State of Oregon

Reference Manual for Building Officials

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Reference Manual for Building Officials

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Introduction

This manual has been prepared and published by the Oregon State Board of Examiners for Engineering & Land Surveying (OSBEELS) and the Oregon State Board of Architect Examiners (OSBAE) with consultation provided by the Oregon Building Codes Division (BCD).

The purpose of the manual is to aid Oregon Building Officials and the general public in understanding the laws governing the practices of architecture and engineering in Oregon. Contact information for Construction Contractors Board, Landscape Contractors Board, Landscape Architect Board, and the Oregon State Board of Geologist Examiners are also included on page 28.

This information is provided as part of a continuing effort to safeguard the health, safety, and welfare of the public through proper enforcement of the legal requirements for design, supervision/observation, construction, and inspection of buildings in Oregon.

For this manual, the term “building official” encompasses the global role of protecting the health, safety, and welfare of the public.

OSBAE and OSBEELS assure the public that only those individuals who have met minimum professional standards of education, experience, and examination may plan, design, and supervise the erection of non-exempt structures.

Note:

Text in this manual that is in italics is the actual wording from the Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR). Every effort has been made to see that references to the ORS, OAR, and State Building Codes were accurate at the time this document was published. However, statutes, rules, codes, and agency policies are subject to change.

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1 The Practices of Architecture and Engineering

The Practice of Architecture

ORS 671.020 states:

> *In order to safeguard health, safety and welfare and to eliminate unnecessary loss and waste in this state, a person may not engage in the practice of architecture … without first qualifying before the State Board of Architect Examiners and obtaining a certificate of registration …*

The "practice of architecture" means any one or combination of the following practices by a person or firm:

- Planning
- Designing
- Supervising the erection, enlargement, or alteration of any building or of any appurtenance thereto other than for exempted buildings

ORS 671.010(7) defines the practice of architecture as:

> *… the planning, designing or observing of the erection, enlargement, or alteration of any building or of any appurtenance thereto other than exempted buildings.*

The Practice of Engineering

ORS 672.020 states:

> *In order to safeguard life, health, and property, no person shall practice or offer to practice engineering in this state unless the person is registered and has a valid certificate to practice engineering …*

In Oregon, the "practice of engineering" means any professional services requiring:

- Engineering education, training, and experience and
- Applying special knowledge of the mathematical, physical, and engineering sciences.

The following services may be offered by an Oregon registered engineer under ORS 672.005:

> *… consultation, investigation, testimony, evaluation, planning, design, and services during construction, manufacture, or fabrication for the purpose of ensuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects.*

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2 Considerations for Building Officials When Issuing Building Permits

Is an Architect or Engineer Required on a Project?

One of the first assessments to be done by the building official when receiving construction documents for permitting purposes is a determination as to whether or not the project is required to be designed by an architect or engineer. Besides those in the Oregon Structural Specialty Code (OSSC), there are three important definitions that come from the architecture and engineering laws and rules. The first two are "exempt" and "non-exempt" buildings as defined in both the architecture and engineering laws. The third term, "significant structures," is found in the engineering laws. Additionally, the person who possesses a professional registration should act in the capacity of the "Registered Design Professional in Responsible Charge" as used in the OSSC.

Exempt Buildings

The architecture and engineering laws and rules provide an area where a person who is not registered as an architect or engineer may plan, design, and supervise the erection, enlargement, or alteration of a building. These buildings are considered exempt.

The following are exempt from the architecture and engineering laws:

1. Detached single family residential dwellings.
2. Farm/agriculture buildings, as defined in ORS 455.315(2).
3. Structures used in connection with, or auxiliary to, single-family dwellings or farm buildings. These include but are not limited to three-car garages, barns, sheds, or shelters used for housing of domestic animals or livestock. (ORS 672.107).
4. Any other building where the ground area is 4,000 square feet or less and the building is not more than 20 feet in height from the top surface of the lowest flooring to the highest overhead interior finish. The architecture rule OAR 806-010-0002 defines ground area and height limitations. The engineering rule OAR 820-040-0005 defines ground area and height limitations slightly differently as shown in brackets.
    a. [As used in ORS 672.060(11) and 672.107(1)(a)(B),] "Ground Area" shall mean [is defined as] any projected or suspended occupied areas above the ground level in combination with areas in contact with the ground. Measurements in determining the ground area shall be taken from outside wall to outside wall and shall include the sum of the areas of all additions and the area of the original structure. The ground area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.
    b. [As used in ORS 672.060(11) and 672.107(1)(a)(B),] "Height" shall be [is] measured from the top surface of the lowest flooring to the highest interior overhead finish of the structure in determining whether a building exceeds the 20 foot height limitation.
    A basement floor is considered the lowest flooring when usable (i.e., storage, garage, etc.).
5. Alterations or repairs to a building when the structural elements of a building are not involved, or when the occupancy or type of classification of the building, or portion of the building, has not changed.

Commentary:

For a building to be considered exempt under the height and ground area limitations it must meet all limitations; or it will not qualify as an exempt building.

The definition of height in the architecture and engineering rules and laws is used to determine whether a registered professional is required for the project. There is also a definition of height in the OSSC, but it is used to determine the need for sprinklers, building construction type, etc. The OSSC definition of height is not related to professional license requirements for the designs.

