



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

GERALD C. MANN  
~~WILLIAM WILSON~~  
ATTORNEY GENERAL

March 1, 1939

Hon. Joe Kumschik  
Commissioner of Labor  
Bureau of Labor Statistics  
Austin, Texas

Dear Sir:

Opinion No. O-347

Re: Operation of two employment agencies under assumed named statute and Article 1588 of the Penal Code. Article 1067 et seq. P. C.

Your request for an opinion as to whether Article 1588 of the Penal Code would require both the names of "Commercial Employment Service" and "Educator's Employment Service" when both are operated by one person, be entered on stationery of this person and could the "Assumed Named Statute" be so construed as to permit an agency to operate under two separate names, has been received by this office.

For the purpose of this opinion we must assume from your letter that when you speak of "an agency" you mean the person operating the agency or agencies.

Chapter 7 of the Penal Code provides that no person or persons shall carry on or conduct or transact business in this State under an assumed name, unless he has complied with the provisions thereof. There is nothing therein, in our opinion, to prevent a person from transacting business under as many assumed names as he desires. The only limitation therein being that the person must comply with the provisions of chapter 7 or be deemed guilty of a criminal offense.

Article 1588 of the Penal Code is a regulatory statute, regulating the carrying on of a business of an employment agency. It provides, among other things, that an employment agent shall not use any letterheads or blanks unless they contain the name of such employment agent, and the address of his employment office. "Employment Agent" is defined by Article 1584 of the Penal Code as meaning every person, firm, partnership or association of persons engaged in the business of assisting employers to secure employees and persons to secure employment, etc.

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It is our opinion that there is nothing therein to prevent a person from operating two separate and distinct employment agencies from the same office. It is, therefore, our opinion that Article 1588 of the Penal Code does not require that the assumed name of each agency be shown on the stationery used. The only requirement being that the letterheads and blanks shall contain the name of the employment agent and the address of his employment office.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

s/ Richard H. Cocke

By

Richard H. Cocke  
Assistant

RHC:ob/cc:ldw

APPROVED:

s/GERALD C. MANN

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