

# STAMPING REQUIREMENTS FOR ARCHITECTS, ENGINEERS AND GEOLOGISTS IN WASHINGTON STATE<sup>1</sup>

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We are seeing a dramatic increase of matters in our design professional practice related to stamping requirements. These matters involve a number of recurring themes and issues:

- As firms become increasingly multi-disciplinary, it is frequently not clear which discipline should be stamping documents for a particular project or scope of work. It is also not always clear whether the work of certain disciplines must be stamped at all.
- As the delegation of responsibility and authority for design work within firms becomes more complex, identifying the person in responsible charge who should be stamping documents or portions of documents becomes more difficult.
- Firms are increasingly subcontracting work to other individuals and firms, including offshore firms. These arrangements give rise to complex issues regarding the required level of direct supervision and control that must be exercised before stamping a document prepared by others.
- Firms are frequently being asked to incorporate or rework work product prepared by others, raising questions regarding if, when and to what degree a firm is obliged to stamp, and thereby take responsibility for, another's work.
- The multi-state nature of a design professional practice, coupled with the often unique and frequently inconsistent stamping requirements of various states, can lead to serious difficulties.
- Government permitting agencies frequently impose stamping requirements that exceed the requirements of state licensing statutes. There is a trend of seeking "stamped" certifications for inspections and for professional opinions that are often far beyond the legislative intent of most stamping laws.
- The adoption of new licensing statutes, like the Washington statute regulating the practice of geology, has created uncertainty among geologists regarding the professional standards they must satisfy, and has raised questions within the design professional community at large regarding the impact, if any, this new law will have on the practice of architecture and engineering in Washington.

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We cannot begin to resolve all of these issues in this short paper. Therefore, it is our intent to identify some of these issues and, with reference to the various Washington registration acts, set out some of the requirements that should be of use in addressing these questions.

## **I. What does a design professional's stamp represent?**

A design professional makes three representations when stamping a document. First, a design professional's stamp confirms that the document was personally prepared by, or prepared under the direct supervision of, a specific individual, and that that individual has accepted complete responsibility for the information contained in the stamped document.<sup>2</sup>

Second, a design professional's stamp affirms that that individual possesses the training, experience and skills necessary to perform the scope of work encompassed in the document. By stamping a document, the design professional affirmatively represents that the scope of work is within his or her "scope of competence."<sup>3</sup>

Finally, a design professional's stamp represents that the document conforms to the standards and requirements of the laws and regulations governing the practice of the applicable design profession. At a minimum, this means that the document satisfies professional standards necessary to protect the public's safety, health and welfare.<sup>4</sup>

## **II. When can a design professional stamp documents prepared by another?**

The general rule is that a design professional can stamp and sign a document prepared by another only if the contents of the document were prepared under the design professional's direct

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<sup>2</sup> See WAC 308-12-081 ("No architect's stamp or countersignature shall be affixed to any drawing not prepared by the architect or his or her regularly employed subordinates, or reviewed by the architect); RCW 18.43.070 ("Such signature and stamping shall constitute a certification by the registrant that the same was prepared by or under his or her direct supervision"); WAC 308-15-075 (1) (A licensed geologist must stamp and sign any final document that is prepared by the geologist or is prepared under the geologist's direct supervision and control and submitted to other parties).

<sup>3</sup> See WAC 308-12-321(1)-(3) (A practicing architect must act "with reasonable care and competence," "must take into account all applicable state and municipal building laws and regulations," and must only perform those services for which the architect, and his or her consultants, have the education, training and experience to perform); WAC 196-27-020(2)(c) (forbidding licensed engineers from stamping documents that involve subject matter for which "they lack competence by virtue of education or experience"); see RCW 18.235.130(4) (unprofessional conduct of architects and geologists includes incompetence, negligence or malpractice that harms or damages, or poses a risk of harm or damage, to a consumer).

