

**Opinion No. 39-3214**

July 18, 1939

**BY:** FILIO M. SEDILLO, Attorney General

**TO:** Mr. R. W. Heflin, Securities Commissioner, State Banking Department, Santa Fe, New Mexico.

{\*84} In your letter of July 14 you inquire {\*85} whether the term "speculative securities" includes the securities described in sub-paragraphs (1), (3), (4), (5), (6), (7) and (8) of Section 32-701, 1929 Compilation, even though those securities do not have the characteristics described in sub-paragraph (2) of said section in that 5% or less, or nothing at all, is charged as a commission for the sale thereof.

The term "speculative securities" does include the securities described in the other sub-paragraphs of the section, although not more than 5% is paid as a commission.

Securities which have the characteristics described in any one or more of these eight sub-paragraphs of Section 32-701, 1929 Compilation, come within the definition of "speculative securities," and are subject to the statute with respect to such "speculative securities."

By: A. M. FERNANDEZ,

Asst. Atty. Gen.