



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

SPECIAL BOARD MEETING MINUTES

DATE: February 18, 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

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 8:04 a.m.

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

1.2. Order of Agenda

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

1.3. Approval of Meeting Minutes

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

1.4. Public Comment Opportunity

None Provided

Executive Session

Mr. Blaisdell, Board Chair, announced the purpose and estimated time 8:12 to 8:32 a.m. for Executive Session.

Open Session Reconvened – 8:32 a.m.

2. Disciplinary Action

2.1. Recommended Closure

2019-11-10023-00ENG

Mr. Hendrickson recommended the case be closed.

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

2.2. 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 at the end of the biennium. The DOL invoices from the first three months of the fiscal year (July-Sept) were higher than the October/November invoices, and Mr. Bitar stated that if the invoices remained at the October/November invoice levels, the positive account balance will result in an account balance of approximately \$900K at the end of the biennium.

2. Recording Board Meetings – report out from Ms. Lagerberg

Ms. Lagerberg reported on what she found in researching recordings of meetings by 3rd parties. The Board is prohibited from restricting recordings of open public meetings by 3rd parties.

Mr. Blaisdell asked if the Board was required to provide notification that the meeting may be recorded. Ms. Lagerberg informed the committee that the board does not have to provide notification and the Board cannot require the 3rd party to state they are recording. Ms. Lagerberg was also asked if the 3rd party recording becomes part of the public record, which she stated no, because the Agency (Board) did not do the recording, and it is the 3rd party's property.

The committee discussed whether the Board should be recording the meetings. The committee agreed that they should be recording the meetings. Mr. Blaisdell told staff to include this as a discussion item during the Executive Committee report.

Mr. Blaisdell asked Mr. Fuller to research recording capabilities of both virtual and in-person meetings, and report back to the committee.

3. Director's Report – Board/Agency operations

Mr. Fuller reported to the committee that Mr. Larson is now permanent in the Deputy Director position.

Mr. Fuller discussed key performance indicators for the Agency (Board)

Mr. Fuller informed the committee of the following:

- He is working with the Department of Licensing on the Statement of Work (SOW) #2. DOL will get a draft SOW to him this week
- The agency will be using WA Tech for IT and desktop support
- He is working with the DES lease team on moving forward with leasing office space. Mr. Larson is scheduled to meet with the DES lease team at a possible location this Friday.

Mr. Fuller reminded the committee that the Delegation of Authority to the Director needs to be completed. Mr. Fuller will send the last draft of the delegation document to Ms. Lagerberg for edits and have it ready for review by the committee at the next meeting.

4. Legislation

- Legislative Cut-off calendar

There was a discussion of the cut-off dates in the legislature.

- Bill tracking – setting priority and position

A discussion was held regarding the status of the bills the board is currently tracking. Priority will be set by the Executive Committee, and the Position will be neutral, unless the board determines it should be otherwise. All tracked bills currently have a neutral position.

The committee determined that if a bill is “high” priority, staff will send the committee emails of any upcoming hearings regarding the bill. Mr. Fuller will analyze any substitute bill language to see if there is a change to the priority assigned.

5. Rule-making process discussion

The rule-making flow chart was in the packet. Ms. Gillespie informed the committee that a Small Business Economic Impact Statement (SBEIS) / Cost Impact Analysis is required as part of the rule making process. Mr. Fuller volunteered to help staff with this process.

The committee and Ms. Lagerberg requested a rule-making status report. Ms. Gillespie will send updated rule-making status report to board members.

6. FYI – WAC 196-09 – sent to Practice Committee to add complaint/investigations language

The Committee requested that the current draft of WAC 196-09 be sent to them and the Practice Committee.

Action Items:

- Mr. Blaisdell tasked Mr. Fuller with researching recording capabilities of both virtual and in-person meetings and bring back to the committee for later discussion.
- Mr. Fuller will send last draft of the delegation document to Ms. Lagerberg for edits and review at the next committee meeting.
- Ms. Gillespie will send updated rule-making status report to board members.
- Staff will send the latest draft of WAC 196-09 to the Executive Committee and Practice Committee.

