



**Alabama State Board of Licensure for
Professional Engineers and Land Surveyors**

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**Mr. Russell T. Hyde, P.E.
Hyde Engineering
3120 8th Avenue South
Birmingham, AL 35233**

**Rule Number: 330-X-11-.03 and
Rule Number: 330-X-14-.06**

**General Question: In the
situations described does the
sealing of A/V drawings not
produced or supervised by a
licensed PE constitute a violation
of the referenced rules.**

Dear Mr. Hyde:

This declaratory ruling of the Board of Licensure for Professional Engineers and Land Surveyors is issued in response to your request. All of the questions involve the basic situation that an architect has hired a professional engineer (PE) that is competent in electrical engineering to design the electrical systems for a building. The architect also hires a consultant (not a PE) to design the audio/visual (A/V) systems as well as a theatrical lighting system. At the time of plans submission, the PE is asked to seal and sign (stamp) the A/V and theatrical lighting drawings that were prepared by the other consultant.

The assumption is that the systems done by the A/V consultant are considered the practice of engineering and are not considered shop drawings.

QUESTION 1

Is the PE allowed to stamp the audio/visual system drawings if a) the PE did not prepare or supervise the preparation of the drawings, b) The PE was not engaged by the client to prepare the drawings, and c) The PE did not review the work?

FACTS, LAW, AND ANALYSIS

All three subsections of the question are tied together in that the PE was not involved in the design of the AV and theatrical lighting drawings.

Section 34-11-1(9), Code of Alabama, 1975 reads:

RESPONSIBLE CHARGE. *Direct control and personal supervision of engineering or land surveying work.*

Chapter 330-X-11 of the Administrative Code is titled "Seals" and outlines the requirements of what a licensee's seal should like look, outlines what manner that seal should be applied and under what conditions. Specific sections applicable to this opinion are:

330-X-11-.03(1) The Seal, signature, and date of signature on a document signify that the document was prepared by the licensee or under his or her responsible charge, or that the licensee has reviewed the document in sufficient depth to fully coordinate and assume responsibility for documents prepare by another licensed professional engineer or licensed professional land surveyor.

330-X-11-.03(3) The seal and signature shall be placed on work only when it is was under the licensee's responsible charge. The licensee shall only sign and seal work within their area of competence.

330-X-11-.03(4) Plans, plats, specifications, drawings, reports, or other documents will be deemed to have been prepared under the responsible charge of a licensee when all of the following conditions have been met and documented:

- (a) The client requesting preparation of such plans, plats, specifications, drawings, reports, or other documents makes the request directly to the licensee, or a member or employee of the licensee's firm;*
- (b) The licensee supervises the preparation of the plans plats, specifications, drawings, reports, or other document and has input into their preparation prior to their completion;*
- (c) The licensee reviews the final plans, plats, specifications, drawings, reports, or other documents; and*
- (d) The licensee has the authority to, and does, make any necessary and appropriate changes to the final plans, plats, specifications, drawings, reports, or other documents.*

QUESTION 2

Is the PE allowed to stamp the drawings if a) the client engages the PE after A/V and theatrical lighting plans development and b) The PE reviews the plans and makes changes as required to meet Codes and commonly accepted engineering practice?

FACTS, LAW, AND ANALYSIS

This question is somewhat similar to the first question other than the non-licensure who developed the A/V and theatrical lighting plans was hired first and the PE is performing a review of the plans and makes necessary changes.

The Code of Alabama and Administrative Code references cited under Question 1 are also applicable to Question 2

QUESTION 3

The original PE declines to stamp the drawings. The A/V consultant engages another PE to stamp the A/V and theatrical lighting plans. The new PE stamps the drawings. Is the original PE required to file a complaint against the new PE with the Board of Licensure, since the client (architect) did not request the preparation of the plans directly with the licensee?

FACTS, LAW, AND ANALYSIS

Section 330-X-14-.06(f) of the Administrative Code reads:

Licenseses having knowledge of possible/probable violations of any of these Rules of Professional Conduct shall provide the Board with the information and cooperate as necessary to make the final determination of such violation.

QUESTION 4

Is the original PE required to file a complaint against the A/V and theatrical lighting consultant with the Board of Licensure for the unauthorized practice of engineering?

FACTS, LAW, AND ANALYSIS

The Code of Alabama and Administrative Code references cited under Question 1 are also applicable to Question 2

CONCLUSION

The answers to the first two questions is no. The work done by the A/V consultant is the practice of engineering and as such needs to be done by a licensed PE or under the direct supervision of a licensed PE. A PE signing and sealing a set of design plans that were not done by the PE or under the PE's direct supervision is a violation of the Code of Alabama, 1975 and the Board's Administrative Code. A PE may make changes and revisions to another design if the design was initially done by a PE. If the design was not done initially by a PE, then a PE cannot sign and seal the documents.

The answers to the third and fourth questions is yes. It is the responsibility of all licensed PE's to report to the Board of Licensure for Professional Engineers and Land Surveyors all incidents where the licensee believes there may have been an infraction to the Board's Licensure Law and Administrative Rules. These infractions could involve other licensees and those practicing engineering and/or land surveying without a license.



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