

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

CHAPTER 2. ADMINISTRATIVE OPERATIONS

245:2-1-1. Purpose

The Rules of Procedure of the Board are set forth for the purpose of interpreting and implementing 59 O.S., Sections 475.1 et seq., establishing the State Board of Licensure for Professional Engineers and Land Surveyors and conferring upon it the responsibility for the licensing of engineers, land surveyors, engineering and land surveying firms, regulation of the practice of engineering and land surveying, and enforcement of the Statutes. The Rules of Procedure are known and cited as OAC 245.

245:2-1-2. Terms defined by Statute

Terms defined in 59 O.S., Sections 475.1 et seq. shall have the same meanings when used in the Rules of Procedure unless the context or subject matter clearly requires a different interpretation.

245:2-1-4. Board meetings

- (a) The Board holds at least four (4) regular meetings each year within the State of Oklahoma. The exact time and place shall be determined by the Chair and shall be set forth in a written notice, a copy of which shall be mailed to each member, at the member's last address of record, by the Executive Director or Principal Assistant at least ten (10) days in advance of the date of the meeting. Other meetings may be called as prescribed by law.
- (b) All meetings shall be conducted by the current edition of "Roberts Rules of Order Newly Revised" unless otherwise provided herein or by Statute.
- (c) Members of the Board may waive formal or written call or notice of meeting, and by the attendance at any meeting such members so attending shall be deemed to have waived all notice thereof.
- (d) A quorum of the Board shall consist of a majority of the full Board that includes at least one (1) Professional Land Surveyor Member. A majority vote of those present is required to pass a motion. The Chair shall vote as a member of the board.
- (e) In the absence of a quorum at any regular or special meeting called, those members of the Board in attendance shall reschedule such meeting to any later date.

245:2-1-5. Duties of Board officers

- (a) **Election of Board officers.** The Board elects annually from its membership as officers a Chair, Vice Chair, and a Secretary.
- (b) **Duties of the Chair.** The duties of the Chair are defined in the Statute. The Chair shall also serve as executive officer of the Board and shall perform the additional duties:
 - (1) preside at all meetings;
 - (2) appoint such committees as the Board may authorize or require in the conduct of the Board business;
 - (3) sign all certificates and perform all other duties usually pertaining to the office of Chair and required or permitted by law.
- (c) **Duties of the Vice Chair.** The duties of the Vice Chair are as defined in the Statute. The Vice Chair shall also serve as executive officer of the Board and perform the duties of the Chair in the absence of the Chair.
- (d) **Duties of the Secretary.** The duties of the Secretary are as defined in the Statute. The Secretary shall also sign all certificates and other official documents required or permitted by law.

245:2-1-6. Duties of Executive Director and Principal Assistant

- (a) The Board shall employ an Executive Director who shall be responsible for the administration of the

policies of the board, the processing of its routine operations, and other administrative and ministerial duties as the Board authorizes.

(b) The Board shall appoint a Principal Assistant for the Board, who shall not be a member of the Board, but shall be a Professional Engineer or Land Surveyor. The Principal Assistant's duties shall be to assist the Executive Director in the administration of the policies of the board and other administrative and ministerial duties as the Board authorizes. The Principal Assistant shall act on behalf of the Executive Director in the absence of the Executive Director.

(c) The Board shall furnish the Executive Director and Principal Assistant the necessary equipment, supplies and clerical assistance, paying for same directly on claims handled as prescribed herein and by law.

(d) The Executive Director and Principal Assistant shall make available to the Public for inspection at 201 N. E. 27th Street, Oklahoma City, Oklahoma, or subsequent address, all public records of the Board, and shall accept submissions and requests at said location.

(e) The Executive Director shall prepare monthly reports for the "Professional Engineers and Land Surveyors Fund", which shall show all funds received and disbursed from the fund compared to the previous year's monthly report. Such report shall be presented to the Board at the next scheduled meeting.

245:2-1-7. Vacancies

(a) If, for any reason, a vacancy shall occur in the Board, the Chair shall prepare a notice to the Governor asking for the appointment of a new member to fill the unexpired term.

(b) If the vacancy shall occur in the office of the Chair, the Vice Chair shall prepare a notice to the Governor asking for the appointment of a new member to fill the unexpired term. In such case, the Board shall elect, from its own membership, at the first regular or special meeting, a new Chair to serve for the balance of the unexpired term.

245:2-1-8. Reimbursement for travel

Members of the Board, Board staff and authorized representatives shall be reimbursed for travel expenses incurred in the performance of their official duties, as allowed by the State Travel Act, and shall be paid on claims handled as prescribed herein and by the law.

