



PDHonline Course R132 (2 PDH)

The Proper Use of Ohio Professional Seals

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The Proper Use of Ohio Professional Seals

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Introduction and Overview

In order to properly use professional seals in Ohio, registered design professionals are required to be familiar with specific practice regulations. These regulations are contained in a collection of laws known as the Ohio Revised Code (ORC). The Ohio Revised Code is subdivided into Titles, Chapters, and Sections. The primary law in which we have interest, *i.e.*, that deals with sealing and certification, is contained in Title 47, *Occupations - Professionals* and the following specific Chapters:

1. Chapter 4703, *Architects*
2. Chapter 4733, *Professional Engineers and Professional Surveyors*

A collection of laws known as the *Ohio Administrative Code* (OAC) adds detail, and is intended to implement the Ohio Revised Code Chapters listed above. The OAC is also divided into Chapters. Of interest to us are the following implementing OAC Chapters:



The Ohio State House ¹

1. Chapter 4703, *State Board of Examiners of Architects*
2. Chapter 4703:1, *State Board of Landscape Architect Examiners*
3. Chapter 4733, *State Board of Registration for Professional Engineers and Surveyors*



A specific Administrative Code is often referred to as a *Rule or Regulation*. To reduce clutter within the body of the course content, no further literal enumeration will be made to the various Chapters and Code rules; only reference numbers will be used.

The technical design professions are regulated by the respective Ohio Boards of Examiners and Registration. Before the advent of the World Wide Web the respective Boards utilized mailed periodicals to officially disseminate information related to the regulated professions. Official information is now periodically published over the Internet through Board newsletters. This information may include statutory requirements, statutory changes, Rules, Rule changes, proposed or pending Rule changes, licensing requirements, license renewal procedures, Board action, Board interpretative rulings or guidelines, disciplinary action, and ethical or professional standards.

This course is an integration of the relevant sections of several Ohio laws and several past Board newsletters that pertain to the use of professional seals. The course is not intended as a replacement or substitution for official information sources that provide understanding of the laws, rules, and regulations governing the use of professional seals in Ohio. Hopefully it provides a useful supplement that reflects common professional practice issues and concerns regarding their use. The applicable regulations are listed in the **Reference Section**; they supersede any information contained in this course.

Even though the technical design professions are regulated by separate Boards, the prescribed acceptable methods of professional seal use are relatively consistent among all of the Ohio professions. There are, however, specific minor differences and these will be noted.

While every effort has been made to insure the accuracy and completeness of the information presented in this course, the reader is reminded that the Code and Rules are subject to periodic revision. Consequently, while the course's base content is relatively constant, specifics are subject to variation. The reader of this course is strongly encouraged to periodically review the various regulations in order to stay informed. This is easily accomplished because the required information and the regulating Boards are readily accessible on the World Wide Web; a listing, with URLs, is provided in the **Additional Resources** section. Nothing herein has the force of law or the intention to force any licensed professional to comply with the content.



History²

The word “seal” stems from the act of closing. Originally, this was the closing, or securing if you will, of a document for the purpose of security and privacy. While the original sealing methods of old could not prevent unauthorized access, an unbroken seal did at least give the intended recipient of the document an indication of its security. Over time, the seal evolved into a representation of indisputable



authenticity, just as a signature is accepted in the world today. The emperor of China used his thumb print when sealing documents in 3000 B.C. The use of seals is mentioned in the Old Testament, where Jezebel used Ahab's seal to counterfeit important documents. Royalty and governments used their own seal to affix to proclamations to give them their authoritative stamp of approval. The first Great Seal of England was that of Edward the Confessor, impressions of which can still be found. During this time, almost everyone had their own seal. While most people had just one, royalty would own several, including their "Great" seal, as well as seals for all their courts and officials. It was common practice to destroy the seal when the owner died, which is the reason so few original seals are still in existence today. Official seals of

the Crown were often handed over with great ceremony, and in Medieval Times the size and motif of the seal conveyed an image of the status of its owner. Early motifs were equestrian or heraldic in nature, or showed the owner in various pursuits like hunting or doing battle. William the Conqueror used an equestrian seal showing him armed and ready for battle. In Medieval Times, betrothals were prearranged; therefore true words of love were secretly written and the envelope's contents secured by a wax seal, so that the recipient could be assured that their passion would be unknown to others.



Background of the Seal in the U.S.

The first Seal of the United States was created by Benjamin Franklin, John Adams and Thomas Jefferson in July 1776, shortly after the Declaration of Independence was signed. Congress realized the necessity of such a seal for the newly established nation. Seals were used less frequently as literacy increased. With the introduction of the gummed envelope in the 19th Century, the need for privacy was reduced. Seals became a more personal expression as well as a decorative embellishment. Today, seals serve functionally as well as symbolically. Seals represent the President, Federal agencies, States, State agencies, corporations, and notaries, to name barely a few.



