

Position Statement on Sealed Truss Placement Diagrams for Commercial Projects in the Commonwealth of Massachusetts

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Issue:

Certain jurisdictions in Massachusetts are requesting engineering seals on Truss Placement Diagrams (TPD) (also known as a truss placement plan, truss layout, framing plan or framing layout). The following information should be used to provide insight into why component manufacturers should seriously consider all the ramifications of providing seals on TPD for commercial projects.

This information is based on the *Rules and Regulations Governing Professional Engineers and Professional Land Surveyors* (250 CMR¹ 2.00 - 6.00), the *Licensing Provisions for Registration of Professional Engineers and Professional Land Surveyors* (M.G.L.² Chapter 112, Sections 61 to 65 and 81D to 81T)³, and the *Commonwealth of Massachusetts State Building Code*⁴.

Key Definitions:

TRUSS DESIGN DRAWING (TDD):

The graphic depiction of an individual truss, which describes the design and physical characteristics of the truss.

TRUSS PLACEMENT DIAGRAM (TPD):

The illustration supplied by the Truss Manufacturer identifying the location assumed for each Truss, which references each individually designated Truss Design Drawing. The truss placement diagram shall be provided as part of the truss submittal package, and with the shipment of trusses delivered to the job site. Truss placement diagrams shall not be required to bear the seal or signature of the truss designer.

CONSTRUCTION DOCUMENTS:

Written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a building permit. Construction drawings shall be drawn to an appropriate scale.

REGISTERED DESIGN PROFESSIONAL (RDP):

An individual who is registered or licensed to practice his or her respective design profession as defined by the statutory requirements of the professional registration laws of the Commonwealth of Massachusetts.⁵

¹ Code of Massachusetts Regulations (CMR)

² Massachusetts General Laws (MGL)

³ www.mass.gov/dpl/boards/en/

⁴ Massachusetts has adopted the 2003 IBC but it is currently not yet effective.

⁵ From *The Commonwealth of Massachusetts State Building Code* - 6th Edition Chapter 2



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Unique Definitions for Structures that require a RDP:

BUILDING DESIGNER:

The Owner of the Building contracts with a Registered Design Professional for the design of the Building Structural System and who is responsible for the Construction Documents.⁶

TRUSS DESIGN ENGINEER:

The individual or organization responsible for the design of Trusses. Each individual truss design drawing shall bear the seal and signature of the Truss Design Engineer.⁷

Unique Definitions for Structures that do not require a RDP:

BUILDING DESIGNER:

The Owner of the Building or the individual or organization that contracts with the Owner for the design of the Building Structural System and/or who produces the Construction Documents.⁸

TRUSS DESIGNER:

The individual or organization responsible for the design of trusses.⁹

Background:

The TPD is not to be viewed as an engineering document except as stated below; rather it is provided to assist the installer in properly locating the trusses within the structure. All the necessary truss engineering and analysis is found on the Truss Design Drawings (TDD).

If a TPD is provided, it is recommended that the project's Building Designer or RDP review and approve the TPD to ensure that the intended load paths have not been altered.

If a Truss Designer were to seal a TPD, it has been suggested that they could inappropriately be held responsible for ensuring the proper flow of loads through the truss to the bearing and support structure below the truss and into the foundation.

Truss Designer Engineer would only undertake Building Designer responsibilities under a special set of circumstances, including that he/she is professionally capable of taking on such responsibility and that he/she are properly compensated for the work.

Analysis:

Commercial Construction Documents

In most jurisdictions, the Building Designer of a non-residential structure must be a RDP, as defined above; pursuant to the *Commonwealth of Massachusetts State Building Code* Section 110.8 (*see Appendix A*):

780 CMR 110.8 Engineering Details, Reports, Calculations, Plans and Specifications: ...all plans and specifications shall bear the original seal and original signature of a Massachusetts registered professional engineer or registered architect responsible for the design...

