

CHAPTER 2. ADMINISTRATIVE OPERATIONS

245:2-1-1. Purpose

The Rules of Procedure of the Board are set forth for the purpose of interpreting and implementing 59 O.S., Sections 475.1 et seq., establishing the State Board of Licensure for Professional Engineers and ~~Land~~-Surveyors and conferring upon it the responsibility for the licensing of engineers, ~~land~~-surveyors, engineering and ~~land~~-surveying firms, regulation of the practice of engineering and ~~land~~-surveying, and enforcement of the Statutes. The Rules of Procedure are known and cited as OAC 245.

245:2-1-4. Board meetings

- (a) The Board holds at least four (4) regular meetings each year within the State of Oklahoma.
- (b) All meetings shall be conducted by the current edition of "Roberts Rules of Order Newly Revised" unless otherwise provided herein or by Statute.
- (c) A quorum of the Board shall consist of a majority of the full Board that includes at least one (1) Professional ~~Land~~-Surveyor Member. A majority vote of those present is required to pass a motion. The Chair shall vote as a member of the Board.
- (d) In the absence of a quorum at any regular or special meeting called, those members of the Board in attendance shall reschedule such meeting to any later date.

245:2-1-6. Duties of Executive Director, Principal Assistant and Assistant Director

- (a) The Board shall employ an Executive Director who shall be responsible for the administration of the policies of the Board, the processing of its routine operations, and other administrative and ministerial duties as the Board authorizes.
- (b) The Board may employ a Principal Assistant and/or an Assistant Director for the Board, who shall not be members of the Board, and may be Professional Engineer(s) and/or Professional ~~Land~~-Surveyor(s). The Principal Assistant's duties shall be to assist the Executive Director in the administration of the policies of the Board and other administrative and ministerial duties as the Board authorizes. The Principal Assistant and/or Assistant Director shall act on behalf of the Executive Director in the absence of the Executive Director.
- (c) The Board shall furnish the Executive Director the necessary equipment, supplies and administrative assistance, paying for same as prescribed herein and by law.
- (d) The Executive Director or his/her designee shall make available to the Public for inspection at its official published address, all public records of the Board, and shall accept submissions and requests at said location.
- (e) The Executive Director shall present financial reports to the Board for the "Professional Engineers and ~~Land~~-Surveyors Fund", and any other authorized funds, which shall show all funds received and disbursed from the fund.

245:2-1-9. Official Board Seal

The Seal of the Board shall be a circular seal, 2 1/4" in diameter, consisting of two concentric circles. The inner circle shall be 1 3/8" in diameter and shall contain the great seal of the State of Oklahoma. The outer circle shall be 2 1/8" in diameter and the area between the two circles shall contain the wording "State Board of Licensure for Professional Engineers and ~~Land~~-Surveyors" and the word "Oklahoma".

245:2-1-10. Official records

Among other official records required by law, or by rules of other agencies in support of law, the Board shall maintain accurate and current records including, but not limited to:

- (1) A record of minutes, in proper order, containing a summary of actions of all meetings of the Board.
- (2) Records of Licensees, containing the name and license number of all persons to whom Certificates of Licensure are issued, date of original license, the last known physical and e-mail addresses of all current licensees and renewals affected through biennial licensure, and the discipline(s) of engineering in which the applicant is claiming competency.
- (3) Licensee files for each current licensee containing the original application, relevant verification and evaluation data, record of examination results, and when applicable, records of alleged violations, suspensions, revocations, refusal to renew, orders issued, hearing transcriptions and penalties levied.
- (4) Certificate of Authorization files containing the name of each current firm holding a current certificate, the engineer(s) or ~~land~~-surveyor(s) of record, a record of all partners, officers and directors of the entity, managing agent(s) and their license numbers and states which they are licensed, if applicable, and the last known address.
- (5) A system of finance records indicating funds received, budgeted, committed, spent, remaining and projections of appropriate request for consideration in budget development.

245:2-1-13. Confidential records

- (a) Prior to presentation to the Board for formal or informal adjudication, files of investigations in progress shall be deemed not subject to the Open Records Act and therefore, confidential. Files of investigation that are confidential shall not be subject to disclosure to the extent such files would not be discoverable under state law, are protected by an evidentiary privilege, contain the

record of a lawfully constituted executive session, or contain the personal notes or personally created materials of a public official prior to taking action, or contain materials otherwise exempt from disclosure or discovery under applicable laws.

(b) Files of investigations in progress as referenced in this Section, shall mean any record, as defined by 51 O.S. 1991, Section 24A.3 and any amendments thereto pertaining to alleged violations of the Act or the Rules in this Chapter, by an individual or firm; ~~partnership, association, corporation or entity~~ prior to presentation to the Board for formal or informal adjudication.

