

TITLE 245 CHAPTER 15.
LICENSURE AND PRACTICE OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

SUBCHAPTER 9. RULES OF PROFESSIONAL CONDUCT

245:15-9-1. Purpose; scope; applicability

(a) To safeguard life, health, safety, and property, to promote the public welfare, and to establish and to maintain integrity and high standards of skill and practice in the engineering and surveying professions, the Rules of Professional Conduct in this subchapter shall be binding upon every licensee and on all firms authorized to offer or perform engineering or land surveying services in Oklahoma.

245:15-9-3. Responsibility to the public

(a) Licensees shall at all times recognize their primary responsibility is to safeguard the health, property, safety, and public welfare when performing services for clients and employers.

(b) Licensees shall sign, date, and seal only those design documents and surveys which conform to accepted engineering or land surveying standards and that safeguard the life, health, property and welfare of the public.

(c) Licensees shall not reveal facts, data or information obtained in a professional capacity without the prior consent of the client, employer, or public body on which they serve except as authorized or required by law or rules.

(d) Licensees shall not partner, practice, or offer to practice, or permit the use of their name or firm name nor associate in business ventures with any person or firm which they know, or have reason to believe, is engaging in fraudulent or dishonest business or professional practices.

(e) Licensees should make a reasonable effort to inform another licensee whose work is believed to contain a material discrepancy, error, or omission that may impact the health, safety, property or welfare of the public, unless such reporting is legally prohibited. The licensee shall report this matter to the Board for investigation if it is not resolved.

(f) Licensees who have knowledge or reason to believe that any person or firm has violated any of these "Rules of Professional Conduct" or any other provision of Title 59 O.S., Sec. 475.1 et seq, Title 65 O.S. Sec 3.116 et seq, or the rules of this Board, should report it to the Board, may report it to appropriate legal authorities, and shall cooperate with the Board and those authorities as may be requested.

(g) Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled under circumstances where the life, health, property, or welfare of the public is endangered.

245:15-9-4. Areas of practice

(a) Licensees shall practice only in the areas of their competence and shall undertake assignments only when qualified by education, examination, or experience in the specific technical fields of engineering or land surveying involved. The records of the Board shall indicate a discipline(s) of engineering designated by the license holder and considered by the Board to be their area(s) of competence. All requests relating to listings for area(s) of competency require the review of the Board or its designee and shall include the following:

(1) Original application for licensure. Upon application for licensure, an applicant shall designate a discipline(s) of engineering by providing:

(A) a transcript showing a Board-approved degree(s) in the discipline(s) of engineering; or

(B) a supplementary experience record documenting at least 4 years of experience obtained under the supervision of a professional engineer or in the discipline(s) of engineering and verified by at least one PE reference provider that has personal knowledge of the applicant's qualifying engineering experience; or

(C) verification of successful passage of the examination (s) on the principles and practice of engineering in the discipline(s) of engineering.

(2) Comity application for licensure or current license holder. A comity applicant or current license holder may request that the Board change the primary area of competence or indicate additional areas of competence by providing one or more of the following items:

(A) a transcript showing an additional degree in the new discipline of engineering other than the degree used for initial licensure; or

(B) a supplemental experience record documenting at least 4 years of experience obtained under the supervision of a professional engineer in the new discipline(s) of engineering verified by at least one PE reference provider that has personal knowledge of the license holder's qualifying engineering experience; or

(C) verification of successful passage of the on the principles and practice of engineering in the new discipline.

(b) Licensees shall not affix their signatures, date of signature, or seals to any plans or documents dealing with subject matter in which they lack competence, or areas of competence designated in the official Board records, nor to any plan or document not prepared under their direct control and personal supervision.

(c) Licensees may accept assignments for coordination of an entire project, provided that each design segment is signed, dated, and sealed by a licensee competent to practice in the discipline(s) of engineering and in direct control and personal supervision of that design segment.

(d) In the event a question arises as to the competence of a licensee in a specific technical field which cannot be otherwise resolved to the Board's satisfaction, the Board, either upon request of the licensee or on its own volition, shall admit the licensee to an appropriate examination.

245:15-9-5. Public statements

Licensees shall issue public statements only in an objective and truthful manner.

(1) Licensees shall, to the best of their knowledge, include all relevant and pertinent information in an objective and truthful manner within all professional documents, statements and testimony.

(2) Licensees shall express a professional opinion publicly only when that opinion is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.

(3) Licensees shall issue no statements, criticisms or arguments on engineering and surveying matters which are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking, and reveal any interest they have in the matters.

(4) Licensees shall not knowingly provide false or incomplete information regarding an applicant in obtaining licensure.

(5) Licensees shall comply with the licensing laws and rules governing their professional practice in each of the jurisdictions in which they practice.

245:15-9-6. Conflict of interest

Licensees shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.

(1) Licensees shall make full prior disclosures to their employers or clients of all known or potential conflicts of interest or other circumstances which could influence or appear to influence their judgment or the quality of their services.

(2) Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project unless the circumstances are fully disclosed to, and agreed to, in writing by all parties who compensate the licensee. Compensation shall be deemed anything of value and shall not be limited to the payment of money.

- (3) Licensees shall not solicit or accept financial or other valuable consideration, directly or indirectly, from any party, including contractors, suppliers, manufacturers, distributors, or an agent of any party in consideration for specifying or influencing others to use or select services, products, or processes in connection with work for which the licensee is responsible or work undertaken by a firm or entity in which licensee is an employee, officer, director, or owner.
- (4) Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Conversely, licensees serving as members, advisors, or employees of a government body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body which they serve.
- (5) Political contributions made in excess of legal limits shall be considered a violation of these Rules of Professional Conduct.
- (6) Licensees shall not use confidential information received in the course of their assignments as a means of making personal profit without the consent of the party from whom the information was obtained.

245:15-9-7. Solicitation of work

Licensees shall avoid improper solicitation of professional employment.

- (1) Licensees shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications. They shall not misrepresent or exaggerate their degree of participation or responsibility in prior assignments nor the complexity of said assignments. Brochures or other presentations incident to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments.
- (2) Licensees shall not offer, give, solicit or receive, either directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by public authority.
- (3) Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensees, nor indiscriminately criticize other licensees' work.