

Mississippi— Laws, Rules, and Ethics for Professional Engineers

Three (3) Continuing Education Hours
Course #MS101

Approved Continuing Education for Licensed Professional Engineers

EZ-pdh.com
Ezekiel Enterprises, LLC
301 Mission Dr. Unit 571
New Smyrna Beach, FL 32170
800-433-1487
support@ez-pdh.com



Course Description:

The Mississippi Laws, Rules and Ethics course satisfies the Continuing Professional Competency (CPC) required one (1) hour of Ethics.

Additionally, the current Mississippi Laws and Rules are covered with an extra two (2) hours awarded which applies to the overall 15 hours of continuing education required for each MS licensed engineer.

The course is designed as a distance learning interactive course that enables the practicing professional engineer to examine the canons of ethics as well as keep up to date on the legal aspects that govern the practice of engineering in the state of Mississippi

Objectives:

The primary objective of this course is to familiarize the student with the standards of professional behavior for adherence to the highest principles of ethical conduct.

The secondary objective of this course is to familiarize the student with the laws and rules regulating the practice of engineering in the state of Mississippi.

Upon successful completion of the course, the student will have a thorough understanding of ethical practices and be well versed with the MS laws and rules

Grading:

Students must achieve a minimum score of 70% on the online quiz to pass this course.

The quiz may be taken as many times as necessary to successful pass and complete the course.

Table of Contents

Mississippi Code of 1972.....	3
Mississippi Administrative Code.....	26
Part 901 CHAPTER 1: Definitions	26
Part 901 CHAPTER 2: The Licensure Board.....	28
Part 901 CHAPTER 3: Declaratory Opinions	32
Part 901 CHAPTER 4: Public Records Request.....	35
Part 901 CHAPTER 5: Candidates for Enrollment and Licensure	36
Part 901 CHAPTER 6: Licensees.....	50
Part 901 CHAPTER 7: Standards of Practice for Surveying	62
Part 901 CHAPTER 8: Certificate of Authority	68
Part 901 CHAPTER 9: Disciplinary Actions.....	70
CODE OF ETHICS.....	76
Preamble.....	76
I. Fundamental Canons	76
II. Rules of Practice.....	76
III. Professional Obligations.....	79
REFERENCES	83

Mississippi Code of 1972

TITLE 73 PROFESSIONS AND VOCATIONS, CH. 13 ENGINEERS AND LAND SURVEYOR

§73-13-1. Engineers must be licensed; use of words "graduate engineer".

In order to safeguard life, health, and property, and to promote the public welfare, any person or firm in either public or private capacity practicing or offering to practice engineering shall hereafter be required to submit evidence that the person or firm is qualified so to practice engineering and shall be licensed as hereinafter provided; and it shall be unlawful for any person or firm to practice or to offer to practice in this state, engineering, as defined in the provisions of Sections 73-13-1 through 73-13-45, or to use in connection with his name or otherwise assume, use, or advertise any title or description tending to convey the impression that he is a professional engineer, unless such person has been duly licensed under the provisions of Sections 73-13-1 through 73-13-45. There is specifically reserved to engineering graduates of all universities and colleges accredited by a regional accrediting body that is recognized by the United States Department of Education, the right to disclose any college degrees received by such individuals and use the words "graduate engineer" on his stationery, business cards, and personal communications of any character.

§73-13-3. Definitions.

The term "engineer" as used in sections 73-13-1 through 73-13-45 shall mean a professional engineer as hereinafter defined.

The term "professional engineer" within the meaning and intent of Sections 73-13-1 through 73-13-45 shall mean a person who has met the qualifications as required under Section 73-13-23(1) and who has been issued a certificate of registration as a professional engineer.

The term "engineer intern" as used in Sections 73-13-1 through 73-13-45 shall mean a candidate for licensure as a professional engineer who has met the qualifications as required under Section 73-13-23(2) and who has been issued a certificate of enrollment as an engineer intern.

The term "practice of engineering" within the meaning and intent of Sections 73-13-1 through 73-13-45 shall mean any service or creative work the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, expert technical testimony, evaluation, planning, design, and design coordination of engineering works and systems, planning the use of land, air and water, performing engineering surveys and studies, and the review of construction for the purpose of monitoring compliance with drawings and specifications; any of which embraces such engineering services or work, either public or private, in connection with any utilities, water resources, structures, buildings, machines, equipment, processes, work systems, projects, communications systems, transportation systems, industrial or consumer products or equipment of control systems; or engineering services or work of a communications, mechanical, electrical, hydraulic, pneumatic, chemical, geotechnical (including geology and geohydrology incidental to the practice of engineering), geological, environmental, or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning, progress and completion of any engineering services.

Design coordination includes the review and coordination of those technical submissions prepared by others, including as appropriate and without limitation, consulting engineers, surveyors, architects, landscape architects, and other professionals working under direction of the engineer.

The term "firm" as used in Sections 73-13-1 through 73-13-45, shall mean a business entity that offers the professional engineering or surveying services to the public of its licensed personnel who are either employees, officers, directors, partners, members or managers. A business entity may be formed as either:

- (a) A professional service corporation;
- (b) A corporation;
- (c) A partnership, including limited partnerships and limited liability partnerships; or
- (d) A limited liability company.

Prior to any contract for or the provision of professional engineering or surveying services in this jurisdiction, a firm shall obtain a certificate of authority under Section 73-13-43 or Section 73-13-105 of this chapter. A sole proprietorship, owned and operated by a licensee under this chapter is not required to obtain a certificate of authority under Section 731-13-43 or Section 731-13-105. A professional association of licensed professional engineers or professional surveyors is not required to obtain a

certificate of authority under Section 731-13-43 of Section 731-13-105. Both the licensed sole proprietor and the licensees within a professional association shall maintain their individual licenses in active status and only offer the professional service for which they are licensed and qualified to provide.

Engineering surveys include all survey activities required to support the sound conception, planning, design, construction, maintenance and operation of engineered projects but exclude the practice of surveying as defined in section 73-13-71(d).

A person or firm shall be construed to practice or offer to practice engineering within the meaning and intent of Sections 73-13-1 through 73-13-45, who practices any branch of the profession of engineering; or provides, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer, or through the use of some other title implies that he is a professional engineer; or who holds himself out as able to perform or provide, 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 term "board" as used in Sections 73-13-1 through 73-13-45 shall mean the Board of Licensure for Professional Engineers and Surveyors provided for by said sections.

§73-13-5. Appointment of board members.

A Board of Licensure for Professional Engineers and Surveyors is hereby created whose duty it shall be to administer the provisions of Sections 73-13-1 through 73-13-105. The board shall consist of six (6) licensed professional engineers, who shall be appointed by the Governor from eighteen (18) nominees recommended by the Mississippi Engineering Society, and shall have the qualifications required by Section 73-13-7, and three (3) licensed professional surveyors who are not licensed professional engineers, who shall be appointed by the Governor from nine (9) nominees recommended by the Mississippi Association of Professional Surveyors and who shall have the qualifications required by Section 73-13-77. The members of the board shall be appointed from the above nominees. The board so appointed shall have two (2) engineer members from each of the three (3) State Supreme Court districts, designated by district, Post 1 and Post 2, and shall serve for four (4) years, or until their successors are duly appointed and qualified.

The members recommended by the Mississippi Association of Professional Surveyors shall be appointed from each of the three (3) state Supreme Court districts and serve for four (4) years, or until their successors are duly appointed and qualified. Each member of the board shall receive a certificate of appointment from the Governor, and before beginning his term of office he shall file with the Secretary of State the

constitutional oath of office. On the expiration of the term of any member, the Governor shall in the manner herein provided appoint for a term of four (4) years a licensed professional engineer having the qualifications required by Section 73-13-7, or a licensed professional surveyor having the qualifications required by Section 73-13-77 to take the place of the member of the board whose term is about to expire. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified.

The initial members of the reconstituted board shall serve terms of office as follows:

- (a) The term of the engineer member presently serving at large, which term was set to expire on April 8, 2004, shall expire on July 1, 2004; and from and after July 1, 2004, this appointment shall be designated as Post 1.
- (b) The term of the engineer member presently serving at large, which term was set to expire on April 8, 2004, shall expire on July 1, 2005; and from and after July 1, 2004, this appointment shall be designated as Post 2.
- (c) An appointment of an engineer member serving at large shall be made on July 1, 2004, and shall expire on July 1, 2006; and from and after July 1, 2004, this appointment shall be designated as Post 3.
- (d) The term of the engineer member presently serving from the First Supreme Court District, which term was set to expire on April 8, 2006, shall expire on July 1, 2007; and from and after July 1, 2004, this appointment shall be designated as Post 4.
- (e) The term of the engineer member presently serving from the Second Supreme Court District, which term was set to expire on April 8, 2006, shall expire on July 1, 2008; and from and after July 1, 2004, this appointment shall be designated as Post 5.
- (f) The term of the engineer member presently serving from the Third Supreme Court District, which term was set to expire on April 8, 2006, shall expire on July 1, 2009; and from and after July 1, 2004, this appointment shall be designated as Post 6.
- (g) The term of the surveyor member presently serving at large, which term was set to expire on April 8, 2007, shall expire on July 1, 2004; subsequent appointments shall be made from the First Supreme Court District; from and after July 1, 2004, this appointment shall be designated as Post 7.
- (h) An appointment of a surveyor member shall be made from the Second Supreme Court District; the appointment shall be made on July 1, 2004, and shall expire on

July 1, 2005; from and after July 1, 2004, this appointment shall be designated as Post 8.

(i) The term of the surveyor member presently serving at large, which term was set to expire on April 8, 2006, shall expire on July 1, 2006; subsequent appointments shall be made from the Third Supreme Court District; from and after July 1, 2004, this appointment shall be designated as Post 9.

At the expiration of a term, members of the board shall be appointed in the manner prescribed in this section for terms of four (4) years from the expiration date of the previous terms. Any vacancy on the board prior to the expiration of a term for any reason, including resignation, removal, disqualification, death or disability, shall be filled by appointment of the Governor in the manner prescribed in this section for the balance of the unexpired term. The Mississippi Engineering Society and/or the Mississippi Association of Professional Surveyors shall submit a list of nominees no more than ninety (90) days after a vacancy occurs, and the Governor shall fill such vacancies within ninety (90) days after each such vacancy occurs.

It shall not be considered the duty of the State of Mississippi to provide office space and office equipment for the board herein created.

No member of the board shall, during the term of his office or thereafter, be required to defend any action for damages in any of the courts of this state where it is shown that said damage followed or resulted from any of the official acts of said board in the performance of its powers, duties or authority as set forth in this chapter. Any such action filed shall upon motion be dismissed, at the cost of the plaintiff, with prejudice.

§73-13-7. Qualifications of board members.

Each member of the board shall be a citizen of the United States and shall have been a resident of the state for at least five (5) years prior to the appointment. He shall be at least thirty-two (32) years of age, shall have been engaged in the practice of engineering or surveying, as the case may be, for at least ten (10) years and shall have been in responsible charge of important engineering or surveying work, as the case may be, for at least five (5) years. Each year of teaching engineering or surveying in a school or college shall be equivalent to a year of responsible charge of engineering or surveying work. Not more than two (2) members of the board at any time may be teachers of engineering in the universities or colleges of the state. All members of the board shall be licensed professional engineers or licensed professional surveyors, as the case may be.

§73-13-9. Compensation of the board members.

Each member of the board shall receive per diem in accordance with Section 25-3-69 when actually attending to the work of the board or any of its committees, and shall be reimbursed for traveling expenses in accordance with Section 25-3-41 in carrying out the provisions of Sections 73-13-1 through 73-13-105.

§73-13-11. Removal of board members; vacancies.

The Governor may remove any member of the board for misconduct, incompetency, neglect of duty, or for any other sufficient cause. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the Governor as provided in Section 73-13-5.

§73-13-13. Meetings of board; election of officers; quorum.

The board shall hold at least two (2) regular meetings each year, in the first and third calendar quarters. Special meetings shall be held at such time as the regulations of the board may provide. Notice of all meetings shall be given in such manner as the regulations of the board may provide. The board shall elect annually, at a regular or special meeting, the following officers: a president, a vice president, and a secretary. A quorum of the board shall consist of not less than five (5) members.

§73-13-15. Rules and regulations; seal; powers.

The board shall have the power to adopt and amend all regulations and rules of procedure, not inconsistent with the Constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall adopt and have an official seal. It shall not be required to post bond on appeals. The board shall have the further power and authority to:

- (a) Establish standards of conduct and ethics;
- (b) Institute proceedings in its own name;
- (c) Promulgate rules restricting competitive bidding;
- (d) Promulgate rules limiting or restricting advertising;
- (e) Promulgate rules requiring a demonstration of continuing education;
- (f) Adopt and promulgate reasonable bylaws and rules and regulations necessary or appropriate for the proper fulfillment of its duties under state laws pertaining thereto;
- (g) Provide for the enforcement of and to enforce the laws of the State

of Mississippi and, in particular, the provisions of this chapter, and the bylaws, rules and regulations of the board;

(h) Provide by appropriate rules and regulations, within the provisions of this chapter, a system for taking the disciplinary actions provided for in Section 73-13-37, including the imposition of fines as provided therein;

(i) Investigate, prosecute or initiate prosecution for violation of the laws of this state pertaining to the practices of engineering and surveying, or matters affecting the rights and duties or otherwise related thereto; and

(j) Adopt rules setting forth qualifications and standards of practice for firms; and

(k) Provide by appropriate rules and regulations, within the provisions of this chapter, a system for the annual and/or biennial renewal of certificates of licensure.

In carrying into effect the provisions of Sections 73-13-1 through 73-13-105, the board, under the hand of its president or secretary and the seal of the board may subpoena witnesses and compel their attendance, and also may require the production of books, papers, documents, etc., in any case involving the disciplinary actions provided for in Section 73-13-37 or 73-13-89 or practicing or offering to practice without licensure. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers, or documents, the board may present its petition to such authority as may have jurisdiction, setting forth the facts, and thereupon such authority shall, in a proper case, issue its subpoena to such person, requiring his attendance before such authority and there to testify or to produce such books, papers, and documents, as may be deemed necessary and pertinent by the board. Any person failing or refusing to obey the subpoena or order of the said authority may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the authority.

§73-13-17. Receipts and disbursements.

(1) The board shall keep an account of all monies derived from the operation of Sections 73-13-1 through 73-13-105. All fees and any other monies received by the board shall be deposited in a special fund that is created in the State Treasury and shall be used for the implementation and administration of Sections 73-13-1 through 73-13-105 when appropriated by the Legislature for such purpose. The monies in the special fund shall be subject to all provisions of the state budget laws that are applicable to special fund agencies, and disbursements from the special fund shall be made by the State Treasurer only upon warrants issued by the State Fiscal Officer upon requisitions signed by the executive director of the board and countersigned by the secretary of the

board. Any interest earned on this special fund shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund. Any unexpended monies remaining in the special fund at the end of the fiscal year shall not lapse into the State General Fund. The State Auditor shall audit the financial affairs of the board and the transactions involving the special fund at least once a year in the same manner as for other special fund agencies.

(2) The executive director and the secretary of the board shall give a surety bond satisfactory to the other members of the board, conditioned upon the faithful performance of their duties. The premium on said bond shall be regarded as a proper and necessary expense of the board. When any member of the board or any employee thereof is engaged on business of the board away from the principal office of the board, he shall be entitled to receive expenses as authorized in Section 25-3-41, and members of the board shall be entitled to per diem in an amount not to exceed that authorized in Section 25-3-69, all as approved by the board.

(3) The board shall employ an executive director and may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures for any purpose which in the opinion of the board are reasonably necessary for the proper performance of its duties under this chapter

§73-13-19. Records and reports.

The board shall keep a record of its proceedings and a register of all applications for licensure, which register shall show (a) the name, age, and residence of such applicant, (b) the date of the application, (c) the place of business of such applicant, (d) his educational and other qualifications, (e) whether or not an examination was required, (f) whether the applicant was rejected, (g) whether a certificate of licensure was granted, (h) the date of the action of the board, and (i) such other information as may be deemed necessary by the board.

The records of the board shall be *prima facie* evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the executive director of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

Annually, on or before March 15, the board shall submit to the Governor a report of its transactions of the preceding year, and shall file with the Secretary of State a copy of such report of the board, attested by affidavits of its president and its secretary.

§73-13-21. Roster to be prepared.

A roster showing the names and places of business or residence of all licensed professional engineers and licensed professional surveyors and licensed firms shall be prepared biennially by the board.

§73-13-23. Qualifications for licensure.

(1) (a) The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional engineer:

Graduation in an engineering curriculum of four (4) years or more from a school or college approved by the board as of satisfactory standing or graduation in an engineering, engineering technology, or related science curriculum of four (4) scholastic years from a school or college other than those approved by the board plus a graduate degree in an engineering curriculum from a school or college wherein the same engineering curriculum at the undergraduate level is approved by the board as of satisfactory standing; a specific record of four (4) years of qualifying engineering experience indicating that the applicant is competent to practice engineering (in counting years of experience, the board at its discretion may give credit not in excess of three (3) years of satisfactory graduate study in engineering), and the successful passing of examinations in engineering as prescribed by the board; or

(b) In considering the qualifications of applicants, engineering teaching may be construed as engineering experience.

