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Board of Public Accountancy CORI Policy

This policy is applicable to the criminal history screening of professional licensing applicants to The Massachusetts Division of Occupational Licensure's ("DOL") Board of Public Accountancy ("Board"). Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for licensing purposes, the following practices and procedures will be followed.

I. CONDUCTING CORI SCREENING

CORI checks will only be conducted as authorized by the Department of Criminal Justice Information Services (DCJIS) and M.G.L. c. 6, § 172, and only after a CORI Acknowledgement Form has been completed. DOL has adopted the DCJIS CORI language that notifies individuals that their CORI may be requested at any time within the one year that their acknowledgment form is valid.

II. ACCESS TO CORI

All CORI obtained from the DCJIS is confidential, and access to the information is limited to those individuals who have a "need to know". This includes, but is not limited to, hiring managers, staff submitting the CORI requests, and legal advisors. DOL maintains a current list of each individual authorized to view CORI. This list is updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

III. CORI TRAINING

All personnel authorized to review or access CORI at DOL have reviewed, and are thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS. Additionally, DOL is an agency required by M.G.L. c. 6, § 171A, to maintain a CORI Policy, and all personnel authorized to conduct criminal history background checks and/or to review CORI information have reviewed, and are thoroughly familiar with, the CORI Policy.

IV. VERIFYING A SUBJECT'S IDENTITY

If a criminal record is received from the DCJIS, the information is closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.

If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is made by an individual authorized to make



such determinations based on a comparison of the CORI record and documents provided by the applicant.

V. QUESTIONING A SUBJECT ABOUT HIS/HER CRIMINAL HISTORY

In connection with any decision regarding professional licensing, the subject is provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about it. The source(s) of the criminal history record is also disclosed to the subject.

VI. DISQUALIFYING CONVICTIONS

Under M.G.L. c. 112, § 87A1/2. “The board shall grant the certificate of certified public accountant to any person who meets the requirements of good character, education, experience and examination and who pays the fees established by the commissioner of administration. For the purposes of this section, "good character" shall mean a lack of a history of dishonest or felonious acts. The board may refuse to grant a certificate on the grounds of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a licensee and if the finding of the board of lack of good character is supported by clear and convincing evidence.”

Pursuant to Chapter 69 of the Acts of 2018 (An Act Relative to Criminal Justice Reform), the Board is required to provide “a list of the specific criminal convictions that are directly related to the duties and responsibilities for the licensed occupation that would disqualify an applicant from eligibility for a license.” The Board has determined that no single conviction, on its own, would result in rendering an applicant disqualified from being eligible for a license. However, in accordance with M.G.L. c. 112, § 87A1/2, factors such as a conviction being a felony or the conviction being a crime involving dishonesty might justify denying a license to an otherwise eligible candidate. As a result, any conviction could lead to the denial of a license. This includes ALL the crimes listed on the Master Crime List issued by the Massachusetts Sentencing Commission and found at this link: <https://www.mass.gov/doc/master-crime-list>

Applicants must be reviewed by the Board only in certain circumstances. Thus, the Executive Director and Associate Executive Director are authorized, in conjunction with Board Counsel, to review the records of criminal convictions and pending criminal cases received from the Criminal Record Review Board or otherwise made available to the Board to determine whether review or an appearance before the Board is necessary for an applicant for licensure. In making this determination, the Executive Director, Associate Executive Director, and Board Counsel shall adhere to the following guidelines.

An applicant must be reviewed and may be required to appear at a Board meeting where:

1. The applicant has been convicted of or has a pending felony;
2. The applicant has been convicted of or has a pending criminal case involving dishonesty;
4. The applicant has been convicted of or has a pending criminal case that relates to activities in his or her practice of accountancy; or
5. The applicant has failed to disclose a criminal conviction and such conviction is not a misdemeanor that occurred more than five (5) years ago. In such instances, Board staff will request a statement explaining the reasons for the non-disclosure prior to Board review.

VII. DETERMINING SUITABILITY

If a determination is made, based on the information as provided in section IV of this policy, that the criminal record belongs to the subject, and the subject does not dispute the record’s accuracy,

then the determination of suitability for the license will be made. The board may refuse to grant a license only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a licensee and if the finding of the board of lack of good character is supported by clear and convincing evidence. Factors that the Board considers in determining an applicant's suitability for licensure may include, but not be limited to the following:

- (a) The requirements of public protection as determined by the Board;
- (b) The relationship between practicing as an accountant and public protection;
- (c) The time since the conviction;
- (d) The age of the applicant at the time of the offense(s);
- (e) The seriousness and specific circumstances of the offense(s);
- (f) The number of offenses;
- (g) Whether the applicant has pending charges;
- (h) Any relevant evidence of rehabilitation or lack thereof;
- (i) Submission of false information on an application for licensure and/or failure to provide required notification of new information;
- (j) Whether the applicant or registrant is currently classified as a Sex Offender by the Sex Offender Registry Board and if so, the applicant's or registrant's level of classification and compliance with applicable laws; and
- (k) Any other relevant information, including information submitted by the applicant/licensee/registrant or requested by the Board.

The applicant is to be notified of the decision and the basis for it in a timely manner pursuant to G.L. c. 30A § 21.

VIII. ADVERSE DECISIONS BASED ON CORI

If the Board is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified in accordance with DCJIS regulations at 803 CMR 2.18.

The applicant shall be provided with a copy of this CORI policy and a copy of the criminal history (unless a copy was provided previously). The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' Information Concerning the Process for Correcting a Criminal Record. It shall be the burden of the applicant to notify the Board when the CORI has been corrected so that a new CORI can be requested. Prior to denial of licensure under this Policy, applicants will be provided an opportunity to appear before the Board at a Board meeting.

IX. SECONDARY DISSEMINATION LOGS

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI outside this organization, including dissemination at the request of the subject.

If an applicant or licensee has a question concerning this policy, they may call the Board at 617-701-8635, email the Board at accountingboard@mass.gov, or send mail to the following address:

Executive Director
Board of Public Accountancy
1000 Washington Street, 7th Floor
Boston, MA 02118