

OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 834-5150

JAMES R. SOLOMON, JR.
DEPUTY ATTORNEY GENERAL

H. WARD McMILLAN, JR.
EXECUTIVE ASSISTANT

WALTER S. TURNER
CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES
ADMINISTRATIVE ASSISTANT

JUL 9 1985

Ms. Olivia M. Collier
Executive Secretary
Alabama Board of Cosmetology
First Southern Federal Tower
100 Commerce Street, Suite 801
Montgomery, Alabama 36130

Board of Cosmetology -
Cosmetology Act - Fees -
Lists

The Alabama Board of
Cosmetology may charge a
reasonable fee for providing
computerized lists of
licensed beauty salons and
cosmetologists.

Dear Ms. Collier:

Your opinion request has been received in the Office
of the Attorney General. Your question was as follows:

Is it legal for the Alabama Board of
Cosmetology to sell computerized
lists of licensed beauty salons and
cosmetologists to the public and to
charge a reasonable fee, established
by the Board, to recover the cost of
the computer listings.

As set forth by statute, every citizen has a right
to inspect any public writing of this state. Code of
Alabama, 1975 §36-12-40. Furthermore, such an inspection

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or examination of public records shall be free of charge.
Code of Alabama, 1975 §36-12-42.

However, only upon proper payment of fees is a public officer required to give a citizen a copy of any such public writing. See Code of Alabama, 1975 §36-12-41. The fees charged are to defray the costs of copying the lists and are not to be used as a revenue raising measure.

In addition, Code of Alabama, 1975 §41-4-92 provides in part that:

All fees, receipts, and income collected or received by any department, board, bureau, commission, agency or office or institution of the state shall be paid into the state treasury or deposited in an approved state depository to the credit of the general fund of the state of Alabama or to the credit of a special fund if the latter is required by law. No such payment or deposit shall be subject to withdrawal by any such department, board, bureau, commission, agency, office or institution, and all appropriations made to any such department, board, bureau, commission, agency, office or institution shall be specified amounts and shall be subject to allotment as provided in this article. (emphasis added)

The Cosmetology Board has such a special fund established by statute for the payment of and disposition of fees. Code of Alabama, 1975 §34-7-15. Monies appropriated from this special fund are used to pay the costs of copying the lists and therefore receipts from the sale of the lists should be deposited in this fund. Therefore, it is the opinion of this office that the Cosmetology Board may charge a reasonable fee for providing a copy of computerized lists to those citizens and entities requesting such a list.

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I hope this fully answers your question. If, however, we may be of further service, please do not hesitate to contact us.

Sincerely,

CHARLES A. GRADDICK
ATTORNEY GENERAL

By:



ALICE ANN BOSWELL
ASSISTANT ATTORNEY GENERAL