

## DISCIPLINARY ACTIVITY OF THE BOARD (CONT.)

King's PLS 1534 was **Suspended** for two (2) years with suspension being stayed for the entirety of the two (2) year period provided King performs professional land surveying duties within the constraints imposed by the Board and complete the on-line class in Surveying Ethics at New Mexico State University. The constraints imposed by the Board during and following the cessation of King's suspension are as follows: King will only be permitted to utilize his Oklahoma PLS license to offer and perform mortgage inspection reports.

**In the Matter of Allen & Shariff Engineering, LLC, CA 5420 and Donald K. Beyer, PE 27918, Case No. 2015-014; Through Consent;** For offering and/or practicing engineering in the State of Oklahoma without a Certificate of Authorization, Allen & Shariff Engineering, LLC was found **Guilty**, assessed an administrative fine of \$500, and **Reprimanded**. For offering and/or practicing engineering in the State of Oklahoma without a Certificate of Licensure, Beyer was found **Guilty**, assessed an administrative fine of \$500 and **Reprimanded**.

**In the Matter of Pacific Aquascape International, Inc., CA 5838, Case No. 2015-016; Through Consent;** For offering and/or practicing engineering in the State of Oklahoma without a Certificate of Authorization, Pacific Aquascape International, Inc. was found **Guilty**, assessed an administrative fine of \$750, and **Reprimanded**.

**In the Matter of Sherwood Design Engineers, Case No. 2015-017; Through Consent;** For offering and/or practicing engineering in the State of Oklahoma without a Certificate of Authorization, Sherwood Design Engineers was found **Guilty**, assessed an administrative fine of \$1,000, and ordered to **Cease & Desist**.

**In the Matter of Bradley Garrett Wells, PLS 1575, Case No. 2015-028; Through Agreement;** Bradley Garrett Wells elected to **Surrender** his PLS Certificate of Licensure No. 1575 to the Board in lieu of administrative action. Further, he shall be permanently barred from reissuance of his Certificate of Licensure as a Professional Land Surveyor in the State of Oklahoma.

**In the Matter of Alber Engineering, Inc. and Jerry Wayne Alber, PE 15354, Case No. 2015-035; Through Consent;** For offering and/or practicing engineering in the State of Oklahoma without a Certificate of Authorization, Alber Engineering, Inc. was found **Guilty**, assessed an administrative fine of \$1,000, and **Reprimanded**. For aiding and assisting Alber Engineering, Inc. in the unlicensed practice of engineering without a Certificate of Authorization, Jerry Wayne Alber was found **Guilty**, assessed an administrative fine of \$750, and **Reprimanded**.

November 19 – 20, 2015

**In the Matter of Waylen Pont Wiseman, PE 17189, Case No. 2015-061; Through Consent;** For failing to comply with the Board's continuing education requirements to obtain thirty (30) PDH's for the twenty-four month renewal period and to provide acceptable proof of attendance if audited, Wiseman was found **Guilty** and assessed an administrative fine of \$750. For certifying that he had completed the continuing education requirements of the Board when in fact he had not, Wiseman was found **Guilty** of providing false information to the Board when renewing his Certificate of Licensure, assessed an administrative fine of \$750, and will be audited in the next renewal cycle of his license.

### COMPLIANCE WITH THE OKLAHOMA TAX COMMISSION REQUIRED FOR RENEWAL OF ALL PROFESSIONAL LICENSES...

Oklahoma Statutes require that a licensee must be in compliance with the Oklahoma Tax Commission to qualify to renew their professional license. If you are notified by the tax commission that you are in non-compliance, please act immediately. The Board does not have the authority to waive this requirement, so CONTACT THE OKLAHOMA TAX COMMISSION if you are notified.

## THE PATH TO COMPLIANCE



Bruce Pitts, PLS

### JUST ASK .....

#### Or Seldom Asked Questions That May Lead to Disciplinary Action

Asking for help (or directions for that matter) is often not a strong suit among engineers and land surveyors. It's not because we are 'know it all's'; it's more because of our independent and self-reliant attitude that brought us to these professions in the first place. This attitude instructs us that we should be able to apply reason, logic and calculations, if necessary, and solve any question without having to seek assistance. Experience has taught us, however, that in this 'Age of Information', there is just too much knowledge to digest and retain to keep up with the rapid rate of change. This applies equally to Board Statutes and Oklahoma Administrative Rules (OAR), which govern the practice of engineering and surveying. So, to aid our 'question asking challenged' licensees, here are some of the seldom asked questions that often lead to disciplinary action.

#### What Documents need to be signed and sealed?

OAR, Section 245:15-17 is dedicated to signing and sealing regulations. This office receives more signing and sealing questions than any other topic. Yet with all the questions we do receive and answer, there are still many violations stemming from improper signing and sealing. For example, a fairly common misunderstanding among engineers and/or surveyors is that plans are the only documents that are required to be signed and sealed. That is simply not the case. Documents required to be signed and sealed can be plans, surveys, specifications, reports, drawings, or any engineering or surveying work product furnished to a client, a user, or any public agency. REMINDER: The licensee's signature and seal constitutes 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.

#### As a Professional Engineer - May I Practice in a Discipline that I have not listed with the Board?

The answer is unequivocally – NO. All Oklahoma PE's have been asked to list with this Board the discipline(s) of engineering in which they are competent to practice. In order to list those areas of practice, the PE's demonstrated competence in each area by one or more of the following three pathways: examination, education and experience. The Board recognizes that engineers can, and do, obtain new areas competence, and has provided the necessary form on its website for those wishing to do so. This simple process eliminates the potential of disciplinary action and harm to the public.

#### As a Professional Land Surveyor – How Does the Board Determine My Area(s) of Competence?

The answer to this is not quite as clear-cut. However, it should be clear-cut to the PLS who is ethically bound to make this determination. A PLS who contracts to perform a river survey, who has no education or experience regarding river surveys, is most likely practicing outside of his or her area(s) of competence.

#### Certificate of Authorization (CA) Requirements - In General Terms

You may practice as an individual in this state as long as you practice in your own name and do not use a fictitious name. For example, you may practice as *Jerry Jones, P.L.S.* However you may not practice as *Jerry Jones Surveying* unless you have a CA. Furthermore, the PLS or PE who signs and seals plans as a Consultant must have been hired to do work on behalf of the firm and must sign, seal and date their work and include their title block, contact information, and CA information (if applicable) on the work. Consultants may not sign and seal as the responsible charge PE or PLS for the firm to which they are consulting. As a reminder, the responsible charge PE or PLS for a firm must be a full-time employee of that firm and must meet the criteria for being in responsible charge of the professional activities of the firm listed in 245: 15-17-2 of the Board Rules. **(Continued on next page)**