



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

SPECIAL BOARD MEETING MINUTES

DATE: August 27, 2020

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
Stephen Shrope, PE, SE
Ivan VanDeWege, PE
James Wengler, PLS, CFedS

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

Guests

Sharon Zimmerman
Brett Flippo

1. Call to Order at 8:01 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. Lund to accept the agenda with a friendly amendment to include two case closure recommendations. Motion carried.

1.3. Approval of Meeting Minutes

A motion was made by Ms. Gnanapragasam, and seconded by Mr. Wengler to accept the July 28, 2020 meeting minutes as written. Motion carried.

1.4. Public Comment Opportunity

None

Executive Session

Mr. Blaisdell, Board Chair, announced the purpose and estimated time 8:13 a.m. to 8:38 a.m. for Executive Session

Open Session Reconvened – 8:38 a.m.

2. Disciplinary Action

2.1. Recommended Closures

2019-04-0003-00ENG

Mr. Wengler recommended the case be closed.

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

2019-06-0001-00ENG

Mr. Hendrickson recommended the case be closed.

A motion was made by Ms. Gnanapragasam, and seconded by Mr. Wengler to accept the case manager's recommendation for closure. Motion carried. Mr. Hendrickson abstained.

2.2. Administrative Complaints Procedure

The Board discussed the Administrative Complaints Procedure flow chart presented by Ms. Short. Ms. Lagerberg and Ms. Short agreed to work with the Practice Committee on updates and revisions based on feedback from the Board. (Action)

2.3. Administrative Closures Report

Mr. Larson described a form that he and Mr. Fuller use to keep a record of their work on administrative complaints, similar to case manager reports. These forms/reports will be brought before the Practice Committee at each meeting and available for board members to review.

2.4. 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

- Mr. Bitar briefly joined the committee meeting to give an overview of his July financial report. He's working with DOL to clarify invoicing and Polaris costs. Board remains in good financial shape.
- The Committee reviewed Policy #36 – Organization and Function of the Board Committees with Ms. Gillespie and Ms. Lagerberg. Ms. Gillespie integrated the proposed changes and sent a revised version for recommendation at the board meeting.

Mr. Blaisdell provided an overview of the proposed changes that the committee is recommending later under section 4.4.

- The Committee reviewed proposed language for WAC 196-09 – Board Practices and Procedures that was submitted by Ms. Lagerberg and Ms. Gillespie. Ms. Gillespie will email the original with tracked changes along with a version without markups to board members, staff, and other interested parties. All comments and edits should be sent directly to Ms. Gillespie who will incorporate them for review at the next board meeting. (Action)
- The Committee heard the Director’s report given by Mr. Fuller. (See full report in section 5)

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

3.2. Practice Committee (PC)

Ms. Lund delivered the committee’s report

Total Complaints Received	10
Engineering Complaints	8
Surveying Complaints	1
Onsite Designer Complaints	1

Compliance Report:

Ms. Lund reported there are four individuals on compliance monitoring. Three are currently in compliance with the terms of their board orders. Mr. Fuller and Mr. Larson are working with the peer reviewer for Mr. Russum and are in communication with the respective case manager. Mr. Bodge has been notified that he is out of compliance with his board order and Mr. Fuller will now try to contact him prior to next steps (default). A court granted Mr. Johnson’s motion for a stay of his suspension and fine pending an appeal hearing. His license remains in active status. (Action)

Discussion/Action Items:

1. Mr. Larson gave a presentation on Professional Development & Records Processing Workshop by DNR Public Land Survey Office. The PC supports the proposal to grant professional development hours to licensees for attendance in the workshop. Ms. Gillespie will set up a small group of PC members to determine how many hours would be granted. (Action)
2. PC approved the draft rule language WAC 196-23 Stamping and Seals and will present the proposed revisions to the Board for approval.
3. The PC worked on proposed language to WAC 196-25. Ms. Gillespie, Mr. Fuller, and Ms. Lagerberg will look at questions and larger issues around designees, definition of businesses, and responsible charge. Draft language will be brought to the PC at their next meeting. (Action)
4. Ms. Gillespie will put together a legislative timeline, which will be included on the agenda for the next PC meeting. (Action)
5. Mr. Larson will provide ongoing debriefs on stakeholder meetings to the PC during future meetings. (Action)

6. Previous **Action** items:

- a. Creating database for email questions/answers.
- b. Review policies related to practice committee.
- c. Continue tracking monument legislation sponsored by LSAW.
- d. Create an activities report and accomplishments by the PC.