The construction documents should in turn clearly define the scope of the work proposed by the Building Designer or RDP:

110.8 Engineering Details, Reports, Calculations, Plans and Specifications: ...the construction documents shall contain sufficient plans and details to fully describe the work intended...

⁶ Adapted from IBC section 106.1.

⁷ Adapted from IBC section 2303.4.

⁸ Adapted from IBC 106.1

⁹ Adapted from IBC 2303.4

In preparing the construction documents, the RDP needs to provide the Truss Designer with the information necessary to properly design the trusses for the building. According to TPI 1 (*see Appendix B*), which is adopted by reference in the *Commonwealth of Massachusetts State Building Code* [*see Appendix A (101.6), (2313.3.1), (2313.3.2), and (Appendix A “Reference Standards”)*], the following information should be provided:

ANSI/TPI 1-1995: A.3.0 BUILDING DESIGNER RESPONSIBILITIES

A.3.2 (The Building Designer shall) prepare the Construction Design Documents, showing all trussed areas, which must provide as a minimum the following:

A.3.2.1 All truss orientations and locations;

A.3.2.2 Information to fully determine all truss profiles;

A.3.2.3 Adequate support of the Truss and all truss bearing conditions;

A.3.2.4 Permanent bracing design for the structure including the Trusses,...

A.3.2.5 The location, direction and magnitude of all dead and live loads applicable to each Truss

A.3.2.6 All Truss anchorage designs required to resist uplift, gravity, and lateral loads;

A.3.2.7 Allowable vertical and horizontal deflection criteria;

A.3.2.8 Proper transfer of design loads affecting the Truss; and

A.3.2.9 Adequate connections between Truss and non-Truss components,

A.3.3 Review and approve the Truss Placement Plan and each Truss Design Drawing for conformance with the requirements and intent of the Construction Design Documents, the effect of each Truss Design Drawing and Truss Placement Plan on other parts of the structure, and the effect of the structure on each Truss.

A.3.4 ... specify how the permanent lateral bracing is to be anchored or restrained to prevent lateral movement if all truss members, so braced, buckle together.

Truss Design and Preparation of Truss Design Drawings

Assuming the requisite information is provided within the construction documents issued by the RDP or Building Designer, the Truss Designer’s sole responsibility is to properly design the individual trusses according to this information. Once designed, a truss is then depicted on a TDD. The Truss Designer is therefore specifically responsible for the single truss design depicted on each TDD.

Who Typically Prepares Truss Placement Diagrams?

Assuming the requisite information is provided in the Construction Documents, TPD are prepared by component manufacturer personnel who are not typically Truss Design Engineers and many times are the Truss Manufacturer’s salespeople or are individuals who work as truss technicians or truss take-off specialists (Truss Designers). All these people are highly trained and skilled in the work they do but are generally non-engineers. Because these TPD are typically prepared outside the Truss Designer Engineer’s scope of work, they may not be reviewed or even seen by the Truss Design Engineer and are therefore not prepared under the Truss Design Engineer’s direct supervision.

To Require Truss Placement Diagrams to be Sealed Would Violate Massachusetts Law.

Because TPD are generally neither created by nor created under the immediate personal supervision of a licensed design professional, they cannot be sealed. Requesting a Truss Design Engineer to seal a non-registered person’s work is illegal in Massachusetts per Section 3.05 of the *Rules and Regulations Governing Professional Engineers and Professional Land Surveyors* (*see Appendix C*) and expanded in the *Advisory Ruling Pursuant To 250 CMR 2.09: Direct Charge and Supervision* (*see Appendix E*), which state in pertinent part:

250 CMR 3.05: Professional Practice. (3) The seal is to be used...only on drawings and/or documents produced by the registrant personally or under the registrant's direct personal supervision. ...

According to the *General Laws of Massachusetts* Chapter 112 Section 81P (*see Appendix D*), the sealing of work not performed or directly supervised by the professional engineer is cause for revoke of registration.

