

TITLE 245. STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
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.

"Certify" or "Certification" or similar expressions relating to engineering or land surveying services shall mean 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".

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

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

"Oklahoma Model Law Engineer" means a person who meets the minimum requirements of this act and:

- (A) is a graduate of an engineering curriculum accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET) or, has an engineering degree recognized as substantially equivalent to an EAC/ABET degree by the Board, or has a Board-approved related science degree;
- (B) has passed the Fundamentals of Engineering examination using the NCEES cut score except that for an applicant having eight years of acceptable engineering experience who obtained an original license prior to December 31, 1996, the Fundamentals of Engineering examination is waived for this definition only;
- (C) has a specific record of an additional four years of progressive experience on engineering projects following graduation, or has a board approved related degree and an additional six years of progressive experience on engineering projects following graduation;
- (D) has passed the Principles and Practices of Engineering examination using the National Council of Examiners for Engineering and Surveying (NCEES) cut score if the state of Oklahoma required such an examination at the time the comity applicant's original license was granted;
- (E) has not been disciplined in any jurisdiction by a Board of licensure for engineering or land surveying or architecture;

(F) has not been convicted of a felony or non-traffic related misdemeanor.

"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.

"Practice of land surveying" as defined by Title 59 O.S. Section 475.2(7)(a) also includes monumenting the subdivision of land into smaller parcels and the preparation of legal descriptions in connection therewith; however, the preparation of legal descriptions by a person who does not monument the land so described is not the practice of land surveying. 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.

"Professional Engineer, Retired" – The term "Professional Engineer, Retired as used in these rules, shall mean and 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 and 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.

"Related science degree" means one of the following: a degree from an ABET accredited engineering technology program of four (4) years or more, or a degree from an architecture program accredited by the National Architectural Accrediting Board (NAAB). Degrees of four (4) years or more in other sciences will be deemed a related science degree only if approved by the Board after a review of the curriculum. Provided, after July 1, 2016, non-accredited technology degrees shall no longer be eligible for consideration as a related science degree, but may be considered by the Board as a step towards licensure under 245:15-3-7(2)(B)(ii). Further, degrees of four (4) years or more in mathematical, physical, or engineering sciences may only be considered as a related science degree if they were obtained from a university with an EAC/ABET accreditation in a discipline of engineering, and must include a minimum of 8 hours of mathematics beyond trigonometry and 20 hours of engineering sciences. Otherwise, the degree may be considered as a step towards licensure under 245:15-3-7(2)(B)(ii).

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

"Signature" means "manual signature" or "digital signature" and shall 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) A digital signature shall carry the same weight, authority, and effects as a manual signature.

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

SUBCHAPTER 3. APPLICATION AND ELIGIBILITY FOR LICENSING

245:15-3-7. Qualifications for engineer license

To be eligible for consideration for licensure as a Professional Engineer or certification as an Engineer Intern, the applicant must be of good character and reputation. Applicants must meet all qualifications as contained within the Statutes and the Rules of the Board. Applications shall be individually reviewed by the Board. Evidence of minimum qualifications is required by the Board in accordance with the following:

(1) Engineer Intern:

(A) Graduation and Examination - A graduate of an EAC/ABET accredited engineering program of four (4) years or more, or an engineering program of four (4) years or more determined by the Board to be substantially equivalent to an EAC/ABET accredited engineering program in the United States, or an applicant who has completed ninety (90) semester hours or more of academic requirements towards such degree for graduation, shall be admitted to ~~an eight hour written a~~ Board approved NCEES examination in the fundamentals of engineering. Upon passing such examination and providing proof of graduation, the applicant shall be certified as an engineer intern, if otherwise qualified.

(B) Alternative Graduation, Experience, and Examination – A graduate ~~holding of a related science program degree or a degree from a non-accredited engineering program of four (4) years or more, other than the ones approved by the Board as being substantially equivalent to an EAC/ABET accredited engineering degree, other than those approved in 245:15-3-7(1)(A)~~ or an applicant who has completed ninety (90) semester hours or more of academic requirements towards such degree for graduation, ~~and following the date of degree, a specific record of one (1) year or more of progressive experience in engineering projects of a grade and character satisfactory to the Board,~~ shall be admitted to ~~an eight hour written a~~ Board approved NCEES examination on the fundamentals of engineering. Upon passing such an examination, providing proof of graduation and providing proof of a specific record of one year or more of progressive engineering experience in engineering projects of a grade and character satisfactory to the Board, the applicant shall be certified as an engineer intern, if otherwise qualified. No examination shall be administered following July 1, 2020, for applicants applying under this Section of the Rules for licensure as a Professional Engineer who do not meet these educational requirements even if the applicant's application was approved by the Board prior to July 1, 2016.

(C) A graduate of a four (4) year degree program in a science not considered a an equivalent engineering or a related science degree by the Board ~~must be followed by complete twelve (12) hours of graduate level courses towards a Masters Degree in engineering from an institution with a comparable EAC/ABET accredited undergraduate engineering program before being considered for approval as a related science degree by the Board.~~ Following completion of the undergraduate degree program and twelve (12) hours of graduate level courses towards the Masters Degree, the graduate shall be admitted to a Board approved NCEES examination in the fundamentals of engineering. Upon passing such examination, completing the required additional education towards a Masters Degree in engineering, and providing proof of a specific record of one year or more of progressive engineering experience in engineering projects of a grade and character satisfactory to the Board, the applicant shall be certified as an Engineer Inter, if otherwise qualified.