Non-Exempt Buildings

Except for detached single family dwellings and farm/agriculture buildings, all buildings exceeding the exempt size limitation—ground area of over 4,000 square feet, or height limit of over 20 feet in height—are considered non-exempt buildings, if either limitation is exceeded the services of a registered professional are required. ORS 455.062(1) authorizes BCD to provide typical plans and specifications for metal and wood-framed, Group U structures of any size (defined as "buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy…").

Commentary:

Below are examples of determinations of non-exempt structures.

Case A: The interior of a 750-square-foot space within an existing 8,000-square-foot building will be remodeled. The scope of work includes structural modifications. Although the office being remodeled is less than 4,000 square feet, it is a non-exempt project because the square footage of the entire existing structure must be considered when determining whether the building meets the ground area limitations of an exempt structure. It is also non-exempt because structural modifications are included in the scope of work.

Case B: A 4,050-square-foot structure is being remodeled. There will be no structural modifications, but the occupancy classification will change from a single family residence to a coffee house. Since this is a remodel involving interior space planning/ renovations and there are no structural modifications, one might believe this to be an exempt building, but it is not because of the change in the occupancy classification. If the remodel had not changed the occupancy classification, and there were no structural modifications, then this would be considered an exempt structure.

Case C: A 2,000-square-foot small office building will be remodeled by adding a second story to the existing building. The renovations will cause the building to exceed 20 feet in height, and will also include a new stairway to the second floor. Due to the increased height of the structure and the structural modifications, this is now considered a non-exempt structure.

Significant Structures

Registered structural engineers or registered architects qualified by experience, training and knowledge in this area of work are the only professionals allowed to prepare drawings, specifications, computations, or other structural engineering services involving the primary frame and lateral force resisting system or load resisting system of a structure, including its elements or parts, on projects defined as significant structures.

The engineering law ORS 672.107 defines significant structures as:

> *(A) Hazardous facilities and special occupancy structures, as defined in ORS 455.447;*
> *(B) Essential facilities, as defined in ORS 455.447, that have a ground area of more than 4,000 square feet or are more than 20 feet in height;*
> *(C) Structures that the Director of the Department of Consumer and Business Services determines to have irregular features; and*
> *(D) Buildings that are customarily occupied by human beings and are more than four stories or 45 feet above average ground level.*

The engineering rule, OAR 820-040-0020 also provides,

> *"Structural Engineering" means that branch of professional engineering that provides analysis, design, evaluation or review of structures or their elements, parts or systems for support of external forces such as gravity, lateral loading, temperature, seismic influence, etc.*
>
> *(1) Structural engineering services for significant structures, as referred to in ORS 672.002 to 672.325, shall mean structural engineering for the primary structural frame or load resisting system and its elements or parts. The primary frame shall be that portion of the structure, which provides the overall stability of the structure. Elements, components, or parts of the structure, which are not part of the primary frame do not require the services of a professional structural engineer.*
>
> *(2) A "Structural Engineer" is a registered professional engineer who passes a structural engineering examination recognized by the Board and meets the other necessary qualifications for registration under ORS 672.002 to 672.325.*

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3 Professional Stamp and Seal Requirements for Architects and Engineers

The terms “stamp” and “seal,” as used in this manual and in the engineering laws and rules, are used interchangeably. The architect laws and rules refer to the term “stamp.”

Professional Stamp (Architect)

Every registered architect is required by law to obtain a stamp bearing his or her name only, together with the city and state in which the architect’s principal office is located. The stamp must bear the legend, “REGISTERED ARCHITECT, STATE OF OREGON.” The stamp may, but need not, include the architect’s registration number. The following is a facsimile of the design and the lettering of the stamp:

ORS 671.020(5) states:

> *All drawings and the title page of all specifications intended for use as construction documents in the practice of architecture must bear the stamp of a registered architect and be signed by the architect.*

OAR 806-010-0045(5) requires that the

> *... stamp with the registrant’s manual or digital signature must appear on the title page of specifications and on every sheet of the drawings intended for permit or construction, whether or not the project is exempt. ... The originals may be reproduced for permit and construction purposes.*

Modifications to construction documents, additional drawings, and specifications that become part of change orders and/or addenda to alter those documents must bear the stamp and signature of the registered architect responsible for the modifications (OAR 806-010-0115).

Registered architects are required to place their stamp and signature on all construction documents relating to architectural work that they perform, whether the building or structure in question is exempt or non-exempt (OAR 806-010-0045(5)). Preliminary drawings by architects not intended to be used as construction documents are not required by law to be stamped. Only those documents that are ready to be used for construction must be so stamped and signed.

Commentary:

The architect must exercise the requisite professional judgment about, and make the decisions upon, all matters embodied within the construction documents they have stamped and signed. According to ORS 671.020(5): the stamp and signature constitute

> *... certification that the architect has exercised the requisite professional judgment about and made the decisions upon all matters embodied within those construction documents, that the documents were prepared either by the architect or under the direct control and supervision of the architect and that the architect accepts responsibility for them.*

Architects who are provided with a pre-existing set of construction documents may not simply review and sign them (OAR 806-010-0045(7)).

All construction documents issued by an architectural firm, corporation, or partnership are required by law to bear the corporate or assumed business name, in addition to the stamp and signature of the responsible architect (ORS 671.041(4)).