Chapter 112: Section 81P. ...The board may revoke the certificate of registration of any registrant who is found guilty of: ...**(c)** The affixing of his signature to plans, drawings, specifications or other instruments of service which have not been prepared...under his immediate and responsible direction,

Why are Truss Placement Diagrams Prepared?

TPDs are intended to assist customers, erectors and code enforcement officials in positioning or locating the trusses and related structural components supplied by the component manufacturer.

Their function is to serve as detailed installation instructions. They indicate the component manufacturer's assumed location for each truss or related component that has been designed and manufactured.

From this perspective, a truss or related structural building component is no different than a window that is manufactured and in turn installed within a building. A window may be a highly engineered component of a house with specific installation specifications and instructions. However, there is no requirement to provide an engineer's seal on the installation instructions for windows.

The International Code Committee (ICC) Has Recently Codified That Truss Placement Diagrams Should Not Be Sealed

The 2000 and 2003 editions of the International Codes did not clearly define a TPD. As such, some incorrectly inferred that they were part of the "Truss Design Drawings" which are defined as follows:

2003 IBC 2303.4.1 Truss design drawings. Truss construction documents shall be prepared by a registered design professional and shall be provided to the building official and approved prior to installation.

To clear up any confusion on this issue, Section 2303 of the 2006 International Building Code (IBC), which is the nationally recognized model building code newer editions of the *Commonwealth of Massachusetts State Building Code* will be based upon, has been revised to include the following regarding "Truss Placement Diagram":

2006 IBC 2303.4.3 Truss Placement Diagram. A diagram supplied by the truss manufacturer that identifies the proposed location for each individually designated truss and references the corresponding Truss Design Drawing. The Truss Placement Diagram shall be provided as part of the Truss Submittal Package, and with the shipment of trusses delivered to the job site. Truss Placement Diagrams shall not be required to bear the seal or signature of the Truss Designer.

Exception: When the Truss Placement Diagram is prepared under the direct supervision of a registered design professional, it is required to be signed and sealed.

This change will provide much greater clarity and better communication and appears in the 2006 Edition of the International Building Code.

Conclusion:

The Massachusetts professional engineering law and the *Commonwealth of Massachusetts State Building Code* provide the basis upon which to evaluate the need to provide an engineer's seal on a Truss Placement Diagram (TPD). Based on the building code regulations and professional engineering law, unless prepared under the direct supervision of a Registered Design Professional, TPDs do not require a professional engineer's seal.

Appendix A

The language in RED signifies sections of the code or law that have been used in the foregoing document to make it easier for the reader to see the language in context.

780 CMR: STATE BOARD OF BUILDING REGULATIONS AND STANDARDS The Commonwealth of Massachusetts State Building Code - 6th Edition

CHAPTER 1 ADMINISTRATION 780 CMR 101.0 SCOPE

101.1 Title: 780 CMR shall be known as the *Commonwealth of Massachusetts State Building Code*.

101.6 Referenced standards: The standards referenced in 780 CMR and listed in Appendix A shall be considered part of the requirements of 780 CMR to the prescribed extent of each such reference. Where differences occur between provisions of 780 CMR and referenced standards, the provisions of 780 CMR shall apply to all referenced standards in *Appendix A*, other than the specialized codes in 780 CMR 101.5.

780 CMR 110.0 APPLICATION FOR PERMIT

110.8 Engineering Details, Reports, Calculations, Plans and Specifications: In the application for a permit for *buildings* and *structures* subject to construction control in 780 CMR 116.0, the construction documents shall contain sufficient plans and details to fully describe the work intended, including, but not limited to all details sufficient to describe the structural, *fire protection*, fire alarm, mechanical, light and ventilation, energy conservation, architectural access and egress systems. The building official may require such calculations, descriptions narratives and reports deemed necessary to fully describe the basis of design for each system regulated by 780 CMR. In accordance with the provisions of M.G.L. c. 143, § 54A all plans and specifications shall bear the original seal and original signature of a Massachusetts registered professional engineer or registered architect responsible for the design, except as provided in M.G.L. c. 143, § 54A and any profession or trade as provided in M.G.L. c. 112, § 60L and M.G.L. c. 112, § 81R.

