

June 16, 1971

OPINION LETTER NO. 330
Answer by Letter - Wieler



Mr. William Wright, Supervisor
Department of Liquor Control
Broadway State Office Building
Jefferson City, Missouri 65101

Dear Mr. Wright:

This is in response to your request for an opinion concerning the qualification of an individual for a liquor license where said individual was convicted and sentenced to prison for a felony and then placed on judicial probation for a period of years, culminating in a complete discharge by the court at the end of said period.

As you point out in your letter, this office has already ruled that a pardon does not remove the fact of a conviction, but goes only to the restoration of civil rights and forgiveness of punishment. See Opinion No. 13, issued May 16, 1946, to the Honorable Edmund Burke and Opinion No. 266, issued May 15, 1970, to the Honorable Harry Wiggins (copies enclosed). We have found no Missouri cases applying this concept to a situation involving judicial probation and discharge rather than pardon, but feel that the result would be the same. In any event, discharge by the court does not expunge the record of conviction and sentence.

However, such a conviction of an individual for an offense not related to the liquor laws would not render him automatically ineligible to receive a liquor license. In earlier opinions, we have held that such a conviction renders a person ineligible to receive a license under Section 311.060, RSMo 1969, only where the facts and circumstances surrounding the conviction enable the Supervisor to determine that the person involved is a person of bad moral

Mr. William Wright

character. See Opinion No. 13, issued February 5, 1954, to the Honorable C. M. Buford and Opinion No. 439, issued October 30, 1969, to the Honorable Harry Wiggins (copies enclosed).

Yours very truly,

JOHN C. DANFORTH
Attorney General

Enclosures: Op. No. 13
5-16-46, Burke

Op. No. 266
5-15-70, Wiggins

Op. No. 13
2-5-54, Buford

Op. No. 439
10-30-69, Wiggins