



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 – 8:33 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,

A handwritten signature in black ink, appearing to read 'Ken Fuller', with a long horizontal line extending to the right.

Ken Fuller, PE, Director