Professional Seal (Engineer)

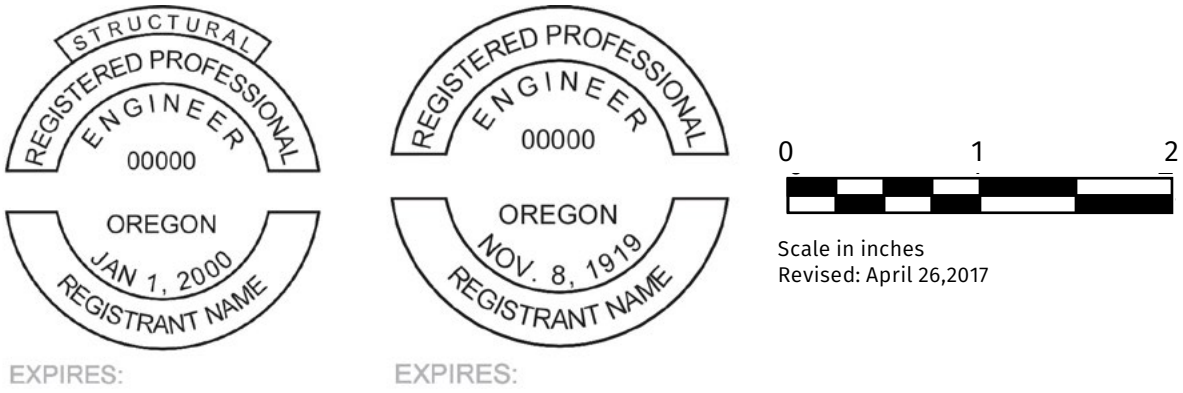
Each registered professional engineer shall, upon registration, obtain a seal of the design authorized by OSBEELS. Every final document, or the cover or closing page of a bound document–including but not limited to calculations, specifications, designs, reports, narratives, and maps issued by a registrant–shall bear the seal and be signed by the registrant. ORS 672.020 states:

> *The signature and stamp of a registrant constitute a certification that the document was prepared by the registrant or under the supervision and control of the registrant.*

"Final document" is defined by OSBEELS in OAR 820-025-0015.

> *(1) All final documents identified in ORS 672.020(2), 672.025(2), and 672.028(2) must bear the seal and signature of the registrant under whose supervision and control they were prepared.*
> *(2) Documents that are not final documents must be marked as "preliminary", "not for construction", "review copy", "draft copy, subject to change", or with some similar wording to indicate that the documents are not intended to represent the final work product of the registrant. Documents submitted to a client, customer, public entity, or any other person, are final documents and must bear the seal and signature of the registrant under whose supervision and control they were prepared, unless such document is clearly marked as not a final document.*

The following is a facsimile of the design and the lettering of the seals:



Scale in inches
Revised: April 26,2017

Commentary:

OSBEELS has determined the following with respect to seals and signatures:

- Registrants' signature shall either be handwritten in permanent ink or digital per OAR 820-025-0005.
- Original seals must be of the size as shown above to scale within a ¼" tolerance. The term "renews" may be substituted for the term "expires" at the discretion of the registrant. Reduced-size original seals are not permitted on an original drawing set; however, copy reductions of an original document are permitted.
- It is not acceptable to use an out-of-state engineer's seal on Oregon projects unless a temporary permit has been issued by OSBEELS with approved verbiage as currently issued by OSBEELS.
- When a final document requires the expertise of more than one registrant, the document must contain seals and signatures on that portion for which each registrant maintained supervision and control of the work. In order to maintain clarity of responsibility, OAR 820-025-0025 provides

> *... no more than one registrant will seal documents unless it is clearly explained and denoted on the document by all registrants which portion of the work each registrant prepared and for which each registrant is responsible.*

When possible, it is most appropriate for each registrant to prepare separate drawings and calculations indicating exactly what that registrant has designed and for what he or she is taking responsibility.

Supervision (Documents)

Architect:

In accordance with ORS 671.020(5), all work bearing the stamp and signature of an architect must have been prepared under the architect's direct control and supervision. OAR 806-010-0045(6) states

> *By signing and sealing a technical submission, the architect represents that the architect was in responsible control over the content of such technical submissions during their preparation and has applied the required professional standard of care.*

Engineer:

ORS 672.002 (10) supervision and control. Definitions for ORS 672.002 to 672.325 discuss supervision and control of engineering work as follows:

OAR 820-005-0080 "supervision and control" states that

> *Supervision and control,' as used in ORS 672.002(10), means establishing the nature of, directing and guiding the preparation of, and approving the work product and accepting responsibility for the work product, as evidenced by performing the following:*
> *(a) Spending time directly supervising the work to assure that the person working under the licensee is familiar with the significant details of the work;*
> *(b) Providing oversight, inspection, observation and direction regarding the work being performed;*
> *(c) Providing adequate training for persons rendering services and working on projects under the licensee;*

(d) Maintaining readily accessible contact with the person providing services or performing work by direct proximity or by frequent communication about the services provided or the work performed. Communications between the licensee and persons under the licensee's supervision and control include face-to-face communications, electronic mail, and telephone communications and similar, other communications that are immediate and responsive; and
(e) Applying the licensee's seal and signature to a document.

