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ARIZONA ATTORNEY GENERAL

March 16, 1948

Dr. O. W. Swofford,
Arizona State Board of Chiropractic Examiners,
121 West Glendale Ave.,
Glendale, Arizona

Dear Dr. Swofford:

We have your inquiry submitted as follows:

"We have before the State Chiropractic Board a case of license suspended in 1929 for non-payment of dues.

He is now asking for reinstatement of his license.

Would you please give me your opinion whether or not we can reinstate his license after being suspended this length of time?"

Article 7 of Chapter 67 provides for the Board of Chiropractic their duties and powers and the qualifications for licenses. In Section 67-702 the Board is given authority to make rules in the following:

". . . it shall adopt a seal, and affix the same to licenses issued, and adopt rules and regulations for the performance of its duties".

In Section 67-705 authority is given to revoke or suspend licenses for certain causes and to reinstate the same by the following:

"Revocation of license- Reinstatement.-
The board may refuse to grant, or may revoke or suspend a license, after hearing, upon any of the following grounds".
At any time within two (2) years of the refusal to issue, or the revocation of a license, the board may issue a license or grant a new license, the latter upon payment to the secretary-treasurer of Twenty-five dollars (\$25.00)".

From the foregoing it is apparent the Board may adopt rules and regulations and is specifically given the power to revoke or suspend licenses under certain conditions after a hearing. These licenses may be re-issued within two years.

Section 67-706 provides for the payment of an annual renewal fee of \$10.00 before the 1st day of January.

Because of the requirement for the payment of this annual renewal fee, it is obvious that a rule adopted by the Board, providing for a suspension of any license for non-payment of this fee would be proper. However, there is no statute fixing a penalty for non-payment of the annual fee.

The following statement is found in 41 Am. Jur., page 188:

"And, as appears above, the power to revoke a license includes the power to suspend one, and this necessarily implies a reinstatement in the right to practice at the expiration of the period of suspension".

It would appear from this statement that the power to suspend would imply the right to reinstate a license. This authority would exist for the reason that since the license was suspended only and not revoked, the right to practice under the license could be granted or withheld under such rules and regulations as the Board might adopt.

It is therefore our opinion that the reinstatement of the license described by you is a matter which is subject to regulation by the Board and in the event there are no regulations prohibiting such action, the Board may reinstate such license.

Yours very truly,

EVO DeCONCINI
Attorney General

PERRY M. LING
Chief Assistant Attorney General

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