

# CHAPTER 15. LICENSURE AND PRACTICE OF PROFESSIONAL ENGINEERS AND ~~LAND~~ SURVEYORS

## SUBCHAPTER 1. GENERAL PROVISIONS

### 245:15-1-3. Definitions

The following words or terms, when used in the Rules of Procedure, shall have the following meaning, unless the context clearly indicates otherwise. Definitions in 59 O.S. Section 475.2 and 65 O.S. Section 3-118 shall be read together with the definitions and interpretations provided in the Rules of Procedure of the Board.

**"Accessory to a corner"** means any exclusively identifiable physical object whose spatial relationship to the corner is recorded. Accessories may be bearing trees, bearing objects, monuments, reference monuments, line trees, pits, mounds, charcoal filled bottles, steel or wooden stakes, or other objects.

**"Act"** means O.S. Title 59, 475.1 et seq.

**"Certify" or "Certification"** or similar expressions relating to engineering or ~~land~~ surveying services ~~shall mean~~ means a statement based upon facts and knowledge known to the licensee and is not a guarantee or warranty, either expressed or implied.

**"Closure error"** means the ratio between the horizontal linear error of closure to the total horizontal distance traversed, with the numerator of the ratio being the number "one".

**"Control surveying"** means the establishment of horizontal and/or vertical control which will be the basis for future phases of a project including, but not limited to: extraction of geospatial data, engineering design projects, construction staking, surveys to layout horizontal and vertical alignments, topographic surveys using field methods, collection of topographic and planimetric data using photogrammetric methods and construction surveys of engineering or architectural public works project.

~~**"Engineering surveys"** means all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects, but exclude the surveying of real property for the establishment of land boundaries, rights-of-way, easements and the dependent or independent surveys or resurveys of the public land survey system. Unless a Professional Land Surveyor has provided the Professional Engineer with geocentric/geodetic control coordinates which meet the accuracy standards set forth in OAC 245:15-13-2, the Professional Engineer shall only use a coordinate system based on assumed values for the project, and so state on the documents.~~

**"Geospatial"** means the relative position of features on, above, or below the earth's surface defined by a localized or globalized system.

**"Land or boundary survey"** means a survey, the primary purpose of which includes, but is not limited to, the determining of the perimeter of a parcel or tract of land by establishing or reestablishing corners, monuments and boundary lines.

**"Linear closure"** means a measure of the horizontal linear error without regard to direction, between the computed location of the first and last points of a traverse when either the traverse ~~actually~~ returns to its beginning point (geometrically and mathematically closed), or the traverse ends at a point of previously established control relative to the beginning point (geometrically open, but mathematically closed).

**"Mortgage Inspection Report"** means a representation of the boundaries of a parcel of real property and the improvements thereon, prepared ~~incident~~ incidental to a mortgage of real property.

**"Monument"** means a physical structure that occupies the exact position of a corner.

**"Planimetric mapping ~~surveys~~ survey."** means a map that presents the horizontal positions only for the features represented. This is distinguished from a topographic map by the omission of relief in measurable form.

**"Positional error"** means the difference between the actual position of a corner monument and its described or computed position. This error may be determined by computing the difference between the measured position and the adjusted position of the monument or by measurement of angle and distance between three of the corner monuments on the survey if made with precise surveying instruments using proper procedures.

**"Professional Engineer, Retired"** - ~~The term "Professional Engineer, Retired" as used in these rules, shall mean~~ means an individual who has been duly licensed as a professional engineer by the Board and who chooses to relinquish or not to renew a license and who applies to and is approved by the Board to be granted the use of the title "Professional Engineer, Retired."

**"Professional ~~Land~~ Surveyor, Retired"** - ~~The term "Professional Land Surveyor, Retired" as used in these rules, shall mean~~ means an individual who has been duly licensed as a professional ~~land~~ surveyor by the Board and who chooses to relinquish or not to renew a license and who applies to and is approved by the Board to be granted the use of the title "Professional ~~Land~~ Surveyor, Retired."

**"Public project"** as it relates to the definition of the practice of surveying in O.S. Title 59, 475.2(7)(a)(13) means a publicly funded project locating, relocating, establishing, reestablishing, retracing, laying out, or staking of the location, alignment, or elevation whose location is dependent upon property, easement, and right-of-way boundaries.

**"Rules of professional conduct for Professional Engineers and ~~Land~~ Surveyors"** means those rules promulgated by the Board.

~~**"Professional Surveyor" or "P.S."** - The term "Professional Surveyor" or "P.S." may be used when describing a lawfully licensed Professional Land Surveyor or P.L.S. in Oklahoma, as defined pursuant to Title 59, 475.2(6).~~

**"Signature"** means "manual signature" or "electronic or digital signature" and shall comply with the provisions of 59 O.S. 475.15(C) and be defined as follows:

(A) Manual signature means the handwritten name of a person applied to a document that identifies the person, serves as a means of authentication of the contents of the document, provides responsibility for the creation of the document and provides for accountability for the contents of the document.

(B) ~~★~~ An electronic or digital signature shall mean an electronic secure process or secure digital code that uniquely identifies and authenticates the sender, attached to or logically associated with an electronically transmitted record and executed or adopted by a person with the intent to sign the record. An electronic or digital signature shall carry the same weight, authority, and effects as a manual signature.

**"Significant structures"**, beginning November 1, 2020, shall mean buildings and other structures that represent a substantial hazard to human life in the event of failure or are designated as essential facilities, including but not limited to:

- (A) Buildings and other structures whose primary occupancy is public assembly with an occupant load greater than 300;
- (B) Elementary schools, secondary schools or day care facilities with an occupant load greater than 50;
- (C) Adult education facilities, such as colleges and universities, with an occupant load greater than 500;
- (D) Hospitals, nursing homes, mental hospitals and detoxification facilities with an occupant load of 50 or more resident care recipients and/or surgery or emergency treatment facilities;
- (E) Prisons, jails, reformatories, detention centers, correctional centers;
- (F) Any building or other structure with an occupant load greater than 5,000;
- (G) Primary power-generating structures above 50 kilowatts;
- (H) Structures at water treatment facilities for potable water and wastewater treatment facilities serving more than 5,000 people;
- (I) Structures for public utility facilities containing quantities of toxic or explosive materials that are sufficient to pose a threat to the public if released;
- (J) Fire, rescue, ambulance and police stations and emergency vehicle garages;
- (K) Designated tornado, earthquake or other non-residential emergency shelters;
- (L) Designated emergency preparedness, communications and operations centers and other facilities required for emergency response;
- (M) Aviation control towers, air traffic control centers and emergency aircraft hangars;
- (N) Buildings and other structures having critical national defense functions;
- (O) Elevated water storage structures; and
- (P) Buildings and other structures with high lateral loadings including:
  - (i) those subjected to ultimate design 3 second wind gust speeds equaling or exceeding wind speeds corresponding to approximately a 3% probability of exceedance in 50 years; or
  - (ii) those that are in Seismic Design Category D and above.
- (Q) "Significant structures" shall exclude bridges and geo-structures. As defined in this document, "bridges" will not include elevated structures linking buildings. "Geo-structures" shall mean engineered structures that are loaded by the earth or whose resistance is derived from the earth. A project defined as a "Significant structure" for which a permit has not been applied for or granted as of October 31, 2020, shall be required to have an engineer of record who is a licensed Professional Structural Engineer. Beginning November 1, 2020, all new projects defined as "significant structures", shall require an Oklahoma Licensed Professional Structural Engineer to be the engineer of record.

**"Survey plat", "sketch", or "map"**, or similar document, shall ~~mean~~ means any drawing of a parcel or tract of real property used for the purpose of depicting the results of a field survey.

**"Topographic surveys"** ~~mean~~ means a surveys that ~~have~~ has as ~~their~~ its major purpose the determination of the configuration (relief) of the earth (ground) and the location of natural or artificial objects thereon.

### SUBCHAPTER 3. APPLICATION AND ELIGIBILITY FOR LICENSURE

#### 245:15-3-4. Board action required

(a) Individual professional engineer, professional engineer with a structural engineer designation, and professional ~~land~~ surveyor initial and comity applicants meeting the requirements of a NCEES Model Law Engineer, NCEES Model Law Structural Engineer, or NCEES Model Law Surveyor, or other requirements as determined by Board statutes, rules and policy may be reviewed and evaluated by the Executive Director or the Board's designee, to determine if the applicant meets or exceeds the approved criteria. If the applicant meets or exceeds these requirements, the applicant may receive a contingent license authorizing the individual to offer or provide engineering or surveying services in Oklahoma. A list of all engineers issued contingent licenses will be placed on the agenda of the next meeting of the Board for formal approval by the Board. A list of all surveyors who have been issued contingent licenses and who have passed the appropriate Oklahoma-specific examination will be placed on the agenda of the next meeting for formal approval by the Board. All other complete comity applicants will be reviewed and evaluated by the Board at the next

regularly scheduled meeting of the Board to determine if they meet or exceed the criteria to be licensed as a professional engineer, professional engineer with a structural engineer designation or a professional ~~land~~ surveyor.

(b) Certificate of Authorization applications for firms which meet the statutory and rule requirements may also be approved by the Executive Director or the Board's designee. If the firm meets or exceeds these requirements, the firm may receive a contingent authorization allowing the firm to offer or provide engineering or surveying services in Oklahoma. A list of all firms issued contingent authorizations will be placed on the agenda of the next meeting of the Board for formal approval by the Board.

(c) A contingent license or authorization will be in effect from its date of issuance until such time as the Board takes final action on the application for ~~licensure~~ a license or authorization. If the Board determines that the applicant does not meet the requirements for issuance of a license or certificate of authorization, the contingent license or authorization shall be immediately and automatically revoked upon notice to the applicant and no license will be issued.

(d) Initial applicants for a professional engineer, professional structural engineer, or professional ~~land~~ surveyor license shall apply to the Board when all education, examination and experience requirements have been met.

(e) Intern applications for certification may be approved by the Executive Director or the Board's designee.

(f) All other applications for Professional Engineer, Professional Engineer with a Structural Engineer Designation, Professional ~~Land~~-Surveyor and Certificate of Authorization submitted for a license or authorization shall be first considered by the Board for approval or disapproval.

#### **245:15-3-6. Active and inactive applications**

(a) Incomplete applications not yet presented to the Board, will be withdrawn from consideration by the Board after one year from the date submitted to the Board and a new and complete application shall be required from an applicant seeking ~~licensure~~ a license.

(b) The Board shall adopt a policy regarding the number of attempts an examinee may be granted for any Board-approved examination, as well as requirements for re-applying for future examination attempts. ~~An applicant's application will be closed after a prescribed number of failures of any Board-approved examinations. For further consideration, an applicant shall file a new and complete application for re-examination, to include evidence of additional education, knowledge or skill sufficient to materially improve the applicant's qualifications for re-examination which shows that the additional requirements outlined in the Board's policy for re-examination have been met.~~ NCEES examinations will be administered per NCEES policy and the policies of the Board.

(c) If an applicant requests that ~~his or her the applicant's~~ application be withdrawn from consideration, the application will be inactivated upon Board approval. ~~Board will reject the application.~~ Any further consideration will require a new and complete application and fee.

#### **245:15-3-7. Qualifications for original professional engineer license and engineer intern certification**

To be eligible for consideration for an original ~~licensure~~ license as a Professional Engineer or certification as an Engineer Intern, an applicant must meet all qualifications as contained within the Statutes and the Rules of the Board. An application for an Engineer Intern certification or Professional Engineer license shall be reviewed by the Board or its designee. Evidence of minimum qualifications is required by the Board in accordance with Title 59, 475.12a. and the following requirements:

(1) Engineer Intern and Professional Engineer - education requirements for certification or original license:

(A) In addition to the education requirements outlined in Title 59, 475.12a, Completion ~~completion~~ of one of the following shall also be considered as minimum evidence that the applicant has fulfilled the education requirement for certification as an Engineer Intern or ~~licensure~~ a license as a Professional Engineer:

(i) ~~a bachelor's degree in engineering from an EAC/ABET-accredited~~ bachelor's program, or the equivalent, which may include a ~~bachelor's degree in engineering from a~~ bachelor's degree program accredited by the Canadian Engineering Accreditation Board (CEAB) or signatories of the Washington Accord, a ~~bachelor's degree in engineering from a~~ bachelor's program that meets the NCEES Engineering Education Standard, or a ~~bachelor's degree in engineering from a~~ bachelor's program that, upon evaluation, does not meet the NCEES Engineering Education Standard, but deficiencies outlined in the degree evaluation have been reviewed and waived or corrected with further education approved by the Board or its designee,

~~(ii) a bachelor's degree in a Board approved related science degree program which meets the Board's statutory definition of a related science degree;~~

~~(iii) (ii) a master's degree in engineering from an institution that offers EAC/ABET-or ETAC/ABET accredited programs in the same or similar discipline of engineering,~~

~~(iv) a master's degree in engineering from an EAC/M-ABET-accredited program, or~~

~~(v) an earned doctoral degree in engineering acceptable to the Board.~~

(B) The Board may accept a bachelor's degree in an engineering or engineering technology program if the program is EAC/ETAC ABET accredited within 3 years of the date of the conferred degree. All other degree programs which are not EAC/ETAC ABET accredited at the time of conferment of the degree, but are currently EAC/ETAC ABET accredited, will be considered by board policy.

(2) Professional Engineer- experience (original license):

(A) Experience credit may be claimed to the date of the application. Part-time experience shall be pro-rated after a review by the Board or its designee. Experience record is to be continuous from beginning to the date of the

application. Experience time shall not exceed elapsed calendar time. Only experience obtained directly within the professional field will be considered as qualifying experience by the Board and must be verified by reference. Experience should be gained under the supervision of a licensed professional engineer or, if not, an explanation shall be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted and approved by the Board or its designee. In evaluating experience that indicates to the Board that the applicant may be competent to practice engineering, the following will be considered:

- (i) Experience must be progressive on engineering projects and must demonstrate an increasing quality and responsibility.
- (ii) Experience must not be obtained in violation of the ~~licensure~~ act.
- (iii) Experience gained in the armed services must be of a character equivalent to that which would have been gained in the civilian sector doing similar work.
- (iv) Sales experience must demonstrate that engineering principles were required and used in gaining the experience.
- (v) Teaching experience must be in engineering or engineering-related courses at a junior-, senior-, or graduate-level in a college or university offering an engineering program of 4 years or more that is approved by the Board.
- (vi) Experience may be gained in engineering research and design projects by members of an engineering faculty, where the program is approved by the Board, or by industry or government employees.
- (vii) Experience in construction must demonstrate the application of engineering principles.
- (viii) Experience should include demonstration of knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.
- (ix) Experience must include demonstration of the application of engineering principles in the practical solution of engineering problems.
- (x) The board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum Board requirements established by regulations for professional experience in that jurisdiction.

(B) Partial experience credit may be given for experience earned prior to receipt of a baccalaureate degree, at the discretion of the Board, if the employment is at least half-time and the work is performed under the supervision of a professional engineer. At the time the experience was gained, the applicant must have passed upper level engineering or related engineering science courses and applied relevant engineering knowledge in the claimed experience. In no case shall the experience credit exceed one half of that required for approved qualifying experience.

(C) A graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward earning a license. ~~licensure~~. To be eligible for experience credit, graduate degrees shall be relevant to the applicant's area of professional practice. Experience credit for a graduate degree cannot be earned concurrently with work experience credit. ~~Concurrent time spent in engineering work while attending school will be credited either as education experience or work experience but not both.~~

(D) Applicants shall submit a minimum of five (5) acceptable references, three (3) of whom shall be Professional Engineers having personal knowledge of the applicant's engineering experience, none of whom may be current members of the Board or immediate family members. References must verify the periods of qualifying experience since the beginning of the history, leaving no gaps in dates. The Board shall not give credit for engineering experience that has not been verified by one or more references.

