

**TITLE 10. OKLAHOMA ACCOUNTANCY BOARD
CHAPTER 15. LICENSURE AND REGULATION OF ACCOUNTANCY**

SUBCHAPTER 37. ENFORCEMENT PROCEDURES

10:15-37-11. ~~Felony convictions~~Convictions and pleas

(a) The provisions of this section shall be applicable, except where indicated, to applicants for the examination, examination candidates, and applicants for certificates and licenses, and registrants including registrants seeking renewal of certificates and licenses (applicants).

(b) When an applicant has been convicted of or plead guilty or nolo contendere to a felony crime included on the Board's list of disqualifying crimes, the applicant shall be required to furnish to the Board documentation of the charges and the final judgment of the Court in the form of certified documents from the Court file. Failure by an applicant for the examination to furnish adequate documentation no later than sixty (60) days prior to the commencement of the examination applied for shall result in denial of the application.

(c) Failure of any applicant to cooperate with an investigation conducted by the Board shall result in denial of the application.

~~(d) The Enforcement Committee shall review all documents pertaining to the applicant's conviction or plea and may further require that an investigation be conducted in accordance with Subchapter 37 of the Oklahoma Administrative Code.~~

~~(e) The Board may obtain from the Oklahoma State Bureau of Investigation or other sources a criminal record check of any applicant.~~

(e) The Board shall maintain and make available to the public a list of criminal offenses that would disqualify an individual from obtaining or holding a license or certificate. This list shall be periodically reviewed, at least annually, and updated, if necessary, by the Board.

(f) A person with a criminal history record may at any time, including before obtaining any required education or training, request an initial determination of whether his or her criminal history would potentially disqualify the individual from obtaining a license or certificate. The request shall be in writing and shall include either a copy of the person's criminal history record with explanation of each conviction mentioned in the criminal history record or a statement describing each criminal conviction including the date of each conviction, the court of jurisdiction and the sentence imposed. The person may include a statement with his or her request describing additional information for consideration by the Board including, but not limited to, information about his or her current circumstances, the length of time since conviction and what has changed since the conviction, evidence of rehabilitation, testimonials or personal reference statements and his or her employment aspirations.

(g) Upon receipt of a written request for consideration of a criminal history record, the Board shall evaluate the request and make an initial determination based upon the information provided in such request whether the stated conviction is disqualifying. A notice of initial determination shall be issued to the petitioner within sixty (60) days from

the date such request was received by the Board and shall contain the following statements:

(1) Whether the person appears eligible for licensure or certification at the current time based upon the information submitted by the requestor;

(2) Whether there is a disqualifying offense prohibiting the person's licensure or certification at any time and a statement identifying such offense in the criminal history record or information submitted for consideration;

(3) Any actions the person may take to remedy what appears to be a temporary disqualification, if any;

(4) The earliest date the person may submit another request for consideration, if any; and

(5) A statement that the notice of initial determination is only an initial determination for eligibility for licensure or certification based upon the information provided by the requestor.

~~(h)(f) The Enforcement Committee shall make a preliminary determination of whether the applicant satisfies the requirement of good moral character as set forth in Sections 15.8 and 15.9 of the Act. The Enforcement Committee shall consider, but not be limited to, the nature of the felony conviction or plea and the time period which has elapsed since the offense was committed or judgement was entered. The Board may approve applications disclosing criminal history based upon the nature of the crime, the time period which has elapsed since the offense was committed, and any other factors which the Board deems relevant. When, in the opinion of the Board, public protection requires conditional approval of an applicant, the Enforcement Committee may negotiate a consent order with the applicant. The consent order shall set forth the terms and conditions proposed by the Enforcement Committee for approving the application. All consent orders must be either approved or disapproved by the Board.~~

~~(g) When, in the opinion of the Enforcement Committee, public protection requires conditional approval of an applicant, the Enforcement Committee may negotiate a consent order with the applicant. The consent order shall set forth the terms and conditions proposed by the Enforcement Committee for approving the application. All consent orders must be either approved or disapproved by the Board.~~

~~(h) If the Enforcement Committee is unable to negotiate a consent order with an applicant, or if the Board does not approve the consent order, a hearing may be held to determine whether the application may be approved and to determine conditions for such approval which may be imposed by the Board as a result of the hearing.~~

~~(i) A list of all applicants having criminal histories, with information describing each felony conviction or plea and the penalty imposed for each, shall be presented to the Vice Chair. Board approval must be granted, or a hearing, as ordered by the Board, must be held in conjunction with each application presented to the Board.~~

~~(j) Individual registrants who have a felony conviction or plea are subject to the provisions of the Act and the enforcement procedures set forth in this Subchapter.~~

SUBCHAPTER 27. FEES

10:15-27-16. Initial determination of eligibility

Each request for an initial determination of eligibility due to criminal history record shall be accompanied by an administrative fee of Ninety-Five Dollars (\$95.00).