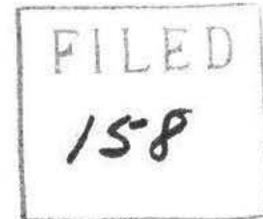


ANSWER BY LETTER: Sikes

March 27, 1970

OPINION LETTER NO. 158

Ms. Jean Casey
Executive Secretary
Missouri State Board of Cosmetology
1502 West Dunklin Boulevard
Jefferson City, Missouri 65101



Dear Ms. Casey:

This will acknowledge receipt of your opinion request dated January 29, 1970. The issue presented is whether or not the State Board of Cosmetology can require a fifteen dollar fee to retake the state board examination after the person has failed said examination.

Section 329.060 provides in part:

"1. Every person desiring to practice any of the occupations provided for in this chapter shall file with the state board of cosmetology a written application, under oath, on a form prescribed and supplied by the board, and shall submit proof of the required age, educational qualifications, and of good moral character together with a fee of fifteen dollars made payable to the director of revenue."

This subsection provides that every person who files a written application shall tender a fee of fifteen dollars. This subsection does not limit the fifteen dollar fee to a person who is making an initial application. Chapter 329, RSMo makes no reference to a person who has failed the initial examination and who desires to retake the examination. As a consequence, the State Board of Cosmetology can require a person who has failed the examination to refile a written application together with the necessary credentials and a fee in the amount of fifteen dollars.

Ms. Jean Casey

CONCLUSION

It is the opinion of this office that the State Board of Cosmetology can require an additional fifteen dollar fee to re-take the state board examination.

Yours very truly,

JOHN C. DANFORTH
Attorney General