

Opinion No. 51-5411

August 31, 1951

BY: JOE L. MARTINEZ, Attorney General

TO: Robert L. Thompson Electrical Administrative Board 1824 Campus Blvd.
Albuquerque, New Mexico

{*115} This is in reply to your letter of July 20, 1951 in which you request an opinion as to whether or not the Electrical Administrative Board would be in violation of any New Mexico law if they placed a notice in the papers whenever a contractor's license is suspended or revoked.

Under Section 51-2204 of the 1941 Compilation, New Mexico Statutes Annotated, I failed to find wherein the Electrical Administrative Board is specifically authorized to publish such notices in the newspapers whenever a contractor's license is suspended or revoked. Neither is there a direct prohibition against it. However, the last two paragraphs of Section 51-2204 read as follows:

"The board shall issue orders prescribing the minimum standards for the installation of electrical wiring, which orders shall embody the requirements prescribed by the National Electrical Code as approved by the American Standards Association and the National Electrical Safety Code as approved by the American Standards Association; Provided, that the board may by order prescribe standards higher than those prescribed by said codes.

"All orders, rules and regulations issued by the board shall be printed and shall be distributed to all deputy state electrical inspectors and municipal electrical inspectors in the state of New Mexico. Said orders, rules and regulations shall take effect on a date fixed by the board therein, which shall not be less than thirty (30) days after the adoption of same by the board. All such orders, rules and regulations shall also be available for general distribution at the office of the board."

In view of the fact that an order of suspension or revocation would have to be made by order of the Board, and that under the last Paragraph of Section 51-2204 of the 1941 Compilation, New Mexico Statutes Annotated, all orders have {*116} to be printed and distributed to all deputy state electrical inspectors and municipal electrical inspectors in the State of New Mexico, and further that all orders of the board are public records, any newspaper man could come in and publish what the board had done in any particular case of suspension or revocation. However, if the Board, or any member of the Board or any employee of the Board should on his own initiative publish in a newspaper that a certain contractor's license had been revoked or suspended, such action might hold said contractor up to ridicule and contempt. It might cause the contractor to bring a libel suit against the board or any employee of the board.

It is, therefore, my opinion that it would be against public policy to say that the Electrical Administrative Board or any employee thereof had authority to publish in any newspaper whenever a contractor's license is suspended or revoked by the Board.

Under Opinion No. 5035, 1947-1948 Opinions of the Attorney General, this office held that this section (Sec. 51-2204) gave the Board authority to adopt rules and regulations, and to issue orders. Such powers, however, are limited to the enforcement of the provisions of the Electrical Code.

Trusting that this adequately answers your inquiry, I am