

# **Felony Convictions and Employment (Wisconsin Law)**

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### ***Introduction & Disclaimers***

This article examines potential employment consequences, under Wisconsin law, of felony convictions. The article addresses major considerations in evaluating potential consequences and in advising clients concerned about future employment opportunities.

Laws in this area are sometimes subject to different interpretations, and changes in the law may have occurred since the article was written. Therefore, in representing a client, attorneys should always independently research the current law in areas pertinent to the client's interests and concerns.

The appendix contains statutory citations and summaries for Wisconsin statutes that restrict employment opportunities on the basis of a felony conviction. Many of these statutes apply to some misdemeanor convictions, in addition to felony convictions. Also, some statutes potentially apply to all felonies, and others contain specific lists of applicable statutes. Although the appendix does not provide comprehensive lists of all applicable statutes for each consequence, it categorizes each statutory consequence and assists the reader in locating additional pertinent information.

### ***Additional Resources***

General information regarding the impact of criminal convictions on employment is available on the website of the Wisconsin Department of Workforce Development, [http://dwd.wisconsin.gov/er/discrimination\\_civil\\_rights/publication\\_erd\\_7609\\_p.htm#7](http://dwd.wisconsin.gov/er/discrimination_civil_rights/publication_erd_7609_p.htm#7)

The following additional resources regarding the consequences of criminal convictions are available on the State Public Defender (SPD) website, <http://www.wisprd.org/index.php/legal-resources/appellate-trial-practice-guides>

- \* Criminal Consequences of Conviction: The Impact of Criminal Records under Wisconsin Law, <http://www.wisprd.org/images/AppellateFolder/templates/forms/CivConseqConv.pdf>
- \* National Association of Criminal Defense Attorneys' Restoration of Rights Project, <http://www.nacdl.org/rightsrestoration/>
- \* National Inventory of Collateral Consequences of Conviction, <http://abacollateralconsequences.org/>

### ***Substantial-relationship test***

Wisconsin law generally prohibits employment discrimination on the basis of conviction or arrest record. [Wis. Stat. §§ 111.321-22](#). However, a major exception allows employers to consider convictions and pending charges if the circumstances are substantially related to the job or activity in question. [Wis. Stat. § 111.335\(1\)\(c\)1](#). Furthermore, some statutes specifically override the non-discrimination statutes and render persons convicted of

certain offenses ineligible for a given occupation or professional example. *See, e.g.,* [Wis. Stat. §§ 111.335\(1\)\(cm\), 134.59](#) (despite general non-discrimination laws, felony conviction precludes employment as installer of burglar alarms).

When the substantial-relationship test applies, statutes do not specify which crimes or which underlying circumstances have that relationship to a specific job. However, if the crime occurred during work or involved taking or misusing the employer's property, a finding of a substantial relationship is likely.

Although there is no provision for the court in the criminal case to make a finding regarding a substantial relationship, one possible approach is to ask the court to state on the record that the circumstances of the crime do not have that relationship to the job(s) or occupation(s) of particular interest to the client. Although this judicial statement would probably not be binding upon an administrative licensing authority, the statement might be persuasive.

### ***Substantive rules, background checks, and disclosure requirements***

Some consequences have direct and adverse effects on eligibility for employment. For example, conviction of a specified crime renders the person ineligible to work as a licensed child care provider. [Wis. Stat. §§ 48.685\(1\)\(c\), \(4m\)\(b\)](#) (prohibiting employment as a caregiver for anyone convicted of a specified "serious offense"). Other provisions provide a procedure that ordinarily results in the prospective employer or certifying agency learning of the applicant's prior record, such as a requirement for a background check or a self-disclosure requirement. *See, e.g.,* [Wis. Stat. § 48.685\(2\)\(am\)](#) (mandatory background checks for caregivers).

### ***Public availability of records on CCAP (Consolidated Court Automation Programs)***

Public access to court records through [CCAP](#) is an important consideration regarding the possible effect of a conviction upon a client's future employment. Although CCAP does not directly impose any restrictions on employment, it provides employers with the ability to complete a background check for records of Wisconsin criminal charges and convictions.

Although most consequences do not take effect unless and until a conviction occurs, [CCAP](#) information is available when a case is filed and remains available even if the case is dismissed or results in a finding of not guilty. The expungement statute, [Wis. Stat. § 973.015](#), provides potential relief by authorizing the court to order that the court record be expunged upon successful completion of the sentence. However, the expungement statute has three significant limitations: 1) it applies only if the client was under the age of 25 when the offense occurred, [Wis. Stat. § 973.015\(1m\)\(a\)](#); 2) it applies only to certain offenses, *see* [Wis. Stat. § 973.015\(1m\)\(a\)](#); and 3) it applies only to convictions, not to cases that are resolved without a finding of guilt, *see* [Wis. Stat. § 973.015\(1m\)\(a\)](#) (court may order expungement "at the time of sentencing").

Also, because expungement applies only to official court records, it does not prevent prospective employers from learning about a conviction record from other means, which may include law enforcement records, media articles, and private websites. Therefore, defense attorneys should let clients know that although CCAP is a major source of public information about criminal records, removal of a record from CCAP does not eliminate the possibility that an employer or licensing authority might learn about the case from another source.

### ***Mandatory or discretionary nature of consequence***

Statutes that set forth employment consequences comprise both mandatory and discretionary provisions. Common phrasing of a mandatory consequence is that the applicable licensing authority “shall” respond to a conviction by taking the adverse action in question. *See, e.g.,* [Wis. Stat. § 48.651\(3\)\(a\)](#) (for specified convictions, the applicable department or agency “shall revoke the certification of the child care provider”). Discretionary statutes generally use the word “may.” *See, e.g.,* [Wis. Stat. §§ 440.316\(2\)\(intro\) & \(2\)\(h\)](#) (Department of Safety and Protective Services “may . . . deny, limit, suspend, or revoke” the license of a behavior analyst for violation of law substantially related to practice of behavior analysis).

Some statutes, however, are worded in a way that could be interpreted as either mandatory or discretionary. For example, some provisions state that a person “shall” be licensed if he or she does not have a conviction (and meets other criteria). *See, e.g.,* [Wis. Stat. § 134.71\(7\)\(a\)](#) (“county or municipality shall grant” pawnbroker’s license if applicant provides the specified surety bond and has no conviction in past 10 years substantially related to the licensed activity). This language could mean that a person with a conviction is ineligible for a license (mandatory), or the language could mean that a conviction does not necessarily qualify for licensing, but could still be licensed in the discretion of the decision-making authority.

Absent an explicit provision for such discretionary licensing, the likely interpretation of this type of statute is that a conviction carries a mandatory disqualification. Therefore, unless the pertinent language makes it clear that the statute is discretionary, an attorney is prudent to advise a client that he or she is probably not eligible for the license or occupation referenced in a statute setting forth the adverse consequence.

### ***Professional licenses and other credentials***

Many occupations are regulated by agencies that issue licenses or other official credentials required for a person to engage in the activity. *See, e.g.,* [Wis. Stat. § 454.04\(1\)\(a\)](#) (license required to engage in cosmetology). If a client has a license (or similar credential) related to his or her work, the statutory chapter containing the licensing procedures will generally include the potential consequences of convictions. For example, if you represent a barber, you can locate the pertinent provisions in [chapter 454, subchapter II, Wis. Stat.](#)

Because of the substantial-relationship test, discussed above, the client's eligibility for keeping a license (or obtaining one in the future) is jeopardized primarily by convictions the circumstances of which are linked to the activity in question. If the conviction is for a crime defined in the regulatory chapter, the client will likely have difficulty arguing that the circumstances were not substantially related to the occupation in question. Furthermore, because the substantial-relationship test focuses on the *circumstances* of the conviction, amending the charge may not be sufficient to negate the potential consequence: the licensing authority may look at the underlying facts, in addition to the offense for which the client was convicted.

Example: A conviction for possession of marijuana may not, by itself, have a substantial relationship to an occupation for which a client seeks a license. However, if the underlying facts show a connection to the employment or occupation in question, such as impairment from using marijuana while at work, the licensing authority might find that such a relationship exists.

### ***Consequences with derivative or indirect effects on employment***

Some consequences do not directly address eligibility for employment, but may have the practical effect of making employment in some fields impossible or difficult. For example, some consequences apply directly to the employer by denying or revoking the license of a business that employs a person with a specific type of criminal record. This type of consequence may be combined with a requirement of a background check of prospective and/or current employees.

Also, the loss of driving privileges renders a person ineligible for jobs that require the operation of vehicle (in addition to simply making it difficult to get to work). An occupational license may provide relief from this consequence, if the person meets the criteria for that type of limited driving privilege.

