

**Opinion No. 39-3220**

July 26, 1939

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

**TO:** Dr. J. J. Clarke, Secretary, New Mexico Board of Dental Examiners, Artesia, New Mexico.

{\*87} This office is in receipt of your letter of July 20 requesting an opinion as to whether or not an application fee for an examination before the Board of Dental Examiners for a license to practice dentistry in New Mexico may be returned in event that the examination is not taken by the applicant.

Under Chapter 37, Section 107, New Mexico Statutes Annotated, 1929 Compilation, referring to license fees reads in part as follows:

"\_\_\_ the said board shall charge each person applying for examination for a license to practice dentistry in this state an examination fee of twenty-five dollars for each examination taken by applicant, \* \* \*."

I have been unable to find any authorization to the Board of Dental Examiners by the Legislature to return an application fee for any cause. The Board of Dental Examiners arrange a time and a place for the examination and if the applicant does not present himself for the examination, it certainly is no fault of the Board.

Therefore, it is my opinion that under the existing laws relating to the Board of Dental Examiners, the application fee to said Board cannot be returned.

By: GEORGE LOUGEE,

Asst. Atty. Gen.