



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-316A

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

May 24, 2016

Dear Executive Director Hart:

This office has received your request for a written Attorney General Opinion regarding agency actions that the State Board of Licensure for Professional Engineers and Land Surveyors intends to take in Board case 2015-063. The case involves a firm with a certificate of authorization to offer land surveying and professional engineering services along with a licensee holding both licenses. The firm completed floor plans, plumbing plans, and other drawings for a building that would hold roughly 200 people. The licensee signed and sealed those drawings. After two days of taking evidence and hearing argument, the Board concluded that the drawings prepared were outside the engineer's area of competence. The Board also concluded, based on expert testimony, that this lack of competence resulted in at least some of the plans being "seriously deficient" and not meeting "applicable codes and engineering standards." Finding both incompetence and gross negligence, the Board seeks to impose fines totaling \$10,000 on the firm along with a two-year suspension on the professional engineering license of the individual respondent.

Oklahoma law authorizes the Board to impose discipline on "if a person or entity is found guilty of . . . gross negligence [or] incompetence . . . in the practice of engineering or land surveying," 59 O.S.Supp.2015, § 475.18(A)(2). Further, Oklahoma law makes clear that firms offering engineering or land surveying must have a "person[] in responsible charge of such practice and all personnel who act in behalf of" the firm." *Id.* § 475.21(A)(1). This requirement ensures that licensable services offered in a firm can be adequately regulated to the same extent that individual professional services may be—in "order to safeguard life, health and property, and to promote the public welfare." 59 O.S.2011, § 475.1.

The Board heard testimony that, among other things, the plumbing and electrical drawings failed to exhibit the completeness and thoroughness required for final drawings that are signed and sealed. The Board could reasonably believe that the licensee's and firm's decisions to prepare drawings and have the licensee sign and seal them—without adequately researching or finding help to ensure the drawings had been prepared competently—falls below the standards of competence expected of professional engineers. In light of the defects identified, the Board may reasonably believe that a significant fine is necessary to deter future conduct by the firm and that

a temporary suspension of the licensee's professional engineer license 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 these actions advance the State of Oklahoma's policy that professional engineering services meet minimum standards of competence.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized with a large, sweeping initial "E" and a long, horizontal flourish extending to the right.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA