

1972 WL 25239 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 9, 1972

***1 Re: Corporate Practice of Engineering**

Mr. Kenneth F. Seminatore
Attorney at Law
1750 Union Commerce Building
Cleveland, Ohio 44115

Dear Mr. Seminatore:

The South Carolina State Board of Engineering examiners has referred your recent letter to this office for reply, in which you posed the following questions:

In order to comply with South Carolina Law, do you require a corporation now practicing engineering in South Carolina to reincorporate under the provisions of the new professional corporation law? Similarly, do you take the position that a new corporation about to be formed for the purpose of practicing engineering in South Carolina, must incorporate under the professional corporation law as opposed to incorporating under the general corporation statute?

Reference to the applicable statutory sections (Sections 12-1.1, 56-1601) reveals that The South Carolina Professional Association Act is merely permissive and does not supersede the general law applicable to corporations—Section 56-1617, Code of Laws of South Carolina. It is, therefore, the opinion of this office that a professional corporation may incorporate either under the general corporate laws or under the professional association provisions, that once being incorporated under either, no further reincorporation is required.

In answer to your final question, other than the general law pertaining to engineering as set forth in Sections 56-701, et seq., there are no requirements other than standard corporate qualification prior to doing business within the State.

I trust this has been sufficient to answer the questions you posed. If we may be of any further assistance, please do not hesitate to call or write.

Very truly yours,

Timothy G. Quinn
Assistant Attorney General

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