

Washington State Board of Registration for Professional Engineers & Land Surveyors

Board Meeting

June 17, 2021

[WebEx Link](#)

or

Join by video system, application or Skype for business

Dial 1773804918@webex.com

You can also dial 173.243.2.68 and enter meeting number 177 380 4918

Meeting password: JcYnPdq7u73

Tap to join from a mobile device (attendees only)

[+1-415-655-0001](tel:+14156550001),[1773804918##](tel:+1773804918) US Toll

[+1-206-207-1700](tel:+12062071700),[1773804918##](tel:+1773804918) (Seattle)

Board Meeting

Tab 1

Call to Order

- Roll Call
- Order of Agenda
- Approval of May 4, 2021 Meeting Minutes
- Review Correspondence & Communications
- Public Comment Opportunity



STATE OF WASHINGTON

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Board Meeting Agenda

DATE & TIME: June 17, 2021 8:00 a.m.

LOCATION: Spokane Convention Center
334 W Spokane Falls Blvd and
Room 202ABC
Spokane, WA 99201

[WebEx Link](#)

Tap to join from a mobile device (attendees only)

[+1-415-655-0001](tel:+14156550001), [1773804918###](tel:+1773804918) US Toll

[+1-206-207-1700](tel:+12062071700), [1773804918###](tel:+1773804918) (Seattle)

ATTENTION: All meetings are open to the public except when business calls for a Closed Session. During Closed Session all guests will be excused. Start times are subject to change by the Board or Committee Chair.

OPEN SESSION

1. Call to Order

- 1.1. Roll Call
- 1.2. Order of Agenda
- 1.3. Approval of May 4, 2021 Meeting Minutes
- 1.4. Review Correspondence & Communications
- 1.5. Public Comment Opportunity

2. Disciplinary Action

- 2.1. Disciplinary Report

3. Committee Reports

- 3.1. Executive Committee – [Link to Agenda](#)
- 3.2. Practice Committee – [Link to PC Agenda](#)
- 3.3. Exam Qualifications Committee – [Link to EQC Agenda](#)
- 3.4. Survey Committee – [Link to SC Agenda](#)
- 3.5. Structural Committee – [Link to SE Agenda](#)

4. New Business

- 4.1. WAC 196-25 Approval Request (from PC)
- 4.2. Architect stamping structural design documents (from PC)
- 4.3. Discontinue Re-Exam Applications beginning January 1, 2022 (from EQC)
- 4.4. Board Journal Content and Posting Informal Actions

- 4.5. 2021 NCEES MBA Resolution of Cooperation
- 4.6. Report from NCEES Western Zone Meeting
- 4.7. Strategic Planning Session Report
- 4.8. Election of 2021-2022 Officers

- 5. Old Business**
 - 5.1. None

- 6. Director's Report**
 - 6.1. Financial Report with Paul Bitar
 - 6.2. Agency Operations
 - 6.3. Other Items

- 7. Assistant Attorney General's Report**
 - 7.1. Formal AGO Opinion - Authority of Engineer to Stamp and Sign Architectural Drawings for Submission for Building Permits
 - 7.2. Honeyford Request for Formal AGO Opinion

- 8. Other Business**
 - 8.1. Additional Public Comment
 - 8.2. Upcoming Outreach and Events
 - 8.3. Action Items from This Meeting
 - 8.4. Agenda Items for Next Meeting

- 9. Adjourn Meeting**



STATE OF WASHINGTON

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

SPECIAL BOARD MEETING MINUTES

DATE: May 4, 2021

TIME: 12:00 p.m.

LOCATION: WebEx

ATTENDANCE:

Board Members

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

Staff Members

Jonathan Pitel, AAG
Elizabeth Lagerberg, 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

Guest

Layla Lechich

1. Call to Order at 12:06 p.m.

- 1.1. Mr. Blaisdell, Board Chair, took roll call.
- 1.2. Order of Agenda

A motion was made by Mr. Wengler, and seconded by Ms. Gnanapragasam, to accept the agenda with the amendment of moving the On-Site Cut Score agenda item before Executive Session. Motion carried.

- 1.3. Approval of Meeting Minutes

A motion was made by Ms. Gnanapragasam, and seconded by Mr. VanDeWege, to accept the April 21, 2021 meeting minutes as written. Motion carried.

- 1.4. Public Comment Opportunity

None Provided

2. New Business – Part One

- 2.1. On-Site State Exam Cut Score

Mr. Larson presented the April 2021 Exam Performance Report for the On-Site state specific exam.

A motion was made by Ms. Gnanapragasam, and seconded by Mr. VanDeWege, to approve a cut score of 81/100 for the April State Specific On-Site Exam. Motion carried.

3. Executive Session

Mr. Blaisdell, Board Chair, announced the purpose and estimated time 12:25 to 1:10 p.m. for Executive Session.

Open Session Reconvened – 1:10 p.m.

4. New Business – Part Two

4.1. Delegation of Authority re: Tappel, et al v. BRPELS

A motion was made by Ms. Gnanapragasam, and seconded by Mr. Wengler, for the Board to delegate authority to the Director to coordinate and finalize responses to discovery with the Attorney General’s Office in the matter of Tappel, et al v. BRPELS, et al. Motion carried.

5. Adjourn Meeting

A motion was made by Mr. VanDeWege, and seconded by Mr. Peden, to adjourn the meeting at 1:13 p.m. Motion carried.

Next Meeting: June 17, 2021 – Board Meeting

Respectfully submitted

Ken Fuller, PE, Director

DRAFT

From: Alwin, Ming <Ming.Alwin@seattle.gov>
Sent: Tuesday, June 1, 2021 9:34 PM
To: Engineers (BRPELS) <BRPELS.Engineers@brpels.wa.gov>
Subject: Architect stamping structural design documents

Hello:

I found several typos in my last email. Please ignore last email I sent this afternoon.

I'm from Department of Construction and Inspections of City of Seattle. We had discussed one question several times within our group in the past already. Though we made a decision internally, some of us still have concerns. The question is if an architect is allowed to stamp structural drawings. In our building code, it says,

106.5.2 Preparation by registered design professionals. *Construction documents* for all work shall be prepared and designed by or under the direct supervision of an architect or structural engineer licensed to practice under the laws of the State of Washington. Each sheet of *construction documents* shall bear the seal and the signature of the registered design professional before the permit is issued.

Exceptions:

1. *Construction documents* for work not involving structural design are permitted to be prepared by a registered professional engineer or registered architect qualified in the proposed work.
2. When authorized by the *building official*, *construction documents* for assembly line products or designed specialty structural products may be designed by a registered professional engineer.
3. When authorized by the *building official*, *construction documents* need not be prepared by an engineer or architect licensed by the State of Washington for the following:
 - 3.1. Detached one- and two-family *dwelling*s.
 - 3.2. New buildings or structures, and additions, alterations or repairs made to them of conventional light frame construction, if the value of construction, as determined by the *building official*, is less than \$75,000.
 - 3.3. Nonstructural alterations and repairs if the value of construction, as determined by the *building official*, is less than \$75,000, excluding the value of electrical and mechanical systems, fixtures, equipment, interior finish and mill-work.

That code section introduces the confusion. People may interpret that architect can stamp any construction documents, including structural sheets. Or we should interpret architect can stamp architectural sheets and SE can stamp structural sheets, because that's the practice under the law of the State of Washington?

Per RCW 18.235.130 (10), unprofessional conduct is that practice or operation of a business or profession beyond the scope of practice or operation as defined by law or rule. If an architect does not practice structural engineering but stamp structural sheets, is that unprofessional conduct? Or we say if structures are non-significant, SE stamp is not required per RCW 18.43.040, so it's acceptable to allow architect's stamp on structural sheets?

If we say architects can stamp non-significant structural design documents, but we don't allow general PEs to stamp those structural sheets, it appears that doesn't make sense, since architects don't have more engineering practice compared to PEs.

Could you please let us know how Engineering Board views this issue? Since we are not familiar with RCW, do you have any suggestion if we see architects stamp structural drawings? Do you want us to

report to Engineering Board? The projects we talk about here are non-significant structures and need professional stamps.

Thank you,



Ming Alwin
Structural Plans Engineer Supervisor

City of Seattle [Department of Construction and Inspections](#)

P.O. Box 34019, Seattle, WA 98124-4019

P: 206.233.5016 | ming.alwin@seattle.gov



Helping people build a safe, livable, and inclusive Seattle.

