



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

DATE: August 3, 2023
TIME: 9:00 a.m.
LOCATION: Radisson Hotel SeaTac & WebEx
Orcas Room
18118 International Blvd
Seattle, WA 98188

ATTENDANCE:

Board Members

Dave Peden, PE, SE, Chair
Aaron Blaisdell, PLS, Vice Chair (WebEx)
Doug Hendrickson, PE
Ivan VanDeWege, PE
James Wengler, PLS, CFedS (WebEx)
Marjorie Lund, PE, SE

Staff Members

Ken Fuller, PE, Director
Mackenzie Wherrett, Executive Assistant
Shanan Gillespie, Regulatory Program Manager
Greg Schieferstein, Communication Manager
Jill Short, Investigator
Vonna Cramer, Licensing Lead
Elizabeth Lagerberg, Advising AAG

Guest(s)

Ken McGowan, PE
Sharon Zimmerman, PE (WebEx)

1. Call to Order at 9:00 am

- 1.1. Roll Call
Mr. Peden took roll call.
- 1.2. New Board Member Introduction
Agenda item moved to the October 2023 Special Board Meeting.
- 1.3. Order of Agenda
A motion was made by Mr. Hendrickson, and seconded by Ms. Lund, to accept the agenda as written. Motion carried.
- 1.4. Approval of June 22, 2023 Meeting Minutes
A motion was made by Mr. Hendrickson, and seconded by Mr. VanDeWege, to accept the June 22, 2023 Meeting Minutes as written. Motion carried.

1.5. Public Comment Opportunity

Mr. McGowan commented he was pleased to say the director attended the recent Architects and Engineers Legislative Council (AELC) meeting. Mr. McGowan stated that if there is ever any subject that the board would like AELC to be responsive to, they would be happy to work with the board.

Executive Session

Mr. Peden, Board Chair, announced that the Board would go into closed session to consult with the board attorney, discuss matters related to enforcement, and cases in current litigation. It was estimated the Executive Session would last from 9:07 a.m. until 10:37 a.m.

Open Session Reconvened – 10:37 a.m.

2. Disciplinary Action

2.1. Case Deliberations

2020-02-1847-00LSV

Mr. Wengler recommended the case be closed with no further action and that a copy of the Case Manager's recommendation be sent to the complainant. A motion was made by Ms. Lund, and seconded by Mr. VanDeWege, to accept the Case Manager's recommendation for closure. Mr. Wengler abstained. Motion carried.

2023-04-0621-00LSV

Mr. Blaisdell recommended the case be closed with no further action. A motion was made by Mr. Hendrickson, and seconded by Mr. Wengler, to accept the Case Manager's recommendation for closure. Mr. Blaisdell abstained. Motion carried.

2.2. Formal Action

2.2.1. 2023-02-0191-00ENG

Ms. Short provided a summary of the agreed order. The Agreed Order imposes the following sanctions:

- The Respondent's license will be suspended for 2 years, and Respondent is assessed a fine in the amount of \$5,000. The license suspension and fine are stayed contingent with the respondent complying with the following conditions:
 - Respondent will no longer design buildings or other structures that require the preparation of structural construction documents and/or calculations without a peer review of the work as described:
 - Respondent will enter into a peer review contract agreement for the two-year stayed suspension. The contract will be executed within 20 days of the signed Agreed Order and a copy of the finalized contract will be provided to the Board. The contract will include a requirement for a quarterly report, from the peer reviewer to the Board. The report will include project-specific summaries clearly detailing the work reviewed and the progress made by respondent.
 - During the two-year stayed suspension, Respondent will submit to the peer reviewer, all structural engineering designs for peer review and successfully respond to peer review comments.
 - During the two-year stayed suspension, Respondent will not submit any structural designs for permitting prior to successful

peer review process.

- During the two-year stayed suspension, Respondent will provide to the Board, monthly, a list and status of projects under design which include preparation of structural construction documents and/or calculations.
- Respondent will be responsible for all costs related to the peer review contract.

A motion was made by Mr. Hendrickson, seconded by Mr. VanDeWege, to approve the proposed agreed order against Mr. Steven P. Morta. Ms. Lund abstained. Motion approved.

2.3. Disciplinary Report

Ms. Short provided a summary of the Disciplinary Report that was included in the [board packet](#).

Discussion:

The Board discussed case timing, process, and Ms. Horton's level of involvement with cases as the agency's new Deputy Director. Ms. Short was directed to add the aging/timeframe of open cases to the Disciplinary Report.

3. Committee Reports

3.1. Exam Qualifications Committee (EQC)

Mr. Wengler delivered the committee's report.

- [08/02/23 EQC Report](#)

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

3.2. Practice Committee (PC)

Mr. VanDeWege delivered the committee's report.

- [07/28/23 PC Report](#)

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

3.3. Executive Committee (EC)

Mr. Hendrickson delivered the committee's report.

- [07/20/23 Communication Task Force Report](#)
- [08/02/23 EC Report](#)

A motion was made by Mr. VanDeWege, and seconded by Ms. Lund, to accept the Executive Committee report. Motion Carried.

3.4. Survey Committee (SC)

Mr. Wengler delivered the committee's report.

