

State of Oregon



# Reference Manual for Building Officials



Eleventh Edition, 2022

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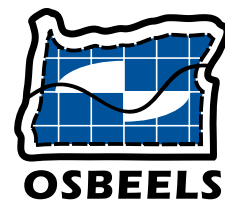
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# Introduction

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).

The purpose of this manual is to aid Oregon Building Officials and the general public in understanding the laws governing the practices of architecture and engineering in Oregon and does not supercede any applicable statutes, rules, or regulations. Contact information for the Construction Contractors Board, Landscape Contractors Board, Landscape Architect Board, and the Oregon State Board of Geologist Examiners are also included under Chapter 7, **Contact Information**.

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 of design, construction observation, and construction 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 by the person charged by the jurisdiction with responsibility for administration and enforcement of the state building code.

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.



**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.**

**Text and icons in this manual that are **green** are hyperlinks.**

# 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 or assume or use the title of "Architect" or any title, sign, cards or device indicating, or tending to indicate, that the person is practicing architecture or is an architect or represent in any manner that the person is an architect, without first qualifying before the State Board of Architect Examiners and obtaining a certificate of registration as provided by ORS 671.010 to 671.220.*

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 Provision of Architectural Services by a Firm

Businesses that provide architectural services in Oregon must register with OSBAE as a firm.

ORS 671.041 defines the provision of architectural services by corporate firm as:

*(1) As used in this section, "corporate firm" includes a domestic private corporation, foreign private corporation, domestic cooperative corporation, foreign cooperative corporation, domestic professional corporation and foreign professional corporation*

*(3) A firm must register with the State Board of Architect Examiners before the firm may provide architectural services. A firm must file a renewal of the registration as provided by rule of the board.*

OAR 806-010-0001 provides additional information regarding the definition of an architectural firm.

*(2) "Architectural firm" is defined as any legal entity that provides architectural services in the state of Oregon including:*

- (a) Corporations (refer to OAR 806-010-0080 for specific rules relating to corporate or assumed business names);*
- (b) Partnerships;*
- (c) Limited liability companies;*
- (d) Individuals practicing under an assumed business name (refer to OAR 806-010-0080 for specific rules relating to corporate or assumed business names).*

## 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(1)(b):

*(A) Consultation;*

*(B) Investigation;*

*(C) Evaluation;*

*(D) Planning;*

*(E) Design; and*

*(F) Services during construction, manufacture or fabrication for the purpose of ensuring compliance with specifications and design.*

# 2

## Considerations for Building Officials When Issuing Building Permits

### Is an Architect, Engineer, or Both Required on a Project?

One of the first assessments that may 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, an engineer, or both an architect and an 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 672.060).
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. [This exemption does not apply to registered professional engineers].
  - 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 only it must meet both 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 design 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 fire 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, or auxiliary to, and farm/agriculture buildings, all buildings exceeding the exempt size limitation—ground area of more than 4,000 square feet, or height limit of more than 20 feet in height—are considered non-exempt buildings. If either limitation is exceeded the services of a registered design 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 750 square foot 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. In addition to the ground area of the entire building exceeding 4,000 square feet for the non exempt status, it is additionally non-exempt because structural modifications are included in the scope of work.

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

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:

- (i) Hazardous facilities and special occupancy structures;*
- (ii) Essential facilities\* that have a ground area of more than 4,000 square feet or are more than 20 feet in height;*
- (iii) Structures that the Director of the Department of Consumer and Business Services determines to have irregular features; and*
- (iv) Buildings that are customarily occupied by human beings and are more than four stories or 45 feet above average ground level.*

\*For additional details regarding defining an “essential facility” please see [Table 1604.5 and Risk Category IV within the OSSC](#).

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.*



# 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:



A registered architect's preliminary drawings not intended to be used for permitting or construction documents are not required by law to be stamped and signed. Only those documents prepared for permitting or construction must be stamped and signed.

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.*

Registered architects are required to place their stamp and signature on all permit or 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) 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.*

OAR 806-010-0115 requires that:

*Modifications to construction documents for buildings/structures are an integral part of the practice of architecture; and as such, additional drawings and specifications which become part of change orders and/or addenda to alter those documents must bear the stamp and signature, as required, of the registered architect or engineer responsible for the modifications.*

**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, seal, and sign them (OAR 806-010-0045(7)).

*(7) An architect may not seal and sign, or countersign, or allow their seal or signature to be affixed to any architectural plans, drawings, documents, specifications or reports not prepared by them or under their responsible control and supervision.*

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)).

