



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

October 14, 1976

ATTORNEY GENERAL OPINION NO. 76- 326

Ms. Glenda Sherman
Secretary
Board of Accountancy
First National Bank Tower
Room 325-K
Topeka, Kansas 66603

Re: Expungements--License Revocations--Accountants

Synopsis: Prior convictions which have been expunged pursuant to statutory authority may not be considered by a licensing board.

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Dear Ms. Sherman:

You inquire as to the effect of an "expungement" granted pursuant to K.S.A. 21-4617. In particular, you ask if the provisions of K.S.A. 1-311(e) (which provides for license revocation in the event of a felony conviction) are modified by an "expungement" proceeding.

The pertinent statute, K.S.A. 21-4617(b), provides thusly:

"Any person having his record so expunged shall thereafter be released from all penalties and disabilities resulting from the crime which he has been convicted, and he shall in all respects be treated as not having been convicted,"
(Emphasis Supplied.)

The language of the statute is unequivocal. Once a citizen has had a conviction expunged from his or her record, it may no longer

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be considered a legal liability. The statute commands, by use of the word "shall," that the citizen be treated as if he had never been convicted of a crime.

In so far as the licensing statutes and regulations of the State Board of Accountancy prescribe certain treatment for convicted felons, they are without effect or applicability to applicants whose records have been expunged. In fact, the applicant whose record has been expunged is under no duty whatsoever to reveal the existence of past convictions.

In conclusion, it is my opinion that the State Board of Accountancy may not apply to provisions of K.S.A. 1-311(e) to an applicant or licensee who has had the conviction expunged pursuant to K.S.A. 21-4617.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:PAH:jj