



STATE OF KANSAS

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May 7, 1979

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ATTORNEY GENERAL OPINION NO. 79- 79

Mr. Henri Fournier
Executive Director
Kansas State Board of Cosmetology
630 Kansas Avenue
Topeka, Kansas 66603

Re: Laws, Journals, and Public Information--Records Open
to Public--Inspection of Official Public Records

Synopsis: Inspection reports of the Board of Cosmetology are
not "official public records" within the meaning
of K.S.A. 1978 Supp. 45-201, governing disclosure
of public records, and need not be made available
for public inspection, although the Board may allow
inspection if it so desires.

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Dear Mr. Fournier:

You request the opinion of this office as to whether inspection
reports of the Board of Cosmetology are "official public records"
which must be made available for public inspection.

Pertinent to your inquiry are the provisions of K.S.A. 1978 Supp.
45-201, which provide, in part, as follows:

"All official public records of the state,
counties, municipalities, townships, school
districts, commissions, agencies and leg-
islative bodies, which records by law are
required to be kept and maintained, except
those of the district court concerning

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proceedings pursuant to the juvenile code which shall be open unless specifically closed by the judge or by law, adoption records, records of the birth of illegitimate children, and records specifically closed by law or by directive authorized by law, shall at all times be open for a personal inspection by any citizen, and those in charge of such records shall not refuse this privilege to any citizen."

In accordance with the above, there must be a law which requires the Board to "keep and maintain" said inspection reports if they are to come within the definition of an "official public record." A review of the statutes relating to the Board of Cosmetology reveal no such requirement, and we are aware of no other law requiring preservation of such documents. Although K.S.A. 1978 Supp. 65-1908(e) provides that failure of the licensee to display the inspection report shall be grounds for suspension or revocation, in our judgment this cannot be construed as requiring the Board to keep and maintain said report.

It is, therefore, the opinion of this office that inspection reports of the Board of Cosmetology are not "official public records" and need not be made available for public inspection, although the Board may allow inspection if it so desires.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Terrence R. Hearshman
Assistant Attorney General

RTS:BJS:TRH:jm