



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

BOARD MEETING MINUTES

DATE: October 21, 2021

TIME: 8:00 a.m.

LOCATION: WebEx

ATTENDANCE:

Board Members

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

Excused

Dave Peden, PE, SE

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

1. Call to Order at 8:01 a.m.

1.1 Roll Call

Ms. Lund, Board Chair, took roll call.

1.2 Order of Agenda

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

1.3 Approval of Meeting Minutes

A motion was made by Mr. Blaisdell, and seconded by Ms. Gnanapragasam, to accept the August 12, 2021 meeting minutes as written. Motion carried.

A motion was made by Mr. Blaisdell, and seconded by Mr. VanDeWege, to accept the September 14, 2021 meeting minutes as written. Motion carried.

A motion was made by Ms. Gnanapragasam, and seconded by Mr. Hendrickson, to accept the September 22, 2021 meeting minutes as written. Motion carried.

A motion was made by Mr. Blaisdell, and seconded by Ms. Gnanapragasam, to accept the October 1, 2021 meeting minutes as written. Motion carried.

1.4 Review Correspondence & Communications

The Board reviewed the email from James Clark thanking the Board that was included in the board packet.

1.5 Public Comment Opportunity

None provided.

Executive Session

Ms. Lund, Board Chair, announced the purpose and estimated time 8:11 to 9:41 a.m. for Executive Session.

Open Session Reconvened – 9:40 a.m.

2. Disciplinary Action

2.1 Board Order – Stipulated Finding of Fact, Conclusions of Law, and Agreed Order

2020-02-0091-00ENG Muhannad R. Attili, PE

On February 10, 2020 a complaint was received alleging Mr. Attili engaged in multiple violations of the engineering licensing laws and rules including unprofessional conduct.

Mr. Attili was hired on December 11, 2019 and pre-paid \$600 for calculations to a covered deck. He was contacted multiple times by his client and each time promised to complete the calculations. On January 20, 2020, he hung up when his client identified himself. On or about February 12, 2020 the client hired another engineer to complete the calculations. When Mr. Attili was contacted by the Board Investigator on February 19, 2021, he responded saying he would refund his clients money in full. On November 5, 2020 the Board Investigator contacted the Complainant who indicated that he never received a refund.

The Agreed Order imposes the following sanctions:

- Mr. Attili's professional engineer license will be suspended for 1 year.
- Mr. Attili will be assessed a \$2,500 fine.
- Mr. Attili must successfully complete and pass the Law Review Exam within 90 days.
- Mr. Attili will be responsible for all costs, expenses, fees and/or tax consequences incurred by complying with the Agreed Order.

A motion was made by Mr. Hendrickson, and seconded by Mr. Wengler, to accept the Stipulated Findings of Fact, Conclusions of Law, and Agreed Order as presented. Motion carried. Mr. VanDeWege abstained.

2.2 Recommended Case Closures

2019-06-0004-00ENG

Mr. Wengler recommended the case be closed.

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

2020-07-0321-00ENG

Mr. VanDeWege recommended the case be closed.

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

2020-11-1626-00ENG

Ms. Short presented the case for case manager, Mr. Peden, along with his recommendation that the case be closed.

A motion was made by Mr. Hendrickson, and seconded by Mr. Wengler, to accept the case manager's recommendation for closure. Motion carried. Mr. Peden was absent during the vote.

2020-09-1125-00LSV

Mr. Wengler recommended the case be closed.

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

2.3 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

Ms. Lund delivered the committee's report.

- Financial Report – Paul Bitar, DES

Mr. Bitar discussed the current financial report and informed the committee that a positive account balance is still projected. He asked if there were any DOL budget items that the board may be aware of. He was informed that the Board is still working with DOL and that the costs associated with Red Falcon (imaging system) have not been received.

- Review/Respond to public comments received for changes to WAC 196-09 *Board Practices and Procedures* (Concise Explanatory Statement)

The committee discussed the responses provided in the Concise Explanatory Statement that was provided. There were some editorial changes made. And based on one of the comments, the committee and staff will be working on language regarding Indexing of Records. Staff will send the edited Concise Explanatory Statement to the full Board prior to the board meeting.

- Polaris cost analysis:

- Duplicate wall certificate charges

As a previous action item, Ms. Cramer provided the committee with the costs associated with changes in the online licensing system that would allow the Board to charge a fee for duplicate wall certificates. Staff generally receives around 200 requests for duplicate wall certificates every quarter.

