



ADDRESS ALL COMMUNICATIONS
TO THE OFFICE OF OCCUPATIONAL AND PROFESSIONAL
LICENSING DIVISION

MEMORANDUM

TO: D.C. Board of Industrial Trades

THROUGH:  Clifford Cooks, Program Manager
Occupational and Professional Licensing Division (OPLD)
Department of Consumer and Regulatory Affairs

FROM: Pamela Hall, Board Administrator 
Occupational and Professional Licensing Division (OPLD)
Department of Consumer and Regulatory Affairs

RE: Administrative Approval of Applicants with Criminal Convictions

DATE: March 4, 2015

Background

In accordance with D.C. Official Code § 47-2853.10(a) (1) (2012 Repl.), the staff of OPLD are tasked with promptly issuing and renewing occupational and professional licenses unless there is a question concerning the qualification of any applicant. Typically, a technical review of an application is required whenever an applicant gives a positive response to any of the screening questions asked on the relevant application. Thus, a technical review by the Board is general in order when an applicant has admitted to having been convicted of a criminal offense.

Previously, this Board, by vote of a majority of its members, determined that all such applications did not require a technical review by the Board, and that OPLD could approve certain applicants with criminal convictions. The Board reasoned that minor offenses typically will not bear directly on the fitness of the person to be licensed. Thus, the Board gave the administration authority to approve applicants who had been convicted of a non-violent misdemeanor more than five years preceding the date of the application.

Proposal of the Administration

At this time, OPLD recommends that the Board provide its staff the authority to approve all applications where only a misdemeanor conviction(s) is noted, regardless of the amount of time that has lapsed between the date of the conviction and the date of the application. Also, it is our

recommendation that the administration be allowed to approve certain applications which note a felonious conviction(s). Specifically, the administration requests the Board's permission to approve applicants who have been convicted of a felony or felonies, other than a serious violent felony, more than seven (7) years before the date of the application.

In accordance with 18 U.S. Code § 3559(f) (i) - Sentencing classification of offenses.

A serious violent felony means:

A Federal or State offense, by whatever designation and wherever committed, consisting of:

Murder

Manslaughter other than involuntary manslaughter

Assault with intent to commit murder

Assault with intent to commit rape

Aggravated sexual abuse and sexual abuse

Abusive sexual contact

Kidnapping

Aircraft piracy

Robbery

Carjacking

Extortion

Arson

Firearms use

Firearms possession

Accordingly, the administration would not be authorized to approve any applicant who had been convicted of one of the offenses specified above. The applications would continue to be brought before the board for a technical review.

cc: Kia Winston, Assistant Attorney General

**BOARD OF INDUSTRIAL TRADES
APPROVED APPLICATIONS
Recommendations from November 18, 2014**

Board Meeting: 3/04/2015

<i>No.</i>	<i>Applicant Name</i>	<i>Application Type</i>
1.	Paulo A. Pineda	Class 7C
2.	Quinton N. Gross	EA-Apprentice
3.	Gerald Newman	EJ-Waiver
4.	Edward Williams	CSB-Class 7B
5.	Meri Howard (Jr)	AW-Endorsement
6.	Gregg E. Kirby	CSB- Class 7B
7.	James Purdie	EJ-Waiver

MEETING MINUTES

**Board of Industrial Trades
1100 4th Street SW, Room 300 A/B
Washington, DC 20024**

DATE: October 21, 2014

TIME: 1:00 p.m. to 3:30 p.m.

LOCATION: 1100 4th Street, SE, Suite 300A/B
Washington, DC 20024

PRESENT: Robert Smith (Sr), Chairperson
Audrick Payne
Constantine Rodousakis
David Venson
John Webster
Johnny Costantino
Shell Davis
Victoria Leonard

ABSENT: Richard Jackson

VACANCIES: Seven (6) positions to be filled by Boards and Commission

STAFF PRESENT: Pamela Hall, Board Administrator
Assistant Attorney General –Kia Winston
Clifford Cooks-Program Manager
George Batista-Investigator
Steve Parker-Investigator

- I. Call to Order**
The Monthly Meeting of the Board was called to order at 1:22 pm by Chairperson Robert Smith (Sr) in Board room 300A/B at 1100 4th Street, Washington, DC 20024.
- II. Ascertainment of Quorum**
Eight Board members were present constituting a quorum.
- III. Adoption of the Agenda**
The Agenda was adopted unanimously
- IV. Acknowledgment of Adoption of the Minutes**
The Minutes of the July 15, 2014, meeting was adopted unanimously.

V. Report from the Chairperson

Mr. Smith informed the Board that the new electrical examinations are now available with new references the NEC 2011 and the Ugly electrical reference. All other examinations for Elevator Maintenance, Plumbers, Refrigeration & Air Mechanic, and Steam & Operating Engineers will be available in the near future.

VI. Old Business

The Board discussed reciprocal agreement between the District of Columbia Board of Industrial Trades and the State of Louisiana and the State of Alabama.

Upon the Board's review of the examination, licensing requirements and related documents, it was determined that the Board is unable to enter into such agreement at this time.

Unfortunately, the Board made a determination in accordance with § 47-2853.08 (2), which states that your requirements must be substantially equivalent to DC requirements.

The District of Columbia, the Board of Industrial Trades will welcome a new request for reciprocity if the requirements are consistent with the Board's licensing requirements.

Motion (I). Ms. Shell Davis made a motion to denied reciprocity request from the State of Louisiana and the State of Alabama. Johnny Constantino seconded by and the members of the Board of Industrial Trades unanimously carried the motion.

VII. Opportunity for Public Comments

Mr. Jackson, an Elevator Inspector, from the Office of Inspection and Compliance requested the time frame on when the Elevator examinations for elevator mechanic and elevator inspector will be available. He was informed that the examinations are being development.

Executive Session

Executive Session (non-public) to Discuss Ongoing, Confidential Preliminary Investigations pursuant to D.C. Official Code § 2-575(b)(14), to deliberate on a decision in which the Industrial Trades Board will exercise quasi-judicial functions pursuant to D.C. Official Code § 2-575(b)(13).

Motion (II). Ms. Vickie Leonard made a motion to start executive session. Mr. Shell Davis seconded the motion and the members of the Board of Industrial Trades unanimously carried the motion.

Motion (III). Ms. Vickie Leonard made a motion to approve the applications recommended for approval from the September 16 and October 21, 2014 meetings. Mr. Shell Davis seconded the motion and the members of the Board of Industrial Trades unanimously carried the motion.

VIII. Adjournment

Motion (IV). At 3: 15 p.m. Mr. Johnny Costantino made a motion to adjourn. Mr. Shell Davis seconded the motion and the members of the Board of Industrial Trades unanimously carried the motion.

Next Scheduled Board Meeting: November 18, 2014 @ 1:00 PM – 3:30 PM, Room 300A/B
1100 4th Street, Washington, DC 20024

Robert Smith, Chairperson Robert J Smith
Date: 3-4-15

Attachments