



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

BOARD MEETING MINUTES

DATE: March 3, 2022

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
Dave Peden, PE, SE
James Wengler, PLS, CFedS
Dan Clark, PLS (Pro-Tem)

Excused

Ivan VanDeWege, PE

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 8:00 a.m.

1.1. Roll Call

Ms. Lund, Board Chair, took roll call.

1.2. Order of Agenda

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

1.3. Approval of Meeting Minutes

A motion was made by Mr. Blaisdell, and seconded by Mr. Hendrickson, to accept the December 9, 2021 meeting minutes as written. Motion carried.

1.4. Review Correspondence & Communications

The Board reviewed the email from Roger Edwards, PE regarding the use of the word Engineering at the University of California, Berkeley.

1.5. Public Comment Opportunity

None provided.

Executive Session

Ms. Lund, Board Chair, announced the purpose and estimated time 8:25 to 10:25 a.m. for Executive Session followed by a 15-minute break for meeting participants.

Open Session Reconvened – 10:39 a.m.

2. Disciplinary Action

2.1. Board Order – Agreed Findings of Fact, Conclusions of Law, and Order to Permanently Cease and Desist

2021-09-2283-00ENG Ryan Hawkins

The Respondent, Ryan William Hawkins, dba Salish Water Resources, is not a licensed PE nor was his business licensed through the Board with a Certificate of Authorization.

In September 2021 it was discovered the Respondent was working under contract with the San Juan County Public Works Department and representing himself as a Professional Engineer including using a falsified stamp.

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

- Permanently cease and desist from offering to practice profession engineering in the State of Washington.
- Not represent himself or his business to current or potential clients or the public, as being able to provide and/or perform professional engineering services in the State of Washington.
- Not distribute to any client or public agency any document, including but not limited to: letterhead, business cards, maps, or website references, which show either the firm, its officer and/or employees as having been involved or offer professional engineering activities.
- Destroy any seal bearing his name as a professional engineer and provide satisfactory proof of such destruction to the Board.
- Pay a fine in the amount of \$30,000.
- Create a list and notify clients, individuals, or entities for whom he is, or has in the past, provided any services that constitute professional engineering that he is not, and was not, a registered professional engineer and provide the Board a copy of the list and proof of notification to everyone on the list.
- Never apply to take the Professional Engineer Exam and never apply for licensure as a Professional Engineer in the State of Washington
- Not own, operate, manage, control, or possess an equity interest in any firm, organization, or entity offering professional engineering services in the State of Washington, with the exception of publicly traded companies
- Be responsible for all costs, expenses, fees and/or tax consequences incurred by the Respondent in complying with this Agreed Order.

A motion was made by Mr. Blaisdell, and seconded by Mr. Hendrickson, to accept the Agreed Findings of Fact, Conclusions of Law, and Order to Permanently Cease and Desist as presented. Motion carried. Mr. VanDeWege was absent during the vote.

2.2. Recommended Case Closure

2018-02-0003-00ENG

Mr. Clark recommended the case be closed.

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

2018-08-0005-00ENG

Mr. Clark recommended the case be closed.

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

2019-08-0008-00ENG

Mr. Clark recommended the case be closed.

A motion was made by Mr. Peden, and seconded by Ms. Gnanapragasam, to accept the case manager's recommendation for closure with the additions of notations on the case manager report that remedial counseling was performed and that the respondent agreed to have spot checks for compliance of future work. Motion carried. Mr. Wengler abstained.

2019-08-0009-00ENG

Mr. Clark recommended the case be closed.

A motion was made by Ms. Gnanapragasam, and seconded by Mr. Peden, to accept the case manager's recommendation for closure with the note to ensure the correct citation is in the case manager report. Motion carried. Mr. Wengler abstained.

2020-09-0918-00LSV

Mr. Clark recommended the case be closed.

A motion was made by Ms. Gnanapragasam, and seconded by Mr. Hendrickson, to accept the case manager's recommendation for closure with the addition on the case manager report that remedial counseling has been done and an amended survey has been submitted to BRPELS Deputy Director for review. Motion carried. Mr. Wengler abstained.

2021-03-0574-00ENG

Mr. Blaisdell recommended 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. Blaisdell 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.