When such application for permit must comply with the provisions of 780 CMR 4 or 780 CMR 9 or 780 CMR 34, the building official shall cause one set of construction documents filed pursuant to 780 CMR 110.7 to be transmitted simultaneously to the head of the local fire department for his file, review and approval of the items specified in 780 CMR 903.0 as they relate to the applicable sections of 780 CMR 4, 780 CMR 9 or 780 CMR 34. The head of the local fire department shall within ten working days from the date of receipt by him, approve or disapprove such construction documents. If the head of the local fire department disapproves such construction documents, he or she shall do so, in writing citing the relevant sections of noncompliance with 780 CMR or the sections of the referenced standards of *Appendix A*. Upon the request of the head of the local fire department, the building official may grant one or more extensions of time for such review provided, however, that the total review by said head of the local fire department shall not exceed 30 Calendar days. If such approval, disapproval or request for extension of time is not received by the building official within said ten working days, the building official may deem the construction documents to be in full compliance.

Chapter 23: WOOD 780 CMR 2313.0 PREFABRICATED COMPONENTS

2313.3 Prefabricated trusses: Prefabricated trusses shall be designed to resist all superimposed design loads.

2313.3.1 Roof trusses: Metal-plate-connected roof trusses shall be designed in accordance with TPI *Design Specifications for Metal Plate Connected Wood Trusses* and AFPA *NDS* listed in *Appendix A*, and shall be braced to prevent rotation and provide lateral stability.

2313.3.2 Floor trusses: Metal-plate-connected floor trusses shall be designed in accordance with TPI *Design Specifications for Metal Plate Connected Parallel Chord Wood Trusses* and AFPA *NDS* listed in *Appendix A*.

APPENDIX A: REFERENCED STANDARDS

TPI

Truss Plate Institute Inc.
 Suite 200
 583 D'Onofrio Drive
 Madison, Wisconsin 53719

Standard reference number	Title	Referenced in 780 CMR Section number
PCT-80	Design Specification for Metal Plate Connected Parallel Chord Wood Trusses	2305.14.1, 2313.3.2, 3605.2.10, 3608.2.11
TPI 1-95	National Design Standard for Metal Plate Connected Wood Truss Construction	2305.15, 2313.3.1, 3605.2.10, 3608.2.11
TPI BWT-76	Bracing Wood Trusses: Commentary and Recommendations	3605.2.10, 3608.2.11
TPI QST-89	Quality Standard for Metal Plate Connected Wood Trusses	3605.2.10, 3608.2.11

Appendix B

ANSI/TPI 1-1995

National Design Standard for Metal Plate Connected Wood Truss Construction

Appendix A: Standard Responsibilities in the Design Process Involving Metal Plate Connected Wood Trusses

