

May 11, 1949.

DR. WILLIAM S. CARPENTER, *President,*
Department of Civil Service,
 State House.

FORMAL OPINION—1949. No. 45.

DEAR SIR:

I have your memorandum of the 2d inst., disclosing that in the City of Trenton a vacancy occurred in the position of Roentgenologist, and that a doctor who is a non-veteran is rendering the services required as such Roentgenologist without charge to the city.

Your letter also discloses that there are two veterans who have expressed interest in appointment to the vacant position.

The question is, must the position be filled.

I know of no authority under the Civil Service Law under which your Commission can compel a public officer to make an appointment to a position in the classified service.

I believe that you have determined that your Commission is without jurisdiction in the matter and with this conclusion I concur.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: THEODORE BACKES,
Deputy Attorney General.

TB:S

May 9, 1949.

DANIEL BERGSMAN, M.D., M.P.H.,
State Commissioner of Health,
 State House,
 Trenton, N. J.

FORMAL OPINION—1949. No. 46.

DEAR DOCTOR BERGSMAN:

This is to acknowledge receipt of your letter of recent date wherein you request opinion relative to the practice of beauty culture in the State of New Jersey.

STATEMENT OF FACTS.

It would appear from your inquiry that a licensed beauty shop operator of the State of New York desires to install a portable unit for the practice of beauty culture in a hospital situated in the State of New Jersey.

QUESTION.

The question to be answered is whether the practice of beauty culture in such place and under such condition is permissible under our law.

ANSWER.

The answer is no.

REASONS.

The answer must be in the negative because of our statutory law pertaining thereto and more particularly, R. S. 45:4A-11.2:

"It shall be unlawful for any person to practice beauty culture in any place other than a licensed beauty shop; provided, however, that a licensed operator, sponsored by a licensed beauty shop, may furnish beauty culture treatments to persons in their private residences by appointment; * * *"

Under this statute it becomes immediately apparent that beauty culture shall be practiced only in a licensed beauty shop with the proviso that beauty culture treatments may be furnished to persons in their private residences.

It follows therefore that unless some portion of the hospital is licensed as a beauty shop, no beauty culture can be practiced therein; nor could an itinerant with a portable unit practice therein, for a hospital is not deemed to be a private residence.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: JOHN WARHOL, JR.,
Deputy Attorney General.

JW-B

May 13, 1949.

DR. WILLIAM S. CARPENTER,
President, Department of Civil Service,
State House,
Trenton, New Jersey.

FORMAL OPINION—1949. No. 47.

DEAR SIR:

I have your communication stating that you are advised that the governing body of the Borough of Edgewater, Bergen County, without first having had presented to it a petition for the adoption of the civil service law, by resolution, directed that the question of the adoption of that law be submitted to the people, which was done and the provisions of the civil service law adopted. You inquire into the sufficiency and legality of the adoption.