Discussion Topics

- Financial Report – Paul Bitar, DES

Included in the packet was an email from Paul Bitar, Senior Financial Consultant for DES informing the Board the financial status and projection reports shows BRPELS is in excellent financial condition, and it appears at the end of the biennium there will be about \$1 million in the Board's operating account.

Staff was requested to closely track expenses and check the billing invoices from the Department of Licensing during the time the Polaris data incident occurred. Mr. Fuller informed the committee that we are tracking expenses, and that Mr. Bitar reports any anomalies found.

- Director's Report – Board/Agency operations

Mr. Fuller informed the committee the office is almost completely set up. There are a few minor electronics issues that should be fixed by the end of the week.

He informed the committee that the non-licensing staff have been assigned additional duties to help the licensing staff with their backlog that was caused during Polaris downtime.

He requested that the committee and board look at scheduling the next board meeting in person. The meeting could be held at the Board's office.

Mr. Fuller reminded the committee registration is coming up for the NCEES Western Zone meeting. Ms. Lund, Mr. Blaisdell and Mr. Peden have been named as the NCEES funded delegates. If other members want to attend, they need to contact Ms. Moretti.

- Legislation – discussion

- Status of bills this session

A legislation tracking report was included in the packet. Ms. Gillespie informed the committee that besides budget bills, only a couple of bills (no high priority bills) have had movement and could be considered "active." She reminded the committee that the last scheduled day of the legislative session is March 10.

- Discussion of Board direction on RCW changes

Mr. Hendrickson informed the committee that the Practice Committee developed a list of RCW topics that require Board direction before specific language can be drafted. He will be discussing this in more detail during the PC report.

- Modified process for "Corrective Charges"

Mr. Fuller discussed a potential modified process to allow licensed land surveyors to make corrections on surveys without issuing a statement of charges. He stated he would like to implement procedures for the board case managers to use between no action taken and the issuance of a formal statement of charges.

Several questions were raised about this potential process. Are we allowing the board to be the reviewer and red line surveys rather than being the regulator of the profession? What would we do if the PLS disagreed and said it was his/her professional judgement? What options would the board have?

Ms. Lagerberg reminded everyone the board needs to give respondents/licensees a chance to respond to the issued raised in the complaint (provide due process). If the board, through its' case managers, want the respondent to change something, a statement of charges needs to be issued, and if charges are issued, then an order needs to be issued or the charges need to be withdrawn.

Review of Strategic Planning Items

The committee did a cursory review of the assigned strategic planning items. No action was taken.

- Remain engaged and informed on deregulation
- Emphasis on outreach and education
- Measure performance and gain stakeholder feedback that is relevant and useful for improving our agency

The committee determined that this is not a high priority right now.

- Measure the licensing system software functionality from stakeholders
- PD for communications and outreach manager with Ms. Lund, Mr. Hendrickson, and Mr. Blaisdell in consultation
- Task force for review of current outreach plan (Ms. Lund, Mr. Peden, Mr. Hendrickson, Ms. Cramer, and Mr. Fuller) and report back to board
- ~~2022-2023 Biennium Budget development.~~ Complete.

Action Items from Current Meeting:

None

Action Items from Past Meetings:

1. 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. – Ms. Gillespie & Ms. Cramer (in process)

Polaris Update

Ms. Cramer informed the board that the licensing portion of the Department of Licensing's professional licensing system is back online and in service. Individuals can now renew and apply for new professional licenses online. Board members stated the alert on BRPELS' website is misleading and asked staff to change it to specify that the enforcement piece of the system and the ability to look up someone's license is still not operational.

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

3.2. Practice Committee (PC)

Mr. Hendrickson delivered the committee's report.

Complaint Summary:

Total Complaints Received	7
Engineering Complaints	4
Surveying Complaints	3
On-Site Designer Complaints	0
Total Administrative Closures	8
Engineering Closures	5
Surveying Closures	2
On-Site Designer Closures	1

Compliance Report:

Mr. Hendrickson reported there are three individuals on compliance monitoring (Richard Russum, PLS; Russell Bodge, and Muhannad Attili, PE). Mr. Russum and Mr. Attili are in compliance with the terms of their board orders. Mr. Bodge is currently out of compliance with his board order and his license is still in suspended status.

