

1977 S.C. Op. Att'y. Gen. 211 (S.C.A.G.), 1977 S.C. Op. Att'y. Gen. No. 77-274, 1977 WL 24614

Office of the Attorney General

State of South Carolina

Opinion No. 77-274

September 2, 1977

*1 TO: Henry P. Fulmer
Deputy Executive Director

QUESTION PRESENTED:

May a corporation or partnership that has been issued a certificate of authorization to engage in the practice of landscape architecture use the title 'landscape architects' in advertisements or on letterheads, business cards, etc.?

AUTHORITY:

Act No. 698 of 1976.

DISCUSSION:

The use of the title 'landscape architect' is carefully regulated by Act No. 698 of 1976. Section 1(a) of the Act defines a landscape architect as 'a person who is engaged in or offers to engage in the practice of landscape architecture . . .'. Two Sections of the Act specify that it is unlawful for any person to use the title 'landscape architect' unless that person is properly licensed. Sections 2 and 17, Act No. 698 of 1976.

The ability of a corporation or partnership to legally engage in the practice of landscape architecture is regulated by Section 16 of the Act. The first sentence of that Section emphasizes the personal nature of a license to practice landscape architecture. Section 16(c) explains the manner in which a corporation or partnership may receive a 'certificate of authorization,' which enables a firm to serve as ' . . . a vehicle for the practice of landscape architecture . . .'. The Act also provides that a corporation or partnership which has received a certificate of authorization ' . . . shall be authorized to contract for and collect fees for landscape architectural services.' Section 16(c)(2), Act No. 698 of 1976.

While the Act enables landscape architects to practice within partnerships or corporations, use of the title 'landscape architect' is prohibited. Section 16(b) provides that:
A corporation or partnership as such may not be licensed or registered to practice landscape architecture or to use any form of the title 'Landscape Architect' in connection with the corporate or partnership name.

This provision reemphasizes the concept that the licensing and registration to practice landscape architecture signify a personal right. The question presented concerns the last portion of Section 16(b), which limits the use of the title 'landscape architect' in connection with the name of the corporation or partnership.

Section 16(b) expressly prohibits corporations or partnerships from using the title in their names. By using the phrase 'in connection with the name' rather than 'in the name' the Act is even broader in its restrictions. Thus, not only is a firm prohibited from including the title in its name, but it is also restricted in the use of the title following its name. For example, the X Corporation could not be named 'X Landscape Architects, Incorporated.' It would likewise be improper for the corporation

to advertise as 'X, Incorporated,' Landscape Architects. However, it would be permissible for a corporation or partnership to advertise the members of the firm who are licensed landscape architects or to include landscape architecture in a list of the firm's services.

CONCLUSION:

*2 It is the opinion of this Office that Section 16(b) of Act No. 698 of 1976 prohibits the use of the title 'landscape architect' both within a corporate or partnership name and immediately following the firm's name. A corporation or partnership which has received a certificate of authorization may list the members of the firm that are licensed landscape architects or include landscape architecture as one of the firm's services.

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