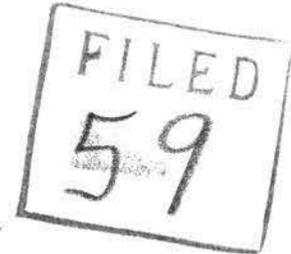


BOARD OF COSMETOLOGY: Members of Board of Cosmetology cannot be
COSMETOLOGY: compensated for conducting examinations.
COMPENSATION:

Opinion No. 59

January 22, 1964



Mrs. Jakaline McBrayer
Executive Secretary
State Board of Cosmetology
Rooms 127-128-129, Capitol Building
Jefferson City, Missouri

Dear Mrs. McBrayer:

Your letter of December 5, 1963, requesting an opinion concerning examinations may be restated as follows:

In lieu of hiring examining assistants may the board conduct the exams personally and receive compensation for such work?

Section 329.210, RSMo 1959, provides that the board shall have power to:

"(2) To conduct examination of applicants for license to practice, . . . and

"(3) . . . to appoint, . . . if necessary, examining assistants."

It is clear from this section that the board has the power to conduct the exams and that they should do so personally unless it is necessary to appoint assistants.

The general rule relating to the propriety of a public official receiving compensation for official duties was stated in *Nodaway County v. Kidder*, 129 SW2d 857, 1.c. 860:

"It is well established that a public officer claiming compensation for official duties performed must point out a statute authorizing such payment."

Mrs. Jakaline McBrayer, Executive Secy

There is no provision in the statutes authorizing such payment of compensation for the conduct of examinations, hence the board may not be compensated for same.

The only compensation the board can receive is provided for in Section 329.190, RSMo 1959:

"2. The members of the board shall receive as compensation for their services the sum of fifteen dollars for each day actually spent in attendance at meetings of the board, within the state, not to exceed twenty-four days in any calendar year and in addition thereto they shall be reimbursed for all necessary expenses incurred within the state in the performance of their duties as members of the board. The first board shall meet in Jefferson City on the second Monday following their appointment by the governor."

This statute does permit reimbursement for all necessary expenses incurred in performing their duties. Therefore, the board may receive travel, lodging, food and other necessary expenses incurred for such conduct of examinations.

CONCLUSION

It is the opinion of this office that Board of Cosmetology members may not be compensated for conducting examinations.

The foregoing opinion which I hereby approve, was prepared by my assistant, Jeremiah D. Finnegan.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

JDF:df