



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

May 14, 1975

Opinion No. 75- 223

Mr. Robert F. Duncan
City Attorney of Atchison
City Hall
515 Kansas Avenue
Atchison, Kansas 66002

Dear Mr. Duncan:

This office is in receipt of your letter dated April 25, 1975, in which you request an interpretation of the cereal malt beverage laws of this state, more specifically K.S.A. 41-2703 and K.S.A. 41-2708.

As you point out, K.S.A. 41-2708(d) provides that no cereal malt beverage license shall be issued to "a person who within two years of a felony. . . ," while K.S.A. 41-2708(j) states that the governing body of any city shall revoke or suspend a cereal malt beverage license "for the employment of persons who have been guilty of felony. . ." You find it difficult to understand why an individual who has been convicted of a felony three years preceding, e.g., may be licensed but may not employ anyone who has ever been convicted of a felony. You specifically ask whether one who has been convicted of a felony more than two years ago may sell 3.2% beer and not be subject to have his license suspended or revoked?

While the rationale of these two provisions involved may be somewhat curious, we must interpret the statutes from the language contained therein. The language used in both sections is unambiguous, clearly showing that the legislature intended only that recently convicted felons be denied a cereal malt beverage license, while prohibiting employment of any convicted felon. It is therefore our opinion that if the applicant is not disqualified under section (d) of K.S.A. 41-2703, or the other sections listed, the applicant must be issued a license and as the license holder not be susceptible to suspension or revocation under K.S.A. 41-2708.

Yours very truly,

CURT T. SCHNEIDER
Attorney General

CTS:WMS:jj