



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert E. Corbin

December 22, 1988

Ronald W. Dalrymple
Executive Director
Arizona Board of Technical Registration
5060 North 19th Avenue, Suite 306
Phoenix, Arizona 85015

Re: I38-129 (R87-143)

Dear Mr. Dalrymple:

You have asked whether a person who certifies to the purity of a metal in Arizona must be registered by the Arizona Board of Technical Registration (the "Board") as an assayer. We conclude such person must be registered with the Board.

A.R.S. § 32-101(B)(4) in relevant part defines an "assayer" as "a person who analyzes metals, ores, minerals, or alloys in order to ascertain the quantity of gold or silver or any other substance present in them." (Emphasis added). The legislature also has provided:

"Assaying practice" means any service or work requiring assaying education, training and experience and the application of special knowledge of the mineral sciences to such service or work as consultation and the evaluation of minerals. A person is deemed to practice or offer to practice assaying who in any manner represents himself to be an assayer or holds himself out as able to perform any assaying service or other services recognized by educational authorities as assaying.

A.R.S. § 32-102(B)(6)(emphasis added).

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In our opinion one who "certifies" as to the purity of a metal is engaged in "service or work requiring assaying education, training and experience and the application of special knowledge of the mineral sciences." Id. The term "certify" means: "to attest authoritatively or formally . . . to confirm or attest often by a document under hand or seal as being true, meeting a standard or being as represented." Webster's Third New International Dictionary 367 (1976). A person, however, who merely states that a certain object, such as a jewelry store ring, is eighteen karat gold in our view is not certifying or attesting authoritatively or formally as to the purity of the metal in the ring, and, therefore, need not be registered with the Board.¹

We conclude that a person who "certifies" to the purity of a metal in Arizona is engaged in assaying practice and must be registered with the Board.

Sincerely, .

Bob Corbin

BOB CORBIN
Attorney General

BC: CW:em

1. Such a person, however, may be subject to civil or criminal penalties if misrepresentations are made concerning the metal content of the ring. See e.g., A.R.S. § 44-1531 (consumer fraud); A.R.S. § 44-1481 (fraudulent advertising); A.R.S. § 44-1686 (jewelry auctions); A.R.S. § 13-2310 (fraudulent schemes and artifices); A.R.S. § 13-2311 (fraudulent schemes and practices).