Amended: September 14, 2023

Board of Registration of Real Estate Appraisers 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 Registration of Real Estate Appraisers ("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

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, other factors, such as a conviction being very recent, the applicant having a history of other criminal convictions, or the conviction involving aggravating factors (such as a crime being caused by substance abuse issues, the crime being part of a pattern of violence, the matter leading to a level 2 or 3 Sex Offender designation, etc.) 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: Master Crime List 2015 | Mass.gov

Pursuant to 264 CMR 2.01, "each applicant must be of good moral character with a reputation for honesty, trustworthiness and integrity." In accordance with 264 CMR 2.01, it is the Boards responsibility "to establish professional standards…(that) promote and protect the public interest…" 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 any felony;
2. The applicant has been convicted of three (3) or more misdemeanors within the past five (5) years;
3. The applicant has a pending criminal case concerning an open criminal charge for which a disposition has not yet been entered, but not including motor vehicle related misdemeanor offenses;
4. The applicant has been convicted of or has a pending criminal case that involves sexual misconduct or the applicant is currently classified as a Level 2 or Level 3 Sex Offender by the Sex Offender Registry Board;
5. The applicant has been convicted of or has a pending criminal case that relates to activities in his or her practice of real estate appraisal; or
6. 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.

In addition, the Executive Director, Associate Executive Director or Board Counsel are authorized to require Board review and an appearance before the Board of any applicant whose record contains any conviction or pending charge that the Executive Director, Associate Executive

Director or Board Counsel believe calls into question the good moral character of the applicant or an offense that calls into question the applicant's ability to practice the appraisal profession with a reasonable degree of skill and safety and in accordance with accepted standards of sound professional practice. All appearances before the Board shall be in closed Executive Session unless the applicant chooses otherwise.

VII. DETERMINING SUITABILITY

If a determination is made, based on the information as provided in section VI 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 purpose of the Board review of certain convictions is to determine whether the individual's practice as a real estate appraiser would pose a risk to the public. 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 appraiser 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.

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 617-701-8671, email the Board at dpl-appraiser-board@mass,gov, or send mail to the following address:

Executive Director
Board of Registration of Real Estate Appraisers
1 Federal Street, Suite 600
Boston, MA 02110-2012