

## Opinion No. 32-482

June 23, 1932

**BY:** E. K. Neumann, Attorney General

**TO:** Mr. W. M. Britelle, Chairman, New Mexico Board of Examiners for Architects, Albuquerque, New Mexico.

{\*165} We have your letter of June the 22nd, calling attention to the erection by the University of New Mexico of a steel water proof deck stadium and requesting information as to whether or not, under Chapter 155 Laws of 1931, a registered architect is required on this work.

The conclusions which you have drawn in your letter appear to be very logical and well founded. However, we must call your attention to Section 8, Sub-section A, which provides as follows:

"That after the passage of this Act, neither the State nor any township, county, city, town, village, school district, nor other political subdivision of the State shall engage in the construction or maintenance of any public work involving Architecture for which the plans, specifications, have not been made by Registered Architects, in this or some other State; provided that nothing in this section shall be held to apply to such public work wherein the contemplated expenditure for the complete project does not exceed five thousand dollars."

In our letter to you of April the 30th, in connection with the remodeling of Hadley Hall, it was our opinion that the University of New Mexico did not fall within the classifications mentioned in this section.

Your attention is directed to the fact that the restriction set forth in this section is directed to public work, and, in our opinion, there can be no question but what the stadium under consideration is a public work within the contemplation of this act.

While it is our further opinion that the stadium should be classed as a semi-public building, yet the fact remains that a registered architect is not required for the preparation of these plans, because of our opinion that the University is not included in the classifications named.

Apparently the purpose of the entire act is to regulate the practice of architecture and most of the restrictions are directed toward such practice of architecture rather than against the actual building in the absence of such plans by such registered architects.

It is very doubtful, under the entire act, whether there would be {\*166} any violation of law by any person constructing any building within the contemplation of the act without plans being prepared by a registered architect. In considering whether or not there is

any violation of law upon which a prosecution might be based, we suggest that the facts be laid before the District Attorney and that you be guided by his advice in the premises.

However, as heretofore stated and under our former ruling of April 30th, it is our belief that the University is not required to have plans prepared by registered architects.

By: Frank H. Patton,

Asst. Attorney General