

FILE

Subject State Board
Food Service & Lodging
by to _____



STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

March 12, 1974

Opinion No. 74- 85

C. C. "Kirk" Hammer
Director
Food Service & Lodging Board
801 Harrison
Topeka, Kansas 66612

Dear Mr. Hammer:

K.S.A. 36-106 prescribes that

"[a] duplicate license shall be issued to
any otherwise qualified licensee upon notice of
the loss thereof and the payment of a fee, in the
amount of three dollars (\$3)." [Emphasiss supplied.]

You question whether "[w]hen it is obvious to this office that a license mailed to a licensee has been lost in the mail, is it possible . . . to issue a duplicate license and not require the specified duplicate licensee fee." A duplicate license is authorized to be issued "upon notice of the loss" of the original. Strictly speaking, the cause of the loss is immaterial, whether due to the postal service or the licensee's neglect or inadvertence. Any duplicate of a license previously issued, whether received by the licensee, is technically a duplicate, for which the agency is required to charge the three dollar statutory fee.

Yours very truly,

Handwritten signature of Vern Miller in cursive.

VERN MILLER
Attorney General

VM:JRM:jsm