A motion was made by Mr. VanDeWege, and seconded by Mr. Wengler to receive and approve the Practice Committee report. Motion carried.

3.3. Exam Qualifications Committee (EQC)

Ms. Gnanapragasam delivered the committee's report

- FE Application Review – non-NCEES approved foreign degree evaluation
 - The Committee requested board staff contact ECE to find out the qualifications of the credentialing service and to learn more about their process of evaluating foreign degrees. **(Action)**
 - The EQC also asked Ms. Cramer to compile a list of credentialing services that candidates have used in the past so they won't have to investigate each time an applicant uses a non-NCEES approved credentialing service. **(Action)**
 - It is the recommendation of the EQC to provisionally approve the applicant to take the FE exam.
- Engineering Application Review – Comity
 - An applicant with 30 years of engineering experience who is currently licensed outside the U.S. and in Oregon inquired whether he could apply for licensure in Washington through comity without having taken the FE.
 - It is the recommendation of the EQC that the individual apply for comity so they can make a determination based on its evaluation of his education and experience.
- SE Application Review – Comity
 - An applicant who has taken and passed the SE I and SE II, but not the SE III which is not offered anymore, is applying for SE by Comity.
 - It is the recommendation of the EQC to approve the application based on its evaluation of his experience.
- PLS and On-Site Exams Cut Scores
 - The EQC reviewed scores of the PLS state specific exam and recommends the Board approve a cut score of 28/40.
 - The EQC also reviewed scores of the On-Site Wastewater state specific exam and recommends the Board approve a cut score of 76/97.
- Polaris Update
 - Licensing staff continue to work with DOL on bugs within Polaris and the response time has been improving.
 - Revenue was approximately six weeks behind in processing payments which created a delay for BRPELS licensing staff. All applications attached to those payments have now been delivered and staff have been rapidly catching up.

- Rule Review
 - The Committee reviewed WAC 196-12-047 – Structural Licensing Requirement and will present the proposed revisions to the Board for approval.
 - Ms. Gillespie agreed to make edits to the proposed language in WAC 196-12-010 – Registration Requirements and will send revisions to Ms. Lagerberg for review. They will also work on the remaining sections of WAC 196-12 and send proposed changes to EQC members prior to the next meeting. (Action)
- Computer Based Testing (CBT)
 - The Principles and Practice of Engineering (PE) Electrical and Computer: Power exam is moving to CBT. Beginning December 1, 2020, appointments will be available year-round. NCEES originally planned to complete the transition to CBT format in April 2021 but fast-tracked the change as part of its response to COVID-19 and to better accommodate examinees.
- COVID-19
 - BRPELS staff continue to work remotely. Governor Inslee has indicated that he doesn't plan to direct state employees who can currently perform their jobs via telework to return to worksites in the foreseeable future and that his office will re-assess the potential return to worksites in early 2021.

A motion was made by Mr. Hendrickson, and seconded by Ms. Lund to approve the Exam Qualifications Committee report, including the cut score recommendations. Motion carried.

3.4. Survey Committee

Mr. Wengler delivered the committee's report

- Mr. Larson reported he has worked with DNR on several survey related matters and that the working relationship between the two agencies continues to be very good.
- Mr. Larson also reported he's also had several discussions with DNR regarding outreach and survey teaching modules that would target common deficiencies as identified by a variety of sources.

4. New Business

4.1. October NCEES and State Specific Exams

Mr. Fuller reported that the state specific exams will be given Wednesday, October 21st, the day before the NCEES exams. BRPELS will be contracting jointly with NCEES and using the same venues.

4.2. August Exam Results

Mr. Fuller reported that 28 PLS and 12 On-Site applicants sat for the state specific exams. Seven of the PLS exams were administered by licensing boards in other states.

With the approval of the cut scores, the pass rate were about 40% for PLS and 42% for On-Site Design.

The Board instructed staff to send notification of exam results to applicants as soon as possible. (Action)

The Board asked Mr. Fuller to send thank-you notes to the SMEs that were involved with the recent exams. (Action)

4.3. Notice of Request for Attorney General Opinion 20-07-04 (Walen)

See discussion notes in 6.1.

4.4. Policy #36 – Organization and Function of the Board Committees

A motion was made by Mr. Hendrickson, and seconded by Mr. VanDeWege to approve the marked version of Policy #36 as recommended by the Executive Committee. Motion carried.