Commentary:

All drawings and the title page of specifications and calculations for nonexempt buildings must be stamped or sealed and signed by a registered architect or professional engineer, and each individual document must bear the stamp or seal of the professional responsible for its preparation. It is common for a set of construction documents to include individual drawings and specifications prepared and stamped or sealed by the appropriate professionals.

If the documents for an exempt structure are prepared by an architect, the documents must be stamped and signed according to ORS 671.025(2) and OAR 806-010-0045(3). If the documents for an exempt structure are prepared by an engineer, the documents must be sealed and signed according to ORS 672.060 plus digital signature. OAR 806-010-0045(3) states,

> *All technical submissions which are required by public authorities for building permits or regulatory approvals, or are intended for construction purposes, including all addenda and other changes to such submissions, shall be sealed and signed by the architect.*

Supervision / Observation (Construction)

Architect:

The architect law uses the term "observation" rather than supervision. OAR 806-010-0050 defines "observation" as used in the definition of architecture in ORS 671.010(7) to mean the administration of the construction contract which includes:

> *(a) Interpretation of construction documents during the construction phase; and*
> *(b) Visiting the construction site through substantial completion on a periodic basis as is necessary to determine that the work is proceeding generally in accordance with the construction documents.*

According to OAR 806-010-0050(3)

> *In accordance with ORS 671.010(7), observation of a non exempt project constitutes the practice of architecture and therefore must be provided by an Oregon registered architect or engineer.*

Oregon registered architects are charged with providing observation of all work bearing their stamp and signature. If an architect will not be performing the required observation, they must provide notification as stated below in the commentary section.

Engineer:

The engineering laws and rules are silent on requirements for construction supervision by engineers.

Commentary:

OAR 806-010-0050(2) states,

> *Architects must observe all projects they stamp, with the exception of exempt projects. Such observation may be performed by persons under the architect's responsible control. If the architect will not be providing the required observation on non exempt projects, the architect must so advise the primary authority having jurisdiction and the Board in writing within 30 days of when the architect becomes aware that he or she will not be providing observation. This written notice must also include the project address and project owner's name.*

If an architect's or engineer's professional judgment is overruled under circumstances where the health, safety, property, and welfare of the public may be endangered, they must inform the employer or client of the possible consequences and notify the appropriate building officials and such other authority as may be appropriate, according to OAR 806-010-0050(2) and OAR 806- 020-0020.

The Implications of Design Build

Within the construction industry the phrase "design build" is used most often when a construction contractor is offering architectural or engineering services as appurtenant to construction services. All of the laws and regulations regarding the practices of architecture and engineering still apply. OAR 806-010-0078 and OAR 820-010-0715 establish the conditions under which a construction contractor can offer architectural or engineering services. It is clear under these rules that the architectural and engineering services themselves are to be provided by architects and engineers respectively, not by the contractor. For the building official, this means that all construction documents submitted for permit for non-exempt buildings must be sealed and signed by the registered architect or professional engineer.

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4 Frequently Asked Questions & Commentaries

Appurtenances

1. **What are considered appurtenances to a building/structure?**
   Engineering rule OAR 820-040-0005(4) defines "appurtenances" as used in ORS 672.060(10) to mean a separate structure that:

   ... is to be used for a single family residential dwelling or farm building or is a structure used in connection with or auxiliary to a single family residential dwelling or farm building, including but not limited to a three-car garage, barn or shed or a shelter used for the housing of domestic animals or livestock.

   Architect Rule OAR 806-010-0001(3) defines the term "appurtenances" as

   ... those systems, equipment and/or elements, whether interior or exterior, that are necessary to the overall function of a building.

2. **Does the design of appurtenances for non-exempt building/structures have to be done by a registered professional?**
   Yes. The appurtenances would require the services of an engineer and/or architect.

Exempt vs. Non-Exempt Structures

3. **How do I measure the square footage of the ground area to determine whether the structure is exempt or non-exempt?**
   OAR 806-010-0002 and OAR 820-040-0005(1) determine the ground area by measuring

   ... from outside wall to outside wall and shall include the sum of the areas of all additions and the area of the original structure.

   OSBAE rules state that "Ground Area" shall be measured to include the total area within all surrounding exterior walls and includes areas not provided with surrounding walls under the horizontal projections of a roof or floor above. Measurements extend to the outside face of the exterior walls and the edge of horizontal projections.

   This, in combination with the square footage of any projected or suspended usable area above ground, will give you the building ground area limitation set forth in ORS 671.030(2)(c) and ORS 672.060(11).

4. **If a building has a ground area greater than 4,000 square feet but does not exceed 20 feet in height (or vice versa), is it an exempt structure?**
   No. A building may not exceed either the ground area limitation or the height limitation and be exempt under the architectural and engineering laws. If either limitation is exceeded, then the structure is not exempt and an architect or engineer is required.

5. **Can a non-registrant prepare the drawings if an addition is proposed to an exempt structure, bringing the total covered usable ground area to greater than 4,000 square feet?**
   No, unless the building is a detached single family residence or agricultural building. The total covered usable ground area of the completed structure (the addition plus the existing building) must be considered in determining whether the building is exempt or non-exempt.

