



Number 62

# Washington Board

# JOURNAL

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### Your Board Members

**James Wengler, PLS, CFedS**  
 Chair  
 Port Angeles  
 Term expires 7/2024

**Stephen Shrope, PE, SE**  
 Spokane  
 Term expires 7/2020

**Doug Hendrickson, PE**  
 Richland  
 Term expires 7/2021

**Nirmala Gnanapragasam, Phd, PE**  
 Seattle  
 Term expires 7/2023

**Ivan VanDeWege, PE**  
 Battle Ground  
 Term expires 7/2024

**Aaron Blaisdell, PLS**  
 Tacoma  
 Term expires 7/2020

**Marjorie Lund, PE, SE**  
 Seattle  
 Term expires 7/2021

**Ken Fuller, PE**  
 Executive Director  
 Olympia

# Message From The Chair

Articles appearing in this Journal are a reflection of the personal opinions and experiences of the author. Opinions in the article may be shared by various members of the Board, but they are not to be interpreted as a policy, position, or consensus of the Board unless specifically indicated.

**From James Wengler, PLS, CFedS**

As I begin my fifth year on the Board of Registration for Professional Engineers and Land Surveyors (Board), I consider it an honor and a privilege to serve as its Chair.

This year has brought many significant changes to the Board, the most significant being the hiring of Mr. Ken Fuller, PE as our Executive Director. I cannot say enough about Kens communication abilities and his dedication to both the Board and the three professions it oversees.

In the last nine months Ken has exceeded all of our expectations and has demonstrated his ability to understand the needs and responsibilities of the licensees and learn and understand the many rules and laws that govern the professions that we regulate. I would like to personally thank Ken for bringing value and credibility when he represents the Board to the public and licensees.

From November of 2016 through February of 2018, the Board was fortunate to have Shanan Gillespie serve as acting Executive Director while our search for a permanent Executive Director was underway. Shanan did an admirable job keeping the Board functioning while she was performing her regular duties with the Business and Professions division of the Department of Licensing. Thank you again Shanan for the dedication and support you have given the Board.

Now that Ken is working with us we have made significant strides in a number of areas. In October under

Kens guidance we held a Board Workshop in Sequim Washington for the purpose of developing a strategic plan for the Board for the next five years.

Some of the items discussed at the workshop included but were not limited to:

- Capping the Boards commitment to the Department of Licensing (DOL) for software and computer upgrades.
- Working with the DOL to learn the history of and track overhead costs assigned to the dedicated Engineers account 024 in addition to determining the methodology for tracking “Complaint to Closure / Compliance” costs.
- The creation of an Outreach –Education Task Force for the purpose of encouraging maintenance and improvement in ethics, competency, compliance, and professional practice. Our hope is that this will reduce the types of issues that cause complaints by being proactive.

Outreach could be used to inform the general public and agencies of the importance of licensure and

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**Washington Board  
JOURNAL**

## Neil Arthur Norman, P.E., Passed Away On September 12th 2018.



In his 50-year career in state-of-the-art engineering, he worked for six engineering firms. Neil led energy, environmental, and space projects, was a strong voice for engineering ethics, and mentored dozens of young engineers throughout his career. He obtained degrees from U.C. Berkeley (BS ME 1953), and the University of Connecticut (MBA 1959, 2nd in class, Beta Gamma Sigma), became a Professional Engineer in 1960, was made a Bechtel Fellow in 1987, and a certified Nuclear Engineer in 1994. He retired in 2003 at age 72 and remained busy with professional and leisure activities throughout the rest of his life.

To our great pleasure, Governor Christine Gregoire appointed him to the Washington State Board of Registration for Engineers and Land Surveyors in 2008. He served our Board with distinction, as member and chair, until 2017, applying his energy and fervor in the ethical practice of engineering.

His service to engineering was recognized by others with the receipt of the 2008 Washington Society of Professional Engineers Columbia Award for public service, the 2009 WSPE PE of the Year Award, and the 2011 WSPE Tri-Cities Engineer of the Year Award. In 2017, Neil received the NSPE Award, the highest award by the National Society of Professional Engineers, “given to an engineer who has made an outstanding contribution to the engineering profession, the public welfare and mankind.”

His wife of 48 years, Janet Norman, and their four children, and his ex-wife Elna and their four children survive him. Fifteen grandchildren also survive him. He treasured time spent with his children, grandchildren and extended family whenever the opportunity presented itself. All who interacted with him appreciated his infectious grin and sense of humor.

## NTSB Report On Gas Explosion Emphasizes Role Of Engineering Licensure In Public Protection

*A joint statement from the NCEES president and CEO*

The release of the National Transportation Safety Board’s report Natural Gas Distribution System Project Development and Review highlights the important protections that licensed professional engineers provide the U.S. public. In this report, NTSB issued several recommendations concerning professional engineering licensure requirements. With its focus on competency and ethics, licensure is an essential safeguard for the public, and the National Council of Examiners for Engineering and Surveying supports the NTSB recommendations as necessary steps for public protection.

The safety recommendation report was issued on November 14, 2018, in response to a series of explosions and fires on September 13, 2018, in Merrimack Valley, Massachusetts. These explosions and fires followed the release of high-pressure natural gas into a low-pressure gas distribution system. They resulted in damage to 131 structures, including the destruction of at least five homes. One individual was killed, and at least 28 others were injured.

Among other findings, the NTSB report concludes that the gas company would probably have identified the omission of regulator-sensing lines—thereby preventing the error that led to this accident—if the company had performed a comprehensive constructability review that required all departments to review the project plans and had a P.E. approve, or seal, the plans. In sealing such plans, a professional engineer takes responsibility for their accuracy and completeness. The report notes that the company field engineer was not a licensed P.E. and that neither state law nor company policy required a licensed P.E. to develop or review engineering plans for public utilities.

In relation to professional engineering licensure, the NTSB report specifically recommends that Massachusetts eliminate the P.E. license exemption for public utility work

*Continues next page*

and require a P.E. seal on engineering drawings for public utility projects. It further recommends that the gas company revise its engineering plan review process to ensure that a P.E. seals plans before work begins. The NTSB recommendations concerning P.E. licensure requirements are changes that would protect the public, and NCEES hopes that all the proper steps are taken to ensure that these recommendations are addressed.

Massachusetts is not alone in allowing license exemptions for certain groups of engineers. Each U.S. state and territory sets its own licensing laws, and the majority have some type of exemption, including those for engineers working in industrial, manufacturing, public utility, and transportation settings. Some federal agencies also have P.E. license exemptions for federal engineering projects. NCEES encourages other U.S. states, as well as federal agencies, to review this report and consider its recommendations for their own jurisdictions to avoid similar tragedies.

Professional licensing has one purpose: public protection. P.E.s must meet education and experience requirements and pass the required exams to establish that they can practice engineering without endangering the public. To maintain a license, a P.E. must adhere to a strict code of conduct, with the primary charge being to practice the profession in a manner that protects the health, safety, and welfare of the public. A professional engineer who violates this obligation—either through incompetence or unethical actions—is subject to losing his or her license.

While we cannot go back and prevent what has already happened, we can work to ensure that proper steps are taken to prevent similar accidents. Public utilities is one of the many areas in which professional engineers can be called on to ensure that business activities adequately protect public welfare. As an organization committed to advancing licensure for engineers and surveyors, NCEES and its member licensing boards from all U.S. states and territories continue to focus on the fundamental goal of safeguarding the public. NCEES commends NTSB for taking this position to protect the U.S. public from incompetent or unethical practices.

James J. Purcell, P.E.

NCEES President

B. David Cox

NCEES Chief Executive Officer

*Reprinted with permission from the February 2019 issue of NCEES Licensure Exchange*

## Electronic And Digital Signature Use In Documents

Representatives from the Boards of Engineers, Surveyors, Architects, Landscape Architects and Geologists along with Washington Association of Building Officials (WABO) and Department of Licensing staff met in Olympia in January 2018 to discuss the use of electronic and digital signature in their respective professions.

WACs governing the practice of Architects', Landscape Architects', and Geologists' allow the use of wet signatures, electronic signatures (where a licensee scans the stamp/signature and places it on the document) and digital signatures which is unique to the licensee and can be verified by an independent third party. However, the WAC 196-23-070 governing Engineers and Land Surveyors required the use of either wet or digital signatures; and did not allow the use electronic signatures.

