

**Opinion No. 53-5688, See also 5672**

February 23, 1953

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** John S. Catron Assistant District Attorney Fourth Judicial District Las Vegas, New Mexico

{\*80} Since February 16, 1953, when we sent you Opinion No. 5672, information has been furnished this office that plans have been made to demand that Manuel Sena, a member of the Municipal Board of Education of the town of Las Vegas either resign as a member of said board or resign his job with the Highway Department.

Information has also been furnished this office that when Manuel Sena was elected as a member of the Municipal Board of Education at Las Vegas, he was not an employee of the Highway Department.

In view of this information, which has been substantiated, it is our supplemental opinion that Opinion No. 5672 dated February 16, 1953, does not apply to Manuel Sena case as he was not an employee of the Highway Department and under the Hatch Act at the time he was elected as a member of the Las Vegas Town Municipal Board of Education.

By: Hilario Rubio

Assist. Attorney General