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(Address)

(City/State/Zip/Phone #)

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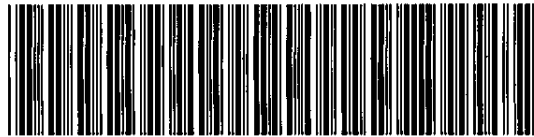
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Special Instructions to Filing Officer:

Office Use Only

This entity is a "foreign un-incorporated association" filed pursuant to Chap 622 F.S. It is required to file yearly annual reports to maintain "active" status.

KB 1/30/08



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01/30/08--01002--001 **87.50

FILED
SECRETARY OF STATE
TALLAHASSEE, FLORIDA
08 JAN 30 AM 8:58

COVER LETTER

TO: Chief of Bureau of Commercial Recording
Division of Corporations

SUBJECT: COLEGIO DE INGENIEROS Y AGRIMENSORES DE PUERTO RICO
(Name of Foreign Unincorporated Association)

FILED
SECRETARY OF STATE
TALLAHASSEE, FLORIDA
08 JAN 30 1AM 8:59

Dear Sir or Madam:

The enclosed "Application by Foreign Unincorporated Association for Authorization to Transact Business in Florida," duly authenticated copy of its written Articles of Association, and check are submitted to register the above referenced foreign unincorporated association to transact business in Florida.

Please return all correspondence concerning this matter to the following:

ENG. RODOLFO F. MANGUAL RAMOS

(Name of Person)

COLEGIO DE INGENIEROS Y AGRIMENSORES DE PUERTO RICO

(Firm/Company)

PO BOX 363845

(Address)

SAN JUAN, PUERTO RICO 00936-3835

(City/State and Zip code)

EDWIN A. BAYO, ATTORNEY AT LAW

1408 N. PIEDMONT WAY

TALLAHASSEE, FL 32308

For further information concerning this matter, please call:

ISAAC ORTIZ

(Name of Person)

at (407) 506-2254

(Area Code & Daytime Telephone Number)

STREET/COURIER ADDRESS:

Chief of Bureau of Commercial Recording
Division of Corporations
Clifton Building
2661 Executive Center Circle
Tallahassee, FL 32301

MAILING ADDRESS:

Chief of Bureau of Commercial Recording
Division of Corporations
P.O. Box 6327
Tallahassee, FL 32314

Enclosed is a check for the following amount:

☐ \$70.00 Filing Fee

☐ \$78.75 Filing Fee &
Certificate of Status

☐ \$78.75 Filing Fee &
Certified Copy

☒ \$87.50 Filing Fee,
Certificate of Status &
Certified Copy

APPLICATION BY FOREIGN UNINCORPORATED ASSOCIATION FOR
AUTHORIZATION TO TRANSACT BUSINESS IN FLORIDA

IN COMPLIANCE WITH SECTION 622.03, FLORIDA STATUTES, THE FOLLOWING IS
SUBMITTED TO REGISTER A FOREIGN UNINCORPORATED ASSOCIATION TO
TRANSACT BUSINESS IN THE STATE OF FLORIDA.

1. COLEGIO DE INGENIEROS Y AGRIMENSORES DE PUERTO RICO

(Enter name of Foreign Unincorporated Association)

(If name unavailable in Florida, enter alternate name adopted for the purpose of transacting business in Florida)

2. SAN JUAN, PUERTO RICO

(State, Territory, or Possession of U.S.A.)

3. _____

(FEI number, if applicable)

4. MAY 15, 1938

(Date of Organization)

5. PERPETUAL

(Duration: Year association will cease to exist or enter "perpetual")

6. NONE

(Date first transacted business in Florida, if prior to registration) (SEE SECTIONS 607.1501 & 607.1502, F.S., to determine penalty liability)

7. ANTOLIN NIN STREET CORNER RICARDO SKERRET STREET

URB. ROOSEVELT, HATO REY, PUERTO RICO 00918

(Principal office address)

PO BOX 363845

SAN JUAN, PUERTO RICO 00936-3835

(Current mailing address)