SDCI is working with our partners at [Public Health – Seattle & King County](#), [Washington State Department of Health](#), and the [Centers for Disease Control and Prevention](#) to help limit the spread of COVID-19 while doing our best to continue providing services to our customers. Visit the [SDCI website](#) and read our [Building Connections blog](#) for service change updates.

MEMO

DATE: June 7, 2021

TO: NCEES Member Board Administrators

FROM: David Cox, NCEES Chief Executive Officer

RE: Washington Accord guidance

NCEES President Christopher Knotts, P.E., charged the 2020–21 Committee on Education with reviewing the process of how programs become denoted as Washington Accord programs and preparing a document for dissemination to the member boards for their possible use.

The Washington Accord is an educational accord administered by the International Engineering Alliance. It is an international agreement between bodies responsible for accrediting engineering degree programs. ABET is the U.S. signatory to this accord.

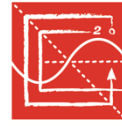
Because NCEES already has a process for reviewing degrees from engineering programs that are not accredited by ABET, the committee did not feel that it should or could provide direction to member boards on accepting degrees from Washington Accord programs. The committee developed the attached brief to help boards decide whether to accept Washington Accord-designated programs or if applicants should go through the NCEES Credentials Evaluations process. At its May 2021 meeting, the board of directors approved the distribution of this brief to member boards for use as needed.

NCEES distributed a memo to member boards in November 2005 outlining concerns with accepting Washington Accord programs as ABET equivalent. This brief supersedes the guidance included in the 2005 memo.

Please share this brief with your board members. It is also posted in the Board Resources section of Member Resources (ncees.org/resources, under “Publications and presentations”).

Attachment

cc: NCEES Board of Directors
Wendy Amann, P.E., 2020–21 NCEES Committee on Education Chair



NCEES

advancing licensure for
engineers and surveyors

The Washington Accord: A Brief for Member Boards June 2021

The number of engineering professionals who practice across national borders has been increasing. This trend has caused international licensure and the barriers to mobility that arise from differing requirements to become concerns for NCEES member boards. NCEES and other groups have been working to facilitate licensure mobility through international agreements. One of these agreements is the Washington Accord, the purpose of which is to define an internationally recognized standard for engineering education.

What is it?

The Washington Accord is one of three educational accords administered by the International Engineering Alliance. The Alliance is made up of national organizations, including NCEES, that are concerned with professional licensing in their respective jurisdictions. The purpose of the Alliance is to establish engineering education and professional competence standards that can provide the basis for international recognition of professional credentials in the jurisdictions represented by the Alliance.

The Washington Accord is an agreement between national organizations that accredit engineering educational programs—the programs that provide the education required for graduates to be qualified for professional licensure. The purposes of the Accord are to establish an internationally recognized standard for engineering education outcomes and to ensure that programs accredited by the signatory organizations meet this standard. The standard is expressed as a set of descriptors of the expected attributes of an engineering graduate and is published in *Graduate Attributes and Professional Competencies, Version 3, June 21, 2013*. [Key Documents: International Engineering Alliance (ieagreements.org)]

The signatory accreditation organizations conduct a periodic peer review to ensure that the standards being used by each signatory to accredit engineering programs are substantially equivalent. This equivalence results from the alignment of educational outcomes for all accredited programs with the desirable attributes for engineering graduates. Equivalence does not mean that all accredited programs have the same curricula or identical educational outcomes. The guiding principle is that all programs demonstrating that their graduates are exhibiting attributes aligned with the standards are accreditable under the Accord. In turn, graduates of programs accredited under the Washington Accord standard are considered to be qualified to obtain the necessary experience leading to professional licensure.

The Washington Accord is meant to facilitate mobility of graduates between signatory jurisdictions. The signatory organizations have agreed that graduates of programs accredited by all signatory accrediting bodies should be accorded the same recognition and privileges as graduates of their own accredited programs, including qualification for licensure. In some jurisdictions, the signatory body may not be the body that provides professional licensure and can only recommend that all Washington Accord program graduates be considered to have the same educational qualifications. This is the case in the United States, where ABET is the accrediting organization but licensure is administered by state, territorial, and district boards. Each licensing board may decide whether to accept the principles of the Accord and treat all Washington Accord program graduates as possessing the necessary educational qualifications for licensure. Acceptance by a board could also require changes to the board's enabling legislation if ABET accreditation is specified as the only acceptable education qualification for licensure.

Who are the signatories, and who is accredited?

The list below provides the current jurisdictions, the signatory accrediting bodies, and the date that full membership was granted. Only engineering programs accredited by one of the signatories after the date the signatory became a member are covered by the Washington Accord. Each of the accrediting bodies is responsible for maintaining a record of programs within their jurisdiction that are accredited under the Washington Accord provisions. These records are available on the websites of the respective accrediting bodies. It is worth noting that some accrediting bodies make these records easier to access than others.

Current Washington Accord signatories

- Korea—Represented by Accreditation Board for Engineering Education of Korea (ABEEK) (2007)
- Russia—Represented by Association for Engineering Education of Russia (AEER) (2012)
- Malaysia—Represented by Board of Engineers Malaysia (BEM) (2009)
- China—Represented by China Association for Science and Technology (CAST) (2016)

- South Africa—Represented by Engineering Council South Africa (ECSA) (1999)
- New Zealand—Represented by Engineering New Zealand (EngNZ) (1989)
- Australia—Represented by Engineers Australia (EA) (1989)
- Canada—Represented by Engineers Canada (EC) (1989)
- Ireland—Represented by Engineers Ireland (EI) (1989)
- Hong Kong China—Represented by The Hong Kong Institution of Engineers (HKIE) (1995)
- Chinese Taipei—Represented by Institute of Engineering Education Taiwan (IEET) (2007)
- Singapore—Represented by Institution of Engineers Singapore (IES) (2006)
- Sri Lanka—Represented by Institution of Engineers Sri Lanka (IESL) (2014)
- Japan—Represented by JABEE (2005)
- India—Represented by National Board of Accreditation (NBA) (2014)
- United States—Represented by Accreditation Board for Engineering and Technology (ABET) (1989)
- Turkey—Represented by Association for Evaluation and Accreditation of Engineering Programs (MÜDEK) (2011)
- United Kingdom—Represented by Engineering Council United Kingdom (ECUK) (1989)
- Costa Rica—Represented by Colegio Federado de Ingenieros y de Arquitectos de Costa Rica (CFIA) (2020)
- Pakistan—Represented by Pakistan Engineering Council (PEC) (2017)
- Peru—Represented by Instituto de Calidad y Acreditacion de Programas de Computacion, Ingenieria y Tecnologia (ICACIT) (2018)

How does the Washington Accord standard compare to the NCEES educational standards?

The NCEES Engineering Education Standard cannot be directly compared to the standard used by Washington Accord accrediting agencies. The NCEES standard specifies curriculum requirements; the Washington Accord standard specifies desired attributes of graduates from accredited programs. The curricula of the various Washington Accord programs may vary in content as well as the number of credit hours in particular curricular areas. Washington Accord programs are evaluated on the basis of their educational outcomes and whether they are meeting them, in addition to other criteria established by the accrediting organizations. The curricula of programs accredited by Washington Accord signatories may not satisfy the NCEES Engineering Education Standard due to differences in the number of credit hours assigned to general education, basic mathematics and science, and engineering topics. One idea embodied in the Washington Accord standard is that curricular uniformity is not a requirement to produce engineering graduates who will be competent to enter professional practice. Education quality is demonstrated by assessing what graduates can do with respect to a defined set of desired abilities.

Should Washington Accord-accredited degrees be accepted as ABET equivalent?

All Washington Accord signatory accrediting bodies have defined educational outcomes for their programs along with specifications for the curricula. The programs are required to have assessment processes like those employed by ABET-accredited programs. The standards and processes for accreditation employed by the signatories exhibit a good deal of commonality. While the learning outcomes employed by the various accrediting bodies are not identical, all of them are periodically peer reviewed to ensure that the learning outcomes are compatible with the *Graduate Attributes and Professional Competencies* guidelines. Washington Accord programs should be seen as ABET equivalent in that they are accredited using similar processes and standards. However, the licensing boards must decide if they are willing to accept an ABET equivalent.

