

Instructions for Providing a Felony Conviction Explanation

1. Because you answered 'Yes' to the felony question, you are required to provide an explanation to the FCC describing the circumstances that resulted in you being convicted of a Felony and the results of that conviction even if the conviction was later overturned or you were pardoned.

2. Once your application is received by the FCC, it will be assigned a File Number, and you must pay an application fee (if applicable) within 10 calendar days and provide your explanation within 14 calendar days.

a. **WARNING:** If you do not pay your application fee on time (If applicable), or you pay your application fee, but you do not submit your felony explanation on time, **your application will be dismissed**. If you paid an application fee and your application was dismissed, the fee will not be returned, nor will you be given credit because the fee you paid applied only to the dismissed application.

b. If you want to resubmit your dismissed application, see paragraphs #14 and #15 below.

3. **Exhibit/Explanation.** Your explanation **must include the File Number of your application** and other information including, but not limited to, the following:

a. **All felony charges of which you were convicted, plead guilty, or plead "no contest".**

b. **Explain the incidents underlying the charges of each conviction and when they occurred.**

c. **Describe the sentences imposed (e.g., Jail, fines, restitution, register as a sex offender, etc.) for each conviction.**

d. **State whether the sentences have been served or if you are still under any restriction or condition resulting from the conviction or guilty plea.**

e. **Describe any efforts you have taken to remedy the wrongs committed and ensure that you will not engage in such conduct in the future.** Some examples submitted by applicants are listed below:

(1) *"I was given a four year formal felony probation, 200 dollars of restitution and 1000 hours of community service..."*

(2) *"I have not had any legal issues since then. I have gotten all the clearances necessary to allow me entrance into the department of energy, department of corrections, and the department of defense. "*

(3) *"I completed all of the court requirements and have not been in any legal trouble since that time."*

f. **Why you believe it would be in the public interest for the FCC to grant your application.**

Some examples submitted by applicants are listed below:

(1) *"I feel being able to communicate with other humans across the globe in an emergency is of paramount importance for civilization."*

(2) *"If granted I would be a responsible operator and would try to better my self [sic] as an operator for personal and public service."*

(3) "Allowing me to acquire my license would allow me to grow my skills and be a more productive employee and also allow me to grow as an Amateur Radio Operator."

(4) "If granted my operators [sic] license I will use it to continue to be an upstanding citizen."

g. Include any felony convictions that were overturned or for which you were pardoned. Include copies of such documents if available. If your record is sealed, let the FCC know.

4. You may provide letters of reference from your employer, clergy, and/or friends attesting to your character.

5. You must submit your explanation to the FCC by email (**Fastest**) to: attach605@fcc.gov. or by mail to: FCC, ATTN: Attach605, 1270Fairfield Rd, Gettysburg PA 17325-7245.

6. **DO NOT** include your Social Security Number or phone number in your explanation.

7. **DO NOT attempt to modify or amend your application on-line.** Processing of your application may be delayed or dismissed if you try to amend your application online.

Note: If you think your application needs to be amended, contact the FCC Help Desk (877) 480-3201, Option 2, Monday through Friday, 8am - 6pm ET.

8. Below are examples of felony explanations that resulted in the applications being granted.

Felony Explanation - Application Granted

I was convicted of **felony non-support** for being 6 months behind on my child support and owing more than \$5000. I fell behind because I was unemployed and was incarcerated for indirect civil contempt of my divorce decree and my ex was awarded an additional amount of \$10,000 in back support and I could not afford to fight the change at the time. **I was convicted on October 8, 2005, in [XXX County, State]. I served 5 years of probation.**

Felony Explanation - Application Granted

In response to the FCC request regarding felony convictions for radio operator license applicants; I am sending this email to explain the **assault conviction** I have. This is the only felony conviction I have.

The conviction occurred in [XXX County, State].