245:2-1-9. Official Board Seal

The Seal of the Board shall be a circular seal, 2 1/4" in diameter, consisting of two concentric circles. The inner circle shall be 1 3/8" in diameter and shall contain the great seal of the State of Oklahoma. The outer circle shall be 2 1/8" in diameter and the area between the two circles shall contain the wording "State Board of Licensure for Professional Engineers and Land Surveyors" and the word "Oklahoma".

245:2-1-10. Official records

Among other official records required by law, or by rules of other agencies in support of law, the Board shall maintain accurate and current records including, but not limited to:

- (1) A record of minutes, in proper order, containing a summary of actions of all meetings of the Board.
- (2) Records of Licensees, containing the name and license number of all persons to whom Certificates of Licensure are issued, date of original license, the last known address of all current licensees and renewals affected through biennial licensure, and the discipline(s) of engineering in which the applicant is claiming competency.
- (3) Licensee files for each current licensee containing the original application, relevant verification and evaluation data, record of examination grades, and when applicable, records of alleged violations, suspensions, revocations, refusal to renew, orders issued, hearing transcriptions and penalties levied.

- (4) Certificate of Authorization files containing the name of each current firm holding a current certificate, the engineer(s) or land surveyor(s) of record, a record of all partners, officers and directors of the entity, their license number and state in which they are licensed, if applicable, and the last known address.
- (5) A system of finance records indicating funds received, budgeted, committed, spent, remaining and projections of appropriate request for consideration in budget development.

245:2-1-11. Inactive records

All inactive licensees and Certificates of Authorization files and records over three (3) years old may be microfilmed or imaged and disposed of according to the current State law and Archives and Records Commission Rules. Files and records containing violations and penalties over ten (10) years old may be microfilmed or imaged and disposed of according to the current State law and Archives and Records Commission Rules.

245:2-1-12. Public records

Public records of the Board are open for public inspection and copying at any time during normal business hours. A nominal fee shall be charged for copying. If extensive and time consuming copying or record searches are required, the person requiring such information or copying must supply personnel acceptable to Board staff, to do the tasks required, under the supervision of the Board staff. All records copied or searched shall be kept in the order found and shall be put back in the files as such. Costs incurred by the Board shall be paid by the person requiring such information or copying.

245:2-1-13. Confidential records

- (a) Prior to presentation to the Board for formal or informal adjudication, files of investigations in progress shall be deemed not subject to the Open Records Act and therefore, confidential. Files of investigation that are confidential shall not be subject to disclosure to the extent such files would not be discoverable under state law, are protected by an evidentiary privilege, contain the record of a lawfully constituted executive session, or contain the personal notes or personally created materials of a public official prior to taking action, or contain materials otherwise exempt from disclosure or discovery under applicable laws.
- (b) Files of investigations in progress as referenced in this Section, shall mean any record, as defined by 51 O.S. 1991, Section 24A.3 and any amendments thereto pertaining to alleged violations of the Act or the Rules in this Chapter, by an individual, firm, partnership, association, corporation or entity prior to presentation to the Board for formal or informal adjudication.
- (c) Upon written request, the Board or Board staff will examine its investigation files to determine the extent to which material contained in the file of an investigation in process should be deemed not confidential and, therefore, may be disclosed. In all cases, the Board will confirm a complaint has or has not been received and that an investigation is in progress.

245:2-1-14. Filing and disposition of petitions for declaratory rulings

- (a) Any person may file a request for a declaratory ruling by the Board as to the application or enforcement of any Rule or Statute to a given set of circumstances. Such request shall be in writing, signed by a person seeking the ruling, state the Rule or Statute involved and contain a brief and concise statement of facts to which the ruling shall apply. Requests shall be submitted to the Board at its office, either in person, by mail, or electronic media and may be in any form. The Board will consider the request at its next regular or special meeting unless the question has been resolved by prior ruling of the Board, in which event the petitioner shall be promptly notified of the prior ruling.
- (b) The Board may defer action or hold such request on its agenda pending any investigation or hearing which the Board might conduct. The Board shall issue the requested rulings promptly upon the determination thereof or send an explanation to the petitioner stating why a ruling will not be issued. Unless a ruling states otherwise, rulings contemplated herein shall constitute precedent for the purpose of

the Board's application and enforcement of the Rules in this Chapter and Statutes until revoked or overruled by the Board or the Courts. Such rulings shall be indexed by Statute section or Rule and shall be available for inspection by members of the public at the Board office. With respect to indexed rulings, the Board may delete nonessential and repetitive information and may edit any ruling to protect proprietary or confidential information.