### ***Consequences stemming from conduct not resulting in conviction***

Some statutory consequences apply even in the absence of a criminal conviction. Additional circumstances may include arrests and juvenile adjudications. Also, some licensing requirements address the nature of the conduct or the personal characteristics implied by the conduct, without requiring any previous arrest or court proceeding as proof of the conduct. *See, e.g.,* [Wis. Stat. §§ 343.12\(7\)\(c\), \(7\)\(d\), and \(8\)\(a\)](#) (delinquency adjudication on or after 12<sup>th</sup> birthday, for specified criminal violations, renders person ineligible for employment as school bus driver); [Wis. Stat. § 17.11\(1\)](#) (mandatory suspension of sheriff or district attorney upon arrest or charge); [Wis. Stat. § 224.725\(3\)\(c\)](#) (applicant for license as mortgage loan originator must demonstrate good character to support finding that he or she “will operate honestly, fairly, and efficiently”).

Because a criminal conviction in general carries the greatest risk of collateral consequences, a disposition without a conviction protects clients not only against the potential sentence for the charged offense, but also against many potential collateral (civil)

consequences. However, in advising clients, attorneys need to be aware that some consequences apply to a broader range of conduct and, therefore, they should carefully review the applicable statutory language.

### ***Relief from consequences***

Not all employment consequences are permanent. A person may regain eligibility either because the consequence is in effect for a limited time period or because the person meets specified criteria to be exempted. Statutes with a limited duration generally specify a period of time, from the date of conviction, during which the consequence remains in effect. *See, e.g.,* [Wis. Stat. § 343.315\(2\)](#) (duration of loss of commercial drivers license differs according to the traffic convictions in question); [Wis. Stat. § 563.27\(1\)](#) (five-year prohibition on obtaining a license as a bingo supplier). Other statutes set forth criteria for a person seeking an exemption through an administrative or judicial review process. *See, e.g.,* [Wis. Stat. § 50.065\(5\)](#) (process for applicant for caregiver license to show rehabilitation); [Wis. Stat. § 948.13\(2m\)](#) (process to seek exemption from prohibition on working with children).

## APPENDIX

This Appendix includes statutory references to the Wisconsin statutes that directly restrict, on the basis of a felony conviction, eligibility for employment. Many of these consequences are triggered by some, but not all felony convictions. Also, although some consequences apply only following a felony conviction, others apply also to specified misdemeanor convictions. Therefore, the Appendix provides a brief summary of each statute describing the types of convictions to which it applies.

Within each category, most consequences (even the mandatory ones) are limited by the Wisconsin fair employment (non-discrimination) statutes, [Wis. Stat. §§ 111.321-322](#). The summaries below include statutory references to these fair employment laws, either affirming that they apply or expressly creating exceptions. Some consequence statutes do not refer to the fair employment statutes, and the statutory language in these instances is subject to interpretation regarding the applicability of the substantial-relationship test.

The statutes are divided into four subcategories: Mandatory (felony-only); Mandatory (felony-plus); Discretionary (felony-only); and Discretionary (felony-plus). The consequences in the “felony-plus” categories apply to some misdemeanor convictions, as well as to some (or all) felonies. Many statutes in all four categories apply to only some felony convictions, while others apply to any felony conviction.

An alphabetical index at the end of the Appendix lists the types of employment the occupations affected by the applicable statutes summarized below.

### ***A. Mandatory disqualification/Felony-only***

#### Banking, Loan Origination

[Wis. Stat. § 224.725\(3\)](#): Ineligible for license as mortgage loan originator: 7-year look-back disqualification for non-fraud felonies; permanent disqualification for fraud-related felonies ([Sub \(6\)](#) is a mandatory disqualification for child support or tax delinquency)

#### Banking, Review Board

[Wis. Stat. § 220.06\(2\)](#): Forfeit employment with Division of Banking, employment with Banking Review Board, or membership on Banking Review Board: For conviction of [§ 220.06\(2\)](#) (class I felony for illegal disclosure of banking information)

#### Banking, Savings and Loan Associations

[Wis. Stat. § 215.02\(6\)\(b\)](#): Forfeit employment with Savings Institution Review Board and Division of Banking: For violation of this section (class I felony, for illegal disclosure of banking information)

### Barber, Cosmetologist

[Wis. Stat. § 454.06\(1\)\(b\)](#): Ineligible for license as cosmetologist, cosmetology manager, aesthetician, electrologist, or manicurist: Subject to fair employment laws, for conviction of felony committed while engaged in the practice of barbering or cosmetology.

[Wis. Stat. § 454.23\(2\)\(b\)](#): Ineligible for license as barber or barbering manager: Subject to fair employment laws, for conviction of felony committed while engaged in practice of barbering

### Beverages, Non-Alcoholic, Distribution, Manufacture

[Wis. Stat. § 66.0433\(1\)\(b\)](#): Ineligible for license to sell/manufacture/distribute non-intoxicating beverages. Subject to fair employment laws, for any felony conviction unless (until) civil rights have been restored

### Beverages, Wholesalers, Beer

[Wis. Stat. § 125.33\(10\)\(c\)2.](#): Ineligible for compensation from successor beer wholesaler (defeating right to mandatory compensation): For felony conviction that resulted in the termination, non-renewal, or cancellation of agreement with previous wholesaler (relieves the successor wholesaler of a compensation obligation that would otherwise apply)

### Bingo

[Wis. Stat. § 563.14\(2\)](#): Ineligible for license to conduct bingo, applicable to supervising member and member overseeing revenue: Subject to fair employment laws, for felony conviction until five years after completion of sentence/supervision.

[Wis. Stat. § 563.27\(1\)](#): Ineligible for license as bingo supplier: Subject to fair employment laws, for felony conviction until five years after completion of sentence/supervision (administrative review of denial available under [§ 563.24](#))

[Wis. Stat. § 563.51\(29\)\(b\)](#): Ineligible for employment as bingo caller: Subject to fair employment laws, for felony conviction until five years after completion of sentence and/or period of supervision.

### Burglar Alarm Installation

[Wis. Stat. § 134.59](#): Ineligible for employment installing burglar alarms: For felony conviction (also precludes access to records of installation)

### Child Care

[Wis. Stat. § 948.13\(2\)\(a\)](#): Ineligible for employment requiring primary interaction with children: For conviction of “serious child sex offense,” as defined in [Wis. Stat. § 948.13\(1\)](#).

Limited relief provision if age difference not more than 4 years and victim had attained age 13, [Wis. Stat. § 948.13\(2m\)](#)

#### Driver, Commercial Vehicle

[Wis. Stat. § 343.315\(2\)\(e\)](#): Deny/suspend/revoke commercial driver's license (lifetime): For controlled substance felony related to commercial vehicle activities-conviction not specifically required

#### Driver, Occupational License

[Wis. Stat. § 351.07\(2\)](#): Revoke occupation driver's license: For traffic convictions as specified in this subsection and in [Wis. Stat. § 351.02\(1\)](#) (this provision applies to a driver who received an occupational license after a two-year waiting period following loss of driving privileges as a habitual traffic offender per [Wis. Stat. § 351.02](#))

#### Driver, School Bus

[Wis. Stat. §§ 343.12\(7\)\(a\)](#) & [\(8\)\(a\)](#): Ineligible for employment as school bus driver (permanent disqualification per [admin rule Trans. 112.15\(1\)](#)): For specifically listed felony conviction or delinquency (age 12+); administrative rule may add other offenses; if person shows that conviction is for a misdemeanor, disqualification reduced to five years

#### Emergency Management

[Wis. Stat. § 323.25\(3\)](#): Ineligible for employment in emergency management program: For conviction or pending charge of subversive action against U.S.