(D) Foreign degrees not determined by the Board to be substantially equivalent to an EAC/ABET accredited engineering degree may be considered following a degree evaluation by an evaluation service approved by the Board. The maximum equivalency granted for all foreign degrees, except those determined to be substantially equivalent to an EAC/ABET accredited engineering degree, shall be that of a related science degree.

(2) Professional Engineer (original license):

(A) Graduation, Experience, and Examination – A graduate of an EAC/ABET accredited engineering program of four (4) years or more, or an engineering program of four (4) years or more determined by the Board to be substantially equivalent to an EAC/ABET accredited engineering program in the United States, and following the date of degree a specific record of an additional four (4) years or more of progressive experience on engineering projects of a grade and character which indicates to the Board that the applicant may be competent to practice engineering, shall be admitted to ~~an eight hour~~ a Board approved NCEES written examination in the fundamentals of engineering, and, if passed, then shall be admitted to ~~an eight hour written a~~ Board approved NCEES examination

in the principles and practice of engineering. Upon passing such examinations, the applicant shall be granted a certificate of licensure to practice engineering in this state, if otherwise qualified.

(B) Alternative Graduation, Experience and Education -

(i) A graduate holding a related science degree ~~or a degree from a non-accredited engineering program of four (4) years or more, other than the ones approved by the Board, other than those approved in 245:15-3-7(2)(A)~~ and following the date of degree a specific record of six (6) years or more of progressive experience on engineering projects of a grade and character which indicates to the Board that the applicant may be competent to practice engineering, shall be admitted to ~~an eight-hour written~~ A Board approved NCEES examination on the fundamentals of engineering, and if passed, then shall be admitted to an eight-hour written examination in the principles and practice of engineering. Upon passing such examinations, the applicant shall be granted a certificate of licensure to practice engineering in the state, if otherwise qualified. No examination shall be administered following July 1, 2020, for applicants applying under this Section of the Rules for licensure as a Professional Engineer who do not meet these education requirements even if the applicant's applicant was approved by the Board prior to July 1, 2016.

(ii) A graduate of a four (4) year degree program in a science, not considered ~~a~~ an equivalent engineering or a related science degree by the Board, ~~must be followed by~~ complete twelve (12) hours of graduate level courses towards a Masters Degree in engineering from an institution with a comparable EAC/ABET accredited undergraduate engineering program before being considered for approval as a related science degree by the Board. Following completion of the undergraduate degree program and twelve (12) hours of graduate level courses towards the Masters Degree in engineering, the graduate shall be admitted to a Board approved NCEES examination in the fundamentals of engineering and if passed shall be admitted then shall be admitted to a Board approved NCEES examination in the principles and practice of engineering. Upon passing such examinations, completing the required additional education towards the Masters Degree in engineering, and providing proof of a specific record of six years or more of progressive engineering experience in engineering projects of a grade and character satisfactory to the Board, the applicant shall be granted a certificate of licensure to practice engineering in this state, if otherwise qualified.

(iii) Foreign degrees not determined by the Board to be substantially equivalent to an EAC/ABET engineering degree may be considered following a degree evaluation by an evaluation service approved by the Board; however maximum equivalency granted shall be that of a related science degree.

(C) Experience credit may be claimed to the date of the application. Experience record is to be continuous from beginning to the date of the application. Experience time shall not exceed elapsed calendar time. Applications with insufficient experience will be rejected by the Board. Only experience obtained directly within the professional field will be considered as qualifying experience by the Board and must be verified. Experience should be gained under the supervision of a licensed professional engineer or, if not, an explanation should 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. The following areas of experience will be considered creditable if the experience involves the application of engineering principles:-

(i) Evaluation, selection and application of standard engineering techniques, procedures and criteria, using judgment in making adaptations and modifications.

- (ii) Engineering research and development.
 - (iii) Plan, design and analysis of engineering projects, systems and/or manufactured products.
 - (iv) Construction of engineering projects or systems .
 - (v) Applications and operational analysis of engineering projects, systems or facilities.
 - (vi) Teaching in a college or university offering an approved program of four (4) years or more of advanced engineering subjects and related courses.
- (D) A maximum of six (6) months experience may be allowed for successful completion of an EAC/ABET accredited engineering cooperative education program with work experience meeting (2)(A) of this Sections.
- (E) Concurrent time, that is, time spent in engineering work while attending school will be credited either as education experience or work experience but not both.
- (F) Applicants, applying under (2)(A), (2)(B)(I), or (2)(B)(iii), who successfully complete graduate study leading to a Master's Degree in engineering may be awarded one (1) year's experience provided that at the time the Master's Degree in engineering was awarded the institution had a bachelor's level EAC/ABET accredited engineering program of four (4) years or more or an engineering program of four (4) years or more determined by the Board to be substantially equivalent to an EAC/ABET accredited engineering program. If a Ph.D. in engineering is completed under the same conditions, two years total experience may be awarded. The two years awarded include the one year awarded for the master's degree. If the Ph.D. in engineering is completed under the same conditions but without the master's degree in engineering which does not follow an EAC/ABET accredited engineering curriculum of four (4) years or more or an engineering curriculum of four (4) years or more recognized by the ABET Washington Accord Agreement, one year of experience may be awarded for the combined master's degree and Ph.D.
- (G) Accredited engineering programs of six (6) years or more which confer a master's of science in engineering without first conferring a bachelor of science in engineering may be accepted under 2(A) and may be allowed the additional one year of engineering experience under 2(F) of this section.
- (H) Applicants shall submit a minimum of five (5) 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. These references should verify the periods of experience since the beginning of the history, leaving no gaps in dates. Comity applicants who obtained their original license more than ten years prior must list all engineering experience obtained since their original license, but shall only be required to verify the most recent ten years of experience. The Board cannot give credit for engineering experience that has not been verified by one or more references.
- (I) When the requirements of the Statutes and of this Chapter are met, the applicant shall be admitted to, and must pass, an examination covering the laws, rules, procedures and practices pertaining to engineering in the state of Oklahoma.

