

CHAVAS V. ESPER, 1966-NMSC-169, 76 N.M. 666, 417 P.2d 802 (S. Ct. 1966)

**A. J. CHAVAS, doing business under the firm name and style
of CHAVAS ELECTRIC COMPANY, Plaintiff-Appellee and
Cross-Appellant,**

vs.

**DWAIN ESPER, doing business under the firm name and style
of N.J.W. Corporation and under the firm name and
style of Gayety Theatre, and doing business
under the firm name and style of Dwain
Esper and Hildegard Esper,
Defendant-Appellant and
Cross-Appellee**

No. 7821

SUPREME COURT OF NEW MEXICO

1966-NMSC-169, 76 N.M. 666, 417 P.2d 802

August 29, 1966

Appeal from the District Court of Bernalillo County, Tackett, Judge

COUNSEL

JOHN C. O'BRIEN, Albuquerque, New Mexico, Attorney for Appellee.

H. R. BLACKHURST, Albuquerque, New Mexico, Attorney for Appellant.

JUDGES

CARMODY, Chief Justice, wrote the opinion.

WE CONCUR:

DAVID CHAVEZ, JR., J., IRWIN S. MOISE, J.

AUTHOR: CARMODY

OPINION

CARMODY, Chief Justice.

{1} Defendant appeals from a jury verdict in a dispute between the parties over a contract for the payment for electrical work.

{2} Plaintiff, an individual engaged in electrical contracting, contends that defendant contracted with him to do various electrical work on the premises of defendant's theater. However, it was admitted by plaintiff at oral argument that he possessed only an electrical contractor's license, and not a contractor's license as required by the Contractors' License Law, §§ 67-16-1 through 67-16-20, N.M.S.A. 1953.

{3} This case is controlled by *Martinez v. Research Park, Inc.*, 1965, 75 N.M. 672, 410 P.2d 200. Having an electrical contractor's license does not exempt plaintiff from the requirements of the {667} Contractors' License Law. The action is barred under § 67-16-14, N.M.S.A. 1953, because of the lack of a contractor's license.

{4} The judgment is reversed with directions to the district court to set aside its judgment and dismiss the complaint.

{5} IT IS SO ORDERED.

WE CONCUR:

DAVID CHAVEZ, JR., J., IRWIN S. MOISE, J.