



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

DATE: June 22, 2023
TIME: 9:00 a.m.
LOCATION: Red Lion Hotel & Conference Center
Design Room
2525 N. 20th Avenue
Pasco, WA 99301

ATTENDANCE:

Board Members

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

Guest(s)

Ken McGowan, PE
Elizabeth Johnston, PE (WebEx)

Staff Members

Ken Fuller, PE, Director
Mackenzie Wherrett, Executive Assistant
Shanan Gillespie, Regulatory Program Manager
Greg Schieferstein, Communication Manager
Jill Short, Investigator (WebEx)
Vonna Cramer, Licensing Lead
Paul Bitar, Senior Financial Consultant (WebEx)
Elizabeth Lagerberg, Advising AAG

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 Mr. Blaisdell, and seconded by Mr. VanDeWege, to accept the agenda as written.

Ms. Gillespie requested to amend the agenda to add approval of amended language and filing CR102 for WAC 196-29-110. Mr. Blaisdell and Mr. VanDeWege accepted the request as a friendly amendment. Motion approved.

1.3. Approval of April 27, 2023 Meeting Minutes

A motion was made by Ms. Lund, and seconded by Ms. Gnanapragasam, to accept the April 27, 2023 Meeting Minutes. Mr. Hendrickson noted an incorrect time on the minutes as to

when open session reconvened. Ms. Wherrett to review and correct the minutes appropriately. Ms. Lund and Ms. Gnanapragasam accepted the amendment to the motion. Motion approved.

1.4. Public Comment Opportunity

Mr. McGowan had no comment but stated he was there to observe the deliberations of the board while representing the Washington Society of Professional Engineers.

Ms. Johnston shared that she was recently licensed as a Professional Engineer in Washington and thanked staff for their assistance through the process. Ms. Johnston's comment was specific to agenda item 4.4 - Approval of Draft Language and Filing of CR102 for WAC 196-12. She stated that the experience verification form was cumbersome for comity applicants and supports the adoption of allowing NCEES records to be accepted in lieu of additional information.

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 9:09 a.m. until 10:09 a.m.

Open Session Reconvened – 10:09 a.m.

2. Disciplinary Action

2.1. Case Deliberations

2020-09-1201-00LSV

Mr. Wengler recommended a letter of education be sent to the respondent and the case be closed. A motion was made by Mr. VanDeWege, and seconded by Ms. Gnanapragasam, to accept the Case Manager's recommendation for closure. Mr. Wengler abstained. Motion approved.

2.2. Formal Action

2.2.2. 2020-12-1960-00ENG

Ms. Short provided a summary of the agreed order as found in the [board packet](#).

The Agreed Order imposes the following sanctions and order Mr. Berkey:

- The Respondent's license will be suspended for a period of 1 year and the Respondent is assessed a fine in the amount of \$5,000. The license suspension and fine are stayed contingent with the respondent complying with the following conditions:
 - Respondent shall not practice geotechnical engineering services
 - Respondent will either hire a 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 excavation
 - Foundations on or near soft soils
- For a period of 1 year, Respondent will submit to the Board, on a

quarterly basis, a report of work he is performing. If the work involves geotechnical engineering services, as identified above. 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, corrections will be required at the Respondent's expense.

A motion was made by Mr. Wengler, seconded by Mr. Blaisdell, to approve the proposed agreed order against Mr. Clifton W. Berkey. Ms. Gnanapragasam abstained. Motion approved.

2.2.3. 2021-04-1006-00LSV

Ms. Short provided a summary of the agreed order as found in the [board packet](#).

The Agreed Order imposes the following sanctions and order Mr. Jonas:

- Upon the effective date of the 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
- Upon effective date of the Agreed Order the Respondent is prohibited to practice land surveying as defined in RCW 18.43.020 and will not practice or offer to practice land surveying while retired
- Upon the effective date of the Agreed 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
- Respondent may retain the Board issued wall certificate. Respondent may use the title – Professional Land Surveyor (PLS) – provided that is supplemented by the term retired, or the abbreviation “ret.”
- Respondent will not reinstate or apply for reinstatement of his professional license

A motion was made by Ms. Lund and seconded by Mr. Peden to approve the proposed agreed order against Mr. Peter Jonas. Mr. Wengler abstained. Motion approved.

2.3. Disciplinary Report

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

Discussion:

Mr. Fuller discussed options for filling the role of pro-tem Board Member.

Ms. Short provided a brief explanation of the new complaint tracking system and the status of developing the system.

3. Committee Reports

3.1. Exam Qualifications Committee (EQC)

Ms. Gnanapragasam delivered the committee's report.

