

Washington State Board of Registration for Professional Engineers & Land Surveyors

Board Meeting

June 22, 2023

[WebEx Link](#)

Or

Join by video system, application, or Skype for business

Join from a video system or application

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You can also dial 173.243.2.68 and enter your meeting number.

Tap to join from a mobile device (attendees only)

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Board Meeting

Tab 1

Call to Order

- 1.1 Roll Call
- 1.2 Order of Agenda
- 1.3 Approval of April 27, 2023 Meeting Minutes
- 1.4 Public Comment Opportunity



STATE OF WASHINGTON
BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Board Meeting Agenda

DATE & TIME: June 22, 2023 9:00 am

LOCATION: Red Lion Hotel & Conference Center and [WebEx Link](#)
 Design Room Or
 2525 N. 20th Avenue **Tap to join from a mobile device**
 Pasco, WA 99301 [+1-650-479-3208](tel:+16504793208) US Toll

ATTENTION: All meetings are open to the public except when business calls for a Closed Session. During Closed Session all guests will be excused. Start times are subject to change by the Board or Committee Chair.

OPEN SESSION

1. Call to Order

- 1.1. Roll Call
- 1.2. Order of Agenda
- 1.3. Approval of April 27, 2023 Meeting Minutes
- 1.4. Public Comment Opportunity

EXECUTIVE SESSION: The chair will announce the purpose and estimated duration for the Executive Session. No formal actions will be taken during the Executive Session. Once the Executive Session concludes, the Board will take a break to announce and invite visitors to Open Session.

OPEN SESSION RECONVENES

2. Disciplinary Action

- 2.1. Case Deliberation
- 2.2. Formal Action
 - 2.2.1. 2020-12-1960-00ENG
 - 2.2.2. 2021-04-1006-00LSV
- 2.3. Disciplinary Report

3. Committee Reports

- 3.1. Exam Qualifications Committee
- 3.2. Practice Committee
- 3.3. Executive Committee
- 3.4. Survey Committee
- 3.5. Structural Committee
- 3.6. Communication Task Force

4. New Business

- 4.1. Approval of Response Letter Regarding Clarification on Practice Question
- 4.2. Approval of Draft Language and Filing of CR102 for WAC 196-33
- 4.3. Approval of Draft Language and Filing of CR102 for WAC 196-09
- 4.4. Approval of Draft Language and Filing of CR102 for WAC 196-12
- 4.5. Educational Licensing Requirements
- 4.6. Approval of Rulemaking for 196-26A & 196-30
- 4.7. Comity Licensure/NCEES SE 16-hr Exam Discussion
- 4.8. Nominating Committee Report and Election of 2023/2024 Officers
- 4.9. Discuss Temporary Reduction of Licensing Fees

5. Director's Report

- 5.1. Financial Report
- 5.2. Agency Operations
- 5.3. Program Reports
 - 5.3.1. Communication & Outreach
 - 5.3.2. Regulatory
 - 5.3.3. Investigation & Compliance
 - 5.3.4. Licensing
 - 5.3.5. Admin
- 5.4. Other Items

6. Assistant Attorney General's Report**7. Other Business**

- 7.1. Additional Public Comment
- 7.2. Upcoming Outreach and Events
- 7.3. Action Items from This Meeting
- 7.4. Agenda Items for Next Meeting

8. Adjourn Meeting



STATE OF WASHINGTON
BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
BOARD MEETING MINUTES

DATE: April 27, 2023
TIME: 8:00 a.m.
LOCATION: BRPELS Office
 605 11th Ave SE, Ste 201
 Olympia, WA, 98501

ATTENDANCE:

Board Members

Doug Hendrickson, PE, Chair (WebEx)
 Dave Peden, PE, SE, Vice Chair (WebEx)
 Aaron Blaisdell, PLS (WebEx)
 Nirmala Gnanapragasam, Ph.D, PE (WebEx)
 Ivan VanDeWege, PE (WebEx)
 James Wengler, PLS, CFedS (WebEx)

Staff Members

Ken Fuller, PE, Director (WebEx)
 Mackenzie Wherrett, Executive Assistant
 Vonna Cramer, Licensing Lead
 Shanan Gillespie, Regulatory Program Manager
 Greg Schieferstein, Communication Manager
 Jill Short, Investigations & Compliance
 Manager

Guest(s)

Sharon Zimmerman (WebEx)

1. Call to Order at 8:01 am

1.1. Roll Call

Mr. Hendrickson took roll call.

1.2. Order of Agenda

A motion was made by Ms. Lund, and seconded by Mr. Wengler, to accept the agenda as written. Motion carried.

1.3. Approval of April 6, 2023 Meeting Minutes

A motion was made by Mr. Peden, and seconded by Mr. Blaisdell, to accept the April 06, 2023 Meeting Minutes. Motion approved.

Discussion:

Mr. Blaisdell inquired if the April 6, 2023 Special Board Meeting was through WebEx or Microsoft Teams, as both are used for BRPELS meetings. Ms. Wherrett confirmed the April 6, 2023 Special Board Meeting was through WebEx.

1.4. Public Comment Opportunity

No comments provided.

Executive Session

Mr. Hendrickson, Board Chair, announced that the Board would go into closed session to consult with the board attorney, discuss matters related to enforcement, and cases in current litigation. It was estimated the Executive Session would last from 8:08 a.m. until 8:33 a.m.

Open Session Reconvened – 11:11 a.m.

2. Disciplinary Action

2.1. Case Deliberation

2021-07-1835-00LSV

Mr. Wengler recommended the case be closed, that the complainant be provided with the Case Manager's recommendation and a copy of the amended record of survey.

A motion was made by Mr. Peden, and seconded by Mr. Blaisdell, to accept the Case Manager's recommendation for closure. Mr. Wengler abstained. Motion approved.

Discussion:

Mr. Blaisdell asked about the need to provide both a copy of the case manager's recommendation and the amended record of survey. Mr. Wengler determined that the case manager's recommendation would not be necessary if the amended record of survey is provided to the complainant.

2021-11-2979-00LSV

Mr. Blaisdell recommended the case be closed with notification of the completed property resolution, which is a signed boundary line agreement as recorded in the county. A copy of the signed boundary line agreement will be provided to the board by the respondent.

A motion was made by Mr. Wengler and seconded by Ms. Lund, to accept the Case Manager's recommendation for closure. Mr. Blaisdell abstained. Motion carried.

2.2. Disciplinary Report

Ms. Short provided a summary of the Disciplinary Report that was included in the [board packet](#).

3. Committee Reports

3.1. Executive Committee

Mr. Hendrickson delivered the committee's report.

- [04/20/23 Executive Committee Meeting Report](#)

A motion was made by Ms. Lund, and seconded by Mr. Wengler, to accept the Executive Committee report. Motion carried.

3.2. Practice Committee (PC)

Mr. Peden delivered the committee's report.

- [04/18/23 Practice Committee Meeting Report](#)

A motion was made by Mr. Wengler, and seconded by Ms. Lund, to accept the Practice Committee report. Motion approved.

3.3. Exam Qualifications Committee (EQC)

Ms. Gnanapragasam delivered the committee's report.

- [04/17/23 Exam Qualifications Committee Meeting Report](#)

A motion was made by Ms. Lund, and seconded by Mr. Wengler, to accept the Exam Qualifications Committee report. Motion carried.

Discussion:

The EQC requested applications be placed on SharePoint for committee members to review in between board meetings. Mr. Fuller clarified that the EQC reviews only applications that are necessary per RCW or WAC and recommends approval of those applications to the full board.

3.4. Survey Committee

Mr. Wengler delivered the committee's report.

- [04/18/23 Survey Committee Meeting Report](#)

3.5. On-Site Ad Hoc Committee

Mr. Blaisdell delivered the committee's report.

- [04/17/23 On-Site Ad Hoc Committee Meeting Report](#)

4. New Business

4.1. Assign a Nominating Committee

Mr. Hendrickson, Board Chair, assigned Mr. Peden and Mr. Wengler to the Nominating Committee. Mr. Fuller was directed to assist the Nominating Committee.

4.2. Approval of State Specific Exam Cut Scores (from EQC)

Ms. Gnanapragasam provided the Exam Qualifications Committee's recommendation for approval of the March 2023 state specific exam cut scores of 81/100 with a 64% pass rate for the On-Site Wastewater licensing exam and 27/40 with a 50% pass rate for the Professional Land Surveyor licensing exam.

Ms. Lund made a motion, seconded by Mr. Blaisdell, to approve the March 2023 state specific exam cut scores as proposed. Motion approved.

4.3. Approval of Amended Language and Filing of CR105 for WAC 196-26A & WAC 196-30 (from Executive Committee)

Ms. Gillespie presented the Executive Committee's recommendation to approve the amended language and filing of CR105 for WAC 196-26A and WAC 196-30. A motion was made by Mr. Wengler and seconded by Mr. Peden to approve the amended language and filing of CR105 for WAC 196-26A and WAC 196-30.

Discussion:

Mr. Blaisdell stated RCW 18.235.110 referenced in the amended language, does not explicitly say 'enforcement actions'. 'Previous enforcement actions' was discussed as well as other potential amended language for WAC 196-30. Ms. Lagerberg recommended the proposed amended language and that the current legal background question on licensing applications is adequate. Ms. Gnanapragasam agreed that the legal background question is acceptable.

Mr. VanDeWege made a replacement motion, seconded by Mr. Blaisdell, to withdraw the original motion and to send the amended language back to the committee for review. Motion approved.

4.4. Approval of Amended Language and Filing of CR102 for WAC 196-12 (from EQC)

A motion was made by Mr. Wengler, and seconded by Mr. Peden, to send the amended language and filing of CR102 for WAC 196-12 back to the Exam Qualifications Committee for review. Mr. Wengler did not feel he had enough time to review the amended language. Motion approved.

Discussion:

Mr. Fuller explained that the amended language was expedited due to [SB 5283](#) implementation, effective July 23, 2023. Mr. Fuller apologized to the board that the amended language was provided with short notice. The EQC will schedule a committee meeting to review the amended language for WAC 196-12-045 and potentially require a special board meeting be scheduled.

4.5. Approval of Filing a CR-101 for WAC 196-09 (From PC)

Mr. Wengler motioned to approve the filing of CR101 for WAC 196-09, seconded by Mr. Blaisdell. Motion carried.

4.6. Approval of the Draft Letter Regarding Clarification on Practice of Engineering/Specialty Construction (From PC)

Mr. Fuller provided a short summary of questions received from Shannon & Wilson which was included in the [board packet](#). The draft response letter was presented separately from the board packet and is available, [here](#).

Mr. Peden made a motion, seconded by Mr. Wengler, to have the Practice Committee review and finalize the draft response letter, then present it at the next board meeting. Motion approved.

4.7. Taking Civil Action Discussion (From PC)

Ms. Lagerberg reported on her research regarding how to take civil action against unlicensed practice as provided in the [board packet](#).

A motion was made by Mr. Peden, and seconded by Mr. Wengler, for counsel to pursue civil action against Mr. Hawkins and against Mr. Huxel once the appeal decision has been reached. Motion approved.

5. Directors Report

5.1. Financial Report

Mr. Fuller provided an overview of the financial report produced by Mr. Bitar that was included in the [board packet](#). Mr. Bitar reported the agency is in excellent financial condition and stated the agency is projected to end the biennium with about \$1.6 million in its operating account and is on track to underspend appropriation this biennium by \$512,000. He reported last fiscal year, the agency generated \$3.75 million in revenue vs. just \$3.33 million during the same period last biennium. This represents an increase of about 12.6% between biennia.

5.2. Agency Operations

5.3. Program Reports

Board Staff provided summaries of the program reports included within the [board packet](#).

5.3.1. Communications & Outreach – Mr. Schieferstein

- 5.3.2. Regulatory – Ms. Gillespie
- 5.3.3. Investigation & Compliance – Ms. Short
- 5.3.4. Licensing – Ms. Cramer
- 5.3.5. Admin – Ms. Wherrett

5.4. Other Items

Mr. Fuller reported on the retirement of Deputy Director, Mr. Larson. Mr. Fuller explained that board staff are working with Mr. Larson to prepare for his exit through training and hand-off of duties. The board discussed the benefits of having a licensee in the role of Deputy Director. Board staff will soon begin recruitment for the Deputy Director position.

Mr. Blaisdell requested board staff to produce an agenda for the upcoming board training on August 2, 2023. Ms. Gillespie and Ms. Wherrett will provide a board training agenda to include training resources and a list of online training to be completed prior to August 2, 2023 by June 1, 2023.

6. Assistant Attorney General's Report

Ms. Lagerberg shared that her office considers the Board of Registration for Professional Engineers and Land Surveyors the best agency to work for. Ms. Lagerberg thanked the agency for being her client.

7. Other Business

7.1. Additional Public Comment

No comments provided.

7.2. Upcoming Outreach and Events

- Order of the Engineer Ceremony | Olympic College | April 29, 2023 | Ms. Gnanapragasam
- Exam Qualifications Committee Meeting | Olympia & MS Teams | May 5, 2023
- Practice Committee Meeting | Olympia & MS Teams | May 11, 2023
- June Board & Committee Meetings | Tri-Cities & WebEx | June 21 – 22, 2023

7.3. Action Items from This Meeting

- Mr. Fuller to work with the Nominating Committee, Mr. Peden and Mr. Wengler, to nominate the next Board Chair and Vice Chair
- Board Staff to release state specific exam results
- Executive Committee to review amended language for WAC 196-26A and WAC 196-30
- EQC to review amended language for WAC 196-12-045 and schedule a committee meeting with potential for a special board meeting
- PC to review and finalize the response letter to Shannon & Wilson clarifying the practice of engineering/specialty construction and schedule a committee meeting with potential for a special board meeting
- Staff to file CR101 for WAC 196-09
- Counsel to pursue civil action against Mr. Hawkins and against Mr. Huxel once the appeal decision has been reached
- Ms. Gillespie and Ms. Wherrett to produce and distribute a board training agenda

by June 1, 2023.

- Ms. Lagerberg to confirm the outcome of the board order example provided in the [board packet](#) regarding taking civil action.

7.4. Agenda Items for Next Meeting.

- Nominating Committee Report and Election
- Discuss Temporary Reduction of Licensing Fees

8. Adjourn Meeting

A motion was made by Ms. Lund, and seconded by Mr. VanDeWege, to adjourn the meeting at 12:43 p.m. Motion approved.

Next Meeting: June 22, 2023 - Board Meeting – Tri-Cities & WebEx

Respectfully submitted,

Ken Fuller, PE, Director

Board Meeting

Tab 2

Disciplinary Activity

- 2.1 Case Deliberation
- 2.2 Formal Action
 - 2.2.1 2020-12-1960-00ENG
 - 2.2.2 2021-04-1006-00LSV
- 2.3 Disciplinary Report

**STATE OF WASHINGTON
BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS**

In the Matter of the License to Practice as a
Professional Engineer of:

Clifton W. Berkey, PE

Respondent.

License #37708

NO. 2020-12-1960-00ENG

STIPULATED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
AGREED ORDER

The Washington State Board of Registration for Professional Engineers and Land Surveyors ("Board"), and Clifton W. Berkey ("Respondent"), stipulate and agree to the following:

**Section 1
BACKGROUND**

- 1.1 Clifton W. Berkey, Respondent, holds a license (#37708) to practice as a professional engineer.
- 1.2 The Respondent's license to practice engineering is currently due to expire August 18, 2023.
- 1.3 On March 15, 2023, the Board issued a Statement of Charges against the Respondent alleging that the Respondent violated the following: RCW 18.43.105(5) & (10); RCW 18.235.130(4) & (8); and WAC 196-27A-020 (2)(a)(e) & (f).

**Section 2
PROCEDURAL STIPULATIONS**

- 2.1 The Respondent understands that the Board is prepared to proceed to a hearing on the allegations in the Statement of Charges.
- 2.2 The Respondent understands that he has the right to defend himself against the allegations in the Statement of Charges by presenting evidence at a hearing.
- 2.3 The Respondent understands that, should the Board prove at a hearing the allegations in the Statement of Charges, the Board has the power and authority to impose sanctions, including fines, pursuant to RCW 18.235.110 and/or RCW 18.43.110.
- 2.4 The Respondent and the Board agree to expedite the resolution of this matter by means of

this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order (“AGREED ORDER”).

2.5 The Respondent waives the opportunity to present evidence at a hearing on the Statement of Charges contingent upon signature and acceptance of this Agreed Order by the Board.

2.6 This AGREED ORDER is not binding on any party unless and until it is signed and accepted by the Board. Should this Agreed Order be rejected, the Respondent waives any objection to the participation at a hearing of all or some of the Board members who considered the Agreed Order. The exception is Board Member Nirmala Gnanapragasam, PE, PhD, Case Manager for this matter, who is recused from participating as a presiding or reviewing officer in an adjudicative hearing on this matter.

2.7 Once this AGREED ORDER is signed by the Board, the Respondent waives any and all right to judicial review and/or reconsideration by the Board.

Section 3 STIPULATED FACTS

The Respondent acknowledges that evidence is sufficient to justify the following finding of facts:

3.1 Respondent, in his capacity as a professional engineer, showed a lack of understanding of geotechnical engineering design principles for two projects he designed in the Cities of Pasco and Kennewick, Washington. These projects did not meet regulatory requirements.

3.2 In 2019, Respondent was hired to design a tiered concrete block wall system located at 3906 Equinox Court, Pasco, Washington.

3.2.1 During construction of the system a retired geotechnical engineer noticed a steep unsupported vertical cut while passing by; he reported it to the City because of a public safety concern. Following a site inspection, the City halted the construction. The City found the Respondent’s design was not specific to the site, but was a typical design.

3.2.2 A second Professional Engineer (Complainant) was hired to perform a site-specific design of the retaining wall. The work was completed by the Complainant and a secondary inspection was done to make sure the hillside was not disturbed.

3.2.3 Respondent claimed he designed the retaining wall and the contractor used those

plans to obtain a permit without any site plans. The Respondent further claimed the contractor built the wall without conforming to the design provided by the Respondent.

3.2.4 Respondent was asked to provide staff with a copy of the design drawings provided to the contractor. Respondent stated his computer was affected by a virus, and could not produce a copy of the drawings.

3.2.5 Board staff was able to obtain a copy of the engineering drawings provided to the City with the Respondent's stamp and signature.

3.2.6 The Respondent provided a general design rather than a site-specific design for the retaining wall to the client, who then had to hire the Complainant to complete the work.

3.3 In 2020, Respondent was hired to design a rock retraining wall located at 4036 West 47th Court, Kennewick, Washington.

3.3.1 A second Professional Engineer (Complainant) was contacted by the site owner to inquire if he performs density testing for a structural fill at the suggestion of the Respondent. The Complainant does not perform structural fill density testing in-house and referred the owner to a testing company.

3.3.2 An individual from the testing company and the contractor's foreman expressed concerns about the wall design. The Complainant highlighted several errors and omissions in the Respondent's design drawings.

3.3.3 The Respondent claimed he used field measurements provided by the contractor in the design of the wall. However, the Respondent claimed the soil parameters included in the design drawings were typos from past projects and that he was complacent because the wall was only a little higher than his knee cap.

3.3.4 The Board Case Manager reviewed the drawings and determined these identical soil parameters were also used in the engineering drawings of 3.2 described above. These drawings were stamped and signed by the Respondent and were provided to Board staff by the City.

3.3.5 Respondent provided Board Staff a geotechnical engineer's letter with

recommendations for the design parameters. This letter is dated May 21, 2021, approximately five (5) months after the complaint was filed.

3.3.6 The design parameters recommended by the geotechnical engineer were significantly different than the parameters used by the Respondent in his original design.

3.3.7 There are errors and omissions in the drawings provided to the client by the Respondent.

3.3.8 Geotechnical engineering advice was sought by the Respondent almost five months after the complaint was filed. The design parameters used in the Respondent’s design are significantly different than the values recommended by the geotechnical engineer.

3.4 Respondent used the same design parameters in projects 3.2 and 3.3 above.

**Section 4
AGREED CONCLUSIONS OF LAW**

The Respondent acknowledges that, based upon the Findings of Fact, the following Conclusions of Law are justified:

4.1 The Board has jurisdiction over the subject matter of this proceeding and over the Respondent.

4.2 The Respondent’s acts, errors, or omissions in connection with his practice as a professional engineer represent violations of one or more of the following: **RCW 18.43.105(5) & (10); RCW 18.235.130(4) & (8); and WAC 196-27A-020(2)(a)(e) & (f).**

The acts, omissions, errors and/or discrepancies stated above in this AGREED ORDER, individually and cumulatively, constitute misconduct, malpractice and/or unprofessional conduct as defined in chapters 18.43 and 18.235 RCW. Such acts are grounds for the Board to suspend or revoke the license to practice engineering issued to Clifton W. Berkey and/or to impose a monetary fine against the Respondent, as provided in RCW 18.235.110.

**Section 5
AGREED ORDER**

The Board and the Respondent stipulate and agree to the following terms and conditions:

5.1 Upon the effective date of this AGREED ORDER Respondent's license to practice is suspended for one year and Respondent is assessed a fine in the amount of five thousand (U.S.) dollars (\$5,000). The license suspension and fine are stayed (not imposed) contingent upon Respondent complying with the following conditions outlined in 5.2 through 5.6.

5.2 Respondent shall not practice geotechnical engineering services.

5.3 Respondent will either hire a Professional Engineer (PE) competent to perform geotechnical engineering services or use an existing report by a PE competent to perform geotechnical engineering services that has already been performed, provided and/or paid for by others according to the standard generally expected of those practicing professional engineering, for projects requiring geotechnical engineering services. The following non-exhaustive list contains examples of work that requires Respondent to retain geotechnical engineering services:

- Retaining walls
- Design/construction near or on slopes
- Deep excavations
- Foundations on or near soft soils

5.4 For a period of one (1) year, Respondent will submit to the Board, on a quarterly basis, a report of work he is performing, if that work involves geotechnical engineering services or the services identified in 5.3. Respondent will include in the report, the name and contact information of the PE performing the geotechnical engineering services. The Board may audit any of the work submitted by the Respondent. If through an audit, the Board finds deficiencies in Respondent's work, correction will be required at Respondent's expense.

5.5 Respondent shall be responsible for all costs, expenses, fees and/or tax consequences incurred by the Respondent in complying with this AGREED ORDER.

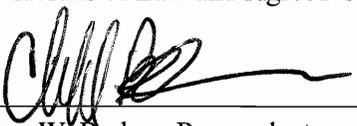
5.6 Should the Respondent fail to comply with any of the terms or conditions of this AGREED ORDER, the Board will initiate administrative steps for imposition of the stayed penalties and/or additional

sanctions authorized by law and deemed appropriate. In making a determination of compliance under the terms of this AGREED ORDER, the Board may rely upon the records in their possession, or lack thereof, in reaching such a decision.

5.7 This AGREED ORDER addresses and concerns itself solely with those issues referenced herein relating to the Respondent’s practices as a professional engineer that are within the license-disciplining authority of the Board. This AGREED ORDER should not be considered to address, encompass, or limit judicial or other remedies relating to those practices and activities of the Respondent not deemed within the Board’s license-disciplining authority.

5.8 The AGREED ORDER becomes effective immediately upon its being served pursuant to RCW 18.235.080. Service of this order is complete upon mailing. RCW 34.05.010(19).

I, Clifton W. Berkey, Respondent, certify that I have read this Stipulated Findings of Fact, Conclusions of Law and Agreed Order in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Board without my appearance. If the Board accepts the Stipulated Findings of Fact, Conclusions of Law and Agreed Order, I understand that I will receive a signed copy.



Clifton W. Berkey, Respondent

5-18-23

Date

Attorney for Respondent WSBA #:
(if applicable)

Date

**Section 6
FINAL ORDER**

The Board accepts and enters this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

DATED this _____ day of _____, 2023

State of Washington Board of Registration for
Professional Engineers and Land Surveyors

Doug Hendrickson, PE
Presiding Officer

Presented by:

Danitza M. Casselman, WSBA #49826
Assistant Attorney General, Prosecutor for Board

Date

**STATE OF WASHINGTON
BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS**

In the Matter of the License to Practice as a
Professional Land Surveyor of:

Peter Jonas, PLS

Respondent.

License #37551

NO. 2021-04-1006-00LSV

**STIPULATED FINDINGS OF FACT,
CONCLUSION OF LAW, AND
AGREED ORDER**

The Washington State Board of Registration for Professional Engineers and Land Surveyors ("Board"), and Peter Jonas ("Respondent"), stipulate and agree to the following:

**Section 1
BACKGROUND**

1.1 Peter Jonas, Respondent, holds a license to practice as a professional land surveyor. Respondent's license number is 37551.

1.2 The Respondent's license to practice is due to expire on August 22, 2023.

**Section 2
PROCEDURAL STIPULATIONS**

2.1 The Respondent understands that the Board is prepared to proceed to a hearing on the allegations in the Statement of Charges.

2.2 The Respondent understands that he has the right to defend himself against the allegations in the Statement of Charges by presenting evidence at a hearing.

2.3 The Respondent understands that, should the Board prove at a hearing the allegations in the Statement of Charges, the Board has the power and authority to impose sanctions, including fines, pursuant to RCW 18.235.110 and/or RCW 18.43.110.

2.4 The Respondent and the Board agree to expedite the resolution of this matter by means of this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order ("AGREED ORDER").

2.5 The Respondent waives the opportunity to present evidence at a hearing on the Statement of Charges contingent upon signature and acceptance of this Agreed Order by the Board.

2.6 This AGREED ORDER is not binding on any party unless and until it is signed and accepted by the Board. Should this Agreed Order be rejected, the Respondent waives any objection to the participation at a hearing of all or some of the Board members who considered the Agreed Order. The exception is Board Member James Wengler, PLS, Case Manager for this matter, who is recused from participating as a presiding or reviewing officer in an adjudicative hearing on this matter.

2.7 Once this AGREED ORDER is signed by the Board, the Respondent waives any and all right to judicial review and/or reconsideration by the Board.

Section 3 STIPULATED FACTS

The Respondent acknowledges that evidence is sufficient to justify the following findings of fact:

3.1 On April 25, 2021, a complaint was received alleging Respondent performed an erroneous survey. In October 2019, Anamaria Yhaya, (Complainant) hired Respondent to perform a survey on their property located in Kitsap County. After being notified numerous times by Complainant that the survey included neighboring property, Respondent amended the survey. The amended survey took several months to complete and over a year to file with the County Auditor's office.

3.2 On December 2, 2019, Respondent recorded a survey of the complainant's property under Book 90 of Surveys, Page 45, Auditor's file number 201912030098, records of Kitsap County, Washington. This survey was deficient in the following ways:

3.2.1 The survey shows 4 lots labeled A through D. The survey contains two citations of the legal descriptions. The first on the left-hand side of the survey cites the legal description for all four parcels as being from the Kitsap County Assessor's office. Parcels "A" and "B" cited thereon are actually for the adjoining parcels to the west of his client's property per the 1980 short plat cited above. The dimensions on said survey for these two lots are only half the width cited in the Assessors legal descriptions cited thereon.

3.2.2 The second set of legal descriptions cited on said survey are for lots "C" and "D" are from short plat amendment no. 403 R-1 recorded in 1998. The dimensions shown for

these lots are also only half the width cited on said short plat amendment. In addition, the survey shows a gap of 12 feet between the east boundary of lots "A" and "B" and the west boundary of lots "C" and "D".

3.2.3 Note 6 on the survey notes a discrepancy between the legal description from the Kitsap County Assessor's office and from short plat amendment dated 9-10-1998, No. 403 R-1, recording number 3127955. However, it does not contain information that is sufficient in kind and quality to explain the rationale for the boundary locations shown thereon and to allow for the accurate and unambiguous retracement or re-creation thereof without requiring oral testimony for clarification.

3.2.4 The survey uses the legal descriptions for the adjoining property to the west of the complainant's property. However, the survey does not conform to the legal descriptions of the adjoining property.

3.2.5 The survey does not contain a section subdivision necessary to support the boundaries shown.

3.2.6 The survey does not include documentation for any General Land Office (GLO), or Bureau of Land Management (BLM) corners or points used to control the location of the parcel surveyed.

3.2.7 The survey includes a surveyor seal with an expiration date. The expiration date should no longer be included on the stamp pursuant to the current regulation.

3.2.8 The survey includes a legend indicating there are four types of dimensions shown on the survey, (M) for measured, (C) for calculated, (D) for deed and (R) for Short Plat AFN 3127955, while some of the dimensions are not labeled. Not all of the dimensions on the Respondent's survey are labeled per this legend. This missing information does not allow for the accurate and unambiguous retracement or re-creation thereof, as required by the regulations, without requiring oral testimony for clarification.

3.2.9 The survey does not show deed calls (measurements contained in the deed) as required by regulation. Respondent did not use the correct information from the deed when he measured the physical boundaries of the property at issue.

3.2.10 The survey map does not use the proper Auditor's Certificate. Specifically, the book number and page number are missing.

3.3 On February 21, 2020, Respondent recorded a deficient amended survey under Book 92 of Surveys, Page 25, Auditor's file number 202010300078, records of Kitsap County, Washington.

3.3.1 Although this survey included a note indicating this survey corrected and superseded the 2019 recorded survey, it failed to include a title or heading identifying the map, plat, or plan as an alteration, amendment, change, or correction to a previously filed or recorded map, plat, or plan.

3.3.2 The survey did not include a prominent note itemizing the change(s) to the original map, plat, or plan or explicitly state what the change is and where the change is located on the original.

3.3.3 This survey also lacks information required on the original survey as cited above, specifically the lack of the required section subdivision, documentation for BLM or GLO corners, the lack of intelligent interpretations, the correct Auditor's Certificate and Surveyor's Seal.

3.4 On 12-17-2021, a series of questions were sent to Respondent regarding the two surveys he recorded to help answer and address the issues noted above. In addition, Respondent was requested to supply the board with his field notes and traverse closures after angle balance.

3.5 The responses to the questions were inadequate because he did not answer the questions as asked, the field notes were incomplete, and no traverse closure was supplied.

3.6 On 7-21-2022 Respondent met for an interview with the Board case manager assigned to Respondent's matter, the Deputy Director, and the Investigations & Compliance Manager of the

Board at the Board's office in Olympia Washington.

3.6.1 During the interview Respondent admitted he was not in compliance with the applicable WAC's and RCW's. The Board asked if Respondent researched adjoining surveys at the Auditor's office. Respondent admitted that he did not do any research with the auditor's office and did not know how to research certain Short Plat records in Kitsap County. Respondent stated he did his research at the Assessor's Office, instead of the Auditor's Office where the correct records are maintained. He also admitted he did not know if the boundaries of the subject property were correct since he never subdivided the section.

3.6.2 Discussions included the importance of following the applicable laws and rules regarding the practice of Land Surveying and the importance of performing research. During the interview Respondent asked if he could provide the missing field notes, traverse closures, and amend the survey to be in compliance with all the applicable rules and laws.

3.6.3 A copy of chapter 332-130 WAC and Chapter 58.09 RCW was provided to Respondent during the interview. In addition, copies of surveys showing section subdivision data in the area was provided.

3.7 On August 9, 2022, Respondent provided the Board with a copy of the missing field notes and an unrecorded copy of the amended survey. Respondent again did not furnish the traverse closures after angle balance as requested by the disciplinary authority. The amended survey was found not to comply with the applicable statutes and regulations.

3.7.1 Respondent copied the bearings and distances from a survey recorded under Auditor's file 3017786, records of Kitsap County to produce the section subdivision. Respondent failed to notice that the two surveys did not use the same basis of bearings.

3.7.2 The bearing shown on Respondent's survey along the south line of the southwest quarter of section 9 differs from the referenced survey by $00^{\circ} 16' 27''$ while the other bearings are identical to the referenced survey. This error makes the section subdivision for the

newly amended survey not close mathematically by over 10 feet.

3.7.3 In addition the amended survey lacks the documentation for all GLO, or BLM corner(s) or point(s) used to control the location of the parcel surveyed.

3.7.4 The amended survey does not use the proper Auditor's Certificate. Specifically, the book number and page number are missing.