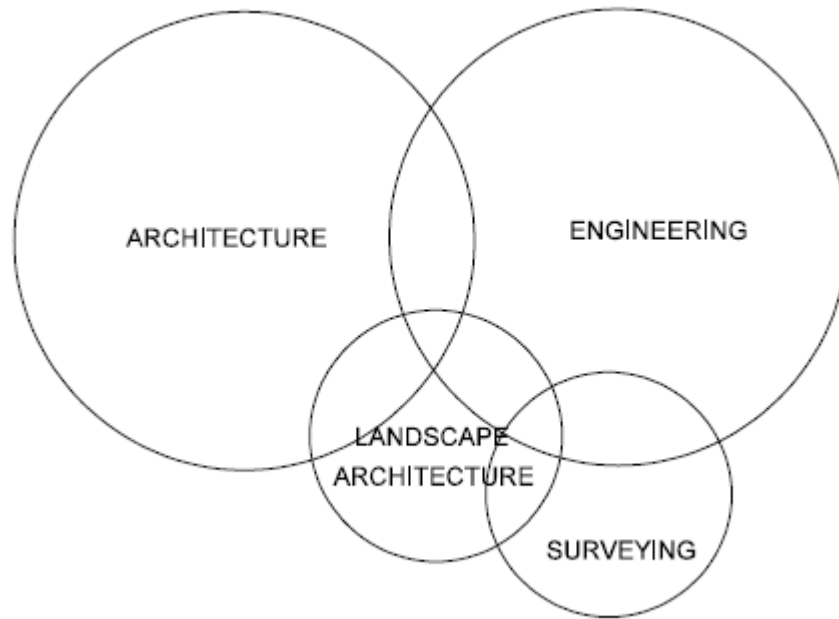
The necessity for professional seals springs directly from laws regulating the practice of the various professions. The State of Wyoming was the first to enact an engineering registration law in 1907 and was ironically, the last State, in 1951, to enact a law regulating the practice of Architecture. By 1952 all the States and territories had adopted licensing laws of some description regarding the primary technical design professions. Ohio's architectural registration law dates back to 1931 and the engineering registration board was created in 1933. The most recent regulated profession is that of landscape architecture; the practice statute Chapter became effective in 2002.

Professional Practice Overlap

Ohio building code officials and other regulatory agency personnel, as well as the licensees themselves, are often confused as to the differences between how and when, and in what manner, the professions are allowed to use their seals. An occasional professional conduct violation concerns sealing improprieties. Sealing improprieties sometimes stem from the fact that there exists areas of overlap or common practice among the professions of Architecture, Engineering, Surveying, and Landscape Architecture. Setting aside any nefarious activity, one of the leading forms of impropriety occurs when the licensee incorrectly affixes a seal to work for which the licensee is not privileged to undertake. In order to appreciate the problems that sometimes arise from the use of the various professional seals, it is useful to study these areas of technical overlap or common practice.



Let's utilize set theory to diagrammatically examine the scope and purview of the professions. Look at the figure below. Each circle is intended to graphically represent the total practice scope of each profession. The overlapping areas of the four professional practices (sets) represent the legally implied, and generally accepted, common practice areas. You may recall that in set theory these common areas are known as *intersections*. We will address each one of these intersections individually as we progress through the course.



As an example, let's examine the intersection of Architecture and Engineering.



Comparing Apples to Oranges or Comparing Apples to Pears?

Everyone knows the difference between the practice of Architecture and the practice of Engineering, right? Well obviously not. A broad range of viewpoints exists among the various States and territorial jurisdictions with regard to this matter. Any analysis that examines the actions of various courts and code enforcement officials quickly reveals a difference in what is interpreted as allowable legal practice between the two. Individual State-to-State statutory definitions range, on one end, with little or no distinction between the two professions, to the extreme of an apparent monopoly of professional authority being granted to one or the other. Ohio law falls in the middle of this range, setting out limited legal specifics in defining the practice bounds of the two professions.

That a difference exists between Architecture and Engineering is not an issue; the precise difference is sometimes, however, nebulous. It is generally held that Architecture is the profession of designing buildings for human habitation and occupancy; Engineering, among other things, is the profession of designing structures, to include buildings, and the various elements of utility that comprise the structure and make it functional. Although overly simplistic, Architecture is often discriminated from En-



gineering through the emphasis of interior and exterior aesthetics, and form and function with regards to occupancy and use. Key phrases often used in the practice description of Architecture are: *use, order, and beauty through the resource of design and the call for artistic and technical ability.*³

Although not universally accepted across the technical community, the National Council of Architectural Registration Boards (NCARB) holds that Architects, by their education and internship, are the only design professionals properly prepared to coordinate all the design disciplines and manage the typical building project.⁴

The two professions are often coupled together in legal or official passages by the phrase “*architect or professional engineer*” [underscored emphasis added]. This implies that regulatory officials should accept the work products of either, with more or less equal regard. Let's take a look at an edited excerpt from a typical example⁵:



Those plans that are required to be sealed, and are submitted with an architect's or an engineer's seal, shall be accepted for review to determine compliance with the Ohio Basic Building Code. The building official does not determine whether it should be an architect or engineer preparing the documents . . . the building official simply checks to see that there is a seal on those drawings.