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

3.2. Practice Committee (PC)

Ms. Lund delivered the committee’s report.

Total Complaints Received	8
Engineering Complaints	4
Surveying Complaints	4
Onsite Designer Complaints	0
Total Administrative Closures	12
Engineering Closures	9
Surveying Closures	3
Onsite Designer Closures	0

Compliance Report:

Ms. Lund reported there are three individuals on compliance monitoring (Richard Russum, PLS; Russell Bodge, PE; and Ron Dalle, OS) and that all of them are currently in compliance with the terms of their board orders. Mr. Dalle has met all terms of his board order and will be removed from compliance monitoring.

Action Items:

1. The PC is recommending repealing Policy 3 – Issuing a New License Number for Revoked Certificates.
2. The PC reviewed Policy 48, the flowcharts for the investigations, etc. Ms. Short will update the flowcharts and Ms. Lagerberg will look at the comments in draft WAC 196-09. This information will then be sent to PC members in the next 2-3 weeks for their review.
3. Ms. Lagerberg will research Branch Offices, Corporation Act, & designated officials and their responsibilities.
4. Ms. Lagerberg will clarify which business needs a COA and how those businesses must register with the Board.
5. Mr. Larson and Mr. Wengler will look at draft WAC 196-25 with Ms. Lagerberg’s comments.

6. Staff is still researching and exploring SharePoint as a database for questions/answers.

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

3.3. Exam Qualifications Committee (EQC)

Ms. Gnanapragasam delivered the committee's report

Application Review Summary

1. Reviewed PE by exam applicant transcript including BS Civil Engineering from ABET accredited university. Applicant granted 1 year of experience for MS in Hydrology with a total of 5 years of education towards the 8 years of experience required to take PE exam.
2. Reviewed and denied FE equivalency request to use MS thesis in place of FE requirement.
3. Reviewed and denied alternative pathway for FE requirement request. Applicant provided application; foreign degree transcripts; an AACRAO foreign degree evaluation; and a copy of the syllabus for the engineering registration requirements in Jordan, where the applicant is currently registered.
4. Re-reviewed and approved an application from December after applicant provided additional information regarding the IStructE qualification process in the UK.
The Committee previously determined that the IStructE exam appeared to be equivalent to the PE exam but *not* the FE exam.
5. Reviewed and denied alternative pathway for FE requirement request. Applicant felt the FE exam would have been equivalent to part of the exams they sat for in Australia.

Discussion Items:

1. Polaris Overview

Licensing Specialist, Ms. Wherrett presented an overview of the new licensing system Polaris.

2. Law Review (OS/PLS)

A suggestion was made by staff to compile OS/PLS law review exams into the state specific exams to create more questions for state specific exams and free up staff time. This will cause the OS/PLS state specific exams to run longer, so staff will look for an alternative online exam platform, such as Canvas or Survey Monkey.

3. On-Site Wastewater Designer Application

The EQC discussed updates to the On-Site Wastewater Designer application, experience form, and reviewer verification form. OS Subject Matter Expert (SME) Mr. Wilkerson will review and provide feedback to Mr. Fuller, Ms. Gillespie, and Ms. Cramer who will incorporate his recommendations and provide a draft application for consideration at the next EQC meeting.

4. WAC 196-12

The committee reviewed updates from the January 2021 EQ special meeting to WAC 196-12. Changes were made to the draft language; however, the committee did not finish reviewing it.

5. FE Alternative Pathway

The committee stated that education and/or experience is NOT acceptable as equivalent to the FE exam. It was the opinion of the committee that currently there is no equivalent exam to the NCEES FE exam. All applicants that requested a waiver of the FE, or alternative pathway, need to be notified that they will have to take the NCEES FE exam if they want licensure in Washington.

It was suggested that the EQ work on a form for applicants to fill out that identifies how exams in foreign jurisdictions could be equivalent to the NCEES FE exam. The committee came up with a partial list of what the form would ask including that the exams must be independently proctored & graded, given through a government agency or recognized NGO, and that the subject matter is equivalent to the subject matter covered on the NCEES FE exam. This information would have to be obtained by the applicant and reviewed by the EQC before any licensing eligibility decisions are reached.

