**Section 390.170 Denial of Initial License**

a) A determination by the Director or his designee to deny the issuance of an initial license shall be based on a finding that one or more of the criteria outlined in Section 390.165 or the following criteria are met.

1) *The applicant, any member of the firm, partnership, or association which is the applicant, any officer or stockholder of the corporation which is the applicant, or the person designated to manage or supervise the facility has been convicted* of any of the following crimes *during the previous five years.* Such convictions shall be verified by *a certified copy of the record of the court of conviction*.

A) *A felony*.

B) *Two or more misdemeanors involving moral turpitude*. (Section 3-117(2) of the Act)

2) Prior license revocation. Both of the following conditions must be met:

A) The license of a facility under this Act has been *revoked during the past five years*, which was owned or operated *by the applicant, by a controlling owner of the applicant, by a controlling combination of owners of the applicant, or by an affiliate who is a controlling owner of the applicant.* Operation for the purposes of this provision shall include individuals with responsibility for the overall management, direction, or supervision of the facility.

B) *Such prior revocation renders the applicant unqualified or incapable of maintaining a facility in accordance with the minimum standards set forth in the Act or in this Part*. This determination will be based on the applicant's qualifications and ability to meet the criteria outlined in Section 390.165(b) as evidenced by the application and the applicant's prior history. (Section 3-117(5) of the Act)

b) The Department shall notify an applicant *immediately upon denial of any application*. Such notice shall be *in writing* and shall include:

1) *A clear and concise statement* of the basis of the denial. The statement shall include a citation to the provisions of Section 3-117 of the Act and the provisions of this Part under which the application is being denied.

2) A description of *the right of the applicant to appeal the denial of the application* and the right to a hearing. (Section 3-118 of the Act)

(Source: Amended at 13 Ill. Reg. 6301, effective April 17, 1989)