The motivation for acceptance is reducing barriers to international mobility. Accepting degrees from Washington Accord-accredited programs as appropriate educational qualifications would eliminate the need for a Credentials Evaluation for some international licensure applicants. However, it would be necessary for someone from the member board or NCEES to verify that the degree was awarded by a Washington Accord-accredited program. It should be noted that the cost for an NCEES Credentials Evaluation is not excessive and that the turnaround is short for most licensure candidates. The NCEES evaluation becomes a significant barrier to mobility only in cases in which curricular deficiencies are found and additional education is required. Each licensing board will have to decide whether acceptance of a program that is part of the Washington Accord is a worthwhile step toward facilitating international mobility.

Board Meeting

Tab 2

Disciplinary Activity

- Disciplinary Report

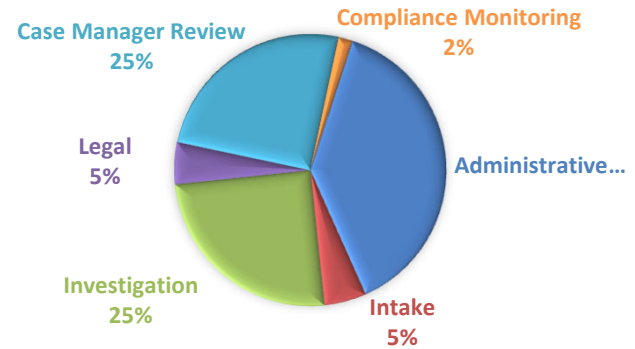
Board of Registration for Professional Engineers Land Surveyors

Disciplinary Report - June 2021

Open Case Status

Status	Program Type			Total
	Engineers	Land Surveyors	OSW	
Administrative Review	4	19	0	23
Intake	0	3	0	3
Investigation	11	4	0	15
Legal	0	0	3	3
Case Manager Review	3	11	1	15
Compliance Monitoring	1	0	0	1
Total	19	37	4	60

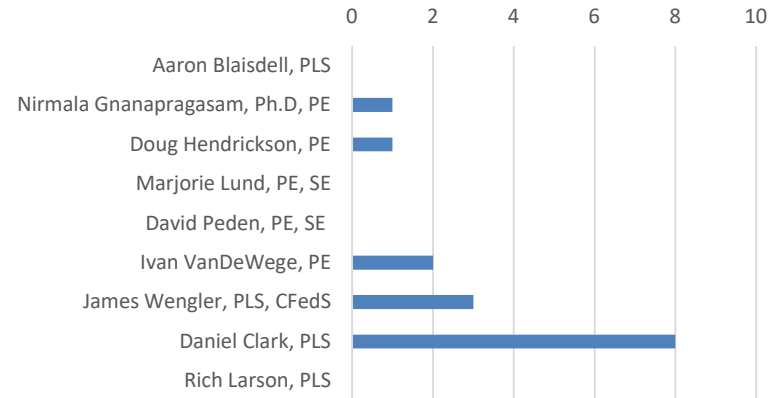
OPEN COMPLAINT STATUS



Case Manager Review

Case Manager	Program Type		Total
	Engineers	Land Surveyors	
Aaron Blaisdell, PLS	0	0	0
Nirmala Gnanapragasam, Ph.D, PE	1	0	1
Doug Hendrickson, PE	1	0	1
Marjorie Lund, PE, SE	0	0	0
David Peden, PE, SE	0	0	0
Ivan VanDeWege, PE	2	0	2
James Wengler, PLS, CFedS	0	3	3
Daniel Clark, PLS	0	8	8
Rich Larson, PLS	0	0	0
Total	4	11	15

Case Manager Open Complaints



Administrative Review

Board Staff	Engineers	Land Surveyors	OSW	Total
Ken Fuller, PE	3	1	0	4
Rich Larson, PLS	1	18	0	19
Total	19	19	0	23

Board Meeting

Tab 3

Committee/Task Reports

- Executive Committee
- Practice Committee
- Exam/Qualifications Committee
- Survey Committee
- Structural Committee

Board Meeting

Tab 4

New Business

- WAC 196-25 Approval Request (from PC)
- Discontinue Re-Exam Applications (from EQC)
- Board Journal Content and Posting Informal Actions
- 2021 NCEES MBA Resolution of Cooperation
- Report from NCEES Western Zone Meeting
- Strategic Planning Session Report
- Election of 2021-2022 Officers

Chapter 196-25 WAC

BUSINESS PRACTICES

WAC 196-25-001 Purpose. The purpose of this chapter is to provide clarification on how businesses are authorized to provide engineering or land surveying services in Washington and to implement that part of chapter 18.43 RCW related to corporations and limited liability companies offering engineering and land surveying services, as enacted by the 1997 legislature.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-25-001, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035 and 18.43.130. WSR 98-12-053, § 196-25-001, filed 5/29/98, effective 7/1/98.]

WAC 196-25-002 Definitions.

Board. The Washington state board of registration for professional engineers and land surveyors.

Business. A corporation, professional service corporation (PS), limited liability company (LLC) or professional limited liability company (PLLC), partnership or sole proprietorship that is practicing or offering to practice, engineering or land surveying or both in this state.

Certificate of authorization. A certificate issued by the board, pursuant to chapter 18.43 RCW, to a corporation or limited liability company (LLC), authorizing it to practice engineering or land surveying or both in this state. (Note: This is a different certificate than the certificate of authorization that may be filed with the secretary of state.)

Designee, designated engineer, designated land surveyor. A currently registered professional engineer designated by a corporation or LLC to be in responsible charge of engineering activities for the corporation or LLC in Washington, OR, a currently registered professional land surveyor designated by a corporation or LLC to be in responsible charge of land surveying activities for the corporation or LLC in Washington.

Employee. A person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the right to control and direct the employee in the material details of the scope, schedule and location of employment.

Professional engineer. A person registered by the board under chapter 18.43 RCW to practice engineering in this state.

Professional land surveyor. A person registered by the board under chapter 18.43 RCW to practice land surveying in this state.

Responsible Charge. To be in responsible charge means to have the authority to make all engineering or land surveying decisions pertaining to engineering or land surveying activities in the state of Washington on behalf of a corporation or LLC. RCW 18.43.130(8) (b), RCW 18.43.130(10) (b).

~~**Resident engineer or resident land surveyor.** A currently registered professional engineer or land surveyor who maintains a business headquarters or branch office as his/her normal place of employment, and is in responsible charge of the engineering and/or land surveying services.~~

~~**Business.** A corporation, professional service corporation (PS), joint stock association (JSA) or limited liability company (LLC) or professional limited liability company (PLLC) that is practicing or offering to practice, engineering or land surveying or both in this state.~~

~~**Designee, designated engineer, designated land surveyor.** A currently registered professional engineer designated by the~~

~~business to be in responsible charge of engineering activities for the business in Washington, or, a currently registered professional land surveyor designated by the business to be in responsible charge of land surveying activities for the business in Washington.~~

~~**Employee.** A person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the right to control and direct the employee in the material details of the scope, schedule and location of employment.~~

~~**Branch office.** One or more alternate locations in Washington of a business, not recognized as the business' main office or headquarters, which is established to offer and provide engineering and/or land surveying services from that location.~~

~~**Project office.** A temporary remote location of an engineering and/or land surveying business that is a convenient workplace for providing specific engineering and/or land surveying services only in support of a project.~~

~~Certificate of authorization. A certificate issued by the board, pursuant to chapter 18.43 RCW, to a business authorizing it to practice engineering or land surveying or both in this state. (Note: This is a different certificate than the certificate of authorization that may be filed with the secretary of state.)~~

[Statutory Authority: RCW 18.43.035. WSR 05-17-053, § 196-25-002, filed 8/9/05, effective 9/9/05. Statutory Authority: RCW 18.43.035 and 18.43.130. WSR 98-12-053, § 196-25-002, filed 5/29/98, effective 7/1/98.]

NEW SECTION

WAC 196-25-003 Business licenses. Businesses, including corporations and LLCs must obtain a business license from the Department of Revenue prior to offering services to the public pursuant to chapter 82.32 RCW.

~~WAC 196-25-005 Businesses that must be authorized by the board Corporation and LLC certificate of authorization. Except for professional service (PS) corporations and professional service limited liability companies (PLLC's), all eCorporations, joint stock associations and limited liability companies (LLC's) that offer engineering or land surveying services must obtain~~

from the board a certificate of authorization to practice engineering or land surveying or both in the state of Washington.

