



JOHN M. O'CONNOR
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION
2022-43A**

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

December 5, 2022

Re: M. En. P. Engineers & Chishti, Case No. 2022-020

Dear Executive Director Hart:

This office has received your request for a written Attorney General Opinion regarding disciplinary action the State Board of Licensure for Professional Engineers and Land Surveyors intends to take in Case No. 2022-020 against Respondents M. En. P. Engineers and Chishti.

Okla. Stat. tit. 59, § 475.8(A) empowers the Board of Licensure for Professional Engineers and Land Surveyors to regulate the practice of engineering in the State of Oklahoma. Under 59 O.S.2021, § 457.21(A)(2), an engineering firm must be issued a certificate of authorization by the Board in order for the firm to operate and perform services in Oklahoma. The Board may suspend the license of any person who is found guilty of certain enumerated grounds, *Id.* § 475.18(A)(1–16), including:

1. Aiding or assisting another person or entity to violate 59 O.S.2021, § 475.1 *et. seq.* is a ground for discipline under 59 O.S.2021, § 475.18(A)(8);
2. The practice of engineering outside any of the licensee's areas of competence or areas of competence designated by the Board is a violation of 59 O.S.2021, § 475.18(A)(14);
3. Gross incompetence by reason of failure to engage the services of other competent licensed engineers but agreeing to provide engineering services outside an area of competence is a violation of 59 O.S.2021, § 475.18(A)(2) and OAC 245:15-23-6;
4. Affixing an out-of-state Professional Engineer (P.E.) seal is a violation of 59 O.S.2021, § 475.18(A)(2) and OAC 245:15-23-7 (a)(1), (b)(1); and
5. Failure within thirty days to provide information requested by the Board or its designated staff relating to an investigation constitutes a violation of 59 O.S.2021, § 475.18(A)(6).

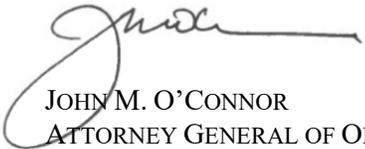
In March 2022, the Board sent a letter requesting information related to a complaint against the Respondents. Respondent Chishti replied in writing after the thirty-day period to follow up. No information or documents requested by the Board were enclosed.

On May 6, 2022, the Board's prosecutor brought formal charges against the Respondents, alleging the following violations:

1. M. En. P. Engineers did not have a valid Certificate of Authorization as an engineering firm to perform engineering services in the State of Oklahoma;
2. Chishti aided and assisted the Firm in offering the practice or practicing engineering in the State of Oklahoma when he knew or should have known that M. En. P. Engineers did not have a Certificate of Authorization;
3. Chishti offered to practice or practiced engineering outside his designated areas of engineering competency;
4. Chishti failed to engage other competent license engineers when he agreed to provide electrical engineering design services outside his designated engineering competency, constituting gross incompetence;
5. Chishti issued electrical and plumbing engineering design plans using his Texas P.E. Seal when he is not authorized to practice electrical engineering in the State of Oklahoma; and
6. Chishti failed to provide information requested by the Board for investigation within thirty days of the request, as required by statute.

The Board proposes to hold in abeyance Counts 1 through 5, but to indefinitely suspend Chishti and fine him \$2,500.00 until Respondents establish to the Board, by clear and convincing evidence, that the suspension should be lifted, under Count 6. The Board may reasonably believe the proposed action is necessary to deter future violations.

It is, therefore, the official opinion of the Attorney General that the proposed action taken by the State Board of Licensure for Professional Engineers and Land Surveyors is in accordance with the State’s policy to protect public health, safety, and welfare.



JOHN M. O’CONNOR
ATTORNEY GENERAL OF OKLAHOMA



THOMAS R. SCHNEIDER
ACTING GENERAL COUNSEL