

NEW YORK STATE

OCCUPATIONAL

LICENSING SURVEY

Prepared by



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Introduction

Over one hundred occupations in New York State require some type of license, registration, or certification by a state agency. This survey provides information about statutory restrictions placed on licensure of individuals with criminal records and about the procedures available to appeal a denial of licensure, registration, or certification based on an individual's criminal history.

For over thirty years, the Legal Action Center has worked with individuals with criminal records who are seeking employment. Our experience is that many people, including individuals with criminal records and those who counsel them, mistakenly believe that persons with criminal records are barred from obtaining most occupational licenses. As a result, many individuals with criminal records do not pursue employment opportunities that otherwise might have been available to them.

This survey can assist individuals with criminal records, employment counselors, and others who work with them to identify those State licenses for which they are eligible. (This survey does not cover federal licenses or other federal employment barriers.) The survey shows that there are only a few statutes that automatically bar individuals with criminal records from licensure solely on the basis of past convictions, and most of those statutes provide for lifting the automatic bar when an individual is granted a Certificate of Relief from Disabilities, a Certificate of Good Conduct, or Executive Clemency (pardon).

Although Certificates of Relief and Good Conduct lift automatic bars, individuals with criminal records may still be denied licenses based upon their conviction records. Licensing agencies are required by Article 23-A of the New York Correction Law (§§ 750-55) to make licensing decisions on a case-by-case basis. The law prohibits an agency from denying an individual with a criminal record a license because of his or her conviction record unless the individual's conviction(s) is (are) "directly related" to the specific license sought or the issuance of the license would create "an unreasonable risk to property or to the safety" of people (§ 752).

In determining job-relatedness and risk to the public or to property, licensing agencies must consider the following factors:

1. New York's public policy to encourage the licensing and employment of individuals with criminal records;
2. The specific duties and responsibilities necessarily related to the license being applied for, and the bearing, if any, that the individual's criminal history will have on his or her fitness to perform these duties and responsibilities;
3. The time that has elapsed since the individual's criminal conduct, and the individual's age at the time of the occurrence;

4. The seriousness of the individual's offense(s);
5. The legitimate interest of the licensing agency in protecting property, specific persons, or the general public; and
6. Any evidence of rehabilitation that an individual with a criminal record presents, including a Certificate of Relief from Disabilities or Certificate of Good Conduct. (Certificates of Relief and Good Conduct create a presumption of rehabilitation.)

In determining whether a particular individual's convictions are, or are not, so related to the licensure sought as to justify a denial, licensing agencies must proceed on a case-by-case basis.

Some other statutes do not contain any automatic bar for individuals with criminal records but do restrict licensure or certification to persons of "good moral character." The meaning of this requirement may vary depending upon the licensing agency and the occupation or profession involved; more often than not, however, an applicant's criminal history *will* be taken into account as reflecting on his or her moral character. Again, the criminal record should be evaluated in accordance with Article 23-A.

How to Use This Survey

The first column of the survey lists occupations in alphabetical order. The occupational titles are taken from the statutory language, and thus may not necessarily be the most common title. For example, "Doctor" is listed as "Physician," and "Lawyer" as "Attorney."

The second column, "Agency," provides the name of the city or state agency that issues that particular license. A list of addresses and phone numbers for the agencies is attached as Appendix B.

The third column lists any information found in the licensing statute concerning specific restrictions placed on individuals with criminal records. The column specifies whether the restriction is mandatory (meaning that the licensing agency *may not* issue a license to someone with this conviction), or discretionary. For example, an applicant for licensure as an Alcoholic Beverage Manufacturer is automatically barred if s/he has been convicted of a felony or of certain offenses listed in the statute. On the other hand, an applicant for licensure as a barber or wrestler *may* be denied a license because of a conviction or because of having consorted with someone with a conviction. In some instances, the statute differentiates between people applying for licenses versus those who are convicted of a crime after holding a license.

The information about criminal record restrictions is followed by a citation to the statute containing the restriction. If the statute imposes a different restriction for people who are

applying for the license, as opposed to those who are convicted of crimes once they hold a license, then the column explains that distinction as well.

The fourth column describes the circumstances under which a bar may (or in some cases, must) be lifted, such as after passage of a certain amount of time, at the discretion of the licensing agency, or upon receipt of a pardon.

The fifth column, "Related Restrictions or Requirements," lists information about restrictions or requirements that may not bar an individual with a criminal record from licensure but are likely to have some bearing on whether the licensure or certification will be issued. The most common example is a "Good Moral Character" requirement. For example, applicants for licenses issued by the State Education Department, which is responsible for issuing licenses for such medical occupations as nursing, ophthalmic dispensing, and occupational therapy and certifications for, among others, the fields of psychology, teaching, social work, and shorthand reporting, must show good moral character.

The fifth column also states whether the applicant for licensure must be fingerprinted or bonded. Fingerprints are usually used to request a copy of the applicant's Criminal History Record from the State Division of Criminal Justice Services (DCJS). If the applicant is required to be bonded, the bonding agency will probably inquire into criminal records and have access to the DCJS file. Thus, even though there may be no specific criminal record restrictions listed for a particular license, other requirements or restrictions may affect an individual with a criminal record's application for licensure.

If an applicant is denied a license based on a criminal record, s/he may appeal the decision in one of several ways. Some licensing statutes have specific provisions for hearings, written appeals or court proceedings that an applicant may pursue. Those provisions are listed in the fifth column, "Appeal Procedures." Many licensing statutes do not specifically provide for appeals. "N/A" indicates that no statute directly specifies procedures for appealing the denial of that particular license. This does not mean, however, that the applicant is without recourse. An arbitrary denial of licensure based on criminal history may usually be challenged in a court proceeding brought under Article 78 of the Civil Practice Law and Rules (CPLR). This type of proceeding usually requires the assistance of legal counsel.

For further information about a particular license, consult the issuing agency.

The study does *not* include a complete survey of State and City Civil Service positions or of municipal licenses. Nor does it include criminal record bars imposed in certain industries, such as the home health care or trucking industries. These bars may apply even to individuals with a license to work in that industry.

About the Legal Action Center

The Legal Action Center is a non-profit, public interest organization whose primary purpose is to combat discrimination based on a person's criminal record, history of drug or alcohol abuse, or HIV status. The Center does this by educating individuals, their counselors, and employers that such discrimination is illegal and by providing legal representation as well as policy advocacy.

For individuals with criminal records living in New York State, the Center provides advice about their rights and assists them to develop job-seeking strategies, helps them "clean up" their criminal records and obtain Certificates of Relief and Good Conduct, and provides legal representation to challenge illegal denial or termination of employment and licensure. The Center has helped many individuals obtain licenses as taxi drivers, social workers, nurses, doctors, insurance agents, locksmiths and teachers. The Center's staff also helps those who have suffered discrimination in areas such as medical care, housing, insurance, and access to government benefits.

The Center also provides services to organizations that work with individuals with criminal records, drug and alcohol problems and HIV/AIDS, including training, technical assistance, and representation on issues relating to discrimination and to the confidentiality of alcohol and drug abuse treatment records and HIV-related information.

The Center has a variety of publications for both counselors and clients about the rights of individuals with criminal records, drug and alcohol problems, and HIV/AIDS. The Center also plays a leading role in addressing public policy issues that are important to these communities.

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OCCUPATION	AGENCY	CRIMINAL RECORD RESTRICTIONS	REMOVAL OF CRIMINAL RECORD RESTRICTIONS	RELATED RESTRICTIONS	RIGHTS AND APPEAL PROCEDURES
1. Accountant	State Ed Dept	None		Good moral character, ADBD -CPA: <u>Educ L</u> 7404(1)(7) -Public: <u>Educ L</u> 7405(3) *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
2. Acupuncturist	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §6506 *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
3. Aircraft Operator	Federal Aviation Administration	Drug-related conviction renders one ineligible for license for 1 year and is grounds for suspension or revocation. Title 14 CFR 61.15	Become eligible for license one year after drug related offense. Title 14 CFR 61.15	Must have federal license <u>GBL</u> 241	N/A
4. Alcoholic Beverage Wholesaler/Manufacturer/Retailer	State Liquor Authority	Mandatory bar for felonies and specific misdemeanors for licenses & employees. Applicant must disclose whether spouse has been convicted of crimes listed in §126. <u>ABCL</u> 110, 126, 3, 102	Bar for employees may be lifted by SLA permission, for employees & all others by pardon, C/GC, or C/R.	Fingerprinting Bonding Must disclose any pending criminal charges or convictions against applicant or applicant's spouse unless acquitted, dismissed, pardoned, C/GC, or C/R <u>ABCL</u> 110	Apply for hearing & review of denial of application by SLA to SLA. Subject to review by Supreme Ct. <u>ABCL</u> 121, 54
5. Ambulance Driver	<u>SEE</u> EMERGENCY MEDICAL TECHNICIAN				
6. Animal Health Permit	Dept of Agri & Mkts	Discretionary– application <i>may</i> be denied or revoked if convicted of a felony. <u>A&ML</u> 90-e		Good character and responsibility, ADBC <u>A&ML</u> 90-d	Notice and hearing <u>A&ML</u> 90-e

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7. Architect	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §7304 *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
8. Attorney	Committee on Character & Fitness of Applicants for Admission to the Bar	None		Good moral character <u>CPLR</u> §9404	N/A Must obtain permission from appellate division in which had filed in order to refile application. <u>CPLR</u> §9405
9. Baby Chick Seller	Dept of Agri & Mkts	None		None <u>A&ML</u> §175-n	N/A
10. Bail Bondsman (sic)	State Ins Dept	Mandatory– applicant <i>must</i> not have been convicted of any offense involving moral turpitude or of any crime. <u>Ins L</u> §6802(g)		Fingerprinting Good character & reputation Bonding <u>Ins L</u> §6802(g)	Art. 78 <u>CPLR</u> <u>Ins L</u> §2124
11. Barber	Dept of State	Discretionary– license <i>may</i> be suspended or revoked for one year if convicted of crime or offense involving moral turpitude or for habitual substance abuse. <u>GBL</u> §441	N/A	Good moral character <u>GBL</u> §434(B)	Revocation hearing
12. Barber Shop Owner	Dept of State	Discretionary– license <i>may</i> be suspended or revoked for one year if convicted of crime or offense involving moral turpitude or for habitual substance abuse. <u>GBL</u> §441		Good moral character <u>GBL</u> §438(3)	Revocation hearing

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13. Beer Brewer/ Wholesaler	<u>SEE</u> ALCOHOLIC BEVERAGE WHOLESALE				
14. Bingo Distributor/ Operator	State Racing & Wagering Bd NYC: Consumer Affairs	Bar for conviction of any crime. <u>Exec L</u> §435(2)(c)(1)	Bar may be lifted by pardon, C/GC, or C/R <u>Exec L</u> §435(2)(c)(1)	Good moral character No one who has been a professional gambler or gambling promoter <u>Exec L</u> §435(2)(c)(2)	Appeal to State Bingo Control Commission <u>Exec L</u> §435(1)(d)
15. Blasters (also: Lasers, Radiation & Crane Ops.)	Dept of Labor NYC: Fire Dept	None		May require: Bonding Fingerprinting <u>GBL</u> §483	N/A
16. Boxer/Wrestler	State Athletic Commission of Dept of State	Discretionary– <i>may</i> refuse to issue or revoke if convicted of a crime or if consorting with anyone convicted of a crime. <u>Uncon L</u> §8917		Fingerprinting <u>Uncon L</u> §8911 Character & fitness <u>Uncon L</u> §8912	N/A
17. Boxing/Wrestling: License to ALL Direct or Indirect Participants	<u>SEE</u> BOXER/ WRESTLER				N/A
18. Bus Driver	Dept. of Motor Vehicles	Mandatory– felony bar for certain sex offenses and for certain vehicular offenses. <u>V&T L</u> §509-C	Bar may be waived if 5 years since release from sentence and (in case of felony) a C/R. <u>V&T L</u> §509-C	None	Art. 78 <u>CPLR</u> <u>V&T L</u> §263
19. Chauffeur	<u>SEE</u> TAXI DRIVER				

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20. Check Cashier	State Banking Dept	Discretionary– <i>may</i> be refused if convicted of a crime or if consorting with anyone who has been convicted of a crime. Mandatory– <i>must</i> not have been convicted of a felony. <u>Banking L</u> §369(6)	Both bars may be lifted by reversal of conviction, pardon or C/GC. <u>Banking L</u> §369(6)	Character & fitness <u>Banking L</u> §369(1)	N/A
21. Chiropractor	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §6554(7) *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
22. Civil Service Employee of NYC	NYC Dept of Citywide Admin Services	None		Satisfactory character and reputation <u>NYC Civil Service Rules & Regulations</u> §3.2.6	
23. Commercial Feed Mfr/Distributor	Dept of Agri & Mkts	Discretionary– <i>may</i> be denied or revoked if convicted of felony, without subsequent pardon by the governor or other appropriate authority in the state or jurisdiction of the conduct or without a certificate of good conduct <u>A&M L</u> §129	Bar may be lifted by pardon or by C/GC. <u>A&M L</u> §129	Character & responsibility <u>A&M L</u> §129	Notice and hearing Art 78 <u>CPLR</u> <u>A&M L</u> §129-a
24. Controlled Substance Mfr/Dist.	Dept of Health	None	N/A	Must submit affidavit if ever convicted of drug offense. <u>PHL</u> §3312(2)(b) Good moral character <u>PHL</u> §3312(1)(a)	Within 30 days of denial of license may submit additional info or demand hearing <u>PHL</u> §3313(2)
25. Cosmetologist	<u>SEE HAIRDRESSER</u>				

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26. Dental Hygienist	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §6609(7) *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
27. Dentist	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §6604(7) *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
28. Deputy Sheriff	County Supervisor's Office	None		Fingerprinting <u>County L</u> §652(4)	N/A
29. Dietician	State Ed Dept	None <u>Educ L</u> §8004		None <u>Educ L</u> §8004	N/A
30. Disposal Plant or Transportation Service Operator	Dept of Agri & Mkts	Discretionary– <i>may</i> be barred, suspended or revoked if convicted of a felony. <u>A&M L</u> §96-z-3	Bar may be lifted by pardon or C/GC. <u>A&M L</u> §96-z-3	Character, ADBC <u>A&M L</u> §96-z-2	Notice and hearing Review if requested w/in 30 days of denial according to Art. 78 <u>CPLR</u> . <u>A&M L</u> §96-z-4
31. Dog Owner	Dept of Agri & Mkts	None		None <u>A&M L</u> §109	N/A
32. Dry Milk Importer	Dept of Agri & Mkts	None <u>A&M L</u> §258dd		Registration 1 <u>NYCRR</u> 13.2	N/A
33. Licensed Electrician	Dept of Buildings	Discretionary– <i>may</i> be suspended or revoked if convicted of a crime <u>NYC Admin Code</u> §27-3016(1)(vii)		Good moral character <u>NYC Admin Code</u> §27-3010	Notice & revocation hearing <u>NYC Admin Code</u> §27-3016(i)
34. Embalmer	<u>SEE FUNERAL DIRECTOR</u>				

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35. Emergency Medical Technician	State Emergency Medical Services Council	Mandatory bar for (i) certain felonies (e.g. murder, manslaughter, theft, drug offenses, robbery, fraud, assault, sexual abuse) and (ii) embezzlement. <u>PHL §3005(8)</u>	Bar waived if conviction does not demonstrate present danger. <u>PHL §3005(8)</u>	None <u>PHL §3005(5)</u>	N/A
36. Employment Agency Operator	Dept of Labor NYC: Consumer Affairs	None		Good moral character Fingerprinting <u>GBL §173, 174</u>	N/A
37. Engineer	State Ed Dept	None		Good moral character, ADBD <u>Educ L §7206</u> *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR 28</u>
38. Explosives Handler	Commissioner of Dept of Labor	Discretionary– <i>may</i> be denied or revoked if convicted of crime for which sentenced to serve one or more years in prison. <u>Labor L §459(1)</u>		Not confined as patient or inmate in institution for treatment of mental diseases Reliable Fingerprinting (may be waived if applicant has gun license) <u>Labor L §458(4) &(7), §459(1)</u>	Hearing <u>Labor L §459.3</u>
39. Farm Labor Contractor	Div of Labor Standards of Dept of Labor	Discretionary– <i>may</i> be denied or revoked if convicted of any crime or offense, except traffic violations. <u>Labor L §212-a</u>		Fingerprinting <u>Labor L §212-a</u>	Hearing <u>Labor L §212-a</u>
40. Farm Products Dealer	Dept of Agri & Mkts	None		Good character Bonding <u>A&M L 248</u>	Art 78 <u>CPLR A&M L §250-h</u>
41. Fertilizer Distributor	Dept of Agri & Mkts	None		None <u>A&M L §146</u>	N/A

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42. Firearms Carrier	Licensing Officer of City	Mandatory denial of applicant for felony and serious offenses. <u>PL</u> §400.00 Mandatory– automatic revocation if convicted of felony or serious offense while licensed. <u>PL</u> §400.00	N/A	Good moral character and never been confined to mental hospital or have history of mental illness. Fingerprinting <u>PL</u> §400.00	N/A
43. Firefighter	Fire Dept	Mandatory felony bar for applicants <u>NYC Admin Code</u> §15-103 Discretionary discipline or removal for conviction of any legal offense, conduct injurious to public peace or welfare, or immoral conduct, ADBC. <u>NYC Admin Code</u> §15-113	N/A	None	Right to public examination of charges for dismissal <u>NYC Admin Code</u> §15-113
44. Food Processing Plant Operator	Dept of Agri & Mkts	Discretionary– <i>may</i> be denied or revoked if convicted of a felony. <u>A&M L</u> §251-z-5(7)	N/A	Good character Bonding <u>A&M L</u> §251-z-3	Art 78 <u>CPLR</u> <u>A&M L</u> §251-z-6
45. Food Salvager	Dept of Agri & Mkts	Discretionary– <i>may</i> be denied, revoked or suspended if convicted of a crime. <u>A&M L</u> §220		Good character, ADBC <u>A&M L</u> §219	Art 78 <u>CPLR</u> <u>A&M L</u> §221
46. Frozen Dessert	Dept of Agri & Mkts	None		Character and experience <u>A&M L</u> §71-d	Art 78 <u>CPLR</u> <u>A&M L</u> §71-f
47. Funeral Director	Dept of Health	None for applicants Discretionary– <i>may</i> be revoked for conviction for crime. Automatically revoked for conviction of a felony. <u>PHL</u> §3450	License may be restored if granted a pardon or C/GC. <u>PHL</u> §3454	May be revoked for habitual drunkenness or addiction to narcotics. <u>PHL</u> §3450	Hearing <u>PHL</u> §3451 Art. 78 <u>CPLR</u>

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48. Furniture & Bedding Manufacturing	Dept of State	None		None <u>GBL</u> §388	N/A
49. Harbor Pilot	State Bd of Commissioners of Pilots	None		Good moral character & temperate habits <u>Nav L</u> §92	N/A
50. Hairdresser	Dept of State	None for applicants License <i>may</i> be revoked if convicted of any crime or offense involving moral turpitude or for habitual substance abuse. <u>GBL</u> §411		Freedom from infectious or communicable disease. Good moral character <u>GBL</u> §411	Revocation hearing & Denial hearing <u>GBL</u> §411
51. Hearing Aid Dealer	Dept of State	Revocation/suspension for conviction of any crime related to duties of the job.		Good character, reputation, & fitness <u>GBL</u> §790	May request hearing if denied. <u>GBL</u> §800
52. Horse Racing	State Racing & Wagering Bd	Discretionary– <i>may</i> be denied or revoked if convicted of a crime or for consorting with anyone convicted of a crime. <u>RPMWBL</u> §213(2)		Character and general fitness <u>RPMWBL</u> §213(2)	N/A
53. Insurance Securities Salesperson	State Ins Dept	None		Public interest <u>Ins L</u> §1204	Hearing <u>Ins L</u> §2103 Art 78 <u>CPLR</u> <u>Ins L</u> §2124
54. Insurance & Savings Bank Officers & Employees	State Ins Dept	None		Trustworthy and competent <u>Ins L</u> §2202(2)	Hearing <u>Ins L</u> §2103 Art 78 <u>CPLR</u> <u>Ins L</u> §2124

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55. Inspectors & Investigators for Dept of Agri	Dept of Agri & Mkts	None		Fingerprinting <u>A&M L</u> §11	N/A
56. Jockey	<u>SEE HORSE RACING PERSONNEL</u>				
57. Junk Dealer	Mayor's Office of City	Mandatory– applicant <i>must</i> not have been convicted of larceny or knowingly receiving stolen property. <u>GBL</u> §61	None	None	N/A
58. Land Surveyor	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §7206-a(7) *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
59. Liming Materials Seller	Dept of Agri & Mkts	None		None <u>A&M L</u> §142ee	Art 78 <u>CPLR</u> <u>A&M L</u> §142ee
60. Long-Shoreman (sic)	Waterfront Commission	Discretionary– registration <i>may</i> be denied or revoked if convicted of treason, murder, manslaughter, or of any felony or high misdemeanor. <u>Uncon L</u> §9829	Bar may be lifted by pardon. <u>Uncon L</u> §9829	None	Hearing <u>Uncon L</u> §9845
61. Masseur/Masseuse	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §7804(6) *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
62. Melloream Mftr	Dept of Agri & Mkts	None		None <u>A&M L</u> §50-g	N/A

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63. Midwife	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §6955 *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
64. Migrant Farm Worker	SEE FARM LABOR CONTRACTOR				
65. Milk Dealer	Dept of Agri & Mkts	Discretionary– <i>may</i> be denied, revoked or suspended if convicted of a felony. <u>A&ML</u> § 258-c(i)		Good character (No) acts injurious to public health Bonding <u>A&ML</u> §258-c	Notice and hearing <u>A&ML</u> §258-c Art 78 <u>CPLR</u> <u>A&ML</u> §258-d
66. Milk Tester/Weigher/ Grader	Dept of Agri & Mkts	None		Good moral character <u>A&ML</u> §57-a	N/A
67. Money Lender	State Banking Dept	None		Good character & general fitness <u>Banking L</u> §342	N/A
68. Money Transmitter	State Banking Dept	None		Good character & general fitness <u>Banking L</u> §642	Hearing <u>Banking L</u> §642
69. Notary Public	Dept of State	Mandatory– felony and specific misdemeanor (e.g. drug offenses) bars for applicants. <u>Exec L</u> §130		Good moral character <u>Banking L</u> §130 <u>Exec L</u> § 130	N/A
70. Nurse	State Ed Dept	None		Good moral character, ADBD -RN: <u>Educ L</u> §6905 -LPN: <u>Educ L</u> §6906 *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28

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71. Nursery (Trees) Stock Seller	Dept of Agri & Mkts	None		None <u>A&M L</u> §163-a	N/A
72. Nutritionist	<u>SEE DIETICIAN</u>				
73. Occupational Therapist	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §7904 *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
74. Ophthalmic Dispenser	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §7124 *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
75. Optometrist	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §7104 *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
76. Pawn Broker	Mayor's Office or local licensing authority	None		Good character Bonding <u>GBL</u> §41	N/A
77. Pharmacist	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §6805 *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28

OCCUPATION	AGENCY	CRIMINAL RECORD RESTRICTIONS	REMOVAL OF CRIMINAL RECORD RESTRICTIONS	RELATED RESTRICTIONS	RIGHTS AND APPEAL PROCEDURES
78. Physical Therapist	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §6734 *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
79. Physician	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §6524 *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
80. Physician's Assistant	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §6541 *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
81. Pier Superintendent/ Hiring Agent	Waterfront Commission	Mandatory– felony and specific misdemeanor (e.g. drug offenses) bar for applicants. <u>Uncon L</u> §9814 Discretionary– revocation for (i) conviction of felony or specific misdemeanor (e.g. drug offense) (ii) consorting with anyone convicted of such an offense or (iii) drug addiction or distribution. <u>Uncon L</u> §9818	Bar may be lifted if applicant has 5 years good conduct or by pardon. <u>Uncon L</u> §9814	Good character and integrity <u>Uncon L</u> §9814	Hearing <u>Uncon L</u> §9845
82. Plant/Soil Inoculant Seller	Dept of Agri & Mkts	None		None <u>A&M L</u> §147-b	Art 78 <u>CPLR</u> <u>A&M L</u> §147-g

OCCUPATION	AGENCY	CRIMINAL RECORD RESTRICTIONS	REMOVAL OF CRIMINAL RECORD RESTRICTIONS	RELATED RESTRICTIONS	RIGHTS AND APPEAL PROCEDURES
83. Licensed Plumber	Dept of Buildings	None		Good moral character <u>NYC Admin Code</u> §26-133 Revocation for poor moral character that adversely reflects on fitness to conduct plumbing business <u>NYC Admin Code</u> §26-151	Revocation hearing <u>NYC Admin Code</u> §26-151
84. Podiatrist	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §7004 *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
85. Police Officer	Police Dept	Mandatory– permanent felony bar <u>NYC Admin Code</u> §14-109		None	N/A
86. Private Investigator (and employees)	Dept of State	Mandatory– felony and specific misdemeanor bar (e.g. drug offenses, buying/receiving/possessing stolen property, unlawful entry) for applicants. <u>GBL</u> §74 License suspended if convicted of crime. <u>GBL</u> §74	Bar may be lifted by pardon or C/GC. <u>GBL</u> §74	Bonding Fingerprinting Good character, competency, honesty and integrity Criminal history investigated <u>GBL</u> §§72, 81, 74	Hearing <u>GBL</u> §79
87. Psychologist	Dept of State	None		Good moral character, ADBD <u>Educ L</u> §7603 *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
88. Public Adjuster	State Ins Dept	Mandatory– felony and specific misdemeanor bar for convictions involving fraudulent or dishonest practices. <u>Ins L</u> §2108(d)(3)&(4)	Bar may be lifted by pardon or C/GC. <u>Ins L</u> §2108(d)(3)&(4)	Trustworthy and competent Fingerprinting <u>Ins L</u> §2107, 2108(d)(2)&(5)	Hearing <u>Ins L</u> §2108 Art 78 <u>CPLR</u> <u>Ins L</u> §2124

OCCUPATION	AGENCY	CRIMINAL RECORD RESTRICTIONS	REMOVAL OF CRIMINAL RECORD RESTRICTIONS	RELATED RESTRICTIONS	RIGHTS AND APPEAL PROCEDURES
89. Race Track Worker	SEE HORSE RACING PERSONNEL				
90. Radiologist	Bureau of Environmental Radiation Protection	Suspension/revocation if guilty of crime involving moral turpitude Forfeiture of license if convicted of any crime considered a felony in New York <u>PHL</u> § 3510	Forfeiture may be lifted by pardon or C/GC <u>PHL</u> § 3510	Good moral character <u>PHL</u> §3505	Hearing <u>PHL</u> § 3511 Art 78 <u>CPLR</u>
91. Real Estate Broker/ Salesperson	Secretary of State	Mandatory– <i>must</i> not have been convicted of a felony. <u>Real Prop L</u> §440-a	Bar may be lifted by pardon or C/GC. <u>Real Prop L</u> §440-a	Trustworthiness <u>Real Prop L</u> §441	Hearing <u>Real Prop L</u> §441-e Art 78 <u>CPLR</u> <u>Real Prop L</u> §441-f
92. Refrigerator Warehouse and/or Locker Plant Operator	Dept of Agri & Mkts	None		Good character, fiscal responsibility & competency ADBC <u>A&M L</u> §231	Art 78 <u>CPLR</u> <u>A&M L</u> §232
93. Sanitation Worker	Sanitation Dept	Discretionary– <i>may</i> be punished or dismissed for conviction of any legal offense, conduct injurious to public peace or welfare, or immoral conduct, ADBC <u>NYC Admin Code</u> § 16-106		None	Opportunity to give explanation before punishment meted out. <u>NYC Admin Code</u> § 16-106
94. Scrap Processor	Mayor’s Office	None		None <u>GBL</u> §69-f	N/A
95. Securities Broker Dealer Salesperson	Dept of Law	None		Must disclose criminal record. <u>GBL</u> §359-e(3)(a)(b) Fingerprinting <u>GBL</u> §359-e(12)	N/A

OCCUPATION	AGENCY	CRIMINAL RECORD RESTRICTIONS	REMOVAL OF CRIMINAL RECORD RESTRICTIONS	RELATED RESTRICTIONS	RIGHTS AND APPEAL PROCEDURES
96. Security Guard	<u>SEE PRIVATE INVESTIGATOR</u>				
97. Shorthand Reporter (Certified)	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §7504(7) *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
98. Social Worker (Certified)	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §7704(7) *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
99. Speech Pathologist	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> 8206 *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
100. Stevedore	Waterfront Commission	SAME AS PIER SUPERINTENDENT. <u>Uncon L</u> §9821		Good character & integrity <u>Uncon L</u> §9821	Hearing <u>Uncon L</u> §9845
101. Taxi Driver	Dept of Motor Vehicles	Same as for drivers licenses generally. Mandatory revocation for convictions for certain vehicular offenses. Mandatory suspension for convictions for certain drug-related felonies and misdemeanors and for assault against traffic enforcement agent. Permissive suspension and revocation for any felony conviction. <u>V&T L</u> §510		Permissive suspensions for intoxication or use of drugs and for commitment to institution under jurisdiction of Dept of Mental Hygiene <u>V&T L</u> 510 Good moral character Fingerprinting No drug or alcohol addiction <u>NYC Admin Code</u> §19-505	Art 78 <u>CPLR</u> <u>V&T L</u> §263 Revocation hearing for city license <u>NYC Admin Code</u> §19-505(L)

OCCUPATION	AGENCY	CRIMINAL RECORD RESTRICTIONS	REMOVAL OF CRIMINAL RECORD RESTRICTIONS	RELATED RESTRICTIONS	RIGHTS AND APPEAL PROCEDURES
102. Teacher	State Dept of Ed	None		Good moral character, ADBD Fingerprinting <u>Educ L</u> §§ 3012, 3020, 2590-h(20).	Hearing <u>Educ L</u> §2590-g
103. Theatre Ticket Reseller	City or County Licensing Commission	None		Good moral character <u>ACA L</u> §25.03 Bonding <u>ACA L</u> §25.07	N/A
104. Truck Driver	Dept of Motor Vehicles	Must report once per year all convictions for violations of vehicle laws & ordinances other than those involving parking. <u>V&T L</u> §509-t		None	Art. 78 <u>CPLR</u> <u>V&T L</u> §263
105. Undertaker	<u>SEE FUNERAL DIRECTOR</u>				
106. Veterinarian	State Ed Dept	None		Good moral character, ADBD <u>Educ L</u> §6704 *Any information about criminal record referred to OPD for investigation and determination.	Hearing Written appeal 8 <u>NYCRR</u> 28
107. Weighmaster	Dept of Agri & Mkts	None		Good character <u>A&M L</u> §195	Hearing <u>A&M L</u> §195
108. X-Ray Technician and X-Ray Therapy Technician	<u>SEE RADIOLOGIST</u>				

