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Guidelines for License Applicants with Criminal Convictions

These guidelines are issued by the Texas Department of Licensing and Regulation (TDLR) pursuant to the [Texas Occupations Code, § 53.025\(a\)](#). These guidelines describe the process by which TDLR determines whether a criminal conviction renders an applicant an unsuitable candidate for the license, or whether a conviction warrants revocation or suspension of a license previously granted. These guidelines present the general factors that are considered in all cases, and also the reasons why particular crimes are considered to relate to each type of license issued by TDLR.

Individuals may request TDLR review their criminal background *before* actually applying for a license. TDLR uses the same process for this pre-application evaluation as the process described below. See the [Criminal History Evaluation Letter page](#) for more information.

1. Agency's process
2. Responsibilities of the applicant
3. General factors
4. Relation of crimes to specific licenses issued by TDLR

I. Agency's process

Some license applications require the applicant to provide information about criminal convictions. TDLR's Licensing Division also runs a criminal background check through the Department of Public Safety (DPS) on each original license application and each renewal application filed. If the application or the DPS check reveals a conviction that could be a basis for denying the license, the Licensing staff will refer the matter to TDLR's Enforcement Division for further review. The entire application packet is forwarded, including the completed application form, all attachments, all related correspondence, and the report obtained from DPS.

Upon receipt of an application referral in the Enforcement Division, the matter is immediately assigned to an attorney for review. The attorney treats these referrals as high priority, and reviews the criminal conviction with reference to the applicable statutory provisions and these guidelines.

If the attorney determines that the license **should not** be denied on the basis of the criminal conviction, then the attorney immediately returns the application and related materials to the Licensing Division, with a memorandum stating his or her conclusion.

If the attorney determines that the license **should be denied** due to the criminal conviction, the attorney, with the assistance of an investigator, secures certified copies of the relevant criminal convictions and any other information deemed necessary. A letter of proposed license denial is then mailed to the applicant. The letter clearly identifies the convictions that form the basis of the proposed denial, cites the statutory authority for the proposed denial, and advises the applicant that a hearing may be requested to challenge the proposed denial.

If an applicant requests a hearing on the proposed license denial, the request is immediately forwarded to the prosecuting attorney. The attorney schedules a hearing on the nearest available date, and issues a Notice of Hearing to the applicant. After a hearing is conducted, the Administrative Law Judge issues a Proposal for Decision for consideration by the Commission of Licensing and Regulation. After considering the Proposal for Decision, the Commission may grant or deny the license.

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Statement

For individuals who are already licensed when the agency discovers a criminal conviction, the process is essentially the same as that described above. A conviction discovered by Licensing staff, an Enforcement investigator, or any other agency employee is referred to the Enforcement Division. If the Enforcement attorney finds, after investigation, that the conviction warrants license suspension or revocation, a letter of proposed license suspension or revocation is issued to the license holder. If the license holder requests a hearing, a hearing is conducted, a Proposal for Decision is issued for consideration by the Commission, and the Commission ultimately decides whether the license should be suspended or revoked.

II. Responsibilities of the applicant

The applicant has the responsibility, to the extent possible, to obtain and provide to the agency the recommendations of the prosecution, law enforcement, and correctional authorities as described in section III below. The applicant has the further obligation to furnish proof in the form required by the agency that the applicant has:

1. maintained a record of steady employment;
2. supported the applicant's dependents;
3. maintained a record of good conduct; and
4. paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted.

III. General factors

In determining whether a criminal conviction should be grounds to deny a license the following factors are considered in all cases:

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

In determining the fitness to perform the duties and discharge the responsibilities of the licensed occupation of a person who has been convicted of a crime, the agency will also consider the following:

1. the extent and nature of the person's past criminal activity;
2. the age of the person when the crime was committed;
3. the amount of time that has elapsed since the person's last criminal activity;
4. the conduct and work activity of the person before and after the criminal activity;
5. evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release; and
6. other evidence of the person's fitness, including letters of recommendation from:
 1. prosecutors and law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the person;
 2. the sheriff or chief of police in the community where the person resides; and
 3. any other person in contact with the convicted person.

IV. Relation of crimes to specific licenses issued by TDLR

These guidelines reflect the most common or well-known categories of crimes, and their relation to specific license types. The vast majority of criminal convictions reviewed by the Department will fit within the



categories of crimes described below. However, these guidelines are not intended to be an exclusive listing, i.e. they do not prohibit the Department from considering crimes not listed herein. After due consideration of the circumstances of the criminal act and the general factors listed above, the Department may find that a conviction not described herein renders a person unfit to hold a license.

In addition to the specific crimes listed below, multiple violations of **any** criminal statute should always be reviewed, for any license type. Multiple violations may reflect a pattern of behavior that renders the applicant unfit for the license.

- Air Conditioning and Refrigeration Contractors
- Architectural Barriers: Registered Accessibility Specialists
- Athletic Trainers
- Auctioneers
- Barbers
- Boiler Inspectors
- Code Enforcement Officers
- Combative Sports
- Cosmetologists
- Dietitians
- Driver Education and Safety
- Dyslexia Therapists and Practitioners
- Electricians
- Elevator Inspectors
- Hearing Instrument Fitters and Dispensers
- Industrialized Housing and Buildings
- Licensed Breeders
- Massage Therapy
- Midwives
- Orthotists and Prosthetists
- Podiatry
- Polygraph Examiners and Trainees
- Prepaid Legal Services
- Professional Employer Organizations
- Property Tax Consultants
- Property Tax Professionals
- Sanitarians
- Service Contract Providers
- Speech-Language Pathologists and Audiologists
- Temporary Common Worker Employer
- Tow Truck Operators and Permit Holders
- Used Automotive Parts Recyclers and Employees
- Vehicle Storage Facility Owners and Employees
- Water Well Drillers
- Water Well Pump Installers

- [Weather Modification](#)

AIR CONDITIONING AND REFRIGERATION CONTRACTORS

Crimes involving fraud or deceptive trade practices.

Reason:

Licensees have the means and the opportunity to practice deceit, fraud and misrepresentation related to the need for service, parts, and equipment.

Crimes involving prohibited sexual conduct or involving children as victims.

Reasons:

1. Licensees have direct access to private residences and deal directly with the general public.
2. Licensees have direct access to business facilities and deal directly with the owners of the businesses and business personnel.

Crimes against property such as theft or burglary.

1. Air conditioning contractors have access to private residences and businesses, where they may come into direct contact with unattended property.
2. A person with the predisposition and experience in committing crimes against property would have the opportunity to engage in further similar conduct.

Crimes against the person such as homicide, kidnapping and assault.

Reasons:

1. Licensees have direct contact with persons at residences and businesses in situations that have potential for confrontational behavior.
2. A person with a predisposition for a violent response would pose a risk to the public.

Architectural Barriers: REGISTERED ACCESSIBILITY SPECIALISTS

Crimes involving bribery, fraud or deceptive business practices.

Reason:

Under the architectural barriers statute, a registered accessibility specialist (RAS) shall be honest and trustworthy. See 16 Texas Administrative Code § 68.76(b).

Crimes involving prohibited sexual conduct or involving children as victims.

Reason:

A RAS will have ready access to educational facilities, hotels, recreational facilities, businesses and other public accommodations where he may come into direct contact with unattended persons, including children.

Crimes against property such as theft or burglary.

Reasons:

1. A RAS will have direct access to businesses, where he will come into direct contact with unattended property.
2. A person with the predisposition and experience in committing crimes against property would have the opportunity to engage in further similar conduct.

Crimes against the person such as homicide, kidnapping and assault.

Reasons:

1. Licensees have direct contact with persons at residences and businesses in situations that have potential for confrontational behavior.

2. A person with a predisposition for a violent response would pose a risk to the public.

ATHLETIC TRAINERS

Crimes against the person such as homicide, kidnapping and assault.

Reasons:

1. Licensees physically interact with adults and children in an athletic trainer/client role. Individuals who have committed crimes of this nature would pose a potential danger to the clients.
2. Licensees are in a relationship of trust with their clients.
3. The occupation involves close proximity to and physical contact with clients, sometimes in a private setting, and thereby provides an opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct.

Reasons:

1. Licensees physically interact with adults and children in an athletic trainer/client role. Individuals who have committed crimes of this nature would pose a potential danger to the clients.
2. A majority of athletic trainers can and do have contact with minors.
3. Licensees are in a relationship of trust with their clients.
4. The occupation involves regular close proximity to and regular physical contact with clients, sometimes in a private setting.
5. The interaction sometimes lasts for extended periods of time and bonds of friendship sometimes develop.
6. The occupation provides an opportunity to engage in further similar conduct.

Crimes involving children as victims.

Reasons:

1. Licensees physically interact with adults and children in an athletic trainer/client role. Individuals who have committed crimes of this nature would pose a potential danger to the clients.
2. A majority of athletic trainers can and do have contact with minors.
3. Licensees are in a relationship of trust with their clients.
4. The occupation involves regular close proximity to and regular physical contact with clients, sometimes in a private setting.
5. The interaction sometimes lasts for extended periods of time and bonds of friendship sometimes develop.

Crimes against property such as theft or burglary.

Reasons:

1. Licensees interact with adults and children in an athletic trainer/client role. Individuals who have committed such crimes would pose a potential danger to the clients' property.
2. Licensees would potentially have access to the property of clients.
3. Licensees are in a relationship of trust with their clients.
4. The occupation provides an opportunity to engage in further similar conduct.

Crimes involving fraud or deceptive trade practices

Reasons:

1. Licensees interact with adults and children in an athletic trainer/client role. Individuals who have committed such crimes would pose a potential danger to the clients' property.

2. Licensees are in a relationship of trust with their clients and employers.
3. Licensees are sometimes involved in the billing of clients and others, such as, school districts, hospitals and clinics.
4. Licensees are sometimes involved in the filing of insurance claims.
5. Licensees may be in a position to advertise or otherwise make representations about services, products, insurance benefits, costs, and other matters related to athletic training services.
6. The occupation provides an opportunity to engage in further similar conduct.

Crimes involving the possession, possession with intent to deliver, possession with intent to distribute, delivery, distribution or manufacture of drugs.

