

Nurses, State Board of Examiners of. State Board of Examiners for Nurses, Meetings of. Meeting, of State Board of Examiners for Nurses.

The facts of the case presented. Held: to constitute a legal meeting of the Board.

June 17, 1915.

To the Honorable State Board of Examiners for Nurses:

The questions submitted by you relative to whether certain gatherings of the Board were meetings thereof, within the meaning, intent, and authority expressed or implied in Chapter 50, Laws of 1913, are based on statements of fact which I understand are substantially the following:

1. That the Board met regularly in June, 1914, for the purpose of holding examinations, and did hold examinations of applicants who then appeared; that the Board then adjourned to meet sometime in January, 1915, and vested the President with authority to fix the date of meeting, with the proviso that such determination on the part of the President should be had on or before October 15th. Subsequently the President, prior to October 15th, did fix the day of meeting in the month of January, 1915, and at the time of fixing the date, made the statement that this was a "business meeting of the Board." The Secretary of the Board upon being informed of this fact, notified each member of the Board of this meeting, and of the fact that it would be a business meeting, and also notified applicants that they need not appear for examination at that meeting, for the reason that it was a business meeting of the Board. It appears too, that some members of the Board at the time were under the impression that the time limit named in the law would be satisfied by the filing of the application for examination prior, although the examination was not really held until subsequent to the expiration of that period. At this January meeting only two members of the Board attended. No quorum being present, no business was transacted; that subsequently a regular meeting of the Board was held after due notice given on February 23, 1915, and examinations were had at that time. The question then, is:

Was the meeting held in January a legal meeting of the Board?

It appears that this meeting was regularly called; that all members of the Board had notice; that in fact it was an adjourned meeting, and not a special meeting. Hence, the Board at this meeting, had there been a quorum present, might have transacted any business with reference to the examination of applicants that they could have legally transacted at the prior June meeting. The notice given that this was a

“business meeting of the Board” was additional, and not exclusive; that is it did not preclude the Board from transacting any other business which it might have legally transacted at the prior June meeting. The January meeting of the Board was, therefore, legally and regularly called, and was as to those members who attended, a meeting of the Board, although no quorum was present for the transaction of business.

2. It appears that owing to some matters in litigation, a meeting of the Board was regularly called at the city of Bozeman, and that all members were notified thereof. Subsequent to the calling, and prior to the meeting, it appears that the matter to be specially considered by the Board at that meeting had been settled, or disposed of in some manner, and that the attorney representing the Board, being convinced that the meeting of the Board was unnecessary, endeavored to notify each member thereof of this fact, but that his notices only reached two members of the Board, and three of the members not being notified, appeared at Bozeman at the time set for the meeting, and were there informed prior to the actual holding of the meeting, of the condition of affairs, but that the members of the Board, nevertheless, did assemble, and without selecting a secretary to keep the minutes of their transaction, apparently mutually agreed that there was no necessity for the transaction of any business for the reason that the business which they had met to transact had already been done and accomplished.

This meeting of the Board, having been regularly called, and notice having been given, no one had authority, without action on the part of the Board, to cancel the call for the meeting. Hence, this was also a meeting of the Board as to the members who there assembled.

Yours very truly,

J. B. POINDEXTER,

Attorney General.