

October 15, 1941

Mr. Morgan G. Pratt,
Registrar of Contractors
Phoenix, Arizona.

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ARIZONA ATTORNEY GENERAL

Dear Sir:

We have your letter of October 6th wherein you state:

"As provided in Section 5 of Chapter 104, Session Laws 1933, where an application has been made for a contractor's license and said application has been accompanied by a fee of \$15.00 and should the applicant fail to qualify as provided, is it the duty of the Registrar in such case to retain the fee as provided for all other fees in said act, or is the duty of the Registrar to refund said fee to the applicant who failed to qualify for a contractor's license? Your ruling on the above question will be appreciated."

Section 67-805, A.C.A. 1939, provides in part as follows:

"Said application shall be accompanied by a fee of fifteen dollars (\$15.00) and not to exceed five (5) per cent of said license fee may be expended by the registrar for publicity and educational purposes in connection with the administration of this act. The fees received under this act shall be paid to the state treasurer and by him placed in a special fund to be known as the 'Contractors' License Fund'; and no money shall be placed to the credit of nor paid out from said fund, except as provided in this chapter (article), provided that five (5) per cent of each deposit made by the registrar for the credit of said fund shall inure to and be immediately transferred to the general fund, and the remainder is hereby appropriated to carry out the purposes of this act."

No where in said section nor in any other law, is provision made for the refunding of the \$15.00 fee.

Therefore it is our opinion that if an applicant for a contractor's license fails to qualify as required by law, such applicant is not entitled to a refund of the \$15.00 fee.

Yours truly,

EARL ANDERSON
Special Assistant
Attorney General

JOE CONWAY
Attorney General