

**Board of Professional Engineers, Architects, Surveyors, and
Landscape Architects**

Notice Regarding “Plan Stamping” & Consumer Resources

March 20, 2025

The Board of Professional Engineers, Architects, Surveyors, and Landscape Architects (“Board”) advises the public and all licensees that, pursuant to Hawaii Administrative Rules (“HAR”) §16-115-10(4), “**plan stamping**,” i.e. sealing, stamping or certifying any document which was not prepared by or supervised by the licensee, is considered misconduct in the practice and may be subject to disciplinary action.

HAR §16-115-10 Misconduct in the practice. Misconduct in the practice of the profession of engineering, architecture, land surveying, or landscape architecture means without limitation the following:

- (1) Acting for licensee's client, or employer, in matters otherwise than as a faithful agent or trustee, or accepting any remuneration other than the licensee's stated recompense for services rendered;
- (2) To knowingly injure or attempt to injure falsely or maliciously, directly or indirectly, the professional reputation, prospects, or practice of another engineer, architect, land surveyor, or landscape architect;
- (3) Advertising in a false, misleading, or deceptive manner;
- (4) "Plan stamping"; i.e. sealing, stamping, or certifying any document which was not prepared by or supervised by the licensee; and
- (5) Misrepresentation, deceit, fraud, gross negligence, and other offenses relating to misconduct of the licensee's practice.

Further, the Board advises that “supervision” is defined in HAR §16-115-2 as follows:

HAR §16-115-2 Definitions. "Supervise", "supervision", "supervision of design", or "under the supervision of" means that a licensed engineer, architect, surveyor, or landscape architect, as the case may be, shall:

- (1) Exercise direct control and oversee the subject activity through physical presence or through the use of communication devices; provided the licensee has both direct control and detailed professional knowledge of the work being supervised; or
 - (2) Substantially redraft, redraw, redesign, or recalculate the plans, specifications, and other related documents;
- and be responsible for all work within the licensee's discipline performed on plans, specifications, and other related documents.

The Board reminds the public and licensees of the following additional laws (Hawaii Revised Statutes “HRS”) and rules (Hawaii Administrative Rules “HAR”) –

HRS §464-14 Unlicensed activity; penalties. (a) Any person who practices, offers to practice, or holds oneself out as authorized and qualified to practice professional engineering, architecture, land surveying, or landscape architecture in the State, except as provided in sections 464-3 and 464-5; or who uses the title "engineer", "architect", "land surveyor" or "landscape architect", or any title, sign, card, or device to indicate that such person is practicing professional engineering, architecture, land surveying, or landscape architecture, or is a professional engineer, architect, land surveyor, or landscape architect, without having first acquired a license in accordance with this chapter and without having a valid unexpired license; or who uses or attempts to use as the person's own the seal, certificate or license of another, or who falsely impersonates any duly licensed practitioner hereunder, or who uses or attempts to use an expired, suspended, or revoked license shall be fined not more than \$500 or imprisoned not more than one year, or both.

(b) Any corporation or copartnership which advertises that it furnishes architectural, engineering, land surveying, or landscape architectural services in the making of plans or specifications or in the construction of any building or other structure, without first complying with section 464-12; or any corporation or copartnership which furnishes or offers to furnish architectural, engineering, land surveying, or landscape architectural services for the construction of any building, structure, project, or utility in the State, without first complying with section 464-12, shall be fined not more than \$1,000. Notwithstanding any law to the contrary, persons, corporations, or copartnerships working on structures exempted in section 464-13 shall not be affected by this subsection.

HRS §464-10 Licensees; suspension or revocation of licenses; fines; hearings. In addition to any other actions authorized by law, the board may revoke, suspend, or refuse to renew the license of any licensee for any cause authorized by law, including but not limited to fraud or deceit in obtaining the license or gross negligence, incompetency, or misconduct in the practice of the profession, or violating this chapter or the rules of the board. Any person may prefer charges in writing with the executive secretary of the board against any person holding a license.

In every case where it is proposed to impose any penalty under this section, the board shall give the licensee concerned notice and hearing in conformity with chapter 91. The notice shall be given in writing by registered or certified mail with return receipt requested at least fifteen days before the hearing.

In all proceedings before it, the board and each member thereof shall have the same powers respecting administering oaths, compelling the attendance of witnesses and the production of documentary evidence, and examining witnesses, as are possessed by circuit courts. In case of disobedience by any person of any order of the board or of any member thereof, or of any subpoena issued by it or by a member, or the refusal of any witness to testify to any matter regarding which the person may be questioned lawfully, any circuit judge, on application by the board or a member thereof, shall compel obedience as in the case of disobedience of the requirements of a subpoena issued by a circuit court, or a refusal to testify therein.