Section 4 CONCLUSIONS OF LAW & ALLEGED VIOLATIONS

The Respondent acknowledges that, based upon the Findings of Fact, the following Conclusions of Law are justified:

4.1 The Board has jurisdiction over the subject matter of this proceeding and over the Respondent.

4.2 The Respondent's acts, errors, or omissions in connection with his practice as a professional land surveyor represent violations of WAC 332-130-020(11), WAC 332-130-030(2), WAC 332-130-030(3)(c)(i), WAC 332-130-030(3)(c)(iii), WAC 332-130-050(1)(f)(ii), WAC 196-23-010, WAC 196-27A-020(2)(a) and (e), RCW 58.09.080, RCW 58.09.030, RCW 58.09.040, RCW 58.09.140, RCW 18.43.105(5), RCW 18.43.110, and RCW 18.235.130(4) and 18.235.130(6)(a).

4.3 The acts, omissions, errors and/or discrepancies stated above in this AGREED ORDER, individually and cumulatively, constitute misconduct, malpractice and/or unprofessional conduct as defined in chapters 18.43 and 18.235 RCW. Such acts are grounds for the Board to suspend or revoke the license to practice land surveying issued to Peter Jonas and/or to impose a monetary fine against the Respondent, as provided in RCW 18.235.110.

Section 5 AGREED ORDER

The Board and the Respondent stipulate and agree to the following terms and conditions:

5.1 Upon the effective date of this AGREED ORDER Respondent's Washington license to practice as a professional land surveyor will be permanently **RETIRED** in lieu of disciplinary action such as

sanctions.

5.2 Upon the effective date of this order the Respondent is prohibited from practice land surveying as defined in RCW 18.43.020 and will not practice or offer to practice land surveying while retired.

5.3 Upon the effective date of this order if Respondent has any outstanding projects, Respondent will at his own expense hire a Washington state licensed professional land surveyor to complete those projects.

5.4 Respondent may retain the Board issued wall certificate. Respondent may use the title – professional land surveyor (PLS) – provided that it is supplemented by the term retired, or the abbreviation “ret.”

5.5 Respondent will not reinstate or apply for reinstatement of his professional license.

5.6 The Respondent shall be responsible for all costs, expenses, fees and/or tax consequences incurred by the Respondent in complying with this AGREED ORDER.

5.7 Should the Respondent fail to comply with any of the terms or conditions of this AGREED ORDER, the Board will initiate administrative steps for imposition of further penalties and/or sanctions authorized and deemed appropriate. In making a determination of compliance under the terms of this AGREED ORDER, the Board may rely upon the records in their possession, or lack thereof, in reaching such a decision.

5.8 The Board shall not be precluded from investigating any other complaints or allegations regarding the Respondent for alleged violations of Chapter 18.43 RCW, Chapter 18.235 RCW and/or Title 196 WAC, or otherwise from exercising its responsibilities and authority under Chapter 18.235 RCW and Chapter 18.43 RCW, except that the alleged violations referenced herein shall be handled in accordance with the terms of this AGREED ORDER.

5.9 This AGREED ORDER addresses and concerns itself solely with those issues referenced herein relating to the Respondent’s practices as a professional land surveyor that are within the license-disciplining authority of the Board. This AGREED ORDER should not be considered to address, encompass, or limit judicial or other remedies relating to those practices and activities of the Respondent not deemed within

the Board's license-disciplining authority.

5.10 The AGREED ORDER becomes effective immediately upon its being served pursuant to RCW 18.235.080. Service of this order is complete upon mailing. RCW 34.05.010(19).

I, Peter Jonas, Respondent, certify that I have read this Stipulated Findings of Fact, Conclusions of Law and Agreed Order in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Board without my appearance. If the Board accepts the Stipulated Findings of Fact, Conclusions of Law and Agreed Order, I understand that I will receive a signed copy.

Peter Jonas
Peter Jonas, Respondent

May 31, 2023
Date

Attorney for Respondent WSBA #:
(if applicable)

Date

**Section 6
FINAL ORDER**

The Board accepts and enters this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

DATED this _____ day of _____, 2023.

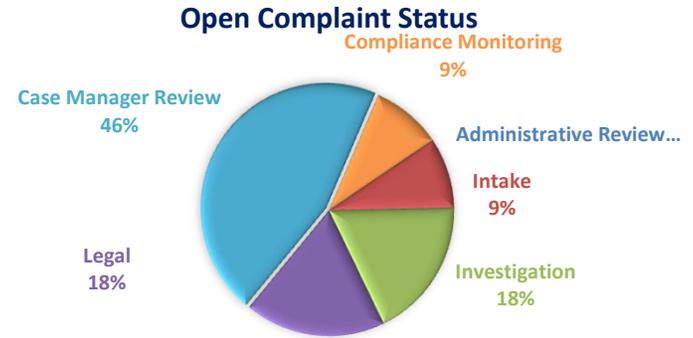
State of Washington Board of Registration for
Professional Engineers and Land Surveyors

Doug Hendrickson, PE
Presiding Officer

Board of Registration for Professional Engineers Land Surveyors Disciplinary Report - June 2023

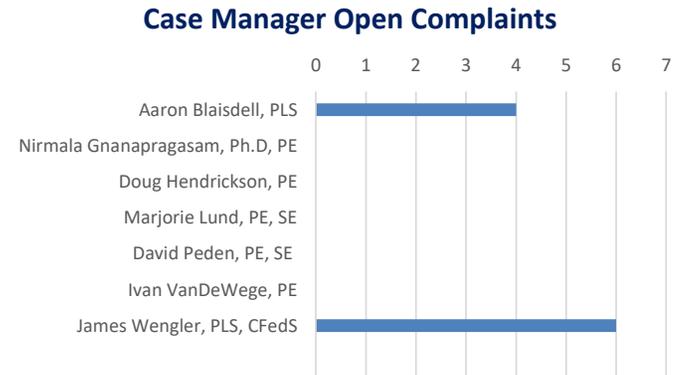
Open Case Status

| Status | Program Type | | | Total |
|-----------------------|--------------|----------------|----------|-----------|
| | Engineers | Land Surveyors | OSW | |
| Administrative Review | 0 | 0 | 0 | 0 |
| Intake | 1 | 1 | 0 | 2 |
| Investigation | 2 | 1 | 1 | 4 |
| Legal | 2 | 2 | 0 | 4 |
| Case Manager Review | 0 | 10 | 0 | 10 |
| Compliance Monitoring | 1 | 1 | 0 | 2 |
| Total | 6 | 15 | 1 | 22 |



Case Manager Review

| Case Manager | Program Type | | Total |
|---------------------------------|--------------|----------------|-----------|
| | Engineers | Land Surveyors | |
| Aaron Blaisdell, PLS | 0 | 4 | 4 |
| Nirmala Gnanapragasam, Ph.D, PE | 0 | 0 | 0 |
| Doug Hendrickson, PE | 0 | 0 | 0 |
| Marjorie Lund, PE, SE | 0 | 0 | 0 |
| David Peden, PE, SE | 0 | 0 | 0 |
| Ivan VanDeWege, PE | 0 | 0 | 0 |
| James Wengler, PLS, CFedS | 0 | 6 | 6 |
| Total | 0 | 10 | 10 |



Administrative Review

| Board Staff | Engineers | Land Surveyors | OSW | Total |
|------------------|-----------|----------------|----------|----------|
| Ken Fuller, PE | 0 | 0 | 0 | 0 |
| Rich Larson, PLS | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 |

Board Meeting

Tab 3

Committee Reports

- 3.1 Exam Qualifications Committee
- 3.2 Practice Committee
- 3.3 Executive Committee
- 3.4 Survey Committee
- 3.5 Structural Committee
- 3.6 Communication Task Force

Board Meeting

Tab 4

New Business

- 4.1 Approval of Response Letter Regarding Clarification on Practice Question (from PC)
- 4.2 Approval of Draft Language and Filing of CR102 for WAC 196-33 (from PC)
- 4.3 Approval of Draft Language and Filing of CR102 for WAC 196-09 (from PC)
- 4.4 Approval of Draft Language and Filing of CR102 for WAC 196-12 (from EQC)
- 4.5 Educational Licensing Requirements (from EQC)
- 4.6 Approval of Rulemaking for WAC 196-26A & 196-30 (from Executive Committee)
- 4.7 Comity Licensure/NCEES SE 16-hr Exam Discussion (from Structural Committee)
- 4.8 Nominating Committee Report and Election of 2023/2024 Officers
- 4.9 Discuss Temporary Reduction of Licensing Fees (From Executive Committee)



STATE OF WASHINGTON
BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
P.O. Box 9025, Olympia, WA 98507-9025

April 27, 2023

Mr. Stan Boyle, PhD, PE, DGE, M. ASCE,
Vice President, Shannon & Wilson
PO Box 300303
Seattle, WA 98103-8636

Dear Mr. Boyle:

Thank you for your letter of inquiry to the Washington State Board of Registration for Professional Engineers and Land Surveyors (Board) dated March 7, 2023. As Board Chair, I have been directed to respond to your inquiry on behalf of the Board.

First, a disclaimer, the Board cannot provide legal advice or provide definitive answers as to how a Court would interpret any law. In addition, the Board does not typically make judgments except upon receiving complaints and taking enforcement actions. In this case, the Board can only provide you with our opinion of what laws apply to your scenario.

From what you have described in your letter and with discussions with agency staff, the onsite engineer has considerable expertise and is licensed in another Country. The Board does not doubt his level of expertise or experience. However, our laws are strict when it comes to licensure.

You have asked if the “practice of engineering” definition in RCW 18.43.020 includes the work, which is to be accomplished by the onsite engineer on a repair of a hydro-electric facility located in Washington State. Your descriptions state the on-site engineer will be providing real-time input to the contractor’s processes, application details and the mix designs of a specialty repair. Further you stated the on-site engineer will be formulating the input from field measurements and calculations, requiring specialty knowledge, judgement, and experiences in material science and site-specific factors.

The Board feels chapter RCW 18.43.020 (8) (a) applies to the work you describe. That statute states:

"Practice of engineering" means any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical, physical, and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design, and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects.

You then asked whether the onsite engineer would be required to be licensed during the time period in which he performs work for your company on the hydro-electric project. The requirements for licensure can be found in RCW 18.43.010 and WAC 196-25-060. However, there are exceptions to licensure which can be found in RCW 18.43.130. Exceptions to licensure generally state that an unlicensed engineer must be under the direct supervision of the "designated engineer" or a licensed engineer for the corporation, or another licensed engineer.

RCW 18.43.130 Excepted services—Fees states:

This chapter shall not be construed to prevent or affect:

(4) The work of an employee or a subordinate of a person holding a certificate of registration under this chapter, or an employee of a person practicing lawfully under provisions of this section: PROVIDED, That such work does not include final design or decisions and is done under the direct responsibility, checking, and supervision of a person holding a certificate of registration under this chapter or a person practicing lawfully under the provisions of this section; or

(8) **The practice of engineering** or land surveying, or both, in this state by a corporation or joint stock association: PROVIDED, That

(b) For engineering, the corporation has filed with the board a certified copy of a resolution of the board of directors of the corporation that shall designate a person holding a certificate of registration under this chapter as responsible for the practice of engineering by the corporation in this state and shall provide that full authority to make all final engineering decisions on behalf of the corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the person so designated in the resolution.

The resolution shall further state that the bylaws of the corporation shall be amended to include the following provision: "The designated engineer or land surveyor, respectively, named in the resolution as being in responsible charge, or an engineer or land surveyor under the designated engineer or land surveyor's direct supervision, shall make all engineering or land surveying decisions pertaining to engineering or land surveying activities in the state of Washington." However, the filing of the resolution shall not relieve the corporation of any responsibility or liability imposed upon it by law or by contract;

(h) All plans, specifications, designs, and reports when issued in connection with work performed by a corporation under its certificate of authorization shall be prepared by or under the direct

supervision of and shall be signed by and shall be stamped with the official seal of a person holding a certificate of registration under this chapter.

Below are the guidelines for direct supervision under WAC 196-25-070. It is up to your company to make its own judgments as to how it would meet those guidelines.

WAC 196-25-070 Direct supervision by a licensee is described as follows:

- (1) Maintaining control over those decisions that are the basis for the findings, conclusions, analyses, rationale, details, and judgments required for the preparation of engineering or land surveying plans, specifications, plats, surveys, land descriptions as defined by WAC 332-130-020, reports, as-built documents prepared by the licensee, and related activities.
- (2) Requires providing personal direction, oversight, inspection, observation and supervision of the work being certified.
- (3) These actions may include but are not limited to: Direct face-to-face communications; written communications; U.S. mail; electronic mail; facsimiles; telecommunications, or other current technology.
- (4) Contractual or employment relations must be in place between the licensee and unlicensed preparer to qualify as direct supervision.
- (5) Mentoring is not direct supervision. Reviewing documents as defined by WAC 196-23-020, after preparation without involvement in the design and development process as described above cannot be accepted as direct supervision.

I hope this letter has been of some assistance. Please feel free to reach out to the Board's Director, Ken Fuller, PE, at engineers@brpels.wa.gov if you have further questions or comments.

Thank you,

Doug Hendrickson, PE
Board Chair

Proposed amendments to WAC 196-33

Rules of professional practice for licensees designing on-site wastewater treatment systems

196-33-100 Purpose and definitions.

Amended:

Minor. Updated WAC reference. chapter 246-272A WAC

196-33-300 Providing direct supervision.

Reformatted and amended language to match WAC 196-25-070.

196-33-500 Seal and stamp usage.

Amended: (Complete sections may not be cited below, only the amended sentences in that section may be shown)

(1) Any final document must contain the seal/stamp, ~~license expiration date and signature~~ and date of signature of the licensee who prepared or directly supervised the work. For the purpose of this section "document" is defined as plans, designs, specifications, ~~and reports,~~ and as-built documents prepared by the licensee.

(2) Preliminary documents ~~shall~~ must be stamped ~~and dated,~~ but need not be signed ~~or dated~~ by the licensee.

(3) Plan sets: Every page of a plan set must contain the seal/stamp and signature of the licensee(s) who prepared or who had direct supervision over the preparation of the work, and date of signature.

(a) Plans/designs containing work prepared by or under the direct supervision of more than one licensee shall be sealed/stamped, signed, and dated by each licensee and shall clearly note the extent of each licensee's responsibility.

(~~e~~b) Plan/design sheets containing and/or depicting background and/or supporting information that is duplicated from other plans need only be sealed/stamped by the licensee(s) who prepared or was in direct supervision of the design ~~on that plan sheet. Whenever possible, t~~ The origin of the background information ~~should~~ shall be noted on the plan sheet.

(~~d~~c) All design revisions to final plan/design sheets shall ~~be performed by qualified licensees and shall be done in accordance with the provisions of RCW 18.210. The revised plan/design sheets shall clearly identify on each sheet;~~ the revisions made and shall contain the name and seal of the licensee, and signature of licensee with the date the ~~revision sheet was made~~ sealed.

(4) Specifications: Specifications that are prepared by or under the direct supervision of a licensee shall contain the seal/stamp, ~~and~~ signature of the licensee, and date of the signature.

(5) Document review: When a licensee is required to review work prepared by another licensed on-site designer, the reviewing licensee shall fully review those documents. If required, the licensee ~~and~~ shall prepare a report that discusses the findings of the review with any supporting calculations and sketches. The reviewing licensee would then seal/stamp, ~~and sign~~ and date the report. The report would make reference to and/or be attached to the subject document(s) reviewed.

(6) Nothing in this section requires the stamping of plans/designs by employees of local health districts acting in ~~their~~ that capacity as on-site inspectors/reviewers, whether or not licensed under chapter 18.210 RCW.

Deleted:

(3)(b) As provided for in subsections (1) and (2) of this section, each page of a plan set must contain the seal/stamp of the licensee who prepared or who had direct supervision over the preparation of the work and may contain the signature of the licensee depending on whether the plan set is final or preliminary.

Chapter 196-33 WAC

RULES OF PROFESSIONAL PRACTICE FOR LICENSEES DESIGNING ON-SITE WASTEWATER TREATMENT SYSTEMS

Last Update: 11/2/18

WAC

196-33-100 Purpose and definitions.

196-33-200 Fundamentals canons and guidelines for professional practice and conduct.

196-33-300 Providing direct supervision.

196-33-400 Seals and stamps.

196-33-500 Seal and stamp usage.

196-33-600 Signature.