Incidental Practice Activities

Engineering Incidental to the Practice of Architecture (and vice versa)

Incidental practice is defined as the act of conducting non-customary professional activities, which are minor or subordinate in nature, which support the primary, legally licensed practice activity. Incidental practice, which has limited occurrence, is a practical reality. The following common statutory language is present in both the Architecture and Engineering practice Chapters:

[These laws] do not exclude a qualified or registered architect from such engineering practice as may be incident to the practice of his profession, or do not exclude a professional engineer from such architectural practice as may be incident to the practice of professional engineering.^{6,7}

Surveying Incidental to the Practice of Engineering and Construction

The fact that certain non-cadastral surveying functions are critical components to engineering and construction endeavors is without question. Some of these functions are horizontal and vertical control, construction layout, and earthwork quantity determination. None of the current civil engineering projects which are present today would be possible without the benefit of *engineering surveys*. A clear differentiation of the function of engineering surveying from cadastral or land surveying is exemplified in the Professional Engineering and Surveyor's Board ruling:



Construction layout and construction staking by a surveyor when the surveyor is in the direct employment of a general contractor and the activities are incidental to the contractor's scope of work, is not considered by the Board to fall within the legal definition of the practice of surveying and therefore can be performed by an unlicensed surveyor.⁸

However, for clarification, the official opinion cited above goes on to state that "the offer to provide construction staking services to the public (by an unlicensed individual and/or unlicensed firm) would constitute the illegal practice of surveying and is not permissible"

Architecture Incidental to the Practice of Landscape Architecture (and vice versa)

The Landscape Architect practice Code specifically allows a Registered Landscape Architect to practice architecture to the extent that is incidental to the practice of landscape architecture and a Registered Architect to practice landscape architecture to the extent that it is incidental to the practice of architecture.⁹

Engineering Incidental to the Practice of Landscape Architecture

As it turns out, Ohio Registered Landscape Architects are legally allowed to perform some design functions which could normally be considered engineering activities. From the Landscape Architecture Code¹⁰ [paraphrased], Registered Landscape Architects are permitted to:

. . . determine the settings . . . and approaches for buildings and structures or other improvements . . . [and] determine environmental problems of land relating to erosion and sediment control . . . [and] flooding; . . . [and] determine [the] grades and the determination of surface and ground water drainage and . . . drainage systems [excluding the] structural design of system components or [the] hydraulic analysis of the receiving storm water conveyance system.

However, the Code goes on to prohibit non-incidental, standalone activities and further defines the practice of landscape architecture by stating that it:



shall not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, or the design of streets and highways, utilities, storm and sanitary sewers and water and sewage treatment facilities, such as are exclusive to the practice of engineering or architecture.¹¹

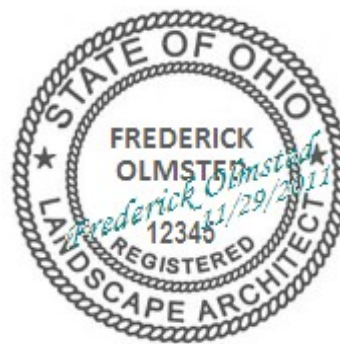
Sealing and Certification

The purpose of certification of technical documents is to attest to the preparation of the documents by the licensee or under the licensee's supervision and control. Merely reviewing the work prepared by an unlicensed or unregistered non-employee does not constitute *supervision and control*.

Although often used interchangeably, the terms sealing and certification are not synonymous. A seal is only one component of a legitimate certification. At a minimum, two additional components, a signature and a date, are also required. Examples of each design profession's required certification are shown below.¹²

Architects and Landscape Architects

The inner and outer knurled rings are 1 3/8 inches and 2 inches in diameter, respectively. The signature and date must be placed across the seal. The signature and date should not obscure the name of the registered professional or the registration number on the seal. Examples follow:



Professional Engineers

The outside diameter of the seal is 1¾ inches.¹³ The Board specified seal design, properly signed and dated, is shown below:



Land Surveyors

The outside diameter of the seal is 1¾ inches.¹³ The Board specified seal design, properly signed and dated, is shown below:



Registered Professional Land Surveyors who became licensed before April 4, 1985 are allowed to use the seal shown on the right above.



A BRIEF POINT OF CLARIFICATION

The definition of certification offered at this juncture is one of a generic nature and is intended to convey a condition of completeness that occurs with the addition of the signature and date to the affixed seal. The actual statutory definition is: *a statement signed and/or sealed by a licensed professional representing that services have been performed by the professional based on knowledge, information, and belief, in accordance with commonly accepted procedures consistent with applicable standards of practice; it is not a guaranty or warranty, either expressed or implied.*

Understood Proper Use of the Professional Seals

We have touched on the subject of the proper and allowed use of seals in our discussion of practice overlap and incidental activities. While there is limited legal verbiage specifically defining the practice scope of the four design professions, it can be inferred from the references in the Chapters to the need of the licensed professional to limit activities to those area of self-evaluated professional competency. One such legal passage is¹⁴:

A registered architect shall undertake to perform professional services only when he or she, together with those whom the registered architect may engage as consultants, are qualified by education, training and experience in the specific technical areas involved.

Facsimile Signatures

Facsimile signatures placed on original documents are prohibited.¹⁵ The term facsimile signature should not be confused with the signature produced by the transmission of a scanned document containing an original signature, *i.e.*, “faxed”. A facsimile signature is one graphically produced by computer, or by a stamp, or otherwise not directly by hand. It is perfectly acceptable to duplicate an original hand signature via electronic transmission.