Discussion and Action Items:

1. The PC would like the Board to review the Director's delegation regarding administrative case closures.
2. The PC discussed RCW 18.43 and would like the Chair's/Board's detail of direction in the following areas of considered revision recommendations. Where multiple paths of revision are considered, such are identified as sub-details.
 - Conveyance/appearance to the public/assertion. This would consider personal perspective of representation as a registrant as described in RCW 18.43.010 General provisions "...tending to convey the impression..." as to whether the party has so represented or whether such is solely the impression upon an external party. Notably, RCW 18.235.010(7)(b) uses the term "representing...that the individual or business is qualified to practice a profession..."
 - Title: adding new section to establish an explicit title act.
 - Specific identification, in association with Engineer or Land Surveyor, of titles of "Licensed," "Professional," and "Registered," and "Structural."
 - Specific identification of licensed disciplines recognized in statutes.
 - Additional branch disciplines as specifically licensed by the Board.
 - Difference between practicing engineering/performing engineering and parallels for land surveying. This would seek to clarify the perceived distinction of practice of engineering or land surveying from the performance of engineering or land surveying tasks under the direct supervision a registrant.
 - Alteration/ clarification of Definition RCW 18.43.020(8): "Practice of Engineering," particularly 18.43.020(8)(b) "or who does perform..."
 - Alteration/ clarification of Definition RCW 18.43.020(9): "Practice of Land Surveying"

- Potential changes of RCW 18.43.120 (Violations and penalties) to clarify practice/performance under direct supervision of a registrant.
 - Uniformity: These would clarify definitions of terms/titles and establish consistent use of terms related to the licensed professions under this statute as:
 - Engineer – as professional engineer registered in accord with this statute
 - Land surveyor - as professional land surveyor registered in accord with this statute.
 - Administrative corrections of obsolete information. These would redact provisions dealing with timing which are fully in the past (e.g. RCW 18.43.030: “The terms of board members in office on June 11, 1986, shall not...”
 - Board composition. This would recommend changes which could alter the composition of the Board. If inclusive of the potential of an OSW, this would open the door to Pro-Tem assignment of an OSW.
 - Flexing one PE position to possibly be an OSW.
 - Flexing such that all seven positions be either PE, LS, or OSW
 - Potential removal/alteration of US citizenship requirement.
 - Pro-Tem limits/count. This would alter existing quantity limit of two Pro-Tem assignments.
 - Current recommendation is increase to 3.
 - Potential increase greater as a function of case load and distribution and Board budget and funding.
 - Waiver of FE (EQ feedback). This would, upon recommendation of the EQ, draft conditions under which the FE may be waived.
 - Registration fee reimbursements. This would clarify the current administrative practice that application fees are not reimbursable.
 - Renewal section clarify language. This would clarify the calendar issues of renewal with particular emphasis upon first renewal following licensure.
3. The PC will add to the next agenda consideration of unlicensed practice under WAC 196-23-020(5) in concert with RCW 18.43.180 and its reference governance under RCW 18.235.010(7) and RCS 18.235.130(15).
 4. The PC reviewed the Strategic Planning Goals. The AIA/PE Stamping and green book resolution is still under review by the AAG’s office. The PC determined the direction on decoupling exam experience should be closed/removed. There are no current issues of Mobility of licensing for Federal employees/spouses.

Previous/Ongoing Action Items:

1. The PC reviewed and reassessed WAC 196-23-020(3)(d) and (5) and recommends the Board approves refiling the CR102 with changes in the attached version. The PC agreed to subsidiary consideration of unlicensed practice, which will be reviewed in a subsequent committee meeting. (Planned to be reviewed at next PC meeting)
2. Assist the AGOs Office on responding to Engineer/Architect stamping issues.
3. Staff continues to search a viable database for questions/answers and is currently exploring SharePoint as an option.

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

3.3. Exam Qualifications Committee (EQC)

Ms. Gnanapragasam delivered the committee's report for Mr. VanDeWege.

Application Review

1. PE by comity application

The committee reviewed the applicant's experience and determined they qualified for a license as a PE through comity.

2. PE by exam

Applicant has been licensed in the Philippines as a Mechanical engineer, and per applicant, is still active. They are seeking comity based on RCW 18.43.100 Registration of out-of-state application.

