

**Opinion No. 39-3233**

August 8, 1939

**BY:** FILO M. SEDILLO, Attorney General

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

{\*91} In your letter of August 4th you inquire whether after a licensed shop has been sold and the establishment license transferred to the vendee, the board may require the vendee to send such transfer of license to the board for filing and reissuance of license in his own name, and whether he may be required to pay the \$ 5.00 annual establishment fee, or the \$ 1.00 duplicate license certificate fee listed in Section 11 of Chapter 220 of the Laws of 1937.

Under the last paragraph of Section 24 of the above Act the State Board of Examiners have the power to make other rules and regulations not inconsistent with the statute, and for that purpose they may pass a rule requiring a transfer of the license in the books of the board, or by an exchange of the certificate transferred for a new certificate issued in lieu of the old one and in the name of the vendee.

The board may not, however, make any charge for this transfer or exchange of license certificates, since the statute does not authorize such a charge and the board may not, by rule, require the payment of charges not authorized by the statute.

By: ANTONIO M. FERNANDEZ,

Asst. Atty. Gen.