OPTOMETRY, BOARD OF: Whether corporation may be
prosecuted for practicing optometry in this state without
a license.

October 23, 1933.

Mr. J. P. Davey, Member,
Indiana Optometry Board,
405 Kahn Building,
Indianapolis, Indiana.

Dear Sir:

Your letter of October 19, 1933, written in behalf of the
Indiana state board of registration and examination in optom-
etry, asks my opinion "relative to a corporation practicing
optometry in this state and having no license therefor." You
do not state the exact point upon which you wish an opinion,
but I assume the question you have in mind is whether or not
criminal action may be taken against such a corporation under
the provisions of the optometry law in Indiana.

You attach a copy of a recent opinion of the Supreme Court
of Iowa in the case of State v. Kindy Optical Company, in
which it is held, in substance, that corporations come within
the purview of the Iowa Optometry Law although not ex-
pressly mentioned in the statute. The court held that the state
could enjoin the corporation from practicing without a license,
although an individual who was duly licensed was engaged by
the corporation to do the actual work.

You will note from the facts of the case referred to, that it
appears the Iowa statute contained a provision for injunctive
relief. Under the Indiana law, however, the only penalty pro-
vided for practice without license is by way of criminal prose-
cution. Without expressing an opinion as to whether or not
corporations may properly be considered as within the pur-
view of our act, when the act specifically refers only to "per-
sons," it is sufficient to advise that the courts of this state
have held repeatedly that corporations cannot be prosecuted
for crimes except where specific provision is made by statute.

State v. Fairbanks, 187 Ind. 648, 655;
State, ex rel., v. French Lick Springs Hotel Co.,
42 Ind. App. 282.

There is no statutory provision in our law authorizing pros-
ecution of a corporation for violations of the Optometry Act.