

## **Instructions for Submitting REQUESTS FOR PREDETERMINATIONS**

A predetermination is a voluntary, written request by an individual to determine whether the criminal history will likely disqualify the individual from obtaining licensure. Predetermination approvals and denials are based on the following indicators: a). Level/seriousness of the crime, b). Date of the crime, c). Age of the individual at the time of the crime, d). Circumstances surrounding the commission of the crime, e). Nexus between the criminal conduct and prospective duties of the individual, f). Prison, jail, probation, parole, rehabilitation, and employment records of individual since the crime was committed, g). Completion of, or active participation in, rehabilitative drug or alcohol treatment, h). Whether a Certificate of Relief has been granted, i). Subsequent commission of a crime by the individual, and j). Affidavits or other written documents, including character references. Predeterminations are not required and are not a Final Agency Decision (FAD).

The petitioner will be notified when the predetermination has been reached. Favorable predetermination is binding on the Board, provided that criminal history is correct and remains unchanged at time of application for licensure. If the Board predetermines that the petitioner's criminal history is likely grounds for denial of a license, the Board will notify Petitioner in writing regarding the grounds/reasons for predetermination, advise that the Petitioner has the right to complete any requirements for licensure and apply to the Board and have their application considered by the Board under its application process, and further evidence of rehabilitation will be considered upon application.

### **IMPORTANT PREDETERMINATION REMINDERS**

1. Always be forthcoming with the information that you provide.
2. You **MUST** submit the request for predetermination in writing to the NC Board of Funeral Service, Attn: Executive Director, 1033 Wade Ave, Ste 108, Raleigh, NC 27605. Do not send in duplicate requests, as this may delay the process.
3. With the petition to request a predetermination, you shall include the affirmation and signature page, in addition to the following:
  - a. Your name;
  - b. The last four digits of your social security number;
  - c. Your current residential address;
  - d. Your current mailing address;
  - e. A nationwide criminal history record report from a reporting service approved by the Board;
  - f. For each crime identified in the criminal history record report, the following information:

- i. Whether the crime was a felony or misdemeanor;
  - ii. The date that the crime occurred;
  - iii. The date you were convicted of, or plead guilty or nolo contendere to, the crime;
  - iv. Your age at the time of the crime;
  - v. The circumstances surrounding the commission of the crime;
  - vi. The sentence imposed for the crime;
  - vii. The period of time during which you were incarcerated for the crime, if any;
  - viii. The period of time during which you were on probation or parole for the crime, if any;
  - ix. Any documentation related to your rehabilitation or employment since the date of the crime, if any;
  - x. Whether you have undergone any rehabilitative drug or alcohol treatment since the date of the crime;
  - xi. Whether a Certificate of Relief has been granted regarding the crime, pursuant to G.S. 15A 173.2; and
  - xii. Any affidavits or other written documents, including character references, for you.
4. The Board will issue predetermination within forty-five (45) days of receiving the complete petition from the individual. No Board member involved with the predetermination must recuse him or herself from any later determinations or hearings involving the applicant.
5. The Board shall rescind the determination any time after the determination is made but before issuing a license if the individual is convicted of an additional felony or misdemeanor involving violence or a sexual offense.

#### **AFFIRMATION and SIGNATURE**

**Read and sign the following affirmation. NOTARIZED signature is required.**

By signing below, I am requesting that the NC Board of Funeral Service conduct a predetermination of whether my criminal history will likely disqualify me from obtaining a license. I affirm that I have read the Instructions for Submitting Requests for Predeterminations and the North Carolina General Statute 90, Articles 13A, 13D, 13E, 13F, and the Board's governing rules.

I affirm that the information I am submitting is true, and I further understand that the Board reserves the right to make inquiries about me, including criminal records check, and any of the information I have given in support of my petition to request predetermination.

\_\_\_\_\_ State \_\_\_\_\_

\_\_\_\_\_ County

I, \_\_\_\_\_, a Notary Public for said County and State,

do hereby certify that \_\_\_\_\_ personally

appeared before me this day and acknowledged the due execution of the foregoing instrument.

Signature of Petitioner \_\_\_\_\_

Date \_\_\_\_\_

Witness my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20

\_\_\_\_\_.

(Official Seal)

Notary Public \_\_\_\_\_

My commission expires: \_\_\_\_\_, 20 \_\_\_\_\_