245:15-3-8. Qualifications for land surveying licensure

To be eligible for consideration for licensure as a Professional Land Surveyor or certification as a Land Surveyor Intern, an applicant must be of good character and reputation. Evidence of minimum qualifications is required by the Board in accordance with the following requirements; ~~however, subject to the education exception in 245:15-3-8(c) until July 1, 2014, an applicant for the Fundamentals of Land Surveying Examination shall not be admitted to the exam after July 1, 2008 unless the applicant has graduated from a surveying program of two (2) years or more accredited by an accrediting body approved by the Board or graduated from a surveying or related science program of four (4) years or more other than programs approved by the Board as being of satisfactory standing:~~

- (1) Land Surveyor Intern:

(A) A graduate of a surveying program of four (4) years or more approved by the Board, or an applicant who has completed sixty (60) semester hours or more of academic requirements for graduation, shall be admitted to ~~an eight-hour written~~ a Board approved NCEES examination in the fundamentals of surveying. Upon passing such examination and providing proof of graduation, the applicant shall be certified as a Land Surveyor Intern, if otherwise qualified.

(B) A graduate of a surveying program of two (2) years or more approved by the Board, or an applicant who has completed forty-five (45) semester hours or more of academic requirements for graduation from a two-year surveying program approved by the Board shall be admitted to an eight-hour written examination in the fundamentals of surveying. Upon passing such examination and providing proof of graduation the applicant shall be certified as a Land Surveyor Intern, if otherwise qualified.

(C) A graduate of other academic programs of two (2) years or more approved by the Board, which shall include the Board-approved Core Curriculum in surveying, or an applicant who has completed forty-five (45) semester hours or more of academic requirements for graduation, including twenty-one (21) semester hours or more of the Core Curriculum, from another academic program of two (2) years or more approved by the Board, shall be admitted to ~~an eight-hour written~~ a Board approved NCEES examination in the fundamentals of surveying. Upon passing such examination, providing proof of graduation and providing proof of a specific record of one year or more of progressive experience satisfactory to the Board on land surveying projects of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, the applicant shall be certified as a Land Surveyor Intern, if otherwise qualified.

(D) An applicant who provides proof of completion of sixty (60) credit hours approved by the Board, which shall include the Board-approved Core Curriculum in surveying, or an applicant who has completed forty-five (45) semester hours or more of academic requirements for graduation, including twenty-one (21) semester hours or more of the Core Curriculum, shall be admitted to ~~an eight-hour written~~ a Board approved NCEES examination in the fundamentals of surveying. Upon passing such examination and providing proof of completion of the educational requirements and a specific record of one year or more of progressive experience satisfactory to the Board on land surveying projects of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, the applicant shall be certified as a Land Surveyor Intern, if otherwise qualified.

(2) Professional Land Surveyor (original license):

(A) Graduation, Experience, and Examination:

(i) A graduate of a surveying program of four (4) years or more approved by the Board and a specific record of four (4) years or more of progressive combined office and field experience satisfactory to the Board on land surveying projects of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, of which no less than two (2) years experience must be following the date of the degree, who has also passed an eight-hour written examination in the fundamentals of surveying shall be admitted to a ~~six-hour written~~ Board approved NCEES examination in the principles and practice of surveying and an Oklahoma Law and Surveying ~~written~~ examination. Upon passing such examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, if otherwise qualified.

(ii) A graduate of a surveying program of two (2) years or more approved by the Board and a specific record of six (6) years or more of progressive combined office and field experience satisfactory to the Board on land surveying projects of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying and who has also passed ~~the eight-hour written~~ a Board approved NCEES examination in the fundamentals of surveying, shall be admitted to a ~~six-hour written~~ Board approved NCEES examination in the principles and practice of surveying and an

Oklahoma Law and Surveying ~~written~~ examination. Upon passing such examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, if otherwise qualified.

(B) Alternative Graduation, Experience and Examination:

(i) A graduate of other academic programs of two (2) years or more, approved by the Board, which shall include the Board-approved Core Curriculum in surveying and a specific record of six (6) years or more of progressive combined office and field experience satisfactory to the Board on land surveying projects of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, who has also passed ~~an eight-hour written~~ a Board approved NCEES examination in the fundamentals of surveying, shall be admitted to a ~~six-hour written~~ Board approved NCEES examination in the principles and practice of surveying and an Oklahoma Law and Surveying ~~written~~ examination. Upon passing such examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, if otherwise qualified.

