

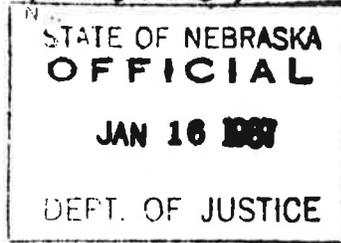
DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

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87007

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Attorney General
A. EUGENE CRUMP
Deputy Attorney General



DATE: January 12, 1987

SUBJECT: Public Use of Terms Associated With the Regulation Procedure by Nonlicensed Individuals

REQUESTED BY: Arthur Duerschner, Executive Director, State Board of Examiners for Professional Engineers and Architects

WRITTEN BY: Robert M. Spire, Attorney General; Linda L. Willard, Assistant Attorney General

You have asked whether the state has the authority to restrict the use of terms such as "engineer," "architect," "engineering" or "architecture," and "professional engineer" or "professional architect" especially when the terms are used to describe the offering of services to the public by individuals who have not established their qualifications with the State Board of Examiners for Professional Engineers and Architects. Our answer to your question is that the state does have the authority to restrict the use of those terms.

Neb.Rev.Stat. §81-839 (Reissue 1981) states in relevant part: "It shall be unlawful for any person to practice or to offer to practice the profession of engineering or architecture in this state, unless such person has been duly registered, or is exempted under the provisions of section 81-853." It would appear that anyone who would advertise in a telephone directory or other directory under the heading of engineer or architect is offering to practice the profession of architecture and unless said person was registered pursuant to Neb.Rev.Stat. §81-847 (Reissue 1981) that individual would be in violation of the law.

Neb.Rev.Stat. §81-854 (Reissue 1981) provides: "A firm, copartnership, corporation or joint stock association may engage in the practice of professional engineering or architecture in this state, provided such practice is carried on by persons registered under sections 81-839 to 81-856." It is therefore apparent that any group or partnership willingly listing their services under the heading of engineering or architectural

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services in a public directory may only engage in said practice if the individuals involved are engineers or architects registered pursuant to Neb.Rev.Stat. §81-839 et. seq. (Reissue 1981).

Neb.Rev.Stat. §81-852 (1986 Cum. Supp.) provides for the penalties for anyone who shall practice or offer to practice the profession of engineering or architecture without being registered or exempted in accordance with the statutes. This statute provides that such individual or individuals "shall be deemed guilty of a Class III misdemeanor."

Therefore, anyone who is not a properly registered engineer or architect or who is not exempt under the statutes and who willingly places his name in a public directory of any sort offering services as an engineer or architect, either as an individual or as part of a firm or corporation, would be in violation of the statutes relating to registered engineers and architects and would be subject to the penalties of §81-852 (1986 Cum. Supp.).

Sincerely,

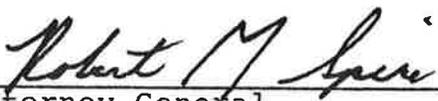
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