



Maine PE News

December 2016

Volume 16, Issue 2

Proper Use of the PE Seal in Maine

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- Russell G. Martin, PE

Becoming licensed as a professional engineer is a career milestone for an engineering graduate. One of the first actions many newly licensed engineers take upon receiving the news of licensure is to obtain a professional engineer's seal.

What is the purpose of the professional engineer's seal?

The professional engineer's seal signifies that the person whose name appears on the seal has met the high standards required for professional engineering practice and is qualified to practice professional engineering within the jurisdiction shown on the seal. The seal's design and size; the prominent display of the jurisdiction, profession, the name of the licensee, and the professional engineer's unique license number all combine to indicate the vesting of a public trust and responsibility onto that particular engineer.

The seal applied to a document acts as an attestation of the professional engineer's competence and an authorization to practice the profession of engineering. The applied seal signifies that the document complies with professional engineering standards and that the engineer has prepared, supervised, or reviewed the document that the seal has been affixed to. Possession of a seal requires the professional engineer to use the seal in a competent, trustworthy, and responsible manner.

Physically placing the seal, signature, and date on a document is meant to impress on the professional engineer a sense of responsibility for his or her actions. The seal attests to the engineer's responsibility for the information or services the document represents. While many people may work on the project and several may be responsible for portions of the engineering services, the individual that takes ultimate responsibility for the contents of the document and services is the professional engineer whose seal is affixed to the document along with his or her signature and the date of signing.

Is obtaining a professional seal mandatory?

Obtaining a professional seal in Maine is not mandatory. 32 M.R.S.A. § 1355.

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FE Exam Results Jan 2016 to Jun 2016

These are the individuals who successfully passed the FE exam between January , 2016 and June 30, 2016.
Because the FE exam is a computer-based examination, testing occurs year-round.

William Alexander	Rebecca Chernin	Taylor Hall	Jordan McEachern	Mark Schrader
Nicholas Ames	Marshall Cole	Jordan Hall	Matthew McGowan	Cory Schweitzer
John Angelone	Huchen Courouleau	Jake Harriman	Matthew McGuirk	Jack Seguin
Gordon Armstrong	Jordan Couture	John Herlihy V	Nathaniel Meade	Adam Sellick
Stephan Bailey	Andrew Cullinane	Samantha Hutchinson	Todd Michaud	Jesse Shank
Devin Bell	Adam Cutler	Anthony Janicek	Michael Moon	Hunter Sherman
Campbell Bennie- Underwood	Alexi Deering	Samuel Kane	Jesse Newcomb	Jeremiah Simonsen
Foster Blake IV	Marley Dewey	Grant Kern	Jesse Orach	Matthew Southard
Bradley Boden	Justine Drake	Garett Kinney	Alex Parenteau	MacKenzie Sullivan
Blake Bodwell	Christopher Dunn	Travis Landry	Luke Pighetti	Kyle Tardif
Kelsey Bolduc	Matthew Duranleau	Nathan Lareau	Ian Pinette	Lucas Taylor
Ryan Bolduc	William Eldridge	Samuel Lebel	Anthony Proia	Brent Thomas
Matthew Boucher	Nickolas Ferguson	Simon Leger	Nathan Provencher	Amadeo Vazquez
Taylor Brown	Noah French	Katrina Lessard	Zachary Rich	Devin Weaver
Daniel Butler	Daniel Goettel	Connor Logan	Taylor Rodrigue	Lindsey Wilson
James Butts	Benjamin Grondin	Michael MacNicoll	Brendyn Sarnacki	Alexandra Wirth
Thad Chamberlain	Vance Gustin	Eric Marcotte	Christopher Sawyer	Eduard Zakirov
	Benjamin Hackett	James Martin	Tyler Schmidt	

Congratulations to those who passed the April 2016 PE Exam

Jonathan Adams	Brandon Glencross	Stephen Mead	Marieke Sparrow- Pepin
Federico Balestrazzi	Amie Gray	Lisa Melvin	Joseph Stilwell
Kristopher Bennett	Joshua Greene	Nicholas Merrill	Michael Therriault
Esther Bizier	Michael Guethle	Christopher Morin	Benjamin Walz
Jesse Brangwynne	Kerem Gungor	Erik Norman	Kenneth West
Matthew Burns	Nathan Hester	Alexander Norton	
Nathan Butler	Paul Hoye	Justin Pellerin	
Douglas Cantrell	Christopher Jung	Greg Pellerin	
Travis Cook	Corey Kelkenberg	Nathan Powelson	
Amelia DeGrace	Corey Lewis	Derek Rancourt	
David Dreyer	Jessica Macdonald	Celia Raymond	
James Dwyer	Michael McCaffrey	Matthew Roman	
Adrienne Fine	Dustin McCann	Joshua Smith	
Peter Fitzgerald	Jennifer Mead	Lee Smith	



