OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

April 6, 1939

Honorable Ma. B. Martin
Assistant Criminal District Attorney
Hillsboro, Texas

Dear Sir:

0-374

Opinion No. O-374
Re: Is the person whose qualifications are set out qualified to be appointed county auditor?

We are in receipt of your letter of March 24 reading as follows:

"Under Article 1648 R.C.S. the county is authorized to select as its auditor a citizen of the county provided he is a competent accountant of at least two years' experience in auditing and accounting.

"Under this statute would a party who has been employed in the Covington Bank for twenty-eight years, since 1927 audited the school funds, and in 1935 audited an estate for the Veterans' Administration, be eligible for such an appointment, assuming he meets the qualifications as to character?"

In viewing Article 1648 R.C.S.1925 as a whole, it appears that the first sentence sets up certain standards. The second sentence vests in the judge not only the power to appoint but the burden to investigate the applicant to see if he fulfills the enumerated standards set out in the preceding sentence.

It is our opinion that the Legislature has given the judge the authority to appoint the county auditor as well as to pass upon the applicant's qualifications.

We are of the opinion that the question here presented is one of fact, and the Legislature in the second sentence of the act specifically delegated this authority to the appointing judge.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By Pirtle Watts
Pirtle Watts
Assistant

PW-AR

APPROVED:

Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

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