

962.

STATE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS MAY RECOGNIZE BRANCH AS NEW PROFESSION, WHEN.

SYLLABUS:

By virtue of the authority of Section 1083-16, General Code, the State Board of Professional Engineers and Surveyors, may designate "Architectural Engineering" as a recognized branch of professional engineering, and may register properly qualified applicants as "Architectural Engineers."

COLUMBUS, OHIO, August 3, 1937.

HON. PERRY G. FORD, *Secretary, State Board of Registration for Professional Engineers and Surveyors, Columbus, Ohio.*

DEAR SIR: I have your letter of recent date requesting my opinion on the following:

"In response to a request by the Dayton Society of Professional Engineers, the State Board of Registration for Professional Engineers respectfully request an opinion from the Attorney General's Department as to whether or not the State Board of Registration can register engineers in the branch of Architectural Engineering.

It is the firm conviction of the Board that they do have this right and in support of their contention, we respectfully refer you to Amended Section 1083-13, General Code, which amendment was made after a former opinion of the Attorney General on this subject.

At the time the former opinion was rendered, our Board had just come into existence and was not in a position to take a position on the matter, but since that time all engineers, having graduated in the branch of 'Architectural Engineer' from the various universities throughout the nation, contend that they are being unjustly discriminated against, because our Board does not grant them in their true classification.

Therefore, our Board respectfully request an opinion from your department in order to clarify this matter."

This exact question was considered in an opinion rendered by my predecessor to be found in Opinions of the Attorney General for 1934,

Vol. II, page 1061. The syllabus of this opinion reads as follows:

“By virtue of Section 1334-5, General Code, which is a part of the Act creating the State Board of Examiners of Architects, the State Board of Registration for Professional Engineers and Surveyors should not accept registrations under the classification of ‘Architectural Engineers.’”

The foregoing opinion was predicated upon a construction of Section 1334-5, General Code, which prohibits anyone other than a registered architect from using any words, letters or figures to indicate or imply that he or she is a registered architect. At the rendition date of this opinion, July 17, 1934, we must assume that the prohibition against allowing the Board of Professional Engineers to register applicants under the title of “architectural engineer” was a correct interpretation of the law as it existed at that time.

However, Section 1083-16, General Code, was amended as part of Amended Senate Bill No. 174, passed on May 1, 1935 and approved May 14, 1935. The amended portion of Section 1083-16, *supra*, reads as follows:

“The board shall be authorized to designate the various recognized branches of professional engineering and to classify the applicant in the branch or branches for which he is qualified to register.”

The intention of the legislature as expressed in the foregoing amended section is so perfectly clear as to preclude the necessity for any construction. The legislature simply and plainly recognized the right of the members of the engineering profession to hold themselves out to the public as being qualified in a recognized branch or branches of engineering.

Architectural engineering has been recognized as a separate and distinct field of that profession for some years. Ohio State University confers the degree of “Architectural Engineer” as one of the degrees in the College of Engineering. Approximately twenty other Colleges of Engineering in leading American Universities also confer this degree. The United States Government recognizes this particular branch of engineering in that it conducts Civil Service examinations for the position of “Architectural Engineer”.

In view of the fact that architectural engineering is a recognized branch of the engineering profession, and since the plain intention of the amendment of Section 1083-16, General Code, is to vest in the

Board of Professional Engineers and Surveyors the power to classify and register engineers in specialized branches, it is my opinion that the 1934 opinion of my predecessor on this subject is no longer declarative of the law, and your board may register applicants as "Architectural Engineers" when their qualifications so justify.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

963.

APPROVAL—BONDS OF CITY OF CLEVELAND, CUYAHOGA COUNTY, OHIO, \$5,000.00.

COLUMBUS, OHIO, August 3, 1937.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN :

RE: Bonds of City of Cleveland, Cuyahoga County,
Ohio, \$5,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated June 1, 1920. The transcript relative to this issue was approved by this office in an opinion rendered to the Teachers Retirement System under date of September 11, 1934, being Opinion No. 3189.

It is accordingly my opinion that these bonds constitute a valid and legal obligation of said city.

Respectfully,

HERBERT S. DUFFY,

Attorney General.