



**THE ATTORNEY GENERAL
OF TEXAS**

GERALD C. MANN

AUSTIN 11, TEXAS

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WILL WILSON

ATTORNEY GENERAL

March 14, 1939

Dr. H. G. Towle, President
Texas State Board of Examiners
in Optometry
Snyder, Texas

Dear Sir:

Opinion No. 0-392

Re: Authority of Board of Examiners
to return renewal license fees.

Your request for an opinion as to whether the Board of Examiners in Optometry has authority to refund renewal license fees has been received by this Department.

We have examined the statutes relating to Optometry and do not find any authority for the Board to refund license fees paid in advance. The necessitous circumstances of the widow or family of the deceased do not authorize the Board to refund the license fee in the absence of some authority for such action. We are unable to find any other authority for the refunding of a renewal license fee by your Board.

Where there is no statutory provision existing before a license fee is collected which provides for its return or refund upon the happening of certain contingencies, no refund of such fees may be made, either by the Legislature or any other official of the State government. See *Bittick vs. City of El Paso*, 247 SW 892; *Austin National Bank vs. Sheppard*, 71 SW 242. See also Article 3, Section 44 of the Constitution of Texas.

It is the opinion of this Department that your Board does not have the authority to refund the license fees after they have been paid.

Very truly yours
ATTORNEY GENERAL OF TEXAS

s/ Morris Hodges

MH:AW/cg
APPROVED:

s/ Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

By

Morris Hodges
Assistant