

Opinion No. 57-115

May 31, 1957

BY: OPINION OF FRED M. STANDLEY, Attorney General Fred M. Calkins, Jr.,
Assistant Attorney General

TO: Agnes Martin, Secretary Treasurer, State Board of Cosmetologists, P. O. Box 130,
Santa Fe, New Mexico

QUESTIONS

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May an owner of a school of cosmetology sell his school in any month of the current year and transfer the remaining portion of the establishment license to the purchaser?

CONCLUSION

No.

OPINION

ANALYSIS

Section 67-17-12, N.M.S.A., 1953 Compilation, specifically states no license conferred under the Cosmetology Act shall be transferred. The Statute states as follows:

"LICENSE NONTRANSFERABLE. Each license issued by authority of this act by said board shall be issued in the name of the owner and/or manager of each separate cosmetological establishment. Said license may not be the subject of a sale, transfer, assignment, conveyance, lease, bequest, gift or other means of transfer. The sale, transfer, assignment, conveyance, lease, bequest or gift of any part or all of any such establishment will not include any license issued and/or manager who wishes to sell, transfer, assign, convey, lease or give as a gift any such establishment, to point out and explain this section to the one so desiring to take over said establishment."

In view of the above, we are of the opinion that the owner of a school of cosmetology absolutely cannot transfer his license.