

**Opinion No. 46-4943**

August 17, 1946

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mrs. Dorothy W. Miller, Secretary State Board of Cosmetologists 209 First National Bank Bldg. Albuquerque, New Mexico

{\*266} We wish to acknowledge receipt of your letter bearing the date of August 14, 1946, wherein the following question was asked: "If a beauty shop on which the establishment license and shop owner's license fees have been paid, is moved from one city to another in the State of New Mexico, is it necessary for the owner to secure another establishment license before opening in the new location?"

Section 51-2016 of the N.M. 1941 Compilation sets forth certain fees to be charged by the Board of Cosmetology. Section (c) of said act provides in part as follows:

"For issuing an establishment license to any cosmetological establishment, the fee shall be \$ 100.00. \* \* \* Said establishment fee shall be paid for each such school or shop so established by any owner, and said fee paid on one shop, or on one school, may not be construed to be in payment for any other shop or school."

Section 51-2012 of the N.M. 1941 Compilation provides, in part, as follows:

"Each license issued by authority of this act by said board shall be issued in the name of the owner and/or manager of each separate cosmetological establishment. Said license may not be the subject of a sale, transfer, assignment, conveyance, lease, bequest, gift or other means of transfer. The sale, transfer, assignment, conveyance, lease, bequest or gift of any part or all of any such establishment will not include any license issued by said board."

It is my opinion, in view of the aforementioned statutes, that if a beauty shop owner moves his shop from one city to another in the State of New Mexico, he must secure a new establishment license from the State Board of Cosmetologists before opening his establishment.

By ROBERT V. WOLLARD,

Asst. Atty. General