

Therefore, the statutory limitation as to such payments that they be charged in the manner provided in Section 4 (c) must be interpreted as referring to the method of proceeding and not to the extent or the amount of the payments.

In view of the fact that it is required by the statute that the amounts payable to the other state must be fair and reasonable to all concerned, I can see no constitutional question arising out of any claim or charge under this section.

See:

Carmichael v. Southern Coal & Coke Co. (1937),
301 U. S. 495, 109 A. L. R. 1327.

I am, therefore, of the opinion that it was the intent of the Legislature that such interstate claims should be paid in accordance with the law of the state in which the employee is located, with the limitations and disqualifications contained in that law and without the limitations and disqualifications contained in Sections 6 and 7 of the Indiana law, and that the charges against the chargeable Indiana Employers' Reserve account are not limited in amount by any provision of Section 4 (c).

OFFICIAL OPINION NO. 99

September 11, 1946.

Hon. Ralph F. Gates, Governor,
State of Indiana,
State House,
Indianapolis 4, Indiana.

My dear Governor:

Your letter of August 28, 1945, has been received in which you request an opinion as to whether or not the members of the State Board of Barber Examiners can also work as inspectors for such board and draw pay for such services.

Section 63-323 Burns' 1933, same being Section 23, Chapter 48, Acts 1933, provides as follows:

"The board shall have authority to make reasonable rules and regulations for the administration of the

provisions of this act. It shall prescribe sanitary requirements for barber shops and barber schools. Any member of the board, or its agents or assistants, shall have authority to enter upon and to inspect any barber shop or barber school at any time during business hours. A copy of the rules and regulations and sanitary requirements adopted by the board shall be furnished by the board to the owner or manager of each barber shop and barber school, and such copy shall be posted in a conspicuous place in such barber shop or barber school."

Section 63-322 Burns' 1943 Replacement, same being Section 6, Chapter 65, Acts 1937, provides in part as follows:

"Each member of the board shall receive ten dollars (\$10.00) for each day actually employed in the discharge of his official duties, and his necessary expenses incurred therein."

Under the clear provisions of the above sections of the statute creating and regulating the State Board of Barber Examiners I am of the opinion any member of said Board is specifically authorized by such statutes to inspect any barber shop or barber school at any time during business hours and to receive the per diem and necessary expenses incurred by them in carrying out such official duties.

However, it is pointed out that should such a member of said Board make an inspection of any such barber shop or barber school as a result of which inspection charges are presented to said Board for a hearing and determination of any violations of the State Barber Law or the rules and regulations of said Board, that the better practice to be followed in such event would be for such Board member making such inspection to disqualify himself and not sit as a hearing member on said Board or participate in the finding or determination of said Board in such proceedings.