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**Security Contractor's License (S License) and Certificate of Clearance CORI Policy**

Pursuant to M.G.L. c. 147, § 59-60, the Division of Occupational Licensure (DOL) Office of Public Safety and Inspections (OPSI) must review criminal offender record information (CORI) of principals, administrators, employees, and other individuals related to the security system business for purposes of licensure and approval. The following practices and procedures will be followed with respect to the issuance of S Licenses.

**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, s. 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), DOL 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.”

DOL has determined that no single conviction alone would necessarily disqualify an applicant from a S License or certificate of clearance, but factors such as a very recent conviction, other criminal convictions, or aggravating factors (such as a crime being caused by substance abuse issues, the crime being part of a pattern of violence, or the matter leading to a level 3 Sex Offender designation) could justify the Bureau in denying a license to an otherwise eligible applicant. As a result, any conviction could lead to the Bureau denying an applicant a license or a certificate of clearance, including ALL the crimes listed on the Master Crime List issued by the Massachusetts Sentencing Commission at this link: <https://www.mass.gov/doc/master-crime-list>

All felony convictions will be treated as presumptively disqualifying for S License applicants. Pursuant to M.G.L. c. 147, § 59, a S License shall not be issued to any person who has been convicted in any state of the United States of a felony, unless a hearing is held and the commissioner, at his or her discretion, determines a license is appropriate. Any person who has been convicted of a violation of M.G.L. c. 272, § 99 or 99A shall not be issued a license, unless a hearing is held and the commissioner, at his or her discretion, determines a license is appropriate. The DOL will also review misdemeanor convictions when determining suitability for a S License. The DOL may request additional information from the applicant with respect to felony convictions in other U.S. states. In addition, no license or certificate of clearance shall be issued to an applicant with an open or pending charge, regardless of whether it is a felony or misdemeanor.

## **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 or certificate of clearance will be made.

Unless otherwise provided by law, factors considered in determining suitability may include, but are not limited to, the following:

- (a) Relevance of the record to the position sought;
- (b) The nature of the work to be performed;
- (c) Time since the conviction;
- (d) Age of the candidate at the time of the offense;
- (e) Seriousness and specific circumstances of the offense;
- (f) The number of offenses;
- (g) Whether the applicant has pending charges;

- (h) Any relevant evidence of rehabilitation or lack thereof; and
- (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 an authorized official 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 subject 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.

Pursuant to M.G.L. c. 147, § 59, prior to denial of licensure, any applicant with a conviction involving a felony offense or a crime of moral turpitude may be provided an opportunity to appear at a hearing before the Commissioner or presiding officer designated by the Commissioner. The Commissioner, in his or her discretion, will determine, based upon the factors outlined in this CORI policy and the evidence presented at the hearing, whether to issue the applicant a S license.

### **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.