

72.

APPROVAL—BONDS OF VILLAGE OF NORTH OLMSTED,
 CUYAHOGA COUNTY, OHIO, \$3,210.00.

COLUMBUS, OHIO, February 2, 1937.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

73.

APPROVAL—BONDS OF VILLAGE OF NORTH OLMSTED,
 CUYAHOGA COUNTY, OHIO, \$2,750.00.

COLUMBUS, OHIO, February 2, 1937.

Industrial Commission of Ohio, Columbus, Ohio.

74.

APPROVAL—BOND OF HENRY T. McGRADY, RESIDENT DIS-
 TRICT DEPUTY DIRECTOR IN PICKAWAY COUNTY,
 OHIO.

COLUMBUS, OHIO, February 2, 1937.

HON. JOHN JASTER, JR., *Director of Highways, Columbus, Ohio.*

75.

DULY LICENSED ARCHITECT—WHO MAY ADVERTISE AS
 SUCH.

SYLLABUS:

*Under the provisions of Section 1334-5, et seq., General Code, a
 person who has not been duly registered and licensed as a registered*

architect, may not advertise in the State of Ohio that he is an architect or a registered architect.

COLUMBUS, OHIO, February 3, 1937.

State Board of Examiners of Architects, A. I. U. Building, Columbus, Ohio.

GENTLEMEN: This will acknowledge the receipt of your request for an opinion which reads in part as follows:

“This Board therefore desires an opinion as to the legality of the following interpretation of the provisions of Section 1334-5: ‘That it is a violation of the law for persons not properly registered to have their names included in a classified group (*telephone directories*) under the heading of architects.’” (Words in parenthesis ours).

The legislature in 1931 enacted a bill for the regulation by registration of the practice of architecture in this State. The following pertinent sections read as follows:

Sec. 1334-5. “Any person residing in or having a place of business in this state who, upon the date of approval of this act, is not engaged in the practice of architecture in the State of Ohio under the title of ‘architect’ shall, before engaging in the practice of architecture or before being styled or known as an architect, secure from said board of examiners a certificate of his or her qualifications to practice under the title of ‘architect,’ and be duly registered with said board as provided by this act.

Any properly qualified person who shall have been engaged in the practice of architecture under the title of ‘architect’ for at least one year immediately previous to the date of the approval of this act and who desires to continue in such practice shall secure such certificate and be registered in the manner hereinafter provided by this act.

Any person holding such certificate and being duly registered pursuant to this act may be styled or known as an architect or as a registered architect.

No other person shall assume such title or use any abbreviation, or any words, letters or figures, to indicate or imply that he or she is an architect or registered architect.”

Sec. 1334-17. “On and after the date ninety days after this act goes into effect, it shall be unlawful for any person

in the State of Ohio to enter upon the practice of architecture in the State of Ohio, or to hold himself or herself forth as an architect or registered architect, unless he or she has complied with the provisions of this act and is the holder of a certificate of qualification to practice architecture issued or renewed and registered under the provisions of this act.

* * * *

The legislature probably felt that it would be for the safety of the general public to regulate those who hold themselves out as architects and others who might practice architecture. Such legislation has been universally upheld as a proper exercise of the police power of the State.

The Century Dictionary has defined an architect as "a person skilled in the art of building; one who understands architecture or whose profession is to form plans and designs of buildings and superintend the execution of them."

I assume that the persons in question are not exempt from the operation of this act of registration as set forth in section 1334-16.

For the purpose of this opinion I will refer to a passage in the Opinions of the Attorney General for 1934, Vol. II, Page 1064, which reads as follows:

"The last paragraph of Section 1334-5, General Code, supra, provides that, 'no other person (other than a registered architect) shall use any abbreviations, or any words, letters or figures, to indicate or imply that he or she is an architect or registered architect.' The conclusion seems irresistible that when a person uses the title 'Architectural Engineer,' the use of the adjectival form of the word 'architecture' is prohibited by this section unless the party using such term is a registered architect. Although the term 'Architect' was not defined in the Architectural Law the legislators protected the title 'Architect' in all its various forms, knowing that such protection was vital to the administration of the Architectural Registration Law. It is certain that an unregistered architect could not use the terms 'Architectural Designer' or 'Architectural Consultant' and it is my opinion that 'Architectural Engineering' is in the same category with these other appellations."

I refer to another opinion of the Attorney General, number 6467 under date of December 3, 1936, which concerned the registration of professional engineers and the advertising of such engineers. This opinion holds that no one but a registered engineer may advertise as being such

an engineer or use any other similar title. The registration and regulation of engineers is analogous to the registration and regulation of architects and same is mentioned here for that purpose.

I am therefore of the opinion that all persons who desire to hold themselves out as architects or as practicing architecture must be certified and registered by your board, and of the further opinion that no person shall assume such title, or use any abbreviation, or any words, letters or figures to indicate or imply that he or she is an architect or registered architect. It logically follows that it is a violation of the law for persons not properly registered as architects to advertise by having their names in the classified advertising section of a telephone or other directory as architects, or otherwise to give an impression of being possessed of the qualifications required of architects or registered architects.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

76.

APPROVAL — CONTRACT FOR ELECTRICAL WORK AT STADIUM, BOWLING GREEN STATE UNIVERSITY, BOWLING GREEN, OHIO, \$525.00—WING ELECTRIC COMPANY, WORTHINGTON, OHIO, CONTRACTOR.

COLUMBUS, OHIO, February 3, 1937.

HON. CARL G. WAHL, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval a contract between the State of Ohio, acting by Carl G. Wahl, Superintendent of Public Works, and the Wing Electric Company of Worthington, Ohio, for electrical work in the Stadium at Bowling Green State University, Bowling Green, Ohio, which contract calls for a total expenditure of five hundred and twenty-five dollars (\$525.00).

You have also submitted other pertinent papers in this connection. Attached to each copy of the contract is a certificate of the availability of funds for the payment of the Bowling Green State University's portion of this contract, which certificates are signed by H. B. Williams, President of the University. The form of proposal, properly executed by the bidder, the contract bond executed by the Aetna Casualty and Surety Company, the authority for the signers of said bond and the certificate