

Opinion No. 52-5519

March 19, 1952

BY: JOE L. MARTINEZ, Attorney General

TO: Mr. John A. Lowe Director New Mexico Veterans' Service Commission Santa Fe, New Mexico

{*228} This is in reply to your letter of December 3, 1951, in which you requested an opinion from this office { *229} as to whether or not there is any provision by which an official, other than the Director of the New Mexico Veterans' Service Commission, can be granted authority to execute legal documents on behalf of the Commission.

Sec. 66-1404, New Mexico Statutes Annotated, 1941 Compilation, reads as follows:

"Corporate powers. -- The Disabled Soldiers Relief Commission (New Mexico Veterans' Service Commission) shall be a public corporation under the name of 'Disabled Soldiers' Relief Commission', ('New Mexico Veterans' Service Commission'), and under its corporate name an agency of the state of New Mexico. The management and control of the said commission is hereby vested in the commissioners appointed under the provisions of this Article (Secs. 66-1401, 66-1404 -- 66-1409), provided, however, that the director, appointed and employed as provided in said article (Secs. 66-1401, 66-1404 -- 66-1409), shall have the power and authority to execute all legal documents and undertakings, in the name of said commission, which may be necessary or required. Subject to the Constitution of this state, the Disabled Soldiers' Relief Commission (New Mexico Veterans' Service Commission) shall have the power:

(a) To sue and be sued in any matters within the scope of its powers and authority as granted to it by the legislature of this state.

(b) To exercise all powers heretofore granted, and which may be hereafter granted.

"The seal heretofore authorized shall be the corporate seal of said commission, and shall be affixed to all official documents and undertakings executed in the name of said commission, by the said director."

This section makes it mandatory on the director appointed by the Commission to execute all legal documents and undertakings in the name of said Commission which may be necessary or required.

I find no other provision under either Sec. 66-1404, 66-1406 or 66-1408 which would allow any other official to sign and execute legal documents or undertakings in the name of the Commission.

However, it is my opinion that since the Commission is a public corporation and the management and control of said Commission is vested in the commissioners, as provided in Sec. 66-1404, that the Commission could, at a regular session of the Commission at which a quorum was present, pass a resolution authorizing one of the members of said Commission to execute all legal documents and undertakings in the name of said Commission in cases where the director is not present or is unable to do so or for some reason disqualified. It being understood at said meeting of the Commission that the majority of the members voted to give a member of the Commission the authority to sign legal documents.

If you follow this procedure, it is my opinion that one of the members of the Commission can be given the authority to execute legal documents on behalf of the Commission.