~~A general partnership must employ at least one person currently registered pursuant to chapter 18.43 RCW for each profession for which services are offered.~~Corporations and LLCs must be registered with the Secretary of State, the Department of Revenue and must have a unified business identifier (UBI) number prior to applying for a certificate of authorization.

Professional service corporations (PSC), professional limited liability companies (PLLC), sole proprietorships and partnerships are exempt from applying for certificates of authorization.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-25-005, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035 and 18.43.130. WSR 98-12-053, § 196-25-005, filed 5/29/98, effective 7/1/98.]

WAC 196-25-010 -Applications for certificates of authorization. All applications by corporations and LLCs for certificates of authorization must be completed on forms provided by the board and submitted to the offices of the board.

A complete application requires the following: Payment of the appropriate fee as listed in chapter 196-26A WAC; affidavit of designated professional engineer and/or land surveyor; and, ~~certified-a~~ copy of resolution naming the designated engineer, or land surveyor, or both.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-25-010, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035 and 18.43.130. WSR 98-12-053, § 196-25-010, filed 5/29/98, effective 7/1/98.]

**WAC 196-25-040 ~~Provisions pertaining to only~~
~~e~~Corporations, ~~joint stock associations~~ and limited liability
companies designees.**

(1) Each corporation or LLC must designate a registered engineer or land surveyor, respectively, to be in responsible charge.

(2) If the business offers both engineering and land surveying services, there must be a designee for each profession. If a person is licensed in both engineering and land surveying, that person may be designated for both professions.

(~~2~~3) An affidavit must be signed by the designee(s) stating that ~~he or she they~~ knows they have been designated by the

~~business corporation or LLC~~ as being responsible for the engineering and/or land surveying activities in the state of Washington.

(~~3~~4) The designated engineer and/or designated land surveyor must be an employee of the ~~business~~corporation or LLC.

(~~4~~5) No person may be the designated engineer or designated land surveyor at more than one ~~business corporation or LLC~~ at any one time.

(5) When there is a change in the designee(s), the business must notify the board in writing no later than thirty days after the effective date of the change and submit a new affidavit.

~~(6) If the business changes its name, the business must submit a copy of its amended certificate of authority or amended certificate of incorporation (for corporations) or a copy of the certificate of amendment (for LLC's), as filed with the secretary of state within thirty days of the name change.~~

~~(7) At the time of renewal, the corporation or limited liability company must submit a copy of the document issued to their company by the state of Washington master license service which states that the corporation or limited liability company~~

~~has been "renewed by the authority of the secretary of state" and shows a current expiration date.~~

~~(8) The filing of the resolution shall not relieve the business of any responsibility or liability imposed upon it by law or by contract. Any business that is certified under chapter 18.43 RCW and this chapter is subject to the authority of the board as provided in RCW 18.43.035, 18.43.105, 18.43.110, and 18.43.120.~~

[Statutory Authority: RCW 18.43.035. WSR 05-17-053, § 196-25-040, filed 8/9/05, effective 9/9/05; WSR 99-15-057, § 196-25-040, filed 7/15/99, effective 8/15/99. Statutory Authority: RCW 18.43.035 and 18.43.130. WSR 98-12-053, § 196-25-040, filed 5/29/98, effective 7/1/98.]

NEW SECTION

WAC 196-25-045 Changes and renewals.

(1) If the business changes its name, with the secretary of state, the business must notify the board within thirty days of the name change.

(2) At the time of renewal, the corporation or limited liability company must have a current license with the secretary of state and department of revenue.

(3) The filing of the resolution shall not relieve the business of any responsibility or liability imposed upon it by law or by contract. Any corporation or LLC that is certified under chapter 18.43 RCW and this chapter is subject to the authority of the board as provided in RCW 18.43.035, 18.43.105, 18.43.110, and 18.43.120.

NEW SECTION

WAC 196-25-046 Professional service corporation.

(1) Professional service corporations (PSC) lawfully organized under chapter 18.100 RCW are not required to obtain a certificate of authorization under this chapter.

(2) All engineering services provided by a professional service corporation must be provided by a duly licensed professional engineer pursuant to RCW 18.100.060.

(3) A registered engineer may own stock in and render individual professional services through only one professional service corporation at any time pursuant to RCW 18.100.050(2).

(4) The standards of professional conduct for engineers under chapter 18.43 RCW and title 196 WAC apply to any

professional services performed by a PSC or its individual member licensees pursuant to RCW 18.100.070.

(5) A PSC that performs engineering services must comply with chapter 18.43 RCW, chapter 18.100 RCW and chapter 18.235 RCW.

NEW SECTION

WAC 196-25-047 Professional limited liability company.

(1) A group of licensed professional engineers or land surveyors legally authorized to render the same professional services within this state may form and become members of a professional limited liability company (PLLC) for the purposes of rendering professional engineering or land surveying pursuant to RCW 25.15.046.

(2) A professional limited liability company and its members are subject to all provisions of chapter 25.15 RCW and chapter 23.95 RCW.

(3) No engineering or land surveying services may be performed by a PLLC unless those services are performed by a licensed engineer or land surveyor, respectively.

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(4) Formation of a professional limited liability company under RCW 25.15.046 does not restrict the application of the uniform disciplinary act under chapter 18.235 RCW.

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~~WAC 196-25-050 Branch offices. An engineering business or land surveying business maintaining branch offices shall have a resident engineer or resident land surveyor, as applicable, in responsible charge of said engineering and/or land surveying services.~~

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~~[Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-25-050, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. WSR 99-15-053, § 196-25-050, filed 7/15/99, effective 8/15/99.]~~

WAC 196-25-060 Offer to practice by all businesses. The offer to practice or provide engineering or land surveying services to the public must be made by or under the direct supervision of a licensee qualified to offer said services under the provisions of chapter 18.43 RCW.

The practice of engineering or land surveying by a partnership offering engineering or land surveying services must employ at least one licensed engineer or land surveyor that can

provide professional services and/or direct supervision over said services.

[Statutory Authority: RCW 18.43.035. WSR 99-15-054, § 196-25-060, filed 7/15/99, effective 8/15/99.]

WAC 196-25-070 Providing direct supervision.

Direct supervision ~~means the actions by which a licensee maintains by a licensee is described as follows:~~

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(1) Maintaining control over those decisions that are the basis for the findings, conclusions, analyses, rationale, details, and judgments required for the preparation of engineering or land surveying plans, specifications, plats, surveys, land descriptions as defined by WAC 332-130-020, reports, as-built documents prepared by the licensee, and related activities. ~~Direct supervision~~

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(2) ¶Requires providing personal direction, oversight, inspection, observation and supervision of the work being certified.

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(3) These actions may include, but are not limited to:
Direct face-to-face communications; written communications; U.S.

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mail; electronic mail; facsimiles; telecommunications, or other current technology.

(4) Contractual or employment relations must be in place between the licensee and unlicensed preparer to qualify as direct supervision.

(5) Mentoring is not direct supervision. ~~Drawing or other~~Reviewing documents as defined by WAC 196-23-020, ~~review~~ after preparation without involvement in the design and development process as described above cannot be accepted as direct supervision.

[Statutory Authority: RCW 18.43.035. WSR 10-05-017, § 196-25-070, filed 2/4/10, effective 3/7/10; WSR 06-22-033, § 196-25-070, filed 10/25/06, effective 11/25/06. Formerly WAC 196-23-030.]

WAC 196-25-080 Practice by businesses, organizations or public agencies. When a business, organization or public agency offers or performs engineering or land surveying services as defined in RCW 18.43.020, the business, organization or public agency shall perform its duties and responsibilities in the same manner as an individual accordance with RCW 18.43.130(8)(f) and

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(10) (f), chapter 18.43 RCW, chapter 18.235 RCW and other
applicable statutes and rules.

[Statutory Authority: RCW 18.43.035. WSR 06-22-033, § 196-25-080, filed 10/25/06, effective 11/25/06. Formerly WAC 196-23-050.]



