

PUBLICATION

Ober|Kaler Construction Attorneys Author Maryland Section of 50-State Survey of Licensure Requirements for Architectural and Engineering Firms [Ober|Kaler]

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Joseph C. Kovars and Christopher C. Dahl of Ober|Kaler's Construction Group recently authored the Maryland section of a 50-state survey of licensure requirements for architectural and engineering firms. The survey has been published and will be distributed by the Forum on Construction Law of the American Bar Association.

In Maryland, the State Board of Architects may issue a permit to practice architectural services to a corporation, a limited liability company, or a partnership. In order to qualify for such a permit, at least two-thirds of the directors of a corporation, two-thirds of the members of a limited liability company, or two-thirds of the partners of the partnership must be licensed in Maryland or in another state to practice architecture, engineering, or landscape architecture. The business entity providing such services must appoint at least one "responsible member" who is a Maryland-licensed architect and a director of the corporation, member of the limited liability company, or partner of the partnership.

A corporation that provides architectural services may elect to be a professional corporation under the Maryland Professional Service Corporation Act. Unlike other states, however, Maryland does not require that the corporation make this election. If the corporation chooses to register as a professional corporation, all of its stockholders and officers (except for the secretary and treasurer) must be licensed architects in Maryland or in another state.

Under the Maryland Professional Engineers Act, a licensed professional engineer may practice engineering through a corporation as an officer, employee, or agent of the corporation, through a limited liability company as a member, employee, or agent of the limited liability company, or through a partnership as a partner, employee, or agent of the partnership.

While it is not currently required that the business entity secure a permit from the Maryland Board for Professional Engineers, this is changing on October 1, 2015. As of that date, the business entity will be required to seek such a permit. In order to qualify for this permit, the business entity must designate a Maryland-licensed professional engineer to serve as the entity's managing agent to act on behalf of the entity in matters related to the practice of engineering.

As with architecture firms, a corporation that provides engineering services may, but is not required to, elect to be a professional corporation under the Maryland Professional Service Corporation Act. Should the corporation make this election, all of the corporation's stockholders must be licensed in Maryland or another state to render engineering services, and a majority of its directors and all of its officers (except for the secretary and treasurer) must also be so licensed.