

Sole Proprietorships Are Required to Obtain a Certificate of Authorization in Order to Offer, or Provide to Offer, Engineering and Surveying Services in Ohio

April 2014

As part of our responsibilities to the citizens of Ohio the State Board of Registration for Professional Engineers and Surveyors regularly reviews our laws, rules, policies, and procedures to make sure that they are relevant and protect the health, safety, and welfare of the citizens of Ohio. To make sure that only qualified individuals and firms are providing engineering and surveying services to the public, Ohio has adopted specific laws and rules governing the practice of engineering and surveying and identifying who may offer and provide those services to the public. One of the many ways the Board protects the public is by requiring individuals and firms that offer and provide engineering services to have a P.E. or P.S. license, and firms must have a firm license known as a certificate of authorization.

During the past year, while reviewing the laws and rules, the Board also looked at the requirement for firms to have a certificate of authorization and specifically at the definition of firm as it relates to the requirements in Ohio Revised Code (R.C.) 4733. Previously the Board's position was that a firm, partnership, association, limited liability company or corporation that offered and provided engineering or surveying services in Ohio must have a certificate of authorization granted by the Board, but a sole proprietor was not required to have a certificate of authorization and could practice under the individual's P.E. or P.S. registration unless they were operating under a fictitious name. During the review the Board wanted to confirm that the Board's practice of requiring sole proprietorships using fictitious names to obtain a certificate of authorization should continue, so the Board had its legal counsel review R.C. 4733.16.

Under Ohio law a firm can be one person or many people operating through the firm's name, and R.C. 4733.16 requires that all entities listed in the statute

wishing to operate in the state must obtain a certificate of authorization. Since the word firm would include an individual operating as a sole proprietorship, the Board was advised that all sole proprietorships must obtain a certificate of authorization to offer or provide engineering or surveying services in Ohio.

What does this mean for engineering and surveying firms in Ohio?

All firms, partnerships, associations, limited liability companies or corporations, including sole proprietorships, must obtain a certificate of authorization from the Board before offering and providing engineering and/or surveying services in Ohio or using a name including one or more of the words engineer, engineering, surveyor, surveying or any modification or derivation of those words unless they fall under one of the following exemptions:

- A corporation that was granted a charter prior to August 7, 1943 to engage in providing professional engineering or professional surveying services in Ohio.
- A corporation that was lawfully providing engineering services in Ohio prior to November 15, 1982.

How to obtain a certificate of authorization

If you have been operating as a sole proprietorship under the impression that you did not need to have a certificate of authorization there is no penalty or sanction for applying now. You can obtain a certificate of authorization application at the Board's website, www.peps.ohio.gov, under the **Firms | COA** heading. The initial application fee is \$50.00 and the biennial renewal fee is \$50.00 covering two years. Certificates of authorization must be renewed every two years before July 1st of years ending in even numbers.



CERTIFICATE OF AUTHORIZATION
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