

Certificate to Practice Dentistry, Renewal Of—Dues, Default Of.

If a person to whom a certificate has been issued, authorizing him to practice dentistry, fails to pay his dues, as provided by Section 629, Political Code, as amended by the laws of 1901, p. 112, after being duly notified that if his dues and fines were not paid within thirty days that his certificate would be revoked, then the board of dental examiners' action in revoking his certificate would be valid, and before the person could again practice dentistry in this State he would have to appear before the board of dental examiners for examination and comply with the laws relating to the examination of applicants to practice dentistry. If the notice to the effect that his certificate would be revoked within thirty days if he failed to pay his dues was not properly served or given, the revocation of his certificate would not be valid, and he would, by paying up the back dues and penalties required by said Section 629, as amended, be entitled to practice dentistry without taking another examination.

Helena, Montana, July 15, 1905.

Dr. C. A. Tudor, Vice President, State Dental Board, Bozeman, Montana.

Dear Sir:—Your letter of the 11th instant, requesting an opinion of this office upon the status of Dr. C. F. Gray's application to practice dentistry in the State of Montana, to hand.

Upon the brief summary of the facts in the case, it is impossible to give an unqualified opinion. However, it appears from your letter that Dr. Gray in 1895 received a certificate of registration from the state dental board; that he failed to pay his dues to the board of dental examiners, as required by Section 629, as amended by the laws of 1901; that upon such default in the payment of dues he was notified to pay the same; that he did not pay his dues and fines, after such notification, and that in due course of time his license was revoked, as provided by said Section 629. It further appears that Dr. Gray claims that he never received any notification relating to the revocation of his certificate for default of payment of dues.

If he was not given thirty days notice of the boards intention to revoke the license provided his dues were not paid within the thirty days, his certificate would still be in force, provided that he now paid to the dental board the dues and penalty required by said Section 629 to

be paid each year that he has been in default and for which his certificate remained unrevoked. On the other hand, if a letter, properly addressed to his last known address, and containing the necessary postage, was deposited in the postoffice at the time the board claims to have notified him of his default in dues, and in which letter it was stated that if he did not pay up the dues and fines owing by him to the board within thirty days, that his certificate would be revoked, then and in that event he has been duly notified of the boards proposed action and if he did not pay dues within thirty days after the arrival of such letter at the postoffice to which it was addressed, allowing one day for each twenty-five miles distance that said letter had to go from the postoffice in which it was deposited before reaching the postoffice to which it was addressed, the board's action in revoking his certificate is valid.

After a certificate to practice dentistry has been legally revoked, in accordance with the provisions of said Section 629, the person who held the certificate so revoked, before he can again begin the practice of dentistry in the State of Montana, must appear before the board of dental examiners, at some regular or special meeting, for examination and comply with the law relating to the examination of applicants to practice dentistry, the same as if he never had held a certificate issued by said board.

Yours very truly,

ALBERT J. GALEN,

Attorney General.