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Honorable Regina A. Dinger  
Executive Director  
Board of Licensure for Professional  
Engineers and Land Surveyors  
Post Office Box 304451  
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Architects – Engineers – Architects  
Board – Engineers and Land  
Surveyors Board

Licensed professional engineers  
may perform architectural services  
incidental to their engineering  
practice, and registered architects  
may perform engineering services  
incidental to their architectural  
practice.

Dear Mrs. Dinger:

This opinion of the Attorney General is issued in response to your request on behalf of the Board of Licensure for Professional Engineers and Land Surveyors.

QUESTION

May a professional engineer perform architecture incidental to the practice of engineering, and may an architect perform engineering incidental to the practice of architecture?

FACTS AND ANALYSIS

In Opinion No. 2002-63, this Office opined that the addition of interior walls to a portion of an existing building constitutes an alteration

of a building and requires the services of a registered architect. Opinion to Honorable Don McClellan, Mayor, City of Alexander City, dated November 16, 2001, A.G. No. 2002-063. In issuing Opinion No. 2002-063, this Office failed to cite section 34-2-32(d) of the Code of Alabama, which reads as follows:

(d) Nothing in this chapter shall prevent registered professional engineers or their employees or subordinates under their supervision or control from performing architectural services incidental to their engineering practice. Nothing in this chapter shall prevent registered architects or their employees or subordinates under their supervising control from performing engineering services incidental to their architectural practice.

ALA. CODE § 34-2-32(d) (1997).

The Supreme Court of Alabama, in *State Board for Registration of Architects v. Jones*, held:

If the planning and design of a building and the furnishing of supervision of its construction are functions which are encompassed solely within the practice of architecture, then professional engineers are prohibited from engaging in such functions unless incidental to their engineering practice. But paradoxically, the practice of professional engineering expressly includes the planning and design of buildings and the supervision of their construction. Thus, the apparent conflict can only be resolved by concluding that the statutes mean a registered architect can plan and design and supervise construction of a building as the practice of architecture and a registered professional engineer can plan and design and supervise construction of a building as a professional engineer. Of course, the professional engineer cannot represent himself as being an architect nor can the architect

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represent himself as being a professional engineer.

*State, By and Through the State Board of Registration for Architects v. Jones*, 289 Ala. 353, 267 So. 2d 427 (1972).

#### CONCLUSION

Based on the incidental practice clause in section 34-2-32(d) of the Code of Alabama, and the decision of the Supreme Court of Alabama in *State Board for Registration of Architects v. Jones*, 289 Ala. 353, 267 So. 2d (1972), licensed professional engineers may perform architectural services incidental to their engineering practice, and registered architects may practice engineering services incidental to their architectural practice.

Opinion No. 2002-63 is hereby modified to state that either a registered architect or a licensed engineer may add interior walls to a portion of an existing building.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Carol Jean Smith of my staff.

Sincerely,

BILL PRYOR  
Attorney General

By:



CAROL JEAN SMITH  
Chief, Opinions Division

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