WAC 196-33-100 Purpose and definitions. (1) The purpose of chapter 196-33 WAC is to provide further guidance to licensees with respect to the accepted professional conduct and standard of practice, as indicated in chapter 18.210 RCW, and generally expected of those practicing professional on-site wastewater treatment system designing. These standards shall

apply to all persons authorized to practice on-site wastewater treatment system design services, whether licensed professional designers under chapter 18.210 RCW, or licensed professional engineers under chapter 18.43 RCW. The board recognizes the need to establish standards with which to measure the performance of practitioners. The board further recognizes, as a minimum standard, those standards for the design of on-site wastewater treatment systems required by chapter 246-272A WAC, promulgated by the state board of health in accordance with their authority granted in RCW 43.20.050. It is the intent of the board to introduce guidance and direction through these rules, together with recommended standards and guidance documents.

(2) The word "licensee" in these rules of professional practice shall mean any person holding a license issued in accordance with chapter 18.210 RCW, or chapter 18.43 RCW, issued by this board.

(3) All licensees are charged with having knowledge of and practicing in accordance with the provisions of these rules of professional practice.

(4) Should there be any conflict in the guidance provided in this chapter and the intent of the language of chapter 18.210 RCW, the intent of the language in chapter 18.210 RCW prevails.

(5) Terms used in this chapter shall have the same definition as provided in chapter 18.210 RCW.

[Statutory Authority: RCW 18.210.050, 18.210.060. WSR 01-11-102, § 196-33-100, filed 5/21/01, effective 6/21/01.]

WAC 196-33-200 Fundamental canons and guidelines for professional practice and conduct. The specialized and complex knowledge required for on-site wastewater treatment system design makes it imperative that licensees exercise a standard of care that holds paramount the protection of the health, safety, environment, property, and welfare of the public.

(1) Licensees are expected to apply the skill, diligence and judgment required by the professional standard of care, to achieve the goals and objectives agreed with the client or employer, and are expected to promptly inform the client or employer of progress and changes in conditions that may affect the appropriateness or achievability of some or all of the goals

and objectives of the client or employer. Licensees are obliged to:

(a) Be honest and fair in their dealings, and to conform to the relevant laws and codes of the jurisdiction in which they practice.

(b) Be able to demonstrate that their final products and work plans adequately consider the primary importance of protecting the safety, health, property, and welfare of the general public.

(c) Approve or seal only documents prepared by them or under their direct supervision.

(d) Inform their clients or employers of the possible consequences, when an overruling or disregarding of the licensee's professional judgment may threaten the safety or health of the public. If in the judgment of the licensee an imminently dangerous situation persists, they shall promptly inform appropriate authorities.

(e) Inform the board in writing, citing specific facts to which the licensee has direct knowledge, if they have knowledge or reason to believe that another person or firm may be in

violation of any of the provisions of chapter 18.210 RCW or these rules of professional conduct, and cooperate with the board in furnishing such further information or assistance as may be required.

(2) Licensees shall be competent in the technology, and knowledgeable of the codes, regulations, and guidelines applicable to the services they perform.

(3) Licensees shall be qualified by education and/or experience in the technical area of on-site wastewater treatment system design applicable to services performed and the technologies utilized.

(4) Licensees may accept primary contractual responsibility requiring education and/or experience outside their own area of competence, provided their services are restricted to those phases of the project in which they are qualified.

(5) Licensees shall not affix their signatures or seals to any plan or document dealing with subject matter in which they lack competence by virtue of education and/or experience.

(6) Licensees shall act in professional matters for each employer or client as faithful agents or trustees.

(7) Licensees shall be objective and truthful in professional documents, reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements or testimony. They shall not knowingly falsify, misrepresent or conceal a material fact in offering or providing services to a client or employer.

(8) Licensees shall avoid all known or potential conflicts of interest with their employers or clients and shall promptly inform their employers or clients of any business association, interest, or circumstances, which could influence their judgment, or the quality of their services.

(9) Licensees shall only accept compensation from one party for services on a project, unless the circumstances are fully disclosed to and agreed to, by all interested parties.

(10) Licensees shall not solicit or, accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with their clients or employers in connection with work for which they are responsible.

(11) Licensees shall advise their employers or clients when, as a result of their studies, they believe a project will not achieve the goals established with the client.

(12) Licensees shall not use confidential information coming to them in the course of their assignments as a means of making personal profit if such action is adverse to the interests of their clients, employers or the public.

(13) Licensees employed full-time shall not accept professional employment outside of their regular work or interest without the knowledge and consent of their employers.

(14) Licensees shall offer their professional services in a truthful, objective, and professional manner that results in public trust in the integrity of the on-site design profession.

(15) Licensees shall not request, propose or accept professional commissions on a contingent basis under circumstances in which their professional judgments may be compromised.

(16) Licensees shall not offer or accept money, goods or other favors as inducement to receive favorable consideration for a professional assignment or as an inducement to approve,

authorize or influence the granting of a professional assignment. This shall not preclude the securing of salaried positions through employment agencies.

(17) Licensees shall negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of professional service required.

(18) Licensees shall not falsify or permit misrepresentation of their academic or professional qualifications or experience.

(19) Licensees shall not advertise professional services in a way that is false or misleading as to the qualification, experience, or capability of the licensee.

(20) Public statements by licensees regarding the practice of on-site wastewater treatment systems design shall be objective and truthful.

(21) Licensees should endeavor to extend the public knowledge of on-site wastewater treatment system design and shall not participate in the dissemination of untrue, unfair, or exaggerated statements regarding the profession.

(22) Professional reports, statements, or testimony made to the public or public entities shall include all relevant and pertinent information to support conclusions or opinions expressed.

(23) Licensees when serving as an expert witness shall express an on-site design opinion only when it is founded upon adequate knowledge of the facts, upon a background of technical competence, and upon honest conviction.

(24) Licensees shall issue no statements, criticisms, or arguments regarding on-site design matters, which are inspired or paid for by interested parties, unless they indicate on whose behalf the statements, are made.

(25) Licensees shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those individuals under their supervision.

(26) Licensees shall respond to any legal request for information by the board and/or appear before the board in the time frame established by the board or their staff designee.

(27) In addition to the requirements of RCW 18.210.020 and this chapter, the following acts are contrary to the standard of practice for individuals authorized to practice under this chapter and constitute unprofessional conduct in the practice of on-site wastewater treatment system designing:

(a) Duplicating, copying, removing or attempting to remove materials from the custody and control of the board that are exempt from inspection or copying under chapter 42.17 RCW when such duplication, copying or removal was not expressly authorized by the board.

(b) Failure to notify a client or employer that a project could not be completed or was not completed.

(c) Failure to respond to client inquiries under conditions which endanger the health, safety, or welfare of the public or the client or the client's property.

(d) Failure to respond to inquiries from other on-site practitioners or governmental agencies regarding differences in your respective work products, under conditions which endanger the public health, safety, or welfare or the health, safety, or welfare of the client or the client's property.

(e) Any act, statement or behavior that harasses, intimidates or retaliates against anyone who has provided information, assistance or testimony in connection with any board inquiry, investigation, hearing or other proceeding.

(f) Disorderly, discriminatory or abusive behavior or statements which are significantly disruptive to the normal activities of a place of business or public view, where such behavior would give anyone witnessing the act a reasonable belief to be concerned for their safety or well-being.

[Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW. WSR 07-10-127, § 196-33-200, filed 5/2/07, effective 6/2/07.

Statutory Authority: RCW 18.210.050, 18.210.060. WSR 01-11-102, § 196-33-200, filed 5/21/01, effective 6/21/01.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 196-33-300 Providing direct supervision. Direct supervision by a licensee is described as follows:

(1) Maintaining control over those decisions that are the basis for the findings, conclusions, analyses, rationale, details, and judgments that are embodied in the development and preparation of on-site plans, specifications, reports, and related activities.

(2) Requires providing personal direction, oversight, inspection, observation, and supervision of the work being certified.

(3) These actions may include, but are not limited to: Direct face-to-face communications; written communications; U.S. mail; electronic mail; facsimiles; telecommunications, or communication through other current technology.

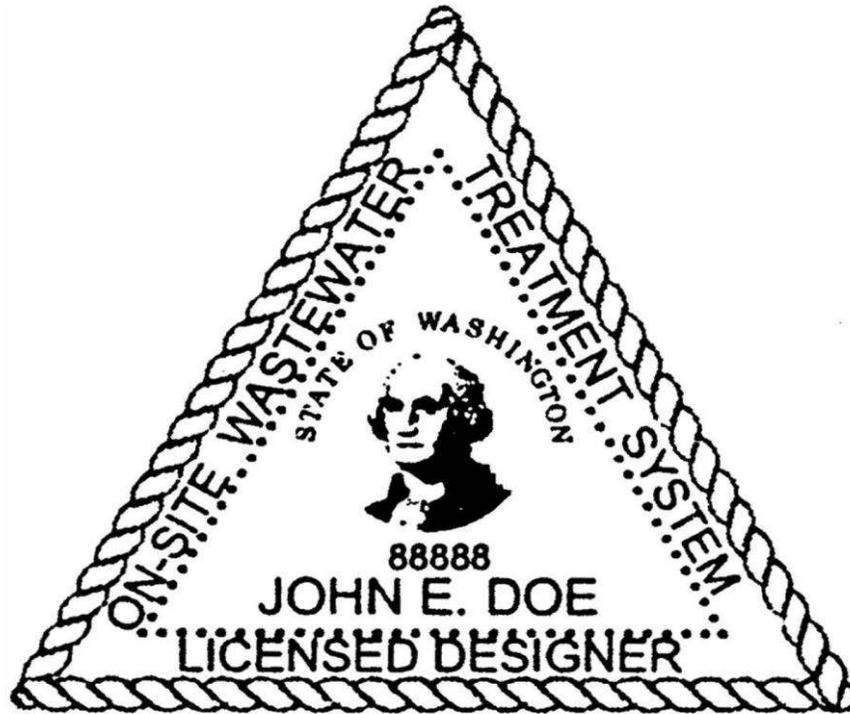
(4) Contractual or employment relations must be in place between the licensee and unlicensed preparer to qualify as direct supervision.

(5) Mentoring is not direct supervision. Reviewing documents as defined by WAC 196-33-500, after preparation without involvement in the design and development process as described above cannot be accepted as direct supervision.

[Statutory Authority: RCW 18.210.050, 18.210.060. WSR 01-11-102, § 196-33-300, filed 5/21/01, effective 6/21/01.]

WAC 196-33-400 Seals and stamps. All individuals licensed in accordance with chapter 18.210 RCW shall procure a seal/stamp that conforms to the design as authorized by the board. It is the responsibility of the licensee to maintain control over the use of his/her stamp/seal. The impression or image of the seal/stamp shall conform to the below-illustrated design and be of a size that assures full legibility of the following required information:

- (1) State of Washington;
- (2) Licensed on-site wastewater treatment system designer;
- (3) License number;
- (4) Licensee's name as shown on license.



[Statutory Authority: RCW 18.43.035, 18.210.050, and 18.210.060. WSR 18-22-076, § 196-33-400, filed 11/2/18, effective 12/3/18. Statutory Authority: RCW 18.210.050, 18.210.060. WSR 01-11-102, § 196-33-400, filed 5/21/01, effective 6/21/01.]

WAC 196-33-500 Seal and stamp usage. The use of the seal/stamp shall be in accordance with chapters 18.43 and 18.210 RCW, or as otherwise described herein:

(1) Final documents are those documents that are prepared and distributed for use for construction, final agency approvals, use by clients, and record drawings or as-builts for

filing with public officials where such record drawings or as-built documents are required to be prepared by the licensee. Any final document must contain the seal/stamp, signature and date of signature of the licensee who prepared or directly supervised the work. For the purpose of this section "document" is defined as plans, designs, specifications, reports, and as-built documents prepared by the licensee.

(2) Preliminary documents are those documents not considered final as defined herein but are released or distributed by the licensee. Preliminary documents must be clearly identified as "PRELIMINARY" or contain such wording so it may be differentiated from a final document. Preliminary documents must be stamped, but need not be signed or dated by the licensee.

(3) Plan sets: Every page of a plan set must contain the seal/stamp and signature of the licensee(s) who prepared or who had direct supervision over the preparation of the work, and date of signature.

(a) Plans/designs containing work prepared by or under the direct supervision of more than one licensee shall be

sealed/stamped, signed, and dated by each licensee and shall clearly note the extent of each licensee's responsibility.

(b) Plan/design sheets containing and/or depicting background and/or supporting information that is duplicated from other plans need only be sealed/stamped by the licensee(s) who prepared or was in direct supervision of the design. The origin of the background information shall be noted on the plan sheet.

(c) All design revisions to final plan/design sheets shall clearly identify on each sheet the revisions made and shall contain the name and seal of the licensee, and signature of licensee with the date the sheet was sealed.

(4) Specifications: Specifications that are prepared by or under the direct supervision of a licensee shall contain the seal/stamp, signature of the licensee, and date of the signature. If the specifications prepared by a licensee are a portion of a bound specification document that contains specifications other than that of an on-site design nature, the licensee need only seal/stamp that portion or portions of the documents for which the licensee is responsible. Nothing herein

should be construed to require that each page of an on-site design specification be sealed/stamped by the licensee.

(5) Document review: When a licensee is required to review work prepared by another licensed on-site designer, the reviewing licensee shall fully review those documents. If required, the licensee shall prepare a report that discusses the findings of the review with any supporting calculations and sketches. The reviewing licensee would then seal/stamp, sign and date the report. The report would make reference to and/or be attached to the subject document(s) reviewed.

(6) Nothing in this section requires the stamping of plans/designs by employees of local health districts acting in that capacity as on-site inspectors/reviewers, whether or not licensed under chapter 18.210 RCW.

[Statutory Authority: RCW 18.210.050, 18.210.060. WSR 01-11-102, § 196-33-500, filed 5/21/01, effective 6/21/01.]

WAC 196-33-600 Signature. The term "signature or signed," as used in chapters 18.43 and 18.210 RCW and/or Title 196 WAC, shall mean the following:

(1) A handwritten identification or a digital representation of your handwritten identification that represents the act of putting your name on a document to attest to its validity. The handwritten or digital identification must be:

(a) Original and written by hand, or a scanned image of an original, handwritten identification;

(b) Permanently affixed to the document(s) being certified;

(c) Applied to the document by the identified licensee; and

(d) Placed directly over the seal/stamp of the licensee.

(2) A digital identification that is an electronic authentication process attached to or logically associated with an electronic document. The digital identification may include a scanned or digitized signature. The digital identification must be:

(a) Unique to the licensee using it;

(b) Capable of independent verification;

(c) Under the exclusive control of the licensee using it;

and

(d) Linked to a document in such a manner that the digital identification is invalidated if any data in the document is changed.

[Statutory Authority: RCW 18.43.035, 18.210.050, and 18.210.060. WSR 18-22-076, § 196-33-600, filed 11/2/18, effective 12/3/18.]

Proposed amendments to WAC 196-09-015

Complaint processing approach

Purpose: To add language to WAC 196-09-015 regarding requests by complainant to reopen a closed complaint or investigation. Other housekeeping amendments.

Added:

(5) The investigator will conduct a formal investigation which may include requests for documentation and interviews of the complainant, respondent, and other associated parties. All records gathered during the investigation will be placed in the case file.

(8) If a complainant requests reopening of a closed complaint or investigation, the board may only do so upon receipt of additional evidence or information in support of the original complaint that is relevant to the allegations. Submission of additional documentation does not guarantee the complaint or investigation will be reopened.

Amended:

Some sections of rule were renumbered.

(1) Anyone may submit a complaint against a licensed or unlicensed person alleging unprofessional conduct, unlicensed practice, or any other violations of chapter 18.43, 18.235 or 18.210 RCW.

(3) Board staff will conduct an initial review of the complaint to determine whether the complaint raises a potential violation that would fall within the jurisdiction and purview of a potential the board's regulatory powers action.

~~(a) If board staff determines there are no violations~~ the complaint does not raise a potential violation of law within the board's jurisdiction, the complaint is administratively closed after recommendation to the board, and the parties are notified of the closure.

~~(b4) If board staff determines there is a potential violation, a formal investigation case is opened, a case file is created,~~ and an investigator and case manager are assigned. The respondent is notified, and a response to the allegations in the complaint is requested.

~~(46) When the investigation is complete, The the case manager will review and evaluate all documentation or comments received (the investigation file)~~ the case file with the investigator, and may ask additional questions of any party, or call for further investigation. When the case manager completes their review of the documentation, they will draft a written report, which will result in either include facts, possible violations and recommendation on the disposition of the case which may be case closure, case closure with remedial counseling, expedited resolution, or issuance of statement of charges.