~~(E) Applicants may apply for a waiver of the NCEES Fundamentals of Engineering examination by showing proof of a minimum of fifteen (15) years of acceptable progressive engineering experience following the date of the conferred degree qualifying the applicant for licensure. The required experience shall be verified by reference, and may not be self-verified. Experience earned prior to the conferred qualifying degree shall not be considered in the years of required experience. All elements of the application shall be evaluated by the Board when considering application for a waiver of the exam, including but not limited to reference responses, disciplinary actions and criminal history.~~

~~(F)~~ An applicant with a Board-approved doctoral degree in engineering shall be required to obtain two (2) years of experience credit after the doctoral degree is conferred, whether or not an M.S. degree was also conferred, to qualify for ~~licensure~~: a license.

~~(G)~~ An applicant with an education path described in OAC 245:15-3-7(1)(A)(i) or (1)(A)(ii), who further obtains a master's degree in engineering from an institution that offers EAC/ABET-accredited programs or CEAB-accredited programs, shall be required to obtain three (3) years of experience following the master's degree to qualify for ~~a license licensure~~. Under the same conditions, if a Board-approved doctoral degree is conferred, the applicant shall be required to obtain two (2) years of experience following the Ph.D. in engineering.



(HG) An applicant with a bachelor's degree in engineering from a program that is a signatory of the Washington Accord shall obtain experience per Board policy and may be required to obtain a degree evaluation from a Board-approved evaluation service to qualify for a license, licensure.

(HI) Non-U.S., non-EAC/ABET-accredited degrees, non-CEAB-accredited degrees which are not approved by the Board may be considered only following a degree evaluation obtained through a degree evaluation service approved by the Board. If the degree evaluation states that the degree is equivalent to the NCEES Education Standard, then four (4) years of experience will be required following the conferred degree. If the degree does not meet the NCEES Education Standard and deficiencies outlined in the degree evaluation are corrected by further education as approved by the Board, then four (4) years of experience will be required following the conferred degree to qualify for a license, licensure. If the applicant described in this paragraph obtains a master's degree in engineering from an institution that offers EAC/ABET-accredited programs or CEAB-accredited programs, they may be required to obtain three (3) years of experience credit following the master's degree to qualify for a license, licensure. Under the same conditions, if a Board-approved doctoral degree is conferred, the applicant shall be required to obtain two (2) years of experience following the Ph.D. in engineering to qualify for a license, licensure.

(HJ) Non-U.S., non-EAC/ABET-accredited degrees or non-CEAB-accredited degrees which are not approved by the Board which upon evaluation are not deemed equivalent to the NCEES Education Standard shall be considered at a maximum equivalent to a related science degree.

(KJ) ~~No examination shall be administered following July 1, 2020, for applicants who qualified prior to July 1, 2016 with a non-accredited~~ Non-accredited technology degrees or non-related science degrees for licensure as a Professional Engineer may not be considered qualifying degrees for a license, and may require additional qualifying education to meet the education requirements.

(3) Professional Engineer - examination requirements (original license): When the education requirements of the Statutes and of this Chapter are met, the applicant shall apply to NCEES to take and pass the Fundamentals of Engineering Examination and the Principles and Practice of Engineering Examination. Once these examinations are successfully completed and requisite qualifying experience is complete, the applicant shall apply to the Board for approval and may be, required to pass an examination covering the laws, rules, procedures and practices pertaining to engineering in the state of Oklahoma, prior to being licensed as a Professional Engineer.

(A) Applicants whose qualifying degree is a bachelor's or master's degree may apply for a waiver of the NCEES Fundamentals of Engineering Examination (the FE exam) by showing proof of a minimum of fifteen (15) years of acceptable progressive engineering experience following the date of the conferred degree qualifying the applicant for licensing. The required experience shall be verified by reference and shall not be self-verified. Experience earned prior to the conferred qualifying degree shall not be considered in the years of required experience. All elements of the application shall be evaluated by the Board when considering application for a waiver of the FE exam, including but not limited to, reference responses, disciplinary actions, and criminal history, or

(B) Applicants who have current employment is listed as an engineering educator instructing upper division engineering courses, whose qualifying degree is a doctoral degree in engineering or another related field of science or mathematics, assessed and approved by the Board, from a college or university that offers an undergraduate or master's degree program in a related branch of engineering that is accredited by the EAC/ABET or ETAC/ABET, may apply to waive the FE exam by meeting all other requirements stated in the Act and Board rules.

#### **245:15-3-8. Qualifications for original ~~land~~ surveying license**

To be eligible for consideration for an original license licensure as a Professional ~~Land~~ Surveyor or certification as a ~~Land~~ Surveyor Intern, an applicant must meet all qualifications as contained within the Statutes and the Rules of the Board. Applications for ~~Land~~ Surveyor Intern certification or a Professional ~~Land~~ Surveyor license licensure shall be individually reviewed by the Board or its designee. Evidence of minimum qualifications is required by the Board in accordance with Title 59, 475.12b and the following requirements:

(1) Professional ~~Land~~ Surveyor - experience (original license):

(A) Experience record may be claimed to the date of the application. Part-time experience shall be pro-rated after a review by the Board or its designee. Experience record is to be continuous from the beginning to the date of the application. Experience time shall not exceed elapsed calendar time. Only experience obtained directly within the land surveying area will be considered as qualifying experience. Experience shall be gained under the supervision of a licensed professional surveyor; or if not, an explanation shall be made showing why the experience should be considered acceptable. Qualifying experience may not be claimed prior to the date of the conferment of the applicant's high school diploma or the eighteenth (18th) birthday of the applicant, whichever comes first. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted and approved by the Board or its designee. In

evaluating experience which indicates to the Board that the applicant may be competent to practice surveying, the following will be considered:

- (i) Experience must be progressive on surveying projects and must demonstrate an increasing quality and greater responsibility.
- (ii) Experience must be obtained in compliance with the Statutes and Rules of the Board.
- (iii) Experience gained in the armed services must be of a character equivalent to that which would have been gained in the civilian sector doing similar work.
- (iv) Teaching experience must be in surveying or surveying-related courses at an advanced level in a surveying program that is approved by the Board.
- (v) Experience related to property conveyance and/or boundary line determination must be demonstrated.
- (vi) Experience in the technical field aspects of the profession must be demonstrated.
- (vii) Experience must include demonstration of the application of surveying principles in the practical execution of surveying tasks.
- (viii) Experience may be gained in surveying research projects by members of a surveying faculty where the program is approved by the Board.
- (ix) The Board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum Board requirements established by statutes or rules for professional experience.

(B) Professional ~~land~~ surveyor applicants shall submit a minimum of five (5) acceptable references, at least three (3) of whom shall be Professional ~~Land~~ Surveyors having personal knowledge of the applicant's ~~land~~ surveying experience and none of whom may be current members of the Board. References must verify the periods of qualifying experience since from the beginning of the history, leaving no gaps in dates. The Board ~~cannot~~ shall not give credit for surveying experience that has not been verified by one or more acceptable references.

(C) Pursuant to O.S. Title 59, 475.12b(A)(4), all qualifying courses must be successfully completed at an accredited institution of higher education and, other than the Board-approved core curriculum, must be equivalent to general education requirements typically contained in an approved two (2) or four (4) year surveying degree program. The corresponding experience requirements for this section of the Act are as follows:

- (i) An individual graduating from a surveying program of four (4) years or more approved by the Board requires four (4) years of total experience including two (2) years which shall follow the date of the conferment of the degree; or
- (ii) An individual graduating from a surveying program of two (2) years or more approved by the Board requires five (5) years of total experience including two (2) years which shall follow the date of the conferment of the degree; or
- (iii) An individual graduating from a program of two (2) years or more approved by the Board which shall include the core curriculum requires five (5) years of total experience including two (2) years of which shall follow the date of the conferment of the degree.
- (iv) An individual graduating from a program of four (4) years or more approved by the Board which shall include the core curriculum requires five (5) years of total experience including two (2) years of which shall follow the date of the conferment of the degree.

If an applicant qualifying in (i) – (iv) above has a total of six (6) or more years of progressive, qualifying experience, the two (2) years of experience required following the date of the conferment of the degree may be substituted for experience earned prior to the degree.

(2) Professional ~~Land~~ Surveyor - examination requirements (original license):

(A) When the education requirements of the Statutes and of this Chapter are met, the applicant shall apply to NCEES and take and pass the Fundamentals of Surveying examination and the Principals and Practice of Surveying examination.

(B) Once these examinations are successfully completed and requisite qualifying experience is complete, the applicant shall apply to the Board for approval and may be required to pass other Oklahoma state specific examination(s) as required, prior to being licensed as a Professional ~~Land~~ Surveyor.

(3) Professional Surveyor – board-approved education (original license):

(A) Beginning July 1, 2032, all “board-approved” surveying education programs shall mean ETAC/ABET or ANSAC/ABET accredited programs, or their equivalent, to meet the board-approved definition.

#### **245:15-3-9. License by comity or endorsement for professional engineers or professional ~~land~~ surveyors**

(a) An applicant shall submit an application through the online portal, which may or may not include an NCEES Record. A minimum of five (5) references must be provided, three (3) of whom shall be Professional Engineers or Professional ~~Land~~ Surveyors, respectively, having personal knowledge of the applicant's required qualifying engineering experience as defined in O.S. Title 59, 475.12a(C)(3)(~~D~~)(4) or surveying experience, as defined in O.S. Title 59, 475.12b(C)(~~D~~).

- (b) References may not be current members of the Board or immediate relatives.
- (c) An applicant with less than the standards outlined in O.S. Title 59, 475.12a for engineering and 475.12b for surveying may be required to obtain additional education, experience and examination requirements as the Board may determine to establish the applicant's qualifications. However, applicants who have been continually lawfully licensed to practice professional engineering or professional ~~land~~ surveying in a state or jurisdiction for at least twenty (20) years shall be approved for a comity license licensure upon verification that the applicant obtains a qualifying background check, and provides references verifying the competent and lawful practice of professional engineering or professional ~~land~~ surveying, and ~~has passed~~ passes all examination(s) required by the Board's statutes and rules to determine competence at the professional level in laws and rules specific to Oklahoma and professional ethics.
- (d) The Board may accept an application from an applicant for a professional license based on a current professional license through a Mutual Recognition Agreement provided the applicant is registered through the International Registry for Professional Engineer as developed and published by the International Engineering Alliance, and may be licensed by:
- (1) Applying through the Board's online application system,
- (2) Submitting the required fee,
- (2) Submitting an NCEES Record, and
- (3) Passing the Oklahoma Law and Engineering examination in accordance with Board rules.
- ~~(d)~~ (e) Upon satisfactorily complying with minimum requirements of this section and requirements as described in the Statutes and Rules of the Board, the applicant shall be licensed in the State of Oklahoma.

### **245:15-3-10. Temporary License**

- (a) The Executive Director or the Board's designee shall be authorized to issue a Temporary License to a Professional Engineer, subject to the approval of the Board, under Title 59, 475.22(2) and the following conditions:
- (1) An applicant who is granted a Temporary License, but fails to submit their complete permanent professional engineer application within the 30 day timeframe ~~prescribed period of time~~, may be ~~considered to be~~ in violation of the Statutes and Rules of this Board. An application shall be considered complete when all required properly completed forms and fees have been received in the Board's office.
  - (2) Information relative to a license in the other state or jurisdiction shall be verified before issuance of a Temporary License.
  - (3) The Temporary License fee as prescribed by law shall be remitted with the application and is non-refundable, unless otherwise waived by Statute or Rules of the Board.
  - (4) A Temporary License shall be issued for a definite period ~~of time~~ not to exceed 120 days, for a specifically described single work project as set out in the application form and may not be renewed or extended.
  - (5) A Temporary License shall expire the earliest of the issuance of the ~~permanent~~ professional engineer license by this Board or the rejection of the application for a license licensure, but not later than ~~120~~ 60 days after issuance.
  - (6) The holder of a Temporary License shall seal plans, specifications, or other documents only in accordance with the Statutes and Rules of this Board. The seal used shall be the holder's license seal of the state on which issuance of the Temporary License as based and immediately under the seal the following shall be inserted:
    - (A) Oklahoma Temporary License number \_\_\_\_\_
    - (B) Date of issue \_\_\_\_\_
    - (C) Date of expiration \_\_\_\_\_
    - (D) Signature of holder \_\_\_\_\_
  - (7) No person may be issued more than one (1) temporary license in his or her lifetime.
  - (8) A Temporary License application shall include a statement describing the circumstances which require the issuance of a Temporary License for the project. The applicant shall submit either a contract, work order, or correspondence containing the date the proposal was submitted, the scope of the project, the ~~current~~ status of the project and the expected date of completion of the project.
- (b) The Executive Director or Board's designee shall be authorized to issue a Temporary License to active-duty military personnel who are licensed as a Professional Engineer and/or Professional ~~Land~~ Surveyor in another state or jurisdiction, upon receiving their notice or orders for military transfer or honorable discharge to Oklahoma, subject to the approval of the Board, pursuant to the provisions of Title 59, Section 4100. Qualifying applicants shall be awarded the opportunity to take any required state specific examination(s) in an expedited manner with fee waivers as described in Board Rules 245:2-1-18(e). All other Temporary License provisions above shall apply to this section as well.
- (c) The Executive Director or Board's designee shall be authorized to issue a Temporary License to the spouse of an active-duty military personnel, pursuant to the provisions of Title 59, Section 4100, upon the applicant showing reasonable evidence that:
- (1) He or she is the spouse of a member of the Armed Services on active duty within the State of Oklahoma; or
  - (2) He or she is the spouse of a member of the Armed Services who was a permanent resident in the State of Oklahoma for at least six (6) months prior to assignment to active duty; or
  - (3) He or she is the spouse of a member of the Armed Services who is subject to a military transfer to Oklahoma; and
  - (4) He or she is licensed as a Professional Engineer or Professional ~~Land~~ Surveyor in another state or jurisdiction; and
  - (5) He or she left employment as a Professional Engineer or Professional ~~Land~~ Surveyor in another state to accompany his or her spouse to the State of Oklahoma.

(d) Qualifying applicants shall be awarded the opportunity to take any required state specific examination(s) in an expedited manner with fee waivers as described in Board Rules 245:2-1-18(e). All other Temporary License provisions above shall apply to this section as well.

## **SUBCHAPTER 5. EXAMINATIONS**

### **245:15-5-3. Examination specifications**

(a) NCEES Examinations offered by the Board will be in accordance with NCEES specifications, developed by NCEES examinations committees.

(b) ~~Land surveyor~~ Professional Surveyor applicants may be examined on their knowledge of Oklahoma laws and surveying by examination(s) approved by Board policy.

### **245:15-5-4. Classification of ~~qualifying examination~~examinations and subversion provisions**

(a) Applicants may take one or more of the examinations listed in this subsection.

(1) NCEES Fundamentals of Engineering (FE) examination-The examination consists of subject matters in the fundamentals of engineering. ~~Passing this examination qualifies the examinee for certification as an Engineer Intern, provided the examinee has met all other requirements for certification required by Statute and these Rules.~~

(2) NCEES Principles and Practice of Engineering (PE) examination-The examination consists of subject matters in applied engineering. ~~Passing this examination qualifies the examinee for licensure as a Professional Engineer, provided the examinee has met the other requirements for licensure required by Statute and these Rules.~~

(3) NCEES Structural Engineering (SE) examination-The examination shall be considered a qualifying examination for a license ~~licensure~~ as a Professional Engineer (P.E.) and/or Professional Structural Engineer (P.E., S.E.). ~~A candidate must receive acceptable results on both components to pass the examination. A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a 5-year period. Receiving acceptable results on only one component shall not be sufficient for licensure purposes. The Structural examination shall be considered and referred to as one examination.~~

(4) NCEES Fundamentals of Surveying (FS) examination-The examination consists of subject matters in the fundamentals of surveying. ~~Passing this examination qualifies the examinee for certification as a Land Surveyor Intern, provided the examinee has met all other requirements for certification required by Statute and these Rules.~~

(5) NCEES Principles and Practice of Surveying (PS) examination-The examination consists of subject matters in applied surveying, divided in separate parts as determined by the Board. ~~Passing these parts qualifies the examinee for licensure as a Professional Land Surveyor, provided the examinee has met the other requirements for licensure required by Statute and these Rules.~~

(6) Oklahoma Law and Surveying (OLS) examination-The examination is required and administered by Board Policy, and is a separate module on Oklahoma law and surveying procedures for the practice of surveying.