8. TO PROMOTE THE PROFESSION OF ENGINEERS AND LAND SURVEYORS (SEE ACT 319 ENCLOSED).

(Purpose(s) of unincorporated association authorized in home state or country to be carried out in state of Florida)

9. Name and street address of Florida registered agent: (P.O. Box NOT acceptable)

Name: ING. ISAAC ORTIZ PALMERI,

Office Address: 4937 S. ORANGE AVE

ORLANDO

(City)

Florida 32806

(Zip code)

10. Registered agent's acceptance:

Having been named as registered agent and to accept service of process for the above stated corporation at the place designated in this application, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

Isaac Ortiz Palmeri
(Registered Agent's Signature)

08 JAN 30 AM 8:59

FILED
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

11. Attached is a copy of the written articles of association duly authenticated, not more than 90 days prior to delivery of this application to the Department of State, by the Secretary of State or other official having custody of Association's records in the jurisdiction under the law of which it is organized.

12. Names and business addresses of officers and/or directors:

A. DIRECTORS

President: ANTONIO E. MEDINA

Address: _____

Vice President: EELINDA GONZALEZ

Address: _____

Vice President: RENAN LOPEZ DE AZUA

Address: _____

Secretary: LUIS A. ABREU

Address: _____

B. OFFICERS

Executive Dir: ENG. RODOLFO F. MANGUAL RAMOS

Address: _____

Vice President: _____

Address: _____

Secretary: _____

Address: _____

Treasurer: _____

Address: _____

NOTE: If necessary, you may attach an addendum to the application listing additional officers and/or directors.

13. 

(Signature of Director or Officer listed in number 12 of the application)

14. ANTONIO E. MEDINA, PRESIDENT

(Typed or printed name and capacity of person signing application)



Commonwealth of Puerto Rico
Department of State
San Juan, Puerto Rico

CERTIFICATION

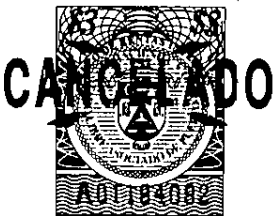
I, FRANCISCO J. MARTIN CASO, Assistant Secretary of State for Services of the Department of State of the Commonwealth of Puerto Rico, DO HEREBY CERTIFY:

That the pages attached herewith are a true and exact copy of Sections 731 to 743 of Title 20 of the Laws of Puerto Rico Annotated; which Sections correspond to the College of Engineers and Surveyors.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the Commonwealth of Puerto Rico, at the City of San Juan, today, February 12, 2007.

A handwritten signature in black ink, appearing to read "Francisco J. Martin Caso", written over a horizontal line.

FRANCISCO J. MARTIN CASO



Chapter 37. College of Engineers and Surveyors

SECTION ANALYSIS

- 731. Creation
- 732. Powers
- 733. Membership obligatory
- 734. Members
- 735. Organization
- 736. Officials; Board of Directors; Executive Committee
- 737. Delegations, local bodies and institutes
- 738. Bylaws; content
- 739. Dues and changes in dues; inactive members
- 740. Suspension for failure to pay dues
- 741. Documentary stamps
- 742. Illegal practice of profession; penalties
- 743. Duties and obligations

§ 731. Creation

Those professionals entitled to practice the profession of engineering or surveying in the Commonwealth of Puerto Rico are hereby constituted into a legal entity or quasi-public corporation under the name of the College of Engineers and Surveyors of Puerto Rico.—May 15, 1938, No. 319, p. 562, § 1; May 8, 1950, No. 244, p. 642, § 1; Sept. 29, 1980, No. 12, p. 977, § 1.

HISTORY

Editor's notes.

The masculine pronouns used throughout this chapter referring to the subject of its provisions should be construed as to include also the feminine. See § 255 of Title 2.

Amendments—1980.

Act 1980 changed "Island" to "Commonwealth", added "surveying" as one of the professions, eliminated the provisions for vote for the constitution of the College, and reference to architects in the name of the College.

Change of name.

