



STATE OF KANSAS

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June 26, 1979

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ATTORNEY GENERAL OPINION NO. 79- 124

The Honorable Mike Hayden
State Representative
406 State
Atwood, Kansas 67730

Re: Legislature--State Governmental Ethics--Statement
of Substantial Interests--Disclosures

Synopsis: Ownership of a school of cosmetology by the Executive
Director of the Kansas Cosmetology Board does not,
in and of itself, violate any statutory provision
relating to governmental ethics or conflict of interest.

* * *

Dear Representative Hayden:

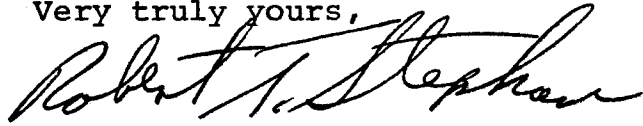
In your letter of February 23, 1979, you state that it has come to your attention that Mr. Henri Fournier, Executive Director of the Kansas Cosmetology Board, operates Henri's College of Hair Design in Overland Park, Kansas. You request that we verify this fact and render an opinion regarding "any possible conflict of interest."

Mr. Fournier filed a Statement of Substantial Interest in the Office of the Secretary of State on January 11, 1979. This statement indicates that Mr. Fournier holds an ownership interest in Henri's College of Hair Design, 10324 Mastin, Overland Park, Kansas. We are unaware of any intentional omissions from said statement and conclude that Mr. Fournier has satisfied the requirements of K.S.A. 1978 Supp. 46-247 and 46-248, being the pertinent statutes imposing such filing requirements.


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As far as we have been able to determine, Mr. Fournier's ownership of a school of cosmetology does not, in and of itself, violate any statutory provision relating to governmental ethics or conflict of interest. Mr. Fournier's duties as Executive Director of the Cosmetology Board are set forth in K.S.A. 1978 Supp. 74-2701(c), and we cannot conclude that the performance of said duties will necessarily result in a statutory violation where he is the owner of a school of cosmetology. Should the Board have occasion to take any action relating to the licensure of the school owned by Mr. Fournier, however, Mr. Fournier should either disqualify himself completely and refuse to participate in such action, or file the disclosure statement relating to representation cases required by K.S.A. 1978 Supp. 46-239. We do not undertake to speculate as to what other problems (relating to governmental ethics or conflicts of interest) may arise, but can only suggest that if Mr. Fournier has any questions relative thereto, he may request an opinion of the Governmental Ethics Commission pursuant to K.S.A. 1978 Supp. 46-254.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Terrence R. Hearshman
Assistant Attorney General

RTS:BJS:TRH:jm