

Opinion No. 33-561

March 8, 1933

BY: E. K. NEUMANN, Attorney General

TO: Mr. Elliott Barker, State Game Warden, Santa Fe, New Mexico.

{*29} I have your letter of March 3, 1933, with reference to the case of Mr. Tom Charles, a license collector for the State Game Department. You state that he deposited money collected for licenses in the State Bank of Alamogordo, making remittances to the State Treasurer by personal check every three or four days. When the Bank closed there were two checks outstanding amounting to \$ 194.25.

Section 57-256 provides that license collectors shall make remittances to the State Treasurer on or before the tenth day of each month. There is no provision for depositing such moneys with banks. While it may seem to be a hardship on Mr. Charles, I believe that he is legally liable to the State for the sum of \$ 194.25, which has not been as yet turned over to the State Treasurer.

By QUINCY D. ADAMS,

Asst. Atty. General