Conviction details: assault 3rd degree, incident date: January 2nd, 2000, conviction date: September 21st, 2000. Sentence: 4 months confinement, 1 year probation, \$500 victims' compensation fee.

Note: The bolded data in the examples above are examples of what the FCC is looking for in your explanation. Be honest and be complete. There is no reason to provide an explanation the size of "War and Peace". Keep it simple.

9. If your explanation does not contain all of the information the FCC requires, they will send you an email with a letter titled "Notice of Return" (See Paragraph #13 below for further information). Some examples of explanations that resulted in the FCC returning the application for additional information are listed below.

a. *"I was convicted [sic] of a felony in Alabama. I served my sentence. It does not have anything with radio."*

b. *"15 years ago I was sentenced for my crime and have been leading a good life. I have friends into ham radio and wanted to participate too. Thank you."*

c. *"My last criminal felonious conviction was in 2004 for carrying a firearm without a license."*

10. If you want your felony explanation to be confidential, you must include a separate request that the material not be made available for public inspection.

a. The request must contain a statement of the reasons for the request, and identify the portion(s) of the response for which confidential treatment is requested. It is not sufficient to simply mark a document as "Confidential".

b. If you do not request confidential treatment, the response will be publicly viewable in ULS.

11. If you answered the felony question "yes" on a previous application that the FCC granted, you must still provide an explanation to the FCC, but you have two options:

a. **Option 1** - Provide the same information that you previously provided to the FCC or

b. **Option 2** - Indicate that your previous application was granted and include the file number of the previous application (e.g., "I previously submitted an application which was granted on **[enter the date]** and the file number for that application is: **[enter the 10-digit file number]**"). Include the 10-digit file number for your current application.

12. Upon receipt of your explanation, the FCC will review it and do one of four things:

a. Grant your application, or

b. Place your application in Return status and request more information, or

c. Keep your application status as "Pending" for further review, or

d. Refer your application for a hearing before an Administrative Law Judge (ALJ) to determine if your application should be granted or denied.

NOTE: As of yet, no amateur radio applications on which the applicant answered "Yes" to the Felony Question, have been referred to an ALJ.

13. If the FCC needs additional information regarding your felony explanation, they will place your application in Return Status, and they will send you a letter via your email address.

a. They will identify the information they need and you will have 60 calendar days from the date of the letter to provide the information.

b. If you fail to provide the requested information by the suspense date, your application will be dismissed and if you paid an application fee, it will be forfeited.

c. Below are key excerpts from the two versions of the Notice of Return letter you might receive.

(1) **Version 1:**

NOTICE OF RETURN

Your application is in a return status for the reason(s) indicated below.

You must provide the requested information before the FCC will resume processing your application.

If you do not file [the requested information] within 60 days of the date at the top of this letter, your application will be Dismissed.

Supplement your filing to provide the following information: Your exhibit should set forth all felony charges of which you were convicted, explain the incidents underlying the charges and when they occurred, and state the sentences imposed and whether they have been served.

You may also call the FCC at (877) 480-3201 (TTY 717- 338-2824) for assistance.

(2) **Version 2:**

NOTICE OF RETURN

Your application is in a return status for the reason(s) indicated below.

You must provide the requested information before the FCC will resume processing your application.

If you do not file [the requested information] within 60 days of the date at the top of this letter, your application will be Dismissed.

Supplement your filing to provide the following information: Your exhibit should set forth all felony charges of which you were convicted, explain the incidents underlying the charges and when they occurred, and state the sentences imposed and whether they have been served.

PLEASE DO NOT AMEND THE APPLICATION – AMENDING COULD RESULT IN DISMISSAL OF YOUR APPLICATION.

PLEASE SUBMIT THE EXHIBIT (e.g., additional information), INCLUDING THE FILE NUMBER, BY EMAILING IT TO: Attach605@fcc.gov OR

MAILING IT TO: FCC, ATTN: Attach605, 1270Fairfield Rd, Gettysburg PA 17325-7245.

