



MIKE HUNTER
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2021-10A

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

March 11, 2021

Dear Director Hart:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Licensure for Professional Engineers and Land Surveyors intends to take pursuant to a final order in Board case 2019-096. Effective January 2019, respondent's Professional Engineer ("PE") license was deemed "inactive" due to non-compliance with state income tax laws. After the license became inactive, respondent inspected a damaged roof and provided a document titled "Engineering Damage Assessment Report and Repair Options," and affixed his PE seal. In September 2020, the Board notified respondent of a scheduled hearing to consider the charges. Respondent failed to appear. The Board proposes to order respondent to cease and desist the practice of engineering in Oklahoma until he is licensed, require respondent to pay an administrative penalty of \$2,500.00 and complete 30 hours of professional education. Additionally, the Board proposes to suspend the license for no less than two years and until all conditions for reinstatement are met, including tax compliance.

By statute, it is "unlawful to practice or to offer to practice engineering" in Oklahoma without a license. 59 O.S.Supp.2020, § 475.1. Persons are deemed to "practice engineering" if they, among other things, "represent [themselves] to be a professional engineer or through the use of some other title impl[y] that [they are] a professional engineer or [are] licensed or qualified" by the Board. *Id.* § 475.2(5). The Board may "issue orders [and] levy administrative fines . . . if a person . . . [f]ail[s] to comply with any of the provisions of [this Act]." *Id.* § 475.18(A)(4). 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 public welfare by upholding standards of safety in professional engineering.

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MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink that reads "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL