

DECEMBER 21, 1949.

DR. JOSEPH A. S. MILLAR, *Secretary,*
State Board of Veterinary Medical Examiners,
Deal, New Jersey.

FORMAL OPINION—1949. No. 116.

DEAR SIR:

This is in response to your letter requesting the opinion of this office with respect to educational qualifications of applicants under R. S. 45:16-7. You inquire whether an applicant for examination holding a license conferring the full right to practice all the branches of veterinary science in some foreign country must prove to the Board that he pursued the study of veterinary medicine for at least three years including three regular courses of lectures of at least six months each in different years, in a veterinary college or university approved by the Board, prior to obtaining such license.

In my opinion such an applicant must show he has pursued such study before he may be admitted to the examination.

R. S. 45:16-7 provides as follows:

"45:16-7. Applications for licenses; fee; qualifications of applicants.

"A person desiring to commence the practice of veterinary medicine, surgery and dentistry in this State shall deliver to the secretary of the board, upon payment of a fee of twenty-five dollars (\$25.00) a written application for a license, together with satisfactory proof that the applicant is a citizen of the United States, is more than twenty-one years of age, is of good moral character, has obtained a competent school education and has received a diploma conferring the degree of veterinary medicine from a veterinary college or university of the United States, approved by the board, or in lieu thereof a diploma or license conferring the full right to practice all the branches of veterinary science in some foreign country. Applicants must have pursued the study of veterinary medicine for at least three years including three regular courses of lectures of at least six months each in different years, in a veterinary college or university, approved by the board, prior to the granting of the diploma or foreign license, and such proof shall be made, if required, upon affidavits."

Under the provisions of this section applicants who do not have a diploma conferring the degree of veterinary medicine from a veterinary college or university of the United States, must, in lieu thereof, have a diploma or license conferring the full right to practice all the branches of veterinary science in some foreign country. Such an applicant must also show that prior to his obtaining such a diploma or license, he had completed the required courses in a veterinary college or university *approved by the the Board*. The complete course must be received and pursued in approved schools.

It appears from your letter that the gentlemen in question, although graduating from approved schools have not pursued their study of veterinary medicine for the entire three years in a school approved by your Board. Part of their education was received in a school not approved by your Board. They have not, therefore, complied with the requirements of the statute that the complete course of study be in a school

approved by your Board. Specifically answering your question, therefore, I would state that these men, based upon the facts stated in your letter, are not qualified under the statute to be admitted to the examination for a license to practice veterinary medicine.

It further appears from your letter that these men were admitted to and took an examination, that you accepted fees for examination from them but none of them passed the examination. You now ask whether the fee of \$25.00 for examination should be returned. In my opinion it should because they were erroneously admitted to the examination in the first instance and you may only accept the examination fee from qualified applicants. I would, therefore, advise that the fee of \$25.00 previously collected be returned.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: JOSEPH A. MURPHY,
Assistant Deputy Attorney General.

JAM:rk

JANUARY 5, 1950.

COL. S. L. SOUTH,
QMC, N.J.N.G.
Acting Adjutant General,
State Armory,
Trenton, New Jersey.

FORMAL OPINION—1950. No. 1

DEAR COLONEL SOUTH:

Receipt is acknowledged of your letter of December 29, 1949 relative to the installation of a motor vehicle storage building on the armory site at Elizabeth, New Jersey. I note you desire to be advised whether or not it is necessary to obtain a permit from the City of Elizabeth for such construction as required by the ordinances of said City.

This Department has ruled constantly, for many years, that the operations of the State, in the construction of armories and other buildings, are not subject to municipal regulations, for the reason that the State is never bound by any grant of power to a municipality, or the regulations established by the municipality under such power, or by any statute, unless the intention is clearly expressed in the grant of power to the municipality, or in the statute, that the State shall be bound thereby.

This is on the authority of *Trustees for the Support of Public Schools vs. Trenton*, 30 N. J. Eq., page 667, and *New Jersey Interstate Bridge and Tunnel Commission vs. The City of Jersey City*, 93 N. J. Eq., page 550, which opinions have been uniformly followed by our courts.

Yours very truly,

THEODORE D. PARSONS,
Attorney General,

By: JOSEPH LANIGAN,
Deputy Attorney General.

JL:rk