WAC 196-09-015 Complaint processing approach. The board processes complaints as follows:

(1) Anyone may submit a complaint against a licensed or unlicensed person alleging unprofessional conduct, unlicensed practice, or any other violations of chapter 18.43, 18.235 or 18.210 RCW. Complaints must be sworn to in writing and should include documentation of the alleged conduct.

(2) Upon receipt of the complaint, board staff will send an acknowledgment of the complaint to the complainant. If the subject of the complaint ("respondent") is a licensee, the board will notify the licensee respondent that a complaint was filed against them and include a copy of the complaint documents.

(3) Board staff will conduct an initial review of the complaint to determine whether the complaint raises a potential violation that would fall within the jurisdiction of the board's regulatory powers.

If the complaint does not raise a potential violation of law within the board's jurisdiction, the complaint is administratively closed after recommendation to the board, and the parties are notified of the closure.

(4) If there is a potential violation, a case is opened, a case file is created, and an investigator and case manager are assigned. The respondent is notified, and a response to the allegations in the complaint is requested.

(5) The investigator will conduct a formal investigation which may include requests for documentation and interviews of the complainant, respondent, and other associated parties. All records gathered during the investigation will be placed in the case file.

(6) When the investigation is complete, the case manager will review and evaluate the case file with the investigator, and may ask additional questions of any party, or call for further investigation. When the case manager completes their review, they will draft a written report, which will include facts, possible violations and recommendation on the disposition of the case which may be case closure, case closure with remedial counseling, or issuance of charges.

(7) The board may resolve a complaint or investigation at any time during this process.

(8) If a complainant requests reopening of a closed complaint or investigation, the board may only do so upon receipt of additional evidence or information in support of the original complaint that is relevant to the allegations. Submission of additional documentation does not guarantee the complaint or investigation will be reopened. [Statutory Authority: RCW 18.43.035. WSR 21-22-092, § 196-09-015, filed 11/2/21, effective 12/3/21.]

Proposed amendments to WAC 196-12 *Registered professional engineers*

196-12-010 *Licensure requirements for all applicants – Initial licensure and licensed in another jurisdiction*

Added:

(2)(b) **Fundamentals of engineering examination waiver** shall be granted to an applicant licensed in another jurisdiction provided that:

(i) The professional engineering license is currently active and is in good standing.

(ii) The license is in a branch of engineering currently recognized by the board.

(iii) The applicant has been actively licensed in a board recognized licensing jurisdiction for a minimum of 10 years since receiving their initial professional engineering license.

Amended:

(3)(a) Receive a passing score on the Washington **engineer** law review **exam**;

196-12-014 *PE licensure application form*

Amended:

(4) All applicants must provide the following documents to verify ~~these~~ **the work experience, education and examination** requirements:

(a) A completed NCEES record transmitted to the Washington board.

(b) Or provide all the following documents:

(i) Education experience records - Official transcripts or the equivalent, showing all grades and degrees.

(ii) Work experience records - Completed form titled "Professional Engineering Experience Verification" which includes not only work experience information and details but also verifications of work experience by supervisors or other verifiers, per RCW 18.43.050.

(iii) Verification of licensing in any other jurisdiction(s), if any.

(iv) Verification of passing the FE examination or its equivalent (if any) **or verification of FE waiver** and verification of passing the PE examination.

196-12-020 *Work experience records***Added:**

(5) Experience credit for undergraduate degree cannot be earned concurrently with work experience credit. No more than one year of experience will be granted for one calendar year.

(6) Work experience gained while enrolled in a postgraduate engineering program may be considered at the discretion of the board. No more than one year of experience will be granted for one calendar year.

196-12-021 *Education as experience* (title changed)**Added:**

First sentence of section: Education may be counted towards the 8 years of experience requirement specified in WAC 196-12-010.

Amended:

(6)(c) An applicant with an undergraduate degree from a foreign program that is not ABET accredited, ~~can waive the requirement for a degree evaluation~~ **is not required to have their undergraduate degree evaluated** if they have a graduate degree in engineering from a school that has an ABET accredited undergraduate engineering degree program in the same discipline as the graduate degree. Years of experience will be determined at the discretion of the board.

For maximum experience credit the applicant must have their non-ABET accredited undergraduate degree from a foreign program evaluated by a transcript evaluation service approved by the board.

Deleted:

(8) Work experience gained between semesters or quarters or during summer while enrolled in an approved curriculum may be counted as experience at the discretion of the board.

WAC 196-12-045 *Registration of applicants licensed in other jurisdictions***Repealed**

This is being repealed because requirements for applicants licensed in other jurisdictions can be found under WAC 196-12-010 & WAC 196-12-014.

AMENDATORY SECTION (Amending WSR 22-17-121, filed 8/23/22, effective 9/23/22)

WAC 196-12-010 Licensure requirements for all applicants—

Initial licensure and licensed in another jurisdiction. To become licensed as a professional engineer in the state of Washington, whether you are applying for an initial license or you possess a license in another jurisdiction, you must meet the requirements for experience and examinations described below, which need not be completed within the state of Washington:

(1) **Experience:** Have eight years of experience in engineering work of a character satisfactory to the board:

(a) The eight years may be a combination of education and practical work experience.

(b) The eight years of experience must be broad based and progressive to include gaining knowledge and comprehension of engineering subjects and applying engineering principles.

(2) **Examination requirements:** An applicant must have received passing scores on two stages of examination(s). One must test the fundamentals of engineering and the other must test the principles and

practice of engineering. Exam results must be independently verified by a NCEES member board, or a board approved foreign jurisdiction.

(a) (i) **Fundamentals of engineering examination** must meet the following requirements:

(ii) The examination must be either:

(A) The National Council of Examiners for Engineering and Surveying (NCEES) fundamentals-of-engineering (FE) examination; or

(B) An equivalent examination as determined by the board which tests the applicant's knowledge of appropriate fundamentals of engineering subjects including mathematics and the basic sciences as defined in RCW 18.43.040 (1) (b) (i) and was administered by a board approved foreign jurisdiction.

(b) Fundamentals of engineering examination waiver shall be granted to an applicant licensed in another jurisdiction provided that:

(i) The professional engineering license is currently active and is in good standing.

(ii) The license is in a branch of engineering currently recognized by the board.

(iii) The applicant has been actively licensed in a board recognized licensing jurisdiction for a minimum of 10 years since receiving their initial professional engineering license.

(c) Principles and practice of engineering examination: The principles and practice of engineering (PE) examination must be the examination administered by NCEES.

(3) **Additional licensure requirements:** An applicant must meet the following additional requirements for licensure:

(a) Receive a passing score on the Washington engineer law review exam;

(b) Fully complete the application form to the satisfaction of the board; and

(c) Pay all applicable fees.

[Statutory Authority: RCW 18.43.035. WSR 22-17-121, § 196-12-010, filed 8/23/22, effective 9/23/22; WSR 18-10-085, § 196-12-010, filed 5/1/18, effective 6/1/18; WSR 15-08-064, § 196-12-010, filed 3/27/15, effective 4/30/15; WSR 14-07-106, § 196-12-010, filed 3/19/14, effective 4/19/14; WSR 08-11-100, § 196-12-010, filed 5/20/08, effective 7/1/08. Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-12-010, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. WSR 98-12-052, § 196-12-010, filed

5/29/98, effective 7/1/98; WSR 88-12-044 (Order PM 738), § 196-12-010, filed 5/27/88; WSR 87-13-005 (Order PM 606), § 196-12-010, filed 6/4/87; WSR 84-04-027 (Order PL 454), § 196-12-010, filed 1/25/84; WSR 82-01-064 (Order 81-10), § 196-12-010, filed 12/18/81; Order PL 224, § 196-12-010, filed 11/5/75; Order PL-129, § 196-12-010, filed 7/27/72; Order 11, § 196-12-010, filed 9/12/68; Rule IIA, filed 11/15/65; Rule IIA, filed 8/4/64; Rule IA, filed 12/26/62.]

AMENDATORY SECTION (Amending WSR 22-17-121, filed 8/23/22, effective 9/23/22)

WAC 196-12-014 PE licensure application form. The board has a single application form for PE licensure in the state of Washington. This application form must be used by all applicants including those applying for the PE exam and licensure concurrently, those who have already taken the PE examination in another jurisdiction but have not obtained their initial license, and those who are already licensed in another jurisdiction and are seeking a license in Washington state.

(1) **Current PE examination and licensure applications:** Applicants who have not taken the PE examination will apply for both the PE examination and licensure on the application form. In order to be

approved by the board to take the PE examination, the applicant must complete all sections of the form, except the date and location of taking the PE exam and must otherwise meet all of the qualifications for licensure. Upon passing the PE examination, the applicant is also qualified for licensure.

Applications for PE examination and licensure must be received at the board's address with the applicable fee by the date posted on the board's website.

(2) All other applicants for PE licensure in Washington state.

All other applicants applying for licensure in the state of Washington, including those who are licensed in another jurisdiction or have passed the Principles & Practices of engineering examination but have not obtained their initial license, must complete all sections of the application form provided by the board.

~~((a))~~ (3) All applicants must provide information on the application form that demonstrates they meet all requirements for licensure. This includes work experience requirements, education requirements, and examination requirements as detailed in WAC 196-12-010, 196-12-020, and 196-12-021; and RCW 18.43.040.

~~((b))~~ (4) All applicants must provide the following documents to verify ~~((these))~~ the work experience, education, and examination requirements:

(a) A completed NCEES record transmitted to the Washington board;

or

(b) Provide all the following documents:

(i) Education experience records - Official transcripts or the equivalent, showing all grades and degrees.

(ii) Work experience records - Completed form titled "Professional Engineering Experience Verification" which includes not only work experience information and details but also verifications of work experience by supervisors or other verifiers, per RCW 18.43.050.

(iii) Verification of licensing in any other jurisdiction(s), if any.

(iv) Verification of passing the FE examination or its equivalent (if any) or verification of FE waiver and verification of passing the PE examination.

[Statutory Authority: RCW 18.43.035. WSR 22-17-121, § 196-12-014, filed 8/23/22, effective 9/23/22.]

AMENDATORY SECTION (Amending WSR 22-17-121, filed 8/23/22, effective 9/23/22)

WAC 196-12-020 Work experience records. The following criteria will be used in evaluating an applicant's experience record:

(1) Work experience will be approved based on a demonstration of competency and progressive responsibility in the analysis, synthesis and evaluation of engineering concepts and data, under the direct supervision of a person authorized by chapter 18.43 RCW or other applicable statute to practice engineering. Under the general guidance and direct supervision of an authorized professional, the applicant must be in a position of making independent judgments and decisions in the following experience areas:

- (a) Formulating conclusions and recommendations;
- (b) Identifying design and/or project objectives;
- (c) Identifying possible alternative methods and concepts;
- (d) Defining performance specifications and functional

requirements;

- (e) Solving engineering problems;
- (f) Interacting with allied professionals;
- (g) Effectively communicating recommendations and conclusions;

(h) Demonstrating an understanding and concern for energy/environmental considerations, socioeconomic impact, and sustainability of resources.

(2) Engineering teaching may be considered satisfactory experience up to a maximum of two years at the discretion of the board.

(3) Applied research is considered satisfactory experience when it meets the following conditions:

(a) The research must be conducted under the guidance or supervision of a professional engineer. For the purposes of this subsection, guidance or supervision means being cognizant of all applicable aspects of the work and a reviewer of all applicable reporting documentation.

(b) The principal result(s) of the research are in a published report or a recognized engineering journal article in which the applicant is the primary author or the work is adequately documented and available to the board upon request.

(4) For military engineering experience to be considered acceptable, it should be similar to engineering experience that would be gained in a nonmilitary environment as defined in subsection (1) of this section, and such experience must be verified.

(5) Experience credit for an undergraduate degree cannot be earned concurrently with work experience credit. No more than one year of experience will be granted for one calendar year.

(6) Work experience gained while enrolled in a postgraduate engineering program may be considered satisfactory experience at the discretion of the board. No more than one year of experience will be granted for one calendar year.

(7) All work experience gained must be under the direct supervision of a professional engineer authorized to practice under chapter 18.43 RCW or an individual authorized by another statute to practice engineering.

[Statutory Authority: RCW 18.43.035. WSR 22-17-121, § 196-12-020, filed 8/23/22, effective 9/23/22; WSR 08-11-100, § 196-12-020, filed 5/20/08, effective 7/1/08. Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-12-020, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. WSR 02-01-071, § 196-12-020, filed 12/14/01, effective 1/30/02; WSR 98-12-052, § 196-12-020, filed 5/29/98, effective 7/1/98; WSR 92-01-101, § 196-12-020, filed 12/17/91, effective 1/17/92; WSR 87-13-005 (Order PM 606), § 196-12-020, filed 6/4/87; WSR 84-04-027 (Order PL 454), § 196-12-020, filed 1/25/84; WSR 82-01-064 (Order 81-10), § 196-12-020, filed 12/18/81;

Order PL-115, § 196-12-020, filed 11/24/71; Rule IIB, filed 11/15/65;
Rule IIB, filed 5/26/65; Rule IIB, filed 8/4/64; Rule IB, filed
12/26/62.]

AMENDATORY SECTION (Amending WSR 22-17-121, filed 8/23/22, effective
9/23/22)

WAC 196-12-021 Education as experience ((~~records~~)). Education
may be counted towards the eight years of experience requirement
specified in WAC 196-12-010. Official transcripts must be sent to the
board's office for review and approval.

(1) A baccalaureate degree in engineering in a program accredited
by the accreditation board for engineering and technology (ABET) is
equivalent to four years of required experience. Satisfactory
completion of each year of such an approved program is equivalent to
one year of experience.

(2) A degree in engineering from a non-ABET accredited
engineering program may be given four years at the discretion of the
board. The board will determine if the degree is satisfactory in
awarding years of experience.

(3) No more than one year may be granted for postgraduate engineering courses.

(4) A baccalaureate degree in a nonengineering program will be given a maximum of two years of experience.

(5) An associate degree in engineering from an approved program may be equivalent for up to two years of experience.

(6) Sporadic engineering related education may be considered as experience by the board at its discretion. For example, one or two engineering classes taken at a time, often at different schools; and/or classes taken through industry or the military may count as experience. In evaluating this type of education, the board will compare the courses taken to college coursework in a baccalaureate of engineering degree program.

(a) A number of foreign degree programs are included in mutual recognition agreements entered into by ABET with other accrediting authorities. Applicants with a degree from one of these programs will be evaluated by the board.

(b) Applicants having engineering degrees from programs in countries that are not ABET accredited will be required to have their transcripts evaluated by a transcript evaluation service approved by the board. This evaluation will be performed at the applicant's

expense, and the applicant will be responsible for submitting all necessary information to the evaluation service. The board will use the evaluation to determine if the foreign degree is satisfactory to the board to award years of experience.

(c) An applicant with an undergraduate degree from a foreign program that is not ABET accredited, (~~can waive the requirement for a degree evaluation~~) is not required to have their undergraduate degree evaluated if they have a graduate degree in engineering from a school that has an ABET accredited undergraduate engineering degree program in the same discipline as the graduate degree. Years of experience will be determined at the discretion of the board.

For maximum experience credit the applicant must have their non-ABET accredited undergraduate degree from a foreign program evaluated by a transcript evaluation service approved by the board.

(7) Any other education may be taken into account and evaluated on its merits by the board.

~~((8) Work experience gained between semesters or quarters or during summers while enrolled in an approved curriculum may be counted as experience at the discretion of the board.))~~

[Statutory Authority: RCW 18.43.035. WSR 22-17-121, § 196-12-021, filed 8/23/22, effective 9/23/22; WSR 14-07-106, § 196-12-021, filed

3/19/14, effective 4/19/14; WSR 08-11-100, § 196-12-021, filed
5/20/08, effective 7/1/08.]

