

4101:16-2-02. Application procedures for licensing examination and results.

NEW

- (A) **Application** - Any individual who desires to take the examination for a specialty contractor's license issued pursuant to Chapter 4740. of the Revised Code shall file a completed written application with the appropriate specialty section. The application shall be on a form prescribed and furnished by the appropriate specialty section. A fee of twenty-five dollars must be submitted with the application. The application must be notarized and filed with the secretary of the board.
- (B) **Additional Information** - An appropriate specialty section may decide, upon a majority vote of the section, that additional information, records, or documentation is needed in order to determine the qualifications of the applicant. Upon that determination, the chairperson of the appropriate specialty section may direct the board's secretary to request the applicant provide additional information in a manner the section deems appropriate.
- (C) **Conditional approval pending criminal records check** – Upon approval of the applicant's qualifications, the appropriate specialty section shall notify the applicant in writing that the applicant has been approved to take the examination pending the receipt of successful criminal background checks. The notice shall instruct the applicant how to submit to criminal background tests in accordance with this rule and section 4776.03 of the Revised Code.
- (D) **Criminal records check** - An applicant for a license who has been referred to the administrative section shall submit a request to the bureau of criminal identification and investigation for a criminal records check of the applicant. The request shall be accompanied by a completed form prescribed under division (C)(1) of section 109.572 of the Revised Code, a set of fingerprint impressions obtained as described in division (C)(2) of section 109.572 of the Revised Code, and the fee prescribed under division (C)(3) of section 109.572 of the Revised Code. The applicant shall request the bureau of criminal identification and investigation to obtain from the federal bureau of investigation any information pertaining to the applicant. An applicant requesting a criminal records check shall provide the bureau of criminal identification and investigation with the applicant's name and address and with the Ohio construction industry licensing board's name and address. Upon completion of the criminal records check, the bureau shall send the results of the check to the board.
- (E) Upon receipt of the criminal background check, the administrative section of the board shall determine whether the applicant has been convicted of a crime involving moral turpitude as its is defined in section 4776.10 of the Revised Code. No applicant may be approved for licensure if he or she has been convicted of a crime involving moral turpitude;
- (F) Upon receipt of the criminal background check, the administrative section of the board shall determine whether the applicant has been convicted of any disqualifying offense, as that term is defined in section 4776.10 of the Revised Code. No applicant may be approved for licensure if he or she has been convicted of a disqualifying offense. Disqualifying offenses must bear a direct nexus to the employment sought, as determined by the administrative section of the board. Disqualifying offenses include, but are not limited to:
- (1) Forgery (section 2913.31 of the Revised Code);
 - (2) Trademark Counterfeiting (section 2913.34 of the Revised Code);

- (3) Fraud (sections 2913.40, 2913.42, 2913.45, 2913.47, 2913.48, or 2913.49 of the Revised Code)
 - (4) Receiving Stolen Property (section 2913.51 of the Revised Code);
 - (5) Bribery (section 2929.02 of the Revised Code);
 - (6) Theft in Office (section 2921.41 of the Revised Code);
 - (7) Having an Unlawful Interest in a Public Contract (section 2921.42 of the Revised Code);
 - (8) Soliciting or Accepting Improper Compensation (section 2921.43 of the Revised Code);
 - (9) Engaging in a Pattern of Corrupt Activity (section 2929.32 of the Revised Code);
 - (10) Money Laundering (section 1315.55(A) of the Revised Code);
 - (11) Criminal negligence (section 2901.21 of the Revised Code).
- (G) **Approval for examination** – Upon the receipt of an acceptable criminal records check, the appropriate specialty section shall notify the applicant in writing of its approval to take the examination for a contractor's license. The notification shall include a schedule of test dates and information pertaining to the testing agency authorized to administer the test. The notification shall be sent to the applicant in such a manner that the applicant will receive the notification within a reasonable time prior to the scheduled date of the examination.
- (H) **Testing agency registration** - An applicant, upon notification by the appropriate specialty section of the approval of the application, shall register to take the examination with the approved testing agency designated on the notification. The approved testing agency shall be responsible for all costs associated with the design, preparation, administration, and scoring of the examination. The approved testing agency may charge a fee to the applicant for those expenses associated with the examination as approved by the administrative section or set forth in contract. The approved testing agency shall notify the appropriate specialty section of the results of the examination.
- (I) **Issuance of License** – Upon receiving a passing score on the licensing examination, the applicant shall forward the required license fee to the appropriate specialty section. Upon receiving notice that the applicant received a passing score and upon receipt of the requisite fee, the specialty section shall then issue a license to the applicant.
- (J) **Right to appeal** - An applicant whose application to take the examination has been denied by the appropriate specialty section shall be notified in writing of the denial and the applicant's right to an adjudication hearing pursuant to rule 4101:16-1-07 of the Administrative Code.
- (K) **Validity of conditional approvals pending criminal records check** - The approval to take the examination shall be effective for one year following receipt of a completed criminal records check pursuant to rule 4101:16-2-02 of the Administrative Code. An applicant who fails to take the examination within one year from the date approved shall submit a new application in accordance with this rule. An applicant must submit proof of a passing score on all parts of the examination, as determined by the appropriate section, no later than twelve

months after passing the examination. If the applicant fails to submit his or her passing score to the appropriate section within the required time, the applicant shall resubmit an application.

- (L) **Validity of criminal records check** - A previous criminal records check requested by an applicant for a license is valid for one year from the date the last criminal records check was completed by the bureau of criminal identification and investigation. A new request must be made pursuant to paragraph (A) of this rule if the previous criminal records check is no longer valid.
- (M) **Confidentiality of criminal records check** - Pursuant to section 4776.04 of the Revised Code, the results of any criminal records check conducted pursuant to a request made under this rule, and any report containing those results, are not public records for purposes of section 149.43 of the Revised Code and shall not be made available to any person or for any purpose other than the following:
- (1) The results may be made available to the Ohio construction industry licensing board for use in determining, in its discretion, whether the individual who is the subject of the check should be issued a license pursuant to section 4740.06 of the Revised Code, or;
 - (2) The results may be made available to the applicant or the applicant's representative.