

Washington State Board of Registration for Professional Engineers & Land Surveyors

Board Meeting

October 20, 2022

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Board Meeting

Tab 1

Call to Order

- 1.1 Roll Call
- 1.2 Order of Agenda
- 1.3 Approval of August 11, 2022 Meeting Minutes
- 1.4 Review Correspondence & Communications
- 1.5 Public Comment Opportunity



STATE OF WASHINGTON

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**Board Meeting Agenda**

DATE & TIME: Oct. 20th, 2022 8:00 am

LOCATION: Radisson Hotel
The Orcas Room and [WebEx Link](#)
18118 International or
Blvd. Seattle WA 98188 [Tap to join from a mobile device](#)
+1-650-479-3208 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. Order of Agenda
- 1.3. Approval of 08/11/2022 Meeting Minutes
- 1.4. Review Correspondence & Communications
- 1.5. Public Comment Opportunity

EXECUTIVE SESSION: The chair will announce the purpose and estimated duration for Executive Session. No formal actions will be taken during Executive Session. Once 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 Closures
- 2.2. Disciplinary Report

3. Committee Reports

- 3.1. Executive Committee
- 3.2. Practice Committee
- 3.3. Exam Qualifications Committee
- 3.4. Survey Committee
- 3.5. On-Site Committee

4. New Business

- 4.1. 2022/2023 Meeting Schedule
- 4.2. Approval of On-Site Exam Cut Score
- 4.3. Approval of PLS State Specific Exam Cut Score
- 4.4. RCW 18.43 Engineers and Land Surveyors
- 4.5. Approval of filing CR102 for WAC 196-26A & WAC 196-30
- 4.6. Approval of filing CR102 for WAC 196-32
- 4.7. Approval of Monument Removal/Replacement Response to DNR

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
 - 5.4.1. Board SharePoint Site FAQ

6. Assistant Attorney General's Report

- 6.1. Introducing The New Prosecuting AAG
- 6.2. Reminder of How to Cite RCWs & WACs
- 6.3. Update on Tappell 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

BOARD MEETING MINUTES

DATE: August 11, 2022

TIME: 11:00 a.m.

LOCATION: SeaTac Conference Center, Seattle, WA and WebEx

ATTENDANCE:

Board Members

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

Guest(s)

Julia (WebEx)
 Luke Lymangrover (WebEx)

Staff Members

Elizabeth Lagerberg, Advising AAG (WebEx)
 Ken Fuller, PE, Director
 Richard Larson, PLS, Deputy Director
 Carmena Moretti, Executive Assistant
 Shanan Gillespie, Regulatory Program Manager
 Jill Short, Investigations & Compliance Manager
 Greg Schieferstein, Outreach and Communication Manager
 Paul Bitar, Senior Financial Consultant (WebEx)

1. Call to Order at 11:00 a.m.

1.1. Roll Call

Ms. Moretti took roll call.

1.2. Order of Agenda

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

1.3. Approval of Meeting Minutes

A motion was made by Mr. Peden, and seconded by Mr. VanDeWege, to accept the June 23, 2022 meeting minutes as written. Motion carried.

1.4. Review Correspondence & Communications

The Board reviewed an email from Mr. Walesh regarding engineering licensing exemptions and decided that the Practice Committee will craft a response for Mr. Fuller to use in his reply to Mr. Walesh.

1.5. Public Comment Opportunity

None provided.

Executive Session

Mr. Hendrickson, Board Chair, announced that the Board would move into closed session to consult with the board attorney, discuss matters related to enforcement and cases in current litigation. It was estimated Executive Session would last from 11:15 a.m. until 12:00 p.m.

Open Session Reconvened – 11:59 a.m.

2. Disciplinary Action

2.1. Recommended Case Closures

2020-02-0104-00ENG

Mr. Hendrickson recommended the case be closed.

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

2022-04-0536-00LSV

Mr. Wengler recommended the case be closed.

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

2022-05-0703-00LSV

Mr. Wengler recommended the case be closed.

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

2022-06-0900-00LSV

Mr. Wengler recommended the case be closed.

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

2.2. Disciplinary Report

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

3. Committee Reports

3.1. Executive Committee

Mr. Hendrickson delivered the committee's report.

- [8/3/22 Executive Committee Meeting Minutes](#)

A motion was made by Mr. Blaisdell, and seconded by Mr. VanDeWege, to receive the Executive Committee report. Motion carried.

3.2. Practice Committee (PC)

Mr. Peden delivered the committee's report.

- [8/4/22 Practice Committee Meeting Minutes](#)

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

3.3. Exam Qualifications Committee (EQC)

Ms. Gnanapragasam delivered the committee's report.

- [8/3/22 Exam Qualifications Committee Meeting Minutes](#)

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

3.4. Survey Committee

Mr. Wengler delivered the committee's report.

- [8/8/22 Survey Committee Meeting Minutes](#)

3.5. Structural Committee

Mr. VanDeWege delivered the committee's report.

- [8/1/22 Structural Committee Meeting Minutes](#)

3.6. On-Site Committee

Mr. Blaisdell reported on the 7/22/22 Joint Exam Qualifications and On-Site committee meeting.

Discussion Items

- The committees reviewed the proposed language changes to WAC 196-32 and feedback received from the Washington State Environmental Health Directors (WSEHD) and Washington On-Site Sewage Association (WOSSA).

Outcomes:

- One-year design experience requirement for inspectors and certificate of competency holders.
- Certificate of competency holders who wish to obtain their designer license may use their experience gained as an inspector. The Board will review applications on a case-by-case basis to make sure these individuals meet the criteria to be a designer.

Action Items

- Ms. Lagerberg and Mr. Fuller will draft a response to WSEHD and WOSSA and send it to the On-Site Committee members for initial review. It will then move to the EQC for their review and recommendation to the board.
- Staff will make the revisions to WAC 196-32 and send it out to the On-Site committee.

Mr. Blaisdell also informed the Board that he, Mr. Fuller, and Ms. Gillespie met with Mr. Kiess, EH Director Kitsap County and Ms. Shopbell, EH Manager, Grant County on 8/10/22 to get a better understanding of WSEHD's questions and the certificate of competency training and mentorship process as it relates to the one-year design experience requirement.

4. New Business

4.1. Approval of Concise Explanatory Statement & Filing of CR103 for WAC 196-12 (from EQC)

A motion was made by Mr. VanDeWege, and seconded by Mr. Blaisdell, to approve the proposed language from the EQC and direct staff to file the Concise Explanatory Statement and CR-103 with the Office of the Code Reviser. Motion carried.

4.2. Update on Development of RCW 18.43 Next Steps (from PC)

Mr. Peden, PC Chair, provided background information and presented two options for the Board to consider. The first option is to move forward with only the FE Waiver portion of the proposed language. The second option is to include edits for an additional pro-tem board member along with the FE Waiver revisions.

A motion was made by Ms. Lund, and seconded by Mr. Peden, to move forward with changes to RCW 18.43 only within the scope of FE Waiver language as previously proposed by Exam Qualifications Committee. Motion carried.

4.3. Approval of Monument Removal/Replacement Response to DNR (from Survey Committee)

It was determined this matter needs to be reviewed by the Practice Committee before coming to the board for consideration and discussion was postponed until the next meeting.

4.4. NCEES Annual Meeting Motions

A motion was made by Mr. VanDeWege, and seconded by Mr. Peden, to delegate the Board's voting authority to meeting attendees and identified Mr. Hendrickson being the primary voting delegate. Motion carried.

4.5. Amendment to Existing Agreed Order - Hawkins

The board discussed a proposal by Mr. Hawkins regarding his Agreed Order.

A motion was made by Mr. Peden, and seconded by Mr. Wengler, to amend the Agreed Order to allow for a payment plan but not reduce the amount of the fine. A friendly amendment made by Mr. Peden was also accepted to send the case to collections if necessary. Motion carried.

5. Director's Report

5.1. Financial Report

Mr. Bitar provided an overview of the financial report that was included in the packet . He reported the agency is in excellent financial condition and stated the agency is projected to end the biennium with about \$1.61 million in its operating account and is on track to underspend appropriation this biennium by \$543,000.

He reported last fiscal year, the agency generated \$2.106 million in licensing revenue vs. just \$1.824 million during the same period last biennium. This represents an increase of about 15.5%.

5.2. Agency Operations

Mr. Larson informed the board that new keypad door locks are going to be installed on both office entry doors.

Mr. Fuller stated that the agency purchased a Scantron reader and software to grade state specific exams and Ms. Gnanapragasam questioned why the agency was purchasing antiquated technology.

5.3. Program Reports

Staff provided a summaries of the program reports that were included in the [board packet](#).

- 5.3.1. Communications & Outreach – Mr. Schieferstein
- 5.3.2. Regulatory – Ms. Gillespie
- 5.3.3. Investigations & Compliance – Ms. Short
- 5.3.4. Licensing
- 5.3.5. Administration – Ms. Moretti

5.4. Other Items

Mr. Fuller let the board know that the agency has engaged a consultant, Leneker Group, LLC. to provide team development and coaching to staff.

The Board discussed the location and format of upcoming board meetings. A motion was made by Mr. Blaisdell, and seconded by Mr. Wengler, to use a hybrid model (in-person *and* WebEx) and hold the in-person October and December board meetings at the SeaTac Radisson utilizing the traditional 2-day format with committee meetings held the day before. Motion carried.

6. Assistant Attorney General's Report

- 6.1. The Board reviewed the AGO opinion included in the [board packet](#) and Ms. Lagerberg offered to answer any questions but there were none.

7. Other Business

7.1. Additional Public Comment

None Provided

7.2. Upcoming Outreach and Events

- 9/21-22/22 | Washington State Association of County Auditors Licensing & Recording Conference | Pasco | Mr. Hendrickson, Mr. Blaisdell, Mr. Wengler, Mr. Larson, and Ms. Short.
- 10/28/22 | WABO, Architects Board, BRPELS | Spokane | Mr. Peden, Ms. Lagerberg, and Mr. Fuller.

- 12/1/22 | City of Bellevue and surrounding building departments | Bellevue | Ms. Lund and Mr. Fuller.
- 4/26-27/23 | American Public Works Association (APWA) Conference | Tacoma

7.3. Action Items from This Meeting

1. The Practice Committee will prepare an appropriate reply for Mr. Fuller to use in his response to Mr. Walesh regarding engineering licensing exemptions.
2. Ms. Gillespie will file CR103 for WAC 196-12.
3. The Practice Committee will review the Monument Removal/Replacement response from the Survey Committee and prepare a recommendation for the Board.

7.4. Agenda Items for Next/Upcoming Meetings

1. 2023 Meeting Dates
2. NCEES Annual Meeting Update
3. State Exam Cut Scores
4. Motions for NCEES Annual Meeting

8. Adjourn Meeting

A motion was made by Ms. Lund, and seconded by Mr. VanDeWege, to adjourn the meeting at 3:30 p.m. Motion carried.

Next Meeting: October 20, 2022 – Special Board Meeting – SeaTac & WebEx

Respectfully submitted

Ken Fuller, PE, Director

From: STU WALESH <stu-walesh@comcast.net>
Sent: Thursday, July 28, 2022 10:51 AM
To: STU WALESH <stu-walesh@comcast.net>
Subject: What's more important – Preventing a bad-hair day or a bad-flight day?

Engineering licensing board members and related government personnel:

Licensure laws for U.S. professions protect the public. However, as you know, states (except two) allow major exemptions to engineering licensure laws.

As a result, many engineering organizations that conduct risky engineering projects do so without guidance and sign-off by competent and accountable Professional Engineers (PEs) who are ethically and legally bound to hold public protection paramount. Exemptions place the public at unnecessary risk.

Besides endangering citizens, these laws create bizarre situations. For example, Washington State's licensure law for hair stylists and barbers allows no exemptions from licensure. In stark contrast, the state's engineering licensure law provides many exemptions, including Boeing engineers who design and manufacture 200-passenger commercial aircraft that fly 520 miles per hour.

Washington's licensure laws suggest that preventing a "bad-hair day" is more important than preventing a "bad-flight day."

For more information, see my book [*Engineering's Public-Protection Predicament*](#).

I try, for the sake of public safety, to inform the American public about their unnecessary risk with the hope that some will urge state licensing boards, perhaps yours, and legislatures to reduce/eliminate exemptions to engineering licensure laws.

Suggestion: Based on my long-ago service on a licensing board, please consider this idea. At a near future meeting of your board, carefully look at the exemptions your law/rules allow. Ask yourself who is best-served by those exemptions, the public or business? If the latter, fix it. Thank you.

Stu

Stuart G. Walesh, Ph.D., P.E.
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Website: www.HelpingYouEngineerYourFuture.com
www.linkedin.com/in/stuwalesh

From: [Fuller, Ken \(BRPELS\)](#)
To: [Short, Jill \(BRPELS\)](#)
Subject: FW: Response to your 7/28/2022 Email
Date: Tuesday, October 4, 2022 7:25:26 AM
Attachments: [image001.png](#)
[2218.1 Boeing"s License-Exemption Culture.docx](#)

Good morning Jill.

I will give you a call.

Thank you,

Ken

From: STU WALESH <stu-walesh@comcast.net>
Sent: Monday, October 3, 2022 12:25 PM
To: Fuller, Ken (BRPELS) <Ken.Fuller@brpels.wa.gov>
Cc: Wherrett, Mackenzie (BRPELS) <Mackenzie.Wherrett@brpels.wa.gov>
Subject: Re: Response to your 7/28/2022 Email

External Email

Mr. Fuller:

Thank you for your thoughtful and detailed response.

Having served, several decades ago, on a state licensing board, I am familiar with and appreciate the work you do.

Because of my recent research and reflection, I now see some dangerous groupthink behavior that I missed during my licensure board service. Exemption laws too often create cultures, involving engineers and others, that legally put a premium on the bottom line and other business interests leaving public protection a distant second. The absence of competent and ethically and legally accountable PEs, who are in responsible charge and for whom public protection is paramount, invites chaos.

This type of culture was evident in various engineering disasters. Some examples, all of which are described in Chapter 3 of my book, *Engineering's Public-Protection Predicament: Ford Pinto fires, space shuttle Challenger explosion, GM ignition switch failures, Deepwater Horizon oilrig disaster, Volkswagen emissions fraud, and Boeing 737 MAX 8 crashes*. Relying on these organizations to protect the public was foolish. Engineering was stifled.

For an example of how those bottom-line first cultures look and work, please see the attached description, from my book, of the Boeing culture up to and during the crashes.

If I were on a licensing board today, I would insist that we regularly ask ourselves the following: Is this kind of culture what we want for our citizens and, if not, how can we fix it?

Thank you for listening.

Stu

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On 09/27/2022 4:32 PM Fuller, Ken (BRPELS) <ken.fuller@brpels.wa.gov> wrote:

Dear Stuart,

Thank you for your outreach to our profession and specifically to the Washington State Board. In Washington state our statute (18.43 RCW) "The Engineering act", was written to safeguard life, health, and property, and to promote the welfare of our public. In the provisions of our law our legislators allow for few exceptions to registration requirement for an engineer to work in our state. The exceptions fall under unlicensed engineering work under the direct supervision/control of a licensee, engineering work by a federal employee (if the engineering work product is only on a federal facility) or via the "industrial" exception where the engineering work is for a direct product of the company and is under the control/processes of a product testing/verification process (FAA, Coast Guard, or UL...) or manufacturing systems (Such as ASME).

We rely on industries, as partners, to adhere to the strict control of the agency with control over their products and rely on the associated agencies to manage and control the requirements and uphold the rigor of their review, testing, QA/QC, conformance, and design criteria, ethics, training, and accountability. The points and suggestions you have mentioned in your email have been discussed by our board, and the discussion are continuing as we realize change may be necessary.

We continue to monitor the practice of engineering and our governing laws and regulations to meet the safeguards required of us under RCW 18.43 as well as maintain a consistent connection with our professions.

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 \(wa.gov\)](#)

Boeing’s Licensure-Exemption Culture

Source of the following: The book *Engineering’s Public-Protection Predicament*, Chapter 3, “Disasters: Were Some Caused by Licensure-Exemption Cultures?” 2021, by Stuart G. Welsh

https://www.amazon.com/Books-Stuart-G-Walesh/s?rh=n%3A283155%2Cp_27%3AStuart+G.+Walesh

Culture Defined

What does “culture” mean within an organization like Boeing, or other organizations, manufacturers, utilities, and government entities operating in licensure-exemption industries? Engineer Stephen E. Armstrong says, “Culture wields great power over what people consider permissible and appropriate... The embedded beliefs, values, and behavior patterns carry tremendous weight. The culture sends its energy into every corner of the organization, influencing virtually everything.”ⁱ That definition expresses culture’s complexity and power. I offer another and consistent definition of culture: The way things really work around here, especially when the chips are down.

Reporter Jerry Useemⁱⁱ shares and elaborates on a similar view of culture as a collection of scripts gradually written within an organization by very busy individuals, especially managers and executives, seeking relief from being bombarded with information and pressed for decisions. However, these efficient tools can be morally or otherwise flawed, and because they are used in top-down fashion in an organization, they become embedded vertically and horizontally, as standard operating procedures (SOP). In addition, the script collection, once the theme is set, easily expands, like an “elastic waistband,” to include more scripts that are similar.

Taken together, the preceding three takes on culture capture and describe a powerful and pervasive force created, from the top down, in any organization. The exemptions environment exemplifies the power of culture.

Glimpses of Boeing’s Culture

In October 2019, while drafting this section of the book, I visited the Boeing website and scanned the first dozen descriptions of job openings that had “engineer” in the title. None listed licensure, or being on a licensure track, as a requirement. Many noted, under education requirements, bachelor’s or other degrees in fields outside of engineering—such as chemistry, computer science, mathematics, and physics. This is an example of how organizations operating under licensure exemptions, commonly assign titles containing “engineer” to individuals who have not earned an engineering degree (5.3.11). Some positions were labeled as “union-represented positions.” I share this job description information to illustrate how, at Boeing, “engineers” are employees, some members of unions. The title “engineer” is bestowed, by the employer, on whomever they wish.

Bestowing “engineer” on non-engineers suggests that companies value the word “engineer,” even if they don’t respect the education effort required to earn the right to be called a graduate engineer. Maybe employers misuse the word for recruitment and retention purposes.

Consider another example of this kind of distortion. In 2003, efforts by the Florida Engineering Society to require proper use of “engineer,” were thwarted by the aerospace industry, which obtained an exemption in legislation that allowed, in aerospace, “identification of their employees as engineers, regardless of their qualifications.”ⁱⁱⁱ

As part my research, I encountered or learned about mostly engineers and others who once worked for Boeing and shared their experiences, which provided personal insights into how licensure exemption influences engineers and engineering and other activities within Boeing. Consider some of their views.

Alan Werner, PE an NSPE Fellow NSPE wrote: “Licensed engineers do not have a role in aircraft design because of the industrial exemption. As a matter of fact, a PE cannot display his/her credential on their badges” at Boeing.^{iv}

Ed Pierson worked at Boeing from 2008 to February 2019, with his last position being senior manager, production system support. Pierson, who is not an engineer, graduated from the U.S. Naval Academy and served in the Navy before joining Boeing. On December 11, 2019, Pierson testified as part of the House of Representatives hearing, “The Boeing 737 MAX: Examining the Federal Aviation Administration’s Oversight on the Aircraft’s Certification.”^v

Pierson’s well-documented message was that, beginning in June 2018, four months before the first of the two crashes, he made many attempts to get Boeing to change aircraft production processes, including two recommendations to shut down the production line. His concern was an unstable production environment characterized by employee fatigue, out-of-sequence tasks, and communications and scheduling breakdowns—the cumulative effect of which was likely to lead to faulty aircraft and public risk. Pierson cited aircraft sensors, which played a role in the two disasters, as one example. His whistleblowing efforts failed.^{vi}

Retired engineer Cynthia Cole, who initially enjoyed working at Boeing during the early part of her 32-year career there, stated during an October 2019 interview that the safety-first culture at Boeing began to weaken after the company purchased its rival McDonnell Douglas in 1997. According to Cole, “greater emphasis on maximizing profits over safety caused all kinds of problems as the company developed the 787 Dreamliner, which ended up three years behind schedule and billions over budget.” The Dreamliner, which just preceded the 737 MAX, was grounded 14 months after beginning service because its lithium-ion batteries ignited. Engineers, who often have pride in the results of their work, can empathize with Cole when she said that pulling the 737 MAX 8 from service globally was demoralizing and made her sad.

Aerospace engineer and aviation industry analyst, Bjorn Fehrm, noted “safety has always been a high priority a Boeing...but it hasn’t been high enough.”^{vii}

Another engineer, who left Boeing in the early 2000s and preferred to be anonymous, confirmed the PE credential non-display policy. This individual also explained how, because of a 2000 strike involving engineers and a big drop in stock value, the human resources policies gradually downgraded requirements for engineering positions. This led to today’s omission of references to licensure tracks, as well as the dropping of the requirement that engineers hold degrees from ABET-accredited engineering programs, and allowing individuals without engineering degrees to hold engineering positions.

Another anonymous engineer, who worked at Boeing for seven years, resigned immediately after the strike. While this person initially “loved working at Boeing,” citing the work and coworkers as the best parts, the engineer became increasingly concerned about changes within Boeing following its 1997 purchase of McDonnell Douglas. Examples of such changes included “ethical lapses” and what the engineer saw as a choice to sacrifice the company’s key competency—wing design—to make Boeing more of a systems integrator and less an aircraft designer. The engineer disliked the unionization of engineers and the system whereby Boeing “self-polices itself” on behalf of the FAA and the Joint Aviation Authorities (JAA), a safety-oriented organization of some European countries.

