

April 10, 1933

State Dairy Department,  
State House,  
Phoenix, Arizona.

Attention: J. L. Black, Dairy Commissioner.

Dear Sir:

The Attorney General has received your letter of April 6th in which you have asked his opinion upon the following question:

"In appointing special dairy inspectors is it advisable to give them the privilege to perform all duties pertaining to the dairy laws, or is it advisable to specify just what duties I wish them to perform, and will this Commission be responsible for any acts that a deputy may commit? Will a special deputy be required to give bond?"

Section 3, Chapter 82, Session Laws of 1931, provides as follows:

"SPECIAL DAIRY INSPECTORS; POWERS. Special dairy inspectors may be appointed by the commissioner to to supervise, inspect, weigh and test any dairy products in the hands of any person for any use or disposition thereof, as a result of which the same, in one form or another, may be ultimately consumed as food. Such inspector shall perform such duties and have such powers as shall be specified by the commissioner not inconsistent with the provisions of this act, and he shall be under the supervision of the commissioner."

This provisions clearly outlines what the duties of a special dairy inspector may be, and in effect limits his duties and powers to those which you may specify. As to whether or not it is advisable to give a special inspector certain powers and duties, I am unable to say. Should you desire to give a special inspector the power to perform all the duties pertaining to the provisions of the dairy laws, it appears to me that it would be, in effect, appointing a regular deputy, pursuant to the provisions of Section 2 of Chapter 82, supra, and would not amount to the appointment of a special inspector. In other words, it appears as though a special inspector is not to have the same power that a deputy dairy commissioner has.

33-133

#2--State Dairy Department.

Whether or not you require a special deputy inspector to give a bond is a matter within your own discretion. There is no provision of the law requiring a bond of a special inspector. Should the special inspector be charged with the duty of handling funds belonging to the Dairy Department I would consider it advisable to require a bond, the amount to be fixed by you, and the bond should run to your benefit. Should you require such a bond the cost of procuring the same would have to be paid by the party furnishing it.

Very truly yours,

Attorney General,

By

Assistant Attorney General

JRM:MD

GEORGE