6. **May an unregistered individual prepare drawings and specifications for interior space planning and/or remodeling of non-exempt structures?**
   Under ORS 671.030(2)(d), nothing in the law would prevent

   ... a person from planning, designing, specifying or observing the alterations or repairs to a building if: (A) the structural part of the building, including but not limited to the foundation, walls, floors, roof, footings, bearing partitions, beams, columns, and joists ***is not involved****; (B) the building code classification by use or occupancy of the building* ***is not changed****; and (C) the building code classification by type of construction of the building* ***is not changed****.*

7. **Who may issue change orders and addenda to construction documents for non-exempt structures?**
   Change orders, additional drawings, and/or addenda that alter construction documents for non-exempt structures must bear the seal and/or signature, as required, of the registered architect or engineer responsible for the modifications.

8. **May anyone other than an architect or engineer prepare drawings for submission to building officials?**
   Yes, but only when the building falls into the exempt status. However, even though the general public is allowed to prepare drawings for submission on exempt structures, the building official has the authority to require drawings, calculations, and other related documents of an exempt structure to be prepared by a registered architect and/or engineer if the building official establishes that the work is of a highly technical nature or there is a potential risk to the life and/or safety of the occupants/general public.

Significant Structures:

9. **Can a professional engineer (civil, mechanical, electrical, etc.) do any design work on a significant structure?**
   Yes. Elements, components, etc., not part of the primary frame system, may be designed by a professional engineer who is not a structural engineer.

10. **Can a registered architect perform any design work on a significant structure (ORS 672.107)?**
    Yes, portions of the structure, as long as the architect is qualified by experience, training and knowledge. However, the primary structural frame for a significant structure must be designed by a structural engineer (ORS 672.107).

Stamping:

11. **If a designer or owner prepares drawings for a non-exempt building and applies for a building permit, should the building official suggest that he or she contact an architect or engineer to have the drawings and specifications reviewed and stamped?**
No. Such action on the part of an architect or engineer would be contrary to the law and would put the professional's license in jeopardy. An Oregon registered architect or professional engineer may stamp and sign only that which was prepared under his or her direct control and supervision. The building official should deny the permit and advise the applicant that the drawings and specifications are required to be prepared by a registered architect or engineer. The building official should notify either OSBAE or OSBEELS as appropriate.

12. **Are wet signatures required on drawings?**
Architect: The signature of the architect may be an original handwritten signature, a scanned image of an original handwritten signature, or a digital identification that is an electronic authorization authentication process attached to or logically associated with an electronic document (OAR 806-010-0045(4)(a)).
Engineer: The signature of the registrant must be wet inked or digital; however, the seal can be produced by a rubber stamp, embossing seal, or computer program. In the case of a digital signature, the signature must be under the sole control of the registrant per OAR 820-025-0010.

13. **What are the requirements for architects and engineers to stamp construction documents?**
Architects and engineers may only stamp the drawings and specifications that are within their area of competence and prepared under their direct supervision and control (ORS 672.002(10)). If, during the building official's review, it appears that the registered architect or professional engineer may be working outside their area of competence in any portion of the documents, the building official should notify either OSBAE or OSBEELS as appropriate.

14. **Is the seal of the Certified Professional in Erosion and Sediment Control (CPESC) or the seal of the Certified Professional in Storm Water Quality (CPSWQ) an acceptable certification for a construction document?**
There is a violation of law if the documents are sealed only by the CPESC or CPSWQ and the work involved engineering and the individual is not a registered professional engineer or architect qualified to perform this work.

15. **Can a set of drawings be stamped by a registered design professional from another state?**
Architect: No. Only Oregon registered architects have the authority to practice architecture in Oregon. A person registered as an architect in another state must first obtain registration in Oregon in order to practice architecture or solicit architecture work in the state.
Engineer: No. Only Oregon registered engineers have the authority to practice engineering in Oregon. A person registered as an engineer in another state must obtain registration in Oregon in order to practice in this state. An individual who holds registration in another jurisdiction and has an application for registration currently under review by the Board may request a temporary permit per ORS 672.109.

16. **What do the terms "Consulting Architect" and "Foreign Architect" mean and can these individuals stamp construction documents?**
"Consulting Architect" is a title that may be used by those who do not have an Oregon architect registration, but do have an active architect license in another jurisdiction. "Foreign Architect" is a title that may be used by those who do not have an Oregon architect registration, but do have an active architect license in another country. Neither consulting nor foreign architects may practice architecture, sign drawings, or take responsibility for projects. Consulting and foreign architects provide design input to an Oregon registered architect who takes responsibility for a project, and these titles are a way of acknowledging the individual's consultation on the project. All documents used for construction and permit purposes require the stamp and signature of an Oregon registered architect. Neither the consulting architect nor the foreign architect can stamp the construction documents.

17. **If the construction documents are for non-exempt buildings, should they bear the stamp/seal and signature of an Oregon registered architect or professional engineer?**
All drawings and the title page of specifications and calculations for non-exempt buildings must be stamped/sealed and signed by an Oregon registered architect and/or professional engineer who had supervision and control over the documents.

18. **If the construction documents for exempt buildings are prepared by an architect or engineer, should they bear the stamp/seal and signature of an Oregon registered architect or professional engineer?**
Yes. All construction documents and the title page of specifications and calculations prepared by an architect or engineer for exempt buildings, must be stamped/sealed and signed by the Oregon registered architect and/or professional engineer who had supervision and control of the documents.

