



STATE OF KANSAS

## Office of the Attorney General

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**Curt T. Schneider**  
Attorney General

August 9, 1976

ATTORNEY GENERAL OPINION NO. 76-242

Honorable Elwill M. Shanahan  
Secretary of State  
Statehouse  
Topeka, Kansas 66612

Attention: Sherman A. Parks

RE: Corporations - Annual Reports

SYNOPSIS: The statement furnished by Main Lefrentz & Co., certified public accountants of Phoenix, Arizona, dated June 9, 1976, accompanying the annual report of John Rueb Associates, Inc., for the tax period ending March 21, 1976, should be filed of record with the annual report. No further action by the office of the Secretary of State is warranted in the matter.

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Dear Secretary Shanahan:

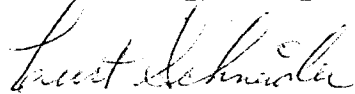
We have your letter of August 2, 1976, enclosing a copy of the annual report filed by John Rueb Associates, Inc., for the tax year ending March 31, 1976, accompanied by a statement dated June 9, 1976, by Main Lafrentz & Co., certified public accountants of Phoenix, Arizona, complaining that the annual report form furnished by your office does not include all disclosures required for a fair presentation of the financial position of the company in accordance with generally accepted accounting principles, and qualifying their report accordingly.

You inquire whether the accompanying statement furnished by the accountant should be filed of record with the annual report of the corporation. The statement should be regarded as a part of the annual report, in my judgment, for it relates to and qualifies the information contained therein, and accordingly should be filed, in my judgment, with the annual report.

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Secondly, you request my opinion as to what responsibility and authority, if any, your office has to conduct a further audit or investigation of the annual report in this instance. I see no occasion under the Kansas corporation code for a further investigation. The corporation has filed, or caused to be filed, its annual report in accordance with K.S.A. 17-7505, showing "in such form as the secretary of state may prescribe, the financial condition of the corporation at the close of business on the last day of its tax period next preceding the date of filing." Although the accounting firm may question the sufficiency of the form, it appears to have been fully executed, and there remains no occasion for any further action by your office, in my judgment.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:en