



*Bruce Pitts, P.L.S.*

## Proper Signing and Sealing Procedures

Within the Board's scope of regulating the practice of engineering and land surveying, lies a group of statutes and rules on the topic of the proper procedure(s) for signing and sealing engineering and surveying documents. The Board fields many questions from its licensees about what documents need to be signed and sealed and when the signature and seal of licensees needs to be affixed to engineering and surveying documents. The Board also investigates many projects where engineers or surveyors have signed and sealed documents incorrectly or unlawfully. Since clients, government agencies and even the public all rely on legally and properly signed and sealed documents, it's of paramount importance that the use of the signature and seal be used correctly in all applications.

### Competency, Responsible Charge, and Plan Stamping

So exactly what is the proper procedure for affixing the signature and seal on engineering or land surveying plans?

- Title 59 O.S. § 475.15 (C), states:

“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 **responsible charge of the work product**. Documents must be sealed and signed in accordance with the Board rules whenever presented to a client, a user or any public or governmental agency.”

- Title 59 O.S., § 475.18 (A)(14), states:

[The Board shall have the power to discipline an individual found guilty of] “Performing engineering or surveying services outside any of **the licensee’s areas of competence or areas of competence designated in the official Board records.**”

- Board Rule 245: 15-17-2(a), states:

“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.”

Simply stated, the licensee must be competent in their area(s) of practice (and must list such area(s) with this board), must be in responsible charge of the work, and may not participate in what is termed “plan stamping”. A good example of plan stamping is when a licensee is involved in a national project that may include providing engineering or surveying services in jurisdictions where they are not licensed. In those jurisdictions where they are not licensed, it may seem logical and economically practical that they reach out to a professional licensed in that jurisdiction and ask that they review, sign and seal work not done by them or under their supervision. If you are requested to participate in a project like this, it is critically important that you understand that the statutes and rules in Oklahoma **do not allow** for this type of arrangement, which is referred to as ‘plan stamping’, unless strict guidelines are followed requiring specific research, design, documentation and deliberation on the part of the signing and sealing professional. Taking responsibility and liability for the professional work after it has been performed is not sufficient to protect the health, safety and welfare of the public. Therefore, you should be extremely cautious before entering into such an arrangement within Oklahoma and other jurisdictions without first obtaining specific information from the respective state board as to whether or not this work can be lawfully performed.

### Presenting Incomplete Work to a Client

If for any reason incomplete engineering or surveying documents are presented to a client, the following Board Rules found in 245: 15-17-2 (i) and (j) shall apply and provide specific guidance:

“(i) Working drawings or preliminary documents are not required to have a seal and signature if they contain a statement in large bold letters to the effect **PRELIMINARY, NOT FOR CONSTRUCTION OR IMPLEMENTATION.**

(j) Permit sets of construction drawings, which are not final, may be signed and sealed for the sole purpose of submitting the work to the Authority Having Jurisdiction (AHJ) for their review, comment and /or approval, but must be clearly marked in large bold letters **PERMIT SET-NOT FOR CONSTRUCTION.**”

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## THE PATH TO COMPLIANCE (cont)

The meaning is clear that unless **boldly** marked otherwise, signed and sealed engineering and surveying documents are considered complete and the licensee accepts responsibility for the content thereon that must be compliant with recognized standards and codes.

### And Furthermore.....

Other statutory and rule provisions addressing truthfulness and honesty in the work produced by licensees exist. Therefore, it must be understood by licensees that knowingly making or signing false certificates; failing to include all relevant and pertinent information in professional documents; and, omission or commission deliberately misleading any persons or entities, are serious infractions that could bring disciplinary actions against a licensee. Special care must be taken to use certification language that specifically states what the licensee is responsible for and does not misrepresent the scope of the licensee's responsibility. Client, employer or other workplace demands may put pressure on licensees to sign and seal work that does not meet the rigorous criteria established by the professions. Therefore, licensees must remember their obligation to recognize their primary responsibility is to safeguard the health, safety and public welfare when performing services for clients and employers.

## DISCIPLINARY ACTIVITY OF THE BOARD

**November 8 – 9, 2018**

**SM Engineering, CA 8198, SC Consultants, LLC, and Samuel Malinowsky, PE 26619, Case No. 2018-013; Through Consent:** SM Engineering and SC Consultants, LLC did not have Certificates of Authorization to offer and/or practice engineering in the State of Oklahoma at the time the engineering services were offered and provided. In this regard SM Engineering and SC Consultants, LLC were found **Guilty**, assessed an administrative fine of \$2,000 and were ordered to **Cease and Desist** offering and/or practicing engineering services in Oklahoma until such time as they have been issued a Certificates of Authorization in accordance with the laws of Oklahoma. Samuel D. Malinowsky knew or should have known that SM Engineering and SC Consultants, LLC did not have Certificates of Authorization to offer and/or practice engineering in Oklahoma at the time he performed the engineering services. In this regard Malinowsky was found **Guilty**, assessed an administrative fine of \$2,000 and **Reprimanded**.

**Soney FM, LLC, CA 6530 and Ram A. Goel, PE 25896, Case No. 2018-043; Through Consent:** Soney FM, LLC violated the laws or rules of other states, in which the violations were the same or substantially equivalent to Oklahoma Statutes and Rules. In this regard Soney FM, LLC was found **Guilty**, assessed an administrative fine of \$1,000 and **Reprimanded**. Ram A. Goel violated the laws or rules of other states, in which the violations were the same or substantially equivalent to Oklahoma Statutes and Rules, and signed false statements on his renewal application. In this regard Goel was found **Guilty**, assessed an administrative fine of \$4,000 and **Reprimanded**. It was further ordered that Oklahoma

CA No. 6530 and PE Certificate of Licensure No. 25896 be placed in Inactive status to run concurrent with the probationary period assigned by the Florida Engineering Board in Case No. 2016-014130.

**James L. Bonds, PE 21289, Case No. 2018-066; Through Agreement:** James L. Bonds surrendered his PE Certificate of Licensure to the Board in lieu of formal administrative action and is permanently barred from reissuance of licensure as a professional engineer in Oklahoma.

**Emmanuel Lao Casino, PE 24196, Case No. 2018-067; Through Agreement:** Emmanuel Lao Casino surrendered his PE Certificate of Licensure to the Board in lieu of formal administrative action and is permanently barred from reissuance of licensure as a professional engineer in Oklahoma.

**Michael Joseph Fox, PE 13721, Case No. 2018-068; Through Agreement:** Michael Joseph Fox surrendered his PE Certificate of Licensure to the Board in lieu of formal administrative action and is permanently barred from reissuance of licensure as a professional engineer in Oklahoma.

**John K. Henshaw, PE 19196, Case No. 2018-070; Through Consent:** John K. Henshaw failed to comply with the Continuing Education audit by not providing proof of obtaining the required thirty (30) PDH's he certified as completed when renewing his PE Certificate of Licensure. In this regard John K. Henshaw was found **Guilty**, assessed an administrative fine of \$2,000 and shall be audited in the next renewal audit period.