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EXECUTIVE DIRECTOR

October 15, 1991

The Honorable Dan Morales  
Attorney General of Texas  
P.O. Box 12548  
Austin, TX 78711

RO-235

RECEIVED  
OCT 18 91  
Opinion Committee

Dear General Morales:

RE: Request for Opinion

Enclosed is a letter of September 30, 1991, received from engineer registrant and attorney Donald J. Camp who has paid what he refers to as a \$200 occupational tax or fee under protest.

Mr. Camp has enumerated four reasons why he believes the fee in question is unconstitutional, and that this agency may not legally demand or collect said fee. He has further requested that his \$200 fee be refunded with interest.

Notwithstanding your letter opinion of April 27, 1989, LO-89-40, pertaining to the constitutionality of the 1987 legislated \$110 temporary fee increase, we believe there are additional considerations in this instance as set forth in Mr. Camp's justifications number 3 and number 4.

We are hereby requesting your opinion as to the constitutionality of the referenced \$200 occupational fee as specifically questioned by Mr. Camp, and whether or not, based on your conclusion, this agency must refund to Mr. Camp or any other registrant their \$200 remittance with interest.

Your early attention to this request will be appreciated as there are many thousands of engineer registrants who might be affected by your opinion.

Very truly yours, ✓

A handwritten signature in cursive script that reads "Charles E. Nemir".

Charles E. Nemir, P.E.  
Executive Director

CEN:smg  
Enclosure