- [07/26/23 SC Report](#)

4. New Business

4.1. NCEES Annual Meeting Motions

The Board reviewed the 2023 NCEES annual meeting motions.

Remove: UPLG 2, 3, 5

Amend: EDU 3

Yes: EPLG 26, BOD 1

No: EPLG 13

A motion was made by Mr. Hendrickson, and seconded by Ms. Lund, to delegate the Board's voting authority to meeting attendees and identified Mr. Peden, Board Chair, as the primary voting delegate with ability to amend a motion on the floor. Motion carried.

4.2. Revisions to Policy 36 (from EC)

Mr. Blaisdell made a motion for the Survey Committee to become a standing committee, seconded by Mr. Hendrickson. Motion carried.

4.3. Professional Development Hours (PDH) Audit Process (from PC)

No Action.

4.4. Communication and Outreach Action Plan (from EC)

Ms. Lund made a motion, seconded by Mr. VanDeWege, to accept the Communication and Outreach Action Plan as described in the Executive Committee Report. Motion carried.

4.5. Strategic Planning Session Date and Location

Mr. Fuller asked the Board to select the date, time, and location for a strategic planning session. Agenda Item 4.5. was discussed under Agenda Item 4.6.

4.6. October 2023 Board and Committee Meeting Dates

Mr. Hendrickson motioned to adjust the October 2023 Special Board Meeting and Committee Meeting dates to October 11 and 12, 2023. Motion seconded by Mr. VanDeWege. Mr. VanDeWege made a friendly amendment of the original motion to include the Strategic Planning Session on October 11, 2023. Friendly amendment accepted. Motion approved.

4.7. CR102 – WAC 196-26-110 (from SC)

Ms. Lund motioned for Board Staff to review the implications of proposed changes to the withdrawal of CR102 for WAC 196-26-110 and send it back to the Survey Committee to determine how to proceed. Motion seconded by Mr. Hendrickson. Motion approved.

Discussion:

The Board discussed the process of a Small Business Economic Impact Statement and how Board Staff determine when the impact statement is necessary or required.

5. Director's Report

5.1. Financial Report

The financial report was included in the [board packet](#). The agency is in excellent financial condition and stated the agency is projected to end the biennium with about \$1.6 million in its operating account and is on track to underspend appropriation this biennium by \$617,000. Reported last fiscal year, the agency generated \$4.274 million in revenue vs. just \$3.913 million during the same period last biennium. This represents an increase of about 9.2% between biennia.

5.2. Agency Operations

No business.

5.3. Program Reports

Board Staff provided summaries of the program reports included within the [board packet](#).

5.3.1. Communications & Outreach – Mr. Schieferstein

5.3.2. Regulatory – Ms. Gillespie

5.3.3. Investigation & Compliance – Ms. Short

5.3.4. Licensing – Ms. Cramer

5.3.5. Admin – Ms. Wherrett

5.4. Other Items

No business.

6. Assistant Attorney General's Report

Ms. Lagerberg gave an update on the Tappel case. The Attorney General's Office (AGO) has 3 months to file a brief response to Tappel's appeal to the Supreme Court.

7. Other Business

7.1. Additional Public Comment

Mr. McGowan commented about the Assistant Attorney General's Report. Mr. McGowan stated that Ms. Zimmerman had sent to the Washington State Professional Engineers (WSPE) members the state's response to the Washington State Supreme Court regarding the Tappel Case.

7.2. Upcoming Outreach and Events

- 2023 NCEES Annual Meeting | August 15 – 18, 2023 | Boston, MA
- Rules Hearing for Various WAC Changes | August 23, 2023 | Olympia, WA & MS Teams
- NCEES PE Structural Standard Setting Study | September 18, 2023 | Ms. Lund
- NCEES Exam Audit Committee | September 18, 2023 | Mr. Fuller
- State Specific Exams | September 22, 2023 | Olympia & Spokane, WA
- Strategic Planning Session & Committee Meetings | October 11, 2023 | Spokane, WA & WebEx
- Special Board Meeting | October 12, 2023 | Spokane, WA & WebEx

7.3. Action Items from This Meeting

- Board Staff to send the signed Agreed Order to Mr. Morta.
- Board Staff to adjust the October 2023 Special Board Meeting dates to October 11 & 12, 2023, with Strategic Planning Meeting on October 11, 2023.
- Staff to review the implications of proposed changes to the withdrawal of CR102 for WAC 196-26-110 and send back to Survey Committee to determine how to proceed.
- Board Staff to send NCEES the Board's position on 2023 NCEES annual meeting motions.

7.4. Agenda Items for Next Meeting.

- 2024 Board Meeting Dates
- New Board Member Introduction
- Strategic Planning Items
- Rulemaking for WAC 196-09, 196-12, 196-33
- Revisions to Board Policies - Policy 36

8. Adjourn Meeting

A motion was made by Mr. Hendrickson, and seconded by Mr. VanDeWege, to adjourn the meeting at 2:30 p.m. Motion approved.

Next Meeting: October 12, 2023 – Special Board Meeting – Spokane, WA & WebEx

Respectfully submitted,



Ken Fuller, PE, Director