Approved seal format

Complaint Update

The following complaints were reviewed by the Board:

E15-001: A complaint was filed by an employer alleging that an individual had not actually obtained his degree when hired, and misrepresented his credentials by allowing the EI credential to be used in company literature. The Board voted to dismiss the complaint as the errors alleged did not rise to the level of a violation in the context presented and/or were committed prior to licensure. The Board issued a Letter of Guidance that representations of credentials and qualifications should be scrupulously accurate and concretely factual. A Letter of Guidance is NOT discipline, and remains in a Licensee's file for ten years.

E15-002: Licensee, who was on probation for a violation in another jurisdiction, failed to renew his license and subsequently re-applied for licensure. The application contained notice of further discipline and revocation of licensure in the original jurisdiction, as well as practice in Maine after the expiration of licensure. The Board preliminarily denied licensure. Licensee failed to timely appeal. Licensee is no longer licensed in Maine.

E15-004: Licensee complained that another licensee misappropriated a unique design and was practicing outside his area of competence. The Board dismissed the allegation related to appropriation of a design because it did not rise

to a level of a violation of Maine statute or rule. The design did not have a copyright, and could be copied or re-drafted. The allegation relating to practice outside of an area of competence was dismissed because there was no evidence of a violation of Maine statute or board rule. Respondent presented evidence of competence in the area of practice. The project itself was abandoned prior to construction.

E15-005: Licensee was audited, and failed to respond to the audit request and failed to provide documentation sufficient to establish completion of PDH requirements. Licensee failed to renew, and is no longer licensed in Maine. The Board dismissed the complaint administratively.

E15-006: Licensee was audited, and failed to provide documentation sufficient to establish completion of PDH requirements. Licensee failed to renew and is no longer licensed in Maine.

E15-007-011: Employer filed complaints against five employees who quit and opened a competing engineering firm. The Board did not address issues outside of the statutory jurisdiction granted to the PE Board and unrelated to public safety, such as employment issues and the behavior of business partners toward each other and employees. Specific issues the Board examined included: the licensure status of

the Respondents; the inclusion of an unlicensed individual in the business name; the alleged theft of a software key; the locations of the work, none of which were in Maine; that the Respondents provided plausible explanations for every alleged wrongdoing; that 100-year storm damage accounted for structural damage and failures blamed on incompetence; and that the work performed is controlled by Federal statute. The Board dismissed all five complaints because there was no evidence of any violation of Maine statute or rule.

E15-012: Philip Ruck – Complaint alleges that Licensee failed to clarify in promotional literature that projects listed were performed while Licensee was employed by a former employer. Licensee admits that he unintentionally violated Board Rules by attributing contributions to projects performed for his former employer to his new company, inadvertently creating confusion for the public. Licensee accepts a FORMAL REPRIMAND.

E16-001: Employee filed a complaint against former employer alleging fraud and misconduct in representations made to a planning board and various environmental agencies related to the development of property as a subdivision. Board dismissed for failure to provide evidence of any violation of Maine statute or rule.

NCEES Meeting Notes

The NCEES Annual Meeting convened in Indianapolis, Indiana August 24-27, 2016.

Among the actions taken at this year's meeting was the adoption of a professional policy on the Model Law Engineer, Model Law Structural Engineer, and the Model Law Surveyor.

The Advisory Committee on Council Activities (ACCA) was charged with drafting the policy statements,

NCEES CEO Jerry Carter explained that moving these definitions from the Model Law to

policy statements was appropriate because they are designations that are specific to NCEES, and not intended to become part of state licensing regulations. He further explained that the purpose of the definitions is for the Records program to help identify candidates for expedited licensure by comity, so they felt the definitions should be in policy documents, and not in the Model Law or Model Rules.

