

Opinion No. 57-100

May 14, 1957

BY: OPINION OF FRED M. STANDLEY, Attorney General Robert F. Pyatt, Assistant Attorney General

TO: Mr. E. P. Corcoran, Plumbing Administrative Board, 307 Lead Avenue, S.W., Albuquerque, New Mexico

QUESTIONS

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Can a licensed master plumber or gas fitter operate two or more places of business in different towns or cities in the State on the one license?

CONCLUSION

No, unless the particular licensed plumber can effectively supervise more than one place of business.

OPINION

ANALYSIS

In dealing with this and similar questions, prime consideration must be given to the welfare of the public which motivated the regulation of plumbing and gas installations as public health and welfare measures. In our opinion the problem is governed by the proper construction of Section 67-22-8 (a), N.M.S.A., 1953 Compilation, which reads as follows:

"Licenses and examination required - (a) No person, firm, partnership or corporation shall engage in the business of superintending, planning and practical installation of plumbing or in plumbing contracting unless such person or a member or agent of such firm, partnership or corporation shall have received a master plumber's license from the board.

"No person, firm, partnership or corporation shall engage in the business of superintending, planning and practical installation of gas fitting or in gas fitting contracting unless such person or a member or agent of such firm, partnership or corporation shall have received a master gas fitter's license from the board.

"Each application for a master plumber's or gas fitter's license hereunder shall be made in writing on forms prescribed and furnished by the board, stating the name and place of business of the applicant, who will supervise the work to be done under said license,

and shall be accompanied by the prescribed license fee except as herein otherwise provided. Each such applicant shall be examined by the board to determine his knowledge of the orders, rules and regulations governing such business as issued under authority of this act. Such examination may be oral or demonstrative as the board may elect. Each such license issued in accordance with the provisions of this act shall state the name of the person licensed, and any name of the firm, partnership or corporation in which he is the licensed member or agent. For the purposes of this section, the same person shall not be designated as the licensed member or agent in more than one firm, partnership or corporation."

While it is our view that in enacting this Statute the Legislature intended to provide a system which would offer maximum public protection, we find nothing therein which would prohibit a licensed master plumber or gas fitter from operating two or more places of business in different towns or cities in New Mexico on the same license, if he can effectively supervise them. The opinion is conditioned accordingly. While the Statute uses the phrase, in dealing with applications, that they shall be "on forms . . . stating the name and place of business of the applicant . . ." it is our opinion that such merely has the purposes of designating the name of the responsible party and his proposed business location, and that such does not serve to prohibit him from operating two or more places of business in different municipalities. More restrictive language would be required than is present in the said Statute. Nor does the last sentence quoted above compel a negative answer to your inquiry, inasmuch as this section merely prohibits designation of the licensed member in more than one firm, partnership or corporation. It does not mean that said firm, partnership or corporation is prohibited from having places of business in more than one municipality under the one license, so long as he can actually supervise the projects of the several licensed establishments.