**Section 3125.140 Disqualifying Offense Review**

Review Standards

Section 30(a) of the Illinois Navigator Act allows the Director to place on probation, suspend, revoke or refuse to issue or renew a Navigator, In-Person Counselor and Certified Application Counselor certification, levy a civil penalty, or take any combination of the preceding actions as established by rule.  Section 3125.120 of this Part allows the Director to place on probation, suspend, revoke, or refuse to issue or renew a Navigator, In-Person Counselor or Certified Application Counselor's certificate or levy a civil penalty or take any combination of these actions, when the Navigator, In-Person Counselor, Certified Application Counselor or applicant has been convicted of a felony. (See Section 3125.120(a)(6).) When reviewing Navigator, In-Person Counselor and Certified Application Counselor certifications or applications involving Navigators, In-Person Counselors or Certified Application Counselors who have been convicted of a felony, the Director shall consider the following factors in determining the appropriate action:

a) Nature and severity of the criminal activity. Violent criminals or sex offenders may be denied certification privileges, as well as those convicted of crimes which are insurance related and/or involve untrustworthiness;

b) Time elapsed since the prior criminal conduct. The greater the time period since the criminal conduct, the more leniency is appropriate.  When making this determination, the duration since the criminal activity should be proportionate to the severity of the criminal conduct;

c) Absence of additional criminal conduct since the reported felony. Continued criminal conduct of a lesser or greater nature should not be tolerated;

d) Multiple offenses or pattern of criminal conduct. Those engaged in repeated criminal conduct are a greater risk to the public;

e) Restitution. Payment to the victim of the felony is necessary to both satisfy the court order and to demonstrate penitence;

f) Proper disclosure. Failure to fully cooperate or properly report the criminal activity to the Department does not reflect favorably on the applicant's character;

g) Satisfactory completion of sentence and probationary period.   The debt to society must be fully satisfied before the applicant is granted any further privileges;

h) Rehabilitation. Post-conviction community service or charitable activity may serve as evidence of rehabilitation;

i) Nature of work performed. There is less risk when the work to be performed does not involve money transactions or direct contact with the public; and

j) Any other facts or circumstances deemed relevant by the Director. Letters of recommendation addressed to the Director attesting to the character and reputation of the applicant or certificate holder may be considered by the Director.