Another action taken at the meeting was the adoption of a position statement on remote sensing technologies, such as

LiDAR (light detection and ranging), photogrammetry, and unmanned aircraft systems. In order to protect the public, these systems should be under the responsible charge of a licensed professional.

A position on sustainability was also adopted, which reads in part, "NCEES recommends that professional engineers and professional surveyors incorporate the principals of sustainability to safeguard the health, safety, and welfare of the public now and in the future.

Full text on NCEES policies

and position statements is available for download at ncees.org/PP5.

Delegates were again reluctant to create a separate license track for Structural Engineers. The Committee on Uniform Procedures and Legislative Guidelines proposed amendments to the Model Law and Model Rules that would have created a separate but parallel licensure track for Structural Engineers. It was voted down, but the Structural Engineers will likely continue to try to create a distinct licensure path.

New lower pricing

for the NCEES FE

and PE exams will

take effect in

January 2018.

NCEES Has Lowered Pricing on FE and PE exams

Member boards voted to lower the cost of NCEES examinations at the NCEES Annual Meeting held August 24-27, 2016 in Indianapolis, Indiana.

Delegates representing 69 of the 70 member boards from across the United States and its territories voted to reduce the price of the NCEES FE exam from \$225 to \$175. Delegates also voted to reduce the price

of the NCEES PE exams. In anticipation of the PE exams moving to a computer-based format, the boards voted to set the computer-based PE exam fee at \$375.

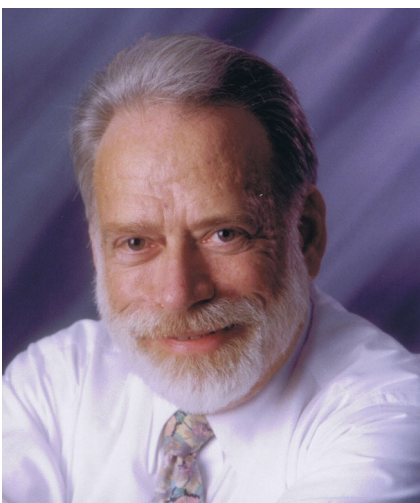
The new lower pricing for the NCEES FE and PE exams will take effect with exams administered beginning in January 2018.

NCEES financial policy was also

amended to require that all exam fees be paid directly to NCEES. As the PE exams move to a computer-based format, this will assure a consistent payment format across all exams and all jurisdictions.

NCEES CEO Jerry Carter indicated that the vote came from a desire to ensure that exam cost does not prohibit entry on the path toward licensure.

Meet the Newest Board Member, Russell G. Martin, PE



Many engineers know Russell Martin, PE, through MSPE, but we are pleased to introduce him as a member of the Board.

Mr. Martin is a graduate of the University of Maine and is a licensed Professional Engineer and licensed Site Evaluator in the state of Maine. He has over 41 years of experience relative to subsurface wastewater treatment and dispersal between private and

public sector service, and was formerly the Director of the Subsurface Wastewater Program, Division of Environmental Health, Maine Department of Health and Human Services. He is currently the owner of Public Health Solutions, PLLC providing both training and design services relative to on-site wastewater dispersal.

Mr. Martin is active in several professional organizations in-

cluding the Maine Society of Professional Engineers, the Maine Association of Site Evaluators, and the Massachusetts Association of Onsite Wastewater Professionals, a state affiliate of the National Onsite Wastewater Recycling Association. He recently concluded a three year term on the NOWRA Board of Directors and is currently the chair of the NOWRA State Affiliates Committee.

Proper Use of the PE Seal (cont.)

When should the seal appear on a document?

The seal, along with a signature and the date signed, should appear on a document when three conditions occur. All three conditions must be met or the document should not leave the engineer's possession. The first requirement is that the professional engineer's seal should only appear on documents either prepared by the professional engineer, personally reviewed by the professional engineer, or that comprise part of the services performed under the supervision of the professional engineer. Application of the seal indicates that the professional engineer takes full responsibility for the contents of the documents or that portion of the document clearly indicated. Second, the seal must only be placed on documents that conform to acceptable engineering standards. Third, the seal must be affixed to all documents such as plans, calculations, specifications, plats, and reports issued by the professional engineer to any public agency or to a person or entity outside of the engineering firm except in those cases where the document clearly communicates that the information in the document is not a final rendition and should not be relied upon as a completed document. See 32 M.R.S.A. § 1355 and 02-322 C.M.R. ch. 2, § 9 (2015)

Should the seal be placed on a letter I prepare and mail to the client when the letter simply informs my client that the services have been completed along with a brief summary of my opinion?

