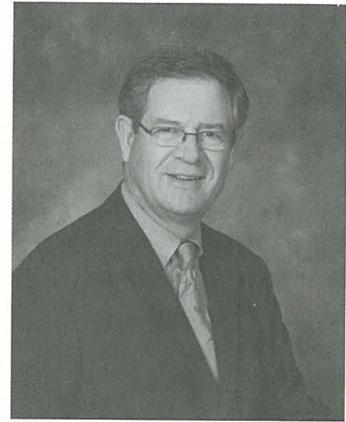


The Path to Compliance

Proposed Rule Changes to Effect Enforcement



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Each time the language of the licensing statute (Title 59 O.S. Section 475.1 et seq.) is amended by the state legislature, the Board begins the Rulemaking process to accompany the statute change. Since the statute was amended effective November 1 of this year, the Board has been engaged in writing rules to be publicly discussed in a Public Meeting at the Board office at 2:00 on November 14th. Many of the proposed changes are meant to clean-up or clarify terms in the statute, and many address specific statutory changes like electronic signatures or surveying education requirements. However, there is one change that will directly affect the issue that is a common subject of complaints: the issue of the definition of direct control and personal supervision a licensee must exert over an engineering or surveying project.

Public protection demands that our licensees, who have successfully demonstrated professional competency by experience, education and examination be in responsible charge of engineering and land surveying projects. Signing and sealing work not done under the direct and control personal supervision of a licensee, or “plan stamping”, is a serious violation of the trust the public has placed on our licensees because it is not only a potential threat to the success of the project, but it is also demeaning to the profession. Two distinct and different forms of “plan stamping” exist. One is a much more flagrant violation and that occurs when an engineer or surveyor is asked to put his/her seal on plans that have been completed with a cursory review or no review of the plans. This is an obvious violation.

The less obvious violation is the scenario in which an engineer or surveyor reviews the work of others, and chooses to take the liability for the project without meeting the specifics in the definition of direct control and personal supervision. Part of the reason this type of “plan stamping” exists is that in the past our laws and rules contained provisions that allowed for the licensee to assume direct control and personal supervision over a project by just thoroughly reviewing plans done by others. That law was changed many years ago, but unfortunately the practice continues. Consequently this board has disciplined several licensees who have reviewed and signed and sealed plans prepared by others who were not under their direct control and personal supervision. When asked by this Board, the licensee could not even produce a design file or independent calculations, or answer questions relating to the design criteria, code research, or methods of analysis. In some of the cases before the board, the licensees did not have the authority to make necessary and appropriate changes to the plans they sealed.

The clarification of the definition found in the proposed rules clearly enumerates the requirements that the licensee must exercise to be in direct control and personal supervision of an engineering or surveying project, even though it allows for some “remote” direct control and personal supervision. The board believes that personal presence in the workplace is still necessary; however, in those cases where the licensee can demonstrate the capacity of instant communication and electronic transfer of data between the main office and a branch office, and where the rest of the components of direct control and personal supervision as specified are met, the board’s proposed language will allow for some amount of remote direct control and personal supervision.

The proposed rule changes will impact the land surveying and engineering professions in Oklahoma. The proposed revisions have been placed on the board website: www.pels.state.ok.us for review and hopefully comment by interested licensees. Licensee input is welcome both in writing before the open meeting and in person at the 14th of November Public Meeting. As licensees working in different professions, and working in different sectors of the professions, your input is very important to this process, so please review the proposed rule revisions and submit your comments for the Board’s consideration.

“In order to safeguard life, health and property, and to promote the public welfare, the practice of engineering and...land surveying are declared to be subject to regulation in the public interest.”