Section 1 of Act May 13, 1954, No. 27, p. 176, eff. May 13, 1954, provided: "The name of the College of Engineers of Puerto Rico is hereby changed to College of Engineers, Architects and Surveyors of Puerto Rico." In the English, "College" and "Institute" are both translations of the Spanish "Colegio".

Statement of motives.

See Laws of Puerto Rico:

Sept. 29, 1980, No. 12, p. 977.

Separability.

Section 16 of Act May 15, 1938, No. 319, p. 562, provides: "If any clause, paragraph, section, article, or part of this act is declared unconstitutional by a court of competent jurisdiction, said decision shall not affect or invalidate the other provisions of this act, but its effect shall be restricted to the clause, paragraph, section, article, or part of this act that was so declared."

Special provisions:

Sections 14 and 15 of Act May 15, 1938, No. 319, p. 582, provided for a referendum to determine whether the College should be organized and, if the result was affirmative, for the first general convention of the College.

Cross references.

Architects Association, see §§ 751-763 of this title.

§ 732. Powers

The College of Engineers and Surveyors of Puerto Rico shall be authorized:

- (a) To subsist perpetually under that name.
- (b) To sue and be sued as a juridical person.
- (c) To have and use a seal which it may alter at will.
- (d) To acquire rights and personal property as well as real property, by donation, legacy, contributions from its own members, purchase, or otherwise; and to own, mortgage, lease and dispose of them in any way.
- (e) To designate its directors, officers or officials who shall be elected in an undetermined number that in no case may be less than thirteen (13), of which at least one (1) shall correspond to each local or professional district or body involved.
- (f) To adopt its regulations which shall be binding on all its members as provided by the annual assembly, and to amend them in the manner and according to the requirements therein prescribed.
- (g) To adopt or establish a code of professional ethics to govern the professional activity of engineers and surveyors which shall be included in the regulations of the Board of Examiners of Engineers, Architects and Surveyors of Puerto Rico.
- (h) To receive, and investigate the charges that may be brought regarding the conduct of members in the practice of their profession and forward them to the Board of Directors for action.

The regulations shall provide for a hearing to be held in which the interested parties shall be given the opportunity to be heard, to present evidence and to cross-examine witnesses per se or through legal representation, after which, and if just cause is found, the sanctions shall be decided according to the magnitude of the violation incurred, including the suspension of the member for the period and under the circumstances to be determined in the discretion of the College. In the cases involving the suspension of a member, the College shall follow the corresponding procedures of cancellation or suspension of the license, before the Board of Examiners of Engineers, Architects and Surveyors of Puerto Rico within a term of not more than fifteen (15) days. When a suspension is decreed by the College, the member cannot practice the profession during the period

the suspension is in effect nor can he participate in the activities and benefits provided in this chapter and in the regulations.

Nothing provided in this subsection shall be construed in the sense of restricting or altering the power of the Board of Examiners to institute these proceedings on its own account.

(i) To protect its members in the practice of their profession and, through the creation of pension funds, protection or benefit systems and special funds, or in any other way to aid those who retire because of physical disability or old age, and the heirs or beneficiaries of those who die.

(j) To exercise such incidental powers as may be necessary or convenient for the purpose of its creation and operation and which are not in conflict with this chapter.

(k) To receive and investigate complaints made regarding situations that could result in the illegal practice of the professions, of violations regarding the same, and, if there were evidence to such effects, if it is in relation to nonmembers, to proceed before the competent authorities for the purpose of exacting compliance with the acts regarding the practice of the professions.

(l) To implement its community and professional service programs, the College of Engineers and Surveyors is hereby authorized to create the "College of Engineers and Surveyors Foundation of Puerto Rico" which shall function as a nonprofit corporation, but after its approval by the Board of Directors shall be empowered to make investments to fulfill the purposes of the College. The Foundation shall provide, among others, community, educational, sports, cultural and any other professional and social service programs.

