

**BOARD POLICY – Criminal Disqualifications**  
**November 1, 2019**

I. Applicants for licensure as a Professional Engineer or Land Surveyor in the state of Oklahoma or currently licensed Oklahoma professional engineers or land surveyors who are applying to renew their professional license, shall be **permanently barred** from obtaining or renewing a license if that individual has pleaded guilty or nolo contendere to, or been found guilty of, any of the following criminal offenses due to their severe sexual or violent nature, by any court in the state of Oklahoma or of any similar offense by a court in another state or of any similar offense by a federal court, unless the conviction was lawfully sealed or otherwise pardoned or expunged:

A. O.S. Title 21, Crimes and Punishments

1. Attempt to kill (§651), (§652), or (§653)
2. Murder in the First Degree (§701.7)
3. Murder in the Second Degree (§701.8)
4. Solicitation for Murder in the First Degree (§701.16)
5. Kidnapping for the Purpose of Extortion (§745)
6. Human Trafficking (§748)
7. Aggravated possession of child pornography (§1040.12a) and Acts prohibited (§1040.13)
8. Rape in the First Degree (§1115)
9. Lewd or Indecent Proposals or Acts to Child under 16 (§1123)
10. Terrorism (§1268.2), (§1268.3), (§1268.5(C)), (§1268.6), (§1268.7), (§1268.8)
11. Arson in the First Degree (§1401)

B. Applicants for licensure as a Professional Engineer or Land Surveyor in the state of Oklahoma or currently licensed Oklahoma professional engineers or land surveyors who are applying to renew their license, **may be barred** from obtaining or renewing a license if that individual has pleaded guilty or nolo contendere to, or been found guilty of, any other criminal offenses listed in O.S. Title 21 other than the crimes specifically listed in I(A) above, by any court in the state of Oklahoma or of any similar offense by a court in another state or of any similar offense by a federal court, unless the conviction was lawfully sealed or otherwise pardoned or expunged.

1. If applicable, applicants for professional engineering or surveying licensing or renewing a professional engineering or land surveying license shall submit a request in writing, including but not limited to:
  - a. Information about his or her current circumstances,
  - b. Length of time since conviction,
  - c. What has changed since the conviction,
  - d. Evidence of rehabilitation,
  - e. Testimonials or personal reference statements,
  - f. Employment aspirations,
  - g. Employment references since the offense was committed
  - h. Relevance of the offense to the professional license; and

- i. Other evidence demonstrating that licensure of the applicant does not pose a threat to the life, health, safety, welfare or property of the citizens of the state of Oklahoma.
2. Further, the applicant shall include a copy of the person's criminal history record, including but not limited to:
  - a. An explanation of each conviction mentioned in the criminal history record, and
  - b. A statement describing each criminal conviction including the date of each conviction, the court of jurisdiction and the sentence imposed, and
  - c. The status of fulfillment of the sentence imposed.

## II. O.S. Title 59, 4000.1(B) – Initial Determination

A person with a criminal history may request an initial determination from this Board of whether his or her criminal history record would potentially disqualify him or her from obtaining a professional engineer license, engineer intern certification, professional land surveyor license, or land surveyor intern certification.

Upon receipt of a written request for consideration of a criminal history record for the above stated licenses or certifications, the Board shall evaluate the request and make an initial determination based upon the information provided in such request whether the stated conviction is a disqualifying offense. The information submitted shall include but not be limited to the information requested in I(B)(1)(2) above.

The notice of initial determination issued by the Board shall be issued within 60 days of receipt of the request, in writing and mailed to the requestor at the address provided in his or her request, 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 engagement to become licensed as a professional engineer or professional land surveyor, or certified as an engineer intern or land surveyor intern; 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.