

Opinion No. 47-5050

July 9, 1947

BY: C. C. McCULLOH, Attorney General

TO: Mr. Dee Donnell, Secy.-Treas. New Mexico State Board of Accountancy Santa Fe, New Mexico

{*67} We wish to acknowledge receipt of your letter of July 1, 1947 wherein inquiry was made as to the legal definition of a Public Accountant as set forth in H. B. 181 passed by the last Legislature.

Section 2 of said act provides, in part, as follows:

"1. PRACTICE OF PUBLIC ACCOUNTANCY. A person engages in the 'Practice of Public Accountancy' who, holding himself out to the public as a public accountant, in consideration of compensation received or to be received by him, offers to perform or does perform, for other persons, services which involve the auditing or examination of financial transactions, books, accounts or records, or the preparation of, or the reporting over his signature on financial accounting and related statements . . ."

According to the texts, "Principles of Accounting" written by Roy B. Kester, Ph.D., the professional {*68} practice of accounting has been defined as "a profession, the members of which offer to the community their services in all matters having to do with the recording, verification and presentation of facts involving the acquisition, production, conservation, and transfer of values."

In 10 Am. Jur. 517, a public accountant is defined as "one who furnishes accounting or auditing service -- as distinguished from bookkeeping -- on a fee basis, per diem, or otherwise, for more than one employer."

In 1 C.J.S., 636, a very similar definition of a public accountant is set forth, to-wit:

"A public accountant is one engaged in rendering accounting or auditing service as distinguished from bookkeeping, on a fee basis, per diem, or otherwise, for more than one employer . . ."

I am of the opinion the aforementioned legal definition of a public accountant will clarify for you Section 2 of H. B. 181, as heretofore set forth.

By ROBT. V. WOLLARD,

Asst. Atty General