(c) Upon written request, the Board or Board staff will examine its investigation files to determine the extent to which material contained in the file of an investigation in process should be deemed not confidential and, therefore, may be disclosed. In all cases, the Board will confirm a complaint has or has not been received and that an investigation is in progress.

(d) Other Board records and papers that may be kept confidential according to Title 59, Section 475.10(D): examination materials, file records of examination problem solutions, exam scores or results, letters of inquiry and reference concerning applicants, transcripts of college courses and grades, e-mail addresses used for commercial purposes, ongoing investigation files, closed complaints, information otherwise protected by law and all other matters of like confidential nature.

245:2-1-18. Fees and penalties

(a) Schedule of fees and penalties, effective July 1, ~~2020~~2026, are as follows:

(1) Application:

(A) Original (Initial)

- (i) Engineer/Surveyor - \$150.00
- (ii) Intern - no charge
- (iii) Firm - \$200.00

(B) Comity

- (i) Engineer/Surveyor - \$250.00
- (ii) Intern - no charge
- (iii) Firm - \$200.00

(C) Re-license

- (i) Engineer/Surveyor - \$250.00
- (ii) Intern - no charge
- (iii) Firm - \$200.00

(2) Biennial renewals:

(A) Individual: ~~Renewal fees are waived for Oklahoma licensed engineers and surveyors at 70 years old. Individuals must be 70 years old prior to their biennial renewal date and comply with the administrative renewal requirements of the Board to qualify. However, beginning January 1, 2021, no renewal fees shall be waived and all licensees shall be required to pay the required renewal fee as long as the licensee chooses to maintain an active license. An individual may choose to retire their license at no cost and maintain a retired professional engineer or retired professional land surveyor status pursuant to the provisions of OAC 245:15-1-3. However, no privilege to offer or practice engineering or surveying shall exist without an active license.~~

- (i) Engineer/Surveyor - \$150.00
- (ii) Intern - no charge

(B) Retired license: An individual may choose to retire his or her license at no cost and maintain a retired professional engineer or retired professional surveyor status pursuant to the provisions of OAC 245:15-1-3. However, no privilege to offer or practice engineering or surveying shall exist without an active license.

~~(BC) Firm - \$200.00~~

(3) Reinstatement penalty (in addition to the renewal fee): The following reinstatement penalty schedule refers to payments received by the Board within the prescribed number of days following the expiration date of the renewal:

(A) 1 - 30 days:

- (i) Engineer/Surveyor - \$50.00
- (ii) Firm - \$50.00

(B) 31 - 90 days:

- (i) Engineer/Surveyor - \$100.00
- (ii) Firm - \$100.00

(C) 91 - 180 days:

- (i) Engineer/Surveyor - ~~\$200.00~~ \$150.00
- (ii) Firm - ~~\$200.00~~ \$150.00

(D) Effective January 1, 2027 181 - 365 days:

- (i) Engineer/Surveyor - \$200.00
- (ii) Firm - \$200.00

(E) Effective January 1, 2027 366 days - 730 days

- (i) Engineer/Surveyor - \$250.00
- (ii) Firm - \$250.00

~~(D) Reinstatement penalties for professional engineers and land surveyors may be waived if the licensee was unable to renew because they were in non-compliance with the Oklahoma Tax Commission or if other~~

~~documented hardships occur. Application for waiver of reinstatement penalties must be submitted to the board office in writing with appropriate documentation for board review prior to license renewal or payment of the reinstatement penalty.~~

(4) ~~Re-examination application~~ Examination and Proctor Fees:

(A) Surveyor - \$50.00 (Oklahoma Law and Surveying Examination - paper and pencil)

(B) Out-of-state Proctoring Fee - actual cost (Oklahoma Law and Surveying Examination)

(C) Surveyor - actual cost of seat time for computer-based examination (Oklahoma Law and Surveying Examination)

(5) Temporary License (~~Engineering~~): \$500.00

(6) Administrative fee for returned checks: \$25.00

(7) Duplicate certificate: \$25.00

(8) Application fee to revise license or authorization

(A) Engineer/Surveyor - \$50.00

(B) Intern - no charge

(C) Firm - \$100.00

(9) Transcript of hearing - Actual cost

(10) Copy of public records (per page): \$.25

(b) The Board shall make no refunds of any fees or penalties to any applicant or licensee.

(c) These fees and penalties apply to the Rules in this Chapter and Chapter 15 of this Title.

