

## Opinion No. 51-5419

September 11, 1951

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Mr. J. E. Cassel New Mexico State Board of Public Accountancy P. O. Box 452  
Albuquerque, New Mexico

{\*125} This is in reply to your letter of August 18, 1951, in which you request an opinion in connection with the last sentence of Section 4 of Chapter 115, Laws of 1947, which is § 51-1714, N.M.S.A., 1941 Compilation, p.s.

The last sentence of § 51-1714, p.s., reads as follows:

"The governor shall remove from the board any member whose license or certificate to practice has become voided, revoked or suspended, and may, after hearing, remove any member of the board for neglect of duty or other just cause."

This last sentence makes it mandatory upon the governor to remove any board member whose license or certificate to practice has become voided, revoked or suspended and gives the governor discretionary power for removing any board member for neglect of duty or other just cause.

You set forth three conditions and specifically ask if they fall within the provision of "neglect of duty or other just cause."

1. Failure or refusal to call board meetings so that the board can properly conduct its affairs.

In my opinion the failure to call the meeting is neglect of duty and the governor may remove any board member for such neglect.

2. A member of the board not being acceptable to or recommended by recognized professional accounting organizations.

I believe this situation is covered by the words "other just cause" as provided in § 51-1714 p.s., N.M.S.A., 1941 Compilation. A person could hardly be considered a good board member if he was not recognized or recommended by recognized professional accounting organizations.

3. A member not being acceptable to or agreeable with other board members.

I think this situation is also covered by the provision of "other just cause" as provided in § 51-1714 p.s., N.M.S.A., 1941 Compilation and that the governor has a discretionary power to remove such board member who is not acceptable to or agreeable with other

board members. Such member undoubtedly would create dissension and conflict with other board members.

Trusting that this fully answers your inquiry, I remain