

Opinion No. 17-1978

April 13, 1917

BY: GEORGE C. TAYLOR, Assistant Attorney General

TO: Hon. Cecilio Rosenwald, President, Board of Directors New Mexico Insane Asylum, Las Vegas, New Mexico.

A Firm of Which a Trustee Is a Member, May Not Bid on Supplies for a State Institution

OPINION

Your letter of April 10 to Governor Lindsey, in which you ask whether the firm of E. Rosenwald & Son, of which you are the senior member, may bid on supplies for the Asylum, in view of your membership on the Asylum Board, has been referred to me for attention.

In reply, your attention is invited to Section 3174, reading as follows:

"Members and employes not to be interested in contracts. No employe or member of any of the said boards (including the Insane Asylum Board) shall be interested pecuniarily, either directly or indirectly, in any contract for building or improving any of said institutions or for the furnishing of supplies to any of such institutions."

The penalty for violation of this section is provided in Section 1455, reading as follows:

"Punishment for misdemeanors. When a criminal is found guilty in any of the courts of this State of any crime which is not a felony, for which no punishment has been prescribed by law, the said criminal shall be punished by a fine not exceeding two hundred dollars or by imprisonment in the county jail for a period not exceeding three months, or both at the discretion of the court."

It is the opinion of this office that you may not bid or contract to furnish supplies to the Asylum while at the same time serving as a member of the Asylum board of directors.