

Opinion No. 49-5241

August 18, 1949

BY: JOE L. MARTINEZ, Attorney General

TO: W. C. Kruger, Secretary N.M. Board of Examiners for Architects P.O. Box 308
Santa Fe, New Mexico

{*80} I have your letter of August 16, 1949, asking whether or not it is illegal for unregistered architects to use the terms "architect" and "architectural designer."

§ 51-1409 of the 1941 Compilation prohibits the practice of architecture by unregistered architects and defines the practice of architecture as follows:

"A person shall be construed to practice, or offer to practice, architecture, who, by verbal claim, sign, advertisement, letterhead, card or in any other way, **represents himself to be an architect, with or without qualifying adjectives, or through the use of some other title implies that he is an architect.**"

It clearly appears from the underlined portion of the above quoted section that an individual or firm not registered in this state is prohibited from using the term "architect" in any manner which would indicate that the person in question is representing himself to be an architect. The term "architectural designer" is not so clearly prohibited. If, through the use of the term, an implication arises that the person using it is an architect, it is prohibited. If, on the other hand, the term has a separate significance in the practice of architecture and does not carry the same connotation as "architect", it would not be prohibited. The precise definition of the term "architectural designer" {*81} would be far better known to you as a member of the board of examiners for architects, than to me.