

STATE OF KANSAS

## Office of the Attorney General

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**Curt T. Schneider**  
Attorney General

August 22, 1977

ATTORNEY GENERAL OPINION NO. 77- 274

Mrs. Charlotte Olander  
Executive Secretary  
Kansas Board of Technical Professions  
Topeka, Kansas 66603

RE: Engineers - Professional Engineers' License Act -  
Corporations

Synopsis: The second paragraph of K.S.A. 1976 Supp. 26a-102(c), prohibits the use of the words "engineering services" in the corporate name of a Kansas corporation, because the corporation is not, and cannot be, a licensed professional engineer.

Dear Mrs. Olander:

You inquire concerning the use of the word "engineering" in a corporate name, and incorporation for the purpose of performing engineering services.

K.S.A. 1976 Supp. 26a-102(c) provides thus: "(a) person shall be construed to practice or offer to practice engineering...who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself or herself to be an engineer, or through the use of some other title implies that he or she is an engineer or that he or she is registered under this act; or who holds himself or herself out as able to perform, or who does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering".

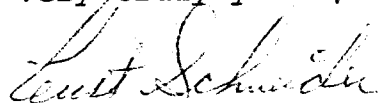
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The use in a corporate name of the term "engineering services" appears to constitute a holding out by the corporation of itself as an engineer. Since corporations are persons in a legal sense, this holding out by the corporation falls within the statutory language quoted above, and constitutes a violation of K.S.A. 1976 Supp. 26a-121, which requires that anyone practicing or offering to practice engineering be a licensed professional engineer. Corporations are not licensed as engineers in Kansas; only individuals may become licensed professional engineers. Thus, use of the term "engineering services" in a corporate name represents the corporation as an engineer, when in fact the corporation is not, and cannot be, a licensed professional engineer under Kansas law. I conclude that this use of the term "engineering services" in the name of a corporation violates K.S.A. 1976 Supp. 26a-121.

However, the incorporation of a business to provide engineering services does not involve the same sort of violation. The corporate purpose given in the articles of incorporation, although a matter of public record, is not generally known to the public. Furthermore, there is nothing illegal about forming a corporation to provide engineering services, so long as those services actually are performed by licensed professional engineers. Preparatory work of an administrative rather than an engineering nature could be performed by a layman.

Thus, I conclude that the wrongful act in this situation, one which the engineer licensing laws were enacted to prevent, is the holding out of the corporation as an engineer. Article IV of the articles of incorporation, describing the nature of the business which the corporation proposed to conduct, does not expressly state that it is organized to provide engineering services. However, K.S.A. 1976 Supp. 26a-102(c) provides that a person "shall be construed to practice or offer to practice engineering...who holds himself...out as able to perform...any engineering service or work...". That, of course, is the precise signification of the corporate name. Thus, use of that name constitutes a holding out as able to perform engineering services, a privilege which is reserved only to persons who are licensed engineers under the Act. Use of the corporate name, regardless of the nature of the services it provides, is thus not permitted.

Very truly yours,



CURT T. SCHNEIDER  
Attorney General

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