



1 GENERAL GOVERNMENT CABINET

2 Kentucky State Board of Licensure for Professional Engineers and Land Surveyors

3 (New Administrative Regulation)

4 201 KAR 18:025. Predetermination of whether conviction of a crime disqualifies an individual
5 from initial licensure as a professional engineer or professional land surveyor.

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

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

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

12 NECESSITY, FUNCTION, AND CONFORMITY: KRS 335B.032 requires the Board of
13 Licensure for Professional Engineers and Land Surveyors to implement a process by which an
14 individual who has been convicted of a crime can obtain a determination regarding whether the
15 conviction of a crime will disqualify the individual from licensure as a professional engineer or
16 professional land surveyor before pursuing any training or specialized education required for
17 licensure. KRS 322.180(3) and (7) provide the board with authority to refuse to issue a license to
18 an individual that has been convicted of a felony, in accordance with KRS Chapter 335B, and
19 pursuant to administrative regulations promulgated by the board. KRS 322.050(2)(a) mandates
20 that an individual is not eligible for licensure if the individual has been convicted of any felony
21 within the past ten (10) years involving violence, sexual misconduct, fraud, or deceit. KRS

1 322.290(4) requires the board to promulgate administrative regulations reasonably necessary for
2 the proper performance of its duties. This administrative regulation establishes requirements for
3 the predetermination of licensure eligibility for prospective applicants with a history of a
4 criminal conviction.

5 Section 1. Definitions.

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

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

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

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

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

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

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

3 (b) A non-refundable application fee of fifty (50) dollars.

4 (2) The applicant may submit with the Application for Predetermination of Non-
5 Disqualification for Licensure:

6 (a) A background check issued by the Kentucky Administrative Office of the Courts;

7 (b) A certified copy of the final judgment of each criminal conviction, including amended
8 final judgments, if applicable;

9 (c) A written statement of explanation for each criminal conviction, which fully describes
10 the events and circumstances that led to the conviction of the crime;

11 (d) Evidence of the applicant's criminal history in accordance with KRS 335B.020(2);
12 and

13 (e) Evidence of the applicant's rehabilitation in accordance with KRS 335B.020(2).

14 (3) If additional information is requested by the board in accordance with KRS
15 335B.032(2)(a), the applicant shall submit the requested information to the board within thirty
16 (30) calendar days of the board's request. Failure to timely provide the requested information
17 shall result in the application being rejected as incomplete.

18 (4) No less than thirty (30) calendar days prior to the meeting at which the application is
19 to be evaluated and considered, board staff shall notify the applicant in writing of the following:

20 (a) The date and time of the meeting at which the information submitted by the applicant
21 pursuant to this section shall be reviewed;

22 (b) The applicant may attend the meeting in-person, telephonically, or virtually; and

1 (c) The board will evaluate the applicant's testimony, if any, and the evidence of items
2 listed in KRS 335B.020(2) to determine whether the applicant's prior criminal conviction relates
3 to licensure as a professional engineer or professional land surveyor.

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

5 (1) In evaluating the information submitted pursuant to Section 2 of this administrative
6 regulation and whether the applicant's prior conviction of a crime directly relates to professional
7 engineering or professional land surveying, the board shall consider:

8 (a) The criteria set forth in KRS 335B.020(2); and

9 (b) Whether KRS 322.050(2) applies.

10 (2) If the board determines the prior criminal conviction does not directly relate to
11 professional engineering or professional land surveying, a notice of predetermination of non-
12 disqualification shall be issued and mailed via USPS certified mail, return receipt requested, to
13 the mailing address provided in the application.

14 (3) If the board determines the prior conviction of a crime directly relates to professional
15 engineering or professional land surveying or KRS 322.050(2) applies, a notice of
16 predetermination of disqualification shall be issued and mailed via USPS certified mail, return
17 receipt requested, to the mailing address provided in the application.