(7) Oklahoma Law and Engineering/Surveying (OLE/S) examination-The examination consists of Oklahoma law and is required and administered by Board Policy.

(b) Applicants required to take the Fundamentals of Engineering or Surveying examination, the Principles and Practice of Engineering examination, including the Structural Engineering examination, or the Principles and Practice of Surveying examination, shall apply directly with NCEES to register and take the examinations.

(c) Examination subversion is the use of any means to alter the results of an examination to cause the results to inaccurately represent the competency of an examinee. Examination subversion for examination offerings includes, but is not limited to:

- (1) Communication between examinees inside of the examination room or testing site.
- (2) Giving or receiving any unauthorized assistance on the examination while an examination is in progress.
- (3) Having any unauthorized printed or written matter or other devices in his or her possession which might serve to aid the examinee on the examination.
- (4) Obtaining, using, buying, selling, distributing, having possession of, or having unauthorized access to secured examination questions or other secured examination material prior to, during or after the administration of the examination.
- (5) Copying another examinee's answers or looking at another examinee's materials while an examination is in progress.
- (6) Permitting anyone to copy answers to the examination.
- (7) Removing any secured examination materials from the examination facility.
- (8) Allowing another person to take the examination in the examinee's place.
- (9) Placing any identifying mark upon his or her examination papers other than his or her identification number or other identifiers as directed by the examination administrator.
- (10) Use by an examinee of any written material, audio material, video material, digital material, or any other mechanism not specifically authorized during the examination for the purpose of assisting any examinee in the examination.
- (11) Writing on anything other than designated examination material.
- (12) Writing or erasing anything after time is called.

(e) If there is evidence of examination subversion by an examinee prior to, during, or after the administration of the examination, one or more of the following may occur:

- (1) The examinee may be denied the privilege of taking the examination if examination subversion is detected before the administration of the examination.
- (2) If the examination subversion detected has not yet compromised the integrity of the examination, such steps as are necessary to prevent further examination subversion shall be taken, and the examinee may be permitted to continue with the examination.
- (3) The examinee may be requested to leave the examination facility if examination subversion is detected during the examination.
- (4) The examinee may be requested to submit written advisement of his or her intent to comply with and understanding of the law.
- (5) The examination results may be voided and the application fee forfeited.
- (6) The examinee may not be allowed to sit for an examination for a time prescribed by the Board following investigation.
- (f) The Executive Director reserves the right not to release the examination results to the examinee pending the outcome of any investigation of examination subversion.
- (g) Removal from or avoidance of one part of a multiple-part examination taken during a single examination administration shall constitute removal from or avoidance of all other parts of the multiple-part examination.
- (h) Professional engineers or ~~land~~ professional surveyors shall not attempt to gain access to secured examination questions or other secured examination material or information for personal or professional use. Failure to comply shall result in a full investigation by this Board and may result in disciplinary action for this violation.

## **SUBCHAPTER 7. ~~LICENSURE~~ LICENSING**

### **245:15-7-1. ~~Certificate of Licensure~~ Licensing Certificates**

- (a) ~~Licensure~~ Licensing certificates shall be issued to individuals meeting statutory ~~licensure~~ licensing requirements and the current Rules of Procedure of the Board. The certificate will identify the licensee by name and license number, show the effective date, confirm the licensee's qualifications and acknowledge the licensee's right to practice engineering or ~~land~~ surveying, as the case may be, in the State of Oklahoma.
- (b) ~~Certificate of Licensure~~ A license certificate will be issued by the Board for the life of the licensee, subject to powers of renewal, reinstatement, suspension, revocation, penalties, orders or refusal to renew for cause, vested in the Board by the Statutes.
- (c) When a professional engineer or ~~land~~ surveyor in good standing ~~desires~~ chooses to retire his or her license, he or she may do so upon application to the Board, subject to reinstatement and continuing education requirements by the Board.
- (d) Individuals holding a ~~Certificate of Licensure~~ License Certificate shall display or maintain it at the licensee's place of practice and be prepared to substantiate biennial license renewal.
- (e) Duplicate original License Certificates ~~of Licensure~~ will be issued to a licensee provided:
  - (1) The current license renewal is effective;
  - (2) The licensee makes written request for a replacement of certificate;
  - (3) The licensee certifies that the original certificate has been lost, damaged or destroyed; and
  - (4) The licensee pays the prescribed fee.
- (f) Duplicate License Certificates ~~of Licensure~~ will be issued for display at multiple places of practice upon a written request and payment of the prescribed fee. However, each duplicate certificate will be marked as such.
- (g) It is the duty of the licensee to notify the Board office, in writing or online, of changes in employment or contact information within 30 days of the change. Failure to properly notify the Board of these changes may be cause for an administrative action.

### **245:15-7-2. Suspension, revocation, or refusal to renew ~~Certificate of Licensure~~ a License**

- (a) Upon notification of the Board, ~~Certificates of Licensure~~ Licenses which have been suspended, revoked or refused by the Board to renew for cause, shall be surrendered immediately in the manner prescribed by that notice.
- (b) Cause shall be defined as any violation of 59 O.S., 475.1 et seq, as amended and the current Rules of Procedure of the Board. Cause shall also be defined as any state suspending, revoking or refusing to renew the ~~Certificate of Licensure~~ License of the individual licensee.

### **245:15-7-3. Biennial ~~licensure~~ license renewal required**

- (a) The Statute requires all Professional Engineers and Professional ~~Land~~ Surveyors ~~desiring to~~ who are practice licensed in Oklahoma to biennially renew their license with the Board and pay a biennial ~~licensure~~ license renewal fee as prescribed by this Chapter. Notices will be sent to all licensees at the last known physical or e-mail address of record; however, it is the responsibility of each individual licensee to ~~insure~~ ensure the renewal fees and any other required documentation are ~~received by the Board office~~ not later than the renewal date or the renewal process is submitted and completed online. The license expires on the last day of the month in which it is due; and becomes invalid on that date unless the renewal fee is paid and other requirements are met. Upon receipt by the Board of the individual's, and if applicable, firm's or entity's properly completed renewal forms, fees and any required forms, the license will be valid. No ~~Certificate of Licensure~~ License or Certificate of Authorization will be valid for longer than a two (2) year period, unless otherwise required by law.

- (b) Failure to biennially renew and remit renewal fees and penalties where applicable, as prescribed by the Statute and the current Rules of Procedure of the Board will result in the inactivation of the licensee's Certificate of Licensure License or the Certificate of Authorization, unless otherwise required by law.
- (c) Notices of inactivation will be sent to the last known address of licensees and firms failing to biennially renew and remit renewal fees.

**245:15-7-4. ~~Waived renewal fees for professional engineers and professional land surveyors over the age of 70~~Retired professional engineers and professional surveyors status**

~~The biennial renewal fee for engineers or land surveyors who reach the age of 70 prior to the renewal date of their certificate of licensure will be waived. Renewal forms must be completed prior to the renewal date to qualify. Licensees who are continuing to practice their profession are required to fulfill continuing education requirements, even if the renewal fee is waived. If all requirements of this section are not completed properly, the certificate of licensure will be inactivated and reinstatement fees and penalties will apply to re-licensure. However, beginning January 1, 2021, all licensees shall be required to pay the regular 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.~~

**245:15-7-5. Reinstatement of revoked, inactivated, or retired licenses**

(a) Licenses inactivated for nonpayment of fees, failing to complete other administrative requirements for renewal, or licenses that were voluntarily retired by the licensee, may be reinstated by making written application for reinstatement within one hundred eighty days after expiration and payment of the prescribed renewal fee and penalty. After one hundred eighty (180) days of license inactivity, a new application and fees will be required, which shall be considered specifically by the Board, both from the standpoint of competency and all other statutory and rule requirements. If reinstatement is within one hundred eighty (180) days following the date of inactivity, then licensure will be deemed to have been continuous. Licensees who are unable to certify completion of required professional development hours will be held to the requirements of this section. Effective January 1, 2027, reinstatement applications shall be accepted up to two (2) years after expiration. Offering or practicing engineering or surveying with an inactive, revoked or retired license during this reinstatement period is a violation of Title 59, Section 475.1 et seq. and the Rules of this Board.

(b) If a license ~~revoked-inactivated~~ for non-payment ~~or a retired license~~ remains canceled or suspended for a period exceeding three (3) consecutive years, such former licensee may be required by the Board to take and pass a current examination as prescribed by the Board to qualify for relicensing. ~~If a licensee remains retired for a period exceeding two (2) consecutive year, such former licensee may be required by the Board to take and pass a current examination as prescribed by the Board to qualify for relicensing.~~ If a licensee remains retired for a period exceeding two (2) consecutive years, such former licensee may be required by the Board to take and pass a current examination as prescribed by the Board to qualify for relicensing.

(c) Licenses suspended, inactivated, or revoked for cause, may be reinstated only by Board action and only then in the manner determined by such Board action. Request for reinstatement of a license shall show the Board that the public interest will not suffer by reason of the reinstatement. The Board, by Statute, has the discretion as to whether ~~or not~~ to reinstate the License Certificate of Licensure or Certificate of Authorization.

## **SUBCHAPTER 9. RULES OF PROFESSIONAL CONDUCT**

**245:15-9-1. Purpose; scope; applicability**

To safeguard life, health, ~~safety~~, and property, to promote the public welfare, and to establish and to maintain integrity and high standards of skill and practice in the engineering and surveying professions, the Rules of Professional Conduct in this subchapter shall be binding upon every licensee and on all firms authorized to offer or perform engineering or ~~land~~ surveying services in Oklahoma.

**245:15-9-3. ~~Responsibility to the public~~Professional Conduct of Licensees**

**(a) Responsibility of Licensees to the Public, Clients and other Licensees:**

~~(a)~~ (1) Licensees shall at all times recognize that their first and foremost primary responsibility is to safeguard the health, property, safety, and public welfare when performing services for clients and employers.

~~(b)~~ (2) Licensees shall sign, date, and seal only those plans, design documents and surveys, and other documents which that conform to accepted engineering or land surveying standards and that safeguard the life, health, property and welfare of the public

(3) Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled under circumstances where the life, health, property, or welfare of the public is endangered.

~~(c) Licensees shall not reveal facts, data or information obtained in a professional capacity without the prior consent of the client, employer, or public body on which they serve except as authorized or required by law or rules.~~

~~(d)~~(4) Licensees shall not partner, practice, or offer to practice, or permit the use of their name or firm name nor associate in business ventures with any person or firm which they know, or have reason to believe, is engaging in fraudulent or dishonest business or professional practices.

~~(e)~~(5) Licensees should make a reasonable effort to inform another licensee whose work is believed to contain a material discrepancy, error, or omission that may impact the health, safety, property or welfare of the public, unless such reporting is legally prohibited. The licensee shall report this matter to the Board for investigation if it is not resolved.

~~(f)~~(6) Licensees who have knowledge or reason to believe that any person or firm has violated any of these "Rules of Professional Conduct" or any other provision of the Act, Title 59 O.S., Sec. 475.1 et seq., Title 65 O.S. Sec 3.116 et seq, or the rules of this Board, should report it to the Board, may report it to appropriate legal authorities, and shall cooperate with the Board and those authorities as may be requested.

~~(g)~~ Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled under circumstances where the life, health, property, or welfare of the public is endangered:

(7) Licensees shall, to the best of their knowledge, include all relevant and pertinent information in an objective and truthful manner within all professional documents, statements and testimony.

(8) Licensees shall express a professional opinion publicly only when that opinion is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.

(9) Licensees shall issue no statements, criticisms or arguments on engineering and surveying matters which are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking, and reveal any interest they have in the matters.

(10) Licensees shall not knowingly provide false or incomplete information regarding an applicant in obtaining licensure.

(11) Licensees shall comply with the licensing laws and rules governing their professional practice in each of the jurisdictions in which they practice.

(12) Licensees shall not reveal facts, data or information obtained in a professional capacity without the prior consent of the client, employer, or public body on which the licensee serves except as authorized or required by law or rules.

(13) Licensees shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients.

(14) Licensees shall disclose to their employers or clients all known or potential conflicts of interest or other circumstances that could influence or appear to influence their judgment or the quality of their professional service or engagement.

(15) Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.

(16) Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Conversely, licensees serving as members, advisors, or employees of a government body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body which they serve.

(17) Licensees shall not use confidential information received in the course of their assignments as a means of making personal profit without the consent of the party from whom the information was obtained.

(18) Political contributions made in excess of legal limits shall be considered a violation of these Rules of Professional Conduct.

(19) Licensees shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications. Licensees shall not misrepresent or exaggerate their degree of responsibility in prior assignments nor the complexity of said assignments. Presentations incidental to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments.

(20) Licensees shall not offer, give, solicit or receive, either directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by public authority.

(21) Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensees, nor indiscriminately criticize other licensees' work.

(22) Licensees shall make a reasonable effort to inform another licensee whose work is believed to contain a material discrepancy, error, or omission that may impact the health, safety, or welfare of the public, unless such reporting is legally prohibited.

**(b) Areas of Practice:**

(1) Licensees shall practice only in the area(s) of their competence and shall undertake assignments only when qualified by education, examination, or experience in the specific technical fields of engineering or surveying involved. For professional engineers, the records of the Board shall indicate a discipline(s) of engineering designated by the license holder and considered by the Board to be their area(s) of competence. All requests relating to listings for area(s) of competency require the review of the Board or its designee and shall include the following:\_\_\_\_\_

(A) Original application for licensure. Upon application for licensure, an applicant shall designate a discipline(s) of engineering by providing:\_\_\_\_\_

(i) a transcript showing a Board-approved degree(s) in the discipline(s) of engineering; or

- (ii) a supplementary experience record documenting at least four years of acceptable experience obtained under the supervision of a professional engineer qualified in the discipline(s) of engineering and verified by at least one professional engineer reference provider that has personal detailed knowledge of the applicant's qualifying engineering experience, which may include the Board requesting additional materials related to experience; or
- (iii) verification of successful passage of the principles and practice of engineering examination in the designated discipline(s) of engineering.

(B) Comity application for licensure or current license holder. A comity applicant or current license holder may request that the Board change the primary area of competence or indicate additional areas of competence by providing one or more of the following items:

- (i) a transcript showing an additional Board-approved degree in the new discipline of engineering other than the degree used for initial licensure; or
- (ii) a supplemental experience record documenting at least 4 years of acceptable experience obtained under the supervision of a professional engineer in the new discipline(s) of engineering verified by at least one professional engineer reference provider that has personal knowledge of the license holder's qualifying engineering experience; or
- (iii) verification of successful passage of the principles and practice of engineering examination in the new discipline of engineering.

(2) Licensees may accept assignments and assume responsibility for coordination of an entire project, if each technical segment is signed, dated, and sealed by a licensee competent to practice in the discipline(s) of engineering and in direct control and personal supervision of that technical segment.

(3) In the event a question arises as to the competence of a licensee in a specific technical field which cannot be otherwise resolved to the Board's satisfaction, the Board, either upon request of the licensee or on its own volition, shall admit the licensee to an appropriate examination.

