

Opinion No. 43-4375

August 31, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Mr. C. R. Sebastian, State Comptroller, Santa Fe, New Mexico

In your letter dated August 27, 1943, you inquire whether the Sheep Sanitary Board may waive the bond required of sheep inspectors and build up a reserve fund from the premiums paid on such bonds with which to pay any losses that might occur.

Section 49-810 of the New Mexico 1941 Compilation requires sheep inspectors to give a bond in the sum of \$ 500.00, conditioned upon the faithful performance of the duties of their office, and further provides that this bond may be sued upon in the name of any person interested.

It is apparent that the bond is required not only for the protection against loss of public monies, but also for the protection of individuals who may be damaged by the action of sheep inspectors. For that reason, I am of the opinion that the bond is required by law, and may not be waived by the Sheep Sanitary Board.

Trusting that the foregoing sufficiently answers your inquiry, I am

By C. C. McCULLOH,

First Asst. Atty. General