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

19 (1) If the board issues a notice of predetermination of disqualification, the applicant may
20 challenge the board's predetermination that the applicant is disqualified from licensure as a
21 professional engineer or professional land surveyor by filing a request for an administrative
22 hearing with the board within ten (10) working days of the date of service of the notice of
23 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.

APPROVED BY AGENCY:  July 31, 2026

KYLE L. ELLIOTT, Executive Director
Kentucky State Board of Licensure for
Professional Engineers and Land Surveyors

August 24, 2026
Date

PUBLIC HEARING AND PUBLIC 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 18:025

Contact Person: Jake R. Miller

Phone: (502) 573-2680

Email: jake.miller@ky.gov

Subject Headings: Engineering and Land Surveying, Occupations and Professions, Criminal Records & History

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes 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.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to establish and implement a clear 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 so as to remove barriers to professional licensure for citizens of the Commonwealth who have been convicted of a crime in accordance with the General Assembly's findings set forth in KRS 335B.025.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation conforms to the content of the authorizing statutes by establishing a clear process by which an individual who has been convicted of a crime can obtain a determination from the board 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.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation will assist individuals who have been convicted of a crime to 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.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:
Not applicable.

(b) The necessity of the amendment to this administrative regulation:
Not applicable.

(c) How the amendment conforms to the content of the authorizing statutes:
Not applicable.

(d) How the amendment will assist in the effective administration of the statutes:
Not applicable.

(3) Does this administrative regulation or amendment implement legislation from the previous five years?

Yes, this administrative regulation implements legislation from the 2026 Regular Session.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

This administrative regulation is estimated to affect between zero and five individuals who have been convicted of a crime that may apply for initial licensure as a professional engineer or professional land surveyor per year.

No other businesses, organizations, or state and local governments are anticipated to be affected by the amendment to this administrative regulation.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment:

In order to comply with this new administrative regulation, individuals who have been convicted of a crime will need to comply with the procedure and submit the appropriate fee and information as set forth in the administrative regulation in order to obtain a determination from the board as to whether the individual's criminal history will disqualify the individual from initial licensure as a professional engineer or professional land surveyor.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

In complying with this new administrative regulation, it will cost the applicant a \$50 application fee.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

As a result of compliance, the individual will have the benefit of knowing whether the individual's prior criminal history would disqualify the individual from initial licensure as a professional engineer or professional land surveyor prior to pursuing any training or specialized education required for licensure.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: None.

(b) On a continuing basis: None.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:

No additional funds are needed for the implementation and enforcement of this new administrative regulation. However, to the extent any funds are needed for the implementation and enforcement of the administrative regulation, the funds would be from restricted agency

funds. The Kentucky State Board of Licensure for Professional Engineers and Land Surveyors does not receive any general or federal funds.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

An increase in already existing fees or funding will not be necessary to implement this new administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation establishes an application fee of \$50.

(10) TIERING: Is tiering applied? (Explain why or why not)

Tiering is not applied to this new administrative regulation as the regulation applies equally to all those seeking a determination from the board as to whether the conviction of a crime will disqualify the individual from licensure as a professional engineer or professional land surveyor.

FISCAL IMPACT STATEMENT

201 KAR 18:025

Contact Person: Jake R. Miller

Phone: (502) 573-2680

Email: jake.miller@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

Kentucky Revised Statutes 322.180, 322.290, and 335B.032.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

This new administrative regulation is expressly authorized by 2026 Regular Session House Bill 185.

(3) (a) Identify the promulgating agency and any other affected state units, parts, or divisions:

The promulgating agency is the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors. No other state units, parts, or divisions are expected to be affected by this new administrative regulation.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: It is estimated that it will cost the board approximately \$125.00 per application reviewed by the board during the first year.

For subsequent years: It is estimated that it will cost the board approximately \$125.00 per application reviewed by the board each subsequent year.

2. Revenues:

For the first year: \$50.00 per application.

For subsequent years: \$50.00 per application.

3. Cost Savings:

For the first year: None, the board is expected to have an estimated loss of \$75.00 per application reviewed by the board for the first year.

For subsequent years: None, the board is expected to have an estimated loss of \$75.00 per application reviewed by the board for each subsequent year.

(4) (a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

No local entities (cities, counties, fire departments, school districts) are expected to be affected by this new administrative regulation.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:
For the first year: Not applicable.
For subsequent years: Not applicable.
2. Revenues:
For the first year: Not applicable.
For subsequent years: Not applicable.
3. Cost Savings:
For the first year: Not applicable.
For subsequent years: Not applicable.

(5) (a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):
No additional undisclosed regulated entities are expected to be affected by this new administrative regulation.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:
For the first year: None.
For subsequent years: None.
2. Revenues:
For the first year: None.
For subsequent years: None.
3. Cost Savings:
For the first year: None.
For subsequent years: None.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation:

This administrative regulation will have an estimated fiscal impact of \$125.00 per application reviewed by the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors.

(b) Methodology and resources used to reach this conclusion:

Each application will be reviewed by either the board's surveying or engineering committee, as appropriate. Said committees are comprised of five board members. The surveying/engineering committee will make a recommendation to the full board on the appropriate action that should be taken on the application.

Pursuant to 201 KAR 18:170, each board member is compensated \$200.00 per day when actually attending to the work of the board or any of its committees, which breaks down to \$25.00 per hour. It is estimated it will take each committee member an average of approximately 1 hour to review each application, attend and participate in the appropriate committee discussions, and vote on each application, which equates to \$25.00 per committee member for each application. Since there are five members on the reviewing committee and it is estimated each committee member will be compensated for approximately 1 hour for each application, it is estimated that this new regulation will cost the board approximately \$125.00 per application reviewed.

Given the board estimates this new regulation will cost the board approximately \$125.00 per application reviewed and the individual seeking a determination pursuant to this new

administrative regulation is required to pay an application fee of \$50.00, it is estimated the board will have an estimated loss of \$75.00 per application reviewed by the board.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(14):

This new administrative regulation will not have a “major economic impact” as the combined implementation and compliance costs of an administrative regulation are less than five hundred thousand dollars (\$500,000) over any two (2) year period.

(b) The methodology and resources used to reach this conclusion:

Not applicable.

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

The “Application for Predetermination of Non-Disqualification for Licensure”, edition 7/2026, is a 4-page application that will be required and submitted to the board by an individual who has been convicted of a crime to obtain a determination regarding whether the conviction of a crime will disqualify the individual from initial licensure as a professional engineer or professional land surveyor before pursuing any training or specialized education required for licensure.

The intended use of the “Application for Predetermination of Non-Disqualification for Licensure” is to provide the applicant with a clear and straight forward means by which the applicant can submit information relating to the applicant’s criminal history to the board. The Application is also intended to serve as a checklist and resource for the applicant to use in determining what information the applicant may want to submit to the board.

The incorporation by reference of the “Application for Predetermination of Non-Disqualification for Licensure” to this new administrative regulation is necessary to establish and implement a process by which an individual who has been convicted of a crime can obtain a determination about whether the crime will disqualify the individual from an occupation for which a professional license is required pursuant to 335B.032(1) and reasonably necessary for the proper performance of the board’s duties and the regulation and fair conduct of the proceedings before the board pursuant to KRS 322.290(4).



