



STATE OF KANSAS

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April 6, 1984

ATTORNEY GENERAL OPINION NO. 84- 31

Charles L. Lutz
Administrative Officer
State Board of Barber Examiners
630 Kansas Avenue
Topeka, Kansas 66603

Re: Public Health--Barbers--Certificate Restoration;
Payment of Fee

Synopsis: Any registered barber whose certificate of registration has expired may have the certificate renewed, at any time within three years of the certificate's expiration date, if the registered barber pays the restoration fee prescribed in K.S.A. 1983 Supp. 65-1817. Payment of this fee is a condition precedent to the renewal of any expired certificate of registration. The fact the registered barber is incarcerated at the Kansas State Industrial Reformatory when his certificate of registration expires does not relieve that person from paying the restoration fee, if the certificate of registration for that person is to be renewed.' Cited herein: K.S.A. 1983 Supp. 65-1808, 65-1817, 65-1819.

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Dear Mr. Lutz:

On behalf of the State Board of Barber Examiners, you seek our opinion on whether an inmate at the Kansas State Industrial Reformatory is required to pay the restoration fee prescribed in K.S.A. 1983 Supp. 65-1817 in order for the person to renew his expired certificate of registration.

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You advise that a person completed the barber course offered at the Industrial Reformatory, passed the examination conducted by the Board of Barber Examiners, paid the examination fee and was issued a certificate of registration. One year later, when this person's certificate of registration came up for annual renewal, the person did not renew his certificate. Thereafter, and within three years from the expiration date of his certificate of registration, this person made application to the Board of Barber Examiners for renewal of his certificate of registration. However, he did not pay the restoration fee for renewal and contends he should not be required to pay this fee. You inquire whether this person must pay this fee in order for the Board of Barber Examiners to renew his certificate of registration.

K.S.A. 1983 Supp. 65-1819, in part, provides:

"(a) Every registered barber . . . shall annually renew the certificate of registration . . . and pay the required fee. . . .

"(b) A registered barber whose certificate of registration has expired may have the certificate renewed immediately upon payment of the required restoration fee. Any registered barber who retires from the practice of barbering . . . for more than three years may renew the certificate of registration after a successful re-examination by the board and upon the payment of the required examination fee." (Emphasis added.)

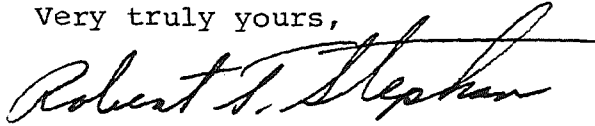
The above-quoted provisions, in our judgment, are clear and unambiguous. Those provisions require that any person desiring to renew any expired certificate of registration, within three years of the certificate's expiration date, may have the certificate renewed "upon payment of the required restoration fee." (Emphasis added.) It is clear to us that payment of the fee is a condition precedent to the renewal of any expired certificate of registration.

In addition, we find no provision in K.S.A. 65-1808 et seq., as amended, which allows the Board of Barber Examiners to renew an expired certificate of registration, without payment of "the required restoration fee." (Emphasis added.) K.S.A. 1983 Supp. 65-1819(b). Thus, in our judgment, the fact a registered barber is incarcerated at the Kansas State Industrial Reformatory at the time his certificate of registration expires does not relieve

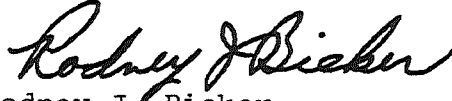
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that person from paying the statutorily-mandated restoration fee,
if the certificate of registration for that person is to be
renewed.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Rodney J. Bieker
Assistant Attorney General

RTS:BJs:RJB:jm