19. **Can shop drawings be accepted in lieu of construction documents?**
Drawings and descriptions of components or systems supplied by subcontractors or manufacturers for inclusion in the project or building are considered shop drawings. Shop drawings may not be accepted in lieu of construction documents, unless stamped by the registered architect or engineer under whose direction they were prepared. Unstamped documents may only be considered as support documents.

20. **Do construction documents need to be stamped/sealed and signed when submitted for a building permit even though a building official may cause changes to the documents?**
Construction documents submitted for plan review are considered final and ready for construction and therefore need to be stamped/sealed and signed. Construction documents used only for preliminary discussions with the building department are not considered final documents and must be marked as “preliminary” or “preliminary not for construction” or with other similar wording to indicate that the documents are not intended to represent the final work product of the registered architect or professional engineer.

21. **Can drawings of sprinkler systems be sealed by individuals who are certified by the National Institute for Certification in Engineering Technologies (NICET)?**
No, sprinkler systems relate to life and safety issues and therefore the construction drawings for sprinkler systems must be designed and sealed by an engineer or architect qualified by experience and knowledge in this area of work.

22. **Does a fire protection system for a non-exempt structure need to be designed and stamped/sealed by a registered professional?**
Yes. Fire protection designs must bear the stamp or seal and be signed by the registered architect or professional engineer who prepared the documents. However, OAR 918-261-0015 exempts certain electricians from this requirement when designing the electrical portion of these systems.

23. **Do stamped construction documents expire?**
The expiration date on the original drawing set simply certifies that the registrant’s license was current when the documents were signed, not when the documents expire. However, building permits issued by jurisdictions may expire and new construction documents may need to be submitted.

24. **What is the difference between an electronic signature and a digital signature?**
The term electronic signature may include scanned images of handwritten signatures.
The term digital signature describes a technological system used for an electronic document that provides significant added security, authentication, and/or encryption. A digital signature cannot be seen on the hard copy of a design. It is a security authentication system that can be verified for plans submitted electronically. Architect: Both types of signatures are acceptable in lieu of a wet hand signature. Engineer: A digital signature is acceptable as an alternative to a handwritten signature in permanent ink if the digital signature meets the requirements in OAR 820-025-0010 and OAR 820-025-0001.

25. **Can any registered design professional provide electrical drawings for complex structures?**
No. Although, OAR 820-020-0020 allows a registered professional engineer to practice in any field in which they feel competent by education or experience, OAR 918-311-0040(4)(c)(G) requires

... identification of the employer, identification and signature of person who prepared the plan, license number if the person is an electrical supervisor and professional registration number if the person is an architect or registered professional electrical engineer.

It is not within the authority of OSBEELS to waive this requirement.

Other Topics:

26. **Is an architect required to provide supervision/observation during the construction phase of single-family residences?**
No. Architects are not required to provide supervision/observation for single family residences.

27. **Is a professional engineer required to provide supervision during construction?**
There are no laws specifically requiring engineering supervision during construction.

28. **When an unregistered individual prepares construction documents for a non-exempt structure, may the individual obtain a review and written certification of adequacy from an Oregon registered architect or engineer and thereby obtain a building permit?**
No. The written certification cannot be accepted for permit issuance in lieu of construction documents which have been prepared and stamped/sealed by an Oregon registered architect or engineer (ORS 671.025 & ORS 672.020(2)).

29. **May an engineer or architect bypass the plan review process?**
ORS 455.628 states:

The Department of Consumer and Business Services or a municipality administering and enforcing a building inspection program under ORS 455.148 or 455.150 may not require a plan review for one and two family dwellings that are of conventional light frame construction, as defined by the department by rule, if:
(a) The plans for the dwelling are designed and stamped by a professional engineer registered under ORS 672.102 or an architect registered under ORS 671.060; and
(b) The engineer or architect is certified by the Director of the Department of Consumer and Business Services under ORS 455.720 as being qualified to examine one and two family dwelling plans.
(2) The department or municipality is exempt from liability for any damages arising from the nonperformance of a plan review pursuant to this section.

30. **How do I address unprofessional work?**
The complaint processes are outlined in the following section.

31. **Is a professional engineering license required for the design of mechanical, sprinkler, and plumbing systems? Can an architect do this work too?**
The design of mechanical, sprinkler, and plumbing systems is considered engineering.

32. **May a building official/owner/builder/contractor redline an architect's or engineer's construction documents?**
The building official can approve submitted construction documents that include notes of items required by code identified by the building official as "redlines"; however, the registered architect or professional engineer must be made aware of those so that the original construction documents can be made to reflect those requirements.

33. **May a building official make design changes to an architect's or engineer's construction documents when the building official has the architect's or engineer's approval?**
No. The architect or engineer is responsible for the design changes to their construction documents.

34. **What is the difference between design documents and shop drawings for fire protection system designs?**
The design documents must show the basic elements of the system, identify applicable codes used in the design, ensure conformance with those codes, and be stamped/sealed by a registered professional. Shop drawings can be produced by technicians, designers, or contractors. However, shop drawings must be reviewed and approved by the Design Professional in Responsible Charge prior to submittal to a jurisdiction. This process is described in OSSC 107.2.2, "Fire Protection system shop drawings." For further information on the process, please visit the OSBEELS website.