(ii) An applicant who provides proof of completion of sixty (60) credit hours, approved by the Board, which shall include the Board-approved Core Curriculum in surveying, and a specific record of six (6) years or more of progressive combined office and field experience satisfactory to the Board on land surveying projects of a grade and character which indicates to the Board that the applicant may be competent to practice land surveying, who has also passed ~~an eight-hour written~~ a Board approved NCEES examination in the fundamentals of surveying shall be admitted to a ~~six-hour written~~ Board approved NCEES examination in the principles and practice of surveying and an Oklahoma Law and Surveying ~~written~~ examination. Upon passing such examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, if otherwise qualified.

(C) Long Established Practice and Examination:

(i) An applicant with a specific record of nine (9) years or more of practice in land surveying of a grade and character which indicates to the board that the applicant may be competent to practice surveying shall be admitted to an eight-hour written examination in the fundamentals of surveying, and, if passed, then shall be admitted to a six-hour written examination in the principles and practice of surveying and an Oklahoma Law and Surveying written examination. Upon passing such examinations, the applicant shall be granted a certificate of licensure to practice land surveying in this state, if otherwise qualified. Provided, after July 1, 2014, the record of practice in land surveying specified in this paragraph shall not be considered by the Board as minimum evidence that an applicant is qualified for licensure as a professional land surveyor. No examination shall be administered following July 1, 2014, for applicants applying under this section of the rules for licensure as a Professional Land Surveyor, even if the applicant's application was approved by the Board prior to July 1, 2014.

(D) Experience record may be claimed to the date of the application. Experience record is to be continuous from the beginning to the date of the application. Experience time shall not exceed elapsed calendar time. Applications with insufficient experience will be rejected by the Board. Only experience obtained directly within the land surveying area will be considered as qualifying experience by the Board. Experience should be gained under the supervision of a licensed professional surveyor, or if not, an explanation should be made showing why the experience should be considered acceptable. The following listed experience will be considered to be of a grade and character satisfactory to the Board.

(i) "Office experience" which includes, but is not limited to, land surveying activities, where the applicant:

(I) Assists in the planning, directing and analyzing necessary for the preparation of surveys, plats, and related documents.

- (II) Reduces and evaluates land surveying data.
 - (III) Develops procedures and systems for the collection, reduction, adjustment and use of land surveying data.
 - (IV) Prepares data to be used by field surveyors or field crews.
 - (V) Coordinates the preparation and processing of maps, plats, reports, descriptions, or other documents.
 - (VI) Researches records to obtain survey and title data.
 - (VII) Performs boundary analysis and reconciles records and field evidence to identify boundary line's discrepancies.
- (ii) "Field experience" which includes, but is not limited to, land surveying activities, where the applicant:
- (I) Assists in determining field survey methods and procedures, including selection of accuracy standards.
 - (II) Selects or verifies that the correct control monumentation is used to establish the survey datums (horizontal and vertical) and selects "on the ground" locations for control monuments.
 - (III) Inspects monumentation in the field and/or examines field evidence for the determination and identification of physical evidence.
 - (IV) Reviews measurements observations with the responsibility for accuracy, completeness, and consistency.
 - (V) Reviews, determines procedures for and prepares field notes and records for proper application of field survey procedures.
 - (VI) Plans field checks, reviews field checks, and, based on such checks, determines if completed field survey plats are accurate and sufficient.
 - (VII) Searches for boundary and control monuments; assists in analyzing field evidence; compares record data to found physical evidence; compares record data to measured data, documents discrepancies; assists in acquiring and documenting testimony regarding boundary locations; recommends boundary locations and/or establishment; selects or verifies that the correct controlling monuments are used to locate or establish boundary points and lines.
 - (VIII) Recommends when existing boundary monuments are to be replaced; selects the methods to be used for replacing and resetting monuments.
 - (IX) Functions as a "party chief," "chief of parties," or lead person in charge of field surveyors or field crews performing land surveying services of a grade and character satisfactory to the Board.
- (E) Applicants shall submit a minimum of five (5) 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. These references should verify the periods of experience since the beginning of the history, leaving no gaps in dates. Comity applicants who obtained their original license more than ten years prior must list all surveying experience obtained since their original license, but shall only be required to verify the most recent ten years of experience. The Board cannot give credit for surveying experience that has not been verified by one or more references.

SUBCHAPTER 7. LICENSURE

245:15-7-1. Certificate of Licensure

(a) Licensure certificates shall be issued to individuals meeting statutory licensure 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 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 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.

(ed) Individuals holding a Certificate of Licensure shall display or maintain it at the licensee's place of practice and be prepared to substantiate biennial license renewal.

(de) Duplicate original 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.

(ef) Duplicate 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.

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

(a) Licenses revoked for nonpayment of fees, failing to fill out and return a required continuing education log form, ~~failing to fill out a reinstatement form for inactive retired licensee~~, or failing to return the renewal form for licensee over the age of 70, 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 revocation, a new application and fees will be required, which shall be considered specifically by the Board, both from the standpoint of competency and character. If reinstatement is within one hundred eighty (180) days following the date of revocation, then licensure will be deemed to have been continuous. Practicing your profession with a 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 for non-payment or a retired license remains canceled or suspended for a period exceeding three (3) consecutive years, such former licensee's application for re-licensure may not be considered by the Board without the former licensee taking and passing a current examination as prescribed by the Board.

(c) Licenses suspended, refused to renew, penalties, orders issued 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 and shall be addressed to the Chair at the Board office. The Board, by Statute, has the discretion as to whether to reinstate the Certificate of Licensure or Certificate of Authorization or deny it.

