

**Opinion No. 42-4012**

February 5, 1942

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Dr. T. I. Means Secretary, New Mexico Board of Veterinary Examiners Santa Fe, New Mexico

{\*156} In your letter of February 1, 1942, you have requested an opinion of this office as to whether or not it is permissible for the Board of Veterinary Examiners to grant a waiver of the annual renewal license fee to veterinarians serving in the armed forces of the United States.

You will note that under the provisions of Section 1, Chapter 76, Laws of 1931, it is unlawful for any person to practice as veterinarian **in the State of New Mexico** without a license. Therefore it is my opinion that the Board of Veterinary Examiners may grant a waiver of the \$ 15.00 annual renewal license fee to all duly licensed New Mexico veterinarians in the United States armed forces who are not now acting as veterinarians in the State of New Mexico. I should like to point out that the Pharmacy Board and the Board of Bar Commissioners have both granted similar waivers under similar provisions.

You have also asked if habitual intoxication is a ground for revoking a veterinarians license. No specific provision can be found in Chapter 76, Laws of 1931, which would allow a revocation upon this ground. Habitual drunkenness alone does not constitute gross immorality. You may be guided, however, by the provisions of Section 5, Chapter 76, Laws of 1931, which provides in part as follows:

"PROVIDED, that the State- Board- of Veterinary Examiners shall have power to refuse a license to any applicant on the ground of his having been guilty of gross immorality or gross malpractice, and it shall have the power to revoke a license on said ground; PROVIDED, further, that before taking such action the party charged with such immorality or malpractice shall be cited by the Board of Veterinary Examiners to appear for hearing before said board."

Trusting that the foregoing sufficiently answers your inquiries. I am

By GEO. H. HUNKER, Jr.

Asst. Atty. General