

The Massachusetts State web site was recently searched for current information related to unlicensed practice and the following was found:

**Advisory Ruling Pursuant To 250 CMR 2.09 RE:  
Unlicensed Practice**

MGL C112, §81D states that:

"A person shall be construed to practice or to 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 to be a professional engineer, or through the use of some other title implies that he is a professional engineer; or who holds himself out as able to perform, or who does perform any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering."

Therefore, it is the opinion of the Board that: For a firm, co-partnership, corporation, or joint stock association to be in compliance with the relevant provisions of MGL and the specific provisions of 250 CMR addressing Direct Supervision\* and responsible-charge\*\*, either its sole proprietor, principal or responsible-charge employee\*\*\* must hold a valid certificate of registration in the event that said firm, co-partnership, corporation, or joint stock association is:

1. Practicing Engineering or Land Surveying as defined MGL;
2. Representing by it's letterhead, yellow page listing or other form of advertising that it is providing Engineering or Land Surveying services;
3. Employing people who are engaged in the preparation of work products that require the supervision, review and approval of a registered Professional Engineer or Professional Land Surveyor per MGL and 250 CMR.

The Board shall discipline any registrant\*\*\*\* who is found guilty of aiding or abetting the unlawful practice\*\*\*\*\* of any firm, co-partnership, corporation, or joint stock association falling into one of these three categories. Additionally, the Board may refer any unlicensed sole proprietor, principal or responsible-charge employee of a firm, co-partnership, corporation, or joint stock association doing business in any of the aforementioned three categories to the Attorney General for violation of the Commonwealth's Registration Law.

**This Advisory Ruling is issued pursuant to a determination made by a majority of members present at the duly called meeting of the Board of Registration of Professional Engineers and of Professional Land Surveyors on December 16, 1999 and June 22, 2000.**

(A paragraph that pertained to the practice of Land Surveying was deleted from the above. Those wishing to see that missing text should refer to the Rules and Regulations section of the Massachusetts Board's Web site. Similar information from other jurisdictions can be found on their web sites.)