#### Government Program, Wisconsin Works

[Wis. Stat. § 49.148\(4\)\(a\)](#): Drug testing and earnings reduction in Wisconsin Works employment: For conviction of drug felony within last five years

#### Hazardous Waste Transport

[Wis. Stat. § 343.14\(2g\)\(a\)](#): Ineligible to transport hazardous waste: seven-year look-back for conviction; five-year look-back for release from incarceration: For felony convictions cross-referenced in federal administrative rules; applies notwithstanding non-discrimination statutes (per sub. (b), the Wisconsin Department of Transportation sends application for permit to the federal Department of Homeland Security)

#### Judge

[Wis. Stat. § 757.85\(1\)](#): Suspend/remove judge: Mandatory investigation for misconduct, which includes any felony conviction and other conduct specified in [§ 757.81\(4\)](#) (Supreme Court has discretion to impose discipline per [§ 757.91](#))

### Media Proceeds from Criminal Offense

[Wis. Stat. § 949.165\(2\)](#): Ineligible for proceeds from book/movie/publication/recording about criminal offense: Escrow account administered by Department of Justice for proceeds owed to person convicted of serious crime per [§ 969.08\(10\)\(b\)](#)

### Police, Law Enforcement

[Wis. Stat. §§ 165.85\(4\)\(a\)-\(c\)](#): Ineligible for employment as law enforcement officer, police officer, jail officer, or juvenile detention officer: For any felony conviction, which (unless the subject of an unconditional pardon), renders the applicant ineligible for the mandated training to be a law enforcement officer ([sub. \(a\)5.](#)), tribal police officer ([sub. \(a\)5](#)), jail officer ([sub. \(b\)4r.](#)), or juvenile detention officer ([sub. \(c\)4r.](#))

### Teacher

[Wis. Stat. § 118.19\(4\)\(a\)](#): Ineligible for teacher license or certificate (mandatory for specified crimes-6-year duration) Notwithstanding [subch. II of ch. 111](#) (fair employment laws), the state superintendent may not grant a license, for 6 years following the date of the conviction, to any person who has been convicted of any Class A, B, C, or D felony under [ch. 940](#) or [948](#), for a violation on or after September 12, 1991, or any Class E, F, G, or H felony under [ch. 940](#) or [948](#), for a violation that occurs on or after February 1, 2003. Two specific felonies, [§§ 940.08](#) and [940.205](#), are excluded. The state superintendent may grant the license only if the person establishes by clear and convincing evidence that he or she is entitled to the license. *See also* [Wis. Stat. 115.31\(2g\)](#)

### Ultrasound Technician

[Wis. Stat. § 253.10\(3g\)\(e\)](#): Ineligible to perform pre-abortion ultrasound: For specified sex offenses

## ***B. Mandatory disqualification/Felony-plus***

### Accountant, Public

[Wis. Stat. § 442.04\(5\)](#): Ineligible for certificate as certified public accountant: Subject to fair employment laws, for any arrest or conviction record

### Architect, Landscape, Engineer

[Wis. Stat. § 443.09\(2\)](#): Ineligible for registration as an architect, a landscape architect, or a professional engineer; ineligible for certification as an engineer-in-training: Subject to fair employment laws, for any arrest or conviction record

### Athletics, Trainer

[Wis. Stat. § 448.953\(1\)\(c\)](#): Ineligible for license as athletic trainer (likely mandatory, although language ambiguous): Subject to fair employment laws, for any arrest or conviction record

### Auctioneer

[Wis. Stat. § 480.08\(2\)\(c\)](#): Ineligible for registration as auctioneer (likely mandatory, although language ambiguous): Subject to fair employment laws, for any arrest or conviction record

### Banking, Bank Director or Officer

[Wis. Stat. § 221.0602](#): Ineligible for election as director of state bank: For conviction of crime against state or federal banking laws

[Wis. Stat. § 221.0620\(5\)](#): Ineligible for election as officer of state bank: For conviction of crime against state or federal banking laws

### Banking, Savings and Loan Associations

[Wis. Stat. § 214.925\(1\)](#): Ineligible for employment at savings bank: For conviction of crimes involving fraud, dishonesty, misrepresentation, or money-laundering

[Wis. Stat. § 215.02\(10\)](#): Remove officer, director, or employee of savings and loan association: For violations of [ch. 215](#), related administrative rules, or orders of Division of Banking ([Wis. Stat. § 215.26\(6\)](#) defines a misdemeanor; other provisions include felonies)

### Behavior Analyst

[Wis. Stat. §§ 440.312\(2\)](#), [440.316\(3\)](#): Deny/suspend/revoke license as behavior analyst: For specified convictions (sexual assaults and crimes against children)

### Beverages, Alcoholic, Liquor

[Wis. Stat. § 125.04\(5\)\(a\)](#) & [\(b\)](#): Ineligible for liquor license or permit (alcohol): Subject to fair employment laws (and specific rule for second underage alcohol violation within one year), for any arrest or conviction record, sub. [\(a\)](#); subject to fair employment laws, for a felony conviction or for having been a habitual “law offender,” sub. [\(b\)](#)

[Wis. Stat. § 125.04\(5\)\(c\)](#): Ineligible to be an agent/officer/director/member/manager of a corporation or LLC seeking a liquor license/permit (alcohol): Subject to fair employment laws (and specific rule for second underage alcohol violation within one year), for any arrest or conviction record, sub. [\(a\)](#); subject to fair employment laws, for a felony conviction or for having been a habitual “law offender,” sub. [\(b\)](#)

[Wis. Stat. § 125.12\(4\)\(ag\)](#): Suspend/revoke/non-renew liquor license under [ch. 125](#) (alcoholic beverages): Mandatory 90-day suspension or revocation for certain [ch. 961](#) convictions (delivery, manufacture, possession with intent); for violation of [ch. 125](#); for allowing [ch. 961](#) activity; or for allowing loitering of known criminals or prostitutes on premises

[Wis. Stat. § 125.28\(2\)\(a\)](#): Ineligible for beer license (wholesaler of fermented malt beverages) (alcohol): Subject to fair employment laws (and specific rule for second underage alcohol violation within one year), for any arrest or conviction record per cross-reference to [§ 125.04\(5\)\(a\)](#); subject to fair employment laws, for a felony conviction or for having been a habitual “law offender” per cross-reference to [§ 125.04\(5\)\(b\)](#). This consequence applies only to licenses and permits issued before May 5, 1994

### Business, General License

[Wis. Stat. § 49.857\(2\)\(a\)](#): Deny/suspend/revoke business license: For certification of child support delinquency, which may be proved by conviction for failure to pay support. Relief available by payment of back support or making arrangements for payment

### Caregiver, Vulnerable Adults

[Wis. Stat. § 50.065\(4m\)\(a\)](#): Ineligible for license to operate a facility/organization/service (entity) that provides direct care/treatment services: For conviction of serious crime as defined in [sub \(1\)\(e\)](#). Subject to relief provision requiring a showing of rehabilitation, [sub \(5\)](#)

[Wis. Stat. § 50.065\(4m\)\(b\)](#): Ineligible for employment as caregiver at facility that provides direct care or treatment services: For conviction of serious crime as defined in [sub \(1\)\(e\)](#). Subject to relief provision requiring a showing of rehabilitation, [sub \(5\)](#). Per [sub \(4\)](#), the employing entity is subject to a monetary forfeiture and other possible (but unspecified in the statute) sanctions

## Child Care

[Wis. Stat. § 48.57\(3p\)\(fm\)](#): Ineligible to provide kinship care to child (subject to relief, *see* sub. (3p)(h)): For offenses set forth in [sub. \(3p\)\(g\)](#), which include most felonies in [chapters 940, 944, 948, and 961](#) (applies to prospective recipient of kinship care payments and prospective employees of the recipient)

[Wis. Stat. § 48.651\(3\)\(a\)](#): Revoke/suspend certification of child care provider: For convictions/adjudications at age 12+ (revoke) and for pending charges (suspend) of a “serious crime,” as defined in [§ 48.685\(1\)\(c\)3m](#).

[Wis. Stat. § 48.685\(4m\)\(a\)](#): Ineligible for license or contract to care for children: for conviction or juvenile adjudication (age 12+) or pending charge for “serious crime.” Categories: license to operate an entity; certification of child care provider; foster home license; temporary/interim guardian; contract with school board for child care

[Wis. Stat. § 48.685\(4m\)\(b\)](#): Ineligible for employment or contract with child care entity (permanent): For conviction, juvenile adjudication (age 12+), or pending charge for “serious crime” (also applicable to nonclient resident w/ caregiver). Exceptions in [sub \(5\)](#), which in some instances allow a showing of rehabilitation if five years have passed since the conviction

[Wis. Stat. § 48.751\(4g\)\(a\)](#): Ineligible for employment in child care center, residence at child care center, or license to operate child care center: For conviction/adjudication age 12+ of “serious crime,” revocation of center’s license; pending charge results in suspension. Same as or very similar to [§ 48.651\(3\)\(a\)](#) regarding revocation/suspension; [§ 49.155 \(7\)\(a\)](#) regarding refusal to pay child care provider; and [§ 49.133\(1m\)\(a\)](#) regarding refusal to pay child care provider

[Wis. Stat. § 49.155\(7\)\(a\)](#): Ineligible for employment with child care provider (renders employer ineligible to receive payments from governmental entity): For conviction, adjudication (12+), or pending charge of a serious crime. The person convicted/charged can be the provider, a caregiver, or a nonclient resident. This section focuses on subsidized child-care payments

[Wis. Stat. § 120.13\(14\)\(b\)\(1\)](#): Suspend/revoke (rescind/suspend) contract of child care contractor (contract with school district): For conviction (rescind) or pending charge (suspend) for “serious crime.” *See* [Wis. Stat. § 48.685\(1\)\(c\)3m](#). Delinquencies (age 12+) against caregiver or nonclient resident also disqualify the contractor

