

Opinion No. 47-5000

March 19, 1947

BY: C. C. McCULLOH, Attorney General

TO: Dorothy W. Miller, Secy., State Board of Cosmetologists, 209 First Nat. Bank Bldg. Albuquerque, New Mexico.

{*23} This will acknowledge receipt of your letter of March 15, 1947 in which you request the opinion of this office as to whether a closed or locked door, located so as to open directly into a residence from a beauty shop, may be considered a "solid wall" within the provisions of Section 51-2007.

Section 51-200 (a), New Mexico Statutes, 1941 Compilation, provides as follows:

"No cosmetological establishment shall be licensed and approved unless:

(a) Located in separate or segregated quarters, or if located in any part less than the whole of a single building otherwise occupied as living quarters, the quarters so occupied are separated or segregated from the remainder of the building by solid walls reaching from floor to ceiling."

It appears to me that the purpose of using the phrase "solid wall reaching from floor to ceiling" was to prohibit partitions which might be constructed only to a certain height and not reaching all the way to the ceiling."

It further appears to me that a common sense construction of the phrase "solid wall reaching from floor to ceiling" would include a wall with a door in it, provided the door is kept shut and locked. If the door in the wall is kept open, then there is no question that Section 51-2007 (a), 1941 Compilation, would be violated, since the wall would not be a "solid wall reaching from floor to ceiling".

Trusting the above information answers your inquiry, I remain

By WM. R. FEDERICI,

Asst. Atty. General