(1) The administrative fee for returned checks shall be applied to any check returned to the Board for insufficient funds.

(2) Any such check returned to the Board shall be replaced with a cashier's check or money order within ten (10) days following notification from the Board of the returned check.

(d) Any member of the Armed Forces of the United States who is deployed on active duty who at the time of deployment was duly licensed in good standing as a professional engineer or ~~land~~ surveyor in Oklahoma may renew their license without the payment of renewal or reinstatement fees. The license or certificate issued pursuant to the provisions of this section may be continued as long as the licensee or certificate holder is a member of the Armed Forces of the United States on active duty and for a period of at least one (1) year after discharge from active duty.

(e) Pursuant to O.S., Title 59, Section 4100(2)(D), active duty military personnel and their spouse who are a licensed professional engineer or ~~land~~ surveyor in another state, upon receiving notice or orders for military transfer or honorable discharge to this state, may in advance of actual transfer or discharge apply for an expedited temporary or comity license per this act and Board Policy, and shall not be required to pay an application fee or pro-rated license fee for the issuance of an expedited temporary or comity license.

(f) Pursuant to O.S., Title 59, Section 4003, upon presentation of satisfactory evidence that an applicant for licensure or certification is a low-income individual, shall grant a one-time one-year waiver of any fees associated with such license or certification. For purposes of this section, "low-income individual" means an individual who is enrolled in a state or federal public assistance program, including, but not limited to, the Temporary Assistance for Needy Families, Medicaid or the Supplemental Nutrition Assistance Program, or whose household adjusted gross income is below one hundred forty percent (140%) of the federal poverty line or a higher threshold to be set by the executive branch department that oversees business regulation.

245:2-1-21. Engineering and Surveying Education Assistance Program

(a) The Oklahoma State Board of Licensure for Professional Engineers and ~~Land~~ Surveyors Engineering and Surveying Education Assistance Program was created by the Oklahoma Legislature and is funded and administered by the Board. The fund is to be used for higher education scholarships, for additional instructional courses for persons currently licensed or seeking ~~licensure~~ a license to practice engineering or ~~land~~ surveying, and for other educational activities or programs that may assist students pursuing a career in engineering or surveying who may choose to pursue professional licensing. The Board shall have the authority to maintain a separate fund for this purpose and the fund may accrue interest. Scholarships may serve as an additional incentive for residents of the State who are pursuing the study of engineering or surveying at a private or public college in Oklahoma in a program of engineering that is EAC/ABET or ETAC/ABET accredited or in a program of surveying that is approved by the Board.

(b) The Board Chair shall appoint a Scholarship and Education Committee of the Board annually from its membership to create and administer the programs. The duties of the committee shall be established by Board Policy.

(c) Applications for scholarships and the process for awarding scholarships shall be administered by Board Policy.

(d) Preference in the granting of scholarships shall be determined by Board policy. To be eligible for the Engineering and Surveying Assistance Program an applicant must:

~~(1) be a legal resident of the State of Oklahoma for not less than three (3) years prior to the date of application, or~~

~~(2) be a high school graduate from an Oklahoma public or private school, or be an Oklahoma resident who has attended an Oklahoma college or university for one (1) year prior, and~~

~~(3) be enrolled or have been accepted to an accredited college or university in a program that is EAC/ABET or ETAC/ABET for engineering or a surveying program approved by the Board, and~~

~~(4) meet all requirements and academic standards established by the Board.~~

(e) Funds may be awarded to qualified students each academic year as per Board policy. Payment of the scholarship award will be sent to the college or university in direct payment for the student.

(f) Students must reapply annually to be reconsidered for the scholarship.

(g) Additional education and reimbursement programs may be created by the Scholarship and Education Committee to be financially supported through this fund upon approval by the Board.

(h) The Board may use this ~~fund~~fund to establish and conduct instructional programs for persons who are currently licensed to practice engineering or ~~land~~ surveying, as well as refresher courses for persons interested in obtaining adequate instruction or programs of study to qualify them for ~~licensure~~a license to practice engineering or ~~land~~ surveying. The Board may conduct, sponsor, and arrange for instructional programs and ~~also may~~ carry out instructional programs through extension courses or other media. The Board may enter into plans or agreements with community colleges, public or private institutions of higher learning, the State Board of Education, or with Oklahoma ~~Department of Career and Technology Education~~CareerTech, for the purpose of planning, scheduling or arranging courses, instruction, extension courses or in assisting in obtaining courses of study or programs in the fields of engineering and ~~land~~ surveying. The Board shall encourage the educational institutions in Oklahoma to offer courses necessary to complete the educational requirements of Section 475.1 et seq. of this title.