

Washington State Board of Registration for Professional Engineers & Land Surveyors

Special Board Meeting

October 12, 2023

[WebEx Link](#)

Or

Join by video system, application, or Skype for business

Join from a video system or application

Dial 25567800788@webex.com

You can also dial 173.243.2.68 and enter your meeting
number.

Tap to join from a mobile device (attendees only)

[+1-650-479-3208,,25567800788#53754972#](tel:+1-650-479-3208,25567800788#53754972) US Toll

Board Meeting

Tab 1

Call to Order

- 1.1 Roll Call
- 1.2 Order of Agenda
- 1.3 New Board Member & Staff Introductions
- 1.4 Approval of August 3, 2023 Meeting Minutes
- 1.5 Approval of August Board Member Training Report
- 1.6 Review Correspondence & Communications
- 1.7 Public Comment Opportunity



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

Special Board Meeting Agenda

DATE & TIME: October 12, 2023 8:30 am

LOCATION: Davenport Grand Hotel Meeting Room 7 and Or
 333 W Spokane Falls Blvd
 Spokane, WA 99201

[WebEx Link](#)
Tap to join from a mobile device
[+1-650-479-3208](tel:+16504793208),,25567800788#53754972# 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.

OPEN SESSION

1. Call to Order

- 1.1. Roll Call
- 1.2. New Board Member & Staff Introductions
- 1.3. Order of Agenda
- 1.4. Approval of August 3, 2023 Meeting Minutes
- 1.5. Approval of August Board Member Training Report
- 1.6. Review Correspondence & Communications
- 1.7. Public Comment Opportunity

EXECUTIVE SESSION: The chair will announce the purpose and estimated duration for the Executive Session. No formal actions will be taken during the Executive Session. Once the Executive Session concludes, the Board will take a break to announce and invite visitors to Open Session.

OPEN SESSION RECONVENES

2. Disciplinary Action

- 2.1. Case Deliberation
- 2.2. Disciplinary Report
 - 2.2.1. Case Management Tracker

3. Committee Reports

- 3.1. On-Site Wastewater Ad Hoc Committee (OSC)
- 3.2. Practice Committee (PC)
- 3.3. Executive Committee (EC)
- 3.4. Survey Committee (SC)
- 3.5. Exam Qualifications Committee (EQC)

4. New Business

- 4.1. PLS Exam Cut Scores
- 4.2. On-Site Exam Cut Scores
- 4.3. Strategic Planning Session Report
- 4.4. Rulemaking
 - 4.4.1 WAC 196-09
 - 4.4.2 WAC 196-12
 - 4.4.3 WAC 196-33
 - 4.4.4 WAC 196-26A & 196-30
- 4.5. Revisions to Board Policy 36
- 4.6. Revisions to Board Policy 39
- 4.7. 2024 Board Meeting Dates

5. Director's Report

- 5.1. Financial Report
- 5.2. Agency Operations
- 5.3. Program Reports
 - 5.3.1. Communication & Outreach
 - 5.3.2. Regulatory
 - 5.3.3. Investigation & Compliance
 - 5.3.4. Licensing
 - 5.3.5. Admin
- 5.4. Other Items

6. Assistant Attorney General's Report

- 6.1. Update on Tappel Case

7. Other Business

- 7.1. Additional Public Comment
- 7.2. Upcoming Outreach and Events
- 7.3. Action Items from This Meeting
- 7.4. Agenda Items for Next Meeting

8. Adjourn Meeting



**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
 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 with 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 196-29-110 (from SC)

Ms. Lund motioned for Board Staff to review the implications of proposed changes to the withdrawal of CR102 for WAC 196-29-110 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 196-29-110 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

DRAFT



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

Board Member Training Report

DATE: August 2, 2023
TIME: 2:00 p.m.
LOCATION: Radisson Hotel SeaTac Orcas
 Room
 18118 International Blvd
 Seattle, WA 98188

Training Facilitators: Jill Short, Investigator
 Shanan Gillespie, Regulatory Program Manager
 Mackenzie Wherrett, Executive Assistant
 Danitza Casselman, AAG
 Elizabeth Lagerberg, AAG

Board Members: Dave Peden, PE, SE
 Doug Hendrickson, PE
 Ivan VanDeWege, PE
 James Wengler, PLS (Webex)
 Marjorie Lund, PE, SE
 Mike Harney, PE

Board Staff: Ken Fuller, PE, Director
 Kristina Horton, PLS, Deputy Director
 Vonna Cramer, Licensing Lead
 Greg Schieferstein, Communication Manager

Guests: Sharon Zimmerman, PE (Webex)

1. Board Training

The [Board Member Training PowerPoint](#) was presented on screen and via Microsoft Teams Meeting. The following training topics were discussed.

- 1.1. Welcome and Introduction
 Training facilitators were introduced. Ms. Lagerberg gave a brief overview of the training topics.
- 1.2. Role of a Case Manager
 Discussion on the role of a case manager also included other steps within the enforcement process.

- 1.1. Open Public Meetings Act Overview
Ms. Lagerberg gave an overview of the Open Public Meetings Act.
- 1.2. Public Records Act Overview
Ms. Gillespie gave an overview of the Public Records Act.
- 1.3. FTC vs. NC Dental Board Case Overview
Ms. Lagerberg presented the PowerPoint, '[FTC Vs. NC Dental Board Case Overview](#)' on screen and via Microsoft Teams Meeting.
- 1.4. Questions?
There was discussion about who drafts a letter of education, when to call the prosecuting AAG and if collection agencies can report to the credit reporting agencies.

2. Adjourn

Board member training concluded at 4:52 p.m.

DRAFT

Wherrett, Mackenzie (BRPELS)

From: Fuller, Ken (BRPELS)
Sent: Monday, August 21, 2023 7:52 AM
To: van@appellationeng.com
Cc: Engineers (BRPELS); Wherrett, Mackenzie (BRPELS)
Subject: RE: PROFESSIONAL ENGINEERS DOING ARCHITECTURE

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Van,

The Board and our AAG have had several discussion relating to who makes the decision on which design professional is required for a project relating to the building codes. RCW 18.43 and WAC 196 do not define the specific areas of practice which require one over the other and it was determined that the jurisdiction permitting the project has the discretion to make that decision.

I will forward your request for review of the AG opinion to our advising attorney and our board executive committee for their review and direction.

Thank you,

Ken Fuller, PE
Director
541.647.7265



STATE OF WASHINGTON
 BOARD OF REGISTRATION FOR
 PROFESSIONAL ENGINEERS AND LAND SURVEYORS
 "We do what is right all of the time"

[Home | Board of Registration for Professional Engineers & Land Surveyors \(wa.gov\)](#)

From: Engineers (BRPELS) <BRPELS.Engineers@brpels.wa.gov>
Sent: Monday, August 21, 2023 6:51 AM
To: Fuller, Ken (BRPELS) <Ken.Fuller@brpels.wa.gov>
Subject: FW: PROFESSIONAL ENGINEERS DOING ARCHITECTURE

For you

Thank you
 Vonna

From: van appelliationeng.com <van@appellationeng.com>
Sent: Friday, August 18, 2023 10:20 AM
To: Engineers (BRPELS) <BRPELS.Engineers@brpels.wa.gov>
Subject: PROFESSIONAL ENGINEERS DOING ARCHITECTURE

External Email

I HAVE READ THE ATTORNEY GENERAL OPINION RELATING TO ENGINEERS DOING BUILDING DESIGN. I HAVE BEEN LICENSED MANY YEARS AND ROUTINELY DO BUILDING PLANS. THIS HAS BEEN TAKEN FOR NORMAL PRACTICE AND NOW SOME CITIES ARE QUESTIONING MY SUBMITTING BUILDING PLANS. AS AN ENGINEER I CAN DESIGN, DO CODE APPLICATION, STRUCTURAL AND SITE DRAINAGE ON PROJECT. CIVIL ENGINEERS ARE AS OR MORE COMPETENT IN THIS AREA. I WOULD LIKE TO SEE THE BOARD LOOK INTO THIS AB OPINION. AFTER DOING A LOT OF THIS TYPE OF WORK FOR THE LAST 50 YEARS IT APPEARS ENGINEERS ARE POSSIBLY BEING RESTRICTED.,

VAN VOORHIES, PE WA 22041 AND OR 9717

Board Meeting

Tab 2

Disciplinary Action

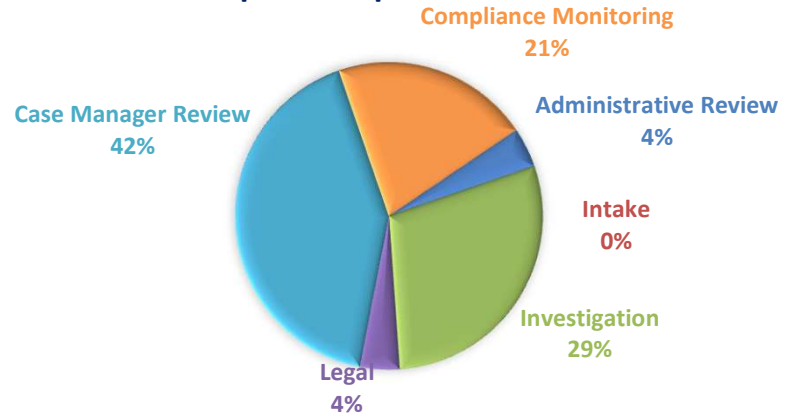
- 2.1 Case Deliberation
- 2.2 Disciplinary Report
 - 2.2.1. Case Management Tracker

Board of Registration for Professional Engineers Land Surveyors Disciplinary Report - October 2023

Open Case Status

Status	Program Type			Total
	Engineers	Land Surveyors	OSW	
Administrative Review	0	1	0	1
Intake	0	0	0	0
Investigation	2	3	2	7
Legal	0	1	0	1
Case Manager Review	1	8	1	10
Compliance Monitoring	4	1	0	5
Total	7	14	3	24

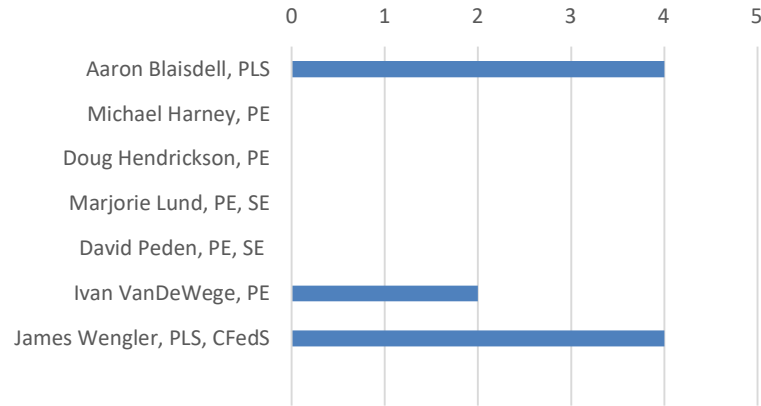
Open Complaint Status



Case Manager Review










Case Manager	Program Type		Total
	Engineers	Land Surveyors	
Aaron Blaisdell, PLS	0	4	4
Michael Harney, PE	0	0	0
Doug Hendrickson, PE	0	0	0
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	4	4
Total	2	8	10