SUBCHAPTER 11. CONTINUING EDUCATION

245:15-11-3. Scope and exemptions

(a) Licensees shall be required to meet the continuing educational requirements of the rules 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 initial 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 renewal period.
- (2) A licensee serving on temporary active duty in the Uniformed Services of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt

from obtaining the professional development hours required during that year.

~~(3) A licensee called to emergency service by state or federal emergency disaster declaration for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt from obtaining the professional development hours required during that year.~~

~~(3)(4) 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)(5) A licensee who elects to choose Retired status at the time of renewal shall be exempt. is 62 years of age or older on the date of a biennial renewal who certifies that they have not practiced the profession in Oklahoma for which exemption is sought since the date of their immediate prior biennial license renewal and are not currently practicing their profession in Oklahoma for which exemption is sought, may be exempt. In the event such person elects to return to active practice of professional engineering or surveying, 30 PDH's must be earned before returning to active practice.~~

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

If a licensee fails to provide a log form showing 30 PDH's per biennial renewal period by their expiration date the license will not be renewed. If the Board disallows claimed PDH's, the licensee shall have 120 days after notification to substantiate the original claim or to earn other credit to meet the minimum requirement. Failure to comply with an audit or submitting false information to the Board on the log form in an attempt to renew a license is are a violation violations of Board Rules and may lead to disciplinary action.

SUBCHAPTER 13. MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING

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. 471.1 et seq and Chapter 245:15-1-3 of the Rules of the Board.

(b) **Research and investigation.** Every property boundary survey shall be made in accordance with the boundary description, as provided to or as created by the surveyor, as nearly as is practicable. The surveyor, prior to making a survey, shall acquire available necessary survey data, which may include record descriptions, deeds, maps, abstracts of title, section corner ties, government notes, subdivision plats, road records, and other available section and boundary line location data in the vicinity. The surveyor shall analyze the data and make careful determination of the record title boundary of the property to be surveyed. From the information gathered, the 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. In the event of the discovery of a material disagreement with the work of another surveyor, the surveyor shall make reasonable efforts to contact the other surveyor in an attempt to resolve the disagreement.

(c) **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. All measurements shall be referenced to the horizontal or vertical plane, with the exception of geodetic surveys.

(3) All survey drawings 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 surveyor. All survey drawings documents produced by a firm shall bear the name, address, telephone number, and Certificate of Authorization number and

~~expiration date of the Certificate of Authorization of the firm issuing the drawing~~, along with the name, license number, seal, signature, and date of signature of the surveyor.

(4) All survey ~~drawings~~ documents must 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.

(5) A designated north arrow and scale of the map shall be shown prominently upon the drawing.

(6) Any symbols and/or abbreviations representing physical objects used on the drawing will be clearly noted upon the drawing.

(7) 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.

(8) Referencing surveys.

(A) Surveys based on the United States Public Land Survey System shall be referenced to original or properly restored corners. 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 the survey.

(9) Where evidence of inconsistencies is found, such as overlapping descriptions, hiatuses, excess or deficiency, or conflicting boundary line or monuments; the nature and extent of the inconsistencies shall be shown on the drawing.

(10) 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 be shown to mathematically close all lots and/or parcels.

(11) 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 be furnished to the surveyor.

(12) The 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. 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. 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 be shown on the drawing. Where practical, monuments shall be constructed of material capable of being detected with the conventional instruments for finding ferrous or magnetic objects. All set monuments shall have affixed thereto a durable marker or cap bearing, at a minimum, the license number of the land surveyor in responsible charge, or the Certificate of Authorization number of the firm performing the survey. Monuments for the exterior corners of a subdivision shall be set by the surveyor who certified the plat of the subdivision prior to the recordation of the subdivision plat. It is the responsibility of the 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.

(13) 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; 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 and 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 ft, 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 and 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 1:7,500 and 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 1:7,500 and the allowable positional error is plus or minus 1.5 feet.

(E) Rural tracts of 40 acres or more in rough or tree covered terrain where the corners of the tract must be connected with short traverse lines because of poor visibility between the corners of the tract, the allowable closure error is 1:5,000 and the allowable positional error is plus or minus 3.0 feet.

(F) Field work 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 not shift the position of any point more than the maximum positional error listed above.

(G) In lieu of maximum allowable positional error, the latest Accuracy Standards for ALTA/ACSM Land Title Surveys may be used for determining minimum accuracy requirements.

(14) 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.

(15) ~~A survey plat, sketch or map must be created at any time a new parcel of land is created by a field survey, or if there are inconsistencies between an existing legal description and evidence found on the ground. In any event, every survey plat, sketch or map must 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.~~ A survey plat, sketch or map must be created whenever a land or boundary survey is done. Every survey plat, sketch or map must 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.

(16) Additions or deletions to survey drawings by other than the signing party or parties is prohibited without written consent of the signing party or parties.

(d) **Minimum Standards for Legal Descriptions.**

(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 and/ or 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, if applicable, and County in which it is filed of record, and

(B) A beginning point (if applicable) referenced to a point such as a section corner, quarter-section corner, sixteenth section corner, or a Lot/Block corner of a recorded subdivision, 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) 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', 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 surveyor who prepared the description, and

(H) The date of preparation of the legal description, and

(I) Each metes and bounds description must return to the Point of Beginning and close mathematically within the allowable closure error stated in this subchapter.

(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 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 (if applicable), the 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 provide sufficient information to locate the property on the ground and distinctly set it apart from all adjoining properties.