APPENDIX A - ABBREVIATIONS

ABCL	Alcoholic Beverage Control Law
ACA L	Arts and Cultural Affairs Law
ADBC	As Determined by Commissioner
ADBD	As Determined by Department
A&M L	Agriculture and Markets Law
CFR	Code of Federal Regulations
C/GC	Certificate of Good Conduct
Cor L	Correction Law
CPA	Certified Public Accounting
CPLR	Civil Practice Law and Rules
C/R	Certificate of Relief from Disabilities
Educ L	Education Law
Exec L	Executive Law
GBL	General Business Law
Ins L	Insurance Law
LPN	Licensed Practical Nurse
N/A	No Applicable Statute
NYCRR	New York Code of Rules and Regulations
OPD	Office of Professional Discipline
PHL	Public Health Law
PL	Penal Law
RN	Registered Nurse
RPMWBL	Racing, Pari-Mutual Wagering, and Breeding Law
Uncon L	Unconsolidated Laws
V&T L	Vehicle and Traffic Law

APPENDIX B

ISSUING AGENCIES

Dept. of Citywide Administrative
Services
Municipal Building
1 Centre Street, 17th Fl.
NY, NY 10007
(212) 669-7000

Committee on Character and Fitness of
Applicants for Admission
to the Bar, First Judicial Dept.
60 Madison Avenue
NY, NY 10010
(212) 779-1779

Consumer Affairs Dept.
42 Broadway, 5th Floor
NY, NY 10004
(212) 487-4436

Dept. of Agriculture and Markets
10 Airline Drive
Albany, NY 12235
(518) 457-3136
In NYC:
55 Hanson Place
Brooklyn, NY 11217-1583
(718) 722-2877

Dept. of Buildings
280 Broadway, 3rd Fl
NY, NY 10007
(212) 566-5000
(212) 566-4769

Bureau of Environmental Radiation
Protection
547 River St.
Flanigan Sq., Rm 530
Troy, NY 12180
(800) 458-1158 ext. 27580

Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591
(202) 426-3111

Fire Department
9 Metrotech Center
Brooklyn, NY 11201
(718) 999-2000

Police Dept.
1 Police Plaza, Rm 1320
NY, NY 10038
(646) 610-5000

State Athletic Commission
123 William Street, 20th Floor
NY, NY 10038
(212) 417-5700

State Banking Dept.
5 Empire Plaza, Suite 2310
Albany, NY 12223
(518) 474-2364
In NYC:
One State Street
NY, NY 10004
(877) BANK-NYS

State Board of Commissioners of Pilots
17 Battery Place
NY, NY 10004
(212) 425-5027

Dept. of Health
Nelson Rockefeller Empire State Plaza
Albany, NY 12237
(518) 474-7354

Dept. of Health, cont'd:
In NYC:
90 Church Street
NY, NY 10007
(212) 417-5000

Dept. of Labor
Division of Labor Standards
345 Hudson Street
NY, NY 10014
(212) 352-6700

Dept. of Law
Capitol Bldg.
Albany, NY 12224
In NYC:
100 Church St
NY, NY 10007

Dept. of Motor Vehicles
6 Empire State Plaza
Albany, NY 12228
In NYC:
141 Worth Street
NY, NY 10013
(212) 645-5550

Dept. of Sanitation
125 Worth Street
NY, NY 10013
(212) 219-8090

Dept. of State
Division of Licensing Services
84 Holland Avenue
Albany, NY 12208-3490
In NYC:
123 William St.
NY, NY 10038
(212) 417-5724

State Education Dept., cont'd:
89 Washington Avenue
Albany, NY 12234
(518) 474-3901

State Emergency Medical Services
Council
One Fulton St.
Troy, NY 12180
(518) 408-5318

State Insurance Dept.
One Commerce Plaza
Albany, NY 12257
(518) 474-6630
In NYC:
25 Beaver Street
NY, NY 10004
(212) 480-2301

State Liquor Authority
84 Holland Avenue
Albany, NY 12208
(518) 474-4327
In NYC:
11 Park Place
NY, NY 10007
(212) 417-4002

State Racing and Wagering Board
1 Watervliet Ave., Ext. Suite 2
Albany, NY 12206
(518) 453-8460
In NYC:
86 Chambers St.
NY, NY 10007
(212) 417-2103

Waterfront Commission
39 Broadway, 4th Fl
NY, NY 10004
(212) 742-9280