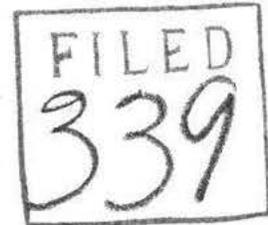


BARBERS.
BOARD OF BARBER EXAMINERS:
ADMINISTRATIVE AGENCIES:

Board of Barber Examiners should permit applicants for registration who do not read or write English to use interpreters during written examination. Board may impose reasonable requirements so as to preserve the integrity of examination.

Opinion No. 339

September 30, 1963



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

Dear Mr. Burton:

This is in response to your recent request for an opinion of this office, which request reads as follows:

"Before a person can become licensed to practice barbering in this state, he must first pass both a written and practical examination given by this Board.

"At times we have applicants, usually foreigners, who can neither read nor write the English language.

"We would like your opinion as to whether or not we are required by law to permit such applicants to have interpreters."

A search of the statutes relating to the examination of applicants for registration as barbers in this state fails to shed any direct light upon your inquiry. However, it is clear that the content and mode of giving the examination is left largely to the Board within the broad guidelines set out by the statutes. See Sections 328.070 and 328.080, RSMo 1959. For example, there is no specific requirement that the examination be in whole or in part in writing; and the Board could, if it so desired, administer such examinations orally.

However, it is clear that upon a showing of qualifications to take the examination and the filing of the required

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fee, an applicant has the right to be examined. Section 328.080, RSMo 1959. Since the statutes relating to the examination and, indeed, the practice of barbering do not require any degree of facility with the English language, it must be concluded that the applicant's right to be examined is not contingent upon his knowledge of English.

Consequently, it is our opinion that an applicant who cannot read or write English should be permitted to have an interpreter to assist him in the examination. The Board may and should exercise stringent controls over the use of interpreters to insure that it is the applicant and not the interpreter who is taking the examination. To this end, the Board could properly establish a list of approved interpreters and require that any interpreter employed to assist in an examination be selected from that list. The means which the Board uses are, of course, entirely up to the Board; but we believe that the principle remains that the Board should examine all applicants who possess the statutory qualifications and, where necessary, permit the use of interpreters.

CONCLUSION

It is, therefore, the opinion of this office that the State Board of Barber Examiners should permit applicants for registration who do not read or write the English language to have interpreters present during such parts of the examination as required by such applicants, and further that the Board may impose any reasonable requirements as to the character, honesty and other qualifications of the interpreters that it seems necessary to preserve the integrity of the examination.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Albert J. Stephan, Jr.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

AJS:lt