The College of Engineers and Surveyors of Puerto Rico, with the direct authorization of the General Assembly or its Board of Directors, may transfer to the Foundation authorized herein the title of any of its personal or real property acquired by purchase or gratuitously that it deems convenient and necessary so that said Foundation may better fulfill the objectives and purposes of said Foundation. Any of the real or personal property of the College of Engineers and Surveyors Foundation of Puerto Rico, as well as any profit or surplus arising from investments or activities which the Foundation is hereby empowered to execute with the purpose of fulfilling the objectives of this chapter, shall be exempted from all taxes.

(m) To determine the form, composition and representative character of the regular annual assembly and the special assemblies. If a system of assembly by delegates is used, it shall assure an adequate and uniform representation of the members, chapters and institutes.

(n) To establish student chapters in teaching centers, composed of students of the various branches of engineering and surveying. To likewise

establish chapters or nuclei made up of persons who have graduated from said branches until they complete the procedures for examination and certification or licensing by the Examining Board of Engineers, Architects and Surveyors. The regulations shall provide for everything with regard to these groups concerning their organization, location, operation, obligations and duties; Provided, however, That the establishment of these chapters and groups shall always be subject to the authority and discretion of the College of Engineers and Surveyors, and that no rights are created herein in favor of private persons or other institutions alien to said College, and it is further provided that the College shall retain the authority and discretion to abolish those that are established, if in its sole judgment, it would be in the best interests of the College.—May 15, 1938, No. 319, p. 562, § 2; May 7, 1965, No. 7, p. 11; Sept. 29, 1980, No. 12, p. 977, § 2.

HISTORY

Amendments—1980.

Act 1980 added subsections (k), (l), (m) and (n).

Subsection (e): Act 1980 deleted requirement that representative be from each senatorial district but that they be represented by body or district involved.

Subsection (f): Act 1980 provided that regulations be provided by annual assembly rather than convention or board of directors.

Subsection (g): Act 1980 added final phrase adding surveyors and that code be included in the regulations of the Board of Examiners.

Subsection (h): Act 1980 expanded provisions of regulations and added reference to 15-day term.

Subsection (i): Act 1980 changed “an insurance system” to “protection or benefit systems”.

Subsecs. (k) to (m): Act 1980 added these subsections.

—1965.

Subsection (e): Act 1965 raised the number of directors, officials or officers from 11 to an indeterminate number which in no case should be less than 13.

Statement of motives.

See Laws of Puerto Rico:

Sept. 29, 1980, No. 12, p. 977.

Cross references.

Board of Examiners of Engineers, Architects, and Surveyors, see §§ 711-711z of this title.

ANNOTATIONS

1. **Generally.** College of Engineers and Surveyors has power, among others, to claim and be claimed against as a juridical person. *Col. Ing. Agrim. P.R. v. A.A.A.*, 131 D.P.R. 735 (1992).

The phrase “to proceed before the competent authorities”, which appears in subsection (k) of this section, means that, in civil cases, the College may appear in court itself or may appear through the Secretary of Justice to enforce compliance with the laws when evidence exists that nonmembers of the college are involved in situations which may result in unlawful practice of engineering or surveying. *Col. Ing. Agrim. P.R. v. A.A.A.*, 131 D.P.R. 735 (1992).

In the criminal area the College shall refer to the Secretary of Justice those proceedings and actions against persons who are illegally practicing engineering; in the civil area, the

College is empowered to file before the courts motions it deems pertinent against those illegally practicing said profession, in order that the laws governing the profession are fulfilled. *Col. Ing. Agrim. P.R. v. A.A.A.*, 131 D.P.R. 735 (1992).

2. Life insurance. Where College of Engineers adopted practice of tolerating delays in payment of monthly dues of members and did not enforce regulation providing suspension for being in arrears, said irregular administrative practice in violation of Regulations estopped College from denial of payment of insurance provided by College for membership to widow and children, even though member was in arrears and dues were paid by said beneficiaries, because members were induced by said irregular practice to believe that delay in payment did not hinder any rights, and because largest portion of the dues were not channeled to economic aid fund of College, where premiums of life insurance are paid from. *Caloca v. C.E.A.S.*, 108 D.P.R. 164 (1978).

