

**Opinion No. [29-36]**

March 18, 1929

**BY:** J. A. MILLER, Assistant Attorney General

**TO:** Easterwood and Thompson, Attorneys at Law, Clayton, New Mexico.

HAIR DRESSERS AND BEAUTY CULTURISTS -- Certificate required.

**OPINION**

Reference is made to your letter of March 14, 1929, addressed to me and asking for an opinion in re certificate of registration under the act regulating the occupation of hairdresser and beauty culturist, Chapter 141, Laws of 1925.

You explain the desire of your client to hold a certificate under this act coupled with conditions which would make it impossible for her to take an examination in July. You also say that what she would like to do would be to get a six months permit, that is, for six months of actual operating time, and in that way, after deducting the summer vacation, be able to work up to the time of the January examination.

As you no doubt will have in your office the Session Laws of 1925, I shall not quote sections from Chapter 141 of these Session Laws at length, but simply refer to them by number.

You will note that it is provided in Sec. 28 of the Act that no certificates shall be issued for a longer period than one year and all certificates shall expire on the 31st day of December unless renewed for the next year. I find in the Act no provision for time out to take vacation, the certificate, when issued, being effective until the expiration of the calendar year unless revoked as in the Act provided.

By Sec. 15 it is provided that the examination of applicants for certificates to practice under the Act shall be conducted under rules prescribed by the Board. It is further provided, in Sec. 17, that the Board may call to its aid competent persons in conducting examinations, and provided in Sec. 18 that under certain conditions examinations may be dispensed with entirely. I do not understand the requirements of Sec. 10 as to the times of meetings of the Board necessarily has application to the times of holding examinations. I am more inclined to the view that examinations may be held at such times as the Board may by rule prescribe and, if the Board should be willing to grant your client an examination at some time prior to the date of the July meeting, I see no objection to such action.

Although you do not say so I get the impression that your client desires to pay but a half fee to cover six months actual practice within a period of a greater number of months. I find no authority for any reduction of fee.

The fees to be paid to the secretary at the time of filing application are prescribed in Sec. 13 and the fees for the annual renewal of certificates are prescribed in Sec. 28.

I trust your client's problems may be solved in a way satisfactory to her, to the Board of Examiners, and to yourselves.