REPEALER

The following section of the Washington Administrative Code is
repealed:

WAC 196-12-045

Registration of applicants licensed in other jurisdictions.

| Scenario | Foreign degree eval | WAC | time granted previous to WAC update |
|--|--|------------------|-------------------------------------|
| Foreign degree in engineering | BS evaluated - equivalent | 196-12-021 | 4yrs |
| Foreign degree in engineering | evaluated - not equivalent missing 6 or less hrs in general education but has exceeded courses in engineering or electvies | 196-12-021 | 4yrs |
| Foreign degree in engineering | evaluated - not equivalent missing 7-14 hrs or more hrs but has exceeded required courses in engineering or electives | | Review w/Director |
| Foreign degree w/US MS ABET accredited | no bachelor degree eval | 196-12-021(6)(c) | 4yrs |
| Foreign degree w/US MS ABET accredited | BS evaluatated - equivalent | 196-12-021 | 5yrs |
| Mutual recognition by ABET | ABET accredited | 196-12-021(6)(a) | 4yrs |
| BS degree not in engineering | | 196-12-021(4) | 2yrs |
| Non-ABET BS engineering degree | usually a tech degree | | 3yrs |
| CEAB BS degree | accredited | | 4yrs |

look at removing "waiver" language

BORPELS Fund Balance Projection Assuming 14% Reduction in Annual Revenue

| Fiscal Year | FY24 | FY25 | FY26 | FY27 | FY28 | FY29 |
|-----------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Revenue* | \$ 1,867,490 | \$ 1,867,490 | \$ 1,867,490 | \$ 1,867,490 | \$ 1,867,490 | \$ 1,867,490 |
| Expenses** | \$ 2,058,000 | \$ 2,142,000 | \$ 2,227,680 | \$ 2,316,787 | \$ 2,409,459 | \$ 2,505,837 |
| Year-End Fund Balance | \$ 1,401,037 | \$ 1,126,527 | \$ 766,337 | \$ 317,040 | \$ (224,929) | \$ (863,276) |

*Revenue assumed to be equal to Biennium 2021-23, less 14%

**Expenses estimated at \$4.2 million in Biennium 2023-25, and are assumed to increase at rate of 4% annually after FY25

Estimated Beginning Balance 7/1/23 \$ 1,591,547

BORPELS Fund Balance Projection Assuming 10% Reduction in Annual Revenue

| Fiscal Year | FY24 | FY25 | FY26 | FY27 | FY28 | FY29 |
|-----------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Revenue* | \$ 1,954,350 | \$ 1,954,350 | \$ 1,954,350 | \$ 1,954,350 | \$ 1,954,350 | \$ 1,954,350 |
| Expenses** | \$ 2,058,000 | \$ 2,142,000 | \$ 2,227,680 | \$ 2,316,787 | \$ 2,409,459 | \$ 2,505,837 |
| Year-End Fund Balance | \$ 1,487,897 | \$ 1,300,247 | \$ 1,026,917 | \$ 664,480 | \$ 209,371 | \$ (342,116) |

*Revenue assumed to be equal to Biennium 2021-23, less 10%

**Expenses estimated at \$4.2 million in Biennium 2023-25, and are assumed to increase at rate of 4% annually after FY25

BORPELS Fund Balance Projection Assuming No Change in Annual Revenue

| Fiscal Year | FY24 | FY25 | FY26 | FY27 | FY28 | FY29 |
|-----------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Revenue* | \$ 2,171,500 | \$ 2,171,500 | \$ 2,171,500 | \$ 2,171,500 | \$ 2,171,500 | \$ 2,171,500 |
| Expenses** | \$ 2,058,000 | \$ 2,142,000 | \$ 2,227,680 | \$ 2,316,787 | \$ 2,409,459 | \$ 2,505,837 |
| Year-End Fund Balance | \$ 1,705,047 | \$ 1,734,547 | \$ 1,678,367 | \$ 1,533,080 | \$ 1,295,121 | \$ 960,784 |

*Revenue assumed to be equal to Biennium 2021-23

**Expenses estimated at \$4.2 million in Biennium 2023-25, and are assumed to increase at rate of 4% annually after FY25

Board Meeting

Tab 5

Director's Report

- 5.1 Financial Report
- 5.2 Agency Operations
- 5.3 Program Reports
 - 5.3.1 Communication & Outreach
 - 5.3.2 Regulatory
 - 5.3.3 Investigations & Compliance
 - 5.3.4 Licensing
 - 5.3.5 Admin
- 5.4 Other Items

Wherrett, Mackenzie (BRPELS)

From: Bitar, Paul (DES)
Sent: Thursday, May 25, 2023 4:26 PM
To: Fuller, Ken (BRPELS)
Cc: Wherrett, Mackenzie (BRPELS)
Subject: April 2023 Financial Status
Attachments: BRPELS_Financial Status_April 2023.xlsx

Follow Up Flag: Follow up
Flag Status: Completed

Hi Ken,

I have attached BORPELS' April 2023 financial status and projection reports. The information in the reports shows that **BORPELS is in excellent financial condition**. At this time, I project the agency will end the biennium with about \$1.6 million in its operating account, Fund 024. Additionally, the agency is on track to underspend its appropriation by \$508k.

REVENUE

Biennium 2021-23 revenue collections have been strong. For the period of July 2021 – April 2023, the agency generated \$3.915 million in revenue vs. \$3.517 million during the same period last biennium. This represents an increase of 11.3% between biennia. I currently project that BORPELS will generate about \$4.34 million in revenue this biennium.

EXPENSES

Currently, I am projecting \$25k in question development expenses, and \$12,500 in OS Adhoc and Exam expenses prior to year-end. Do you still expect that these expenses will be incurred prior to June 30?

Thanks,

Paul Bitar

Senior Financial Consultant
Small Agency Financial Services
Washington State Department of Enterprise Services
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Through FM ----> 22

**Board of Registration for Professional Engineers and Land Surveyors
Biennium 21-23 Projections
Fund 024 - Operating Account**

| Revenue Category | Biennium 21-23 | Actual | Projected | | Projected | Projected |
|--|--------------------|--------------------------------|----------------|----------------|------------------|----------------|
| | Revenue Allotments | Revenues through FM22 Apr-2023 | FM 23 May-2023 | FM 24 Jun-2023 | Revenue Total | Variance |
| Licenses and Fees | 3,900,000 | 3,914,316 | 213,192 | 213,192 | 4,340,700 | 440,700 |
| Fines, Forfeits and Seizures | | 750 | | | 750 | 750 |
| Recov of Prior Expend Authority Expendit | | 122 | | | 122 | 122 |
| Cash Over and Short | | 989 | | | 989 | 989 |
| Total Revenue | 3,900,000 | 3,916,176 | 213,192 | 213,192 | 4,342,561 | 442,561 |

Revenue projection based on 19-21 revenues, plus 11.3%. Revenue receipts have been strong this biennium.

| Expenses Category | Biennium 21-23 | Actual | Projected | | Projected | Projected |
|------------------------------------|--------------------|--------------------------------|----------------|----------------|-------------------|----------------|
| | Expense Allotments | Expenses through FM22 Apr-2023 | FM 23 May-2023 | FM 24 Jun-2023 | Expenditure Total | Variance |
| Salaries and Wages | 1,473,529 | 1,239,955 | 71,759 | 51,700 | 1,363,413 | 110,116 |
| Employee Benefits | 516,755 | 412,310 | 21,099 | 18,341 | 451,750 | 65,005 |
| Professional Service Contracts | 0 | 59,832 | 1,700 | 1,700 | 63,232 | (63,232) |
| Goods and Other Services | 2,064,716 | 1,380,814 | 123,374 | 100,929 | 1,605,117 | 459,599 |
| Travel | 126,000 | 58,888 | 2,677 | 2,677 | 64,242 | 61,758 |
| Capital Outlays | 48,000 | 164,802 | 6,000 | 475 | 171,278 | (123,278) |
| Grants, Benefits & Client Services | 0 | 1,505 | 0 | 0 | 1,505 | (1,505) |
| Sum: | 4,229,000 | 3,318,106 | 226,608 | 175,821 | 3,720,535 | 508,465 |

| Operating Transfers | Biennium 21-23 | Actual | Projected | | Projected | Projected |
|--------------------------------------|---------------------|---|----------------|----------------|------------------|-----------------|
| | Operating Transfers | Operating transfers through FM22 Apr-2023 | FM 23 May-2023 | FM 24 Jun-2023 | Op. Trans. Total | Variance |
| Operating Transfer In | | 30,131 | | | 30,131 | (30,131) |
| Total Net Operating Transfers | 0 | 30,131 | 0 | 0 | 30,131 | (30,131) |

| Fund Balance Projection | Biennium 21-23 | Actual | Projected | | Projected | Projected |
|-------------------------|---------------------------------|---------------------------------|----------------|----------------|------------------|---|
| | Rev Allotments - Exp Allotments | Rev - Exp through FM22 Apr-2023 | FM 23 May-2023 | FM 24 Jun-2023 | end of BI 21-23 | Variance |
| Net Income (Loss) | BI 21-23 Beginning Balance | (329,000) | 628,201 | (13,416) | 37,371 | 652,157 |
| | \$ 939,391 | 610,391 | 1,567,592 | 1,554,176 | 1,591,547 | 981,157 |
| | | | | | 1,591,547 | <-- Ending Fund Balance (projected) |

| Expenses Detail Category | Biennium 21-23 | Actual | Projected | | Projected | Projected |
|---|--------------------|--------------------------------|----------------|----------------|-------------------|------------------|
| | Expense Allotments | Expenses through FM22 Apr-2023 | FM 23 May-2023 | FM 24 Jun-2023 | Expenditure Total | Variance |
| Salaries and Wages | 1,473,529 | 1,239,955 | 71,759 | 51,700 | 1,363,413 | 110,116 |
| A Salaries and Wages | 96,000 | 0 | | | 0 | 96,000 |
| AA State Classified | 1,096,589 | 965,476 | 48,070 | 39,211 | 1,052,757 | 43,832 |
| AC State Exempt | 268,128 | 238,333 | 10,833 | 10,833 | 259,999 | 8,129 |
| AE State Special | 12,812 | 12,638 | 587 | 587 | 13,812 | (1,000) |
| AT Terminal Leave | | | 11,200 | | 11,200 | (11,200) |
| AU Overtime and Call-Back | | 23,508 | 1,069 | 1,069 | 25,645 | (25,645) |
| Employee Benefits | 516,755 | 412,310 | 21,099 | 18,341 | 451,750 | 65,005 |
| B Employee Benefits | 45,600 | 0 | | | 0 | 45,600 |
| BA Old Age and Survivors Insurance | 84,217 | 74,200 | 3,652 | 3,103 | 80,955 | 3,262 |
| BB Retirement and Pensions | 142,937 | 126,448 | 6,120 | 5,200 | 137,768 | 5,169 |
| BC Medical Aid & Industrial Insurance | 8,193 | 6,277 | 303 | 272 | 6,852 | 1,341 |
| BD Health, Life & Disability Insurance | 216,108 | 186,648 | 10,170 | 9,040 | 205,858 | 10,250 |
| BH Hospital Insurance (Medicare) | 19,700 | 17,353 | 854 | 726 | 18,933 | 767 |
| BK Paid Family and Medical Leave | | 29 | | | 29 | (29) |
| BV Shared Leave Provided Annual Leave | | 1,305 | | | 1,305 | (1,305) |
| BZ Other Employee Benefits | | 50 | | | 50 | (50) |
| Professional Service Contracts | 0 | 59,832 | 1,700 | 1,700 | 63,232 | (63,232) |
| CA Management and Organizational Services | | 55,632 | 1,700 | 1,700 | 59,032 | (59,032) |
| CZ Other Professional Services | | 4,200 | | | 4,200 | (4,200) |
| Goods and Other Services | 2,064,716 | 1,380,814 | 123,374 | 100,929 | 1,605,117 | 459,599 |
| E Goods and Other Services | 130,800 | 0 | | | 0 | 130,800 |
| EA Supplies and Materials | 24,000 | 18,306 | 832 | 832 | 19,971 | 4,029 |
| EB Communications/Telecommunications | 19,200 | 15,276 | 694 | 694 | 16,664 | 2,536 |
| EC Utilities | 1,200 | 410 | 19 | 19 | 447 | 753 |
| ED Rentals and Leases - Land & Buildings | 72,000 | 47,147 | 1,938 | 1,938 | 51,023 | 20,977 |
| EE Repairs, Alterations & Maintenance | 24,000 | 40,802 | 464 | 464 | 41,730 | (17,730) |
| EF Printing and Reproduction | 12,000 | 17,505 | 796 | 796 | 19,096 | (7,096) |
| EG Employee Prof Dev & Training | 24,000 | 23,988 | 1,090 | 1,090 | 26,169 | (2,169) |
| EH Rental & Leases - Furn & Equipment | 12,000 | 16,709 | 759 | 759 | 18,228 | (6,228) |
| EJ Subscriptions | 2,400 | 681 | 259 | 259 | 1,200 | 1,200 |
| EK Facilities and Services | 128,000 | 103,243 | 4,711 | 4,711 | 112,665 | 15,335 |
| EL Data Processing Services (Interagency) | 290,000 | 240,898 | 10,408 | 10,408 | 261,714 | 28,286 |
| EM Attorney General Services | 365,000 | 257,633 | 11,711 | 11,711 | 281,054 | 83,946 |
| EN Personnel Services | 26,400 | 32,828 | 1,401 | 1,401 | 35,630 | (9,230) |
| EP Insurance | 3,884 | 3,829 | 81 | 81 | 3,991 | (107) |
| ER Other Contractual Services | 471,000 | 204,460 | 31,086 | 48,586 | 284,132 | 186,868 |
| ES Vehicle Maintenance & Operating Cst | | 602 | | | 602 | (602) |
| EW Archives & Records Management Svcs | 432 | 373 | | 55 | 428 | 4 |
| EY Software Licenses and Maintenance | 456,000 | 355,506 | 56,233 | 16,233 | 427,972 | 28,028 |
| EZ Other Goods and Services | 2,400 | 617 | 891 | 891 | 2,400 | 0 |
| Travel | 126,000 | 58,888 | 2,677 | 2,677 | 64,242 | 61,758 |
| GA In-State Subsistence & Lodging | 36,000 | 25,166 | 1,144 | 1,144 | 27,454 | 8,546 |
| GB In-State Air Transportation | 16,800 | 7,803 | 355 | 355 | 8,512 | 8,288 |
| GC Private Automobile Mileage | 36,000 | 8,063 | 366 | 366 | 8,795 | 27,205 |
| GD Other Travel Expenses | 16,800 | 3,864 | 176 | 176 | 4,215 | 12,585 |
| GF Out-Of-State Subsistence & Lodging | 7,200 | 4,797 | 218 | 218 | 5,233 | 1,967 |
| GG Out-Of-State Air Transportation | 7,200 | 7,926 | 360 | 360 | 8,646 | (1,446) |
| GN Motor Pool Services | 6,000 | 1,270 | 58 | 58 | 1,386 | 4,614 |
| Capital Outlays | 48,000 | 164,802 | 6,000 | 475 | 171,278 | (123,278) |
| JA Noncapitalized Assets | 24,000 | 104,540 | 6,000 | 475 | 111,016 | (87,016) |
| JB Noncapitalized Software | 24,000 | 0 | | | 0 | 24,000 |
| JC Vehicles | | 60,262 | | | 60,262 | (60,262) |
| Grants, Benefits & Client Services | 0 | 1,505 | 0 | 0 | 1,505 | (1,505) |
| NZ Other Grants and Benefits | | 1,505 | | | 1,505 | (1,505) |
| Total Dollars | 4,229,000 | 3,318,106 | 226,608 | 175,821 | 3,720,535 | 508,465 |

Projection takes Rich's 5/31/23 retirement into account

estimated vacation/sick leave buyout for Rich Larson

AU cost based on BITD avg

Vorsite expenses will be about \$1,700 per month for April through June.

EA projection based on BITD monthly avg
EB projection based on BITD monthly avg
EC projection based on BITD monthly avg

\$1,938/mo firefighter's building rent costs
Projection based on 25% of BITD monthly average, as it is assumed most tenant improvement costs for the new space have already been incurred.

EF projection based on BITD monthly avg
EG projection based on BITD monthly avg
EH projection based on BITD monthly avg

EJ projection based on half of Bi 23 allotment, as expenditures have been low this biennium

\$3,019/mo SAFS
\$1,500/mo CMS (estimated)
\$127/mo DES Office Facilities
\$65/mo campus security starting July 2022

\$1,410/mo CTS Allocations
\$31/mo CTS Services
\$64/qtr avg OFM Core Financials
\$650/qtr avg OFM Enterprise Systems Fee

\$17/mo DES Information Systems
\$8,950/mo CTS Desktop Support
EM projection based on BITD monthly avg.

