

**Opinion No. 51-5407**

August 29, 1951

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Mr. Bernabe Romero Secretary New Mexico State Board of Barber Examiners Post Office Box 1685 Santa Fe, New Mexico

{\*109} This is in reply to your letter of June 14, 1951, in which you request an opinion concerning the application of the provisions of § 51-1611, N.M.S.A., 1941 Compilation, with reference to fees to be charged by the State Board of Barbers Examiners and more particularly with reference to the fee to be paid upon the opening or establishing of a barber shop in the amount of \$ 100 to cover expenses of inspection. You ask whether or not the Board could waive the applicability of this provision insofar as the barber shop at Los Alamos, New Mexico, is concerned.

In my opinion, the Barber Board has no authority to excuse the Los Alamos barber shop from payment of the \$ 100 inspection fee. While it is true the barber shop may have operated legally and validly during the time the Los Alamos County was a Federal reservation and completely outside the jurisdiction of the State of New Mexico, to operate now and be within the law it is necessary that the Los Alamos barber shop comply with our New Mexico statutes.

It is my opinion that the Los Alamos barber shop must pay its establishment license fee in order {\*110} to be in valid operation and that the State Barber Board has no authority to waive the requirement that this shop pay the fee.