government benefits, immigration status, student loans, and more. Collateral Consequences is a term that covers all of these negative results.

Conviction

A finding of guilt or a guilty plea to a crime or offense.

Crime

A felony or misdemeanor offense.

Crimes Involving Moral Turpitude

The law sometimes classifies certain crimes as involving “moral turpitude.” Convictions for such crimes may be grounds to deny or revoke a professional license in New York State. Whether a crime involves “moral turpitude” depends on the law and circumstances of your case. It is a good idea to speak to a lawyer if you are applying for a license with restrictions for crimes involving moral turpitude.

Evidence of Rehabilitation

Any documents to show an employer, landlord, government agency, or other person the positive things you have done since your most recent conviction. This typically includes letters of recommendation, copies of awards, graduation certificates from programs, educational achievements, proof of current employment/job training, or any other positive documents. The more documents the better! See Legal Action Center’s “How to Gather Evidence of Rehabilitation” guide here: lac.org/assets/files/How-to-Gather-Evidence-of-Rehabilitation.pdf

Executive Pardon

A rare form of relief in New York State issued by the governor to individuals who have completed their sentences but remain disadvantaged by their conviction history. There are two types of pardons in New York State. The first type is a standard pardon, which does not seal an individual’s record, and is similar to a “Certificate of Relief from Disabilities.” The second type is a pardon for non-violent convictions received at age 16 or 17, which may be granted to individuals if they meet a number of requirements. This type of pardon may seal public access to the conviction.

Good Moral Character

An intentionally vague eligibility requirement for some licenses. Conviction of a crime can create a question about your “moral character.” To help demonstrate that your conviction history does not mean you lack “good moral character,” it is important to show your **Evidence of Rehabilitation**.

Hearing

A formal meeting in which at least one person presents evidence to prove their case to an objective decision-maker, often a judge or hearing officer. Licensing/disciplinary hearings are usually held in a government office, where an impartial **Hearing Officer** is in charge of the hearing. In most cases, both the license applicant and the agency will present evidence. Evidence can be either physical (like a document) or testimonial (verbal) evidence. After considering the evidence, the hearing officer makes a decision. However, there is often a waiting period of several weeks for the hearing officer’s decision.

Hearing Officer

A hearing officer is similar to a judge because they are in charge of the rules and make decisions during and after a hearing.

Juvenile Delinquent (JD)

A child over the age of 7 who is found to have committed an act which would be considered a crime if committed by an adult. JD status is considered confidential and is sealed to the public.

License/Certification

Just as you need a license to drive a car, you need a State license before doing certain jobs. Depending on the license, there may be a lot of requirements or only a few. Requirements can include paying a fee, attending a class, and/or passing a test. If you don’t have the license, even if the employer wants to hire you, they may not. Some licenses have restrictions based on conviction records. These New York State License Guides address some of the most frequently asked questions about conviction record restrictions.

Moral Character

See **Good Moral Character**.

Sealed/Confidential Case

Records of a case will be sealed from the public when a person is found not guilty, a prosecutor declines to prosecute a case, a case is dismissed, or a case is dismissed after an **Adjournment in Contemplation of Dismissal (ACD)**. Most violations and infractions are also sealed. **Youthful Offender (YO)** and **Juvenile Delinquent (JD)** adjudications are confidential and sealed from the public. Other sealed cases include limited types of cases that you can apply to have sealed from the public. Some government employers/agencies (Port Authority, law enforcement, peace officer jobs, etc.) have access to sealed information. See Legal Action Center’s “Sealing Old New York Convictions” guide here: lac.org/assets/files/Seal-Criminal-Convictions-Brochure.pdf

If you have questions about your own case and whether you are eligible for sealing, use the Resources page to find a lawyer.

Youthful Offender (YO)

A special status granted by a judge to a youth who is between 13 -18 who has been charged as an adult for committing a crime. YO status means that instead of a conviction, there is an adjudication. An adjudication is confidential and is not visible to most employers, other than law enforcement or the military.

RESOURCES

LEGAL RESOURCES

THE BRONX DEFENDERS

The Bronx Defenders are holistic, community-oriented public defenders serving Bronx residents with interconnected civil/criminal legal issues.

