

No. 502

**STATE EXAMINING BOARD OF BEAUTY CULTURISTS,
Qualifications for—BEAUTY CULTURE—COSMETOLOGY**

Held: A person who has been actively engaged in the profession of cosmetology for at least five years at any time before appointment, is eligible to appointment to State Examining Board of Beauty Culturists.

October 14, 1942.

Mr. J. J. Haytin, President
Montana State Examining Board of Beauty Culturists
13 West Sixth Avenue
Helena, Montana

Dear Mr. Haytin:

This office has been requested to give its opinion concerning the interpretation of Section 3228.4, Revised Codes of Montana, 1935, as amended by Section 4 of Chapter 222, Session Laws of Montana, 1939.

The section in question creates "the Montana State Examining Board of Beauty Culturists" and provides:

"The members hereinafter appointed on said Board must have been actively engaged in the profession of cosmetology for at least five (5) years prior to such appointment."

You wish to know whether this provision should be construed to mean five years immediately before the appointment.

It appears the purpose of this requirement is to secure the appointment of persons qualified through experience. The statute does not confine the five years to the period immediately preceding the date of appointment. In the absence of such limitation, it would seem the only requirement is that, in order to be eligible to appointment, the appointee must have been actively engaged in the profession of cosmetology for at least five years and at some time prior to the date of appointment.

It is, therefore, the opinion of this office, a person, who at some time prior to appointment, has been actively engaged in the profession of cosmetology for at least five years is eligible to appointment.

Sincerely yours,

R. V. BOTTOMLY
Attorney General