

**TITLE 245. STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS  
AND LAND SURVEYORS  
CHAPTER 2. ADMINISTRATIVE OPERATIONS**

**RULEMAKING ACTION:**

PERMANENT final adoption

**RULES:**

245:2-1-6. Duties of Executive Director, Principal Assistant and Assistant Director  
[AMENDED]

245:2-1-13. Confidential records [AMENDED]

245:2-1-21. Engineering and Surveying Education Assistance Program [NEW]

**AUTHORITY:**

Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors; 59  
O.S. Sections 475.1 et seq.; 65 O.S., 1991 Sections 3-116 et seq.; 75 O.S. Sections 301 et seq.

**SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET**

**SECRETARY:** January 12, 2018

**COMMENT PERIOD:**

January 9, 2018 to March 28, 2018

**PUBLIC HEARING:**

March 29, 2018

**ADOPTION:**

March 29, 2018

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 30, 2018

**APPROVED BY GOVERNOR'S DECLARATION:**

Approved by Governor's declaration on June 18, 2018

**FINAL ADOPTION:**

June 18, 2018

**EFFECTIVE:**

September 14, 2018

**SUPERSEDED EMERGENCY ACTIONS:**

n/a

**INCORPORATED BY REFERENCE:**

n/a

**AVAILABILITY:**

8:00 a.m. to 4:30 p.m., Monday through Friday at the Engineering and Design  
Professionals Center, 220 N.E. 28<sup>th</sup> St., Suite 120, Oklahoma City, OK 73151, 405-521-2874 or  
[https://www.ok.gov/pels/Publications/Administrative\\_Rules/index.html](https://www.ok.gov/pels/Publications/Administrative_Rules/index.html)

**GIST/ANALYSIS:**

The revisions shall update administrative procedure language and confidential records to  
reflect statutory changes to Title 59, 475.1 et seq., which was effective November 1, 2017.  
Further, the revisions create the "Engineering and Surveying Education Assistance Program", as  
provided in Title 59, 475.1 et seq., as provided in Title 59, 475.1 et seq., effective November 1,  
2017, and defines criteria for the program.

**CONTACT PERSON:**

Kathy Hart, Executive Director, (405) 521-2874

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES  
ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS  
250.3(5) AND 308(E), WITH AN EFFECTIVE DATE OF SEPTEMBER 14, 2018:  
TITLE 245. STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS  
AND LAND SURVEYORS  
CHAPTER 2. ADMINISTRATIVE OPERATIONS**

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

- (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~~ may employ a Principal Assistant and/or an Assistant Director for the Board, who shall not be ~~a member~~ members of the Board, and may be ~~a Professional Engineer~~ Engineer(s) and/or Professional Land Surveyor or Surveyor(s). 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 and/or Assistant Director 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~~ administrative assistance, paying for same as prescribed herein and by law.
- (d) The Executive Director or his/her designee ~~and Principal Assistant~~ shall make available to the Public for inspection at its official published address, all public records of the Board, and shall accept submissions and requests at said location.
- (e) The Executive Director shall present ~~monthly~~ financial reports to the Board for the "Professional Engineers and Land Surveyors Fund", and any other authorized funds, which shall show all funds received and disbursed from the fund.

**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.
- (d) Other Board records and papers that may be kept confidential according to Title 59, Section 475.10(D): examination materials, file records of examination problem solutions, exam scores or results, letters of inquiry and reference concerning applicants, transcripts of college courses

and grades, e-mail addresses, ongoing investigation files, closed complaints, information otherwise protected by law and all other matters of like confidential nature.

**245:2-1-21. Engineering and Surveying Education Assistance Program**

(a) The Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors Engineering and Surveying Education Assistance Program was created by the Oklahoma Legislature and is funded and administered by the Board. The fund is to be used for higher education scholarships, for additional instructional courses for persons currently licensed or seeking licensure to practice engineering or land surveying, and for other educational activities or programs that may assist students pursuing a career in engineering or surveying who may choose to pursue professional licensing. The Board shall have the authority to maintain a separate fund for this purpose and the fund may accrue interest. Scholarships may serve as an additional incentive for residents of the State who are pursuing the study of engineering or surveying at a private or public college in Oklahoma in a program of engineering that is EAC/ABET or ETAC/ABET accredited or in a program of surveying that is approved by the Board.

(b) The Board Chair shall appoint a Scholarship and Education Committee of the Board annually from its membership to create and administer the programs. The duties of the committee shall be established by Board Policy.

(c) Applications for scholarships and the process for awarding scholarships shall be administered by Board Policy.

(d) Preference in the granting of scholarships shall be determined by Board policy. To be eligible for the Engineering and Surveying Assistance Program an applicant must:

(1) be a legal resident of the State of Oklahoma for not less than three (3) years prior to the date of application, or

(2) be a high school graduate from an Oklahoma public or private school, or be an Oklahoma resident who has attended an Oklahoma college or university for one (1) year prior, and

(3) be enrolled or have been accepted to an accredited college or university in a program that is EAC/ABET or ETAC/ABET for engineering or a surveying program approved by the Board, and

(4) meet all requirements and academic standards established by the Board.

(e) Funds may be awarded to qualified students each academic year as per Board policy.

Payment of the scholarship award will be sent to the college or university in direct payment for the student.

(f) Students must reapply annually to be reconsidered for the scholarship.

(g) Additional education and reimbursement programs may be created by the Scholarship and Education Committee to be financially supported through this fund upon approval by the Board.

(h) The Board may use this funds to establish and conduct instructional programs for persons who are currently licensed to practice engineering or land surveying, as well as refresher courses for persons interested in obtaining adequate instruction or programs of study to qualify them for licensure to practice engineering or land surveying. The Board may conduct, sponsor, and arrange for instructional programs and also may carry out instructional programs through extension courses or other media. The Board may enter into plans or agreements with community colleges, public or private institutions of higher learning, the State Board of Education, or with Oklahoma Department of Career and Technology Education for the purpose of planning, scheduling or arranging courses, instruction, extension courses or in assisting in

obtaining courses of study or programs in the fields of engineering and land surveying. The Board shall encourage the educational institutions in Oklahoma to offer courses necessary to complete the educational requirements of Section 475.1 et seq. of this title.