**RESOLUTION OF COOPERATION TO FACILITATE INTERSTATE LICENSURE
FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS**

- WHEREAS, The National Council of Examiners for Engineering and Surveying (NCEES) is a national organization created by state licensing boards in 1920 to facilitate professional licensing mobility and promote uniformity of the U.S. licensure processes through services for its member licensing boards and licensees; and
- WHEREAS, NCEES' members are the engineering and surveying licensure boards from all 50 states, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands; and
- WHEREAS, The mission of NCEES is to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public; and
- WHEREAS, The NCEES Model Law, Model Rules, and Manual of Policy and Position Statements are publications adopted by the membership of NCEES; and
- WHEREAS, The adopted model licensure concepts within these publications set a common standard for licensure mobility and portability among its member boards to facilitate an efficient, streamlined, expedited administrative procedure and approval process; and
- WHEREAS, Alignment of licensure processes and requirements is imperative to facilitate portability of licenses between member boards of NCEES; and
- WHEREAS, Increased licensure portability aligns with government initiatives to diversify economies and support economic growth; and
- WHEREAS, In the absence of licensure portability efforts, unnecessary barriers to licensure can remain in variable state laws, rules, administrative procedures and approval processes; and
- WHEREAS, Unnecessary barriers to licensure, whether perceived or real, could threaten the health, safety, and welfare of the public and may also perpetuate or introduce unnecessary processes that an applicant must undertake, which could become barriers to employment; and
- WHEREAS, It is recognized that some member boards may have challenges, such as staffing or obtaining authority to revise statutes and rules, which may impede streamlined processes; and
- WHEREAS, NCEES will commemorate 100 years of advancing licensure through the licensing of professional engineers and land surveyors in 2020; therefore, be it
- RESOLVED, That the following signatories agree to license a comity applicant that meets nationally recognized standards in the most expeditious manner available within jurisdiction licensing laws, rules, and mission; and furthermore, be it
- RESOLVED, That signatory boards are committed to identifying and working to remove unnecessary barriers to licensure portability and mobility which are not in the best interest of the public and not required to fulfill the mission of safeguarding the health, safety, and welfare of the public; and furthermore, be it
- RESOLVED, That signatory boards are committed to work towards revising current licensing laws, rules, and policies to allow for more streamlined approval processes for NCEES Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer applicants and other qualifying applicants; and furthermore, be it
- RESOLVED, That signatory boards are committed to minimizing or eliminating unnecessary jurisdiction-specific licensure requirements.

The undersigned hereby certifies that he/she is the duly qualified member board representative to serve as signatory of this non-binding Resolution of Cooperation in recognition of the NCEES 100th anniversary celebration.

Name of board: _____

Signature: _____

Board Meeting

Tab 5

Old Business

None

Board Meeting

Tab 6

Director's Report

- Financial Report with Paul Bitar
- Agency Operations
- Other Items

Board of Registration for Professional Engineers and Land Surveyors

Biennium 19-21 Projections

Fund - Operating Account

Revenue Category		Biennium 19-21	Actual	Projected		Projected	Projected
		Revenue Allotments	Revenues through FM22 Apr-2021	FM 23 May-2021	FM 24 Jun-2021	Revenue Total	Variance
Licenses and Fees		4,100,000	3,517,100	152,159	152,159	3,821,418	(278,582)
Miscellaneous Revenue			37,978			37,978	37,978
Total Revenue		4,100,000	3,555,078	152,159	152,159	3,859,396	(240,585)

Expenses Category		Biennium 19-21	Actual	Projected		Projected	Projected
		Expense Allotments	Expenses through FM22 Apr-2021	FM 23 May-2021	FM 24 Jun-2021	Expenditure Total	Variance
Salaries and Wages		821,380	838,687	52,622	52,622	943,930	(122,550)
Employee Benefits		280,420	299,543	18,250	18,250	336,044	(55,624)
Goods and Other Services		4,337,099	3,009,145	176,899	102,899	3,288,944	1,048,155
Travel		91,920	28,073	0	10,000	38,073	53,847
Capital Outlays		3,181	25,044	0	30,000	55,044	(51,863)
Grants, Benefits & Client Services		0	2,000	0	0	2,000	(2,000)
Sum:		5,534,000	4,202,492	247,771	213,771	4,664,035	869,965

Operating Transfers		BI 19-21	Actual	Projected		Projected	Projected
		Operating Transfers	Operating transfers through FM22 Apr-2021	FM 23 May-2021	FM 24 Jun-2021	Op. Trans. Total	Variance
Operating Transfer Out			(44,000)			(44,000)	44,000
Total Net Operating Transfers		0	(44,000)	0	0	(44,000)	44,000

Fund Balance Projection		Biennium 19-21	Actual	Projected		Projected	Projected
		Rev Allotments - Exp Allotments	Rev - Exp through FM22 Apr-2021	FM 23 May-2021	FM 24 Jun-2021	end of BI 19-21	Variance
Net Income (Loss)	BI 19-21 Beginning Balance	(1,434,000)	(691,414)	(95,612)	(61,612)	(848,639)	585,361
\$	1,726,326	292,326	1,034,912	939,300	877,687	877,687	<-- Ending Fund Balance (projected)

Expenses Detail Category	Biennium 19-21		Actual	Projected		Projected	Projected
	Expense Allotments	Expenses through FM22 Apr-2021	FM 23 May-2021	FM 24 Jun-2021	Expenditure Total	Variance	
Salaries and Wages		821,380	838,687	52,622	52,622	943,930	(122,550)
AA State Classified		420,359	612,747	38,980	38,980	690,708	(270,349)
AC State Exempt		401,021	203,670	10,833	10,833	225,336	175,685
AE State Special			12,388	608	608	13,604	(13,604)
AU Overtime and Call-Back			9,882	2,200	2,200	14,282	(14,282)
Employee Benefits		280,420	299,543	18,250	18,250	336,044	(55,624)
BA Old Age and Survivors Insurance		50,919	50,300	2,999	2,999	56,297	(5,378)
BB Retirement and Pensions		105,624	106,708	6,461	6,461	119,630	(14,006)
BC Medical Aid & Industrial Insurance		3,639	4,931	282	282	5,494	(1,855)
BD Health, Life & Disability Insurance		108,327	122,225	7,808	7,808	137,841	(29,514)
BH Hospital Insurance (Medicare)		11,911	11,764	701	701	13,166	(1,255)
BK Paid Family and Medical Leave			(6)			(6)	6
BV Shared Leave Provided Annual Leave			3,572			3,572	(3,572)
BZ Other Employee Benefits			50			50	(50)
Goods and Other Services		4,337,099	3,009,145	176,899	102,899	3,288,944	1,048,155
EA Supplies and Materials		18,000	17,146	500	500	18,146	(146)
EB Communications/Telecommunications		4,800	14,842	675	675	16,191	(11,391)
ED Rentals and Leases - Land & Buildings		132,216	101,575	3,000	3,000	107,575	24,641
EF Printing and Reproduction			8,040	365	365	8,771	(8,771)
EG Employee Prof Dev & Training		55,008	15,099	686	686	16,472	38,536
EH Rental & Leases - Furn & Equipment		25,992	9,942	452	452	10,846	15,146
EJ Subscriptions		2,000	1,312	60	60	1,431	569
EK Facilities and Services		91,501	115,450	6,989	6,989	129,428	(37,927)
EL Data Processing Services (Interagency)		403,248	381,279	3,961	3,961	389,201	14,047
EM Attorney General Services		250,008	284,596	12,936	12,936	310,468	(60,460)
EN Personnel Services		22,354	21,198	1,075	1,075	23,348	(994)
EP Insurance		4,112	36			36	4,076
ER Other Contractual Services		1,091,952	891,800	1,900	21,900	915,600	176,352
EY Software Licenses and Maintenance		2,178,908	1,147,570	300	300	1,148,170	1,030,738
EZ Other Goods and Services		57,000	(738)	144,000	50,000	193,262	(136,262)

Expenses Detail Category			Biennium 19-21	Actual	Projected		Projected	Projected
			Expense Allotments	Expenses through FM22 Apr-2021	FM 23 May-2021	FM 24 Jun-2021	Expenditure Total	Variance
Travel			91,920	28,073	0	10,000	38,073	53,847
	G	Travel				10000	10,000	(10,000)
	GA	In-State Subsistence & Lodging	27,960	16,481			16,481	11,479
	GB	In-State Air Transportation	12,000	2,941			2,941	9,059
	GC	Private Automobile Mileage	27,960	2,930			2,930	25,030
	GD	Other Travel Expenses	12,000	1,801			1,801	10,199
	GF	Out-Of-State Subsistence & Lodging	6,000	2,200			2,200	3,800
	GG	Out-Of-State Air Transportation	6,000	1,610			1,610	4,390
	GN	Motor Pool Services		111			111	(111)
Capital Outlays			3,181	25,044	0	30,000	55,044	(51,863)
	JA	Noncapitalized Assets	3,181	25,044		30,000	55,044	(51,863)
	JB	Noncapitalized Software					0	0
Grants, Benefits & Client Services			0	2,000	0	0	2,000	(2,000)
	NZ	Other Grants and Benefits		2,000			2,000	(2,000)
Total Dollars			5,534,000	4,202,492	247,771	213,771	4,664,035	869,965