(e) ~~Mortgage inspection report~~ **Inspection Report.** A Professional Land Surveyor may, based upon their general knowledge of land boundaries and monuments in a given area, prepare a Mortgage Inspection Report for the use of a specific client. Such report shall be prominently labeled 'Mortgage Inspection Report' and shall not be designated as or construed as being a Land or Boundary Survey, and the statement furnished on the certificate shall be similar to the following form:

MORTGAGE INSPECTION REPORT

'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 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.'

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

SUBCHAPTER 17. LICENSEE'S SEAL

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

(a) Every person authorized to practice engineering or land surveying by a certificate of licensure ~~shall procure~~ 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 when duplicate copies of originals are required.

- (c) The seal of the licensee shall consist of two (2) concentric circles. The inner circle shall have inscribed the licensee's name and number, which shall correspond to the name and certificate 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. 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" may continue to be used.

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 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 and was in direct control and personal supervision of the work product.
- (b) Licensees must affix their seal, signature and date of signature to ~~drawings~~ documents or drawings which reflect work for which the licensee has responsible charge, 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. A licensee not practicing as, or through a firm shall also include contact information to include address and phone number.
- (c) Regarding professional engineering, the licensee is responsible for meeting all of the following requirements to be in direct control and personal supervision of the work:
- (1) 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
 - (2) 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
 - (3) The intent of the definition of direct control and personal supervision may be met if all provisions of the definition are met using remote electronic or communication means.
 - (4) An 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 engineer's competence for the work performed. It is not necessary to defend decisions, as in an adversary situation, but only to demonstrate the engineer who is in direct control and personally supervising the work made them and possessed sufficient knowledge of the project to make them. The individual should be able to clearly define the degree of control over the work and how it was exercised, and should be able to demonstrate that the engineer was answerable within said degree of control necessary for the work done.

- (5) The intent of the law shall not be met if an unlicensed person independently performs engineering work, to then be reviewed, signed and sealed by a professional engineer. An unlicensed person may only be used if the professional engineer is personally directing the unlicensed person and the work is performed concurrent with the supervision.
- (d) Regarding land surveying, the licensee is responsible for meeting all of the following requirements to be in direct control and personal supervision of the work:
- (1) The licensee directly controls and personally supervised the surveying work; and
 - (2) 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
 - (3) All surveying offices must have a professional land surveyor physically present at the location to be in responsible charge of, and in direct control and supervision of the work; and
 - (4) A 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 surveyor's involvement with the work performed. It is not necessary to defend decisions, as in an adversary situation, but only to demonstrate that the surveyor who is in direct control and personally supervising the work made them and possessed sufficient knowledge of the project to make them. The licensee should be able to clearly define the degree of control over the work and how it was exercised, and should be able to demonstrate that the surveyor was answerable within said degree of control necessary for the work done.
- (5) The intent of the law shall not be met if an unlicensed surveying crew independently performs surveying work, to then be reviewed, signed and sealed by a professional land surveyor. An unlicensed surveying crew may only be used if the professional land surveyor in direct control and supervision of the work is personally directing the land surveying crew and the work is performed concurrent with the supervision.
- (e) 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.
- (f) 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.
- (g) 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.
- (h) Work of a preliminary nature, submitted to obtain comments and not for formal approval, shall be clearly marked with the following statement: 'This document is preliminary in nature and is not a final, signed and sealed document'.
- (i) An Engineer Intern or Land Surveyor Intern shall not have a seal.
 - (j) Drawings, reports, or documents that require a signature may be signed using a digital signature. The 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 digital signature if accompanied by an original handwritten date.

B. A 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 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.

(k) 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, a successor licensee may take responsible charge over, and complete the work, in accordance with the provisions of this Chapter. 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. 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. 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 (d)(iv) above and shall take professional and legal responsibility for documents signed and sealed.

(l) 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. 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. 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. 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. 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. 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. 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. 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.

(m) 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.

~~(n)~~ 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.

(~~Q#~~) 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 the renewal date of the Certificate of Authorization~~ and contact information for the firm.

SUBCHAPTER 19. ORGANIZATIONAL PRACTICE

245:15-19-8. Firms required to file with Secretary of State; restriction on similar names

(a) Failure to properly file a Certificate of Incorporation or authentication and maintain same with the Secretary of State ~~shall~~ may result in revocation of the Certificate of Authorization and disciplinary action pursuant to the Rules of this Chapter.

(b) The name of a firm or entity shall not be the same as or deceptively similar to the name of any other firm or entity then existing. The name shall not be the same or deceptively similar to any name that has existed within the preceding three (3) years, without the written consent of the previously existing firm or entity.

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 provisions of O.S. Title 59, Section 475.1 et seq. 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 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 a Professional Engineer or 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 a Professional Engineer or 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.

(5) The following actions shall not be violations under 59 O.S. 475.1 et seq and the rules of the Board provided that the licensee is licensed in the licensee's home jurisdiction, meets the requirements of licensing for Oklahoma, discloses that the licensee is not licensed in Oklahoma, and obtains a license in Oklahoma prior to commencing the practice of engineering or land surveying in Oklahoma:

- (A) Advertising in national publications or electronic media, ~~or provided there is no offering of professional services in jurisdictions where not licensed~~
 - (B) Responding to letters of inquiry regarding requests for ~~qualifications and interest from out of state engineers or land surveyors, or 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~~
 - (C) 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.
 - (D) Using the title/designation Professional Engineer, Licensed Engineer, P.E., Professional Land Surveyor, Licensed Land Surveyor, or P.L.S. or the like on letterheads, or business cards, ~~from an office in the jurisdiction where licensure is held~~
- (b) Regardless of the above, proposals may not be submitted, contracts signed, or work commenced until the engineer/surveyor and firm become licensed in Oklahoma.
- (c) 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 as well as amendments from time-to-time which are made known in writing to every licensee and applicant for licensure.

