



# PROPOSED RULE MAKING

**CR-102 (July 2022)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: June 30, 2023

TIME: 8:48 AM

WSR 23-14-089

**Agency:** Board of Registration for Professional Engineers and Land Surveyors

- Original Notice**
- Supplemental Notice to WSR** \_\_\_\_\_
- Continuance of WSR** \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 23-11-011 ; or**
- Expedited Rule Making--Proposed notice was filed as WSR** \_\_\_\_\_; **or**
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
- Proposal is exempt under RCW** \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) Chapter 196-09-015 Complaint processing approach

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
August 23, 2023	1:30 pm	Board of Registration for Professional Engineers and Land Surveyors Office 605 11 <sup>th</sup> Ave SE Suite 201 Olympia WA 98501  OR  WebEx meeting <a href="https://brpels.my.webex.com/brpels.my/j.php?MTID=mc78c5c6baf60baadb0f370ce52a9ecc9">https://brpels.my.webex.com/brpels.my/j.php?MTID=mc78c5c6baf60baadb0f370ce52a9ecc9</a>	The Board of Registration for Professional Engineers and Land Surveyors is holding this hearing in person at the Board's offices in Olympia.  The public may also virtually participate in the hearing by accessing the hearing link on the Board's rulemaking page: <a href="https://brpels.wa.gov/about-us/laws-and-rules/rulemaking-activity">https://brpels.wa.gov/about-us/laws-and-rules/rulemaking-activity</a>

**Date of intended adoption:** October 19, 2023 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Shanán Gillespie  
Address: PO Box 9025 Olympia WA 98507-9025  
Email: Shanán.Gillespie@brpels.wa.gov  
Fax:  
Other:  
By (date) August 23, 2023

**Assistance for persons with disabilities:**

Contact Mackenzie Wherrett  
Phone: 360-968-4813  
Fax:  
TTY: 711 or 1-800-835-5388  
Email: Mackenzie.Wherrett@brpels.wa.gov  
Other:  
By (date) August 18, 2023

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** To clarify existing complaint processing language and to provide language regarding complainant requests to reopen a closed complaint or investigation.

**Reasons supporting proposal:** Updates to current language, and the addition of new language, will help licensees and the public understand the agency's complaint process approach.

**Statutory authority for adoption:** RCW 18.43.035

**Statute being implemented:** Chapter 18.43 RCW

**Is rule necessary because of a:**

Federal Law?  Yes  No

Federal Court Decision?  Yes  No

State Court Decision?  Yes  No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Type of proponent:**  Private  Public  Governmental  
**Name of proponent:** (person or organization) Board of Registration for Professional Engineers and Land Surveyors

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Shanan Gillespie	605 11 <sup>th</sup> Ave SE Ste 201 Olympia WA 98501	360-664-1570
Implementation:	Ken Fuller	605 11 <sup>th</sup> Ave SE Ste 201 Olympia WA 98501	360-968-4805
Enforcement:	Ken Fuller	605 11 <sup>th</sup> Ave SE Ste 201 Olympia WA 98501	360-968-4805

**Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

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

**Is a cost-benefit analysis required under [RCW 34.05.328](#)?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:  
Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain: The Board of Registration for Professional Engineers and Land Surveyors is not one of the agencies to which RCW 34.05.328 applies pursuant to RCW 34.05.328(5)(a).

**Regulatory Fairness Act and Small Business Economic Impact Statement**  
Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**  
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.  
Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570](#)(2) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- |  |   |
|--|---|
| <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)                | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)               | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of how the above exemption(s) applies to the proposed rule: This rule is exempt per RCW 34.05.310(4)(b) because the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

**(2) Scope of exemptions:** *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

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

**Date:** June 30, 2023

**Name:** Ken Fuller

**Title:** Director

**Signature:**

