

**LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD
8550 United Plaza Boulevard, Suite 903
Baton Rouge, Louisiana 70809-2296**

RULING ON PETITION FOR DECLARATORY ORDER

RULING NO. 2025-1

1.

On or about April 3, 2025, Deven M. O'Rourke, P.E. ("Petitioner") filed with the Louisiana Professional Engineering and Land Surveying Board (the "Board") a petition for declaratory order and ruling pursuant to LAC Title 46:LXI§727.

2.

Petitioner seeks a declaratory order as to whether a professional engineer who was in responsible charge of the underlying engineering work for a utility scale solar project facility in Washington Parish, Louisiana (and sealed the original engineering design drawings for the facility) can also seal compiled engineering as-built record drawings of the same facility when required to do so by a Washington Parish ordinance.

3.

La. R.S. 37:682(13) defines the "practice of engineering" as follows:

(a) "Practice of engineering" shall mean responsible professional service which may include consultation, investigation, evaluation, planning, designing, or inspection of construction in connection with any public or private utilities, structures, machines, equipment, processes, works, or projects wherein the public welfare or the safeguarding of life, health, and property is concerned or involved, when such professional service requires the application of engineering principles and the interpretation of engineering data.

(b) A person shall be construed to practice or offer to practice engineering: who practices in any discipline of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer; or who represents himself as able to perform; or who does perform any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering. The practice of engineering shall not include the work ordinarily performed by a person who himself operates or maintains machinery or equipment.

4.

La. R.S. 37:682(16) defines "responsible professional services" as follows:

"Responsible professional services" shall mean the technical responsibility, control, and direction of the investigation, design, or construction of engineering

service or work requiring initiative, engineering ability, and its use of independent judgment.

5.

La. R.S. 37:682(15) defines “responsible charge” as follows:

"Responsible charge" shall mean the direct control and personal supervision of engineering or land surveying service or work, as the case may be.

6.

LAC Title 46:LXI§2503(C) and (D) state as follows:

C. Licensees shall approve and seal only those documents which are safe for public life, health, property, and welfare, which are complete and accurate, which are in conformity with accepted engineering and land surveying standards or practice, and which conform to applicable laws and ordinances.

1. Licensees shall comply fully with Chapter 27 (Use of Seals).

2. Except as permitted by §2701.A.3.b.ii, licensees shall not seal the work of or take the professional responsibility for any documents related to engineering or land surveying not performed by the licensee or under their responsible charge.

3. Licensees shall not accept the responsibility for, nor review, revise, sign, or seal documents when such documents are begun by persons not properly licensed; or do any other act to enable anyone to evade the requirements of the licensure law.

D. Licensees shall submit to a client only that work prepared by the licensee or under their responsible charge; however, licensees, as third parties, may complete, correct, revise, or add to the work of another licensee or other related design professional, if allowed by Louisiana law, when engaged to do so by a client, provided:

1. the client furnishes the documentation of all such work submitted to him/her by the previous licensees or other related design professionals;

2. the previous licensees or other related design professionals are notified in writing by the licensee of the engagement referred to herein within five business days of acceptance of the engagement; and

3. all work completed, corrected, revised, or added to shall contain a notation describing the work done by the licensee now in responsible charge, shall have the seal and signature of the licensee affixed thereto, shall contain the date of execution, and shall become the responsibility of the licensee.

7.

LAC Title 46:LXI§2505(C) states as follows:

Licensees shall not affix their signatures or seals to any documents dealing with subject matters in which they lack competence, nor to any such document not prepared by them or under their responsible charge. Responsible charge requires a licensee to have client contact, provide internal and external financial control, oversee training of subordinates, and exercise control and supervision over all job requirements to include research, planning, design, field supervision and work product review. A licensee shall not contract with a non-licensed individual to provide these professional services. Other types of research, such as land title searches and material testing, may be contracted to a non-licensed individual, provided the licensee reviews the work. Licensees may affix their seal, signature and date to documents depicting the work of two or more licensees or other

related design professionals provided that a note under the seal designates the specific subject matter for which each is responsible

8.

LAC Title 46:LXI§2701(A)(3) states as follows:

3. Seal Responsibility

a. The application of the licensee's seal, signature, and date shall constitute certification that the work thereon was done by the licensee or under his/her responsible charge. The licensee shall be personally and professionally responsible and accountable for the care, custody, control and use of his/her seal, professional signature and identification. A seal which has been lost, misplaced or stolen shall, upon discovery of its loss, be reported immediately to the board by the licensee. The board may invalidate the license number of said licensee, if it deems this necessary, and issue another license number to the licensee.

b. Responsible Charge

i. Documents will be deemed to have been prepared under the responsible charge of a licensee only when:

(a). the client or any public or governmental agency requesting preparation of such documents makes the request directly to the licensee or the licensee's employee as long as the employee works in the licensee's place(s) of business;

(b). the licensee supervises the initial preparation of the documents and has continued input into their preparation prior to their completion;

(c). the licensee reviews the final documents; and

(d). the licensee has the authority to and does make any necessary and appropriate changes to the final documents:

(i). if the documents are prepared outside the licensee's office, the licensee shall maintain all evidence of the licensee's responsible charge including correspondence, time records, check prints, telephone logs, site visit logs, research done for project, calculations, changes, and all written agreements with any persons preparing the documents outside of the licensee's office;

(ii). a licensee failing to maintain documentation of the items set forth above, when such are applicable, shall be considered to be in violation of R.S. 37:698(A)(6), and the licensee shall be subject to disciplinary action as set forth in the licensure law.

ii. No licensee shall affix his/her seal or signature to documents developed by others not under his/her responsible charge, except:

(a). in the case of an individual Louisiana professional engineer checking and taking the professional responsibility for the work of an engineer who is not licensed in this state but is properly licensed in the jurisdiction of origin of such work, the Louisiana professional engineer shall completely check and have responsible charge of the work. Such responsible charge shall include possession of the sealed, signed and dated reproducible drawings, with complete sealed, signed and dated calculations indicating all changes;

(b). certification of standard plans which were initially prepared, sealed and signed by an engineer who is not licensed in this state but is properly licensed in the jurisdiction of origin of such plans. Such plans may then be reviewed by a Louisiana professional engineer for code conformance, design adequacy, and site adaption for the specific application within Louisiana. The Louisiana professional engineer assumes responsibility for such plans. The plans, which already bear the seal and signature of the engineer who is not licensed in this state but is properly licensed in the jurisdiction of origin of such plans, shall also be sealed, signed and dated by the Louisiana professional engineer who is assuming responsibility. In addition to the Louisiana professional engineer's seal, signature and date, a statement shall be included on the plans as follows:

“These standard plans have been properly examined by me, the undersigned Louisiana professional engineer. I have determined that these plans comply with all applicable Louisiana codes and have been properly site adapted to use in this area.”

(c). certification of standard plans, including special details, which were initially prepared by the Department of Transportation and Development and signed and dated by such agency’s chief engineer, but which are not for use on such agency’s projects. Such plans may then be reviewed by another professional engineer for code conformance, design adequacy, and site adaption for the specific application. The other professional engineer assumes responsibility for such plans. The plans, which already bear the signature of the agency’s chief engineer, shall be sealed, signed and dated by the other professional engineer who is assuming responsibility. In addition to the other professional engineer’s seal, signature and date, a statement shall be included on the plans as follows:

“These standard plans have been properly examined by me, the undersigned professional engineer. I have determined that these plans comply with all applicable codes and have been properly adapted to use on this project.”

(d). certification of single family residential design plans for conformance with applicable state and local building codes. Such plans shall be sealed, signed and dated by the professional engineer who is making such certification. In addition to the professional engineer’s seal, signature and date, a statement shall be included on the plans as follows:

“These single family residential design plans have been properly examined by me, the undersigned professional engineer. I have determined that these plans comply with the following applicable codes for the jurisdiction in which the residence is to be located (check all that apply): ☐ structural; ☐ mechanical; ☐ electrical; ☐ plumbing.”

9.

LAC Title 46:LXI§2701(A)(4)(a)(i) through (iv) state, in part, as follows:

i. Professional engineers shall affix their seal, sign their name, and place the date of execution on all engineering documents that have been issued by them to a client or any public or governmental agency as completed work.

