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Therefore, it would be a violation of the Constitution to allow revenues realized from the lease or rental of surplus State owned property to be diverted to any private use. *Cf. In re Voorhees*, 123 N.J. Eq. 142 (Prerog. Ct. 1938), aff'd 121 N.J.L. 594 (Sup. Ct. 1939), aff'd 124 N.J.L. 35 (E. & A. 1940); *Wilentz v. Hendrikson*, 133 N.J. Eq. 447 (Chan. 1943), aff'd 135 N.J. Eq. 244 (E. & A. 1944). N.J.S.A. 52:18A-8 requires that all state revenues collected by any official, agency or department must be paid into the general treasury for deposit to the credit of the State of New Jersey. The statute authorizing the Director of the Division of Purchase and Property to sell surplus personal property also expressly requires the Director to "pay the proceeds arising from such disposition into the general fund of the State." N.J.S.A. 52:27B-67. Since the placement of vending machines involves the use of State property, no other group or individual may receive the revenue therefrom and no gift of such revenues may be made by the State for private purposes. Of course it may benefit state personnel to afford them the convenience of access to such vending machines.

Accordingly, it is our opinion that, unless otherwise expressly authorized by statute, the authority and responsibility for leasing space in state buildings for vending machine purposes is vested solely in the Director of the Division of Purchase and Property, and all revenues derived therefrom must be paid into the general treasury pursuant to N.J.S.A. 52:18A-8.

Very truly yours,
ARTHUR J. SILLS
Attorney General

By: ROBERT L. SOLAN
Deputy Attorney General

February 6, 1964

MR. ALVIN E. GERSHEN, *President*
Board of Professional Planners
1100 Raymond Boulevard
Newark 2, New Jersey

MEMORANDUM OPINION — NO. 2

Dear Mr. Gershen:

You have asked whether a licensed professional engineer, land surveyor, or registered architect of New Jersey who applies for a license as a professional planner must comply with all of the formal requirements of the law regarding the practice of professional planning, including the submission of references and educational qualifications and taking an examination.

For the reasons hereinafter stated, it is our opinion that duly licensed professional engineer, land surveyor or registered architect need not meet the formal statutory requirements and qualifications imposed upon other applicants for a license as a professional planner.

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By L. 1962, c. 109, N.J.S.A. 45:14A-1 *et seq.*, the legislature has regulated the practice of professional planning in New Jersey and has prohibited the use of the title of "professional planner" except by persons licensed under that Act. Professional planning is defined as doing work in the development of master plans and other related work in guiding governmental policies for the "development of municipal, county, regional, and metropolitan land areas and the State or portions thereof." The law is administered by the State Board of Professional Planners (N.J.S.A. 45:14A-5) in the Division of Professional Boards of the Department of Law and Public Safety (N.J.S.A. 45:14A-4).

Applicants for a license as a professional planner are divided by the statute into three categories, namely, (1) persons who have been licensed by another state as professional planners, (2) persons who are professional engineers, land surveyors or architects licensed by the State of New Jersey and (3) all other applicants.

Section 8 of the Act (N.J.S.A. 45:14A-8) provides that applications for licenses as professional planners shall be on forms prescribed by the Board and shall contain statements showing the applicant's education, planning experience and certain references as defined by statute. Section 9 of the Act (N.J.S.A. 45:14A-9) provides detailed qualifications to be considered "as minimum evidence satisfactory to the board that an applicant is qualified for license as a professional planner." An applicant under this section must meet certain minimal educational and experience requirements and must pass an examination in specified subjects.

Section 11 of the Act (N.J.S.A. 45:14A-11) provides that examinations are to be given at least once a year. The same section goes on to provide for the licensing in New Jersey of professional planners who have been licensed by another state. This section provides:

"The board, upon application therefor on its prescribed form and the payment of the application and license fees fixed by this act, may issue a certificate of license as a professional planner without written examination to any person holding a certificate of license as a professional planner issued to him by any State, when the applicant's qualifications meet the requirements of this act and the rules established by the board."

It is noted that persons who are licensed by another state need not take a written examination, but must make application for a New Jersey license on a form prescribed by the Board and must meet the qualifications set forth by the statute and the rules established by the Board. Following the above quoted provisions for licensing of out-of-state professional planners, the following provision also appears in Section 11 of the Act (N.J.S.A. 45:14A-11):

"The board upon application therefor and the payment of the application and license fees fixed by this act shall issue a certificate of license as a professional planner to any duly licensed professional engineer, licensed land surveyor or registered architect of New Jersey."

