in your letter. The relationship between the two departments in such matters is one of co-operation for the best interests of the Highway Commission Fund, and with that purpose in view I see no objection to the Commission’s employment of local counsel for the purposes stated in your letter, if agreeable to the Attorney General, and provided there is an appropriation available for the payment of the cost of such service.

The Commission is given by the 1935 Appropriation Act what may be termed a “blanket” appropriation for “operating expense, capital outlays and fixed charges”. Included in “operating expenses” is “personal service” which is defined by the Act as including “all payments made as and for salaries and wages to any and all officers and employees of the state, whether regular or temporary.”


In said appropriation for the Highway Commission, its general appropriation is further subdivided for the purpose of limiting expenditures for certain specified services. One of such subdivisions embraces expenditures for “miscellaneous services” in which is an item designated “special payments for personal service”. Acts of 1935, page 385. This seems to rather accurately describe the type of personal service described in your letter, and, in my opinion, is broad enough at least to include it. It is my conclusion, therefore, that such service should be paid for out of the appropriation for “miscellaneous services”.

ARCHITECTS, STATE BOARD OF REGISTRATION FOR:
Architects—Meaning of “retired architect”; fees to be charged for re-entering active practice of architecture.

February 5, 1936.

Hon. Leighton Bowers,
Secretary, Indiana State
Board of Registration
for Architects,
Indianapolis, Indiana.

Dear Sir:

I have before me your request for an official opinion dated January 21, 1936, regarding the following: Your proposi-
tion as outlined is covered by Section 14, Chapter 62, Acts of 1929, which section reads as follows:

“Sec. 14. 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. Every license or certificate of registration which has not been renewed during the month of November in any year shall expire on the first day of December in that year. A registered architect whose certificate of registration has expired may have his certificate restored only upon payment of the required restoration fee.

“Any architect registered or licensed in this state who has retired from the practice of architecture for a period of not more than five years may have his certificate of registration renewed, at any time within a period of five years after so retiring, upon making application to the board for such renewal, and upon payment of all lapsed annual renewal fees.”

It is noted as follows: That one acting in the position of State Inspecting Architect for the State of Indiana is a person performing his duties as such official instead of practicing the profession of architecture as defined and intended by the legislature in the chapter set out above. Insofar as he, the said official, performs his duties as designated by the statute, he is not practicing architecture but rather is in the class designated as “retired” architects. It follows that when he again desires to re-enter the practice of his profession, the fees that he pays will be any delinquencies due and owing up to the time of his appointment in his official capacity plus the fee for his registration and license as a practicing architect, provided, however, his retirement period does not exceed the period fixed by statute, to wit: five (5) years.

Your attention is directed to an official opinion rendered you on December 4, 1935, setting out the difference between practicing architects and retired architects.

Your last question is answered as follows: If you should determine during the period of your employment to re-enter active practice, you will be required to pay your delinquencies existing at the time of your retirement and the current year’s fee plus the fee for each succeeding year that you remain in active practice.