

**Opinion No. 52-5565**

July 16, 1952

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Mr. Roland Ferguson, Secretary New Mexico Collection Agency Board Santa Fe, New Mexico

{\*276} This is in reply to your letter of June 19th in which you asked my opinion as to the legality of a weekly publication of a licensed and bonded collection agency which lists the names of debtors from whom collections have been made and the names of new debtors against whom the agency has received claims to collect.

The question of legality is as to whether the listing of debtors is a violation of the provision of Ch. 187 of the Laws of 1951 prohibiting publication of "deadbeat lists." This provision is Sec. 51-1824 NMSA 1941 Comp., and states,

"No 'collection agency' shall publish, or post or cause to be published or posted, any list of debtors, commonly known as a 'dead beat' list for the purpose of forcing, or attempting to force collection thereof."

The collection agency publication to which you referred, is circulated only to subscribers to the agency's services and not to the general public or to the debtors whose names were listed therein. It is my opinion that while such a listing might properly be termed a "dead beat list," it could not be considered to have been circulated or published for the purpose of "forcing, or attempting to force, collection thereof," within the meaning of the statute. The fact of the limited circulation of the weekly publication indicates that its purpose is to inform subscribers of facts relative to the current situation of local people, so as to enable the subscriber to extend credit more wisely, and to reduce credit risks. The publication, in my opinion, is not violative of the collection agency laws in any way.

I trust that this will answer your inquiry fully.