



June 24, 2021

Mr. Dale Matthews  
10900 Research Blvd, Ste 160C-3B  
Austin, TX 78759

Re: Formal Response to Request for Policy Advisory Request Regarding If Revisions to Sealed Engineering Documents Must Be Resealed Prior to Submittal and If a Governmental Agency is Allowed to Accept Unsealed Plan Revisions; Policy Advisory Request No. 57

The Texas Board of Professional Engineers and Land Surveyors (Board) met in public session on May 27, 2021 and approved this response to your request, dated October 9, 2019. The Policy Advisory Request was submitted in tandem with a complaint. As the complaint investigation was finalized in October 2020, the Board is now also addressing the request for a policy advisory opinion.

**Request:**

You seek guidance on if revisions to previously sealed engineering documents must be resealed prior to the design engineer releasing them from his or her control and if the Texas Engineering Practice Act (the Act) or Board rules allow a governmental agency to accept unsealed revised engineering documents.

**Response:**

The Policy Advisory Opinion process allows the Board to issue interpretations of the Act (Texas Occupations Code, Chapter 1001) and Board Rules to address specific questions. The committee reviewed this request and determined that it can be answered by the existing language of the Act and Board rules and does not need to go through the full Policy Advisory Opinion process.

For background, Section 1001.401 of the Act discusses the Use of a Seal. Specifically, §1001.401(b) states “a plan, specification, plat, or report issued by a license holder for a project to be constructed or used in this state must include the license holder’s seal on the document.”

Further, Board Rule 137.33 (22 Texas Administrative Code §137.33) discusses sealing procedures. Specifically, Board Rule 137.33(f) states “license holders shall affix their seal and original signature or electronic seal and signature with the date on the final version of their engineering work before such work is released from their control.”

Section 1001.402 of the Act, relating to Enforcement by Certain Public Officials, states “a public official of the state or a political subdivision of the state who is responsible for enforcing laws that affect the practice of engineering may accept a plan, specification or other related document only if the plan, specification, or other document was prepared by an engineer, as evidenced by the engineer’s seal.”

**Conclusion:**

No new Policy Advisory Opinion will be developed for this request as the questions are addressed by the Act and Board rules.

Thank you for your support of the policy advisory opinion process. If you have any questions, please contact Mr. Michael Sims, P.E., Director of Compliance & Enforcement, at (512) 440-7723.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance Kinney". The signature is fluid and cursive, with the first name "Lance" written in a larger, more prominent script than the last name "Kinney".

Lance Kinney, Ph.D., P.E.  
Executive Director

LK:MZS:asm