Reasons:

1. Licensees interact with adults and children in an athletic trainer/client role. Individuals who have committed crimes of this nature would pose a potential danger to the clients.
2. A majority of athletic trainers can and do have contact with minors.
3. Licensees are in a relationship of trust with their clients.
4. The occupation involves close proximity to and physical contact with clients, sometimes in a private setting, and thereby provides an opportunity to engage in further similar conduct.
5. The interaction sometimes lasts for extended periods of time and bonds of friendship sometimes develop.
6. Children and adult clients who use pain medications or other medications are potentially vulnerable to someone who may wish to illegally sell or otherwise distribute drugs or to enlist the aid of a client in obtaining drugs for the licensee.
7. Licensees at times may have access to controlled substances at treatment locations.
8. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving being under the influence of alcohol or drugs.

Reasons:

1. Licensees interact with adults and children in an athletic trainer/client role. Individuals who have committed crimes of this nature would pose a potential danger to the clients.
2. The occupation involves close proximity to and physical contact with clients.
3. Persons with this type of criminal history could potentially have alcohol or drugs in their systems while providing athletic training services, which would make them a danger to their clients or others.
4. This occupation provides an opportunity to engage in further similar conduct.

AUCTIONEERS

Crimes involving misdemeanor fraud, breach of fiduciary duty, or a deceptive business practice.

Reasons:

1. An auctioneer has direct access to property and monies belonging to others and is considered by law to be acting in a fiduciary capacity.
2. The auctioneer has the opportunity to misrepresent the value or attributes of property being offered for sale at auction.

Crimes against property such as theft or burglary.

Reasons:

1. Auctioneers have access to private residences and businesses, where they will come into direct contact with unattended property.

2. A person with the predisposition and experience in committing crimes against property would be given the opportunity to engage in further similar conduct.
3. Consignors entrust their property to auctioneers.
4. Auctioneers handle monies belonging to others.

Crimes involving the receipt, sale or other distribution of illegal goods or substances, including stolen property, illegal weapons, drugs, drug paraphernalia, and the like.

Reasons:

1. Auctioneers are in a unique position to receive, sell or otherwise distribute illegal goods or substances.
2. A person with a predisposition and experience in committing such crimes would have the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct or involving children as victims.

Reasons:

1. Licensees have direct access to private residences and deal directly with the general public.
2. Licensees have direct access to business facilities and deal directly with the owners of the businesses and business personnel.

Crimes against the person such as homicide, kidnapping and assault.

Reasons:

1. Licensees have direct contact with persons at residences and businesses, and while auctions are being conducted, in situations that have potential for confrontational behavior.
2. A person with a predisposition for a violent response would pose a risk to the public.

BARBERS

Crimes involving prohibited sexual conduct or involving children as victims.

Reasons:

1. Licensees have direct contact with members of the general public often in settings with no one else present.
2. A person with a predisposition for crimes involving prohibited sexual conduct or involving children as victims would have the opportunity to engage in further similar conduct.

Crimes against the person such as homicide, kidnapping and assault.

Reasons:

1. Licensees have direct contact with persons in situations that have potential for confrontational behavior.
2. A person with a predisposition of a violent response would pose a risk to the public.

Crimes involving illegal manufacture or delivery of a controlled substance.

Reasons:

1. Licensees work in a business establishment under their control, that is difficult to monitor with customers constantly coming and going, sometimes lingering for varied periods of time, which would provide a person with a predisposition to sell controlled substances an effective cover of their selling of controlled substances.
2. Licensees have exclusive access to customers for extended periods of time providing the opportunity for persons with predisposition to sell controlled substances the opportunity to persuade the uninitiated to buy a controlled substance.

BOILER INSPECTORS

Crimes involving misrepresentation, fraud, extortion, bribery, theft or deceptive business.*Reasons:*

1. The boiler statute provides that an inspector's commission may be suspended or revoked due to the inspector's untrustworthiness or willful falsification in an application or inspection report. See 16 Texas Administrative Code § 65.90(c)(1).
2. Boiler inspectors have direct access to businesses, business owners, employees and in some instances, the general public.
3. Boiler inspectors are in a position to pass boilers during inspection that may have code or safety violations in exchange for an inducement offered by the boiler owner or operator.

CODE ENFORCEMENT OFFICERS**Crimes involving fraud, deceptive trade/business practices, or abuse of office.***Reasons:*

1. A person with the predisposition and experience in misrepresentations of fact in the business setting would have the opportunity to engage in further similar conduct.
2. A person with the predisposition and experience in conduct such as abuse of official capacity as a public servant, official oppression, misuse of official information and the like would have the opportunity to engage in further similar conduct.
3. A person practicing deception towards a property owner having code enforcement work done regarding whether the work is performed properly and in accordance with established industry standards puts residents, property owners, their family, friends, and others at risk.

Crimes involving bribery, forgery, tampering with a governmental record, or perjury.*Reasons:*

1. Licensees have the means and the opportunity to practice deceit fraud and misrepresentation related to the need for service.
2. A person with the predisposition and experience in misrepresentations of fact in the business setting would have the opportunity to engage in further similar conduct.
3. A licensee practicing deception or corruption involving property owners, government officials, courts, or members of the public puts residents, property owners, their family, friends, and others at risk.

Crimes involving environmental law violations.*Reasons:*

1. A person having the predisposition and experience in committing environmental law violations would have the opportunity to engage in further similar conduct.

Crimes against the person such as homicide, kidnapping and assault.*Reasons:*

1. Code enforcement officers have direct contact with persons at residences and businesses in situations that have potential for confrontational behavior.
2. A person with a predisposition for a violent response would pose a risk to the public.
3. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct and public indecency.*Reasons:*

1. Code enforcement officers have direct access to private residences and deal directly with the general public, often in private settings.

2. Code enforcement officers have direct access to business facilities and deal directly with the owners of the businesses and business personnel, often in private settings.
3. Code enforcement officers with the predisposition and experience in committing crimes of this nature would put the public at risk.
4. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving children, the elderly or the disabled as victims.*Reasons:*

1. Code enforcement officers interact with residents, property owners, family, friends, and others, in a position of trust and authority. Persons who have a history of committing such crimes could exploit this position and would pose a danger to the residents, property owners, or others.
2. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes against property such as arson, theft, or burglary.*Reasons:*

1. Code enforcement officers have access to private residences and businesses and would have access to unsecured personal property belonging to others.
2. A person with the predisposition and experience in committing crimes against property would have the opportunity to engage in further similar conduct.

Crimes involving the delivery, possession, manufacturing, or use of controlled substances or dangerous drugs.*Reasons:*

1. Due to the safety concerns pertaining to the performance of code enforcement work, a person with convictions involving illegal use of controlled substances or dangerous drugs has not demonstrated fitness for the duties performed by a code enforcement officer.

Crimes involving being intoxicated by use of alcohol, drugs, or dangerous substances.*Reasons:*

1. A person who may be impaired or intoxicated would pose a risk to the public.
2. Due to the safety concerns pertaining to the performance of code enforcement work, a person with convictions involving intoxication by use of alcohol, drugs, or dangerous substances has not demonstrated fitness for the duties performed by a code enforcement officer.

COMBATIVE SPORTS

Crimes involving misconduct in the participation in or promotion of combative sports events.*Reason:*

A person with a demonstrated predisposition and experience in committing crimes related to participation in or promotion of combative sports or other sporting events would have the opportunity to engage in further similar conduct.

Crimes involving fraud or breach of a fiduciary duty would disqualify a promoter, manager, referee, judge, timekeeper or matchmaker.*Reason:*

Promoters are entrusted with fighters' careers and often their winnings as well, putting them in a position of trust. A promoter who has demonstrated a predisposition and experience in committing such crimes would be given the opportunity to engage in further similar conduct.

Crimes involving illegal use or possession of controlled substances would be grounds for denial of a license to be a second.*Reasons:*

1. Seconds are in care of a fighter's well being and ability to continue in the event. As such a person with a demonstrated predisposition for illegal controlled substance abuse would be given the opportunity to engage in further such activity, perhaps to further the fighter's cause.
2. Due to the safety and welfare of the fighter in the care of the second, persons with convictions involving illegal use or possession of controlled substances are not fit to hold a license.

COSMETOLOGISTS**Crimes involving prohibited sexual conduct or involving children as victims.***Reasons:*

1. Licensees have direct contact with members of the general public often in settings with no one else present.
2. A person with a predisposition for crimes involving prohibited sexual conduct or involving children as victims would have the opportunity to engage in further similar conduct.

Crimes against the person such as homicide, kidnapping and assault.*Reasons:*

1. Licensees have direct contact with persons in situations that have potential for confrontational behavior.
2. A person with a predisposition of a violent response would pose a risk to the public.

DIETITIANS**Crimes against the person such as homicide, kidnapping and assault.***Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a healthcare provider/client role. Persons who have a history of committing such crimes would pose a danger to the clients or others.
2. This profession involves close proximity to and physical contact with clients and their care givers, family, and friends in locations such as, but not limited to, residences, private offices, schools or medical facilities.
3. This profession provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct.?*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a healthcare provider/client role. Persons who have a history of committing such crimes would pose a danger to the clients or others.
2. This profession involves close proximity to and physical contact with clients and their care givers, family, and friends in locations such as, but not limited to, residences, private offices, schools or medical facilities.
3. This profession provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving children, the elderly or the disabled as victims.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a healthcare provider/client role. Persons who have a history of committing such crimes would pose a danger to the clients or others.
2. This profession involves close proximity to and physical contact with clients and their care givers, family, and friends in locations such as, but not limited to, residences, private offices, schools or medical facilities.
3. This profession provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes against property such as theft or burglary.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a healthcare provider/client role. Persons who have a history of committing such crimes would pose a risk to the property of the clients.
2. This profession involves close proximity to and physical contact with clients and their care givers, family, and friends in locations such as, but not limited to, residences, private offices, schools or medical facilities.
3. Licensees would have access to the property of clients and their care givers, family and friends.
4. This profession provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving fraud or deceptive trade practices*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a healthcare provider/patient role. Persons who have a history of committing such crimes would pose a danger to the clients and their property.
2. This profession involves close proximity to and physical contact with clients and their care givers, family, and friends in locations such as, but not limited to, residences, private offices, schools or medical facilities.
3. Licensees would have access to the property of clients and their care givers, family and friends in locations such as but not limited to residences, private offices, schools and medical facilities.
4. Licensees are potentially involved in the billing of clients, filing of insurance claims and filing of government documents.
5. This profession provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving the possession, possession with intent to deliver, possession with intent to distribute, delivery, distribution or manufacture of drugs.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a healthcare provider/client role. Persons who have a history of committing such crimes would pose a danger to the clients or others.
2. This profession involves close proximity to and physical contact with clients and their care givers, family, and friends in locations such as, but not limited to, residences, private offices, schools or medical facilities.
3. Persons who have a history of drug possession or dealing could potentially have drugs in their systems or deliver illegal drugs which would make them a danger to their clients or others.
4. This profession provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving being under the influence of alcohol or drugs.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a healthcare provider/client role. Persons who have a history of committing such crimes would pose a danger to the clients or others.
2. This profession involves close proximity to and physical contact with clients and their care givers, family, and friends in locations such as, but not limited to, residences, private offices, schools or medical facilities.
3. Persons with this type of criminal history could potentially have alcohol or drugs in their systems which would make them a danger to their clients or others.

DYSLEXIA THERAPISTS AND PRACTITIONERS**Crimes against the person such as homicide, kidnapping and assault.***Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings including, but not limited to, schools, homes, offices, hospitals and clinics.

2. Licensees are often with clients who are alone or in small groups. Additionally, licensees are often in the presence of caregivers, family members, friends and others.
3. Persons who have a history of committing such crimes would pose a danger to the clients as well as their caregivers, family members, friends and others.
4. This profession provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings including, but not limited to, schools, homes, offices, hospitals and clinics.
2. Licensees are often with clients who are alone or in small groups. Additionally, licensees are often in the presence of caregivers, family members, friends and others.
3. Persons who have a history of committing such crimes would pose a danger to the clients as well as their caregivers, family members, friends and others.
4. This profession provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving children, the elderly or the disabled as victims.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings including, but not limited to, schools, homes, offices, hospitals and clinics.
2. Licensees are often with clients who are alone or in small groups. Additionally, licensees are often in the presence of caregivers, family members, friends and others.
3. Persons who have a history of committing such crimes would pose a danger to the clients as well as their caregivers, family members, friends and others.
4. This profession provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes against property such as theft or burglary.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings including, but not limited to, schools, homes, offices, hospitals and clinics.
2. Licensees are often with clients who are alone or in small groups. Additionally, licensees are often in the presence of caregivers, family members, friends and others.
3. Licensees would have access to the property of clients, their care givers, family, friends and others.
4. Persons who have a history of committing such crimes would pose a danger to the property of clients as well as their caregivers, family members, friends and others.
5. This profession provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving fraud or deceptive trade practices*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings including, but not limited to, schools, homes, offices, hospitals and clinics.
2. Licensees are often with clients who are alone or in small groups. Additionally, licensees are often in the presence of caregivers, family members, friends and others.
3. Licensees would have access to the property of clients as well as their care givers, family, friends and others.
4. Licensees are potentially involved in the billing of clients, filing of insurance claims and filing of government documents.
5. Persons who have a history of committing such crimes would pose a danger to the property of clients as well as their caregivers, family members, friends and others.
6. This profession provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving the possession, possession with intent to deliver, possession with intent to distribute, delivery, distribution or manufacture of drugs.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings including, but not limited to, schools, homes, offices, hospitals and clinics.
2. Licensees are often with clients who are alone or in small groups. Additionally, licensees are often in the presence of caregivers, family members, friends and others.
3. Persons who have a history of committing such crimes would pose a danger to the clients as well as their caregivers, family members, friends and others.
4. This profession provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving being under the influence of alcohol or drugs.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings including, but not limited to, schools, homes, offices, hospitals and clinics.
2. Licensees are often with clients who are alone or in small groups. Additionally, licensees are often in the presence of caregivers, family members, friends and others.
3. Persons with this type of criminal history could potentially have alcohol or drugs in their systems which would make them a danger to their clients as well as caregivers, family members, friends and others.

DRIVER EDUCATION AND SAFETY**Crimes against the person such as homicide, kidnapping, and assault.***Reasons:*

1. Under Section 1001.2514(b) of the Texas Education Code, the agency SHALL suspend or revoke the license of a driver education instructor, or refuse to issue or renew a license to a driver education instructor applicant, if the licensee or applicant has been convicted of a felony offense under Title 5, Texas Penal Code.
2. Licensees interact with adults and children in an instructor/student role. Individuals who have committed crimes against the person would pose a potential danger to the students.
3. A person who has committed such crimes would have the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct.*Reasons:*

1. Under Section 1001.2514(b) of the Texas Education Code, the agency SHALL suspend or revoke the license of a driver education instructor, or refuse to issue or renew a license to a driver education instructor applicant, if the licensee or applicant has been convicted of an offense on conviction of which a defendant is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure.
2. Licensees interact with adults and children in an instructor/student role. Individuals who have committed crimes involving prohibited sexual conduct would pose a potential danger to the students.
3. A person who has committed such crimes would have the opportunity to engage in further similar conduct.

Crimes involving children as victims.*Reasons:*

1. Licensees interact with children in an instructor/student role. Individuals who have committed crimes involving children as victims would pose a potential danger.
2. A person who has committed such crimes would have the opportunity to engage in further similar conduct.

Crimes against property such as theft, trespass, or burglary.*Reasons:*

1. Licensees interact with adults and children in an instructor/student role. Licensees would have access to the property of students in classrooms and vehicles.
2. A person who has committed such crimes would have the opportunity to engage in further similar conduct.

Crimes involving fraud, forgery, or deceptive trade practices.*Reasons:*

1. Licensees interact with adults and children in an instructor/student role. Licensees will often be involved in assessing the performance of students. Licensees would have the opportunity to prepare and submit false documents pertaining to the coursework or qualifications of students.
2. A person who has committed such crimes would have the opportunity to engage in further similar conduct.

Crimes involving the possession with intent to deliver, possession with intent to distribute, delivery, distribution or manufacture of drugs.*Reasons:*

1. Licensees interact with adults and children in an instructor/student role. Licensees are in a position to pressure and/or influence students to possess, deliver or distribute drugs.
2. A person who has committed such crimes would have the opportunity to engage in further similar conduct.

Crimes involving the operation of a motor vehicle, including driving while intoxicated, intoxication assault, intoxication manslaughter, reckless driving, and fleeing or evading a police officer.*Reasons:*

1. Licensees interact with adults and children in an instructor/student role. Licensees teach proper driving. Persons with a history of operating a motor vehicle in a dangerous manner would not be appropriate persons to teach proper driving.
2. Criminal activity of this type reveals a lack of regard for the safety of others.
3. A person with a predisposition for criminal activity of this type would pose a risk to the public.
4. The in car instructor license would provide the opportunity to engage in or encourage others to engage in further similar conduct.

ELECTRICIANS**Crimes involving fraud or deceptive trade practices.***Reason:*

Licensees have the means and the opportunity to practice deceit fraud and misrepresentation related to the need for service, parts, and equipment.

Crimes involving prohibited sexual conduct or involving children as victims.*Reasons:*

1. Licensees have direct access to private residences and deal directly with the general public.
2. Licensees have direct access to business facilities and deal directly with the owners of the businesses and business personnel.

Crimes against property such as theft or burglary.

1. Licensees have access to private residences and businesses, where they may come into direct contact with unattended property.

2. A person with the predisposition and experience in committing crimes against property would have the opportunity to engage in further similar conduct.

Crimes against the person such as homicide, kidnapping and assault.*Reasons:*

1. Licensees have direct contact with persons at residences and businesses in situations that have potential for confrontational behavior.
 2. A person with a predisposition for a violent response would pose a risk to the public.
-

ELEVATOR INSPECTORS**Crimes involving deceptive business practices.***Reasons:*

1. Obtaining registration by furnishing fraudulent or false information on any application, or engaging in any false, misleading, or deceptive acts are grounds for denial of any certificate of registration. See Health and Safety Code § 754.023.
2. A person with the predisposition and experience in committing false, misleading or deceptive acts in a business context would have the opportunity to engage in further similar conduct.

Crimes against property such as theft or burglary.

1. Licensees have access to private residences and businesses, where they may come into direct contact with unattended property.
2. A person with the predisposition and experience in committing crimes against property would have the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct or involving children as victims.*Reason:*

By the nature of the business, the elevator inspector would, on occasion, be expected to inspect elevators, escalators, and related equipment located in multi-story residential dwellings, placing the residents, both adults and children, in need of protection from those with the predisposition and experience in committing sexual crimes and crimes against young people.

Crimes against the person such as homicide, kidnapping and assault.*Reasons:*

1. Licensees have direct contact with persons at residences and businesses in situations that have potential for confrontational behavior.
 2. A person with a predisposition for a violent response would pose a risk to the public.
-

HEARING INSTRUMENT FITTERS AND DISPENSERS**Crimes against the person such as homicide, kidnapping and assault.***Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients or others.
2. These occupations involve close proximity to and physical contact with patients and their care givers, family, friends, and others in residences, private offices, and assisted living facilities.
3. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients or others.
2. These occupations involve close proximity to and physical contact with patients and their care givers, family, friends, and others in residences, private offices, and assisted living facilities.
3. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving children, the elderly or the disabled as victims.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients or others.
2. These occupations involve close proximity to and physical contact with patients and their care givers, family, friends, and others in residences, private offices, and assisted living facilities.
3. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes against property such as theft or burglary.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a provider/patient role. Persons who have a history of committing such crimes would pose a risk to the property of the patients.
2. These occupations involve close proximity to and physical contact with patients and their care givers, family, friends, and others in residences, private offices, and assisted living facilities.
3. Licensees would have access to the property of patients and their care givers, family, friends, and others.
4. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving fraud or deceptive trade practices*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients and their property.
2. These occupations involve close proximity to and physical contact with patients and their care givers, family, friends, and others in residences, private offices, and assisted living facilities.
3. Licensees would have access to the property of patients and their care givers, family, friends and others in residences, private offices, and assisted living facilities.
4. Licensees are potentially involved in the billing of clients, filing of insurance claims and filing of government documents.
5. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving the possession, possession with intent to deliver, possession with intent to distribute, delivery, distribution or manufacture of drugs.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients or others.
2. These occupations involve close proximity to and physical contact with patients and their care givers, family and friends in residences, private offices, and assisted living facilities.
3. Persons who have a history of drug possession or dealing could potentially have drugs in their systems which would make them a danger to themselves or others.

4. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving being under the influence of alcohol or drugs.

Reasons:

1. Licensees interact with adults, the elderly, the disabled and children in a provider/client role. Persons who have a history of committing such crimes would pose a danger to the patients or others.
2. These occupations involve close proximity to and physical contact with patients and their care givers, family and friends in residences, private offices, and assisted living facilities.
3. Persons with this type of criminal history could potentially have alcohol or drugs in their systems which would make them a danger to their patients or others.

INDUSTRIALIZED HOUSING AND BUILDINGS

Crimes involving deceptive business practices.

Reasons:

1. Furnishing false information on any application, or engaging in any false, misleading, or deceptive acts are grounds for denial of any certificate of registration. See Occupations Code § 1202.302.
2. A person with the predisposition and experience in committing false, misleading or deceptive acts in a business context would have the opportunity to engage in further similar conduct.

Crimes against the person such as homicide, kidnapping and assault.

Reasons:

1. Licensees have direct contact with persons at residences and businesses in situations that have potential for confrontational behavior.
2. A person with a predisposition for a violent response would pose a risk to the public.

Crimes involving prohibited sexual conduct or involving children as victims.

Reason:

By the nature of the business, an industrialized builder or third party inspector would, on occasion, be expected to inspect residential housing, placing the residents, both adults and children, in need of protection from those with the predisposition and experience in committing sexual crimes and crimes against young people.

LICENSED BREEDERS

Crimes involving animal cruelty or neglect

Reasons:

1. Section 802.107 of the Texas Occupations Code provides:

(a) "The department *shall* deny issuance of a license to, or refuse to renew the license of, a person if the person or a controlling person of the dog or cat breeder has pled guilty to, been convicted of, or received deferred adjudication for animal cruelty or neglect in this state or any other jurisdiction in the five years preceding the person's initial or renewal application for a license."

(b) "The department *shall* revoke a license if, after the license is issued, the person or a controlling person of the dog or cat breeder pleads guilty to, is convicted of, or receives deferred adjudication for animal cruelty or neglect in this state or any other jurisdiction." [emphasis added]

1. Licensees are responsible for the care and well-being of dogs and cats. Individuals who have been cruel or neglectful towards animals, or have caused animals to fight for entertainment or compensation, should not be licensed to care for or breed dogs or cats.
2. A person who has committed such crimes would have the opportunity to engage in further similar conduct.

Crimes involving fraud or deceptive business practices and/or theft*Reasons:*

Licensees have the means and the opportunity to practice theft, deceit, fraud and misrepresentation related to the health, pedigree or ownership of dogs or cats for sale. The animals may have serious and/or terminal diseases that are not apparent to buyers. The animals may not have the pedigree they are represented to have. The animals may be stolen.

Crimes involving prohibited sexual conduct or involving children as victims*Reason:*

1. Licensees have direct contact with members of the general public often in settings with no one else present. Some breeding facilities are located in secluded areas or in breeders' homes.
2. A person with a predisposition for crimes involving prohibited sexual conduct or involving children as victims would have the opportunity to engage in further similar conduct.

Crimes against the person such as homicide, kidnapping and assault*Reasons:*

1. Licensees have direct contact with dog and cat buyers or representatives of retail and internet sellers. These situations have potential for unobserved or confrontational behavior.
2. A person with a predisposition for a violent response would pose a risk to the public.

Crimes involving the receipt, sale or other distribution of illegal goods or substances, including stolen property, illegal weapons, drugs, drug paraphernalia, and the like*Reason:*

1. Licensees have a business that is difficult to monitor due to its location, and with potential buyers constantly coming and going, sometimes lingering for varied periods of time, which would provide a person with a predisposition to receive, sell, or distribute illegal goods or substances an effective cover for their activities.
2. A person with a predisposition and experience in committing such crimes would have the opportunity to engage in further similar conduct.

Crimes involving illegal manufacture or delivery of a controlled substance.*Reasons:*

1. Licensees have a business that is difficult to monitor due to its location, and with potential buyers constantly coming and going, sometimes lingering for varied periods of time, which would provide a person with a predisposition to sell controlled substances an effective cover of their selling of controlled substances.
2. Licensees have exclusive access to dog or cat buyers for extended periods of time providing the opportunity for persons with predisposition to sell controlled substances the opportunity to persuade the uninitiated to buy a controlled substance.

MASSAGE THERAPY**Crimes against the person such as homicide, kidnapping and assault.***Reasons:*

1. Licensees provide a personal service and interact with clients who consist of adults, the elderly, the disabled and children and potentially their care givers, family, friends, and others. Persons who have a history of committing such crimes would pose a danger to the clients or others. *[Regulations refer to clients]*
2. This occupation involves physical contact with clients and, potentially, close proximity to and interaction with their care givers, family, friends, and others, in private settings, to include clients' homes.

3. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct.*Reasons:*

1. Section 455.152(a), Texas Occupations Code, states a person is not eligible for a license as a massage establishment, massage school, massage therapist, or massage therapy instructor if the person is an individual and has been convicted of, entered a plea of nolo contendere or guilty to, or received deferred adjudication for an offense involving trafficking of persons, an offense involving prostitution, or another sexual offense.
2. Section 455.251(b)(1), Texas Occupations Code, requires the Commission or the Executive Director to revoke the license of a person licensed as a massage therapist or massage therapy instructor if the person has been convicted of, has entered a plea of guilty or nolo contendere to, or has received deferred adjudication for an offense involving prostitution or another sexual offense.
3. Section 455.251(c)(2), Texas Occupations Code, requires the Commission or the Executive Director to revoke the license of a person licensed as a massage school or massage establishment if an offense that involved prostitution or another sexual offense, and which resulted in a conviction, plea of guilty or nolo contendere to, or grant of deferred adjudication for the offense, occurred on the premises of the school or establishment.
4. Licensees provide a personal service and interact with clients, who consist of adults, the elderly, the disabled and children and potentially their care givers, family, friends, and others. Persons who have a history of committing such crimes would pose a danger to the clients or others.
5. This occupation involves physical contact with clients and, potentially, close proximity to and interaction with their care givers, family, friends, and others, in private settings.
6. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving children, the elderly or the disabled as victims.*Reasons:*

1. Licensees interact with clients who consist of children, the elderly, and the disabled and, potentially, their care givers, family, friends, and others, some of whom may be children, elderly or disabled, as a personal service provider and in a position of trust and authority. Persons who have a history of committing such crimes could exploit this position and would pose a danger to the clients or others.
2. This occupation involves physical contact with clients and, at times, close proximity to their care givers, family, friends, and others, in private settings.
3. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes against property such as theft or burglary.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a service provider/client role, often in private settings. Licensees also interact with staff of massage therapy schools and massage therapy establishments. Persons who have a history of committing such crimes would pose a risk to the property of clients and others.
2. Licensees would have access to unsecured personal property of clients and their care givers, family, friends, and others.
3. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving fraud or deceptive trade practices*Reasons:*

1. Licensees interact with clients and their care givers, family, friends, and others, as a provider and in a position of trust and authority. Persons who have a history of committing such crimes could exploit this position and would pose a danger to the clients or others or a threat to their economic assets.
2. This occupation involves close proximity to and physical contact with clients and their care givers, family, friends, and others in private settings.
3. Licensees would have access to personal and confidential information of clients.
4. Licensees may be involved in the billing of clients and may be involved in filing insurance claims and government documents.
5. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving the possession, possession with intent to deliver, possession with intent to distribute, delivery, distribution or manufacture of drugs or other dangerous substances.

Reasons:

1. Licensees interact with clients and their care givers, family, friends, and others, as a provider and in a position of trust and authority. Persons who have a history of committing such crimes could exploit this position and would pose a danger to the clients or others by providing them with drugs, controlled substances or other dangerous substances.
2. This occupation involves close proximity to and physical contact with clients and their care givers, family and friends in private settings.
3. Persons who have a history of drug possession or dealing could potentially have drugs or other dangerous substances in their systems which would make them a danger to themselves or others.
4. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving being under the influence of alcohol, drugs, or dangerous substances.

Reasons:

1. Licensees interact with adults, the elderly, the disabled and children in a provider/client role. Persons who have a history of committing such crimes would pose a danger to the clients or others.
2. This occupation involves close proximity to and physical contact with clients and their care givers, family and friends in private settings.
3. Persons with this type of criminal history could potentially have alcohol, drugs or other dangerous substances in their systems which would make them a danger to their clients or others.

Crimes involving violations of Chapter 455, Texas Occupations Code.

Reasons:

Section 455.152(b), Texas Occupations Code, states a person convicted of a violation of Chapter 455, Texas Occupations Code, the statutes that govern the occupation of massage therapy, is ineligible for a license as a massage establishment, massage school, massage therapist, or massage therapy instructor until the fifth anniversary of the date of the conviction.

MIDWIVES

Crimes against the person such as homicide, kidnapping and assault.

Reasons:

1. Under Section 203.404(a)(3) of the Texas Occupations Code, the agency may discipline a licensed midwife, refuse to renew a midwife's license or refuse to issue a license to an applicant if the person is convicted of a misdemeanor involving moral turpitude or a felony.
2. Licensees interact with adults and children in a healthcare service provider/client role. Persons who have a history of committing such crimes could pose a danger to the clients.
3. The occupation involves physical contact with clients and their family members in residences and other

private settings.

4. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct.

Reasons:

1. Under Section 203.404(a)(3) of the Texas Occupations Code, the agency may discipline a licensed midwife, refuse to renew a midwife's license or refuse to issue a license to an applicant if the person is convicted of a misdemeanor involving moral turpitude or a felony.
2. Licensees interact with adults and children in a healthcare service provider/client role. Persons who have a history of committing such crimes could pose a danger to the clients.
3. The occupation involves physical contact with clients and their family members, including children, in residences and other private settings.
4. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving children as victims.

Reasons:

1. Under Section 203.404(a)(3) of the Texas Occupations Code, the agency may discipline a licensed midwife, refuse to renew a midwife's license or refuse to issue a license to an applicant if the person is convicted of a misdemeanor involving moral turpitude or a felony.
2. Licensees interact with children in a healthcare service provider/client role. Persons who have a history of committing such crimes could pose a danger to the children.
3. The occupation involves physical contact with clients and their family members, including children, in residences and other private settings.
4. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes against property such as theft or burglary.