There was no justification for College of Engineers to deny beneficiaries of insurance policy provided by institution to membership, payment of benefits for mere fact that member died without paying membership dues for year following his death—and dues were paid later on by beneficiaries—in view of administrative practice of said College of tolerating delays in payments of membership dues. *Caloca v. C.E.A.S.*, 108 D.P.R. 164 (1978).

§ 733. Membership obligatory

After holding the first general meeting of the College, no one who is not a member of the College of Engineers and Surveyors of Puerto Rico may practice the profession of engineer or surveyor in the Commonwealth of Puerto Rico, it being understood that an engineer or surveyor is any person authorized to practice these professions pursuant to the provisions of §§ 711-711z of this title.—May 15, 1938, No. 319, p. 562, § 3; Sept. 29, 1980, No. 12, p. 977, § 3.

HISTORY

Amendments—1980.

Act 1980 amended this section generally.

Statement of motives.

See Laws of Puerto Rico:

Sept. 29, 1980, No. 12, p. 977.

ANNOTATIONS

1. Generally. Professors of the College of Agriculture and Mechanical Arts who are dedicated solely to teaching are not obliged to be members of the College of Engineers, Architects and Surveyors of Puerto Rico as a prior condition to the discharge of their teaching function since they are not practicing the profession of engineer within the scope of law regulating such matters. 1963 Op. Sec. Jus. No. 66.

§ 734. Members

All engineers and surveyors admitted to practice the profession of engineering and surveying in the Commonwealth of Puerto Rico and that comply with the duties that this chapter prescribes for them, as well as the regulations enacted by the College, and the Rules of Ethics, shall be

members of the College.—May 15, 1938, No. 319, p. 562, § 4; Sept. 29, 1980, No. 12, p. 977, § 4.

HISTORY

Amendments—1980.

Act 1980 changed "Island" to "Commonwealth", included reference to surveyors and the profession of surveyor, and added final phrase regarding regulations.

Statement of motives.

See Laws of Puerto Rico:

Sept. 29, 1980, No. 12, p. 977.

§ 735. Organization

The destinies of the College shall be governed, in the first instance, by the annual assembly, and in the second instance by its Board of Directors.—May 15, 1938, No. 319, p. 562, § 5; Sept. 29, 1980, No. 12, p. 977, § 5.

HISTORY

Amendments—1980.

Act 1980 changed "general" to "annual".

Statement of motives.

See Laws of Puerto Rico:

Sept. 29, 1980, No. 12, p. 977.

§ 736. Officials; Board of Directors; Executive Committee

The Board of Directors of the College of Engineers and Surveyors of Puerto Rico shall be composed of a president and the number of delegates provided in the regulations for each district delegation or the local body concerned and for each one of the Institutes of Surveyors, Mechanical Engineers, Electrical Engineers, Industrial Engineers, Civil Engineers and Chemical Engineers, and also, the immediate past president, who shall be an ex officio member of the Board until substituted by the next outgoing president, but he shall only be entitled to voice, but no vote. The President and two (2) vice presidents shall be elected in the form and manner provided through regulations.

The members of the College, through an assembly, shall determine whether or not they shall grant the right to vote for the election of their governing officials at their convenience, in person or by mail, following the procedure provided by the College through regulations. The College may also offer its members, through regulations, the additional option of casting their vote through any other means determined to ensure the privacy, reliability, confidentiality, secrecy and validity of said vote. The scrutiny of votes cast by mail or other means shall be conducted at a General Assembly convened for such purposes.

There shall be an Executive Committee which shall be made up of the Chairman, the first Vice Chairman, and the second Vice Chairman, the Secretary, the Treasurer and the Auditor. With the exception of the Chairman, who shall be elected at the assembly, the remaining members of the Executive Committee shall be elected by the Board of Directors at its first meeting; Provided, That the first Vice Chairman, as well as the second, shall be elected from the two (2) Vice Chairmen elected at the assembly. The functions and duties of the Executive Committee shall be determined in the regulations, and its agreements—those made by the delegation of the Board, as well as those of their own initiative—shall be referred to the Board of Directors for ratification.—May 15, 1938, No. 319, p. 562, § 6; May 7, 1965, No. 7, p. 11; Sept. 29, 1980, No. 12, p. 977, § 6; July 17, 1998, No. 133, § 1, eff. 60 days after July 17, 1998.

