

**Opinion No. 54-5932**

April 1, 1954

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Mr. Lilburn C. Homan Special Assistant Bank Examiner c/o The Governor's Office  
Santa Fe, New Mexico

{\*380} On March 9th you addressed an inquiry to this office concerning whether or not as Assistant Bank Examiner charged with the administration of the Small Loans Act you have a right to inspect the files of other loans, which loans exceed the size of the loans contemplated by the Small Loans Act. The Small Loans Act limits the scope of the Small Loans Investigator to the administration of licensees under the Act, which Act limits the principal amount to not more than \$ 500.00, and permits the charge of the interest rates on such amount as specified in the Small Loans Act. The Act does not, however, limit the licensees to a \$ 500.00 maximum loan, but limits the higher rate of interest to be charged on loans of \$ 500.00 and less. Thus, a licensee may loan amounts in excess of \$ 500.00, but such loans are, in our opinion, bound by the Usury Laws as specified in 53-601 et seq., N.M.S.A., 1941 Compilation. The Small Loans Examiner is charged with the duty of enforcing the Small Loans Law and to enforce the Small Loans Laws he must have the right to inspect all loans made by any given licensee.

Section 50-1628 (c) reads as follows:

"(c) Access to Records: Witnesses. For the purposes of this section, the examiner or his duly authorized representative shall have and be given free access to the offices and places of business, files, safes, and vaults of all such persons, and shall have authority to require the attendance of any person and to examine him under oath relative to such loans or such business or to the subject matter of any examination, investigation or hearing."

It can be seen that this provision permits the Examiner to inspect the "files, safes and vaults of all such persons" and does not limit that inspection to "files, safes, and vaults" which contain information on loans in the amount of \$ 500.00 or less.

Therefore it is the opinion of this office that the Small Loans Examiner has free access to all of the "files, safes and vaults" and may inspect the loans of any size or denomination in the office of a licensee for the purpose of determining whether or not there have been any violations of the Small Loans Law, 50-1620 et seq., N.M.S.A., 1941 Comp., as amended.

We sincerely hope that this answers your inquiry.

By: Fred M. Standley

Assist. Attorney General