

Q & A Regarding the Felony Question

1	Why is there felony question?	<p>1. The FCC is updating Form 605 to add the felony question so that Forms 605 and 601, which was updated last year, are similar.</p> <p>2. The FCC wants to ensure each new licensee and licensees who upgrade have the necessary character to be a licensee in accordance with the Communications Act of 1934, as amended.</p> <p>Note: The FCC used to ask this question on the FCC Form 610 prior to the implementation of Volunteer Examiners.</p>
2	If an applicant answers the felony question "Yes", are VEs required to administer an exam?	Yes. Process the application as is normally done during an exam session in accordance with the FCC rules and Laurel VEC policies.
3	What else are the VEs required to do?	<p>Inform the applicant of the following:</p> <ul style="list-style-type: none"> • This is an FCC requirement and not a Laurel VEC policy requirement. • He is required to provide the FCC an explanation. • His application will be dismissed without further action if his explanation is not received within 14 days of the application being filed. • How and where he can provide his explanation. • He can request the explanation be treated as confidential information.
4	What information is required in the explanation?	<p>1. Anything useful to include but not limited to the following</p> <ul style="list-style-type: none"> • A detailed description of the conduct or actions that resulted in the conviction or guilty plea, including time and place • The date of the conviction or guilty plea • The punishment that was imposed, and whether the sentence has been completed, or if he is still under any restriction or condition resulting from the conviction or guilty plea • Any efforts taken to remedy the wrongs committed and ensure that he will not engage in such conduct or activities in the future. <p>2. If necessary, the FCC will request the applicant provide additional information.</p>
5	Can the applicant include letters from his neighbors, clergy, employer, etc. that would attest to his character?	It couldn't hurt.

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6	That's a lot of information. How do you expect us to remember it?	<ol style="list-style-type: none"> 1. We don't. 2. The VEC is going to provide an Information Paper that describes what should be in the applicant's explanation, the methods and addresses for providing the explanation, and how the applicant can request confidentiality of his explanation. 3. The Information Paper will be posted on the VEC website for downloading and printing and it will be available in SessionManager.
7	What else will VEs be required to do regarding the felony question?	<ol style="list-style-type: none"> 1. Be respectful. 2. Don't gossip. 3. Protect the privacy of all applicants. 4. Optionally provide the applicant's filing number when the Response File is provided.
8	What is the time limit for the felon applicant to provide his explanation to the FCC?	14 days from the date the application is submitted to the FCC.
9	How will the applicant know when the application was submitted to the FCC?	Team Leaders can provide that information when they receive the Response File from their Regional Coordinator and the applicant can check the status of his application on-line. Instructions will also be available in a handout the VEC will provide.
10	What happens if a VE answers YES to the felony question?	Process the application in accordance with the FCC rules and Laurel VEC policies. Notify your Regional Coordinator.
11	What information, if any, will the felon applicant have to include with his explanation to associate his application with the explanation?	The file number associated with his application.
12	How does an applicant learn what his file number is?	Team Leaders can provide that information when they receive the Response File from their Regional Coordinator. Instructions for acquiring the file number will be included in a handout the VEC will provide. The applicant can check the status of his application on-line.
13	What happens if the felon applicant does not provide an explanation?	Their application will be dismissed without further action after a specified period.
14	How many applicants are we talking about?	There is no way of knowing but hopefully the number will be very small.

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15	Does the FCC decision apply to all purposes related to an application (e.g., New license, upgrades, renewals, etc.)	<ol style="list-style-type: none"> 1. No. 2. It applies only to applications for a new license, modifications of an existing license, amendments to an application and renewal/modification, request for change of call sign (considered a modification). 3. It does not apply to license renewals or administrative updates.
16	Why are license renewals and administrative updates exempted from the felony question?	<ol style="list-style-type: none"> 1. No idea. 2. The FCC has incorporated the felony question in other FCC forms without explaining why.
17	Does this apply to all classes of licensees?	Yes.
18	Are foreign applicants required to answer the felony question?	<ol style="list-style-type: none"> 1. Yes. 2. The question applies only to felony convictions in US State and Federal courts regardless of citizenship.
19	If the applicant's felony conviction was overturned does he have to answer YES to the felony question?	Yes. They should include in their explanation information regarding the overturned conviction, as that will be relevant to whether the conviction still presents any material and substantial question of fact regarding whether the applicant has the character qualifications to be a Commission licensee.
20	If an applicant was convicted of a felony and later pardoned does he have to answer "Yes" to the felony question?	Yes. They should include in their explanation information regarding the pardon, as that will be relevant to whether the conviction still presents any material and substantial question of fact regarding whether the applicant has the character qualifications to be a Commission licensee.
21	If a felon applicant's criminal records have been ordered expunged or sealed, does he have to answer the felony question in the affirmative?	Yes. They should include in their explanation information regarding the details of the expungement or sealing of the records.
22	Is a felon licensee required to answer the felony question each time he applies for a modification (MD), amendment (AM), and renewal/modification (RM)?	<ol style="list-style-type: none"> 1. Yes, even if an earlier application was granted. 2. If nothing has changed, he can, in subsequent applications refer to a previous application where the explanation was provided rather than providing the complete explanation each time. 3. A conviction or guilty plea that the Commission previously concluded did not present a character issue will not preclude grant of any future applications.