- [05/05/23 Exam Qualifications Committee Meeting Report](#)
- [06/06/23 Exam Qualifications Committee Meeting Report](#)
- [06/21/23 Exam Qualifications Committee Meeting Report](#)

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

3.2. Practice Committee (PC)

Mr. Peden delivered the committee's report.

- [05/11/23 Practice Committee Meeting Report](#)
- [06/14/23 Practice Committee Meeting Report](#)
- [06/21/23 Practice Committee Meeting Report](#)

A motion was made by Mr. Wengler, and seconded by Mr. Blaisdell, to accept the Practice Committee report. Motion carried.

Discussion:

Mr. Blaisdell inquired about the Practice Committee's PDH audit plan. Mr. Fuller and Ms. Short explained the PDH audit plan will be presented in the future for board approval. The online licensing system, POLARIS, will assist in the PDH audits.

3.3. Executive Committee

Mr. Hendrickson delivered the committee's report.

- [06/21/23 Executive Committee Meeting Report](#)

A motion was made by Ms. Gnanapragasam, and seconded by Mr. Blaisdell, to accept the Executive Committee report.

Discussion:

Mr. Gnanapragasam asked about the Order of The Engineer. Mr. Hendrickson asked Mr. McGowan to provide a short overview of the Order of The Engineer. Mr. McGowan stated the organization encourages ethical conduct and ethical practice to young Engineers in particular.

Ms. Lund provided a friendly amendment to the Executive Committee Report that during the meeting they discussed [HB 1301](#) *Creating license review and reporting requirement* and the direction to staff to pursue a similar review, to be provided at a future meeting.

Ms. Gnanapragasam and Mr. Blaisdell accepted the friendly amendment. Motion to accept the amended Executive Committee Report approved.

3.4. Survey Committee

Mr. Wengler delivered the committee's report.

- [06/21/23 Survey Committee Meeting Report](#)

3.5. Structural Committee

Ms. Lund delivered the committee's report.

- [06/12/23 Structural Committee Meeting Report](#)

3.6. Communication Task Force

Mr. Schieferstein delivered the committee's report.

- [06/07/23 Communication Task Force Meeting Report](#)

4. New Business

4.1. Approval of Response Letter Regarding Clarification on Practice Question (from PC)

Mr. Peden provided the Practice Committee's recommendation to approve the response letter to Shannon & Wilson regarding clarification on practice question as provided in the [board packet](#). Ms. Lund made a motion to approve the response letter, seconded by Mr. VanDeWege. Motion carried.

- 4.2. Approval of Draft Language and Filing of CR102 for WAC 196-33 (from PC)
Ms. Gillespie summarized the draft language for WAC 196-33. A motion was made by Ms. Lund and seconded by Mr. Wengler to approve the draft language and filing of CR102 for WAC 196-33. Motion carried.
- 4.3. Approval of Draft Language and Filing of CR102 for WAC 196-09 (from PC)
Ms. Gillespie gave a summary of the draft language for WAC 196-09-015. Mr. VanDeWege motioned to approve the draft language and filing of CR102 for WAC 196-09-015, seconded by Mr. Blaisdell. Motion carried.
- 4.4. Approval of Draft Language and Filing of CR102 for WAC 196-12 (from EQC)
Ms. Gnanapragasam provided a summary of the draft language for WAC 196-12. Mr. Peden made a motion, seconded by Mr. Blaisdell, to approve the draft language and filing of CR102 for WAC 196-12. Motion carried.
- 4.5. Educational Licensing Requirements (from EQC)
Ms. Gnanapragasam provided the Exam Qualifications Committee’s recommendation to approve the [education guidance table](#) and to delegate it’s use to board staff when reviewing applications. A motion was made by Ms. Lund to accept the EQC’s recommendation, seconded by Mr. Peden. Motion approved.
- 4.6. Approval of Rulemaking for WAC 196-26A & 196-30 (from Executive Committee)
[Draft Language](#) for WAC 196-26A and WAC 196-30 was presented. Ms. Lund made a motion to approve staff to begin the rulemaking process for WAC 196-26A and WAC 196-30. Mr. VanDeWege seconded the motion. Motion approved.
- 4.7. Comity Licensure/NCEES SE 16-hr Exam Discussion (from Structural Committee)
Ms. Lund made a motion to approve the current process of requiring applicants to take the NCEES 8-hr PE exam and then obtain PE licensure prior to SE licensure and to respond to Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) regarding the current BRPELS process. The motion was seconded by Mr. VanDeWege. Motion approved.
- 4.8. Nominating Committee Report and Election of 2023/2024 Officers
Mr. Wengler delivered the Nominating Committee report and recommendation to nominate Mr. Peden as Board Chair and Mr. Blaisdell as Vice Chair for the 2023/2024 officers. Mr. Wengler motioned to approve the Nominating Committee’s report and recommendation, seconded by Ms. Gnanapragasam. Motion approved.

