

Opinion No. 45-4807

October 17, 1945

BY: C. C. McCULLOH, Attorney General

TO: T. I. Means, DVM Secretary, New Mexico Board of Veterinary Examiners Santa Fe, New Mexico

{*146} Replying to your request for an opinion on the following question: A veterinary practitioner, having forfeited his license to practice in New Mexico by reason of failing to pay annual license fees, now requests the board to be reinstated. Upon what basis may the board proceed to issue or renew a license to the subject?

Section 51-1004 of the 1941 Compilation provides three separate grounds for obtaining a license:

1. Graduate of a legally chartered veterinary college; shall make application in writing, furnish diploma and accompany the application with \$ 25.00.
2. A veterinary practitioner of three years or more practice continuously prior to the passage of this Act (Chap. 76, Laws of 1931).
3. Graduate of a veterinary college not recognized by the board shall make application by paying \$ 50.00 and taking an examination before the board.

This section also provides as follows:

"Any person granted license to practice veterinary medicine and surgery in New Mexico under the provisions of this act shall thereafter, in addition to the license fee paid at time of registration, pay an annual license fee of \$ 15.00 to the state board of veterinary examiners for annual renewal of a certificate to practice, such yearly fee to become due and payable on the first day of each calendar year."

It would seem reasonable to assume that the right to practice as a veterinarian would expire on the failure to renew the license. However, the Legislature having failed to provide rules and regulations in case of failure to pay the annual license fee, the matter of reinstatement is left within the discretion of the board of veterinary examiners.

It is my opinion that if the board feels that the facts do not justify the reinstatement of the subject then it should apply whichever provision above mentioned is applicable to the subject.

By THOS. C. McCARTY,

Asst Atty General