245:2-1-15. Request for promulgation, amendment, or repeal of rules

(a) Any interested person may request the Board to promulgate, amend, or repeal a rule. Such request must be in writing and must state the reasons supporting the proposed rule, amendment or repeal. The request must also state whether the proposal conflicts with any existing rule. Further, the request must state what statutory provisions, if any, are involved. The request must be signed by the requester.

(b) These requests must be submitted to the Board's office, either in person or by mail. Requests may be considered by the Board at its next regular meeting or may be continued to a subsequent meeting for further consideration. Upon this preliminary consideration, if the Board approved the proposed change, notice will be given to requester that the proposed rule, amendment or repeal will be formally considered for adoption at a subsequent Board meeting. If, however, the Board initially determines that the proposed rule, amendment or repeal is not necessary, the request will be denied. This denial will be recorded in the regular minutes of the Board.

245:2-1-16. National Council of Examiners for Engineering and Surveying

The Board shall maintain membership in the National Council of Examiners for Engineering and Surveying (NCEES). At the National and Zone annual meetings, the Board may be represented by one or more members of the Board, Executive Director and/or Principal Assistant, and others whom the Board may designate.

245:2-1-18. Fees and penalties

- (a) Schedule of fees and penalties, effective July 1, 2009, are as follows:
- (1) Application:
 - (A) Original
 - (i) Engineer/Surveyor - \$150.00
 - (ii) Intern - \$50.00
 - (iii) Firm - \$200.00
 - (B) Comity
 - (i) Engineer/Surveyor - \$250.00
 - (ii) Intern - \$50.00
 - (iii) Firm - \$250.00
 - (C) Re-license
 - (i) Engineer/Surveyor - \$250.00
 - (ii) Intern - \$50.00
 - (iii) Firm - \$250.00
 - (D) Requalifications
 - (i) Engineer/Surveyor - \$150.00
 - (ii) Intern - \$25.00
 - (2) Biennial renewals:
 - (A) Individuals (Renewal fees are waived for Oklahoma licensed engineers and surveyors at 70 years old. Individuals must be 70 years old prior to their biennial renewal date and return the renewal form sent by the Board to qualify.)
 - (i) Engineer/Surveyor - \$150.00
 - (ii) Intern – WAIVED
 - (B) Firm - \$200.00
 - (3) Reinstatement penalty (in addition to the renewal fee): The following reinstatement penalty schedule refers to payments received by the Board within the prescribed number of days following the expiration date of the renewal:
 - (A) 1 – 60 days:
 - (i) Engineer/Surveyor - \$100.00
 - (ii) Firm - \$100.00
 - (B) 61 – 120 days:
 - (i) Engineer/Surveyor - \$150.00
 - (ii) Firm - \$150.00
 - (C) 121 – 180 days:
 - (i) Engineer/Surveyor - \$250.00
 - (ii) Firm - \$250.00
 - (4) Re-examination application:
 - (A) Engineer/Surveyor - \$50.00
 - (B) Intern - \$10.00
 - (5) Temporary permit (Engineering) - \$750.00
 - (6) Administrative fee for returned checks: \$25.00
 - (7) Duplicate certificate: \$25.00
 - (8) Application fee to revise license or authorization
 - (A) Engineer/Surveyor \$50.00
 - (B) Intern – no charge
 - (C) Firm - \$100.00
 - (9) Transcript of hearing – Actual cost
 - (10) Copy of public records (per page): \$.25
- (b) The Board shall make no refunds of any fees or penalties to any applicant or licensee.
- (c) These fees and penalties apply to the Rules in this Chapter and Chapter 15 of this Title.

- (1) The administrative fee for returned checks shall be applied to any check returned to the Board for insufficient funds.
- (2) Any such check returned to the Board shall be replaced with a cashier's check or money order within ten (10) days following notification from the Board of the returned check.

245:2-1-19. Severability clause

Any part of the Rules in this Chapter, found by a Court or the Attorney General to be inconsistent with the provisions thereof as presently exist or are hereafter amended, shall be interpreted so as to comply with such Statutes as they presently exist or are hereafter amended and the partial or total invalidity of any section or sections of these Rules shall not affect its valid sections. These Rules go through the legislative process, thereby giving them the same effect as law.

245:2-1-20. Conflicting statutes

When a Statute or a part of a Statute is found to be in conflict or inconsistent with the provisions of 59 O.S., Sections 475.1 et seq. or the Rules in Chapters 2 or 15 as promulgated by the Board or the Administrative Procedures Act, 75 O.S. Sections 301 et seq., the provisions of 59 O.S., Sections 475.1 et seq. and the Administrative Procedures Act shall govern.