

## Opinion No. 46-4904

May 23, 1946

**BY:** C. C. McCULLOH, Attorney General

**TO:** Thomas M. McClure, Secretary Board of Registration for Professional Engineers and Land Surveyors P. O. Box 1079 Santa Fe, New Mexico

{\*231} We are in receipt of your letter of May 23, 1946, in which you relate the following facts:

An applicant has applied for registration as both a professional engineer and land surveyor for which he paid a \$ 10.00 filing fee. In taking the examination, he passed in land surveying only.

In view of this situation, you ask our opinion as to whether you should charge him another \$ 5.00 fee prior to issuing his land surveyor's certificate, or whether \$ 5.00 of the original filing fee\_\_\_\_ might be applied.

Section 51-2414, of the 1941 Compilation, establishing the registration fees for professional engineers and land surveyors, is in part as follows:

"The registration fee for professional engineers shall be fifteen dollars (\$ 15.00), ten dollars (\$ 10.00) of which shall accompany application, the remaining five dollars (\$ 5.00) to be paid upon issuance of certificate."

"The registration fee for land surveyors shall be ten dollars (\$ 10.00), five dollars (\$ 5.00) of which shall accompany application. Any applicant holding a certificate issued by the surveyors' examining board shall receive a credit of five dollars (\$ 5.00) toward the registration fees provided for in this section.

**"Should the board deny the issuance of a certificate of registration to any applicant the initial fee deposited shall be retained as an application fee.** When an applicant for registration qualified (qualifies) as a professional engineer and a land surveyor he shall be issued a certificate covering both classifications upon payment of the fee provided for professional engineer."

You will observe that by these sections two separate fees are provided, one for engineering, and the other for surveying. Two exceptions are contained in the statute: If the applicant already holds a certificate as a surveyor, he is entitled to a credit of \$ 5.00. Further, when an applicant qualifies as a professional engineer and land surveyor, he pays only the fee provided for professional engineers.

In view of the fact that the circumstances related by you do not fall within either of these exceptions, it is my opinion that the underlined portion of the above quoted statute

applies. The fee accompanying the application for registration as an engineer should be retained as an application fee and the applicant should pay an additional \$ 5.00 to be registered as a land surveyor.

By ROBERT W. WARD,

Asst. Atty. General