PHONE 718-838-7878, Community Intake: x 303

WEBSITE bronxdefenders.org

ADDRESS 360 East 161st Street, Bronx, NY 10451

Walk-ins accepted M, W, F: 9am–4pm; T, Th: 9am–3pm

BROOKLYN DEFENDER SERVICES (BDS)

BDS provides legal representation and related services to low-income Brooklyn residents.

PHONE 718-254-0700

WEBSITE bds.org

MAIN OFFICE ADDRESS 177 Livingston Street,
7th Floor Brooklyn,
New York 11201

COMMUNITY OFFICE ADDRESS 566 Livonia Avenue Brooklyn,
New York 11207

Walk-ins accepted at the Community Office:

M–F, 9am–5pm

COMMUNITY SERVICE SOCIETY (CSS)

CSS's Next Door Project (NDP) helps low-income New Yorkers obtain, review, understand and fix mistakes in their official criminal record RAP sheets. Attorneys advise, advocate for, and represent NDP clients who have faced employment, licensing, and housing discrimination on account of their records, and represent individuals eligible for records sealing under New York law. CSS can only obtain RAP sheets for low-income individuals in the five boroughs of New York City.

PHONE 212-614-5441

Messages left on this hotline will be promptly returned.

WEBSITE cssny.org/programs/entry/the-next-door-project

No walk-ins because NDP staff are often in the field; please call the hotline or visit the website above.

LEGAL ACTION CENTER (LAC)

LAC provides legal help to New York State residents who have a criminal record, substance use disorder, or HIV. Legal Action Center's online resources include publications, webinars, videos, and training materials about the rights of people with criminal records. This includes information about sealing old convictions, cleaning up your RAP sheet, protecting yourself from employment discrimination, voting, getting IDs, and more.

PHONE 212-243-1313

WEBSITE lac.org

No walk-ins; please call the phone number or visit the website above.

THE LEGAL AID SOCIETY

The Legal Aid Society provides free legal services to low-income individuals and families throughout New York City.

PHONE 888-663-6880 on T, W, and Th, 9:30am–12:30pm

WEBSITE legal-aid.org

No walk-ins; please call the phone number above.

LEGAL HAND

Legal Hand has trained community volunteers who operate out of neighborhood storefront centers and provide free legal information in areas like housing, family, immigration, divorce, domestic violence, and benefits.

WEBSITE legalhand.org

Legal Hand Crown Heights

250 Kingston Avenue, Brooklyn, NY 11213
718-619-4248

Legal Hand Brownsville

650 Rockaway Avenue, Brooklyn, NY 11212
347-404-9585

Legal Hand Jamaica

149-13 Jamaica Avenue, Jamaica, NY 11435
646-741-6411

Legal Hand Highbridge

1759 Jerome Avenue, Bronx, NY 10453
929-222-2015

Legal Hand Tremont

713 E. Tremont Avenue, Bronx, NY 10457
929-222-2014

Walk in or make an appointment; please call or check their website for hours.

LEGAL SERVICES NYC (LSNYC)

LSNYC provides civil legal services with neighborhood-based offices and outreach sites across all five boroughs.

PHONE 917-661-4500
Legal Assistance Hotline open M-F, 10am-4pm,
in any language

WEBSITE legalservicesnyc.org

No walk-ins; please call the phone number above.

MOBILIZATION FOR JUSTICE (MFJ), WORKPLACE JUSTICE PROJECT

MFJ's Workplace Justice Project provides city-wide free legal assistance for low-wage and immigrant workers on various employment issues.

PHONE 212-417-3838 on T, 2pm-5pm
WEBSITE mobilizationforjustice.org/projects/workplace-justice-project

No walk-ins; please call the phone number above on Tuesdays.

NEIGHBORHOOD DEFENDER SERVICE OF HARLEM (NDS)

NDS provides legal representation to residents of upper Manhattan, primarily 96th street and above.

PHONE 212-876-5500
WEBSITE ndsny.org

ADDRESS 317 Lenox Avenue, 10th Floor, New York, NY 10027
Walk-ins accepted: W, 9am-5pm

YOUTH REPRESENT

Youth Represent serves people under the age of 25 who have had involvement in the criminal justice system.