## Chiropractor, Chiropractic or Radiological Technician

[Wis. Stat. § 446.025\(2\)\(a\)4](#): Ineligible for certification as chiropractic radiological technician (likely mandatory, although language ambiguous): Subject to fair employment laws, conviction or arrest record removes applicant from ability to obtain registration by meeting other criteria

[Wis. Stat. § 446.026\(2\)\(a\)4.](#): Ineligible for certification as chiropractic technician (likely mandatory, although language ambiguous): Subject to fair employment laws, conviction or arrest record removes applicant from ability to obtain registration by meeting other criteria

#### Dairy (Milk, Cream)

[Wis. Stat. § 98.145\(3\)](#): Deny/suspend/revoke license to test milk or cream: Subject to fair employment laws, for any arrest or conviction record

[Wis. Stat. § 98.146\(2\)](#): Deny/suspend/revoke license to weigh and sample milk: Subject to fair employment laws, for any arrest or conviction record

#### Detective, Private Detective, Private Investigator

[Wis. Stat. §§ 440.26\(2\)\(c\)2. & \(6\)\(b\)](#): Ineligible for a private detective agency license: Mandatory for felonies; discretionary for misdemeanors/forfeitures, [sub. \(6\)\(a\)1.](#)

[Wis. Stat. §§ 440.26\(2\)\(c\)2. & \(6\)\(b\)](#): Ineligible for private detective/investigator license: Mandatory for felonies; discretionary for misdemeanors/forfeitures, [sub. \(6\)\(a\)1.](#)

#### District Contracts, Mosquito Control

[Wis. Stat. § 59.70\(14\)](#): Remove/disqualify from Mosquito Control District Commission: For convictions related to district contracts (public corruption)

#### Doctor, Physician, Surgeon, Medical Professional

[Wis. Stat. § 448.04\(1\)\(b\)2.](#): Ineligible for temporary license to practice medicine and surgery (likely mandatory, although language ambiguous): Subject to fair employment laws, for any arrest or conviction record

[Wis. Stat. § 448.05\(1\)\(a\)](#): Ineligible for medical license/certificate (applicable to doctor, physician, perfusionist, anesthesiologist assistant, physician assistant, and respiratory care practitioner): Subject to fair employment laws, for any arrest or conviction record

#### Driver, Commercial Vehicle

[Wis. Stat. § 343.315\(2\)\(a\)](#): Deny/suspend/revoke commercial driver's license (one year); For certain traffic convictions; applies if operator has ever held a commercial vehicle license

[Sub \(2\)\(b\)](#): Deny/suspend/revoke commercial driver's license (for certain traffic convictions (three year): For certain traffic convictions if offense involved transport of hazardous materials; applies if operator has ever held a commercial vehicle license

Sub (2)(c): Deny/suspend/revoke commercial driver's license for certain traffic convictions (lifetime): For certain traffic convictions if second conviction for specified offense(s); applies if operator has ever held a commercial vehicle license (Sub (2)(d)-may be reduced to 10 years)

Sub (2)(f): Deny/suspend/revoke commercial driver's license: For certain traffic convictions listed within subsection/60 days for two convictions; 120 days for three convictions; applies if operator holds a commercial vehicle license)

Wis. Stat. § 346.64(2): Ineligible for employment as operator of commercial vehicle (six-month duration): For OWI involving commercial vehicle (also cross-reference to prohibition of employment during period of disqualification from commercial operator's license)

For summary of traffic convictions resulting in loss of a commercial driver's license, see [dot.wisconsin.gov/drivers/docs/cdl-disq.pdf](http://dot.wisconsin.gov/drivers/docs/cdl-disq.pdf)

### Driver, Driving School

Wis. Stat. § 343.61(2m)(b): Ineligible for driver school license: Subject to fair employment laws, for felonies and disqualifying offenses per administrative rule

Wis. Stat. § 343.61(2m)(b): Ineligible for employment as officer/director of a driver school: Subject to fair employment laws, for felonies and disqualifying offenses per administrative rule (conviction of anyone "actively involved" in the business makes applicant or licensee ineligible for license or renewal)

Wis. Stat. § 343.61(2m)(b): Ineligible to own as stockholder/partner/person directly interested in the driver school business: Subject to fair employment laws, for felonies and disqualifying offenses per administrative rule

Wis. Stat. § 343.62(4)(a)(9): Ineligible for license or employment as driving instructor: Subject to fair employment laws, felonies and disqualifying offenses per administrative rule

### Driver, Elderly/Disabled Persons

Wis. Stat. § 85.21(3m)(b)(4): Ineligible for employment providing transportation for elderly and disabled persons (per administrative [rules, Trans ch 112](#), the disqualification may be permanent, five-year, or two-year): For offenses identifiable by cross-references to criteria for school bus endorsement under [§ 343.12](#), *notwithstanding* fair employment laws. [Wis. Stat. §§ 85.21\(3m\)\(d\) & \(dm\)](#) require background check and check of drivers record, unless person has valid school bus endorsement

### Driver, Hayrack & Sleigh Rides

[Wis. Stat. § 349.25\(2\)](#): Deny license for hayrack and sleigh rides (county licensing): Subject to fair employment laws, for arrest or conviction record

### Driver, Occupational License

[Wis. Stat. § 343.10\(2\)\(e\)](#): Ineligible for occupational drivers license (conditional): for two or more convictions of operating while intoxicated (OWI) (or refusals to submit to testing for presence of alcohol or drug when arrested for OWI); disqualification continues until person completes assessment and is complying with safety plan

[Wis. Stat. § 343.31\(2u\)](#): Revoke occupational driver's license: For conviction of specified offenses under [Wis. Stat. § 351.02\(1\)\(a\)](#), 20+ miles over (speeding), or participating in race or speed contest

[\(2\)](#) revoke driver's license for out-of-state conviction of operating while intoxicated (mandatory)

[\(2r\)](#) suspend driver's license for conviction of perjury or false statement in connection with motor vehicle application

### Driver, Private School Students

[Wis. Stat. § 121.555\(3\)\(c\)](#): Ineligible to transport students of private school (minimum two-year period or five-year period, subject to longer duration if required by administrative rule of Department of Transportation): Notwithstanding fair employment law, for offenses identifiable by cross-references to criteria for school bus endorsement under [§ 343.12](#); *notwithstanding* fair employment laws, for conviction of false statement in background form or for listing in registry for client-related theft/abuse/neglect

### Driver, School Bus

[Wis. Stat. §§ 343.12\(7\)\(c\)](#) and [\(8\)\(a\)](#): Ineligible for employment as school bus driver (five-year minimum disqualification; administrative rule may provide for longer disqualification): For specifically listed conviction or delinquency (age 12+); administrative rule may add other offenses

[Wis. Stat. §§ 343.12\(7\)\(a\)](#) & [\(8\)\(a\)](#): Ineligible for employment as school bus driver (two-year minimum disqualification; admin rule may provide for longer disqualification): For specifically listed conviction or delinquency (age 12+); administrative rule may add other offenses

[Wis. Stat. § 343.20\(1\)\(d\)2.](#): Suspend/revoke license to operate school bus: For conviction or delinquency adjudication that would render an applicant ineligible

### Elected Officials, District Attorney/Sheriff

[Wis. Stat. § 17.11\(1\)](#): Suspend district attorney/sheriff (mandatory for felony): For felony arrest or charge (discretionary for misdemeanor arrest or charge)

### Elected Officials, General

[Wis. Const. Art. XIII, § 3](#): Ineligible for elected office or other office of trust/profit/honor: For conviction of any felony or of a misdemeanor designated as violation of public trust

### Elected Officials, Public Office

[Wis. Stat. § 7.30\(6\)\(c\)](#): removal of election official: For guilt of official misconduct or neglecting official duties (likely includes violations of [ch. 12](#), Prohibited Election Practices, the penalties for which are set forth in [Wis. Stat. § 12.60](#))

[Wis. Stat. § 11.61\(3\)](#): Remove from elective office, other than legislature: for election-related offenses (specific cross-reference to [chs. 11 & 12](#)). For legislators, the applicable offenses are the same, but the sentencing court certifies the conviction (mandatory) to the legislature, which has the authority (discretionary) to remove the member

[Wis. Stat. § 12.60\(2\)\(a\)](#): Ineligible for public office: For convictions of [§ 12.60](#), sentencing court shall issue supplemental order of forfeiture of office (not applicable to legislative and national offices). [Wis. Stat. § 12.60\(2\)\(b\)](#) applies to legislative and national offices; the applicable offenses are the same, but the sentencing court certifies the conviction (mandatory) to the legislature, which has the authority (discretionary) to remove the member

[Wis. Stat. § 12.60\(3\)](#): Ineligible to serve as election official (five-year duration): For any conviction under [ch. 12](#)

[Wis. Stat. § 17.03\(5\)](#): Remove from public office: For conviction of any felony or conviction of misdemeanor that violates oath

### Emergency Management Technician (EMT), First Responder

[Wis. Stat. § 256.15\(8\)\(b\)2.](#): Ineligible for license as first responder (emergency medical technician, same standards, [§ 256.15\(6\)\(a\)1.](#)): Subject to fair employment laws, for any arrest or conviction.