*(4) All professional documents issued by the firm that are required by ORS 671.010 to 671.220 to bear the stamp of an architect must bear the stamp of the architect responsible for the preparation of the documents and bear the corporate or assumed business name of the firm.*

## 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:

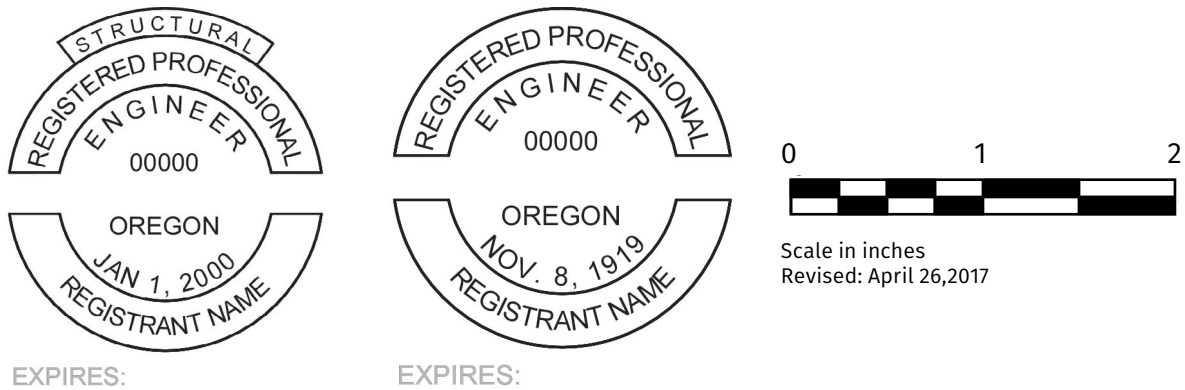
*The signature and stamp of a registrant constitute a certification that the document was prepared by the registrant or under the supervision and control of the registrant.*

“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:



**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 1/4" 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). 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. 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.*

## Observation (Construction)

### Architect:

OAR 806-010-0050 defines "observation" as used in the definition of the practice of architecture in ORS 671.010(7) as:

- (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 non exempt 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 statutes and rules do not require construction observation 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.*

Notification of changes in architect of record can be provided using the **Observation Change Notification Form** found on the [OSBAE website](#) under Applications and Forms.

Under circumstances where the health, safety, and welfare of the public may be endangered, architects and architectural firms must inform the employer or client of the possible consequences and notify the appropriate building officials and the Board according to 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. 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 may 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 stamped/sealed and signed by the registered architect or professional engineer.

# 4

## Frequently Asked Questions and 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 buildings/structures have to be done by a registered design 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 is not a detached single family residential dwelling, auxiliary structure to same, or farm building and has a ground area greater than 4,000 square feet but is not more than 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 to be exempt under the architectural and engineering laws. If either limitation is exceeded, then the structure is not exempt and an architect and/or engineer is required.

- 5. Can a non-registrant prepare the drawings if an addition is proposed to an exempt structure having an initial ground area of less than 4,000 square feet and is not a detached single family residential dwelling, auxiliary structure to same, or farm building, bringing the total ground area of the completed structure to greater than 4,000 square feet?**

No. The total ground area of the completed structure (the addition plus the existing building) must be considered when applying the ground area and height rule in determining whether the building is exempt or non-exempt.

- 6. May an unregistered individual prepare drawings and specifications for interior space planning of non-exempt structures? (interior space planning is presumed to be defined as use of space, activities planning, and workflow planning within those spaces)?**

Yes.

- 7. May an unregistered individual prepare drawings and specifications for interior space remodeling of structures that are not a detached single family residential dwelling, auxiliary structure to same, or farm building and have a ground area less than 4,000 square feet and not more than 20 feet in height?**

Yes, if the conditions listed under A, B and C are met:

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.*

- 8. 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 stamp, and signature, as required, of the registered architect or engineer responsible for the modifications.

