

**Opinion No. 60-215**

December 8, 1960

**BY:** OPINION of HILTON A. DICKSON, JR., Attorney General

**TO:** Mr. Sam J. Jackson Chief Inspector Plumbing Administrative Board 1930 San Mateo N. E. Albuquerque, New Mexico

**QUESTION**

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Can a mayor employ a deputy inspector, not qualified by the Plumbing Administrative Board, to take over city inspections where a state inspector is already making inspections?

CONCLUSION

No.

**OPINION**

{\*635} **ANALYSIS**

The answer to your question can be found in § 67-22-16, N.M.S.A., 1953 Compilation (P.S.), which reads, in part, as follows:

"No person shall hereafter be employed by any municipality in this state as a plumbing or gas inspector without having first secured from the board an inspector's certificate of qualification, except that any person who on the date that this act becomes effective is serving as a legally appointed municipal plumbing or gas inspector shall upon application be issued a certificate of qualification without examinations . . ."

We deem it immaterial that a state inspector is already making inspections in the municipality, for the municipality may still employ its own inspector. See § 67-22-15, N.M.S.A., 1953 Compilation (P.S.). But, in our opinion, the quoted section clearly prohibits the employment by a municipality of a plumbing or gas inspector who has not first secured an inspector's certificate of qualification from the plumbing administrative board.

By: Norman S. Thayer

Assistant Attorney General