<sup>4</sup> RCW 18.08.235 (Legislative finding that the regulation of the practice of architecture is necessary "in order to safeguard life, health, and property and to promote the public welfare"); WAC 196-27-020(1)(b) (Engineers shall only stamp design documents that "are determined to be safe for public health and welfare in conformity with accepted standards"); RCW 18.220.005 (Legislative finding that "it is in the public interest to regulate the practice of geology to safeguard life, health, and property and to promote the public welfare").

supervision and control. By stamping another's work, the design professional assumes full responsibility for the contents of the work.<sup>5</sup>

Of course, the degree of control and supervision that a single individual can practically exercise is subject to limitations, particularly when the design professional is overseeing preparation of a complex design that may incorporate the work of other design professionals, draftsmen and consultants and may be subject to multiple iterations of drawings and calculations. Common sense suggests that, under these circumstances, an evaluation of whether a design professional has exercised adequate supervision and control over stamped work product must include an assessment of the design firm's Quality Assurance/Quality Control process.

Each regulatory scheme uses different terms and definitions to define the appropriate level of supervision required. Accordingly, there are nuances and differences in the supervision requirement as it applies to each design profession.

### **Architects**

Under Washington law, architects may stamp documents prepared by others in two instances. First, the architect may stamp drawings "prepared by . . . regularly employed subordinates."<sup>6</sup> These subordinates, however, must be working under the architect's "direction and control" and the documents must be prepared under the architect's "personal supervision."<sup>7</sup>

Second, an architect may stamp another's work if the architect "review[s]" the document.<sup>8</sup> Washington's regulations governing the practice of architecture define "review" as:

[a] continuous process of examination, evaluation, and direction throughout the development of the documents, which includes the ability to control the final product.<sup>9</sup>

Accordingly, an architect who reviews a document must actively participate in the development of the document and possess the authority to alter or modify the final product.

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<sup>5</sup> WAC 308-12-081 (architects) RCW 18.220.010(14) & .090 (geologists). Our research did not find any statute or regulation expressly stating that an engineer, by stamping a document, becomes "fully responsible" for its contents. It seems likely, however, that such a duty could be implied from rules of professional conduct that require engineers to only stamp those documents prepared under direct supervision if the subject matter is within the engineer's scope of competence and the engineer determines that the design is "safe for the public health and welfare in conformity with accepted standards." WAC 196-27-020(1)(b) & (2)(c). *See also* RCW 18.43.070 (engineering stamp indicates that the engineer knows and believes that the document was prepared in accordance with the laws and regulations governing the practice of engineering in Washington).

<sup>6</sup> WAC 308-12-081.

<sup>7</sup> RCW 18.08.440(4).

<sup>8</sup> WAC 308-12-081.

<sup>9</sup> WAC 308-12-150(8).

## **Engineers**

Engineers may stamp a document prepared by another if the document has been prepared under the engineer's "direct supervision."<sup>10</sup> Regulations governing the practice of engineering in Washington define "direct supervision" as:

a combination of activities by which a licensee maintains control over those decisions that are the basis for the finding, conclusions, analysis, rationale, details and judgments that are embodied in the development and preparation of engineering . . . plans, specifications, plats, reports, and related activities. Direct supervision explains the relationship between the licensee and those persons who are performing the work controlled by the licensee. Direct supervision requires providing personal direction, oversight, inspection, observation and supervision of the work being certified.<sup>11</sup>

Put another way, an engineer can stamp work prepared by a subordinate or employee if the engineer retains control over the "final design or decisions" and the work "is done under the direct responsibility, checking, and supervision" of the engineer.<sup>12</sup>

Although "direct supervision" involves a high level of involvement in the design process, it does not require the engineer's physical presence in the drafting room. The regulations state that an engineer can exercise direct supervision by telephone, mail, facsimile or any other modern communicative device, provided the engineer "retains, maintains, and asserts continuing control and judgment."<sup>13</sup>

In short, engineers, like architects, may only stamp documents prepared by another if they actively oversee the development of the document and retain control over the final product.