According to this former Boeing employee, PE licenses “are not needed in aerospace and as such there is zero desire or incentive to get one.” Finally, in response to my question about the cause of the two Boeing 737 MAX 8 crashes, this former employee speculated the cause was probably lack of engineering “rigor” and “oversight.”

In 2016, during the 737 MAX certification process, Boeing conducted an internal survey that revealed aspects of its culture at the time. A whistleblower later provided results of that survey to the previously mentioned U.S. House of Representatives Committee on Transportation and Infrastructure. The results: 39 percent of employees reported “undue pressure” and 29 percent expressed concern “about consequences if they reported potential undue pressure.”^{viii}

Three years later, and after the two crashes, Boeing engineer Curtis Ewbank filed a formal internal ethics complaint related to design of the 737 MAX expressing concern that managers rejected engineering suggestions to include a system that could detect malfunctioning AOA sensors. Why had he not taken such strong action during aircraft design? Ewbank said, in the complaint, that “fear of retaliation was high.”^{ix} Recall that the NTSB determined that the AOA sensors malfunctioned in both of the disasters.^x

For a final insight into Boeing’s culture, listen to some of the internal 737 MAX messages in documents delivered, in January 2020, by Boeing to congressional investigators.^{xi,xii}

- Boeing employee referring to colleagues involved in the development of the troubled plane: "This airplane is designed by clowns who in turn are supervised by monkeys."
- Boeing employee referring to an exchange of information with the FAA: "I still haven't been forgiven by God for the covering up I did last year."
- Boeing employee referring to FAA officials watching a complicated presentation given by Boeing personnel: "It was like dogs watching TV."
- Boeing employee speaking to another employee: "Would you put your family on a Max simulator-trained aircraft? I wouldn't." The other employee said "No."

Boeing officials apologized to the FAA, Congress, its airline customers, and the flying public the statements noting that they were "inconsistent with Boeing values."

. . .

In an interview with Consumer News and Business Channel (CNBC) on November 5, 2019, David Calhoun, chairperson of the Boeing board, mentioned the company's internal investigations of the 737 MAX 8 disasters in October 2018 and March 2019. When asked what those investigations revealed about what had happened within the company in the design of the 737 MAX 8, Calhoun said, "Nobody was hiding anything. It was set of engineering decisions that ended up being wrong."^{xiii}

On December 22, almost seven weeks later, the board fired CEO Dennis Muilenburg, a graduate aerospace engineer, apparently because he was not "winning back the confidence" of the traveling public, the FAA, airlines, and suppliers. Calhoun was named to replace him.^{xiv} Muilenburg's reputation and other considerations aside, he left the company in solid personal financial shape—with "\$62 million in vested incentive awards, stock, and retirement benefits."^{xv}

In licensure-exemption cultures, major engineering decisions are often made by, or made in response to pressure from, bottom-line managers or others, not by licensed engineers. Examples appear throughout this chapter.

Chairman Calhoun's CNBC interview answer and the Boeing board's discharge of Muilenburg may have been convenient for them and corporate executives because it cast blame downward in the organizational hierarchy, onto "engineering decisions" and, therefore, engineers. However, engineers may not have made the key engineering-related decisions because in that culture, they are rarely in responsible charge. Boeing engineers are employees.

And all of this is both legal—because of state licensure-exemption laws—and disturbing. Why disturbing? Because the best engineering that the U.S. engineers have to offer via their formal education, continuing education, licensure responsibilities, and ethics obligations cannot thrive within a licensure-exemption culture like that at Boeing and similar organizations, as illustrated in this chapter.

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- ⁱ Armstrong, S. C. 2005. *Engineering and Product Development Management: A Holistic Approach*. Cambridge, UK: Cambridge University Press.
- ⁱⁱ Useem, J. 2016. “What Was Volkswagen Thinking?” *The Atlantic*, January/February, pp. 26-28.
- ⁱⁱⁱ National Council of Examiners for Engineering and Surveying (NCEES). 2013. “Industrial Exemption Task Force.”
- ^{iv} Werner, A. 1919. PE and Fellow NSPE, personal communication with author, October 13, 2019. He allowed use, with attribution, of a portion of his July 4, 2019 post to a NSPE blog.
- ^v U.S. House of Representatives, Committee on Transportation and Infrastructure. 2019. “Hearing—The Boeing 737 MAX: Examining the Federal Aviation Administration’s Oversight of the Aircraft’s Certification.” December 11, <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=110296>, accessed January 1, 2020.
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- ^{xi} Schaper, D. and V. Romo. 2020. “Boeing Employees Mocked FAA in Internal Messages before 737 Max Disasters.” *NPR-Business*, January 9, <https://www.npr.org/2020/01/09/795123158/boing-employees-mocked-faa-in-internal-messages-before-737-max-disasters>, accessed January 10, 2021.

^{xii} Kitroeff, N. 2020. “Boeing Employees Mocked FAA and Flouted Safety in Internal Messages.” January 11, *The New York Times*, <https://www.chicagotribune.com/consumer-reviews/sns-nyt-boeing-employees-mocked-faa-20200111-oncpg275uvf4jpujhy5by3fw2i-story.html>, accessed January 10, 2021.

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Board Meeting

Tab 2

Disciplinary Activity

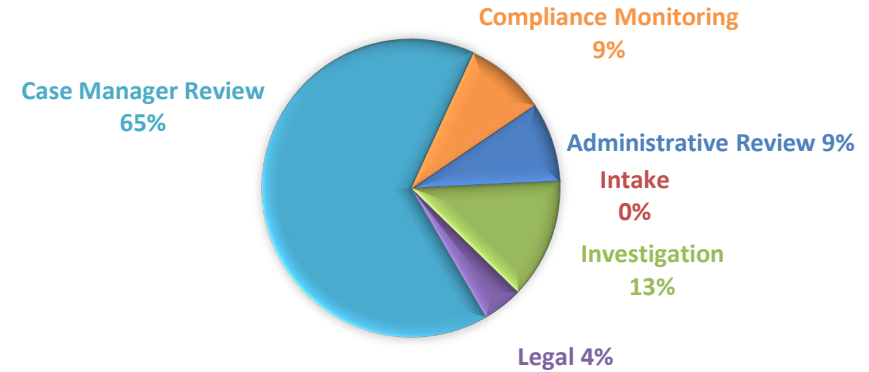
- 2.1 Case Closures
- 2.2 Disciplinary Report

Board of Registration for Professional Engineers Land Surveyors Disciplinary Report - October 2022

Open Case Status

Status	Program Type			Total
	Engineers	Land Surveyors	OSW	
Administrative Review	0	0	2	2
Intake	0	0	0	0
Investigation	0	3	0	3
Legal	0	1	0	1
Case Manager Review	1	13	1	15
Compliance Monitoring	2	0	0	2
Total	3	17	3	23

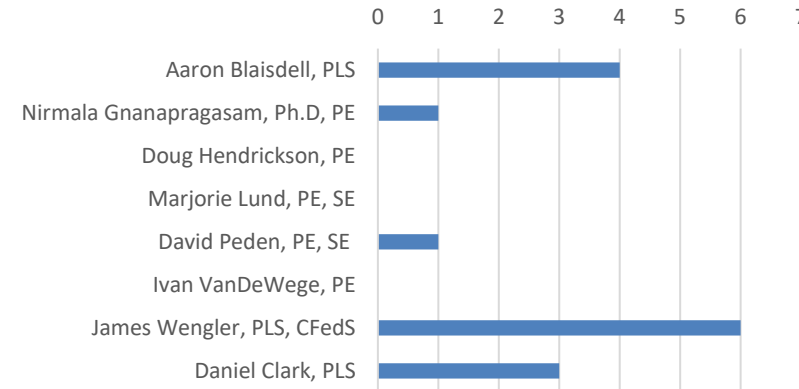
Open Complaint Status



Case Manager Review

Case Manager	Program Type		Total
	Engineers	Land Surveyors	
Aaron Blaisdell, PLS	0	4	4
Nirmala Gnanapragasam, Ph.D, PE	1	0	1
Doug Hendrickson, PE	0	0	0
Marjorie Lund, PE, SE	0	0	0
David Peden, PE, SE	1	0	1
Ivan VanDeWege, PE	0	0	0
James Wengler, PLS, CFedS	0	6	6
Daniel Clark, PLS	0	3	3
Total	2	13	15

Case Manager Open Complaints



Administrative Review

Board Staff	Engineers	Land Surveyors	OSW	Total
Ken Fuller, PE	0	0	2	2
Rich Larson, PLS	0	0	0	0
Total	0	0	2	2

Board Meeting

Tab 3

Committee Reports

- 3.1 Executive Committee
- 3.2 Practice Committee
- 3.3 Exam Qualifications Committee
- 3.4 Survey Committee
- 3.5 On-Site Committee

Board Meeting

Tab 4

New Business

- 4.1. 2022/2023 Meeting Schedule
- 4.2. Approval of On-Site Exam Cut Score (from EQC)
- 4.3. Approval of PLS State Specific Exam Cut Score (from EQC)
- 4.4. RCW 18.43 Engineers and Land Surveyors (from PC)
- 4.5. Approval of filing CR102 for WAC 196-26A & WAC 196-30 (from Executive Committee)
- 4.6. Approval of filing CR102 for WAC 196-32 (from EQC)
- 4.7. Approval of Monument Removal/Replacement Response to DNR (from PC)



STATE OF WASHINGTON

Board of Registration for Professional Engineers & Land Surveyors

2023 EVENTS CALENDAR

January						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

April						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October						
S	M	T	W	T	F	S
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

NCEES
 Western Zone Annual Meeting
 Houston, TX Boston, MA
 April 27 - 29 Aug. 15 - 18

LSAW
 Annual Conference
 Spokane, WA
 Feb. 15 - 17

PNW ASCE
 2023 Student Symposium
 Montana St University
 April 14 - 15

Committee & Board Meetings
 TBD

Washington State Holidays

NCEES Structural Exams
 April 13 - 14
 October 26 - 27

WA State Specific Exams
 TBD

AMENDATORY SECTION (Amending WSR 14-03-029, filed 1/8/14, effective 2/8/14)

WAC 196-26A-040 Renewals for professional engineer and professional land surveyor licenses. ~~((The date of renewal, renewal interval and renewal fee is established by the director of the department of licensing in accordance with chapter 43.24 RCW.~~

~~A completed))~~ (1) Licenses for professional engineers or professional land surveyors shall be renewed every two years. The date of expiration shall be the licensee's birthday. The initial license issued to an individual shall expire no earlier than one year after the issue date.

(2) To renew your license, complete an application for renewal ~~((requires payment of a))~~, pay the required renewal fee, and ~~((any))~~ provide the information ~~((specified by the board))~~ requested in the renewal notice and application form. This information may include email address or other contact information and information regarding prior unprofessional conduct pursuant to RCW 18.235.110 and 18.235.130. Information regarding unprofessional conduct will be

evaluated by the board to determine whether it is related to the practice of the applicant's profession.

(3) For a professional land surveyor the renewal application requires completion of professional development requirements and an attestation by the applicant that they have read chapters 58.09 RCW and 332-130 WAC as part of the renewal process.

