

## Opinion No. 54-6026

October 19, 1954

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Mr. John R. Erickson Secretary New Mexico Board of Registration for Professional Engineers and Land Surveyors Santa Fe, New Mexico

{\*491} In your recent letter, you request the opinion of this office upon the following questions:

1. May your Board issue a license based upon the skill and knowledge obtained by an applicant through long experience, as evidenced by a detailed written engineering report on one or more specific projects carried out by such an applicant?
2. Must your Board give only academic type examinations?
3. Can, or should, former applicants who have been licensed be recalled for the purpose of taking written examinations?

As you point out in your letter, the requirements of our statutes upon the subject of examinations administered by your Board are quite specific.

Section 51-2413, N.M.S.A., 1941, provides:

"The following shall be considered as **minimum evidence satisfactory** to the board that the applicant is qualified for registration as a professional engineer, or land surveyor, respectively, to-wit:

(1) As a professional engineer: "a. Graduation from an approved course in engineering of four (4) years or more in a school or college approved by the board as of satisfactory standing; and a specific record of an additional four (4) years or more of active practice in engineering work of a character satisfactory to the board, and indicating that the applicant is competent to be placed in responsible charge of such work; or

"b. Successfully passing a written, or written and oral, examination **designated to show knowledge and skill approximating that attained through graduation from an approved four (4) year engineering course**; and a specific record of eight (8) years or more of active practice in engineering work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work.

(2) As a Land surveyor:

"a. Graduation from an approved course in surveying in a school or college approved by the board as of satisfactory standing; and an additional two (2) years or more of active practice in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to be placed in responsible charge of such work; or

"b. Successfully passing a written, or written and oral examination in surveying **prescribed by the board**; and a specific record of six (6) years or more of active practice in land surveying work of a character satisfactory to the board indicating that the applicant is competent to be placed in responsible charge of such work." (Emphasis ours)

It will be noted that the examination required by the statute for one who seeks to obtain a license as a {\*492} professional engineer is one ". . . . designated to show knowledge and skill approximating that obtained through graduation from an approved four (4) year engineering course . . .".

It is our opinion that it was the intention of the legislature in prescribing such an examination that applicants for professional engineers' licenses should be examined on such academic subjects as would be taught in a four year engineering course. It is apparent also that the legislature intended for such licenses to be granted to such applicants only after written or written and oral "examinations." It is our opinion that a written "report", not obtained as an examination, would not suffice as an "examination."

The requirement of the statute with regard to the examination for land surveyor is somewhat different from that for professional engineer, in that the examination provided for is one ". . . prescribed by the board." We believe that the board has greater discretion with regard to the content of the examination for the license for land surveyor, and that the board may elect to base such examination upon practical questions, as distinguished from strictly academic questions. The requirement is specific, however, in calling for a written or written and oral examination for the license for land surveyor; and here again it is our opinion that a written report will not suffice for such an examination.

With regard to your third question, it is our opinion that licenses that you have already issued are in all respects valid unless and until they are revoked, and that the board has no power to require any additional examination of a holder of such a license, the statutes conferring no such power upon the board. Nor is it a ground for revocation of a license already issued that the board erred in administering its examination to the holder of such a license, since only two grounds are provided by statute for revocation, in § 51-2421, N.M.S.A., 1941:

"(a). The practice of any fraud or deceit in obtaining a certificate of registration;

"(b). Any gross negligence, incompetency, or misconduct in the practice of professional engineering or land surveying as a registered professional engineer or land surveyor."

Trusting that the foregoing will answer your questions satisfactorily, I am,

By: Henry A. Kiker, Jr.

Assist. Attorney General