### Fish Dealer

[Wis. Stat. § 29.503\(6\)\(am\)2.](#): Ineligible for wholesale fish dealer license (one-year duration): For conviction related to business records, which may be either a felony or misdemeanor per [Wis. Stat. § 29.971\(1\)](#).

### Gambling, Race Tracks

[Wis. Stat. § 562.05\(5\)\(a\)](#): Ineligible for license related to pari-mutuel wagering or racing (permanent): For convictions related to fraud, to gambling, to racing, or to mistreatment of animals. Disqualification applies to conviction of partner, officer, director, or owner

[Wis. Stat. § 569.04\(3\)](#): Ineligible for certification as Indian gaming employee or vendor: Substantive rules not stated; statute refers to applicable Indian gaming compact

### Gaming

[Wis. Stat. § 562.045](#): Ineligible for employment/appointment with division of gaming (administrator/employee/chief steward/steward) (mandatory and notwithstanding fair employment laws): For any felony, including pending felony charges, and for other specified offenses related to gaming, racing, or animal treatment

### Geologist, Hydrologist, Soil Scientist

[Wis. Stat. § 470.04](#): Ineligible for license as professional geologist/hydrologist/soil scientist: Subject to fair employment laws, for any arrest or conviction record the circumstances of which substantially relate to the practice of professional geology

### Government Program, Green Tier Program

[Wis. Stat. § 299.83\(3\)\(b\)1.](#): Ineligible to participate in Green Tier Program (Tier I) as applicant/participant, managing operator, or owner (25%+) (mandatory, five-year look-back): For convictions of violations involving Green Tier facilities or resulting in substantial harm or threat of imminent harm

[Wis. Stat. § 299.83\(5\)\(b\)1.](#): Ineligible to participate in Green Tier Program (Tier 2) as applicant/participant, managing operator, or owner (25%+) (mandatory, 10-year look-back): For convictions of violations involving Green Tier facilities or resulting in substantial harm or threat of imminent harm

### Government Program, Wisconsin Works

[Wis. Stat. § 49.141\(7\)\(c\)](#): Suspend participation in Wisconsin works (10-year duration): For specified convictions related to fraud or misrepresentation in connection with public benefits

### Hearing Aid Specialist

[Wis. Stat. § 459.06\(1\)](#): Ineligible for license as hearing aid specialist: Subject to fair employment laws, for any arrest or conviction

### Home Inspector

[Wis. Stat. § 440.972\(1\)\(c\)](#): Ineligible for registration as home inspector (likely mandatory, although language ambiguous): Subject to fair employment laws, conviction or pending charge for felony, misdemeanor, or other offense defeats mandatory duty of Department of Safety and Professional Services to register applicant (who meets other criteria)

### Interior Design

[Wis. Stat. § 440.962\(1\)\(c\)](#): Ineligible for registration as interior designer (likely mandatory, although language ambiguous): Subject to fair employment laws, conviction record defeats mandatory duty of department to issue license to applicant (who meets other criteria)

### Land Surveyor

[Wis. Stat. § 443.06\(1\)\(a\)](#): Ineligible for registration as land surveyor (likely mandatory, although language ambiguous): Subject to fair employment laws, conviction or arrest record removes applicant from ability to obtain registration by meeting other criteria (“requirements” in section title)

### Lobbyist

[Wis. Stat. § 13.69\(7\)](#): Ineligible for license/registration as lobbyist (five-year duration): For specified criminal convictions under [ch. 13](#) (three-year discretionary revocation applies to other [ch. 13](#) violations)

### Lottery

[Wis. Stat. § 565.02\(2\)\(c\)1.](#): Ineligible for employment in lottery division of Department of Revenue: Notwithstanding fair employment laws, for any felony (10 years); also lifetime disqualification for conviction of gambling (sub (2)(c)2.) or violating [ch. 565](#) or associated administrative rule (sub (2)(c)3.)

[Wis. Stat. § 565.02\(1\)\(b\)1.](#): Ineligible for employment as state lottery administrator: Notwithstanding fair employment laws, for any felony (10 years); also lifetime disqualification for conviction of gambling ([sub \(1\)\(b\)2.](#)), for fraud or misrepresentation ([sub \(1\)\(b\)3.](#)), or for violating [ch. 565](#) or associated admin rule ([sub \(1\)\(b\)4.](#))

[Wis. Stat. § 565.10\(3\)\(a\)](#): Ineligible for contract as lottery retailer (10-year duration): Notwithstanding fair employment laws, for conviction of felony, fraud, misrepresentation, gambling, or [ch. 565](#) or associated administrative rule

[Wis. Stat. § 565.25\(3\)\(a\)](#): Ineligible for government contract for lottery services (10-year duration): For conviction of felony, fraud, misrepresentation, gambling, or [ch. 565](#) or associated administrative rule

### Midwife

[Wis. Stat. §§ 440.982\(2\), 440.986\(3\)](#): Deny/suspend/revoke license as midwife: For conviction of crime specified in [§ 440.982\(2\)](#) (sexual assaults and crimes against children)

### Mortuary, Cemetery, Funeral

[Wis. Stat. § 440.92\(1\)\(b\)3.](#): Ineligible for license as cemetery preneed salesperson/seller (mortuary) (likely mandatory, although language ambiguous): Subject to fair employment laws, conviction record defeats mandatory duty of department to issue license to applicant (who meets other criteria)

[Wis. Stat. § 445.045\(1\)\(b\)](#): Ineligible for license as funeral director (mortuary director): Subject to fair employment laws, for any arrest or conviction record

[Wis. Stat. § 445.095\(1\)\(a\)](#): Ineligible for certificate of funeral director apprenticeship (mortuary director): Subject to fair employment laws, for any arrest or conviction record

### Notary Public

[Wis. Stat. § 137.01\(1\)\(b\)](#): Ineligible for appointment as notary public: Subject to fair employment laws, for any arrest or conviction record.

### Nurse, Nursing

[Wis. Stat. § 441.06\(1\)\(b\)](#): Ineligible for license as registered nurse: Subject to fair employment laws, for arrest or conviction record

[Wis. Stat. § 441.10\(3\)\(a\)2.](#): Ineligible for license as practical nurse: Subject to fair employment laws, for any arrest or conviction record

### Nursing Home Administrator

[Wis. Stat. § 456.03\(2\)](#): Ineligible for license as nursing home administrator: Subject to fair employment laws, for any arrest or conviction record

[Wis. Stat. § 456.10\(1\)](#): Suspend/revoke license as nursing home administrator: For willful or repeat violation of [ch. 456](#) or associated rules; for willful or repeated actions inconsistent w/ patient health or safety; for fraud/deceit in admission to practice

### Optometrist

[Wis. Stat. § 449.04\(1\)\(a\)](#): Ineligible for license as optometrist: Subject to fair employment laws, for any arrest or conviction record

Pawnbroker, Pawn Shop

[Wis. Stat. § 134.71\(7\)\(a\)\(1\)](#): Deny pawnbroker/secondhand article dealers/secondhand jewelry dealers license. (Likely mandatory; duration 10 years): For any felony conviction or a misdemeanor/ordinance conviction the circumstances of which are substantially related to the applicable business (administered by county/municipality)

Podiatrist

[Wis. Stat. § 448.63\(1\)\(c\)](#): Ineligible for license as podiatrist (likely mandatory, although language ambiguous): Subject to fair employment laws, for any arrest or conviction record

Police, Law Enforcement, Fire Department

[Wis. Stat. § 62.13\(4\)\(d\)](#): Ineligible for employment in the police or fire department (second/third/fourth class cities): Subject to fair employment laws, application/examination process shall have “proper limitations” as to arrest and conviction record

[Wis. Stat. § 62.50\(5\)](#): Ineligible for employment with city police or fire department (first class cities): Subject to fair employment laws, application/examination process shall have “proper limitations” as to arrest and conviction record

Prescription Drugs, Distributor

[Wis. Stat. § 450.071\(3\)\(c\)](#): Ineligible for license as wholesale distributor of prescription drugs (likely mandatory, although language ambiguous): For conviction related to distribution of prescription drugs or controlled substance ([sub \(c\)7.](#)); for any felony conviction ([sub \(c\)8.](#))

Psychologist

[Wis. Stat. §§ 455.04\(1\)\(b\) & \(4\)\(b\)](#): Ineligible for license as psychologist/private practice school psychologist: Subject to fair employment laws, for any arrest or conviction record

