OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable R. F. Weber, President
Texas Board of Dental Examiners
Austin, Texas

Dear Dr. Weber:

Opinion No. O-4876

Re: Can the Board of Dental Examiners employ a person not a member of the Board to keep the record and look after the business interests of the Board?

Your letter of June 24, 1942, has been given our careful consideration.

You state that the Texas State Board of Dental Examiners has its office located in Austin, and that it has employed Carl C. Hardin, Jr., of Austin, to manage the office and handle all investigative matters for the Board, and that he has possession of the books and supplies belonging to said Board, and that he has furnished the bond required by law. You asked us in your letter whether the Board has the authority to employ Mr. Hardin to perform said services.

Section 2, of Article 4550a of the Revised Statutes, as passed in 1926, reads in part as follows:

> "To aid the Board in performing the duties prescribed in this Section the Board is hereby authorized to employ a secretary, who shall receive a salary to be fixed by the Board, and who shall make and file a surety bond in a sum not less than Five Thousand ($5000.00) Dollars, conditioned for the faithful performance of all the duties of his office and the safe keeping and proper disbursement of said 'Dental Registration Fund' and all other funds coming into his hands; * * * said Board shall employ and provide such clerks and employees as may be needed to assist the secretary in performing his duties and carry-

ing out the purposes of this Act, provided, that their compensation shall be paid only out of the said 'Dental Registration Fund'".

In 1941 the Legislature in the General Appropriation Bill appropriated for the "State Board of Dental Examiners" certain sums of money to be spent for a part-time secretary and for seasonable help, stenographic and investigation.

The quoted portion of the statute clearly authorizes the Board to employ Mr. Hardin to perform the services which you state he is performing.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By Geo. W. Barens

Geo. W. Barens
Assistant

GWB-MR

APPROVED JUL 1, 1942

Gerald C. Mann

ATTORNEY GENERAL OF TEXAS

APPROVED
OPINION
COMMITTEE
BY
CHAIRMAN