

**PRACTICE COMMITTEE MEETING REPORT**

**April 18, 2023 – 2:00 p.m.**

**Board Office**

**605 11th Ave SE #201, Olympia, Washington 98501 (Virtual)**

**Committee**

Dave Peden, PE, SE, Chair

Doug Hendrickson, PE

James Wengler, PLS, CFedS

**Guest(s)**

Sharon Zimmerman, PE

**Staff**

Ken Fuller, PE, Director

Rich Larson, PLS, Deputy Director

Shanan Gillespie, Regulatory Program Manager

Greg Schieferstein, Communications Manager

Vonna Cramer, Licensing Lead

Mackenzie Wherrett, Executive Assistant

Jill Short, Investigator

Elizabeth Lagerberg, Advising AAG

1. **Complaint/Administrative Closure Summaries**

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| --- | --- |
| **Total Complaints Received** | **6** |
| Engineering Complaints | 0 |
| Surveying Complaints | 6 |
| On-Site Designer Complaints | 0 |
| **Total Administrative Closures** | **6** |
| Engineering Closures | 1 |
| Surveying Closures | 3 |
| On-Site Designer Closures | 2 |

1. **Compliance Report**

Mr. Peden reported there are currently 2 individuals on compliance monitoring (Ryan Hawkins and Kent Huxel). Mr. Hawkins has not responded to multiple emails about his proposed payment plan and is out of compliance with his board order and will be turned over to collections. On 4/13/23 staff sent the required notification to Mr. Hawkins, who has 30 days to respond, or he will be turned over to collections. Mr. Huxel requested the final cease & desist order be vacated. The board denied that request. Respondent filed a Notice of Appeal to Snohomish County Superior Court. Notice sent to AAG. Our AAG is filing a motion to dismiss his appeal. The motion to dismiss was filed by our AAG on 3/31/23.

1. **Discussion Topics**
* **Clarification on Practice of Engineering/Specialty Construction**

PC members, Mr. Fuller, and Ms. Lagerberg discussed the two scenarios at length. It was decided Mr. Fuller will draft a response to the three questions and send it to Ms. Lagerberg for review. The draft letter will be presented to the Board at next week’s meeting for their approval prior to sending it out. (This item will be put under New Business on the Board Meeting Agenda)

* **Complaint Process/Tracking Update**

Staff gave the PC an update on the automated tracking system under design by Diane Gallagher. The site is now in the testing phase and tests are being done by Ms. Short and Ms. Wherrett.

* **Reconsideration Requests – Add New Section to WAC 196-09-015**

Staff requested the Board add a new section to WAC 196-09-015 to include the reconsideration process. Staff will develop draft language for review by the PC.

The PC is recommending Board approval on filing the CR-101 for WAC 196-09-015. (This item will be put under New Business on the Board Meeting Agenda)

* **Interstate Bridge Replacement Project (IBR) Report Stamping Update**

Mr. Fuller gave an update on the IBR project. He spoke with the Assistant Director (AD) of the consulting structural engineering firm (WSP). They informed Mr. Fuller they are going to update the document which lists the PEs who worked on the project to include what states they are licensed in.

A cover letter will be drafted and attached to the report.  The cover letter will be stamped/signed by the responsible WA PE

1. **Strategic Planning Items**
* AIA/PE Stamping and green book resolution – the AAG did come out with an opinion on the stamping issues. That opinion was the stamping requirements should be determined by the local permitting jurisdiction. Ms. Lagerberg sent that full opinion out to members.

Ms. Lagerberg and Mr. Fuller will contact Sydney Muhle, Program Specialist Lead, for the Board’s Section of the Business & Professions Division, Department of Licensing about removing BRPELS information from the Guidelines for Building Officials they currently have on their website.

Staff has removed the link to the Guidelines for Building Officials from our website.

This item has been completed and will be removed from Strategic Planning and added to PC accomplishments.

1. **Action Items**

 Law Enforcement Action for Unlicensed Practice

Ms. Lagerberg provided samples and instructions on how to file a civil action judgement against individuals who have not paid their fines to the Board (as well as reporting them to collections).

The PC felt we should file the civil action against Mr. Hawkins but wait on filing against Mr. Huxel until a decision has been reached on Mr. Huxel’s appeal to Snohomish County Superior Court.

Ms. Lagerberg will speak with Ms. Casselman (Prosecting AAG) on next steps.

The PC is recommending Board approval on pursuing civil action against Mr. Hawkins and also on Mr. Huxel once the appeal decision has been reached.

**6. Recommendations to the Board**

* Approval of the draft letter regarding clarification on Practice of Engineering/Specialty Construction.
* Approval of filing CR-101 for WAC 196-09-015.
* Taking Civil Action