

March 25, 1949

W. L. Larson
Dr. E. Larson
Arizona Chiropractic Examining Board
1705 West Jefferson Street
Phoenix, Arizona

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ARIZONA ATTORNEY GENERAL

Dear Dr. Larson:

This is in reply to your letter of January 31, 1949, received in this office February 3, 1949, wherein you ask for an opinion as follows:

"Would you please render me an opinion on the following:

The Arizona State Chiropractic law states that there are to be three (3) members on the Examining board. The three (3) members to be graduates from three different schools.

The Palmer School of Chiropractic is the first and largest school in the world! hence there are approximately ten Palmer school graduates to one of other schools, eligible to hold a position as a board member.

Some of these Palmer graduates hold Post Graduate certificates from other schools. I will quote two. One Palmer School Graduate has taken a post graduate course from the Ratlidge School of Chiropractic and hold a certificate diploma from the P.G. course plus his Palmer diploma. Another Palmer School Graduate has taken a post graduate course from the Logan College of Chiropractic and holds a post graduate certificate. This man holds the majority of his work to the Logan method.

Would it be of your opinion that either of these two men or any others in the same circumstances could hold a position as Arizona State Chiropractic Board Members from either school? Would it be possible for such cases to declare themselves as either school for this position?"

We would first like to point out that the wording of the statute is a little different than the manner in which you set it up in your letter. Section 67-701, A.C.A. 1939:

"Board of examiners created--Membership.--The governor shall appoint a board to be known as

the State Board of Chiropractic Examiners, composed of three (3) licensed chiropractors, residents of the state, and who have practiced chiropractic in the state for not less than three (3) years. No two (2) members shall be graduates of the same school or college of chiropractic. The members shall be so appointed that the term of office of one shall expire in each year." (Emphasis Supplied)

The point at issue is "No two (2) members shall be graduates of the same school or college of chiropractic". Reading our definitions of graduates, 38 C.J.S. page 973:

"GRADUATE. As a noun, one who has taken a degree in a college or university; one who has honorably passed through the prescribed course of study and received a certificate to that effect. Technically, the word implies a degree and a regular curriculum, and includes those who have successfully passed their examination at the end of the prescribed course of study, as distinguished from those who are still pursuing the course."

There does not seem to be much difference in this definition from any that we can find. An individual who has once graduated from the Palmer School and then goes on to receive additional degrees from other schools does not cease to be a graduate of the Palmer School. Hence, it is our opinion that no two graduates of the Palmer School could legally be members of the Board of Examiners at the same time even if they had received other certificates of graduation from other schools.

Yours very truly,

FRED O. WILSON
Attorney General

CHAS. ROGERS
Assistant Attorney General

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