

## ***Must Your Business Be Licensed by the Board?***

Recently, the Board has been made aware of ongoing confusion regarding the licensure requirements for sole proprietorships. The definitive answer may be found in Chapter 23 of the Rules of the Board:

LAC Title 46:LXI§2301(C) states, “*Unless otherwise provided, non-firm individual proprietorships which bear the full name of the owner who is a licensed professional are exempt from the application of this Chapter. Such proprietorships are not required to be licensed as engineering or land surveying firms with the board. Non-firm individual proprietorships that do not bear the full name of the owner who is a licensed professional must be licensed with the board as an engineering or land surveying firm and must comply with all the provisions of this Chapter.*” (Emphasis added).

Obviously, if the owner operates his business through an entity (e.g., corporation, limited liability company, partnership), then it is not a sole-proprietorship and must be licensed by the Board as any other firm.

Examples of **acceptable** sole proprietorship names are, “John Q. Public, P.E.”, “John Q. Public, P.L.S.”, “John Q. Public Consulting”, and “John Q. Public Engineering”. Examples of **unacceptable** sole proprietorship names are “John Q. Public Engineering, Inc.”, “John Q. Public Surveying, Inc.”, and “John Q. Public Engineers, L.L.C.”

As such, those businesses must abide by the Board’s laws and rules relative to firm licensure.

La. R.S. 37:681 and 37:689(A) require any individual or firm practicing or offering to practice engineering or land surveying in Louisiana to be licensed by the Board. Therefore, any licensee who desires to offer or provide engineering or land surveying services through a firm must first obtain from the Board a license for that firm.

The steps required for obtaining firm licensure are as follows:

1. Execute the paperwork to create the firm.
2. If the firm is a corporation or limited liability company, obtain a certificate of incorporation or certificate of organization (domestic corporations and LLCs) or certificate of authority (foreign firms) from the Louisiana Secretary of State.
3. Within thirty days after forming the firm or obtaining the certificate from the Louisiana Secretary of State, submit to the Board a completed Application for Firm License along with a copy of the firm’s certificate from the Louisiana Secretary of State.

**NOTE:** The licensed professional(s) designated as the firm’s Supervising Professional(s) must be an active employee of the firm whose primary employment is with the firm on a full-time basis; or whose secondary employment is with the firm, provided the firm is totally owned by one or more of the Supervising Professionals whose license is used to qualify the firm for licensure.

If you have any questions relative to firm licensure or sole proprietorships, do not hesitate to call the Board office at (225) 925-6291.

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