

Opinion No. 55-6248

August 9, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. George R. Roy, Contractors' License Board, P. O. Box 1179, Santa Fe, New Mexico

We have your request for an opinion dated July 28th in which you ask if the Contractors' License Board could make the following rules and regulations for applicants:

"Applicants for contractor's license will be denied issuance of license if they are found to engage in:

- (1) High pressure and unethical sale practices.
- (2) Advertising misrepresentations.
- (3) Deceptive and unethical practices such as promising rebates, bonuses or special deals.
- (4) Charging exorbitant prices for jobs."

Section 67-16-5, N.M.S.A., 1953, reads in part as follows:

". . . No license shall be issued except by action of the board, nor until the board has satisfied itself upon evidence presented and recorded as to the integrity of the applicant, and upon a proper showing in an examination that may be given by the board, that said applicant is qualified in the following respects to hold a license: (a) That the applicant is of good reputation, and that he must be experienced and qualified to do the kind of work he proposes to contract"

There is also in Section 67-16-5, N.M.S.A., 1953, the following sentences:

"It shall be the duty of the board to adopt and promulgate such rules and regulations as they deem necessary to carry out the provisions of this act."

It is the opinion of this office that the Board is charged with the duty of determining the reputation and qualification and fitness of a person to receive a license as contractor. The Board is empowered to "adopt and promulgate such rules as they deem necessary to carry out the provisions of this Act."

If the Board is of the opinion that these rules will aid it in determining the qualifications of applicants for a license, such rules can be promulgated under the authority of this statute.

By: Paul L. Billhymer

Assistant Attorney General