

Q & A Regarding the Felony Question

Updated 7 October 2019

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<p>The information contained in this document is provided for informational purposes only and should not be considered as legal advice. Contact an attorney if you have questions of a legal nature. If you have any questions about the information in this document, contact the VEC Chairman: dzimmerman2002@gmail.com</p>		
1	Why is the FCC asking if I have been convicted of a felony?	<p>The Communications Act of 1934, as amended, and codified in the United States Code, Title 47 – Telecommunications, §308(b), authorizes the FCC to establish the conditions for being an FCC licensee. These conditions include, but are not limited to, the following:</p> <p>Citizenship, character, financial, technical, and other qualifications of the applicant to operate the station.</p> <p>According to the FCC's Public Notice DA 17-741, the Commission is seeking consistency among its various application forms.</p>
2	Does everyone have to answer the felony question?	<p>According to the FCC's Public Notice DA 17-741, It depends on the purpose of your application.</p> <p>You are required to answer the felony question ONLY if the purpose of your application is for one of the following reasons:</p> <ol style="list-style-type: none">1. <i>Applying for a new license.</i> (NE)2. <i>Modifying an existing license.</i> (MD)3. <i>Renewing <u>AND</u> modifying an existing license.</i> (RM)4. <i>Amending a pending NE, MD, or RM application.</i> (AM)
3	I am not a US citizen. Am I required to answer the felony question?	<p>Yes, but the question applies only to felony convictions in US State and Federal courts, regardless of citizenship. The FCC is not concerned with any prior or current legal problems you may have in your home country.</p>

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4	What does modify a license mean?	<p>Modifying a license results in a change in the conditions of the license data during the term of that license as shown below:</p> <ul style="list-style-type: none">• Change of technical data only - Change of license class and/or change of call sign OR• Change of technical data <u>AND</u> administrative Data - Change of license class and/or change of call sign PLUS a change of name, mailing address, phone number, and/or e-mail address. <p>Note: A change of technical data is ALWAYS required in order to modify a license.</p> <p>A license can be modified <u>ONLY</u> through the following three actions:</p> <ol style="list-style-type: none">1. <i>Upgrading the class of an existing license</i>2. <i>Requesting a systematic call sign change</i>3. <i>Requesting a vanity call sign (This is not done through a VE team).</i>
5	Can I amend my application?	<p>Yes, but ONLY if the application was submitted by you on-line or by mail.</p> <p>If your pending application was processed by volunteer examiners, then any amendment must be submitted by the coordinating Volunteer Examiner Coordinator (VEC). Contact the team leader in charge of your exam session or the coordinating VEC for assistance.</p> <p>If you try to go on-line to amend a pending application that was submitted by a VEC this could result in your application being dismissed or the processing of your application to be slowed down.</p>
6	My felony conviction was overturned or vacated, or I was pardoned, and/or the court records were expunged or sealed. Am I required to answer "Yes" to the felony question?	<p>It depends on the purpose of your application. See question #2, above to determine if you have to answer the felony question.</p> <p>If you do, you should, according to the FCC, include in your explanation any information regarding the overturned/vacated conviction, pardon, and/or sealed or expunged records as that will be relevant to whether your conviction(s) still present any material and substantial question of fact regarding whether you have the character qualifications to be a Commission licensee.</p>

