

Opinion No. 38-1974

June 14, 1938

BY: FRANK H. PATTON, Attorney General

TO: Mr. Bernabe Romero, President State Board of Barber Examiners c-o De Vargas Barber Shop Santa Fe, New Mexico

{*241} We have at hand letter of Senator Thaxton dated June 3 and addressed to Mr. Salmon, Secretary of the State Board of Barber Examiners, wherein an opinion of this office is requested interpreting Chapter 220, New Mexico Session Laws of 1937, regulating the practice of barbering.

The facts seem to be that the owner of a barber shop in Raton likewise owns a barber shop in Koehler. It seems that Koehler is a coal camp which is to reopen, having been closed for some years. It likewise appears that the shop in question was in operation in Koehler prior to the closing down of the camp and that during the period of time the camp was closed, the barber equipment remained there but the shop was not in operation.

The inquiry presented is whether it now becomes necessary for the owner of the Raton shop to make application to open and establish the {*242} barber shop in Koehler and whether it is necessary that the inspection fee of \$ 100.00 be by him paid.

Section 1 of said Chapter 220 provides as follows:

"Section 1. LICENSING OF BARBERS. That on and after the effective date of this Act, it shall be unlawful:

* * *

(6) For any person, firm or corporation to hereafter open or establish a barber shop in the State of New Mexico without first having had said shop inspected and approved by the State Board of Barber Examiners."

Section 11 of said Chapter 220 provides as follows:

"Section 11. FEES. The State Board of Barber Examiners shall charge and collect the following fees in advance:

* * *

Each application to open or establish a barber shop in this State shall be accompanied with a fee of One Hundred (\$ 100.00) Dollars to cover expense of inspection which shall be retained by the Board and deposited as other fees."

It is our opinion that the opening of the barber shop in Koehler under the facts stated constitutes the opening or establishment of a barber shop within the meaning of the sections of law heretofore quoted and that the Board may require an application, accompanied by the \$ 100.00 inspection fee.

By: RICHARD E. MANSON,

Asst. Atty. Gen.