

Opinion No. [29-88]

April 18, 1929

BY: J. A. MILLER, Assistant Attorney General

TO: Mr. W. T. Cooper, 123 North 3rd St., Albuquerque, New Mexico.

SCHOOLS -- Bonds, expenditure of proceeds from sale of.

OPINION

I have your letter of the 17th relative to your claim against the San Antonio and the Los Lopez Schools in Socorro County, which claim you say is a balance due you on a contract for the installation of plumbing.

In attempting to answer your letter I find myself handicapped because of lack of information. Inasmuch as you refer to two schools, San Antonio and Los Lopez, and refer to but one contract, I assume this must have been a contract with the county board of education of Socorro County. I am informed further, but not officially and not from records, that the bonds voted in these two districts were for the purpose, in each instance, of erecting school buildings, the cost being in one district, \$ 15,000.00, and in the other, \$ 5,000.00. If I am correctly informed as to this, and if the money was expended in a way to come within the authority to erect and furnish school buildings, there would be nothing criminal in so expending it. In contracting with you, the board may have anticipated funds to be accumulated from the taxes collected and with which to meet your contract.

If you have information indicating any unlawful use or diverting of moneys derived from these bond issues or information which will give me a better understanding of the situation, and will furnish me with the same, I shall be glad to render such assistance as may be in my power and through the department which might more appropriately investigate the matter.