

Washington State Board of Registration for Professional Engineers & Land Surveyors

Board Meeting

July 28, 2020

Tab 1

Call to Order

- Roll Call
- Order of Agenda
- Approval of June 17, 2020 Meeting Minutes



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

Special Board Meeting Agenda

DATE & TIME: July 28, 2020 8:00 a.m.

LOCATION: [WebEx Link](#)

or

Join by video system, application or Skype for business

Dial 1334077996@webex.com

You can also dial 173.243.2.68 Meeting password: JvkEMMfs729

Join by phone (415) 655-0001 US Toll

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.

1. Call to Order

- 1.1. Roll Call
- 1.2. Order Of Agenda
- 1.3. Approval of June 17, 2020 Meeting Minutes

2. Executive Closed Session

- 2.1. Attorney/Client Discussion

3. New Business

- 3.1. Annual meeting ballot for Western Zone boards
- 3.2. Preliminary letter to DNR (SAB) concerning Chapter 58.20 RCW

4. Adjourn Meeting



STATE OF WASHINGTON

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

BOARD MEETING MINUTES

DATE: June 17, 2020

TIME: 8:00 a.m.

LOCATION: WebEx

ATTENDANCE:

Board Members

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

Staff Members

Elizabeth Lagerberg, Advising AAG
Ken Fuller, PE, Director
Richard Larson, Deputy Director
Shanan Gillespie, Regulatory Program Manager
Jill Short, Investigations & Compliance Manager
Carmena Moretti, Executive Assistant
Vonna Cramer, Licensing Lead

1. Call to Order at 8:04 a.m.

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

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

- 1.3. Approval of Meeting Minutes

A motion was made by Mr. Wengler, and seconded by Ms. Lund, to accept the June 12, 2020 meeting minutes as written. Motion carried.

- 1.4. Review Communications

- FYI – AIChE Letter of Support
- FYI – WABO SEAW White Paper 12-2020

- 1.5. Public Comment Opportunity

- None

EXECUTIVE SESSION: Mr. VanDeWege, Board Chair, announced the purpose and estimated time 8:25 a.m. to 9:35 a.m. for Executive Session.

OPEN SESSION RECONVENED – 9:35 a.m.

EXECUTIVE SESSION: Mr. VanDeWege, Board Chair, announced the purpose and estimated time 9:35 a.m. to 10:05 a.m. for Executive Session.

OPEN SESSION RECONVENED – 10:12 a.m.

EXECUTIVE SESSION: Mr. VanDeWege, Board Chair, announced the purpose and estimated time 10:14 a.m. to 10:30 a.m. for Executive Session.

OPEN SESSION RECONVENED – 10:33 a.m.

2. Disciplinary Activity

2.1. Recommended Closures

2014-07-0016-00ENG

Mr. Wengler recommended the case be closed.

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

2016-10-002-00ENG

Mr. Wengler 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. Motion carried. Mr. Wengler abstained.

2018-10-0004-00ENG

Mr. Blaisdell recommended the case be closed.

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

2018-11-0006-00ENG

Mr. Blaisdell recommended the case be closed.

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

2018-12-0009-00ENG

Mr. Blaisdell recommended the case be closed.

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

2019-01-0001-00ENG

Mr. Blaisdell recommended the case be closed.

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

2019-04-0001-00ENG

Mr. Blaisdell 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. Motion carried. Mr. Blaisdell abstained.

2019-04-0002-00ENG

Mr. Blaisdell recommended the case be closed.

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

2019-04-0006-00ENG

Ms. Lund recommended the case be closed.

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

2019-04-0007-00ENG

Ms. Lund 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. Motion carried. Ms. Lund abstained.

2019-11-10025-00ENG

Ms. Lund recommended the case be closed.

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

2019-06-0006-00ENG

Mr. Larson recommended the case be closed.

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

2019-07-0001-00ENG

Mr. Larson 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.

2020-01-0046-00ENG

Mr. Shrope recommended the case be closed.

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

2020-01-0047-00ENG

Mr. Shrope recommended the case be closed.

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

2020-01-0048-00ENG

Mr. Shrope recommended the case be closed.

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

2020-04-0185-00ENG

Mr. Shrope recommended the case be closed.

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

2.2. Disciplinary Report

Ms. Short provided a summary of the Disciplinary Report that was included in the board packet.