Thereafter, Section 11 provides that "Any applicant who has passed the examination and has otherwise qualified hereunder as a professional planner, upon payment of the license fee fixed by this act, shall have a certificate of license issued to him

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as a professional planner, signed by the president and secretary-director of the board under the seal of the board."

Obviously this last provision in Section 11 applies only to those persons who are required to take the examination. It is significant that in dealing with persons licensed as professional planners by another state the legislature expressly provided that no written examination is required, but continued to provide that the board should ascertain whether the applicant's qualifications meet all of the requirements of the Act. But when dealing with persons who are professional engineers, licensed land surveyors and registered architects of New Jersey, the legislature did not provide that the Board should ascertain whether these applicants have the educational experience and other qualifications mentioned in the Act. The statute does not require these applicants to take the written examination; nor does it exempt them from doing so. The statute is silent in this regard.

The clear language of the statute provides for the issuance of a license as a professional planner to persons who are duly licensed in New Jersey as professional engineers, land surveyors or registered architects simply "upon application therefor ***."

It is clear that the legislature intended special treatment for persons who are licensed in New Jersey as professional engineers, land surveyors and registered architects. Without being licensed as a professional planner, the act expressly recognizes the right of persons who are licensed in New Jersey as professional engineers, land surveyors or registered architects to perform professional planning services, provided that such persons do not hold themselves out as professional planners. N.J.S.A. 45:14A-3. It is significant also that although professional engineers, land surveyors and architects may do planning work, the Act provides that the work of a professional planner "shall not include or supersede any of the duties of *** a licensed professional engineer, land surveyor or registered architect of the State of New Jersey." N.J.S.A. 45:14A-2(c).

The statute further distinguishes, in a less significant way, between professional engineers, land surveyors and architects and other persons who apply for a license as a professional planner. The provision that deals with professional planners who are licensed by another state requires that the application for a license in New Jersey be made on the "prescribed form" of the Board. N.J.S.A. 45:14A-11. Applications by other persons must also be "on forms prescribed and furnished by the Board ***." N.J.S.A. 45:14A-8. But the provision dealing with professional engineers, licensed land surveyors or registered architects of New Jersey simply states that "upon application therefor and the payment of the application and license fees", the Board "shall issue a certificate of license" to such persons. N.J.S.A. 45:14A-11. No mention here is made of the requirement that the application be on forms "prescribed" or "furnished" by the Board.

From the foregoing, it is our conclusion that the legislature intended that persons who have been licensed by the State of New Jersey as professional engineers, land surveyors and architects may be licensed as professional planners merely upon application made and the payment of the application and license fees provided by the Act. It is not necessary that such persons establish that they meet the qualifications of a professional planner as set forth in the Act; nor need they take the written examination. As indicated above, the Act expressly provides that it shall not be construed as to prohibit any licensed professional engineer, land surveyor or registered architect in the State of New Jersey from engaging or performing any or all services re-

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ferred to as professional planning. But in order to hold themselves out as professional planners, as well as professional engineers, land surveyors or architects, such persons must apply for and become separately licensed as professional planners.

Very truly yours,

ARTHUR J. SILLS

Attorney General

By: NICHOLAS SAROS

Deputy Attorney General

March 24, 1964

COLONEL DOMINIC R. CAPELLO

Superintendent

Division of State Police

West Trenton, New Jersey

MEMORANDUM OPINION—NO. 3

Dear Colonel Capello:

You have asked whether experience gained as an investigator in the Office of Special Investigations (OSI) of the United States Air Force satisfies the experience requirement of the Private Detective Act of 1939. N.J.S.A. 45:19-8 *et seq.* The pertinent section of the act provides in part:

“No license shall be issued to a person under the age of twenty-five years, nor to any person, firm, association or corporation unless such person or at least one member of the firm and one officer or director of the association or corporation has had at least five years’ experience as an investigator or as a police officer with an organized police department of the State or a county or municipality thereof, or with an investigative agency of the United States of America or any State, county or municipality thereof.”

For reasons expressed below, the Office of Special Investigations is construed to be “an investigative agency of the United States of America,” within the meaning of the act, and an applicant may be licensed if he has actually engaged in the law enforcement investigative activities of this agency for the statutory period.

There can be little question that the Office of Special Investigations is a component part of an agency of the United States. Cf. *United States of America vs. Steiner Plastics Manufacturing Company*, 231 Fed. 2d 149, 152 (2nd Cir. 1956). But the basic inquiry must be whether that agency is within the intent and purpose of the statutory modifier, “investigative”. In making such an inquiry: