

REPORT ON  
THE LICENSING BOARDS AND COMMISSIONS  
OF ARIZONA

\* \* \* \* \*

PREPARED BY  
THE RESEARCH STAFF  
OF THE  
ARIZONA LEGISLATIVE COUNCIL

December, 1962

This report is factual only and does not constitute a recommendation on the part of the Council or any of the staff members.

1st fl.  
Arizona Legislative Council

**EMORY UNIVERSITY**

ATLANTA, GEORGIA

**Lamar School of Law Library**

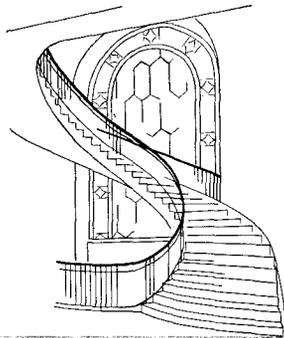


Table of Contents

	Page
Introduction.....	1
Summary.....	3
Part I, Licensing Boards in General.....	5
Part II, What Objections Have Been Made to Current Licensing Practices.....	8
Part III, What is the Sphere of Activity Within Which a Licensing Board or Commission may Con- stitutionally Operate?.....	9
Part IV, Some Licensing Boards and Commissions in Other States Have Become Monopolistic.....	16
Part V, Other States Have Found That the Situation Can be Improved by Tightening Their Con- trols Over the Administrative Agencies.....	19
Part VI, Conclusions.....	21
Appendix I, The Model State Administrative Procedure Act.....	22
Appendix II, Statistical Report on Arizona's Licensing Agencies.....	31
Index to Appendix II.....	32

ARIZONA STATE LIBRARY  
ARCHIVES & PUBLIC RECORDS

MAY 05 2005

STATE DOCUMENTS

ARIZONA LEGISLATIVE COUNCIL  
Room 324  
State Capitol

\* \* \* \* \*

CLARENCE L. CARPENTER  
President of the Senate  
Chairman

W. L. "TAY" COOK  
Speaker of the House  
Vice Chairman

SENATE MEMBERS

Benjamin L. Arnold, Sr.  
Hiram S. Corbett  
Harold C. Giss  
Joe Haldiman, Jr.  
Robert W. Prochnow

HOUSE MEMBERS

Mabel Ellis  
Louis B. Ellsworth, Jr.  
Etta Mae Hutcheson  
Ray Martin  
Robert Stump

Jules M. Klagge  
Director

December, 1962

"Mr. President, I move that the Senate direct the Staff of the Legislative Council to report to the Twenty-sixth Legislature, First Regular Session, upon the subject matter of this motion.

Signed: Harold C. Giss"

Accordingly, the staff of the Legislative Council submits the following report.

## SUMMARY

It is not the function of the staff of the Legislative Council to judge the effectiveness of the licensing boards and commissions in the State of Arizona. Since we can neither judge nor advise, this report is confined to informing the legislature of the experiences which other states have had in reviewing the operations of their boards and commissions.

In summary, the point which this report attempts to make is this: Licensing boards and commissions have assumed a highly important role in state government. They control or regulate the livelihood of thousands upon thousands of Arizona citizens; they can be an influential factor in the economy of the state. The licensing agencies operate under widely divergent rules and regulations. Because of the complexity, the legislature is unable to devote its time to the job of re-examining the operations of the licensing agencies in an effort to determine whether the agencies are conducting their affairs in a manner which would meet the approval of the legislature. Whether the boards and commissions of Arizona have operated in a manner which the legislature would find objectionable is outside the scope of this report. We wish only to point out that the opportunity for engaging in objectionable practices exists. Should the legislature feel that this opportunity, standing alone, merits further investigation, it may wish to appoint some competent body to study the matter.

As the affairs of state became more burdensome through the years, legislatures, both state and federal, saw an opportunity to relieve the executive branch of some of its purely administrative functions by creating administrative agencies. At the same time, they recognized that opportunities existed for the non-elective officials of the administrative agencies to abuse their authority. So the legislatures set up certain safeguards. These safeguards, generally speaking, took two forms: First, a restriction upon the authority of the boards and commissions and, second, a system of review of administrative decisions.

But government became even more complex and legislatures found it necessary to create more and more boards and commissions. For the most part, these agencies were created one by one, each being a little different from all the others. The result is something like a patchwork quilt. The areas of responsibility of the various agencies have mushroomed. There are so many of them that few people understand the workings of every one of them. Recognizing this, some states have determined that all these agencies should be brought under the same framework of rules so that the legislatures could survey their operations periodically without having to undertake a large scale investigation.

## PART I

### Licensing Boards in General

The basic virtue of state licensing of certain occupations and professions has been agreed upon by most authorities. Professor Charles M. Kneier of the University of Illinois put it this way:

Licensing, with the threat of revocation for violation of the rules and regulations which are set down to be observed by persons holding licenses, may be more effective than an ordinance prohibiting certain acts and providing penalties for its violation. The threat of being put out of business--temporarily by a suspension or permanently by a revocation--will in many cases be more effective in securing compliance with regulations than will be the threat of a fine. Any by passing upon the competence of persons to hold licenses, and laying down requirements to be met before a license will be issued, enforcement problems may be reduced. Limiting the number of licenses to be granted may in some cases, as in liquor and taxicab licensing, be an effective means of regulation, and one that will be upheld by the courts. See 57 University of Illinois Law Forum 1.

However, several states found, upon examining the practices of their various boards and commissions, that these administrative agencies had become inefficient and arbitrary and had usurped the power of the legislature by exceeding the limitations placed upon them both by state statutes and constitutions.

Since there seems to be no substantial controversy among authorities in the field as to the need for licensing boards and commissions, this report assumes their value. We have directed our attention only to the abuses which have been found to exist by investigating committees in other states.

The staff of the Legislative Council feels that the statistical material presented in Appendix II of this report, considered with the material presented in this portion of the report, will enable the legislature to determine whether or not our system of professional and occupational licensing will require any further investigation.

As our civilization and government have become increasingly complex, both state and federal legislative bodies have found that the government can be operated more efficiently by creating various administrative agencies. These agencies, often referred to as boards or commissions, have become so numerous today that few people understand their operations. State legislatures all across the country have begun to awaken to the fact that boards and commissions have been in operation so long that they have evolved into what might be likened to a small, unsupervised government of their own. Some states have decided that the time has come to examine the entire system of boards and commissions with a view to modernizing their operations, re-defining their scope of authority and setting up some sort of machinery which will prevent the administrative agencies from ever again withdrawing their operations from the public view.

This feeling is so widespread that the problem has come to the attention of the National Conference of Commissioners on Uniform State Laws. The function of this organization is to gather the best minds in the country in a given field and

to attempt to solve problems through the device of a "model act". This model act is then made available to any state legislature which wishes to pass a law dealing with the particular problem at hand. Of course the legislatures of the various states are the only bodies competent to pass upon the wisdom of the legislation. But the legislature at least has an excellent skeleton on which to build its law. A model act is the end product of the combined efforts of the most learned men in the field. The text of the model act appears as Appendix I to this report.

## PART II

### What Objections Have Been Made to Current Licensing Procedures?

Most of the objections to current licensing practices have fallen into one or more of the following categories:

1. The boards have gone beyond that sphere of activity within which the state constitution permits them to operate.

2. The licensing boards have become monopolistic. They have been used by the members of the boards and commissions as a device to restrict competition by arbitrarily or unfairly refusing to issue licenses to applicants.

3. No machinery exists which offers a fair and impartial appeal procedure from the boards' decisions. This is the specific problem to which the model act is directed.

These problems shade into one another and it is difficult to discuss any of them without involving the others. The draftsmen of the model act were of the opinion that most of the problems could be solved by providing a more complete and uniform appellate procedure. The model act which they drafted was intended to accomplish that purpose.