(c) The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be the practice of engineering.

(d) Any person having the necessary qualifications prescribed in Sections 73-13-1 through 73-13-45 to entitle him to licensure shall be eligible for such licensure although he may not be practicing his profession at the time of making his application.

(e) No person shall be eligible for licensure as a professional engineer who is not of good character and reputation, as defined in the board's Code of Professional Conduct, or who presents claims in support of his application which contain major discrepancies.

(2) The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for enrollment as an engineer intern:

- (a) Graduation in an engineering curriculum of four (4) scholastic years or more from a school or college approved by the board as of satisfactory standing or graduation in an engineering, engineering technology, or related science curriculum of four (4) scholastic years from a school or college other than those approved by the board plus a graduate degree in an engineering curriculum from a school or college wherein that same engineering curriculum at the undergraduate level is approved by the board as of satisfactory standing; and
- (b) Successfully passing a written examination in the fundamental engineering subjects.

§73-13-25. Application for licensure; fees.

Applications for enrollment as an engineer intern or for licensure as a professional engineer shall be on the forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and detailed summary of the applicant's qualifying experience. Applications for licensure or relicensure as a professional engineer shall also contain not less than five (5) references, of whom three (3) or more shall be engineers having personal knowledge of the applicant's engineering experience.

The application fee for licensure as a professional engineer shall be determined by the board but shall not exceed Seventy-five Dollars (\$75.00), which fee shall accompany the application.

The application fee for enrollment as an engineer intern shall be determined by the board but shall not exceed Twenty-five Dollars (\$25.00), which fee shall accompany the application.

Whenever an applicant is cited to an examination or reexamination, an additional fee equal to the actual cost of the examination shall be paid by the applicant.

Each application or filing made under this section shall include the Social Security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

§73-13-27. Examinations.

Examinations shall be required for enrollment as an engineer intern and for licensure as a professional engineer. The examinations shall be held at such time and place as the board may determine.

The scope of the examinations and the methods and procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering works so as to insure the safety of life, health and property.

§73-13-29. Certificate of Licensure.

The board shall issue a certificate of licensure upon payment of licensure fee as provided for in Sections 73-13-1 through 73-13-45, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of said sections. In the case of a licensed engineer, the certificate shall authorize the "practice of engineering." In the case of an engineer intern, the certificate shall state that the applicant has successfully passed the examination in fundamental engineering subjects required by the board and has been enrolled as an "engineer intern." Certificates shall show the full name, shall have a serial number, and shall be signed by the president and the secretary of the board under seal of the board.

The issuance of a certificate of licensure by this board shall be *prima facie* evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer while the said certificate remains unrevoked or unexpired.

Before engaging in the practice of the profession, each licensee hereunder shall upon licensure obtain a seal of the design authorized by the board, bearing the licensee's name and the legend, "licensed professional engineer". Plans, specifications, and reports prepared by a licensee shall be stamped with the seal by the licensee during the life of the licensee's certificate, but it shall be unlawful for anyone to stamp or seal any documents with the seal after the certificate of the licensee named thereon is expired or revoked, or while the certificate is suspended. It shall be unlawful for anyone other than the licensee to whom the seal has been issued to stamp or seal any document utilizing such seal.

§73-13-31. Expiration of Certificate of Licensure.

(1) Except as provided in Section 33-1-39 and subsection (2) of this section, certificates of licensure shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the board to notify every person licensed under Sections 73-13-1 through 73-13-105, of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one (1) year or two (2) years. Such notice shall occur at least one (1) month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee, as determined by the board, not to exceed Fifty Dollars (\$50.00) or One Hundred Dollars (\$100.00) if renewals are for two (2) years. A person who is licensed as a professional engineer and as a professional surveyor may affect both renewals by the payment of a fee not to exceed Seventy-five Dollars (\$75.00), or One Hundred Fifty Dollars (\$150.00) if renewals are for two (2) years. The failure on the part of any licensee to renew his certificate annually, or biennially, in the month of December as

required above, shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten percent (10%) for each month, or fraction of a month that payment of renewal is delayed; provided, however, that the maximum for delayed renewal shall not exceed five (5) times the normal renewal fee. A state agency or any of the state's political subdivisions, such as a county or municipality, may pay the renewal fee of any licensee who is a full-time employee; provided, however, that any licensee who permits his/her renewal fee to be paid from any public funds shall not perform engineering or surveying services for a fee or other emoluments for the public or for any other public entity. If a certificate has expired for six (6) months or more, the licensee shall be required to submit a new application, paying back fees and submitting proof of continuing professional competency compliance. If the certificate has expired for five (5) years or more, in addition to submitting a new application and proof of continuing professional competency compliance, reexamination in the principles and practice may be required. The reexamination requirement may be waived by the board provided the applicant has continued to practice in another jurisdiction from the date of expiration of his certificate.

§73-13-33. Rights and privileges.

All professional engineers, licensed in accordance with the provisions of Chapter 56 of the Laws of Mississippi 1928, Extraordinary Session, and as amended under Senate Bill No. 383, Chapter 131, Laws of 1940, and whose certificates of licensure are in effect at the time of passage of Sections 73-13-1 through 73-13-45, shall be entitled to all the rights and privileges of a licensed professional engineer as provided for in those sections, while the said certificates remains unrevoked or unexpired.

§73-13-35. Persons holding certificates from a national body or other state.

The board may, upon application therefor and the payment of a fee in accordance with Section 73-13-25, issue a certificate of licensure as a professional engineer to any person who holds a certificate of qualification or licensure issued to him by proper authority of any state or territory or possession of the United States, or of any country, provided that the applicant's qualifications meet the requirements of Sections 73-13-1 through 73-13-45 and the rules established by the board. The issuance of a certificate of licensure by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 1 of this act. *(The last sentence of this section was enacted by the 2013 state legislature; "this act" refers to Senate Bill 2419, 2013 session, which can be found on the Board's website.)*

§73-13-37. Disciplinary actions; hearings; subpoenas; statement of charges; transcripts; witnesses; right to counsel; penalties; probation; reissuance of certificate of licensure; appeals.

(1) The board, upon satisfactory proof and in accordance with the provisions of this chapter and the implementing regulations of the board pertaining thereto, is authorized to take the disciplinary actions provided for hereinafter against any person or firm practicing engineering or surveying, including nonregistrants, for any of the following reasons:

- (a) Violating any of the provisions of Section 73-13-1 through 73-13-45 or the implementing bylaws, rules, regulations, or standards of ethics or conduct duly adopted and promulgated by the board pertaining to the practice of engineering;
- (b) Fraud, deceit or misrepresentation in obtaining a certificate of licensure;
- (c) Gross negligence, malpractice or incompetency;
- (d) Any professional misconduct, as defined by the board through bylaws, rules and regulations, and standards of conduct and ethics;
- (e) Practicing or offering to practice engineering on an expired certificate or while under suspension or revocation of certificate unless said suspension or revocation be abated through probation, as provided for hereinafter; or
- (f) Addiction to or dependence on alcohol or other habit-forming drugs or being an habitual user of alcohol, narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effect.

(2) Any person may prefer charges against any other person practicing engineering or surveying, including nonlicensees, for committing any of the acts set forth in subsection (1). Such charges shall be sworn to, either upon actual knowledge or upon information and belief, and shall be filed with the board. In the event any person certified under Sections 73-13-1 through 73-13-45 is expelled from membership in any Mississippi professional engineering society or association, the board shall thereafter cite said person to appear at a hearing before the board and to show cause why disciplinary action should not be taken against him.

The board shall investigate all charges filed with it and, upon finding reasonable cause to believe that the charges are not frivolous, unfounded or filed in bad faith, may, in its discretion, cause a hearing to be held, at a time and place fixed by the board, regarding the charges and may compel the accused by subpoena to appear before the board to respond to said charges.

No disciplinary action taken hereunder may be taken until the accused has been furnished both a statement of the charges against him and notice of the time and place of the hearing thereof, which shall be personally served on or mailed by registered or certified mail, return receipt requested, to the last-known business or residence address of the accused not less than thirty (30) days prior to the date fixed for the hearing.

Notice on a firm shall be had by notice on the principal or officer designated by the firm as having management or supervision of the engineering/surveying practice, or on the registered agent in the case of a corporation not domiciled in Mississippi.

(3) At any hearing held hereunder, the board shall have the power to subpoena witnesses and compel their attendance and may also require the production of books, papers, documents, etc., as provided elsewhere in this chapter. The board is authorized to designate or secure a hearing officer to conduct the hearing. All evidence shall be presented under oath, which may be administered by any member of the board, and thereafter the proceedings may, if necessary, be transcribed in full by the court reporter and filed as part of the record in the case. Copies of such transcriptions may be provided to any party to the proceedings at a cost to be fixed by the board.

All witnesses who shall be subpoenaed and who shall appear in any proceedings before the board shall receive the same fees and mileage as allowed by law in judicial civil proceedings, and all such fees shall be taxed as part of the costs in the case.

Where in any proceeding before the board any witness shall fail or refuse to attend upon subpoena issued by the board, shall refuse to testify or shall refuse to produce any books and papers, the production of which is called for by the subpoena, the attendance of such witness and the giving of his testimony and the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

The accused shall have the right to be present at the hearing in person, by counsel or other representative, or both. The board is authorized to continue or recess the hearing as may be necessary.

(4) At the conclusion of the hearing, the board may either decide the issue at that time or take the case under advisement for further deliberation. The board shall render its decision not more than ninety (90) days after the close of the hearing, and shall forward to the last-known business or residence address of the accused, by certified or

registered mail, return receipt requested, a written statement of the decision of the board.

If a majority of the board finds the accused guilty of the charges filed, the board may: (a) issue a public or private reprimand; (b) require the guilty party to complete a course or courses, approved by the board, in ethics or other appropriate subjects; (c) suspend or revoke the certificate of the accused, if the accused is a licensee; and/or (d) in lieu of or in addition to such reprimand, course completion, suspension or revocation, assess and levy upon the guilty party a monetary penalty of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) for each violation.

(5) A monetary penalty assessed and levied under this section shall be paid to the board upon the expiration of the period allowed for appeal of such penalties under this section, or may be paid sooner if the guilty party elects. Money collected by the board under this section shall be deposited to the credit of the board's special fund in the State Treasury.

When payment of a monetary penalty assessed and levied by the board in accordance with this section is not paid when due, the board shall have the power to institute and maintain proceedings in its name for enforcement of payment in the chancery court of the county and judicial district of residence of the guilty party and if the guilty party be a nonresident of the State of Mississippi, such proceedings shall be in the Chancery Court of the First Judicial District of Hinds County, Mississippi.

(6) When the board has taken a disciplinary action under this section, the board may, in its discretion, stay such action and place the guilty party on probation for a period not to exceed one (1) year upon the condition that the guilty party shall not further violate either the laws of the State of Mississippi pertaining to the practices of engineering or the bylaws, rules and regulations, or standards of conduct and ethics promulgated by the board.

(7) The board, in its discretion, may assess and tax any part or all of the costs of any disciplinary proceedings conducted under this section against either the accused, the charging party, or both, as it may elect.

(8) The power and authority of the board to assess and levy the monetary penalties provided for in this section shall not be affected or diminished by any other proceeding, civil or criminal, concerning the same violation or violations except as provided in this section.

(9) The board, for sufficient cause, may reissue a revoked certificate of licensure or authority whenever a majority of the board members vote to do so.

(10) Any person or firm aggrieved by an action of the board denying or revoking his certificate of licensure or authority or relicensure as a professional engineer or his certificate of enrollment as an engineer intern, or who is aggrieved by the action of the board as a result of disciplinary proceedings conducted under this section may appeal therefrom to the chancery court of either the county wherein the appellant resides or the Chancery Court of the First Judicial District of Hinds County, at the election of the appellant. If the appellant is a nonresident of this state, the appeal shall be made to the Chancery Court of the First Judicial District of Hinds County. Such appeal shall be perfected before the board by the filing with the board of a notice of appeal to the chancery court. The court shall require a bond in an amount not to exceed One Thousand Dollars (\$1,000.00) conditioned to pay all costs which may be adjudged against the appellant. The notice of appeal shall be filed not later than thirty (30) days after the decision of the board is forwarded to the guilty party, as provided hereinabove.

All appeals perfected hereunder shall not act as a supersedeas, and shall be made to the chancery court solely upon the record made before the board during the disciplinary hearing. When the appeal shall have been properly perfected as provided herein, the board shall cause the record of the proceedings conducted before it to be compiled, certified and filed with the chancery court. The briefing schedule shall be the same as for appeals to the Supreme Court. The chancery court shall be required to rule on the case within sixty (60) days of the close of briefing. All procedures and penalties provided for in this section shall apply to nonlicensees as well as licensees.

(11) In addition to the reasons specified in subsection (1) of this section, the board shall be authorized to suspend the certificate of licensure of any person for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a certificate for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a certificate suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a certificate suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a certificate when required by Section 93-11-157 or 93-11-163, are not actions from which an appeal may be taken under this section. Any appeal of a suspension of a certificate that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(12) Any board member whose objectivity in a disciplinary proceeding is impaired shall either recuse himself from sitting as a member of the board in a formal disciplinary hearing in that proceeding or be disqualified therefrom. In the event a disciplinary proceeding is brought against a member or former member of the board, no member of the board who has served concurrently with the respondent in the disciplinary proceeding shall sit as a member of the board in a formal disciplinary hearing in that proceeding. If, after recusal or disqualification of board members as provided herein, there does not remain a quorum of the board to sit for a disciplinary hearing, the board shall have the power to select, in accordance with duly promulgated regulations of the board, substitute panel members from slates of candidates established by the Mississippi Engineering Society and the Mississippi Association of Professional Surveyors to the extent necessary to achieve the number of panel members must meet the qualifications of board members as provided in Section 73-13-7 and shall receive compensation as provided for board members in Section 73-13-9.

§73-13-39. Violations and penalties.

Any person or firm who shall practice, or offer to practice, engineering in this state without being licensed in accordance with the provisions of Sections 73-13-1 through 73-13-45, or any person presenting or attempting to use as his own the certificate of licensure or seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of licensure, or any person who shall falsely impersonate any other licensee of like or different name, or any person or firm who shall attempt to use an expired or revoked certificate of licensure, or any person or firm who shall violate any of the provisions of Sections 73-13-1 through 73-13-45, shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Thousand Dollars (\$5,000.00) in addition to reimbursement of investigative expenses and court costs, or suffer imprisonment for a period not exceeding three (3) months, or both. The criminal penalties provided for in this section may be assessed in addition to those civil penalties provided for in Section 73-13-37.

Unless licensed in accordance with the provisions of Sections 73-13-1 through 73-13-45, no person shall:

- (a) Directly or indirectly employ, use, cause to be used or make use of any of the following terms or any combinations, variations or abbreviations thereof as a professional, business or commercial identification, title, name, representation, claim, asset or means of advantage or benefit: "engineer," "professional engineer," "licensed engineer," "registered engineer," "registered professional engineer," "licensed professional engineer," "engineered," "engineering"; or

- (b) Directly or indirectly employ, use, cause to be used or make use of any letter, abbreviation, word, symbol, slogan, sign or any combinations or variations thereof which in any manner whatsoever tends or is likely to create any impression with the public or any member thereof that any person is qualified or authorized to practice engineering; or
- (c) Receive any fee or compensation or the promise of any fee or compensation for performing, offering or attempting to perform any service, work, act or thing which is any part of the practice of engineering.

Any person, firm, partnership, association or corporation which shall do, offer or attempt to do any one or more of the acts or things set forth in items (a) through (c) of the preceding paragraph shall be conclusively presumed and regarded as engaged in the practice of engineering.

It shall be the duty of all duly constituted officers of the law of this state, or any political subdivision thereof, to enforce the provisions of Sections 73-13-1 through 73-13-45 and to prosecute any persons violating same. The Attorney General of the state or his assistant shall act as legal advisor of the board in carrying out the provisions of Sections 73-13-1 through 73-13-45.

§73-13-41. Applicability.

