

OPINION NO. 66-121**Syllabus:**

A student must be examined and licensed by the State Board of Cosmetology as a cosmetologist before continuing with the additional 250 hours of training necessary to apply for a managing cosmetologist's license.

To: E. E. Schaedler, Secretary, Ohio State Board of Cosmetology, Columbus, Ohio

By: William B. Saxbe, Attorney General, July 13, 1966

Your recent request for my opinion stated the following problem:

"There is a difference of opinion between schools of cosmetology and the State Board of Cosmetology as to whether

a student enrolled in a licensed school under 1500 hours can continue with the 250 additional hours before taking the State Board Examination.

The requirements which must be satisfied by an applicant for a cosmetologist's license are prescribed by subsection (A), Section 4713.04, Revised Code, which reads as follows:

"(A) Applicants for a cosmetologist's license shall be at least sixteen years of age, of good moral character, have the equivalent of an Ohio public school eighth grade education, and have received a total of not less than fifteen hundred hours of instruction in the several branches of cosmetology, including subjects relating to sanitation and sterilization, in a licensed school of cosmetology in Ohio or otherwise pursuant to credits given by the state board as provided in section 4713.02 of the Revised Code, provided, any applicant who was a student in such school prior to the effective date of this act shall only be required to receive the number of hours of instruction required prior to such date. When determining the total hours of instruction received by an applicant for a cosmetologist license, the state board of cosmetology shall not take into account more than eight hours of instruction per day nor instruction received more than five years prior to the time that an application is filed."

To become licensed as a cosmetologist an applicant must satisfy the statutory requirements above and perform satisfactorily on the examination given by the Ohio State Board of Cosmetology. This examination is provided for in Section 4713.06, Revised Code, and is given quarterly in the months of February, May, August, and November so there is never an extended period of time before an examination is given. It is estimated by the Board that approximately six thousand examinations are given each year. Of this number there is always a number of failures, and there are many instances where it has been necessary for an applicant to return to school for additional training before being able to pass the examination and become licensed. The legislature recognized that even a short time lapse prior to the examination might be a hardship for some applicants and has provided in subsection (F), Section 4713.04, Revised Code, for a tem-

porary work permit which enables an applicant for examination, who has not previously failed an examination, to work in a licensed beauty salon until the first examination thereafter.

A managing cosmetologist is something more than a cosmetologist, the statutory requirements for license being set out in subsection (C), Section 4713.04, Revised Code, as follows:

"(C) Applicants for a managing cosmetologist's license shall be of good moral character, have the equivalent of an Ohio public school eighth grade education, and shall have practiced as a cosmetologist in a licensed beauty salon in this or another state of the United States or the District of Columbia for at least one year, or have completed two hundred fifty hours additional in a licensed school of cosmetology in this state in subjects relative to advanced cosmetology, business management, and supervision. Certification of applicant's completion of one year's experience shall be made to the state board of cosmetology by the licensed managing cosmetologist of the licensed beauty salon in which the applicant has been employed, or certification of completion of the prescribed course of two hundred fifty additional hours shall be made to the board by the school of cosmetology in this state. Upon either of the foregoing certifications, the board shall issue a managing cosmetologist license to the applicant."

(Emphasis added)

There is no statutory requirement for examination of applicants for the license of "managing cosmetologist." Upon certification of the additional training of two hundred fifty hours or one year of experience as a cosmetologist, the board shall issue the license upon application. Since the requirements for a managing cosmetologist are set out by the legislature in terms of an "additional" two hundred fifty hours of schooling or a year of practice in a licensed salon, it is clear that she is to be considered as a more accomplished cosmetologist who is possessed of additional skills through practice. It seems to me that to allow a student to continue with the additional hours necessary for the manager's license prior to an examination as to basic skills and training of the cosmetologist is not the intent of this legislation. The additional training of experience necessary for the managing

cosmetologist's license necessarily should come after the fact of passing an examination as to the basic skills and any other interpretation leads to an unnatural result in that there is no guarantee of an applicant's being capable of passing the examination at fifteen hundred hours or at seventeen hundred fifty hours and the fact that one has been a student for seventeen hundred fifty hours is not necessarily evidence that such person is a more experienced cosmetologist and therefore eligible for the managing cosmetologist's license. The inadvisability for the student and the unreasonableness of another procedure in light of the statute leads me to conclude that the student must successfully pass the examination and obtain a cosmetologist's license before continuing with the additional two hundred fifty hours which are required for a managing cosmetologist.

Therefore, it is my opinion and you are hereby advised that a student must be examined and licensed by the State Board of Cosmetology as a cosmetologist before continuing with the additional 250 hours of training necessary to apply for a managing cosmetologist's license.