

**State of California  
Office of Administrative Law**

**In re:**  
**Bureau of Security and Investigative  
Services**

**Regulatory Action:**

**Title 16, California Code of Regulations**

**Adopt sections:**

**Amend sections: 602, 602.1**

**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11349.3**

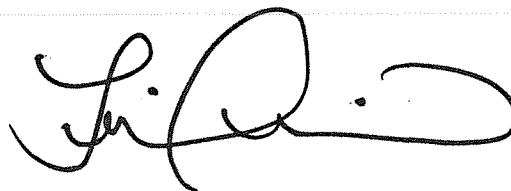
**OAL Matter Number: 2020-1217-01**

**OAL Matter Type: Regular (S)**

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This rulemaking action by the Bureau of Security and Investigative Services adopts criteria to evaluate the rehabilitation of an applicant, licensee, or petitioner when considering the denial, suspension, revocation, or reinstatement of a license. The action also includes criteria for determining when a crime is substantially related to the qualification, functions, and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed in compliance with Assembly Bill 2138 (Stats. 2018, ch. 995).

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 6/1/2021.



**Date: June 1, 2021**

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**Lindsey S. McNeill  
Senior Attorney**

**For: Kenneth J. Pogue  
Director**

**Original: Lynne Jensen Andres, Chief  
Copy: Karissa Huestis**

# REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z- 2020-0225-03</b>	REGULATORY ACTION NUMBER <b>2020-1217-015</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only	
2020 DEC 17 A 10: 03	OFFICE OF ADMINISTRATIVE LAW
NOTICE	REGULATIONS

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

**JUN 01 2021**

*1:17 PM*

AGENCY WITH RULEMAKING AUTHORITY  
Department of Consumer Affairs, Bureau of Security and Investigative Services

AGENCY FILE NUMBER (if any)

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Substantial Relationship/Rehabilitation Criteria	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT
AMEND
602, 602.1
TITLE(S)
16
REPEAL

3. TYPE OF FILING
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
June 22, 2020-July 13, 2020, <i>4/12/2021 - 4/27/2021</i>

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____

7. CONTACT PERSON Karissa Huestis	TELEPHONE NUMBER 916-575-7158	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Karissa.Huestis@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Kimberly Kirchmeyer</i>	DATE 12/15/2020
TYPED NAME AND TITLE OF SIGNATORY Kimberly Kirchmeyer, Director, Department of Consumer Affairs	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**JUN 01 2021**

Office of Administrative Law

**Bureau of Security and Investigative Services**

**ORDER OF ADOPTION**

Amend Section 602 of Division 7 of Title 16 of the California Code of Regulations, to read as follows:

**§ 602. Substantial Relationship Criteria.**

(a) For purposes of denial, suspension, or revocation of a license of pursuant to Section 141, Division 1.5 (commencing with Section 475) of the Code, or Sections 6980.71(b), 6980.73(a), 6980.74(a)(4), 7510.1(d), 7564.1(c)(3), 7583.21, or 7591.10(a) of the Code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions, or duties of a licensee if to a substantial degree it evidences present or potential unfitness to perform the functions authorized by the license in a manner consistent with the public health, safety, and or welfare. Such crimes, professional misconduct, or acts shall include, but not be limited to, those delineated in Section 7561.1 or 7561.4 of the Business and Professions Code.

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the bureau shall consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

Note: Authority cited: Sections 481, 6980.7, ~~6980.71~~, 7501.6, 7515, 7574.05, 7581 and 7591.6, Business and Professions Code. Reference: Sections 141, 475, 480, 481, 490, 493, 6980.45, 7501.7, 7574.15, 7561.1, 7587.1, 7587.4, 7582.3, 7561.4 6980.71, 6980.73, 6980.74, 7510.1, 7564.1, 7583.21 and 7591.10, Business and Professions Code.

Amend Section 602.1 of Division 7 of Title 16 of the California Code of Regulations, to read as follows:

**§ 602.1. Criteria for Evaluating Rehabilitation.**

(a) When considering the denial, suspension, revocation or reinstatement of a license for which application has been made under Chapter 8, 8.5, 11, 11.3, 11.4, 11.5 or 11.6 of the Code, the Director, in evaluating the rehabilitation of the applicant, licensee or petitioner and his or her present eligibility for a license will consider the following criteria: on the ground that the applicant, licensee, or petitioner has been convicted of a crime, the bureau shall consider whether the applicant, licensee, or petitioner made a showing

of rehabilitation if the applicant, licensee, or petitioner completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the bureau shall consider the following criteria:

- (1) The nature and severity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the applicant, licensee, or petitioner's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If the applicant, licensee, or petitioner has not completed the criminal sentence at issue without a violation of parole or probation, the bureau determines that the applicant, licensee, or petitioner did not make a showing of rehabilitation based on the criteria in subdivision (a), the denial, suspension, revocation, or reinstatement is based on professional misconduct, or the denial, suspension, revocation, or reinstatement is based on one or more of the grounds specified in Sections 6980.45, 6980.47, 6980.71, 6980.73, 6980.74, 7503.5, 7504.1, 7505.3, 7506.8, 7506.14, 7507, 7510.1, 7538, 7538.5, 7561.1, 7561.3, 7561.4, 7564.1, 7574.15, 7574.31, 7582.19, 7582.23, 7582.24, 7582.25, 7583.15, 7583.16, 7583.21, 7583.42, 7587.1, 7587.3, 7587.4, 7591.8, 7591.10, 7598.12, 7599.32, and 7599.61 of the Code, the bureau shall apply the following criteria in evaluating an applicant, licensee, or petitioner's rehabilitation:

- (1) The nature and severity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial, suspension, revocation, or reinstatement.
- (2) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial, suspension, revocation, or reinstatement which also could be considered as grounds for denial under Section 480 of the Code.
- (3) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subdivision (1) or (2).
- (4) The extent to which ~~Whether~~ the applicant, licensee, or petitioner has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant, licensee, or petitioner.
- (5) Evidence, if any, of rehabilitation submitted by the applicant, licensee, or petitioner.
- (6) If applicable, evidence of proceedings pursuant to Section 1203.4 of the Penal Code.
- (7) The criteria in subdivision (a)(1) through (5).
- (8) The total criminal record.

Note: Authority cited: Sections 481, 482, 6980.7, 7501.6, 7515, 7574.05, 7581 and 7591.6, Business and Professions Code. Reference: Sections 141, 480, 481, 482, 488, and 490, 493, 6980.45, 6980.47, 6980.71, 6980.72, 6980.73, 6980.74, 7501.8, 7503.5,

7504.1, 7505.3, 7506.8, 7506.14, 7507, 7510.1, 7538, 7538.5, 7561.1, 7561.3, 7561.4, 7564.1, 7574.15, 7574.31, 7582.19, 7582.23, 7582.24, 7582.25, 7583.15, 7583.16, 7583.21, 7583.42, 7587.1, 7587.3, 7587.4, 7591.8, 7591.10, 7591.12, 7598.12, 7599.32 and 7599.61, Business and Professions Code.