

BEAUTY CULTURISTS, BOARD OF: Examinations, proper procedure in conducting.

November 20, 1937.

Lucille M. Booher, Secretary,
State Board of Beauty Culturists Examiners,
301 State House,
Indianapolis, Indiana.

Dear Madam:

This will acknowledge receipt of your letter of November 24, 1937, in which you request an official opinion concerning the proper procedure in conducting your examinations.

Your inquiry recites, in part, as follows:

"These examinations are held every three months in Indianapolis.

"The students, on their first examination, take a written scientific examination for which they pay a fee of \$5.00, and if they make a passing grade, serve an apprenticeship of three months, after which they come to Indianapolis for their second, or operator's examination, which is written, oral and a practical demonstration, for which they pay a fee of \$7.00.

"In cases of students failing to pass the first examination they must again enter school for additional training of 500 hours, and in cases of their failing to pass the second examination they must serve an additional six months apprenticeship.

"The question arises as to whether or not these students, should they pay for and take both examinations at once, fail on their apprentice examination and decide to not continue have the right to demand a refund of the \$7.00 fee paid for the operator's examination because of the fact it was given before they were eligible."

Your attention is called to section 65-1804 Burns Indiana Annotated Statutes, 1033 (*Sup.*), being section 4, chapter 78, Acts of 1935, which recites, in part, as follows:

"Any person shall be qualified to receive a certificate of registration to practice as a registered beauty culturist:

"(1) Who is qualified under the provisions of section 5 of this act . . .

"(4) Who has practiced as a registered apprentice for a period of three (3) months under the immediate personal supervision of a registered beauty culturist.

"(5) Who has passed a satisfactory examination conducted by the board to determine the fitness to practice beauty culture. An applicant for a certificate of registration to practice as a registered beauty culturist who fails to pass a satisfactory examination conducted by the board must continue to practice as an apprentice for an additional six (6) months before she is again entitled to take the examination for a registered beauty culturist and pay the required fees."

Section 5 of this statute (Burns Indiana Annotated Statutes, 1935), section 65-1805 (*Sup.*), provides, in part, as follows:

"Any person shall be qualified to receive a certificate of registration as a registered apprentice:

"* * *

"(3) Who has graduated from an approved school of beauty culture, and

"(4) Who passes a satisfactory examination conducted by the board to determine her fitness to practice as a registered apprentice.

"An applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination shall be required to complete a further course of study of not less than five hundred hours to be completed within three (3) months * * *"

The language of these two sections of the statute is clear and unambiguous. An applicant for a registered apprentice certificate must conform to certain prescribed qualifications as set out in section 5 and pass a satisfactory examination.

An applicant for a registered beauty culturist certificate must also conform to certain prescribed qualifications as set out in section 4 and pass a satisfactory examination.

The first of these qualifications is that she "is qualified under the provisions of section 5 of this Act." The fourth qualification is that she "has practiced as a registered ap-

prentice for a period of three (3) months under the immediate personal supervision of a registered beauty culturist.”

It is evident, in view of the above, that a person is neither qualified nor eligible to take an examination for a registered beauty culturist certificate unless and until she has first become qualified as a registered apprentice and practiced as such for a period of three months.

I am, therefore, of the opinion that a candidate is not entitled to take both examinations concurrently and that her examination for a certificate to practice as a registered beauty culturist was a nullity. It follows that she is entitled to the refund of the seven dollars paid for the operator’s examination.

ACCOUNTS, STATE BOARD OF: Poll tax, exemption of militiamen therefrom.

December 3, 1937.

Hon. W. P. Cosgrove,
State Examiner,
State Board of Accounts,
State House,
Indianapolis, Indiana.

Dear Sir:

I have before me your recent letter which reads as follows:

“Section 45-1210, Burns, 1933, sets forth that members of the active militia are to be exempt from public tax. This is a portion of chapter 142 of the Acts of 1923.

“Section 64-201, Burns, 1933, enumerated property exempt taxation and, also, included the poll tax of soldiers, sailors and militiamen. This section was reenacted as chapter 262 of the Acts of 1937, and the poll tax exemption provision was omitted.

“I would like to have your official opinion on the question, ‘Are active militiamen exempt from the payment of poll tax?’”

Section 64-201, Burns Ann. St., 1933, to which you refer reads as follows:

“The following property shall be exempt from taxation: * * *