## **Geologists**

A geologist may stamp a document prepared by another only if the document has been prepared under the geologist's "responsible charge" and "direct supervision."<sup>14</sup> The term "responsible charge" is defined as:

the exercise of fully independent control and direction of geological work or the supervision of such work, and being fully responsible, answerable, accountable, or liable for the results.<sup>15</sup>

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<sup>10</sup> RCW 18.43.070; WAC 196-23-020.

<sup>11</sup> WAC 196-23-030.

<sup>12</sup> RCW 18.43.130(4).

<sup>13</sup> WAC 196-23-030.

<sup>14</sup> RCW 18.220.090 & .190(1); *see* WAC 308-15-075(1) & (2).

<sup>15</sup> RCW 18.220.010(14).

Thus, geologists, like architects and engineers, cannot stamp drawings prepared by others unless they have actively supervised the preparation of the document and retain control over the final product.

### III. What types of documents must be stamped and under what circumstances?

The types of documents needing to be stamped and the circumstances requiring stamping vary depending upon the design profession and the scope of the laws and regulations governing its practice.

#### Architects

“Drawings” prepared by an architect and “filed with public authorities” must be signed and stamped by the architect.<sup>16</sup> Consequently, each page of a building permit application that contains an architectural drawing must be individually stamped and signed by the architect.<sup>17</sup> Revisions to drawings submitted to a public authority must also be stamped by the architect who made or supervised the revisions.<sup>18</sup>

An architect may also be required to sign and stamp specifications, although there is no statute or regulation mandating that this be done under any particular circumstance.<sup>19</sup> Note, however, that a different standard applies to specifications that are prepared by an incorporated architecture firm.

The stamping requirements applicable to architecture firms organized as corporations under RCW 23B are substantially broader than those applicable to unincorporated individuals, partnerships or Professional Service Corporations. Under Washington law, an architect, or architects, may form either a traditional business corporation under RCW 23B or a professional services corporations under RCW 18.100 for purposes of practicing architecture.<sup>20</sup> If the corporation is organized under RCW 23B, it must comply with RCW 18.08.420, which requires the corporation to identify a registered architect(s) who will be responsible for the “architecture of the firm.”<sup>21</sup> This “designated architect(s)” must prepare or directly supervise the preparation of all architectural documents prepared by the corporation, and must stamp and sign “[a]ll plans, specifications, designs and reports” issued by the corporation.<sup>22</sup> A “designated architect” must be regularly employed by the corporation and cannot serve in this capacity with more than one

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<sup>16</sup> RCW 18.08.370(2), WAC 308-12-081.

<sup>17</sup> Attorney General’s Opinion No. 9 (1990).

<sup>18</sup> *Id.*

<sup>19</sup> See RCW 18.08.440(4) (stamping of “drawings or specifications” that were not prepared or reviewed by the architect or under the architect’s personal supervision constitutes professional misconduct).

<sup>20</sup> See RCW 18.08.420(1).

<sup>21</sup> RCW 18.08.420(1)(c).

<sup>22</sup> RCW 18.08.420(7).

business or company at a time.<sup>23</sup> Firms organized as Professional Service Corporations appear to be exempt from these requirements.<sup>24</sup>

There are several design-related activities that are exempt from the architecture licensing and stamping requirements.<sup>25</sup> Exemptions of particular interest here include:

- “The practice of naval architecture, landscape architecture, engineering, space planning, interior design, or any legally recognized profession or trade by persons not registered as architects.”<sup>26</sup>
- The preparation of shop drawings related to contractors’ “construction, alteration, or supervision of construction of buildings or structures.”<sup>27</sup>
- Design work related to construction, repairs or renovation of residential buildings with a maximum number of four dwelling units, farm buildings, and structures “used in connection with or auxiliary to such residential building and farm building, such as a garage, barn, shed, or shelter for animals or machinery.”<sup>28</sup>
- Design work related to construction, repairs or renovation of any building “up to four thousand square feet of construction.”<sup>29</sup>
- Preliminary design work completed prior to filing of a building permit for any type of building or structure.<sup>30</sup>
- Design of any residential building and buildings in excess of 4,000 square feet, provided the plans containing this design work are stamped by a registered engineer or architect.<sup>31</sup>

### **Engineers**

Washington law requires engineers to stamp all “plans, specifications, plats, and reports.”<sup>32</sup> How and when these documents must be stamped, however, varies depending upon the type of document and its stage of development.