(1) Sections 73-13-1 through 73-13-45 shall not be construed to prevent or to affect:

- (a) The practice of any other legally recognized profession or trade, such as: (i) engineers employed by contractors to supervise work on which a licensed engineer is engaged; (ii) architects who are registered under the provisions of Chapter 1 of this title; and (iii) the practice of geology as regulated pursuant to Title 73, Chapter 63;
- (b) The work of an employee or a subordinate of a person holding a certificate of licensure under this act, provided such work does not include final designs or decisions and is done under the responsibility, checking and supervision of a person holding a certificate of licensure under Sections 73-13-1 through 73-13-45;
- (c) The practice of officers and employees of the government of the United States while engaged within this state in the practice of engineering for said government;
- (d) The performance of engineering services by any regular full-time employee of a manufacturing, research and development, railroad or other industrial corporation, provided:
 - (i) Such services are rendered on or in connection with existing fixed works, equipment, systems, processes or facilities owned, operated, or leased by such corporation and/or its affiliates;

- (ii) Such services are not rendered to third parties;
- (iii) Such services do not consist of original plant design, original system design, or original process design, other than routine system extensions that do not compromise the integrity of the original design;
- (iv) Such services comply with all requirements specified by the employee's company or corporation;
- (v) All fixed works, equipment, systems, processes or facilities modified by such services undergo a safety review that confirms; 1. the construction and equipment is in accordance with design specifications; and 2. safety, operating, maintenance and emergency procedures are in place to safeguard life, health and property.
- (vi) Such services are not required to be performed, approved, or certified by a professional engineer pursuant to law or regulation, whether federal, state, or local, other than Section 73-13-1 through 73-13-45 hereof or any applicable rules or regulations promulgated by the Mississippi Board of Licensure for Professional Engineers and Surveyors.

It is further stated that this subsection (d) is intended to codify the policy and practices of the board at the time of enactment of this Senate Bill No. 2380, 1999 Regular Session, and that any ambiguities in this subsection should be construed in accordance with this intent.

- (e) The performance of engineering services with respect to utility facilities by any public utility subject to regulation by the Mississippi Public Service Commission, the Federal Communications Commission, the Federal Energy Regulatory Commission, or the Nuclear Regulatory Commission, including its parents, affiliates, subsidiaries, provided that they are engaged solely and exclusively in performing service for such public utility and/or its parents, affiliates or subsidiaries, and as long as such services comply with all standard operating procedures and requirements specified by the employee's company or corporation. This exemption shall not extend to: (i) the practice of engineering performed by public utilities or their officers or employees when such services are rendered to non-affiliated third parties in exchange for compensation other than that received from their employer, or the use of any name, title or words which tend to convey the impression that a nonregister is offering engineering services to the public; and (ii) services which are required to be performed, approved or certified by a professional engineer pursuant to law or regulation whether federal, state or local, other than Sections 73-13-1 through 73-13-45 hereof or any applicable rules or regulations promulgated by the Mississippi Board of Licensure for Professional Engineers and Surveyors.

It is further stated that this subsection (e) is intended to codify the policy and practices of the board at the time of enactment of Senate Bill No. 2380, 1999 Regular Session, and that any ambiguities in this subsection should be construed in accordance with this intent; or

(f) The practice of engineering shall not include the work ordinarily performed by persons who operate or maintain machinery, equipment, water plants, power generation, utility transmission, utility distribution facilities, sewage plants and solid waste disposal facilities; or

(g) Activities conducted during the course of, or in anticipation of, litigation including, but not exclusively: analyzing, evaluating, consulting, reconstructing, testing, responding to the opinions and testing conducted by others, and offering expert testimony. However, this exemption shall not apply in legal proceedings where the subject matter of the litigation or claim is nonforensic engineering activity legally required to be performed under a Mississippi engineer's license.

(2) In addition to the exemptions provided in subsection (1), there is hereby granted and reserved to the board the authority to exempt from Sections 73-13-1 through 73-13-45 by regulations specific engineering tasks or functions performed by regular full-time employees of manufacturing, public utility, research and development, railroad or other industrial corporations rendered in the course and scope of their employment, on a case by case basis, if, in the opinion of the board, the public health and welfare is not endangered nor the engineering profession diminished.

§73-13-43. Certificate of Authority; corporations, firms, partnerships.

As of January 1, 2005, no corporation, firm or partnership may engage in the practice of professional engineering in this state unless it has been issued a certificate of authority by the board. In order to qualify for a certificate of authority, a corporation, firm or partnership must have at least one (1) Mississippi-licensed professional engineer as a principal officer, partner or designated principal engineer of the firm who has management responsibility for such practice and who makes significant technical and/or contractual judgments on behalf of the firm which would affect the firm's professional reputation and liability.

The board shall have the authority to promulgate rules and regulations setting procedures, standards and other requirements for issuing and maintaining a certificate of authority for corporations, firms or partnerships practicing engineering in the State of Mississippi.

Applications for a certificate of authority shall be on the forms prescribed and furnished by the board, and provide all the information required by said board. The board shall establish a fee for the certificate of authority application, not to exceed Two Hundred Fifty Dollars (\$250.00) for a one-year certificate or Four Hundred Dollars (\$400.00) for a two-year certificate. Any corporation, firm or partnership having the necessary qualifications as prescribed herein and the rules and regulations of the board shall be issued a certificate of authority for said corporation, firm or partnership to practice engineering and to contract and collect fees for furnishing this service.

Each certificate of authorization will expire on December 31 of the end of the renewal period year. It shall be the duty of the board to notify every corporation, firm or partnership holding a certificate of authority under Sections 73-13-1 through 73-13-45 of the date of the expiration of the certificate and the amount of the fee that shall be required for its renewal for one (1) year or two (2) years. The renewal fee shall not exceed One Hundred Fifty Dollars (\$150.00) for one (1) year or Three Hundred Dollars (\$300.00) or two (2) years; penalties for late renewal shall be ten percent (10%) per month that payment is delayed. Additionally, if any of the information on the initial or any subsequent renewal application changes for the corporation, firm or partnership, said corporation, firm or partnership shall notify the board in the form and manner prescribed by the board within thirty (30) days of the change.

Effective January 1, 2005, the Secretary of State shall not issue a certificate of incorporation, licensure or authorization to an applicant or licensure as a foreign firm to a corporation, firm or partnership which includes in its name, or among the objectives for which it is established, any of the words, "engineer," "engineering," or any modification or derivation thereof, unless the board has issued for said applicant a certificate of authority or a letter indicating the eligibility of such applicant to receive such a certificate. The corporation, firm or partnership applying shall supply such certificate or letter from the board with its application for incorporation, licensure or authorization to the Secretary of State.

An engineer who renders occasional, part-time or consulting engineering services to or for a corporation, firm or partnership may not, for the purposes of this section, be designated as being responsible for the professional activities of the firm.

No such corporation, firm or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, partners, members or managers by reason of its compliance with the provisions of this section. No individual practicing engineering under this chapter shall be relieved of responsibility for engineering services performed by reason of employment or other relationship with a firm holding an authorization certificate.

§73-13-45. Public Works.

(1)(a) Neither the state, nor any of its political subdivisions, such as a county, city or town, shall award construction contracts of any public work involving the practice of engineering or architecture unless the plans, specifications and estimates have been prepared and such work supervised by a registered professional engineer or architect; however, nothing in this subsection shall be held to apply to such public work in which the expenditure does not exceed One Hundred Thousand Dollars (\$100,000.00).

(b) The state and any of its political subdivisions, such as a county, city or town, may engage in construction of public buildings involving the practice of engineering or architecture and using political subdivision work forces without the supervision of a licensed professional engineer or architect, provided that the total cost of the public building does not exceed One Hundred Fifty Thousand Dollars (\$150,000.00). This paragraph (1)(b) shall not supersede any rules and regulations promulgated by the State Department of Health and the Department of Environmental Quality.

(2)(a) In the awarding of public contracts for professional engineering services, preference shall be given to resident professional engineers over those nonresident professional engineers domiciled in a state having laws which grant a preference to the professional engineers who are residents of that state. Nonresident professional engineers shall be awarded Mississippi public contracts only on the same basis as the nonresident professional's state awards contracts to Mississippi professional engineers under similar circumstances. When a nonresident professional engineer submits a proposal for a public project, he shall attach thereto a copy of his resident state's current statute, resolution, policy, procedure or executive order pertaining to such state's treatment of nonresident professional engineers. Resident professional engineers actually domiciled in Mississippi, be they corporate, individuals or partnerships, shall be granted preference over nonresidents in the awarding of contracts in the same manner and to the same extent as provided by the laws of the state of domicile of the nonresident. As used in this section, the term "resident professional engineer" includes a nonresident person, firm or corporation that has been qualified to do business in this state and has maintained a permanent full-time office in the State of Mississippi for not less than two (2) years prior to submitting a proposal for a public project, and the subsidiaries and affiliates of such a person, firm or corporation.

(b) The provisions of this subsection shall not apply to any contract for any project upon which federal funds would be withheld because of the preference requirements of this subsection.

(c) Any contract, agreement or arrangement for professional engineering services negotiated, made or entered into, directly or indirectly, by the state, counties,

municipalities, or any political subdivision thereof, or by any special districts, which is in any way in violation of the provisions of this subsection is hereby declared to be void as contrary to the public policy of this state and shall not be given effect or enforced by any court of this state or by any of its officers or employees.

(d) Nothing in this subsection shall affect the validity of any contract in existence prior to July 1, 1989.

(e) For purposes of this section, the term "professional engineering services" means those within the scope of the practice of professional engineering as defined by Sections 73-13-1 through 73-13-45, or those performed by any registered professional engineer in connection with professional employment or practice.

Mississippi Administrative Code

Part 901 CHAPTER 1: Definitions

Rule 1.1 Definitions in Law

Applicable Mississippi Law (Mississippi Code of 1972, Annotated Title 73, Chapter 13 - Professional Engineers and Surveyors, or otherwise identified as Miss. Code Ann. §73-13-1 through §73-13-105) provides for definitions of the following terms:

1. Board
2. Engineer or Professional Engineer
3. Engineer Intern
4. Graduate Engineer
5. Practice of Engineering
6. Professional Surveyor
7. Surveyor Intern
8. Surveying
9. Practice of Surveying
10. Firm

Rule 1.2 Definitions

1. Statute – The term “Statute” shall refer to Mississippi Code of 1972, Annotated Title 73, Chapter 13 - Professional Engineers and Surveyors which is the legislative action establishing and empowering the Mississippi Board of Licensure for Professional Engineers and Surveyors.
2. Enrollment – The term “Enrollment” is the official recognition by the Board of the applicant's successful completion of requirements to become an Engineer Intern or Surveyor Intern.
3. Licensure – The term “Licensure” is the official recognition by the Board of the applicant's successful completion of requirements to practice the professions of engineering or surveying.
4. Certificate of Licensure – The term “Certificate of Licensure” as used in the Statute is referring to licensure itself and therefore shall mean licensure.
5. Licensee - The term “Licensee” shall mean a Professional Engineer or a Professional Surveyor.
6. Dual Licensee – The term “Dual Licensee” shall mean a person who is licensed as both a Professional Engineer and a Professional Surveyor.
7. Person - The term “Person” shall mean an individual or Firm.

8. Serial Number – Serial Number as used in the Statute shall mean Enrollment Number or License Number.
9. Signature - The term "Signature" shall mean a name, mark, or writing made by the licensee with the intention of verifying or authenticating a document. Where a signature is required in the rule, an Electronic or Digital Signature is acceptable.
10. Electronic or Digital Signature - The term "Electronic or Digital Signature" shall mean an electronic sound, symbol, process, or secure digital code that uniquely identifies and authenticates the sender, attached to, or logically associated with an electronically transmitted record and executed or adopted by a person with the intent to sign the record.
11. Seal - The term "Seal" shall mean a symbol, image, or list of information pertaining to the licensure of a person.
12. Disciplinary Action - The term "Disciplinary Action" shall mean any final written decision or settlement taken against an individual or Firm by a licensing board based upon a violation of the Board's Statutes and rules. Disciplinary actions include reprimands; sanctions; administrative fines; the Board's refusal to issue, restore, or renew a license; settlement agreements or consent orders; probation; suspension; revocation; surrendering, relinquishing, or agreeing not to renew the license as part of an agreement or Board order; or any combination thereof.
13. Gross Negligence - The term "gross negligence" as used in the Statute shall mean the practice of engineering or surveying by a licensee characterized by reckless disregard for the rights, health, safety, or welfare of others, which could result in personal injury, damage to property, or financial loss.
14. Incompetency - The term "incompetency" as used in the Statute shall mean the practice of engineering or surveying by a licensee who is either incapable of exercising ordinary care and diligence or who lacks the ability and skill necessary to properly perform the duties undertaken.
15. Misconduct - The term "misconduct" as used in the Statute shall mean the practice of engineering or surveying by a licensee who performs any acts, causes omissions or makes any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever discredits or tends to discredit the profession of engineering or surveying.
16. Supervision - The term "Supervision" will be construed by this Board to mean that the Professional Engineer or Professional Surveyor providing such supervision shall have made the decision on technical matters of policy and design and shall have exercised his or her professional judgment in all engineering and surveying matters that are embodied in the design and related documents.

17. Responsible Charge - The term "responsible charge" as used in Statute shall mean direct control and personal supervision of engineering or surveying work, as the case may be.
18. Professional Development Hour – The term professional development hour (PDH) shall mean fifty (50) minutes of instruction or presentation and will serve as the common denominator for other units of credit.

Rule 1.3 Use of Words Engineer, Engineering, Surveyor, or Surveying

Any person, Firm, partnership, organization, corporation or other entity using the words "Engineer" or "Engineering" or "Surveyor" or "Surveying" or any modification or derivative thereof in its name or form of business activity except as authorized in the Statute, or any person presenting or attempting to use the license or the seal of another, or any person who shall give any false or forged evidence of any kind to the Board or any member thereof in obtaining or attempting to obtain a license, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired or revoked or nonexistent license, or who shall practice or offer to practice when not qualified, or any person who falsely claims that he or she is licensed under the Statute, or any person who shall violate any of the provisions of the Statute, shall be guilty of noncompliance with the Statute.

Part 901 CHAPTER 2: The Licensure Board

Rule 2.1 Purpose

The Mississippi Board of Licensure for Professional Engineers and Surveyors was created to ensure the safeguarding of life, health, and property and to promote public welfare.

Rule 2.2 Authorization to Achieve the Purpose

Current Mississippi Statute provides a means for achieving the purpose through:

1. the establishment of minimum qualifications for entry into the professions of Engineering and Surveying,
2. authorizing power to adopt and amend all Rules and Regulations of procedure necessary for the proper performance of the Board's duties, and
3. granting further power and authority to protect the public from the attempts of incompetent or unscrupulous persons to practice the professions of Engineering

and Surveying, through provisions which enable swift and effective disciplinary actions.

Rule 2.3 Summary Description of Organization and Operation

The Board is an agency of the State of Mississippi. All costs of operation of the Board, including administrative, secretarial, clerical, investigative, equipment purchases and office rental, are paid from fees collected by the Board and authorized by annual appropriation by the Legislature. The Board may employ those required, qualified and authorized, including full or part-time, necessary to perform the administration of the Statutes of the state and those rules regulating the practice of engineering and surveying.

Rule 2.4 Board Members

The Board is composed of nine (9) members - six (6) licensed Professional Engineers and three (3) licensed Professional Surveyors who are not licensed Professional Engineers. The Governor appoints Board Members. Appointments are for a term of four (4) years, and each Board Member is eligible for re-nomination and reappointment.

The Board shall annually elect the following officers: President, Vice President, and Secretary. The term of office shall coincide with the Fiscal Year of the State of Mississippi, July 1 through June 30.

1. President of the Board - The President shall be the executive officer of the Board. When present he or she shall preside over all meetings. He or she shall appoint such committees as the Board may authorize from time to time. He or she shall cast one (1) vote on all roll calls. He or she shall sign all certificates, the Annual Report to the Governor, and all other official documents. He or she shall, in the absence of a Secretary or Executive Director, sign checks. He or she shall perform all other duties usually pertaining to the office of President and permitted by Statute.
2. Vice-President - The Vice-President, in the absence of the President, shall perform the duties delegated to the President except that only the President shall sign certificates, checks and the Annual Report to the Governor.
3. Secretary - The Secretary shall conduct all correspondence in the name of the Board except that performed by the President and that delegated to the Executive Director. The Secretary shall countersign all checks with the Executive Director of the Board. Additionally, he or she shall exercise supervisory authority over the Executive Director's administration of Board policy and the processing of its routine operations. He or she shall perform those other duties as prescribed by the Statute.

If, for any reason, a vacancy shall occur in the Board, the President and the Secretary shall prepare a notice to the Governor asking for the appointment of a new member to fill the unexpired term, in accordance with the provisions of the Statute. If the vacancy shall occur in the office of the President, the Vice-President and the Secretary shall prepare the notice to the Governor. Such notice shall designate which appointed position is vacant and which society or association is to furnish the list from which the appointee is to be selected.

If a vacancy occurs in any office, or if any officer becomes incapacitated, the Board will elect a new officer in a regular meeting. If the position of Secretary becomes vacant, the President shall appoint a new secretary to fill the remaining portion of the term.

The Board will delegate authority and responsibility to the Executive Director for assigning duties to and obtaining adequate performance from the employees of the Board.

Rule 2.5 Executive Director

The Board shall hire an Executive Director who shall be responsible for the administration of Board Policy and for the processing of its routine operations. The duties of the Executive Director shall be as determined by the Board.

