**Section 1130.20 Request for Non-Binding, Advisory Opinion**

a) An individual shall file a request for a non-binding, advisory opinion on forms provided by the Department. The request shall include:

1) A copy of all convictions for which the individual seeks a non-binding, advisory opinion from the Department;

2) Copies of any certificate of relief from disabilities that the individual may have received or obtained;

3) A detailed nature of the offense;

4) Any statements of mitigation;

5) Any prior conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony or misdemeanor under the laws of the United States or any state or territory thereof or a misdemeanor of which an essential element is dishonesty or that is directly related to the practice of the profession;

6) Any licenses held or prior applications filed with the Division;

7) The profession for which the individual intends to seek licensure (if the individual intends to seek licensure in more than one profession and is seeking a non-binding, advisory opinion on more than one profession, the individual shall complete a separate request for each profession for which the individual is seeking a non-binding, advisory opinion);

8) If applicable, verification from any state in which an individual is or has been licensed stating:

A) The time during which the individual was licensed in that state, including the date of the original issuance of the license; and

B) Whether the file on the individual contains any record of disciplinary actions taken or pending.

b) When the accuracy of any submitted documentation or the relevance or sufficiency of the information submitted by the individual is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the individual seeking licensure may be requested to provide further information as may be necessary.

c) In determining whether an individual's criminal record, as disclosed in the request, is considered a bar to the future licensure of the individual, the Department may consider the following factors or any other factors deemed relevant by the Department:

1) Whether there is a direct relationship between one or more of the previous criminal offenses and the specific license to be sought;

2) Whether the issuance of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public;

3) The specific duties and responsibilities necessarily related to the license being sought;

4) The bearing, if any, the criminal offenses will have on the applicant's fitness or ability to perform one or more of the duties and responsibilities of a licensee;

5) The time that has elapsed since the occurrence of the offenses;

6) The age of the individual at the time of occurrence of the criminal offenses;

7) The seriousness of the offenses; and

8) Any information produced by the individual or produced on his or her behalf in regard to his or her rehabilitation and good conduct, including a certificate of relief from disabilities issued to the individual, which shall create a presumption of rehabilitation in regard to the offenses specified in the certificate.