Public Employment, General

[Wis. Stat. § 252.15\(10\)](#): Suspend/remove from public employment: For violation of restrictions under [§ 252.15](#) on disclosure of HIV results (criminal penalties include a felony for intentional disclosure for profit)

Radiology, Radiologist, Technician, X-Ray

[Wis. Stat. § 462.03\(1\)\(e\)](#): Ineligible for license or permit to practice radiography (X-Ray technician): Subject to fair employment laws, for any arrest or conviction record

### Real Estate, Appraiser

[Wis. Stat. §§ 458.06\(2\)\(c\), 458.08\(2\)\(c\)](#): Ineligible for license/certification as real estate appraiser (general appraiser/residential appraiser): Subject to fair employment laws, for any arrest or conviction record (applicant to provide proof of absence of such a record)

### Security, Private Security

[Wis. Stat. §§ 440.26\(2\)\(c\)2. & \(6\)\(b\)](#): Ineligible for supplier of private security personnel license: Mandatory for felonies; discretionary for misdemeanors/forfeitures, [sub \(6\)\(a\)1.](#)

[Wis. Stat. §§ 440.26\(2\)\(c\)2, \(5m\), & \(6\)\(b\)](#): Ineligible for license to supply private security personnel: Mandatory for felonies; discretionary for misdemeanors/forfeitures, [sub \(6\)\(a\)1.](#)

### Speech Pathologist

[Wis. Stat. §§ 459.24\(2\)\(a\) & \(3\)\(b\)](#): Ineligible for license as speech (language) pathologist/audiologist (likely mandatory, although language ambiguous): Subject to fair employment laws, for any conviction record

### Therapist, Acupuncture

[Wis. Stat. § 451.04\(2\)\(c\)](#): Ineligible for certificate as acupuncturist: Subject to fair employment laws, for any arrest or conviction record

### Therapist, Massage and Bodywork Therapy

[Wis. Stat. § 460.05\(1\)\(h\)](#): Ineligible for license as massage therapist or bodywork therapist: For conviction of specified crimes (sexual assaults and crimes against children)

[Wis. Stat. § 460.14\(2\)\(b\)](#): Deny/suspend/revoke license as massage therapist or bodywork therapist: For conviction of specified crimes (sexual assaults and crimes against children). *See* [§ 460.14\(3\)](#) regarding discretion to restore license

### Therapist, Physical Therapy

[Wis. Stat. § 448.53\(1\)\(c\)](#) : Ineligible for license as physical therapist (likely mandatory, although language ambiguous): Subject to fair employment laws, for any arrest or conviction record

[Wis. Stat. § 448.535\(1\)\(c\)](#): Ineligible for license as physical therapist assistant: Likely mandatory, although language ambiguous. Subject to fair employment laws, for any arrest or conviction record

### Tobacco, Cigarettes

[Wis. Stat. § 139.34\(1\)](#): Ineligible for permit to manufacture cigarettes: Subject to fair employment laws, for circumstances specified in [§ 139.34\(1\)\(c\)](#), which include conviction for any felony or conviction for any three misdemeanors

[Wis. Stat. § 139.34\(1\)](#): Ineligible to be an officer/director/agent/stockholder holding more than five percent of stock of any corporation applying for permits relating to cigarettes: Subject to fair employment laws, for circumstances specified in [§ 139.34\(1\)\(c\)](#), which include conviction for any felony or conviction for any three misdemeanors

[Wis. Stat. § 139.34\(1\)](#): Ineligible for permit to operate a warehouse for the storage of cigarettes: Subject to fair employment laws, for circumstances specified in [§ 139.34\(1\)\(c\)](#), which include conviction for any felony or conviction for any three misdemeanors

[Wis. Stat. § 139.34\(1\)](#): Ineligible for permit to sell cigarettes: Subject to fair employment laws, for circumstances specified in [§ 139.34\(1\)\(c\)](#), which include conviction for any felony or conviction for any three misdemeanors

[Wis. Stat. § 139.37\(1\)\(c\)](#): Ineligible for salesperson's permit (cigarette sales on behalf of manufacturer): Subject to fair employment laws, for circumstances specified in [§ 139.34\(1\)\(c\)](#), which include conviction for any felony or conviction for any three misdemeanors

### Veterinarian, Veterinary Technician

[Wis. Stat. § 453.072\(1\)](#): Ineligible for license, permit, or certificate as veterinarian or veterinary technician: Subject to fair employment laws, for finding of guilt of a crime the circumstances of which are substantially related to the practice of veterinary medicine

### Worker's Compensation, Non-Attorney Representative

[Wis. Stat. § 102.17\(1\)\(c\)](#): Ineligible for license to appear in worker's compensation proceeding (non-attorney representative): Subject to fair employment laws, for any arrest or conviction record

### *C. Discretionary disqualification/Felony-only*

#### Animal Possession

[Wis. Stat. § 951.08\(2m\)](#): Ineligible to possess or train animals: For conviction of [§ 951.08\(1\)](#) or [\(2\)](#), prohibiting instigating fights between animals

#### Architect, Landscape, Engineer

[Wis. Stat. § 443.11\(1\)\(f\)](#): Suspend/revoke registration/certification as architect, landscape architect, professional engineer, or engineer-in-training: Subject to fair employment laws, for any felony

[Wis. Stat. § 443.13](#): Suspend/revoke permit of designer of engineering systems: Subject to fair employment laws, for any felony

#### Athletics, Agent

[Wis. Stat. § 440.992\(2\)\(a\)](#): Deny registration as athlete agent: Subject to fair employment laws, for any felony

#### Barber

[Wis. Stat. § 454.29\(2\)](#): Deny/suspend/revoke license as barber or barbering manager: Subject to fair employment laws, for any felony committed while engaged in the practice of barbering

#### Beverages, Alcoholic, Liquor

[Wis. Stat. § 125.12\(5\)](#): Revoke/suspend/non-renew of retail permit for alcoholic beverages: For certain [ch. 961](#) convictions (delivery, manufacture, or possession of controlled substance with intent to deliver); violation of [ch. 125](#); allowing [ch. 961](#) activity or loitering of known criminals/prostitutes on premises (same criteria as [§ 125.12\(4\)\(ag\)](#), which sets forth potential contents for a complaint filed against a license holder)

#### Interior Design

[Wis. Stat. § 440.968\(1\)\(d\)](#): Suspend/revoke registration as interior designer: Subject to fair employment laws, for any felony

#### Mining

[Wis. Stat. § 293.49\(2\)\(d\)](#): Ineligible for permit for non-ferrous metallic mining (10-year look-back, waiver provision): For two or more environmental felonies arising from mining operation-exception applies if applicant severs business connection with convicted person.

Consequence applies to convictions of the applicant, an officer, a director, or a “related person,” which per [Wis. Stat. § 293.01\(2\)](#) may be an individual or corporate entity

[Wis. Stat. § 295.58\(2\)](#): Ineligible for ferrous metallic mining permit (10-year look-back, waiver provision): For two or more felony environmental convictions arising from mining operation- exception applies if applicant severs business connection with convicted person

[Wis. Stat. § 295.58\(8\)](#): Ineligible to serve as general contractor/affiliate operating mining site on behalf of holder of permit for ferrous metallic mining (10-year look-back, waiver provision): for two or more environmental felonies arising from mining operation; exception applies if Department of Natural Resources has approved plan to prevent recurrence of events that lead to convictions

[Wis. Stat. § 295.58\(2\)\(e\)](#): Ineligible to serve as owner/officer/director/affiliate of permit holder for ferrous metallic mining (10-year look-back, waiver provision): for two or more environmental felonies arising from mining operation; exception applies if applicant severs business connection with convicted person or if applicant has included in application a plan to prevent recurrence of events that lead to convictions

#### Oil and Gas Exploration, Drilling

[Wis. Stat. § 295.33\(5\)](#): Ineligible for employment as general contractor or affiliate (oil and gas exploration) (10-year look-back, waiver provision): For two or more felony environmental convictions arising from oil and gas operations; exception applies for approved plan to avoid recurrence

#### ***D. Discretionary disqualification/Felony-plus***

##### Athletics, Trainer

[Wis. Stat. § 448.957\(2\)](#): Deny/suspend/revoke license as athletic trainer: Subject to fair employment laws, for conviction of any crime the circumstances of which substantially relate to the practice of athletic training

##### Attorney, Law License

[Wis. SCR 20:8.4](#): Suspend/revoke license to practice law (attorney/lawyer): For criminal act that reflects adversely on trustworthiness, honesty, or fitness as a lawyer. *See also* [Wis. SCR 21.16](#): Suspend/revoke license to practice law: For misconduct under SCR, which includes, per [SCR 20:8.4](#), criminal acts that reflect adversely on trustworthiness, honesty, or fitness

[Wis. SCR 22.20](#): Suspend license to practice law (summary suspension of lawyer/attorney): For conviction of any felony or conviction of any lesser crime that Supreme Court believes reflects adversely on lawyer's fitness

##### Auctioneer

[Wis. Stat. § 480.24\(2\)\(c\)](#) : Deny/suspend/revoke registration as auctioneer: Subject to fair employment laws, for an arrest or conviction while registered ([sub \(2\)\(j\)](#) provides discretion for adverse action for violation of subchapter, which is a misdemeanor per [§ 480.26\(1\)](#))

##### Automobile Dealer (Motor Vehicle)

[Wis. Stat. § 218.0116\(1\)](#): Deny/suspend/revoke license as motor vehicle dealer: For willfully violating specified provisions or rules pursuant to [ch. 218](#) or defrauding buyer or lessee

##### Banking, Credit Union

[Wis. Stat. § 186.235\(10\)\(a\)](#): Remove officer or employee of credit union: For personally violating or allowing a violation of [ch. 186](#) (credit unions), which includes a felony for false statements, [Wis. Stat. § 186.80](#)

##### Behavior Analyst

[Wis. Stat. § 440.316\(2\)\(h\)](#): Deny/suspend/revoke license as behavior analyst: Subject to fair employment laws, any violation of state or federal law (no explicit requirement of conviction)

### Bingo

[Wis. Stat. § 563.18\(5\)](#): Suspend/revoke license as bingo supplier or license to conduct bingo (likely discretionary, although language ambiguous) (“shall constitute grounds”): For any violation of law or administrative rule ([sub \(1\)](#) refers to admin rules governing suspension or revocation proceedings)

### Broker, Insurance, Securities

[Wis. Stat. § 632.69\(4\)\(a\)](#): Suspend/revoke license as insurance broker: For conviction of a felony or of any misdemeanor of which criminal fraud is an element (consequence also applies if person has pleaded other than not guilty with respect to any felony or any misdemeanor of which criminal fraud or moral turpitude is an element, regardless of whether the court entered a judgment of conviction)

[Wis. Stat. § 551.412\(4\)](#): Deny/suspend/revoke registration as securities broker (broker-dealer/agent/investment adviser/investment adviser representative/federal covered investment adviser): For any conviction of a felony or conviction within the previous 10 years of a misdemeanor involving a security, a commodity future or option contract, or an aspect of a business involving securities, commodities, investments, franchises, insurance, banking, or finance

### Builder, Residential Dwelling

[Wis. Stat. § 101.654\(5\)\(c\)](#): Suspend/revoke license to build homes: For crimes related to construction of a dwelling

### Business, Franchise Registration

[Wis. Stat. § 553.28\(1\)\(d\)](#): Deny/suspend/revoke registration of business franchise: For conviction of an offense that is required to be disclosed in the offering circular (federal administrative rule [16 CFR 436.5](#) requires that franchisor disclose felony conviction (10-year look back) of any person identified in the franchisor's offering circular and pending charges related to securities, trade practices, or fraud. [Wis. Stat. § 553.27\(4\)](#) cross-references that federal rule.)

### Caregiver, Vulnerable Adults

[Wis. Stat. § 50.065\(5m\)](#): Ineligible for employment as caregiver at facility or with organization or service that provides direct care/treatment services: For conviction of crime that is not defined in [§ 50.065\(1\)\(e\)](#) as a “serious crime,” but that is substantially related to care of a client (entity has discretion not to employ the person, and Department of Health Services has discretion not to certify or contract with caregiver)

[Wis. Stat. § 50.065\(5m\)](#): Ineligible for license to operate a facility/organization/service (entity) that provides direct care/treatment services: For conviction of crime that is not

defined in [§ 50.065\(1\)\(e\)](#) as a “serious crime,” but that is substantially related to care of a client

### Child Care

[Wis. Stat. § 48.685\(5m\)](#): Deny certification, employment, guardianship as child care provider: For conviction of crime that is not within definition of “serious crime,” but is nonetheless determined to be substantially related to care of a child. Two separate categories: the latter also includes delinquencies for adjudications at or after age 12.

Group 1 (adult conviction only): license of an entity; license of foster home; subsidized (temporary) guardian; employ or contract with caregiver; nonclient resident at entity or with caregiver.

Group 2 (adult conviction or juvenile adjudication age 12+): license to operate child care center; certification of child care provider; employment or contract with child care program (school, licensed center, certified provider); nonclient resident at child care center or provider)

[Wis. Stat. §§ 49.133\(2m\) & 49.155\(7\)\(b\)](#): Refusal to pay child care provider: For pending charge or conviction of non-“serious crime” determined to be substantially related to care of children or operation of business. The conviction, adjudication, or pending charge may relate to a provider, a caregiver, or a nonclient resident. Note: adjudications for delinquency (age 12+) may result in the consequence, but pending juvenile petitions are not specifically referenced

[Wis. Stat. § 49.133 \(2m\)](#): Ineligible for employment by child care providers: For non-“serious crime” or pending charge related to care of children/operation of business (derivative consequence because state or county may refuse to pay the employing child care provider)

[Wis. Stat. § 49.155\(7\)\(b\)](#): Ineligible for employment by a child care provider (Wisconsin Shares program): For non-serious crimes (derivative consequence because state or county may refuse to pay the employing child care provider)

### Chiropractor, Chiropractic or Radiological Technician

[Wis. Stat. § 446.03\(3\)](#): Deny/suspend/revoke license/registration/certificate as chiropractor (including chiropractic technician/radiological technician): Subject to fair employment, for conviction of any violation of law governing practice of chiropractic or conviction of any felony

### Civil Office (Impeachment)

[Wis. Const. Art. VII, § 1](#): Remove from civil office (impeachment): For any crime (conviction not specifically required)

### Cosmetologist

[Wis. Stat. § 454.15\(2\)](#): Deny/suspend/revoke license as cosmetologist, cosmetology manager, aesthetician, electrologist, or manicurist: Subject to fair employment laws, for conviction of a felony committed while engaged in the occupation in question ([sub \(i\)](#) provides discretion for adverse action for violation of subchapter, which is a misdemeanor per [§ 454.16](#), and [sub \(j\)](#) provides similar discretion for violation of [subchapter II](#) or associated administrative rule)

### Counselor, AODA, Substance Abuse, Marriage and Family, Social Worker

[Wis. Stat. § 440.88\(6\)](#): Deny/suspend/revoke certification as substance abuse counselor, clinical supervisor, or prevention specialist: For fraud or deceit in obtaining certification or for unprofessional conduct; conviction not specified (*see* [Wis. Adm. Code SPS § 164.01](#) defining "misconduct or unprofessional conduct" to include convictions for offenses related to practice as a substance abuse professional)

[Wis. Stat. § 457.26\(2\)\(b\)](#): Deny/suspend/revoke license/certificate as marriage and family therapist, professional counselor, or social worker: Subject to fair employment laws, for conviction of an offense the circumstances of which substantially relate to the practice of social work, advanced practice social work, independent social work, clinical social work, marriage and family therapy, or professional counseling

### Debt Collection

[Wis. Stat. § 971.41\(5\)\(d\)1.](#): Cancel private collection contract (associated with deferred prosecution program): For any felony conviction or any misdemeanor conviction with a legal element of dishonesty or involving debt collection

### Dentist, Hygienist

[Wis. Stat. § 447.07\(3\)](#): Deny/suspend/revoke license or certification as dentist or dental hygienist: Subject to fair employment, for conviction of any crime the circumstances of which substantially relate to the practice of dentistry or dental hygiene

### Dietician

[Wis. Stat. § 448.87\(2\)](#): Deny/suspend/revoke certificate of dietitian: Subject to fair employment, for conviction of any crime, the circumstances of which substantially relate to the practice of dietetics ([sub \(h\)](#) specifically references violations of subchapter, which are criminal per [§ 448.94](#))

### Doctor, Physician, Surgeon, Medical Professional

[Wis. Stat. § 448.02\(3\)\(c\)](#): Suspend/revoke medical license/certificate/permit (doctor, physician, perfusionist, anesthesiologist assistant, physician assistant, or respiratory care

practitioner): For convictions under [ch. 961](#) (controlled substances) and [ch. 450](#) (pharmacy examining board)

[Wis. Stat. § 448.06\(2\)](#): Deny medical license: discretionary, unprofessional conduct (conviction not specified): *See* [Admin Code Med § 10.02](#)

#### Driver, Driving School

[Wis. Stat. § 343.66\(1\)\(b\)](#): Deny/suspend/revoke business license for owner or director of driver school: Subject to fair employment laws, for felonies and disqualifying offenses per administrative rule