### PART III

#### What is the Sphere of Activity Within Which a Licensing Board or Commission May Constitutionally Operate?

Two constitutional limitations are placed upon legislative creation of boards and commissions. The first is imposed by the state constitutional provision granting the law-making power to the legislature. The second is the Fourteenth Amendment to the Federal Constitution which insures to every person the right to engage in any lawful occupation.

All state constitutions grant the law-making power to the legislature of the state and to no one else. This is at once a grant of power to the legislature and a limitation upon its power. The legislature is not permitted to delegate the power to make laws to any other person or group of people. On the other hand, the legislature need not trouble itself with the day to day administration of the laws which it passes. It may create other bodies to carry out this function. But if the legislature decides to adopt this course of action, it must prescribe fairly definite rules within which the administrative agency is permitted to operate. The legislature may not delegate any authority the exercise of which will require the administrative agency to make a policy decision.

Emerging from this are two rules. First, an administrative agency may not exceed the authority given to it by the legislature. Second, the legislature may not delegate any policy-making authority.

These rules are easily stated but often difficult to define and apply. Volumes have been written on the question of whether or not a particular act involves discretion. For instance, several states have set up administrative agencies to police the distribution of obscene literature. The constitutionality of the creation of this type of administrative agency has been attacked on the grounds that deciding what is obscene and what is not obscene is a policy decision. Some states have ruled one way, others have taken the opposite position. The point is, it is often difficult to determine whether a particular act is strictly administrative or whether it involves a policy decision.

But to lay down all of the specific acts which would constitute grounds for refusal to issue a license or grounds for the revocation of an existing license would be an insurmountable task. Recognizing this, the courts have usually given the licensing statute a liberal interpretation.

Where the legislature has attempted to define the grounds which justify refusal or revocation of licenses, constitutional issues are frequently raised because of the apparent vagueness and indefiniteness of the statutory standards. The courts have apparently determined these issues with reference to the practicability of greater specification of statement of the particular legislative goal to be achieved. Where greater specification is deemed impossible, the courts have implied a legislative intent to grant only reasonable discretion and have sustained the legislation. See 9 University of Chicago Law Review 694 (1942).

The problem is apparent. On the one hand, the legislature is constitutionally prohibited from giving a licensing board a "carte blanche". It must set down reasonably definite standards within which the board can operate. Theoretically, the board should never be permitted to exercise discretion; it should never be permitted to make a policy decision. That power is vested solely in the legislature and the state constitutions prohibit the legislatures from delegating that power to anyone.

Licensing statutes which contain inadequate standards to guide administrative discretion, however, have been held to be invalid delegations of legislative power, and to violate the equal protection and due process clauses of the Illinois Constitution. *id.*

On the other hand, if the licensing boards are to operate effectively, and if they are to accomplish the laudable purposes for which they were established, they must be permitted at least some small latitude of discretion. The courts have recognized this necessity and have been willing to sustain a certain minimum amount of discretionary activity.

When the board exercises discretion and makes policy decisions, it does so by enacting regulations. The regulations have the force of law and often have greater impact on the

livelihood of the licensed practitioners than many of the statutes passed under the dignity of the state legislatures. It is largely because of the heavy impact of these regulations that state legislatures of other states have found it desirable to institute full-scale investigations into the operations of their boards and commissions.

The legislature is also limited by the Fourteenth Amendment to the Federal Constitution. We must begin with the proposition that the Federal Constitution insures to every person the right to engage in any lawful occupation or profession. This guaranty to the people is, at the same time, a restriction on the power of the government, both state and federal. If this constitutional provision were all that need be considered, the licensing boards and commissions would be unconstitutional, for they clearly impose restrictions upon the pursuit of lawful occupations and professions.

But that is not the whole picture. Another constitutional provision grants the right to the state governments to take whatever steps are reasonably necessary to insure the health, safety, morals and general welfare of the people. This is known as the police power. Restrictions imposed by the states upon the pursuit of many trades and professions have been

upheld under the police power. Businesses which are commonly thought to be harmful in themselves or which historically have been considered to have no legitimate functions may be prohibited entirely, and, of course, may be regulated by the state. Businesses or professions serving valuable economic or social purposes may not be prohibited, but they may, nevertheless, be subjected to regulation in the interests of public health, safety and welfare when they are attended with danger or liable to abuse.

Although the individual's right to enter any lawful profession or occupation is a right guaranteed by the Fourteenth Amendment to the Federal Constitution, it is necessary that this right be balanced against the duty of the state, under its police power to protect the public health, safety, morals and general welfare. The wisdom of these two constitutional provisions is beyond question. But when considering the problem of licensing, they often clash; the policies behind the two amendments must be considered and a balance must be struck between them.

Licensing statutes have been attacked in the courts again and again. These attacks have sometimes been successful and sometimes not. Whenever the constitutionality of a licensing statute is questioned, it is questioned on one of two grounds: (1) whether the subject-matter can be licensed, and (2) whether the method of regulation which is adopted is reasonably calculated to accomplish its constitutional objective.

In order for a court to sustain a statute as an exercise of the police power, the court must find that the enactment has for its object the protection of the public health, safety, morals, or general welfare. The state may not, under the guise of protecting the public, arbitrarily interfere with or prohibit private business or lawful occupations. Courts of other states have struck down licensing statutes which sought to regulate the licensing of photographers, horseshoers, paper-hangers, florists, accountants, land surveyors, house painters, and dry cleaners. The licensing of law, medicine, and veterinary medicine have usually been upheld.

Not only must the subject be one which may be regulated, but there must also be some clear and substantial relationship between the assumed purpose of the statute and its actual provisions. The legislature has the duty of determining the need, wisdom, and expediency of licensing regulations, and the courts will not interfere with its decision unless the law is arbitrary, capricious, or bears no reasonable relation to the legislative purpose. For instance, a rule under a Nebraska statute which licensed funeral directors required the directors to keep a minimum number of caskets on hand at all times. This was held invalid because it tended to create a monopoly in those who were financially able to keep this stock on hand. In the opinion of one writer, the device of state licensing had gone far beyond the protection of the public welfare. He believed that a considerable portion of the confusion and waste which had resulted

by licensing in his state could be avoided simply by obviating the need for licenses in many occupations and professions.

Thus, it appears, through the system of licensing, we are tending to revive the evils of the Middle Ages where trade and craft guilds monopolized the individual trades, and the rigidity of vocational lines became unbearable. Almost every occupation has elements of danger and lack of integrity or capacity, but few trades are so essentially vested with a social interest as to justify their establishment by legislative grant as a close-knit, self-governing trade guild. Only those businesses which directly touch the public health, safety, morals, or general welfare, and which distinguish themselves from the other occupations because of such position, should be licensed. The interests and rights of the people should not be sacrificed to please a minority when the public is able to protect itself against these evils in the particular calling as it does in everyday business. See 29 Nebraska Law Review 146 (1950).

And he is not alone in his views:

It is impossible to conceive how the health, comfort, safety or welfare of society is to be promoted by requiring a horseshoer to practice the business of horseshoeing for four years ... and submit to an examination ... and to pay a license fee. See Bessette v. People, 193 Ill. 334, 62 N.E. 215 (1901), quoted with approval in 46 Illinois Law Review 328 (1949).

The purpose of this somewhat extensive treatment of the constitutional background of licensing statutes is intended to provide the legislature a yardstick with which to measure the activities of the Arizona boards and commissions. The questions which present themselves from this discussion seem to be: (1) Have the boards and commissions restricted themselves solely to purely administrative functions or have they overstepped their constitutional limitations by entering the field of policy making? (2) Are all the licensing boards and commissions which exist in Arizona necessary for the protection of the public health, morals, safety or general welfare?

