



December 5, 2022

Mr. Michael Skoller, P.E.  
National Structural Engineering, Inc.  
2020 North Loop West, Ste 230  
Houston, TX 77018  
Via e-mail

Re: Formal Response to Request for Policy Advisory Opinion Regarding Relying on Photos or Videos, Provided by Parties Who Do Not Work Under the Engineer's Direct Supervision, in Forming Engineering Opinions; (Policy Advisory Request No. 60)

Dear Mr. Skoller:

The Texas Board of Professional Engineers and Land Surveyors (Board) met in public session on November 17, 2022, and approved this response to your request, dated August 26, 2022.

**Request:**

You seek guidance on the following issues:

- Can professional engineers rely on photos or videos provided to them by their clients, contractors, or other people who do not work under their direct supervision for the purpose of providing a letter stating construction was done in accordance to their plans or specifications?

**Response:**

Board Rule 137.33(b) allows license holders to only seal work done by them or performed under their direct supervision.

The hierarchy of best practice would be:

1. Have first-hand knowledge of the information when possible.
2. Rely on information provided by someone working under the engineer's direct supervision, as defined in Board Rule 131.2(11).
3. Rely on information provided by a third party.

While it is acceptable to incorporate information from third parties into an engineer's report, relying solely on third party information, such as photographs or videos, to form an engineering opinion without independently verifying the information is true and accurate should be avoided if possible. By engaging in this type of practice, the engineer could potentially violate many Board rules, including failing to practice engineering in a careful and diligent manner [Board Rule 137.63(b)(6)] and potentially issuing a written assertion that could be deceitful or misleading [Board Rule 137.57(a)(3)] if it is found the third-party photos or videos are not truly representative of the on-site conditions.

Ultimately, engineers take full professional responsibility for any work product that they sign and seal. As a matter of best practice, the Board recommends that engineers not rely on information that

has not been personally verified by them or someone working under their direct supervision to form engineering opinions.

**Conclusion:**

No new Policy Advisory Opinion will be developed for this request as the question is addressed by the Act.

If you have any further 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" and last name "Kinney" clearly distinguishable.

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

LK:MZS:asm