2.3. Compliance Update – see Practice Committee report in 3.3.

2.4. Expediting Case Closures

Mr. Fuller presented information on BRPELS' administrative case closure process and the Board requested that staff include a written report of such closures at each board meeting.
(Action)

3. Committee/Task Reports

3.1. Executive Committee

Mr. VanDeWege delivered the committee's report

- BRPELS Financial Report – the committee reviewed May's financial report submitted by Mr. Bitar.
- Polaris Project Update – Ms. Cramer provided an update on Polaris R2 rollout. See item 3.2.
- Proposed rulemaking – The Committee reviewed markups to WAC 196-09-010, 196-09-050, 196-09-120, 196-09-130, and 196-09-131 due to recent RCW changes. Ms. Gillespie also presented new section WAC 196-09-200 Public Records – Authority and Purpose for committee review. Ms. Gillespie will refine changes with Ms. Lagerberg.
(Action)

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

3.2. Exam/Qualifications Committee (EQC)

Mr. Hendrickson delivered the committee's report.

- SE Comity Application
 - The matter related to an application for an SE license by comity.
 - The applicant holds PE Licenses and SE licenses in a number of jurisdictions.
 - With extensive discussion indicative of substantial compliance to application requirements, the Committee returned the application to Staff and asked Staff to have the Applicant complete the comity licensure application by:
 - Detailing SE experience in more than one material (steel) with the expectation that it be concrete, and
 - Completing the application form selection which requests identification of whether a court or licensure jurisdiction has acted against the applicants' performance of engineering or land surveying.
- POLARIS Update
 - The R2 rollout is upcoming and will result in licensure system outage from June 19th – 29th.
 - Staff is taking additional Polaris training on 6/19, 6/23, and 6/24
 - Current Code freeze (identified bugs are not being worked in preparation for R2)
 - Rollout R2 is expected June 29; July 31 application deadlines will not be impacted.
- WAC Revisions
 - The committee reviewed markups of WAC 196-12 with most markups due to changes due to recent RCW changes.
 - Proposed markups included those in WAC 196-12-010(6), -011(2) and (3), -020(2), -021(2), and -047(2)(a) [this latter dealing with "and" vs "or" for experience with Seismic category D structures].
 - Recommendations upon WAC 196-12-021(2) were referred to Counsel regarding separation of experience considerations and quantities granted of experience granted engineering technology studies toward FE test approval and licensure requirements and the experience durations granted within RCW.
 - Upon resolution of WAC 196-12-021(2) referral to Counsel, the Committee intends to refer approval to the Board of the markups to WAC 196-12 to date.

A motion was made by Mr. Blaisdell, and seconded by Mr. Wengler to accept the Exam Qualification Committee report. Motion carried.

3.3. Practice Committee (PC)

Mr. Wengler delivered the committee's report.

Total Complaints Received	25
Engineering Complaints	11
Surveying Complaints	13
Onsite Designer Complaints	1
Total Administrative Closures	9
Engineering Closures	5
Surveying Closures	4
Onsite Designer Closures	0

Compliance Report:

Mr. Wengler reported there are 6 individuals on compliance monitoring. All six are currently in compliance with the terms of their board orders. Mr. Fuller is working directly with peer reviewers on two of the cases and is in communication with their respective case manager. Two individuals have met the terms of their board orders and will be removed from compliance monitoring.

Action Items:

- Going forward, Ms. Short agreed to present the complaint summary in spreadsheet format separating the complaints into different categories of:
 1. Complaints received;
 2. Complaints under investigation; and
 3. Complaints administratively closed with a brief explanation of the reason for closure.
- Work on language in WAC 196-23-020(1) to include “legal descriptions” under definition of document.
- Work on language in WAC 196-25-040 as it relates to being a DE/DLS of more than one company.
- Approve the proposed house cleaning of WAC 196-25-040(6) & (7) as presented by the staff.
- Work on “responsible charge” language. Include response charge in WAC 196-25-070.
- Previous ongoing action items:
 - Creating database for email questions/answers.
 - Review policies related to practice committee.
 - Continue tracking monument legislation sponsored by LSAW.

A motion was made by Mr. Hendrickson, and seconded by Mr. Shrope to accept the Practice Committee report. Motion carried.

4. New Business

4.1. Election of 2020-2021 Officers

The Nominating Committee consisting of Mr. Wengler and Ms. Gnanapragasam provided the nominees of Mr. Blaisdell for Board Chair and Ms. Lund for Vice Chair.

A motion was made by Mr. Hendrickson, and seconded by Mr. VanDeWege, to accept the nominating committee's recommendations and open the floor for other nominations. Motion carried.

A motion was made by Mr. Wengler, and seconded by Ms. Gnanapragasam, to appoint Mr. Blaisdell as Board Chair and Ms. Lund as Vice Chair. Motion carried.

4.2. Regulatory Update

Ms. Gillespie confirmed that she received rulemaking feedback from the committees and will be working with Ms. Lagerberg on revisions. Ms. Gillespie also stated she will be sending in BRPELS' bi-annual agenda to the Office of the Code Reviser.

Ms. Gillespie informed the board that BRPELS' Retention Schedule is at State Archives for review. She agreed to send a copy of the draft retention schedule to board members for review and Ms. Moretti will also add the topic to the August's board meeting agenda. (Actions) Two public records indexes will be posted to the website by the end of the month. One is a list of licensing files and general records. The second one pertains to board orders.

Ms. Gillespie reported that DOL has taken down all the information that was on their engineer's landing page and posted a link to the BRPELS website. The only DOL pages remaining for BRPELS are licensing forms and guidelines for building officials and design professionals.

4.3. Licensing & Polaris Update – See section 3.2

5. Old Business

5.1. Review prior action items list

Ms. Moretti reviewed the rolling action item list.

5.2. Outreach and event calendar

Mr. Fuller stated that he and Mr. Larson are working on a virtual classroom presentation for Bates Technical College in Tacoma.

Mr. Fuller noted he and Mr. Hendrickson would like to present to WSU via virtual classroom. Mr. Hendrickson confirmed he has successfully given a virtual presentation to them in the past and that they utilize a variety of virtual technology.

6. Director's Report

6.1. Agency operations

- Mr. Fuller is moving forward with signing a smaller agency sublease with County Road Administration Board (CRAB) who is located in the same building as BRPELS' proposed new space on Chandler Court. This way BRPELS will have a small drop in space and can

move forward with having computers moved from DOL to a new server, VPN, etc. An IAA is being drafted for CRAB to provide IT support.

- Staff continue to work virtually and may do so at least until the end of the year.

6.2. Financial Report

- The Board reviewed the report submitted by Mr. Bitar.

6.3. Travel

- Mr. Fuller stated he will be making a decision shortly about meeting in person for the August board and committee meetings in Spokane.

6.4. Other items

- Mr. Fuller stated he is still working on the outreach and education piece and is putting together ideas for the board to consider at the next board meeting. (Action)
- Mr. Fuller and the Board had a discussion about the spring state specific exams that are currently pending. A decision was made to officially push the spring exam and combine them with the fall exam in October. Board staff will notify applicants and share information via various listservs. An announcement will also be posted on BRPELS' website. Mr. Fuller committed to getting a cost breakdown from Pearson VUE to administer computer based exams. (Actions)
- Mr. Fuller reported that DOL is making six Polaris licenses available for board staff, including both the compliance and licensing sides.
- Mr. Fuller pledged to get an electronic version of The Journal posted on the website within two weeks. (Action)

7. Assistant Attorney General's Report

Ms. Lagerberg reported that she recently dissected BRPELS' enforcement process with staff and that she will be revising documents and creating a timeline for the Board to review at its next meeting. (Action)

8. Other Business

8.1. New business

- Setting of Director's Salary

A motion was made by Mr. Hendrickson, and seconded by Mr. Blaisdell to set the BRPELS Director's annual salary at \$128,000 with a friendly amendment by Mr. Blaisdell to raise it to \$130,000. Motion carried.

8.2. Additional Public Comment

- None

8.3. Action items from this meeting

- Ms. Gillespie will refine WAC edits with Ms. Lagerberg and prepare another draft for board review at the next meeting.

- Practice Committee will continue tracking legislation from LSAW.
- Board staff will create database of email questions and answers.
- Ms. Short will include a summary report of administrative case closures at each board meeting.
- Ms. Gillespie will email the draft retention schedule and Ms. Moretti will add the topic to the next executive committee and board meeting agendas for further discussion.
- Ms. Moretti will add board policies review to next board and executive committee meeting agendas.
- Board staff will notify applicants that the April state specific exams have officially been moved to October. Notification of the change will also be posted on the BRPELS website and share via various listservs.
- Mr. Fuller will reach out to Pearson VUE for a cost estimate on administering computer based exams.
- Board staff will post electronic version of BRPELS' Journal on website.
- Ms. Lagerberg will bring updated documents and a timeline of BRPELS' enforcement process to the next meeting.

9. Adjourn Meeting

A motion was made by Mr. Blaisdell, and seconded by Mr. Hendrickson, to adjourn the meeting at 1:16 p.m. Motion carried.

Next Meeting: August 27, 2020

Respectfully submitted

Ken Fuller, PE, Director

Board Meeting

Tab 2

Executive Closed Session

- Attorney Client Discussion

Board Meeting

Tab 3

New Business

- Annual meeting ballot for Western Zone boards
- Preliminary letter to DNR (SAB) concerning Chapter 58.20 RCW



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

P.O. Box 9025, Olympia WA 98507-9025 (**Correspondence**)

P.O. Box 35001, Seattle WA 98124-3401 (**Remittance**)

July 3, 2020

Paul Galli, PLS Chairman
Survey Advisory Board
P.O. Box 47030
Olympia, WA 98540-7030
360-902-1197

RE: Request to prepare WAC to clarify Chapter 58.20 RCW

Dear Mr. Galli,

Recently the Washington State Legislature enacted House Bill 2860 which amended, deleted and added new sections to Chapter 58.20 RCW (Washington Coordinate System). The Bill became effective on 6-11-2020.

Section 1 includes the definition for “Metadata” as follows:

“Metadata” means data that describes other data. For the purposes of this chapter, *metadata means* geodetic reference system utilized, applicable epoch, *statement of relative accuracy*, and date of observation *at a minimum*. Additional metadata is encouraged if it adds value.

Section 10 states: In *all* instances where *reference* has been made to such coordinates in land surveys or deeds, the combined factors shall be stated for the survey lines used in computing ground distances and area, *along with the metadata of the observations*.

Section 12 states: The provisions of this chapter may not be construed to prohibit the appropriate use of other datums, other geodetic reference networks or systems, or other plane coordinate systems. Any other such datums, networks, or systems used must comply fully with the information requirements for the Washington plane coordinate system. This includes, but is not limited to: The source of the datum, network, or system; *metadata of the observations*; factor used to convert from meters to feet; and combined factors applied to land boundary lines used in land surveys or deeds to compute ground distances or areas.

Based on the above sections it appears that regardless of what datum, geodetic reference networks or system, or plane coordinate system being used, it must include *metadata of the observations*, which at a minimum must include a *statement of relative accuracy* to comply fully with the information requirements of this chapter.

Section 12 appears to require a *statement of relative accuracy* for any reference systems or plane coordinates used, even if they are assumed. It appears that *the statement of relative accuracy* required to be reported is related to uncertainties in the datum, geodetic reference networks or system, or plane coordinate system being used and not *relative accuracy standards* required to be reported for the land boundary portion of the survey as required by Chapter 332-130-085 WAC.

Per the definition of *relative accuracy* defined by Chapter 332-130 it is clear that the reporting of *relative accuracy* has nothing to do with uncertainties in the geodetic position.

Chapter 332-130-020 WAC
Definitions.

(12) **Relative accuracy:** The theoretical uncertainty in the horizontal position of any subordinate point or corner with respect to other controlling points or corners, whether set, found, reestablished, or established. *Relative accuracy is not related to* uncertainties due to differences between measured values and record values or *uncertainties in the geodetic position*.

The relative accuracy standards for land boundary surveys pursuant to Chapter 332-130-085 WAC are as follows:

The maximum allowable *relative accuracy* for positions shown on a boundary survey under this standard is 0.07 feet plus 200 parts per million at the ninety-five percent confidence level, based on the distance shown on the map between the two positions being tested.

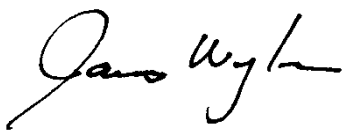
This equates to 1.13 feet per mile or 1:4,672.56 feet of *relative precision*, which is an expression of linear misclosure and is not a predictor of *relative accuracy*. The minimum *relative precision* required for Lambert grid closures per Chapter 332-130-090 (1) (f) is 1:10,000.

The Board of Registration for Professional Engineers and Land Surveyor's is requesting that the Survey Advisory Board consider adding to or amending Chapter 332-130 WAC to include the maximum allowable *relative accuracy* required to be reported where reference has been made to the Washington plane coordinates system or the use of other datums, other geodetic reference networks or systems, or other plane coordinate systems in land surveys or deeds.

An alternative may be to define the difference between *relative accuracy* reporting requirements of the land boundary portion of a survey versus the reporting of the *relative accuracy* due to uncertainties in the datum, geodetic reference networks or system, or plane coordinate system being used.

It also may be wise to clarify if the requirements of reporting metadata is for when a coordinate is actually being presented to be recorded in any public land records or deed records or when only a reference is being made to the system of coordinates, without the actual coordinate being published or both.

Sincerely,



James Wengler, PLS, CFedS
Practice Committee Chair