

Opinion No. 58-75

April 8, 1958

BY: OPINION OF FRED M. STANDLEY, Attorney General Robert F. Pyatt, Assistant Attorney General

TO: Honorable W. T. Scoggin, District Judge, Third Judicial District, Division I, Las Cruces, New Mexico

QUESTION

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A school board votes to elect a man principal. This man is called before the board, and while certain conditions are discussed, no salary is agreed upon. No acceptance was given by this man. Later, the board rescinded its action. No written contract was ever executed. Is the board in any way legally responsible?

CONCLUSION

No.

OPINION

ANALYSIS

The lack of a purported acceptance at any time negates any contractual relationship between the parties. Hence, there is no legal responsibility.

Of course, any tenure which previously may have been acquired would in no manner be affected by the above action of the board.