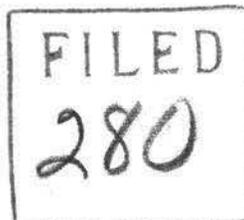


August 14, 1964



Honorable Leon F. Burton  
Secretary-Treasurer  
State Board of Barber Examiners  
131 Capitol Building  
Jefferson City, Missouri

Dear Mr. Burton:

This letter is in answer to your request for an opinion of this office dated July 25, 1964. You inquire whether a barber could take the Missouri State Barber Examination who has practiced in another state or states for a period of two years but has not been licensed in such state or states.

The applicable statute is Section 328.080, Subparagraph 2 (3) RSMo., setting out the qualifications of an applicant for the state barber examination as follows:

"(3) He has studied for at least one thousand hours in a period of not less than six months in a properly appointed and conducted barber school under the direct supervision of an instructor licensed as such by the board, and spent an additional eighteen months as a registered apprentice under a qualified practicing barber or has practiced the trade in another state for at least two years;"

The statute provides two alternatives. The first alternative is that the applicant must have studied at

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least one thousand hours in a period of six months in a proper barber school under proper supervision, licensed by the Missouri board and in addition must have spent eighteen months as an apprentice. The apprenticeship does not have to be in Missouri, but the study does have to be in a school licensed by the Missouri Board of Barber Examiners. The second alternative states, "or has practiced the trade in another state for at least two years". This implies lawful practice of the trade in another state. Consequently, if the state wherein the applicant practiced required by its statutes that barbers must be licensed during the time of the applicant's practice there, then such applicant must have practiced there as a licensed barber in order to be eligible to take the Missouri examination, or if an apprentice may lawfully practice in such state, his time as an apprentice would count as time practiced in such state. If such state did not require such licensing of barbers during the time of his practice, then the applicant must prove that he actually practiced the trade of barbering there for at least two years.

The question remains, what proof would be acceptable to the board of barber examiners as to the fact of such practice by an applicant in another state. The evidence presented should be credible and substantial. No set of rules can be stated which would cover every instance and each case would have to be considered on its individual merits. An example of sufficient proof in a proper case might be affidavits from substantial and reputable members of the community where the applicant claims to have practiced stating that the affiants have personal knowledge that the applicant practiced the trade of barbering in the community for a stated period of time, at least two years in length, giving the location of the shop or shops where applicant worked and stating to the knowledge of the affiant that applicant was actively engaged in the trade of barbering during the period. The statements contained in the affidavits should be verified by reasonable investigation by the Board.

Very truly yours,

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THOMAS F. EAGLETON  
Attorney General

DR:aa