Certificate of Authorization Seal/Corporate Seals

The corporate practice of Architecture, Professional Engineering, Land Surveying, and Landscape Architecture, is allowed as long as the compositional make-up of the business entity meets the requirements specified in the respective Chapters. Business entities are not eligible for registration under the respective professional practice laws; they are intended for individual practitioners. Like most States, a *certificate of authorization* is required to undertake corporate professional practice. Unlike some States, the application of a certificate of authorization seal or a professional corporate seal on technical documents filed for public record is not required in Ohio. For this reason, the actual details of the registration of a business entity will not be covered here. Please note, however, regardless of practice profession type, business size, or legal form of business, all business entities must obtain a certificate of authorization. The only exception to this requirement is sole proprietorships which conduct their business under the exact name of the licensee.



Drawing Classifications

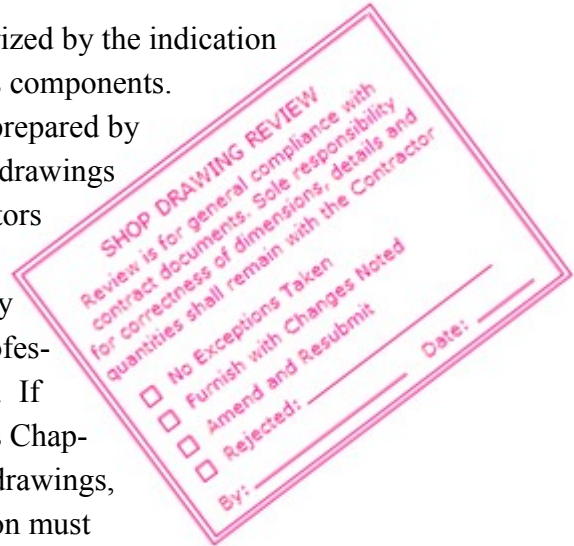


Construction documents are usually composed of working drawings, specifications, and occasionally other contract documents such as Shop Drawings and Standard Design Plans. A working drawing, or design drawing, is characterized by the exhibition of a total result achieved by the integration of various elements and systems; they are prepared under the supervisory control of the licensed design professional.



Shop Drawings

Shop drawings are limited in nature and are characterized by the indication of fabrication and/or installation details of a larger system's components. They derive their name from the fact they were originally prepared by shop personnel in the employ of a contractor. Today, shop drawings are prepared by original equipment manufacturers, contractors or their subcontractors, or other specialists, such as fabricators, that are not under professional licensee supervisory control. They should be reviewed by the Ohio licensed professional responsible for the project in which they form a part. If the practice of a design profession as defined in the various Chapters is performed during the course of preparation of shop drawings, then the design professional responsible for their preparation must certify them.



Standard Design Plans

Standard Design Plans are those documents associated with buildings, structures, or electrical and mechanical installations that graphically depict items of a typical nature that do not require or represent special features unique to the design to which they will be incorporated or appended. Sometimes standard design plans are referred to as *prototypical design construction documents*. The various Chapters do not specifically address the certification of standard design plans. If the practice of a design profession as defined in the various Chapters is performed during the course of preparation of shop drawings, then the design professional responsible for their preparation must certify them.

Where Should Seals be Placed?

The sealing rules apply to each sheet of engineering drawings and survey plats. Architects and Landscape Architects are directed to seal, sign, and date the first sheet of bound sets of drawings (with an index of drawings included); the title page of specifications; and unbound single sheet drawings and other pertinent contract documents.¹⁵



Assignment of Professional Responsibility

It is common for technical submissions and engineering documents to contain drawings prepared by several professionals. The drawings must be certified by all of the professionals responsible for the preparation of the documents. Therefore, one technical submissions package may contain drawings that bear the seal and certification of more than one licensed professional. Contributing professionals should place their respective certifications at appropriate locations. If necessary, notations can be used to describe the work done under each license holder's responsible charge.

