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ENGINEERS AND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL—NO AUTHORITY TO GRANT APPLICANT FOR REGISTRATION MORE THAN FOUR YEARS OF ACTIVE PRACTICE CREDIT BECAUSE OF EDUCATIONAL QUALIFICATIONS.

SYLLABUS:

The State Board of Registration for Professional Engineers and Surveyors does not have authority to grant an applicant for registration more than four years of active practice credit because of educational qualifications.

Columbus, Ohio, March 9, 1949

Mr. Robert N. Waid, Secretary, State Board of Registration for Professional Engineers and Surveyors
Columbus, Ohio

Dear Sir:

This will acknowledge receipt of your request for my opinion, which reads as follows:

“Your opinion is requested regarding a provision of the law governing the registration of professional engineers and surveyors in connection with the following question :

“Does the Registration Board have authority to grant an applicant for registration more than four years of active practice credit because of educational qualifications?

“Section 1083-13, G. C., outlines the required qualifications of applicants for registration and the manner in which they may be granted a license by the Board. Sub-paragraph 1 (a) or (b) and 2 (a) or (b) state that graduation from a course in engineering of four years *or more* * * * ; and a specific record of *an additional four years or more* of active practice in engineering work * * * , plus passing the prescribed written or written and oral examination, shall be considered as satisfactory evidence that the applicant is qualified for registration.

“A subsequent paragraph of the same section reads as follows :

‘The satisfactory completion of *each year* of an approved course in engineering in a school or college approved by the board as of satisfactory standing, *without graduation*, shall be considered as equivalent to a year of active practice. Graduation in a course other than engineering from a college or university of recognized standing shall be considered as equivalent to two years of active practice; provided, however, that *no applicant shall receive credit for more than four years of active practice because of educational qualifications.*’

“These related provisions have led the Board to conclude that the legislature meant to require a *minimum* of four years of *active practice*. Therefore, it set a *maximum* of four years of credit *because of educational qualifications*. The two combined periods thus comprise the required eight years of training and active practice necessary to qualify an applicant for the written examination and for subsequent registration, providing he successfully passed the examination. The Board has operated to date in accordance with its interpretation of the intent of the law as set forth above. The law, as it pertains to this feature, has not been changed in recent years.

“Since the end of the war, various students are pursuing engineering courses considerably beyond the minimum of four years required for a degree. Also, certain universities have broadened their required curricula for an engineering degree, to five years of undergraduate work from those now enrolling as freshmen. Regardless of the additional time beyond four years which they may spend in academic pursuits, there is a general desire among students, that they be declared eligible for exami-

nation and registration at the end of eight years of elapsed time, including the required years of active practice.

“The question then, as set forth in the second paragraph of this letter, is whether the Board is limited to a maximum of four years of active practice credit which it may allow an applicant because of educational qualifications, even though there has been a shift toward a longer period of academic work among engineering students.

“We have not raised a question relative to qualifications for the first stage of the examination and the granting of certificates to engineers in training, as the proper procedure in their case will naturally follow as a result of your ruling with regard to applicants for final registration.

“Your opinion with reference to the above will be appreciated.”

The applicable section of the General Code, is Section 1083-13, and unless otherwise noted all quotations herein shall be from said section.

“The following shall be considered as minimum evidence satisfactory to the board, that the applicant is qualified for registration as a professional engineer or surveyor.”

The section then proceeds to develop two methods of acquiring the necessary “minimum evidence satisfactory to the board, that the applicant is qualified for registration as a professional engineer,” one, by education and active practice:

“1a. Graduation from an approved course in engineering of *four years or more* in a school or college approved by the board as of satisfactory standing; and a *specific record of an additional four years* or more of active practice in engineering work. * * *”
(Emphasis mine.)

the other, by active practice alone:

“1b. Successfully passing a written or written and oral examination in engineering presented by the board; and designed to show knowledge and skill approximating that attained through graduation from an approved four year engineering course; and a *specific record of eight years or more of active practice* in engineering work. * * *”
(Emphasis mine.)

The manner of amassing the necessary “minimum evidence satisfactory to the board, that the applicant is qualified for registration as a surveyor,”

is also described in this section, and the methods are comparable to those above made applicable to professional engineers.

Section 1083-13 has provided that in the case of an applicant seeking registration by meeting the requirements of Section 1b above, he shall be given active practice credit for certain educational qualifications which he may possess but which are not sufficient to fall within Section 1a above. These credits are determined in the following manner:

“The satisfactory completion of each *year* of an *approved course in engineering* in a school or college approved by the board as of satisfactory standing, without graduation, *shall be* considered as *equivalent to a year* of active practice. *Graduation in a course other than engineering* from a college or university of recognized standing *shall be* considered as *equivalent to two years* of active practice.”
(Emphasis mine.)

However, even though this privilege has been extended by the legislature, they apparently felt that a safeguard should be placed within the section so as to prevent the accumulation of credits sufficient to meet the “minimum evidence satisfactory to the board,” so that the applicant might be admitted to registration without active practice of any nature. This limitation:

“* * * provided, however, that *no applicant shall receive credit for more than four years of active practice because of educational qualifications.*”
(Emphasis mine.)

is a mandate of the legislature, which must be followed by the board, and which clearly says that no applicant shall receive credit for more than four years of active practice because of educational qualifications.

I am therefore of the opinion that the State Board of Registration for Professional Engineers and Surveyors does not have authority to grant an applicant for registration more than four years of active practice credit because of educational qualifications.

Respectfully,

HERBERT S. DUFFY,
Attorney General.