A.3.0 BUILDING DESIGNER RESPONSIBILITIES

- A.3.1 Design a structure suitable to ensure that the intended function of each Truss is not affected by adverse influences including, but not limited to, moisture, temperature, corrosive chemicals and gases;
- A.3.2 Prepare the Construction Design Documents, showing all trussed areas, which must provide as a minimum the following:
- A.3.2.1 All truss orientations and locations;
 - A.3.2.2 Information to fully determine all truss profiles;
 - A.3.2.3 Adequate support of the Truss and all truss bearing conditions;
 - A.3.2.4 Permanent bracing design for the structure including the Trusses, except as provided in A.3.4 (*see below*) and A.6.2.12 (*required permanent Truss member bracing location*).
 - A.3.2.5 The location, direction and magnitude of all dead and live loads applicable to each Truss including, but not limited to, loads attributable to: roof, floor, partition, mechanical, fire sprinkler, attic, storage, wind, snow drift and seismic;
 - A.3.2.6 All Truss anchorage designs required to resist uplift, gravity, and lateral loads;
 - A.3.2.7 Allowable vertical and horizontal deflection criteria;
 - A.3.2.8 Proper transfer of design loads affecting the Truss; and
 - A.3.2.9 Adequate connections between Truss and non-Truss components, except as noted in Section A.6.2.9 (*Truss to Truss girder; Truss ply to ply; and Field Splices*).
- A.3.3 Review and approve the Truss Placement Plan and each Truss Design Drawing for conformance with the requirements and intent of the Construction Design Documents, the effect of each Truss Design Drawing and Truss Placement Plan on other parts of the structure, and the effect of the structure on each Truss.
- A.3.4 Specify permanent lateral bracing where indicated by the Truss Designer on the Truss Design Drawings, to prevent buckling of the individual truss members due to design loads. The Building Designer shall specify how the permanent lateral bracing is to be anchored or restrained to prevent lateral movement if all truss members, so braced, buckle together. This shall be accomplished by: (a) anchorage to solid end walls; (b) permanent diagonal bracing in the plane of the web members; or (c) other means when demonstrated by the Building Designer to provide equivalent bracing.

Appendix C

Code of Massachusetts Regulations (CMR) Rules and Regulations Governing Professional Engineers and Professional Land Surveyors 250 CMR 3.00: Application and Examination 3.05: Professional Practice

- (1) Sample imprints of approved seals are available at the Board office. The outside diameter of the professional engineer and land surveyor imprint should be approximately one and five-sixteenths inches or thirty-three millimeters. Either a rubber stamp or an embossing press is approved.
- (2) The engineering discipline in which the registrant is registered shall be either included as part of the seal or it may be handwritten above the registrant's signature.
- (3) **The seal is to be used** only by the registrant personally, and **only on drawings and/or documents produced by the registrant personally or under the registrant's direct personal supervision.** Each time the seal is used, the registrant shall (if not included on the seal) indicate the discipline in which registered, the date and affix the registrant's signature in a legible manner. The registrant shall add any suitable comments if not taking entire responsibility for all of the work on the drawing and/or documents. A new stamping is required to indicate there has been a change or a series of changes made on the drawing. Such comment might limit responsibility to electrical design, structural design, property boundaries, a specified portion of the document, or a specified change.
- (4) The registrant must not permit the seal to pass out of said registrant's personal possession and total control. The seal shall not be used by a registrant whose registration has lapsed. The use of printed copies of the seal on stickers, decals, cards, stationery, advertising, or any other material is forbidden.
- (5) The Board file shows the branch of engineering in which the registrant was found to be competent by the Board on the basis of education, experience, and specific examination passed by said registrant.
- (6) The Board initially registers an applicant for Professional Engineer in one branch of engineering only. A registrant who wishes to change registration to a different branch or to be registered in an additional branch of engineering shall file a new application form including the proper experience record and educational basis for said application. There will be the standard fee for each registration application and for any examinations required. A registrant who wishes to practice engineering in an area of competence other than that in which registered may request a determination of competence by submitting such evidence as may be required by the Board.
- (7) A registrant must limit professional practice to areas of personal competence as demonstrated to and approved by the Board. (The registrant may, however, work in other areas provided it is under the guidance of a Registered Professional Engineer or Land Surveyor qualified in said other areas, or under the guidance of a competent Engineer or Land Surveyor practicing under one of the exceptions listed in M.G.L. c. 112, § 81R as noted in 250 CMR 3.05(8).) A registrant shall not take responsibility for work in areas in which said registrant is not competent even though the area comes within a branch in which said registrant is registered. The burden of proof of competence rests upon the registrant should a question be raised as to that competence. The Board shall make the determination of competence when requested by the registrant or any person or entity.
- (8) Engineering work may be performed only by registered Professional Engineers and land surveying work may be performed only by registered Land Surveyors with certain exceptions listed under M.G.L. c. 112, § 81R. These rights granted by specific exception do not include the right to use the title "engineer" or "land surveyor".