HISTORY

Amendments—1998.

Act 1998 deleted the first paragraph, redesignated the former second paragraph as the first and added a new second paragraph.

—1980.

Act 1980 in first paragraph, deleted third vicechairman, changed “three professions” to “two professions” and added final phrase regarding remaining delegates; added second and third paragraphs relative to Board of Directors and Executive Committee and their composition.

—1965.

Act 1965 increased the number of vicepresidents from 1 to 3, one for every one of the three professions, and added the words “at least” preceding “six members”.

Statement of motives.

See Laws of Puerto Rico:

Sept. 29, 1980, No. 12, p. 977.

July 17, 1998, No. 133.

§ 737. Delegations, local bodies and institutes

The regulations shall establish the district delegations or local bodies and institutes, one for each of the professions such as surveyors, civil engineers, mechanical engineers, electrical engineers, industrial engineers and chemical engineers, who shall be elected or [appointed] and shall function and perform their duties in such manner and under the conditions indicated in the bylaws; but the election or designation of those who shall constitute said delegations and bodies, except in the case of waiver of such power, shall be made by the members of the College residing or having their offices in the respective demarcations of the delegations or bodies or by the members of the various professions in the case of the institutes.—May 15, 1938, No. 319, p. 562, § 7; Sept. 29, 1980, No. 12, p. 977, § 7.

HISTORY

Amendments—1980.

Act 1980 changed "senatorial-district delegations" to "district delegations" and listed the professions which shall make up the delegations.

Statement of motives.

See Laws of Puerto Rico:

Sept. 29, 1980, No. 12, p. 977.

§ 738. Bylaws; content

The bylaws shall contain such provisions that have not been contemplated herein including those concerning the functions, duties, and procedures of all its bodies and officers; calls; dates; quorum; form; composition and requirements of the regular annual assembly and special assemblies; meetings of the Board of Directors; election of directors and officers; permanent committees, budgets, investment of funds and disposal of the property of the College; everything concerning the College of Engineers and Surveyors Foundation of Puerto Rico; term of all offices, dismissal of officers, creation of vacancies and manner of filling them, and administrative, dismissal and appeals procedures.—May 15, 1938, No. 319, p. 562, § 8; Sept. 29, 1980, No. 12, p. 977, § 8.

HISTORY

Amendments—1980.

Act 1980 changed "general convention" to "annual assembly" and added reference to the Foundation.

Statement of motives.

See Laws of Puerto Rico:

Sept. 29, 1980, No. 12, p. 977.

§ 739. Dues and changes in dues; inactive members

Every active member of the College shall pay dues each year on the date, in the installments and conditions fixed in the bylaws. A change in the dues can be made if it is provided by a majority of at least two thirds (⅔) of those present at the annual regular assembly of the College of Engineers and Surveyors of Puerto Rico. The minimum quorum to change the dues shall be that determined in the bylaws and any count needed to establish quorum shall take into consideration the total membership of the College; Provided, That in no case it shall be less than two hundred (200) members.

Any member who ceases to practice the profession in order to engage in other activities, to retire from the profession, or to leave Puerto Rico, may continue being a member under the provisions of this chapter, or may drop his membership by means of a sworn statement to such effects, and shall not be bound to pay dues during the period of inactivity, but he may not

enjoy the benefits corresponding to the members of the College nor practice the profession; Provided, That the request for inactive status shall be sent to the Examining Board so that the license or certificate shall also be inactivated during that same period, and he may not return to the practice of his profession or become a member again until his license or certificate is reactivated.—May 15, 1938, No. 319, p. 562, § 9; June 18, 1959, No. 52, p. 154; Sept. 29, 1980, No. 12, p. 977, § 9.

HISTORY

Amendments—1980.