EQC Action Items:

1. Ms. Cramer will notify applicants of EQC application review decisions.
2. Ms. Cramer will research how the Law Review can be administered through an alternative platform.
3. Staff will incorporate Mr. Wilkerson's comments on the OS application and pass onto EQC for review.
4. Ms. Cramer to provide information regarding the SE applications that do not follow normal licensing path for February EQC and SE committee meetings.
5. EQC will explore options of accommodating waiver requests in special cases when applicants have with years of experience.

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

3.4. Survey Committee

Mr. Wengler delivered the committee's report.

Discussion Items

1. Legislation

- SB 5224 – Modifying provisions related to land survey reference markers

Mr. Wengler informed the committee that SB 5224 looks like it has stalled in committee. It was scheduled for Executive hearing, but no action was taken. He also informed the committee that it appears there are issues with where the recording fees go.

2. Status of April 2021 4-hour PLS exam
 - Staff informed the committee that there are currently 11 PLS candidates for the Olympia site, and 5 PLS candidates for the Spokane site.
 - Staff informed the committee that a few questions have been updated and will be included in the exam. It will be printed within the next few weeks.
3. Policy #42 – Incidental Surveying
 - Ms. Gnanapragasam informed the committee that she had reviewed policy #42, and suggested that language be added (number 5) to read along the lines of: “That the work performed by the professional engineer must meet the minimum standards in WAC 332-130-145.” The committee was in concurrence with the changes.

Action Items:

1. The committee is recommending that once the edits are made to Policy #42, that the PC review the policy and make a recommendation to the full board to accept it.

3.5. Structural Committee

Mr. Hendrickson delivered the committee’s report.

Discussion Topics:

1. NCEES Structural Exam CBT Development
 - Discussion was held with acknowledgement that the SE CBT exam is slated to be the last exam to convert to CBT with implementation currently scheduled for 2024.
 - Mr. Lau reported that there is discussion at NCEES that once all other exams move to CBT, the SE paper/pencil exam administration move to regional exam sites instead of administering the exam in each state. This is in the discussion stage right now, and no action has been taken. Mr. Lau suggested that Mr. Fuller contact Tim Miller at NCEES to discuss this further.
 - Regionalization, examination out of direct jurisdiction, of SE exam implementation may be construed as a path to potential delay of CBT onset.
 - Mr. Lau also noted the calendar shifts by one period of exams that is being experienced.
 - Mr. Peden asked how WA is involved with the NCEES SE Examination. Mr. Hendrickson and Mr. Lau explained that not only are some board members involved, but WA licensees also. This is accomplished through NCEES Exam Committee membership, or by volunteering to work on the development and/or grading of the exams.
2. 1/13/21 SE Licensing and Regulations for High Seismic Zones meeting discussion
 - Ms. Lund informed the committee that there was nothing new to report on the SE exam transitioning to CBT. Upon completion of final review, Ms. Gillespie will

distribute SE Licensing and Regulations for High Seismic Zones meeting notes to appropriate parties.

3. SE Licensing Application Updates

- The committee discussed the current SE application, and directed staff to work on the instruction language and revise it to assure alignment with what is in RCW/WAC.

Action Items:

1. Send report of 1/13/21 SE Licensing and Regulations for High Seismic Zones meeting discussion to meeting participants when complete with review – Mr. Fuller/Ms. Gillespie
2. Send SE experience descriptions to Mr. Peden as examples – Ms. Cramer
3. Send draft SE rule language to committee members – Ms. Lagerberg/Ms. Gillespie
4. Application update assignments:
 - a. Ms. Cramer – Work with Mr. Peden, Ms. Lund & Mr. Lau to come up with language that would help define “satisfactory to the board” experience.
 - b. Ms. Cramer – Provide the number of SE applicants by comity, and the number of applicants with SE exam only at next meeting.
 - c. Ms. Cramer- Send Word version of application to Ms. Lund & Mr. Peden
5. Ms. Cramer/Mr. Fuller/Ms. Gillespie – Look at SE application instructions, and revise language to assure alignment with what is in RCW/WAC.