* * *

iii. Drawings and Plats

(a). In the case of multiple sealings, the first sheet or title page of each document shall be sealed, signed and dated by the licensee(s) in responsible charge of the whole project. In addition, each other sheet shall be sealed, signed and dated by the licensee(s) in responsible charge of the work on that sheet.

iv. Specifications, Reports, Design Calculations and Information

(a). In the case of specifications, reports, design calculations and information of multiple pages, the first sheet or title page of each document shall be sealed, signed and dated by the licensee(s) in responsible charge of the whole project.

10.

LAC Title 46:LXI§2701(A)(4)(a)(v)(a) states as follows:

The preparation of compiled engineering as-built record drawings is not considered to be the practice of engineering and such drawings are not required to be sealed or signed by a professional engineer. If the professional engineer was in responsible charge of the original underlying engineering work, he/she should (in lieu of a seal) include on the title page of the compiled engineering as-built record drawings a disclaimer (with date) which incorporates the following:

These compiled engineering as-built record drawings are a compilation of a copy of the original sealed engineering design drawings for this project, modified by addenda, change orders and information furnished by the contractor or others associated with the construction of the project. The information shown on these compiled engineering as-built record drawings that was provided by the contractor and/or others cannot be verified for accuracy or completeness. The compilation of this information does not relieve the contractor or others of responsibility for errors resulting from incorrect, incomplete or omitted data on their as-built record drawings - nor does it relieve them of responsibility for non-conformance with the original contract documents. The original sealed engineering drawings are on file in the offices of (name of professional engineer).

11.

Section 10-5 of Washington Parish Ordinance 22-707 (An Ordinance of the Washington Parish Utility Scale Solar Project Facility) defines "Facility" as follows:

Utility Scale Solar Project Facility: Sometimes referred to herein as "USSPF" or a "Facility", this is a solar electric power generating facility constructed on immovable property for the purpose of producing photovoltaic electricity, photovoltaic electricity and heated fluids and solar thermal electricity. The power generated is sold to power purchasers for distribution throughout the power grid.

12.

Section 10-6(q)(3) of Washington Parish Ordinance 22-707 (An Ordinance of the Washington Parish Utility Scale Solar Project Facility) states as follows:

Build Completion: Upon substantial completion of the construction of the Facility, a certified as-built plan stamped by a professional engineer licensed in Louisiana shall be submitted to the Permit Office for review, which shall clearly show the as-built Facility, including any and all as-built construction, concealed or buried conduit, utilities, etc. The Permit Office must approve the as-built plan prior to the Permit Office's final inspection of the Facility. Once approved, the owner or operator shall file the as-built plan in the Washington Parish mortgage records and the Permit Office shall maintain a copy of the as-built plan on file for three (3) years after the Facility has completed the decommissioning process.

ORDER

After due consideration of the petition for declaratory order and ruling filed by Petitioner and after discussion by the Board during its meeting on June 16, 2025:

IT IS THE RULING of the Board that:

13.

A professional engineer who was in responsible charge of the underlying engineering work for a utility scale solar project facility in Washington Parish, Louisiana (and sealed the original engineering design drawings for the facility) is permitted to seal compiled engineering as-built record drawings of the same facility if:

(a) the compiled engineering as-built record drawings are prepared under the responsible charge of the professional engineer;

(b) the professional engineer is required by a Washington Parish ordinance to seal such compiled engineering as-built record drawings; and

(c) the professional engineer includes on the title page of the compiled engineering as-built record drawings a disclaimer (with date) which incorporates the following:

These compiled engineering as-built record drawings are a compilation of a copy of the original sealed engineering design drawings for this project, modified by addenda, change orders and information furnished by the contractor or others associated with the construction of the project. The information shown on these compiled engineering as-built record drawings that was provided by the contractor and/or others cannot be verified for accuracy or completeness. The compilation of this information does not relieve the contractor or others of responsibility for errors resulting from incorrect, incomplete or omitted data on their as-built record drawings - nor does it relieve them of responsibility for non-conformance with the original contract documents. The original sealed engineering drawings are on file in the offices of (name of professional engineer).

THUS DONE at Baton Rouge, Louisiana, on the 16th day of June, 2025.

**LOUISIANA PROFESSIONAL ENGINEERING
AND LAND SURVEYING BOARD**

By: Byron Racca
BYRON D. RACCA, P.E., Chairman