(4) If a completed application for renewal has not been received by the ((department)) board by the date of expiration (postmarked before the date of expiration if mailed or transacted online before the date of expiration), the license is invalid. Renewals that remain expired over ninety days past the date of expiration require payment of a ((penalty)) late fee equivalent to the fee for a one-year renewal in addition to the base renewal fee, and completing of a renewal application.

(5) If your license has been expired for five or more years, you must submit a renewal application and you will be required to take and receive a passing score on the board's law review examination. In the first year of reactivated practice professional land surveyors may be required by the board to collect an additional fifteen professional development hours (PDH). The licensee is responsible ((to ensure)) for

timely renewal whether or not they received a renewal notice from the department.

~~((The licenses for individuals registered as professional engineers or professional land surveyors shall be renewed every two years or as otherwise set by the director of the department of licensing. The date of expiration shall be the licensee's date of birth. The initial license issued to an individual shall expire on the next occurrence of his or her birth date. If the next birth date is within three months of the initial date of licensure, the original license shall expire on his or her second birth date following original licensure.))~~

[Statutory Authority: RCW 18.43.080 and 43.24.086. WSR 14-03-029, § 196-26A-040, filed 1/8/14, effective 2/8/14. Statutory Authority: RCW 43.24.086 and 18.43.035. WSR 02-13-080, § 196-26A-040, filed 6/17/02, effective 9/1/02.]

AMENDATORY SECTION (Amending WSR 12-06-064, filed 3/6/12, effective 4/6/12)

WAC 196-30-020 On-site wastewater treatment designer and inspector fees. The (~~business and professions division of the department of licensing~~) board of registration for professional engineers and land surveyors shall assess the following fees:

Title of Fee	Amount (\$)
Designer license application	200.00
Designer license application (comity)	75.00
Designer license renewal	116.00
Designer license re-examination	140.00
Late renewal penalty	58.00
Certificate of competency (inspector)	
Application	175.00
Certificate of competency renewal	116.00
Late renewal penalty	58.00
Certificate of competency re-examination	140.00

[Statutory Authority: RCW 43.24.086 and chapter 18.210 RCW. WSR 12-06-064, § 196-30-020, filed 3/6/12, effective 4/6/12; WSR 07-10-126, § 196-30-020, filed 5/2/07, effective 6/2/07. Statutory Authority: RCW 43.24.086 and 18.210.050. WSR 99-24-022, § 196-30-020, filed 11/23/99, effective 12/24/99.]

AMENDATORY SECTION (Amending WSR 12-06-064, filed 3/6/12, effective 4/6/12)

WAC 196-30-030 License renewals. (1) On-site licenses and certificates of competency (~~((that expire on or after March 1, 2012,))~~) shall be (~~((for a two-year period due on the individual's birth date.~~

~~(2) The initial designer license and certificate of competency will expire on the licensee's or certificate holder's next birth date. However, if the licensee's or certificate holder's next birth date is within three months of the initial date of issuing the license or certificate, the original license or certificate will expire on his or her second birthday following issuance of the original license or certificate. All subsequent renewals shall be for a two-year period due on the individual's birth date))~~ renewed every two years. The date of expiration shall be the licensee's birthday. The initial license issued to an individual shall expire no earlier than one year after the issue date.

(2) To renew your license, complete an application for renewal, pay the required renewal fee, and provide the information requested in the renewal notice and application form. This information may include email address or other contact information and information regarding

prior unprofessional conduct pursuant to RCW 18.235.110 and 18.235.130. Information regarding unprofessional conduct will be evaluated by the board to determine whether it is related to the practice of the applicant's profession. No refunds will be made, or payments accepted for a partial year.

(3) It shall be the licensee's or certificate holder's responsibility to pay the prescribed renewal fee to the ~~((department of licensing))~~ board on or before the date of expiration.

~~(4) ((Licensees who fail to pay the prescribed renewal fee within ninety days of the license expiration date will be subject to a late penalty fee equivalent to the fee for a one-year renewal. However, the license or certificate is invalid the date of expiration (if not renewed) even though an additional ninety days is granted to pay the renewal fee without penalty. After ninety days, the base renewal fee plus the penalty fee must be paid before the license or certificate can be renewed to a valid status.))~~ If a completed application for renewal has not been received by the board by the date of expiration (postmarked before the date of expiration if mailed or transacted online before the date of expiration), the license is invalid. Renewal that remain expired over ninety days past the date of expiration require payment of a late fee equivalent to the fee for a one-year

renewal in addition to the base renewal fee, and completion of a renewal application.

(5) Any designer license that remains expired for more than two years would be canceled. After cancellation, a new application must be made in accordance with chapter 18.210 RCW to obtain another license. [Statutory Authority: RCW 43.24.086 and chapter 18.210 RCW. WSR 12-06-064, § 196-30-030, filed 3/6/12, effective 4/6/12; WSR 07-10-126, § 196-30-030, filed 5/2/07, effective 6/2/07. Statutory Authority: RCW 43.24.086 and 18.210.050. WSR 99-24-022, § 196-30-030, filed 11/23/99, effective 12/24/99.]

NEW SECTION

WAC 196-32-005 Declaration and purpose. This chapter contains rules and procedures for applications, experience, education, and eligibility to become licensed as an on-site wastewater treatment system designer or to obtain a certificate of competency.

[]

NEW SECTION

WAC 196-32-007 Definitions. On-site wastewater treatment system designer. "Designer" or "licensee" means an individual authorized under chapter 18.210 RCW to perform design services for on-site wastewater systems.

On-site wastewater treatment system inspector/certificate of competency holder. "Certificate of competency holder" or "inspector" means a person who has been issued a certificate and has been authorized by the board to practice as an on-site wastewater treatment inspector.

[]

NEW SECTION

WAC 196-32-011 Requirements for designer license. To become licensed as an on-site wastewater treatment system designer in Washington, you must meet the requirements described below:

- (1) Have a high school diploma or GED equivalent.
- (2) Have four years of progressive experience in the design of on-site wastewater treatment systems judged suitable by the board. The four years of experience could be a combination of education and work experience related to on-site wastewater system design.
- (3) Fully complete the application form to the satisfaction of the board.
- (4) Pay all applicable fees.
- (5) Receive a passing score on the Washington law review.
- (6) Receive a passing score on the Washington state on-site designer examination.

Upon passing the on-site designer examination, the applicant will be licensed as an on-site wastewater treatment system designer.

[]

AMENDATORY SECTION (Amending WSR 00-20-017, filed 9/25/00, effective 10/26/00)

WAC 196-32-020 (~~(Qualifications for designer applicants)~~)

Acceptable experience and (~~(education records)~~) **supporting documents.**

~~((To qualify for examination the law requires a high school diploma or equivalent and))~~ The four years of experience in the design of on-site wastewater treatment systems of a character satisfactory to the board~~((The four years of experience must be completed two months prior to the date of the examination. The board shall evaluate all experience, including education, on a case-by-case basis and consider such experience and education as appropriate. The board will use))~~ should include site and soil assessment, hydraulics, topographic delineations, use of specialized treatment processes and devices, microbiology, and construction practices. The following criteria will be used in evaluating an applicant's experience record:

~~((Acceptable education experience will be based on transcripts.~~

~~(1) Education experience, up to a maximum of two years, may be approved based on the following:~~

~~(a) Graduation from a baccalaureate or associate degree program which contains course work in the sciences and technologies of on-site wastewater treatment systems, as provided in RCW 18.210.100.~~

~~(b) Completed college level course work without a degree will be evaluated on a case by case basis.~~

~~(c) Documented seminars, industry training programs, and other educational or training programs specifically related to the science and technologies of on-site wastewater treatment systems will be evaluated on a case by case basis.~~

~~(2))~~ (1) Acceptable work experience shall be ~~((four years of))~~ broad based ~~((7))~~ and progressive ~~((field and office experience))~~ in the design of on-site wastewater treatment systems. ~~((The applicability of the))~~ Work experience ~~((shall))~~ will be considered by the board based upon the verifications provided by the applicant, the level of independent judgments and decisions, and the demonstration of the ability to work within the regulatory structure. This experience must include, but shall not be limited to the following:

(a) Applying state and local health regulations;

(b) Exercising sound judgment when making independent decisions regarding the sciences and technologies of on-site wastewater treatment systems;

(c) Field identification and evaluation of soil types and site conditions;

(d) Conducting research; ~~and((+))~~

(e) Interacting with clients and the public in conformance with chapter 18.210 RCW.

~~((The board may grant partial credit for experience that does not fully meet the requirements in (a) through (e) of this subsection.))~~

(2) Of the four years of work experience required, education relevant to on-site wastewater treatment may be considered satisfactory experience up to a maximum of two years; the board will determine if the education credentials are satisfactory to award years of experience based on the following:

(a) Graduation from a baccalaureate or associate degree program which contains course work in the sciences and technologies of engineering and/or on-site wastewater treatment systems, as provided in RCW 18.210.100 may be awarded up to a maximum of two years of experience. Course work relevant to on-site wastewater systems includes soil science, geology, biology, mapping, site development and construction management.

(b) Completed college level course work without a degree will be evaluated by the board in deciding the equivalent years of experience.

(c) Documented seminars, industry training programs, and other educational or training programs specifically related to the science and technologies of on-site wastewater treatment systems will be evaluated by the board in deciding the equivalent years of experience.

Official transcripts and/or other official educational documents must be sent to the board's office for review and approval to count towards experience.

(3) On-site wastewater related teaching (~~(of a character satisfactory to the board)~~) may be (~~(recognized as)~~) considered satisfactory experience up to a maximum of one year at the discretion of the board.

(4) Working for a local health jurisdiction as a certificate of competency holder may count towards a portion of the required experience, at the discretion of the board.

(5) (~~(Any)~~) All work experience gained (~~(in a situation which violates the provisions of)~~) must be performed under the direct supervision of a licensed designer or professional engineer as per chapter 18.210 RCW or as approved by the board(~~(will not be credited towards the experience requirement)~~).

[Statutory Authority: RCW 18.210.050, 18.210.060. WSR 00-20-017, § 196-32-020, filed 9/25/00, effective 10/26/00.]

AMENDATORY SECTION (Amending WSR 00-20-017, filed 9/25/00, effective 10/26/00)

WAC 196-32-030 (~~(Qualifications)~~) Requirements for inspector certificate of competency. (~~((1) To qualify for examination the law requires))~~ To receive an inspector certificate of competency you must meet the requirements below:

(1) Be an employee of a local health jurisdiction that reviews, inspects, or approves the design and construction of on-site wastewater treatment systems.

(2) Have one year of practical work experience under the supervision of a certificate of competency holder or one year of previous work under a licensed on-site designer or professional engineer, unless otherwise approved by the board.

The board will consider the following in evaluating the practical work experience: Verification(s) provided by the applicant, the demonstration of the ability to work within the regulatory structure and familiarity with the aspects of on-site wastewater system design, construction, and maintenance.

The work experience must demonstrate understanding of chapter 246-272A WAC and associated department of health recommended standards

and guidance (RS&G) documents. In addition, the work experience should include:

(a) Review of site characteristics such as soil types and location of water tables.

(b) Review of well siting, testing, and construction.

(c) Review of plats and land subdivisions.

(d) Review of septic system designs.

(e) Review of system installation and construction.

(f) Review of system troubleshooting and operations and maintenance.

The applicant must demonstrate their knowledge and experience in more than one area listed under (a) through (f) of this subsection.

(2) Fully complete the application form to the satisfaction of the board.

(3) Provide a written request from the local health ((~~director or designee~~)) jurisdiction. Requests shall be submitted on a form prescribed by the board.

(4) Pay all applicable fees.

(5) Obtain a passing score on the Washington law review.

(6) Obtain a passing score on the on-site designer examination.

Upon passing the on-site designer examination, the applicant will be issued a certificate of competency. Issuance of the certificate of competency does not authorize the certificate of competency holder to offer or provide on-site wastewater treatment system design services to the public.

[Statutory Authority: RCW 18.210.050, 18.210.060. WSR 00-20-017, § 196-32-030, filed 9/25/00, effective 10/26/00.]

NEW SECTION

WAC 196-32-035 Application process. The board has one application form for licensure as an on-site wastewater treatment system designer and another application for inspector certificate of competency. All applications must be completed on forms provided on the board's website and include required documentation to be approved by the board for examination. Completed applications must be received at the board's address with the applicable fee by the date posted on the board's website to be considered for approval to take the exam. Incomplete applications, and/or applications received after the deadline may be considered for a later examination. Applications submitted without the proper fee shall be considered incomplete.

(1) **On-site wastewater treatment system designer application:**

Applicants must complete all sections of the form and must meet all listed requirements for licensure.

(a) Applicants must provide information on the application form that demonstrates they meet all requirements for licensure. This includes work experience and education requirements, as detailed in WAC 196-32-011 and 196-32-020; and RCW 18.210.100, 18.210.110, and 18.210.120.

(b) All applicants must provide the following documents to verify these requirements:

(i) For education to be considered, you must submit official transcripts, or other official educational documents.

(ii) Applicants must provide two or more verifications of work experience. Experience must be verified on the form titled "On-Site Wastewater Treatment Systems Designer Experience Verification" which includes not only work experience information and details but also verifications of work experience by supervisors or other verifiers. At least one of the verifiers should be a licensed on-site designer or professional engineer who provided direct supervision of the applicant performing design services.

(c) A certificate of competency holder who wants to become licensed as an on-site wastewater treatment system designer must complete the on-site wastewater treatment system designer application, including verification(s) of design experience.

(2) **Inspector certificate of competency application:** Applicants must complete all sections of the form and must meet all requirements to obtain an inspector certificate of competency.

(a) Applicants must meet the requirements of the Washington State department of health and the local health jurisdiction.

(b) Applicants must have the local health department director or director designee complete and sign the "DOH request for examination" form per WAC 196-32-030 and submit it with the application.

[]

AMENDATORY SECTION (Amending WSR 00-20-017, filed 9/25/00, effective 10/26/00)

WAC 196-32-040 Examinations. (1) To become licensed as an on-site wastewater treatment system designer or to become an inspector certificate of competency holder the (~~candidate~~) applicant must pass the on-site designer licensing examination as established by the

board. (~~The examinations are given at times and places designated by the board.~~) The schedule of (~~future~~) examinations and an examination (~~syllabus~~) blueprint may be (~~obtained from~~) found on the board's (~~office~~) website.

(2) An applicant who has taken (~~an~~) the examination and failed or who qualified for (~~an~~) the examination but did not take it shall (~~request to take or retake the examination at least three months prior to the examination date. A written request accompanied by the applicable fee and/or charge as listed in chapter 196-30 WAC is required to~~) submit the exam reschedule (~~for an examination~~) application and applicable fee by the date posted on the board's website.

[Statutory Authority: RCW 18.210.050, 18.210.060. WSR 00-20-017, § 196-32-040, filed 9/25/00, effective 10/26/00.]

AMENDATORY SECTION (Amending WSR 00-20-017, filed 9/25/00, effective 10/26/00)

WAC 196-32-050 (~~Comity Licensing~~) **Registration of applicants licensed in other jurisdictions without examination.** The board has

the discretion to issue a license to an out-of-state licensee without examination who meets the following requirements:

(1) ~~((Applicants for licensure as an))~~ Completes the on-site wastewater treatment system designer ~~((by comity must meet the following criteria:~~

~~(a) The applicant's qualifications meet the))~~ registration application including supporting documentation as listed in WAC 196-32-035 and pays the appropriate fee.

(2) Receives a passing score on the Washington law review.

(3) Meets minimum requirements of ((chapter)) RCW 18.210.100, 18.210.110, and 18.210.180 ((RCW)) and this chapter((

~~(b) The applicant is in good standing with the)).~~

(4) Holds a currently valid license in a board recognized licensing agency in a state, territory, possession, or foreign country. ((Good standing shall be defined as a currently valid license in the jurisdiction of original registration or the jurisdiction of most recent practice, if different from the jurisdiction of original registration.

~~(2) This provision does not apply to those individuals who have obtained a license, certificate or other authorization from a local health jurisdiction.))~~

[Statutory Authority: RCW 18.210.050, 18.210.060. WSR 00-20-017, §
196-32-050, filed 9/25/00, effective 10/26/00.]

REPEALER

The following section of the Washington Administrative Code is
repealed:

WAC 196-32-010

Applications.

DEPARTMENT OF NATURAL RESOURCES
ENGINEERING DIVISION
1111 Washington St. SE - MS47030
OLYMPIA, WA 98504-703

October 1, 2022

Re: Recording Monument Replacements and Encroachments

Dear Mr. Beehler:

Thank you for requesting the input from the Board of Registration of Professional Engineers and Land Surveyors (BRPELS). The Board and its Assistant Attorney General have reviewed your questions and worked together in providing the following responses with emphasis added for clarity.

In addition, the courts have the final interpretation of the statutes and WACs as they are applied. In short, the Board cannot provide a definitive legal opinion but rather an interpretation under its regulatory authority. This response is intended to serve as the Board's perspective on the complicated legal questions you pose.

Here is an excerpt from the Letter from DNR seeking input:

The DNR Public Land Survey Office (PLSO) and the Survey Advisory Board (SAB) are seeking conclusive answers to questions raised frequently within our state's land surveying community. The particular questions at-hand concern whether certain circumstances trigger a requirement to file a Record of Survey (ROS) map. It appears that the relevant statutes guiding the land surveying profession are RCW 58.09.130, RCW 58.09.090 (1) (d) (iii), and RCW 58.24.040(8). We respectfully submit the following questions:

Question 1:

- 1) In the case of removal, or replacement, of a monument, not at a property corner, but marking a road centerline or right-of-way "reference line":
 - a. Is it mandatory for a surveyor to file an ROS following the removal, or replacement, of a monument marking a road centerline, or right-of-way "reference line"?
 - b. If the filing of an ROS is not required, is some other form of public record required?
 - c. If other forms of public record are sufficient in lieu of filing an ROS, what are the other forms of public record?

Response to 1a:

It is our opinion that monuments "**referencing**" a road centerline or right-of-way may be the best evidence as to the boundary of the actual road centerline or right-of-way, and although they may not be "**on the boundary of two or more ownerships**", they are points or lines which **define** the exterior boundary or "**boundaries common to two or more ownerships**" and their reestablishment would require the recording of a survey in most cases.

Analysis:

This is a very complex question that requires providing a brief history of current statutes that grant the Authority to the Department of Resource's (DNR) under Chapter 58.24 and how they are relevant to this question. A few scenarios are provided below in demonstrating this complexity.

The legislature, pursuant to RCW 58.24.010 and RCW 58.24.020, determined there was a necessity in the interest of the people of the state and the responsibility of the state to establish a system to provide a means for the identification and preservation of survey points [emphasis added] **for the description of common land boundaries and for the adoption and maintenance of a system of permanent reference as to boundary monuments.**

The legislature recognized in RCW 58.24.020 the Washington State Department of Natural Resources (DNR) as the agency for the establishment of this system.

RCW 58.24.040 (8): Permit the temporary removal or destruction of any section corner **or any other land boundary mark or monument** by any person, corporation, association, department, **or subdivision of the state**, county, or municipality as may be necessary or desirable to accommodate construction, mining, and other development of any land: PROVIDED, That such section corner or other land boundary mark or monument shall be referenced to the Washington coordinate system by a registered professional engineer or land surveyor prior to such removal or destruction, **and shall be replaced** or a suitable reference monument established by a registered professional engineer or land surveyor within a reasonable time after completion of such construction, mining, or other development: AND PROVIDED FURTHER, That the department of natural resources shall adopt and promulgate reasonable rules and regulations under which the agency shall authorize such temporary removal or destruction **and require the replacement** of such section corner or **other land boundary marks or monuments.**

Under their authority and Chapter 58.24.030 RCW, the DNR prescribed regulations concerning the removal or destruction of survey monuments and the perpetuation of survey points.

WAC 332-120-020 defines Land boundary survey corner as **"A point on the boundary of any easement, right of way, lot, tract, or parcel of real property; a controlling point for a plat; or a point which is a General Land Office or Bureau of Land Management survey corner."**

Although this definition does not specifically include similar wording as in RCW 58.24.040(8) being; **"a monument, not at a property corner"**, Chapter 58.24.040 (8) RCW gives authority to the DNR to regulate and authorize such temporary removal or destruction and requires the replacement of **other land boundary marks or monuments**. Since the DNR has the authority to regulate the temporary removal or destruction and the replacement of **other land boundary marks or monuments** when it becomes necessary or desirable to accommodate construction, mining, and other development of any land, it is our opinion that **"marking a road centerline or right-of-way "reference line"** falls under the definition of **"other land boundary marks or monuments"**.

With reference to the **APPLICATION AND PERMIT TO REMOVE OR DESTROY A SURVEY MONUMENT PER RCW 58.24.040(8) AND WAC 332-120-070** (Form prescribed 12/01/2021 by the Public Land Survey Office, Dept. of Natural Resources, pursuant to RCW 58.24.040 (8).) Chapter 58.09.040(1) RCW does not require a surveyor to record a survey since the monuments are on a reference line and not on the actual

boundary of two or more ownerships. However, if the surveyor has filed an application to remove and replace the monuments, the surveyor would be required to record a survey along with the required completion report in order to comply with the requirements of the application.

It is worth noting that an Engineer is allowed to file an application under the provisions of the application itself, however, if an Engineer applies for and receives approval to remove and or replace a monument pursuant to Chapter(s) 332-120-050 and 332-120-060 WAC, they would be unable to comply with the recording requirement because they do not have the proper credentials to record the survey pursuant to RCW 18.43, regardless if they work for a public agency or not.