Reasons:

1. Under Section 203.404(a)(3) of the Texas Occupations Code, the agency may discipline a licensed midwife, refuse to renew a midwife's license or refuse to issue a license to an applicant if the person is convicted of a misdemeanor involving moral turpitude or a felony.
2. Licensees interact with adults and children in a healthcare service provider/client role. Persons who have a history of committing such crimes could pose a risk to the property of the clients.
3. The occupation involves contact with clients and their family members in residences and other private settings.
4. Licensees have access to the property of clients and others in residences and other private settings.
5. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving fraud or deceptive trade practices

Reasons:

1. Under Section 203.404(a)(3) of the Texas Occupations Code, the agency may discipline a licensed midwife, refuse to renew a midwife's license, or refuse to issue a license to an applicant if the person is convicted of a misdemeanor involving moral turpitude or a felony.
2. Under Section 203.404(a)(5) of the Texas Occupations Code, the agency may discipline a licensed midwife, refuse to renew a midwife's license, or refuse to issue a license to an applicant if the person engages in unprofessional or dishonorable conduct that may reasonably be determined to deceive or defraud the public.
3. Licensees interact with adults and children in a healthcare service provider/client role. Persons who have a history of committing such crimes could pose a danger to the clients and their property.
4. The occupation involves contact with clients and their family members in residences and other private settings.
5. Licensees have access to the property of clients and others in residences and other private settings.

6. Licensees are directly involved in the filing of birth certificates.
7. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct, potentially including healthcare fraud, insurance fraud, and citizenship fraud.

Crimes involving the possession, possession with intent to deliver, possession with intent to distribute, delivery, distribution or manufacture of illegal drugs.

Reasons:

1. Licensees interact with adults and children in a healthcare service provider/client role. Persons who have a history of committing such crimes could pose a danger to the clients.
2. The occupation involves contact with clients and their family members in residences and other private settings.
3. This occupation provides the opportunity for the administration of illegal drugs to clients.
4. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving being under the influence of alcohol or drugs.

Reasons:

1. Licensees interact with adults and children in a healthcare service provider/client role. Persons who have a history of committing such crimes could pose a danger to the clients.
2. The occupation involves close proximity to and physical contact with clients and their children during the prenatal, birthing, and postpartum periods. Persons with this type of criminal history could potentially have alcohol or drugs in their systems which would make them a danger to their clients or others.

Crimes involving the sale, distribution or disposal of human organs or tissue.

1. Licensees interact with adults and children in a healthcare service provider/client role. Persons who have a history of committing such crimes could pose a danger to the clients.
2. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

ORTHOTISTS AND PROSTHETISTS

Crimes against the person such as homicide, kidnapping and assault.

Reasons:

1. Licensees interact with adults, the elderly, the disabled and children in a medical provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients or others.
2. These occupations involve close proximity to and physical contact with patients and their care givers, family and friends in residences and private offices.
3. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct.

Reasons:

1. Licensees interact with adults, the elderly, the disabled and children in a medical provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients or others.
2. These occupations involve close proximity to and physical contact with patients and their care givers, family and friends in residences and private offices.
3. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving children, the elderly or the disabled as victims.

Reasons:

1. Licensees interact with adults, the elderly, the disabled and children in a medical provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients or others.
2. These occupations involve close proximity to and physical contact with patients and their care givers, family and friends in residences and private offices.
3. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes against property such as theft or burglary.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a medical provider/patient role. Persons who have a history of committing such crimes would pose a risk to the property of the patients.
2. These occupations involve close proximity to and physical contact with patients and their care givers, family and friends in residences and private offices.
3. Licensees would have access to the property of patients and their care givers, family and friends.
4. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving fraud or deceptive trade practices*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a medical provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients and their property.
2. These occupations involve close proximity to and physical contact with patients and their care givers, family and friends in residences and private offices.
3. Licensees would have access to the property of patients and their care givers, family and friends in residences and offices.
4. Licensees are potentially involved in the billing of clients, filing of insurance claims and filing of government documents.
5. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving the possession, possession with intent to deliver, possession with intent to distribute, delivery, distribution or manufacture of drugs.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a medical provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients or others.
2. These occupations involve close proximity to and physical contact with patients and their care givers, family and friends in residences and private offices.
3. Children and adult patients who use pain medication or other medications are potentially vulnerable to someone who may wish to illegally sell or otherwise distribute drugs, or to enlist the aid of a patient in obtaining drugs for the licensee.
4. Persons who have a history of drug possession or dealing could potentially have drugs in their systems which would make them a danger to themselves or others.
5. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving being under the influence of alcohol or drugs.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a medical service provider/patient role. Persons who have a history of committing such crimes would pose a danger to the patients or

others.

2. These occupations involve close proximity to and/or physical contact with patients and their care givers, family and friends in residences and private offices.
3. While working with patients, licensees use dangerous instruments such as knives, scalpels and other blades.
4. Persons with this type of criminal history could potentially have alcohol or drugs in their systems which would make them a danger to their patients or others.

PODIATRY

Crimes against the person such as homicide, kidnapping and assault.

Reasons:

1. Licensees interact with adults, the elderly, the disabled and children in a provider/patient role. Licensees also interact with staff of hospitals and clinics. Persons who have a history of committing such crimes would pose a danger to the patients or others.
2. This occupation involves close proximity to and physical contact with patients, at times while they are sedated or otherwise incapacitated, as well as their care givers, family, friends, and others, not only in hospitals, out-patient facilities and clinics, but also in private offices, assisted living facilities, nursing homes and residences.
3. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct.

Reasons:

1. Licensees interact with patients and their care givers, family, friends, and others, as a provider and in a position of trust and authority. Licensees also interact with staff of hospitals and clinics. Persons who have a history of committing such crimes could exploit this position and would pose a danger to the patients or others.
2. Podiatrists deal with individuals who are physically, emotionally and financially vulnerable. Persons who have a history of committing such crimes could exploit this position and would pose a danger to those individuals.
3. This occupation involves close proximity to and physical contact with patients, at times while they are sedated or otherwise incapacitated, and their care givers, family, friends, and others, not only in hospitals, out-patient facilities and clinics, but also in private offices, assisted living facilities, nursing homes and residences.
4. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving children, the elderly or the disabled as victims.

Reasons:

1. Licensees interact with patients and their care givers, family, friends, and others, as a provider and in a position of trust and authority. Licensees also interact with staff of hospitals and clinics. Persons who have a history of committing such crimes could exploit this position and would pose a danger to the patients or others.
2. This occupation involves close proximity to and physical contact with patients, at times while they are sedated or otherwise incapacitated, as well as their care givers, family, friends, and others, not only in hospitals, out-patient facilities and clinics, but also in private offices, assisted living facilities, nursing homes and residences.
3. Podiatrists deal with individuals who are physically, emotionally and financially vulnerable. Persons who have a history of committing such crimes could exploit this position and would pose a danger to those individuals.

4. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes against property such as theft or burglary.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled and children in a provider/patient role. Licensees also interact with staff of hospitals and clinics. Persons who have a history of committing such crimes would pose a risk to the property of the patients.
2. This occupation involves close proximity to and physical contact with patients, at times while they are sedated or otherwise incapacitated, and their care givers, family, friends, and others, not only in hospitals, out-patient facilities and clinics, but also in private offices, assisted living facilities, nursing homes and residences.
3. Licensees would have access to the property of patients and their care givers, family, friends, and others.
4. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving fraud or deceptive trade practices.*Reasons:*

1. Licensees interact with patients and their care givers, family, friends, and others, as a provider and in a position of trust and authority. Licensees also interact with staff of hospitals and clinics. Persons who have a history of committing such crimes could exploit this position and would pose a danger to the patients or others or a threat to their economic assets.
2. Podiatrists deal with individuals who are physically, emotionally and financially vulnerable. Persons who have a history of committing such crimes could exploit this position and would pose a danger to those individuals.
3. This occupation involves close proximity to and physical contact with patients and their care givers, family, friends, and others not only in hospitals, out-patient facilities and clinics, but also in private offices, assisted living facilities, nursing homes and residences.
4. Licensees would have access to the property of patients and their care givers, family, friends and others not only in hospitals, out-patient facilities and clinics, but also in private offices, assisted living facilities, nursing homes and residences.
5. Licensees would have access to personal and confidential information of patients.
6. Licensees would have the ability to write unnecessary prescriptions for unlawful purposes and thereby pose a danger to the patients or others.
7. Licensees are potentially involved in the billing of clients, filing of insurance claims and filing of government documents.
8. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving the possession, possession with intent to deliver, possession with intent to distribute, delivery, distribution or manufacture of drugs or other dangerous substances.*Reasons:*

1. Under Sections 202.502 and 202.506 of the Texas Occupations Code, the license of a person who has been convicted of a felony offense under the Texas Controlled Substance Act or the Texas Dangerous Drug Act, Chapters 481 and 483 of the Texas Health and Safety Code, or Section 485.033 of the Texas Health and Safety Code relating to inhalant paraphernalia, must be suspended, and that license must be revoked when the conviction becomes final.
2. Licensees interact with patients and their care givers, family, friends, and others, as a provider in a position of trust and authority, and they deal with individuals who are physically, emotionally and financially vulnerable. Persons who have a history of committing such crimes could exploit this position and would pose a danger to those individuals by providing them with drugs, controlled substances or other dangerous substances or by writing unnecessary prescriptions for unlawful purposes.

3. This occupation involves close proximity to and physical contact with patients and their care givers, family and friends not only in hospitals, out-patient facilities and clinics, but also in private offices, assisted living facilities, nursing homes and residences.
4. Licensees also interact with staff of hospitals and clinics. Persons who have a history of committing such crimes could exploit this position and their relationship with staff and thereby obtain drugs, controlled substances or other dangerous substances that might not otherwise be available to them.
5. Persons who have a history possession or dealing of unlawful drugs or other substances could potentially have drugs or other dangerous substances in their systems which would make them a danger to themselves or others.
6. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving being under the influence of alcohol, drugs, or dangerous substances.