1. As an executive officer, the Executive Director shall serve at the pleasure of the Board. In the absence of an Executive Director, the Secretary shall assume the duties of the Executive Director, as necessary.
2. All correspondence to the Board, including requests for information and all submissions and other requests should be addressed to the Executive Director.

Rule 2.6 Meetings

1. The Board shall schedule at least two (2) regular meetings each year, one (1) in the first and third calendar quarters. A quorum is required at all meetings. Special meetings may be held as needed or as called by an officer or quorum of the Board.
2. A call for a special meeting under emergency conditions may be issued by email or telephone by the Executive Director.
3. Robert's Rules of Order Newly Revised shall govern the proceedings of the Board except as otherwise provided herein or by Statute.
4. All members of the Board including the President shall be entitled to vote and to make or second motions. A majority vote of those present is required to pass a motion. A member expecting to be absent for a vote may provide written

comments as to his or her position; however, he or she may not grant a vote by proxy.

5. The order of business at all regular and special meetings shall normally be as recommended by the Executive Director and at the pleasure of the President.

Rule 2.7 Public Attendance at Meetings

In compliance with the Open Meeting Laws of the State of Mississippi, members of the public are welcome to attend meetings of the Board. The Board has adopted the following rules of conduct for members of the public attending meetings of the Board:

1. members of the public are requested to register with the Executive Director before the start of the meeting,
2. organized groups are limited to having one (1) spokesperson for the meeting,
3. upon request, an individual or a spokesperson will be allowed to address the Board, but the speaking time is limited to ten (10) minutes unless extended by the presiding officer,
4. when the Board votes to go into Executive Session, all members of the general public must leave the meeting room and they will be advised when they may re-enter,
5. members of the public are expected to behave in a calm, professional manner at all times,
6. failure to comply with these rules will be grounds for dismissal from the meeting, and
7. if members of the public require special provisions accommodating a qualifying temporary or permanent disability to attend a Board meeting, a written request identifying the disability, and accommodations needed must be submitted to the Executive Director ten (10) days before the meeting. If this request is not submitted in advance, the accommodation cannot be guaranteed.

Rule 2.8 Fee Schedule

Fees shall be in accordance with the current Fee Schedule available on the agency's website. Once a payment has been accepted, there will be no refund. 8

Part 901 CHAPTER 3: Declaratory Opinions

Rule 3.1 Scope of Declaratory Opinions

The Board will issue declaratory opinions regarding the applicability to specified facts to a Statute administered or enforceable by the Board, a Rule or Regulation promulgated by the Board, or an Order issued by the Board.

The Board will not issue a declaratory opinion regarding a Statute, Rule, Regulation, or Order which is beyond the "primary jurisdiction" of the Board. Primary jurisdiction means the Board has:

1. a constitutional grant of authority in the subject matter,
2. a statutory grant of authority in the subject matter,
3. issued specific regulations impacting upon the subject matter, or
4. issued a specific order or orders impacting upon the subject matter.

Rule 3.2 Scope of Declaratory Opinion Request

A request must be limited to a single transaction or occurrence.

Rule 3.3 Format of the Request

When a person with substantial interest, as required by Section 25-43-2.103 of the Administrative Procedures Act, requests a declaratory opinion, the person must submit a printed, typewritten, or legibly handwritten request on standard letter-sized white paper (8 1/2" x 11").

1. The request shall be in the form of a letter addressed to the Board or in the form of a pleading as if filed with a court.
2. All requests shall be mailed, emailed or hand-delivered to the Board's office. Oral or telephone requests for a declaratory opinion will not be accepted.
3. Each request shall include the full name, telephone numbers, and mailing address of the requestor(s).

All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.

Each request and its corresponding envelope, if any, and subject line shall clearly state it is a request for a declaratory opinion.

Rule 3.4 Content of Request

Each request shall contain the following:

1. a clear identification of the Statute, Rule, Regulation, or Order at issue,
2. a concise statement of the issue or questions presented for declaratory opinion,
3. a clear and concise statement of all facts relevant to the question presented,
4. the identity of all other known persons involved in or impacted by the facts giving rise to the request including their relationship to the facts, and their name, mailing address, email address(es) and telephone number, and
5. a statement sufficient to show that the requestor has a substantial interest in the subject matter of the request.

Rule 3.5 Signature Attestation

Each party who signs the request is attesting that the request complies with the requirements set forth in these rules. This includes but is not limited to, the request includes a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any agency, administrative, or judicial tribunal.

Rule 3.6 Reasons for Refusal of Declaratory Opinion Request

The Board may refuse to issue a declaratory opinion in certain circumstances which include, but are not necessarily limited to:

1. matters outside the primary jurisdiction of the Board,
2. lack of clarity concerning the question presented,
3. there is pending or anticipated litigation, administrative action or anticipated administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary,
4. the Statute, Rule, Regulation, or Order on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request,
5. the facts presented in the request are not sufficient to answer the question presented,
6. requests which fail to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules,
7. requests seeking to resolve issues which have become moot or are abstract or hypothetical such that the requestor is not substantially affected by the Statute, Rule, Regulation, or Order on which a declaratory opinion is sought,
8. no controversy exists or is certain to arise which raises a question concerning the application of the Statute, Rule, Regulation, or Order,
9. questions presented by the request concerning the legal or constitutional validity of a Statute, Rule, Regulation, or Order,

10. requests not based upon facts calculated to aid in the planning of future conduct, but are, instead, based on past conduct to establish the effect of that conduct,
11. no clear answer is determinable,
12. questions presented by the request involve the application of a criminal statute or sets forth facts which may constitute a crime,
13. answering the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure,
14. questions currently the subject of an Attorney General's opinion request,
15. questions answered by an Attorney General's opinion,
16. one or more requestors have standing to seek an Attorney General's opinion on the proffered question,
17. requests not made in good faith,
18. requests which are harassing in nature,
19. a similar request is pending before this agency, or any other agency, or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or
20. questions involve eligibility for a license, permit, certificate, or other approval by the Board or other agency and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate, or other approval may be determined.

Rule 3.7 Board Response

Within forty-five (45) days after receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Board shall, in writing:

1. issue an opinion declaring the applicability of the Statute, Rule, Regulation, or Order to the specified circumstances,
2. agree to issue a declaratory opinion by a specified time but no later than ninety (90) days after receipt of the written request, or
3. decline to issue a declaratory opinion, stating the reasons for its action.

The forty-five (45) day period shall begin on the first business day on or after which the request is received by the Board.

Rule 3.8 Final Opinion

A declaratory opinion shall not become final until the expiration of sixty (60) days after issuance. Prior to expiration of the sixty (60) days, the Board may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious.

Part 901 CHAPTER 4: Public Records Request

Rule 4.1 Public Records Request

Excluding records exempted under Mississippi law, the Board responds to public records requests pursuant to the Mississippi Public Records Act of 1983, Miss. Code Ann. § 25-61-1, et seq. in accordance with the following procedures:

1. Requests for public records must be made in writing and submitted to the Mississippi Board of Licensure for Professional Engineers and Surveyors to the attention of "Requests for Public Records."
2. A public records request is for access to identifiable record(s) and is not a request for information. The Board has no duty to create a record to respond to a public records request.
3. A request for a public record should describe in reasonable detail the records sought and, if possible, include a clear and concise description of the record desired including pertinent information, such as names and dates, that may aid the Board in locating the requested record(s).
4. The Board shall either produce or deny production of the records sought within seven (7) business days after receipt of the request. In no event shall the production of documents responsive to a public records request exceed fourteen (14) business days from the date of receipt of the request.
5. Pre-payment of the cost estimated by the Board to review, search, duplicate or copy the requested records shall be required. All fees will be assessed in accordance with the Public Records Act and charged in advance by the Board. Such fees are intended to reimburse the Board, and in no case shall exceed the actual cost incurred by the Board to research, review, duplicate, copy, or mail the records responsive to the request.
6. If the requested records are exempt or privileged under applicable law, the Board shall deny the request. Furthermore:
 - a. applications for licensure, test questions, and applicant recommendations are exempt from the Public Records Act pursuant to Miss. Code Ann. § 73-52-1,
 - b. if any public record contains both exempt and non-exempt material, the Board shall redact the exempted material and produce the nonexempted material for inspection or reproduction, and
 - c. records provided to the Board by third parties containing trade secrets or confidential information shall not be subject to inspection or reproduction until notice has been given to third parties. Unless subject to other exemption(s) or privilege, these records shall be released no later than

twenty-one (21) days from the date the third parties are given notice by the Board unless the third parties have filed in chancery court a petition seeking a protective order on or before the expiration of the twenty-one-day period.

7. In the event a public records request is denied, the Board shall provide a written explanation to the requestor stating, with specificity, the reason(s) for the denial of the production of the requested records.

Part 901 CHAPTER 5: Candidates for Enrollment and Licensure

Rule 5.1 Education Requirements

Education requirements for Enrollment and Licensure are in Statute.

1. Engineering Curricula The phrase "engineering curriculum of four (4) years or more from a school or college approved by the Board as of satisfactory standing" or "graduation in an accredited engineering curriculum of four (4) scholastic years or more from a school or college approved by the Board as of satisfactory standing" as used in the Statute, is interpreted by the Board to mean:
 - a. Baccalaureate Degree Accredited by ABET/EAC – A baccalaureate degree accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET) or its equivalent.
 - b. Degrees recognized by the Canadian Engineering Accreditation Board (CEAB) – An applicant with an engineering degree in a curriculum recognized by the Canadian Engineering Accreditation Board (CEAB) will be considered to hold a degree equivalent to the ABET/EAC accredited degree.
 - c. Foreign Degrees accredited by the ABET/EAC – Degrees from foreign universities that are evaluated and accredited by the Engineering Accreditation Commission (EAC) of the Accreditation Board for Engineering and Technology (ABET).
 - d. Degrees evaluated as meeting the NCEES Engineering Education Standard – Degrees from universities that are evaluated by the Board-approved evaluation service and found to meet the NCEES Engineering Education Standard. The evaluation must be completed prior to submitting the application to the Board office.

- 1) If the evaluation finds deficiencies in humanities, social sciences, or general education, and the applicant is applying for the FE examination or the PE examination, or the applicant is a comity applicant who has been licensed less than five (5) years, then the deficiencies must be remediated by taking additional coursework. The Board must approve the additional coursework proposed by the applicant, prior to beginning the course(s).
- 2) If the evaluation finds deficiencies in humanities, social sciences, or general education, and the applicant is a comity applicant who has been licensed five (5) years or longer, then additional coursework will not be required.
- 3) If the evaluation finds deficiencies in areas other than humanities, social sciences, or general education, the deficiencies must be remediated by taking additional coursework, regardless of whether the applicant is a comity applicant or an applicant for the FE or PE examinations. The Board must approve the additional coursework proposed by the applicant, prior to beginning the course(s).

- e. For Engineer Intern or Professional Engineer applicants, a related science curriculum, to be approved by the Board, must be a four-year curriculum leading to a Bachelor of Science degree in chemistry, biology, geology, physics, mathematics, computer science, or a similar science curriculum deemed acceptable to the Board.

2. Surveying Curricula
 - a. For Surveyor Intern or Professional Surveyor applicants, a related science curriculum, to be approved by the Board, must be a four-year curriculum leading to a Bachelor of Science degree in engineering, mathematics, forestry, GIS, cartography, or a similar science curriculum deemed acceptable to the Board.
 - b. The phrase "62 semester hours in surveying curriculum" in the Statute is interpreted by the Board to mean successful completion of the curriculum from a school or college approved by the board as demonstrated by a GPA of 2.00 or higher on a 4.00-point scale. The courses taken must include the following subject areas:

Subject	Required Minimum Semester Hours
----------------	--

Surveying (e.g. Elementary Surveying, Control Surveying, Boundary Control, Legal Principals, Remote Sensing, etc.)	12
Mathematics (e.g. Algebra, Trigonometry, Calculus or higher-level math, etc.)	6
Technical Courses (e.g. Advanced Mathematics, Advanced Surveying, Statistics, GIS, etc.)	6
Graphics (e.g. CAD, Computer Science, Drawing, GIS, etc.)	6
English (e.g. Composition, Oral Communication, Technical Writing, etc.)	6
Electives*	26

Minimum Total Hours	62
----------------------------	-----------

* Recommended Electives include: Accounting, Astronomy, Business Law, Dendrology, General Business, Land Law, Legal Research, Public Policy, Real Estate Law, and Urban Planning.

Rule 5.2 Experience

Experience requirements for Licensure are in Statute.

1. Anticipated Work Experience for Licensure Applicants - Experience must be completed at the time the application is submitted. Experience which is anticipated to be obtained after the submission of the application will not be considered in the evaluation. Furthermore, postdating the application so that anticipated experience can be included is not permitted and the application will not be evaluated.
2. As a Professional Engineer - In evaluating experience that indicates to the Board that the applicant may be competent to practice engineering, the following will be considered:
 - a. Acceptable experience must have been completed before the submission of the application.
 - b. Experience must be progressive on engineering projects and must demonstrate an increasing quality and responsibility.
 - c. Only work of an engineering nature that follows graduation from a program that meets the criteria set forth in Rule 5.1 is acceptable.
 - d. A graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure. To be eligible for experience credit, graduate degrees shall be relevant to the applicant's

area of professional practice. Experience credit for a graduate degree cannot be earned concurrently with work experience credit.

- e. Engineering students who complete a formal cooperative engineering education (ABET/EAC accredited) program of three semesters or more will be granted six (6) months of experience credit. Engineering students who complete a formal cooperative engineering (ABET/EAC accredited) education program of at least two semesters but less than three semesters, will be granted three (3) months of experience credit. No experience credit of less than three (3) months will be granted.
- f. Experience must be obtained in compliance with Statute.
- g. Experience gained in the armed services must be of a character equivalent to that which would have been gained in the civilian sector doing similar work.
- h. Experience should be gained under the Supervision of a licensed Professional Engineer. If it is not, an explanation must be made showing why the experience should be considered acceptable. Experience gained under the Supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the Board.
 - i. Sales experience must demonstrate that engineering principles were required and used in gaining the experience.
 - j. Teaching experience must be in engineering or engineering-related courses at a junior-, senior-, or graduate-level in a college or university offering an engineering program of four years or more that is approved by the Board.
 - k. Experience may be gained in engineering research and design projects by members of an engineering faculty where the program is approved by the Board.
 - l. Experience may be gained in engineering research by industry or government employees.
 - m. Experience in construction must demonstrate the application of engineering principles.
 - n. Experience must include demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.
 - o. Experience must include demonstration of the application of engineering principles in the practical solution of engineering problems.
 - p. The Board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum Board

requirements established by regulations for professional experience in that jurisdiction.

3. As a Professional Surveyor - In evaluating experience that indicates to the Board that the applicant may be competent to practice surveying, the following will be considered:

- a. Work experience must be progressive and of an increasing standard of quality and responsibility. It should include field assignments, office assignments, records research, and boundary line surveying. An applicant for initial PS licensure (first licensure in any state) must have boundary line surveying experience for at least fifty percent (50%) of the minimum required experience.
- b. Experience gained in the armed services must be of a character equivalent to that which would have been gained in the civilian sector doing similar work.
- c. Qualifying professional surveying experience for initial licensure must be obtained under the Supervision of a licensed Professional Engineer or Professional Surveyor. If the experience was not obtained under the direct Supervision of a licensed Professional Engineer or Professional Surveyor, then the indirect Supervision must be satisfactorily explained with respect to the degree and type of Supervision received.
- d. Teaching experience must be in surveying or surveying related courses at a junior-, senior-, or graduate-level in surveying or surveying-related courses approved by the Board.
- e. Experience in the technical field aspects of the profession must be demonstrated.
- f. Anticipated Work Experience for Licensure Applicants - Experience must be completed at the time the application is submitted. Experience which is anticipated to be obtained after the submission of the application will not be considered in the evaluation. Furthermore, postdating the application so that anticipated experience can be included is not permitted and the application will not be evaluated.
- g. Experience must include demonstration of the application of surveying principles in the practical execution of surveying tasks.
- h. Experience may be gained in surveying research projects by members of a surveying faculty where the program is approved by the Board.
- i. Experience may be gained in surveying research by industry or government employees.
- j. The Board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum Board

requirements established by regulations for professional experience in that jurisdiction.