You may also call the FCC at (877) 480-3201 (TTY 717- 338-2824) for assistance.

d. If you receive a Version 1 Notice of Return letter, submit the requested information by email to attach605@fcc.gov or mail it to: FCC, ATTN: Attach605, 1270Fairfield Rd, Gettysburg PA 17325-7245.

e. Below is an example of Notice of Return requesting additional information.

NOTICE OF RETURN

APPLICATION RETURNED FOR THE FOLLOWING REASON:

Supplement your exhibit to clearly explain the charges of which you were convicted or pled guilty or no contest, the sentence imposed for each particular charge, and whether/when those sentences were completed. Also provide any additional information that you believe would be helpful in understanding your situation.

“On 3/21/1995, I entered a plea of no contest to 1 count of aggravated indecent solicitation of a minor.”

Note: The applicant did not provide further information about his conviction including jail time and any other sentencing requirements.

“In December of 95, I went to prison because she [the mother of the child] claimed I was harassing her.”

Note: Is this an additional charge that is not explained?

“In December of 96, I was released on good behavior.”

Note: For which charge?

“I have completed my sentence and have no obligations of any kind to the state. This includes registering as an offender. I am not a registered offender nor will I have to register.”

“On 6/14/1999, the case was dismissed on motion of the state.”

Note: Which case was dismissed or does he mean the conviction was overturned?

“There is no way I’ll ever be a person who will break any laws whether knowingly or unknowingly. “

f. In response to the above Notice of Return, the applicant submitted the same information that he initially provided. A second Notice of Return was sent to the applicant that stated:

“Your reply to the return notice did not provide the requested information. Supplement your exhibit to clearly explain the charges of which you were convicted or pled guilty or no contest, the sentence imposed for each particular charge, and whether/when the sentence(s) were completed.”

g. When the applicant did not respond to the second Notice of Return, his application was dismissed.

if additionally requested information is not received within the 60-day timeframe, the FCC will email you a letter informing you that your application has been dismissed *without prejudice*. The letter will also tell you why your application was dismissed. Refer to the text box below.

NOTICE OF DISMISSAL

*Your application is in a dismissal status effective [Date] without prejudice in accordance with Section 1.934 of the Commission's Rules for the reason(s) indicated below. **If you still wish to be licensed, you must file a new application, pay applicable fees, and include all required showings.** If you currently hold a valid license, you may continue to operate under the parameters of that authorization.*

If you are currently operating under authority provided by the Commission's Rules based on your submission of the above referenced application, you must immediately cease operation until such time as you come into compliance with the Rules [§97.9.b]

Electronic filing is required. For information on how to file an application electronically, visit the website at <http://wireless.fcc.gov/uls>. For additional assistance, you may visit the website at <http://esupport.fcc.gov>. You may also call the FCC at (877) 480-3201 (TTY 717-338-2824). To provide quality service and ensure security, all telephone calls are recorded.

NOTE: One of the following reasons for the dismissal will be listed:

- *"Insufficient payment was received or no payment was received within the required time frame."*
- *"Pursuant to Public Notice DA 17-741, applications are subject to dismissal if the exhibit is not received within 14 days from receipt of the application. Consequently, the application is dismissed."*
- *"The application was not amended within 60 days of the date shown on the Notice of Application Return letter; therefore, this application is hereby dismissed."*

a. *Without prejudice* means you can have your application resubmitted up to 365 days from the date of the exam session at which you were issued your Certificate of Successful Completion of Examination (CSCE).

b. You can resubmit your renewal online or at an exam session, at any time, **before your license is CANCELLED following the 2-year grace period**. Part 97 discusses your privileges regarding your application to renew your license. See the text boxes below.

§ 97.21 (A) (3) (ii) states

When the application has been received by the FCC on or before the license expiration date, the license operating authority is continued until the final disposition of the application.