Reasons:

1. Under Sections 202.502 and 202.506 of the Texas Occupations Code, the license of a person who has been convicted of a felony offense under the Texas Controlled Substance Act or the Texas Dangerous Drug Act, Chapters 481 and 483 of the Texas Health and Safety Code, or Section 485.033 of the Texas Health and Safety Code relating to inhalant paraphernalia, must be suspended, and that license must be revoked when the conviction becomes final.
2. Licensees interact with adults, the elderly, the disabled and children in a provider/client role. Licensees also interact with staff of hospitals and clinics. Persons who have a history of committing such crimes would pose a danger to the patients or others.
3. This occupation involves close proximity to and physical contact with patients and their care givers, family and friends not only in hospitals, out-patient facilities and clinics, but also in private offices, assisted living facilities, nursing homes and residences.
4. Persons with this type of criminal history could potentially have alcohol, drugs or other dangerous substances in their systems which would make them a danger to their patients or others.

Crimes involving an attempt, conspiracy, or solicitation to commit an offense described in these guidelines.

Reasons:

1. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct and to complete the offense or offenses described by these guidelines.
2. Persons who have a history of committing such crimes would pose a danger to the patients or others.
3. Persons who have a history of committing such crimes would pose a risk to the property of patients or others.

Crimes involving the solicitation or referral of patients or involving disclosure of personal medical or identification information.

Reasons:

1. Licensees would have access to personal and confidential information of patients, including medical information.
2. Persons who have a history of committing such crimes would be in a position to exploit the person's knowledge of a patient's personal, confidential, and medical information and make unlawful referrals of patients to other medical practitioners for remuneration.
3. Persons who have a history of committing such crimes would be in a position to solicit and obtain patient referrals from other medical practitioners or other service providers for remuneration.

Crimes against public administration such as perjury, bribery, witness tampering, obstruction or retaliation, false alarm, or hindering an investigation, arrest or prosecution.

Reasons:

1. Honesty, integrity, trustworthiness, and a willingness to comply with the law are characteristics necessary for a person who provides health care and communicates with patients, and who is involved in billing patients, insurance companies and government health care programs. Offenses of this nature reflect a lack of honesty, integrity, trustworthiness, and a willingness to comply with the law.
2. Persons involved in offenses of this nature would have an opportunity to impede investigations into unlawful or improper podiatric or other medical practices or health care liability claims against the person or another medical professional about whom the person may have information.
3. Persons involved in offenses of this nature would have an opportunity to impede investigations into unlawful or improper billing practices or other investigations.

Crimes involving the practice of medicine or podiatry without a license.*Reasons:*

1. Persons who practice medicine or podiatry without a license may not be sufficiently trained or proficient to make medical diagnoses or administer treatment and would pose a danger to patients.
2. Persons who practice outside the scope of their license may not be sufficiently trained or proficient to make medical diagnoses or administer treatment for conditions beyond the scope of their license and would pose a danger to patients.

POLYGRAPH EXAMINERS AND TRAINEES**Crimes against the person such as homicide, kidnapping and assault***Reasons:*

1. Polygraph examiners have direct contact with members of the general public, often in settings with no one else present.
2. Examiners have direct contact with persons when connecting elements of the polygraph apparatus. These situations may provide opportunity for offensive contact or confrontational or aggressive behavior.
3. A person with a predisposition for aggressive or violent behavior would have the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct or involving children as victims*Reasons:*

1. Polygraph examiners have direct contact with members of the general public, often in settings with no one else present.
2. Examiners have direct contact with persons when connecting elements of the polygraph apparatus. These situations may provide opportunity for sexually inappropriate contact or provocative behavior.
3. A person with a predisposition for crimes involving prohibited sexual conduct or involving children as victims would have the opportunity to engage in further similar conduct.

Crimes involving breach of computer security*Reasons:*

1. The polygraph instrument is trusted to accurately monitor and record a test subject's physiological readings.
2. A person with experience accessing or altering computer systems or records could have the knowledge or skill to manipulate the polygraph instrument to obtain desired results.

Crimes involving misrepresentation, theft and fraud, such as extortion, or deceptive business practices*Reasons:*

1. Polygraph examiners have the means and the opportunity to practice deceit, fraud and misrepresentation related to the administration and results of a test.

2. Examiners are in a position to modify examination results in exchange for an inducement offered by, or coerced from, another person.
3. A person with the predisposition and experience in committing such crimes would have the opportunity to engage in further similar conduct.

Crimes involving perjury or crimes of other falsification such as tampering with physical evidence or governmental record*Reasons:*

1. Polygraph examiners can be required to give testimony in court regarding the results of an examination, with that testimony serving as a source of evidence in a criminal or civil justice process.
2. A person with a propensity to tamper with or falsify evidence or testimony would have the opportunity to engage in further similar conduct.

Crimes involving bribery and other corrupt influence such as obstruction, retaliation, or tampering with a witness*Reasons:*

1. Polygraph examiners are in a position to modify or threaten to modify examination results to harm or threaten another person who will act as a witness or informant.
2. Examiners are in a position to modify examination results in exchange for an inducement offered by, or coerced from, another person.
3. A person with the predisposition and experience in committing such crimes for personal gain or to obstruct or circumvent the justice system would have the opportunity to engage in further similar conduct.

Crimes involving abuse of office such as civil rights violations, official oppression, abuse of official capacity, or misuse of official information*Reasons:*

1. Polygraph examiners could be in a situation where an examinee's rights or liberties could depend on the interpretation of the exam results.
2. Polygraph examiners could use their position to attempt to gain a benefit, either through threats to obtain an inducement or through information revealed during the test.
3. A person who has committed criminal acts in which another's rights and liberties were disregarded would have the opportunity to engage in further similar conduct.
4. A person who has committed crimes in which situations were exploited for illegal benefit would have the opportunity to engage in further similar conduct.

Crimes involving illegal use or possession of controlled substances*Reason:*

A polygraph examiner under the influence of an illegal controlled substance would not have the proper capacity or judgment to administer a test or evaluate the results of a test.

Crimes obstructing governmental operations such as failure to report sexual assault of a child or failure to report a felony*Reason:*

1. Pursuant to Chapter 261 of the Texas Family Code, a polygraph examiner who discovers that a child's physical or mental health or welfare has been adversely affected by abuse or neglect shall immediately make a report to the appropriate agency.
2. A person with the predisposition to not report a crime when there is a duty to do so may fail to do so again.

Crimes involving fraud or deceptive trade practices.*Reason:*

Licensees have the means and the opportunity to practice deceit fraud and misrepresentation related to the need for services.

Crimes involving prohibited sexual conduct or involving children as victims.*Reasons:*

1. Licensees have direct access to private residences and deal directly with the general public.
2. Licensees have direct access to business facilities and deal directly with the owners of the businesses and business personnel.

Crimes against property such as theft or burglary.

1. Licensees have access to private residences and businesses, where they may come into direct contact with unattended property.
2. A person with the predisposition and experience in committing crimes against property would have the opportunity to engage in further similar conduct.

Crimes against the person such as homicide, kidnapping and assault.*Reasons:*

1. Licensees have direct contact with persons at residences and businesses in situations that have potential for confrontational behavior.
2. A person with a predisposition for a violent response would pose a risk to the public.

PROFESSIONAL EMPLOYER ORGANIZATIONS**Crimes involving bribery or fraud, in a business or governmental setting.***Reason:*

A person with a predisposition and experience in committing bribery or fraud in a business or governmental context would have the opportunity to engage in further similar activity.

Crimes involving insurance or tax fraud.*Reasons:*

1. Professional employer organizations handle insurance, payroll taxes, withholding taxes, etc. for their employees and client companies.
2. A person with a predisposition to commit insurance or tax fraud would have the opportunity to engage in further similar activity.

Crimes against property such as theft or burglary.*Reasons:*

1. Professional employer organizations handle large sums of money for their employees and client companies.
2. A person with the predisposition and experience in committing theft crimes would have the opportunity to engage in further similar conduct.

PROPERTY TAX CONSULTANTS**Crimes involving fraud, breach of fiduciary duty, or deceptive business practices***Reasons:*

1. Dishonesty or fraud while performing property tax consulting services is grounds for denial of a property tax consultant license. See Occupations Code § 1152.251.
2. A property tax consultant who has engaged in fraud or deceptive business practices would have the opportunity to repeat that behavior when advertising tax consulting services on the Internet or in the solicitation of a property tax assignment. See Occupations Code §1152.232 and 1152.233.
3. A person who has disregarded the financial interest of another when there was a duty to protect it may show a similar disregard with a client's property tax protest.
4. A person with a predisposition and experience making false, misleading, or deceptive statements or committing such acts would have the opportunity to engage in further similar conduct.

Crimes involving stealing from an employer, tax fraud, bribery or perjury*Reason:*

The very nature of the business, representing persons before the tax assessor-collector, would open avenues to steal from a client (i.e. take refunds awarded clients), commit tax fraud or bribery of an official, or commit outright perjury in the proceeding.

Crimes involving crimes against property such as theft or burglary*Reasons:*

1. Property tax consultants have access to private residences and businesses.
2. A person with the predisposition and experience in committing crimes against property would have the opportunity to engage in further similar conduct.

PROPERTY TAX PROFESSIONALS

Appraisers**Crimes against the person such as homicide, kidnapping and assault***Reasons:*

1. Property tax appraisers have contact with persons when appraising property values on location. These situations have potential for unobserved or confrontational behavior.
2. A person with a predisposition for a violent response would pose a risk to the public.

Crimes involving prohibited sexual conduct or involving children as victims*Reasons:*

1. Property tax appraisers might have direct access to private residences and deal directly with the general public.
2. A person with a predisposition for crimes involving prohibited sexual conduct or involving children as victims would have the opportunity to engage in further similar conduct.

Crimes against property such as theft, burglary, property damage or criminal trespass*Reasons:*

1. Property tax appraisers have access to private residences and businesses when assessing property values on location, where they may come into direct contact with unattended property.
2. A person with the predisposition and experience in committing crimes against property would have the opportunity to engage in further similar conduct.

Crimes involving misrepresentation, fraud, extortion, bribery, or deceptive business practices*Reasons:*

1. Property tax appraisers are responsible for the equitable appraisal of home and business properties on behalf of governmental entities. As stewards of the public trust, they must adhere to the highest standards of honesty and integrity.

