



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Joe Kunschik, Commissioner
Bureau of Labor Statistics
Austin, Texas

Dear Sir:

Opinion No. 0-2881

Re: The non-transferability of an
employment agency license.

Your letter of October 31, 1940, requests a legal opinion from this Department on the question of whether the holder of an employment agency license is authorized to transfer or sell same to some other person prior to the expiration date of the license.

Article 5210, Revised Civil Statutes of Texas, sets out in careful detail the procedure whereby an employment agency license may be procured. Neither this statute nor any other statute in Chapter 13, Title 83, of the statutes of Texas, authorizes the transfer or sale of the license after it has been issued to the applicant. Various requirements of residence, of good moral character and of verification surround the application for the license.

Article 5220, Revised Civil Statutes, provides:

"Any person who shall engage in the business of an employment agent, or who shall conduct an employment office, without first procuring a license as required and provided for in this chapter may be enjoined from unlawfully pursuing such business or occupation.

. . . " (Emphasis ours)

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Article 1586 of the Penal Code likewise provides in part:

"Whoever engages in the business of an employment agent or conducts an employment office without first procuring a license therefor, as required by law, shall be fined. . . ." (Emphasis ours)

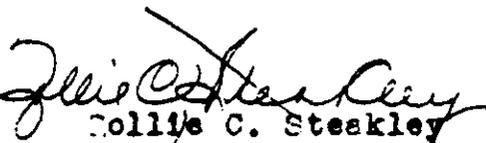
As a general rule, in the absence of specific statutory authorization, a license is a mere personal privilege which may not be assigned. 27 Tex. Jur. p. 905, § 59; 17 Ruling Case Law, p. 475; Wells v. State, 18 Crim. App. 417.

The Employment Agency Law of Texas does not authorize the transfer or sale of the license issued in accordance with its provisions; there is every reason to believe from a study of this law that the Legislature intended, and so provided, that a person could receive an employment agency license only in the manner set out in Article 5210.

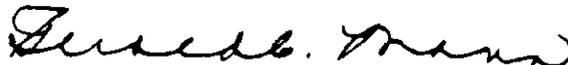
It is, therefore, the opinion of this Department that an employment agency license, after being issued to a specified individual, may not be transferred or sold by such individual to another person prior to the expiration date of the license; in other words, the license is non-transferable.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By 
Collier C. Steakley
Assistant

CCB:EBB



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