Case Manager Open Complaints



Administrative Review

Board Staff	Engineers	Land Surveyors	OSW	Total
Ken Fuller, PE	0	0	0	0
Kristine Horton, PLS	0	1	0	1
Total	0	1	0	1

Profession ▾	Complaint Stag... ▾	Next Action Du... ▾	Assigned to ↑ ▾	Journal of Actio... ▾	Action On ▾	Investigations ... ▾	Administrative ... ▾	Case Manager ▾	Case File Link ▾
Land Surveyors	Management Review - Investigative Review and Recommendations	October 19	 Blaisdell, Aaron (BRP)	View Entries	Case Manager	Short, Jill (BRPELS)	Short, Jill (BRPELS)	Blaisdell, Aaron (BRPELS B	https://stateofwa.shar
Land Surveyors	Management Review - Investigative Review and Recommendations	October 19	 Blaisdell, Aaron (BRP)	View Entries	Case Manager	Short, Jill (BRPELS)	Short, Jill (BRPELS)	Blaisdell, Aaron (BRPELS B	https://stateofwa.shar
On-site	Intake - Respondent Brief Response	2 days from now	 Short, Jill (BRPELS)	View Entries	Investigations Manager	Short, Jill (BRPELS)	Short, Jill (BRPELS)		https://stateofwa.shar
Engineers	Investigation - Meet with Case Manager and Reviewer to determine investigative plan	Tomorrow	 Short, Jill (BRPELS)	View Entries	Investigations Manager	Short, Jill (BRPELS)	Short, Jill (BRPELS)		https://stateofwa.shar
Land Surveyors	Admin Review - Board Consult	2 days from now	 Short, Jill (BRPELS)	View Entries	Investigations Reviewer	Short, Jill (BRPELS)	Short, Jill (BRPELS)		https://stateofwa.shar
Land Surveyors	Investigation - Meet with Case Manager and Reviewer to determine investigative plan	Tomorrow	 Short, Jill (BRPELS)	View Entries	Investigations Manager	Short, Jill (BRPELS)	Short, Jill (BRPELS)		https://stateofwa.shar
Land Surveyors	Investigation - Meet with Case Manager and Reviewer to determine investigative plan	Tomorrow	 Short, Jill (BRPELS)	View Entries	Investigations Manager	Short, Jill (BRPELS)	Short, Jill (BRPELS)		https://stateofwa.shar
Land Surveyors	Investigation - Meet with Case Manager and Reviewer to determine investigative plan	6 days from now	 Short, Jill (BRPELS)	View Entries	Investigations Manager	Short, Jill (BRPELS)	Short, Jill (BRPELS)	Blaisdell, Aaron (BRPELS B	https://stateofwa.shar
Land Surveyors	Investigation - Meet with Case Manager and Reviewer to determine investigative plan	6 days from now	 Short, Jill (BRPELS)	View Entries	Investigations Manager	Short, Jill (BRPELS)	Short, Jill (BRPELS)	Blaisdell, Aaron (BRPELS B	https://stateofwa.shar

Board Meeting

Tab 3

Committee Reports

- 3.1 On-Site Wastewater Ad Hoc Committee (OSC)
- 3.2 Practice Committee (PC)
- 3.3 Executive Committee (EC)
- 3.4 Survey Committee (SC)
- 3.5 Exam Qualifications Committee (EQC)

Board Meeting

Tab 4

New Business

- 4.1. PLS Exam Cut Scores (from EQC)
- 4.2. On-Site Exam Cut Scores (from EQC)
- 4.3. Strategic Planning Session Report
- 4.4. Rulemaking
 - 4.4.1. WAC 196-09 (from PC)
 - 4.4.2. WAC 196-12 (from EQC)
 - 4.4.3. WAC 196-33 (from PC)
 - 4.4.4. WAC 196-26A & 196-30 (from EQC)
- 4.5. Revisions to Board Policy 36 (from EC)
- 4.6. Revisions to Board Policy 39 (from PC)
- 4.7. 2024 Board Meeting Dates

AMENDATORY SECTION (Amending WSR 21-22-092, filed 11/2/21, effective 12/3/21)

WAC 196-09-015 Complaint processing approach. The board processes complaints as follows:

(1) Anyone may submit a complaint against a licensed or unlicensed person alleging unprofessional conduct, unlicensed practice, or any other violations of chapter 18.43, 18.235, or 18.210 RCW. Complaints must be sworn to in writing and should include documentation of the alleged conduct.

(2) Upon receipt of the complaint, board staff will send an acknowledgment of the complaint to the complainant. If the subject of the complaint ("respondent") is a licensee, the board will notify the licensee respondent that a complaint was filed against them and include a copy of the complaint documents.

(3) Board staff will conduct an initial review of the complaint to determine whether the complaint raises a potential violation that would fall within the jurisdiction ~~((and purview of a potential board action.~~

~~((a) If board staff determines there are no violations))~~ of the board's regulatory powers. If the complaint does not raise a potential violation of law within the board's jurisdiction, the complaint is administratively closed after recommendation to the board, and the parties are notified of the closure.

~~((b) If board staff determines))~~ (4) If there is a potential violation, a ((formal investigation)) case is opened, a case file is created, and an investigator and case manager are assigned. The respondent is notified, and a response to the allegations in the complaint is requested.

~~((4))~~ (5) The investigator will conduct a formal investigation which may include requests for documentation and interviews of the complainant, respondent, and other associated parties. All records gathered during the investigation will be placed in the case file.

(6) When the investigation is complete, the case manager will review and evaluate ((all documentation or comments received (the investigation file),)) the case file with the investigator, and may ask additional questions of any party, or call for further investigation. When the case manager completes their review ((of the documentation)), they will draft a written report, which will ((result in either)) include facts, possible violations and recommendation on the disposition of the case which may be case closure, case closure with remedial counseling, ((expedited resolution,)) or issuance of ((statement of)) charges.

~~((5))~~ (7) The board may resolve a complaint or investigation at any time during this process.

(8) If a complainant requests reopening of a closed complaint or investigation, the board may only do so upon receipt of additional evidence or information in support of the original complaint that is relevant to the allegations. Submission of additional documentation does not guarantee the complaint or investigation will be reopened.



STATE OF WASHINGTON
**BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**
P.O. Box 9025, Olympia, WA 98507-9025

**Washington Administrative Code
Notice of Permanent Rules for WAC 196-09-015
Complaint Process Approach**

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rulemaking.

Adoption of: WAC 196-09-015

Effective date: These rule changes will become effective 31 days after filing (approximately November 18, 2023).

Summary of all public comments received on this rule proposal and the agency's response to those comments:

No public comments, oral or written, were received.

Changes made to the proposed WAC as a result of public comment:

None.

The Board appreciates your involvement in this rule making process. If you have any questions, please contact Shanán Gillespie, Board Rules Coordinator, at (360) 664-1570 or e-mail at Shanan.Gillespie@brpels.wa.gov.

CODE REVISER USE ONLY



RULE-MAKING ORDER

PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

Agency: Board of Registration for Professional Engineers and Land Surveyors

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: WAC 196-09-015 *Complaint processing approach* was amended to clarify the complaint process staff and the board member use when reviewing complaint documentation. Language was added regarding complainant requests to reopen closed complaints and/or investigations.

Citation of rules affected by this order:

New:
 Repealed:
 Amended: 196-09-015
 Suspended:

Statutory authority for adoption: RCW 18.43.035

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 23-14-089 on June 30, 2023 (date).
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
 Address:
 Phone:
 Fax:
 TTY:
 Email:
 Web site:
 Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

Date Adopted:	Signature: Place signature here
Name: Ken Fuller	
Title: Director	

AMENDATORY SECTION (Amending WSR 22-17-121, filed 8/23/22, effective 9/23/22)

WAC 196-12-010 Licensure requirements for all applicants—Initial licensure and licensed in another jurisdiction. To become licensed as a professional engineer in the state of Washington, whether you are applying for an initial license or you possess a license in another jurisdiction, you must meet the requirements for experience and examinations described below, which need not be completed within the state of Washington:

(1) **Experience:** Have eight years of experience in engineering work of a character satisfactory to the board:

(a) The eight years may be a combination of education and practical work experience.

(b) The eight years of experience must be broad based and progressive to include gaining knowledge and comprehension of engineering subjects and applying engineering principles.

(2) **Examination requirements:** An applicant must have received passing scores on two stages of examination(s). One must test the fundamentals of engineering and the other must test the principles and practice of engineering. Exam results must be independently verified by a NCEES member board, or a board approved foreign jurisdiction.

(a)(i) **Fundamentals of engineering examination** must meet the following requirements:

(ii) The examination must be either:

(A) The National Council of Examiners for Engineering and Surveying (NCEES) fundamentals-of-engineering (FE) examination; or

(B) An equivalent examination as determined by the board which tests the applicant's knowledge of appropriate fundamentals of engineering subjects including mathematics and the basic sciences as defined in RCW 18.43.040 (1)(b)(i) and was administered by a board approved foreign jurisdiction.

(b) Fundamentals of engineering examination waiver shall be granted to an applicant licensed in another jurisdiction provided that:

(i) The professional engineering license is currently active and is in good standing.

(ii) The license is in a branch of engineering currently recognized by the board.

(iii) The applicant has been actively licensed in a board recognized licensing jurisdiction for a minimum of 10 years since receiving their initial professional engineering license.

(c) **Principles and practice of engineering examination:** The principles and practice of engineering (PE) examination must be the examination administered by NCEES.

(3) **Additional licensure requirements:** An applicant must meet the following additional requirements for licensure:

(a) Receive a passing score on the Washington engineer law review exam;

(b) Fully complete the application form to the satisfaction of the board; and

(c) Pay all applicable fees.

AMENDATORY SECTION (Amending WSR 22-17-121, filed 8/23/22, effective 9/23/22)

WAC 196-12-014 PE licensure application form. The board has a single application form for PE licensure in the state of Washington. This application form must be used by all applicants including those applying for the PE exam and licensure concurrently, those who have already taken the PE examination in another jurisdiction but have not obtained their initial license, and those who are already licensed in another jurisdiction and are seeking a license in Washington state.

(1) **Current PE examination and licensure applications:** Applicants who have not taken the PE examination will apply for both the PE examination and licensure on the application form. In order to be approved by the board to take the PE examination, the applicant must complete all sections of the form, except the date and location of taking the PE exam and must otherwise meet all of the qualifications for licensure. Upon passing the PE examination, the applicant is also qualified for licensure.