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7	I want to change my name, mailing address, phone number, and/or e-mail address. Do I have to answer the felony question?	<p>No! See question #2 above</p> <p>These types of changes are called “<i>Administrative Updates</i>” and do not require the applicant to answer the felony question.</p> <ul style="list-style-type: none">• Administrative updates to a license can be done on-line, by mail or at an exam session.
8	I want to renew my license with or without administrative changes. Do I have to answer the felony question?	<p>No! See question #2 above.</p> <ul style="list-style-type: none">• Renewing a license can be done on-line, by mail or at an exam session.
9	If I answer the felony question “Yes”, are the Volunteer Examiners required to administer an exam?	<p>Yes, but only if you want to take an exam.</p> <p>The VEs must process any application for any purpose in accordance with the FCC rules and VEC policies. This includes administering exams.</p>
10	I answered the felony question “Yes”. Will the FCC still grant my application?	<p>Probably.</p> <p>To date, no applications have been denied because an applicant answered “yes” to the felony question.</p> <p>Since the implementation of the felony question on 7 September 2017, the grant rate of applications from applicants who answered the felony question “yes” and provided their explanation, varies between 82% and 84%.</p> <p>The remaining applications from applicants who answered the felony question “yes” and provided their explanation, are pending.</p>
11	What happens if I refuse to answer the felony question?	<p>The FCC will not accept your application if you apply on-line.</p> <p>The FCC will not process your application if you mail an application to the FCC.</p> <p>The VEs cannot accept your application for a new license, to modify an existing license, or to renew and modify an existing license. You will not be allowed to take an exam.</p>

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12	I answered "Yes" to the felony question. Do I have to do anything else?	<p>Yes. According to the FCC's Public Notice DA 17-741, you have to provide an explanation of each felony conviction to the FCC. Your explanation must include, but is not limited to, the following:</p> <ul style="list-style-type: none">• The file number of your pending application.• A description of the conduct or actions that resulted in the conviction or guilty plea.• The date of the conviction or guilty plea.• The punishment that was imposed, and whether the sentence has been completed, or if you are still under any restriction or condition resulting from the conviction or guilty plea• Any efforts taken to remedy the wrongs committed and ensure that you will not engage in such conduct or activities in the future.• Why granting you a license is in the best interests of society. <p>Do not be vague or evasive in your explanation.</p>
13	What's a "File Number" and where do I find it?	<p>Every application that is accepted by the FCC is assigned a one-up, 10-digit file number.</p> <p>While not required to do so, the leader of the Volunteer Examiner team with whom you submitted your application, may provide that information to you.</p> <p>You can also find your file number on-line by going here:</p> <p>http://wireless2.fcc.gov/UlsApp/ApplicationSearch/searchAppl.jsp</p> <p>Using the pull-down menu, select your search method: By name, by call sign, or by FRN.</p> <p>Enter your FRN, call sign or your name (Use the following format as it appears on your application): Last name and suffix, First name, Middle initial: Doe Jr, John Q or Doe, John Q or Doe, John</p> <p>Click on "Enter" or "Submit"</p>

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14	How soon will my File Number be available?	<p>As soon as the coordinating VEC submits it to the FCC.</p> <p>How soon that happens, depends on which VEC coordinates the exam session. Some VECs can take 10-14 days or longer, to submit applications to the FCC.</p> <p>The Laurel VEC typically submits applications to the FCC on the first business day following the exam session and the File Number is available that same day.</p>
15	Can I provide letters of reference from friends, clergy, employer, etc., and other documents such as court or prison records? Can people submit character references on my behalf?	<p>Yes. They might be helpful.</p>
16	Where do I send my explanation and documents?	<p>According to the FCC's Public Notice DA 17-741, send your explanation and any supporting documents, in one of two ways:</p> <ul style="list-style-type: none">• By E-Mail to: attach605@fcc.gov• By mail to: Federal Communications Commission 1270 Fairfield Rd. Gettysburg, PA 17325-7245
17	Is there a deadline to provide my explanation to the FCC?	<p>Yes. According to the FCC's Public Notice DA 17-741, you have 14 days from the date the application is assigned a File Number by the FCC.</p> <p>With some VECs that could be 10-14 days or longer after the exam session.</p> <p>The Laurel VEC typically submits applications to the FCC on the first business day following the exam session and the File Number is available that same day.</p>
18	What happens if I do not provide an explanation?	<p>The FCC will dismiss your application without prejudice, and they will mail you a letter informing you that your application was dismissed because you failed to provide the required explanation within the prescribed time limit.</p>
19	What does "without prejudice" mean?	<p>It means that it's not dismissed forever. In other words, if your application is dismissed without prejudice, you can resubmit your application.</p>