- k. Surveyor Intern applicants qualifying based solely on education shall not be required to submit experience verification documentation. Surveyor Intern applicants qualifying based on experience, or a combination of education and experience, will be required to submit experience verification form(s) from a Professional Surveyor supervisor sufficient to verify the required amount of qualifying experience; a minimum of one (1) experience verification form is required.
 4. As a Dual Licensee With reference to Miss. Code Ann. Sections 73-13-23 and 73-13-77 applicants seeking dual licensure (both Professional Engineer and Professional Surveyor) must meet the experience requirements for each license. Experience applied to meet the requirements for one license will not be applied to meet the requirements of the second license.
 5. Comity Applications

 - a. Professional Engineer applicants for comity licensure who have been licensed and practicing for ten (10) years or more should submit experience verification forms from prior supervisors. If these cannot be obtained, the Board will consider experience verification forms or character reference forms from Professional Engineers who are familiar with the applicant's work.
 - b. Professional Engineer applicants for comity licensure who have been licensed and practicing for less than ten (10) years must submit experience verification forms from Professional Engineer supervisors who had review and approval authority over the applicant's work.
 - c. Professional Surveyor applicants for comity licensure who have been licensed and practicing for ten (10) years or more should submit experience verification forms from prior supervisors. If these cannot be obtained, the applicant should provide a written explanation or justification for why experience verification forms from prior supervisors cannot be obtained. In such circumstances, the Board will consider experience verification forms or character reference from Professional Engineers who are familiar with the applicant's work.
 - d. Professional Surveyor applicants for comity licensure who have been licensed and practicing for less than ten (10) years must submit experience verification forms from Professional Surveyor supervisors who had review and approval authority over the applicant's work.
 - e. If the comity licensure applicant's experience cannot be verified and documented in accordance with the four (4) procedures listed above, the

Board may deny licensure, or, in the alternative, may require substantial additional documentation to verify the applicant's qualifying experience to the Board's satisfaction.

6. Mentoring

- a. An applicant may acquire qualifying engineering experience through a mentoring arrangement. Two (2) years of qualifying mentoring experience acquired through a Boardapproved mentoring arrangement equates to one (1) year of qualifying engineering experience.
- b. The mentoring arrangement must have pre-approval by the Board. The applicant must submit a written proposal for a mentoring arrangement to the Board describing: the applicant's current employment status, description of job responsibilities, qualifications of the non-licensee supervising the applicant daily, biographical data of the mentoring PE, written certification from the mentoring PE agreeing to serve, proposed format of meetings. Meetings between the applicant and the mentoring PE must occur at least monthly.
- c. Once the Board has approved the mentoring arrangement, it may begin. The applicant shall prepare a report of each meeting, a statement indicating whether it was a responsible charge of work and if the work was performed according to industry standards, and the mentoring PE's seal and signature. A copy of this monthly report shall be sent to the Board.
- d. At the conclusion of the mentoring relationship, the mentoring PE shall provide a statement bearing his or her seal and signature recommending the applicant for licensure.
- e. When the applicant submits his or her PE application, he or she shall submit in a separate binder a compilation of all the monthly reports, any notes, drawings, and miscellaneous items, and the original final statement of recommendation from the mentoring PE.

Rule 5.3 References

The applicant shall furnish on his or her application the names, addresses, and if applicable, the states in which references are licensed as Professional Engineers or Professional Surveyors. It is the sole responsibility of the applicant to provide all reference information.

Reference forms which are signed and dated within the previous two (2) years may be transferred from a closed application to a new application at the applicant's request. However, applicants seeking initial licensure must submit at least one (1) reference

form from their licensed supervisor dated within the past six (6) months, comity applicants submitting an NCEES Record must submit at least one reference form dated within the past twelve (12) months from another licensee who has knowledge of the applicant's experience during the most recent twelve (12) months, and comity applicants who are not submitting an NCEES Record must submit at least one (1) reference form dated within the past six (6) months, from another licensee who has knowledge of the applicant's experience during the most recent six (6) months.

At least three (3) of the five (5) references must be currently licensed; however, it is desirable that all the references be qualified to evaluate the applicant's training and experience. All references should know the applicant personally. A "referencing" Professional Engineer or Professional Surveyor may be licensed in any state or territory of the United States or other national licensing authorities as approved by the Board.

It is the responsibility of the licensee to provide an honest appraisal of applicants considered for enrollment or licensure.

The Board may find it necessary to correspond directly with a reference to seek clarification of the reference's statements. If any reference fails or declines to cooperate with the Board within a reasonable time, all information submitted by the reference may be disregarded.

Note: References are considered by the Board to include the Professional Engineer and Professional Surveyor who bore the responsibility for actual work experience.

Rule 5.4 Examinations

The Board uses examinations offered by the National Council of Examiners for Engineers and Surveyors (NCEES) for all examinations except the Mississippi Section examination for surveyors. The phrase "written examination" as used in the Statute, is interpreted to include computer-based format examinations.

1. Classification of Engineering Examinations

- a. Fundamentals of Engineering - This is known as the FE examination and is offered by discipline.
 - 1) Graduate Engineers applying for the FE examination may apply through NCEES without 18 approval of the Board.
 - 2) Engineering Students enrolled in an ABET/EAC curriculum, and an in-state college or university may apply for the FE examination with approval of the Dean of the College. These individuals shall apply for the FE examination in accordance with the process established by the Board and the school.

- b. Principles and Practice of Engineering - This examination is known as the PPE examination and is offered by discipline. Individuals applying for the PPE may apply through NCEES without approval of the Board.
- c. PE Structural Examinations – These examinations are known as the SE examinations. Individuals applying for the SE examinations may apply through NCEES without approval of the Board.

2. Classification of Surveying Examinations

- a. Fundamentals of Surveying - This examination is known as the FS examination. An applicant for enrollment as a Surveyor Intern will be permitted to sit for the FS examination only after the Board has established that all requirements of the Statute and Rules and Regulations have been met.
- b. Principles and Practice of Surveying - This examination is known as the PPS examination. An applicant for licensure as a Professional Surveyor will be permitted to sit for the PPS examination only after the FS examination has been passed and the experience requirements and other requirements of the Statute and Rules and Regulations have been met.
- c. Mississippi Section - This examination is a closed book examination prepared by the Board. Surveyor Interns who have passed the PPS Examination may apply for the Mississippi Section Examination on forms provided by the Board.

3. Compliance with Examination Policies and Procedures

- a. Examinees shall abide by the examination administrator's published examination policies and procedures. An examinee who does not fully comply with the examination administrator's requirements may, in addition to any action by the Board, be subject to dismissal from the remainder of the examination.
- b. Noncompliant Conduct in Association with Examinations. An examinee may be dismissed from the examination and subject to disciplinary or other Board action for conduct including, but not limited to:
 - 1) cheating on the examination,
 - 2) giving assistance to, or receiving assistance from, another person,
 - 3) compromising the integrity of the examination,
 - 4) disruptive or abusive behavior,
 - 5) participating in any form of violation of examination policies or procedures during an examination.

Rule 5.5 Classifications

1. Licensure or Enrollment – Applicants shall be licensed as "Professional Engineers" or "Professional Surveyors" or enrolled as "Engineer Interns" or "Surveyor Interns."
2. Disciplines of Engineering - Mississippi Statute makes no specific designations as to the disciplines of engineering practice for Licensure as Professional Engineer however, Rule 6.3.4 Competency for Assignments provides that a Professional Engineer shall practice only in the disciplines in which he or she is qualified by education and experience.

Rule 5.6 Applications for Enrollment and Licensure

1. Form of Application
 - a. All applications for enrollment or initial licensure shall be made on forms provided by the Board.
 - b. Application fees are as established by the Board in the fee schedule.
 - c. An application not properly completed, or not containing all the required information will be deemed incomplete and may be rejected with a statement of the reason for non-approval.
 - d. Applicants should allow at least thirty (30) days after the application is completed, with all required documentation submitted, for the Board to review and officially act upon the application.
2. Acceptance of Applications
 - a. Withholding of information, misrepresentations, or untrue statements will be cause for denial of an application.
 - b. Persons who have been previously disciplined by the Board shall appear before the Board and show cause why he or she should be accepted as an applicant for licensure or enrollment.
 - c. No person shall be eligible for enrollment or licensure who is not of good character and reputation.
3. Examinations
 - a. Individuals must apply for enrollment as an Engineer Intern to be cited by the Board for the FE examination.
 - b. Individuals must apply for enrollment as a Surveyor Intern to be cited by the Board for the FS Examination.
 - c. Individuals applying for licensure as a PE must have passed the PPE examination or SE examinations.
 - d. Individuals must apply for licensure as a PS to be cited by the Board for the PPS and Mississippi Section examinations.

4. Transcript - When the Board requires an official transcript showing the degree issued and date of issuance, it is the responsibility of the applicant to see that such a record is sent directly from the institution to the Board office. The Board will not take any action until such information is received.
5. Experience Record - In relating experience, an applicant must account for the entire period which has elapsed since the beginning of the experience record.
6. Residency Requirements
 - a. Only applicants who are residents of Mississippi may apply for initial enrollment as an Engineer Intern or Surveyor Intern or for initial licensure as a Professional Engineer or Professional Surveyor except as noted below. The Board may require the applicant to furnish proof that he or she is a legal resident of Mississippi. For the purposes of this rule, "legal resident" shall mean a natural person whose domicile is within the state of Mississippi. "Domicile" shall likewise mean the place where such a person resides with the intention of remaining there indefinitely or of returning there permanently when temporarily absent. Proof of legal residency may be shown by producing a valid Mississippi driver's license, a valid voter registration card, or a certificate evidencing homestead exemption status.
 - b. Initial PE applicants applying in accordance with the MOU between the Board and the Japan PE/FE Examiners Council (JPEC) are exempted from this rule requiring Mississippi residency.
 - c. Military personnel, their spouse or dependents who are otherwise qualified to sit for examinations, but whose legal residence is located outside the State of Mississippi, may apply if sufficient proof is produced showing permanent party or temporary duty assignment to a military installation located within this state.
 - d. Mississippi residency is not required for an applicant for Engineer Intern currently enrolled as an undergraduate or graduate student in an ABET/EAC accredited engineering curriculum within the State of Mississippi.
7. Applications from Applicants with Degrees from Foreign Schools
 - a. Degrees recognized by the Canadian Engineering Accreditation Board (CEAB) - An applicant with an engineering degree in a curriculum recognized by the Canadian Engineering Accreditation Board (CEAB) will be considered to hold a degree equivalent to the ABET/EAC accredited degree.
 - b. Non-ABET/EAC or Foreign Degrees – Undergraduate engineering degrees from universities that are not ABET/EAC accredited must be evaluated by the NCEES Engineering Education Standard. If the evaluation finds that a

degree does not meet the NCEES Engineering Education Standard, the applicant will not be allowed to apply but will be advised of the courses necessary to cure the deficiency. An applicant with an undergraduate non-ABET/EAC or foreign degree plus a graduate degree from a university in a curriculum which is ABET/EAC accredited at the undergraduate level will qualify for application; the undergraduate degree will not need to be evaluated.

- c. Language Comprehension - An initial applicant for licensure as a Professional Engineer or Professional Surveyor whose primary language is other than English, shall submit to the Board the results of an English language test, either the TOEFL examination or IELTS examination. If a TOEFL examination, a score of five hundred fifty (550) or higher is required if a paper-based test (PBT) or seventy-nine (79) if an internet-based test (iBT). A score of 6.5 or higher is required if the examination is IELTS. The test shall be taken within two years of the application date. An applicant who has received a degree from an institution in an English-speaking country will be exempt from this requirement.
- 8. Reconsideration of Action on an Application
 - a. Reconsideration request - An applicant may submit a written request for reconsideration of a denial of application if the request is based on additional information or evidence. Such additional information or evidence must be included with the applicant's written request for reconsideration. Such a request must be filed with the Board no later than thirty (30) days following the date of the notice of denial.
- 9. Disposition of Applications - Applications may be approved; deferred for more experience or additional references or other reasons; closed; or denied.
 - a. Approved applications - When an applicant has met the qualifications for licensure, the applicant shall be notified of licensure, and the action of the Board shall be spread on the minutes.
 - b. Deferred applications – Deferred applications shall remain on file for one (1) year from date of deferment. If the reason for deferment is not removed within this time, the application will be closed.
- 10. Reapplication - Any applicant not otherwise prohibited by the Board may reapply.
- 11. Retention of Applications - Records will be retained on file in the Board office for the period indicated:
 - a. Enrollees and Licensees – as required by Mississippi Department of Archives and History
 - b. Closed or denied applications – two (2) years

Rule 5.7 Comity Licensure

1. Requirements - Licensure as Professional Engineer or Professional Surveyor by comity will be granted provided the applicant is currently licensed and in good standing with other NCEES member Boards and meets all current Mississippi requirements. A PE comity applicant licensed prior to 1970 by examination requirements differing from these current rules may be deemed to meet current Mississippi examination requirements if the Board determines that the examinations completed are equivalent.
2. Surveyor Requirements - Licensure as a Professional Surveyor by comity will be granted only to applicants who are licensed after fourteen (14) hours of NCEES examinations, or its equivalency as determined by the Board. The Mississippi Section two-hour examination will be required of all applicants for licensure by comity.
3. Applications shall be made in accordance with these rules. If a properly executed NCEES Record, prepared by the NCEES Records office, is provided with certified copies verifying applicant's educational qualifications, experience record, responses from references and licensure in another state or states where the sixteen (16) hour examination was passed, the applicant will be required to complete only those sections of the application form dealing with General Information, Licensure in other states, and the Affidavit.
4. License - The license issued through comity for a Professional Engineer will bear the date the application is approved by the Board in accordance with Board procedures. The license issued through comity for a Professional Surveyor will bear the date the Mississippi Section examination is successfully completed.
5. Limited Licensure for Expert Technical Testimony
 - a. Subject to the provisions of item b. below, any person not licensed to practice engineering in this state and who desires to provide expert testimony in the field of engineering in the form of an opinion or otherwise in any judicial or administrative proceeding, must apply to the Board for a limited license. Said license shall be administratively granted, provided each such person shall:
 - 1) provide his or her full name, residence address, office address, voice and facsimile telephone numbers, and email address,
 - 2) provide the full name, office address, voice and facsimile telephone numbers, and email address for each Firm, practice group or other entity with which he or she is associated in the practice of engineering,

- 3) provide evidence that he or she is licensed to practice engineering in another jurisdiction and is in good standing in that jurisdiction,
- 4) bind himself or herself to adhere to the principles of ethics and professional responsibility generally applicable to persons licensed to practice engineering in Mississippi,
- 5) give notice to the Board of the fact of his or her initial appearance as aforesaid, in substantial compliance with a form to be made available by the Board prior to or within thirty (30) days after providing such testimony, as may be prescribed by the Board (no notice is required for subsequent appearances if the limited license is still current and in good standing),
- 6) pay the current application fee for the initial appearance and, if desired, renew the limited license when it expires, and
- 7) submit himself or herself to the authority of the Board of Licensure for the application, administration, and enforcement of this rule.

b. This rule does not apply to any practice, work or service exempt from Miss. Code Ann. Sections 73-13-1 through 73-13-45 and shall not be construed to prevent or affect the right of any person to provide testimony concerning any such practice, work or service. By way of example, and not of limitation, a person, who provides work or service "under the responsibility, checking and Supervision" of a licensee, may, without the limited license, testify fully in any judicial or administrative proceeding in this state concerning such work or services, including his or her opinions, other findings, and the grounds therefore relating to such work or services, including expert testimony in the field of engineering to the extent permitted or required by the court or agency within whose jurisdiction the testimony is provided and the judicial or administrative processes pertaining thereto.

c. Nothing contained in this rule or in the Board's administration thereof may unreasonably burden any state or federal court or any administrative agency in the administration of rules governing the permissibility of, and admissibility of, testimony by expert witnesses in the form of an opinion or otherwise.

Rule 5.8 Universal Recognition of Occupational Licenses Act

The board may, upon application therefor and the payment of a fee, issue a license as a professional engineer to any person who holds a license issued by proper authority of any state or territory or possession of the United States, or of any country, provided

that the applicant's qualifications meet the requirements of Statute and Rules and Regulations of the Board.

Part 901 CHAPTER 6: Licensees

Rule 6.1 Enrollment or Licensure

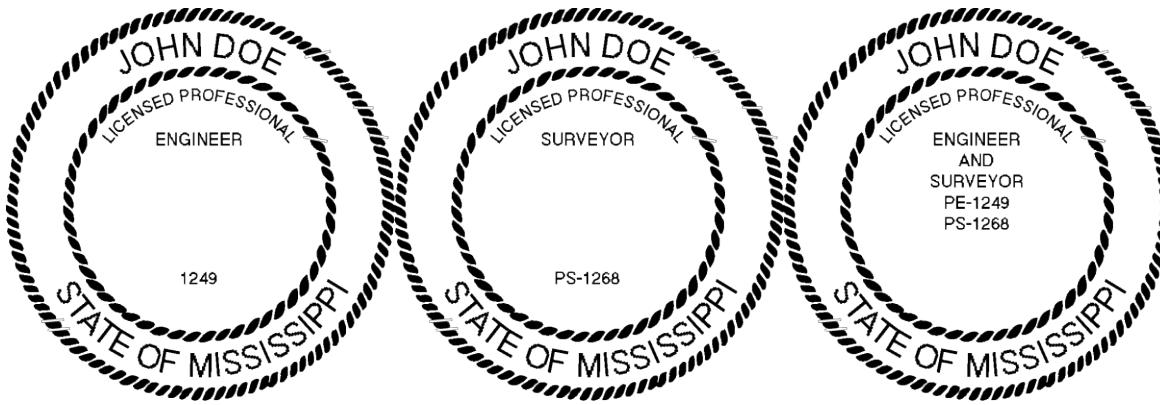
1. At the time an applicant is granted enrollment or licensure by the Board, he or she will be assigned an enrollment or license number. These numbers are unique to the applicant and will be issued consecutively.
2. Enrollment – Upon receipt of the enrollment fee the Executive Director will provide each enrollee with the following:
 - a. a letter which includes the effective date, basis of enrollment, and an assigned enrollment number as an Engineer Intern or Surveyor Intern, and
 - b. a certificate of enrollment.
3. Licensure – Upon receipt of the licensure fee the Executive Director shall provide each licensee with the following:
 - a. a letter which includes the effective date, basis of licensure, and an assigned license number as a Professional Engineer or Professional Surveyor, and
 - b. a certificate of licensure.
4. Replacement or Duplication of Certificates – An enrollee or licensee in good standing may submit a written request for a new certificate. The payment of a fee in the amount specified in the Fee Schedule is required.
5. Contact Information - It is the responsibility of each licensee to ensure the Board always has current information regarding his or her name, mailing address, phone number, employer, and email address with the Board.

