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ATTORNEY GENERAL

STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
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June 14, 2024
OPINION 24-0077

Mr. Mark E. Van Horn
Counsel, Louisiana State Board of
Optometry Examiners
1100 Poydras Street, Suite 2100
New Orleans, LA 70163

81 OPTOMETRY

La. R.S. 37:1046
La. R.S. 37:1048

The Louisiana Board of Optometry Examiners or its secretary-treasurer may hire persons directly to assist the secretary-treasurer in his duties.

Dear Mr. Van Horn:

On behalf of the Louisiana State Board of Optometry (the "Board"), you requested the opinion of this office concerning whether the independent contractor agreement awarded by the Board to its secretary-treasurer for services rendered to or on behalf of the Board violates state law. The independent contractor agreement between the Board and the secretary-treasurer permits the secretary-treasurer to utilize the assistance of any person to assist him in providing services to the Board and provides that the secretary-treasurer shall pay such person out of the funds the secretary-treasurer receives for payment of his services pursuant to the agreement.

Specifically, you ask whether the secretary-treasurer may directly employ persons to assist the secretary-treasurer with his duties or whether such persons must be directly employed by the Board. For the reasons that follow, we find that either the Board or its secretary-treasurer may hire persons directly to assist the secretary-treasurer with his duties.

Louisiana Revised Statute 37:1046(C) sets forth the duties of the Board's secretary-treasurer¹ as follows:

The secretary-treasurer, who shall be an appointed member of the board, may receive for his services a reasonable salary fixed by the board. The board may also employ such persons as may be necessary to assist the secretary-treasurer or other officers to accomplish the duties and responsibilities of this Chapter.

When a law "is clear and unambiguous and its application does not lead to absurd consequences, it shall be applied as written and no further interpretation may be made in search of legislative intent." *Cat's Meow, Inc. v. City of New Orleans through Dept. of Fin.*,

¹ See also La. R.S. 37:1047, which provides:

The secretary-treasurer of the board shall keep a full record of all acts and proceedings of the board. All moneys shall be received by him and disbursed in administering the provisions of this Chapter.

98-0601, 720 So.2d 1186, 1198 (La. 10/20/98); La. C.C. art. 9. We find that the language of La. R.S. 37:1046(C) is clear and unambiguous. The Board is given permissive authority to hire additional persons to assist the secretary-treasurer. Thus, the Board may, but is not required to, hire such persons directly. Furthermore, there is no prohibition in statute against the secretary-treasurer hiring persons directly to assist him in his duties as provided for in the contract. Accordingly, it is the opinion of this office that either the Board or its secretary-treasurer may hire persons directly to assist the secretary-treasurer in his duties.

We trust this adequately responds to your request. However, if our office can be of further assistance, please do not hesitate to contact us.

With best regards,

LIZ MURRILL
ATTORNEY GENERAL

BY:

A handwritten signature in black ink, appearing to read "Amanda LaGroue", written over a horizontal line.

Amanda M. LaGroue
Assistant Attorney General

LM:AML