## PART IV

### Some Licensing Boards and Commissions in Other States Have Become Monopolistic.

Some states have found that their licensing boards and commissions have become "monopolistic". The boards have been operated in an unsupervised manner for a long period of time and, with the passage of time, have furthered their own interests rather than performed their functions as guardians of the public health, safety and general welfare. There have been instances where a board has capriciously refused admission to new applicants in the interest of maintaining a high demand for the services of the relatively few practitioners who are already licensed. Some instances have been uncovered where the board passed unreasonable regulations which it imposed upon the licensed practitioners in an effort to cut down the number of persons following that occupation or profession. These regulations are objectionable when they bear no relationship to the public welfare but are intended solely to be an economic benefit to the practitioners of the particular occupation or profession involved.

The monopolistic tendencies of a licensing board, if any exist, can arise only when a board has exceeded its constitutional authority. When a board has become so separated and independent from the legislature which created it, and from the courts whose duty it is to police it, it is free to make its own rules, which have the effect of law; it is free to apply its own subjective

standards in decision making, for whatever reason it pleases, and it never need fear reversal or exposure by any other body.

Comments on this phase of the problem are abundant.

The extracts which follow are representative.

... another reason for such statutes (licensing statutes) is often stated by the opponents, and the courts, is that the group is attempting to create a state-sanctioned monopoly or closed-shop. This, it is contended, is done by the examining boards when they are members of the trade, accepting only a limited number of new members every year, thus reducing competition and also through rules and regulations which affect or establish process. Such a grasp, makes reasonably certain that the members will be employed, and eliminates cut-throat competition within the industry itself. There is usually a provision for automatic entry of those already engaged in practice for a specified time, and then the requirements are raised, if necessary, to ease competition when the field becomes overcrowded.

Although ... (licensing) statutes may be easily justified, they may still be objectionable because of their monopolistic tendency.

There are three methods by which the legislature may set up its licensing statute: (1) Delegate the power to license to the trade association existing in that particular field; (2) Create a licensing board made up of members of the particular trade and establish it as a state administrative body; and (3) Give the power to license to an already existing state administrative department whose members are employees of the state. The latter of these methods would tend to reduce the probability of a self-controlled monopoly, but in many of the skilled and specialized professions, the effectiveness of the operation of the statute would be diminished if not controlled by people familiar with the profession. This type of control also throws a greater burden on the state. However, it would appear that a board administered by state employees would be a strong factor in favor of the validity of such a regulation, since one assumes that the possibility of arbitrary regulations and rules would not be so likely. See 29 Nebraska Law Review 146 (1950).

The administration of occupational licensing laws in Illinois was, at first, entrusted to separate and

independent boards or commissions, whose members were chosen by the governor from the ranks of the group to be licensed. Possibilities of monopolistic abuse were clearly inherent in this type of organization. In 1917 Illinois adopted the Civil Administrative Code, which abolished 105 offices, boards, commissions, and agencies and placed them in the administrative departments and commissions created by the code. These departments and commissions were generally empowered both to issue and to revoke licenses. Although the Department of Registration and Education, which administers more than twenty of these statutes, is now the most important licensing agency in the state, other licensing statutes are administered by the Department of Agriculture, Secretary of State, Department of Insurance, Department of Finance, Department of Conservation, Liquor Control Commission, Aeronautics Commission, Athletic Commission, Department of Public Welfare, Racing Board, Commerce Commission, and Mining Board. Under the provisions of the code the Director of the Department of Registration and Education appoints the members of the professional examining committees which administer the various statutes under the supervision of the department. Final orders granting or revoking licenses are issued by the director only upon written authorization by the professional committees, and he is given a veto power over the action of the committees. Thus the possibilities of abuse of power by professional committees for monopolistic ends are checked by an impartial administrative authority, while at the same time the advantages of expertness in dealing with technical professional problems are retained. 9 University of Chicago Law Review 694.

The North Carolina Supreme Court struck down the licensing of tile contractors in a ringing opinion which declared, "The Act in question here has as its main and controlling purpose, not health, not safety, not morals, not welfare, but a tight control of tile contracting in perpetuity by those already in the business ..." Statutes in other states licensing such persons as photographers, and real estate brokers have been declared unconstitutional as bearing no reasonable relationship to the police power. See 35 Dicta 235, (1958).

PART V

Other States Have Found That the Situation Can be  
Improved by Tightening Their Controls Over the  
Administrative Agencies.

The violations of constitutional authority and the monopolistic tendencies of boards and commissions have largely been made possible because an effective system of review of board actions doesn't exist. The Ohio Administrative Commission studying hearings conducted by licensing agencies found:

(1) that many licensing acts failed to provide for a hearing on the revocation, suspension, refusal to issue or refusal to renew a license, (2) that in those acts which did contemplate a hearing there was generally a lack of provision for procedures essential to an adequate hearing such as notice, record, and the attendance of witnesses, and (3) that the procedures established by statute for conducting hearings were utterly lacking in uniformity.

The Commission expressed the opinion:

(1) that every agency should have to offer a person a hearing when revoking, suspending, refusing to issue, or refusing to renew a license; and (2) that the hearings afforded should conform to accepted standards of procedure for fair hearings.

The proposed act, which was prepared to serve as a model for state legislation on administrative procedure, served as the basis for the Model State Administrative Procedure Act eventually adopted by the National Conference of Commissioners on Uniform State Laws in 1946.

The model act, which was considered by the National Conference on Uniform State Laws for seven years and completely re-drafted three times was finally adopted after a most painstaking

study of the entire field of administrative procedure by the conference, and a great number of specially informed persons in the field. The completed version truly represents the work of many hands.

To insure these principles of justice and fairness the model act provides the following safeguards:

1. Requirement that each agency shall adopt essential procedural rules and that, so far as practicable, all rulemaking, both procedural and substantive, shall be accompanied by notice of hearing to interested persons.

2. Assurance of proper publicity for administrative rules that affect the public.

3. Provision for advance determination of "declaratory judgments" on the validity of administrative rules, and for "declaratory rulings" affording advance determination of the application of administration to particular cases.

4. Assurance of fundamental fairness in administrative hearings, particularly in regards to rules of evidence and the taking of official notice in quasi-judicial proceedings.

5. Provisions assuring personal familiarity on the part of the responsible deciding officers and agency heads with the evidence in quasi-judicial cases decided by them.

6. Assurance of proper scope of judicial review of administrative orders to guarantee correction of administrative errors. (See the Model State Administrative Procedure Acts 33 Iowa Law Review 198)

## PART VI

### Conclusion

This report has attempted to show that several states have investigated their licensing boards and commissions. Upon investigation, they have found that the boards have created their own complex structure of rules and regulations which have the force of law and which are entirely free from the limitations which are placed upon the legislature itself. They have found that the freedom given to (or taken by) the boards and commissions has been used to adopt practices which are inconsistent with the freedoms, liberties and property rights of the licensed professions and occupations, all to the detriment of the general public. It has been said that these abuses could be corrected and prohibited from ever happening again by setting up a uniform system of procedure which every licensing board and commission must follow when it enacts new regulations and a uniform system of review which every new regulation and every board decision is subject to.

The problem was submitted to the National Conference of Commissioners on Uniform State Laws. This group produced the following model act which, in the opinion of the writers, will provide adequate safeguards against these abuses.

APPENDIX I

Model State Administrative Procedure Act

AN ACT CONCERNING PROCEDURE OF STATE ADMINISTRATIVE AGENCIES AND  
REVIEW OF THEIR DETERMINATIONS

Be it enacted . . . .

SECTION 1. (Definitions.) For the purpose of this Act:

(1) "Agency" means any state [board, commission, department, or officer], authorized by law to make rules or to adjudicate contested cases, except those in the legislative or judicial branches, and except . . . . [here insert the names of any agencies such as the parole boards of certain states, which, though authorized to hold hearings, exercise purely discretionary functions].

(2) "Rule" includes every regulation, standard, or statement of policy or interpretation of general application and future effect, including the amendment or repeal thereof, adopted by an agency, whether with or without prior hearing, to implement or make specific the law enforced or administered by it or to govern its organization or procedure, but does not include regulations concerning only the internal management of the agency and not directly affecting the rights of or procedures available to the public.