- 9. 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:

10. **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.

11. **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:

12. **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 their direct control and supervision. The building official may deny the permit and advise the applicant that the drawings and specifications are required to be prepared by a registered architect and/or engineer. The building official may notify either OSBAE or OSBEELS as appropriate.

13. **Are wet signatures required on drawings?**

Architect: OAR 806-010-0045(4)(a)

*The signature of the architect may be a handwritten or digital representation of a handwritten identification that represents the act of the architect putting the architect's name on a document to attest to its validity. The handwritten or digital representation must be: (A) An original written by hand; (B) A scanned image of an original, handwritten identification; or (C) A digital identification that is an electronic authentication process attached to or logically associated with an electronic document.*

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.

14. **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 may notify either OSBAE or OSBEELS as appropriate.



15. **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 or the practice of architecture and the individual is not a registered professional engineer or architect qualified to perform this work.

16. **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 and provide architectural services 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.

17. **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 and only in the form of: "Consulting Architect, in consultation with..." followed by the name of the Oregon-registered architect. "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 where the board has determined the jurisdiction in which the foreign architect is licensed or registered has adequate education and training standards and the title is only in the form of: "Foreign Architect, in consultation with..." followed by the name of the Oregon-registered architect. . A consulting architect or a foreign architect may engage in the practice of architecture if the consulting architect or foreign architect: (a) Is affiliated with an Oregon-registered architect who is in responsible charge of all aspects of the architectural services provided.

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.

18. **If the construction documents are for non-exempt buildings, should they bear the stamp and signature of an Oregon registered architect or seal and signature of a professional engineer?**

All drawings and the title page of specifications and calculations for non-exempt buildings must be stamped and signed by an Oregon registered architect or sealed by a professional engineer who had supervision and control over the documents.

19. **If the construction documents for exempt buildings are prepared by an architect or engineer, should they bear the stamp and signature of an Oregon registered architect or the seal and signature of a 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.

**20. 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.

**21. Do construction documents need to be stamped/sealed and signed when submitted for a building permit?**

Construction documents submitted for permitting are considered final and ready for construction and therefore need to be stamped/sealed and signed. Design 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.

**22. Can drawings of fire suppression sprinkler systems be sealed by individuals who are certified by the National Institute for Certification in Engineering Technologies (NICET)?**

No, fire suppression 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.

**23. 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.

**24. Are stamped construction documents considered expired after the registered design professional's license expires?**

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.

**25. 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.

**26. 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:

**27. Is a professional engineer required to provide observation during construction?**

There are no laws specifically requiring engineering observation during construction.

**28. When an unregistered individual prepares construction documents for a non-exempt structure while not under the supervision and responsible charge of a registered architect or engineer, 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 not been prepared, stamped/sealed and signed by an Oregon registered architect or engineer in responsible control.(ORS 671.025 & ORS 672.020(2)).

**29. May an applicant or the owner of plans for one and two family dwellings, stamped or sealed and signed by an engineer or architect, bypass the plan review process?**

ORS 455.628 states:

*Plan review exemption. (1) 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 672.002 to 672.325 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. [2003 c.367 §4; 2005 c.758 §21a; 2015 c.576 §15]*

Note: 455.628 was added to and made a part of ORS chapter 455 by legislative action but was not added to any smaller series therein. See [Preface to Oregon Revised Statutes](#) for further explanation.

**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, fire sprinkler, and plumbing systems? Can an architect do this work too?**

The design of mechanical, fire sprinkler, and plumbing systems is considered engineering.

**32. What are considered “redlines” and who can make them on 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 registered 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 can check by using the online "Registration Verification Search" feature on the website at [osbae.com](http://osbae.com) or by contacting the Architect Board office at 503-763-0662.

The Board does not have jurisdiction over fee disputes, other contractual issues, or civil matters. The Board regularly addresses issues such as professional misconduct, negligence, competence, 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

The OSBEELS is authorized to enforce State of Oregon laws and rules related to the practice of professional engineering, land surveying, photogrammetric mapping and water right examination in Oregon. Laws and rules under the OSBEELS jurisdiction include Oregon Revised Statutes (ORS) 672.002 to 672.325, ORS 209.250, and Oregon Administrative Rules (OAR) Chapter 820. The Board carefully investigates any complaints or information relating to violations of the previously mentioned laws and rules under its jurisdiction.

