judgment of conviction and original sentence to the Indiana State Prison. (Section 13-210, Burns 1933 Indiana Statutes; Section 6, Chapter 56, Acts 1857; also Section 9-2404 Burns 1933 Indiana Statutes; Section 342, Chapter 169, Acts 1905.) In other words, he should be given credit for the time served at the State Prison, and, according to your computation, should be eligible to come before the Board of Trustees for parole in July, 1937.

ARCHITECTS, STATE BOARD OF REGISTRATION FOR:
Restoration fee.

Leighton Bowers, Secretary,
Indiana State Board of
Registration for Architects,
Indianapolis, Indiana.

Dear Sir:

Receipt is acknowledged of your request dated February 25, 1936, pertaining to those portions of the architectural law relating to fees for restoration of an expired certificate, the same being Sections 14 and 16 of the Acts of 1929, Chapter 62.

Section 14 of the Act pertaining to renewal, expiration, and restoration of certificates reads in part as follows:

“Every registered architect who continues in active practice shall, annually, on or before the first day of November, renew his certificate of registration and pay the required renewal fee. Every license or certificate of registration which has not been renewed during the month of November in any year shall expire on the first day of December in that year. A registered architect whose certificate of registration has expired may have his certificate restored only upon payment of the required restoration fee.”

Section 16 provides in part as follows:

“The fee to be paid for the restoration of an expired certificate of registration as a registered architect shall be twenty-five dollars.

“The fee to be paid upon renewal of a certificate of registration shall be twenty-five dollars.”
It will be noted from the above that the terms "renewal fee" and also "restoration fee" are used in Section 14, and that these items are listed as separate and independent fees in Section 16, supra.

Apparently the payment of each of these separate fees is made for the purpose of obtaining an entirely separate and distinct result. Payment of the restoration fee listed in Section 16 is made in order that the architect "may have his certificate restored," while the payment of the annual renewal fee apparently is made for the purpose of permitting the architect to continue in active practice for the annual period covered by such fee. No provision is made in either Section 14 or in Section 16, either by express language or by implication, which would indicate that it was the intention of the legislature that the payment of a "restoration fee" should relieve the registered architect from the necessity of paying the annual "renewal fee." The latter apparently is required of the architect in consideration of his continuing in the active practice for the period covered by such renewal. It would seem that the intention of the legislature was to require the annual payment of a renewal fee, as a general requirement pertaining to all registered architects continuing in active practice. The provision relating to a restoration fee is obviously a special provision applying only to such of those architects continuing in active practice as shall have refused or neglected to pay the annual renewal fee within the time fixed in the statute. In other words, the requirement regarding the restoration fee seems to be a special and additional requirement and to be in the nature of a penalty imposed for failure to pay the annual renewal fee on the date fixed; or, rather, to be in the nature of an additional payment required of an architect within such class to relieve from the penalty of expiration, which was imposed automatically by the law upon his failure to pay at the time specified.

In answer to your first question, it is my opinion that the statute requires the payment of a twenty-five dollar restoration fee, in addition to any and all delinquent annual renewal fees, from an architect who has failed to pay such annual renewal fees on or before the first day of December in any year.

Referring now to your second question, it will be noted from the foregoing discussion that the law does impose a
money penalty upon the architect who fails to comply with the statute regarding the payment of annual renewal fees. However, the payment of this money penalty would not relieve the architect from liability for any of the criminal penalties imposed under the terms of the act for violation thereof. In other words, the architect who has failed to pay his annual renewal fees when due, and who has continued to practice architecture during the period following expiration of his certificate and prior to restoration thereof, would be liable to the criminal penalties imposed by Section 26 (a) for practicing architecture during such period “without a certificate of registration as a registered architect issued by the Board.”

Your final question has to do with the method to be used by you in making repayment of fees, in the event that restoration fees have been collected erroneously from certain applicants. From your letter it appears that you have not made improper charges for these restoration fees, but that the charges made are in conformity with the spirit and letter of the Act. In the absence of any mistake as to the collection of these fees, it becomes unnecessary to discuss the matter of repayment.

ARCHITECTS, STATE BOARD OF REGISTRATION FOR:
Whether said Board is limited in its expenditures to biennial appropriation.

Mr. Leighton Bowers, Secretary,
Indiana State Board of Registration for Architects,
Indianapolis, Indiana.

March 5, 1936.

Dear Sir:

I have before me your request for an official opinion as to whether the Board is limited in the expenditure of funds derived from fees collected by it as provided in the biennial appropriation act of 1935, approved March 2, 1935, Acts of 1935, page 361, or whether the applicable provision is section 4 of Chapter 252 of the Acts of 1935, approved ten days later on March 12, 1935. Acts of 1935, page 1276.

Section 4 supra is an amendment of section 19 of the original act of 1929. The original section, however, remains un-