

Washington State Board of Registration for Professional Engineers & Land Surveyors

Board Meeting

May 4, 2021

[WebEx Link](#)

or

Join by video system, application or Skype for business

Dial 1336189102@webex.com

You can also dial 173.243.2.68 and enter meeting number 133 618 9102

Meeting password: EgghkUZ6r49

Tap to join from a mobile device (attendees only)

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Board Meeting

Tab 1

Call to Order

- Roll Call
- Order of Agenda
- Approval of April 21, 2021 Meeting Minutes
- Public Comment Opportunity



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

Special Board Meeting Agenda

DATE & TIME: May 4, 2021 12:00 p.m.

LOCATION: [WebEx Link](#)

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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.

1. Call to Order

- 1.1. Roll Call
- 1.2. Order of Agenda
- 1.3. Approval of April 21, 2021 Meeting Minutes
- 1.4. Public Comment Opportunity

2. Executive Session

- 2.1. Attorney/Client Privilege – Tappel, et al v. BRPELS, et al.; Interrogatories to BRPELS

3. New Business

- 3.1. Delegation of Authority re: Tappel, et al v. BRPELS
- 3.2. On-Site cut off score

4. Adjourn Meeting



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

SPECIAL BOARD MEETING MINUTES

DATE: April 21, 2021

TIME: 8:00 a.m.

LOCATION: WebEx

ATTENDANCE:

Board Members

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

Guest

Sharon Zimmerman

Staff Members

Elizabeth Lagerberg, Advising AAG
Ken Fuller, PE, Director
Richard Larson, PLS, Deputy Director
Carmena Moretti, Executive Assistant
Shanan Gillespie, Regulatory Program Manager
Jill Short, Investigations & Compliance Manager
Vonna Cramer, Licensing Lead
Paul Bitar, Senior Financial Consultant

1. Call to Order at 8:00 a.m.

1.1 Mr. Blaisdell, Board Chair, took roll call.

1.2 Order of Agenda

A motion was made by Mr. Hendrickson, and seconded by Ms. Gnanapragasam, to accept the agenda with a friendly amendment to switch the order of 3.3 & 3.4. Motion carried.

1.3 Approval of Meeting Minutes

A motion was made by Mr. Wengler, and seconded by Ms. Lund, to accept the February 18, 2021 meeting minutes as amended. Motion carried.

1.4 Public Comment Opportunity

None Provided

2. Disciplinary Action

2.1 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. Blaisdell delivered the committee's report.

Discussion Items:

1. Financial Report with Paul Bitar

Mr. Bitar provided the committee with the current financial report. He said that it appears the Board will have a positive account balance of approximately \$1 million at the end of the biennium. The new budget bill has not been approved, but the current budget bill gives the board approximately \$4.5 million in spending authority.

2. Director's Report – Board/Agency operations

Mr. Fuller informed the committee of the following:

- He is currently working with the Department of Licensing on the Statement of Work #2.
- He is in the middle of the last step to get to signing a lease for new space.
- The agency is expanding its relationship with WaTech to provide IT support.
- Staff is still working remotely and is only in-person as needed.
- The NCEES Western Zone meeting is being held virtually. NCEES is limiting the number of delegates to the annual meeting.
- Haylee Mills has left the AG's Office and Lisa Peterson, AAG is temporarily filling as interim prosecutor.
- Polaris is functioning with bugs being worked out and staff is keeping tabs and meeting the needs of stakeholders through the system.

The committee discussed goal setting and strategic planning for the next year. It was noted by Mr. Blaisdell that budget development will be spearheaded by the incoming Chair and that having a strategic planning meeting will help the Board direct the agency in the most efficient way.

The committee reviewed an email from a licensee regarding timing of renewals and initial license expiration dates.

Ms. Gillespie went through the legislative report that was provided in the committee packet.

Mr. Blaisdell stated the committee has a recommendation regarding future meeting logistics for the full board under agenda item 4.6.

Action Items:

- Mr. Blaisdell will work with Mr. Fuller to designate two board members to be the Nominating Committee that will put forth names for a new Chair and Vice Chair at the June meeting.

- Staff to contact DOL regarding potential costs for system changes to give new licensees *at least* a one-year initial license. This would expand the window of time the system calculates beyond 120-days.

Mr. Hendrickson asked if the committee assigned a voter for the NCEES Western Zone meeting? As Chair, Mr. Blaisdell is the designator voter and NCEES has been notified.

A motion was made by Mr. VanDeWege, and seconded by Mr. Hendrickson, to accept the Executive Committee report. Motion carried.

3.2 Practice Committee (PC)

Ms. Lund delivered the committee's report.

Complaint Summary:

Total Complaints Received **13**

 Engineering Complaints 5

 Surveying Complaints 7

 On-Site Designer Complaints 1

Total Administrative Closures **7**

 Engineering Closures 5

 Surveying Closures 2

 On-Site Designer Closures 0

Compliance Report:

Ms. Lund reported there are two individuals on compliance monitoring (Richard Russum, PLS and Russell Bodge) and that both of them are currently in compliance with the terms of their board orders.

Discussion Items:

1. Investigation Flowcharts and Board Policy 48

The PC reviewed the Investigative through Legal Process flowcharts. The PC is recommending approval of the flowcharts for publication on the Board website. The PC is also recommending the Board repeal Policy 48 under agenda item 4.3.1.

2. Draft Rule Language WAC 196-09

The PC and the Executive Committee worked on WAC 196-09 and will present under New Business for Board approval.

3. Draft Rule Language WAC 196-25

The PC is in the process of working on WAC 196-25 Business Practices regarding businesses, corporations, LLCs, and registered professionals. Ms. Lagerberg has provided a draft that Mr. Wengler and Mr. Larson will review and bring back to the next committee meeting for final consideration.

Ongoing Action Items:

1. Staff is still exploring options for a database for questions and answers. SharePoint has been discussed and is being reviewed.
2. The committee is looking at other board policies that may need PC review.
3. The committee has created an accomplishment report to keep a record of what the committee has completed this year to give next year's incoming committee the opportunity to hit the ground running.

New Action Items:

1. Mr. Fuller will reach out to Mr. Bodge to see where he is at in the compliance process.
2. Mr. Wengler and Mr. Larson will review WAC 196-25 with Ms. Lagerberg's comments and reach out to her with any questions. Ms. Gillespie will help keep the process moving along.

Mr. Blaisdell asked Mr. Fuller how he was going to contact Mr. Bodge. Mr. Fuller clarified that he is going to phone Mr. Bodge, follow up with an email, and report back to the PC at the next meeting.

A motion was made by Ms. Gnanapragasam, and seconded by Mr. Peden, to accept the Practice Committee report. Motion carried.

3.3 Survey Committee

Mr. Wengler delivered the committee's report.

Discussion Items

1. Review and recommendation to EQC: April 2021 4-hour PLS exam results
The Committee reviewed the April 021 4-hour PLS exam result memo. A discussion was held about the status of the examinations in general and reviewing the examination questions with Subject Matter Experts (SMEs) to develop more questions for the exam that are specific to Washington. Staff informed the Committee that they are in the process of gathering statistics and will be scheduling a meeting with the SMEs in June or July 2021 to discuss the exam. The Committee is recommending the EQC submit a cut-score of 27/40 to the Board for approval.
2. Policy #42 – Incidental Surveying
Ms. Lagerberg provided the Committee with her opinions regarding Policy #42, and its apparent conflict with RCW 18.43. The Committee discussed the definition of surveying (RCW 18.43.020(9)) and the conflict with the Policy. The Department of Natural Resources (DNR) currently has a WAC in place that addresses topographic elements on maps. (WAC 332-130-145 Topographic elements on maps – Requirements). The Committee believes that Policy #42 is no longer relevant and is recommending the Board repeal Policy #42 – Incidental Surveying.

Action Items:

1. The Committee requested Staff provide the Committee a paper on what has worked and what hasn't worked regarding Exam Administration. Subjects to include how COVID impacted the exam administration, security of exams, and grading. Due before the SME meeting in June/July. Mr. Blaisdell added that the committee would like

feedback from staff specifically impacts of administering exams during COVID and whether changes need to be implemented or if there were significant costs?

3.4 Exam Qualifications Committee (EQC)

Ms. Gnanapragasam delivered the committee's report

Application Review Summary

The committee reviewed and approved one PE applicant with foreign experience. Applicant passed the FE and PE and gained sufficient experience in Japan.

Discussion Items:

1. The EQC reviewed scores of the PLS state specific exam and recommends the Board approve a cut score of 27/40.
2. The EQC discussed the term "comity" as it relates to the PE and SE applications. After discussion, the committee decided to continue with current usage of the term "comity" as this seems to be industry standard.
3. Ms. Cramer gave the committee an update on Polaris and Secure Access Washington (SAW). DOL is working on updating templates in Polaris and updating the URL, removing DOL language, and updating graphics. Staff is working with WaTech to create a separate domain in SAW that shows BRPELS w/appropriate language that links directly to the DOL licensing system. This would streamline the application/renewal process and eliminate confusion for licensees. The next step will be implementing the "Ask for help" option to have all questions to come directly to BRPELS.
4. The EQC reviewed a final draft of WAC 196-12 and will ask the Board to approve the draft language under agenda item 4.1.1.
5. The EQC started working on revising the On-Site Septic System Exam Application instructions, experience form, and verification form. The committee will continue working on it and intends to bring it to Board for approval at the June meeting.

Action Items:

1. Staff will notify applicants of PLS state specific exam results (upon approval of cut score by the Board).
2. Staff will notify candidate of EQC application review and approval.
3. Staff will send revised OS application to EQC members for review.

Mr. Wengler asked the Board that if one of his employees recently passed the PLS exam, could he be the one to tell him? Ms. Lagerberg stated there is no specific rule that prohibit it but also advised board members to avoid situations that overlap professional relationships and their service on the board.

A motion was made by Mr. Hendrickson, and seconded by Ms. Lund, to accept the Exam Qualifications Committee report including action items with the exception of the PLS cut score recommendation that will be presented in New Business item 4.4. Motion carried.

3.5 Structural Committee

Mr. Hendrickson delivered the committee's report.

Discussion Topics:

1. The committee discussed WAC 196-12-047 language and worked on correlating those with the SE application review. The application was updated with special emphasis dealing with issues for experience reporting and verification. Staff will have that ready for approval at the June meeting.

Action Items:

1. Staff to have updated SE application to committee members within 2 weeks for final review.

4. New Business

4.1 WAC Draft Language Recommendations

4.1.1 WAC 196-12 (from EQC)

Ms. Gnanapragasam and Ms. Gillespie provided a brief overview of the proposed revisions to WAC 196-12. The EQC recommended the Board approve the changes to the draft language.

A motion was made by Mr. Hendrickson, and seconded by Mr. VanDeWege, to have staff advance this content to CR-102 Proposed Rule Making process. Motion carried.

4.1.2 WAC 196-09 (from PC)

Ms. Lund and Ms. Lagerberg provided a brief overview of the proposed revisions to WAC 196-09. The PC recommended the Board approve the changes to the draft language.

A motion was made by Mr. Hendrickson, and seconded by Mr. Peden, to approve the draft language and for staff to move forward in the CR-102 Proposed Rule Making process. Motion carried.

4.2 Investigative & Legal Processes Flowcharts (from PC)

Ms. Lund presented updated Investigative & Legal Processes Flowcharts that were included in the packet and Mr. Hendrickson made minor edits in real time.

A motion was made by Mr. Peden, and seconded by Ms. Gnanapragasam, to accept these documents as an approach and for the PC to work with the AG on finalizing the documents for publication. Motion carried.

4.3 Board Policy Review & Recommendations

4.3.1 Policy #48 – Complaint Processing (from PC)

Ms. Lund stated that with approval of WAC changes and the development of the flowcharts, the committee feels this policy is no longer necessary and recommends repealing Board Policy #48 – Complaint Processing.

A motion was made by Mr. Hendrickson, and seconded by Ms. Gnanapragasam, to accept the recommendation of the PC and to repeal Board Policy #48. Motion carried.

4.3.2 Policy #42 – Incidental Surveying (from Survey Committee)

Mr. Wengler explained that because DNR has written rules regarding topographic surveying elements that need to be presented on maps to any licensee registered under RCW 18.43 or 18.210 the committee feels this policy is no longer necessary and recommends repealing Board Policy #42 – Incidental Surveying.

Mr. Peden asked if incidental surveying would be allowed if the policy is removed and Mr. Wengler clarified that it wouldn't be considered surveying, rather measurements to support engineering. Ms. Lagerberg also explained that there is no statutory authority to create some type of approval or enforcement for incidental surveying.

A motion was made by Mr. VanDeWege, and seconded by Mr. Hendrickson, to accept the recommendation of the Survey Committee and to repeal Board Policy #42. Motion carried

4.4 PLS State Exam Cut Scores (from EQC)

A motion was made by Ms. Lund, and seconded by Mr. Wengler, to accept the EQC's recommendation and approve a cut score of 27/40 for the April State Specific PLS exam. Motion carried.

4.5 Legislative Outreach Committee (from Executive Committee)

Mr. Fuller proposed the agency engage in more active communication with legislative offices and provide an outline of Board responsibilities so if they have something come through or have a question about engineering, land surveying, or on-site design work they will have a resource to reach out to. A more proactive role would also allow the agency to gain positive traction on future legislative bills.

For Board consideration, Ms. Lagerberg offered two issues have repeatedly come up that may need a statutory fix: the waiver of the FE exam and the use of the term 'engineer'.

A motion was made by Mr. VanDeWege, and seconded by Mr. Wengler, to set up a Legislative Outreach Task Force under the direction of the Executive Committee. Motion carried.

4.6 Future Meetings Logistics

The Board discussed future meetings in light of easing COVID-19 restrictions and whether board members want to consider in-person meetings again. Mr. Fuller also proposed an in-person strategic planning meeting the day before the board meeting. Ms. Lund added that in addition to goal setting it would be helpful to use the strategic meeting to build next biennium's budget with Mr. Bitar.

It was decided the next meetings would be in-person with virtual capabilities for the public. Ms. Moretti will research venues in SeaTac or Spokane for two-days of strategic planning and board meetings on June 16th and 17th and WebEx scheduled for committee meetings.

Mr. Peden also noted the Board has an obligation to the public to make board meeting accessible to those in other parts of the state that can't travel but would like to attend. Mr. Blaisdell clarified that going to a hybrid model would not exempt board members from attending in-person. Ms. Gnanapragasam noted that she found it helpful having virtual committee meetings because of the scheduling flexibility and cushion of time before the board meeting. The possibility of continuing working committee meetings *in addition* to the formal committee meetings the day before board meetings was discussed.

It was decided that future meetings would be recorded, and audio posted on the website. Ms. Moretti will make sure suitable technology is available to record meetings.

5. Old Business

None

6. Director's Report

6.1 Financial Report

Mr. Bitar stated the Board is currently in excellent financial condition and projects the agency will end the current biennium with about \$1M in its operating account. The agency began the biennium with about \$1.7M and the decline is associated with the one-time operating expenses related to implementation of its new licensing system. Other expenses have been extremely low this biennium, most likely due to the pandemic which also adversely impacted incoming revenue. Mr. Bitar explained he's seen a recent uptick in revenue and that he expects them to continue to increase through the final months of the biennium. The current legislative session is wrapping up and BRPELS' spending authority for next biennium should be released shortly. Mr. Bitar anticipates it will be close to \$4.2M, more than enough to cover the agency's expenditures and give the agency discretionary spending to pursue projects or activities that would further its mission.