(c) Responsible Charge:

(1) Licensees shall not affix their signature or seal to any engineering or surveying plan or document for which the licensee was not in responsible charge of the work through direct control and personal supervision, as defined in O.S. Title 59, 475.2(12). In addition, the professional engineer and professional surveyor in responsible charge of making professional decisions must be in close personal or remote contact with the personnel of the firm to ensure the licensee is in direct control and personal supervision of the work. In order to exercise responsible charge of the work, either (a) when delegating tasks to others, (b) in circumstances where a licensee in responsible charge of the work is unavailable to complete the work, or (c) the work is a design plan signed and sealed by an out-of-jurisdiction licensee (not a site adaptation of a standard design plan), the licensee must possess full professional knowledge of and control over the work and shall:

- (A) Have and exercise the authority to directly control engineering or surveying decisions, review and change, reject or approve both the work in progress and the final work product, through examination, evaluation, communication and direction throughout the development of the work.
- (B) Be personally knowledgeable of the scope of the work, its needs, parameters, limitations and special requirements, and have contact with individual(s) performing the work and know their performance capabilities and methods.
- (C) Be capable of answering questions relevant to the engineering or surveying decisions made as part of the services provided, in sufficient detail to demonstrate knowledge of and the competency shown in the work; and
- (D) Accept full responsibility for the work. The burden for demonstrating responsible charge lies with the licensee, including maintaining records, calculations, drawings, surveys, specifications, and other documents associated with the work.

(2) The board has final authority regarding the determination of whether work was prepared under the responsible charge of a licensee. The licensee is responsible for meeting all the preceding requirements whether the work is being performed remotely or locally.

**245:15-9-4. Areas of practice [REVOKED]**

~~(a) Licensees shall practice only in the areas of their competence and shall undertake assignments only when qualified by education, examination, or experience in the specific technical fields of engineering or land surveying involved. The records of the Board shall indicate a discipline(s) of engineering designated by the license holder and considered by the Board to be their area(s) of competence. All requests relating to listings for area(s) of competency require the review of the Board or its designee and shall include the following:~~

~~(1) Original application for licensure. Upon application for licensure, an applicant shall designate a discipline(s) of engineering by providing:~~

- ~~(A) a transcript showing a Board-approved degree(s) in the discipline(s) of engineering; or~~
- ~~(B) a supplementary experience record documenting at least 4 years of experience obtained under the supervision of a professional engineer or in the discipline(s) of engineering and verified by at least one PE reference provider~~



that has personal knowledge of the applicant's qualifying engineering experience; or  
(C) verification of successful passage of the examination (s) on the principles and practice of engineering in the discipline(s) of engineering.

(2) Comity application for licensure or current license holder. A comity applicant or current license holder may request that the Board change the primary area of competence or indicate additional areas of competence by providing one or more of the following items:

(A) a transcript showing an additional degree in the new discipline of engineering other than the degree used for initial licensure; or

(B) a supplemental experience record documenting at least 4 years of experience obtained under the supervision of a professional engineer in the new discipline(s) of engineering verified by at least one PE reference provider that has personal knowledge of the license holder's qualifying engineering experience; or

(C) verification of successful passage of the on the principles and practice of engineering in the new discipline.

(b) Licensees shall not affix their signatures, date of signature, or seals to any plans or documents dealing with subject matter in which they lack competence, or areas of competence designated in the official Board records, nor to any plan or document not prepared under their direct control and personal supervision.

(c) Licensees may accept assignments for coordination of an entire project, provided that each design segment is signed, dated, and sealed by a licensee competent to practice in the discipline(s) of engineering and in direct control and personal supervision of that design segment.

(d) In the event a question arises as to the competence of a licensee in a specific technical field which cannot be otherwise resolved to the Board's satisfaction, the Board, either upon request of the licensee or on its own volition, shall admit the licensee to an appropriate examination.

#### **245:15-9-5. Public statements [REVOKED]**

—Licensees shall issue public statements only in an objective and truthful manner.

(1) Licensees shall, to the best of their knowledge, include all relevant and pertinent information in an objective and truthful manner within all professional documents, statements and testimony.

(2) Licensees shall express a professional opinion publicly only when that opinion is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.

(3) Licensees shall issue no statements, criticisms or arguments on engineering and surveying matters which are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking, and reveal any interest they have in the matters.

(4) Licensees shall not knowingly provide false or incomplete information regarding an applicant in obtaining licensure.

(5) Licensees shall comply with the licensing laws and rules governing their professional practice in each of the jurisdictions in which they practice.

#### **245:15-9-6. Conflict of interest [REVOKED]**

—Licensees shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.

(1) Licensees shall make full prior disclosures to their employers or clients of all known or potential conflicts of interest or other circumstances which could influence or appear to influence their judgment or the quality of their services.

(2) Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project unless the circumstances are fully disclosed to, and agreed to, in writing by all parties who compensate the licensee. Compensation shall be deemed anything of value and shall not be limited to the payment of money.

(3) Licensees shall not solicit or accept financial or other valuable consideration, directly or indirectly, from any party, including contractors, suppliers, manufacturers, distributors, or an agent of any party in consideration for specifying or influencing others to use or select services, products, or processes in connection with work for which the licensee is responsible or work undertaken by a firm or entity in which licensee is an employee, officer, director, or owner.

(4) Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Conversely, licensees serving as members, advisors, or employees of a government body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body which they serve.

(5) Political contributions made in excess of legal limits shall be considered a violation of these Rules of Professional Conduct.

(6) Licensees shall not use confidential information received in the course of their assignments as a means of making personal profit without the consent of the party from whom the information was obtained.

#### **245:15-9-7. Solicitation of work [REVOKED]**

Licensees shall avoid improper solicitation of professional employment.

(1) Licensees shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications. They shall not misrepresent or exaggerate their degree of participation or responsibility in prior assignments

~~nor the complexity of said assignments. Brochures or other presentations incident to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments.~~

~~(2) Licensees shall not offer, give, solicit or receive, either directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by public authority.~~

~~(3) Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensees, nor indiscriminately criticize other licensees' work.~~

## SUBCHAPTER 11. CONTINUING EDUCATION

### 245:15-11-1. Definitions

The following words or terms, when used in this subchapter shall have the following meaning, unless the context clearly indicates otherwise:

**"Dual licensee"** means a person licensed as a Professional Engineer and Professional ~~Land~~ Surveyor.

**"PDH"** means a professional development hour of at least 50 minutes of course/activity instruction, as defined in this subchapter.

**"Professional development hour"** means a contact hour (nominal) of instruction or presentation; the common denominator for other units of credit.

**"College Semester / Quarter Hour"** means credit for course in an EAC/ETAC-ABET approved program, or engineering or surveying college program approved by the Board.

**"NCEES CPC Standard"** requires a licensee to obtain the equivalent of 15 PDHs per calendar year with no carryover allowed.

### 245:15-11-2. Continuing education committees

~~(a) The Board may establish continuing education committees whose duties and membership shall be defined by Board Policy, consisting of at least three (3) members each, who are residents of this state. Each member of the committee shall have been engaged in the lawful practice of professional engineering or professional land surveying for at least ten (10) years, in responsible charge of engineering or land surveying projects for at least five (5) years, and be a licensed Professional Engineer or Professional Land Surveyor in this state.~~

~~(b) The continuing education committees shall have the following duties or others as assigned by the Board:~~

~~(1) Exercise general administration of the Rules in Subchapter 11 of Chapter 15 under the direction of the Board;~~

~~(2) Recommend to the Board revisions of the Rules in Subchapter 11 of Chapter 15;~~

~~(3) Perform audits of licensees as necessary to ensure continuing education requirements are met;~~

~~(4) Report annually on the activities and operation of committees to the Board;~~

~~(c) Members of these committees shall serve at the discretion of the Board;~~

~~(d) The travel expenses of members of the continuing education committees shall be paid by the Board as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. All travel by members of the committees shall be approved by the Chair of the Board, or the Executive Director, prior to the travel occurring.~~

### 245:15-11-3. Scope and exemptions

(a) Licensees shall be required to meet the continuing educational requirements for professional development in this subchapter as a condition for licensure renewal. Continuing education obtained by a licensee should maintain, improve or expand skills and knowledge obtained prior to obtaining an initial license ~~licensure~~ or to develop new and relevant skills and knowledge.

(b) A licensee may be exempt from the professional development educational requirements for one of the following reasons:

(1) New licensees by way of examination or comity shall be exempt for their first pro-rated renewal period and first two-year renewal period. PDH's earned during this exempt period may not be carried forward to the first non-exempt renewal period.

(2) A licensee who is deployed on active duty as a member of the Armed Forces of the United States, shall be exempt from obtaining the professional development hours required during that year when circumstances associated with military duty prevent obtaining training and a waiver request has been submitted to the Board; when the active-duty military member performs engineering and/or ~~land~~ surveying services respectively as part of his or her military duties as annotated in Defense Department Form 214 (DD 214), or when performing any other act typically required for renewal of the license. A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the PDH's required during the renewal period.

(3) A licensee experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the Board may be exempt. Supporting documentation must be furnished to the Board.

(4) A licensee who elects to choose Retired status at the time of renewal shall be exempt. In the event such person elects to return to active practice of professional engineering or professional ~~land~~ surveying, 30 PDH's must be earned before returning to active practice.

#### **245:15-11-5. Requirements for Professional Engineers and ~~Land~~ Professional Surveyors**

- (a) To demonstrate that a Professional Engineer and/or Professional ~~Land~~ Surveyor maintains an acceptable level of competency, a licensee must obtain thirty (30) professional development hours (PDH's) within a twenty-four month (biennial) renewal period. If a licensee exceeds the requirement in any biennial renewal period, a maximum of fifteen (15) PDH's may be carried forward into the subsequent biennial renewal period.
- (b) A licensee may choose either the Board's standard continuing education requirement as detailed above, or comply with the calendar year reporting method, which is equivalent to fifteen (15) PDH's per calendar year, totaling thirty (30) PDH's per renewal period, with no allowable carryover. The Board shall adopt a conversion table allowing for different renewal periods within the calendar year.
- (c) A Professional ~~Land~~ Surveyor or a dual licensee must earn at least two (2) PDH's covering the Oklahoma Minimum Standards for the Practice of ~~Land~~ Surveying per biennial renewal period, with no allowable carryover for this requirement. If the licensee is reporting using the calendar year reporting method, they must be able to provide proof of completion of the required two (2) PDH's every two (2) years if audited. This requirement shall commence with the completion of the licensee's first full two-year renewal period following the adoption of these administrative rules, unless exempt under one of the provisions listed in OAC 245:15-11-3(b).
- (d) A licensee shall only renew or reinstate their license when they can truthfully certify that they have met the continuing education requirements of this subchapter and have proper proof of completion of the required PDH's to which they are certifying.
- (e) PDH's may be earned by a licensee as follows:
- (1) Successful completion of college courses.
  - (2) Successful completion of continuing education courses, short courses, tutorials, webinars and distance-education courses offered for independent study, or group study and through synchronous or asynchronous delivery methods such as live, correspondence, archival or the Internet;
  - (3) Attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, conferences, or educational institutions;
  - (4) Teaching or instructing in (1) through (3) of this subsection;
  - (5) Active participation in professional or technical societies serving the engineering or ~~land~~ surveying profession as defined in OAC 245:15-11-7(b) (2);
  - (6) Active participation in standards or code development technical committees, standards or code commissions, or licensing examination development committees;
  - (7) Developing professional ~~license~~licensure-~~licensing~~ exams, or writing standards or developing code in an official capacity;
  - (8) Authoring published papers, articles, or books in the licensee's area(s) of competence;
  - (9) Authoring peer reviewed published professional or technical paper or book in the licensee's area(s) of competence; and
  - (10) Award of patents to the licensee or to licensee's employer when developed by the licensee.
- (f) All such PDH's earned in activities as described in (e)(1) through (e)(10) of this section must be relevant to the practice of engineering and/or ~~land~~ surveying as applicable and may include technical, ethical or business content. Qualifying ethical or business courses or activities must contain content areas related to (1) the awareness of ethical concerns and conflicts; (2) an enhanced familiarity with the codes of conduct; (3) an understanding of standards of practice or care; (4) project management and risk-assessment management; or (5) other similar topics aimed at maintaining, improving, or expanding the skills set and knowledge relevant to the licensee's field and methods of practice.

#### **245:15-11-6. Criteria for continuing educational activities**

- (a) Continuing educational activities used to earn PDH's must meet the following criteria:
- (1) There is a clear purpose and objective for each activity, which will maintain, improve or expand skills and knowledge obtained prior to obtaining an initial license ~~initial licensure~~ or to develop new and relevant skills and knowledge.
  - (2) The content of each presentation is well organized and presented in a sequential manner.
  - (3) There is evidence of preplanning which should include the opportunity for input by the target group to be served.
  - (4) The presentation will be made by persons who are well qualified by education or experience.
  - (5) There is a provision for individual participant registration which will include information required for record keeping and reporting.
- (b) The Board has final authority with respect to acceptability of courses, credit, PDH value for courses, and other methods of earning credit.
- (1) Credit for college or community college approved courses will be based upon course credit established by the college.
  - (2) Credit for qualifying seminars and workshops meeting the criteria in 245:15-11-6(a) will be based on one PDH for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings or building code meetings will earn PDH's for the actual time of each program.
  - (3) Credit determination for activities referenced in 245:15-11-5(a)(6) and (a)(7) is the responsibility of the licensee (subject to review as required by the Board).

#### **245:15-11-7. Conversion of units and determination of credits**

- (a) The conversion of other units of credit of continuing education to PDH's is as follows:

- (1) One (1) college semester hour - 15 PDH's One (1) college quarter hour - 10 PDH's
- (2) One (1) hour of technical or professional development in a continuing education course, short course, tutorial, webinar, or distance-education course - 1 PDH
- (3) One (1) hour of attendance at a qualifying seminar, in-house course, workshop, or professional or technical presentation made at a meeting, convention, conference or educational institution - 1 PDH
- (4) For teaching or making presentations in (1) - (3) above - apply multiple of 2. Teaching credit is valid for teaching a course or seminar for the first time only. Teaching credit does not apply to full-time or part-time faculty members unless the activity is outside the scope of the licensee's customary teaching responsibilities.
- (5) Active participation in professional or technical societies serving the engineering or ~~land~~-surveying profession - 2 PDH's
- (6) Active participation serving on standards or code development technical committees, standards or code commissions, or licensing examination development committees - 4 PDH's
- (7) One (1) contact hour for developing professional ~~license~~ licensure licensing examinations, or writing standards or developing code in an official capacity - 1 PDH
- (8) Each published paper, article, or book in the licensee's area of professional practice - 5 PDH's
- (9) Each peer-reviewed published, professional or technical paper or book in the licensee's area(s) of competence -10 PDH's
- (10) Each patent. - 10 PDH's

(b) Determination of Credit - The Board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

- (1) Credit for college or community college approved courses will be based upon course credit established by the college.
- (2) Credit for activity in subsection (a)(5), active participation in professional and technical societies (limited to 2 PDH's per organization with a maximum of 4 PDH's per biennial renewal period or 2 PDH's per calendar year), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDH's are not earned until the end of each year of service is complete. Active participation in educational outreach activities pertaining to professional ~~license~~ licensure licensing or the surveying/engineering professions that involve K-12 or higher education students may count as active participation in a professional and technical society.
- (3) Credit for activity in subsection (a)(6), active participation in standards or code development technical committees or standards or code commissions or licensing examination development committees is limited to 4 PDH's per organization with a maximum of 8 PDH's per biennial renewal period or 2 PDH's per calendar year. PDH's are not earned until the end of each year of service is complete.
- (4) With the commencement of the licensees first full biennial renewal period following the adoption of these administrative rules, credit for approved activities which focus on other jurisdictional professional engineering or professional ~~land~~-surveying ~~license~~ licensure licensing laws, regulations, or minimum standards may be approved, but shall be limited to 2 PDH's per biennial renewal period or 1 PDH per calendar year.