35. **Can a supervising electrician design, plan, or lay out complex electrical installations?**
Authorization under ORS 479.860 allows supervising electricians who hold a supervising electrician's license to design, plan, or lay out complex electrical installations for persons who will purchase their installation services. ORS 479.860 does not authorize an electrical supervisor to prepare complex electrical installation drawings for contractors, architects, or developers where those persons will not be purchasing the electrical installation services that the drawings call for from the supervising electrician's employer-contractor.

5 The Complaint Process

The mission of both OSBAE and OSBEELS is to protect the public health, safety, and welfare by assuring that only qualified individuals are permitted to practice architecture or engineering, and that those who are licensed maintain a high standard of practice and comply with applicable statutes, rules, and regulations. Below are the processes for each regulatory board:

Oregon State Board of Architect Examiners (OSBAE) Complaint Process

The authority of the Board is limited to investigating and enforcing only those Oregon laws and administrative rules concerned with the practice of architecture. The first step is to be sure the architect is actively registered to practice architecture in Oregon. You may do that by contacting the Architect Board office at 503-763-0662 or by using the online "Registration Verification Search" feature on the website at **osbae.com**.

The Board does not have jurisdiction over fee disputes or other contractual issues or civil matters. The Board regularly addresses issues such as professional misconduct, negligence, incompetence using the "Architect" title without an Oregon registration, and practicing architecture without an Oregon registration.

1. **How do I file a complaint with OSBAE?**
   You may contact the Board's Investigator or visit the "Complaints" section of the website for information and the form to be used to file a complaint. You may also simply send a letter to the Board.

2. **What information should I provide in completing the complaint form?**
   When filing a complaint with OSBAE, include sufficient information for the Board to begin an investigation into the accusations. Provide as much information as possible, such as all contact information for you and the architect or designer, any contracts between the parties, the address/location of the building project, the project owner's name and contact information, the construction company name, the status of the project, the size and type of the building, building permit data, and why you believe a violation exists.

3. **What is the investigation process?**
   OSBAE investigates all complaints submitted, and may ask for further information. During a formal investigation, the parties involved are contacted and the Board obtains necessary evidence and gathers the available facts for review and analysis to determine if any rule or law violations exist. The Board then determines appropriate action to take based on the circumstances of each case.

4. **What authority does OSBAE have?**
   OSBAE has the authority to discipline individuals and firms. This discipline includes written reprimands, suspensions, revocations, and penalty assessments. However, the Board has no authority to award civil damages.

5. **How long does it take to resolve a complaint filed with OSBAE?**
   The Board makes every effort to resolve complaints as soon as possible. Every case is different, however, and it takes time to conduct a thorough investigation into the facts and accusations. OSBAE cannot resolve a case without obtaining facts and evidence. Each case has a separate set of facts and circumstances. The Board meets approximately six times a year and resolves complaints at each meeting. In addition, any disciplinary action proposed by the Board is subject to due process laws, which give any individual who disputes the facts the right to a contested case hearing before an administrative law judge.

Oregon State Board of Examiners for Engineering & Land Surveying (OSBEELS) Complaint Process

General Information

The Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) carefully investigates any complaints or information relating to violations of Oregon Revised Statutes (ORS) 672.002 to 672.325, ORS 209.250, and Oregon Administrative Rules (OAR) Chapter 820. Investigators for the OSBEELS Regulation Department are tasked to receive, track, and investigate complaints. Upon completion of an investigation, a case summary and findings are presented to the Law Enforcement Committee (LEC) for their deliberation and recommendation to the full Board for a final determination.

In accordance with OAR 820-015-0010, subsections 1 and 2, anyone may submit a complaint against a licensed or unlicensed person. Complaints must be in writing and include evidence to document all charges. For convenience, OSBEELS provides a Complaint Form that is available on the OSBEELS website for download, completion, and mailing. Contact the Board office to receive a paper copy. OSBEELS also accepts anonymous complaints. Complainants may be requested to provide testimony for the case.

Important note: OSBEELS does not represent the complainant or respondent. Rather, OSBEELS represents the public welfare as a whole.

Complaint Process

It is the complainant's responsibility to provide a completed Complaint Form with supporting evidence to OSBEELS. Once a Complaint Form is received, a preliminary review is conducted to determine whether the evidence attached to the complaint is sufficient and the allegation(s) is within the Board's jurisdiction. If the complaint is lacking evidence of any violation, the complainant is notified and given a deadline within which to provide additional information. When the complaint evidence is sufficient and the Board has jurisdiction, a formal case investigation is commenced.

Circumstances may arise when the anonymity of a complainant makes it difficult to open a case because the complaint lacks support for the allegations made. Therefore, if filing an anonymous complaint, it is important to provide clear and specific evidence to document the alleged violation(s) of the respondent.

In addition, OSBEELS can initiate its own investigations, including those involving continuing professional development (CPD) and unlicensed practices.

When a formal case investigation is opened, the respondent is provided a mailed copy of the complaint and is requested to respond to the allegations within 14 days. During the investigation, investigators may seek an expert reviewer for the matter. All relevant information regarding the investigation is compiled and presented to the Board's LEC in a public meeting. The LEC can decide to issue a Notice of Intent to sanction the subject of the complaint in some manner, require additional investigation, make a referral to expert reviewer(s), or close the investigation without further action.

