

Opinion No. 54-6009

September 2, 1954

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Boaz Long Director Museum of New Mexico Santa Fe, New Mexico

{*473} This will acknowledge receipt of your letter of August 23, 1954, in which you ask whether the Board of Directors of the Museum of New Mexico has the authority to authorize the New Mexico Association on Indian Affairs to set up certain standards and specifications for the type at the Fiesta Market under the Portal of the Governors' Palace during of Indian made goods to be sold at the Fiesta Market under the portal of the governor's palace during the Annual Santa Fe Fiesta.

If the Portal Palace of the Governors is a public building under the control of the Museum of New Mexico, it is up to the Board of Directors of the Museum to determine whether or not its use should be authorized for a Fiesta Market or not, and if so, under what conditions. If, however, the Portal is not owned by the Museum of New Mexico and is a public sidewalk, you would have no jurisdiction whatsoever over it. We have no information to enable us to determine this question.

In any event we do not believe that the Board of Directors may delegate to the Association on Indian Affairs the right to make the regulations; however, the Board may adopt regulations proposed by the Association, and require that the Association enforce them as a prerequisite to the use of the Portal of the Palace of the Governors for the purpose of holding the market, if the Portal is in fact under the jurisdiction of the Museum.

By: Walter R. Kegel

Assist. Attorney General