(3) "Contested case" means a proceeding before an agency in which the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after an agency hearing.

SECTION 2. (Adoption of Rules.) In addition to other rule-making requirements imposed by law:

(1) Each agency shall adopt rules governing the formal and informal procedures prescribed or authorized by this act. Such rules shall include rules of practice before the agency, together with forms and instructions.

(2) To assist interested persons dealing with it, each agency shall so far as deemed practicable supplement its rules with descriptive statements of its procedures.

(3) Prior to the adoption of any rule authorized by law, or the amendment or repeal thereof, the adopting agency shall as far as practicable, publish or otherwise circulate notice of its intended action and afford interested persons opportunity to submit data or views orally or in writing.

SECTION 3. (Filing and Taking Effect of Rules.)

(1) Each agency shall file forthwith in the office of the [Secretary of State] a certified copy of each rule adopted by it, including all rules now in effect. The [Secretary of State] shall keep a permanent register of such rules open to public inspection.

(2) Each rule hereafter adopted shall become effective upon filing, unless a later date is required by statute or specified in the rule.

SECTION 4. (Publication of Rules.)

(1) The [Secretary of State] shall, as soon as practicable after the effective date of this act, compile, index, and publish all rules adopted by each agency and remaining in effect. Compilations shall be supplemented or revised as often as necessary

[and at least once every two years].

(2) The [Secretary of State] shall publish a [monthly] bulletin in which he shall set forth the text of all rules filed during the preceding [month], excluding rules in effect upon the adoption of this act.

(3) The [Secretary] may in his discretion omit from the bulletin or the compilation rules the publication of which would be unduly cumbersome, expensive or otherwise inexpedient, if such rules are made available in printed or processed form on application to the adopting agency, and if the bulletin or compilation contains a notice stating the general subject matter of the rules so omitted and stating how copies thereof may be obtained.

(4) Bulletins and compilations shall be made available upon request to [officials of this state] free of charge, and to other persons at a price fixed by the [Secretary of State] to cover publication and mailing costs.

SECTION 5. (Petition for Adoption of Rules.) Any interested person may petition an agency requesting the promulgation, amendment, or repeal of any rule. Each agency shall prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition.

SECTION 6. (Declaratory Judgment on Validity of Rules.)

(1) The validity of any rule may be determined upon petition for a declaratory judgment thereon addressed to the [District Court] of ----- County, when it appears that the rule,

or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the petitioner. The agency shall be made a party to the proceeding. The declaratory judgment may be rendered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

(2) The court shall declare the rule invalid if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was adopted without compliance with statutory rule-making procedures.

SECTION 7. (Petition for Declaratory Rulings by Agencies.) On petition of any interested person, any agency may issue a declaratory ruling with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by it. A declaratory ruling, if issued after argument and stated to be binding, is binding between the agency and the petitioner on the state of facts alleged, unless it is altered or set aside by a court. Such a ruling is subject to review in the [District Court] in the manner hereinafter provided for the review of decisions in contested cases. Each agency shall prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition.

SECTION 8. (Contested Cases; Notice, Hearing, Records.) In any contested case all parties shall be afforded an opportunity for hearing after reasonable notice. The notice shall state the time, place, and issues involved, but if, by reason of the nature of the proceeding, the issues cannot be fully stated in advance

of the hearing, or if subsequent amendment of the issues is necessary, they shall be fully stated as soon as practicable, and opportunity shall be afforded all parties to present evidence and argument with respect thereto. The agency shall prepare an official record, which shall include testimony and exhibits, in each contested case, but it shall not be necessary to transcribe shorthand notes unless requested for purposes of rehearing or court review. Informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order, or default. Each agency shall adopt appropriate rules of procedure for notice and hearing in contested cases.

SECTION 9. (Rules of Evidence: Official Notice.) In contested cases:

(1) Agencies may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. They shall give effect to the rules of privilege recognized by law. They may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(2) All evidence, including records and documents in the possession of the agency of which it desires to avail itself, shall be offered and made a part of the record in the case, and no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(3) Every party shall have the right of cross-examination of witnesses who testify, and shall have the right to submit rebuttal evidence.

(4) Agencies may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within their specialized knowledge. Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. Agencies may utilize their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

SECTION 10. (Examination of Evidence by Agency.) Whenever in a contested case a majority of the officials of the agency who are to render the final decision have not heard or read the evidence, the decision, if adverse to a party to the proceeding other than the agency itself, shall not be made until a proposal for decision, including findings of fact and conclusions of law, has been served upon the parties, and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to a majority of the officials who are to render the decision, who shall personally consider the whole record or such portions thereof as may be cited by the parties. [This section shall not apply to the following agencies .....]

SECTION 11. (Decisions and Orders.) Every decision and order adverse to a party to the proceeding, rendered by an agency in a contested case, shall be in writing or stated in the record and shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the conclusions upon each contested issue of fact. Parties to the

proceeding shall be notified of the decision and order in person or by mail. A copy of the decision and order and accompanying findings and conclusions shall be delivered or mailed upon request to each party or to his attorney of record.

SECTION 12. (Judicial Review of Contested Cases.)

(1) Any person aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form, is entitled to judicial review thereof under this act, [but nothing in this section shall be deemed to prevent resort to other means of review, redress, relief or trial de novo, provided by law.]

(2) Proceedings for review shall be instituted by filing a petition in the [District Court] within [thirty] days after the service of the final decision of the agency. Copies of the petition shall be served upon the agency and all other parties of record. [In the manner provided by .....] The court, in its discretion, may permit other interested persons to intervene.

(3) The filing of the petition shall not stay enforcement of the agency decision; but the agency may do so, or the reviewing court may order a stay upon such terms as it deems proper.

(4) Within [thirty] days after service of the petition, or within such further time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review; but, by stipulation of all parties to the review proceeding, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to

the record when deemed desirable.

(5) If, before the date set for hearing, application is made to the court for leave to present additional evidence on the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon such conditions as the court deems proper. The agency may modify its findings and decision by reason of the additional evidence and shall file with the reviewing court, to become a part of the record, the additional evidence, together with any modifications or new findings or decision.

(6) The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the agency, not shown in the record, testimony thereon may be taken in the court. The court shall, upon request, hear oral argument and receive written briefs.

(7) The court may affirm the decision of the agency or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(a) in violation of constitutional provisions; or

(b) in excess of the statutory authority or jurisdiction of the agency; or

- (c) made upon unlawful procedure; or
- (d) affected by other error of law; or
- (e) unsupported by competent, material, and substantial evidence in view of the entire record as submitted; or
- (f) arbitrary or capricious.

[SECTION 13. (Appeals.) An aggrieved party may secure a review of any final judgment of the [District Court] under this act by appeal to the [Supreme Court]. Such appeal shall be taken in the manner provided by law for appeals from the [District Court] in other civil cases.]

[SECTION 14. (Constitutionality.) If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.]

SECTION 15. (Repeal.) All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed, but such repeal shall not affect pending proceedings.

SECTION 16. (Time of Taking Effect.) This act shall take effect .....

APPENDIX II

Statistical Report on Arizona's Licensing Agencies

This appendix contains statistical information relating to every licensing board and commission operating within the State of Arizona, with the exception of the State Bar of Arizona. Our blank questionnaire was returned by that organization under a cover letter which stated that this report did not apply to them. The reply of the State Bar of Arizona is quoted below:

"Mr. Jules M. Klagge, Director  
Legislative Council  
State Capitol  
Phoenix 7, Arizona

Dear Mr. Klagge:

"Mr. Don Phillips, Executive Secretary of the State Bar of Arizona, has handed me your letter of October 1, 1962, with the request that I reply thereto.

"Because the Committee and Examinations and Admissions is an agency which functions as a committee of the Supreme Court of Arizona under rules prescribed by the Court, I feel that your questionnaire is inapplicable.