Any licensee who violates this chapter or the rules adopted pursuant thereto may also be fined not less than \$500 nor more than \$1,000 per violation. Each day of violation or failure to comply shall constitute a separate offense.

HRS §436B-19 Grounds for refusal to renew, reinstate or restore and for revocation, suspension, denial, or condition of licenses. In addition to any other acts or conditions provided by law, the licensing authority may refuse to renew, reinstate or restore, or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee or the applicant thereof:

- (1) Failure to meet or maintain the conditions and requirements necessary to qualify for the granting of a license;
- (2) Engaging in false, fraudulent, or deceptive advertising, or making untruthful or improbable statements;
- (3) Being addicted to, dependent on, or a habitual user of a narcotic, barbiturate, amphetamine, hallucinogen, opium, or cocaine, or other drugs or derivatives of a similar nature;
- (4) Practicing the licensed profession or vocation while impaired by alcohol, drugs, physical disability, or mental instability;
- (5) Procuring a license through fraud, misrepresentation, or deceit;
- (6) Aiding and abetting an unlicensed person to directly or indirectly perform activities requiring a license;
- (7) Professional misconduct, incompetence, gross negligence, or manifest incapacity in the practice of the licensed profession or vocation;
- (8) Failure to maintain a record or history of competency, trustworthiness, fair dealing, and financial integrity;
- (9) Conduct or practice contrary to recognized standards of ethics for the licensed profession or vocation;
- (10) Violating any condition or limitation upon which a conditional or temporary license was issued;
- (11) Engaging in business under a past or present license issued pursuant to the licensing laws, in a manner causing injury to one or more members of the public;
- (12) Failure to comply, observe, or adhere to any law in a manner such that the licensing authority deems the applicant or holder to be an unfit or improper person to hold a license;
- (13) Revocation, suspension, or other disciplinary action by another state or federal agency against a licensee or applicant for any reason provided by the licensing laws or this section;
- (14) Criminal conviction, whether by nolo contendere or otherwise, of a penal crime directly related to the qualifications, functions, or duties of the licensed profession or vocation;

(15) Failure to report in writing to the licensing authority any disciplinary decision issued against the licensee or the applicant in another jurisdiction within thirty days of the disciplinary decision;

(16) Employing, utilizing, or attempting to employ or utilize at any time any person not licensed under the licensing laws where licensure is required; or

(17) Violating this chapter, the applicable licensing laws, or any rule or order of the licensing authority.

Filing a Complaint with the Regulated Industries Complaints Office (“RICO”)

If you believe an individual is in violation of the Board’s laws or rules, you may file a complaint with the Regulated Industries Complaints Office (“RICO”). RICO is the investigative arm of the Department of Commerce and Consumer Affairs (“DCCA”). For more details on the complaints process, please visit RICO’s website: <https://cca.hawaii.gov/rico/>. You may file an anonymous tip on unlicensed activity, or submit a formal complaint, which requires disclosure of your identity.

Please note that the Board does not have investigative authority.

Resources for Consumers¹

In the interest of public health, welfare and safety, a **professional or vocational license** is required to perform certain services for consumers in a regulated industry. The professional or vocational license is not the general excise tax license, or the registration or authorization to conduct business in the state. The licenses that are regulated by RICO are issued and managed by the Professional and Vocational Licensing Division (“PVL”) within the DCCA, and holders of such licenses are governed by the industry board, commission, or program.

[RICO Complaints History](#)

Use this resource to find out if a business or individual has been sanctioned, has a record of disciplinary action, or a pending complaint with RICO.

[RICO Unlicensed Judgments](#)

Use this resource to view summaries of businesses or individuals who have been sanctioned for doing work without the proper professional or vocational license.

¹ Source: <https://cca.hawaii.gov/rico/check/>

[RICO – Recent Disciplinary Actions Against Licensees](#)

Use this resource to view a summary of recent disciplinary actions that have been imposed on licensees.

[Professional and Vocational License Search](#)

Use this resource to find out if a business or individual has a current professional or vocational license to do the work or treatment you desire.

References

- HRS §436B
- HRS §464
- HAR §16-115

Please see the board's relevant laws and rules for more details:

https://cca.hawaii.gov/pvl/boards/engineer/statute_rules/.

Please be advised that in accordance with Hawaii Administrative Rules (HAR) section §16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision and therefore is not to be viewed as binding on the Board, or the Department of Commerce and Consumer Affairs.