

Opinion No. [29-90]

May 8, 1929

BY: M. A. OTERO, JR., Attorney General

TO: Mr. E. A. White, Superintendent, Public Schools, Hagerman, New Mexico.

SCHOOLS -- Teachers not forbidden to sell life insurance or books in vacation time.

OPINION

I am just in receipt of your favor of the 6th inst. requesting an interpretation of section 1415 of the 1927 edition of the New Mexico School Code, and in which you state that it is your intention to secure employment during the summer vacation either in selling life insurance or to sell publications of P. F. Collier and Son. You asked me whether or not I consider it would be a violation of said statute for you to sell either the Collier publication or life insurance during the summer vacation.

In reply thereto will state that I believe that the evil which the legislature attempted to stop through the passage of the statute known as section 1415 of the 1927 School Code was that of having school authorities taking advantage of their positions to make a profit for themselves through the purchase by or for the schools of supplies, books, etc., by acting as agent for any person, firm or corporation engaged in selling such commodities for the use of the schools.

I do not believe that the law ever intended to put a stop to any teacher, or other school authority, from carrying on with a legitimate means of livelihood, and it seems to me, that under the circumstances as set forth in your letter, that you would be perfectly justified in making your living during the summer vacation through the sale of either Colliers publications, or life insurance, or both of them. Nor do I believe that you would be violating the law, or the spirit of the law, by selling life insurance, or Colliers, to individual school teachers or to individual members of school boards.

Trusting that the foregoing clears up this matter for you, and assuring you that if I can be of any further service you need only to call upon me, I beg to remain,