"For your convenience I enclose a copy of the rules under which the Committee functions.

"I assure you of the Committee's desire to cooperate in your study. However, because the function of admitting persons to the State bar is judicial rather than legislative, any information that we might give could distort the results of your study.

Very truly yours,

Rouland W. Hill  
Chairman"

Index to Appendix II

	Page
Size of Boards.....	33
Personnel Employed by the Board.....	34
Receipts for Fiscal Year 1961-62.....	35
Expenditures for Fiscal Year 1961-62.....	36
Amount of Money Carried in the Boards' Accounts.. Fiscal Years 1957-58 Through 1961-62	37
Examination Data.....	38
License Renewals.....	45
Appellate Procedure.....	46
Enforcement Proceedings.....	47

SIZE OF BOARDS

ARIZONA STATE BOARD	No Members	Three Members	Four Members	Five Members	Six Members	Seven Members	Nine Members
Accountancy				X(1)			
Barber Examiners			X				
Chiropody Examiners		X					
Chiropractic Examiners		X					
Cosmetology		X					
Examiners in Basic Sciences				X			
Health				X			
Insurance Department						X	
Medical Examiners					X		
Naturopathic Examiners		X					
Nurse Registration and Nursing Education				X(2)			
Opticians, Dispensing				X			
Optometry		X					
Osteopathic Registration and Examination					X		
Pharmacy				X			
Physical Therapy Examiners		X					
Real Estate						X	
Registrar of Contractors	X(3)						
Technical Registration							X
Veterinary Examiners		X					

- (1) Plus a four-member advisory committee composed of public accountants.
- (2) Plus a five-member group known as "Committee of Licensed Practical Nurses" who combine with the Board of Nurse Registration and Nursing Education in regulating the practice of practical nursing.
- (3) Obviously not a board in the technical sense but included in the report because of the great number of licenses issued yearly.

PERSONNEL EMPLOYED BY THE BOARD

ARIZONA STATE BOARD	Secre- taries		Clerks and Typists		Examiners		Investigators & Inspectors		Others		Total	
	Full time	Part time	Full time	Part time	Full time	Part time	Full time	Part time	Full time	Part time	Full time	Part time
Accountancy	1										1	
Barber Examiners	1			1							1	1
Chiropody Examiners		1										1
Chiropractic Examiners											none	(a) none
Cosmetology	1	2						3			1	5
Examiners in Basic Sciences		2										2
Health											none	none
Insurance Department	6		15		2			3	7		30	3
Medical Examiners	1		1					1	2		4	1
Naturopathic Examiners											none	none
Nurse Registration and Nursing Education	4			1					3		7	1
Opticians, Dispensing		1										1
Optometry		1						as needed				1
Osteopathic Registration and Examination		1		(b) 1		(c) 4						6
Pharmacy	1		1				3	as needed	1		6	1
Physical Therapy Examiners											none	none
Real Estate	6		2		2				10		20	
Registrar of Contractors	2	1	7	5	1		11		3		24	6
Technical Registration	3									1	3	1
Veterinary Examiners		1										1

(a) Court reporters hired when needed at hearings.

(b) She performs duties necessary to the operation of the board but is paid entirely from funds donated by the Arizona Osteopathic Medical Association due to the fact that no legislative appropriation is made to cover her salary.

(c) Paid on a per diem basis.

RECEIPTS FOR FISCAL 1961-1962

ARIZONA STATE BOARD	Applica- tion Fees	License Fees	Examina- tion Fees	Renewal Fees	Fines and Penalties	Others	Total
Accountancy	\$	\$15,592.21	\$ 5,095.00	\$	\$ 500.00	\$ 2,825.00	\$ 24,012.21
Barber Examiners		2,025.00	6,655.00	14,895.00	660.00	1,666.00 <sup>(a)</sup>	25,901.00
Chiropody Examiners	150.00	30.00	175.00	190.00			545.00
Chiropractic Examiners	545.00			2,920.00			3,465.00
Cosmetology		17,385.00	9,380.00	22,606.00	4,797.50		54,168.50
Examiners in the Basic Sciences			1,180.00			12,700.00 <sup>(b)</sup>	13,880.00
Health		3.00					3.00
Insurance Department*							
Medical Examiners			2,825.00			49,930.00 <sup>(c)</sup>	52,755.00
Naturopathic Examiners	375.00	120.00	300.00	720.00		15.00	1,530.00
Nurse Registration and Nursing Education Licensed Practical Nurse		6,175.00		5,222.00		30.00	11,427.00
Registered Nurse		30,265.00		21,025.00		90.00	51,380.00
Opticians, Dispensing	350.00			2,525.00			2,875.00
Optometry	1,375.00	220.00		3,420.00	200.00		5,215.00
Osteopathic Registration and Examination	2,525.00	5,325.00	50.00	2,484.00		150.00	10,534.00
Pharmacy		27,964.00	11,641.00	28,358.00	1,135.00		69,098.00
Physical Therapy Examiners	(d) 240.00						240.00
Real Estate	29,010.00	23,300.00	22,860.00	126,780.00		5,065.40	207,015.40
Registrar of Contractors	(e) 81,350.00		2,396.00	128,670.00	255.00	6,052.25	218,723.25
Technical Registration	12,445.00		4,240.00	27,640.00	289.50	72.00	44,686.50
Veterinary Examiners			1,125.00	1,290.00			2,415.00

\* The income and expense data from the Insurance Department can't be set out in the regular form.

That material, appears on a separate page following this graph.

- (a) The largest item is fees for barber college--\$1,650.00.
- (b) This figure represents the income from reciprocity fees.
- (c) A breakdown of this figure follows: Reciprocity-\$35,575.00; Temporary permits-\$1,750.00; Endorsements-\$90.00; Registration fees-\$11,965.00; Directory sales-\$370.00; Miscellaneous-\$180.00
- (d) This figure combines the total of application fees, license fees and examination fees.
- (e) This figure combines the total of application fees and license fees.

RECEIPTS OF THE INSURANCE DEPARTMENT 1962

<u>Premium Tax</u>	<u>Fiscal Year Ended June 30, 1962</u>
1% Premium tax.....	\$ 103,758.49
2% Premium tax.....	3,625,532.66
3% Premium tax.....	34,871.18
1/2% Premium tax.....	244,430.62
Retaliatory tax.....	<u>153,354.32</u>
<u>Total Premium Tax.....</u>	<u>\$4,161,947.27</u>

<u>Fees</u>	
Annual statements.....	\$ 21,600.00
Certificates of authority.....	40,205.00
Certificates of director.....	1,251.00
Charter documents.....	2,870.00
Copies of documents.....	2,029.65
Documents filed.....	612.06
Miscellaneous.....	0.00
Penalties and fines.....	3,186.00
Power of attorney.....	364.00
Rate filings.....	5,985.00
Retaliatory.....	8,758.00
Service of process.....	<u>2,580.00</u>
<u>Total Fees</u>	<u>\$ 89,440.71</u>

<u>Licenses</u>	
Adjusters.....	\$ 2,319.00
Agents.....	178,445.00
Brokers.....	6,639.00
Managing general agents.....	885.00
Rating organizations.....	50.00
Service representatives.....	1,116.00
Solicitors.....	1,062.00
Surplus line brokers.....	2,150.00
Vending machines.....	<u>1,160.00</u>