WAC 332-120-050 Application process. (1) *Whenever a survey monument needs to be removed or destroyed the application required by this chapter shall be submitted to the department.*

*It shall be completed, signed and sealed by a land surveyor **or engineer** as defined in this chapter.*

WAC 332-120-060 Project completion—Perpetuation of the original position. (1) *After completion of the activity that caused the removal or destruction of the monument, a land surveyor **or engineer** shall, unless specifically authorized otherwise:*

*(4) A record of survey or land corner record shall be completed **as required by the Survey Recording Act** to document the remonumentation in the public record.*

Chapter 58.09.040 Records of survey—Contents—Filing—Replacing corner, filing record. (1) *It shall be mandatory, within ninety days after the establishment, reestablishment, or restoration **of a corner on the boundary of two or more ownerships or general land office corner by survey** that a land surveyor shall file with the county auditor in the county or counties wherein the lands surveyed are situated a record of such survey, in such form as to meet the requirements of this chapter, which through accepted survey procedures, shall disclose: (a) The establishment of a corner which materially varies from the description of record; (b) The establishment of one or more property corners not previously existing; (c) Evidence that reasonable analysis might result in alternate positions of lines or points as a result of an ambiguity in the description; (d) The reestablishment of lost government land office corners.*

Lastly, Chapter 58.09.130 RCW, outlines the procedures and requirements when monuments are disturbed by construction activities, but is silent on if a survey needs to be recorded showing the replacement of said monuments.

Response to 1b:

It is our opinion that only when the surveyor is a public officer in his or her official capacity, they would be exempt from recording a survey as long as a reproducible copy of the map has been filed with the county engineer of the county in which the land is located.

Analysis:

Chapter 58.09.090 RCW (1)(a) states: *A record of survey is not required of any survey when **it has been made by a public officer in his or her official capacity and a***

reproducible copy thereof has been filed with the county engineer of the county in which the land is located. A map so filed shall be indexed and kept available for public inspection. A record of survey shall not be required of a survey made by the United States bureau of land management. A state agency conducting surveys to carry out the program of the agency shall not be required to use a land surveyor as defined by this chapter;

Response to question 1c:

The Board knows of no other forms of public record. Exceptions for the provisions identified in Chapter 58.09.090 RCW (1) (a) as noted above or when a map is in preparation for recording or shall have been recorded in the county under any local subdivision or platting law or ordinance; (Chapter 58.09.090(1)(c). or if the survey is being performed under federal authority and the survey is filed within the Bureau of Land Management.

Question 2:

2) The second case concerns a scenario in which apparent encroachments exist on either one or both sides of a surveyed boundary line.

a. Is it mandatory for a surveyor to file an ROS if existing boundary corner monuments are found and accepted, and apparent encroachments exist on either one or both sides of a surveyed boundary line?

b. Is it mandatory for a surveyor to file an ROS if boundary corner monuments are NOT found, NOT set, and/or NOT re-set, but the property line has been determined, and apparent encroachments exist on one or both sides of a surveyed boundary line?

Response to question 2a:

It is our opinion that the requirement to record a survey when “***the presence of any physical evidence of encroachment or overlap by occupation or improvement is found***” applies to retracements or the resurvey of ***platted lots, tracts, or parcels*** shown on a filed or recorded and surveyed subdivision plat or filed or recorded and surveyed short subdivision plat in which monuments have been set to mark all corners of the block or street centerline intersections This requirement to record does not appear to apply to retracements or resurveys of parcels shown on a recorded survey that was recorded pursuant to RCW 58.09 in general.

Analysis:

RCW 58.09.020(3)"Survey" shall mean the locating and ***monumenting*** in accordance with sound principles of land surveying by or under the supervision of a licensed land surveyor, of points or lines which define the exterior boundary or boundaries common to two or more ownerships or which reestablish or restore general land office corners.

WAC 196-29-110 Land surveying practice standards - Failure by any registrant to comply with the provisions of the Survey Recording Act, chapter 58.09 RCW and the

survey standards, chapter 332-130 WAC shall be considered misconduct or malpractice as defined by RCW 18.43.105(11).

The following standards shall also apply:

(1) The monumentation, posting, and/or the marking of a boundary line between two existing corner monuments constitutes the “practice of land surveying” as defined in chapter 18.43 RCW and chapter 196-16 WAC, and consequently requires said work to be performed under the direct supervision of a registered professional land surveyor.

(2) The field survey work performed to accomplish the monumentation, posting, and marking of a boundary line between two existing corner monuments shall meet the minimum standards imposed by chapter 332-130 WAC.

(3) The monumentation, posting, and/or marking of a boundary line between two existing corner monuments involves a determination of the accuracy and validity of the existing monuments by the use of standard survey methods and professional judgment.

(4) The monumentation, posting, and marking of a boundary line between two existing corner monuments shall require the filing of a record of survey according to chapter 58.09 RCW unless both corners satisfy one or both of the following requirements:

(a) The corner(s) are shown as being established on a properly recorded or filed survey according to chapter 58.09 RCW and are accurately and correctly shown thereon.

(b) The corner(s) are described correctly, accurately, and properly on a land corner record according to chapter 58.09 RCW if their establishment was by a method not requiring the filing of a record of survey.

The above law does not specify if the presence of any physical evidence of encroachment or overlap by occupation or improvement need exist on either one or both sides of a surveyed boundary line.

Furthermore, the presence of any physical evidence of encroachment or overlap by occupation or improvement is the trigger to record, not its position relative to one side of the boundary line or other. WAC 196-29-110 also requires a survey to be recorded if the corners being established are not accurately and correctly shown on a properly recorded survey or a Land Corner Record. It does not mention a requirement that a survey be recorded if existing boundary corner monuments are found and accepted, and apparent encroachments exist on either one or both sides of a surveyed boundary line.

Response to question 2b:

It is our opinion that the establishment, reestablishment, or restoration of a corner on the boundary of two or more ownerships or general land office corner **by survey and monumenting** triggers the requirement for recording. If boundary corner monuments are NOT found, NOT set, and/or NOT re-set, but the property line has been determined, and apparent encroachments exist on one or both sides of a surveyed boundary line, a Record of survey is not required to be recorded under this chapter.

Analysis:

Chapter 58.09.020 RCW defines survey as: *“The locating and monumenting in accordance with sound principles of land surveying by or under the supervision of a*

licensed land surveyor, of points or lines which define the exterior boundary or boundaries common to two or more ownerships or which reestablish or restore general land office corners.”

Chapter 58.09.040(1) RCW states: ***“It shall be mandatory, within ninety days after the establishment, reestablishment, or restoration of a corner on the boundary of two or more ownerships or general land office corner by survey that a land surveyor shall file with the county auditor in the county or counties wherein the lands surveyed are situated a record of such survey, in such form as to meet the requirements of this chapter.”***

AGO 1989 No. 1 also applies when responding to these questions. The footnotes contained therein relate to the ***difference between a corner and a monument***; which should be also considered when applying this opinion:

AGO 1989 No. 1 states:

- 1. RCW 58.09.040(1)(a) through (d) do not constitute an exclusive list of the surveys required by law to be filed.*
- 2. The Survey Recording Act (Chapter 58.09 RCW) does not require the filing of a record of survey subsequent to the physical location of a boundary line between two existing corner monuments.*
- 3. The Survey Recording Act (Chapter 58.09 RCW) requires the filing of a record of survey subsequent to the reestablishment of a corner position previously recorded in the county under a local law or ordinance; it does not matter whether the corner had previously been monumented.*

Item 2 was originally adopted under WAC 196-24-110 in 1987. Later promulgation, see WAC 196-29-110. See said chapter for instances when a survey is required to be recorded.

Item 3 cited above is no longer applicable due to the change in the survey recording in 1992 which added section (d) expanding the list of surveys not required to be recorded (with certain exceptions) to included retracements of platted recorded in the county under a local law or ordinance.

Again, thank you for seeking a response of BRPELS on the questions posed by DNR and the Land Survey Advisory Board. It is BRPELS position that DNR, the Advisory Board and ultimately the courts can and do interpret Title 58 RCW and Title 332 WAC. The Board does not have the jurisdiction or authority to provide legal interpretations, legal opinions or legal advice to DNR or the Advisory Board, and this letter should not be considered as such.

Yours Truly,

Board Chair

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 Board SharePoint Site FAQ

Wherrett, Mackenzie (BRPELS)

From: Bitar, Paul (DES)
Sent: Wednesday, October 5, 2022 3:18 PM
To: Fuller, Ken (BRPELS)
Cc: Wherrett, Mackenzie (BRPELS)
Subject: August 2022 Financial Status
Attachments: BRPELS_Financial Status_August 2022.xlsx

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Ken,

I have attached BORPELS' August 2022 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 \$1.59 million in its operating account. Additionally, the agency is on track to underspend its appropriation by \$555k.

REVENUE

Biennium 2021-23 revenue has been strong. For the period of July 2021 – August 2022, the agency generated \$2.52 million in licensing revenue vs. just \$2.11 million during the same period last biennium. This represents an increase of 19.4% between biennia. I am projecting that current-biennium revenue will exceed Biennium 2019-21 revenue by 10% overall; this estimate appears reasonable based on September revenue collections, but I may need increase the projection if revenue collections increase again.

EXPENSES

Agency expenses, including DOL costs, have been low this biennium. This means that the agency has funds available to make any needed discretionary purchases.

Let me know if you have any questions.

Thanks,

Paul Bitar

Senior Financial Consultant
Small Agency Financial Services
Washington State Department of Enterprise Services
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**Board of Registration for Professional Engineers and Land Surveyors
Biennium 21-23 Projections
Fund 024 - Operating Account**

Revenue Category	Biennium 21-23	Actual	Projected										Projected	Projected
	Revenue Allotments	Revenues through FM14 Aug-2022	FM 15 Sep-2022	FM 16 Oct-2022	FM 17 Nov-2022	FM 18 Dec-2022	FM 19 Jan-2023	FM 20 Feb-2023	FM 21 Mar-2023	FM 22 Apr-2023	FM 23 May-2023	FM 24 Jun-2023	Revenue Total	Variance
	Licenses and Fees	3,900,000	2,523,803	176,620	176,620	176,620	176,620	176,620	176,620	176,620	176,620	176,620	176,620	4,290,000
Fines, Forfeits and Seizures		750											750	750
Recov of Prior Expend Authority Expendit		122											122	122
Cash Over and Short		541											541	541
Total Revenue	3,900,000	2,525,216	176,620	176,620	176,620	176,620	176,620	176,620	176,620	176,620	176,620	176,620	4,291,413	391,413

