

JUNE 24, 1955.

NEW JERSEY STATE BOARD OF ARCHITECTS,  
 1060 Broad Street,  
 Newark, New Jersey.  
 and  
*State Board of Professional Engineers,  
 and Land Surveyors,*  
 921 Bergen Avenue,  
 Jersey City, New Jersey.

## RE: FORMAL OPINION—1955. No. 25.

GENTLEMEN:

We have had several inquiries for our opinion as to whether a municipal building inspector or a State official to whom plans and specifications for a building are presented for filing, as required by an applicable ordinance or law, may refuse to accept them for filing even though the seal of a licensed architect or licensed engineer is affixed thereto, if he believes that the work shown on the plans indicates that the preparation thereof constituted illegal practice of architecture by an engineer, or, alternatively, illegal practice of engineering by an architect.

The question posed must be answered in the negative in view of the provisions of Chapters 293 and 294 of the Laws of 1948, which amended R. S. 52:32—3 and R. S. 40:55—52 respectively.

R. S. 52:32—3, as amended, provides:

“No department in the State created for the purpose of filing plans and specifications for buildings under the several laws shall receive or file any plans or specifications unless the same bear the seal of a licensed professional engineer or a licensed architect of the State, or in lieu thereof an affidavit sworn to by the person who drew or prepared the same.”

R. S. 40:55—52, as amended, provides:

“No department in a municipality, created for the purpose of filing plans and specifications for buildings, shall receive or file any plans or specifications unless they bear the seal of a licensed professional engineer or a licensed architect of the State of New Jersey, or in lieu thereof an affidavit sworn to by the person who drew or prepared them.”

Where the plans and specifications offered for filing bear the seal of either a licensed architect or a licensed engineer of this State, they meet the requirements of the quoted statutes. The municipal building inspector or the State official to whom the plans are submitted for filing must so recognize them. It is not his function to determine whether plans which bear the seal of a licensed engineer indicate that there has been a violation of R. S. 45:3—10 prohibiting the unlicensed practice of architecture, nor whether plans which bear the seal of a licensed architect indicate that there has been a violation of R. S. 45:8—27 and 28 as amended, prohibiting the unlicensed practice of engineering.

Prosecution for violation of R. S. 45:3—10 and R. S. 45:8—27 and 28 is committed by law to other tribunals; not to a municipal building inspector nor a State official to whom plans are submitted for filing.

Very truly yours,  
 GROVER C. RICHMAN, JR.,  
*Attorney General.*  
 By: ANDREW A. SALVEST,  
*Deputy Attorney General.*