(b) **Convictions.** A licensee of this Board who has been fined, received a reprimand, 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 this Board may be cause for levying a fine, reprimanding the licensee, denying, revoking, or suspending a license to practicing engineering or surveying by the licensee in this jurisdiction.

~~Grounds for denial, revocation, suspension, refusal to issue, restore or renew, place on probation, fine or reprimand, orders, injunctions, administrative and/or criminal penalties includes:~~

- ~~(1) Fraud, deception or misrepresentation in obtaining or attempting to obtain or renew a Certificate of Licensure, Certificate of Authorization, or in taking the examinations administered by the Board;~~
- ~~(2) Noncompliance with statutory requirements or rules in this chapter for qualifying for licensure;~~
- ~~(3) Violating the statutes regulating professional engineering and land surveying or any rule in this chapter, regulations or order issued by the Board;~~
- ~~(4) Violating any of the provisions of the "Corner Perpetuation and Filing Act (65 O.S. 1981, 3.116-3.123) or any requirements, rules and regulations or order issued by the Board;~~
- ~~(5) Conviction of or entry of a plea of nolo contendere or no contest to any crime, whether a felony or a misdemeanor which includes dishonesty as an essential element, or which is directly related to the practice of engineering or land surveying;~~
- ~~(6) Violating any other jurisdiction's licensure laws, requirements or rules and regulations;~~
- ~~(7) Fraud or Misrepresentation (Refer to 245:15-23-4)~~
- ~~(8) Gross negligence (Refer to 245:15-23-5);~~
- ~~(9) Gross incompetence (Refer to 245:15-23-6);~~
- ~~(10) Misconduct or Dishonest practice (Refer to 245:15-23-7);~~
- ~~(11) Failure, within 30 days, to provide information requested by the Board through its executive director, director of enforcement or counsel, as a result of a formal or informal complaint to the Board;~~
- ~~(12) Violating any terms of probation or suspension imposed by the Board;~~

- ~~(13) Unauthorized or misuse of seal which shall include, but is not limited to, sealing, or signing or dating in connection with a seal any documents not prepared under the licensee's direct control and personal supervision;~~
- ~~(14) Habitual intoxication or addiction to the use of alcohol or illegal use or distribution of a controlled dangerous substance;~~
- ~~(15) Violating the Oklahoma Minimum Standards for the Practicing of Land Surveying;~~
- ~~(16) Nonpayment of fees or penalties shall result in revocation.~~

245:15-23-8. Duty to refer alleged violations to Director of Enforcement [REVOKED]

~~When information comes to a licensee, the Board, or its employees concerning alleged misconduct by any person, firm, entity or licensee, whether through formal or informal channels, it shall be the duty of such person, firm, or entity to refer such information to the Director of Enforcement.~~

245:15-23-9. Filing a complaint; forms and evidence

~~To bring allegations of a violation, the person, licensee, firm, or entity, shall contact the Board office and provide all information requested. The complainant may document the allegations with evidence available and submit one copy of the documentation to the Board office. The Executive Director or Director of Enforcement of the Board shall make appropriate inquiry to verify such information and shall, based upon such information and inquiry, proceed to one of the following courses:~~

- ~~(a) Proceedings to levy a fine upon an individual, licensee, entity or firm, or to reprimand, place on probation, suspend, refuse to renew, or to revoke an individual's Certificate of Licensure or a firm's Certificate of Authorization may be initiated by any person who may prefer charges of violations of these Rules.~~
- ~~(b) All charges may be made on forms prescribed by the Board, which are available from the Board. The information requested may include the name and address of the complainant and the respondent, a concise statement of the complaint with facts supporting the allegations that a violation has occurred and statement of the relief sought. The complainant may remain anonymous if sufficient information is provided to conduct an investigation.~~
- ~~(c) When a complaint is received by the Board in which an individual, licensee or firm is charged with a violation, it is referred to an investigation committee designated by the Executive Director. The investigative committee makes a determination if probable cause exists for taking further action or for issuing a complaint. Action against the individual, licensee, entity or firm holding a Certificate of Authorization may be brought in the name of the Board or brought before the Board in the name of the claimant versus the respondent.~~
- ~~(d) In the event the investigation committee determines that a probable cause exists, the legal counsel of the Board is requested to prepare a formal complaint.~~
- ~~(e) The formal complaint shall be personally served or mailed to the last known address of the parties charged or firm holding a Certificate of Authorization at least 30 days before the date fixed for hearing.~~
- ~~(f) The complaint 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 notice of the formal complaint 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 or 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) In contested cases, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the court of common pleas shall be followed. The Board shall give effect to the rules of privilege recognized by law. Objection to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interest of the parties involved will not be prejudiced substantially, any part of the evidence may be received in~~

written form. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Any party may conduct cross-examination. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the Board's specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Board's experience, technical competence, and specialized knowledge may be utilized in the evaluation of evidence.

- ~~(1) Terminate the investigation when it appears no violation has occurred or there is insufficient evidence to support any violation, or that the Board lacks jurisdiction; or~~
- ~~(2) Refer the matter to the investigation committee; or~~
- ~~(3) Appoint an individual investigator; or~~
- ~~(4) Attempt informal resolution of the matter; or~~
- ~~(5) Refer directly to Board; or~~
- ~~(6) Refer the matter to other Boards, Agencies, or Authorities.~~

245:15-23-11. Investigation committee [REVOKED]

- ~~(a) **Appointment; officers.** The investigation committee, appointed by the Executive Director, shall investigate cases referred to it.~~
- ~~(b) **Duties.** It shall be the duty of the investigation committee, upon request from the Executive Director or Director of Enforcement, to investigate whether there exists probable cause to believe that a violation has occurred and to determine whether the institution of formal or administrative proceedings is justified. The investigation shall be conducted with reasonable dispatch. The investigation committee shall report to the Executive Director the result of any investigation promptly upon its conclusion.~~
- ~~(c) **Expenses.** The travel expenses of members of the investigation committee 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 committee shall be approved by the Chair of the Board prior to the travel occurring.~~

245:15-23-12. Investigation report and recommendations [REVOKED]

~~—The Director of Enforcement shall forward the investigation committee's report to the Board's legal counsel who after review with the investigative committee and Director of Enforcement or the Executive Director shall proceed with the recommendations, provided such recommended action conforms to law and established policy of the Board and is supportable based upon evidence considered by the investigation committee and any additional evidence discovered after the review by the investigative committee and the conclusions drawn therefrom. Court proceedings will not be instituted unless the investigation committee and counsel to the Board are agreed and such action is ordered by the Board based upon review of the recommendations of the investigation committee and counsel of the Board.~~

245:15-23-13. Investigator [REVOKED]

~~—Investigations may, at the discretion of the Executive Director or Director of Enforcement, be assigned to individual investigators who may be employed or retained on a full or part-time basis by the Board for such purpose.~~

245:15-23-14. Civil and formal proceedings [REVOKED]

~~—Civil or formal proceedings in matters involving violations shall be brought by the legal counsel in the name of the Board based upon recommendation of the investigation committee, Director of Enforcement and as ordered by the Board. The formal complaint shall be signed by the legal counsel to the Board and shall include a concise statement of the allegations and particular sections of Statutes and Rules involved.~~

245:15-23-15. Hearings

(a) **General provisions.**

~~(1) The Board shall set a time and place for the hearing of the formal complaint, provided that such hearing shall not be set less than thirty (30) days from mailing by certified mail of notice of the proceeding to the licensee, firm, entity, or person at the last known address according to Board records or information.~~

~~(2) Such notice shall include a copy of the formal complaint, including a statement of the time, place and nature of the hearing, a statement of the legal authority and jurisdiction under which the hearing is held; a reference to the particular sections of statutes or rules involved and a short and plain statement of the matters asserted or issues involved. At any hearing, the parties thereto shall be afforded the opportunity to respond, present evidence, and argue on all issues involved.~~

~~(3) Unless precluded by law, informal disposition may be made of any proceeding by stipulation, agreed settlement, consent order, or default.~~

~~(1)(4)~~ At any hearing, the licensee, firm, entity, or person, charged with misconduct or violation shall enjoy the rights:

(A) against self-incrimination; and

(B) of confidential communication with his/her spouse, attorney, clergyman, priest and/or physician; and

(C) of withholding confidential or privileged records and files of any official or agency of any state or of the United States which, by any statute of such state or of the United States; and

(D) of cross examination; and

(E) of counsel.

~~(2)(5)~~ All motions, except for a motion to continue, must be filed seven (7) days prior to the scheduled date of the hearing. Responses to motions, if any, must be filed two (2) days prior to the hearing.

~~(3)(6)~~ The parties shall exchange names of all witnesses they anticipate testifying ten (10) days prior to the hearing. Additional witnesses may be called subject to the approval of the Board.

~~(4)(7)~~ The first motion for a continuance filed on behalf of a party may be granted by the Executive Director.

(b) **Hearing record.**

(1) The hearing records shall include:

(A) all pleadings, motions and intermediate rulings;

(B) evidence received or considered;

(C) questions and offers of proof, objections, and ruling thereon;

(D) proposed findings and exceptions;

(E) any decision, opinion, or report by the officer presiding at the hearing, if any;

(F) any records, including records of the Board, of which the Board chooses to take judicial notice;

(G) all staff memoranda or data submitted to the hearing officer, if any, or member of the agency in connection with their consideration of the case.

(2) Oral proceedings or any part of the oral proceedings shall be transcribed on request of any party. The requesting party shall pay all costs incurred for the original transcript and other parties requesting copies shall bear the cost of additional copies.

(3) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(c) **Methods of hearings.** Hearings shall be conducted by one of the following methods as determined by the Board:

(1) by the Board;

(2) by a member or emeritus member of the Board or its designee acting as hearing examiner;

(3) by an attorney licensed to practice before the Supreme Court of the State of Oklahoma acting as hearing examiner.

(d) Unless precluded by law, any party may waive rights and proceed by stipulation, agreed settlement, consent order or default. No provision in the rules shall be construed as prohibiting the Board from

continuing to a later date, suspending or holding in abeyance any formal or civil proceeding pending the outcome of informal negotiation or informally agreed upon terms.