

Board must look beyond mere adequacy of technical skill and proficiency.

Therefore, in answer to your question, it is my opinion that the issuance of a certificate of registration, or the renewal thereof, to a person convicted of a felony is a matter which is discretionary with the Indiana State Board of Barber Examiners and such conviction is a factor which may be considered in determining the moral character and fitness of any applicant. If the Board feels that the circumstances in any given case may warrant the denial of a license or the renewal thereof, because of a felony conviction, then before such denial, it is necessary for the Board to provide the applicant with a hearing in accordance with the procedure outlined in Burns' 63-315, *supra*, and the provisions of the Administrative Adjudication and Court Review Act of 1947, the same being Acts of 1947, Ch. 365, as found in Burns' (1951 Repl.), Section 63-3002 *et seq.*

---

OFFICIAL OPINION NO. 53

October 5, 1961

Mr. Vincent H. Knauf, Chairman  
Hearing Commission  
1330 West Michigan Street  
Indianapolis, Indiana

Dear Mr. Knauf:

Your letter of September 18, 1961, has been received and reads as follows:

"The Hearing Commission requests an official opinion from your office regarding its responsibility and the final disposition of the \$1000 paid to school corporations for the conversion, remodeling and/or construction, and the cost of any necessary training equipment after the school corporation officially discontinues the program.

"The payment of state funds was involved originally which is consistent with Acts of 1955, Chapter 166, Act No. 133, Section 4, Paragraph 2.

## OPINION 53

“This particular problem has arisen and is our immediate concern since Muncie discontinued its training center for hearing handicapped during this past summer. I have informed them of this request for an official opinion in this matter.”

Acts of 1955, Ch. 166, Sec. 4, as found in Burns' (1961 Supp.), Section 28-3537, provides, in part, as follows:

“Any school corporation which establishes such an oral training unit shall have the power and authority to convert, remodel or construct school rooms for the purpose of holding such special classes. The school corporation shall pay the cost of the conversion, remodeling and/or construction, and the cost of any necessary training equipment: Provided, however, That the state of Indiana shall reimburse such school corporation in an amount not to exceed one thousand dollars [\$1,000] for the purchase of such equipment.”

The Acts of 1955, Ch. 166, Sec. 10, as found in Burns' (1961 Supp.), Section 28-3543, provides:

“Participation in the costs and/or reimbursements to school corporations by the state pursuant to the provisions of this act shall be subject to any standard of requirement and rules and regulations of the Indiana state board of education adopted as provided by law.”

This appears to be the only additional restriction on the receipt or use of such reimbursements. I am advised by the State Department of Education that no rules or regulations have been adopted requiring the return of such money or equipment in the event of a discontinuance of such program. I am also advised this program was in effect for several years in the Muncie schools.

From the foregoing statute it is clear the \$1,000 referred to in your letter is authorized to be paid to the school corporation as a reimbursement of payments made by the school corporation for such expenses enumerated in the statute. Therefore, the money paid by the State of Indiana would be kept by the school corporation for the purpose of replacing school funds used for such purposes.