#### **245:15-11-9. Records - Audits**

(a) The responsibility of maintaining records to be used to support credits claimed is the responsibility of the licensee. Records required include, but are not limited to:

- (1) A log showing the title of the activity, sponsoring organization, date of the activity, and PDH credits earned.
- (2) Attendance verification records in the form of completion certificates, or other approved documentation supporting evidence of attendance shall include the name of the licensee, title of the activity, sponsoring organization, date of the activity, and PDH's earned. Documentation which does not support evidence of actual attendance will not be accepted for audit purposes.

(b) Records must be maintained for a period of ~~five (5)~~ three (3) years and copies may be requested by the Board for audit verification purposes.

(c) Audits will be conducted ~~annually~~ by the Continuing Education Committee of the Board or the Board's designee.

#### **245:15-11-11. Disallowed credit; failure to comply**

- (a) If a licensee is unable to certify completion of 30 PDH's per biennial renewal period, or 15 PDH's per calendar year by their expiration date, the license will not be renewed unless an exemption has been claimed and approved pursuant to OAC 245:15-11-3.
- (b) If the Board, or its designee, disallows claimed PDH's completed during the designated renewal period for audit, as activities that do not meet the criteria for continuing education activities, the licensee shall have 90 days after notification to substantiate the original claim or to complete new continuing education activities to meet the minimum requirement. Further, if verification is supplied for the submitted hours, but disallowed as not acceptable verification, the licensee shall have ~~90~~ 60 days after notification to substantiate the original claim with acceptable verification, or complete new continuing education activities to meet the minimum requirement. The total number of days a licensee will be allowed to complete new continuing education activities or provide additional verification of claimed hours is ~~90~~ 60 days from the date of notification.
- (c) Failure to comply with an audit occurs when a licensee is notified of an audit and they fail to supply a completed log form and verifications showing the required PDH's earned during the appropriate audit period, by the stated deadline, or a licensee submits

false information to the Board in an attempt to renew a license. These acts are violations of Board Statutes and Rules and may lead to disciplinary action. Licensees who do not properly respond to the audit by the stated deadline, shall be in non-compliance with the audit and shall not be granted extra time to earn additional continuing education credit. If no verification of claimed PDH's is provided at the stated deadline for the audit, the licensee shall not be allowed ~~90~~ 60 additional days to provide verification and they will have failed the audit, unless proof of hardship is provided in writing and approved by the Board or its designee.

(d) If a licensee is audited for their continuing education requirements for their renewal period, the licensee shall not be allowed to retire their license to avoid complying with the audit or avoid disciplinary action if they incorrectly certified at the time of renewal that they had completed their continuing education requirements.

#### **245:15-11-12. Re-licensure/licensing**

A licensee may bring an inactive or retired license to active status by obtaining all delinquent PDH's and fulfilling all other administrative requirements. However, if the total number required to become current exceeds 30, then 30 shall be the maximum number required.

#### **245:15-11-13. Dual Licensees**

For an individual licensed both as an engineer and surveyor, the number of PDH's required shall remain 30 per biennial renewal period or 15 per calendar year, at least 1/3 of which shall be obtained in each profession. Dual licensees must comply with the provisions of OAC 245:15-11-5(c) regarding the Oklahoma Minimum Standards for the Practice of ~~Land~~ Surveying.

### **SUBCHAPTER 13. MINIMUM STANDARDS FOR THE PRACTICE OF ~~LAND~~ SURVEYING**

#### **245:15-13-1. Purpose; scope; applicability**

In order to better serve the public in regulating the practice of ~~land~~ surveying in Oklahoma, these minimum standards of practice are established to achieve no less than minimum standard degrees of accuracy, completeness, and quality for boundary, topographic, planimetric, and control surveys so as to assure well founded adequate and defensible real property boundary locations based on sound legal and surveying principles. ~~When more stringent survey standards than those set forth herein are required the survey shall comply with both those standards and with the Oklahoma Minimum Standards for the Practice of Land Surveying. Where the Professional Land Surveyor elects to follow or use a more thorough method of determining accuracy, it is not the intent of these standards to interfere. Pursuant to Title 59, O.S. 475.18(A)(15) Land Surveyors professional surveyors failing to comply with or meet these minimum standards will shall be subject to disciplinary action by the Board.~~

#### **245:15-13-2. Minimum Standards**

(a) **Definitions:** as used in these standards, the following terms shall have the following meanings where the context permits as provided in ~~59 O.S. 475.1 et seq.~~ the Act and Chapter 245:15-1-3 of the Rules of the Board.

(b) **Certification.** In order for a plat, subdivision plat, map, or sketch of a survey to comply with this rule, it shall be complete and shall be certified or otherwise stated as meeting these minimum standards. When more stringent survey standards than those set forth herein are required, the survey shall comply and be certified to both those standards and the Oklahoma Minimum Standards for the Practice of Surveying

(bc) **Research and investigation.**

(1) Every property boundary survey shall be made in accordance with the boundary description, as provided to or as created by the professional ~~land~~ surveyor, as nearly as is practicable unless there are errors or ambiguities in the original description that shall be corrected.

(2) The professional ~~land~~ surveyor, prior to making a survey, shall acquire available necessary survey data, which may include record descriptions, deeds, maps, Certified Corner Records, government notes, subdivision plats, road records, and other available section and boundary line location data in the vicinity. Copies of descriptions of adjoining property shall be researched if necessary to set the surveyed property apart from the adjoining properties.

(3) The professional ~~land~~ surveyor shall analyze the data and make careful determination of the record title boundary of the property to be surveyed.

(4) From the information gathered, the professional ~~land~~ surveyor, or those working under his or her direct control and personal supervision, shall search thoroughly for all controlling corners and all other available field evidence of boundary location.

(5) In the event of the discovery of a material disagreement with the work of another professional surveyor, the professional surveyor should make reasonable efforts to contact the other professional surveyor in an attempt to resolve the disagreement.

(cd) **Minimum technical standards for land or boundary surveys (field and office).**

(1) In order for a plat, subdivision plat, map, or sketch of a survey to be acceptable in terms of this rule, it must be complete and shall be certified or otherwise stated as meeting these minimum technical standards. (2) All measurements made in the field shall be in accordance with the United States Standard, using either US Survey Feet or meters using the Oklahoma Coordinate System of 1927, and the Oklahoma Coordinate System of 1983. The unit used to convert feet to meters shall be the United

States survey foot for the Oklahoma Plane Coordinate System (OKPCS). Subsequent datums to use the international value of the international foot as referenced to the meter to be used with Low Distortion Projections (LDP). All measurements shall be referenced to the horizontal or vertical plane, ~~with the exception of~~ except for geodetic surveys.

(32) All survey documents produced by an individual practicing under his or her own name shall bear the name, address, ~~and~~ telephone number, along with the license number, seal, signature, and date of signature of the professional ~~land~~ surveyor. All survey documents produced by a firm shall bear the firm name, address, telephone number, email address and website, if available, and Certificate of Authorization number, along with the name, license number, seal, signature, and date of signature of the professional surveyor.

(43) All survey documents ~~must~~ shall bear the date of the last site visit and bear the date of any revisions thereon. If the site visit was performed on multiple dates, the drawing may specify the range of those dates.

(54) A designated north arrow, vicinity map, and a statement of scale along with a graphic, linear, of bar scale of the map shall be shown prominently upon the drawing.

(65) Any symbols and/or abbreviations representing physical objects used on the drawing ~~will~~ shall be clearly noted upon the drawing. The size and type of monuments found or set shall be identified.

(76) The basis of control used in the survey ~~must~~ shall be shown on the survey and shall be based upon one or both of the following:

(A) Projections (state plain coordinates or other) with specifics to elevation, vertical datum, horizontal datum, zone, ground to grid factor used, state plane or UTM zone including all pertinent metadata, if applicable, measured and published geodetic control values based upon an online position user service (OPUS) solution, ~~or~~ geodetic control stations, or other control;

(B) A reference to all bearings shown must be clearly stated, i.e., whether to 'True North'; 'Grid North as established by state plane datum'; 'Assumed North based on the bearing of a well-established line'; a 'Deed call for a particular line'; or 'the bearing of a particular line shown upon a plat'; ~~etc. or A~~ 'a specific line between two points either found or re-established set points as shown on a filed plat or in an existing deed description. If a solar observation, GNSS observation, or other means for determining True or Geodetic North is used, it shall also include the accompanying latitudinal and longitudinal value of the observation point. 'GPS North' or similar ambiguous notations without explanation are unacceptable.

(87) Referencing surveys.

(A) Surveys based on the United States Public Land Survey System shall be referenced to original or properly restored corners and shown on the plat. The appropriate Bureau of Land Management Manual of Surveying Instructions shall be used as a guide for the restoration of lost or obliterated corners and subdivision of sections into aliquot parts.

(B) Lot surveys within platted subdivisions shall be referenced to existing corner monuments within the subdivision as necessary to ~~verify~~ substantiate the survey.

(98) Where ~~evidence of~~ inconsistencies with the property are ~~is~~ found, such as apparent encroachments and/or evidence of possession, such as fences, overlapping descriptions, hiatuses, excess or deficiency, or conflicting boundary line or monuments; the nature and extent of the inconsistencies shall be shown and described with available supporting documentation on the drawing.

(109) All survey drawings shall show the change in direction between lines, lines and curves, and between adjacent curves, by angles, bearings or azimuths. Circular curves shall show: 1. The length of radius; 2. The arc distance; and 3. The chord distance and chord bearing. Sufficient information ~~must~~ shall be shown to mathematically close all lots and/or parcels.

(110) All easements, rights-of-way and building lines drawn or referenced on recorded subdivision plats on or across the land being surveyed and the width of the rights-of-way of all section lines adjoining or within the surveyed property shall be shown upon the survey drawing. Physical evidence of roadways providing access to or through the property being surveyed shall be shown and/or noted. If location of easements or rights-of-way, other than those drawn or referenced on recorded subdivision plats is required, this information ~~must~~ shall be furnished to the professional ~~land~~ surveyor.

(121) The professional ~~land~~ surveyor shall establish or confirm a monument or confirm the prior placement of monuments at each and every property corner on the boundary line or boundary lines of the parcel or tract of land being surveyed.

(A) In such cases where the placement of a required monument at its proper location is impractical, a witness or reference monument shall be placed with the data given to show its location upon the ground in relation to the boundary lines or corner.

(B) In any case the type and size of all monuments, either found or set, and the relationship of the monuments to the surveyed lines and corners ~~will~~ shall be shown on the drawing.

(C) Where practical, monuments shall be constructed of material capable of being detected with the conventional instruments for finding ferrous or magnetic objects.

(D) All set monuments shall have affixed thereto a durable marker or cap bearing, at a minimum, the license number of the ~~land~~ professional surveyor in responsible charge, or the Certificate of Authorization number of the firm performing the survey.

(E) Monuments for the exterior corners of a subdivision shall be set by the professional surveyor who certified the plat of the subdivision prior to the recordation of the subdivision plat. It is the responsibility of the professional surveyor to set the interior corners on all lot and block corners prior to the conveyance of the lot, block or any part thereof within thirty days of completion of the infrastructure improvements, but no later than one year after recordation of the subdivision plat.

(~~43~~12) Accuracy of measurements. The accuracy of the measurements for the survey shall be based upon the type of survey, and the current or expected use of the land. The accuracy of the measurements thus performed shall be substantiated by the computations of the traverse or the results of a Global Navigation Satellite System (GNSS) survey; the relative error of closure permissible shall be no greater than the following standards given below:

(A) Where there is or will be zero lot line construction on small tracts in a high density urban area, the allowable closure error is 1:10,000 or the allowable positional error is plus or minus 0.10 feet.

(B) In residential or commercial subdivisions where the length of lines does not exceed 300 feet, the area of tracts does not exceed 2 acres, and there is no plan for zero lot line construction, the allowable closure error is 1:10,000 or the allowable positional error is plus or minus 0.25 feet.

(C) In suburban or rural residential or industrial tracts where the length of lines does not exceed 1000 feet and the area of tracts is between 2 and 40 acres, the allowable closure error is 1:10,000 or the allowable positional error is plus or minus 0.50 feet.

(D) Rural tracts of 40 acres or more where the corners of the tract may be connected with traverse legs in excess of 1000 feet, the allowable closure error is 1:10,000 or the allowable positional error is plus or minus 1.0 foot.

(E) Rural tracts of 40 acres or more in rough or tree covered terrain where the corners of the tract ~~must~~ shall be connected with short traverse lines because of poor visibility between the corners of the tract, the allowable closure error is 1:7,500 or the allowable positional error is plus or minus 1.5 feet.

(F) Field work performed which has a closure error greater than the maximum allowed, or linear error of closure greater than the maximum positional error shown, shall be considered unacceptable and shall be corrected.

Adjustment of a traverse ~~must~~ shall not shift the position of any point more than the maximum positional error listed above.

(~~44~~13) When special conditions exist that effectively prevent the survey from meeting these minimum standards, the special conditions and any necessary deviation from the standards shall be noted upon the drawing. It shall be a violation of this rule to use special conditions to circumvent the intent and purpose of these minimum standards.

(~~51~~14) A survey plat, sketch or map ~~must~~ shall be created whenever a ~~land or boundary~~ survey is performed. Every survey plat, sketch or map ~~must~~ shall contain the legal description of the land being surveyed, either on the face of the survey plat or attached to and referenced to the survey plat. If the professional ~~land~~ surveyor prepares a new description, then both the surveyor's description and the original description ~~must~~ shall be on the drawing.

(~~61~~15) Additions or deletions to survey drawings by other than the signing party or parties are prohibited without written consent of the signing party or parties.

**(~~de~~) Specifications for Topographic and Planimetric Mapping, Including Ground, Airborne, and Space borne Surveys:**

(1) Production procedures for topographic and planimetric mapping surveys shall be prepared in accordance with the Instruction Manual for Topographic and Planimetric Mapping, as adopted by the Board, and with the standards established by Part 3 of the Federal Geographic Data Committee (FGDC) Geospatial Positioning Accuracy Standard and applicable extensions and revisions. These standards are incorporated by reference including subsequent amendments and editions.

(2) Topographic and Planimetric Mapping Surveys shall contain a certificate followed by the dated signature and seal of the professional surveyor responsible for the control survey stating that the professional surveyor conducted an actual survey on the ground and is responsible for the survey. The following model certification is considered to be an example of the minimum the professional surveyor should certify to: "I, NAME OF SURVEYOR, certify that this project was completed under my direct and responsible charge from an actual survey made under my supervision; that this (insert as appropriate: ground, airborne or spaceborne) survey was performed at the 95% or greater percent level to meet Federal Geographic Data Committee Standards; that this survey was performed to meet the Specifications for Topographic and Planimetric Mapping contained in the Oklahoma Minimum Standards for the Practice of Surveying. The original data was obtained on (insert date); that the survey was completed on (insert date of completion); that contour shown as (description of obscure contour lines) may not meet the stated standard; and all coordinates are based on (list horizontal data projection) and adjusted to (list final adjustment values) and all elevations are based on (list vertical datum)."

