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## **New Statutory Requirements for Managing Agents of Firms**

In the last edition of this newsletter, I wrote about the importance of licensees practicing faithful responsible charge over the engineering and surveying projects they sign and seal. Nothing can provide greater public protection than licensees fully executing their responsibilities with respect to responsible charge over a project. But there is further responsibility for licensees who have been designated managing agent for a firm which holds an Oklahoma Certificate of Authorization. By statute the P.E. or P.L.S. so designated must NOT be a licensee who is self-employed, an independent contractor or a licensee who renders consulting engineering or surveying services to, or for a firm. The managing

agent must hold a position of recognized authority within the firm, and is responsible for:

1. Renewal of the firm's certificate of authorization, and notification to the Board of any change in managing agent or firm's contact information;
2. Overall administrative supervision of the firm's licensed and subordinate personnel performing engineering or surveying work in Oklahoma; and
3. The institution of and adherence to policies of the firm that are in accordance with Section 475.1 et seq. of Title 59 O.S., Section 3-116 et seq. of Title 65 O.S. and the rules of the Board.

The purpose of this rule is to provide guidance and clarity to licensees concerning their responsibilities towards keeping their firm in compliance with Board regulations including the Rules of Professional Conduct. This will have little effect on smaller firms where a licensee is already performing all these functions. But for larger firms, particularly those with offices in several locations, the managing agent is needed to assure that an Oklahoma licensee in that firm will be paying attention to the licensing status of the firm and that Oklahoma laws and rules are being followed.

The law requires that the individual designated as managing for the firm has the authority to make engineering and surveying decisions, as they pertain to paragraphs 1 through 3 above. Experience has shown us that this is necessary, particularly when it comes to paragraph 3 above, because licensees know and *care* that the standing of their personal and firm licenses depend upon their firm's professional and ethical conduct when dealing with other licensees, clients, and most importantly the public interest.

Having licensed managing agents in charge of firms' policies towards Board laws and rules is in the best interest of serving the public because the licensee alone understands that their primary obligation is the protection of the health, safety, property and welfare of the public. The obligation to meet this Board requirement will give the licensed managing agents the support they need to forcefully confront the ethical and professional issues raised by technological and engineering and surveying activity arising with the firm.

[A full copy of the Board's new statute requirements regarding Managing Agents may be found on the Homepage of the Board's website at [www.pels.ok.gov](http://www.pels.ok.gov). The specific statutory citation referenced is 475.21(F)]