

1978 WL 35178 (S.C.A.G.)  
Office of the Attorney General  
State of South Carolina  
October 20, 1978

\*1 Robert J. Hirsch  
Director  
Energy Management Office  
1205 Pendleton Street  
Columbia, South Carolina 29201

Dear Mr. Hirsch:

You have requested an opinion from our Office concerning the need for licensed engineers or architects to conduct Class A Energy Information Audits under the Energy Conservation and Production Act of 1976. As noted in the background material prepared by you, a Class A Audit involves not only the computation and analysis of energy consumption within a given structure, but also recommendations based on this data which could serve to reduce energy consumption. Such recommendations could include additional insulation, replacement of inefficient equipment, installation of a heat exchanger, or other modifications of a building's basic physical structure which would make it more energy efficient. With these basic factors in mind, it must be determined whether the performance of these audits would constitute the practice of engineering or architecture under the laws of the State of South Carolina, and, therefore, require that such audits be performed by individuals licensed in these occupations.

The 'practice of engineering' as defined in [Section 40-21-10\(4\) of the Code of Laws of South Carolina \(1976\)](#) and 'architectural practice' as defined in [Section 40-3-10\(2\)](#) are general terms lacking any particular applicability to the Class A Audit situation. These definitions include within their scope, however, any other professional services recognized by educational authorities as 'engineering' or 'architecture'. This Office, therefore, in attempting to discern whether or nor the conducting of a Class A Audit would constitute either of the above practices, sought the advice of educational authorities as to whether or not the scope of a Class A Audit was within the practice of engineering or architecture. (See Enclosures)

Based upon the replies of the Dean of the College of Engineering at the University of South Carolina, the Dean of the College of Engineering at Clemson University and the South Carolina State Board of Engineering Examiners, it is the opinion of this Office that a Class A Energy Information Audit should be conducted by a licensed engineer. This conclusion is reached based upon the advice of recognized educational authorities that the scope of such an audit would involve a professional service within the definition of the practice of engineering. Although it is conceivable that licensed engineers might not be required in every situation due to the simplicity of the structure or the relative ease of evaluation of its deficiencies, in the normal case, due to the nature and scope of a Class A Audit, the expertise of a professional engineer should be required.

The South Carolina Board of Architectural Examiners was also consulted on this question, and it was their consensus of opinion that Class A Energy Information Audits more directly concerned engineering principles rather than architecture. Therefore, the Board did not feel that an architect would necessarily be required for all audits, although in instances involving design changes in structures the services of an architect would be mandated.

\*2 In summary, it is the opinion of this Office that in the vast majority of cases, a licensed engineer should be retained to conduct these audits. If I can be of further assistance to you in this matter, please do not hesitate to contact me.  
Very truly yours,

Richard B. Kale, Jr.  
Assistant Attorney General

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