Rule 6.2 Seals

1. Seal of the Board - The seal of the Board shall be circular in form, two (2) inches in diameter and shall be imprinted on all certificates issued by the Board.
2. Seal of the Licensee
 - a. Upon completion of licensure, the licensee will be advised that he or she shall secure an official seal which shall be applied to engineering drawings, specifications, reports and other engineering or surveying documents prepared by the licensee or under his or her responsible

supervisory control. Failure to secure a seal may result in disciplinary action by the Board.

- b. The seals to be used by the licensees are to be circular in form and from 1 5/8 inches to 2 inches in diameter. Illustrations of the seal designs are below:



PE

PS

Dual

- c. Seals obtained prior to the adoption of this rule, and which are in conformance with prior Board rules are acceptable.

3. Seal on Documents

- a. The seal, signature and date on a document constitute a certification that the document was prepared by the licensee or under his or her direct Supervision.
 - 1) Each sheet of plans, drawings, documents, specifications and reports for engineering practice and of maps, plats, charts shall be signed, sealed and dated by the licensee preparing them, prepared under his or her direct supervisory control, or reviewed by the licensee in sufficient depth to fully coordinate and assume responsibility for documents prepared by another Professional Engineer.
 - 2) Each sheet of maps, plats, charts, documents, and reports for land surveying practice shall be signed, sealed, and dated by the licensee preparing them or prepared under his or her direct supervisory control.
- b. Where more than one (1) sheet is bound together in one (1) volume, the licensee who prepared such volume, or under whose direction and control such volume was prepared, may sign, seal and date only the title or index

sheet, providing that the signed sheet clearly identifies all of the other sheets comprising the bound volume, and provided that any of the other sheets which were prepared by, or under the direction and control of, another licensee, be signed, sealed and dated by said other licensee.

- c. By applying his or her seal or signature to the final documents they signify that they have complied with the requirements of these Rules and Regulations and applicable state Statute.
- d. Additions, deletions, or other revisions affecting public health and safety, or state and local codes may be made only if they are subsequently signed, sealed, and dated by the licensee who made the revisions or under whose direction and control said revisions were made.

4. Prototypical Projects Documents prepared for projects that are designed by other engineers to be built in various locations with few changes, except site adaptation, may be sealed by a Mississippi Professional Engineer licensee under the following conditions:
 - a. written permission of the original engineer(s) to adapt the documents,
 - b. each sheet of plans, drawings, documents, specifications, and reports shall be signed, sealed, and dated by the engineer who performed the original design and shall also be signed, sealed, and dated by the Mississippi licensee who has reviewed the documents in sufficient depth to fully coordinate and assume responsibility,
 - c. documentation of all changes made to the original documents, and
 - d. the following written certification shall accompany the seal and signature on each sheet: "I have reviewed this document in sufficient depth to accept full responsibility for its contents and to assure code compliance and coordination."
5. Seal Care and Custody - The licensee shall exercise due and reasonable care in maintaining physical possession of his or her seal and its use. The licensee shall not willingly allow others to possess or use his or her seal in any way.

Rule 6.3 Code of Professional Conduct

The rules of professional conduct provided in this section are intended to safeguard the health, safety, and welfare of the public. They assure high standards of skill and practice in the engineering and surveying professions and maintain the integrity and reputation of the professions. The rules of professional conduct provided in this section shall be binding upon every licensee and on all Firms authorized to offer or perform engineering or surveying services in this jurisdiction.

1. Licensee's Obligation to the Public

- a. Licensees shall be cognizant that their first and foremost responsibility is to safeguard the health, safety, and welfare of the public when performing services for clients and employers.
- b. Licensees shall sign and seal only those plans, surveys, and other documents that conform to accepted engineering and surveying standards and that safeguard the health, safety, and welfare of the public.
- c. Licensees shall notify their employer or client, and such other authority as may be appropriate when their professional judgment is overruled when the health, safety, or welfare of the public is endangered.
- d. Licensees shall, to the best of their knowledge, include all relevant and pertinent information in an objective and truthful manner within all professional documents, statements, and testimony.
- e. Licensees shall express a professional opinion publicly only when it is founded upon adequate knowledge of the facts and a competent evaluation of the subject matter.
- f. Licensees shall issue no statements, criticisms, or arguments on engineering and surveying matters that are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking and reveal any interest they have in the matters.
- g. Licensees shall not partner, practice, or offer to practice with any person or Firm that they know is engaged in fraudulent or dishonest business or professional practices.
- h. Licensees who have knowledge or reason to believe that any person or Firm has violated any rules or Statutes applying to the practice of engineering or surveying shall report it to the Board, may report it to appropriate legal authorities, and shall cooperate with the Board and those authorities as requested.
- i. Licensees shall not knowingly provide false or incomplete information regarding an applicant seeking licensure.
- j. Licensees shall comply with the licensing Statutes and rules governing their professional practice in each of the areas in which they practice.

2. Licensee's Obligation to Employer and Clients
 - a. Licensees shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or surveying involved.
 - b. Licensees shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence,

nor to any such plan or document not prepared under their responsible charge.

- c. Licensees may accept assignments and assume responsibility for coordination of an entire project if each technical segment is signed and sealed by the licensee responsible for preparation of that technical segment.
- d. Licensees shall not reveal facts, data, or information obtained in a professional capacity without the prior consent of the client, employer, or public body on which they serve except as authorized or required by Statute or rules.
- e. Licensees shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients.
- f. Licensees shall disclose to their employers or clients all known or potential conflicts of interest or other circumstances that could influence or appear to influence their judgment or the quality of their professional service or engagement.
- g. Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to in writing by all interested parties.
- h. Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Conversely, licensees serving as members, advisors, or employees of a government body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body that they serve.
- i. Licensees shall not use confidential information received during their assignments as a means of making personal profit without the consent of the party from whom the information was obtained.

3. Licensee's Obligation to Other Licensees

- a. Licensees shall not falsify or permit misrepresentation of their academic or professional qualifications or those of their associates. They shall not misrepresent or exaggerate their degree of responsibility in prior assignments nor the complexity of said assignments. Presentations incidental to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.

- b. Licensees shall not offer, give, solicit, or receive, either directly or indirectly, any commission, or gift, or other valuable consideration to secure work, and shall not make any political contribution with the intent to influence the award of a contract by public authority.
 - c. Licensees shall not injure or attempt to injure, maliciously or falsely, directly, or indirectly, the professional reputation, prospects, practice, or employment of other licensees, nor indiscriminately criticize other licensees' work.
 - d. Licensees shall make a reasonable effort to inform another licensee whose work is believed to contain a material discrepancy, error, or omission that may impact the health, safety, or welfare of the public, unless such reporting is legally prohibited.
4. Character and Reputation The licensee shall be responsible for maintaining good character and reputation. Grounds for a disciplinary hearing which may result in the revocation of their license include suspension of a license by another jurisdiction, being a habitual drunkard, demonstrating gross immorality, being addicted to narcotics or illegal drugs, have been adjudged insane or incompetent by a court of competent jurisdiction, or being convicted of a felony or misdemeanor.
5. Competency for Assignments
 - a. The licensee may accept an assignment requiring education or experience outside his or her area of competence, but only to the extent that his or her services are restricted to those phases of the project in which he or she is qualified. All other phases of such projects shall be performed by licensees who may be associates, consultants or employees, qualified in the specific disciplines involved.
 - b. Professional Engineer, if properly qualified by training, education and experience, may perform construction management services without obtaining any additional license or certification, provided that the Professional Engineer does not perform any construction work on the project being managed.
6. Solicitation of Work
 - a. The Professional Engineer and the engineering Firm, is to seek professional employment based primarily on the qualifications and competencies required for proper accomplishment of the work. This process restricts the Professional Engineer or Firm from submitting a price for services until the prospective client has selected that Engineer or Firm, based primarily on stated qualifications and competencies, for final contractual negotiations. Competitive price proposals may not be

submitted or solicited for professional services unless all of the following restrictions are met:

- 1) the prospective client has first sought statements of qualifications from interested licensees,
- 2) a short-list of no more than five (5) licensees chosen by the client based on qualifications and competence for proper accomplishment of the work received in writing a comprehensive and specific Scope of Work,
- 3) when the Scope of Work has been prepared, signed and sealed by a licensed Professional 29 Engineer who has attested to the completeness and adequacy of the Scope of Work assuring that it fully identifies and describes the factors affecting the required engineering services,
- 4) assurances have been given by the prospective client that factors in addition to price were considered in selecting the Professional Engineer, and
- 5) neither the Professional Engineer that sealed the Scope of Work, nor this Professional Engineer's Firm will be allowed to submit a price proposal.

b. The Professional Surveyor, and the surveying Firm, is to seek professional employment based primarily on the qualifications and competencies required for proper accomplishment of the work. This process restricts the Professional Surveyor or Firm from submitting a price for services until the prospective client has selected that Surveyor or Firm, based primarily on stated qualifications and competencies, for final contractual negotiations. Competitive price proposals may not be submitted or solicited for professional surveying services unless all the following restrictions are met:

- 1) the prospective client has first sought statements of qualifications from interested licensees,
- 2) a short-list of no more than five (5) licensees chosen by the client based on qualifications and competence for proper accomplishment of the work received in writing in response to a comprehensive and specific Scope of Work prepared by the client or the client's representative that completely describes the factors affecting the required surveying services, and
- 3) assurances have been given by the prospective client that factors in addition to price were considered in selecting the Professional Surveyor.

Rule 6.4 Continuing Professional Competency

The purpose of the continuing professional competency (CPC) requirement is to demonstrate a continuing level of competency of licensees in their respective fields of engineering and surveying practice.

1. Introduction

- a. Every licensee shall meet the CPC requirements of these regulations for professional development as a condition for licensee renewal.
- b. All courses and activities shall have a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice in engineering or surveying.

2. Requirements

- a. Every Professional Engineer licensee is required to obtain fifteen (15) PDHs during every calendar year.
- b. Every Professional Surveyor licensee is required to obtain twelve (12) PDHs during every calendar year.
- c. Professional Surveyors are required to obtain training in Mississippi Standards of Practice as part of an annual PDH requirement. A Professional Surveyor with five (5) years or less licensure in Mississippi is required to obtain one (1) PDH in Mississippi Standards of Practice annually. Professional Surveyors with more than five (5) years licensure in Mississippi are required to obtain one (1) PDH in Mississippi Standards of Practice every biennial renewal period. Courses in surveying standards in other states may not be used to meet this requirement. However, standard courses from other states may be used as a portion of the licensee's remaining PDHs. Excess Mississippi Standards of Practice PDHs may not be carried forward.
- d. Dual Licensees are required to obtain eighteen (18) PDHs during every calendar year, at least one third (1/3) of which shall be obtained in each profession.
- e. A licensee shall be required to obtain one (1) PDH of ethics training as part of the PDH requirement every biennial renewal period. Excess ethics PDHs may not be carried forward.
- f. If a licensee exceeds the annual requirement in any year, PDHs may be carried forward into the subsequent year period as follows: a maximum of fifteen (15) PDHs by a Professional Engineer licensee; a maximum of twelve (12) PDHs by a Professional Surveyor licensee; a maximum of eighteen (18) PDH units by a Dual licensee. PDH units must be submitted during renewal to be considered for carryover.

3. Qualifying Activities to Earn PDHs
 - a. Successful completion of college courses.
 - b. Successful completion of short courses, tutorials, webinars, and distance-education courses offered for documented individual or group study. The method of delivery can be through face-to-face programs, live internet-based programs, archived prerecorded programs, or archived correspondence programs.
 - c. Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, conferences, or educational institutions.
 - d. Preparing and instructing the activities listed above.
 - e. Authoring published papers, articles, books, or accepted licensing examination items.
 - f. Membership or active participation in professional or technical societies, accrediting organizations, or regulatory boards. A licensee may claim the PDH credit for either membership or active participation for any particular organization but not both.
 - g. Obtaining a patent based on the creative work of the licensee.
 - h. Active participation in educational outreach activities pertaining to professional licensure or the surveying and engineering professions that involve K-12 or higher education students
4. Determination of Credit - The Board does not pre-approve PDHs but does have final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.
 - a. Credit for college or community college approved courses will be based upon course credit established by the college.
 - b. Credit for qualifying seminars and workshops will be based on one (1) PDH unit for each hour of attendance. Attendance at qualifying programs presented at professional or technical society meetings will earn PDH units for the actual time of each program.
 - c. Credit determination for activities 3.e, publishing paper, article, book, or accepted licensing examination items and 3.g, obtaining a patent is the responsibility of the licensee (subject to review as required by the Board) but shall not exceed ten (10) PDH units per year.
 - d. Credit for activity 3.f., active participation in professional societies, limited to two (2) PDH per organization, requires that a licensee serves as an officer or actively participated in a committee of the organization. PDHs are not earned until the end of each year.

- e. No more than eight (8) PDHs obtained during a twenty-four (24) hour period will be applied to meet the continuing professional competency requirements.
5. Units - The conversion of other units of credit or activities to PDH units is as follows:

a. One (1) semester hour	45 PDH
b. One (1) quarter hour	30 PDH
c. One (1) continuing education unit	10 PDH
d. One (1) Hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conferences	1 PDH
e. For teaching a. through d. above, multiply the PDHs by two (2)	
f. Each published peer-reviewed paper or book in the licensee's area of professional practice	10 PDH
g. Each published paper or article (other than 6.f. above) in the licensee's area of professional practice	5 PDH
h. Each Patent10 PDH	
i. Membership or active participation in a professional and technical society with a maximum of two (2) PDH per organization	
1) membership	1 PDH
2) active participation	2 PDH
j. Active participation in educational outreach activities, maximum of three (3) PDH	1 PDH
6. Teaching credit is valid for teaching a course or seminar for the first time only. Full-time faculty may not claim teaching credit associated with their regular duties.
7. Record keeping - The responsibility of maintaining records to be used to support credits claimed is the responsibility of the licensee.
 - a. Records required include, but are not limited to:
 - 1) a log showing the type of activity claimed, sponsoring organization, location, duration, name of the instructor or speaker, and PDH credits earned, and
 - 2) attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.
 - b. These records must be maintained for three (3) years. Copies must be provided if requested by the Board for audit verification purposes.

8. Exemptions - A licensee may be exempt from the professional development educational requirements for one of the following reasons:
 - a. New licensees by way of initial licensure or comity shall be exempt in the year they obtain their license.
 - b. Licensees serving on temporary active duty in the armed forces of the United States for a period exceeding one hundred twenty (120) consecutive days in a year shall be exempt during that year. Supporting documentation must be furnished to the Board.
 - c. Licensees experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the Board may be exempt. Supporting documentation must be furnished to the Board, upon request by the Board for audit verification purposes.
 - d. Professional Engineers and Professional Surveyors currently in Retired Status are exempt.
9. Reinstatement - A licensee with a lapsed license or a licensee in retired status may return to active status by obtaining the PDH units required for the most current one (1) year, which must include one (1) PDH unit of ethics. Dual licensees bringing only one (1) license to active status is required to obtain only the PDH units required for the license being renewed. If the license being brought to active status is a Professional Surveyor's license, one (1) PDH unit of Standards of Practice must be obtained.
10. Forms - All renewal applications will require a certification by the licensee that the CPC requirement for that year has been met and must be entered into the NCEES database or Board website portal.
11. Audits – Each licensee's Continuing Professional Competency records are subject to audit by the Board or its authorized representative.