Discussion:

It was discussed that within two years Mr. Blaisdell will reach the end of his second term and will not have the opportunity to become the board Past-Chair.

- 4.9. Discuss Temporary Reduction of Licensing Fees
Mr. Hendrickson made a motion, seconded by Ms. Lund to not consider fee reduction at this time but to explore other opportunities such as educational support for licensees, outreach, and training. Motion approved.

Discussion:

Mr. VanDeWege stated that he supports a temporary fee reduction and would not like to see the agency funds be swept into the general fund. The board discussed the sweep of funds which occurred in the past.

Mr. Fuller recommended Mr. Bitar create a spend forecast to provide a more robust and detailed projection. Board members to send Mr. Bitar spend authority estimates within the next 6 weeks.

Mr. Bitar provided a summary of the projection provided in the [board packet](#).

4.10. Approval of Draft Language and Filing of CR102 for WAC 196-29-110

A motion was made by Mr. Lund, seconded by Mr. VanDeWege to approve the [draft language](#) and filing of CR102 for WAC 196-29-110. Motion carried.

5. Directors Report

5.1. Financial Report

Mr. Bitar provided an overview of the financial report 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 \$508,000. He reported last fiscal year, the agency generated \$3.915 million in revenue vs. just \$3.517 million during the same period last biennium. This represents an increase of about 11.3% between biennia.

Ms. Lagerberg asked about the agency potentially joining the Central Service Model (CSM) for WaTech services. Mr. Fuller and Mr. Bitar explained that costs may be slightly lower if BRPELS enters into the CSM rather than the current month-to-month billing for WaTech services. Mr. Fuller also stated that the agency may be entering the CSM for the Office of Attorney General services as well.

5.2. Agency Operations

No business.

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

Discussion:

Mr. Fuller took a moment to compliment Ms. Gillespie on her hard work with navigating through many changes to draft language, ability to quickly complete the work and doing an all-around great job.

Mr. Blaisdell asked Ms. Cramer to update the licensing program report to show 5 years of licensing data.

5.4. Other Items

No Business.

6. Assistant Attorney General's Report

Ms. Lagerberg had nothing further to report.

7. Other Business

7.1. Additional Public Comment

Mr. McGowan commented regarding the Tappel case and the petition to review which was submitted to the Supreme Court. Mr. McGowan inquired whether the board had reviewed it. Ms. Lagerberg stated she had previously sent the petition to the board.

7.2. Upcoming Outreach and Events

- Special Board Meeting & Committee Meetings | August 2 – 3, 2023 | Radisson Hotel, SeaTac, WA & WebEx
- Board Member Training | August 2, 2023 | Radisson Hotel, SeaTac, WA & WebEx
- 2023 NCEES Annual Meeting | August 15 – 18, 2023 | Boston, MA

7.3. Action Items from This Meeting

- Staff to file CR101 and, as soon as possible, file CR102 and approved language for WAC 196-26A & WAC 196-30
- Staff to work on a license review/report out document regarding all three of the professions the Board regulates and provide it to the Board at a future meeting
- Mr. Fuller and Ms. Cramer to set up meeting with OSU and send response email regarding Civil Engineering program (ABET accredited for engineering) to meet requirements for approval to take the LSIT plus an additional 16-hrs in Geomatics
- Send the approved response letter regarding clarification on practice question to Shannon & Wilson
- Staff to file CR101 and start rulemaking activity for WAC 196-16 & WAC 196-21
- Staff to file CR-102 for WAC 196-12
- Staff will present a PDH Audit plan to the PC at their next meeting
- Staff to file CR-102s for WAC 196-09-015 and 196-33
- Survey Committee to create a blueprint of required courses acceptable for approval to take the LSIT
- Mr. Fuller to meet with Committee members, Pat Beehler and David Icenhower of DNR to discuss and provide comments on the proposed language (WAC 332-130)
- Staff to send response to OSBEELS regarding comity licensure/NCEES SE 16-hr SE exam
- Board members to send Mr. Bitar spend authority estimates within 6 weeks
- Mr. Fuller and Board Staff to begin the process of onboarding a new pro-tem board member
- Staff to file a CR102 for WAC 196-29-110

- 7.4. Agenda Items for Next Meeting.
- 2023 NCEES National Motions

8. Adjourn Meeting

A motion was made by Mr. Blaisdell, and seconded by Mr. Wengler, to adjourn the meeting at 1:30 p.m. Motion approved.

Next Meeting: August 3, 2023 – Special Board Meeting – Radisson Hotel, SeaTac & WebEx

Respectfully submitted,



Ken Fuller, PE, Director