

**Opinion No. 56-6354**

January 17, 1956

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

**TO:** R. H. Grissom, Commissioner of Securities, State Banking Department, Santa Fe, New Mexico

Recently you inquired concerning Sections 5 (d) and 9 (g) of the Securities Act of 1955, which is Chap. 131 of the Laws of 1955, where the section refers to a financial statement certified by "certified" public accountants. You inquire as to whether or not a certificate by a "registered" public accountant would meet the requirements of this section.

§ 67-23-1, et seq., contains the Public Accountancy Act of New Mexico. The term "certified public accountant" is a title which is authorized to be appended to the names of qualified persons. "Registered public accountant" is in exactly the same category. Each of these terms are proper nouns and must be used as such. When each of these names are used, or reference is made to a Certified Public Accountant or to a Registered Public Accountant, such reference is always capitalized.

In the Public Accountancy Act, the State has recognized the existence of a certificate for a person other than a "Certified Public Accountant" and treated the two synonymously in that Act. As a matter of interest in this, there are very few Certified Public Accountants in the State in relation to the number of corporations that are required to file their financial statements annually. We believe that this is a matter that the Legislature could and did take notice of.

Therefore, it is the opinion of this office that where the words "certified public accountant" are used in the Securities Act that any accountant with a certificate from the Board of Public Accountancy, whether it be as a "registered" or "certified" public accountant would be acceptable under this Act.

We sincerely hope that this satisfactorily answers your inquiry.

By Fred M. Standley

Assistant Attorney General