

But since there is no present statute granting to veterans of World War I the right to attend these institutions on a tuition-free basis, Chapter 254 of the Acts of 1943 could not be construed as granting such a right to a veteran of World War II. Therefore, it is my opinion that a veteran of World War II does not have the right to tuition-free instruction in Indiana University, Purdue University, Indiana State Teachers' College and Ball State Teachers' College.

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OFFICIAL OPINION NO. 9

February 19, 1945.

Hon. Warren D. Miller, Chairman  
 Indiana State Board of Registration  
 for Architects,  
 State House,  
 Indianapolis 4, Indiana.

Dear Mr. Miller:

I have your request of January 23rd, 1945, for an official opinion on the question as to whether or not an architect duly licensed by the state of Indiana, who has for years maintained, and still maintains, in this state, an established office, but who at the present time is a member of the armed forces stationed in the state of Texas, may continue to operate his office under a graduate architect who is not licensed as such by the state of Indiana.

The answer to your question depends upon a consideration of the provisions of each of the following statutes, to-wit: Section 63-106, Burns' R. S. 1933, same being Section 6, Chapter 62, Acts 1929, provides as follows:

*"Any person desiring to engage or continue in the practice of architecture, in this state, shall apply to the board for a certificate of registration authorizing such person so to do, and shall submit evidence to the board that he is qualified to engage or continue in the practice of architecture, in compliance with the requirements of this act. The application for a certificate of registration shall be made on a form which shall be*

prescribed and furnished by the board, shall be verified and shall be accompanied by the prescribed fee.” (Our emphasis.)

Section 63-107, Burns’ 1933, same being Section 7, Chapter 62, Acts 1929, is as follows:

“*Any person* who is twenty-one (21) years of age and of good moral character shall be qualified for an examination for a certificate of registration as a registered architect, provided he shall have graduated from a high school or a secondary school approved by the board, and a school of architecture recognized by the board, or has completed an equivalent course of study, as determined by an examination conducted by the board, and has subsequently thereto completed such courses in mathematics, history, and language, as may be prescribed by the board, and has had at least one (1) year’s experience in the office or offices of a reputable architect or architects.” (Our emphasis.)

Section 63-114, Burns’ 1943 Supplement, same being Section 1, Chapter 217, Acts 1943, in part reads as follows:

“Every registered architect who continues in *active practice* shall, annually, on or before the first day of November, renew his certificate of registration and pay the required renewal fee. \* \* \*.”

Section 63-117, Burns’ R. S. 1933, same being Section 17, Chapter 62, Acts 1929, defines the practice of architecture as follows:

“Any one, or any combination of the following practices by a person shall constitute the practice of architecture, namely: The planning, designing, specifying or *supervision of the erection, enlargement or alteration of any building or buildings*, or of any parts thereof, to be constructed for others. \* \* \*.” (Our emphasis.)

Section 63-118, Burns’ 1943 Supplement, provides as follows:

“Nothing contained in this act shall prevent the draftsmen, students, clerks of works, superintendents and other employees of those lawfully practicing as registered architects, under the provisions of this act, from acting under the *instruction, control or supervision of their employers*, or to prevent the employment of superintendents of the construction, enlargement or alteration of buildings, or any part thereof, or prevent such superintendents from acting under the immediate personal supervision of the registered architect by whom the plans and specifications of any such building, enlargement or alteration were prepared. \* \* \*.” (Our emphasis.)

From an examination of the foregoing sections of the statute it is apparent the license to practice architecture granted by the state of Indiana under such statutes is a personal license. This is true for the statute authorizes the issuance of such licenses “to any person desiring to engage or continue in the practice of architecture.”, and from the fact the personal qualifications and good moral character of such applicant must be established before the issuance of such a license. In 37 Corpus Juris, “Licenses”, Section 106, pp. 244 and 245, the following statement is made:

“Where the privilege conferred upon the licensee is purely personal, it is available and affords protection to him alone, and not to others. \* \* \*.” (Citing cases.)

From the definition of the practice of architecture as defined by Section 63-117, Burns' 1933, *supra*, the practice of architecture includes “the planning, designing, specifying or supervision of the erection, \* \* \* of buildings.”

Sections 63-113, Burns' 1933, same being Section 13, Chapter 62, Acts 1929, provides in part as follows:

“Every registered architect shall have a seal or design authorized by the board, the impression of which shall contain the name of the architect and the words, ‘registered architect,’ ‘state of Indiana.’ He shall stamp with this seal all working drawings, reports, and

specifications prepared by him or under his supervision.”

Section 63-126, Burns' 1933, being Section 26, Chapter 62, Acts 1929, provides in part as follows:

“Each of the following acts constitutes a misdemeanor punishable upon conviction by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200) for each offense, and each day's violation thereof shall constitute a separate and distinct offense:

“\* \* \*

“(c) The affixing of a registered architect's seal to any plans, specifications or drawings which have not been prepared by him or under his *immediate personal supervision*.” (Our emphasis.)

In the last two referred to sections of the statute, construed together, it is clear all such plans, designs or specifications of such architect must be stamped with his seal and must have been prepared by him or under his *immediate personal supervision*.

Under Section 63-118, Burns' 1943 Supplement, *supra*, superintendents of construction are permitted to perform certain duties of such architect “under the immediate personal supervision of a registered architect.”

It is clear from the above statutory provisions that in the interest of public safety an architect is required to give his immediate personal supervision to the preparation of plans and specifications for buildings, and that when such architect is employed to supervise the construction, enlargement or alteration of any building the same must be done under his immediate personal supervision.

I am therefore of the opinion the licensed architect referred to in your question, under such state of facts therein outlined, while a member of the armed forces and stationed in another state, would not be authorized to carry on his profession in this state through the services of an unlicensed architect.