\$1,378/mo Small Agency HR
\$23/mo DES Personnel Svcs
\$258/qtr OFM Personnel Services

\$81/mo DES Risk Management
\$1,020/yr Self Insurance Premium
\$10,000/mo est. misc DOL costs

\$1,000/mo estimated misc other costs
\$86/mo avg OFM Central Services
\$40k outreach modules (new plan is to spend funds in FY24 instead of FY23)

\$25k FY23 question development (estimated)
\$12.5k FY23 OS Adhoc and Exam (estimated)

\$55/qtr archives
\$15,900/mo POLARIS FY23 (estimated)
\$300/mo CTS Services

\$33/mo Adobe
EZ projection based on Bi 23 allotment

GA projection based on BITD monthly avg
GB projection based on BITD monthly avg
GC projection based on BITD monthly avg

GD projection based on BITD monthly avg
GF projection based on BITD monthly avg
GG projection based on BITD monthly avg

GN projection based on BITD monthly avg

Monthly JA purchases projected to be just 10% of BITD avg, as it is assumed most purchases have already occurred.

\$60,000 acquisition of vehicle, per info obtained in 2/22/23 Exec. Committee meeting.

Bd of Reg-Prof Engineers/Land Surveyors Agency Summary BITD as of April 2023

| Category | BI Allotment | BITD Allotment | BITD Expenditures | BITD Variance | BI Variance |
|------------------------------------|------------------|------------------|-------------------|----------------|----------------|
| Capital Outlays | 48,000 | 44,000 | 164,802 | (120,802) | (116,802) |
| Employee Benefits | 516,755 | 471,307 | 412,310 | 58,997 | 104,445 |
| Goods and Services | 2,064,716 | 1,904,332 | 1,380,814 | 523,518 | 683,902 |
| Grants, Benefits & Client Services | 0 | 0 | 1,505 | (1,505) | (1,505) |
| Professional Service Contracts | 0 | 0 | 59,832 | (59,832) | (59,832) |
| Salaries and Wages | 1,473,529 | 1,347,287 | 1,239,955 | 107,332 | 233,574 |
| Travel | 126,000 | 115,500 | 58,888 | 56,612 | 67,112 |
| Sum: | 4,229,000 | 3,882,426 | 3,318,106 | 564,320 | 910,894 |

| Category | FM Allotment | FM Expenditure | FM Variance | BITD Allotment | BITD Expenditures | BITD Variance |
|---|----------------|----------------|----------------|------------------|-------------------|------------------|
| Salaries and Wages | 63,121 | 60,181 | 2,940 | 1,347,287 | 1,239,955 | 107,332 |
| A Salaries and Wages | 4,000 | 0 | 4,000 | 88,000 | 0 | 88,000 |
| AA State Classified | 47,401 | 48,303 | (902) | 1,001,783 | 965,476 | 36,307 |
| AC State Exempt | 11,186 | 10,833 | 353 | 245,756 | 238,333 | 7,423 |
| AE State Special | 534 | 213 | 322 | 11,748 | 12,638 | (890) |
| AU Overtime and Call-Back | 0 | 832 | (832) | 0 | 23,508 | (23,508) |
| Employee Benefits | 22,726 | 21,120 | 1,606 | 471,307 | 412,310 | 58,997 |
| B Employee Benefits | 1,900 | 0 | 1,900 | 41,800 | 0 | 41,800 |
| BA Old Age and Survivors Insurance | 3,567 | 3,580 | (13) | 77,083 | 74,200 | 2,883 |
| BB Retirement and Pensions | 6,260 | 6,231 | 29 | 130,421 | 126,448 | 3,973 |
| BC Medical Aid & Industrial Insurance | 346 | 277 | 69 | 7,501 | 6,277 | 1,224 |
| BD Health, Life & Disability Insurance | 9,819 | 10,170 | (351) | 196,470 | 186,648 | 9,822 |
| BH Hospital Insurance (Medicare) | 834 | 837 | (3) | 18,032 | 17,353 | 679 |
| BK Paid Family and Medical Leave | 0 | 0 | 0 | 0 | 29 | (29) |
| BV Shared Leave Provided Annual Leave | 0 | 0 | 0 | 0 | 1,305 | (1,305) |
| BZ Other Employee Benefits | 0 | 25 | (25) | 0 | 50 | (50) |
| Professional Service Contracts | 0 | 5,211 | (5,211) | 0 | 59,832 | (59,832) |
| CA Management and Organizational Services | 0 | 5,211 | (5,211) | 0 | 55,632 | (55,632) |
| CZ Other Professional Services | 0 | 0 | 0 | 0 | 4,200 | (4,200) |
| Goods and Services | 80,198 | 8,443 | 71,755 | 1,904,332 | 1,380,814 | 523,518 |
| E Goods and Other Services | 5,450 | 0 | 5,450 | 119,900 | 0 | 119,900 |
| EA Supplies and Materials | 1,000 | 910 | 90 | 22,000 | 18,306 | 3,694 |
| EB Communications/Telecommunications | 800 | 656 | 145 | 17,600 | 15,276 | 2,324 |
| EC Utilities | 50 | 65 | (15) | 1,100 | 410 | 690 |
| ED Rentals and Leases - Land & Buildings | 3,000 | (885) | 3,885 | 66,000 | 47,147 | 18,853 |
| EE Repairs, Alterations & Maintenance | 1,000 | 0 | 1,000 | 22,000 | 40,802 | (18,802) |
| EF Printing and Reproduction | 500 | 502 | (2) | 11,000 | 17,505 | (6,505) |
| EG Employee Prof Dev & Training | 1,000 | 175 | 825 | 22,000 | 23,988 | (1,988) |
| EH Rental & Leases - Furn & Equipment | 500 | 82 | 418 | 11,000 | 16,709 | (5,709) |
| EJ Subscriptions | 100 | 0 | 100 | 2,200 | 681 | 1,519 |
| EK Facilities and Services | 5,667 | 4,752 | 915 | 116,670 | 103,243 | 13,427 |
| EL Data Processing Services (Interagency) | 12,167 | 11,201 | 966 | 265,670 | 240,898 | 24,772 |
| EM Attorney General Services | 15,417 | 17,659 | (2,242) | 334,170 | 257,633 | 76,537 |
| EN Personnel Services | 1,100 | 2,119 | (1,019) | 24,200 | 32,828 | (8,628) |
| EP Insurance | 79 | 81 | (2) | 3,726 | 3,829 | (103) |
| ER Other Contractual Services | 16,250 | (9,610) | 25,860 | 438,500 | 204,460 | 234,040 |
| ES Vehicle Maintenance & Operating Cst | 0 | 602 | (602) | 0 | 602 | (602) |
| EW Archives & Records Management Svcs | 18 | 0 | 18 | 396 | 373 | 23 |
| EY Software Licenses and Maintenance | 16,000 | (19,641) | 35,641 | 424,000 | 355,506 | 68,494 |
| EZ Other Goods and Services | 100 | (226) | 326 | 2,200 | 617 | 1,583 |
| Travel | 5,250 | 707 | 4,543 | 115,500 | 58,888 | 56,612 |
| GA In-State Subsistence & Lodging | 1,500 | 443 | 1,057 | 33,000 | 25,166 | 7,834 |
| GB In-State Air Transportation | 700 | 0 | 700 | 15,400 | 7,803 | 7,597 |
| GC Private Automobile Mileage | 1,500 | 308 | 1,192 | 33,000 | 8,063 | 24,937 |
| GD Other Travel Expenses | 700 | 55 | 646 | 15,400 | 3,864 | 11,536 |
| GF Out-of-State Subsistence & Lodging | 300 | 0 | 300 | 6,600 | 4,797 | 1,803 |
| GG Out-of-State Air Transportation | 300 | 0 | 300 | 6,600 | 7,926 | (1,326) |
| GN Motor Pool Services | 250 | (99) | 349 | 5,500 | 1,270 | 4,230 |
| Capital Outlays | 2,000 | 3,087 | (1,087) | 44,000 | 164,802 | (120,802) |
| JA Noncapitalized Assets | 1,000 | 3,087 | (2,087) | 22,000 | 104,540 | (82,540) |
| JB Noncapitalized Software | 1,000 | 0 | 1,000 | 22,000 | 0 | 22,000 |
| JC Furnishings & Equipment | 0 | 0 | 0 | 0 | 60,262 | (60,262) |
| Grants, Benefits & Client Services | 0 | 0 | 0 | 0 | 1,505 | (1,505) |
| NZ Other Grants and Benefits | 0 | 0 | 0 | 0 | 1,505 | (1,505) |
| Total Dollars | 173,295 | 98,748 | 74,547 | 3,882,426 | 3,318,106 | 564,320 |



Communication Report 06/22/23

Current/Upcoming Projects

Communication Task Force (CTF)

The CTF is continuing to meet and most recently completed a communication audit and discussion. We are also discussing image/brand/logo. Next, we'll continue through our timeline:

- identifying target audiences and their contexts
- developing clear and easy-to-understand key messages
- defining mediums for integrated communication, engagement and education
- identifying a ready bench of messengers on key topics

Website

- WaTech Web Design issues appear resolved
- accelerating logo development – WaTech (graphic)
- staff website content team - updating pages

Completed Projects

The Journal - 19 pages, color, many photos, graphics

Articles included discussion on our practices, retirements for Nimmy and Rich, exam updates, education and outreach events, reputation management, exam results and investigations and enforcement.

Constant Contact success rate: 43,1100 sent, 48.7% open rate and 7.2% click rate

Engineer Survey – Communication Task Force asked for a higher ed survey on the number of engineering graduates each year, plus related questions. Initially, 50% response rate to our email, 9 out of 18. Resent email to those who did not respond.

Dave Peden – Created “postcard” for email communication to licensees, supporting Dave’s election for NCEES Western Zone Secretary/Treasurer. Yes, he won.

Deputy Director Job Opening ad

Constant Contact success rate: 1,282 sent 53.1% open rate 6.2% click rate

Vehicle – Ford Expedition now ready for trips – registration, insurance, state requirements, etc.

Education – Ken guest spoke to St. Martin’s senior engineering class on March 22nd

Regulatory Program Report

6/22/23

Current Items:

- Rulemaking
 - * 196-09 CR101 filed. Indexing rule language being drafted.
 - CR101 filed. PC reviewing proposed complaint/investigation “re-open of complaint” language.
 - * 196-12 CR101 filed. EQC working on draft language.
 - * 196-26A & 196-30 Ex. Comm. reviewing proposed language.
 - * 196-29 CR101 filed. Survey Comm to work on draft language.
 - * 196-33 CR101 filed. PC reviewing proposed stamping & direct supervision language

- Public Records Requests
 - * 2023: 54 (as of 6/5/23)
 - * 2022: 85

Investigation/Compliance Program Report

6/22/23

Current Items:

- PDH Audits
 - * Project Team Assigned
 - Rich Larson/Vonna Cramer/Jill Short
 - Meeting scheduled with Polaris group and project team.
 - Met with Polaris group. This feature in Polaris is currently turned off due to a glitch. They are working on a fix.
 - Rich/Vonna/Jill will now be conducting a manual blind draw process of 1% of renewals for PLS and OS. Will measure results for approximately 6 months to determine results.
 - Template audit letters prepared.
 - Vonna in contact with Polaris team on difference between PDH/CE
 - In process.

- Complaint Process/Tracking
 - * Project Team Assigned
 - Jill Short/Ken Fuller/Rich Larson/Diane Gallagher
 - Team developed a step-by-step complaint process and determined times for completion during each status stage and notification/tickler points.
 - Team met with Diane Gallagher regarding capabilities and notification/tickler points.
 - Diane Gallagher will be putting together a process to present to the team by 2/13/23.
 - Diane and staff have met on several occasions to discuss how we would like the system to work.
 - Diane has created a testing site. Mackenzie/Jill are now testing the system to ensure it is working properly.
 - Diane/Mackenzie/Jill have weekly update meetings.
 - Testing with actual complaints to ensure email notifications and links to documents/files are working correctly.

- Digital Signatures
 - * Project Team Assigned
 - Jill Short/Ken Fuller/Greg Schieferstein
 - Have seen multiple inquires/issues regarding Digital Signature submittals to permitting authorities.

- Research to be done on processes used by City of Tacoma and City of Seattle.
- Poll to be done on other state boards' processes.
- Article to be written for Fall/Winter Journal.
- Possible outreach with WABO.

Completed Items:

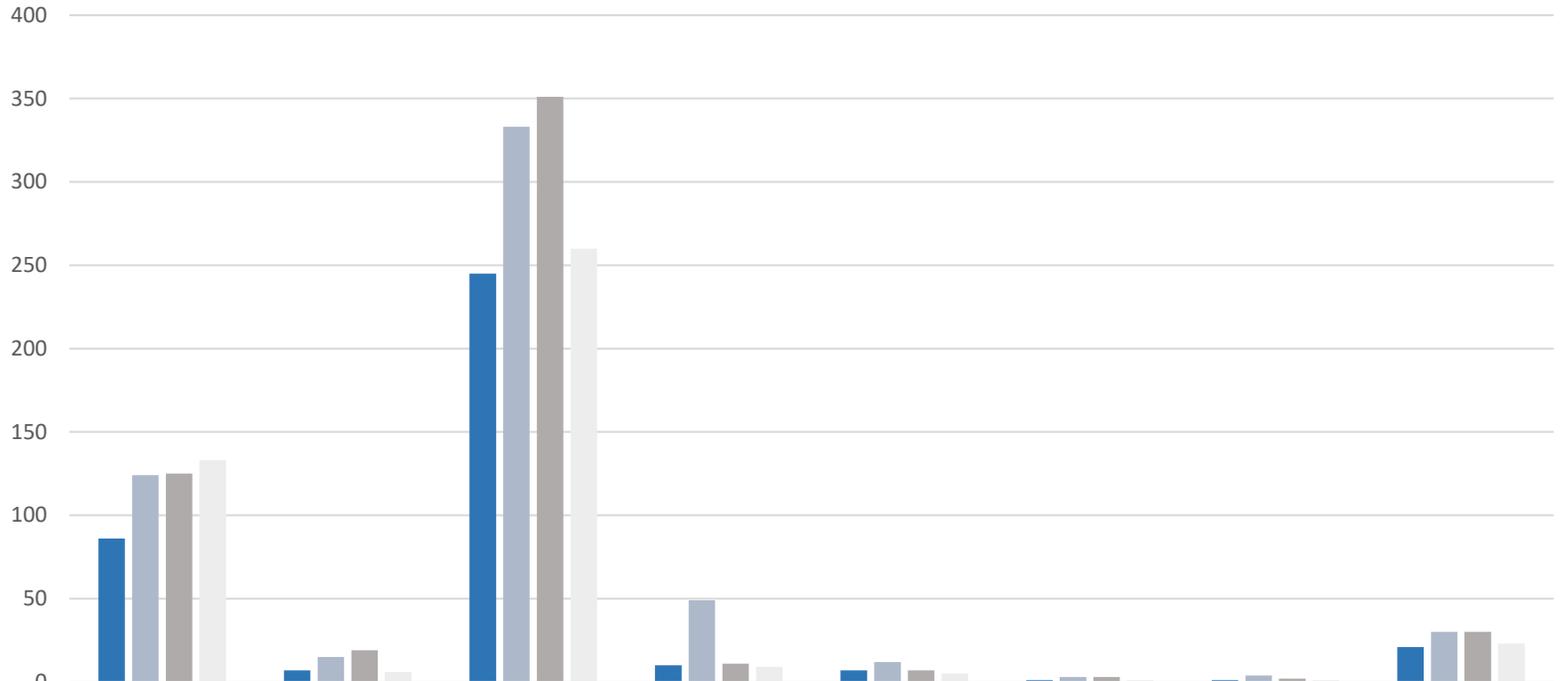
- PLS Standards
 - * Project Team Assigned
 - Aaron Blaisdell/Rich Larson/Jill Short
 - Project team met and discussed next steps.
 - Team determined next steps would be to look at each investigation on a case-by-case basis. If a CM determines charges are appropriate, the CM, board staff, and AAG will meet to discuss violations and appropriate sanctions.
 - The Advising AAG and Prosecuting AAG will be conducting a board training.
 - A document showing past violations and sanctions will be posted to the Board Resources SharePoint site.