Qualified and Unique Certifications

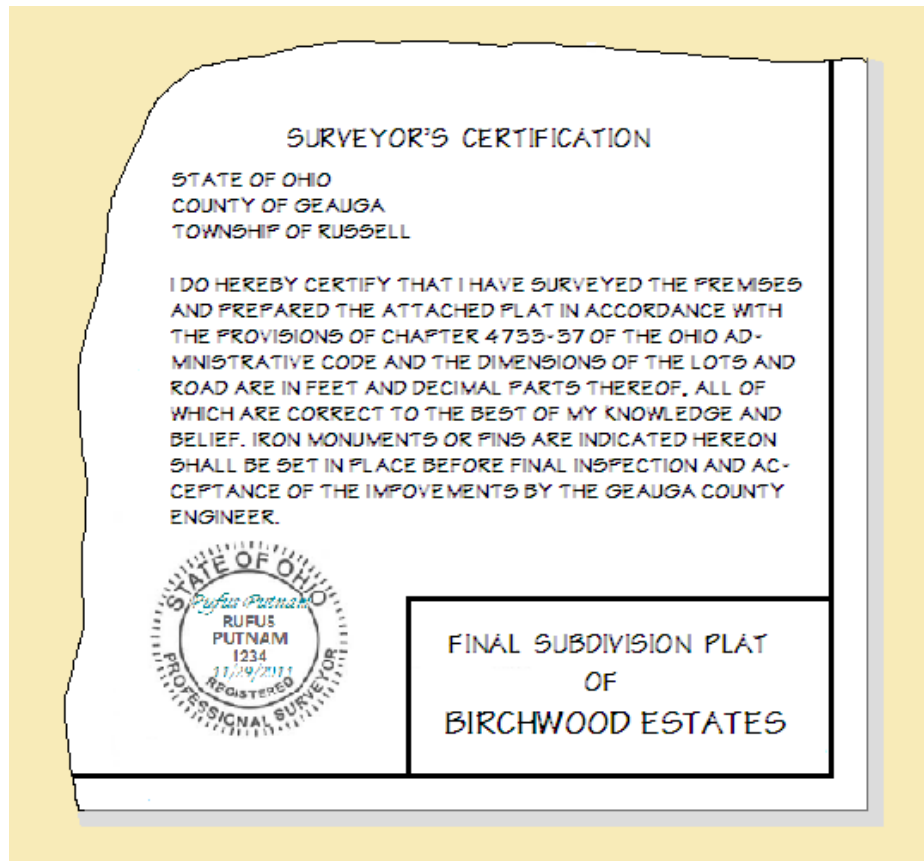
Unfortunately, in a complex world, simple straightforward sealing and certification is not always possible. Qualified certifications exist in order to make allowances for these situations.

Registered Land Surveyor Certifications

None of the regulated professions has specific minimum practice standards and guidelines legally set forth to the extent as Land Surveying. Minimum acceptable standards are included directly in the Administrative Code.¹⁶

Ohio counties and municipalities may, and often do, impose special certification requirements. Registered Professional Surveyors should periodically review these local laws carefully for possible changing certification requirements for recordation plats. These certifications can require statements regarding the adherence to a specific subdivision ordinance, or to the existence of encroachments or easements, and additional statements regarding the accuracy of the survey, the resulting plat, or both. As an example, a limited portion of a plat for a hypothetical land subdivision survey might look something like:





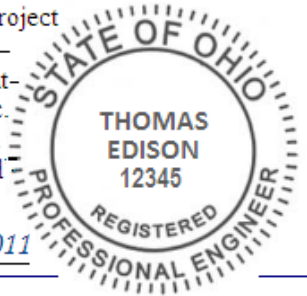
Special Certifications Required from the Engineer

State agencies or local jurisdictions can require specialized certifications with projects which potentially impact the public's safety, health, welfare, and property. One of many such additional certifications is shown on page 16. This example certification is a hypothetical one required by Delaware County:



This is to certify that good engineering practices have been utilized in the design of this project and that all of the minimum standards as delineated in the Delaware County Design, Construction and Surveying Standards Manual have been met, including those standards greater than minimum where, in my opinion, they are needed to protect the safety of the public. Any variances to the above standards are consistent with sound engineering practices and are not detrimental to the public safety and convenience. These variances have been listed herein and have been approved by the Delaware County Engineer.

Thomas Edison 11/29/2011



Sealing and Signing Work Prepared By Other Professionals

Under certain circumstances, Ohio Architects may affix their seals to work not produced by the licensee or under the licensee's direct supervision. In so doing, the adopting design professional is seen as accepting all responsibility for the work as though the licensee had personally prepared all the documents. Application of the Ohio seal is a testament that a thorough review of the adoptive work has been conducted verifying equivalent professional accomplishment. This "adoption" process is not without additional restrictions, which are:

1. The adopting Architect must have written permission from the originating Registered Architect;
2. The adopted work must contain the adoptive Architect's standard title block.

Following is an interesting legal passage¹⁷ which apparently allows Registered Architects to legally adopt non-original designs prepared by licensed design professions other than Architects:

. . . . in the case of the portions of such professional work prepared by the architect's consultants, registered under this or another professional registration law of any lawful jurisdiction, the architect may sign or seal that portion of the professional work if the architect has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.



As evidence to the legal veracity of the above cited passage, in 2005 the Architecture Board joined an investigation initiated by the P.E. Board whereby a Willoughby Registered Architect was found to have illegally used his architect's seal to certify mechanical, electrical, HVAC, and plumbing drawings prepared by non-licensed engineering consultants. The cited legal violation by the Architectural Board in this case was not one of an Architect sealing engineering drawings but rather an Architect sealing engineering drawings that were not prepared by a Registered Professional Engineer. This ultimately resulted in a settlement agreement, monetary fine, letter of reprimand, and a requirement for remedial education.¹⁸ One wonders under what circumstance an Architect would ever find it necessary to seal engineering plans already exhibiting an engineer's seal, assuming legal and code of conduct guidelines were strictly followed by a Ohio Registered Professional Engineer consultant to the Architect.

Non-mandatory Guidelines

In guiding the reader of this course with regards to professional successorship and document adoption, relevant areas of various generally accepted nationally recognized rules of professional conduct^{19,20} have been paraphrased and assembled below with pertinent underscored emphasis added by this author.