Total Licenses \$ 193,826.00

Total Fees and Licenses \$ 283,266.71

GRAND TOTAL \$4,445,213.98

EXPENDITURES FOR FISCAL 1961-1962

ARIZONA STATE BOARD	Personal Services	Supplies	Rental Cost	Equipment	Other	Total
Accountancy	\$12,027.29	\$ 2,463.01	\$2,236.89	\$ 645.20	\$ 1,187.95	\$ 18,560.34
Barber Examiners	16,206.42	2,132.28	437.01	1,000.00	5,044.89 <sup>(a)</sup>	24,820.60
Chiropody Examiners	120.00	24.00			45.86	189.86
Chiropractic Examiners	1,510.00	328.80			307.20	2,146.00
Cosmetology	32,605.13	3,944.30	3,626.44	1,403.04		41,578.91
Examiners in the Basic Sciences	7,032.86	84.21			4,092.07 <sup>(b)</sup>	11,209.14
Health						NONE
Insurance Department*						
Medical Examiners	22,424.50	4,828.97	3,437.40	1,095.72	5,338.39 <sup>(c)</sup>	37,124.98
Naturopathic Examiners	490.00				195.48	685.48
Nurse Registration and Nursing Education	(d)	(d)	(d)	(d)	(d)	(d)
Licensed Practical Nurse	(d)	(d)	(d)	(d)	(d)	(d)
Registered Nurse	45,674.73	8,118.93	611.02	1,225.42	9,528.85	65,158.95
Opticians, Dispensing	1,001.00	137.35	250.00	551.11	125.28	2,064.74
Optometry	3,618.20	200.42			637.04	4,455.66
Osteopathic Registration and Examination	1,620.00	960.12	1,520.00	173.68	997.00	5,270.80
Pharmacy	31,200.00	6,035.46	1,902.00	10,293.84	2,668.80 <sup>(e)</sup>	52,100.10
Physical Therapy Examiners						NONE
Real Estate	114,504.28	11,985.43	307.75	4,629.30	23,324.50	154,751.26
Registrar of Contractors	(f)	(f)	(f)	(f)	(f)	(f)
Technical Registration	27,757.25	6,347.04	3,314.80	1,355.32	222.50	38,996.91
Veterinary Examiners	795.00	167.96			932.85	1,895.81

\* The income and expense data from the Insurance Department can't be set out in the regular form.

That material, appears on a separate page following this graph.

- (a) The largest items were: Travel-\$3,942.74; OASI and Retirement-\$991.15; Dues and Insurance-\$111.00.
- (b) Largest items: Books-\$1,780.92; Printing and Mimeographing-\$807.75.
- (c) The major elements of this item are: Telephone-\$1,055.09; Travel-\$2,345.28.
- (d) Since one staff performs the duties pertaining both to the registered nurses and the practical nurses, it has only one list of expenditures. The figures which appear here, therefore, cover the expenses of the administration of both practical and registered nurses.
- (e) The largest item is OASI and Retirement-\$1,775.23.
- (f) The answer to this question was not in a form which would permit its inclusion in this graph. We have reproduced the Registrar of Contractor's answer on page 36 b.

EXPENSES OF THE INSURANCE DEPARTMENT 1962

Fiscal Year Ended June 30, 1962

Salaries and wages.....	\$168,270.00
Other current expenditures.....	30,700.00
Subscriptions and organization dues.....	1,500.00
Travel - State.....	1,200.00
Travel - Out of State.....	1,900.00
Capital outlay.....	3,398.00
Current fixed charges.....	9,900.00
Professional services.....	6,750.00
Bond - officials and employees.....	<u>500.00</u>
Total.....	\$224,118.00
Amount reverted to general fund.....	<u>5,249.51</u>
Net amount expended.....	<u><u>\$218,868.49</u></u>

BOOKKEEPING DEPARTMENT

YEAR 1961-62

PERSONAL SERVICES

Salaries	124,108.02
----------	------------

OTHER CURRENT EXPENDITURES

Tel & Tel Co.	8,212.79
Utilities	2,824.73
Travel (Out of State)	732.52
Travel	12,715.75
Postage	2,960.03
Equipment Maintenance	4,074.07
Towel Rental & Laundry	180.75
Advertising	898.30
Advertising (Legal)	225.42
Office Supplies	8,747.51
Vehicle Supplies (Tires)	588.99
Janitor Supplies	380.86
Yard Work	122.42
Other Supplies	281.05
Professional Fees	<u>1,424.03</u>

Total other current expenditures	44,369.22
----------------------------------	-----------

OTHER CURRENT FIXED CHARGES

Postage Meter Rental	182.00
Bond (A. H. Rhodes)	25.00
Car Insurance	965.59
Liability Insurance	197.50
Subscriptions	221.03
Contributions St. Ret.	4,160.11
" OASI	<u>3,437.11</u>

Total Current fixed Charges	9,188.34
-----------------------------	----------

CAPITAL OUTLAY

Office Equipment	5,518.94
Electric Heater	13.40
Automobiles	6,251.91
Building Improvements	2,045.19
Refunds	<u>105.00</u>

Total Capital Outlay	<u>13,934.44</u>
Total expenses for Yr. 1961-62	191,600.02

Contractor Fund	227,192.62
Total expenses	<u>191,600.02</u>
Balance forward	\$ 35,592.60

AMOUNT OF MONEY CARRIED IN THE BOARDS' ACCOUNTS

ARIZONA STATE BOARD	Do funds revert at end of year?	Balance carried forward at end of fiscal year				
		1958	1959	1960	1961	1962
Accountancy	No	\$ 16,391.28	\$ 16,316.74	\$ 14,359.32	\$ 13,763.38	\$ 16,814.01
Barber Examiners	No	22,613.59	20,936.49	20,257.66	16,307.68	15,033.47
Chiropody Examiners	No	unknown	unknown	unknown	unknown	303.14
Chiropractic Examiners	No	unknown	unknown	5,162.00	6,930.00	7,907.00
Cosmetology	No	15,889.94	19,274.51	20,862.50	29,652.78	36,825.62
Examiners in the Basic Sciences	No	16,380.57	16,827.88	18,239.55	21,015.50	23,008.82
Health	Yes					
Insurance Department	No	2,430,366.00	2,715,381.00	3,062,678.00	3,479,179.00	3,872,521.00
Medical Examiners	No	17,738.07	20,891.08	19,353.63	21,554.50	31,909.02
Naturopathic Examiners	No	597.02	322.13	209.80	.20	439.72
Nurse Registration and Nursing Education	No	6,050.87	12,218.33	20,222.94	23,682.13	15,049.48
Opticians, Dispensing	No	0.00	685.03	1,372.76	2,089.40	2,612.16
Optometry	No	2,910.93	4,418.44	5,608.47	6,095.50	6,333.34
Osteopathic Registration and Examination	No	7,501.45	9,734.16	10,483.62	12,989.21	17,199.01
Pharmacy	No	35,880.84	43,678.37	48,852.44	55,307.24	76,893.74
Physical Therapy Examiners	No	61.01	136.64	128.62	241.12	457.12
Real Estate	No(1)	20,000.00	20,000.00	40,000.00	40,000.00	40,000.00
Registrar of Contractors	No	39,518.93	28,697.74	21,077.15	30,341.84	35,592.60
Technical Registration	No	8,372.45	7,439.11	9,781.05	12,593.69	14,035.13
Veterinary Examiners	Yes					

(1) All funds in excess of \$40,000.00 revert to the general fund.