Board Meeting

Tab 7

Assistant Attorney General's Report

- Formal AGO Opinion - Authority Of Engineer To Stamp And Sign Architectural Drawings For Submission For Building Permits
- Honeyford Request for Formal AGO Opinion



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[Home](#) > Authority Of Engineer To Stamp And Sign Architectural Drawings For Submission For Building Permits

Attorney General

ARCHITECTS—ENGINEERS—Authority Of Engineer To Stamp And Sign Architectural Drawings For Submission For Building Permits

The stamping and submission of architectural drawings constitutes the practice of architecture, which with some exceptions requires registration with the Washington State Board of Architecture.

The legislature has amended RCW 18.08.410 to remove a formerly-applicable exception under which engineers could stamp architectural drawings. This legislative change revises the conclusion we reached in AGO 1990 No. 9, which we overrule to that limited extent.

March 31, 2021

The Honorable Amy Walen
State Representative, District 48
PO Box 40600
Olympia, WA 98504-0600

Cite As:
AGO 2021 No. 2

Dear Representative Walen:

By letter previously acknowledged, you have requested our opinion on the following question:

May an engineer stamp and sign architectural drawings for submission for building permits?

BRIEF ANSWER

No. Subject to certain exemptions, the stamping and submission of architectural drawings constitutes the practice of architecture that requires registration with the Washington State Board of Architecture. Prior to 2010, there was an exemption to allow engineers to stamp architectural drawings under certain circumstances. Those exemptions

were removed in 2010 by Engrossed Substitute S.B. 5529, 61st Leg., Reg. Sess. (Wash. 2010). Thus, now the stamping of architectural drawings by a non-architect is in violation of the Architect's Act and would possibly constitute the unlicensed practice of architecture.

FACTUAL BACKGROUND

In order to receive a permit to build or change certain structures, the building owner is required to submit to local building officials architectural and engineering drawings that have been prepared and stamped by a licensed architect, professional engineer, or both. When and how those drawings are prepared, stamped, and submitted is governed by statute and local building codes.

[original page 2]

In 1990, this office issued a formal opinion on the issue of when and how a registered professional architect or professional engineer must sign and stamp a drawing being submitted for building permits. AGO 1990 No. 9. The Opinion correctly noted that the stamping and submission of architectural drawings constitutes the practice of architecture which requires registration as an architect. The Opinion also correctly noted that the law contained exemptions to that requirement. Some of those exemptions allowed engineers to stamp plans and design work created by non-architects. See Laws of 1985, ch. 37, § 12 (enacting RCW 18.08.410). However, in 2010, the legislature removed those exemptions. Laws of 2010, ch. 129, § 8 (amending RCW 18.08.410).

Based on your letter it appears that some building officials are still accepting architectural drawings prepared by non-professionals but stamped by engineers even when those drawings are primarily architectural in nature.^[1] We also understand that these building officials are doing so in reliance on a 1990 Attorney General Opinion analyzing statutory exemptions to the laws that have since been removed.

ANALYSIS

The profession of architecture is governed by statute, and licenses to practice architecture are issued and regulated by the Washington State Board of Architects. See RCW 18.08. The scope of what constitutes the practice of architecture is defined by statute as

the rendering of any service or related work requiring architectural education, training, and experience, in connection with the art and science of building design for construction of any structure or grouping of structures and the use of space within and surrounding the structures or the design for construction of alterations or additions to the structures, including but not specifically limited to predesign services, schematic design, design development, preparation of construction contract documents, and administration of the construction contract.

RCW 18.08.320(12). Additionally, the laws require that architects sign and seal or stamp each page containing architectural drawings prepared or reviewed by the architect that are

submitted in support of an application for a building permit. RCW 18.08.370(2); WAC 308-12-081(1).

It is unlawful to practice architecture without being registered or authorized to practice in the state of Washington. RCW 18.08.310. Engaging in the unlicensed practice of architecture can subject another licensed individual (such as a licensed engineer) to sanctions for unprofessional conduct, RCW 18.235.110, and can subject “any person” to sanctions after the issuance of a cease and desist order, RCW 18.235.150. It is also a misdemeanor to violate any of the provisions

[original page 3]

of RCW 18.08. RCW 18.08.460(1) (“Any person who violates any provision of this chapter or any rule promulgated under it is guilty of a misdemeanor and may also be subject to a civil penalty in an amount not to exceed one thousand dollars for each offense.”).

However, RCW 18.08.410 exempts certain activities from the scope of the practice of architecture. Some of those exemptions include design work for structures that will be used for residential buildings of up to four dwelling units, farm buildings, any structure smaller than four thousand square feet. RCW 18.08.410.[2]

At the time AGO 1990 No. 9 was issued, former RCW 18.08.410 also provided two additional exemptions that allowed engineers to stamp architectural drawings. Under that older version of the law the following activities were not prohibited:

(7) Design-build construction by registered general contractors if the structural design services are performed by a registered engineer;

[original page 4]

...

(9) Any person from designing buildings or doing other design work for structures larger than those exempted under subsections (5) and (6) of this section, if the plans, which may include such design work, are stamped by a registered engineer or architect.

Laws of 1985, ch. 37, § 12. However, in 2010, the legislature removed those exemptions and RCW 18.08.410 now reads as quoted in footnote 2.

Current law provides no other exemptions allowing engineers to stamp architectural drawings. See RCW 18.08; RCW 18.43. When statutory language is omitted from subsequent versions of the law, courts will assume that the law has changed. *Rhoad v. McLean Trucking Co.*, 102 Wn.2d 422, 427, 686 P.2d 483 (1984) (“We must assume . . . that the Legislature intended to exclude the term and that it meant what it said.” (alteration in original) (quoting *Caplan v. Sullivan*, 37 Wn. App. 289, 292, 679 P.2d

949 (1984))). Moreover, “[a] change in legislative intent is presumed when a material change is made in a statute.” *Darkenwald v. Emp. Sec. Dep’t*, 183 Wn.2d 237, 252, 350 P.3d 647 (2015) (alteration in original) (quoting *Davis v. Dep’t of Licensing*, 137 Wn.2d 957, 967, 977 P.2d 554 (1999)). Thus under current law, a registered engineer may not stamp architectural drawings for submission to building officials for permits and doing so would potentially constitute the unlicensed practice of architecture.

Finally, I note that this Opinion does not completely rescind and replace AGO 1990 No. 9. Rather, it specifically addresses the change in law in 2010 that removed the authority of engineers to stamp architectural drawings. We accordingly overrule AGO 1990 No. 9 only to that extent, but offer no opinion on the other issues in AGO 1990 No. 9. And, moreover, it likely bears repeating for those who rely on AG Opinions that although AG Opinions are afforded “great weight” by courts, *Freeman v. State*, 178 Wn.2d 387, 396, 309 P.3d 437 (2013), they are not controlling authority in those courts. And to the extent they are contradicted by subsequent changes to statutes, the language of the statute will always prevail. Thus, any reader of an AG Opinion would be wise to separately consult the relevant statutes for subsequent changes in the law and to consult an attorney when seeking legal advice.

We trust that the foregoing will be useful to you.

ROBERT W. FERGUSON
Attorney General

s/ R. July Simpson
R. JULY SIMPSON
Assistant Attorney General
(360) 586-3151

wro

[1] We have identified no statutes, rules, or policies that define when a drawing is primarily architectural or primarily engineering in nature. Rather, local building officials have the authority to determine when a project requires the analysis and drawings of an architect or an engineer and, pursuant to that decision, such drawings must be drafted and stamped by the appropriate professional. The project must then be completed according to those drawings.

