



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2015-197A

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

December 9, 2015

Dear Executive Director Hart:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Licensure for Professional Engineers and Land Surveyors intends to take with respect to professional engineer application 25025. The proposed action is to deny the application because the applicant has had five convictions for driving under the influence of an intoxicant, the most recent in 2012. All Board members stated that the application would be accepted if applicant had had no convictions within the last five years.

Oklahoma law requires that, to be qualified for licensure as a professional engineer, an applicant must be "of good character and reputation." 59 O.S.Supp.2015, § 475.12(A). The statutes also clarify that the Board may deny an application for licensure if an applicant displays "[h]abitual intoxication or addiction to the use of alcohol or to the illegal use of a controlled dangerous substance." *Id.* § 475.18(A)(13). The Board may reasonably believe that the applicant's serial criminal convictions involving alcohol do not bespeak professionalism adequate for licensure, and the Board's position that having no convictions for five years would suffice to reduce the possibility of unprofessional or unsafe conduct is reasonable.

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

A handwritten signature in black ink, appearing to read "Scott Pruitt", is written over a horizontal line.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA