

Opinion No. 39-3141

May 19, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Mr. Thomas M. McClure, Secretary, N.M. Board of Registration for Professional Engineers and Land Surveyors, Santa Fe, N.M.

{*52} I have your letter of May 15 making inquiry as follows:

"When an application is filed for professional engineering and land surveying, accompanied by a filing fee of \$ 10.00, but the Board rejects it for engineering and issues a certificate in land surveying, for which no additional fee is required, and later, say, several months or years, the same applicant asks for reconsideration of his record and professional engineering, submitting an additional record covering his engineering experience during the intervening period, should the latter request be treated as a new and separate application and a new filing fee of \$ 10.000 be required? Or, could the Board legally reconsider such later application and grant a new certificate in professional engineering and land surveying on the payment of only a \$ 5.00 certificate fee?

In answering your question I will say that the statute contemplates two separate and distinct provisions, that of engineering and that of land surveying, there being separate and distinct requirements for professional engineers and for land surveyors.

Section 14, Chapter 45 of the Session Laws of 1935, prescribes a registration fee of \$ 15.00 for professional engineers and a registration fee of \$ 10.00 for land surveyors. An applicant for registration qualifying as a professional engineer and land surveyor is issued a certificate covering both classifications upon payment of the fee provided for professional engineers.

It is my belief that the above-mentioned provision has reference to the time when the certificate is issued and would not apply to cases where a certificate has been issued and later the applicant desires additional registration under a different classification.

I believe that if an applicant makes application for professional engineering and land surveying and the board rejects it for engineering but is willing to issue a certificate for land surveying, then it is up to the applicant to either accept the certificate for land surveying as if he had made a separate and distinct application for it, or else reject it and the initial fee deposited shall be retained by the board as an application fee. If the applicant accepts the certificate for land surveying, then a new application for professional engineering should be treated as a new and separate application and the proper fee should be required.