- Expiration date change

As a previous action item, Ms. Cramer provided the committee with the costs associated with changes in the online licensing system that would change the expiration date of initial licenses so that licenses would expire no earlier than one year after the issue date.

- Delegation

The Committee reviewed the draft delegation to the Director, with the included language about emergency actions and will be making a recommendation to the board for approval.

- Director’s Report – Board/Agency operations

Mr. Fuller discussed the Board’s new office space and stated that a video of the space will be shown at the Board meeting.

Mr. Fuller informed the committee that the position description form for the Communications Consultant has been sent to the reviewing committee, and he is gathering names for the interview panel. He is hoping that this position will be hired by February 2022.

Mr. Fuller discussed the Board’s motion to appeal the Tappel decision from the Thurston County Superior Court, and the requested stay of the Order. Informational only.

- RCW 18.43

Mr. Fuller and the committee held a discussion of whether any amendments to RCW 18.43 could be done in time for legislation to be considered during the 2022 session. The consensus was no. It was determined that the board be more deliberate when crafting language, and not just rush it. Various stakeholders will have to be included in the discussions. Suggestions about adding sunset language was also brought up.

The committee decided that the Board’s Practice Committee was the appropriate committee to assign the task of working on language regarding the term “Engineer.”

Action Items:

If the Board accepts the recommendation, the committee directed staff to start the rulemaking process to change WAC 196-26A Registered professional engineers and land surveyor fees and WAC 196-30 Fees for on-site wastewater treatment designers and inspectors, and to start work with Deloitte and DOL to update the online licensing system.

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)

Mr. Hendrickson delivered the committee’s report.

Complaint Summary:

Total Complaints Received	10
Engineering Complaints	7
Surveying Complaints	3
On-Site Designer Complaints	0

Total Administrative Closures	11
Engineering Closures	5
Surveying Closures	6
On-Site Designer Closures	0

Compliance Report:

Mr. Hendrickson reported there are two individuals on compliance monitoring. Mr. Russum, PLS is currently in compliance with the terms of his board order. Mr. Bodge is currently out of compliance with his board order. Staff has been unable to contact Mr. Bodge after several attempts. Mr. Bodge will stay on compliance monitoring and this report until contact is made.

Action Items:

1. The PC reviewed and reassessed WAC 196-23-020(3)(d) and (5) and recommends the Board approve refiling the CR102 with changes regarding preparation and sealing of reports. The PC agreed to pursue subsidiary consideration of unlicensed practice, which will be reviewed in a subsequent committee meeting.

Previous/Ongoing Action Items:

1. Assist the AGOs Office on responding to Engineer/Architect stamping issues.
2. Staff continues to search a viable database for questions/answers and is currently exploring SharePoint as an option.

Ms. Lund asked Mr. Hendrickson to elaborate on the visitor's presentation at the committee meeting. Mr. Hendrickson explained that the visitor was a licensee with concerns with other licensees making changes to their submitted documents during plan review. The PC determined the issue is out of the realm of the Board's control and that it is more likely a question of business practice.

A motion was made by Ms. Gnanapragasam, and seconded by Mr. Wengler, to receive the Practice Committee report. Motion carried. Mr. Hendrickson abstained.

3.3 Exam Qualifications Committee (EQC)

Mr. VanDeWege delivered the committee's report.

Discussion Topics

- Cut Score review
 - PLS state specific exam from Survey committee recommendation:
 - Cut score: 28/40
 - Total examinees: 28
 - 13 passing
 - 15 1st time takers = 11 passing
 - 13 reexam takers = 2 passing
 - OS state specific exam OS committee recommendation:
 - Cut score: 82/100
 - Total examinees: 13

- 6 passing
 - 5 Designers
 - 1 Inspector
- 196-12 Concise Explanatory Statement

The Committee decided to file a supplemental CR-102 to address public comments received during the hearing. After the committee re-reviews, any changes to the proposed language will need to be sent back out for public comment.
- 196-20 Concise Explanatory Statement

The EQC is recommending the Board to proceed with rule making.

Action Items

- Ms. Cramer will gather data from all states concerning exam equivalency from foreign jurisdictions.

A motion was made by Mr. Blaisdell, and seconded by Mr. Hendrickson, to receive the Exam Qualifications Committee report. Motion carried.

3.4 Survey Committee

Mr. Blaisdell delivered the committee's report.

Discussion Topics

- Review of September 2021 State Specific LS exam results

The committee reviewed the exam result memo and is proposing a cut score of 28/40 to the EQC for its recommendation to the Board. This would result in a 46% pass rate.
- Monument preservation

A lengthy discussion was held regarding the issue of monument preservation. Mr. Galli (guest) requested that the Board send out information regarding monument preservation as monument destruction and the replacement (or non-replacement) of those monuments is an issue.

Mr. Wengler agreed to prepare a letter and requested staff send the copy of the previous monument preservation letter and past Journal articles to committee members for consideration. Once they have completed their revisions, the letter will be forwarded to Ms. Lagerberg for review. Then, Mr. Fuller will contact the State Surveyor at DNR and ask for their contribution.

Ultimately the committee will decide how the final product/letter gets distributed to the appropriate parties, e.g. licensees, county public works directors, and utility companies, etc.

3.5 Structural Committee

The Structural Committee did not meet this period.

3.6 On-Site Committee

Ms. Gnanapragasam delivered the committee's report.

Discussion Topics

- Review of September 2021 State Specific On-site exam results
The committee is proposing a cut score of 82/100 to the EQC for its recommendation to the Board. This would result in a 46% pass rate.
- OSWD Application Review
The committee requested the applicant provide specific experience designing systems for review at the next meeting.
- The On-Site Wastewater Designer application has been completed and uploaded to the website.
- WAC 196-32 Review
Draft language is still under discussion, specifically the qualification requirements for inspectors that want to become designers. Revisions slated to be completed at the next meeting on November 2nd.

Action Items

- Ms. Cramer email OSWD applicant to request specific design experience.
- Staff will schedule next OSW Ad-Hoc Committee meeting to prioritize committee work and finish WAC and application review.

4. New Business

4.1 PLS State Exam Cut Scores (from EQC)

A motion was made by Ms. Gnanapragasam, and seconded by Mr. Blaisdell, to approve the Exam Qualifications Committee recommendation of a cut score of 28/40 for the September State Specific PLS Exam. Motion carried.

4.2 On-site Licensing Exam Cut Scores (from EQC)

A motion was made by Mr. Blaisdell, and seconded by Mr. VanDeWege, to approve the Exam Qualifications Committee recommendation of a cut score of 82/100 for the September State Specific On-Site Exam. Motion carried.

4.3 WAC 196-23-020(3)(d) and (5) Recommendation – Stamping and Seals (from PC)

Mr. Hendrickson provided a brief overview of the proposed revisions to WAC 196-23-020(3)(d) and (5). The PC recommended the Board approve the changes to the draft language.

A motion was made by Mr. Wengler, and seconded by Ms. Gnanapragasam, to have staff advance WAC 196-23-020(3)(d) and (5) to CR-102 Proposed Rule Making process. Motion carried.

4.4 Rule Making - Concise Explanatory Statement and Filing of the CR103

4.4.1. WAC 196-09 – Board Practices and Procedures

A motion was made by Mr. Hendrickson, and seconded by Mr. VanDeWege, to accept the public comments received on this rule proposal and the agency's response to those comments and approve filing of the CR-103. Motion carried.

4.4.2. WAC 196-12 – Registered Professional Engineers

The Exam Qualifications Committee recommended further review of this rule proposal with the possibility of filing a supplemental CR102.

4.4.3. WAC 196-20 – Engineers-in-Training

A motion was made by Mr. Blaisdell, and seconded by Mr. Hendrickson, to approve filing of the Concise Explanatory Statement and the CR-103. Motion carried.

4.5 2022 Board Meeting Schedule

The Board determined the following dates for its 2022 meetings:

Date	Location
February 22-23	TBD
April 20-21	TBD
June 22-23	TBD
August 10-11	TBD
October 19-20	TBD
December 7-8	TBD

4.6 Delegation of Authority to Director

A motion was made by Mr. Hendrickson, and seconded by Mr. Wengler, to approve the Delegation of Authority to the Director as written. Motion carried.

4.7 RCW 18.43 – Engineers and Land Surveyors

Ms. Lund confirmed that the Practice Committee will review the language of RCW 18.43 with stake holders to improve the methods the Board uses to adjudicate complaints related to the use of the title engineer and the practice of engineering.

5. Old Business

5.1 Review of Strategic Planning Goals

Ms. Lund reviewed strategic goal priority list that Mr. Fuller provided with committee assignments. Committee chairs and staff leads were asked to include strategic planning action items on future agendas and to keep an ongoing list of accomplishments.

