purposes not inconsistent with the purposes of this act, for such time and upon such terms and conditions as said board of trustees may determine.” (Our emphasis).

The Board of Trustees have only the authority granted to them by the Legislature for the operation and control of the Memorial Building. Any use of the building granted by the Board must come within the terms of the above quoted section. It is my understanding that it has long been the custom of the Board, pursuant to the latter part of the above quoted sections, to grant the use of the building or parts thereof for conventions or special meetings of church groups regardless of their particular faith. However, in this instance it is my understanding that it has been proposed to the Board that certain rooms be set aside for one particular church of one particular faith to be used regularly for Sunday School Services.

It is my opinion that a reasonable construction of the above statute does not give the Board authority to grant the use of the rooms for this purpose.

OFFICIAL OPINION NO. 23

March 30, 1950.

Mr. George H. Hermann, 
Secretary-Treasurer, 
State Board of Embalmers & 
Funeral Directors, 
1505 South East Street, 
Indianapolis, Indiana.

Dear Sir:

Your letter of March 9, 1950, has been received requesting an official opinion concerning the 1949 Funeral Directors Statute. Your question is as follows:

“Can one person use his name in two separate businesses at two separate locations?
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For example: Poindexter & Wampler
Sandburn, Indiana
Poindexter & Wampler (a branch)
Bicknell, Indiana

and

Anderson-Poindexter Memory Chapel
Linton, Indiana

"The Poindexter mentioned in the above is one and the same person."

Section 63-722 Burns, 1949 Supplement same being Section 4, Chapter 38, Acts of 1949 provides in part as follows:

"* * * Natural persons only shall be eligible to apply for and receive a funeral director's license and no person shall hereafter be granted an initial funeral director's license to operate as a funeral director of more than one establishment at one time; but may operate part time at more than one place when each such place is at all times also operated by one or more other persons either so licensed or employed by such license-holders so licensed and present there."

"* * *

"It shall be lawful for any persons holding any licenses under this act and for anyone associated with them in any such business, to form one or more corporations under the laws of this state and which shall hold all the property of every character belonging to or used in such business, or which is otherwise transferred to or acquired by any such corporation for its lawful purposes, and it shall use all such assets in the conduct of any such business, operated under this act by any licensee, so acting for such corporation; but no such corporation shall continue to control and use its assets in the operation of any such business unless, at all times, one or more persons who are actively engaged as officers and directors thereof shall also be licensed under this act as funeral directors and embalmers and at least one thereof shall devote his entire time to such business of the corporation, and also either
he or some other licensee, as an employee, shall be available in the active conduct of such business for which he is so licensed. The name, address and list of officers and directors of such corporation shall be at all times registered with the board, including all changes therein.

“However, no such funeral business, so permitted to be controlled and operated under this act, shall be conducted by or in the name of any such corporation, so hereafter organized unless such business shall be conducted under the direction and personal supervision of a duly licensed funeral director; and all individuals so licensed and operating or employed in such business, for or under any such corporation, shall do so pursuant to this and all other requirements of this act, and shall be and remain responsible, as such licensees, for all their obligations or liabilities imposed by this act.

“Branch establishments of any such business may be owned or operated by any person, partnership or corporation, subject to all of the limitations and provisions of this act. Each of such branch establishments shall be in charge of one or more licensees as a funeral director and embalmer.”

While the language used by the Legislature at the beginning of the above quotation seems to indicate an initial license for a funeral director is limited to his operating one place of business, this language in the statute is a repetition of the language used in the Act prior to its amendment. Following such statement it is clear the Legislature has clearly evidenced its intention that a funeral director may operate part time at more than one place when each of such places are at all times also operated by one or more other persons properly licensed and present there.

It is also to be seen that considerable latitude is given certain corporations operating more than one business. The Section concludes with a reference to branch establishments by partnerships. If a natural person could have an interest in the operation of more than one establishment no reason is indicated under the Act why a person interested in several partnerships might not likewise be so authorized.
The above statute in many of its phases, including to a certain extent the question now presented, was reviewed in Official Opinion No. 96 of this office of October 4, 1949, addressed to you.

The following conclusion was there reached as applicable to the question there presented.

"From the foregoing it is very evident, especially when considered in pari materia with the other sections of said statute, that Funeral Directors' Licenses may be issued not only to the owner and operator of the business but to the employees otherwise duly qualified for licensure. The statute makes no requirement for a distinction between such forms of licensee but only requires that the conditions upon which they are issued be fully recorded with the Board and passed on by the Board at the time such Funeral Directing Establishment is approved and such license issued."

Based upon the authorities considered in the foregoing Official Opinion, and the reasons herein set out, I am of the opinion the practice suggested in your question is not forbidden by the 1949 Funeral Director's Act provided each of such places is fully qualified by a licensed funeral director who is available at all reasonable times for service at such establishment. One licensee could not qualify any more than one establishment.

OFFICIAL OPINION NO. 24

April 3, 1950.

Mrs. William R. Allen, Secretary,
Indiana State Board of Barber Examiners,
141 South Meridian Street,
Indianapolis 4, Indiana.

Dear Sir:

Your letter has been received requesting an official opinion on the following questions:

"1. Is a person licensed as a beauty culturist by the State Board of Beauty Culturist Examiners under