EXAMINATION DATA

1. Board of Accountancy

License issued--CPA, PA, CPA PARTNERSHIP, PA PARTNERSHIP

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	142	13	35	9.2	None
1959	135	21	35	15.5	None
1960	163	30	35	18.3	None
1961	180	38	35	21.1	None
1962	181	27	35	14.4	None

2. Board of Barber Examiners

License issued--BARBER, APPRENTICE, INSTRUCTOR,  
ESTABLISHMENT AND DUPLICATE

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	268	213	*N.A.	79.5	1
1959	310	211	*N.A.	68.1	3
1960	344	258	*N.A.	75.0	1
1961	344	202	*N.A.	58.7	12
1962	285	225	*N.A.	78.9	2

\*Not available

3. Board of Chiropody Examiners

License issued--CHIROPODY

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	*N.A.	*N.A.	*N.A.	*N.A.	*N.A.
1959	*N.A.	*N.A.	*N.A.	*N.A.	*N.A.
1960	1	0	None	0.0	None
1961	4	3	None	75.0	None
1962	8	5	1	62.5	None

\*Not available

4. Board of Chiropractic Examiners

License issued--DOCTOR OF CHIROPRACTIC

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	23	22	None	95.7	None
1959	33	33	None	100.0	None
1960	30	25	None	83.3	None
1961	47	24	None	51.1	None
1962	26	13	None	50.0	None

5. Board of Cosmetology

License issued--COSMETOLOGISTS, MANICURISTS AND INSTRUCTORS

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	330	262	*N.A.	79.7	None
1959	389	288	*N.A.	71.5	None
1960	392	279	*N.A.	71.2	None
1961	591	300	*N.A.	50.8	None
1962	622	551	**1001	88.6	None

\*Not available

\*\*Total to date

6. Board of Examiners in the Basic Sciences  
License issued--CERTIFICATE OF REGISTRATION  
IN THE BASIC SCIENCES

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	168	110	*N.A.	65.5	None
1959	185	103	*N.A.	55.7	None
1960	197	131	*N.A.	66.5	None
1961	122	77	*N.A.	63.1	None
1962	81	56	**605	69.1	None

\*Not available

\*\*Total to date

7. Board of Health

License issued--TO PRACTICE MIDWIFERY

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	10	10	None	100.0	None
1959	0	0	None	0.0	None
1960	0	0	None	0.0	None
1961	0	0	None	0.0	None
1962	3	3	None	100.0	None

8. Insurance Department of Arizona

License issued--AGENTS, BROKERS, SOLICITORS, ADJUSTERS

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	*3470	**N.A.	**N.A.	**N.A.	None
1959	*3500	**N.A.	**N.A.	**N.A.	None
1960	*3800	**N.A.	**N.A.	**N.A.	None
1961	*4200	**N.A.	**N.A.	**N.A.	None
1962	*2800	*1760	**1000	62.9	None

\*Approximate  
 \*\*Not available  
 \*\*\*Total to date

9. Board of Medical Examiners

License issued--TO PRACTICE MEDICINE AND SURGERY

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	18	17	*N.A.	94.4	None
1959	27	24	*N.A.	88.9	None
1960	34	33	*N.A.	97.1	None
1961	39	31	*N.A.	79.5	1
1962	33	24	**174	72.7	None

\*Not available  
 \*\*Total to date

10. Board of Naturopathic Examiners

License issued--NATUROPATHIC PHYSICIAN

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	2	2	None	100.0	None
1959	3	3	None	100.0	None
1960	5	5	None	100.0	None
1961	1	1	None	100.0	None
1962	12	12	None	100.0	None

11. Board of Nurse Registration and Nursing Education  
Licensed Practical Nurse

License issued--LICENSED PRACTICAL NURSE

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	60	54	*N.A.	90.0	None
1959	105	101	*N.A.	96.2	None
1960	138	130	*N.A.	94.2	None
1961	123	93	*N.A.	75.6	None
1962	158	**193	***137	122.2	None

\*Not available

\*\*These figures vary because of change in examination dates and failures who rewrote and were licensed the following fiscal year.

\*\*\*Total to date

12. Board of Nurse Registration and Nursing Education

Registered Nurse

License issued--REGISTERED NURSE

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failure
		By Exam- ination	By Reci- procity		
1958	157	133	*N.A.	84.7	None
1959	133	116	*N.A.	87.2	None
1960	138	130	*N.A.	94.2	None
1961	123	107	*N.A.	86.9	None
1962	167	149	**876	89.2	None

\*Not available

\*\*Total to date

13. Board of Dispensing Opticians

License issued--DISPENSING OPTICIAN

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	7	7	None	100.0	None
1959	7	5	None	71.4	None
1960	7	6	None	85.7	None
1961	7	7	None	100.0	None
1962	8	8	None	100.0	None

14. Board of Optometry

License issued--TO PRACTICE OPTOMETRY

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	21	11	*N.A.	52.4	None
1959	30	13	*N.A.	43.3	None
1960	29	16	*N.A.	55.2	None
1961	27	17	*N.A.	62.9	None
1962	29	11	**4	37.9	None

\*Not available

\*\*Total to date

15. Board of Osteopathic Registration and Examination  
In Medicine and Surgery

License issued--OSTEOPATHIC MEDICINE AND SURGERY

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	0	0	24	0.0	None
1959	0	0	45	0.0	None
1960	0	0	40	0.0	None
1961	1	1	44	100.0	None
1962	2	2	71	100.0	None

16. Board of Pharmacy

License issued--LICENTIATE IN PHARMACY

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	33	31	*N.A.	93.9	None
1959	45	33	*N.A.	73.3	None
1960	17	13	*N.A.	76.5	None
1961	35	21	*N.A.	60.0	None
1962	29	25	128	86.2	None

\*Not available

17. Board of Physical Therapy Examiners

License issued--CERTIFICATE OF REGISTRY

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	*N.A.	*N.A.	*N.A.	*N.A.	*N.A.
1959	*N.A.	*N.A.	*N.A.	*N.A.	*N.A.
1960	*N.A.	*N.A.	*N.A.	*N.A.	*N.A.
1961	*N.A.	*N.A.	*N.A.	*N.A.	*N.A.
1962	1	1	123	100.0	None

\*Not available

18. Board of Real Estate

License issued--REAL ESTATE BROKER AND REAL ESTATE SALESMAN

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	2130	*1919	None	90.1	**N.A.
1959	1801	*2557	None	141.9	**N.A.
1960	4190	*3322	None	79.3	**N.A.
1961	2476	*2589	None	104.6	**N.A.
1962	2005	*1799	None	89.7	**N.A.

\*This apparent inconsistency is due to the fact that some individuals hold more than one license. Each broker or salesman must have a license; furthermore, he must have an additional license for each of his offices, if he maintains more than one.

\*\*Not available

19. Board of Registrar of Contractors

License issued--CONTRACTORS

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	*N.A.	968	None	*N.A.	None
1959	*N.A.	1145	None	*N.A.	None
1960	**875	1310	None	*N.A.	None
1961	1450	1259	None	86.8	None
1962	1225	1191	None	97.2	None

\*Not available

\*\*1-1-60 to 6-30-60

20. Board of Technical Registration

License issued--ARCHITECT, ASSAYER, ENGINEER, GEOLOGIST, LAND SURVEYOR,  
ARCHITECT-IN-TRAINING, ENGINEER-IN-TRAINING, GEOLOGIST-IN-TRAINING

Fiscal Year Ending June 30	Applicants Examined	Licenses Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	199	129	*N.A.	64.8	None
1959	204	139	*N.A.	68.1	None
1960	279	208	*N.A.	74.6	None
1961	221	125	*N.A.	56.6	5
1962	256	134	**198	52.3	3

\*Not available

\*\*Total to date

21. Board of Veterinary Examiners

License issued--TO PRACTICE VETERINARY MEDICINE

Fiscal Year Ending June 30	Applicants Examined	License Issued		Per Cent Of Examinees Successful	Appeals Result- ing From Failures
		By Exam- ination	By Reci- procity		
1958	38	32	None	84.2	None
1959	46	33	None	71.7	None
1960	39	23	None	58.9	None
1961	40	29	None	72.5	None
1962	44	32	None	72.7	None

## ARIZONA STATE BOARD

## LICENSE RENEWALS

---

Accountancy	751
Barber Examiners	2,982
Chiropody Examiners	31
Chiropractic Examiners	289
Cosmetology	4,785
Examiners in Basic Sciences	0
Health	17
Insurance Department	*8,500
Medical Examiners	2,393
Naturopathic Examiners	72
Nurse Registration and Nursing Education	
Practical Nurse	1,558
Registered Nurse	6,395
Opticians, Dispensing	102
Optometry	201
Osteopathic Registration and Examination	414
Pharmacy	1,641
Physical Therapy Examiners	57
Real Estate	8,415
Registrar of Contractors	5,679
Technical Registration	2,873
Veterinary Examiners	172