The committee determined that the applicant did not provide adequate verifications of work experience and needs to get a verification of license/exam from the agency in the Philippines that issued the license. Also, they will be provided with an opportunity to demonstrate exam equivalency and with an opportunity for a Brief Adjudicative Proceeding (BAP).

Discussion Topics

1. RCW 18.43.040 Registration requirements review

After a long discussion, the committee tabled this item until clarification was received from the Practice Committee.

2. WAC 196-12 finalize language

The committee reviewed the language and directed staff to amend WAC 196-12-020(5), and send it out to the EQC for review.

Action Items

1. Staff to amend WAC 196-12-020(5) and send to EQC for review.

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

3.4. Survey Committee

Mr. Blaisdell delivered the committee's report.

Discussion Topics

- Status of Monument Removal Letter to Stakeholders

The committee reviewed the draft of the monument removal letter to be sent to stakeholders. There were a few minor changes.

- Status of SME work on state-specific exam

Mr. Larson and Mr. Fuller informed the committee that the spreadsheets have been updated, and that Ms. Cramer has sent emails to the PLS exam SMEs that the

documents are available for them to collaborate on the Box. Mr. Wengler requested that staff get the SMEs together for a short meeting to see how their progress is coming along, and if they have any questions.

Strategic Planning Items

- Determine the pathways to state specific PLS exam

Mr. Blaisdell discussed the NCEES PAKS and potential modules on the PLS exam. The modules/PAKS subjects are divided into 5 areas: Core, Boundary, PLSS, Mapping Science, and Incidental drainage. Until the make-up of each module area, the states are maintaining status quo. The anticipated time frame for the new module-based exam is 2025.

- Work with DNR on the Survey Recording Act and associated WACs to determine our regulatory direction for “intelligent interpretation” and other items.

Mr. Larson reported on his meetings with DNR staff members. He informed the committee that David Icenhower has taken Bob’s Knuth’s position at DNR.

Action Item:

- The Committee is requesting Board approval of the letter, have Ms. Lund, as Board Chair, sign the letter and have staff send the letter out via Constant Contact to licensee lists of PLS, PE and On-site Designers.

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

1. WAC 196-32 Review

3.6.1. Adding new language:

3.6.1.1. 1 year design experience required for inspectors

3.6.1.2. Inspectors wanting to obtain their designer license need 1 year of design experience under the direct supervision of a licensed designer/PE or be approved by the board.

2. Forms to file complaints against an onsite inspector are now available and posted on the BRPELS website.

4. New Business

4.1. Modified Process for Charging Documents (from Exec Committee)

The Board discussed a proposed addition to BRPELS’ enforcement process as presented by Mr. Fuller. The Board directed staff to move forward with the development of a Letter of Education, in a checklist format, and BAP option to be presented to the Board for final approval. Staff was also asked to identify any rule changes necessary to accommodate the new process.

4.2. Approval of Monument Removal Letter (from Survey Committee)

The Board reviewed a draft of a Monument Removal Letter the Survey Committee would like to be sent to various stakeholders.

A motion was made by Mr. Wengler, and seconded by Ms. Gnanapragasam, to accept the letter with the edit of government agencies on the second page and to have Ms. Lund sign it on behalf of the Board. Motion carried.

5. Old Business

5.1. Review of Strategic Planning Goals

This discussion was postponed until the next meeting.

6. Director's Report

6.1. Financial Report

Mr. Bitar stated that the agency is still on track to end the biennium with approximately \$1M in its operating account. Revenues for the agency have been very strong relative to the July through January period last biennium. Revenues this biennium are up more than 9% and if they continue the next few months Mr. Bitar indicated he will likely raise revenue projection by 5%. The agency has been underspending its appropriation which is okay and expected.

Mr. Bitar stated that he's been reviewing bills that may impact BRPELS operating budget throughout the current legislative session and so far there isn't much out there except two bills (one in the House and one in the Senate) proposing a 3.25% raise for all state employees. If either were to pass, and it seems likely that they will, it would be effective July 1st and the impact to BRPELS' budget would be less than \$30K per year. With the increase in revenues being so strong, Mr. Bitar does not anticipate any impact to the overall fund projection.