4. New Business

4.1. Repealing Policy #3 and/or WAC replacement (from PC)

The Practice Committee recommended repealing Board Policy #3 Issuing a New License Number for Revoked Certificates. The PC felt that RCW 18.43.110 covers the aspect of getting a new license and whether an applicant reapplies and receives a new license number would be part of the Board’s deliberation at a hearing.

A motion was made by Ms. Lund, and seconded by Mr. Hendrickson, to repeal Board Policy #3. Motion carried.

4.2. Policy 48 revocation and new flow chart location (from PC)

Discussion of this matter was withdrawn and postponed until a later date.

4.3. WAC 196-12 Review (from EQC)

Discussion of this matter was withdrawn and postponed until a later date.

4.4. Application Form and Process Updates (from EQC)

Discussion of this matter was withdrawn and postponed until a later date.

4.5. Legislative Report and Bills the Executive Committee Recommends Action

No legislative updates or recommendations from the Executive Committee at this time.

4.6. Board Staff Performance Evaluation Process

Mr. Blaisdell proposed that, as a new agency, BRPELS consider developing a process for staff annual performance evaluations to replace the procedures previously handled by DOL. He encouraged board members to review Performance and Development Plan Instructions for Statewide Standard Forms from OFM State HR and to direct any questions to the Executive Committee who will be taking the lead on developing this process.

Ms. Gnanapragasam requested staff provide board members with an org chart. It was also recommended an updated staff list be sent at the same time. Ms. Moretti agreed to email the documents after the board meeting.

5. Old Business

None

6. Director's Report

6.1. Agency Operations

Mr. Fuller reported that Mr. Larson is meeting with DES Leasing Services tomorrow to look at permanent office space for BRPELS near the Capital Campus. Mr. Fuller indicated he is hopeful that lease negotiations and renovations will be completed by the time the sublease is done at CRAB at the end of June.

Mr. Fuller notified the board that staff has completely migrated from the hardware server that DOL was using. We are operating completely in a cloud environment through Microsoft Office 365. Staff still utilize DOL through VPN for access to the licensing system. Beginning the end of March, the agency will be using WA Tech for IT and desktop support.

Staff continue to work from home with about 10% time in the physical office mostly for mail, scanning, printing, and training meetings.

Mr. Fuller informed the Board that OFM conditionally agreed to the request to allow the current Director's salary to remain outside of the banded range for the position but that it would revert back for any future Director. Mr. Fuller has asked Ms. McClintock in HR to work on permanently matching the band to the higher salary set by the Board.

Mr. Fuller discussed the agency's Journal and his commitment to getting it published this Spring. Mr. Blaisdell agreed that the Journal has been instrumental in getting information out to licensees and potential applicants but that it should only be one component of BRPELS' total outreach strategy. Board members agreed that the Agency may need to explore ways that social media and promoting the website can reach people more directly. Board members indicated they were in favor of engaging a dedicated resource for BRPELS overall outreach strategy and letting them figure out the communication avenues and best way to promote the Agency.

Mr. Blaisdell tasked Mr. Fuller with developing a small workgroup to strategize and prioritize an outreach plan for BRPELS.

Mr. Fuller asked Mr. Larson to give an update on subcommittees and SME for OS and PLS and Mr. Larson informed the Board that he is currently picking a new team of PLS SMEs to work on writing new exam questions and that DNR is going to join. Mr. Fuller explained that he would like to expand SMEs from just exam writing to utilizing them as experts to help the

Agency stay on top of things within the industries. Mr. Blaisdell agreed that it is good to discuss industry issues with fellow professionals however cautioned against bringing SMEs in for things other than exam writing and sidestepping resources already in place, e.g. committees and pro-tem board members. Ms. Gnanapragasam noted that when the EQC has doubts about OS applications, it is very helpful having a SME as a resource.

6.2. Financial Report

Mr. Bitar provided an overview of February's financial report and indicated the agency is in excellent financial condition with approximately \$694K in the Agency's operating account. At the end of this biennium the balance may be as high as \$900K due to decreasing invoices from the Department of Licensing. With the one-time implementation costs of DOL's new licensing system wrapping up, the most recent monthly invoices were about \$30K. Revenue are expected to exceed expenses over the last five months of this biennium which ends on June 30th. Other than the DOL costs, expenses remain extremely low.