Act 1980 in first paragraph, referred to members as “active members” and made provisions and procedure for change of dues, and added the second paragraph with reference to inactive members.

—1959.

Act 1959 provided for setting of dues by annual assembly.

Statement of motives.

See Laws of Puerto Rico:

Sept. 29, 1980, No. 12, p. 977.

§ 740. Suspension for failure to pay dues

Any member who fails to pay his dues but is in all other respects qualified as a member of the College shall be suspended as such member, but he may be reinstated upon payment of the amount owed for that reason.—May 15, 1938, No. 319, p. 562, § 10, eff. 90 days after May 15, 1938.

ANNOTATIONS

1. **Generally.** Nonpayment of annual dues does not produce automatic suspension of membership in College of Engineers, rather, affirmative action by Board thereof is needed. *Caloca v. C.E.A.S.*, 108 D.P.R. 164 (1978).

In the absence of any provision in regulations granting a grace period to pay College of Engineers annual membership dues, established custom of extending payment period up to the end of calendar year should prevail in equity. *Caloca v. C.E.A.S.*, 108 D.P.R. 164 (1978).

Where College of Engineers had not enforced in the past the mechanism to enforce payment of annual membership dues on time provided by its bylaws, said institution was estopped from raising defense of delinquency in order to deny benefits of insurance policy to beneficiaries of deceased member. *Caloca v. C.E.A.S.*, 108 D.P.R. 164 (1978).

2. **Failure to pay.** According to this chapter, the establishment of an alternative procedure to cancel a license in cases of failure to pay dues should comply with stipulated requirements and guarantees of due process of law. 1985 Op. Sec. Jus. No. 1.

§ 741. Documentary stamps

Every engineer or surveyor shall attach to every plan, document or certificate submitted by him for the approval of the Department of Health or other department, or to any other engineering work submitted to the courts of justice or any similar body a fifty (50) cent stamp that the College

shall adopt and issue, in case that said plan, document or certificate is for a work the value of which does not exceed five hundred (500) dollars; and to every plan, document or certificate in excess of five hundred (500) dollars there shall be attached stamps at the rate of one (1) for every thousand (1,000) or fraction thereof, on the value of the work, document or certificate; Provided, That no stamp shall be required on plans prepared for the construction of new dwellings, the cost of which is less than one thousand (1,000) dollars, or on projects for slum clearance; Provided, further, That if said plans, documents, certificates or other engineering works are for public works and have been prepared by engineers or surveyors who are public employees of any municipality, department, or similar body of the Government of Puerto Rico, they shall not be obliged to attach said stamp of the College to the documents mentioned; It being understood, That for the purposes of this exemption, the engineers and surveyors who, in the preparation of plans, projects, and specifications for public works, act as private professionals, advisors, or consultants engaged in the private practice of their profession and whose compensation is paid on the basis of a fee shall not be considered public employees; and, Provided, also, That no government department, court of justice of Puerto Rico, Public Service Commission or any other similar body shall approve or consider as valid plans, documents or certificates of engineering works to which the corresponding stamps of the College of Engineers and Surveyors of Puerto Rico have not been attached.

It shall likewise be the duty of every engineer or surveyor to attach to every plan of a survey he may submit for approval by the Division of Public Lands, Land Authority, Public Service Commission, courts of justice or any other government body a fifty (50) cent stamp if the area surveyed does not exceed twenty-five (25) *cuerdas*; and henceforth a fifty (50) cent stamp shall be attached and a twenty-five (25) cent stamp for every five (5) additional *cuerdas*; Provided, That none of the government bodies mentioned shall approve or accept as valid the plans of a survey to which the proper stamps of the College of Engineers and Surveyors have not been attached.

On every public work, to the plans, project or specifications of which the stamps of the College have not been attached, or which is executed after a public call for bids by any department, bureau, or agency of the Commonwealth or municipal government, or by any agency, authority, or Commonwealth or municipal entity, the proper stamps of the College shall be cancelled when the contract is signed in accordance with the tariff prescribed in this section and the chief or official in charge of each department, bureau, agency, authority or entity of the Commonwealth or municipal government is hereby authorized and directed to demand from

the contractor the cancellation of the proper stamps as provided; Provided, That the projects of a Housing Authority shall be exempt from the provisions of this chapter.

The amount hereby collected shall be covered into the funds of the College of Engineers and Surveyors for its use.—May 15, 1938, No. 319, p. 562, § 11; Apr. 29, 1939, No. 64, p. 442, § 1; Apr. 25, 1940, No. 68, p. 484, § 1; May 9, 1941, No. 142, p. 888, § 1; May 15, 1943, No. 187, p. 674, § 1.

HISTORY

Codification.

"Insular" was changed to "Commonwealth" pursuant to the Constitution.

"Board of Tax Appeals" and "Court of Tax Appeals" were omitted pursuant to Act July 24, 1952, No. 11, p. 30. See note under § 121 of Title 4.

Any references to the Government of the Capital of Puerto Rico and to the institutions or officials thereof in the original text of this section have been deleted. See suppression note under § 381 of Title 21.

Terms "architect", "architects" and "architecture" were deleted pursuant to Act Sept. 29, 1980, No. 12, p. 977. See § 731 of this title.

Amendments—1943.

Act 1943 amended this section generally.

—1941.

Act 1941 amended this section generally.

—1940.

Act 1940 amended this section generally.

—1939.

Act 1939 amended this section generally.

Cross references.

Stamps of the Architects Association, see § 760 of this title.

ANNOTATIONS

1. **Generally.** The letter of the law does not extend the exemption from payment in the form of cancellation of stamps for surveys, designs or specifications expressly granted to the Telephone Authority and its subsidiary, Puerto Rico Telephone Company, to the contractor of a public work selected through competitive bidding. 1984 Op. Sec. Jus. No. 1.

§ 742. Illegal practice of profession; penalties

Every person who not duly being admitted and licensed to practice the profession as provided by this chapter, or who during the suspension of his license practices as if capable and authorized therefor, advertises as such or purports to be a practicing engineer or surveyor shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than one hundred (100) dollars or more than three hundred (300) dollars, or by imprisonment for a period of not less than two (2) months nor more than six (6) months, or by both penalties.

The Secretary of Justice on his own initiative or at the request of the College may file and handle the procedures and corresponding actions before the competent courts, against those persons who practice these professions illegally.—May 15, 1938, No. 319, p. 562, § 12; Sept. 29, 1980, No. 12, p. 977, § 10.

HISTORY

Amendments—1980.

Act 1980 added reference to profession of surveyor, reduced the maximum prison penalty from one year to six months, and added the second paragraph authorizing the Secretary of Justice to act.

Statement of motives.

See Laws of Puerto Rico:

Sept. 29, 1980, No. 12, p. 977.

§ 743. Duties and obligations

The College of Engineers and Surveyors of Puerto Rico shall have the following duties and obligations:

(a) To promote the advancement of engineering and surveying in Puerto Rico, and of subsidiary trades and industries.

(b) To determine measures for mutual protection, to tighten the bonds of friendship and fellowship between the members thereof.

(c) To establish relations with similar associations in other countries, within definite rules of solidarity and courtesy.

(d) To cooperate in the enactment of fair and just legislation, especially if related to the professions of engineering and surveying.

(e) To lend support and give the greatest possible thrust to works of all kinds, public as well as private, believing that they are the surest sign of the progress of the country.

(f) To comply with all the provisions of this chapter and other related acts for the purpose of referring to the Secretary of Justice any action involving the illegal practice of these professions, so that he can file the pertinent action.—May 15, 1938, No. 319, p. 562, § 13; Sept. 29, 1980, No. 12, p. 977, § 11.

HISTORY

Amendments—1980.

Initial paragraph: Act 1980 changed "Institute" to "College" and deleted "Architects".

Subsections (a), (d): Act 1980 added "and surveying".

Subsection (f): Act 1980 added this subsection.

Statement of motives.

See Laws of Puerto Rico:

Sept. 29, 1980, No. 12, p. 977.