#### Education, Solicitor for School or College

[Wis. Stat. § 38.50\(8\)\(c\)\(7\)](#): Deny/suspend/revoke solicitors permit for offering courses of instruction at schools (education): Subject to fair employment laws, for any arrest or conviction

#### Elevators

[Wis. Stat. § 101.985\(4\)](#): Ineligible for license as elevator contractor, elevator mechanic, or elevator inspector: For arrests and convictions tending to show a lack of qualifications

#### Fundraiser, Charitable Organizations

[Wis. Stat. § 202.025\(3\)\(a\)](#): Deny registration of professional employer organizations, fundraisers, or charitable organizations: registration or renewal may be denied (by Department of Financial Institutions) to protect public health safety and welfare. In conjunction with [§ 202.02\(6\)](#) (discretionary background check and mandatory self-report of convictions), this statute implies that a conviction may be grounds for denial (applicable to charitable organizations, professional fundraisers, and fundraising counsel)

#### Geologist, Hydrologist, Soil Scientist

[Wis. Stat. § 470.08\(2\)](#): Deny/suspend/revoke license as professional geologist, hydrologist, or soil scientist: Subject to fair employment laws, for an arrest or conviction record the circumstances of which substantially relate to the practice of professional geology

#### Government Program, Green Tier Program

[Wis. Stat. § 299.83\(7\)\(b\)](#): Terminate participation in Green Tier Program: For conviction or civil violation involving Green Tier facilities or resulting in substantial harm or threat of imminent harm

### Government Program, WIC Program, Vendor

[Wis. Stat. § 253.06\(3\)\(a\)4.](#): Deny/suspend/revoke vendor participation in Women, Infants, and Children (WIC) program: For criminal and civil convictions substantially related to operation of grocery or pharmacy (Department of Health Services may consider these convictions)

### Hearing and Speech Specialist

[Wis. Stat. § 459.10\(1\)](#): Deny/suspend/revoke license as hearing aid specialist: Subject to fair employment laws, for conviction of an offense the circumstances of which substantially relate to the practice of fitting and dealing in hearing aids

[Wis. Stat. § 459.34\(2\)\(c\)](#): Deny/suspend/revoke license as speech (language) pathologist or audiologist: Subject to fair employment laws, for conviction of an offense the circumstances of which substantially relate to the practice of speech-language pathology or audiology

### Home Inspector

[Wis. Stat. § 440.978\(2\)\(c\)](#): Deny/suspend/revoke license as home inspector: Subject to fair employment laws, for arrest or conviction while registered

### Midwife

[Wis. Stat. § 440.986\(2\)\(h\)](#): Deny/suspend/revoke license as midwife: For violation of law substantially related to practice as midwife; for violation of subchapter or associated administrative rule

### Mortuary, Cemetery, Funeral

[Wis. Stat. § 440.85\(2\)\(c\)](#): Deny/suspend/revoke license as crematory authority (mortuary): Subject to fair employment laws, arrested or convicted for any offense while registered under subchapter.

[Wis. Stat. § 440.93\(1\)](#): Deny/suspend/revoke license as cemetery authority, cemetery salesperson/seller, or cemetery preneed salesperson/seller (mortuary): Subject to fair employment laws, for conviction of any offense (post-licensing provision related to [§ 440.92\(1\)\(b\)3.](#))

### Nurse, Nursing

[Wis. Stat. § 441.07\(1g\)](#): Deny/suspend/revoke license as registered nurse, nurse-midwife, or licensed practical nurse: For violation of subchapter or associated administrative rule, [sub. \(1g\)\(b\)](#). [Sub. \(1g\)\(a\)](#) provides same discretion for fraud in obtaining license. [Sub. \(1g\)\(e\)](#) provides same discretion for violation of any state or federal law that regulates

prescribing or dispensing drugs or devices, if the person has a certificate to prescribe drugs or devices under [s. 441.16](#)

### Optometrist

[Wis. Stat. § 449.07\(1\)](#): Deny/suspend/revoke license as optometrist: Subject to fair employment laws, for conviction of any law governing the practice of optometry or for any felony conviction

### Pawnbroker

[Wis. Stat. § 134.71\(10\)](#): Revoke pawnbroker license: For specified property convictions

### Pharmacist, Prescription Drugs

[Wis. Stat. § 450.10\(1\)\(b\)](#): Deny/suspend/revoke license of pharmacist/manufacture of prescription drugs or pharmaceutical devices/wholesale distributor of prescription drugs: Subject to fair employment, for conviction of any crime the circumstances of which substantially relate to the practice of the licensee; violation of controlled substances laws; fraud related to licensing; or violation of [ch. 450](#) (pharmacy examining board)

### Podiatrist

[Wis. Stat. § 448.675\(1\)\(c\)](#): Deny/suspend/revoke license as podiatrist: For violations of [ch. 961](#) (controlled substances) and [ch. 450](#) (pharmacy examining board)

### Psychologist

[Wis. Stat. § 455.09\(1\)](#): Deny/suspend/revoke psychologist license: Subject to fair employment laws, for a felony conviction (“is a felon”) or violation of [ch. 455](#) or associated rule of professional conduct (violations of [ch. 455](#) are misdemeanors per [Wis. Stat. § 455.11](#))

### Public Employment, Driver’s License Issuer

[Wis. Stat. § 110.09\(2\)](#): Ineligible for employment issuing driver's licenses and identifications (applies to employers and employees): Notwithstanding fair employment laws, on the basis of the referenced (mandatory) background check, the Department of Transportation may restrict or deny access to records

### Radiology, Radiologist, Technician, X-Ray

[Wis. Stat. § 462.07\(2\)\(f\)](#): Deny/suspend/revoke license or permit to practice radiography (X-Ray technician): Subject to fair employment laws, for arrest or conviction of an offense the circumstances of which substantially relate to the practice of radiography

### Real Estate, Appraiser, Broker

[Wis. Stat. § 458.26\(3\)](#): Deny/suspend/revoke certificate of real estate appraiser (general appraiser/residential appraiser): Subject to fair employment laws, for conviction of an offense the circumstances of which substantially relate to the practice of an appraiser ([sub \(3\)\(i\)](#) provides discretion for adverse action for violation of subchapter, which is a misdemeanor per [§ 458.30](#)) ([Wis. Stat. § 458.26\(4\)](#) provides additional authority for the real estate appraisers board to impose a monetary penalty)

[Wis. Stat. § 452.14\(3\)](#): Suspend/revoke license or certificate of real estate broker, real estate salesperson, or time-share salesperson: For guilt of improper, fraudulent, or dishonest dealing; for violation of [ch. 452](#) or associated administrative rule

### Sales Crew, Traveling Sales

[Wis. Stat. § 103.34\(3\)\(d\)](#): Ineligible for license/certificate to supervise/employ a traveling sales crew (five-year duration): For conviction of a crime listed in [sub \(1\)\(b\)](#), which includes alcohol-related crimes, drug-related crimes, and crimes against persons, property, or children

### Tax Assessor

[Wis. Stat. § 73.06\(4\)](#): Remove local tax assessor: For “any violation of law,” on referral of Department of Revenue to District Attorney (criminal conviction not required)

### Therapist, Acupuncture

[Wis. Stat. § 451.14\(2\)](#): Deny/suspend/revoke license as acupuncturist: Subject to fair employment laws, for an arrest or conviction while certified as an acupuncturist

### Therapist, Massage and Bodywork Therapy

[Wis. Stat. § 460.14\(2\)\(b\)](#): Deny/suspend/revoke license as therapist or bodywork therapist: Subject to fair employment laws, for conviction of an offense the circumstances of which substantially relate to the practice of massage/bodywork therapy. See [§ 460.14\(3\)](#) re discretion to restore license

### Therapist, Occupational Therapist

[Wis. Stat. § 448.968\(2\)](#): Deny/suspend/revoke license as occupational therapist or occupational therapist assistant: Subject to fair employment laws, for conviction of any crime the circumstances of which substantially relate to the practice of occupational therapy

Therapist, Physical Therapist

[Wis. Stat. § 448.57\(2\)](#): Deny/suspend/revoke license as physical therapist or physical therapist assistant: Subject to fair employment, for conviction of any crime, the circumstances of which substantially relate to the practice of physical therapy

Veterinarian, Veterinary Technician

[Wis. Stat. § 453.07\(2\)](#): Deny/suspend/revoke license, permit, or certificate as veterinarian or veterinary technician: Subject to fair employment laws, for finding of guilt of offense the circumstances of which are substantially related to the practice of veterinary medicine

Well Driller, Pump Installer

[Wis. Stat. § 280.13\(2\)](#): Suspend/revoke license of well driller or pump installer: For fraud conviction related to business or second violation of [ch. 280](#) or associated administrative rule

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