[2] As of the date of this opinion, the entirety of RCW 18.08.410 provides:

This chapter shall not affect or prevent:

(1) The practice of naval architecture, landscape architecture as authorized in chapter 18.96 RCW, engineering as authorized in chapter 18.43 RCW, or the provision of space planning or interior design services not affecting public health or

safety;

(2) Drafters, clerks, project managers, superintendents, and other employees of architects from acting under the instructions, control, or supervision of an architect;

(3) The construction, alteration, or supervision of construction of buildings or structures by contractors registered under chapter 18.27 RCW or superintendents employed by contractors or the preparation of shop drawings in connection therewith;

(4) Owners or contractors registered under chapter 18.27 RCW from engaging persons who are not architects to observe and supervise construction of a project;

(5) Any person from doing design work including preparing construction contract documents and administration of the construction contract for the erection, enlargement, repair, or alteration of a structure or any appurtenance to a structure regardless of size, if the structure is to be used for a residential building of up to and including four dwelling units or a farm building or is a structure used in connection with or auxiliary to such residential building or farm building such as a garage, barn, shed, or shelter for animals or machinery;

(6) Except as otherwise provided in this section, any person from doing design work including preparing construction contract documents and administering the contract for construction, erection, enlargement, alteration, or repairs of or to a building of any occupancy up to a total building size of four thousand square feet; or

(7) Any person from doing design work, including preparing construction contract documents and administration of the contract, for alteration of or repairs to a building where the project size is not more than four thousand square feet in a building greater than four thousand square feet and when the work contemplated by the design does not affect the life safety or structural systems of the building. The combined square footage of simultaneous projects allowed under this subsection (7) may not exceed four thousand square feet.



Washington State Senate

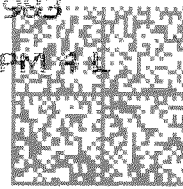
PO Box 40415, Olympia, WA 98504-0415

Senator Jim Honeyford

15th Legislative District

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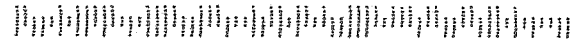
The Honorable Robert W. Ferguson
Attorney General
1125 Washington Street SE
Olympia, WA 98504

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ATTORNEY GENERAL
OF WASHINGTON

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Washington State Senate

Senator Jim Honeyford
15th Legislative District

Eastern Yakima County
Including the towns of:
Buena Glead Grandview
Granger Mabton Moxee
Selah Sunnyside Toppenish
Union Gap Wapato
Yakima and Zillah

May 26, 2021

The Honorable Robert W. Ferguson
Attorney General
1125 Washington Street SE
Olympia, WA 98504

Dear Attorney General Ferguson,

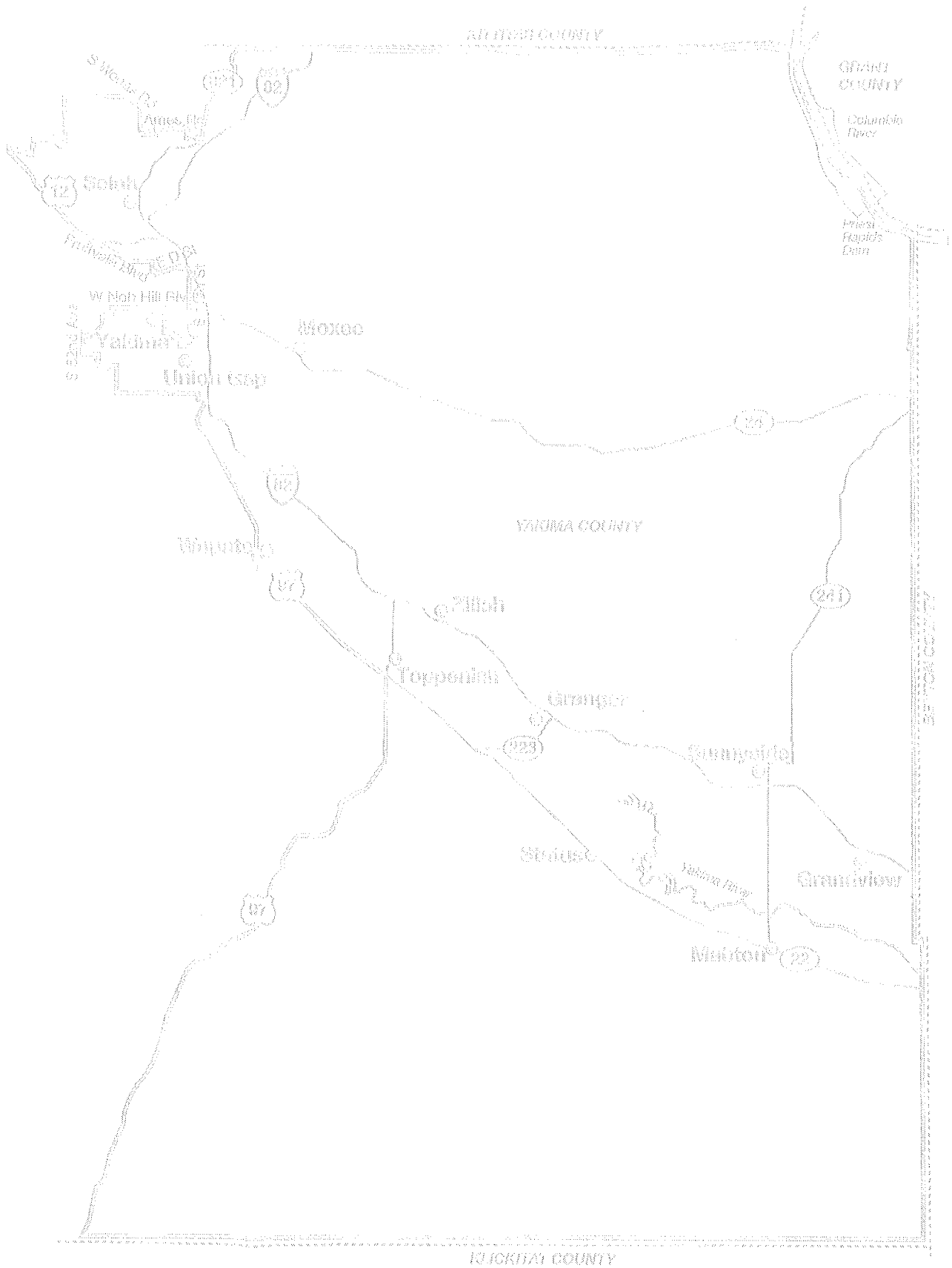
As you know, RCW 18.08.410 exempts certain activities from the practice of architecture, including activities that fall under the umbrella of the practice of engineering, as well as design work for certain residential buildings, farm buildings, and buildings smaller than four thousand square feet. I write to you to request a formal Attorney General's Opinion to seek clarification on the application of RCW 18.08.410 as it relates to design documents created by engineers.

I have recently been contacted by constituents concerned that some jurisdictions have required complete sets of design documents created by engineers for work unrelated to residential buildings, farm buildings, and buildings smaller than four thousand square feet to be stamped by an architect. While it is true that a design document will not always fall under the residential, farm, or four thousand square feet exemptions, there is overlap between these documents created in the practice of engineering and those created in the practice of architecture.

Since these professional activities overlap, there may be instances where a design document prepared entirely by an engineer for a non-agriculture and non-residential building that exceeds four thousand square feet could fall under the practice of engineering and be exempted from chapter 18.08 RCW. Recognition of these instances will ensure the practice of engineering continues to be exempted from chapter 18.08 RCW, clearly delineate the appropriate professional stamp required for design documents, and provide uniformity across all jurisdictions.

Background:

Prior to 2010, RCW 18.08.410 provided exemptions to the practice of architecture that allowed engineers to stamp design work created by non-architects and to support design-build construction by general contractors when the structural design services were performed by an engineer. Those exemptions were removed by the legislature through Engrossed Substitute Senate Bill 5529 (Wash. 2010).



15th Legislative District

On March 31, 2021, your office issued AGO 2021 No. 2 which addressed whether an engineer may stamp and sign architectural drawings for submission to local building officials for permitting purposes. The opinion provided that the stamping of architectural drawings constitutes the practice of architecture, that stamping such drawings is a violation of the Architect's Act, and such an action could constitute the unlicensed practice of architecture. What the opinion did not provide, though, is guidance on how to distinguish between design work that is primarily architectural and design work that is primarily engineering.

