

## **BOARDS AND COMMISSIONS**

### **Kentucky State Board of Licensure for Professional Engineers and Land Surveyors (New Administrative Regulation)**

**201 KAR 18:025. Predetermination of whether conviction of a crime disqualifies an individual from initial licensure as a professional engineer or professional land surveyor.**

RELATES TO: KRS 322.050(2), 322.180(7), KRS Chapter 13B, Chapter 335B

STATUTORY AUTHORITY: KRS 322.180, 322.290, 335B.032

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8. The Board of Licensure for Professional Engineers and Land Surveyors is not one of the agencies that is directed by House Bill 6, Section 8(3) to include a certification by the Governor.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335B.032 requires the Board of Licensure for Professional Engineers and Land Surveyors to implement a process by which an individual who has been convicted of a crime can obtain a determination regarding whether the conviction of a crime will disqualify the individual from licensure as a professional engineer or professional land surveyor before pursuing any training or specialized education required for licensure. KRS 322.180(3) and (7) provide the board with authority to refuse to issue a license to an individual that has been convicted of a felony, in accordance with KRS Chapter 335B, and pursuant to administrative regulations promulgated by the board. KRS 322.050(2)(a) mandates that an individual is not eligible for licensure if the individual has been convicted of any felony within the past ten (10) years involving violence, sexual misconduct, fraud, or deceit. KRS 322.290(4) requires the board to promulgate administrative regulations reasonably necessary for the proper performance of its duties. This administrative regulation establishes requirements for the predetermination of licensure eligibility for prospective applicants with a history of a criminal conviction.

#### **Section 1. Definitions.**

(1) "Applicant" means an individual who has a prior conviction of a crime that seeks predetermination from the board as to whether the conviction of the crime will disqualify the individual from initial licensure as a professional engineer or professional land surveyor, before pursuing any training, experience, or specialized education required for licensure.

(2) "Conviction of a crime" is defined by KRS 335B.010(4).

(3) "Notice of Predetermination of Disqualification" means a written notice that informs the applicant of the specific grounds and reasons the applicant is disqualified from initial licensure as a professional engineer or professional land surveyor because of the applicant's prior conviction of a crime.

(4) "Notice of Predetermination of Non-Disqualification" means a written notice informing the applicant that the applicant is not disqualified from initial licensure as a professional engineer or professional land surveyor solely because of the applicant's prior conviction of a crime.

#### **Section 2. Application for Predetermination of Non-Disqualification for Licensure as a Professional Engineer or Professional Land Surveyor.**

(1) To obtain a predetermination from the board as to whether the prior conviction of a crime will disqualify the applicant from initial licensure as a professional engineer or professional land surveyor, the applicant shall submit:

(a) A completed and signed Application for Predetermination of Non-Disqualification for Licensure; and

- (b) A non-refundable application fee of fifty (50) dollars.
- (2) The applicant may submit with the Application for Predetermination of Non-Disqualification for Licensure:
  - (a) A background check issued by the Kentucky Administrative Office of the Courts;
  - (b) A certified copy of the final judgment of each criminal conviction, including amended final judgments, if applicable;
  - (c) A written statement of explanation for each criminal conviction, which fully describes the events and circumstances that led to the conviction of the crime;
  - (d) Evidence of the applicant's criminal history in accordance with KRS 335B.020(2); and
  - (e) Evidence of the applicant's rehabilitation in accordance with KRS 335B.020(2).
- (3) If additional information is requested by the board in accordance with KRS 335B.032(2)(a), the applicant shall submit the requested information to the board within thirty (30) calendar days of the board's request. Failure to timely provide the requested information shall result in the application being rejected as incomplete.
- (4) No less than thirty (30) calendar days prior to the meeting at which the application is to be evaluated and considered, board staff shall notify the applicant in writing of the following:
  - (a) The date and time of the meeting at which the information submitted by the applicant pursuant to this section shall be reviewed;
  - (b) The applicant may attend the meeting in-person, telephonically, or virtually; and
  - (c) The board will evaluate the applicant's testimony, if any, and the evidence of items listed in KRS 335B.020(2) to determine whether the applicant's prior criminal conviction relates to licensure as a professional engineer or professional land surveyor.

#### Section 3. Consideration and Evaluation of Application by the Board.

- (1) In evaluating the information submitted pursuant to Section 2 of this administrative regulation and whether the applicant's prior conviction of a crime directly relates to professional engineering or professional land surveying, the board shall consider:
  - (a) The criteria set forth in KRS 335B.020(2); and
  - (b) Whether KRS 322.050(2) applies.
- (2) If the board determines the prior criminal conviction does not directly relate to professional engineering or professional land surveying, a notice of predetermination of non-disqualification shall be issued and mailed via USPS certified mail, return receipt requested, to the mailing address provided in the application.
- (3) If the board determines the prior conviction of a crime directly relates to professional engineering or professional land surveying or KRS 322.050(2) applies, a notice of predetermination of disqualification shall be issued and mailed via USPS certified mail, return receipt requested, to the mailing address provided in the application.

#### Section 4. Appeal of Notice of Predetermination of Disqualification of Licensure.

- (1) If the board issues a notice of predetermination of disqualification, the applicant may challenge the board's predetermination that the applicant is disqualified from licensure as a professional engineer or professional land surveyor by filing a request for an administrative hearing with the board within ten (10) working days of the date of service of the notice of predetermination of disqualification pursuant to KRS 335B.030(1)(a)2.
- (2) The request for an administrative hearing shall:
  - (a) Include a written statement regarding the basis of the appeal;
  - (b) Attach any previously submitted and any new evidence relied upon by the applicant; and
  - (c) Be sent to the board by mail or hand-delivery to 160 Democrat Drive, Frankfort, Kentucky 40601.

(3) If the written request for an administrative hearing is timely filed, the board's general counsel shall prepare and file a notice of administrative hearing in accordance with KRS 13B.050(1).

(4) The administrative hearing shall be conducted in accordance with the provisions of KRS Chapter 13B.

(5) If a hearing is not requested, the notice of predetermination of disqualification shall remain in effect for a period of one (1) year from ten (10) working days after service of the notice of predetermination of disqualification. The applicant shall not reapply during that period.

#### Section 5. Incorporation by Reference.

(1) "Application for Predetermination of Non-Disqualification for Licensure", ed. 7/2026, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board's website, [kyboels.ky.gov](http://kyboels.ky.gov).

*KYLE L. ELLIOTT, Executive Director*

APPROVED BY AGENCY: July 31, 2026

FILED WITH LRC: August 26, 2026 at 2:40 p.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on November 24, 2026, at 2:00 p.m., Eastern Standard Time, at the Kentucky Engineering Center, 160 Democrat Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Jake R. Miller, General Counsel, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, phone: (502) 573-2680, facsimile: (502) 573-6687, email: [jake.miller@ky.gov](mailto:jake.miller@ky.gov).