

Opinion No. 66-44

April 11, 1966

BY: OPINION OF BOSTON E. WITT, Attorney General George Richard Schmitt,
Assistant Attorney General

TO: New Mexico Board of Examiners for Architects, 717 Canyon Road, Santa Fe, New Mexico, Attention: Mr. John W. McHugh Secretary

QUESTION

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1. What is the proper application fee which the New Mexico Board of Examiners for Architects may impose upon an applicant for a certificate of registration as an architect in New Mexico?
2. May such application fee be collected in installments?
3. Is there an original charge for a certificate of registration as an architect?
4. Is there a renewal charge for a certificate of registration as an architect?

CONCLUSIONS

1. Fifty Dollars (\$ 50.00).
2. No.
3. No.
4. Yes, which is \$ 15.00 for a legal resident and \$ 30.00 for a non-resident.

OPINION

{*52} ANALYSIS

With regard to your first two questions, Section 67-12-3 (E) of the Architect's Law, N.M.S.A., 1953 Comp. (P.S.) quoted below supplies the answers thereto.

"Upon application therefor, upon a prescribed form, and upon {*53} payment by the applicant of a fee of fifty dollars (\$ 50.00), the board shall consider such application, and, in cases as herein authorized, issue a certificate of registration as an architect to any person who submits evidence satisfactory to the board that he or she is fully qualified to practice architecture."

The portion of the statute quoted above clearly prescribes an application fee of \$ 50.00 which must be paid in its entirety at the time the application is made. There is no provision or even an indication in the law which would permit payment of the fee in installments.

Fees required for certificates of registration are set forth in Section 67-12-6, quoted as follows:

"Certificates of registration. -- A. Each registrant hereunder may, upon registration, obtain the seal of the design authorized by the board, bearing the registrant's name, and the legend 'Registered Architect -- State of New Mexico.' Plans, specifications, plats, and reports issued by a registrant must be stamped with the said seal during the life of a registrant's certificate, and it shall be unlawful for anyone to stamp or seal any documents with the said seal after the certificate of the registrant named thereon has expired or has been revoked, or to stamp or seal any document with said seal that has not been prepared personally by the registrant, or under his direct supervision.

B. Certificates of registration shall expire on the last day of the month of December following their issuance or renewal, and shall be invalid after that date unless renewed. Renewal may be effected at any time during the month of December by the payment of a fee of fifteen dollars (\$ 15.00) for a legal resident and thirty dollars (\$ 30.00) for a non-resident, to the secretary of the board. The failure on the part of any registrant to renew his certificate annually in the month of December, as required above, shall not deprive such person of the right of renewal thereafter, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten per cent [10%] for each month or a fraction of a month that the payment for renewal is delayed; Provided, however, that the maximum fee for a delayed renewal shall not exceed twice the normal fee for each and every year that the registrant remains in default."

Fees for renewal certificates of registration under this Section of the law are \$ 15.00 for a legal resident and \$ 30.00 for a nonresident. The law does not provide for any registration fee to be collected at the time the applicant has been accepted by the Board as being entitled to registration as a New Mexico architect. Thus, we can only conclude that a New Mexico architect is entitled to his original certificate of registration free of charge. Such conclusion, we believe is also bolstered by Section 67-12-3 (E), supra. A plain reading of this section discloses that the Board is required to issue a certificate of registration to an applicant upon being satisfied of the applicant's qualifications. No mention is made in the law of any fee to be charged for the architect's first certificate of registration.

In view of the analysis above, your Board rule 8 which requires an application fee of \$ 25.00 and a further registration fee of \$ 25.00 upon successful completion of the examination, is contrary to law and is null and void.