

Congress of the United States
House of Representatives
Washington, DC 20515–1013

August 1, 2024

Brad Raffensperger
Secretary of State
214 State Capitol
Atlanta, GA 30334

Dear Secretary Raffensperger,

We write in regard to the ongoing issues impacting Georgia’s occupational licensing system. As head of the Professional Licensing Board Division (the Division), you are entrusted to ensure Georgia businesses have a qualified workforce to keep their doors open. As Representatives of Georgians within our congressional districts, we are tasked with protecting the interests of our constituencies as well as interstate commerce. We have serious concern with the opaque licensing criteria that has so far resulted in unjust outcomes for applicants with criminal records. As such, we urge you to consider using executive authority to strengthen licensing standards, transparency, and uniformity, and get qualified Georgians back to work.

The occupational licensing system in Georgia is overly burdensome and requires prospective workers to navigate through bureaucratic hurdles just to earn a paycheck. Worse, some requirements are being used to deny applicants the opportunity to gain employment. Many Georgians have been denied an occupational license despite possessing an expunged criminal record or a pardon, with little insight into a boards’ reasoning for issuing a denial.¹ State licensing boards often deny applicants with vague requirements of “good moral character” or “moral turpitude” that have little to do with qualifications.² We urge you to strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.

The Division has failed to adequately address the increased rates of denials for non-violent offenses, expunged or pardoned offenses, or first-time convictions—conditions that even Assembly leaders have said should not be barriers to obtaining a license or certificate in the state. This has dissuaded otherwise qualified applicants from entering the workforce because of uncertainty with the criteria being used by state licensing boards.

The Division has also failed to adequately provide denied applicants with the opportunity or mechanism to present evidence of their rehabilitation. Applicants effectively lack any reliable appeal mechanism to overturn denials based on compelling evidence or clarification, without a hearing or explanation.³ Currently, only a handful of licensing boards allow an administrative

¹ Collateral Consequences Resource Center, State Profiles: <https://ccresourcecenter.org/state-restorationprofiles/50-state-comparisoncomparison-of-criminal-records-in-licensing-and-employment/>

² Institute for Justice, “Barred From Working” (2020): <https://ij.org/wp-content/uploads/2020/08/Barred-fromWorking-August-2020-Update.pdf>

³ “Getting Georgians Back to Work-Opening Access to Occupational Licenses: SB 157.” Georgia Justice Project,<https://gjp.org/wp-content/uploads/2023/08/GJP-Occupational-License-Booklet-2023.07.26.pdf>

appeal. If an applicant were to pursue challenging a license denial, they would have to file a writ in the Georgia Superior Court—a process that is inaccessible to most applicants, especially those from low-income backgrounds.

Georgia is actively losing qualified workers to states with more transparent licensing systems—a wholly avoidable impact to the labor market we simply cannot afford. A recent study found that Georgia has the 12th most burdensome rules for licensure in the country.⁴ More than one out of every six jobs in the state requires an occupational license, including cosmetology, animal care, health care, construction, teaching, and transport, among other professions. Well over 65,000 of these vital jobs are currently not filled because of the shortage in licensed employees—a gap that is estimated to grow to more than 162,000 workers with new retirements taking effect.

We believe the Division should adopt a set of clear standards to ensure otherwise qualified applicants are afforded fair decision-making and a transparent process. We urge you to consider utilizing existing executive authority powers within your role as Secretary of State to institute much needed reforms. We recommend that you make the following reforms:

1. Providing denied applicants with a venue in which to appeal a licensing board’s decision with documentation and by requiring boards to inform applicants of a decision in writing.
2. Establishing a petition process to let applicants know the likelihood of their application being denied before they spend time and resources on trainings, education, or exams.
3. Preventing state licensing boards from using vague standards like “good moral character” or “moral turpitude” to deny licenses for ex-offenders.
4. Clarification that an expunged or pardoned record cannot be used to deny professionals an occupational license.
5. Adopting stronger data collection practices to more efficiently record application denials, reasons for denials, location of applicants, and other demographic data points- to be published on a publicly accessible forum.
6. Posting guidance online in simple and easy to understand terms to assist all applicants as they navigate the application process.

At a minimum, we urge you to consider preventing state licensing boards from denying a license to an applicant based on an arrest that did not result in a criminal conviction. The Division should strive to work toward a licensing system that judges individuals on a case-by-case basis, while guaranteeing all applicants equal consideration under the law.

We appreciate your attention to this matter and look forward to your response.

⁴ Knepper, Lisa, et al. “License to Work- A National Study of Burdens From Occupational Licensing.” Institute for Justice, 2022, [access link here](#).

Sincerely,



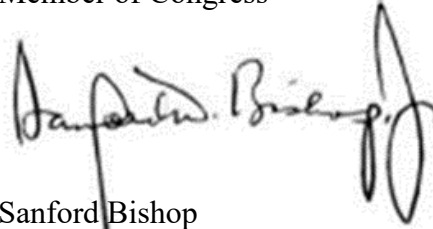
David Scott
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Cc: Todd Zandrowicz, Division Director,
Professional Licensing Boards