4.5. Professional Development and Records Processing Workshop - DNR Public Land Survey Office

The Department of Natural Resources, Public Land Survey Office (PLSO) holds land survey record collections from every part of Washington State. The PLSO is sponsoring a program to educate the surveying community on how the State maintains records, what these records consist of, and how to research and retrieve these records.

The PLSO is proposing is that the Board to accept the program and allow 10 professional development hours towards PLS license renewals. It was noted that WAC 196-12-120 doesn't provide that level of credit for any particular activity. As noted in the Practice Committee (3.2 Discussion Items), Ms. Gillespie will be setting up a small group of PC members to determine how many hours would be granted. Mr. Larson agreed to research the matter further and provide a recommendation at the next meeting. (Action)

5. Director's Report

5.1. Agency Operations

Mr. Fuller reported that he is still in the process of securing any future office space that may be needed but that the Governor's Office has authorized state employees to continue working remotely and indicated there is no plan to direct employees who can currently perform their jobs via telework to return to worksites in the foreseeable future.

BRPELS currently has space at CRAB with two desks and a printer. There may be a possibility of securing additional space at CRAB but DES just notified Mr. Fuller that the landlord at Chandler Court is considering leasing the rest of the building to another organization and separate space in the building may no longer be available.

New agency computers and cell phones are currently be loaded and processed by CRAB support services. Once everything is up and running, staff will be returning their equipment to DOL.

Other current priorities include building up the compliance program and getting quick information to the Board, NCEES exams, and looking at the upcoming legislative session.

5.2. Financial Report

Mr. Fuller presented the financial report submitted by Mr. Bitar.

5.3. Other Items

None

6. Assistant Attorney General's Report

6.1. Notice of Request for Attorney General's Opinion 20-07-04 (Walen)

Ms. Lagerberg discussed the request for a formal AGO opinion regarding the practice of Architecture and Engineering and whether engineers can stamp architectural drawings.

The AGO is asking for input from interested parties, including the Board's interpretation of the law as it exists right now.

Ms. Lagerberg agreed to work with the Practice Committee and Ms. Lund concurred they would take the lead on this issue. (Action)

7. Other Business

7.1. Any Other Business

None

7.2. Additional Public Comment

None

7.3. Rolling Action Item List + Action Items from This Meeting

Ms. Moretti reviewed the Rolling Action Items List and added the following items from this meeting:

1. The PC and Ms. Short will clarify and revise administrative complaints procedure, flowchart, and the administrative closure report.
2. Ms. Lagerberg will define when administrative complaints needs to go to a case manager and update BRPELS process.
3. Ms. Gillespie will send a track changes and a clean version of WAC 196-09 to board members & will submit for approval at the next board meeting.
4. Ms. Gillespie, Mr. Larson, and Mr. Wengler will determine how many hours of DNR program count towards BRPELS PLS renewals.
5. Mr. Fuller will contact Mr. Bodge regarding his compliance with his Board Order.
6. The PC and Ms. Gillespie will continue to work on WAC 196.25.
7. Ms. Gillespie, Mr. Fuller, and Ms. Lagerberg will look at questions and identify larger issues in WAC 196-25 around designees, definition of businesses, and responsible charge and present draft language at the next PC meeting.
8. Ms. Gillespie will develop timeline for upcoming legislative items.
9. The PC and Ms. Short will create a PC activities and accomplishments report.
10. Ms. Gillespie will revise the proposed language in WAC 196-12-010 and send to Ms. Lagerberg for review.
11. Ms. Cramer will contact ECE to find out the qualifications of the credentialing service and to learn more about their process of evaluating foreign degrees. They will also compile a list of credentialing services that candidates have used in the past.

12. Licensing staff will notify applicants of recent exam results.
13. Mr. Fuller will send thank you notes to SMEs.
14. The PC will work with Ms. Lagerberg on input for the Notice of Request for an AGO Opinion regarding the practice of architecture and engineering.
15. Ms. Short will provide a Polaris Enforcement demo at next board meeting

7.4. Agenda Items for Next Meeting

1. Rule Review WAC 196-09
2. Polaris Enforcement Demo

8. Adjourn Meeting

A motion was made by Mr. VanDeWege, and seconded by Ms. Lund, to adjourn the meeting at 11:52 a.m. Motion carried.

Next Meeting: October 15, 2020 – Special Board Meeting

Respectfully submitted



Ken Fuller, PE, Director