2. Property tax appraisers have the means and the opportunity to practice deceit, fraud and misrepresentation related to the assessment of property values.
3. Property tax appraisers are in a position to modify property values in exchange for an inducement offered by, or coerced from, another person.
4. A person with the predisposition and experience in committing such crimes would have the opportunity to engage in further similar conduct.

Crimes involving perjury or tampering with a governmental record*Reasons:*

1. Property tax appraisers are responsible for the equitable appraisal of home and business properties on behalf of governmental entities. As stewards of the public trust, they must adhere to the highest standards of honesty and integrity.
2. A person with a propensity to tamper with or falsify government documents or testimony would have the opportunity to engage in further similar conduct.

Crimes involving abuse of official capacity*Reasons:*

A person with a propensity to exploit an official position to bring harm to others would have the opportunity to engage in further similar conduct.

Assessor-Collectors and Collectors**Crimes involving misrepresentation, fraud, extortion, bribery, or deceptive business practices***Reasons:*

1. Property tax assessor-collectors and collectors are responsible for the equitable assessment and/or collection of taxes from home and business owners on behalf of governmental entities. As stewards of the public trust, they must adhere to the highest standards of honesty and integrity.
2. Property tax assessor-collectors and collectors have the means and the opportunity to practice deceit, fraud and misrepresentation related to the assessment of property taxes and the collection of those taxes.
3. Property tax assessor-collectors and collectors are in a position to modify property values in exchange for an inducement offered by, or coerced from, another person.
4. A person with the predisposition and experience in committing such crimes would have the opportunity to engage in further similar conduct.

Crimes involving perjury or tampering with a governmental record*Reasons:*

1. Property tax assessor-collectors and collectors are responsible for the equitable assessment and/or collection of taxes from home and business owners on behalf of governmental entities. As stewards of the public trust, they must adhere to the highest standards of honesty and integrity.
2. A person with a propensity to tamper with or falsify government documents or testimony would have the opportunity to engage in further similar conduct.

Crimes against property such as theft or burglary*Reasons:*

Property tax assessor-collectors and collectors handle large sums of money for the tax office.

A person with the predisposition and experience in committing theft crimes would have the opportunity to engage in further similar conduct.

Crimes involving abuse of official capacity*Reasons:*

A person with a propensity to exploit an official position to bring harm to others would have the opportunity to engage in further similar conduct.

SANITARIANS

Crimes involving fraud, deceptive trade/business practices, or abuse of office.

Reasons:

1. A person with the predisposition and experience in misrepresentations of fact in the business setting would have the opportunity to engage in further similar conduct.
2. A person with the predisposition and experience in conduct such as abuse of official capacity as a public servant, official oppression, misuse of official information and the like would have the opportunity to engage in further similar conduct.
3. A person practicing deception towards a property owner having environmental health work done regarding whether the work is performed properly and in accordance with established industry standards puts residents, property owners, their family, friends, and others at risk.

Crimes involving bribery, forgery, tampering with a governmental record, or perjury.

Reasons:

1. Registered sanitarians have the means and the opportunity to practice deceit fraud and misrepresentation related to the need for service.
2. A person with the predisposition and experience in misrepresentations of fact in the business setting would have the opportunity to engage in further similar conduct.
3. A registered sanitarian practicing deception or corruption involving property owners, government officials, courts, or members of the public puts residents, property owners, their family, friends, and others at risk.

Crimes involving environmental law violations or affecting public health.

Reasons:

1. A person having the predisposition and experience in committing environmental law violations or offenses that affect public health would have the opportunity to engage in further similar conduct.

Crimes against the person such as homicide, kidnapping, assault or crimes involving negligent or reckless use of a motor vehicle.

Reasons:

1. Registered sanitarians have direct contact with persons at residences and businesses in situations that have potential for confrontational behavior.
2. A person with a predisposition for a violent response would pose a risk to the public.
3. Registered sanitarians regularly travel by motor vehicle to perform their work and would have many opportunities to perform work duties or to use electronic communication devices while driving or to drive while excessively fatigued. A person driving in a distracted or unsafe manner would pose a risk to the public.
4. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving animal cruelty or neglect.

Reasons:

1. Registered sanitarians may have direct contact with or responsibility for the health and wellbeing of domestic animals at residences and businesses in the performance of their duties.
2. A person who has committed crimes involving cruel or neglectful conduct towards animals or that otherwise placed animals at risk for harm would have the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct and public indecency.*Reasons:*

1. Registered sanitarians have direct access to private residences and deal directly with the general public, often in private settings.
2. Registered sanitarians have direct access to business facilities and deal directly with the owners of the businesses and business personnel, often in private settings.
3. Registered sanitarians with the predisposition and experience in committing crimes of this nature would put the public at risk.
4. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving children, the elderly or the disabled as victims.*Reasons:*

1. Registered sanitarians interact with residents, property owners, family, friends, and others, in a position of trust and authority. Persons who have a history of committing such crimes could exploit this position and would pose a danger to the residents, property owners, or others.
2. This occupation provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes against property such as arson, theft, or burglary.*Reasons:*

1. Registered sanitarians have access to private residences and businesses and would have access to unsecured personal property belonging to others.
2. A person with the predisposition and experience in committing crimes against property would have the opportunity to engage in further similar conduct.

Crimes involving the delivery, possession, manufacturing, or use of controlled substances or dangerous drugs.*Reasons:*

1. Due to the safety concerns pertaining to the performance of environmental health work, a person with convictions involving illegal use of controlled substances or dangerous drugs has not demonstrated fitness for the duties performed by a registered sanitarian.
2. Registered sanitarians' mobility allows them the opportunity to receive, sell or otherwise distribute illegal goods or substances.
3. A person with a predisposition and experience in committing such crimes would have the opportunity to engage in further similar conduct.

Crimes involving being impaired or intoxicated by use of alcohol, drugs, or dangerous substances.*Reasons:*

1. A person who may be impaired or intoxicated would pose a risk to the public.
2. Due to the safety concerns pertaining to the performance of environmental health work, a person with convictions involving intoxication by use of alcohol, drugs, or dangerous substances has not demonstrated fitness for the duties performed by a registered sanitarian.

SERVICE CONTRACT PROVIDERS**Crimes involving deceptive business practices.***Reasons:*

1. Making, permitting or causing false or misleading statements is a prohibited act. See Occupations Code 1304.161.
2. A person with a predisposition and experience in making false or misleading statements would have the opportunity to engage in further similar conduct.

Crimes involving insurance fraud.*Reasons:*

Service contracts are insurance policies of sorts. As such, someone who has been convicted of insurance fraud would be given the opportunity to engage in further similar conduct.

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS**Crimes against the person such as homicide, kidnapping and assault.***Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings. Speech-language pathologists interact with students in schools, and with clients in their homes or in clinical settings. Audiologists interact with patients in a clinical or school setting.
2. These occupations involve close proximity to and physical contact with students, clients and patients, as well as their caregivers, family members and friends.
3. Persons who have a history of committing such crimes would pose a danger to the students, clients and patients, as well as their caregivers, family members and friends.
4. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings. Speech-language pathologists interact with students in schools, and with clients in their homes or in clinical settings. Audiologists interact with patients in a clinical or school setting.
2. These occupations involve close proximity to and physical contact with students, clients and patients, as well as their caregivers, family members and friends.
3. Persons who have a history of committing such crimes would pose a danger to the students, clients and patients, as well as their caregivers, family members and friends.
4. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving children, the elderly or the disabled as victims.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings. Speech-language pathologists interact with students in schools, and with clients in their homes or in clinical settings. Audiologists interact with patients in a clinical or school setting.
2. These occupations involve close proximity to and physical contact with students, clients and patients, as well as their caregivers, family members and friends.
3. Persons who have a history of committing such crimes would pose a danger to the students, clients and patients, as well as their caregivers, family members and friends.
4. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes against property such as theft or burglary.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings. Speech-language pathologists interact with students in schools, and with clients in their homes or in clinical settings. Audiologists interact with patients in a clinical or school setting.
2. These occupations involve close proximity to and physical contact with students, clients and patients, as well as their caregivers, family members and friends.
3. Licensees would have access to the property of students, clients and patients, and their care givers, family, friends and others.
4. Persons who have a history of committing such crimes would pose a danger to the property of students, clients and patients, as well as their caregivers, family members and friends.
5. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving fraud or deceptive trade practices*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings. Speech-language pathologists interact with students in schools, and with clients in their homes or in clinical settings. Audiologists interact with patients in a clinical or school setting.
2. These occupations involve close proximity to and physical contact with students, clients and patients, as well as their caregivers, family members and friends.
3. Licensees would have access to the property of students, clients and patients, and their care givers, family, friends and others.
4. Licensees are potentially involved in the billing of students, clients and patients, filing of insurance claims and filing of government documents.
5. Persons who have a history of committing such crimes would pose a danger to the property of students, clients and patients, as well as their caregivers, family members and friends.
6. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving the possession, possession with intent to deliver, possession with intent to distribute, delivery, distribution or manufacture of drugs.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings. Speech-language pathologists interact with students in schools, and with clients in their homes or in clinical settings. Audiologists interact with patients in a clinical or school setting.
2. These occupations involve close proximity to and physical contact with students, clients and patients, as well as their caregivers, family members and friends.
3. Persons who have a history of committing such crimes would pose a danger to the students, clients and patients, as well as their caregivers, family members and friends.
4. These occupations provide persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving being under the influence of alcohol or drugs.*Reasons:*

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings. Speech-language pathologists interact with students in schools, and with clients in their homes or in clinical settings. Audiologists interact with patients in a clinical or school setting.
2. These occupations involve close proximity to and physical contact with students, clients and patients, as well as their caregivers, family members and friends.
3. Persons with this type of criminal history could potentially have alcohol or drugs in their systems which would make them a danger to their students, clients and patients, and others.

TEMPORARY COMMON WORKER EMPLOYER

Crimes involving labor or employment, including harmful employment and theft of service.

Reasons:

1. The statute requires that these individuals shall provide for the health, safety, and welfare of workers throughout the state. A person with a demonstrated predisposition and experience in committing crimes involving harmful employment would have the opportunity to engage in further similar activity.
2. A person with a predisposition and experience in any criminal labor or employment activity would have the opportunity to engage in further similar conduct.

