PROSECUTING ATTORNEYS:
CITY ORDINANCES:
ST. LOUIS COUNTY:

A prosecution by the Prosecuting Attorney of St. Louis County would not lie against an unlicensed electrician who made an installation in an incorporated city in St. Louis County.

FILED

April 4, 1955

Honorable John M. Blayney, Jr.
Assistant County Counselor
Law Department, Courthouse
Clayton, Missouri

Dear Sir:

Your recent request for an official opinion reads as follows:

"Would you be kind enough to give us your opinion as to the validity of a prosecution by the Prosecuting Attorney of St. Louis County under Section 64.170 - 64.200 R.S.Mo., 1949, under the following facts;

"St. Louis County Ordinance No. 472 (June 30, 1954) Section 10 provides that: 'The building official is hereby authorized to contract with and provide electrical inspections for incorporated cities, towns, and villages of St. Louis County, and to issue, collect for, and disburse receipts to such incorporated cities, towns, and villages, for electrical permits and inspections.'

"Under this section such a contract was entered into with the city of Clayton. Recently an unlicensed electrician made an installation in the above city which was condemned by the County.

"Would the mere fact that the man was unlicensed warrant a prosecution under the above mentioned State Statute?"

Honorable John M. Blayney, Jr.

In a subsequent letter to this department, in reference to the matter of your original inquiry, you wrote:

> " * * * The problem arose when an unlicensed electrician did some electrical wiring in a building within the corporate limits of the City of Clayton. Under the provision of the County Ordinance which I quoted in my letter of January 10th, the County made an inspection of the work involved and found that it was not done according to the accepted standards for such work. Therefore the inspector for the County refused to approve the work and insisted that a licensed electrician correct the mistakes. The work has subsequently been approved by the County. However the question still remains as to the proper remedy to prevent unlicensed electricians from making electrical installations.
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> "While it is probably true that a prosecution would lie by the City of Clayton, the head of the Electrical Department in the County feels that a prosecution by the State would carry much more weight and would be effective to prevent such occurrences in the future.
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> "The Ordinance adopted by the County covers only the unincorporated areas except for the provision quoted in my previous letter, and in my opinion a prosecution under the facts stated above could not properly be brought by the County.
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> "The question at issue is whether or not a prosecution may be brought by the Prosecuting Attorney of St. Louis County under Section 64.170 - 64.200 of the State Statutes under the facts set forth above. In other words I am not interested in the quality of the work but simply in a prosecution for making an electrical installation without a license."

Honorable John M. Blayney, Jr.

We note your statement in your second letter that:
"The ordinance adopted by the county covers only the un-
incorporated areas except for the provision quoted in my
previous letter." The provision referred to is Section X
of St. Louis County Ordinance No. 472. All that this
provision does is to give "the building official" authority
to contract with and provide electrical inspection for in-
corporated cities, towns, and villages in St. Louis County.

It is, of course, axiomatic that criminal laws are to
be strictly construed, and with this in mind we are wholly
unable to see any basis for a prosecution proceeding under
the state of facts set forth by you.

CONCLUSION

It is the opinion of this department that a prosecu-
tion by the prosecuting attorney of St. Louis County would
not lie against an unlicensed electrician who made an in-
stallation in an incorporated city in St. Louis County.

The foregoing opinion, which I hereby approve, was
prepared by my assistant, Hugh P. Williamson.

Yours very truly,

John M. Dalton
Attorney General

HPW:vlw