6. Director’s Report

6.1 Financial Report

Mr. Fuller informed the Board that Mr. Bitar provided a detailed report to the Executive Committee yesterday and offered to contact him if any of the board members had specific questions.

6.2 Agency Operations

Mr. Larson presented a short video of BRPELS’ new office.

Board access to M365 and SharePoint is still in progress and will be the next major focus for WaTech.

6.3 Other Items

Mr. Fuller informed the Board that he emailed the position description (PD) for a Communications Consultant to the committee for review. The goal is to have someone hired by the beginning of February. Once the PD is formalized, recruitment can begin, and Mr. Fuller stated he is currently working on establishing the interview panel.

Ms. Lund asked Mr. Fuller to provide an update on the LEAN process that was brought up at the last meeting to evaluate some of our process and procedures. Mr. Fuller explained that it hasn't moved forward but now that we're in the new office he would follow up and provide an update in the next week or so.

Ms. Lund reminded the Board that the legislative session is coming up and Ms. Gillespie will be tracking legislation and reporting it to like she did last year. Everyone agreed that they liked the way she handled it last session.

7. Assistant Attorney General's Report

Ms. Lagerberg reported that her focus has been the Tappel case and unlicensed practice. She stated that she will be working closely with Mr. Fuller, Ms. Lund, and Mr. Hendrickson on drafting a letter in anticipation of incoming complaints.

Ms. Lagerberg expressed concern with planned changes to the OS process and urged the Board to get feedback and involve stakeholders before moving too far forward.

Ms. Lagerberg confirmed that she will be working on the indexing issue that was brought up by the bar association during the rule making process.

8. Other Business

8.1 Additional Public Comment
None Provided

8.2 Upcoming Outreach and Events

Mr. Hendrickson has been asked by WSU to speak to engineering seniors in November.

Ms. Lagerberg suggested the Board attend applicable professional groups and stakeholder meetings to talk about the Tappel case. Mr. Fuller said that Ms. Gillespie will be sending a list of stakeholders to the Board and Mr. Blaisdell noted that the PC has already been tasked with this assignment.

Mr. Fuller informed the board that the Bend school district has asked him to teach a high school class on engineering a couple of times a week.

Ms. Lagerberg announced that, at the invitation of Ms. Short, she would be a guest speaker at the NCEES Law Enforcement Committee on November 10th. Ms. Short said that any one is welcome to attend and agreed to email registration information for all upcoming NCEES forums.

Ms. Lagerberg informed the board that the memo she drafted for the formal AGO Opinion request regarding architect engineer stamping was sent to the taskforce and comments are due at the end of the week.

8.3 Action Items from This Meeting

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

1. Ms. Cramer will gather data from all states concerning exam equivalency from foreign jurisdictions.
2. Ms. Cramer will contact OSWD applicant to request specific design experience.
3. Ms. Cramer will set up next OSW Ad-Hoc Committee meeting for November 2, 2021 to finish WAC and application review; create a priority list; and discuss outreach to the onsite community regarding proposed WAC changes.
4. Ms. Gillespie will file CR103s for WAC 196-09 – Board Practices and Procedures and WAC 196-20 – Engineers-in-Training.
5. Ms. Gillespie will file supplemental CR102 for WAC 196-12 – Registered Professional Engineers.
6. Ms. Gillespie will file a CR102 for WAC 196-23-020(3)(d) and (5).
7. Ms. Gillespie will send stakeholder list to board members.
8. Ms. Short will send out schedule/list of available NCEES forums.
9. Committee staff leads will add strategic planning action items to upcoming committee agendas.
10. Ms. Lund will sign and execute the delegation of authority.
11. Staff will send a copy of the previous monument preservation letter to Survey Committee members.
12. The EQC will review WAC 196-16 and 196-34 and consider adding language to address the issue of reporting PDHs when a newly licensed surveyor is audited within a year of obtaining their license.
13. The PC will 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

8.4 Agenda Items for Next/Upcoming Meetings

None Provided

9. Adjourn Meeting

A motion was made by Mr. VanDeWege, and seconded by Mr. Hendrickson, to adjourn the meeting at 12:23 p.m. Motion carried.

Next Meeting: December 9, 2021 – Special Board Meeting – WebEx

Respectfully submitted



Ken Fuller, PE, Director