KENTUCKY STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

160 Democrat Drive
Frankfort, Kentucky 40601
(502) 573-2680
<https://kyboels.ky.gov>

APPLICATION FOR PREDETERMINATION OF NON-DISQUALIFICATION FOR LICENSURE

INSTRUCTIONS

1. Check the appropriate box below of the license you request the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors make a predetermination of whether the criminal conviction(s) identified in this application will disqualify you from becoming licensed as:
 - ☐ Professional Engineer
 - ☐ Professional Land Surveyor
 - ☐ Both Professional Engineer and Professional Land Surveyor
2. All supporting material shall be submitted with a \$50 application fee. Fees are non-refundable and must be paid by check or money order, made payable to the **Kentucky State Treasurer**.
3. Optional: include as an attachment the following:
 - a. A criminal background check from the Kentucky Office of Administrative Courts (available at https://kcoj.kycourts.net/fastcheck_individual/).
 - b. A certified copy of the final judgment and, if applicable, amended final judgment for each criminal conviction identified. Helpful information regarding requesting court records is available at <https://www.kycourts.gov/Pages/Request-Court-Records.aspx>.
 - 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. Criminal history, which may include, but is not limited to:¹
 - i. The nature and seriousness of the crime; the individual's age when the offense was committed;
 - ii. The length of time since the offense was committed;
 - iii. The relationship of the crime to the public employment position sought or the occupation for which the license is sought; and
 - iv. The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the public employment position or licensed occupation.

¹ KRS 335B.020(2)(a).



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- e. Evidence of rehabilitation, including, but not limited to evidence related to:²
- i. Compliance with any conditions of community supervision, parole, or mandatory supervision;
 - ii. The conduct and work activity;
 - iii. Treatment undertaken; and
 - iv. Testimonials or personal reference statements.
4. This completed application may be submitted to the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors by mail or delivery to 160 Democrat Drive, Frankfort, Kentucky 40601, or email to kyle.elliott@ky.gov.

APPLICANT INFORMATION			
Last Name		First Name	Middle Name or Initial
Date of Birth	Address Line 1		
Address Line 2			
City		State	Zip Code
Telephone Number		Email Address	

² KRS 335B.020(2)(c).



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CRIMINAL HISTORY

An applicant who has been convicted of a crime can obtain a predetermination from the Board about whether the conviction of a crime will disqualify an applicant from licensure as a professional engineer and/or professional land surveyor.

Please include in the list below the information for each criminal conviction you would like the board to review and evaluate:

State/Jurisdiction	County	Criminal Action Number	Date of Conviction	Does the crime convicted of involve violence, sexual misconduct, fraud, or deceit?

NOTE: To submit information and documentation (such as criminal background, certified criminal judgments, written explanations, criminal history described in KRS 335B.020(2)(a), and criminal rehabilitation described in KRS 335B.020(2)(c)), please attach that information and documentation to this application for submittal to the board.

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Predetermination of Non-
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ATTESTATION STATEMENT

I hereby swear or affirm, under penalty of perjury, certify that the following statements, including any attachments, are true, complete, and correct to the best of my knowledge and belief:

- I certify that I am the person referred to in the foregoing application for predetermination of non-disqualification of future licensure as a professional engineer and/or professional land surveyor in Kentucky;
- I have read and understand this application and all requirements stated therein;
- I understand this application is an application for predetermination by the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors of whether the criminal history described herein will result in disqualification for licensure as a professional engineer and/or professional land surveyor in Kentucky.
- I understand this application is not an application to determine whether I have met the education, examination, and experience requirements set forth in Kentucky Revised Statutes Chapter 322 prior to being able to obtain an initial licensure as a professional engineer and/or professional land surveyor in Kentucky;
- I understand the failure to disclose and/or include information related to my criminal history that results in a notice of predetermination of non-disqualification issued by the board as a result of this application, if any, shall not be binding upon the application for initial licensure as a professional engineer and/or professional land surveyor;
- I understand, if I am subsequently convicted of a crime or have failed to provide any convictions of a crime as part of this application, a notice of predetermination of non-disqualification issued by the board as a result of this application, if any, will not be binding upon application for initial licensure as a professional engineer and/or professional land surveyor; and
- I understand a notice of predetermination of disqualification issued by the board, if any, 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.

Signature of Applicant

Date

Application for
Predetermination of Non-
Disqualification for Licensure

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