Committee and/or Board Action Items:

- Board training by Advising and Prosecuting AAGs. (Scheduled for August 2, 2023)
- A document showing past violations and sanctions will be posted to the Board Resources SharePoint site (Indexing with Shanah).

Licensing Program Report June 22, 2023

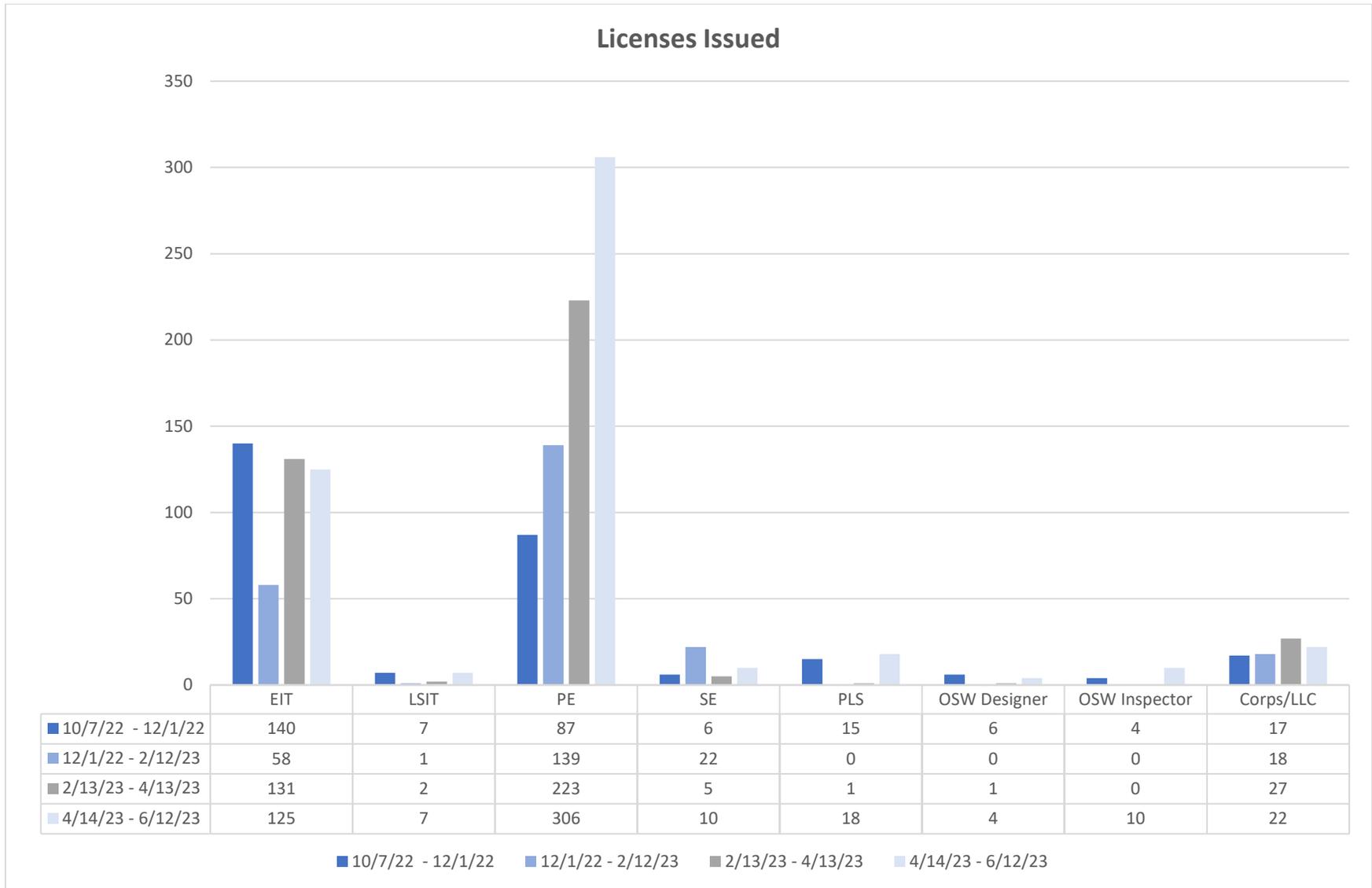
Applications Received



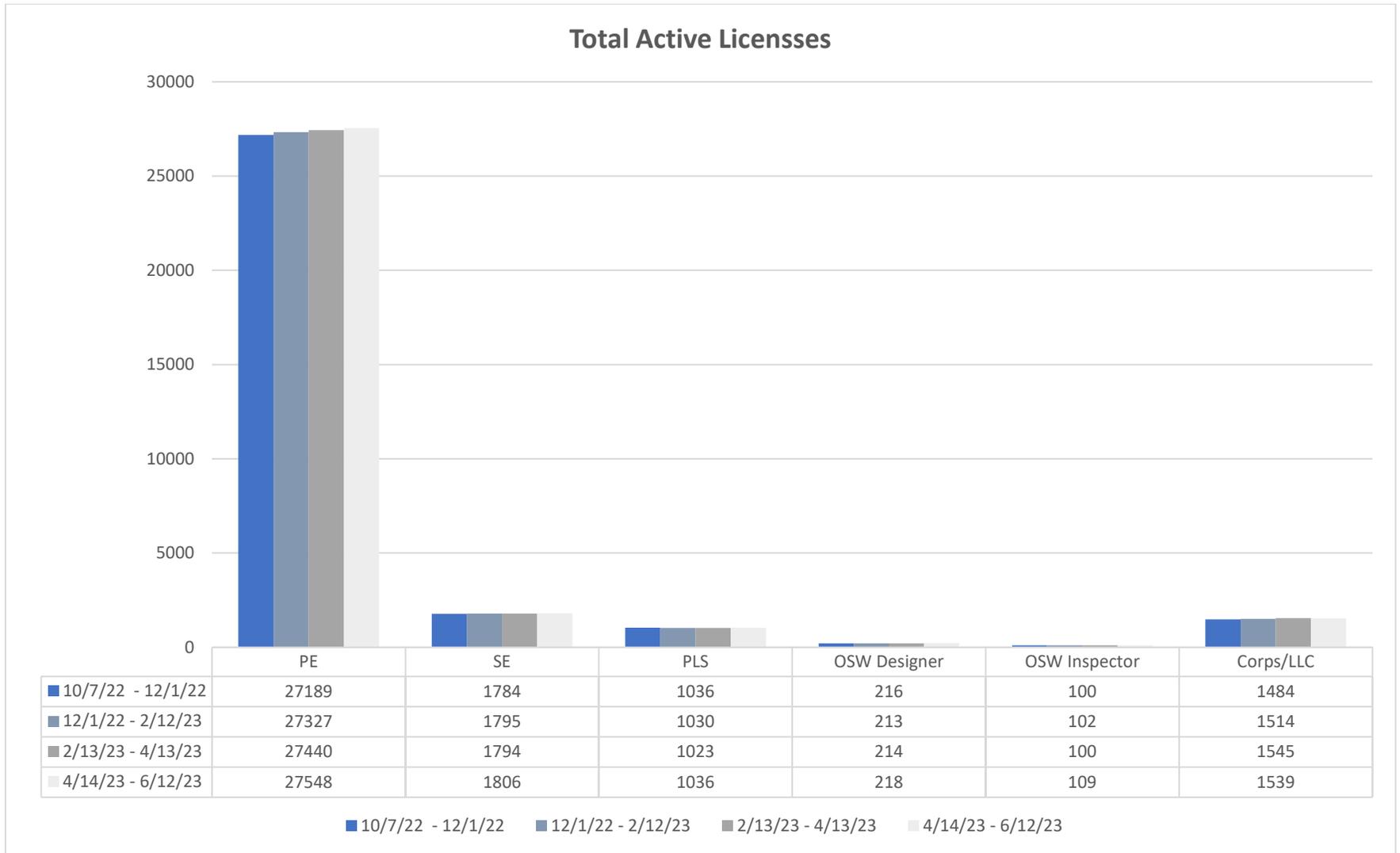
| | EIT | LSIT | PE | SE | PLS | OSW Designer | OSW Inspector | Corps/LLC |
|---------------------|-----|------|-----|----|-----|--------------|---------------|-----------|
| ■ 10/7/22 - 12/1/22 | 86 | 7 | 245 | 10 | 7 | 1 | 1 | 21 |
| ■ 12/1/22 - 2/12/23 | 124 | 15 | 333 | 49 | 12 | 3 | 4 | 30 |
| ■ 2/13/23 - 4/13/23 | 125 | 19 | 351 | 11 | 7 | 3 | 2 | 30 |
| ■ 4/14/23 - 6/12/23 | 133 | 6 | 260 | 9 | 5 | 1 | 1 | 23 |

■ 10/7/22 - 12/1/22 ■ 12/1/22 - 2/12/23 ■ 2/13/23 - 4/13/23 ■ 4/14/23 - 6/12/23

Licensing Program Report June 22, 2023



Licensing Program Report June 22, 2023



Licensing Program Report

June 22, 2023

Currently working on:

- **Special Projects**
 - Dainis
 - Analysis for both state specific exams
 - Law Review CBT
 - Looking to move the PE, PLS & OS law reviews to an online vendor
 - Updating content on the web page
 - Working with staff to provide up to date, accurate information
 - PLS SME group
 - Uploading questions to Scantron
 - On-Site SME group
 - Scheduling review meetings for 2023
 - Monitor Polaris issues/bug
 - Polaris
 - DOL/BRPELS “bug” meeting:
 - Currently have 1 work item
 - Currently have 1 story item
 - Waiting on 1 LOE for the fee reduction
 - Scantron – in progress
 - Uploading PLS SME approved question
 - Uploading OS SME test data
 - Box cleanup – in progress

Administration Program Report 06/22/23

Current & Ongoing Items:

- **Required Training**
 - * Board Member Training - August
 - * Culture of Military Spouses - TBD
 - * Diversity, Equity, and Inclusion - July 18 or at your own pace

- **Fiscal Year (FY23) Accounting Close**
 - * June 30 – All FY23 payroll documents must be submitted to DES
 - * June 30 – Capital, Fixed, and Small and Attractive Asset Inventory
 - * August 4 – All travel expenses must be submitted to DES

- **Agency Internal Control Officer**
 - * Internal Control Assurance letter due in August

- **Deputy Director Recruitment**
 - * Posted - May 18th
 - * Closed - June 18th

- **Office Assistant 3 Job Offer Rescinded**
 - * Developing new position description as an Administrative Assistant
 - * Will be a permanent position
 - * Recruitment to begin in the next few weeks

- **Admin Policies – List & Reorg**
 - * Develop and establish any missing policies
 - Layoff Policy
 - Leave Policy
 - Continuity Of Operations Plan (COOP)

Completed Items:

- ✓ **Admin Policies – List & Reorg**
 - * Mobile Working and Flexible Scheduling Policy, Mobile Work Handbook, Mobile Work Agreement, Employee Self- Assessment for Mobile Working, Mobile Work Evaluation, Employee’s Daily Mobile Work Plan

- ✓ **Agency Form Clean Up Project**

- ✓ **Develop BRPELS Training Process**

- ✓ **Agency Vehicle**
 - * WEX Fleet Card
 - * Authorized Driver Training Day – June 8th
 - * Vehicle Packet; Insurance, Accident Reporting Procedures, Roadside Assistance Info, Tort Claim info, Mileage Log, and more.

Board Meeting

Tab 6

Assistant Attorney General's Report

Board Meeting

Tab 7

Other Business

- 7.1 Additional Public Comment
- 7.2 Upcoming Outreach and Events
- 7.3 Action Items from this Meeting
- 7.4 Agenda Items for Next Meeting

2023

IMPORTANT DATES

JANUARY

| SUN | MON | TUE | WED | THU | FRI | SAT |
|-----|-----|-----|-----|-----|-----|-----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 | | | | |

FEBRUARY

| SUN | MON | TUE | WED | THU | FRI | SAT |
|-----|-----|-----|-----|-----|-----|-----|
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | | | | |

MARCH

| SUN | MON | TUE | WED | THU | FRI | SAT |
|-----|-----|-----|-----|-----|-----|-----|
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

APRIL

| SUN | MON | TUE | WED | THU | FRI | SAT |
|-----|-----|-----|-----|-----|-----|-----|
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | | | | | | |

MAY

| SUN | MON | TUE | WED | THU | FRI | SAT |
|-----|-----|-----|-----|-----|-----|-----|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | 31 | | | |

JUNE

| SUN | MON | TUE | WED | THU | FRI | SAT |
|-----|-----|-----|-----|-----|-----|-----|
| | | | | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | |

JULY

| SUN | MON | TUE | WED | THU | FRI | SAT |
|-----|-----|-----|-----|-----|-----|-----|
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 | | | | | |

AUGUST

| SUN | MON | TUE | WED | THU | FRI | SAT |
|-----|-----|-----|-----|-----|-----|-----|
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 | | |

SEPTEMBER

| SUN | MON | TUE | WED | THU | FRI | SAT |
|-----|-----|-----|-----|-----|-----|-----|
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |

OCTOBER

| SUN | MON | TUE | WED | THU | FRI | SAT |
|-----|-----|-----|-----|-----|-----|-----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 | | | | |

NOVEMBER

| SUN | MON | TUE | WED | THU | FRI | SAT |
|-----|-----|-----|-----|-----|-----|-----|
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | | |

DECEMBER

| SUN | MON | TUE | WED | THU | FRI | SAT |
|-----|-----|-----|-----|-----|-----|-----|
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 | | | | | | |

June

21-22 Committee and Board Meetings – Tri-Cities
 30 21/23 Biennium End

July

August

2-3 Committee and Board Meetings – SeaTac
 2 Board Member Training
 15-18 NCEES Annual Meeting, Boston

September

22 State Specific Exams

October

18-19 Committee and Board Meetings - Spokane
 26-27 NCEES Structural Exams
 4-5 American Public Works Association – AWWA, Wenatchee

November

December

6-7 Committee and Board Meetings, Olympia

2023 State Holidays

PO Box 9025
 Olympia, WA 98507-9025
 (360) 664-1575
Engineers@brpels.wa.gov
 BRPELS.WA.GOV



Board of Registration for Professional Engineers and Land Surveyors

Action Item List

Executive Committee

| Date Assigned | Action Item | Assigned To | Status |
|---------------|--|---------------------|-------------|
| 04/27/23 | Review amended language for WAC 196-26A and WAC 196-30 | Executive Committee | In Progress |

Exam Qualifications Committee (EQC)

| Date Assigned | Action Item | Assigned To | Status |
|---------------|-------------|-------------|--------|
| | | | |

Practice Committee (PC)

| Date Assigned | Action Item | Assigned To | Status |
|---------------|---|-------------|----------------|
| 10/21/21 | Review RCW 18.43 and determine next steps to address outcomes from recent litigation concerning the use of the word engineer and the practice of engineering. | Committee | Pending Appeal |

Survey Committee

| Date Assigned | Action Item | Assigned To | Status |
|---------------|---------------------------------------|---|-------------|
| 04/18/23 | Draft WAC language for WAC 196-29-110 | Mr. Wengler Ms. Lagerberg Mr. Blaisdell | In Progress |

On-Site Committee

| Date Assigned | Action Item | Assigned To | Status |
|---------------|--|-------------------------|-------------|
| 4/12/22 | Compile OS Designer & Inspector pass/fail & reexam statistics over the last 5 years. | Ms. Cramer Dainis Co | In Progress |

Board Staff

| Date Assigned | Action Item | Assigned To | Status |
|---------------|---|---------------------------|-------------|
| 10/20/22 | Discuss and begin writing a Communication Action Plan for board review. | Communication Task Force | In Progress |
| 3/3/22 | Develop a Letter of Education and BAP alternative to present to the Board. *Will review at August 2023 board training* | Mr. Fuller | In Progress |
| 12/08/22 | Mr. Fuller and Board Staff to begin the process of onboarding a new pro-tem board member. | Mr. Fuller Board Staff | In Progress |

AGO

| Date Assigned | Action Item | Assigned To | Status |
|----------------------|---|--------------------------------|---------------|
| 04/27/23 | Counsel to pursue civil action against Mr. Hawkins and against Mr. Huxel once the appeal decision has been reached | Ms. Lagerberg Ms. Casselman | In Progress |
| 04/27/23 | Ms. Lagerberg to confirm the outcome of the board order example provided in the board packet regarding taking civil action. | Ms. Lagerberg | In Progress |

Board Meeting

Tab 8

Adjourn Meeting