Both the Governor's budget and early legislative proposals look favorable for BRPELS and don't indicate cuts to the Agency.

6.3. NCEES Coordination and NCEES Committee Updates

Mr. Fuller reported that NCEES has cancelled the in-person zone interim meeting in April and that he and Mr. Blaisdell will be attending virtually.

7. Assistant Attorney General's Report

Ms. Lagerberg stated she has nothing new to report at this time.

8. Other Business

8.1. Additional Public Comment

None Provided

8.2. Upcoming Outreach and Events

May 13th – NCEES Western Zone Virtual Meeting – Mr. Fuller and Mr. Blaisdell attending.

April 15th – 17th – 2021 Pacific Northwest ASCE Student Conference – Mr. Blaisdell will be one of the judges at the student survey competition.

LSAW Western Regional Virtual Survey Conference March 27-30, 2021. Mr. Blaisdell, Mr. Wengler, Mr. Fuller, and Mr. Larson have been invited to be part of board panel.

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. The Survey Committee will complete edits to Policy #42 and forward to the PC for review.
2. Mr. Fuller and Ms. Gillespie will send the report of 1/13/21 SE Licensing and Regulations for High Seismic Zones meeting discussion to meeting participants.
3. Ms. Cramer will send SE experience descriptions examples to Mr. Peden.

4. Ms. Lagerberg and Ms. Gillespie will send draft SE rule language to Structural Committee members.
5. EQC application update assignments:
 - a. Ms. Cramer will work with Mr. Peden, Ms. Lund & Mr. Lau to come up with language that would help define “satisfactory to the board” experience.
 - b. At the next EQC meeting, Ms. Cramer will provide the number of SE applicants by comity, and the number of applicants with SE exam only.
 - c. Ms. Cramer will send Word version of application to Ms. Lund & Mr. Peden.
6. Ms. Cramer, Mr. Fuller, and Ms. Gillespie will look at SE application instructions, and revise language to assure alignment with what is in RCW/WAC.
7. Mr. Fuller will have Ms. Moretti research recording capabilities of both virtual and in-person meetings for discussion with the full board.
8. Mr. Fuller will send last draft of the delegation document to Ms. Lagerberg for edits and review at the next committee meeting.
9. Ms. Gillespie will send updated rule-making status report to board members.
10. Staff will send the latest draft of WAC 196-09 to the Executive Committee and Practice Committee.
11. Ms. Short will update the flowcharts and Ms. Lagerberg will look at the comments in draft WAC 196-09. This information will then be sent to PC members in the next 2-3 weeks for their review.
12. Ms. Lagerberg will research Branch Offices, Corporation Act, & designated officials and their responsibilities.
13. Ms. Lagerberg will clarify which business needs a COA and how those businesses must register with the Board.
14. Mr. Larson and Mr. Wengler will look at draft WAC 196-25 with Ms. Lagerberg’s comments.
15. Staff will continue to research options for a database for email questions/answers.
16. Ms. Cramer will notify applicants of EQC application review decisions.
17. Ms. Cramer will research how the Law Review can be administered through an alternative platform.
18. Staff will incorporate Mr. Wilkerson’s comments on the OS application and pass onto EQC for review.
19. Ms. Cramer to provide information regarding the SE applications that do not follow normal licensing path for February EQC and SE committee meetings.
20. EQC will explore options of accommodating waiver requests in special cases when applicants have with years of experience.

8.4. Agenda Items for Next/Upcoming Meetings

None Provided

9. Adjourn Meeting

A motion was made by Mr. Hendrickson, and seconded by Ms. Gnanapragasam, to adjourn the meeting at 11:35 a.m. Motion carried.

Next Meeting: April 21, 2021 – Special Board Meeting

Respectfully submitted

A handwritten signature in black ink, appearing to read "Ken Fuller", is written over a horizontal line.

Ken Fuller, PE, Director