

# DLLR

STATE OF MARYLAND

DEPARTMENT OF LABOR, LICENSING AND REGULATION

ROBERT L. EHRLICH, Jr., Governor  
MICHAEL S. STEELE, Lt. Governor  
JAMES D. FIELDER, Jr., Ph.D., Secretary

Division of Occupational And Professional Licensing  
Gregory M. Safko, Commissioner

DLLR Home Page • <http://www.dllr.state.md.us>  
DLLR E-mail • [op@dllr.state.md.us](mailto:op@dllr.state.md.us)

November 3, 2004

Mr. Edwards J. Reed, PE  
P. O. Box 1142  
Lusby, Maryland 20657

Dear Mr. Reed:

The State Board of Architects received your letter of October 24, 2004, where you requested the Board's assistance regarding the issue that you are presently discussing with the Queen Anne's County. You had stated that the County insists on having an architectural seal on the documents related to a certain "small rehabilitation project" while you feel that as a professional engineer, you are qualified to seal the documents with your professional engineer's seal. You had also stated in your letter that even though you had asked the County to file a Request for Determination, as suggested by the Overlapping Practice Guide transmitted by the State Design Boards, "the County did not see the need to do so and maintains that as a structural engineer [you] must work under an Architect."

While as a design professional I can appreciate your request, as a Board member I must advise you that it is not the Boards' role to be advocates of interests of any given design profession. Also, it is not the Boards' role to impose or force their position on the local government officials.

The Overlapping Practice Guide specifically states that the right to request a determination has to be initiated by a local government official, not by individual design professionals. In addition, the Guide is intended to be a resource, not a rule that a local official must follow. Your letter stated that the Queen Anne's County officials do not see the need to seek clarification from the Design Boards. The Boards can not, and should not, overrule their decision.

The Boards can always contact a county if the county is clearly in violation of the laws that the Boards are charged with enforcing. Often, however, the overlapping practice disputes do not rise to that level. From the design professional's



Edward J. Reed, P.E.  
November 3, 2004  
Page Two

standpoint, he or she may have remedies available against the local decision-makers through the courts' system.

Should the Queen Anne's County decide to pursue a State Design Boards' advisory process route, I am certain that the Overlapping Practice Panel will be happy to review that request and act on it.

Sincerely,



Stephen Parker, AIA

Chairman

State Board of Architects

Cc: Mr. Michael Savage  
Design Boards  
Dr. Charles Maloy, Chairman, Joint Design Chairs  
Gregory Safko, Commissioner  
Harry Loleas, Deputy Commissioner  
Pamela Edwards, Acting Executive Director  
Milena Trust, Assistant Attorney General