A seal would be required on the letter described. While a letter that simply contains billing information, receipt for a fee received, or other administrative matters does not need to contain a seal, any document that contains a professional engineering opinion could be fairly construed to be a report and would require a seal. It is the content of the document, rather than the form, that creates the need for the seal. 02-322 C.M.R. ch. 2, § 5 (2015).

Our firm often sends the client a preliminary, draft, or progress report for services that are not complete or in final form. Does this report have to contain a professional seal?

The report must contain a seal unless the report clearly indicates on the face of the document a statement such as "PRELIMINARY," "DRAFT," "NOT FOR CONSTRUCTION," or some other phrasing clearly indicating the preliminary nature of the document. The statement employed on the face of the document must be prominently displayed and sufficiently self-explanatory to forewarn the reader that the contents of the document are incomplete, may be revised, and should not be relied upon. 02-322 C.M.R. ch. 2, § 6 (2015).

Does the seal have to be in a specific form?

The seal must comply with the design authorized by the State Board of Licensure. The seal must contain the name of the licensee, the term "Licensed Professional Engineer," and the license number of the professional engineer as shown. See 32 M.R.S.A. § 1355 and 02-322 C.M.R. ch. 2, § 9(1) (2015).

The sole exception to using this design is when a licensed professional engineer from another jurisdiction is practicing in Maine under a temporary license issued by the State of Maine. Licensees holding a Temporary License stamp all plans, specifications, reports or calculations with the seal of their home jurisdiction and write beneath that seal the Maine Temporary License number, along with their signature and the date. 02-322 C.M.R. ch. 2, § 9(11) (2015).



Proper Use of the PE Seal (cont.)

Are there requirements on how to affix the seal to the document?

The seal may be an embossing seal, ink seal, or digital seal. 02-322 C.M.R. ch. 2, § 9(1,3) (2015).

Does other information have to appear in conjunction with the seal?

The engineer's signature and date must always be included with the seal. The seal alone is insufficient and violates Board rules unless accompanied with a signature and date. There is no exception for digital documents. A signature and date must appear with and adjacent to the electronically generated seal on all digital documents. A digital signature may be used. 02-322 C.M.R. ch. 2, § 9(3) (2015).

Also included with the seal would be a statement of any limitations on the engineer's responsibilities. For example, if a building design is issued and the professional engineer is only taking responsibility for the structural elements of the design and not the electrical and mechanical elements shown in the design, that limitation must be clearly stated. The seal, date, and signature of other professional engineers taking responsibility for the electrical and mechanical engineering services must also be included (so long as these areas constitute the practice of engineering). Failure to note any limitation will mean the engineer sealing the document takes responsibility for all engineering services. 02-322 C.M.R. ch. 2, § 9(5-9) (2015).

If the document contains more than one page, the pages are not bound, and the engineer seals only the first page, the number of pages in the document must be noted near the seal. 02-322 C.M.R. ch. 2, § 9(7,9) (2015).

It should also be noted that an engineer issuing documents under a 30-day Temporary License must also state the Temporary License number below their out-of-state seal. 02-322 C.M.R. ch. 2, § 9(11) (2015).

Is there a required location for the seal to be placed?

The professional seal is placed or located on each document so that the professional seal is obvious upon review of the document and the extent of the professional engineer's responsibility clear. On a bound set of plans, the seal can be placed on the cover, if the licensee is taking responsibility for the entire document, otherwise a notation of the sheets covered by each licensee's seal should be included. In a letter containing an opinion, the seal would ordinarily be found on the last page of the letter at the signature. 02-322 C.M.R. ch. 2, § 9(7-11) (2015).

Can the engineer be in violation of the law for using their seal?

A professional engineer who uses a seal when their license is expired or has been suspended is in violation of the law. 32 M.R.S.A. § 1355

My employer keeps a rubber stamp of his seal in a drawer. It is not uncommon for an employee to go into the drawer, remove the employer's rubber stamp of the seal, and stamp a drawing rather than the employer. Is this improper?

The professional engineer is solely responsible for the proper use of the seal, even if directing someone else to make the seal imprint. Note that the seal alone is insufficient. The professional engineer must still affix their signature and the date of signing with the seal. 02-322 C.M.R. ch. 2, § 9(2,3) (2015).