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<sup>23</sup> WAC 308-12-085(3).

<sup>24</sup> See RCW 18.08.420(9).

<sup>25</sup> See generally, RCW 18.08.410.

<sup>26</sup> RCW 18.08.410(1).

<sup>27</sup> RCW 18.08.410(3).

<sup>28</sup> RCW 18.08.410(5).

<sup>29</sup> RCW 18.08.410(6).

<sup>30</sup> RCW 18.08.410(8).

<sup>31</sup> RCW 18.08.410(9).

The regulations require that all “final documents” be stamped and signed by the engineer who prepared or directly supervised the work. “Final documents” are “documents that are prepared and distributed for filing with public officials, use for construction, final agency approvals or use by clients.”<sup>33</sup> Revisions to final documents should also be stamped and signed by the engineer who prepared them or directly supervised their preparation.<sup>34</sup>

All “preliminary documents” that are released or distributed must also be stamped and dated, but need not be signed by the engineer.<sup>35</sup> The regulations define “preliminary documents” as documents that are not “final” as that term is defined above. The regulations further require that all preliminary documents must be clearly identified as such in a manner that distinguishes them from final documents.<sup>36</sup>

The regulations require that each page of a plan set or plat must contain the stamp and signature of the engineer who prepared the work or supervised its preparation.<sup>37</sup> If a plan set or plat has been prepared by more than one licensed engineer, it must be stamped and signed by both engineers and note the extent of each engineer’s responsibility.<sup>38</sup> Plan sheets that contain or depict background or supporting information that is duplicated from other plans need only be stamped by the engineer who prepared them or directed their preparation.<sup>39</sup> The origins of any background information, however, should be noted in the plans whenever possible.<sup>40</sup>

All “specifications” issued by an engineer must be stamped by the engineer who prepared them or supervised their preparation. If the engineer is only responsible for preparing or supervising the preparation of a specific portion of the specifications, only that portion of the specifications for which the engineer is responsible should be stamped.<sup>41</sup>

Engineers must also sign and stamp any reports they prepare as part of a “document review.”<sup>42</sup> The regulations define a “document review” as the “review of work prepared by another licensed on-site designer.” The resulting report must contain a discussion regarding the findings of the review, along with any supporting calculations and sketches.

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<sup>32</sup> RCW 18.43.070.

<sup>33</sup> WAC 196-23-020(1).

<sup>34</sup> Attorney General’s Opinion No. 9 (1990).

<sup>35</sup> WAC 196-23-020(2).

<sup>36</sup> *Id.*

<sup>37</sup> WAC 196-23-020(3).

<sup>38</sup> WAC 196-23-020(3)(a).

<sup>39</sup> WAC 196-23-020(3)(c).

<sup>40</sup> *Id.*

<sup>41</sup> WAC 196-23-020(4).

<sup>42</sup> WAC 196-23-020(5).

As with the laws governing the practice of architecture, the laws governing the practice of engineering are subject to several exemptions.<sup>43</sup> Of particular interest here are exemptions for the following activities:

- “The practice of any other legally recognized profession or trade.”<sup>44</sup>
- Engineering work rendered by the employee of a corporation when the work is performed as part of the corporation’s “general business,” provided that the corporation’s general business does not consist, wholly or in part, of the rendering of engineering services to the general public and the corporation employs at least one engineer licensed to practice in the State of Washington.<sup>45</sup>
- “The practice of officers or employees of the government of the United States while engaged within the state in the practice of the profession of engineering . . . for the government of the United States.”<sup>46</sup>

### **Geologists**

Geologist must stamp, sign and date “every final geology or specialty geology report, letter report or document [including designs and specifications] that is prepared by the licensee or prepared under the licensee’s supervision or direction and submitted to other parties.”<sup>47</sup> Figures, maps and plates that are bound within final documents need not be individually stamped, signed and dated. Unbound figures, maps and plates, however, must be individually stamped, signed and dated.<sup>48</sup>

Preliminary geology reports and documents, and associated figures, maps and plates, need not be stamped, but must all be clearly marked “preliminary” or “draft.”<sup>49</sup>

The regulations authorize geologists to stamp work that they have “reviewed.”<sup>50</sup> The term “review,” however, is not defined. Therefore, it is unclear what degree a reviewing geologist must be involved in the development of the document being reviewed. What is clear is that a geologist who “reviews” and then stamps a document prepared by another will be held responsible to the same extent as if they had prepared the document themselves.<sup>51</sup>

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<sup>43</sup> See RCW 18.43.130.

<sup>44</sup> RCW 18.43.130(1).

<sup>45</sup> RCW 18.43.130(5).

<sup>46</sup> RCW 18.43.130(6).

<sup>47</sup> WAC 308-15-075(1) & (2).

<sup>48</sup> WAC 308-15-075(1)(a).

<sup>49</sup> WAC 308-15-075(2).

<sup>50</sup> WAC 308-15-075(3).

<sup>51</sup> *Id.*



The statute governing the practice of geology identifies numerous activities that do not constitute the practice of geology.<sup>52</sup> Accordingly, work product from these activities is exempt from stamping requirements. Documents that need not be stamped include:

- Geological work by officers and employees of the federal government “practicing solely as such officers and employees.”<sup>53</sup>
- Geological work performed exclusively for the exploration for energy and mineral resources, provided such work “has no substantial impact upon the public health, safety, and welfare.”<sup>54</sup>
- Reports and documents based on geological research conducted through academic institutions, federal and state agencies, nonprofit research institutions, and for-profit organizations, including research reports submitted to public agencies.<sup>55</sup>
- Documents generated while teaching geology and other related sciences.<sup>56</sup>
- Documents prepared by engineers and other licensed professionals to the extent they relate to the acquisition of engineering data regarding “soil, rock, groundwater and other earth material” to be used for analysis, design and construction, and “provided that such work is permitted under the applicable licensing or registration laws, and is incidental to the practice or the profession or occupation for which licensing or registration is required.”<sup>57</sup>
- Scientific work product customarily generated by “such physical or natural scientists as chemists, archaeologists, geographers, hydrologists, oceanographers, pedologists, and soil scientists,” provided this work product does not include geological reports, designs, plans, conclusions or recommendations “in a way that affects the public health, safety or welfare.”<sup>58</sup>
- Documents prepared for the sole purpose of being placed in evidence before “any administrative or judicial tribunal or hearing,” provided the document does “not imply that the person is a licensed geologist.”<sup>59</sup>

## CONCLUSION

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<sup>52</sup> See RCW 18.220.190.

<sup>53</sup> RCW 18.220.190(2).

<sup>54</sup> RCW 18.220.190(3).

<sup>55</sup> RCW 18.220.190(4).

<sup>56</sup> RCW 18.220.190(5).

<sup>57</sup> *Id.*

<sup>58</sup> RCW 18.220.190(7).

<sup>59</sup> RCW 18.220.190(8).

We intend this paper to serve as a quick reference to answer frequently asked questions and help design professionals anticipate and address stamping related issues. Improperly stamped documents can lead to professional discipline and legal liability. It is essential that design professionals learn to identify stamping dilemmas before the document is stamped and released. Accordingly, we strongly recommend that design professionals facing these issues regularly review their internal stamping practices and offer instruction on compliance with the stamping laws and regulations as a regular part of their in-service training programs.