Sir:  

I have a request from your Division for an Official Opinion reading as follows:

"The 'off duty' time of a fireman in the State of Indiana has never been completely ascertained. May we have your official opinion as to the proper interpretation of the word 'Emergency' as used in the Acts of 1945 dealing with the 'Hours of duty for firemen and Emergencies' as amended in 1951 and 1953."

Your request deals with an interpretation of the Acts of 1945, Ch. 319, Sec. 1, as amended, as found in Burns' Indiana Statutes (1950 Repl., 1953 Supp.), Section 48-6124, reading as follows:

"No member of the fire department or fire force in any city in the state of Indiana having a regularly organized and paid fire department or fire force, shall be required to work more than an average of seventy-two (72) hours per week, except in cases of emergency: Provided, however, That in cases of emergency, the chief of the fire department or fire force, or the assistant chief or other officer in charge of the fire force, shall have the power to assign any or all members of said fire department or fire force to continuous duty during such emergencies."

In this particular case, the word "emergency" is clearly used in connection with the duty of a municipality, acting through the fire department, to protect life and property from injury, destruction or risk thereof due to fire conflagration and other perils involving the activities of a municipal fire department. The statute apparently leaves the question as to what is or what is not such an "emergency" so as to require placing mem-
bers of the fire department on duty for more than an average of seventy-two (72) hours a week up to the fire chief, the assistant chief, or another officer in charge of the fire force and it is my opinion that, since this is directed to an emergency situation, the judgment of such officer as to what is or is not an "emergency" would be final.

If the judgment of the authorized official is being abused, such official would be subject to removal by the appointing authority.

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OFFICIAL OPINION NO. 16

June 3, 1955

Dr. C. A. Frech, Secretary
Ind. State Board of Dental Examiners
Gary National Bank Building
Gary, Indiana

Dear Doctor Frech:

Your letter has been received requesting an Official Opinion on the following question:

"The legality of filing claims for monies advanced to patients or investigators for the purpose of obtaining evidence against suspected violators of our dental practice act."

Supplementing your request you have herewith forwarded copies of certain correspondence between you and the State Board of Accounts regarding the legality of such claims. From such correspondence it is not clear whether these types of claims are questioned on the basis of lack of authority or upon legality of such investigation procedure.

The statute governing the licensing and regulation of the practice of dentistry in this state is Acts of 1913, Ch. 138, as amended, as found in Burns' Indiana Statutes (1951 Repl.), Section 63-501 et seq. Under the provisions of said statute, the practice of dentistry is defined; authority is given for the issuance and revocation of licenses; the administration and enforcement of the act is placed in said board; and injunction