6.2. Agency Operations

6.2.1. Polaris Update

Mr. Fuller noted the earlier update and discussion regarding DOL's licensing system and opened the floor up for any follow up questions.

6.2.2. COVID Restrictions and State Travel & Meetings

Mr. Fuller noted the travel and meeting restrictions are being lifted and suggested April's board meeting and special work session be in-person in Olympia. Board members agreed and Board Chair, Ms. Lund, stated that committee meetings be held virtually the week before so there's enough time on April 20th to focus on the special work session.

Mr. Fuller also mentioned the NCEES' Western Zone meeting in May that is open to any board member that would like to attend and the state specific exams that are scheduled on March 25th in Lacey and Spokane.

6.2.3. Communication Consultant Update

Mr. Fuller informed the Board that the HR team revealed that recruiting positions in state government is extremely difficult right now. The recruitment team released all applicant for the CC3 position for Mr. Fuller to review instead of only the

minimally qualified applicants. He stated that he is now considering downgrading the position to a Communication Consultant In-Training position to allow for a more robust candidate pool. This would allow candidates that aren't fully qualified to grow into the position. Mr. Fuller is going to review the additional applications and work with HR on a viable plan to move forward.

6.3. Other Items

Mr. Fuller stated that Ms. Gillespie is going to facilitate and run a discussion with BRPELS' staff regarding the education and outreach plan, specifically about licensees and the technical merits of professional development hours. Mr. Fuller said he is also going to work with Ms. Cramer and the licensing team on options for computerized law review exams because it may involve the same type of platform.

Mr. Fuller informed the Board that he attended and presented at SPETIC-CON 2022 Washington On-Site Sewage Association's (WOSSA) annual conference at the end of January.

Mr. Fuller explained that plans were made for staff to attend the LSAW Conference but in the end they were unable to make it. Board members, Mr. Blaisdell and Mr. Wengler, are currently at the conference in Vancouver, WA.

Mr. Fuller notified the board that he and Ms. Lund attended a virtual meeting at the University of Washington, Bothell. He also said he's interested in getting BRPELS' Outreach and Education program under way and targeting classroom interaction where he continues to see a direct impact on students.

Mr. Fuller stated that he participated in a virtual meeting with Amazon regarding their national engineering mentorship program, which they're considering extending internationally. Mr. Fuller suggested that given Amazon's presence in Washington State, BRPELS start looking at agreements with foreign country alliances like IPEA and APEC. Mr. Fuller noted he's also reaching out to Boeing to see if they want to develop something similar to assist their engineers on the path to licensure.

7. Assistant Attorney General's Report

Ms. Lagerberg notified the Board that she hasn't heard anything new from the Attorney General's office regarding the request for formal opinion concerning engineer vs architect stamping. She also indicated there hasn't been any updates in the Tappel case.

8. Other Business

8.1. Additional Public Comment

None Provided

8.2. Upcoming Outreach and Events

3/16 2:00 p.m. – Rules Hearing for WAC 196-23

8.3. Action Items from This Meeting

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

1. Staff to update the alert on the webpage to clarify which parts of the licensing system are up and running.
2. Staff will set up a special work session to be held the day before the next board meeting in Olympia.
3. Mr. Hendrickson will develop material for the special work session and send it to board members in the next couple of weeks.
4. Ms. Gnanapragasam will work with the EQC, Mr. Fuller, and Ms. Gillespie on a FE equivalency form agenda item and provide it to Mr. Hendrickson for inclusion on April's special work session schedule.
5. Mr. Fuller will move forward with developing a Letter of Education and BAP alternative to present to the Board.
6. Staff will revise Monument Removal Letter and send to Ms. Lund for signature.
7. Staff reminded to include Board Chair on *all* committee report distribution.

8.4. Agenda Items for Next/Upcoming Meetings

1. Review of current outreach plan.
2. DNR Letter Mr. Beehler sent to Mr. Fuller.

9. Adjourn Meeting

A motion was made by Ms. Gnanapragasam, and seconded by Mr. Hendrickson, to adjourn the meeting at 3:12 p.m. Motion carried.

Next Meeting: April 21, 2022 – Special Board Meeting – Olympia & WebEx

Respectfully submitted



Ken Fuller, PE, Director