

October 14, 1948

Mrs. Lelia Boyer
President, Board of Beauty Culturist
415 Heard Bldg.
Phoenix, Arizona

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Mrs. Boyer:

We have your letter of August 13th requesting an opinion from this office regarding the transfer of licenses under the Beauty Culturist Statute. The Arizona statute is silent regarding the transfer of licenses, and we are of the opinion that the Board of Beauty Culturist Examiners should make necessary rules and regulations to cover this particular subject. We believe that the Board has power to make such rules and regulations under Section 67-382, A.C.A., 1939.

However, in the absence of rules and regulations and until such rules and regulations are made, we believe that there can be no transfer of a license from person to person as generally a license is regarded as a special privilege of a personal trust and confidence which cannot be assumed or transferred without consent of the licensing authority. This, of course, is particularly true of a professional license such as a Beauty Culturist license.

As to the requirement for a transfer of a license when changing a location for either a school or a shop, it is our opinion that the Board should be notified of such change, but that a new license need not be issued. Where the licensee changes his place of business he may be entitled to a transfer of a license to the new place of business. 53 C.J.S. 657.

The California Beauty Culture statute, article 9, section 7412, provides that notice must be given to the Board for every change of location and that the Secretary of the Board will make the necessary changes in the register; however, apparently no fee is charged for this change of location.

Therefore, we are of the opinion that any change of ownership of either a school or a shop will require the issuance of a new license, but that a mere change of location or change of name of school or shop need not require a new license.

Yours very truly,

EVO De CONCINI
Attorney General

JOSEPH PYLE RALSTON
Assistant Attorney General

48-163