(9) Engineering work may be performed only by or under the direct supervision of a registered Professional Engineer qualified by the laws of the Commonwealth of Massachusetts to so practice.

(10) Land surveying work may be performed only by or under the direct supervision of a registered Land Surveyor qualified by the laws of the Commonwealth of Massachusetts to so practice except that a Professional Engineer registered as a Civil Engineer may perform land surveying incidental to engineering work excluding property line determination. Any plan which requires the location of a structure in relation to a real property boundary involves property line determination and must be performed by a Land Surveyor.

(11) Direct charge of the practice of engineering or land surveying work is construed to be direct supervision of the activities performed by others. Direct supervision includes, but is not limited to coordination, review and approval of the technical and professional level tasks performed on a project for which the registrant is responsible. Registered persons in direct charge of the practice of engineering or surveying work, as defined in the laws and regulations, shall be able to provide acceptable written documentation that supervision was performed by the registrant with hands-on access to project data and documents throughout the duration of the project.

(12) Land surveying is considered to be work of a professional nature and shall be performed in conformance with minimum standards as embodied in 250 CMR 6.00.

Appendix D

GENERAL LAWS OF MASSACHUSETTS
PART I: ADMINISTRATION OF THE GOVERNMENT
TITLE XVI: PUBLIC HEALTH
CHAPTER 112: REGISTRATION OF CERTAIN PROFESSIONS AND OCCUPATIONS
REGISTRATION OF PROFESSIONAL ENGINEERS AND OF LAND SURVEYORS

Chapter 112: Section 81P. Reprimand and suspension of registration; revocation; charges; hearing

Section 81P. The board shall have the authority to reprimand a registrant and to suspend the registration of a registrant for a limited period to be specified in such suspension order for any fraud, deceit, gross negligence, incompetence, misconduct or any crime involving moral turpitude in the practice of engineering or land surveying.

The board may revoke the certificate of registration of any registrant who is found guilty of:

(a) The practice of any fraud or deceit in obtaining a certificate of registration; or

(b) Any gross negligence, incompetency or misconduct in the practice of professional engineering or land surveying as a registered professional engineer or as a registered professional land surveyor; or

(c) **The affixing of his signature to plans, drawings, specifications or other instruments of service which have not been prepared** by him or in his office, or **under his immediate and responsible direction**, or permitting his name to be used for the purpose of assisting any person, not a registered professional engineer or registered professional land surveyor, to evade the provisions of this chapter.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency or misconduct against any registrant. Such charges shall be in writing, shall be sworn to by the person making them and shall be filed with the secretary of the board.

The board, under the hand of its chairman and the seal of the board, may subpoena witnesses and compel their attendance, and may require the production of books, papers and documents in any case involving the revocation of registration. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person refuses to obey any subpoena so issued, or refuses to testify or produce such books, papers and documents, the board may present a petition to the superior court, setting forth the facts, and thereupon the superior court shall, after a hearing and in its discretion, order such person to appear before said board and to testify or to produce such books, papers and documents as may be deemed necessary and pertinent. Any person failing or refusing to obey the order of said court may be proceeded against in the same manner as for refusal to obey any other order of said court.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they shall have been preferred. The time and place for said hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on, or mailed to the last known address of, such registrant at least thirty days before the date fixed for the hearing. At any hearing the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense. If, after such hearing, three or more members of the board vote in favor of finding the accused guilty, the board shall revoke the certificate of registration of such registered professional engineer or registered professional land surveyor.

Appendix E

Advisory Ruling Pursuant To 250 CMR 2.09: Direct Charge and Supervision

By the Division of Professional Licensure ¹⁰

Chapter 112, Section 81P of the Massachusetts General Laws defines those circumstances when the Board may sanction (up to and including revocations of license) a registrant for certain types of activities. It is this section of the law that provides the greatest insight into the proper role of the registrant relative to the preparation of instruments of service. This section of the law reads in part:

"The Board may revoke the certificate of registration of any registrant who is found guilty of... (c) The affixing of his signature to plans, drawings, specifications or other instruments of service which have not been prepared by him or in his office, or under his immediate and responsible direction, or permitting his name to be used for the purpose of assisting any person, not a registered professional engineer or registered professional land surveyor, to evade the provisions of this chapter."