Expenses Category	Biennium 21-23	Actual	Projected										Projected	Projected
	Expense Allotments	Expenses through FM14 Aug-2022	FM 15 Sep-2022	FM 16 Oct-2022	FM 17 Nov-2022	FM 18 Dec-2022	FM 19 Jan-2023	FM 20 Feb-2023	FM 21 Mar-2023	FM 22 Apr-2023	FM 23 May-2023	FM 24 Jun-2023	Expenditure Total	Variance
	Salaries and Wages	1,473,529	771,939	60,178	60,178	60,178	60,178	60,178	60,178	60,178	60,178	60,178	60,178	1,373,722
Employee Benefits	516,755	252,859	21,038	21,038	21,038	21,038	21,038	21,038	21,038	21,038	21,038	21,038	463,239	53,516
Professional Service Contracts													11,578	(11,578)
Goods and Other Services	2,064,716	885,260	63,298	63,914	62,298	62,298	63,914	62,298	63,914	62,298	217,298	217,298	1,669,090	395,626
Travel	126,000	24,638	3,836	3,836	3,836	3,836	3,836	3,836	3,836	3,836	3,836	3,836	63,000	63,000
Capital Outlays	48,000	92,662	0	0	0	0	0	0	0	0	0	1,000	93,662	(45,662)
Sum:	4,229,000	2,038,935	148,351	148,967	147,351	147,351	148,967	147,351	147,351	148,967	147,351	303,351	3,674,290	554,710

Operating Transfers	Biennium 21-23	Actual	Projected										Projected	Projected
	Operating Transfers	Operating transfers through FM14 Aug-2022	FM 15 Sep-2022	FM 16 Oct-2022	FM 17 Nov-2022	FM 18 Dec-2022	FM 19 Jan-2023	FM 20 Feb-2023	FM 21 Mar-2023	FM 22 Apr-2023	FM 23 May-2023	FM 24 Jun-2023	Op. Trans. Total	Variance
	Operating Transfer In		30,131											30,131
Total Net Operating Transfers	0	30,131	0	0	0	0	0	0	0	0	0	0	30,131	(30,131)

Fund Balance Projection	Biennium 21-23	Actual	Projected										Projected	Projected	
	Rev Allotments - Exp Allotments	Rev - Exp through FM14 Aug-2022	FM 15 Sep-2022	FM 16 Oct-2022	FM 17 Nov-2022	FM 18 Dec-2022	FM 19 Jan-2023	FM 20 Feb-2023	FM 21 Mar-2023	FM 22 Apr-2023	FM 23 May-2023	FM 24 Jun-2023	end of BI 21-23	Variance	
	Net Income (Loss)	BI 21-23 Beginning Balance	(329,000)	516,412	28,269	27,653	29,269	29,269	27,653	29,269	29,269	27,653	29,269	(126,731)	647,254
	\$	939,391	610,391	1,484,072	1,511,725	1,540,994	1,570,263	1,597,916	1,627,185	1,656,454	1,684,107	1,713,376	1,586,644	1,586,644	<-- Ending Fund Balance (projected)

		Biennium 21-23	Actual	Projected										Projected	Projected
Expenses Detail Category		Expense Allotments	Expenses through FM14 Aug-2022	FM 15 Sep-2022	FM 16 Oct-2022	FM 17 Nov-2022	FM 18 Dec-2022	FM 19 Jan-2023	FM 20 Feb-2023	FM 21 Mar-2023	FM 22 Apr-2023	FM 23 May-2023	FM 24 Jun-2023	Expenditure Total	Variance
Salaries and Wages		1,473,529	771,939	60,178	60,178	60,178	60,178	60,178	60,178	60,178	60,178	60,178	60,178	1,373,722	99,807
A	Salaries and Wages	96,000	0											0	96,000
AA	State Classified	1,096,589	603,041	48,082	48,082	48,082	48,082	48,082	48,082	48,082	48,082	48,082	48,082	1,083,861	12,728
AC	State Exempt	268,128	151,667	10,833	10,833	10,833	10,833	10,833	10,833	10,833	10,833	10,833	10,833	259,997	8,131
AE	State Special	12,812	7,763	587	587	587	587	587	587	587	587	587	587	13,633	(821)
AU	Overtime and Call-Back		9,468	676	676	676	676	676	676	676	676	676	676	16,232	(16,232)
Employee Benefits		516,755	252,859	21,038	21,038	21,038	21,038	21,038	21,038	21,038	21,038	21,038	21,038	463,239	53,516
B	Employee Benefits	45,600	0											0	45,600
BA	Old Age and Survivors Insurance	84,217	46,187	3,600	3,600	3,600	3,600	3,600	3,600	3,600	3,600	3,600	3,600	82,187	2,030
BB	Retirement and Pensions	142,937	78,328	6,125	6,125	6,125	6,125	6,125	6,125	6,125	6,125	6,125	6,125	139,578	3,359
BC	Medical Aid & Industrial Insurance	8,193	4,150	301	301	301	301	301	301	301	301	301	301	7,160	1,033
BD	Health, Life & Disability Insurance	216,108	112,068	10,170	10,170	10,170	10,170	10,170	10,170	10,170	10,170	10,170	10,170	213,768	2,340
BH	Hospital Insurance (Medicare)	19,700	10,802	842	842	842	842	842	842	842	842	842	842	19,222	478
BK	Paid Family and Medical Leave		(6)											(6)	6
BV	Shared Leave Provided Annual Leave		1,305											1,305	(1,305)
BZ	Other Employee Benefits		25											25	(25)
Professional Service Contracts		0	11,578	0	0	0	0	0	0	0	0	0	0	11,578	(11,578)
CA	Management and Organizational Services		11,578											11,578	(11,578)
Goods and Other Services		2,064,716	885,260	63,298	63,914	62,298	62,298	63,914	62,298	62,298	63,914	62,298	217,298	1,669,090	395,626
E	Goods and Other Services	130,800	0											0	130,800
EA	Supplies and Materials	24,000	9,458	676	676	676	676	676	676	676	676	676	676	16,214	7,786
EB	Communications/Telecommunications	19,200	10,475	748	748	748	748	748	748	748	748	748	748	17,956	1,244
EC	Utilities	1,200	345											345	855
ED	Rentals and Leases - Land & Buildings	72,000	30,760	2,233	2,233	2,233	2,233	2,233	2,233	2,233	2,233	2,233	2,233	53,090	18,910
EE	Repairs, Alterations & Maintenance	24,000	31,390	561	561	561	561	561	561	561	561	561	561	36,995	(12,995)
EF	Printing and Reproduction	12,000	9,443	675	675	675	675	675	675	675	675	675	675	16,188	(4,188)
EG	Employee Prof Dev & Training	24,000	9,885	706	706	706	706	706	706	706	706	706	706	16,946	7,054
EH	Rental & Leases - Furn & Equipment	12,000	6,954	497	497	497	497	497	497	497	497	497	497	11,922	78
EJ	Subscriptions	2,400	0	120	120	120	120	120	120	120	120	120	120	1,200	1,200
EK	Facilities and Services	128,000	65,960	4,711	4,711	4,711	4,711	4,711	4,711	4,711	4,711	4,711	4,711	113,070	14,930
EL	Data Processing Services (Interagency)	290,000	146,987	10,395	11,346	10,395	10,395	11,346	10,395	10,395	11,346	10,395	10,395	253,790	36,210
EM	Attorney General Services	365,000	154,369	11,938	11,938	11,938	11,938	11,938	11,938	11,938	11,938	11,938	11,938	273,750	91,250
EN	Personnel Services	26,400	20,270	1,401	1,617	1,401	1,401	1,617	1,401	1,401	1,617	1,401	1,401	34,928	(8,528)
EP	Insurance	3,884	2,163	1,081	81	81	81	81	81	81	81	81	81	3,973	(89)
ER	Other Contractual Services	471,000	130,374	11,000	11,397	11,000	11,000	11,397	11,000	11,000	11,397	11,000	166,000	396,565	74,435
EW	Archives & Records Management Svcs	432	208		52			52			52			364	68
EY	Software Licenses and Maintenance	456,000	257,062	16,233	16,233	16,233	16,233	16,233	16,233	16,233	16,233	16,233	16,233	419,392	36,608
EZ	Other Goods and Services	2,400	(844)	324	324	324	324	324	324	324	324	324	324	2,400	0
Travel		126,000	24,638	3,836	3,836	3,836	3,836	3,836	3,836	3,836	3,836	3,836	3,836	63,000	63,000
GA	In-State Subsistence & Lodging	36,000	9,641	836	836	836	836	836	836	836	836	836	836	18,000	18,000
GB	In-State Air Transportation	16,800	4,583	382	382	382	382	382	382	382	382	382	382	8,400	8,400
GC	Private Automobile Mileage	36,000	3,631	1,437	1,437	1,437	1,437	1,437	1,437	1,437	1,437	1,437	1,437	18,000	18,000
GD	Other Travel Expenses	16,800	1,901	650	650	650	650	650	650	650	650	650	650	8,400	8,400
GF	Out-Of-State Subsistence & Lodging	7,200	2,257	134	134	134	134	134	134	134	134	134	134	3,600	3,600
GG	Out-Of-State Air Transportation	7,200	2,068	153	153	153	153	153	153	153	153	153	153	3,600	3,600
GN	Motor Pool Services	6,000	558	244	244	244	244	244	244	244	244	244	244	3,000	3,000
Capital Outlays		48,000	92,662	0	0	0	0	0	0	0	0	0	1,000	93,662	(45,662)
JA	Noncapitalized Assets	24,000	92,662										1,000	93,662	(69,662)
JB	Noncapitalized Software	24,000	0											0	24,000
Total Dollars		4,229,000	2,038,935	148,351	148,967	147,351	147,351	148,967	147,351	147,351	148,967	147,351	303,351	3,674,290	554,710

Communication & Outreach Report

10-20-2022

Greg Schieferstein

Currently working

Board Member meetings. Continuing meetings with individual board members, travelling to their location for a lunch meeting. The goal is to learn more about them, the board, their history and what they want in the future. I have met with Marjorie and Ivan and more will be scheduled in October and November.

Website. Preliminary work continues for a new website, after selecting WaTech, the State's technology department, to overhaul and build a new website. Our current site was a result of a quick break from DOL and needs better organization, content and aesthetics. WaTech is working on a quote, based on a survey we provided on our needs. We're also getting a quote for a basic research project, asking users what they value. While we're making progress, WaTech moves slowly.

The Journal. We plan to distribute electronically the next edition of *The Journal*, just before Thanksgiving, to take advantage of more engagement. This is my first time as editor and there are many things to learn on my own. Articles include "From the Chair," plus Nimmy's look back as a board member, also exam restructuring (CBT) from NCEES, the latest in exam results and investigations, among several other subjects.

Upcoming Projects

PEAR. The Pro Equity, Anti Racism project has reached a benchmark and is idle for the moment. The next level will arrive in a month or two. Our most recent accomplishment was the work of many meetings, brainstorming, evaluating and stakeholder input.

Legislative Session. This year's session is 105 days long, as the state budget will be debated. It begins Monday, January 9th ending Sunday, April 23rd. Stayed tuned, as we will be involved, especially with a proposed language change (below in BEARS).

Completed items

BEARS application. This is the state's on-line interface system, called the Bill Enrollment & Agency Requests System. Assisted staff in gathering and assembling information for a bill, which proposes adjustment in language to "waive the fundamentals examination for a professional engineer or professional land surveyor comity applicants."

Auditor's Conference. Board Member Aaron Blaisdell presented at the Washington State Association of County Auditor's Licensing and Recording Conference, September 19-22, 2022, in Pasco. Aaron reviewed the "Survey Checklist," from the WAC 332-130-050, in a PowerPoint we produced. Our presentation included an introduction about our agency, followed by a review of law for surveys that come to auditors, such as acceptable media, legibility, indexing and miscellaneous requirements. There were about a dozen questions from the audience, many centered on technology issues, such as signatures and use of media or paper. It was successful and we now have format for PowerPoints that is easier to read, more aesthetic and better represents our brand.

Assisting Staff/Learning Systems. I helped with PLS and On-Site examinations, on Friday, September 23rd, at the Lacey Community Center. I also helped with part of a certification process for licensees, assisting with producing many dozen certs for new and renewing licensees. I will continue to look for opportunities to serve and become more valuable.

Regulatory Program Report 10/20/22

Current Items:

- Rulemaking
 - * 196-25 CR102 filed
 - * 196-26A & 196-30 Language regarding 1-year initial license provided to Ex. Cmte
 - * 196-09 Indexing rule language being drafted
 - * 196-32 Under committee review (OS & EQC)
- Exam Development (Team: Rich, Vonna, Shanan)
 - * Work w/ Scantron and WaTech to get equipment/software set up
 - * Enter exam information into format that can be uploaded into the software
- Legislation – RCW 18.43.100
 - * Monitoring BEARS – in OFM Review status (BEARS= Bill Enrollment and Agency Request System)

Completed Items:

- ✓ Public Records Requests: **66** (as of 10/6)
 - * Received 12 since last meeting
- ✓ Rulemaking:
 - * 196-12 Concise Explanatory Statement & CR103 filed.
Rule effective September 23, 2022

Investigation/Compliance Program Report

10/20/22

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.

- 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.

Completed Items:

Committee and/or Board Action Items:

Licensing Program Report October 20, 2022

Statistical Data = 8/4/2022 - present

- *Applications received: 448*
 - (8/4/2022 – 10/6/2022)
 - Corp/LLC: 15
 - EIT: 128
 - Exam:
 - Certification:
 - LSIT: 11
 - PE: 276
 - Exam: 89
 - Comity: 187
 - SE: 26
 - Exam: 22
 - Comity: 4
 - PLS: 10
 - Exam: 2
 - Comity: 8
 - On-Site Wastewater: 8
 - Designer: 3
 - Inspector: 5

- *New licenses issued:*
 - EIT: 72
 - LSIT: 4
 - PE: 234
 - Exam: 61
 - Comity: 173
 - SE: 7
 - Exam: 0
 - Comity: 7
 - PLS: 0
 - OS: 1
 - Designer: 1 (inspector to designer)
 - Inspector: 0
 - Corp/LLC: 14

- *Total active licensee:*
 - Corp/LLC: 1,444
 - PE: 27,061
 - SE: 1,782

- PLS: 1,010
- On-Site Wastewater: 303
- Designer: 212
- Inspector: 91

Currently working on:

* **Special Projects**

- *Licensing Staff*
 - CBT exams for Law Reviews (Nghiem & Mackenzie)
 - Initial exam data (Nghiem)
 - Training new staff member (Emily)
- *Licensing Lead*
 - PLS SME group
 - On-Site SME group
 - Domain review
 - In person meeting – part 1
 - In person meeting – part 2
 - Committee prep
 - EQ
 - Structural
 - OS Ad Hoc
 - Monitor Polaris issues/bug
 - Polaris
 - DOL/BRPELS “bug” meeting
 - Currently have 4 work items
 - Currently have 9 story items
 - OS tracking (Ad Hoc) statistical data
 - PLS statistical data
 - Scantron
 - Web update
 - Box cleanup
 - Polaris’s cleanup

Completed items

- * In person PLS SME meeting (10/18/2022)
 - Domain breakdown and review
 - In person meeting scheduled/completed

Administration Program Report

10/20/22

Current Items:

- **Annual Agency Contract Transparency Report (Due 10/31/22)**
 - * BRPELS is required to report all goods and services contracts on an annual basis.

- **SharePoint & MS365 Development**
 - * Board Staff Tracker which utilizes M365 Planner
 - * Board Site Development
 - * Tagging/categorizing documents
 - * Clean-up

- **Develop Standard Project Template**
 - * A standard project template to be used by staff during the project development stage.
 - * Using RACI (responsible, accountable, consulted, informed) Model as guide.

- **Develop BRPELS Onboarding/Training Process (W/ Vonna)**
 - * Establish standard process of obtaining access to POLARIS for new or existing employees.
 - * Establish standard onboarding process specific to BRPELS.
 - Introduction with Director
 - Required State Trainings
 - Software – E.g., Adobe, Informatik, VPN
 - Hardware – E.g., Printers, Scanners

- **Agency Form Clean Up Project**
 - * Categorize forms by program and create a master list
 - * Update Form Numbers (remove DOL agency #, logos, and misc. information)
 - * Update Barcodes on licensing applications and forms
 - * Insert BRPELS Logo and update InDesign master pages

- **Admin Policies – List & Reorg**
 - * List and organize agency templates (examples from Accounting Board and DES)
 - * Develop and establish any missing policies
 - * Complete Telework Agreements
 - * Revise Layoff Policy for HR
 - * Apply Required Training Policy to align with state requirements (RCW, WAC, and SAAM)
 - * Begin reading and reviewing agency polices during weekly staff meetings
 - * Create employee attestation regarding policies

Completed Items:

- ✓ **Annual Internal Control Risk Assessment & Assurance Letter**
 - * The State Accounting and Administrative Manual (SAAM) requires the internal control officer of each state agency to issue annual written assurance to the agency head that internal controls are operating as expected.
- ✓ **Owned and Leased Asset Inventory**
 - * BRPELS is required to annually inventory all owned and leased assets and to reconcile these assets in the Capital Asset Management System (CAMS).
- ✓ **Annual IT Contracts Report**
 - * BRPELS is required to submit an annual IT Contract Report to the Department of Enterprise Services (DES).
- ✓ **Hired Temporary Employee**
 - * 100% Licensing
 - * 6 months to 1 year temp position
- ✓ **2022 Annual Technology Certification**
 - * Each year, agencies are asked to provide information on their technology portfolio and compliance with selected statewide policies that support statewide technology programs. There are six parts with due dates that fall between August and December 2022.
- ✓ **Biennium 2023-25 Budget Submittal**
 - * Agency Head Transmittal Letter
 - * Agency Organization Chart
 - * Agency Strategic Plan

Board Meeting

Tab 6

Assistant Attorney General's Report

- 6.1 Introducing The New Prosecuting AAG
- 6.2 Reminder of How to Cite RCWs & WACs
- 6.3 Update on Tappell 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



STATE OF WASHINGTON

Board of Registration for Professional Engineers & Land Surveyors

2023 EVENTS CALENDAR

January						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
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29	30	31				

February						
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March						
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April						
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30						

May						
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August						
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November						
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December						
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24	25	26	27	28	29	30
31						

NCEES
 Western Zone Annual Meeting
 Houston, TX Boston, MA
 April 27 - 29 Aug. 15 - 18

LSAW
 Annual Conference
 Spokane, WA
 Feb. 15 - 17

PNW ASCE
 2023 Student Symposium
 Montana St University
 April 14 - 15

Committee & Board Meetings
 TBD

Washington State Holidays

NCEES Structural Exams
 April 13 - 14
 October 26 - 27

WA State Specific Exams
 TBD

Board of Registration for Professional Engineers and Land Surveyors

Action Item List

Executive Committee

Date Assigned	Action Item	Assigned To	Status
6/15/22	Contact NCEES and request motion EPP 12 be taken off the consent agenda	Mr. Fuller	Complete

Exam Qualifications Committee (EQC)

Date Assigned	Action Item	Assigned To	Status
2/17/21	Research options for the Law Review and State Specific exams to be administered through an alternate platform.	Ms. Cramer	In Progress
10/21/21	Review WAC 196-16 and 196-34 and consider adding language to address the issue of reporting PDHs when a newly licensed surveyor is audited within a year of obtaining their license.	Committee	Pending

Practice Committee (PC)

Date Assigned	Action Item	Assigned To	Status
2/17/21	Research options for housing a database of FAQs	Staff	In Progress
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
6/23/22	Work with Ms. Lagerberg and staff on developing steps to move forward with changes to RCW 18.43 e.g., preliminary stakeholder feedback and possible legislative involvement.	Committee	Complete

Survey Committee

Date Assigned	Action Item	Assigned To	Status
10/15/20	Meet with DNR regarding issues affecting the investigation process.	Mr. Wengler Mr. Blaisdell Mr. Larson	In Progress
4/21/21	Provide a summary of what has worked and what hasn't worked during the last few state specific exams, e.g. COVID-19 impacts, security of exams, and grading. Due before the SME meeting in June/July.	Staff	In Progress
12/9/21	Send LS exam question performance report to Mr. Blaisdell and Mr. Wengler for their review.	Staff	Complete

Structural Committee

Date Assigned	Action Item	Assigned To	Status
12/9/20	Provide information regarding the SE applications that do not follow normal licensing path for February EQC and SE committee meetings.	Ms. Cramer	In Progress
2/16/21	Provide the number of SE applicants by comity, and the number of applicants with SE exam only at next meeting.	Ms. Cramer	In Progress

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	In Progress
4/12/22	Update OS Designer form—add language for inspectors who are applying for designer licensure.	Staff	Complete

Board Staff

Date Assigned	Action Item	Assigned To	Status
12/12/19	Write Communication Action Plan for board review.	Mr. Fuller Mr. Schieferstein	In Progress
8/12/21	Prepare a presentation on potential changes to the state specific exams considering NCEES' EPS Committee moving forward with exam modules.	Mr. Fuller Mr. Blaisdell	In Progress
8/12/21	Check with DOL regarding limiting applicant/licensees' ability to change name in Polaris.	Ms. Cramer	In Progress
3/3/22	Develop a Letter of Education and BAP alternative to present to the Board.	Mr. Fuller	In Progress
6/23/22	Respond to Mr. Schwegel's email.	Mr. Fuller	In Progress

AGO

Date Assigned	Action Item	Assigned To	Status
4/21/22	Check with Mr. Pitel regarding facilitating a training with the Board.	Ms. Lagerberg	In Progress
4/21/22	Ms. Short will send Ms. Lagerberg the template for a Letter of Education so she can discuss with Mr. Pitel.	Ms. Lagerberg Ms. Short	In Progress
6/15/22	Work with staff and Mr. Pitel to review "Standard of Care" in the industry to outline an objective process of what errors or how many errors may trigger moving forward with formal investigation/statement of charges for presentation at August board meeting.	Ms. Lagerberg Ms. Short Mr. Fuller	Pending
6/15/22	Mr. Fuller and Ms. Lagerberg to provide a response regarding NCEES Annual Meeting motion EPP 12 for the Board to consider at the August Board meeting.	Ms. Lagerberg Mr. Fuller	Pending

Board Meeting

Tab 8

Adjourn Meeting