1. Design professionals shall not misrepresent or exaggerate their responsibility in subject matter.
2. Design professionals shall not imply credit to themselves for work performed by others.
3. Design professionals shall not review the work of another professional except with the knowledge of such professional.
4. Design professionals shall give credit for technical work to those to whom credit is due and will recognize the proprietary interests of others.
5. Design professionals shall name the person or persons who are individually responsible for designs, writings, or other accomplishments.



Plan Stamping

The term “*plan stamping*” has become the accepted catchphrase to indicate the unlawful practice of affixing a professional seal to documents prepared by unlicensed individuals not under direct supervisory control. It is believed to have evolved from the derogatory term “*rubber-stamping*”. The intention of this term is to describe the inattentive act of merely stamping documents with little or no regard for the acceptability of their content. In an attempt to mitigate the unlawful act of plan stamping by Registered Architects, the law requires Architects to establish a written contract with their clients.

Temporary Practice

Many States grant temporary licensure to persons who hold a license in another State. This can entail the use of the temporary licensee's foreign professional seal in conjunction with a specific project or for a specified limited period of time. There is a provision in the engineering practice Chapter for the temporary practice of professional engineering contingent upon the design professional being legally qualified to practice in his foreign State or U.S. Territory. While there is no legal specificity with regard to appropriate seal use or project duration, the need for the temporary practitioner to have filed a standard application for comity permanent registration is quite clear. Apparently there are no provisions for temporary practice of the other design professions.

Document Distribution and Control

Simple, straight forward, single-event sealing and certification is not always possible in real world business conditions. Special consideration must be given to these situations.

Interim or Preliminary Documents

Documents or copies of documents that are beyond the confines of a design professional's office, or, otherwise out of his possession and control, are defined as *released*. Released documents can only fall into two categories: (1) Preliminary (or incomplete), and (2) Final. Work that is preliminary or incomplete must be designated as such. This makes sense when one contemplates the following logic:



The technical professions are licensed to protect the public. The sole purpose of the sealing exercise is to certify that plans and technical documents have been prepared by, or with the oversight of, a licensed professional. However, the general public cannot, and should not, be expected to apprise itself of the legal nuances associated with sealing requirements. Consequently, it logically follows that preliminary or incomplete documents should be clearly and conspicuously so noted to remove any chance of misunderstanding.

The various practice Chapters do not specifically address the certification of preliminary documents. It would seem prudent that interim, preliminary, or otherwise incomplete documents which are released be clearly labeled “PRELIMINARY”, “FOR REVIEW ONLY”, “NOT FOR CONSTRUCTION”, or any suitable statement which denotes that the documents are incomplete.

Guidance would suggest that seals and original signatures should only be applied to final technical submittals. Most Ohio jurisdictions require that plans submitted to local permitting agencies for preliminary review be certified by a registered design professional, notwithstanding the fact that subsequent plan modification after review, may be necessary.

Change Orders, Field Changes, and Addenda

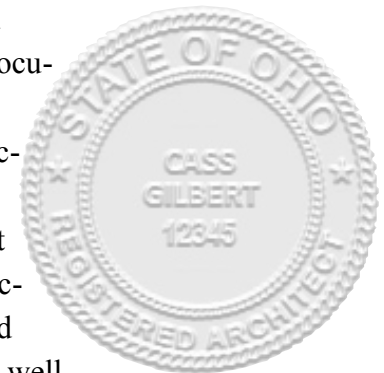
Design and scope changes are inevitable during the normal course of a project’s development. Change orders, field change requests, responses to requests for information (RFIs), and other addenda are considered as technical documents. As such, they warrant certification. It is the responsibility of the licensee to forward copies of all revisions to technical and engineering documents, which shall become a part of the official copy of the submissions. These revisions must be identified as applicable with professional seals applied so as to clearly establish professional responsibility for the revisions.



Seal Forms

History

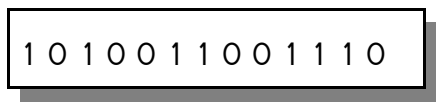
Professional seals have undergone quite an evolutionary development. The first professional seals were devices which deformed the paper of the document through impression of the seal by embossing. The positive tactile response generated by the raised embossment provides the indisputable verification of certification authenticity. Unfortunately they are not highly visible and are difficult to reproduce photostatically. The very construction of most embossing seals limit the placement of the seal near the edges of a given document. Until recently, Ohio Architects were required to utilize the embossed (metal impression) seal on the title page, or first sheet of bound drawings as well as loose sheets.



Embossing seals are still used and available today although their use was significantly diminished by the rise in popularity of the rubber stamp and ink pad in the 1960s. The stamp affords ease of use, portability, and placement of the seal anywhere on the document. For a period, nationally at least, the use of appliqué (“stick-on” or “sticky-back”) seals became popular. Seals should be a permanent and archival addition to the technical document; therefore, application of superficial media is not recommended. Today, of course, seals graphically generated via computer software are the norm.

