

21 NCAC 29 .0402 ESTABLISHMENT OF MORAL AND ETHICAL CHARACTER

(a) Falsification or concealment of facts relating to employment, military service, criminal conviction, court-martial, or age shall be grounds for license denial, revocation, or suspension.

(b) Applicants with criminal histories from any jurisdiction shall be categorized according to the seriousness of the offense. The category shall be determined by the most serious offense.

(c) These categories are as follows:

- (1) Category I. This Category consists of all Class A and B felonies.
- (2) Category II. This Category consists of all felonies of Classes C-F.
- (3) Category III. This Category consists of all felonies of Classes G or lesser, and all misdemeanors of Classes A1 and 1. Three or more Category III convictions (committed as separate incidents) shall be reclassified as a Category II offense.
- (4) Category IV. This Category consists of misdemeanors of Classes 2 and 3. Three or more Category IV convictions (committed as separate incidents) shall be reclassified as a Category III offense.

(d) The Board shall determine if the conviction is related to the duties and responsibilities of a locksmith or bears on an applicant's fitness for licensure to practice locksmithing. In order to make this determination, the Board shall consider the following factors:

- (1) The nature and seriousness of the crime;
- (2) The relationship of the crime to the purposes for requiring a license as a locksmith;
- (3) The extent to which a license might offer an opportunity to engage in further criminal activity of the same type; and
- (4) The relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of a licensed locksmith.

(e) If the Board determines that the conviction does not relate to the duties and responsibilities of a locksmith, the Board shall process the application according to standard procedures.

(f) If the Board determines that the conviction relates to the duties and responsibilities of a locksmith, the Board shall evaluate the present fitness of the individual to provide locksmith services.

(g) The Board shall use the following guidelines in evaluating an individual's present fitness:

- (1) An applicant with a Category I conviction may be ineligible for licensure, in accordance with the factors set forth in G.S. 74F-18(c). A licensed locksmith with a Category I conviction may be subject to revocation of license pursuant to G.S. 150B-3, as set forth in G.S. 74F-15.
- (2) An applicant with a Category II conviction shall have at least 12 years since the applicant has completed all aspects of his or her sentence received as a result of the last Category II conviction to be eligible for licensure. A licensed locksmith convicted of a Category II offense may be subject to immediate license revocation, following administrative procedures pursuant to G.S. 150B-3.
- (3) An applicant with a Category III conviction shall have at least seven years since the applicant has completed all aspects of his or her sentence received as a result of the last Category III conviction to be eligible for licensure. A licensed locksmith convicted of a Category III offense may be subject to immediate license revocation, following administrative procedures pursuant to G.S. 150B-3.
- (4) An applicant with a Category IV conviction shall have at least three years since the applicant has completed all aspects of his or her sentence received as a result of the last Category IV conviction to be eligible for licensure. A licensed locksmith convicted of a Category IV offense may be subject to immediate license revocation, following administrative procedures pursuant to G.S. 150B-3.

(h) The Board shall consider the following factors in the application or submitted supplementary by the applicant in determining the present fitness of a person who has been convicted of a crime that relates to the duties and responsibilities of a locksmith:

- (1) The age of the applicant at the time each crime was committed and the date of the application;
- (2) The conduct and work history of the person before and after the criminal conviction;
- (3) Evidence of the person's rehabilitation efforts and outcome, provided by the court and healthcare professionals;
- (4) The extent and nature of the past criminal history;
- (5) Two letters of recommendation from licensed locksmiths; and
- (6) Other evidence of fitness, such as a psychological test, mental health status report or substance abuse assessment.

(i) If the person's criminal activity is related to chemical dependency, the Board shall also consider the person's efforts and success in achieving and maintaining recovery. Applicants with a self-reported history of chemical dependency shall demonstrate evidence of treatment or rehabilitation and a minimum of two years of sustained sobriety.

(j) An individual whose application is denied or whose license is suspended or revoked may request a hearing under the procedures established in of G.S. 150B, Article 3A.

*History Note: Authority G.S. 74F-6; 74F-7; 74F-15; 74F-18;
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