If the LEC determines there is sufficient evidence and legal grounds to support a violation of statute or rule, it will direct the investigator to prepare a Notice of Intent (NOI). A NOI is a formal document sent to the subject of the complaint (now, the "respondent".) The NOI sets forth the facts of the case, the alleged violations of statute and rule, and the proposed disciplinary action. It also informs respondents of their administrative hearing rights. NOIs are governed by the Oregon Administrative Procedures Act, under ORS Chapter 183.

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6 Landscape Architects and Geologists

Landscape Architects

Landscape Architects are registered under ORS 671.310 to 671.459 by the Oregon State Landscape Architect Board (OSLAB). Landscape architecture means the performance of, or offer to perform, professional services that have the dominant purpose of landscape preservation, development and enhancement, including but not limited to reconnaissance, research, planning, landscape and site design, the preparation of related drawings, construction documents and specifications, and responsible construction observation.

Landscape Architects do not generally design non-exempt structures, but their work can include the location, arrangement, and design of objects and features that are incidental and necessary for landscape preservation, development and enhancement. To give some examples, a Landscape Architect might be needed on a project to design and oversee the location and construction of site drainage, grading, stormwater facilities, erosion control, trails, site lighting, plantings, or to collaborate with other licensed professionals in the design of structures with respect to the functional and aesthetic requirements of where the structures are to be placed on the construction site. Landscape Architects also work in urban planning and can be responsible for the planning documents that guide land use and development. As with architects and engineers, Landscape Architects must stamp and sign all final documents, maps, plans, designs, contract documents, and reports developed by or under their direct supervision.

For more information about regulation of the practice of landscape architecture in Oregon, see **oregon.gov/landarch**.

Geologists

The State of Oregon also regulates the public practice of geology through the Oregon State Board of Geologist Examiners (OSBGE). OSBGE licenses Registered Geologists (RG), including Certifed Engineering Geologists (CEG) as a specialty, through ORS 672.505 to ORS 672.991 and OAR 809. Geologic work submitted to building officials completed by a third party must generally be completed by a RG or CEG if that specialty is required. A RG performs geological work, such as consultation, investigation, interpretation, surveys, evaluation, planning, mapping and inspection of geological work, that is related to public welfare or safeguarding of life, health, property and the environment. A CEG is a RG specially trained, experienced and certified by OSBGE to apply geologic data, principles and interpretation to naturally occurring materials so that geologic factors affecting planning, design, construction and maintenance of civil engineering works are properly recognized and utilized.

Since CEGs are design professionals, building officials are most likely to encounter reports or other work related to proposed buildings that have been stamped and signed by geologists with this specialty certification. CEGs provide assistance to homeowners, developers, design engineers, contractors, and public works agencies in a diversity of situations, including but not necessarily limited to:

- Site development, including investigation, planning and inspection of cuts, fills, and grading in soil and rock;
- Investigation of landslides, slope stability, poor soil conditions, and development of mitigation approaches;
- Assessment of regional and local seismicity and earthquake hazards and the characteristics and activity of nearby faults;
- Characterization of geologic conditions for design of foundation systems, and underground openings and tunnels;
- Investigation of the factors governing coastal and stream erosion and recommendations for mitigation;
- Evaluation of cost estimation for damage and repair following natural disasters;
- Advice on requirements governing land use-related geological issues and coordination with permitting from the applicable local, state, and federal governmental permitting agencies.

The regulated practices of geology and engineering overlap in some areas, particularly between the practices of Engineering Geology and Geotechnical Engineering. This overlap has been recognized and acknowledged by both OSBGE and OSBEELS through a Memorandum of Understanding. Together, both Boards have established a Joint Compliance Committee to review and discuss complaints where work in the practice overlap is in question. If the practice falls within the overlap, the lead board (i.e., the board whose rules or statutes were potentally violated and has the authority to sanction) will interpret ethics, evaluate qualifications and enact any disciplinary action.

For more information about regulalation of the public practice of geology in Oregon, see the OSBGE website at **oregon.gov/osbge**.

Additional Resources

Construction Contractors Board

700 Summer Street NE, #300, Salem, OR 97309

Phone: (503) 378-4621
E-mail: **ccb.info@state.or.us**
Website: **oregon.gov/CCB**

Landscape Contractors Board

2111 Front St NE Ste 2-101, Salem, OR 97301

Phone: (503) 967-6291
E-mail: **lcbinfo@lcb.state.or.us**
Website: **oregon.gov/LCB**

Landscape Architect Board

707 13th Street SE, Suite 114, Salem, OR 97301

Phone: (503) 589-0093
E-mail: **oslab.info@oregon.gov**
Website: **oregon.gov/LANDARCH**

Oregon State Board of Geologist Examiners

707 13th Street SE, Suite 114, Salem, OR 97301

Phone: (503) 566-2837
E-mail: **osbge.info@oregon.gov**
Website: **oregon.gov/OSBGE**

For additional information on local building officials, visit the Building Codes Division website at **oregon.gov/BCD**

Reference Manual for Building Officials

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OSBEELS

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