Applications for PE examination and licensure must be received at the board's address with the applicable fee by the date posted on the board's website.

(2) **All other applicants for PE licensure in Washington state.** All other applicants applying for licensure in the state of Washington, including those who are licensed in another jurisdiction or have passed the Principles & Practices of engineering examination but have not obtained their initial license, must complete all sections of the application form provided by the board.

~~((a))~~ (3) All applicants must provide information on the application form that demonstrates they meet all requirements for licensure. This includes work experience requirements, education requirements, and examination requirements as detailed in WAC 196-12-010, 196-12-020, and 196-12-021; and RCW 18.43.040.

~~((b))~~ (4) All applicants must provide the following documents to verify ~~((these))~~ the work experience, education, and examination requirements:

(a) A completed NCEES record transmitted to the Washington board;
or

(b) Provide all the following documents:

(i) Education experience records - Official transcripts or the equivalent, showing all grades and degrees.

(ii) Work experience records - Completed form titled "Professional Engineering Experience Verification" which includes not only work experience information and details but also verifications of work experience by supervisors or other verifiers, per RCW 18.43.050.

(iii) Verification of licensing in any other jurisdiction(s), if any.

(iv) Verification of passing the FE examination or its equivalent (if any) or verification of FE waiver and verification of passing the PE examination.

AMENDATORY SECTION (Amending WSR 22-17-121, filed 8/23/22, effective 9/23/22)

WAC 196-12-020 Work experience records. The following criteria will be used in evaluating an applicant's experience record:

(1) Work experience will be approved based on a demonstration of competency and progressive responsibility in the analysis, synthesis and evaluation of engineering concepts and data, under the direct supervision of a person authorized by chapter 18.43 RCW or other applicable statute to practice engineering. Under the general guidance and direct supervision of an authorized professional, the applicant must be in a position of making independent judgments and decisions in the following experience areas:

- (a) Formulating conclusions and recommendations;
- (b) Identifying design and/or project objectives;
- (c) Identifying possible alternative methods and concepts;
- (d) Defining performance specifications and functional requirements;
- (e) Solving engineering problems;
- (f) Interacting with allied professionals;
- (g) Effectively communicating recommendations and conclusions;
- (h) Demonstrating an understanding and concern for energy/environmental considerations, socioeconomic impact, and sustainability of resources.

(2) Engineering teaching may be considered satisfactory experience up to a maximum of two years at the discretion of the board.

(3) Applied research is considered satisfactory experience when it meets the following conditions:

(a) The research must be conducted under the guidance or supervision of a professional engineer. For the purposes of this subsection, guidance or supervision means being cognizant of all applicable aspects of the work and a reviewer of all applicable reporting documentation.

(b) The principal result(s) of the research are in a published report or a recognized engineering journal article in which the applicant is the primary author or the work is adequately documented and available to the board upon request.

(4) For military engineering experience to be considered acceptable, it should be similar to engineering experience that would be gained in a nonmilitary environment as defined in subsection (1) of this section, and such experience must be verified.

(5) Experience credit for an undergraduate degree cannot be earned concurrently with work experience credit. No more than one year of experience will be granted for one calendar year.

(6) Work experience gained while enrolled in a postgraduate engineering program may be considered satisfactory experience at the discretion of the board. No more than one year of experience will be granted for one calendar year.

(7) All work experience gained must be under the direct supervision of a professional engineer authorized to practice under chapter 18.43 RCW or an individual authorized by another statute to practice engineering.

AMENDATORY SECTION (Amending WSR 22-17-121, filed 8/23/22, effective 9/23/22)

WAC 196-12-021 Education as experience (~~(records)~~). Education may be counted towards the eight years of experience requirement specified in WAC 196-12-010. Official transcripts must be sent to the board's office for review and approval.

(1) A baccalaureate degree in engineering in a program accredited by the accreditation board for engineering and technology (ABET) is equivalent to four years of required experience. Satisfactory completion of each year of such an approved program is equivalent to one year of experience.

(2) A degree in engineering from a non-ABET accredited engineering program may be given four years at the discretion of the board. The board will determine if the degree is satisfactory in awarding years of experience.

(3) No more than one year may be granted for postgraduate engineering courses.

(4) A baccalaureate degree in a nonengineering program will be given a maximum of two years of experience.

(5) An associate degree in engineering from an approved program may be equivalent for up to two years of experience.

(6) Sporadic engineering related education may be considered as experience by the board at its discretion. For example, one or two engineering classes taken at a time, often at different schools; and/or classes taken through industry or the military may count as experience. In evaluating this type of education, the board will compare the courses taken to college coursework in a baccalaureate of engineering degree program.

(a) A number of foreign degree programs are included in mutual recognition agreements entered into by ABET with other accrediting authorities. Applicants with a degree from one of these programs will be evaluated by the board.

(b) Applicants having engineering degrees from programs in countries that are not ABET accredited will be required to have their transcripts evaluated by a transcript evaluation service approved by the board. This evaluation will be performed at the applicant's expense, and the applicant will be responsible for submitting all necessary information to the evaluation service. The board will use the evaluation to determine if the foreign degree is satisfactory to the board to award years of experience.

(c) An applicant with an undergraduate degree from a foreign program that is not ABET accredited, (~~(can waive the requirement for a degree evaluation)~~) is not required to have their undergraduate degree evaluated if they have a graduate degree in engineering from a school that has an ABET accredited undergraduate engineering degree program in the same discipline as the graduate degree. Years of experience will be determined at the discretion of the board.

For maximum experience credit the applicant must have their non-ABET accredited undergraduate degree from a foreign program evaluated by a transcript evaluation service approved by the board.

(7) Any other education may be taken into account and evaluated on its merits by the board.

~~((8) Work experience gained between semesters or quarters or during summers while enrolled in an approved curriculum may be counted as experience at the discretion of the board.))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 196-12-045 Registration of applicants licensed in
 other jurisdictions.



STATE OF WASHINGTON
**BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**
P.O. Box 9025, Olympia, WA 98507-9025

**Washington Administrative Code
Notice of Permanent Rules for WAC 196-12
Registered professional engineers.**

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rulemaking.

Adoption of: WAC 196-12

Effective date: These rule changes will become effective 31 days after filing (approximately November 18, 2023).

Summary of all public comments received on this rule proposal and the agency's response to those comments:

No public comments, oral or written, were received.

Changes made to the proposed WAC as a result of public comment:

None.

The Board appreciates your involvement in this rule making process. If you have any questions, please contact Shanán Gillespie, Board Rules Coordinator, at (360) 664-1570 or e-mail at Shanan.Gillespie@brpels.wa.gov.



RULE-MAKING ORDER

PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

Agency: Board of Registration for Professional Engineers and Land Surveyors

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: Changes to WAC 196-12 Registered professional engineers, are needed to implement changes to RCW 18.43.110 in 2023, and to clarify recently amended language regarding processes and requirements for licensure as a professional engineer in Washington. This rule change will impact all applicants applying for licensure as a Professional Engineer or Structural Engineer in Washington, but they will have no additional costs to implement and comply. The amendments include language necessary to implement a fundamental exam waiver for out-of-state applicants that are currently licensed in another jurisdiction, clarifies education as experience, and repeals duplicate language.

Citation of rules affected by this order:

New:
 Repealed: 196-12-045
 Amended: 196-12-010, 196-12-014, 196-12-020, 196-12-021
 Suspended:

Statutory authority for adoption: RCW 18.43.035

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 23-14-091 on June 30, 2023 (date).
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
 Address:
 Phone:
 Fax:
 TTY:
 Email:
 Web site:
 Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency’s own initiative:

New	<u>0</u>	Amended	<u>4</u>	Repealed	<u>1</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>4</u>	Repealed	<u>1</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>4</u>	Repealed	<u>1</u>

Date Adopted:	Signature: Place signature here
Name: Ken Fuller	
Title: Director	

AMENDATORY SECTION (Amending WSR 01-11-102, filed 5/21/01, effective 6/21/01)

WAC 196-33-100 Purpose and definitions. (1) The purpose of chapter 196-33 WAC is to provide further guidance to licensees with respect to the accepted professional conduct and standard of practice, as indicated in chapter 18.210 RCW, and generally expected of those practicing professional on-site wastewater treatment system designing. These standards shall apply to all persons authorized to practice on-site wastewater treatment system design services, whether licensed professional designers under chapter 18.210 RCW, or licensed professional engineers under chapter 18.43 RCW. The board recognizes the need to establish standards with which to measure the performance of practitioners. The board further recognizes, as a minimum standard, those standards for the design of on-site wastewater treatment systems required by chapter ((246-272)) 246-272A WAC, promulgated by the state board of health in accordance with their authority granted in RCW 43.20.050. It is the intent of the board to introduce guidance and direction through these rules, together with recommended standards and guidance documents.

(2) The word "licensee" in these rules of professional practice shall mean any person holding a license issued in accordance with chapter 18.210 RCW, or chapter 18.43 RCW, issued by this board.

(3) All licensees are charged with having knowledge of and practicing in accordance with the provisions of these rules of professional practice.

(4) Should there be any conflict in the guidance provided in this chapter and the intent of the language of chapter 18.210 RCW, the intent of the language in chapter 18.210 RCW prevails.

(5) Terms used in this chapter shall have the same definition as provided in chapter 18.210 RCW.

AMENDATORY SECTION (Amending WSR 07-10-127, filed 5/2/07, effective 6/2/07)

WAC 196-33-200 ((Fundamental[s])) Fundamental canons and guidelines for professional practice and conduct. The specialized and complex knowledge required for on-site wastewater treatment system design makes it imperative that licensees exercise a standard of care that holds paramount the protection of the health, safety, environment, property, and welfare of the public.

(1) Licensees are expected to apply the skill, diligence and judgment required by the professional standard of care, to achieve the goals and objectives agreed with the client or employer, and are expected to promptly inform the client or employer of progress and changes in conditions that may affect the appropriateness or achievability of some or all of the goals and objectives of the client or employer. Licensees are obliged to:

(a) Be honest and fair in their dealings, and to conform to the relevant laws and codes of the jurisdiction in which they practice.

(b) Be able to demonstrate that their final products and work plans adequately consider the primary importance of protecting the safety, health, property, and welfare of the general public.

- (c) Approve or seal only documents prepared by them or under their direct supervision.
- (d) Inform their clients or employers of the possible consequences, when an overruling or disregarding of the licensee's professional judgment may threaten the safety or health of the public. If in the judgment of the licensee an imminently dangerous situation persists, they shall promptly inform appropriate authorities.
- (e) Inform the board in writing, citing specific facts to which the licensee has direct knowledge, if they have knowledge or reason to believe that another person or firm may be in violation of any of the provisions of chapter 18.210 RCW or these rules of professional conduct, and cooperate with the board in furnishing such further information or assistance as may be required.
- (2) Licensees shall be competent in the technology, and knowledgeable of the codes, regulations, and guidelines applicable to the services they perform.
- (3) Licensees shall be qualified by education and/or experience in the technical area of on-site wastewater treatment system design applicable to services performed and the technologies utilized.
- (4) Licensees may accept primary contractual responsibility requiring education and/or experience outside their own area of competence, provided their services are restricted to those phases of the project in which they are qualified.
- (5) Licensees shall not affix their signatures or seals to any plan or document dealing with subject matter in which they lack competence by virtue of education and/or experience.
- (6) Licensees shall act in professional matters for each employer or client as faithful agents or trustees.
- (7) Licensees shall be objective and truthful in professional documents, reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements or testimony. They shall not knowingly falsify, misrepresent or conceal a material fact in offering or providing services to a client or employer.
- (8) Licensees shall avoid all known or potential conflicts of interest with their employers or clients and shall promptly inform their employers or clients of any business association, interest, or circumstances, which could influence their judgment, or the quality of their services.
- (9) Licensees shall only accept compensation from one party for services on a project, unless the circumstances are fully disclosed to and agreed to, by all interested parties.
- (10) Licensees shall not solicit or, accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with their clients or employers in connection with work for which they are responsible.
- (11) Licensees shall advise their employers or clients when, as a result of their studies, they believe a project will not achieve the goals established with the client.
- (12) Licensees shall not use confidential information coming to them in the course of their assignments as a means of making personal profit if such action is adverse to the interests of their clients, employers or the public.
- (13) Licensees employed full-time shall not accept professional employment outside of their regular work or interest without the knowledge and consent of their employers.

(14) Licensees shall offer their professional services in a truthful, objective, and professional manner that results in public trust in the integrity of the on-site design profession.

(15) Licensees shall not request, propose or accept professional commissions on a contingent basis under circumstances in which their professional judgments may be compromised.

(16) Licensees shall not offer or accept money, goods or other favors as inducement to receive favorable consideration for a professional assignment or as an inducement to approve, authorize or influence the granting of a professional assignment. This shall not preclude the securing of salaried positions through employment agencies.

(17) Licensees shall negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of professional service required.

(18) Licensees shall not falsify or permit misrepresentation of their academic or professional qualifications or experience.

(19) Licensees shall not advertise professional services in a way that is false or misleading as to the qualification, experience, or capability of the licensee.

(20) Public statements by licensees regarding the practice of on-site wastewater treatment systems design shall be objective and truthful.

(21) Licensees should endeavor to extend the public knowledge of on-site wastewater treatment system design and shall not participate in the dissemination of untrue, unfair, or exaggerated statements regarding the profession.

(22) Professional reports, statements, or testimony made to the public or public entities shall include all relevant and pertinent information to support conclusions or opinions expressed.

(23) Licensees when serving as an expert witness shall express an on-site design opinion only when it is founded upon adequate knowledge of the facts, upon a background of technical competence, and upon honest conviction.

(24) Licensees shall issue no statements, criticisms, or arguments regarding on-site design matters, which are inspired or paid for by interested parties, unless they indicate on whose behalf the statements, are made.

(25) Licensees shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those individuals under their supervision.

(26) Licensees shall respond to any legal request for information by the board and/or appear before the board in the time frame established by the board or their staff designee.

(27) In addition to the requirements of RCW 18.210.020 and this chapter, the following acts are contrary to the standard of practice for individuals authorized to practice under this chapter and constitute unprofessional conduct in the practice of on-site wastewater treatment system designing:

(a) Duplicating, copying, removing or attempting to remove materials from the custody and control of the board that are exempt from inspection or copying under chapter 42.17 RCW when such duplication, copying or removal was not expressly authorized by the board.

(b) Failure to notify a client or employer that a project could not be completed or was not completed.

(c) Failure to respond to client inquiries under conditions which endanger the health, safety, or welfare of the public or the client or the client's property.

(d) Failure to respond to inquiries from other on-site practitioners or governmental agencies regarding differences in your respective work products, under conditions which endanger the public health, safety, or welfare or the health, safety, or welfare of the client or the client's property.

(e) Any act, statement or behavior that harasses, intimidates or retaliates against anyone who has provided information, assistance or testimony in connection with any board inquiry, investigation, hearing or other proceeding.

(f) Disorderly, discriminatory or abusive behavior or statements which are significantly disruptive to the normal activities of a place of business or public view, where such behavior would give anyone witnessing the act a reasonable belief to be concerned for their safety or well-being.

AMENDATORY SECTION (Amending WSR 01-11-102, filed 5/21/01, effective 6/21/01)

WAC 196-33-300 Providing direct supervision. Direct supervision (~~(is a combination of activities by which)~~) by a licensee (~~(maintains)~~) is described as follows:

(1) Maintaining control over those decisions that are the basis for the findings, conclusions, (~~(analysis)~~) analyses, rationale, details, and judgments that are embodied in the development and preparation of on-site plans, specifications, reports, and related activities. (~~(Direct supervision explains the relationship between the licensee and those persons who are performing the work controlled by the licensee. Direct supervision)~~)

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

(~~(Communications between the licensee and those persons who are performing the work)~~) (3) These actions may include, but are not limited to (~~(, use of any of the following ways)~~): Direct face-to-face communications; written communications; U.S. mail; electronic mail; facsimiles; telecommunications, or communication through other current technology (~~(: Provided, that the licensee retains, maintains, and asserts continuing control and judgment.~~)

~~Nothing in this section shall be construed to relieve the licensee from the responsibility of final decision making and plan stamping).~~

(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. Reviewing documents as defined by WAC 196-33-500, after preparation without involvement in the design and development process as described above cannot be accepted as direct supervision.

AMENDATORY SECTION (Amending WSR 01-11-102, filed 5/21/01, effective 6/21/01)

WAC 196-33-500 Seal and stamp usage. The use of the seal/stamp shall be in accordance with chapters 18.43 and 18.210 RCW, or as otherwise described herein:

(1) Final documents are those documents that are prepared and distributed for use for construction, final agency approvals, use by clients, and record drawings or as-builts for filing with public officials where such record drawings or as-builts are required to be prepared by the licensee. Any final document must contain the seal/stamp, ~~((license expiration date and))~~ signature, and date of signature of the licensee who prepared or directly supervised the work. For the purpose of this section, "document" is defined as plans, designs, specifications ((and)), reports, and as-built documents prepared by the licensee.

(2) Preliminary documents are those documents not considered final as defined herein~~((r))~~ but are released or distributed by the licensee. Preliminary documents must be clearly identified as "PRELIMINARY" or contain such wording so it may be differentiated from a final document. Preliminary documents ~~((shall))~~ must be stamped ~~((and dated))~~, but need not be signed or dated by the licensee.

(3) Plan sets: Every page of a plan set must contain the seal/stamp and signature of the licensee(s) who prepared or who had direct supervision over the preparation of the work, and date of signature.

(a) Plans/designs containing work prepared by or under the direct supervision of more than one licensee shall be sealed/stamped, signed, and dated by each licensee and shall clearly note the extent of each licensee's responsibility.

~~((b))~~ ~~((As provided for in subsections (1) and (2) of this section, each page of a plan set must contain the seal/stamp of the licensee who prepared or who had direct supervision over the preparation of the work and may contain the signature of the licensee depending on whether the plan set is final or preliminary.~~

~~((e))~~ Plan/design sheets containing and/or depicting background and/or supporting information that is duplicated from other plans need only be sealed/stamped by the licensee(s) who prepared or was in direct supervision of the design ~~((on that plan sheet. Whenever possible,))~~. The origin of the background information ~~((should))~~ shall be noted on the plan sheet.

~~((d))~~ (c) All design revisions to final plan/design sheets shall ~~((be performed by qualified licensees and shall be done in accordance with the provisions of RCW 18.210. The revised plan/design sheets shall))~~ clearly identify on each sheet~~((r))~~ the revisions made and shall contain the name and seal of the licensee, and signature of licensee with the date the ~~((revision))~~ sheet was ~~((made))~~ sealed.

(4) Specifications: Specifications that are prepared by or under the direct supervision of a licensee shall contain the seal/stamp ~~((and)),~~ signature of the licensee, and date of the signature. If the specifications prepared by a licensee are a portion of a bound specification document that contains specifications other than that of an on-site design nature, the licensee need only seal/stamp that portion or portions of the documents for which the licensee is responsible. Nothing herein should be construed to require that each page of ~~((a))~~ an on-site design specification be sealed/stamped by the licensee.

(5) Document review: When a licensee is required to review work prepared by another licensed on-site designer, the reviewing licensee shall fully review those documents ~~((and))~~. If required, the licensee shall prepare a report that discusses the findings of the review with any supporting calculations and sketches. The reviewing licensee would then seal/stamp ~~((and))~~, sign, and date the report. The report would make reference to and/or be attached to the subject document(s) reviewed.

(6) Nothing in this section requires the stamping of plans/designs by employees of local health districts acting in ~~((their))~~ that capacity as on-site inspectors/reviewers, whether or not licensed under chapter 18.210 RCW.



STATE OF WASHINGTON
**BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND SURVEYORS**
P.O. Box 9025, Olympia, WA 98507-9025

**Washington Administrative Code
Notice of Permanent Rules for WAC 196-33
Rules of professional practice for licensees designing on-site wastewater
treatment systems**

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rulemaking.

Adoption of: WAC 196-33

Effective date: These rule changes will become effective 31 days after filing (approximately November 18, 2023).

Summary of all public comments received on this rule proposal and the agency's response to those comments:

No public comments, oral or written, were received.

Changes made to the proposed WAC as a result of public comment:

None.

The Board appreciates your involvement in this rule making process. If you have any questions, please contact Shanán Gillespie, Board Rules Coordinator, at (360) 664-1570 or e-mail at Shanan.Gillespie@brpels.wa.gov.

CODE REVISER USE ONLY



RULE-MAKING ORDER

PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

Agency: Board of Registration for Professional Engineers and Land Surveyors

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: WAC 196-33 was amended to include language regarding the everyday usage of the stamp/seal by on-site designers (WAC 196-33-500) and to make the language regarding direct supervision (196-33-300) so that it mirrors the direct supervision language for professional engineers and land surveyors. Amendments will make it easier for the licensees to understand their responsibilities. Other housekeeping amendments were made.

Citation of rules affected by this order:

New:
 Repealed:
 Amended: 196-33-100, 196-33-200, 196-33-300, 196-33-500
 Suspended:

Statutory authority for adoption: RCW 18.43.035

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 23-14-088 on June 30, 2023 (date).
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
 Address:
 Phone:
 Fax:
 TTY:
 Email:
 Web site:
 Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency’s own initiative:

New	<u>0</u>	Amended	<u>4</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>4</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>4</u>	Repealed	<u>0</u>

Date Adopted:	Signature: Place signature here
Name: Ken Fuller	
Title: Director	



STATE OF WASHINGTON
**BOARD OF REGISTRATION FOR
 PROFESSIONAL ENGINEERS AND LAND SURVEYORS**
 P.O. Box 9025, Olympia WA 98507-9025

ORGANIZATION AND FUNCTION OF THE BOARD COMMITTEES

The Board establishes committees to carry out specific assignments on behalf of the Board. Membership on each committee, within the suggested guidelines below, is made by appointment of the Board chair. Committees may not act on behalf of the Board. The Committee chair will report to the Board after every committee meeting, presenting any proposed actions to the Board for discussion and vote. No Committee may be composed of greater than three (3) Board members.

I. EXECUTIVE COMMITTEE:

A. Board Membership:

- Board Chair
- Board Vice-Chair
- Immediate Past Board Chair, **if available, else a Past Board Chair still serving upon the Board, appointed by the current Board Chair.**

B. Staff:

- Director and/or Deputy Director
- Executive Assistant

C. Basic areas of responsibility:

- Develop and monitor the Board budget activity including allotments, unusual expenditures, fee setting and fund balance.
- Develop and monitor ongoing Strategic Plan and Outreach Program of the Board. Present proposed Budget, Strategic Plan and Outreach Programs to the Board for discussion and approval.
- Define emerging strategic assignments for Director.
- Make ongoing and annual performance evaluation of Director subject to input and approval by the Board.
- Provide input to the Director about Board policy and interpretations on all topics related to the Board where there is considerable need for accuracy and management of risks.
- Perform periodic review of existing laws, rules and policy that have or can be related to the Board's strategic agenda or activities promulgated by the NCEES.

When necessary or appropriate, develop report and proposed changes for review and approval by the Board.

- Provide the Board's position on any legislation that has impact upon the Board's business and/or operations, subject to review and approval by the Board.
- Participate in any review or decision that constitutes a statement of policy or interpretation of the Board. Develop recommendation for Board discussion and approval where appropriate.

II. PRACTICE COMMITTEE:

A. Recommended membership (total of 3 board members):

- 1 land surveyor member (minimum)
- 1 engineer member (minimum)

B. Staff:

- Investigations Manager
- Deputy Director

C. Basic areas of responsibility:

- Monitor active complaints received, status of each complaint in the complaint process and administrative complaints closed.
- Review any inquiries seeking interpretations on the practice of engineering, land surveying or on-site wastewater. Consult with AAG and obtain input from Board where appropriate.

Note: Use caution when responding to any inquiry seeking "interpretations" of the law, particularly as it relates to the "practice of" engineering, land surveying or on-site wastewater design.

- Perform periodic review of existing laws, rules and policy related to professional practice and forward recommendations to the Board.
- Monitor compliance with Board orders. Forward recommendations to the Board for decision on any valid requests for modifications to existing board orders.
- Perform other assignments referred to the committee by the Board or Board chair.

III. EXAM/QUALIFICATION COMMITTEE:

A. Recommended membership (total of 3 board members):

- 1 land surveyor member (minimum)
- 1 engineer member (minimum)

B. Staff:

- Licensing Lead
- Director

C. Basic areas of responsibility:

Policy No. 36

- Conduct review of applications requiring consideration of special conditions including foreign based experience or a combination of experience and education that does not follow typical practice, licensee supervision or completion of educational credits, and those that staff recommend for evaluation.
- Review any inquiries seeking interpretations on the laws and rules defining conditions for eligibility of licensure in engineering, land surveying or on-site wastewater designing. Consult AAG and Board as appropriate prior to responding.
- Perform periodic review of existing laws, rules and policy related to professional licensure and forward recommendations to the Board.
- Review exam performance statistics and recommend a cut-score to the Board for state prepared licensing examinations.
- Review examination information from NCEES and make recommendations to the Board as appropriate.
- Monitor status reports on licensing and examination activity.
- Act as members of Exam Misconduct Committee, as needed.
- Perform other assignments referred to the committee by the Board or Board chair.

IV. SURVEYING COMMITTEE:

A. Recommended membership (total of 3 board members):

- 2 land surveyor members
- 1 engineer member

B. Staff:

- Director and/or Deputy Director

C. Basic areas of responsibility:

- Conduct review of inquiries about interpretations on the scope of practice for land surveying in Washington. Consult AAG and Board for input as necessary.
- Perform periodic review of existing laws, rules and policy related to professional survey practice and forward recommendations to the Board.
- Perform periodic review of state PS examination content, manage item bank Recommend cut score of state specific PS examination to EQC or the Board.
- Conduct periodic evaluation of curriculums for land surveying programs and determine level of credit that graduates of programs can obtain toward licensure.
- Perform other assignments referred to the committee by the Board or Board chair.

AD HOC COMMITTEES

Ad hoc committees may be established by the Board to study unique issues related to the objectives of the Board. Such committees may be comprised of board members, board

staff members, stakeholders or any combinations of those participants as deemed necessary by the Board.

STRUCTURAL COMMITTEE:

- A. Recommended membership:
- 2 structural engineer members
 - 1 additional board member
- B. Staff:
- Director
 - Licensing Lead or other staff as appropriate.
- C. Basic areas of responsibility:
- Conduct review of all inquiries about interpretations on the scope of practice for structural engineering and significant structures in Washington. Consult with AAG and seek Board input as appropriate.
 - Perform periodic review of existing laws, rules and policy related to professional structural engineering practice and forward recommendations to the Board.
 - Monitor SE exam performance from NCEES.
 - Perform other assignments referred to the committee by the Board or Board chair.

ON-SITE ADVISORY COMMITTEE

- A. Recommended membership:
- 1 board member (PE)
 - 4 on-site professionals
 - 3 designers
 - 1 inspector / certificate of competency holder
- B. Staff:
- Director and/or Deputy Director
 - Licensing Lead
- C. Basic areas of responsibility:
- Perform periodic review of existing laws, rules and policy related to the on-site profession and forward recommendations to Exam Qualifications Committee or Board.
 - Perform periodic review of state specific on-site designer licensing examination content development and recommend cut score to Exam Qualifications Committee.
 - Conduct review of inquiries about interpretations on the scope of practice for on-site design in Washington. Consult AAG and Board for input as necessary.

Approved:

Date:

Dave Peden, PE, SE
Board Chair

This policy supersedes any versions of content or title approved by the Board prior to this date.

Board Meeting

Tab 5

Director's Report

- 5.1 Financial Report
- 5.2 Agency Operations
- 5.3 Program Reports
 - 5.3.1 Communication & Outreach
 - 5.3.2 Regulatory
 - 5.3.3 Investigations & Compliance
 - 5.3.4 Licensing
 - 5.3.5 Admin
- 5.4 Other Items
 - 5.4.1. NCEES Annual Meeting Report & Nomination Discussion

Wherrett, Mackenzie (BRPELS)

From: Bitar, Paul (DES)
Sent: Friday, September 29, 2023 11:36 AM
To: Fuller, Ken (BRPELS)
Cc: Wherrett, Mackenzie (BRPELS)
Subject: August 2023 Financial Status
Attachments: BRPELS_Financial Status_Aug 2023.xlsx

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Ken,

I have attached BORPELS' August 2023 financial status and projection reports. The information in the reports shows that **BORPELS is in excellent financial condition**. At this time, I project the agency will end the biennium with about \$1.76 million in its operating account, Fund 024. Additionally, the agency will underspend its appropriation by about \$520k.

REVENUE

For the period of July 2023 – August 2023, BORPELS generated \$307k in revenue vs. \$325k during the same period last biennium. This represents a reduction of about 5.5% relative to last biennium. I am currently projecting that BORPELS will generate about \$4.32 million in revenue this biennium.

I had originally planned to project an increase of 5% over last biennium, but I decided to hold biennium 2023-25 revenue equal to 2021-23 because of the reduction so far this biennium.

EXPENSES

- I included the cost an Administrative Assistant 3 in the projection because you had mentioned that you might hire one more employee. Are you still planning to hire someone?
- Are you planning to spend any money this biennium on outreach modules, question development, or OS adhoc and exam? I added in some misc costs to the projection, but I didn't specifically include any of these items.
- Are you planning to make any other purchases I may not be aware of?

Thanks,

Paul Bitar

Senior Financial Consultant
 Small Agency Financial Services
 Washington State Department of Enterprise Services
 d: 360-407-8129
paul.bitar@des.wa.gov

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Your satisfaction is our priority and we value your feedback

EF	Printing and Reproduction	30,000	1,521	931	931	931	931	931	931	931	931	931	931	931	931	931	931	931	931	931	931	931	931	931	931	22,000	8,000	EA projection assumes agency will spend about \$22k, which is approx. 10% more than last biennium.		
EG	Employee Prof Dev & Training	36,000	388	982	982	982	982	982	982	982	982	982	982	982	982	982	982	982	982	982	982	982	982	982	982	982	22,000	14,000	EG projection assumes agency will spend about \$22k, which is approx. 10% more than last biennium.	
EH	Rental & Leases - Furn & Equipment	30,000	4,633	1,153	1,153	1,153	1,153	1,153	1,153	1,153	1,153	1,153	1,153	1,153	1,153	1,153	1,153	1,153	1,153	1,153	1,153	1,153	1,153	1,153	1,153	30,000	0	EH projection assumes entire allotment is spent. Last biennium, total expenditures were only \$17k, but the agency has already incurred several large rental space expenditures this biennium, so it appears more may be spent this biennium.		
EJ	Subscriptions	2,400	0	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	1,100	1,300	est. \$50/mo subscriptions \$2,896/mo SAFS \$1,600/mo CMS (estimated) \$146/mo DES Office Facilities \$115/mo DES Real Estate Services \$84/mo campus security	
EK	Facilities and Services	120,000	10,669	4,841	4,841	4,841	4,841	4,841	4,841	4,841	4,841	4,841	4,841	4,841	4,841	4,841	4,841	4,841	4,841	4,841	4,841	4,841	4,841	4,841	4,841	4,841	117,171	2,829	\$3,333/mo CTS Allocations \$8,124/mo CTS Services \$1,341/qtr avg OFM Core Financials \$1,159/qtr avg OFM Enterprise Systems Fee \$32/mo DES Information Systems \$4/mo (est) OFM Warrants	
EL	Data Processing Services (Interagency)	336,000	25,481	11,493	11,493	13,993	11,493	11,493	13,993	11,493	11,493	13,993	11,493	11,493	13,993	11,493	11,493	13,993	11,493	11,493	13,993	11,493	11,493	13,993	11,493	11,493	295,827	40,173	EM projection assumes entire allotment will be spent. Last biennium, the agency spent \$285k on ATG services, but expenses have been high this biennium, so the agency will likely spend more.	
EM	Attorney General Services	358,008	54,064	13,816	13,816	13,816	13,816	13,816	13,816	13,816	13,816	13,816	13,816	13,816	13,816	13,816	13,816	13,816	13,816	13,816	13,816	13,816	13,816	13,816	13,816	13,816	358,008	0	\$1,833/mo Small Agency HR \$46/mo DES Personnel Svcs \$260/qtr (estimated) OFM Personnel Services \$86/mo DES Risk Management \$1,018/yr Self Insurance Premium \$25/year Crime Fidelity Bond \$471/yr Physical Autot Policy Renewal	
EN	Personnel Services	42,000	3,766	2,139	1,879	1,879	2,139	1,879	1,879	2,139	1,879	1,879	2,139	1,879	1,879	2,139	1,879	1,879	2,139	1,879	1,879	2,139	1,879	1,879	2,139	1,879	47,184	(5,184)	\$6,700/mo est. misc DOI costs \$2,250/mo estimated misc other costs \$1,000 est. total vehicle expense	
EP	Insurance	4,070	1,712	86	86	86	86	86	86	86	86	86	86	86	1,600	86	86	86	86	86	86	86	86	86	86	86	86	5,118	(1,048)	\$13,300/mo POLARIS FY24 (estimated) \$300/mo CTS Services \$33/mo Adobe \$1,500/mo (est) misc other
ER	Other Contractual Services	360,000	25,594	8,950	8,950	8,950	8,950	8,950	8,950	8,950	8,950	8,950	8,950	8,950	8,950	8,950	8,950	8,950	8,950	8,950	8,950	8,950	8,950	8,950	8,950	8,950	222,494	137,506	\$40/mo est. EZ expenses	
ES	Vehicle Maintenance & Operating Cst		63	43	43	43	43	43	43	43	43	43	43	43	43	43	43	43	43	43	43	43	43	43	43	43	43	1,000	(1,000)	\$1,500/mo (est) misc other
ET	Audit Services	29,000	0	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	1,318	29,000	0	Projection assumes BRPELS spends entire allotment for audit (agency will likely be audited this biennium)	
EW	Archives & Records Management Svcs	1,416	0	55			55				55				55						55					55	440	976	\$55/qtr (est.) archives	
EY	Software Licenses and Maintenance	480,000	55,154	15,133	15,133	15,133	15,133	15,133	15,133	15,133	15,133	15,133	15,133	15,133	15,133	15,133	15,133	15,133	15,133	15,133	15,133	15,133	15,133	15,133	15,133	15,133	388,080	91,920	\$13,300/mo POLARIS FY24 (estimated) \$300/mo CTS Services \$33/mo Adobe \$1,500/mo (est) misc other	
EZ	Other Goods and Services	2,482	(221)	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	659	1,823	\$40/mo est. EZ expenses
Travel		129,600	9,895	3,968	3,968	3,968	3,968	3,968	3,968	3,968	3,968	3,968	3,968	3,968	3,968	3,968	3,968	3,968	3,968	3,968	3,968	3,968	3,968	3,968	3,968	3,968	3,968	97,200	32,400	Travel projection assumes agency spends 75% of its allotment, which would be approx. a 45% increase relative to last biennium.
GA	In-State Subsistence & Lodging	48,000	3,969	1,456	1,456	1,456	1,456	1,456	1,456	1,456	1,456	1,456	1,456	1,456	1,456	1,456	1,456	1,456	1,456	1,456	1,456	1,456	1,456	1,456	1,456	1,456	1,456	36,000	12,000	
GB	In-State Air Transportation	16,800	636	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	12,600	4,200	
GC	Private Automobile Mileage	16,800	630	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	544	12,600	4,200	
GD	Other Travel Expenses	9,600	781	292	292	292	292	292	292	292	292	292	292	292	292	292	292	292	292	292	292	292	292	292	292	292	292	7,200	2,400	
GF	Out-Of-State Subsistence & Lodging	14,400	1,648	416	416	416	416	416	416	416	416	416	416	416	416	416	416	416	416	416	416	416	416	416	416	416	416	10,800	3,600	
GG	Out-Of-State Air Transportation	21,600	2,053	643	643	643	643	643	643	643	643	643	643	643	643	643	643	643	643	643	643	643	643	643	643	643	643	16,200	5,400	
GN	Motor Pool Services	2,400	177	74	74	74	74	74	74	74	74	74	74	74	74	74	74	74	74	74	74	74	74	74	74	74	74	1,800	600	
Capital Outlays		60,000	1,315	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	60,000	0	
JA	Noncapitalized Assets	60,000	1,315	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	2,667	60,000	0	JA projection assumes agency spends entire allotment. Last biennium, agency spent \$111k, but fewer expenses are expected this biennium, as agency has already purchased much of the equipment it needs.
Grants, Benefits & Client Services		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
NZ	Other Grants and Benefits																											0	0	
Total Dollars		4,622,000	367,188	162,162	161,847	164,347	162,378	168,374	171,083	169,194	168,879	171,379	169,194	170,961	174,975	171,276	170,961	173,461	171,276	170,961	173,578	171,724	171,409	173,909	171,724	4,102,250	519,750			

Bd of Reg-Prof Engineers/Land Surveyors Agency Summary BITD as of August 2023

Category	BI Allotment	BITD Allotment	BITD Expenditures	BITD Variance	BI Variance
Capital Outlays	60,000	5,000	1,315	3,685	58,685
Employee Benefits	577,008	47,236	39,556	7,680	537,452
Goods and Services	2,037,776	168,243	191,096	(22,853)	1,846,660
Professional Service Contracts	72,000	6,000	0	6,000	72,000
Salaries and Wages	1,745,616	141,218	125,326	15,892	1,620,290
Travel	129,600	10,800	9,895	905	119,705
Sum:	4,622,000	378,497	367,188	11,309	4,254,812

Category	FM Allotment	FM Expenditure	FM Variance	BITD Allotment	BITD Expenditures	BITD Variance
Salaries and Wages	70,609	62,599	8,010	141,218	125,326	15,892
A Salaries and Wages	1,000	0	1,000	2,000	0	2,000
AA State Classified	55,000	49,280	5,720	110,000	98,528	11,472
AC State Exempt	12,000	10,833	1,167	24,000	22,667	1,333
AE State Special	609	975	(366)	1,218	1,425	(207)
AS Sick Leave Buy-Out	500	0	500	1,000	0	1,000
AT Terminal Leave	500	0	500	1,000	0	1,000
AU Overtime and Call-Back	1,000	1,511	(511)	2,000	2,706	(706)
Employee Benefits	23,618	19,852	3,766	47,236	39,556	7,680
BA Old Age and Survivors Insurance	4,080	3,729	351	8,160	7,485	675
BB Retirement and Pensions	6,775	5,786	989	13,550	11,446	2,104
BC Medical Aid & Industrial Insurance	359	304	55	718	554	164
BD Health, Life & Disability Insurance	11,450	9,160	2,290	22,900	18,320	4,580
BH Hospital Insurance (Medicare)	954	872	82	1,908	1,750	158
Professional Service Contracts	3,000	0	3,000	6,000	0	6,000
CA Management and Organizational Services	3,000	0	3,000	6,000	0	6,000
Goods and Services	83,614	185,723	(102,109)	168,243	191,096	(22,853)
E Goods and Other Services	3,000	0	3,000	6,000	0	6,000
EA Supplies and Materials	1,250	1,467	(217)	2,500	1,467	1,033
EB Communications/Telecommunications	800	1,150	(350)	1,600	1,150	450
EC Utilities	50	66	(16)	100	66	34
ED Rentals and Leases - Land & Buildings	2,500	1,938	562	5,000	3,876	1,124
EE Repairs, Alterations & Maintenance	1,000	308	692	2,000	1,716	285
EF Printing and Reproduction	1,250	1,095	155	2,500	1,521	979
EG Employee Prof Dev & Training	1,500	388	1,112	3,000	388	2,612
EH Rental & Leases - Furn & Equipment	1,250	4,550	(3,300)	2,500	4,633	(2,133)
EJ Subscriptions	100	0	100	200	0	200
EK Facilities and Services	5,000	10,669	(5,669)	10,000	10,669	(669)
EL Data Processing Services (Interagency)	14,000	25,481	(11,481)	28,000	25,481	2,519
EM Attorney General Services	14,917	54,064	(39,147)	29,834	54,064	(24,230)
EN Personnel Services	1,750	3,766	(2,016)	3,500	3,766	(266)
EP Insurance	85	198	(113)	1,185	1,712	(527)
ER Other Contractual Services	15,000	25,594	(10,594)	30,000	25,594	4,406
ES Vehicle Maintenance & Operating Cst	0	63	(63)	0	63	(63)
ET Audit Services	0	0	0	0	0	0
EW Archives & Records Management Svcs	59	0	59	118	0	118
EY Software Licenses and Maintenance	20,000	55,154	(35,154)	40,000	55,154	(15,154)
EZ Other Goods and Services	103	(227)	330	206	(221)	427
Travel	5,400	9,895	(4,495)	10,800	9,895	905
GA In-State Subsistence & Lodging	2,000	3,969	(1,969)	4,000	3,969	31
GB In-State Air Transportation	700	636	64	1,400	636	764
GC Private Automobile Mileage	700	630	70	1,400	630	770
GD Other Travel Expenses	400	781	(381)	800	781	19
GF Out-of-State Subsistence & Lodging	600	1,648	(1,048)	1,200	1,648	(448)
GG Out-of-State Air Transportation	900	2,053	(1,153)	1,800	2,053	(253)
GN Motor Pool Services	100	177	(77)	200	177	23
Capital Outlays	2,500	1,315	1,185	5,000	1,315	3,685
JA Noncapitalized Assets	2,500	1,315	1,185	5,000	1,315	3,685
Total Dollars	188,741	279,384	(90,643)	378,497	367,188	11,309

Communication and Outreach Program Report

10/12/2023

Current & Ongoing Items:

- Website – WaTech behind on development, but now working on home page layout
 - Staff continues to work on rewriting entire website, for accuracy, clarity and consistency
- Logo – New company contracted after delays with WaTech; 6-8 weeks for completion
 - Research survey complete with about a dozen stakeholder respondents
- Journal – production underway for Fall/Winter Edition, smaller in size
 - Targeted to release the week of November 20th
- Social Media – finishing policies, as required, will launch LinkedIn with new logo
 - Starting goal of 2 posts per month
- Outreach – building lists of organizations, associations, and municipalities
 - Producing calendar of conference and meeting dates
- PEAR – Required documents and training up to date
 - Opportunity to expand members of agency group

Completed Items:

- ✓ WA State Association of County Auditors – Leavenworth; Kris and Greg
- ✓ Seattle U, NCEES Award; Marjorie, Aaron & Mike

Regulatory Program Report

10/12/23

Current Items:

- Rulemaking
 - * 196-09 CR101 filed. Indexing rule language being drafted (new section).
 - 196-09-015 - CES & CR103 EC request Board approval to file
 - * 196-12 CES & CR103 EQC request Board approval to file
 - * 196-16 CR101 filed. EQC working on draft language.
 - * 196-21 CR101 filed. Staff working on draft language.
 - * 196-26A & 196-30 CR101 filed. EQC reviewing draft language.
 - * 196-29 CR102 withdrawn. Back to survey committee
 - * 196-33 CES & CR103 PC request Board approval to file

- Public Records Requests
 - * 2023: 75 (as of 9/25/23)
 - * 2022: 85

Investigation/Compliance Program Report

10/12/23

Current Items:

- PDH Audits
 - * Project Team Assigned
 - Rich Larson/Vonna Cramer/Jill Short
 - Meeting scheduled with Polaris group and project team.
 - Met with Polaris group. This feature in Polaris is currently turned off due to a glitch. They are working on a fix.
 - Rich/Vonna/Jill will now be conducting a manual blind draw process of 1% of renewals for PLS and OS. Will measure results for approximately 6 months to determine results.
 - Template audit letters prepared.
 - Vonna in contact with Polaris team on different between PDH/CE
 - Plan proposal to be presented to PC
 - Audits will be conducted for 6 months and results brought back to PC in February 2024

- Complaint Process/Tracking
 - * Project Team Assigned
 - Jill Short/Ken Fuller/Rich Larson/Diane Gallagher
 - Team developed a step-by-step complaint process and determined times for completion during each status stage and notification/tickler points.
 - Team met with Diane Gallagher regarding capabilities and notification/tickler points.
 - Diane Gallagher will be putting together a process to present to the team by 2/13/23.
 - Diane and staff have met on several occasions to discuss how we would like the system to work.
 - Diane has created a testing site. Mackenzie/Jill are now testing the system to ensure it is working properly.
 - Diane/Mackenzie/Jill have weekly update meetings.
 - Testing with actual complaints to ensure email notifications and links to documents/files are working correctly.
 - Input current open cases into tracking system/final meeting with Diane
 - Tracking system up and running!

- Digital Signatures
 - * Project Team Assigned
 - Jill Short/Ken Fuller/Kristina Horton/Greg Schieferstein
 - Have seen multiple inquires/issues regarding Digital Signature submittals to permitting authorities.
 - Research to be done on processes used by City of Tacoma and City of Seattle.
 - Poll to be done on other state boards' processes.
 - Article to be written for Fall/Winter Journal.
 - Possible outreach with WABO.
 - Met with staff from City of Seattle and City of Tacoma (Tom Barger and Joel Rasmussen).
 - Kristina and Jill met with Tom Barger and other staff with City of Seattle. Best practices and a journal article will be drafted following meetings with other permitting jurisdictions.

- Sanctions List
 - * Project Team Assigned
 - Jill Short/Kristina Horton
 - A list of past violations was compiled. That list is currently being organized and will then be a "living" document on the Board Resources site for case manager reference.

- Investigation Desk Reference Guide
 - * Project Team Assigned
 - Jill Short/Kristina Horton
 - The previous manual has been located.
 - Updates to new reference guide currently being drafted.

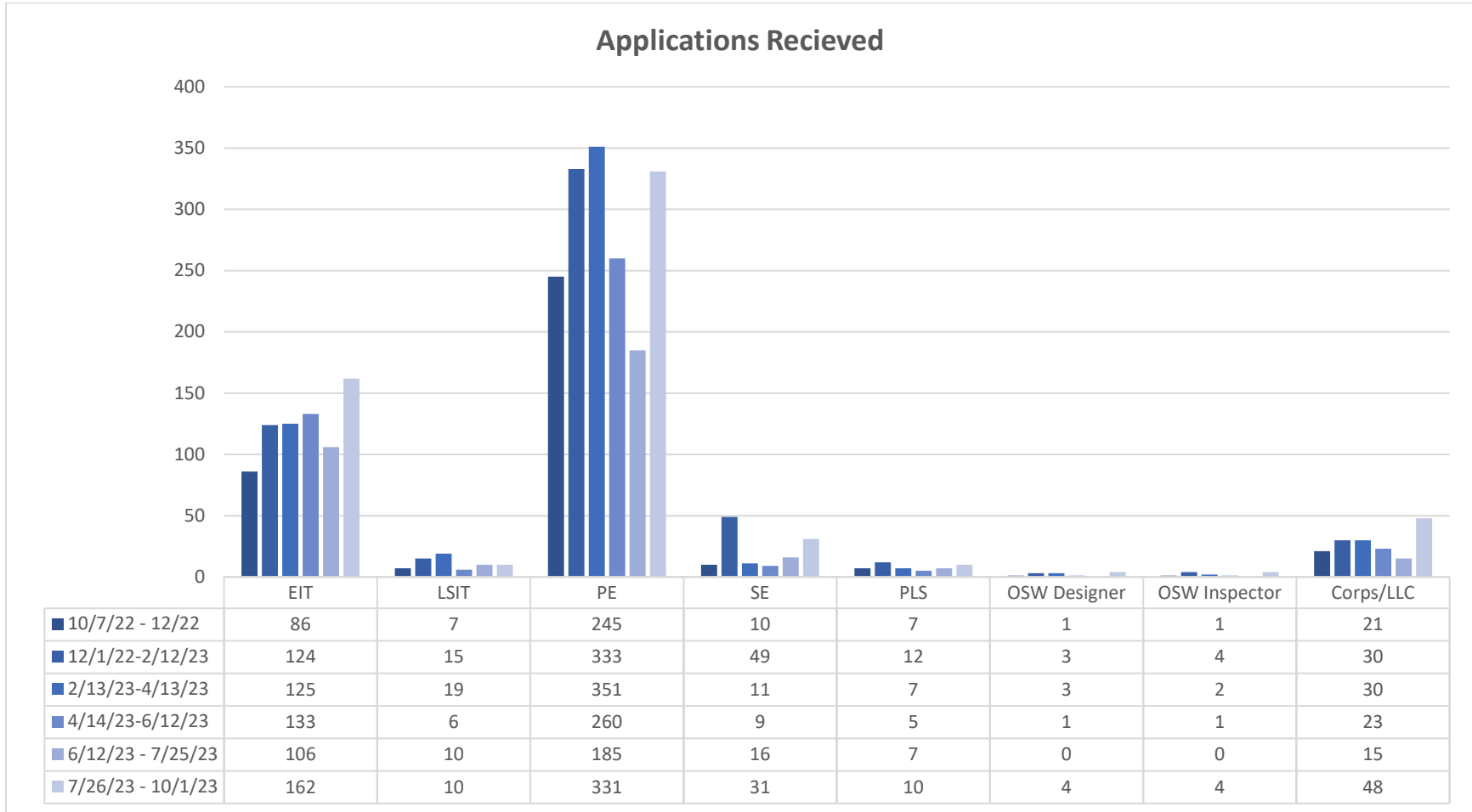
Completed Items:

- PLS Standards
 - * Project Team Assigned
 - Aaron Blaisdell/Rich Larson/Jill Short
 - Project team met and discussed next steps.
 - Team determined next steps would be to look at each investigation on a case-by-case basis. If a CM determines charges are appropriate, the CM, board staff, and AAG will meet to discuss violations and appropriate sanctions.
 - The Advising AAG and Prosecuting AAG will be conducting a board training.
 - A document showing past violations and sanctions will be posted to the Board Resources SharePoint site.

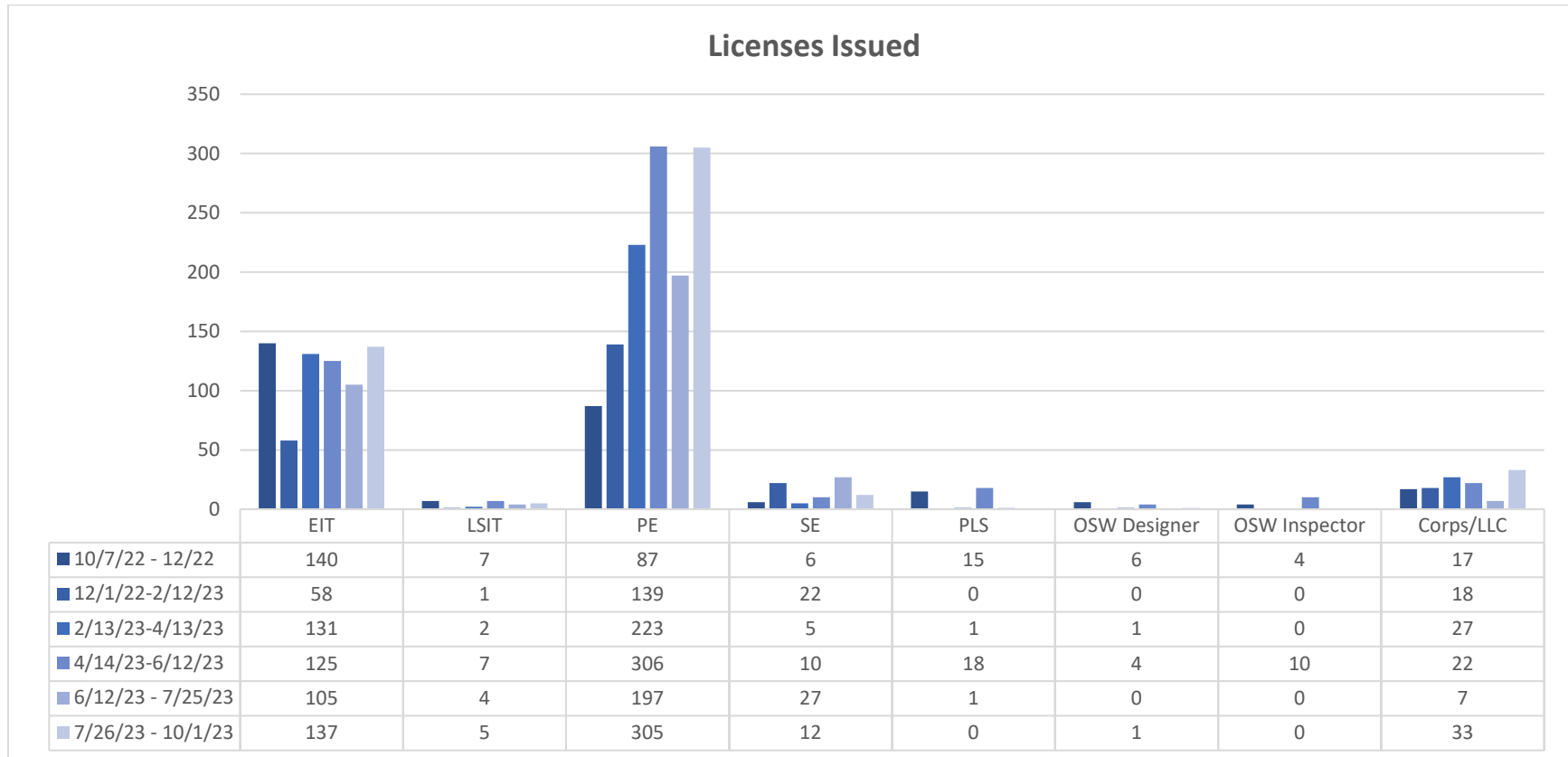
Committee and/or Board Action Items:

- A document showing past violations and sanctions will be posted to the Board Resources SharePoint site (Indexing with Shanana in conjunction with the above Sanctions List project).