- This means that if your renewal application was submitted before the expiration date but remains in pending status when it enters the 2-year grace period, **you may continue using your privileges until your application is granted, dismissed, or denied.**

§ 97.21 (B) states

A person whose amateur station license grant has expired may apply to the FCC for renewal of the license grant for another term during a 2 year filing grace period. The application must be received at the address specified above prior to the end of the grace period. Unless and until the license grant is renewed, no privileges in this part are conferred.

- This means that if your renewal application was submitted after the expiration date of your license and your license has not been cancelled (e.g., it is still in the 2-year grace period), **you have no license privileges** (e.g., You may not transmit signals) until your application is granted, dismissed, or denied.

15. If you choose to have your application resubmitted, contact the Laurel VE team that submitted your dismissed application.

a. They may choose to resubmit your original application without you having to attend an exam session or

b. They may want you to attend their next scheduled exam session in person in order to have your dismissed application resubmitted to the FCC.

(1) You will have to complete and sign an application form.

(2) Provide proof of element credit.

(a) Scenario 1 - If you **passed an exam** to earn an upgrade, you must bring the original CSCE that you received for the dismissed application and a copy. The VEs will examine both documents and retain the copy for their records. Your original CSCE is your proof that you passed one or more exams and is good for 365 days from the date it was issued.

(b) Scenario 2 – **If you earned an upgrade using an expired license for element credit** (e.g., pre-21 March 1987 Technician license, a General license, an Advanced license, or an Amateur Extra license), **you must provide a copy of the element credit**. You will receive a new CSCE.

(3) The VEs may ask questions regarding the age of your CSCE so they can understand what you are trying to do and how they can help you.

Note: A CSCE issued for a license upgrade authorizes you to use the privileges associated with your new license class and is valid for 365 days from the date of the exam session. If you do not resubmit your dismissed application before the CSCE expires, your license privileges will revert to your previous license privileges. Refer to the text box below.

§ 97.9 (b) states:

*The person named in an operator license grant of Novice, Technician, General or Advanced Class, who has properly submitted to the administering VEs a FCC Form 605 document requesting examination for an operator license grant of a higher class, and who holds a CSCE indicating that the person has completed the necessary examinations within the previous 365 days, **is authorized to exercise the rights and privileges of the higher operator class until final disposition of the application or until 365 days following the passing of the examination, whichever comes first.***

- This means that when your application is dismissed it has reached the “Final Disposition)” and you may no longer “*exercise the rights and privileges of the higher operator class*”. However, the credit for passing an exam element remains valid until the CSCE expires.
- This also means that if your application is in pending status longer than 365 days, your “*authority to exercise the rights and privileges of the higher operator class*” expires on day 366.

(4) Another option available to you is to attend an exam session near your location sponsored by any other VEC (e.g., ARRL, W5YI, GLAARG, etc.) to have your dismissed application resubmitted to the FCC. You should contact them to learn their requirements.

16. You may take additional exams while your application is pending. If you choose to do so, you must let the VEs know you have an application pending and the file number for that application. This is necessary so that they know how to process your application.

17. If you answer the felony question differently than on your previous application (e.g., Felony question answer is changed from “Yes” to “No”), the FCC will probably contact you and ask you to explain why you did so.

18. How long after the FCC receives your explanation will it take the FCC to grant your application?

a. **WE DON'T KNOW!** It could be days, weeks, or longer. That's up to the FCC and **they don't tell us.**

b. **After we submit your application to the FCC, the Laurel VEC and our VEs are no longer involved in the processing of your application.** That's between you and the FCC. **Therefore, we cannot help you.**

c. **You can check the status of your application here:**

<https://wireless2.fcc.gov/UlsApp/ApplicationSearch/searchAppl.jsp>

Search by your file number, name, call sign, or FRN.

d. **If you have questions about your application, contact the FCC by phone:**

(877) 480-3201, Option 2, Monday through Friday, 8am - 6pm ET.