Crimes involving deceptive business practices.

Reason:

A person with a predisposition and experience in deceptive business practices would be allowed to engage in further similar activity.

Crimes involving violations against public administration such as bribery, perjury or abuse of office.

Reason:

A person with a predisposition and history of bribery, perjury or abuse of office would be allowed to potentially abuse the authority provided by the license and potentially commit the same types of crimes.

Crimes involving prohibited sexual conduct or involving children as victims.

Reason:

Temporary common workers will include people in dire circumstances, many of them young people. Such individuals are in a vulnerable position and in need of protection from those with a predisposition and experience in committing sexual crimes and crimes against young people.

Crimes involving promotion of prostitution.

Reasons:

1. Licensees will be in a position to direct groups of young, possibly vulnerable, people.
2. The profession would provide a good cover for persons with a predisposition for promotion of prostitution.

TOW TRUCK OPERATORS AND PERMIT HOLDERS

Crimes involving fraud or deceptive business practices

Reasons:

Licensees have the means and the opportunity to practice deceit, fraud and misrepresentation related to towing services.

Crimes involving prohibited sexual conduct or involving children as victims

Reason:

1. Licensees have direct contact with members of the general public often in settings with no one else present. Tow truck operators are at times in secluded locations with stranded drivers.
2. A person with a predisposition for crimes involving prohibited sexual conduct or involving children as victims would have the opportunity to engage in further similar conduct.

Crimes against the person such as homicide, kidnapping and assault

Reasons:

1. Licensees have direct contact with persons in secluded areas and with the owners of illegally-parked vehicles which are being towed. These situations have potential for unobserved or confrontational behavior.

2. A person with a predisposition for a violent response would pose a risk to the public.

Crimes involving the receipt, sale or other distribution of illegal goods or substances, including stolen property, illegal weapons, drugs, drug paraphernalia, and the like*Reasons:*

1. Tow truck operators' mobility allows them the opportunity to receive, sell or otherwise distribute illegal goods or substances.
2. A person with a predisposition and experience in committing such crimes would have the opportunity to engage in further similar conduct.

Crimes against property such as theft or burglary*Reasons:*

Tow truck operators have access to vehicles and their contents.

A person with the predisposition and experience in committing crimes against property would have the opportunity to engage in further similar conduct.

Crimes involving racketeering, organized crime, or criminal influence*Reasons:*

Persons with the predisposition and experience in committing crimes depriving others of money or property through a criminal enterprise would have the opportunity to engage in further similar conduct.

Crimes involving intoxication and operating a motor vehicle, including driving while intoxicated, intoxication assault, and intoxication manslaughter*Reasons:*

Persons who show a history of operating a motor vehicle while not having the normal use of their mental or physical faculties due to alcohol or drugs, especially when others are killed or injured as a result, would have the opportunity to engage in further behavior when operating a tow truck.

USED AUTOMOTIVE PARTS RECYCLERS AND EMPLOYEES**Crimes involving fraud or deceptive trade practices***Reason:*

Licensees have the means and the opportunity to practice deceit, fraud and misrepresentation related to the charges for used automotive parts or how those parts were obtained.

Crimes involving prohibited sexual conduct or involving children as victims*Reasons:*

1. Licensees may have direct contact with members of the general public often in settings with no one else present. Used automotive parts recyclers employees sometimes have exposure to consumers in secluded locations of a recycling facility or yard.
2. A person with a predisposition for crimes involving prohibited sexual conduct or involving children as victims would have the opportunity to engage in further similar conduct.

Crimes against property such as theft or receiving or concealing stolen property*Reasons:*

1. Used automotive parts recyclers and employees may have access to vehicles or parts which they know or suspect to be illegally obtained.
2. A used automobile parts recycling facility provides an ideal place to receive stolen vehicles and dismantle them so their parts can be sold separately.
3. A person with the predisposition and experience in committing crimes against property would have the opportunity to engage in further similar conduct.

Crimes against the person such as homicide, kidnapping and assault*Reasons:*

1. Licensees may have direct contact with consumers in secluded areas of a recycling facility or yard. These situations have potential for unobserved or confrontational behavior.
2. A person with a predisposition for a violent response would pose a risk to the public.

Crimes involving the receipt, sale or other distribution of illegal goods or substances, including illegal weapons, drugs, or drug paraphernalia*Reasons:*

1. The business of used automotive parts recycler puts those owners and employees in a position to receive, sell or otherwise distribute illegal goods or substances.
2. A person with a predisposition and experience in committing such crimes would have the opportunity to engage in further similar conduct.

Crimes involving racketeering, organized crime, criminal influence, or money laundering*Reason:*

Persons with the predisposition and experience in committing crimes depriving others of money or property through a criminal enterprise, or have experience concealing the results of those crimes, would have the opportunity to engage in further similar conduct.

VEHICLE PROTECTION PRODUCT WARRANTORS**Crimes involving deceptive business practices.***Reasons:*

1. Making, permitting, or causing to be made any false or misleading statement is a prohibited act. See Occupations Code, § 2306.
2. A person with a conviction or predisposition for deceptive or misleading business practices would have the opportunity to engage in further similar conduct.

VEHICLE STORAGE FACILITY OWNERS AND EMPLOYEES**Crimes involving fraud or deceptive trade practices***Reason:*

Licensees have the means and the opportunity to practice deceit, fraud and misrepresentation related to the charges assessed for towing and storage.

Crimes involving prohibited sexual conduct or involving children as victims*Reasons:*

1. Licensees have direct contact with members of the general public often in settings with no one else present. Vehicle storage facility employees sometimes have exposure to vehicle owners in secluded locations and possibly at late hours.
2. A person with a predisposition for crimes involving prohibited sexual conduct or involving children as victims would have the opportunity to engage in further similar conduct.

Crimes against property such as theft or burglary*Reasons:*

Vehicle storage facility owners and employees have access to vehicles and their contents.

A person with the predisposition and experience in committing crimes against property would have the opportunity to engage in further similar conduct.

Crimes against the person such as homicide, kidnapping and assault*Reasons:*

1. Licensees have direct contact with persons in secluded areas and with the owners of illegally-parked vehicles which have been towed. These situations have potential for unobserved or confrontational behavior.
2. A person with a predisposition for a violent response would pose a risk to the public.

Crimes involving the receipt, sale or other distribution of illegal goods or substances, including stolen property, illegal weapons, drugs, drug paraphernalia, and the like*Reason:*

1. Vehicle storage facilities' locations and hours of operation put their owners and employees in a position to receive, sell or otherwise distribute illegal goods or substances.
2. A person with a predisposition and experience in committing such crimes would have the opportunity to engage in further similar conduct.

Crimes involving racketeering, organized crime, or criminal influence*Reasons:*

Persons with the predisposition and experience in committing crimes depriving others of money or property through a criminal enterprise would have the opportunity to engage in further similar conduct.

WATER WELL DRILLERS**Crimes involving deceptive business practices.***Reasons:*

1. The water well drillers statute authorizes disciplinary action for an intentional misstatement or misrepresentation of fact, failure to advise a person for whom a well is being drilled that injurious water has been encountered. See Occupations Code §1901.301.
2. A person having the predisposition and experience in committing deceptive business practices would have the opportunity to engage in further similar conduct.

Crimes involving environmental law violations.*Reason:*

A person having the predisposition and experience in committing environmental law violations would have the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct or involving children as victims.*Reason:*

By the nature of the business, well drillers are on residential properties, placing the residents, both adults and children, in need of protection from those with the predisposition and experience in committing sexual crimes and crimes against young people.

Crimes involving illegal use or possession of controlled substances.*Reason:*

Due to the safety concerns pertaining to the operation of the equipment, a person with convictions involving illegal use or possession of controlled substances has not demonstrated fitness for the duties performed by a well driller.

Crimes against property such as theft or burglary.*Reasons:*

1. Well drillers have access to private residences and businesses.

2. A person with the predisposition and experience in committing crimes against property would have the opportunity to engage in further similar conduct.

WATER WELL PUMP INSTALLERS

Crimes involving deceptive business practices.

Reasons:

1. A person with the predisposition and experience in misrepresentations of fact in the business setting would have the opportunity to engage in further similar conduct.
2. A person practicing deception through failing to advise a person having a water well pump installed of groundwater contamination or fails to ensure safeguards in accordance with established construction standards puts the well owner and other groundwater formations at risk.

Crimes involving environmental law violations.

Reason:

A person having the predisposition and experience in committing environmental law violations would have the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct or involving children as victims.

Reason:

By the nature of the business, water well pump installers are on residential properties, placing the residents, both adults and children, in need of protection from those with the predisposition and experience in committing sexual crimes and crimes against young people.

Crimes involving illegal use or possession of controlled substances.

Reason:

Due to the safety concerns pertaining to the operation of the equipment, a person with convictions involving illegal use or possession of controlled substances has not demonstrated fitness for the duties performed by a water well pump installer.

Crimes involving crimes against property such as theft or burglary.

Reasons:

1. Water well pump installers have access to private residences and businesses.
2. A person with the predisposition and experience in committing crimes against property would be given the opportunity to engage in further similar conduct.

Crimes against the person such as homicide, kidnapping and assault.

Reasons:

1. Licensees have direct contact with persons at residences and businesses in situations that have potential for confrontational behavior.
2. A person with a predisposition for a violent response would pose a risk to the public.

WEATHER MODIFICATION

Crimes involving deceptive business practices and fraudulent financial management practices.

Reasons:

1. Committing fraud, deceit or misrepresenting facts in obtaining a permit or license and/or being indebted to the state for a fee, payment of a penalty or a tax imposed are grounds for revocation or suspension of a permit and/or license. See 77th Legislative Session, Senate Bill 1175, Article 1, § 1.63.
2. A person with the predisposition and experience in misrepresentation of fact in the business, financial, or corporate management setting would be have the opportunity to engage in further similar conduct.

Crimes involving illegal use or possession of controlled substances.

Reason:

Due to the extreme safety concerns pertaining to the aviation and radar control aspects of the program, persons with convictions involving illegal use or possession of controlled substances have not demonstrated fitness for a permit or license.

Crimes involving environmental law violations.

Reason:

A person having the predisposition and experience in committing environmental law violations would have the opportunity to engage in further similar conduct.