Electronic Seals and Signatures

The term *electronic* with regards to technical documentation simply means: of, implemented on, or controlled by a computer or computer network. All of the Ohio design professions are allowed to use electronic seals and signatures. The sealing rules apply to documents issued in electronic format in the same way they apply to documents printed on paper. The terms “*electronic seal*” and “*electronic signature*” implies a digitally encrypted certification. It is beyond the scope of this course to provide an exhaustive treatment of electronic certification. Suffice it to say that secure certifications are created by special software which uses a combination of a pair of keys called the public key and the private key. In essence, the sender encrypts the original document intended for electronic transmission



using special software and electronically certifies (signs) the document using the private key. The receiver of the electronically transmitted document must use the public key to first decrypt the electronic signature in order to gain access to the encrypted document. He then uses the same special software owned by the sender, to decrypt the document itself. The special software insures that unauthorized recipients do not have the capability to decrypt the encrypted secure signature, the encrypted document, nor can they back-convert the encrypted document to its original form.

An electronic seal and signature is allowed in Ohio contingent upon the following criteria:

1. Unique identification for each design professional;
2. Indisputable verification;
3. Direct and sole professional control;
4. Linked to the document in such a manner that changes are readily determined and visually displayed if any data contained in the document file is changed subsequent to certification;
5. Invalidation and removal of the certification if unauthorized changes are made to the document;
6. Viewable only format for electronically transmitted certified documents;
7. Substantially demonstrate the same wording and graphical appearance as manually certified documents.

Local Jurisdiction

While all seal forms are acceptable in Ohio, a check with local governing authorities should be undertaken. Certain jurisdictions or special circumstances may limit use to certain seal forms or may prohibit electronic seals and signatures.²¹



Seal Security and Control

Reasonable steps must be taken to insure the security of seals, both physical seals and electronic seals and electronic signatures. With regards to the latter, responsible security measures must be established to protect electronic files that generate encrypted media. Consideration should be given for the notification to the respective Board of comprised electronic files or the loss of a physical seal.

Exemptions from Sealing

Exemptions are specific situations that are granted relief from established law. Under the Ohio practice Chapters exemptions from the licensure requirements exist when working on building projects and systems. These can include some specific exemptions from the practice laws for public works and private sector projects, depending on the type of project and the monetary value. For instance, the design of certain building fire protection systems can be carried out by Level III or IV Engineering Technicians certified by the National Institute for Certification in Engineering Technologies (NICET).

While it may be important for registered design professionals to have a clear understanding of the legal capabilities of unlicensed individuals with regard to these activities, professionals are nevertheless required to apply their seals to any of their work products that would otherwise be considered exempt.

The Industrial Exemption

Technical employees of private manufacturing concerns who conduct their own internal activities have enjoyed an exemption from the Architectural, Engineering, and Surveying laws since the very inception of their enactments. This exemption was granted based on the proposition of limited exposure and risk to the general public generated by these private activities. The Boards reserve the right to require professional certification of designs of certain manufactured products if necessary to



protect the public health, safety, and welfare.

The stance of limited external impact by private operations changed with heightened emphasis and interest in environmental issues in the early 1970s. It is obvious now that emissions and discharges of pollutants to air, surface and ground water, can potentially impact the life, health, safety, and property of the public. Since these emissions are not limited to the boundaries of the industrial property, industrial facilities no longer enjoy omnibus exemption. The internal activities of private industry which may potentially impact the public are regulated by the current practice laws. For example, the Ohio Environmental Protection Agency requires that the design and construction of private industry waste water treatment facilities be carried out under the responsible charge of a Registered Professional Engineer. Federally mandated oil spill control and countermeasue plans for private industrial facilities having aboveground storage capacities greater than 10,000 gallons must be certified by a Professional Engineer.

Sealing Exemptions Can Be Superseded

It is an oversimplification to assume that the sealing exemptions are without occasional enforced variation. As it turns out, the applicability of local ordinances, regulations, or building codes may invoke more stringent certification requirements. A perfect example is one in which certain Ohio localities, who wish to participate in the Federally subsidized National Flood Insurance Program (NFIP), must incorporate into their building code ordinance, phraseology mandated by the Federal Emergency Management Agency. Because of this Federal regulation, the building plans for some residential structures situated in flood prone areas, which would otherwise be exempt, may fall under the Ohio statutes.



Summary

1. The use of seals to indicate authenticity dates back to antiquity B.C. in the Old World and back to the colonial period in the United States. The use of technical professional seals in Ohio for document certification began in the first third of the twentieth century.
2. Document sealing and certification in Ohio is strictly controlled through laws known as the Ohio Revised Code and the Ohio Administrative Code, both of which can be dynamic. It is incumbent upon licensed and registered professionals to be knowledgeable of these regulations.
3. Practice overlap exists among the registered design professions; this fact can contribute to sealing improprieties. According to the Architecture and Engineering practice Chapters, mutually incidental professional activities are lawful; however, each should limit their practice to those areas of expertise and competence.
4. Final documents should receive certification consisting of sealing, signing, and dating. Interim documents preliminarily released should be clearly labeled as such.
5. Acceptable seal forms are embossments, stamps, computer generations, and electronic seals and signatures. Regardless of form, the seal should be clearly and legibly visible when copied or reproduced.
6. Exemptions to the practice Chapters currently exist, are dynamic, and can vary and/or can be superseded by local jurisdictions. For this reason, licensed technical professionals must stay abreast of changes to the numerous governing regulations.

