

Opinion No. 55-6336

December 8, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Robert L. Thompson, Engineer, Electrical Administrative Board, 1824 Lomas Blvd., N.E., Albuquerque, New Mexico

We are in receipt of your letter of December 5 concerning repayment of a pro rata share of a license fee in the event a licensee quits operating or dies. You state these two questions separately but they will be answered as one question by reason of the fact that the answer is the same in each instance.

The fee sections of the Electrical Administrative Board law are § 69-19-8 (c), so far as licenses are concerned, and § 67-19-18, so far as disposition of moneys are concerned.

Unless there is in the State a general refund section, a refund of any moneys paid to any State agency cannot be made. There is nothing in your law nor is there a general State refund statute providing for refunds.

Therefore, it is the opinion of this office that no refund can be made regardless of the circumstances inherent in the application. That is to say, whether the applicant quits business or dies, no refund is available to him or to his estate.

We sincerely hope this answers your inquiry.

By Fred M. Standley

Assistant Attorney General