Our engineering firm has plans in storage that were signed and sealed by engineers

Proper Use of the PE Seal (cont.)

that have retired or left the firm. From time to time, these plans are revised and copies sent to clients. What impact does the revisions have when a seal has been affixed to the plans?

No revisions should be made to plans or copies of a plan that have been sealed, signed, and dated unless another engineer takes responsibility for the revisions and seals, signs, and dates the plans clearly identifying the extent of the revisions made and that portion of the plan for which they are responsible. 02-322 C.M.R. ch. 2, § 9(10) (2015).

We have electronic documents that were prepared by engineers that have subsequently retired or left the firm. None of these electronic documents contain a seal or if they do are not signed by the engineer. From time to time, these documents are re-issued in whole or part. Can any PE seal and sign these documents?

Any licensed Professional Engineer can seal any engineering document they have prepared or reviewed or which was prepared or reviewed under their supervision, and for which they are willing to take full legal responsibility by affixing their seal, signature and date. This liability attaches whether they receive compensation or not. 02-322 C.M.R. ch. 2, § 9(7) (2015).

I have heard about seals being copied, used fraudulently by other persons, or being placed on documents that are altered without the knowledge of the PE who originally sealed them. How can I keep my seal from being used fraudulently?

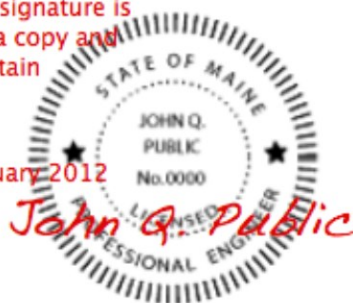
The professional engineer should keep possession or control of her or his seal, whether physical, or electronic, or digital. The seal should not be accessible to others for use without the consent of the professional engineer. It may be prudent not to seal an original document that will remain in storage within the firm and could be used later to make copies. Instead, seal each individual copy at the time it is to be sent.

Where a digital seal is used, send the client a paper copy containing the seal, signature, and date. Digital copies can be sent without the seal but must contain a clear notice on the digital copy that the digital copy is provided at the client's request and is not the official copy. Only the paper copy that is signed, sealed, and dated is the official copy and should be relied upon. 02-322 C.M.R. ch. 2, § 9(6)(C) (2015).

A document that uses a crimp or embossed seal generally cannot be altered and copied without that copy being obvious. (The embossed seal does not copy.) However, the crimp seal is difficult to use on mylar, will not appear on digital copies, and must generally be placed near the edge of the document given the reach of the crimper. One method to place an embossed seal anywhere on the drawing is to emboss on gold, metal, mylar, or paper "leaf" and firmly affix the leaf to the document so it cannot be removed without destroying the leaf or the document.

If this note and engineer's signature is not red, this document is a copy and should be assumed to contain unauthorized alterations.

Dated this 3rd day of January 2012



In the past, a process similar to using an embossed leaf was accomplished by dropping hot wax on the document, then immediately pressing a seal into the wax while the wax was still warm and pliable.

If a rubber ink stamp is used, best practice would indicate the engineer should vary the color on the signature, seal, or both and include a note (as shown in the example) so a fraudulent or unauthorized copy can be detected. #

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Create an NCEES Record — FREE!

You can now create an NCEES Record without cost to you. You can also track all of your CPC courses for free. And you can have your home state send secure electronic license and exam verifications to another state in which you want to become licensed.

When NCEES launched its new system in 2016, it consolidated all of the services it provides into one interface, called MyNCEES. Exams, Credentials Evaluations, Records, Verifications, and the Enforcement Exchange are all connected, and licensing boards and licensees can access the parts they need. Licensees use their MyNCEES account, while licensing boards have their own dedicated access.

You simply set up a MyNCEES account, and you can submit your education, exams, licensure and experience, and “lock in” those documents to your NCEES Record, so you don’t have to provide them again. NCEES eliminated the cost for establishing a Record, and charges a fee only when you have the Record transmitted to a new jurisdiction.

One of the most helpful features of the new system is the CPC tracking feature, which allows licensees to track and store all of their continuing professional competency info in one convenient electronic form. You can upload documents, too. And boards can access the information and audit your CPC in one convenient location. NCEES displays the requirements for each state you are licensed in, so you know if you’re on track. #