Design professionals play a critical role in the public building process. The quality of their service is certainly one of the most important factors in insuring the safety, health, and protection to the natural and built environment. As the first steps in the construction process, a design, and the authenticity of the resulting technical submissions and engineering documents, is intuitively obvious. It is believed that most Ohio licensed technical professionals intend to conduct their practice in compliance with the applicable laws of their respective professions and that they are respectful of the laws of professions who may have overlapping, common practice. Infractions or violations of seal use among the regulated professions often occur simply because the licensee is not aware of the various Board's Rules and the Ohio statutes.



Additional Resources

The list that follows contains the names, addresses, telephone numbers, and e-mail addresses of organizations and agencies which play an important role in regulatory affairs of Ohio registered and licensed technical professionals. They can be contacted directly regarding any additional information or for clarifications needed on acceptable sealing and certification practices.

1. The Ohio State Board of Examiners of Architects, Hobby Building, 77 South High Street, 16th Floor, Columbus, Ohio 43215-6108, (614) 466-2316, www.arc.ohio.gov.
2. The Ohio State Board of Registration for Professional Engineers and Surveyors, 50 West Broad Street, Suite 1820, Columbus, Ohio 43215-5905, (614) 466-6364, www.peps.ohio.gov.
3. National Council of Architectural Registration Boards, 1801 K Street NW, Suite 700-K, Washington, DC 20006, (202) 879-0520, Facsimile (202) 783-0290, e-mail: customerservice@ncarb.org.
4. National Society of Professional Engineers, 1420 King Street, Alexandria, Virginia 22314-2794, (703) 684-2800, Facsimile (703) 836-4875, www.nspe.org.
5. American Institute of Architects, 1735 New York Avenue NW, Washington, D.C. 20006-5292, (800) 242-3837, Facsimile (202) 626-7547, e-mail: infocentral@aia.org.
6. AIA Ohio, 17 South High Street, Suite 200, Columbus, Ohio 43215, (614) 221-0338, www.aiaohio.org.
7. Ohio Society of Professional Engineers, 400 South Fifth Street, Suite 300, Columbus, Ohio 43215-5430, (614) 223-1144, <http://ohioengineer.com>
8. National Society of Professional Surveyors, 6 Montgomery Village Avenue, Suite 403, Gaithersburg, Maryland 20879, (204) 632-9716, Facsimile: (204) 632-1321, e-mail: curtis.sumner@acsm.net.
9. Professional Land Surveyors of Ohio, 6465 Reflections Drive, Suite 100, Dublin, Ohio 43017, (614) 761-2313, <http://ohiosurveyor.org>.
10. The Council of Landscape Architectural Registration Boards (CLARB) 3949 Pender Drive Suite 120 Fairfax, VA 22030, (571)-432-0332, e-mail: dludwig@clarb.org.



References

1. Courtesy Ohio Capitol Square Review and Advisory Board, *The Ohio State House – The People's House* website, URL:
http://www.ohiochannel.org/your_state/ohio_statehouse/information/csrab/staff.cfm
2. Nostalgic Impressions Incorporated, Post Office Box 1309, Selden, New York 11784, ©2003, www.nostalgicimpressions.com.
3. North Carolina Office of Administrative Hearings, Rules Division, Administrative Code, Title 21, Chapter 2, Architecture.
4. *Architecture As It Differs From Engineering*, National Council of Architectural Registration Boards, Washington, D.C., April 1995.
5. *BBS Memo*, The Ohio Board of Building Standards, Columbus, Ohio, February 26, 1996.
6. Ohio Revised Code, Title 47, Chapter 4733, Section 4733.17.
7. Ohio Revised Code, Title 47, Chapter 4703, Section 4703.18, Subsection G.
8. Board Opinion 2009-04-30, Ohio Board of Registration for Professional Engineers and Surveyors, Columbus, Ohio, April 30, 2009.
9. Ohio Revised Code, Title 47, Chapter 4703, Section 4703.32, Subsection B.
10. Ohio Revised Code, Title 47, Chapter 4703, Section 4703.30, Subsection B(1)(b).
11. Ohio Revised Code, Title 47, Chapter 4703, Section 4703.30, Subsection B(4).
12. Private use of any Ohio State seal is restricted by law. Ohio State seals may not be used for commercial purposes by unauthorized individuals. It is held that the consequential commercial use of the seals displayed in this course is subordinate to the primary purpose of education. Therefore, their use herein is believed to be consistent with the intent of the law. [ORC 5.10]
13. *Seal Manual*, Marking Device Association International, Chicago, Illinois, 2001.
14. Ohio Administrative Code, Chapter 4703, Section 4703-3-03, Subsection A(3).
15. Ohio Administrative Code, Chapter 4703, Section 4703-3-01, Subsection B.
16. Ohio Administrative Code, Chapter 4733, Section 4733-37.
17. Ohio Administrative Code, Chapter 4703, Section 4703-3-07, Subsection E(1).
18. Disciplinary Actions File Number 05-54, The Ohio Board of Examiners of Architects, Columbus, Ohio, 2005.
19. *NSPE Code of Ethics for Engineers*, National Society of Professional Engineers, Alexandria, Virginia.
20. *Code of Ethics*, American Society of Civil Engineers, Reston, Virginia.



21. Ohio Architects Board website, Frequently Asked Questions, *Sealing of Construction Drawings/Seals and Signatures*, <http://www.arc.ohio.gov/faq.stm#sealing>.