Analysis:

The practice of architecture in Washington State is governed by chapter 18.08 RCW. As defined by RCW 18.08.320(12) the practice of architecture means:

" . . . the rendering of any service or related work requiring architectural education, training, and experience, **in connection with the art and science of building design** for construction of any structure or grouping of structures and the use of space within and surrounding the structures **or the design for construction of alterations or additions to the structures**, including but not specifically limited to predesign services, schematic design, design development, preparation of construction contract documents, and administration of the construction contract." [Emphasis added]

RCW 18.08.410 goes on to exempt certain activities from chapter 18.08 RCW, such as design work for residential buildings with up to four dwelling units (RCW 18.08.410(5)), farm buildings (RCW 18.08.410(5)), and buildings not exceeding four thousand square feet (RCW 18.08.410(6)). RCW 18.08.410 also exempts activities that fall under the practice of engineering and reads, in part:

"This chapter shall not affect or prevent:

(1) The practice of naval architecture, landscape architecture as authorized in chapter 18.96 RCW, **engineering as authorized in chapter 18.43 RCW**, or the provision of space planning or interior design services not affecting public health or safety; . . ." [Emphasis added]

The practice of engineering is defined in RCW 18.43.020(8) as:

" . . . any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical, physical, and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, **design, and supervision of construction for the purpose of assuring compliance with specifications and design**, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects." [Emphasis added]

The main issue presented in this request is to clarify when design work amounts to the practice of engineering exempted from chapter 18.08 RCW and when design work amounts to the practice of architecture.

Both the practice of architecture and the practice of engineering include design work in their respective definitions. With respect to the distinction between design documents that are primarily engineering and design documents that are primarily architectural, there does not appear to be a statute that defines when a design document amounts to architectural or engineering work. Similarly, WAC 308-12-340, which clarifies some of the RCW 18.08.410 exemptions, does not provide information related to the practice of engineering exemption in RCW 18.08.410(1). As stated in AGO 2021 No. 2, the determination of when a project requires architectural work or engineering work, and who must stamp that work, rests with local building officials. Without further direction it appears that the determination of whether design work is primarily architectural or primarily engineering varies across a slew of controlling local jurisdictions, which creates a statewide patchwork of potentially contradictory stances.

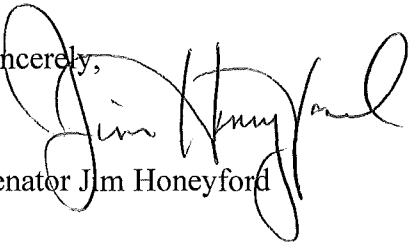
Questions:

In light of the facts and analysis provided above, I respectfully request that your office issue a formal opinion on the two following questions:

1. When would a complete set of design documents created by an engineer for a non-agriculture and non-residential building that exceeds four thousand square feet amount to the practice of engineering as authorized in 18.43 RCW?
2. If the complete set of design documents is considered the practice of engineering as authorized by 18.43 RCW would those documents fall under the exemption to architectural licensing provided in RCW 18.08.410(1)?

I appreciate your time and consideration to this matter.

Sincerely,


Senator Jim Honeyford

Board Meeting

Tab 8

Other Business

- Additional Public Comment
- Upcoming Outreach and Events
- Action Items from this Meeting
- Agenda Items for Next Meeting

2021 BRPELS EVENT CALENDAR

January						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
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24	25	26	27	28	29	30
31						

February						
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28						

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30	31					

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November						
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December						
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NCEES	
Western Zone Annual Meeting May 13 - 14 Virtual	Annual Meeting August 18 - 21 ~New Orleans, LA

LSAW
Annual Conference March 27 - 30 Virtual

2021 Pacific Northwest ASCE Student Conference
April 15 - 17

Committee & Board Meetings
WA State Specific Exams
NCEES Exams
State Holidays

2021 BRPELS Event Schedule

Date	Event
January 29 - 30, 2021	NCEES Board Presidents' Assembly (Virtual)
February 17 - 18, 2021	Board & Committee Meetings
February 21 - 27, 2021	National Engineers E-Week
March 27-30, 2021	LSAW Western Regional Survey Conference (Virtual)
April 9, 2021	State Specific Exams
April 15-17, 2021	2021 Pacific Northwest ASCE Student Conference
April 20 - 21, 2021	Board & Committee Meetings
April 23 - 24, 2021	NCEES Exams
May 13 - 14, 2021	NCEES Western Zone Meeting (Virtual)
June 16-17, 2021	Board & Committee Meetings
August 11 - 12, 2021	Board & Committee Meetings
August 18 - 21, 2021	2021 NCEES Annual Meeting
September 24, 2021	State Specific Exams
October 20 - 21, 2021	Board & Committee Meetings
October 22 - 23, 2021	NCEES Exams
December 8 - 9, 2021	Board & Committee Meetings

Board of Registration for Professional Engineers and Land Surveyors

Action Item List

Executive Committee

Date Assigned	Action Item	Assigned To	Status
2/18/21	Review OFM performance evaluation process and develop a specific agency process for board staff to be approved by the full board.	Executive Committee	In Progress
4/21/21	Contact DOL regarding potential costs for system changes to give licensees at least a one-year initial license.	Ms. Cramer	In Progress

Exam Qualifications Committee (EQC)

Date Assigned	Action Item	Assigned To	Status
10/15/20	Review On-Site Wastewater Designer Application and update verification requirements so they are more aligned with the PE application.	EQC Ms. Cramer	Completed
10/15/20	Review WAC 196-12 and send to Ms. Lagerberg for review.	EQC Ms. Gillespie	Completed
4/21/21	Notify applicants of PLS State Exam results.	Ms. Cramer	Completed
4/21/21	Notify applicant of EQC review and approval.	Ms. Cramer	Completed
4/21/21	Send revised OS application to EQC for review.	Ms. Cramer	Completed
12/9/20	Provide information regarding the SE applications that do not follow normal licensing path for February EQC and SE committee meetings.	Ms. Cramer	In Progress
2/17/21	Research options for the Law Review to be administered through an alternate platform.	Ms. Cramer	In Progress

Practice Committee (PC)

Date Assigned	Action Item	Assigned To	Status
2/17/21	Look at draft WAC 196-25 with Ms. Lagerberg's comments.	Mr. Larson Mr. Wengler	Completed
4/21/21	Review WAC 196-25 with Ms. Lagerberg's comments and reach out to her with any questions.	Mr. Wengler Mr. Larson	Completed
4/21/21	Work with AG to finalize the Investigative through Legal Process flowcharts for publication.	PC	Completed
2/17/21	Continue to research options for housing a database of FAQs, e.g. SharePoint.	Staff	In Progress
4/21/21	Contact Mr. Bodge to see where he is at in the compliance process.	Mr. Fuller	In Progress

Board of Registration for Professional Engineers and Land Surveyors

Action Item List

Survey Committee

Date Assigned	Action Item	Assigned To	Status
10/15/20	Meet with DNR regarding issues affecting the investigation process.	Mr. Wengler Mr. Blaisdell Mr. Larson	In Progress
4/21/21	Provide a summary of what has worked and what hasn't worked during the last few state specific exams, e.g. COVID-19 impacts, security of exams, and grading. Due before the SME meeting in June/July.	Staff	In Progress

Structural Committee

Date Assigned	Action Item	Assigned To	Status
2/16/21	Look at SE application instructions, and revise language to assure alignment with what is in RCW/WAC.	Ms. Cramer Ms. Gillespie Mr. Fuller	Completed
2/16/21	Provide the number of SE applicants by comity, and the number of applicants with SE exam only at next meeting.	Ms. Cramer	In Progress

Board Staff

Date Assigned	Action Item	Assigned To	Status
12/12/19	Write Communication Action Plan for board review.	Mr. Fuller	In Progress
4/16/20	Develop a remote signing response and send it to Ms. Lagerberg for review prior to posting on the website.	Mr. Fuller	In Progress
8/27/20	Send thank you notes to SMEs.	Mr. Fuller	In Progress
10/15/20	Compile and bring a list of meeting efficiency ideas to the next board meeting.	Mr. Fuller	In Progress
10/14/20	Research board member access to website via portal.	Ms. Moretti	In Progress
2/18/21	Launch an ad hoc workgroup to develop BRPELS outreach strategy.	Mr. Fuller	In Progress

Board Meeting

Tab 9

Adjourn Meeting