Rule 6.5 Retired Licensees

1. Qualifications - A Professional Engineer or Professional Surveyor who chooses not to practice or offer to practice engineering or surveying in the State of Mississippi and having twenty (20) years of aggregate practice may request Retired Status on the annual licensure renewal form. The annual renewal fee for Retired Status is presented in the Fee Schedule. A licensee in Retired Status can continue to represent himself or herself to the public as a Professional Engineer or Professional Surveyor but cannot otherwise practice or offer to practice engineering or surveying in the State of Mississippi without completing the requirements to establish Active Status.
2. Listing in Roster - Licensees in Retired Status will be listed in the Roster as PE, Retired or PS, Retired.

3. **Reinstatement after Retirement** - Retired licensees wishing to be reinstated to Active Status shall be required to:
 - a. Submit an application to the Board.
 - b. Provide proof he or she has obtained the PDH requirements for one year, which must include one (1) PDH of Ethics. Dual Licensees bringing only one (1) license to Active Status are required to obtain the PDH units required for the license to be reinstated. If the license being brought to Active Status is a Professional Surveyor license, one (1) PDH unit of Standards of Practice for Surveying in Mississippi must be obtained. All PDH units being claimed for reinstatement must have been acquired within the previous year.
 - c. Submit payment for the annual renewal fee of an active license as set by the Board.

Rule 6.6 Expirations and Renewals

1. Enrollment as Engineer Intern or Surveyor Intern does not expire.
2. Professional Engineer, Professional Surveyor, and Certificate of Authority renewals are biennial. Unless renewed, a license becomes invalid on its expiration date.
 - a. All initial licenses shall expire on December 31st of the year they were issued.
 - b. All renewed licenses shall expire on December 31st of their biennial renewal period.
 - c. For dual licensees, the date of expiration of both licenses shall be determined by the date of expiration of the license to practice engineering.
3. **Notification of Renewal**
 - a. Each licensee shall be provided notice of the expiration date of the license and the renewal fee at least thirty (30) days prior to the expiration date thereof by email to the email address on record with the Board. Should the Board not have an e-mail address for a licensee, notices shall be mailed to the licensee's mailing address of record by first class United States mail at least thirty (30) days prior to the expiration date.
 - b. The responsibility for renewal rests solely with the individual licensee. Failure to receive notice does not relieve a licensee from the duty to timely renew their license prior to its expiration.
4. **Renewal Filing**

- a. To renew an expiring or expired license, a licensee shall complete the renewal application electronically using the Board's on-line portal located at <https://www.pepls.ms.gov>.
- b. The applicable renewal fee must likewise be paid on-line by credit or debit card only.
5. Late renewal is subject to a ten percent (10%) additional fee per month that payment is delayed.
6. After a license has expired for more than six (6) months, an application for reinstatement shall be required.

Rule 6.7 Reinstatement of Enrollment or License

1. Application for Reinstatement Any person whose enrollment or license has been revoked may not apply to the Board for reinstatement of the enrollment or license until two (2) years have elapsed since the final, effective date of revocation, except a person convicted of a crime of moral turpitude in which case five (5) years shall have elapsed since the final effective date of revocation and the person's civil rights shall have been restored. In the application for reinstatement, the application should state why the enrollment or license should be reinstated. Applicants must include in the application evidence that the current requirements for licensure or enrollment have been met and that the applicant is in good standing with the Board.
2. Board Action Upon receipt of such an application, the Board shall grant a hearing on reinstatement, at which time the applicant may appeal to the Board for reinstatement of the licensure or enrollment.

Part 901 CHAPTER 7: Standards of Practice for Surveying

Rule 7.1 Types of Surveys

Whenever a survey is performed, it shall comply with Section 73-13-71 (4), Section 73-13-73, and the Standards of Practice for Surveying in Mississippi as described below.

Types of surveys shall include, but not be limited to the following as described:

1. Boundary survey, route survey, easement survey, and lease survey shall mean a survey, the primary purpose of which includes, but is not limited to, determining the perimeter of a parcel or tract of land by establishing or re-establishing corners, and monuments, for the purposes of describing, platting, or dividing the parcel and preparing a description(s) of the parcel of land.

- a. If an easement survey is performed in conjunction with a boundary survey, route survey, or lease survey, and the easement is adjacent to and parallel with the boundary lines(s) created or re-established, then monumentation of the easement is not required.
 - b. If an easement survey is performed in conjunction with a boundary survey, route survey, or lease survey, and the easement is temporary in nature, then monumentation is not required.
2. "Topographic Survey" shall mean a survey of the natural and select man-made features of a part of the earth's surface by ground measurements or remote sensing to determine horizontal and vertical spatial relations of the features.
3. "Hydrographic Survey" shall mean a survey having for its principle purpose the determination of data relating to bodies of water and which may consist of the determination of one or several of the following classes of data: depth of water and configuration of bottom, directions and force of current, water stages, and location of fixed objects for survey and navigation purposes.
4. "Control Survey" shall mean a survey which provides horizontal or vertical position data for the support or control of subordinate surveying, mapping, or construction layout purposes.

Rule 7.2 Attesting to Quality and Responsibility for Surveys

To provide the client with the assurance that the work was performed under the direct Supervision of a licensee, and was performed in accordance with these Standards of Practice, documentation shall be sealed, signed, and dated by the licensee in responsible charge, including, but not limited to, the following:

1. When a boundary, route, easement, or lease survey is performed, a plat shall be prepared, and the plat shall bear the seal and signature of the Professional Surveyor in responsible charge as well as the date the seal was affixed to the plat.
2. When a topographic survey, hydrographic survey, or control survey is performed at the request of a client, any plat, map or report that is the final product of that licensee for that project shall bear the seal and signature of the Professional Surveyor or the Professional Engineer in responsible charge as well as the date the seal was affixed to the plat. If a topographic survey, hydrographic survey, or control survey is performed by a licensee to obtain data to be used by that licensee to perform calculations or to be incorporated into a final product of that project, then the final product of that project shall bear the seal and signature of the Professional Surveyor or the Professional Engineer in responsible charge as well as the date the seal was affixed to the plat.

Rule 7.3 Requirements

The boundary, route, easement, and lease survey plat shall conform to the following requirements and shall include the following information:

1. The plat shall be displayed on any reasonably stable and durable drawing paper, vellum, linen, or film of reproducible quality. No plat or map shall have dimensions of less than 8-1/2 x 11 inches.
2. The plat shall show the scale, area, and classification of the survey (A, B, or C). These classifications are based upon both the purposes for which the property is being used at the time the survey is performed and any proposed developments which are disclosed by the client. This classification must be based on the criteria set forth in Rule 7.4, and the survey must meet the minimum specifications set forth in Rule 7.5. The scale shall be sufficient to show detail for the appropriate classification.
3. The survey must be referenced to either true north, grid north, or the record bearing of a welldefined and monumented line found in (a) existing subdivisions; (b) city or town plats; or, (c) a previous survey when the current survey is a division of said previous survey and enough monumentation is available to establish the original orientation.
 - a. The reference meridian used must be clearly stated on the plat along with the method used to obtain it.
 - b. If a reference line is used as the reference meridian, the monuments used to determine the meridian shall be clearly shown and described on the plat and the reference line noted as such. The recording information of the source material used as the reference meridian shall also be stated.
4. All monuments, natural and artificial, found or set shall be shown and described on the survey plat. The monuments shall be noted as found or set. All monuments set shall be ferrous metal, or contain ferrous metal, not less than one-half (1/2) inch in diameter, and not less than eighteen (18) inches in length. All monuments set shall display the license number of the Professional Surveyor, the COA number of the Firm, or the name of the responsible government agency. Alternate monument types may be used in asphalt, concrete, rock, or other like materials where appropriate (e.g. nail with washer, cotton picker spindle, etc.). Use of alternate monument types does not relieve the surveyor from the obligation to display the license number, COA number, or name of the government agency. When a monument is found with a cap that contains the license number of the Professional Surveyor or the COA number of the Firm, the license or COA number shall be stated on the plat.

5. All corners shall be monumented, either by a found monument clearly described on the survey plat, or by a monument set as described above, except however:
 - a. a corner which falls in a creek, stream or ditch, or in a gravel or asphalt road. Courses that intersect a creek, stream, ditch, or road that is to be used as a boundary of the parcel being surveyed should have witness corners set on the line intersecting same and be clearly shown on the plat.
 - b. a corner which falls upon solid rock, concrete or other like materials which prevents displaying the license number of the Professional Surveyor, the COA number of the Firm, or the name of the responsible government agency. Such corners shall be marked in a permanent manner (chiseled mark, drilled hole, etc.) and clearly identified on the plat or witnessed by Witness Corners.
6. Witness Corners shall be set whenever a corner monument cannot be set (e.g. lake or pond) or is likely to be disturbed.
7. Any time witness corners are set, they shall be set as close as practical to the true corner and shall meet the same physical standards that would be required for the true corner. If only one (1) witness corner is set, it must be set on the actual boundary line or prolongation thereof. Otherwise, at least two (2) witness corners shall be set and so noted on the plat of the survey. The bearing and distance referencing the witness corners from the true corner shall be shown on the plat. If the witness corner is set on the boundary line, only the distance from the true corner is required to be shown.
8. The plat of a metes and bounds survey must clearly describe and show the monument marking the commencing point and the point of beginning for the survey. Commencing Point is a welldefined, monumented point referenced to the U.S. Public Land (GLO) Survey system or other recorded subdivision plat, recorded and monumented City or County plat or map, compatible with Mississippi Statutes for filing and recording of land ownership that is used in a metes and bounds description. Point of Beginning is a well-defined monumented point referenced to the U.S. Public Land (GLO) Survey system or recorded subdivision plat, recorded and monumented City or County plat or map, compatible with Mississippi Statutes for recording land ownership that is used as the beginning and ending point in a metes and bounds land description.
9. All discrepancies between the survey and the recorded description(s), and the source of all information used in making the survey shall be indicated. When an inconsistency is found, including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

10. A description and location of any physical evidence of occupation found along a boundary line, including but not limited to fences, walls, buildings, or monuments.
11. The horizontal length (distance) and direction (bearing or azimuth) of each line as specified in the legal description and as determined in the actual survey process.
12. Four (4) elements of all circular curves shall be shown (radius, arc length, chord bearing and chord length).
13. When a property description is required by the client, the description prepared by the Professional Surveyor should list all pertinent information that is shown on the survey plat to include, but not limited to: commencing point, point of beginning, course bearing and distances, description of all corner monuments, description and offset of witness corners and basis of bearings. If state plane coordinates are referenced as a part of the description, the items in Rule 7.3.18 shall also be included.
14. The lot and block or tract numbers or other designations, including those of adjoining lots and tracts if the survey is within a recorded subdivision.
15. Visible encroachments onto or from adjoining property or abutting streets with the extent of such encroachment. No sub-surface encroachments are required to be located unless their existence and location is furnished to the surveyor by the client.
16. All public and private rights-of-way or easements which are observed, adjoining, or crossing the land surveyed and pertinent to the survey. If streets or street rights-of-way abutting the land surveyed are not physically open, a note to this effect shall be shown upon the drawing.
17. Location of all permanent improvements which are relevant to the purpose of the survey being performed with reference to the boundaries.
18. Any time State Plane Coordinates are used in the process of conducting a survey, the following information shall be shown on the plat:
 - a. the State Plane Coordinates System Zone,
 - b. the horizontal or vertical datum used,
 - c. the method used to derive information such as Global Positioning System or conventional survey, including any published horizontal and vertical control points used (if any),
 - d. a combined or correctional factor,
 - e. the convergence angle,
 - f. the coordinates of a minimum of two (2) reference points relevant to the survey.

19. Regardless of the type of survey, a plat or survey shall bear the name, address, date of field survey, signature, and seal of the licensee in responsible charge. This signature and seal are certification that the survey meets the requirements of the Standards of Practice for Surveying in Mississippi as adopted by the Mississippi Board of Licensure for Professional Engineers and Surveyors. Other regulations including the Manual of Instructions for the Survey of U.S. Public Lands and all subdivision Laws and regulations of the State of Mississippi Statutes shall be followed.

Rule 7.4 Classification of Surveys

Class A Surveys - Surveys of extensively developed and expensive properties which require maximum surveying accuracy. This includes, but is not limited to, surveys of urban business district properties and highly developed commercial properties.

Class B Surveys - Surveys of properties which are subject to costly improvements and justify a high degree of surveying accuracy. This includes, but is not limited to, surveys of commercial properties and higher priced residential properties located outside urban business districts and highly developed commercial areas.

Class C Surveys - Surveys of all remaining properties which cannot be classified as Class A or B surveys.

Rule 7.5 Minimum Accuracy

1. Any time the survey utilizes a conventional traverse loop or traverse between known control monuments, the following parameters shall be satisfied.

PARAMETER	Survey Classification			Remarks and Formula
	A	B	C	
Unadjusted Closure (Minimum)	1:10,000	1:7,500	1:5,000	Loop or Between Control Monuments
Angular Closure (Minimum)	15" \sqrt{N}	25" \sqrt{N}	30" \sqrt{N}	N=Number of Angles in Traverse
Accuracy of Bearing	± 1 Min.	± 2 Min.	± 3 Min.	Relative to Source
Accuracy of Distances	0.03 ft. + 50ppm	0.05 ft. + 100ppm	0.07 ft. + 150ppm	100 ppm = 1:10,000
Elevations for Boundaries Controlled by Tides, Contours, Rivers, etc. Accurate to:	± 0.05 ft.	± 0.10 ft.	± 0.20 ft.	Based on NGVD/NAVD
Location of Improvements Structures, Paving, etc. (Tie Measurement)	± 0.1 ft.	± 0.2 ft.	± 1.0 ft.	

2. If radial survey methods such as global positioning systems (GPS) or other acceptable technologies or procedures are used to locate or establish points on the boundary survey, the Professional Surveyor shall apply acceptable surveying procedures and perform adequate quality control measures to ensure that the allowable positional accuracy and/or positional tolerance of such points are not exceeded.

Rule 7.6 Enforcement

Licensees failing to meet these standards of practice will be subject to appropriate disciplinary action by the Board.

Part 901 CHAPTER 8: Certificate of Authority

Rule 8.1 General Requirements for Certificates of Authority

1. Any Firm practicing or offering to practice engineering or surveying in the state of Mississippi must be licensed to practice with a Certificate of Authority from this Board.

2. An individual licensee practicing in their own name as a sole proprietorship shall not be required to obtain a Certificate of Authority.

Rule 8.2 Managing Agent

1. To qualify for an engineering Certificate of Authority, the Firm must designate at least one Mississippi-licensed Professional Engineer who is either a principal officer, partner, or the designated principal engineer of the Firm with management responsibility for the Firm's practice, and who makes significant technical or contractual judgments on behalf of the Firm which would affect the Firm's professional reputation and liability.
2. To qualify for a surveying Certificate of Authority, the Firm must designate at least one Mississippi-licensed Professional Surveyor who is either a principal officer, partner, or the designated principal surveyor of the Firm with management responsibility for the Firm's practice, and who makes significant technical or contractual judgments on behalf of the Firm which would affect the Firm's professional reputation and liability.
3. A licensee who renders occasional, part-time, or consulting services may not, for the purposes of this rule, be designated as being responsible for the professional services of the Firm.

Rule 8.3 Liability Not Affected

The Firm shall be responsible for the conduct or acts of its agents, employees, officers, partners, members, or managers operating or practicing under the Certificate of Authority. No individual practicing engineering or surveying services shall be relieved of responsibility for those services performed by reason of employment or other relationship with a Firm, corporation, or partnership holding a Certificate of Authority.

Rule 8.4 Applications

1. All applications for a Certificate of Authority shall be made on forms provided by the Board.
2. Application fees are as established by the Board.
3. An application not properly completed, or not containing all the required information will be deemed incomplete and rejected with a statement of the reason for non-approval.
4. Applicants for a Certificate of Authority should allow at least thirty (30) days after the application is completed, with all required documentation submitted, for the Board to review and officially act upon the application.

Rule 8.5 Expirations and Renewals

1. **Expiration Date and Renewal Periods** Certificate of Authority renewals are biennial. Unless renewed, the Certificate of Authority becomes invalid on its expiration date.
 - a. All initial Certificates of Authority shall expire on December 31st of the year they were issued.
 - b. All renewed Certificates of Authority shall expire on December 31st of their biennial renewal period.
2. **Notification of Renewal**
 - a. Each Firm shall be provided with notice of the expiration date of the Certificate of Authority and the renewal fee at least thirty (30) days prior to the expiration date thereof by email to the email address on record with the Board. Should the Board not have an e-mail address for a Firm, notices shall be mailed to the Firm's mailing address of record by first class United States mail at least thirty (30) days prior to the expiration date.
 - b. The responsibility for renewal rests solely with the individual Firm. Failure to receive notice does not relieve a Firm from the duty to timely renew their Certificate of Authority prior to its expiration.
3. **Renewal Filing**
 - a. To renew an expiring or expired Certificate of Authority, a Firm shall complete the renewal application electronically using the Board's on-line portal located at <https://www.pepls.ms.gov/>.
 - b. The applicable renewal fee must likewise be paid on-line by credit or debit card only.
4. Late renewal is subject to a ten percent (10%) additional fee per month that payment is delayed.
5. After a Certificate of Authority has expired for more than six (6) months, an application for reinstatement shall be required.