6.2 Agency Operations

Mr. Fuller offered to address any additional questions or topics that weren't covered in the Executive Committee report.

6.3 Other Items

Mr. Fuller informed the Board that NCEES has limited WA attendees to its annual meeting in October to two people. After discussion, it was decided Ms. Lund and Mr. Fuller would attend the meeting in New Orleans. Ms. Moretti will submit the necessary paperwork and inform NCEES.

7. Assistant Attorney General's Report

Ms. Lagerberg confirmed the loss of Ms. Mills from the AG's Office and explained that the AGO is currently hiring new AAGs and reassigning attorney workloads. Ms. Peterson will be the Board's interim prosecuting attorney until someone with experience and committed to staying

in the position is identified. Ms. Lagerberg suggested a colleague that has done excellent work to her supervisor and Division Chief and is hoping they get assigned to BRPELS.

Ms. Lagerberg noted she recently attended a national conference where the push for deregulation was a reoccurring topic. She said there appears to be a couple of national groups pushing in every state. She explained that the engineers, architects, and accountancy profession have banded together and are working against the groups. Based on reports from legislation all over the country, the push for deregulation in the State of Washington has been extremely weak, not effectively promoted, and only applied to DOL however, other states have had had some difficulty and strange changes.

8. Other Business

8.1 Additional Public Comment

None Provided

8.2 Upcoming Outreach and Events

June 16th - Strategic Planning Meeting

8.3 Rolling Action Item List + Action Items from This Meeting

Board staff reviewed the Rolling Action Items List from the packet and added the following items from this meeting:

1. Mr. Blaisdell will designate two board members to be the Nominating Committee that will put forth names for a new Chair and Vice-Chair at the June meeting.
2. Ms. Cramer will contact DOL regarding potential costs for system changes to give licensees at least a one-year initial license.
3. Ms. Cramer will notify applicants of PLS State Exam results.
4. Ms. Cramer will notify applicant of EQC review and approval.
5. Ms. Cramer will send revised OS application to EQC for review.
6. PC will work with Ms. Lagerberg to finalize the Investigative through Legal Process flowcharts for publication.
7. Mr. Fuller will contact Mr. Bodge to see where he is at in the compliance process.
8. Mr. Wengler and Mr. Larson will review WAC 196-25 with Ms. Lagerberg's comments and reach out to her with any questions.
9. Board staff will provide a summary of what has worked and what hasn't worked during the last few state specific exams, e.g. COVID-19 impacts, security of exams, and grading to the Survey Committee.
10. Ms. Cramer will send an updated SE application to SE committee members within 2 weeks.
11. Ms. Moretti will research venues for in-person Strategic Planning and Board meetings in June.

12. Ms. Moretti will notify NCEES that Ms. Lund and Mr. Fuller will be the attendees for the Board at its annual meeting in October.

8.4 Agenda Items for Next/Upcoming Meetings

Next Executive Committee Meeting

- Review OFM performance evaluation process and develop a specific agency process for board staff to be approved by the full board.

Next EQC

- Alternative Pathway form work up

Next board meeting:

- Election of 2021-2022 Officers
- Strategic Planning Session Report Out
- Report from Western Zone Meeting
- OS Application Review & Approval (from EQC)
- SE Application (from Structural Committee)
- WAC 196-25 Draft Language Recommendations (from PC)
- Invite DOL Director to June Meeting. DNR & DOH?

9. Adjourn Meeting

A motion was made by Mr. VanDeWege, and seconded by Ms. Gnanapragasam, to adjourn the meeting at 11:21 a.m. Motion carried.

Next Meeting: May 3, 2021 – Special Board Meeting

Respectfully submitted

Ken Fuller, PE, Director

Board Meeting

Tab 2

Executive Session

- Attorney/Client Privilege – Tappel, et al v. BRPELS, et al.; Interrogatories to BRPELS

Board Meeting

Tab 3

New Business

- Delegation of Authority re: Tappel, et al v. BRPELS
- On-Site cut off score

Board Meeting

Tab 4

Adjourn Meeting