

June 25, 1953

Mr. James D. Kaffenberger
State Egg Inspector
Capitol Building
Phoenix, Arizona

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Mr. Kaffenberger:

In reply to your request of June 22, 1953, we are hereby confirming your impression that the State Egg Inspector has the power and authority necessary to carry out the provisions of the Act by establishing such rules and regulations as may be necessary, per Section 68-939, A.C.A. 1939, as amended.

There is no set period for filing quarterly reports or for payment of the inspection fee required under Section 68-936, A.C.A. 1939, as amended. A definite time when such reports must be made and fees paid is essential to enforcement of the Act. Therefore, you, as administrative officer under the Act, have the authority to set this time.

Your question as to whether the criminal statute has to be enforced before bringing a civil suit is answered by the fact that the criminal section seems to supplement the civil section. It would be logical that Section 68-937, A.C.A. 1939, as amended would be invoked in the less serious cases. Both Section 68-937 and Section 68-948 could be invoked in the more serious situations.

Very truly yours,

JOHN R. ELLIOTT
Assistant to the
Attorney General

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