Helpful resources developed by the OSBEELS that are available to the public includes: our agency's [Lookup a License tool](#), the [Law Enforcement Committee \(LEC\) process flow chart](#), and OSBEELS-specific [ORs](#) and [OARs](#). Below you will find a summary of the Board's complaint and investigation processes.

### Filing a Complaint

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 alleged law or rule violations under the OSBEELS's jurisdiction. Complaints may be submitted to the Board office via the [online complaint portal](#). OSBEELS also accepts anonymous complaints; however, complainants may be requested to provide testimony for the case, if necessary. In addition, OSBEELS can initiate its own investigations, including those involving continuing professional development (CPD) and unlicensed practices.

Investigators for the OSBEELS Regulations Department are tasked to receive and track complaints. Once the Board office receives a complaint, staff investigators prepare a report for preliminary review by the OSBEELS's LEC during a public meeting to determine whether an investigation into the alleged violations is warranted.

## The Investigation Process

When a formal case investigation is opened following a preliminary review, the case's respondent is provided a copy of the complaint and is requested to respond to the allegations. Staff investigators organize all relevant information regarding the investigation and compile an investigative report for review by the Board's LEC in a public meeting. Following their review, the LEC may take a number of next steps with regards to the case, including:

- Request staff to conduct additional investigation activities,
- Make a referral to an expert reviewer(s),
- Close the investigation without further action, or
- Issue a Notice of Intent (NOI) to sanction the subject of the complaint in some manner.

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, which is governed by the Oregon Administrative Procedures Act under ORS Chapter 183, is a formal document sent to the respondent that sets forth the facts of the case, the alleged violations of statute and rule, and the proposed disciplinary action. This document also informs respondents of their administrative hearing rights and opportunity to request an informal conference with the LEC. Within the NOI, respondents are informed of their ability to: accept the proposed sanctions, request an administrative hearing, or request an informal conference with the LEC.

More information about the OSBEELS's law enforcement processes and related resources can be found on the [OSBEELS website](#).

# 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](https://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 Certified 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 potentially violated and has the authority to sanction) will interpret ethics, evaluate qualifications and enact any disciplinary action.

For more information about regulation of the public practice of geology in Oregon, see the OSBGE website at [oregon.gov/osbge](https://oregon.gov/osbge).



## Contact Information

### Construction Contractors Board

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

Phone: (503) 378-4621

E-mail: [ccb.info@ccb.oregon.gov](mailto:ccb.info@ccb.oregon.gov)

Website: [oregon.gov/CCB](http://oregon.gov/CCB)

### Landscape Contractors Board

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

Phone: (503) 967-6291

E-mail: [lcb.info@lcb.oregon.gov](mailto:lcb.info@lcb.oregon.gov)

Website: [oregon.gov/LCB](http://oregon.gov/LCB)

### Landscape Architect Board

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

Phone: (503) 589-0093

E-mail: [oslab.info@bgelab.oregon.gov](mailto:oslab.info@bgelab.oregon.gov)

Website: [oregon.gov/LANDARCH](http://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@bgelab.oregon.gov](mailto:osbge.info@bgelab.oregon.gov)

Website: [oregon.gov/OSBGE](http://oregon.gov/OSBGE)

### Oregon State Board of Examiners for Engineering & Land Surveying

670 Hawthorne Avenue SE Ste. 220, Salem OR 97301

Phone: 503-362-2666

Fax: 503-362-5454

Email: [osbeels.info@osbeels.oregon.gov](mailto:osbeels.info@osbeels.oregon.gov)

Website: [oregon.gov/OSBEELS](http://oregon.gov/OSBEELS)

### Oregon State Board of Architect Examiners

205 Liberty Street NE Ste. A, Salem OR 97301

Phone: 503-763-0662

Email: [architectboard@osbae.oregon.gov](mailto:architectboard@osbae.oregon.gov)

Website: [osbae.com](http://osbae.com)

### Oregon Building Codes Division

1535 Edgewater Street NW, Salem OR 97304

Phone: 503-378-4133

Fax: 503-378-2322

Website: [oregon.gov/BCD](http://oregon.gov/BCD)