

OPINION NO. 66-122**Syllabus:**

One who qualifies as an "instructor" must obtain an instructor's license before he may instruct in a school of cosmetology, and one who qualifies as a "managing cosmetologist" must obtain a managing cosmetologist's license before he may practice this vocation notwithstanding that he may possess an instructor's license.

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

By: William B. Saxbe, Attorney General, July 14, 1966

Your recent request for my opinion contained the following question: Is an instructor's license sufficient for both instructing in a school of cosmetology and the managing of a beauty salon, or must a managing cosmetologist's license also be obtained if the latter vocation is to be practiced?

The requirements for qualification as a managing cosmetologist and an instructor are prescribed in Section 4713.04, Revised Code, sub-sections (C) and (D), respectively:

"(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 prac-

ticed 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.

"(D) Applicants for an instructor's license shall be of good moral character, have the equivalent of an Ohio public school twelfth grade education, and shall have practiced as a licensed cosmetologist in a beauty salon in this state, for at least twelve months, or have completed one thousand hours of instructor training in a licensed school of cosmetology in this state as a junior instructor. On the date that a junior instructor begins his instructor training in a licensed school of cosmetology, said school shall certify the name of such junior instructor to the board along with the date on which his instructor training began. There shall be no more than one junior instructor to each instructor. No school shall have more than six junior instructors at any one time. Such junior instructor shall be allowed the regular quota of students as prescribed by the board, with the provision that an instructor is present. A junior instructor shall be compensated by the school. Certification that the applicant has completed one year or more of experience in a licensed beauty salon shall be made to the board by the licensed managing cosmetologist of the licensed beauty salon in which the applicant has been employed; or, certification shall be made to the board by the school of cosmetology, that the junior instructor has completed one thousand hours of teacher training in a licensed school of cosmetology in this state. Upon either of the foregoing certifications, the board shall issue an instructor's license to the applicant.

"Upon proper certification under both divisions (C) and (D) of this section, the board shall issue both an instructor's license and a managing cosmetologist's license to the applicant, provided he otherwise qualifies for such licenses under those divisions."

It is apparent from a reading of these requirements that one who qualifies for an instructor's license also qualifies for a managing cosmetologist's license, although the converse is not necessarily true. The last paragraph of sub-section (D) specifically provides that if an individual has qualified for both an instructor's and a managing cosmetologist's licenses, and if the proper certifications have been made, both licenses shall be issued by the Board upon application. The problem is whether both licenses are required for an individual who desires the issuance or renewal of an instructor's license, and who intends to practice as a managing cosmetologist. It is my opinion that a reading of Section 4713.04, Revised Code, sub-sections (C) and (D), and of other sections of Chapter 4713, Revised Code, leads to the conclusion that both licenses are required for an individual who intends to practice as an instructor and as a managing cosmetologist.

"Managing cosmetologist" is defined in Section 4713.01 (G), Revised Code, as "any person who has the requirements of division (C) of Section 4713.04 of the Revised Code, and has applied for and received a managing cosmetologist license."

"Instructor" is defined in Section 4713.01 (H), Revised Code, as "any duly licensed cosmetologist who teaches cosmetology or any practices thereof in a duly licensed school of cosmetology. Section 4713.15 (C), Revised Code, requires that schools of cosmetology "shall maintain persons licensed as instructors, under section 4713.04 of the Revised Code, as instructors of the theory and practices of cosmetology * * *"

It is obvious from a reading of the pertinent sections of Chapter 4713, Revised Code, that while the qualifications for a managing cosmetologist's license are included within the requirements for an instructor's license, there is nothing in the legislation indicating that an instructor's license will suffice for the practice of a managing cosmetologist. The intention of the Legislature that a separate license be required for instructors and for managing cosmetologists is indicated by the separate provisions relating to the qualifications for each license, the separate definitions for the two vocations (requiring specific licenses for each), and the specific provision in Section 4713.04 (D), supra, permitting the holding of both licenses in question if the holder is qualified and desires to practice or continue practicing both vocations concurrently. It is a reasonable assumption that if the Legislature had intended that an instructor's license would be sufficient for an individual who also desires to act as a managing cosmetologist, the Legislature would have so indicated somewhere within these provisions.

Therefore, it is my opinion and you are hereby advised that one who qualifies as an "instructor" must obtain an instructor's license before he may instruct in a school of cosmetology, and one who qualifies as a "managing cosmetologist" must obtain a managing cosmetologist's license before he may practice this vocation notwithstanding that he may possess an instructor's license.