---

\*Approximate

ARIZONA STATE BOARD

---

The following boards have an appellate procedure:

Cosmetology

Examiners in the Basic Sciences

Health

Naturopathic Examiners

Opticians, Dispensing

Optometry

Osteopathic Registration and Examination in Medicine and Surgery

Pharmacy

Physical Therapy Examiners

Registrar of Contractors

Technical Registration

The following boards do not have an appellate procedure:

Accountancy

Barber Examiners

Chiropody Examiners

Chiropractic Examiners

Insurance Department

Medical Examiners

Nurse Registration and Nursing Education

Real Estate

Veterinary Examiners

ENFORCEMENT PROCEEDINGS

1. Board of Accountancy

Fiscal Year Ending June 30	Complaints Received	Complaints Investigated	Suspensions From Investigations	Revocations From Investigations
1958	*N.A.	*N.A.	*N.A.	*N.A.
1959	*N.A.	*N.A.	*N.A.	*N.A.
1960	*N.A.	*N.A.	*N.A.	*N.A.
1961	*N.A.	*N.A.	*N.A.	*N.A.
1962	**35	**35	0	0

\*Not available

\*\*Total from 1958 thru 1962; yearly figures were not available

2. Board of Barber Examiners

Fiscal Year Ending June 30	Complaints Received	Complaints Investigated	Suspensions From Investigations	Revocations From Investigations
1958	58	58	0	1
1959	9	9	0	0
1960	66	66	1	0
1961	165	165	0	1
1962	223	223	0	0

3. Board of Chiropraxy Examiners

Fiscal Year Ending June 30	Complaints Received	Complaints Investigated	Suspensions From Investigations	Revocations From Investigations
1958	*N.A.	*N.A.	*N.A.	*N.A.
1959	*N.A.	*N.A.	*N.A.	*N.A.
1960	*N.A.	*N.A.	*N.A.	*N.A.
1961	0	*N.A.	*N.A.	*N.A.
1962	0	*N.A.	*N.A.	*N.A.

\*Not available

4. Board of Chiropractic Examiners

Fiscal Year Ending June 30	Complaints Received	Complaints Investigated	Suspensions From Investigations	Revocations From Investigations
1958	0	0	0	0
1959	0	0	0	0
1960	0	0	0	0
1961	0	0	0	0
1962	9	9	3	5

5. Board of Cosmetology

Fiscal Year Ending June 30	Complaints Received	Complaints Investigated	Suspensions From Investigations	Revocations From Investigations
1958	40	40	0	0
1959	41	41	0	0
1960	45	45	0	0
1961	40	40	0	0
1962	36	36	2	3

6. Board of Examiners in the Basic Sciences

Fiscal Year Ending June 30	Complaints Received	Complaints Investigated	Suspensions From Investigations	Revocations From Investigations
1958	*0	0	**N.P.	0
1959	*0	0	**N.P.	0
1960	*0	0	**N.P.	0
1961	*0	0	**N.P.	0
1962	*0	0	**N.P.	0

\*All complaints to this board come from the particular professional board involved.

\*\*Board has no procedure for suspension

7. Board of Health

Fiscal Year Ending June 30	Complaints Received	Complaints Investigated	Suspensions From Investigations	Revocations From Investigations
1958	0	0	0	0
1959	0	0	0	0
1960	0	0	0	0
1961	0	0	0	1
1962	0	0	0	0

8. Insurance Department of Arizona

Fiscal Year Ending June 30	Complaints Received	Complaints Investigated	Suspensions From Investigations	Revocations From Investigations
1958	*125	*125	0	0
1959	*150	*150	0	1
1960	*200	*200	1	2
1961	*200	*200	6	4
1962	*225	*225	5	4

\*Approximate

9. Board of Medical Examiners

Fiscal Year Ending June 30	Complaints Received	Complaints Investigated	Suspensions From Investigations	Revocations From Investigations
1958	19	19	1	0
1959	53	53	0	2
1960	9	9	0	0
1961	13	13	1	1
1962	23	23	0	3

10. Board of Naturopathic Examiners

Fiscal Year Ending June 30	Complaints Received	Complaints Investigated	Suspensions From Investigations	Revocations From Investigations
1958	*N.A.	*N.A.	*N.A.	*N.A.
1959	*N.A.	*N.A.	*N.A.	*N.A.
1960	*N.A.	*N.A.	*N.A.	*N.A.
1961	*N.A.	*N.A.	*N.A.	*N.A.
1962	*N.A.	*N.A.	1	1

\*Not available - no information - possibly 5 to 10 per year - all checked out by Pres. or Secretary

11. Board of Nurse Registration and Nursing Education  
Practical Nurse

Fiscal Year Ending June 30	Complaints Received	Complaints Investigated	Suspensions From Investigations	Revocations From Investigations
1958	0	0	*0	**0
1959	1	1	*0	**0
1960	1	1	*0	**0
1961	3	3	*1	**0
1962	3	3	*0	**0

\*Denials resulting from investigations

\*\*Revocations resulting from hearings

12. Board of Nurse Registration and Nursing Education  
Registered Nurse

Fiscal Year Ending June 30	Complaints Received	Complaints Investigated	Suspensions From Investigations	Revocations From Investigations
1958	7	7	*0	**2
1959	24	12	*0	**1
1960	18	15	*3	**4
1961	29	20	*0	**1
1962	18	18	*3	**2

\*Denials resulting from investigations

\*\*Revocations resulting from hearings

13. Board of Dispensing Opticians

Fiscal Year Ending June 30	Complaints Received	Complaints Investigated	Suspensions From Investigations	Revocations From Investigations
1958	*N.A.	*N.A.	*N.A.	*N.A.
1959	*N.A.	*N.A.	*N.A.	*N.A.
1960	*N.A.	*N.A.	*N.A.	*N.A.
1961	*N.A.	*N.A.	*N.A.	*N.A.
1962	3	3	*N.A.	*N.A.

\*Not available

14. Board of Optometry

Fiscal Year Ending June 30	Complaints Received	Complaints Investigated	Suspensions From Investigations	Revocations From Investigations
1958	6	1	0	1
1959	7	1	0	0
1960	5	1	0	0
1961	6	2	1	0
1962	4	2	1	0

15. Board of Osteopathic Registration and Examination

Fiscal Year Ending June 30	Complaints Received	Complaints Investigated	Suspensions From Investigations	Revocations From Investigations
1958	0	0	0	0
1959	0	0	0	0
1960	0	0	0	0
1961	4	4	0	0
1962	0	0	0	0

16. Board of Pharmacy

Fiscal Year Ending June 30	Complaints Received	Complaints Investigated	Suspensions From Investigations	Revocations From Investigations
1958	*N.A.	*N.A.	0	0
1959	*N.A.	*N.A.	0	0
1960	*N.A.	*N.A.	0	0
1961	*N.A.	*N.A.	1	0
1962	*N.A.	*N.A.	3	0
*Not available				

17. Board of Physical Therapy Examiners

Fiscal Year Ending June 30	Complaints Received	Complaints Investigated	Suspensions From Investigations	Revocations From Investigations
1958	*N.A.	*N.A.	*N.A.	*N.A.
1959	*N.A.	*N.A.	*N.A.	*N.A.
1960	*N.A.	*N.A.	*N.A.	*N.A.
1961	*N.A.	*N.A.	*N.A.	*N.A.
1962	*N.A.	*N.A.	*N.A.	*N.A.
*Not available				

18. Board of Real Estate

Fiscal Year Ending June 30	Complaints Received	Complaints Investigated	Suspensions From Investigations	Revocations From Investigations
1958	*N.A.	*N.A.	*N.A.	*N.A.
1959	*N.A.	*N.A.	*N.A.	*N.A.
1960	*N.A.	*N.A.	*N.A.	*N.A.
1961	*N.A.	*N.A.	*N.A.	*N.A.
1962	186	182	2	2
*Not available				