Part 901 CHAPTER 9: Disciplinary Actions

Rule 9.1 Anonymous Charges/Complaint

In instances in which the Board is presented with *prima facie* evidence of a violation of the Statute or these administrative rules and Regulations, a written charge by another will not be required.

Rule 9.2 Grounds for Disciplinary Action

1. The Board shall have the power to impose such disciplinary action as provided by Miss. Code Ann. Section 73-13-37 for any of the following reasons:
 - a. fraud or deceit in obtaining or attempting to obtain or renew a License or Certificate of Authority,
 - b. gross negligence, incompetence, or misconduct in the practice of engineering or surveying,
 - c. conviction of, or entry of a plea of guilty or nolo contendere, to any crime that is a felony, whether related to the practice of engineering or surveying or not,
 - d. conviction of, or entry of a plea of guilty or nolo contendere, to any crime, when an essential element of which is dishonesty or which is related to the practice of engineering or surveying,
 - e. violating any of the provisions of Miss. Code Ann. Sections 73-13-1 through 73-13-45, these administrative rules or the standards of ethics or conduct duly adopted and promulgated by the Board,
 - f. discipline (including voluntary surrender of an engineering or surveying license to avoid disciplinary action) by another jurisdiction,
 - g. failure to provide information requested by the Board,
 - h. knowingly making false statements or signing false statements, certifications, or affidavits in connection with the practice of engineering or surveying,
 - i. violating the terms of a Board Order or assisting another in violating the Statute, rules or Order of the Board,
 - j. violating the Code of Professional Conduct, and
 - k. providing false testimony or information to the Board.
2. In addition to any other sanction provided in this section, the Board shall have the power to sanction any Firm when one or more of its managing agents, officers, directors, owners, or managers have been found guilty of any conduct which would constitute a violation under the provisions of the Statute or the Rules, Regulations, or Orders of the Board:
 - a. place on probation, fine, recover costs from, or reprimand, and
 - b. revoke, suspend, or refuse to issue, or renew the Certificate of Authority.

Rule 9.3 Investigative Procedures

Upon the filing of a charge, the Executive Director shall refer the charge to a member of the Board, who is not otherwise disqualified, to undertake an investigation to determine whether the facts as alleged and evidence presented by the charge constitute a violation of Statute, rule, or the code of conduct.

During the next regular meeting of the Board after the investigation has been completed, the investigating Board member shall present the charge and his/her findings to the Board for its consideration and vote.

1. If the Board determines the charge is frivolous, unfounded or filed in bad faith, the charge shall be dismissed upon a majority vote of a quorum present. Such action shall be reflected in the Board's minutes, and written notice of the Board's decision shall be sent to the complainant by mail to his/her address as provided by the charge.
2. If the Board finds there are reasonable grounds to indicate a violation of Statute or rule has occurred, the Board shall, by majority vote of a quorum present, cause a hearing to be held upon the filing of its own formal Complaint and Notice of Hearing.

Neither the investigating Board member nor any Board member otherwise disqualified shall vote or otherwise participate in the disciplinary hearing resulting from that investigation.

Rule 9.4 Pre-Hearing Discovery.

There shall be no pre-hearing discovery. However, at least seven (7) working days prior to the date of a disciplinary hearing, the parties shall provide each other with a list containing the name, address, and telephone number of intended witnesses and copies of all exhibits intended to be introduced at hearing.

Rule 9.5 Notice of Formal Complaint and Disciplinary Hearing.

The respondent shall be served with the Board's formal Complaint and Notice of Hearing by certified mail, return receipt requested, to the respondent's address of record with the Board, at least thirty (30) days prior to the date of the scheduled hearing.

1. The formal Complaint shall state the facts which form the basis of the alleged violation of Statute or rule with reasonable specificity to enable the respondent to defend against the same. The Notice shall inform the respondent as to the date, time, and location of the hearing, and shall enclose a copy of these administrative rules.
2. The respondent may respond in writing to the allegations of the Complaint within twenty (20) days of the date of service and may choose to be represented by counsel at the disciplinary hearing. The answer, as well as any other documents which may be filed with the Board shall be mailed to the Board at 455 North Lamar Street, Suite 208, Jackson, MS 39202.

3. A motion for a continuance must be made in writing no later than five (5) business days prior to the date of a scheduled disciplinary hearing.

Rule 9.6 Informal Conference

A respondent may request an informal conference or may be requested to attend an informal conference with the investigative committee. The investigative committee shall be composed of the investigating Board member, the Executive Director, and Board counsel. The respondent has the right to have counsel present at the informal conference, but he/she may only serve in an advisory capacity. An informal conference is not an adversarial proceeding nor an administrative hearing.

1. Informal conferences are not official meetings of the Board.
2. Informal conferences shall be completed at least ten (10) days prior to any scheduled disciplinary hearing.
3. An informal conference resulting in settlement of the complaint shall be memorialized by Consent Order, subject to presentment and approval of the Board.
 - a. Should the Board approve the order as proposed by a majority vote of a quorum present, the action shall be reflected in by the Board's minutes.
 - b. Should the Board reject the order as proposed with no suggested amendment by a majority vote of a quorum present, the rejection shall be reflected by the Board's minutes, and the complaint shall be resolved by disciplinary hearing as scheduled or rescheduled if necessary.
 - c. Should the Board reject the order as proposed yet suggest an amendment by a majority vote of a quorum present, the amended order shall be presented to the respondent for concurrence, in which case the Board shall approve the amended order by majority vote of a quorum present, with both votes reflected by the Board's minutes. If the respondent shall not concur with the terms of the amended order, the complaint shall be resolved by disciplinary hearing as scheduled or rescheduled if necessary.

Rule 9.7 Consent Order

If, after receipt of the formal Complaint but prior to the scheduled disciplinary hearing, a respondent wishes to admit to the allegations of the Complaint and the consequent violation(s) of Statute or rule, a consent order may be entered into between the Board and the respondent, in settlement and in lieu of the disciplinary hearing. A consent order is subject to the approval of the Board. A consent order is voluntarily entered into by the respondent and shall not be subject to an appeal.

Rule 9.8 Conflict, Bias, and Disqualification

1. A respondent in a disciplinary proceeding may assert conflict or bias by filing with the Board at least three (3) days prior to a scheduled disciplinary hearing an affidavit asserting a conflict or bias against any member(s) of the Board, setting forth in sufficient detail the factual bias for the assertion.
2. A Board member shall not be entitled to participate in any disciplinary action if the Board determines such Board member is personally biased. The recusal or disqualification of Board members shall be considered on the record as a preliminary matter at the hearing before any other questions are decided.

Rule 9.9 Disciplinary Hearings

Conduct of Hearing

1. The Board may conduct disciplinary hearings with its Chair, or such other member of the Board as may be designated by the Chair, acting as the presiding officer or, the Board may appoint a hearing officer to preside. The presiding officer shall have the power to administer oaths, take witness testimony, receive evidence and rule upon all motions and objections.
2. Disciplinary hearings may be recorded and transcribed by a court reporter.
3. The Mississippi Rules of Civil Procedure and the Mississippi Rules of Evidence are inapplicable to the conduct of disciplinary hearings.
4. The Board, through its counsel, and the respondent each shall be permitted to make an opening statement and closing statement.
5. The Board, through its counsel, shall present its evidence first, followed by the respondent. Rebuttal witnesses may be called if necessary. Each witness called may be subject to direct examination, cross-examination, re-direct examination, and re-cross examination, if necessary and in that order. Each witness may be subject to additional examination by the members of the Board.
6. At the conclusion of the hearing, the Board may either decide the issue at that time or take the case under advisement for further deliberation. The presiding officer may make recommendations to the Board as to its adjudication and appropriate sanctions to impose upon the respondent.
7. The Board shall render its decision not more than ninety (90) days after the conclusion of the hearing and shall forward to the last-known business or residence address of the respondent, by certified or registered mail, return receipt requested, its written Order.

Rule 9.10 Discipline

In determining the sanction to impose upon a respondent found to have violated the Statute, rules, or code of conduct, the Board shall consider all relevant factors, including, but not limited, to the following:

1. the severity of the violation(s),
2. the actual or possible danger to the public resulting from the accused's past and present violation(s),
3. the actual damage resulting from the accused's past and present violation(s),
4. the number of past repetitions of the accused's present violation(s),
5. the length of time since the occurrence of the accused's present violation(s),
6. the number and seriousness of previous violations,
7. the length of time the licensee has practiced,
8. the deterrent effect of the penalty imposed,
9. the effect of the penalty upon the accused's livelihood,
10. any efforts of rehabilitation, and
11. any other mitigating or aggravating circumstances.

CODE OF ETHICS

Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity.

Engineering has a direct and vital impact on the quality of life for all people.

Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

I. Fundamental Canons

Engineers, in the fulfillment of their professional duties, shall:

- 1) Hold paramount the safety, health, and welfare of the public.
- 2) Perform services only in areas of their competence.
- 3) Issue public statements only in an objective and truthful manner.
- 4) Act for each employer or client as faithful agents or trustees.
- 5) Avoid deceptive acts.
- 6) Conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation, and usefulness of the profession.

II. Rules of Practice

1. Engineers shall hold paramount the safety, health, and welfare of the public.
 - 1) If engineers' judgment is overruled under circumstances that endanger life or property, they shall notify their employer or client and such other authority as may be appropriate.

- 2) Engineers shall approve only those engineering documents that are in conformity with applicable standards.
- 3) Engineers shall not reveal facts, data, or information without the prior consent of the client or employer except as authorized or required by law or this Code.
- 4) Engineers shall not permit the use of their name or associate in business ventures with any person or firm that they believe is engaged in fraudulent or dishonest enterprise.
- 5) Engineers shall not aid or abet the unlawful practice of engineering by a person or firm.
- 6) Engineers having knowledge of any alleged violation of this Code shall report thereon to appropriate professional bodies and, when relevant, also to public authorities, and cooperate with the proper authorities in furnishing such information or assistance as may be required.

2. Engineers shall perform services only in the areas of their competence.
 - 1) Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
 - 2) Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
 - 3) Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.
3. Engineers shall issue public statements only in an objective and truthful manner.
 - 1) Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.

- 2) Engineers may express publicly technical opinions that are founded upon knowledge of the facts and competence in the subject matter.
- 3) Engineers shall issue no statements, criticisms, or arguments on technical matters that are inspired or paid for by interested parties, unless they have prefaced their comments by explicitly identifying the interested parties on whose behalf they are speaking, and by revealing the existence of any interest the engineers may have in the matters.

4. Engineers shall act for each employer or client as faithful agents or trustees.

- 1) Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.
- 2) Engineers shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
- 3) Engineers shall not solicit or accept financial or other valuable consideration, directly or indirectly, from outside agents in connection with the work for which they are responsible.
- 4) Engineers in public service as members, advisors, or employees of a governmental or quasi-governmental body or department shall not participate in decisions with respect to services solicited or provided by them or their organizations in private or public engineering practice.
- 5) Engineers shall not solicit or accept a contract from a governmental body on which a principal or officer of their organization serves as a member.

5. Engineers shall avoid deceptive acts.

- 1) Engineers shall not falsify their qualifications or permit misrepresentation of their or their associates' qualifications. They shall not misrepresent or exaggerate their responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or past accomplishments.

2) Engineers shall not offer, give, solicit, or receive, either directly or indirectly, any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work. They shall not pay a commission, percentage, or brokerage fee in order to secure work, except to a bona fide employee or bona fide established commercial or marketing agencies retained by them.

III. Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.

- 1) Engineers shall acknowledge their errors and shall not distort or alter the facts.
- 2) Engineers shall advise their clients or employers when they believe a project will not be successful.
- 3) Engineers shall not accept outside employment to the detriment of their regular work or interest. Before accepting any outside engineering employment, they will notify their employers.
- 4) Engineers shall not attempt to attract an engineer from another employer by false or misleading pretenses.
- 5) Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.

2. Engineers shall at all times strive to serve the public interest.

- 1) Engineers are encouraged to participate in civic affairs; career guidance for youths; and work for the advancement of the safety, health, and well-being of their community.
- 2) Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.

- 3) Engineers are encouraged to extend public knowledge and appreciation of engineering and its achievements.
- 4) Engineers are encouraged to adhere to the principles of sustainable development¹ in order to protect the environment for future generations.

3. Engineers shall avoid all conduct or practice that deceives the public.

- 1) Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.
- 2) Consistent with the foregoing, engineers may advertise for recruitment of personnel.
- 3) Consistent with the foregoing, engineers may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.

4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.

- 1) Engineers shall not, without the consent of all interested parties, promote or arrange for new employment or practice in connection with a specific project for which the engineer has gained particular and specialized knowledge.
- 2) Engineers shall not, without the consent of all interested parties, participate in or represent an adversary interest in connection with a specific project or proceeding in which the engineer has gained particular specialized knowledge on behalf of a former client or employer.

5. Engineers shall not be influenced in their professional duties by conflicting interests.

- 1) Engineers shall not accept financial or other considerations, including free engineering designs, from material or equipment suppliers for specifying their product.
- 2) Engineers shall not accept commissions or allowances, directly or indirectly, from contractors or other parties dealing with clients or employers of the engineer in connection with work for which the engineer is responsible.

6. Engineers shall not attempt to obtain employment or advancement or professional engagements by untruthfully criticizing other engineers, or by other improper or questionable methods.

- 1) Engineers shall not request, propose, or accept a commission on a contingent basis under circumstances in which their judgment may be compromised.
- 2) Engineers in salaried positions shall accept part-time engineering work only to the extent consistent with policies of the employer and in accordance with ethical considerations.
- 3) Engineers shall not, without consent, use equipment, supplies, laboratory, or office facilities of an employer to carry on outside private practice.

7. Engineers shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other engineers. Engineers who believe others are guilty of unethical or illegal practice shall present such information to the proper authority for action.

- 1) Engineers in private practice shall not review the work of another engineer for the same client, except with the knowledge of such engineer, or unless the connection of such engineer with the work has been terminated.
- 2) Engineers in governmental, industrial, or educational employ are entitled to review and evaluate the work of other engineers when so required by their employment duties.
- 3) Engineers in sales or industrial employ are entitled to make engineering comparisons of represented products with products of other suppliers.

8. Engineers shall accept personal responsibility for their professional activities, provided, however, that engineers may seek indemnification for services arising out of their practice for other than gross negligence, where the engineer's interests cannot otherwise be protected.

- 1) Engineers shall conform with state registration laws in the practice of engineering.

- 2) Engineers shall not use association with a nonengineer, a corporation, or partnership as a "cloak" for unethical acts.
9. Engineers shall give credit for engineering work to those to whom credit is due, and will recognize the proprietary interests of others.
 - 1) Engineers shall, whenever possible, name the person or persons who may be individually responsible for designs, inventions, writings, or other accomplishments.
 - 2) Engineers using designs supplied by a client recognize that the designs remain the property of the client and may not be duplicated by the engineer for others without express permission.
 - 3) Engineers, before undertaking work for others in connection with which the engineer may make improvements, plans, designs, inventions, or other records that may justify copyrights or patents, should enter into a positive agreement regarding ownership.
 - 4) Engineers' designs, data, records, and notes referring exclusively to an employer's work are the employer's property. The employer should indemnify the engineer for use of the information for any purpose other than the original purpose.
 - 5) Engineers shall continue their professional development throughout their careers and should keep current in their specialty fields by engaging in professional practice, participating in continuing education courses, reading in the technical literature, and attending professional meetings and seminars.

REFERENCES

Mississippi Board of Licensure for Professional Engineers & Land Surveyors – Licensure Laws

<https://www.pepls.ms.gov/licensure-law>

Mississippi Board of Licensure for Professional Engineers & Land Surveyors – Rules & Regulations

<https://www.pepls.ms.gov/sites/pepls/files/PEPLS%202020/Rules%20%26%20Regulation/Final%20Admin.%20Rules%2008-20-25.pdf>

Mississippi Code of 1972 Unannotated: Title 73 Professions and Vocations, Ch. 13 Engineers and Land Surveyors, (§73-13-1 to §73-13-43)

[https://www.pepls.ms.gov/sites/pepls/files/PEPLS%202020/Licensure%20Law/Law2019Final%20\(7%20%201%20%202019\).pdf](https://www.pepls.ms.gov/sites/pepls/files/PEPLS%202020/Licensure%20Law/Law2019Final%20(7%20%201%20%202019).pdf)

Mississippi Administrative Codes: Title 30 Professions and Occupations, Part 901 Rules and Regulations of the Mississippi Board of Licensure for Professional Engineers and Surveyors, (Ch. 1 Rule 1.1 to Ch. 9 Rule 9.10)

<https://www.sos.ms.gov/adminsearch/default.aspx>

National Society of Professional Engineers, Code of Ethics

<http://www.nspe.org/resources/ethics/code-ethics>