Pursuant to MGL c.30A, §2 & 3, the Board adopted certain regulations associated with the Registration Law, Chapter 112, Section 81D – 81T. The regulation that deals with Supervision and Responsibility for Practice is 250 CMR 5.02, which reads:

"The practice of engineering or of land surveying by a person, firm, co-partnership, corporation or joint stock association construed to practice or to offer to practice engineering or land surveying shall be under the direct charge and supervision of a person, or persons, holding a valid certificate of registration under the statute and that person, or persons, shall be responsible for the performance of such work in a competent manner to avoid gross negligence or misconduct that could endanger the life, health and safety of the public."

It is the opinion of the Board, the term "immediate and responsible direction" and "under the direct charge and supervision" found in the aforementioned law and regulation are synonymous statements imposing a duty that must be met by the registrant whenever affixing his or her stamp or signature to any instruments of service prepared by another person.

In concurrence with Section 81P, supra, the Board has opined that a registrant may not sign or seal any instrument of service that was not "produced by the registrant personally or under the registrant's direct personal supervision" as set forth in paragraph (3) of 250 CMR 3.05, Professional Practice.

In concurrence with Section 81P, supra, the Board has opined that a registrant must "be able to provide acceptable written documentation that supervision was performed by the registrant with hands-on access to project data and documents throughout the duration of the project" as set forth in paragraph (11) of 250 CMR 3.05 Professional Practice.

Chapter 112 and 250 CMR make other such references to the concept of Direct Charge and Supervision, some are quite obvious and others are much more obscure. From these various references it is clear that the relationship between the registrant and those persons assisting in the preparation of instruments of service is an essential element of professional practice and protecting the public interest.

The Board has found that the concept of Direct Charge and Supervision that best conforms to the intent of the registration law and that best protects the public interest is characterized by the following criteria:

¹⁰ The Division of Professional Licensure is an agency within the Office of Consumer Affairs and Business Regulation with 29 boards of registration regulating more than 40 trades and professions. They are responsible for licensing and regulating the activities of over 330,000 individuals, corporations and partnerships. The Division of Professional Licensure's mission is to protect the public health, safety and welfare by licensing qualified individuals who provide services to consumers and by fair and consistent enforcement of the statutes and regulations of the boards of registration.

That the registrant exercised unambiguous decision-making authority with respect to the preparation of the instruments of service he or she is stamping and signing, without interference or undue influence from any other individual or entity.

That those unlicensed persons assisting in the preparation of the instruments of service were subordinates directly to the registrant (or another registrant in his/her direct charge) and not indirectly through some other person or entity that was capable of subverting the registrant's wishes, i.e. that the registrant could reasonably have compelled the assisting person to carry out his or her charge with regard to those activities and practices regulated by the registration law, rules and regulations.

That the registrant (or another registrant in his/her direct charge) had the freedom and authority to assign persons of his/her choosing to assist in the preparation of instruments of service.

That the registrant exercised due care in assigning tasks to persons assisting in the preparation of instruments of service based upon the registrant's knowledge of each person's expertise, knowledge and skill levels.

That the registrant has a verifiable record that products produced by those assisting him/her were subject to regular and continuing review and supervision throughout the development process, from the time of contract to the time of delivery.

That those assisting the registrant in the preparation of instruments of service had continuous access to and guidance from the registrant throughout the development process.

This Advisory Ruling is issued pursuant to a determination made by a majority of members present at the duly called meeting of the Board of Registration of Professional Engineers and Professional Land Surveyors on November 16, 2000.



Prepared with assistance from the SBCA – Northeast Chapter
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