



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-773A

Kathy Hart, Executive Director
State Board of Licensure for Professional
Engineers and Land Surveyors
220 NE 28th Street, Ste. 120
Oklahoma City, Oklahoma 73105

November 6, 2017

Dear Executive Director Hart:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Licensure for Professional Engineers and Land Surveyors intends to take pursuant to consent agreement in case 2016-092 against a licensed professional engineer and an engineering firm. The licensed professional engineer (i) prepared, signed, sealed and dated engineering drawings for nine projects that were outside the licensee's designated area of competence, and (ii) signed, sealed and dated engineering drawings prepared by an unlicensed person not under the licensee's direct supervision. The firm knew or should have known that it was aiding and assisting this conduct and has demonstrated a pattern and practice of violating the statutes and rules regulating the practice of professional engineering. The Board proposes to impose administrative penalties against the licensee and the engineering firm, respectively.

Oklahoma law provides that, "[i]n order to safeguard life, health and property, and to promote the public welfare," it is unlawful for unlicensed persons "to practice or to offer to practice engineering . . . in this state[.]" 59 O.S.2011, § 475.1. The Board may "issue orders [and] levy administrative fines . . . if a person or entity . . . [p]erform[s] engineering . . . outside any of the licensee's areas of competence," "[s]ign[s] [or] affix[es] [a] professional engineer's . . . seal . . . to any specifications, reports, drawings, plans, design information, construction documents, calculations, [or] other documents . . . which have not been prepared by, or under the direct control and [] supervision of the professional engineer . . . in [] charge," or "[a]id[s] or assist[s] another person or entity in violating any provision of [this Act.]" 59 O.S.Supp.2016, § 475.18(A)(8), (10), (14). The Board may reasonably believe that its proposed action is necessary to deter future violations.

It is, therefore, the official opinion of the Attorney General that the State Board of Licensure for Professional Engineers and Land Surveyors has adequate support for the conclusion that this proposed action advances the State's policy to protect the public welfare.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



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