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OFFICES OF THE  
ATTORNEY GENERAL OF MISSOURI  
JEFFERSON CITY

June 12, 1974

OPINION LETTER NO. 53

Ms. Margie L. Butler  
Executive Secretary  
Missouri State Board  
of Cosmetology  
201 Bolivar Street  
Jefferson City, Missouri 65101

Dear Ms. Butler:

This letter is in response to your request for an opinion of this office on the following question:

"Can an instructor in a school make appointments for patrons and do the actual hair-dressing on these patrons and receive gratuity other than their salary as an instructor?"

As we understand, this question was brought about because during the regular inspection of one of the cosmetology schools, the inspector observed one of the instructors working on a patron as a cosmetologist and the patron was paying the individual a specific fee for her services. The instructor stated that the patron was being used for demonstration purposes.

In answering this question, it would be extremely difficult for this office with its limited information to pass judgment on the myriad of fact situations which could arise as to any specific situation and whether in fact the students were actually being given a demonstration as alleged. Therefore, this opinion will be general in nature and shall not be construed as ruling on any specific fact situation which may have arisen or which may arise.

Section 329.040, RSMo 1969, requires that all schools for any of the classified occupations as set forth in Section 329.020

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(i.e., cosmetologists and manicurists) must be registered with the Board. The course of training for cosmetologists must be a minimum of 1,220 hours over a period of six months in a registered school. With regard to the specific training, Section 329.040.2 provides in pertinent part:

". . . such training to include practical demonstrations, written or oral tests, and practical instructions in sanitation, sterilization and the use of antiseptics, cosmetics and electrical appliances, consistent with the practical and theoretical requirements as applicable to the classified occupations as provided in this chapter; . . ."

In Opinion 223 (1967), copy enclosed, this office held that the sufficiency of an applicant's training is to be determined by the Board of Cosmetology and not the school.

Chapter 329 does not vest any regulatory functions in the Board to govern the contractual arrangements between an individual instructor and a school as to the amount of compensation. Accordingly, we believe that the matter of whether an instructor receives a fee from a patron on whom demonstration work is being performed or whether the instructor receives a set salary is a private matter between an individual and the school.

The statute clearly provides that part of a school's course of training shall consist of practical demonstrations. We believe it would be quite proper, therefore, for an instructor to perform certain functions on a patron and at the same time be giving a demonstration to students as to how to do a particular skill. Of course, this could be abused by an instructor if the students are not really being provided sufficient training. If instructors are going to perform hairdressing services on patrons and if students are to be given credit during that period of time there must be a bona fide demonstration occurring.

Very truly yours,



JOHN C. DANFORTH  
Attorney General

Enclosure: Op. No. 223  
6-1-67, Casey