

Association of Communication Engineers

August 16, 2013

Background: In order to protect public safety, all 50 states have statutes that require registration of individuals who hold themselves out to the public as Professional Engineers.

Most states also require specific authorization of firms that practice engineering as business entities. Such states typically require that a licensed individual be designated “in responsible charge” of the firm’s practice in that state. Individual engineers in responsible charge must generally be full-time employees of the business entity and have control of the entity’s engineering practice. Engineers in responsible charge generally cannot be part-time employees of the firm or outside consultants. The following link provides results of a survey of boards regarding their policies, <http://boards.ncees.org/> . Choose the state of interest from the drop down menu and click on “Firm” for information on whether or not a certificate of authorization, COA, is required. If a COA is required, see links provided in step 1. below to check status.

Similar information for architects can be found at <http://www.ncarb.org/Getting-an-Initial-License/Registration-Board-Requirements/Practice-Requirements.aspx>

Even in states that do not require specific authorization of business entities to practice engineering, the concept of a registered engineer being in responsible charge is generally recognized and often regulated. In all states and especially in those that do not require certificates of authorization, visible sealing of engineering documents helps provide traceable accountability to the person in responsible charge.

In addition to the above, 7 CFR 1753 – “Telecommunications System Construction Policies and Procedures”, and RUS Forms 217, 245 and 835 require, in conformance with state laws, registration of engineers performing engineering services for borrowers. Furthermore, RUS Form 217 specifically requires designation of the individual in responsible charge.

Concern: How can stakeholders (borrowers, RUS and engineers) efficiently verify that RUS requirements and state laws are being met without resorting to unnecessary complaints or Freedom of Information Act requests?

Solution:

ACE recommends the following three actions be taken:

1. Borrowers and RUS personnel delegated with contract review or approval authority should verify the name and license number of the individual designated in responsible charge in RUS Form 217, 245 or 835 contracts. This can generally be accomplished by accessing a license checking area on each state licensing board website. The board’s website can be found at <http://ncees.org/licensing-boards/> or <http://www.nspe.org/Licensure/LicensingBoards/index.html> .

Similar information for architects can be found at <http://www.ncarb.org/Getting-an-Initial-License/Registration-Board-Requirements.aspx> .

2. Borrowers and RUS personnel delegated with contract review or approval authority should verify that RUS construction and equipment contracts are properly sealed or stamped by the individual in responsible charge, or his or her designee, consistent with state law. This is necessary to provide transparency, traceability and accountability during the construction process in addition to meeting the laws of most states.
3. Borrowers and RUS personnel delegated with project review and field verification authority should note whether or not the individual designated in responsible charge is actually engaged in the project.

Resolving Issues:

What should be done if an apparent conflict with state registration laws is discovered or there is an inquiry from a concerned party?

ACE recommends the following:

- a) Contact the borrower and involved engineer. There may be a simple explanation.
- b) Contact ACE. We understand the context of the RUS Telecommunications programs and would be happy to provide insight. We might also be able to offer alternative courses of action to resolve the matter.
- c) Contact the registration board having jurisdiction in the state where the project is located. They field many such inquiries and can provide guidance.
- d) Take appropriate action based on the above.