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23	How will the applicant's application be processed?	<ol style="list-style-type: none"> 1. It will be uploaded as normal 2. It will be flagged for off-line processing like many other applications are. 3. Once the applicant's explanation is received, the FCC will review the explanation and decide to either grant the application or dismiss it.
24	How long will it take the FCC to determine whether to grant or dismiss an application?	<ol style="list-style-type: none"> 1. There is no specific timeline. 2. Factors could include, how quickly the explanation is provided, the completeness of the explanation, the number of pending applications, etc.
25	Can a licensee who answered YES to the felony question and upgraded his license be able to use his new privileges?	<ol style="list-style-type: none"> 1. Yes. 2. However, if the FCC dismisses the application the upgraded privileges are lost.
26	If the felon applicant's application is granted, how will we know?	<ol style="list-style-type: none"> 1. We won't. 2. When an application is flagged for off-line processing and is later approved, the FCC does not currently notify anyone. That practice will continue. 3. The only way to know is to check the ULS data base.
27	How will the applicant know if his application is granted?	<ol style="list-style-type: none"> 1. If the applicant provided an e-mail address they may receive an e-mail from the FCC. 2. If the applicant is already licensed and has chosen paper notifications, they will receive their license in the mail. 3. If the applicant did not provide an e-mail address and did not choose paper notifications, they can search the ULS data base by call sign, name, or FRN.
28	If the FCC initially decides to dismiss the application, what happens next?	The FCC will refer the dismissed application to a hearing.
29	What do we do if an applicant refuses to answer the felony question?	Politely explain that we cannot administer an exam or submit his application to the FCC.
30	What if the applicant does not file the notice of his intent to appear at the hearing?	The presiding officer will consider the available evidence and most likely confirm the original decision to dismiss the application.
31	What happens if an applicant has one application "pending" because of the felony questions and submits a second application?	The applicant will have to refer to his first application file number when he provides his explanation for his second application and include the second file number.

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32	When an applicant files back-to-back applications, how much time will it take?	<ol style="list-style-type: none"> 1. Unknown. 2. Several factors are involved, none of which VEs and the VEC control. 3. However, the first application may have to be processed by the FCC before the second application might be uploaded.
32	What happens if the application is referred for a hearing?	<ol style="list-style-type: none"> 1. The FCC will issue an order containing the following information: <ul style="list-style-type: none"> • A statement as to the reasons for the Commission's action. • A statement as to the matters of fact and law involved, and the issues upon which the application will be heard. • A statement as to the time, place, and nature of the hearing. (If the time and place are not specified, the order will indicate that the time and place will be specified later.) • A statement as to the legal authority and jurisdiction under which the hearing is to be held. 2. The order designating an application for hearing is mailed to the applicant 3. To avail himself of the opportunity to be heard, the applicant, in person or by his attorney, must, within 20 days of the mailing of the notice of designation for hearing, file with the Commission, in triplicate, a written notice that he will appear at the hearing and present evidence on the issues specified in the order.
33	What happens if a licensed felon's application is dismissed during the hearing?	<ol style="list-style-type: none"> 1. The decision from the hearing is final. 2. The application will not be processed.
34	Will a felon licensee lose his license if the application is dismissed?	<ol style="list-style-type: none"> 1. It's uncertain. 2. It is possible the FCC may initiate action to revoke/terminate the licensee's current license for the same character issues that resulted in the dismissal of his application.
35	Who does the applicant contact at the FCC with questions about the status of their application?	They can contact the Wireless Telecommunications Bureau Mobility Division at (202) 418-0600.

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36	Does the felony question have to be answered when a radio club applies for a license and club call?	<ol style="list-style-type: none">1. Yes.2. Check with one of the Club Call Sign Administrators for further information and guidance.<ul style="list-style-type: none">• ARRL VEC• W4VEC• W5YI VEC
37	When does this go into effect?	On 7 September 2017 at a time yet to be determined by the FCC.
38	Will SessionManager be modified to support the felony question requirement?	<ol style="list-style-type: none">1. Yes.2. We're waiting for the new NCVEC Form 605 to be published.3. We're including several features that will address the felony question and are designed to make it difficult for "accidents" when entering information into SessionManager.
39	If a licensee applies for a vanity call, does he have to answer the felony question?	Yes.