

**61-4-3. Potentially disqualifying civil and criminal records; advisory opinion; fee.**

(a) For purposes of this regulation, "conviction" shall mean the rendering of a judgment or order by a court of competent jurisdiction in any state, or a subdivision thereof, or territory of the United States, by a court of the United States, or by a military court-martial pursuant to the uniform code of military justice.

(b) The following criminal records may disqualify an applicant from receiving a license or permit:

(1) Conviction of any offense classified as a felony in the jurisdiction in which the conviction occurred;

(2) conviction of any offense classified as a class A person misdemeanor or similar classification in the jurisdiction in which the conviction occurred;

(3) conviction of any offense classified as a class A misdemeanor pursuant to K.S.A. 21-5701 et seq. and amendments thereto, any predecessor statute before its repeal, or any similar classification in the jurisdiction in which the conviction occurred; and

(4) conviction of any other misdemeanor pursuant to K.S.A. 21-5701 et seq. and amendments thereto, any predecessor statute before its repeal, or any similar classification in the jurisdiction in which the conviction occurred if one of the following conditions is met:

(A) Fewer than five years have passed since the applicant completed that individual's sentence, including any term of incarceration, probation, or community supervision or payment of any fine, fees, or restitution; or

(B) the applicant has been convicted of another crime in the five years immediately preceding the date of the application for license or permit.

(c) Civil records that may disqualify an applicant from receiving a license or permit shall be any records of any court judgment or settlement in which the applicant admitted or was found to have engaged in conduct that would constitute a violation of the barbering act or any of the board's regulations. Those records shall not be used to disqualify an applicant for more than five years after the applicant satisfied any judgment or restitution ordered by the court or the settlement agreement signed by the parties.

(d) Any individual with a criminal or civil record described in this regulation may petition the board for an informal, advisory opinion concerning whether the individual's civil or criminal record may disqualify the individual from licensure.

Each petition shall include the following:

(1) The details of the individual's civil or criminal record, including a copy of court records and the settlement agreement signed by the parties;

(2) an explanation of the circumstances that resulted in the civil or criminal record or settlement agreement; and

(3) a check or money order in the amount of \$50.00. (Authorized by K.S.A. 65-1825a and 74-120; implementing K.S.A. 65-1820a and 74-120; effective Feb. 19, 2021.)