

MOTOR VEHICLE DEALER BOARD
GUIDELINES FOR REVIEW OF APPLICATIONS FOR
SALESPERSON AND DEALER-OPERATOR LICENSES
WHERE THE APPLICANT HAS A CRIMINAL RECORD
Adopted March 17, 1998

The primary goal of the application review process is to “screen out” applicants whose past conduct indicates that they should not be licensed as a motor vehicle salesperson or as a dealer-operator. This action is necessary in order to protect the interests of retail motor vehicle consumers and the integrity of the Motor Vehicle Dealer Transaction Recovery Fund.

In recommending or resolving disposition of applications by applicants with a criminal history, the Board, hearing officer and staff, where relevant, will consider each of the following factors:

1. A conviction of any of the following offenses, by itself, may be grounds for denial:
 - Any criminal offense classified as a felony
 - Any criminal act involving the business of selling vehicles
 - Any fraudulent act in connection with the business of selling vehicles or any consumer-related fraud
 - Larceny of a vehicle or receipt or sale of a stolen vehicle
 - Odometer tampering or any related violation
2. If the applicant has been convicted of any such violations, the reviewer will first consider whether the applicant is, at the time of application and subsequent hearings, under court supervision or probation and if so, the date of the underlying conviction(s), the date of release from court supervision or probation and the reports of probation officers which might be submitted by or on behalf of the applicant.

In addition, the reviewer shall also consider, where relevant:

1. The nature and seriousness of the conviction(s);
2. The age of the applicant at the time of the offense(s) and the length of time since the most recent offense was committed;
3. The extent of the applicant’s criminal record, including the number, nature and date of all criminal convictions;
4. The impact of the criminal behavior which led to the conviction(s), upon the community and the victim(s) of the offense(s);
5. Severity of the sanctions imposed by the court(s) for the violations;
6. Any evidence offered by or on behalf of the applicant in support of his application and any other factors which may be considered relevant by the hearing officer, Board or staff and
7. The credibility and demeanor of the witnesses.

The hearing officer, Board and staff will articulate and explain in any written recommendation or decision those particular factors especially emphasized or relied upon in reaching a recommendation or decision.