



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

July 30, 1974

The Honorable A. Bryan Spires, Jr. M. D. Opinion No. H- 359
Secretary
Texas State Board of Medical Examiners
Southwest Tower Bldg. Suite 900
211 East Seventh Street
Austin, Texas 78701

Re: May the Texas State Board of Medical Examiners have facsimile signatures of its members affixed by a mechanical process to the license certificates it issues.

Dear Dr. Spires:

You ask whether members of the Texas State Board of Medical Examiners may satisfy the requirements of Art. 4503, V. T. C. S., by having facsimiles of their penned signatures made and affixed by mechanical process to license certificates rather than signing each certificate individually by hand. Art. 4503 provides that:

All certificates shall be attested by the seal of the Board and signed by all members of the Board, or a quorum thereof.

It is our opinion that a Board member's use of a facsimile of a penned signature is in compliance with the statutory requirement. In Mondragon v. Mondragon, 257 S. W. 215, 216 (Tex. 1923), the Texas Supreme Court stated:

A signature made by rubber stamp, typewriter or printing . . . may be adopted, and the instrument to which it is signed becomes binding.

In Parsons v. State, 429 S.W. 2d 476, 477 (Tex. Crim. 1968), the Court of Criminal Appeals concurred:

The use of a stamp producing a facsimile of an original signature in signing legal documents has been upheld by this court.

According to BLACK'S LAW DICTIONARY:

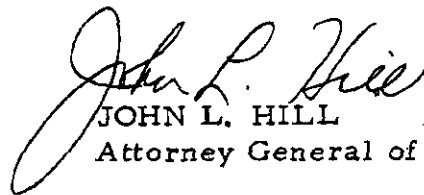
A "signature" may be written by hand, printed, stamped, typewritten, engraved, photographed, or cut from one instrument and attached to another, and a signature lithographed on an instrument by a party is sufficient for the purpose of signing it; it being immaterial with what kind of instrument a signature is made. (Signature, p. 1553).

Clearly, a stamped facsimile of a penned signature is a signature and satisfies the requirements of Art. 4503.

SUMMARY

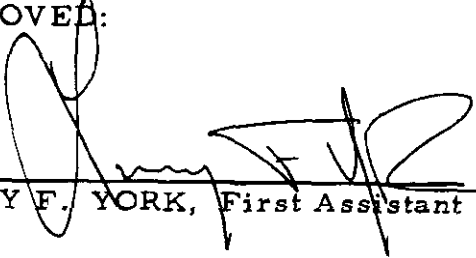
A Board member's use of a facsimile of his penned signature affixed to a license certificate by printing, engraving, or other mechanical process will satisfy the intent and letter of Art. 4503, V. T. C. S.

Very truly yours,



JOHN L. HILL
Attorney General of Texas

APPROVED:



LARRY F. YORK, First Assistant



DAVID M. KENDALL, Chairman
Opinion Committee

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