PHONE 646-759-8080
WEBSITE youthrepresent.org

No walk-ins; please call first or fill out the contact form at youthrepresent.org/contact.

PUBLIC HOUSING RESOURCES

BACK TO NYCHA

You may still be able to live in New York City Housing Authority (NYCHA) even if you have a conviction. The Back to NYCHA site is designed to help current and former residents, family members, and prospective applicants learn more about living in NYCHA after a criminal conviction.

Visit backtonycha.org to learn more.¹

EMPLOYMENT RESOURCES

A FAIR CHANCE

The Center for Urban Pedagogy (CUP) and VOCAL-NY created *A Fair Chance*, a guide to help formerly incarcerated people understand their rights under the NYC Fair Chance Act, advocate for themselves, and hold employers accountable.

View the PDF for free here: welcometocup.org/Projects/Making-PolicyPublic/AFairChance

The Fair Chance Act makes it illegal for most employers in New York City to ask about a job applicant's criminal record before making a job offer. This means ads, applications, and interview questions cannot ask about an applicant's criminal record.

Learn more here: www1.nyc.gov/site/cchr/media/fair-chance-act-campaign.page

If you believe an NYC employer did not follow these rules, call 311 and ask for the Commission on Human Rights. You can leave an anonymous tip, or you can file a complaint about what happened to you. If the employer is found to have broken the law, you could recover lost wages or other damages and the employer may have to pay a fine.²

EDUCATION & TRAINING RESOURCES

THE INSTITUTE'S COLLEGE INITIATIVE AND CAREER PATHWAYS

The Institute for Justice and Opportunity's College Initiative and Career Pathways create access to college, training, and employment for people impacted by the criminal legal system. This includes:

College Initiative, which offers free academic counseling, assistance with financial aid/college applications, peer mentoring, scholarships, and ongoing support. If you are interested in joining College Initiative, fill out this intake form: justiceandopportunity.org/educational-pathways/college-initiative/getting-started/
Learn more about going to college with a conviction in the guide, *Is College for Me?* here: welcometocup.org/Projects/PublicAccessDesign/iscollegeforme

Tech 101, an entry-level course designed to introduce students to the fundamental technology skills needed in the workforce. Learn more here: justiceandopportunity.org/career-pathways/tech-101/

The **Navigator Certificate in Human Services and Community Justice** is intended for people with lived experience in the criminal legal system who are working in entry-level human services positions or seeking employment in human services. The curriculum combines the theory and ethics of human services with development of professional skills. Learn more here: justiceandopportunity.org/career-pathways/navigator/

REENTRY PUBLICATIONS

LEGAL ACTION CENTER

Legal Action Center creates publications, training materials, and toolkits for people with conviction records, including Sealing Old New York Convictions, How to Gather Evidence of Rehabilitation, and Criminal Records and Employment: Protecting Yourself from Discrimination.

Visit lac.org/resources to view all of the publications.

THE NEW YORK PUBLIC LIBRARY'S CORRECTIONAL SERVICES

The New York Public Library publishes Connections, a free, annual reentry guide for people returning to New York City after incarceration. Connections includes a Job Search guide and listings of over 500 community organizations.

Visit nypl.org/corrections to view the full PDF online.

**To find these license guides online,
visit justiceandopportunity.org.**

FOOTNOTES

- 1 Created by Sparkle Brains, Theatre of the Oppressed NYC, Vera Institute of Justice, and Youth Represent.
- 2 See Fair Chance Act: Fact Sheet for Employees: www1.nyc.gov/site/cchr/media/fair-chance-employees.page



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John Jay College of Criminal Justice, City University of New York
524 West 59th Street, BMW Suite 609B, New York, NY 10019

The Institute for Justice and Opportunity (the Institute), formerly known as the Prisoner Reentry Institute, is a center of research and action at the John Jay College of Criminal Justice/CUNY. The Institute is committed to providing opportunities for people to live successfully in the community after involvement with the criminal legal system. Capitalizing on its position within a large public university and recognizing the transformational power of education, the Institute focuses much of its work on increasing access to higher education and career pathways for people with conviction histories. The Institute's comprehensive and strategic approach includes direct service, research, technical assistance, and policy advocacy.

