



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-865A

Kathy Hart, Executive Director
State Board of Licensure for Professional
Engineers and Land Surveyors
220 NE 28th Street, Ste. 120
Oklahoma City, Oklahoma 73105

December 5, 2017

Dear Director Hart:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Licensure for Professional Engineers and Land Surveyors intends to take pursuant to consent agreements in cases 2017-095 and 2017-096. The licensees certified that they had completed the required Professional Development Hours ("PDH") when renewing their licenses, but failed to produce evidence to support the certification. In case 2017-095, the Board proposes to include the licensee in the next PDH audit and impose a \$750 penalty. In case 2017-096, the Board proposes to suspend the license until proof is presented of the completion of 30 PDH's and impose a \$1,500 penalty.

Oklahoma law authorizes the Board to fine licensees for "[f]ailure to comply with any of the provisions of . . . this title" or any rules of the Board. 59 O.S.Supp.2017, § 475.8(A)(4). The Board's administrative rules require completion of thirty professional development hours during each biennial licensure period. OAC 245:15-11-5(a). The Board's rules also clarify that the licensee bears the "responsibility of maintaining records to be used to support credits claimed," OAC 245:15- 11-9(a). Oklahoma law prohibits "[t]he practice of any fraud or deceit in obtaining or attempting to . . . renew a certificate of licensure." 59 O.S.Supp2017, § 475.18(A)(1). The Board may reasonably believe that the proposed action is necessary to deter future violations.

It is, therefore, the official opinion of the Attorney General that the State Board of Licensure for Professional Engineers and Land Surveyors has adequate support for the conclusion that this action advances the State's policy to protect the public welfare by requiring licensed professional engineers and land surveyors to participate in continuing education.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL