

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

**CHAPTER 2. ADMINISTRATIVE OPERATIONS**

**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.

**245:2-1-14. 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.