**(~~ef~~) Control Surveying Reporting:** Whenever a professional ~~land~~ surveyor undertakes control surveying, where the coordinates and elevations of the control points established by the survey ~~will~~ shall be relied upon by professionals other than the original professional surveyor for future phases of the work, the ~~licensee~~ professional surveyor shall prepare a control survey report and shall provide the report to the prime client and to any other person who makes a written submittal. Alternatively, if the entire report is contained on the face of the work product, no other reporting is required. The report ~~will~~ shall contain the following information as appropriate ~~to~~ for the work being performed:

(1) A listing of the final adjusted coordinates and elevations for all points within the control network along with a complete description of all monuments established or recovered, and

(2) A complete description of the horizontal and vertical datum used ~~including~~ to include the basis of bearings, and

(3) A complete description of the state plane or UTM zone used including all pertinent metadata, if appropriate, and

- (4) Units used for coordinates and elevations, and
- (5) Description of monument(s) used to constrain the control network including the reference coordinates and elevations used for aid monument(s), and
- (6) If the final adjusted coordinates are based on a modified (ground datum) state plane coordinate system or a low-distortion local coordinate system (ground referenced) derived from geospatial positions, a complete description of the method(s) used to generate the modified coordinates shall be included in the report, and
- (7) A brief description detailing the field methods and equipment used to conduct the control survey, and
- (8) The date when the control monuments were set, the date when the control monuments were positionally observed, and the date of the final network adjustment
- (9) Nothing in this section dictates the spatial accuracy that ~~will~~ shall be required by any specific project. It ~~will~~ shall be the responsibility of the individual licensee to determine the appropriate level of accuracy for each project. However, the ~~licensee~~ professional surveyor shall report the spatial accuracy in both the horizontal and vertical components,
- (10) A certificate followed by the dated signature and seal of the professional ~~land~~ surveyor responsible for the control survey stating that the professional surveyor conducted an actual survey on the ground and is responsible for the survey. The following model certification is considered to be an example of the minimum that the professional surveyor should certify to: "I, \_\_\_\_\_, certify that this horizontal/vertical control survey was completed under my direct and responsible charge from an actual survey made under my supervision and meets the Oklahoma Minimum Standards for the Practice of ~~Land~~ Surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and ~~Land~~ Surveyors.", and
- (11) Preparation of the control portion of geographic information systems and land information systems means the authoritative and monumented ground survey of a system of marks or objects to establish horizontal or vertical positions.

**(fg) Minimum Standards for all Legal Descriptions (parcels, easements, rights of way):** Preparation of a new description that is different from the description furnished to the professional ~~land~~ surveyor should be avoided unless deemed necessary by the professional ~~land~~ surveyor because of errors or ambiguities in the original description. If the professional surveyor prepares a new description, then both the professional surveyor's description and the original description shall be on the drawing. Except in the case of an original survey, if a new description is prepared, a note shall be provided stating (a) that the new description describes the same real estate as the record description or, if it does not, (b) how the new description differs from the record description.

- (1) Metes and bounds descriptions prepared shall at a minimum contain the following items:
  - (A) A preamble containing the Quarter Section, Section, Township, Range, Principal Meridian (Indian or Cimarron) and the ~~County~~ county and/ or ~~City~~ city of the tract of land being described or a preamble containing the Lot and/or Block number, subdivision name and if available, the recording information of the plat and the ~~City~~ city, if applicable, and ~~County~~ county in which it is filed of record, and
  - (B) ~~A beginning point and point of commencement (if applicable) referenced to a known point such as a section corner, quarter-section corner, sixteenth section corner, or a Lot/Block corner of a recorded subdivision a tie to each additional section line or recorded subdivision line it passes through, and all distances and directions identified in the record description of the surveyed property (and in the new description, if one was prepared); A point of beginning shall be referenced to a known monumented position such as a section corner, quarter-section corner, sixteenth section corner, or a Lot/Block corner of a recorded subdivision. A point of commencement (if applicable) shall be tied to the point of beginning by a known monumented line, such as a section line, quarter-section line, or a Lot/Block line. A tie to each additional section line or recorded subdivision line the description crosses shall be made. All distances and directions identified in the record description of the surveyed property (and in the new description, if one was prepared) shall be shown; and~~
  - (C) Distances listed to the nearest hundredth of a foot (if surveyed), and
  - (D) Bearings or angles listed in degrees, minutes and seconds (if surveyed), and
  - (E) The basis of control used in the description shall be as stated in (c)(7) of this subsection, and
  - (F) Curved lines with circular curves shall show: 1. Direction of the curve (right or left); 2. The radius; 3. Arc distance; and 4. Chord distance and chord bearing, and
  - (G) The name and license number of the professional ~~land~~ surveyor who prepared the description, and
  - (H) The date of preparation of the legal description, and
  - (I) Each metes and bounds description must shall return to the Point of Beginning and close mathematically.
- (2) Aliquot descriptions may be used in lieu of a metes and bounds description and shall at a minimum contain the following items: Quarter Section, Section, Township, Range, Principal Meridian (Indian or Cimarron), city (if applicable) and the ~~County~~ county of the tract of land being described.
- (3) Lot and block description may be used in lieu of a metes and bounds description and shall at a minimum contain the following items: Lot and/or Block number, subdivision name, ~~City~~ city (if applicable), the ~~County~~ county in which it is filed of record and, if available, the recording information of the plat.
- (4) A written legal description of the surveyed tract of land must shall provide sufficient information to locate the property on the ground and distinctly set it apart from all adjoining properties.
- (5) The preparation of legal descriptions by a person who does not monument the land so described is not the practice of ~~land~~ surveying.



#### **245:15-13-4. Mortgage Inspection Report**

(a) A ~~Professional Land Surveyor~~ professional surveyor may prepare a Mortgage Inspection Report for the use of a specific client based upon their general knowledge of land boundaries and monuments in a given area. Such report shall be prominently labeled 'Mortgage Inspection Report - Not a Land or Boundary Survey' and shall not be designated as, or construed as being, a Land or Boundary Survey. ~~Professional Land Surveyors~~ surveyors showing measurements on a mortgage inspection report that are not true representations of the conditions that were found at the time of the inspection ~~will~~ shall be in violation of the Minimum Standards for the Practice of ~~Land Surveying~~. ~~The statement furnished on the certificate shall be similar to the following form:~~

(b) ~~The statement furnished on the certificate shall be similar to the following form:~~

'This Mortgage Inspection Report was prepared for ...(individual or firm).... It is not a land or boundary survey plat, and it is not to be relied upon for the establishment of fence, building or other future improvement lines. The accompanying sketch is a ~~true~~ representation of the approximate boundary, primary structure(s) and outbuildings with foundations ~~conditions~~ that were found at the time of the inspection, and the linear and angular values shown on the sketch, if any, are based on record or deed information and have not been verified unless noted.'

(c) Any further statements shall be made only after proper research, investigation and boundary analysis is conducted per 245:15-13-2(a) through (f).

### **SUBCHAPTER 15. ETHICAL MARKETING OF SERVICES**

#### **245:15-15-1. Purpose; scope**

Engineering and ~~land~~ surveying are important and learned professions. Engineers and ~~Land~~ Surveyors must recognize that their work has a direct and vital impact on the quality of life for all. Therefore, the services provided by engineers and ~~land~~ surveyors require honesty, impartiality, fairness and equity, and must be dedicated to the protection of the public health, safety and welfare. In the practice of the profession, engineers and ~~land~~ surveyors must perform under a standard of professional behavior which requires adherence to the principles of ethical conduct on behalf of the public, clients and the professions.

#### **245:15-15-3. Professional obligation in solicitation of professional employment**

(a) The Professional Engineer or ~~Land~~ Professional Surveyor shall not supplant, nor attempt to supplant, directly or indirectly, another Professional Engineer and/or ~~Land~~ Professional Surveyor in a particular engineering or ~~land~~ surveying project. The furnishing of informative brochures on oneself ~~one's self~~ or one's firm is not considered an attempt to supplant.

(b) A Professional Engineer or ~~Land~~ Professional Surveyor, acting individually or through a firm, shall neither request, propose, nor accept an agreement, contract or commission for professional services on a "contingency basis" unless there is a conflicting funding requirement. For the purpose of adjudging the provisions of this section, "Contingency basis" shall be interpreted only to include:

- (1) The preparation of preliminary reports and/or applications for funds, where the fee involved is to be paid only after such submission or approval, or the fee is substantially below the actual cost of performing the service, or
- (2) Reviewing for approval preliminary reports and/or applications for funds, where the fee involved is to be paid only after such submission or approval or the fee is substantially below the actual cost of performing the service.

(c) The Professional Engineer or ~~Land~~ Professional Surveyor, acting individually or through a firm, shall seek professional employment from governmental clients or any entity contracted by governmental clients to furnish engineering or ~~land~~ surveying services, in compliance with O.S. Title 61, Sections 60-64. The Board shall have the power to reprimand, place on probation, fine, revoke or suspend the License Certificate ~~of Licensure~~ or Certificate of Authorization of any licensee or firm who fails to comply with any provision of O.S. Title 61, Sections 60-64 in effect at the time the services were offered.

(d) Licensees participating in a design/build procurement as a prime contractor or as a consultant to a builder or another professional of any tier for delivery of a project to or for the use of a governmental entity shall not have violated the provisions of OAC 245:15-15-3 by the submission of a fee or price for services prior to the licensee's selection to participate in the project.

### **SUBCHAPTER 17. LICENSEE'S SEAL**

#### **245:15-17-1. Licensee's seal**

(a) Every person ~~authorized~~ licensed to practice engineering or ~~land~~ surveying ~~by a certificate of licensure~~ may obtain a seal with which to identify all final engineering and ~~land~~ surveying papers or documents, including drawings, specifications, plans, reports, ~~land~~ surveys, plats, land descriptions, design information, construction documents, calculations, addenda, change orders, field orders and other documents of service involving the practice of engineering or ~~land~~ surveying issued by the licensee for use in the State of Oklahoma whenever presented to a client or any public agency to certify that the work thereon was done by the licensee or under the direct control and personal supervision of the licensee.

(b) The seal required shall be of a type which will make an image on the surface of original documents and duplications of original documents. The use of a rubber stamp or electronic digitization which produces an accurate and legible image of the seal is permissible.

(c) The seal of the licensee shall consist of two (2) concentric circles. The inner circle shall have inscribed the licensee's name and license number, which shall correspond to the name and ~~certificate~~ license number shown on the Certificate of Licensure. The area

between the two (2) circles shall be inscribed with the word "Oklahoma" at the bottom reading counter-clockwise and the words "Licensed Professional Engineer" or "Licensed Professional Land Surveyor" at the top reading clockwise. ~~"Licensed Professional Surveyor" may be substituted for "Licensed Professional Land Surveyor" on the seal.~~ The seals commercially designated as 1 7/8" seal, with an inner circle of 1 1/8" diameter and an outer circle of 1 3/4" diameter, or the 1 5/8" seal, with an inner circle of 1 1/16" diameter and an outer circle of 1 9/16" diameter, are acceptable, as shown in Appendix A of this Chapter. Reproduction of the original documents with the required seal may produce a different seal size provided the seal remains completely legible.

(d) A licensee who practices in other than their full legal name shall register the name customarily used in professional practice with the Board together with a copy of their signature for such customarily used name. The seal may be inscribed with the registered, customarily used name, and the signature affixed across or adjacent to the seal shall be the name inscribed on the seal. A seal and signature affixed in a registered, customarily used name shall have the same force and effect as the seal and signature affixed in a licensee's full legal name.

(e) Existing seals containing the words "Registered Professional Engineer", "Registered Professional Land Surveyor", ~~and "Registered Land Surveyor"~~, and "Professional Land Surveyor" may continue to be used.

(f) Licensed "Professional Structural Engineers" may obtain an additional seal and use the words "Professional Structural Engineer" in lieu of "Licensed Professional Engineer" to use when sealing structural engineering projects, whether or not the work requires the seal of a Professional Structural Engineer. ~~All other work lawfully performed by the Professional Structural Engineer in other disciplines of engineering shall be signed and sealed using the seal which states "Licensed Professional Engineer".~~ Work defined as a "significant structure" shall be sealed with a "Professional Structural Engineer" seal, ~~and/or~~ signed with the designation "P.E., S.E." following the signature.

(g) An Engineer Intern or Surveyor Intern shall not have a seal.

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#### 245:15-17-2. Use of seal

(a) ~~The application of the licensee's signature and date of signature to a sealed document shall constitute certification that the work thereon was done by the licensee or under the licensee's direct control and personal supervision, as defined by statute, and that the licensee accepts full responsibility and liability for the professional work represented thereon. Authorized use of the prescribed seal is an individual act. The licensee is responsible for its security at all times. The licensee shall permit no other person, firm, or entity to use the prescribed seal. The seal shall be affixed to documents and instruments only during the time the licensee's license is current and in good standing. Whenever the seal is applied, the document must be signed by the licensee thereby certifying that he or she is competent in the subject matter, has declared the designated area(s) of competence in the record of the Board, and was in direct control and personal supervision of the work product. The seal and signature of the licensee and the date of signing shall be placed on all final engineering specifications, reports, drawings, plans, design information, and calculations or final surveys, reports, plats, drawings, plans and calculations whenever presented to a client or any public agency to certify that the work thereon was done by the licensee or under the responsible charge of the licensee, as defined by O.S. Title 59, 475.2(9) and (12) and described in OAC 245:15-9-3(c). Working drawings or preliminary documents are not required to have a seal and signature if the working drawing or preliminary document contains a statement in large bold letters to the effect "PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION." Permit sets or construction drawings, which are not final, may be signed and sealed for the purpose of submitting the work to the Authority Having Jurisdiction (AHJ) for their review, comment and/or approval, but must be clearly marked in large bold letters **NOT FOR CONSTRUCTION**.~~

(b) ~~Licensees must affix their seal, signature and date of signature to documents or drawings which reflect work for which the licensee has responsible charge, as defined, including revisions and addenda thereto. In the case when multiple licensees are involved, each sheet in a set of drawings shall contain the seal, signature and date of the licensee responsible. The seal and signature shall be placed on all copies, tracings, or other reproducible documents listed above so that the seal and signature will be reproduced when copies are made.~~

(c) ~~When the document contains more than one sheet, the first or title page shall be sealed and signed by the licensee who was in responsible charge. Two or more licensees may affix their signatures and seals provided that a note under the seal designates the specific subject matter for which each is responsible. In addition, each sheet shall be sealed and signed by the licensee or licensees responsible for that sheet. When a firm performs the work, each sheet shall be sealed and signed by the licensee or licensees who were in responsible charge of that sheet. A licensee not practicing as, or through a firm shall also include contact information to include at a minimum their address and phone number.~~

(d) ~~The licensee shall sign and seal only work within the licensee's areas of competence, as designated in the records of the Board.~~

(e) ~~Any revision to a document containing the seal and signature of a licensee shall be described and dated. If the revisions are not done by the original licensee, the revisions must also be signed and sealed by the licensee in responsible charge of those revisions.~~

(c) ~~Regarding professional engineering, the licensee is responsible for meeting and documenting all of the following requirements to be in direct control and personal supervision of the work, whether the work is performed remotely or locally:~~

(1) ~~The client requesting preparation of such plans, specifications, drawings, reports, or other documents makes the request directly to the licensee, a managing agent or authorized employee of the licensee's firm; and~~

(2) ~~The licensee supervises the preparation of the plans, specifications, drawings, reports, or other documents and has input into their preparation prior to their completion and reviews the final plans, specifications, drawings, reports, or other documents prior to signing and sealing the work; and~~

- (3) The licensee has the authority to, and does, make any necessary and appropriate changes to the final plans, specifications, drawings, reports, or other documents prior to signing and sealing the work; and
- (4) A professional engineer who signs and seals work must be capable of answering questions as to the engineering decisions made during the work on the project in sufficient detail as to leave little doubt as to the professional engineer's competence for the work performed.