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20	What if the FCC wants more information regarding my conviction?	<p>The status of your application will be changed from “Pending” to “Returned”. The FCC will mail you a letter requesting you to provide specific information.</p> <p>You will normally be given up to 60 days to provide the information.</p> <p>Once the information is received, your application will be returned to “Pending” status.</p> <p>If you don’t provide the requested information, your application will be dismissed.</p>
21	Am I required to answer the felony question each time I apply for a modification of my license?	<p>Yes, even if your earlier application was granted.</p> <p>According to the FCC’s Public Notice DA 17-741, if nothing has changed, you can, in subsequent applications, simply refer to a previous application where the explanation was provided rather than providing the complete explanation each time. Be sure to include the file number from the first application on which you answered yes, and the FCC granted your application.</p> <p>A conviction or guilty plea that the Commission previously concluded did not present a character issue will not preclude a grant of any future applications.</p>
22	How long will it take the FCC to grant my application?	<p>We can’t give you a precise number of days but since the implementation of the felony question, the average number of days between receipt of the application and granting the application is about 15. Some have taken as long as 150-165 days and as short as 1-2 days.</p>

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23	If my application is dismissed, do I have to take the exam again?	<p>It's up to you.</p> <p>While your CSCE is still valid (It's only good for 365 days from the date of your previous exam session), you have options:</p> <ol style="list-style-type: none">1. Do nothing. If you don't do anything and your CSCE expires, then yes, you will have to take the exam again.2. Submit your explanation. From the date of the dismissal of your application, you have an additional 30 days (called a "Period of Reconsideration") to submit your explanation to the FCC. Send your explanation or additional information requested by the FCC, with a request to reconsider your application dismissal. Be sure to reference the file number for your application. <p>If the Period of Consideration is closed, you still have options:</p> <ol style="list-style-type: none">1. Do nothing.2. Contact the Volunteer Examiner team or the VEC that processed your application before your CSCE expires and ask them to resubmit your application. <p>They will initiate the necessary action to resubmit your application. Once your application is assigned a new File Number, you have 14 days to provide the FCC an explanation of your felony conviction(s).</p>
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24	How will I know if my application is granted?	<p>Unfortunately, the FCC does not inform the volunteer examiners when a pending application is granted.</p> <p>You can check the status of your application by going here:</p> <p>http://wireless2.fcc.gov/UlsApp/ApplicationSearch/searchAppl.jsp</p> <p>Using the pull-down menu to select your search method: By File Number, name, by call sign, or by FRN.</p> <p>Enter your FRN, call sign or your name (Use the following format as it appears on your application): Last name and suffix, First name, Middle initial:</p> <p>Doe Jr, John Q or Doe, John Q or Doe, John</p>
25	Will I lose my license if my application is dismissed?	<p>No!</p>
26	I have one application "pending" for a new license or an upgrade. Can I take another exam, or do I have to wait until my pending application is granted?	<p>Yes, you can take other exams while your first application is pending.</p> <p>However, you must notify the volunteer examiners that you have a pending application. They will ensure that the appropriate people are notified so your pending application is amended to include the results from your second application.</p>
27	My application for an upgrade is pending. Can I use my new privileges?	<p>Yes. Your CSCE is your authority to use your new privileges.</p>

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28	Can I continue to use my upgraded privileges even though my application was dismissed?	<p>Yes, except as noted below. See §97.9(b)</p> <p>You may use your upgraded privileges for the life of the CSCE (365 days from the date it was issued) or until your application is granted, whichever comes first.</p> <p>If you don't resubmit your application before your CSCE expires, you lose your upgraded privileges and will have to retake the exam or file a new application if your upgrade is a result of element credit.</p> <p>If, while your application is pending, your CSCE expires, you may not continue to use your upgraded privileges effective the day your CSCE expired. You must revert back to your previous license privileges until the FCC makes a decision on your application.</p>
29	How long can I wait to have my application resubmitted?	<p>Until your CSCE expires (365 days after the date it was issued). Don't wait until the last minute!</p>
30	My application is still pending. However, my license is now in the 90-day window for renewal. What do I do?	<p>Submit an application to renew your license. You can do this by mail, on-line or at an exam session.</p>

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31	What if my application is submitted with an incorrect answer to the felony question?	<p>We can't speak for the other 13 VECs and their procedures.</p> <p>Laurel VEC accredited Volunteer Examiners will ask each applicant at least once, to review their application form to ensure that the information they entered is correct.</p> <p>If you qualified for a new license or upgrade, and answered the felony question "Yes", you will receive a CSCE and a handout with instructions on what you have to do.</p> <p>If you do not receive the handout and should have, or if you received the handout and you shouldn't have, notify the volunteer examiner and they will correct your application form or have you complete a new application and give you the handout, if appropriate.</p> <p>If you discover the error later on, notify the team of volunteer examiners as soon as you recognize the error. They will initiate the appropriate action to correct the mistake.</p>
32	I am embarrassed about my criminal past. Will my privacy be protected?	<p>We can't speak for the other 13 Volunteer Examiner Coordinators or their affiliated teams.</p> <p>Within the Laurel VEC we will absolutely protect your privacy. Our volunteer examiners will never ask you for any information or details regarding your past indiscretions.</p> <p>If you pass an exam for a new license or are modifying an existing license by passing an exam or by element credit, you will be discretely provided with a handout that explains what you have to do with respect to the felony question.</p>

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33	I'm embarrassed about my conviction(s). Can I request confidentiality?	<p>Yes and no.</p> <p>The fact that you answered yes to the felony question will be visible in the Universal Licensing System (ULS) to anyone who looks up your license or your applications you submitted since 7 September 2017.</p> <p>According to the FCC's Public Notice DA 17-741, you may request the FCC to treat your explanation as confidential.</p> <ul style="list-style-type: none">• To seek confidential treatment, you must include a separate request that the material not be made available for public inspection.• Your request must contain a statement of the reasons for the request and identify the portion(s) of the response for which confidential treatment is requested. It is not sufficient to simply mark a document as "Confidential." <p>If you do not request confidential treatment, your explanation will be publicly viewable in the application data base of the Universal Licensing System (ULS).</p>
34	What can I do if I believe that the examiners did not respect my privacy during the exam session?	<p>Contact the coordinating VEC and provide them with the details (Date, exam session location, and a description of the incident).</p> <p>If you experienced an issue of this type during an exam session coordinated by the Laurel VEC, contact the VEC Chairman: dzimmerman2002@gmail.com We will investigate your allegations and take action as appropriate.</p>

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35	What happens if the FCC decides not to grant my application?	<p>So far, no application from anyone who answered the felony question “Yes”, has been referred to an Administrative Law Judge.</p> <p>However, if the Wireless Telecommunication or Enforcement Bureaus can't make a decision whether to grant your application on their own, they will refer the application to an Administrative Law Judge.</p> <p>The following is an over-simplified explanation of the process if an application is referred to an ALJ:</p> <ul style="list-style-type: none">• The applicant will be notified in writing that their application is being referred to an Administrative Law Judge for a hearing.• The applicant will be invited to appear at the hearing and provide testimony and evidence, as appropriate. The applicant can have an attorney represent them at the hearing and in lieu of their attending, if desired. <p>The Judge will listen to both sides and render a decision.</p>
36	I have heard that some applications have been pending for months and in some cases for a year or longer. Why?	<p>There are one or more pending applications that were submitted prior to the implementation of the felony question. For reasons not known to us, the applicants have chosen to involve the US courts to resolve their issues with the FCC.</p> <p>As a result, the FCC is waiting for the outcome of those cases before processing some or all of the applications that have been pending for 3 months or longer.</p>
37	Can I lose my license as a result of the decision of the Administrative Law Judge?	It's very likely.
38	Can I appeal the decision of the Administrative Law Judge?	Yes. You can appeal the ALJ's decision to the Commission (The five commissioners).
39	Who do I contact at the FCC with questions about the status of my application?	You can contact the Wireless Telecommunications Bureau, Mobility Division at (202) 418-0600. They can redirect your call as appropriate.