DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

BUREAU OF REGULATORY SERVICES

GOOD MORAL CHARACTER

(By authority conferred on the department of social services by section 9 of Act No. 380 of the Public Acts of 1965, as amended, sections 2 and 5 of Act No. 116 of the Public Acts of 1973, as amended, section 3 of Act No. 381 of the Public Acts of 1974, as amended, and sections 5, 10, and 13 of Act No. 218 of the Public Acts of 1979, as amended, being SS16.109, 722.112, 722.115, 338.43, 400.705, 400.710, and 400.713 of the Michigan Compiled Laws)

R 400.1151 License issuance.

Rule 1. (1) A license, approval, or registration for a child care organization, as defined by Act No. 116 of the Public Acts of 1973, as amended, being S722.111 et seq. of the Michigan Compiled Laws, or an adult foster care facility, as defined by Act No. 218 of the Public Acts of 1979, as amended, being S400.701 et seq. of the Michigan Compiled Laws, shall not be issued by the department of social services if the license applicant lacks good moral character.

(2) For purposes of criminal background investigations, "license applicant" means a licensee, a registrant, or a person with direct responsibility for daily operation of the facility to be licensed or approved.

History: 1988 AACS.

R 400.1152 Offenses evidencing lack of good moral character; applicability.

Rule 2. (1) The following offenses presume a lack of good moral character for purposes of issuing an original or renewal license, a certificate of registration, or an approval to a child care organization, as defined by Act No. 116 of the Public Acts of 1973, as amended, being S722.111 et seq. of the Michigan Compiled Laws, and for issuing an original or renewal license to an adult foster care facility, as defined by Act No. 218 of the Public Acts of 1979, as amended, being S400.701 et seq. of the Michigan Compiled Laws:

(a) Conviction of the license applicant, in a court of competent jurisdiction, of any crime involving a substantial misrepresentation of any material fact, including any of the following:

(i) Bribery.

(ii) Fraud.

(iii) Filing of false claims.

(iv) Aiding or abetting the filing of false claims.

(v) Allowing an establishment to be used for illegal purposes.

(b) Conviction of the license applicant, in a court of competent jurisdiction, of any crime involving any of the following:

(i) Homicide.

(ii) Murder.
(iii) Manslaughter.
(iv) Mayhem.
(v) Negligent homicide.
(vi) Attempts to commit any of the offenses specified in paragraphs (i) and (ii) of this subdivision.
(c) Conviction of the license applicant, in a court of competent jurisdiction, of any crime, felony, or misdemeanor involving either of the following:
(i) Assault.
(ii) Battery.
(d) Conviction of the license applicant, in a court of competent jurisdiction, of any crime which involves a violent act, or a threat of a violent act, against a person or a crime constituting a sexual offense, which shall include any of the following:
(i) Criminal sexual conduct in any degree.
(ii) Activity for profit involving any of the following:
(A) Child abuse, neglect, or exploitation.
(B) Kidnapping.
(C) Adoption schemes.
(D) Prostitution or related crimes.
(iii) Cruelty toward, or torture of, any person.
(iv) Attempts to commit any of the offenses specified in paragraphs (i) and (iii) of this subdivision.
(e) Conviction of the license applicant, in a court of competent jurisdiction, of any of the following crimes:
(i) Robbery.
(ii) Armed robbery.
(iii) Burglary.
(iv) Receiving stolen property.
(v) Concealing stolen property.
(vi) Extortion.
(vii) Obtaining property by false pretenses.
(viii) Larceny by trick.
(ix) Larceny by conversion.
(x) Embezzlement.
(xi) Arson.
(xii) Offenses involving narcotics, alcohol or controlled substances that result in a felony conviction.
(xiii) Offenses involving any of the following:
(A) Adulterating drugs, controlled substances, or preparations.
(B) Poisoning.
(C) Unlawful manufacture or delivery of drugs or possession with intent to manufacture or deliver drugs.
(xiv) Attempts to commit any of the offenses specified in paragraphs (i), (ii), and (iii) of this subdivision.

(2) The department of social services shall provide the license applicant with written notice regarding the findings as identified in subrule (1) of this rule as evidencing a lack of good moral character.

(3) The license applicant shall be afforded the opportunity to have an informal conference with department of social services representatives to demonstrate that he or she is of good moral character.

(4) Where an offense or offenses identified in subrule (1) of this rule exist, and license issuance or a certificate of registration is still recommended, the recommendation shall be reviewed by the department's administrative licensing officials for a final determination as to the issuance of a license or certificate of registration.

(5) The department of social services shall provide the license applicant with a written response, as soon as practicable after the review, indicating the determination of the licensing representative.

(6) The department of social services shall provide a license applicant with written notice regarding appeal rights if applicable as provided by Act No. 306 of the Public Acts of 1969, as amended, being S24.201 et seq. of the Michigan Compiled Laws, Act No. 116 of the Public Acts of 1973, as amended, being S722.111 et seq. of the Michigan Compiled Laws, and Act No. 218 of the Public Acts of 1979, as amended, being S400.701 et seq. of the Michigan Compiled Laws, when there is official notification of the intent to deny the issuance of a license or certificate of registration to an applicant or registrant based upon the license applicant's lack of good moral character.

History: 1988 AACS.

R 400.1153 Denial of license renewal based upon previously reviewed convictions prohibited; exception.

Rule 3. The department shall not deny the license or certificate of registration renewal of a current licensee or registrant based upon convictions which had been reviewed when the license or certificate was issued. However, if new findings or new convictions are disclosed, the department will consider previously reviewed convictions when deciding to approve or deny the license or certificate renewal application of a current licensee.

History: 1988 AACS.