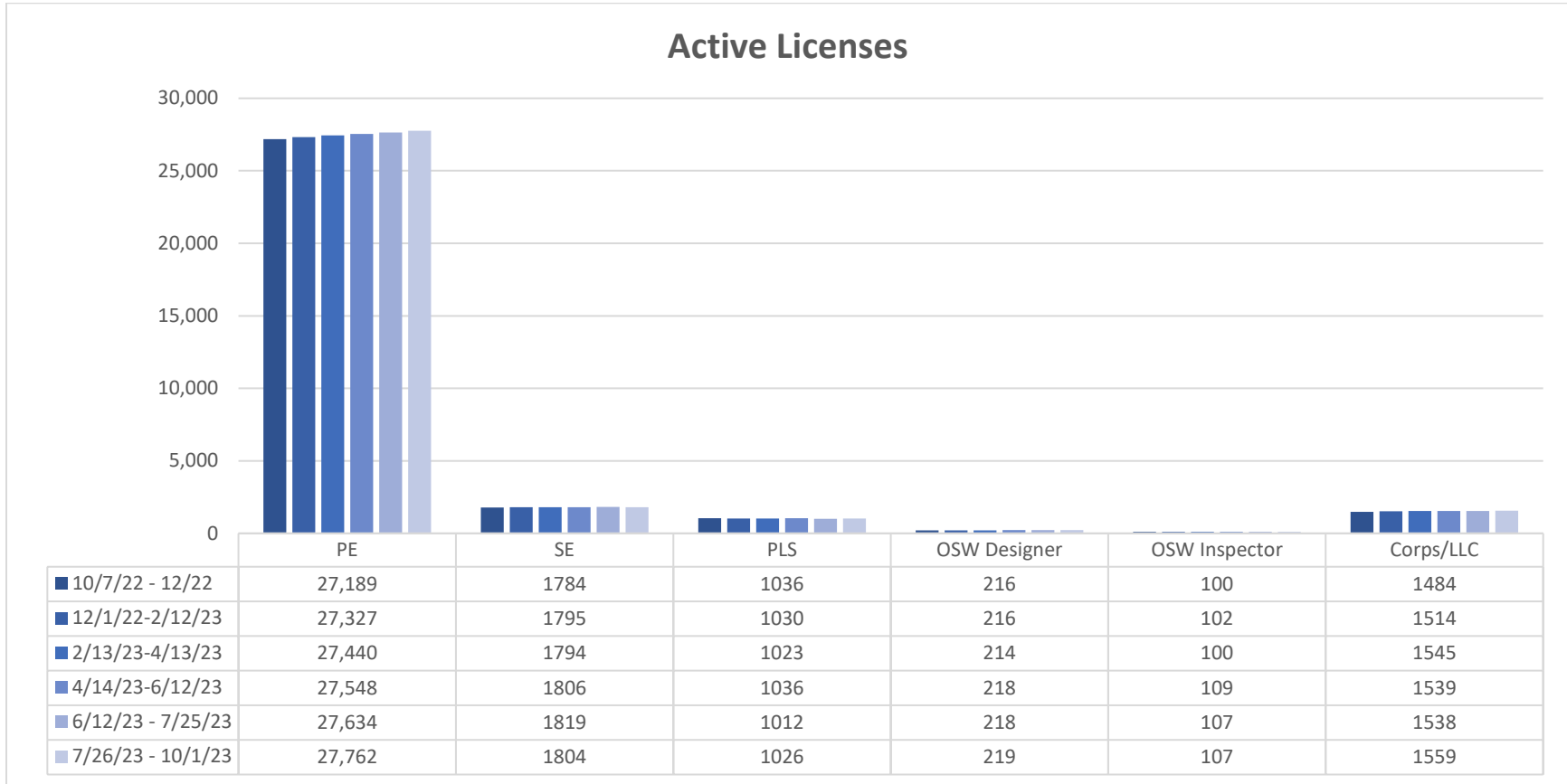
Licensing Program Report October 11, 2023



Licensing Program Report October 11, 2023



Licensing Program Report October 11, 2023



Licensing Program Report October 11, 2023

Currently working on:

- **Projects**
 - Dainis
 - Analysis for both state specific exams
 - Updating content on the web page
 - Working with staff to provide up to date, accurate information
 - Monitor Polaris issues/bug
 - Polaris
 - DOL/BRPELS “bug” meeting:
 - Currently have 1 work item
 - Currently have 1 story item
 - Waiting on 1 LOE for the fee reduction
 - Law Review CBT
 - Looking to move the PE, PLS & OS law reviews to an online vendor
 - Scantron
 - Exam creation
 - Item bank upload
 - Images upload
 - Test analysis
 - Box cleanup
 - Moving all existing items from the DOL Box platform to our own account
 - Application updates
 - Historical Data update

Administration Program Report 10/12/2023

Current & Ongoing Items:

- **2023 Annual Technology Certification** (final part due 12/31/23)
 - * Each year, agencies are asked to provide information on their technology portfolio and compliance with selected statewide policies that support statewide technology programs.
- **Annual Agency Contract Transparency Report** (due 10/31/23)
 - * BRPELS is required to report all goods and services contracts on an annual basis
- **Board Staff Annual Performance Evaluations** (due 12/01/23)
- **Administrative Assistant Position**
 - * **RECRUITMENT OPEN:** 09/27/23 – 10/11/23
- **Admin Policies – List & Reorg**
 - * Develop and establish any missing policies
 - * Director Evaluation, Social Media, Layoff Policy, Continuity of Operations Plan (COOP)
- **Required Training**
 - * Culture of Military Spouses – TBD

Completed Items:

- ✓ **DOL/BRPELS Inter-Agency Agreement (IAA)**
- ✓ **Annual Internal Control Risk Assessment & Assurance Letter**
- ✓ **Statewide HR Management Report** - Measures and monitors the state's management practices
- ✓ **2023 Annual Technology Certification** (six parts with due dates that fall between August and December 2023)
 - Application & Infrastructure Report
 - Technology Policy Certification
 - Privacy Assessment Report
- ✓ **Board Staff laptop switch to WaTech HPs & phone upgrades**

Board Meeting

Tab 6

Assistant Attorney General's Report

6.1 Update on Tappel Case

Board Meeting

Tab 7

Other Business

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

2023 - 2024

IMPORTANT DATES

OCTOBER

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
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DECEMBER

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FEBRUARY

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APRIL

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JUNE

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AUGUST

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NOVEMBER

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JANUARY

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MARCH

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MAY

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JULY

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SEPTEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
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22	23	24	25	26	27	28
29	30					

2023

October

- 4-5 American Public Works Association - Wenatchee
- 11-12 Committee & Board Meetings - Davenport Grand, Spokane
- 26 American Society of Civil Engineers Meeting - Seattle (Ken Fuller & Mike Harney)
- 26-27 NCEES Structural Exams

November

- 3 Ethics & Professional Engineering Presentation - WSU Bremerton (Doug Hendrickson)
- 3-4 LSAW Fall Seminar - Clark College, Vancouver (Ken Fuller, Jim Wengler, Aaron Blaisdell)
- 29 American Society of Civil Engineers Section Meeting - Seattle (Ken Fuller)

December

- 6 Student/Faculty Reception & Presentation - St. Martin's University, Lacey
- 6-7 Committee & Board Meetings - St. Martins University, Lacey

2024

February

- 2-3 WOSSA Septic Con - Tacoma Convention Center
- 28-29 LSAW Conference - Tulalip Resort & Casino

March

- 1 LSAW Conference - Tulalip Resort & Casino

May

- 15-18 NCEES Western Zone Meeting - Bozeman, MT

2023-2024 State Holidays

O/S & PLS state specific exam dates are TBD

2024 committee & board meetings dates are TBD

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 BRPELS.WA.GOV



Board of Registration for Professional Engineers and Land Surveyors

Action Item List

Executive Committee (EC)

Date Assigned	Action Item	Assigned To	Status
06/21/23	Staff to work on a license review/report out document regarding all three of the professions the Board regulates and provide it to the Board at a future meeting.	Board Staff	In Progress

Exam Qualifications Committee (EQC)

Date Assigned	Action Item	Assigned To	Status
06/21/23	Mr. Fuller and Ms. Cramer to set up meeting with OSU and send response email regarding Civil Engineering program (ABET accredited for engineering) to meet requirements for approval to take the LSIT plus an additional 16-hrs in Geomatics.	Mr. Fuller Ms. Cramer	In Progress

Practice Committee (PC)

Date Assigned	Action Item	Assigned To	Status
10/21/21	Review RCW 18.43 and determine next steps to address outcomes from recent litigation concerning the use of the word engineer and the practice of engineering.	Committee	In Progress

Survey Committee (SC)

Date Assigned	Action Item	Assigned To	Status
06/21/23	Survey Committee to create a blueprint of required courses acceptable for approval to take the LSIT.	Committee	In Progress
08/03/23	Staff to review the implications of proposed changes to the withdrawal of CR102 for WAC 196-29-110 and send back to Survey Committee to determine how to proceed.	Ms. Gillespie Ms. Lagerberg Committee	In Progress
07/26/23	Committee members work with Greg, Kristina Horton, and Pat Beehler to come up with a monument preservation outreach and education plan	Committee Mr. Schieferstein Ms. Horton	Pending

On-Site Committee

Date Assigned	Action Item	Assigned To	Status
4/12/22	Compile OS Designer & Inspector pass/fail & reexam statistics over the last 5 years.	Ms. Cramer Dainis Co	In Progress

Structural Committee (SEC)

Date Assigned	Action Item	Assigned To	Status
-	-	-	-

Board Staff

Date Assigned	Action Item	Assigned To	Status
12/08/22	Mr. Fuller and Board Staff to begin the process of onboarding a new pro-tem board member.	Mr. Fuller Board Staff	In Progress
06/22/23	Board members to send Mr. Bitar spend authority estimates within next 6 weeks.	Board Members	In Progress

AGO

Date Assigned	Action Item	Assigned To	Status
04/27/23	Counsel to pursue civil action against Mr. Hawkins and against Mr. Huxel once the appeal decision has been reached.	Ms. Lagerberg Ms. Casselman	In Progress
04/27/23	Ms. Lagerberg to confirm the outcome of the board order example provided in the board packet regarding taking civil action.	Ms. Lagerberg	In Progress

Board Meeting

Tab 8

Adjourn Meeting