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Mr. C. W. Dryden, Secretary
State Board of Technical Registration
3550 North Central Avenue
Phoenix, Arizona

Dear Mr. Dryden:

Mr. Pickrell has asked that I prepare the opinion requested by your letter of July 11, 1961.

It is my understanding from your letter that:

A resident of another state became registered to practice architecture in the State of Arizona; he is the sole owner of a firm with an Arizona office, only his name appears in the firm title; a non-registrant is in charge of the said Arizona office; and the title "Architects....Engineers" appears on the door of the registrant's office and his stationery. Based upon these facts, we have answered the following questions which you propounded:

1. Would the use of the term "Architects.... Engineers" be deemed to be offering to practice engineering in accordance with Section 32-010, Section 7 of the State Code?

Answer: Yes

2. Could the title "Architects....Engineers" be used on his door, stationery and other advertising if he employed an engineer, not a principal of the firm, registered in this State?

Answer: No.

3. Would periodical checking at his office satisfy the requirements in 32-141 that the "work is under the full authority and responsible charge of a registrant?"

Answer: See Opinion

4. Could an office manager, a non-registrant, supervise the architectural work in his absence?

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Answer: No.

Concerning Question 1, the Arizona Revised Statutes read as follows:

"§32-101. Definitions.

In this chapter, unless the context otherwise requires:

* * * * *

7. * * * A person shall be deemed to be practicing or offering to practice engineering if he practices any branch of the profession of engineering, or by verbal claim, sign, advertisement, letterhead, card or any other manner represents himself to be a professional engineer, or holds himself out as able to perform or does perform any engineering service or other service or recognized by educational authorities as engineering. * * * (Emphasis supplied)

Question No. 1 must be answered in the affirmative.

The statutes which concern Question 2 are:

"§32-141. Firm or corporate practice

No firm or corporation shall engage in the practice of architecture, assaying, geology, engineering or land surveying unless the work is under the full authority and responsible charge of a registrant, who is also a principal of the firm or officer of the corporation. The name of said registrant shall appear whensoever the firm name is used in the professional practice of the firm or corporation. As amended Laws 1956, Ch. 161, §12."

"§32-144. Exemptions and Limitations

Architecture, engineering, geology, assaying or land surveying may be practiced without compliance with the requirements of this chapter by:

* * * * *

3. An employee of a registrant or of a person exempt from registration, if such employment does not involve direct responsibility for design, inspection or supervision.

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Although the following meaning is not precisely enunciated, a normal construction of Section 32-141 would prohibit a firm, the principal and only officer of which is an architect, assayer, geologist, engineer or land surveyor, from practicing in any other field than that in which the principal officer is registered; for example, a firm, the principal of which is an architect could not practice assaying or land surveying. The section also prohibits a firm from practicing in a field in which a principal and name member of the firm is not registered. Thus, a firm whose name is that of its only principal, but which employs a registered engineer cannot practice in the field of engineering, since the architect cannot practice engineering and the engineer cannot practice engineering since he is an employee and not a principal and name member of the firm.

Question 2 must then be answered in the negative.

The statutes which concern Question 3 are:

"§32-121. Certificate required for practice of architecture, assaying, engineering, geology or land surveying.

A person desiring to practice the profession of architecture, assaying, engineering, geology, or land surveying shall first secure a certificate of registration and shall comply with the conditions prescribed in this chapter. As amended Laws 1956, Ch. 161, §4."

"§32-141. Firm or corporate practice.

No firm or corporation shall engage in the practice of architecture, assaying, geology, engineering or land surveying unless the work is under the full authority and responsible charge of a registrant, who is also a principal of the firm or officer of the corporation. The name of said registrant shall appear whensoever the firm name is used in the professional practice of the firm or corporation. As amended Laws 1956, Ch. 161, §12."

Question 3 is not a question of law but is one of fact and as such must be answered or decided by the State Board or a Court, etc. upon an examination of the evidence in the case. In other words, the frequency with which the principal visited his office and the amount of time spent in his office during each visit would probably be determinative of facts concerning the issue; for example, a principal visiting his office once a month for a period of a few hours might not exercise full au-

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thority and responsibility over the work carried on, whereas a principal visiting his office several times a week and spending full work days in his office no doubt would exercise full authority and responsibility. It is simply a question which the Board or Court must decide upon examining the evidence.

As to Question 4, see A.R.S §32-121 and A.R.S. §32-141 quoted above. Based upon these sections, the question must be answered in the negative.

Hoping this letter will be of assistance to you, I am,

Very truly yours,

Robert W. Pickrell
The Attorney General

Morris Rozar
Assistant Attorney General

MR:c