(d) Regarding land surveying, the licensee in responsible charge and directly controlling and personally supervising the work is responsible for meeting and documenting all of the following requirements to be in direct control and personal supervision of the work:

- (1) The client requesting preparation of such plans, specifications, drawings, reports, or other documents makes the request directly to the licensee, a managing agent or authorized employee of the licensee's firm; and
- (2) The licensee must work in the office where the land surveying services are offered; and
- (3) The licensee must be physically present in the office where the surveying personnel are located in order to directly control and personally supervise the surveying work, including exercising professional judgment in making surveying decisions related to the amount and type of research performed, the field procedures used, and the surveying decisions related to the preparation of plats, land surveying reports, legal descriptions and other land surveying documents furnished in connection with the land surveying services provided; and
- (4) The licensee has the authority to, and does, make any necessary and appropriate changes to the work prior to signing and sealing the work; and
- (5) A professional land surveyor who signs and seals work must be capable of answering questions as to the surveying decisions made during the project in sufficient detail as to leave little doubt as to the professional land surveyor's involvement with the work performed.

(ef) Unlicensed persons, including professional engineers and professional land surveyors not licensed in this state, shall not perform engineering or surveying work in this state, to subsequently have it reviewed, signed, and sealed by a licensed professional engineer or professional land surveyor licensed in the state of Oklahoma. An Oklahoma licensed professional engineer must meet all provisions of (c) of this subsection and an Oklahoma licensed professional land surveyor must meet all provisions of (d) of this subsection to qualify as being in responsible charge of the work. If the Oklahoma licensed professional is a contractor or consultant to the firm or individual who contracted for the project, the licensee must include his or her firm name, if applicable, and contact information on the work.

(f) In the case of bound documents, licensees must affix their seal, signature, and date of signature to the cover sheet or index page, which identifies all documents bound together for which the licensee has responsible charge. In the absence of covers and index pages each document must have the seal, and dated signature of the licensee who has responsible charge. For bound documents involving multiple licensees, either each document in the bound set must be sealed, signed, and dated by the licensee in responsible charge for that portion of the work, or the cover sheet or index page must be sealed, signed, and dated by each licensee with a breakdown of the licensee in responsible charge of each document clearly identified.

(g) In the case when the work consists of a letter or report prepared by a single licensee, the licensee need only seal, sign, and date the first page, title page or signature page of the document.

(h) The Statute, 59 O.S., Sections 475.1 et seq. and Rules of the Board in this Chapter describe the use of the seal of the licensee. The seal, signature, and date of signature shall be placed on all final engineering and land surveying documents whenever presented to a client or any public agency to certify that the work thereon was done by the licensee or under the responsible charge of the licensee. In lieu of sealing, signing, and dating each copy of the work, the seal, signature, and date shall be placed on originals, tracings, or other reproducible documents by the licensee in such a manner that when the originals, tracings, or other reproducible documents are reproduced the seal, signature, and date will be legible.

(i) Working drawings or preliminary documents are not required to have a seal and signature if they contain a statement in large bold letters to the effect **~~PRELIMINARY, NOT FOR CONSTRUCTION OR IMPLEMENTATION.~~**

(j) Permit sets or construction drawings, which are not final, may be signed and sealed for the purpose of submitting the work to the Authority Having Jurisdiction (AHJ) for their review, comment and /or approval, but must be clearly marked in large bold letters **~~NOT FOR CONSTRUCTION.~~**

(k) An Engineer Intern or Land Surveyor Intern shall not have a seal.

(tg) Drawings, reports, or documents that require a signature may be signed using ~~a~~ an electronic or digital signature. The electronic or digital signature must be:

- (1) Unique to the person using it;
- (2) Capable of verification; and
- (3) Under the sole responsibility and control of the licensee affixing it.
  - (A) A scanned image or other reproduction of an original signature may be used in lieu of an original signature or electronic or digital signature if accompanied by an original handwritten date.
  - (B) ~~A~~ An electronic or digital signature having an electronic authentication process attached to or logically associated with the electronic document may also be used and does not need to include the handwritten date but must be dated. In this instance, the electronic or digital signature shall be linked to a document in such a manner that the data in the document can be verified as being unaltered since the time that the digital signature was affixed.

~~(mh)~~ Successor licensee - In circumstances where a licensee in responsible charge of the work is unavailable to complete the work, or the work is a site adaptation of a standard design plan, or the work is a design plan signed and sealed by an out-of-jurisdiction licensee (not a site adaptation of a standard design plan), a successor licensee may take responsible charge over, and complete the work, in accordance with the provisions of OAC 245:15-9-3(c). The burden is on the successor licensee to demonstrate such compliance. The non-professional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee's professional work.

~~(1) A licensee shall perform or have responsible charge over all professional engineering or land surveying services to include development of a complete design file including work or design criteria, calculations, code research, field notes, and any necessary and appropriate changes to the work. The burden is on the successor licensee to demonstrate such compliance.~~

~~(2) The non-professional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee's professional work.~~

~~(3) The licensee shall have direct control and personal supervision over the engineering or surveying work and the signed, dated, and sealed originals of all documents over which the licensee has taken responsible charge under this provision. A professional engineer or land surveyor who adopts, signs, and seals work previously engineered or surveyed under this provision shall perform sufficient review and calculation to ensure that all standards of practice required of licensees are met, including satisfying the relevant criteria stated in paragraph (c)(iv) and (c)(iv) above and shall take professional and legal responsibility for documents signed and sealed.~~

~~(n) Prototypical design plans - A licensee may take responsible charge over a standard, prototypical design plan, including drawings and specifications in printed or electronic form, for the purpose of adapting the plan to a specific site in this state, provided the licensee's work is completed in accordance with the provisions of this Chapter. This provision shall apply to both site adaptation of new structures and site adaptation for construction in an existing structure.~~

~~(1) In the case of an existing structure, the engineering for modifications to the existing structure and any of its systems shall be under the responsible charge of persons licensed in this state.~~

~~(2) Standard, prototypical designs that may be site adapted under this provision are drawings and specification documents prepared for the purpose of defining the Owner's requirements but not yet completed for construction on a specific site.~~

~~(3) Site adaptation shall not include, and this provision does not authorize, a licensee to take responsible charge over work designed for construction on a specific site in this state that was prepared by a person not licensed in this state.~~

~~(4) Standard prototypical design plans shall not be released publicly or submitted to a client or user unless the plans are marked with a statement substantially equivalent to 'This document is preliminary in nature and is not a final, signed and sealed document'. The statement shall not be removed until an Oklahoma licensee has taken responsible charge of the work and the work is dated and issued under the seal and signature of an Oklahoma licensee.~~

~~(5) A licensee shall perform or have responsible charge over all professional engineering services to include development of a complete design file including work or design criteria, calculations, code research, and any necessary and appropriate changes to the work. The burden is on the successor licensee to demonstrate such compliance.~~

~~(6) The non-professional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee's professional work.~~

~~(7) The licensee shall have direct control and personal supervision over the engineering work and the signed, dated, and sealed originals of all documents over which the licensee has taken responsible charge under this provision.~~

~~(o) Any revision to a document containing the seal and signature of a licensee shall be identified and dated. Revisions not done by the original licensee must be signed and sealed by the licensee in responsible charge of the revision. At no time shall a successor licensee remove the seal and signature of the original licensee in responsible charge of the work.~~

~~(pi) Record drawings prepared to reflect changes made during construction based on the record of changes made to construction drawings and changes to the construction observed by the licensee or on the licensee's behalf or reported by contractors is deemed a drafting service and shall not require a licensee's seal, signature, and date of signature.~~

~~(qj) In the case of a firm, each separate document, the first page of a bound document, and, in the case of multiple licensees, the portion of the work for which each firm is responsible, shall also show the name of the firm, the firm's Certificate of Authorization number and contact information for the firm.~~

~~(rk) Engineering or surveying technical submissions given to an architect for a project must be signed and sealed by the professional engineer or land professional surveyor in responsible charge of the work prior to the architect taking responsible charge of the work as the prime professional for the project.~~

~~(sl) Consultants hired to do work on behalf of the firm must sign, seal, and date their work and include their contact information, and Certificate of Authorization information, if applicable, on the work. Consultants may shall not be the designated managing agent for the firm to which they are consulting.~~

## SUBCHAPTER 19. ORGANIZATIONAL PRACTICE

The Board may grant a Certificate of Authorization to practice through individual licensees to those firms meeting the following criteria:

- (1) An application is filed and approved by the Board or its designee.
- (2) A firm offering engineering and/or surveying services shall designate an professional engineer or ~~land~~ professional surveyor, respectively, to be the managing agent for the firm. A firm offering both engineering and ~~land~~ surveying services must have a licensed professional engineer and licensed professional ~~land~~ surveyor listed as managing agent. The designated managing agent(s) must hold a position of recognized authority within the firm. A licensee who does not hold an otherwise qualifying title within a firm, as described in Title 59, 475.21(F), shall qualify as a managing agent under the following conditions:
  - (A) the licensee shall be a full-time employee of the firm and not a consultant or an independent contractor;
  - (B) the licensee shall hold the proper professional license in good-standing with the Board; and
  - (C) the licensee and firm both shall certify that the licensee can fulfill the responsibilities of the managing agent, including:
    - (i) renewal and maintenance of the firm's certificate of authorization and notification to the Board of any change in managing agent or firm's contact information within 30 days of the change;
    - (ii) overall administrative supervision of the firm's licensed and subordinate personnel performing engineering or surveying work, respectively, in Oklahoma; and
    - (iii) the institution and adherence of policies of the firm that are in accordance with Section 475.1 et seq. of this title, Section 3.116 et seq. of Title 65, and of the Oklahoma Statutes and Rules of this Board..
- (3) The firm's practice of engineering or ~~land~~ surveying in any main office or branch office is under the direct control and personal supervision of a duly licensed professional engineer or professional ~~land~~ surveyor in responsible charge. In the case of an out-of-state firm authorized to perform engineering and/or surveying services in Oklahoma, the firm may have one or more branch offices located in Oklahoma only if the firm has a professional engineer and/or professional surveyor respectively designated in responsible ~~and in~~ charge of the firm's professional practice in this state. The professional engineer or professional surveyor designated for this purpose shall be duly licensed ~~as a professional engineer~~ in Oklahoma and be a full-time resident of Oklahoma or shall be required to spend a majority of normal business hours at one or more branch offices located in Oklahoma.
- (4) A Certificate of Authorization shall be issued to a firm which is in compliance with the statutory requirements and the current Rules of Procedure of the Board. The certificate will identify the firm by name and authorization number, show the effective date, and confirm the firm's right to practice engineering and/or ~~land~~ surveying in the State of Oklahoma.
- (5) One Certificate of Authorization will be issued by the Board for each firm, which shall be subject to powers of renewal, reinstatement, suspension, revocation, penalties, orders or refusal to renew for cause, vested in the Board by the statutes.
- (6) Firms holding a Certificate of Authorization shall display or maintain it at the firm's place of practice.
- (7) A duplicate original Certificate of Authorization will be issued to a firm provided:
  - (A) The current Certificate of Authorization's renewal is effective;
  - (B) The firm makes written request for a replacement of certificate;
  - (C) The firm certifies that the original certificate has been lost, damaged or destroyed; and
  - (D) The firm pays the prescribed fee.
- (8) Duplicate Certificates of Authorization will be issued for multiple places of practice upon a written request and payment of the prescribed fee. However, each duplicate certificate will be marked as such.

#### **245:15-19-3. Biennial license for Certificate of Authorization**

- (a) A firm ~~desiring~~ choosing to practice under the Certificate of Authorization must submit the proper fees and forms for renewal biennially. No Certificate of Authorization shall be valid for longer than a two (2) year period.
- (b) Failure to biennially renew and remit renewal fees by the renewal date will result in automatic revocation of the Certificate of Authorization.
- (c) One notice of revocation will be sent to the last known address of the firm failing to biennially renew and remit renewal fees.

#### **245:15-19-4. Reinstatement of revoked Certificate of Authorization**

- (a) Certificates of Authorization revoked for nonpayment of fees, may be reinstated within one hundred eighty (180) days of revocation after payment of the reinstatement fee and renewal fee.
- (b) Certificates of Authorization revoked for longer than one hundred eighty (180) days without reinstatement must submit a new application and fee to be considered by the Board. If reinstatement is within one hundred eighty (180) days following the date of the revocation, then the Certificate of Authorization will be deemed to have been continuous. Effective January 1, 2027, reinstatement applications shall be accepted up to two (2) years after expiration. The practice of engineering or ~~land~~ surveying by and through a firm whose Certificate of Authorization has been revoked, including practice during any eligible reinstatement period, is a violation of ~~Title 59, Section 475.1 et seq.~~ the Act and the Rules of this Board.
- (c) Certificates of Authorization suspended, denied, refused renewal, or revoked for cause may be reinstated only by Board action and only then in the manner determined by such Board action. Requests for reinstatement of the Certificate of Authorization revoked for cause shall be addressed to the Board at the Board office and shall show cause why such reinstatement is justified.

#### **245:15-19-5. Compliance with laws, rules, regulations and orders**

- (a) All firms and entities shall comply with all laws, rules, regulations and orders issued to the same extent as they apply to an individual engineer or ~~land~~ surveyor.
- (b) The Board shall investigate complaints, hold hearings, issue orders and determine penalties against firms and entities in the same manner, procedure, and with the same rights and offenses as are authorized against an individual engineer or ~~land~~ surveyor, as designated in this Chapter.
- (c) Upon notice of the Board, Certificates of Authorization suspended, refused renewal, or revoked for cause by Board action shall be surrendered immediately in the manner prescribed by that notice.

#### **245:15-19-6. Notification of changes in firm practice required**

Firms shall notify the Board office within thirty (30) days of any or all changes which affect the Certificate of Authorization. Notification shall be on the Board's form, signed by a Professional Engineer or ~~Land~~ Professional Surveyor designated in responsible charge on the Certificate of Authorization or partner or director of the, firm, and accompanied by the fees prescribed in Chapter 2 of this title. Failure to properly and promptly notify the Board of changes shall be cause for penalties, revocation, refusal to renew or suspension of the Certificate of Authorization, as designated in the Rules of Procedure of the Board.

#### **245:15-19-7. Authority to use professional titles**

- (a) Only persons holding a current Certificate of Licensure license in Oklahoma and firms or entities holding current Certificates of Authorization issued by the Board, are authorized to employ the title "Engineer" or "~~Land~~ Surveyor" and use any various construction thereof, in describing or identifying services solicited, offered, contracted or performed.
- (b) No other person, entity, or firm may employ the title "Engineer" or "~~Land~~ Surveyor" or any various construction thereof, to describe persons, entities or services, nor do such unlicensed individuals, firms or entities have authority to solicit, offer, contract or execute engineering or ~~land~~ surveying services in the State of Oklahoma.

#### **245:15-19-9. Exceptions**

- (a) A firm whose business does not consist, either wholly or in part, of the rendering of engineering or ~~land~~ surveying services to the public is allowed without obtaining a Certificate of Authorization, providing they are also in compliance with OAC 245:15-19-7.
- (b) The work of a person rendering engineering or ~~land~~ surveying services to a firm as an employee of the firm, when the services are rendered in carrying on the general business of the firm and the general business does not consist, either wholly or in part, of the rendering of engineering or ~~land~~ surveying services to the public, is allowed under the provision of O.S. Title 59, Section 475.1 et seq.
- (c) The use of the terms 'network engineering' or 'software engineering' by firms and 'network engineer' or 'software engineer' by individuals is allowed under provision of ~~S. Title 59, Section 475.1 et seq~~ the Act. Firms may not use the word engineer or any derivative thereof in the name of the firm and individuals and firms are prohibited from offering or performing professional engineering services without being duly licensed or authorized to do so.

## **SUBCHAPTER 21. CORNER PERPETUATION AND FILING ACT REQUIREMENTS**

#### **245:15-21-2. Recordation of corners**

- (a) Each Certified Corner Record shall be prepared on the Certified Corner Record Form adopted by the Board in accordance with the Instruction Manual for Oklahoma Certified Corner Records adopted by the Board.
- (b) The Professional ~~Land~~ Surveyor shall complete and file a Certified Corner Record for every public land survey corner which is established, reestablished, monumented, remonumented, restored, rehabilitated, perpetuated, or used as control in any survey. In addition, the center one quarter corner shall be filed if it is monumented or an existing monument is accepted. The completed Certified Corner Record shall be filed within ninety (90) days after the survey is completed, unless the public land survey corner and accessories are substantially as described in an existing, filed Certified Corner Record. The Board shall consider a survey complete when any one of the following occurs:
  - (1) Monuments have been established; or
  - (2) A plat or drawing has been submitted; or
  - (3) Field notes for plans or planned purposed have been submitted.

#### **245:15-21-3. Specifications for Certified Corner Records**

The Board has established the following specifications for Certified Corner Records, which are also included in the Instruction Manual for Certified Corner Records adopted by the Board:

- (1) Each Certified Corner Record shall be signed, sealed and dated in the manner prescribed by Title 59, O.S. Section 475.15 and OAC 245:15-17-2.
- (2) Each Certified Corner Record shall be complete, accurate and contain the following information:

- (A) Classification as either an existent, obliterated or lost corner, as defined by the current Manual of Surveying Instructions published by the United States Bureau of Land Management; and
- (B) Corner identity; and
- (C) Description of the original monument, accessories, and any subsequent restoration by the United States government; and
- (D) Monument description when the corner monument is found and a listing of sufficient supporting evidence; or monument description when the monument is set, the method used if the corner is classified as lost, and a listing of sufficient evidence to support the position if the corner is obliterated; and
- (E) Description of, and angular and linear measurements to, at least three (3) readily identifiable and permanent accessories; and
- (F) A legible sketch showing the relative positions of the monument, the accessories, streets, any conflicting monuments and other identifying features, including a north arrow; and
- (G) Oklahoma state plane coordinates (if determined); and
- (H) Professional ~~Land~~ Surveyor's certificate.

#### **245:15-21-4. Remonumentation of corners**

In every case where a Certified Corner Record of a public land survey corner is required to be filed or recorded, the Professional ~~Land~~ Surveyor shall reconstruct or rehabilitate the monument of such corner, and accessories to such corner, so that it will be as permanent a monument as is reasonably possible to provide and so that it may be located with facility in the future.

### **SUBCHAPTER 23. VIOLATIONS**

#### **245:15-23-1. Prima facie evidence**

(a) A person, firm, or entity shall be construed to practice or offer to practice engineering or ~~land~~ surveying, who does any of the following:

- (1) practices any branch of the professions the Board regulates, or
- (2) by display or verbal claim, sign, advertisement, contract, card or other printed, engraved, or written instrument or device, bearing a person's, firm's, or entity's name or in any other way represents to be an Engineer, Professional Engineer, ~~Land~~ Surveyor, or Professional ~~Land~~ Surveyor or a firm providing or having the qualifications to provide engineering or ~~land~~ surveying services, or
- (3) through the use of some other title implies that the person, firm, or entity is an Engineer, Professional Engineer, ~~Land~~ Surveyor, or Professional ~~Land~~ Surveyor or a firm providing engineering or ~~land~~ surveying services, or
- (4) holds himself/herself or itself out as having the qualifications to, is able to, or who does contract, offer or perform any engineering or ~~land~~ surveying service.

(b) The following actions shall not be violations under ~~59 O.S. 475.1 et seq.~~ the Act and the Rules of the Board:

- (1) Advertising in national publications or electronic media, provided there is no offering of professional services in jurisdictions where not licensed
- (2) Responding to letters of inquiry regarding requests for proposals, provided there is written disclosure that the engineer/surveyor and firm are not licensed in this jurisdiction and the response is limited to inquiries regarding the scope of project and to demonstrate interest
- (3) Responding to letters of inquiry from prospective clients, provided there is written disclosure that the engineer/surveyor and firm are not licensed in this jurisdiction and the response is limited to inquiries regarding scope of project and to demonstrate interest
- (4) Using the title/designation "Professional Engineer", "Engineer", "P.E.", "Professional Structural Engineer", "P.E., S.E.", "S.E.", "Professional Surveyor", "Professional Land Surveyor", "Land Surveyor", "P.S.", "L.S." or "P.L.S." or the like on letterheads, or business cards from an office in the jurisdiction where ~~license~~ the license is held.

(c) Regardless of the above, proposals may not be submitted, contracts signed, or work commenced until the engineer, surveyor and firm become licensed in Oklahoma.

(d) Any violation of such action noted by this Section shall be sufficient to justify an injunction or any other order or a conviction without evidence of a general course of conduct. The Board shall determine if other legal procedures and penalties are necessary and shall have the power to proceed with any and all legal procedures in addition to the injunction or other such orders issued.

#### **245:15-23-2. Grounds for violations and penalties - Conduct**

(a) **Knowledge of Rules.** All persons licensed under the provisions of the act are charged with having knowledge of these Rules which are made known in writing to every licensee and applicant for ~~license~~ a license.

(b) **Convictions.** A licensee of this Board who has been fined, received a reprimand, voluntarily surrendered a license in order to avoid disciplinary action, had a license revoked, suspended or denied in another jurisdiction for reasons or causes which the Board finds would constitute a violation of the law governing the practice of engineering or surveying in this jurisdiction or any rule or regulation promulgated by the Board may be cause for levying a fine, reprimanding the licensee, denying, revoking, or suspending a license to practice engineering or surveying by the licensee in this jurisdiction.

(c) Non-payment of fines or penalties or violation of any order approved by the Board may result in disciplinary action against the holder of the ~~license Certificate of Licensure~~ or Certificate of Authorization.

#### **245:15-23-3. Additional administrative penalties for violations**

Administrative penalties may be levied by the Board separately or in addition to any other penalties or remedies determined by the Board. The Board may seek criminal and civil relief, including injunctive relief, through the courts for violation of the Statutes regulating professional engineering and ~~land~~ surveying, Rules in this Chapter, regulations, or to enforce any order issued by the Board. The Board may seek relief or remedies through the boards and administrative entities of Oklahoma or other states.

#### **245:15-23-4. Fraud or misrepresentation**

(a) Any licensee, firm, entity, or person associated with or under the responsible charge of any licensee, firm, or entity, holding a ~~license Certificate of Licensure~~ and/or a Certificate of Authorization who shall make an oral or written statement or communication to any person that is (1) false and a material misrepresentation, (2) made with the knowledge that the statement is false or made while ignorant of the truth, (3) made with the intent that the statement shall be relied on by the person and in a manner reasonably foreseeable; provided (4) the person to whom the statement is made is ignorant of the falsity of the statement, (5) the statement is justifiably relied upon by such person, and (6 ) such person is caused damage or injury, shall have committed a fraud.

(b) Any licensee, firm, entity, or person associated with or under the responsible charge of any licensee, firm, or entity, holding a ~~license Certificate of Licensure~~ and/or a Certificate of Authorization who shall make an oral or written statement in any document, report, examination, investigation, advice, representation, plans or specifications that is materially false or misleading either in its content or omission of content there from, or who in any other manner, method or conduct acts in a way so as to mislead or deceive any person, shall be guilty of misrepresentation.

#### **245:15-23-5. Gross negligence**

(a) The Professional Engineer or ~~Land~~ Surveyor is responsible for many professional, technical, ethical and tactical judgments relating to planning, surveys, reports, studies, inspections, designs, plans and specifications, construction materials, methods, techniques and systems processes. The licensee's education, training and experience, or the education, training and experience of the licensee in responsible charge of the services of any Firm, should enable such licensee to make such determinations with confidence in a successful result.

(b) Each licensee, firm, entity, or person representing same, shall exercise prudent and deliberate consideration in decisions, made only after responsible and thorough investigation, research and, when necessary, expert advice and assistance.

(c) When the results from such decisions are not reasonably predictable, each licensee, firm, entity, or person representing same, shall so advise the client, and fully disclose the implications involved.

(d) When such decisions require procedures, techniques, materials, or systems unfamiliar to the planning, design and/or construction team involved, the licensee, firm, entity, or person representing same shall exercise additional care and attention to the process, advancing the result sought.

(e) The Board may deem acts, errors and/or omissions to be gross negligence if, in the judgement of the Board, a licensee, firm, entity, or person representing same, fails to discharge its duties, obligations and responsibilities, under ~~59 O.S., Sections 475.1 et seq. the Act~~ and the Rules of the Board, so as to evidence carelessness in reckless disregard for the safety, property or lives of others, or is so great it appears to be a conscious violation of other people's property or rights to health, safety or welfare, as described in (b)-(d) in this subchapter.

#### **245:15-23-6. Gross incompetence**

(a) Licensees have been licensed under the authority of the Statutes regulating professional engineering and ~~land~~ surveying which establishes minimum competence to provide engineering and ~~land~~ surveying services in the State of Oklahoma. Licensees shall continue their professional development after ~~licensing licensure~~, improving and increasing their proficiency and skills, knowledge and abilities. The licensee, firm, or entity shall undertake only those professional assignments the licensee, firm, or entity is qualified to perform and lawfully authorized to undertake.

(b) The following practices, among others may be deemed gross incompetence by a licensee, firm, or entity or person representing same:

(1) A deficiency on the part of a licensee in the basic knowledge and skill necessary to the practice of engineering or ~~land~~ surveying such that the licensee does not demonstrate an ability to practice engineering or ~~land~~ surveying at the threshold level of professional competence for issuing engineering reports or undertaking projects of the kind and complexity performed, thus endangering the property, safety, health of others or welfare of the public.

(2) Failure to engage other competent licensed architects, engineers or ~~land~~ surveyors when the licensee has contracted to furnish services outside of the licensee's area of competence.

(3) Practicing engineering or ~~land~~ surveying while under the influence of alcohol, drugs or mentally impaired.

#### **245:15-23-7. Misconduct or dishonest practice**

(a) The following practices, among others, by a licensee, firm, or entity or person representing same, may be deemed misconduct and a violation:



- (1) Acts which evidence attempts to violate any laws or rules of this or any other state relating to a license ~~licensure~~ to practice engineering or ~~land~~ surveying.
  - (2) Acts which evidence a disregard or indifference toward the rules or statutes governing the practice of engineering or ~~land~~ surveying, and codes, ordinances and other recognized standards. These regulations include, but are not limited to, those involving facilities to be constructed, structural inspections and reports, or special inspections for buildings or roadways.
  - (3) Acts which evidence attempts to violate or do so violate the Statutes Regulating Professional Engineers and ~~Land~~ Professional Surveyors or Rules in this Chapter or assist any other person or firm to attempt or to do so.
  - (4) Acts which evidence attempts to conceal personal interests in conflict with responsibilities of service to the public or a client.
  - (5) Acts which evidence, through commission or omission, a failure or refusal to reasonably communicate with the client, so that the client shall be reasonably informed of the status of any services provided or agreed to be provided by the licensee or a firm holding a ~~Certificate of Licensure~~ License Certificate and/or Certificate of Authorization under the responsible charge of the licensee.
  - (6) Acts which evidence a detriment to a client caused by a personal interest or the firm's interest, which conflicts with the responsibility, owed to the client by a licensee, or a firm, holding a ~~Certificate of Licensure~~ License Certificate and/or Certificate of Authorization, under the responsible charge of the licensee.
  - (7) Acts which evidence a failure to engage competent licensed architects, professional engineers and/or professional ~~land~~ surveyors when the licensee has contracted to furnish services outside of the licensee's area(s) of competence.
- (b) The following practices, among others, by a licensee, firm, or entity or person representing same, may be deemed a dishonest practice and a violation:
- (1) Acts which evidence attempts through commission or omission, to mislead or defraud any person, firm, or entity.
  - (2) Acts which evidence attempts to bribe any person, firm, or entity, who may influence the selection of any licensee, firm, or entity. Kickbacks, donations or forgiveness offered or paid to gain improper advantage in selection will be considered bribes.
  - (3) Acts evidenced by exaggerated, misleading, deceptive or false statements in claims about professional qualifications.

#### **245:15-23-9. Filing a complaint; forms and evidence; Formal Notice of Charges**

- (a) Any person or entity, including the Board or Board staff, may file a complaint alleging violations of these Rules, the Act, ~~Title 59 O.S. Section 475.1 et seq.~~, and the Corner Perpetuation and Filing Act, Title 65 O.S. Sections 3.116-3.123.
- (b) All complaints may be made on forms prescribed by the Board, which are available from the Board, or by other means. The complainant may submit anonymous complaints, which may be investigated by Board staff as described in policies and procedures of the Board.
- (c) When a complaint is received, it shall be referred to an investigation committee designated by the Executive Director or Director of Enforcement. The investigation committee shall make a determination if probable cause exists for taking further action or for issuing a Formal Notice of Charges. Action against the individual, licensee, entity or firm holding a Certificate of Authorization may be brought in the name of the Board.
- (d) In the event the investigation committee determines that a probable cause exists, the legal counsel of the Board shall be requested to prepare a Formal Notice of Charges.
- (e) The Formal Notice of Charges shall be personally served or mailed to the last known address of the respondent(s) at least 30 days before the date fixed for hearing.
- (f) The Formal Notice of Charges shall show the time, place, and nature of the hearing, a statement of legal authority and jurisdiction under which the hearing is to be held, a reference to the particular section of the statutes and rules involved, and a short and plain statement of the matters asserted. The Formal Notice of Charges shall indicate that at any hearing the accused individual, licensee, entity or firm holding a Certificate of Authorization shall have the right to appear in person, by counsel, or both to cross-examine witnesses in his/her or its defense and to produce evidence and witnesses of his/her or its own defense. If the accused person or firm fails or refuses to appear, the Board may proceed to hear and determine the validity of the charges.
- (g) Hearings conducted in accordance with OAC 245:15-23-15 are subject to the rules of evidence specified by the Oklahoma Administrative Procedures Act.

#### **245:15-23-18. Findings of the Board and penalties**

- (a) The Board may find on any one or more of the charges:
- (1) The charges are dismissed for insufficient evidence;
  - (2) The charges are dismissed without prejudice;
  - (3) The charges are dismissed with prejudice;
  - (4) The respondent is found not guilty;
  - (5) The respondent is found guilty.
- (b) If the finding is guilty, the Board shall then determine the penalty to be imposed. The penalty resulting from a finding of guilty may be one or more of the following:
- (1) Reprimand

- (2) Censure
- (3) Suspension
- (4) Revocation
- (5) Probation
- (6) Administrative Fine

(c) In addition to the determination of penalties described in Title 59, 475.20(B)(2), the severity of the disciplinary action may also consider the following factors:

- (1) the history of prior violations of the respondent;
- (2) the severity of penalty necessary to deter future violations;
- (3) the hazard or potential hazard created to the health, safety, or economic welfare of the public;
- (4) efforts or resistance to efforts to correct the violations;
- (5) any other matters impacting justice and public welfare, including any economic benefit gained through the violations.

(ed) The order of the Board in each case is a public record.

#### **245:15-23-24. Other hearings**

When it comes to the Board's attention that persons, firms, or entities residing in or out of the State of Oklahoma may be engaged in the practice of engineering or ~~land~~-surveying in Oklahoma, as defined by the Statutes regulating professional engineering and ~~land~~-surveying and Board's current rules, and further that such person, firm, or entity may be engaged in the unauthorized practice of these professions or may not meet the requirement thereof, the Board may institute proceedings as provided in the rules against licensee, persons, firms, or entities for the purpose of determining if any violation of the law, rules or orders has occurred and may take such action as is permitted pursuant to the provisions of ~~59 O.S., Sections 475.1 et seq.~~ the Act and may, in addition, bar said licensee, person, firm, or entity concerned and their employers from a license ~~licensure~~ with the Board or the practice of engineering or ~~land~~-surveying within the State of Oklahoma.