Following the January 2018 meeting, the BORPEL decided to revise WAC 196-23-070 to align with the rest of the professions and allowing the use of electronic signatures as indicated below:

### WAC 196-23-070

#### Signature.

The terms “signature or signed,” as used in chapter 18.43 RCW and/or Title 196 WAC, means the following:

- (1) A handwritten identification or a digital representation of your handwritten identification that represents the act of putting your name on a document to attest to its validity. The handwritten or digital identification must be:
  - (a) Original and written by hand, or a scanned image of an original, handwritten identification;
  - (b) Permanently affixed to the document(s) being certified;
  - (c) Applied to the document by the identified licensee; and
  - (d) Placed directly over the seal/stamp of the licensee.
- (2) A digital identification that is an electronic authentication process attached to or logically associated with an electronic document. The digital identification may include a scanned or digitized signature. The digital identification must be:
  - (a) Unique to the licensee using it;
  - (b) Capable of independent verification;
  - (c) Under the exclusive control of the licensee

- using it; and
- (d) Linked to a document in such a manner that the digital identification is invalidated if any data in the document is changed

Here are some questions that have been posed to the Board pertaining to electronic signatures.

**Question:** A local agency with jurisdiction for issuing permits requires submittals to be in an unlocked PDF format. I am a PE and am submitting a project plan set which I have sealed as prescribed in WAC 196-23-070 (1) to the above agency. If the agency makes comments on the sealed documents and issues the permit without my approval of the changes, what are my responsibilities?

**Answer:** As a RCW 18.43 or RCW 18.210 professional, your seal is on the work as you submitted and sealed. Any changes to that set of documents requires your approval. The agency should have provisions to require you to document your approval either through a resubmittal or an official “sealed” acceptance of the agency’s comments.

**Question:** I am a PE/PLS and have been contracted to provide a sealed 2D design plan set of a roadway project. The contractor has asked me to verify a 3D GPS machine grading plan for his work. What are my responsibilities as a professional.

**Answer:** If your contract is for the 2D plan set then the work you sealed is under your control. The 3D GPS model is a “means and methods” and should be treated as a submittal.

**Question:** I am a PE/PLS and have sealed a 2D design plan set and have been contracted to provide a 3D civil design for the project to be used in the project BIM. How do I assure my seal is on the 3D design and has not been modified outside of my control?

**Answer:** I would suggest transmitting the locked model with your seal on a transmittal or an electronic seal in the locked model.

**Additional Question:** I am a PE and the grading contractor has submitted a GPS coordinate grading control model, using my 3D design as the base for her calculations for my approval. What is my responsibility?

**Answer:** Your responsibilities must be defined in the contract. The GPS coordinate grading control model may be a submittal for review or you may be responsible for verifying the work meets your 3D design model.

## CBT Is Coming Soon To A Center Near You!

Computer Based Testing that is. As most licensees are aware, the exams for licensure have or soon will be given in a computer-based format. While most readers of this Journal are already licensed and would not need to be concerned, there could be an opportunity or need to advise students, co-workers, or aspiring staff of this change-over. For the most part, one can go to the NCEES web site (NCEES.org) to learn more, but here is some key information on the current status of the program.

Dates when CBT of various Key Disciplines will be available:

- 2019: Engineering FE, Surveying FS, Surveying PS, Chemical PE, Nuclear PE, Environmental PE and Petroleum PE
- 2020: Mechanical PE in various specialties
- 2021: Electrical PE in various specialties, Agricultural PE
- 2022: Naval Architecture
- 2023: Civil PE in various specialties
- 2024: Structural PE

### Exam Scheduling:

Exam scheduling for the larger disciplines will likely be available all year long as the greater number questions and set-up algorithms will be able to create different exams but provide equivalent exam difficulty for each applicant. Upon application submission and NCEES /State Board approval for exam eligibility, a schedule can be set that generally meets the applicant’s needs. Lesser taken discipline exams may only be given a limited number of times per year and all takers would generally get the same exam.

### Test Locations:

NCEES has contracted with Pearson-Vue, a major, professional-qualifications-testing company, to conduct CBT licensure testing for its Engineers and Land Surveyors. Generally, exam locations are available 24/7, but must be scheduled ahead of time. Current locations in or close to the State of Washington that are available for examinees are:

Seattle WA (2)	Spokane WA
Renton WA	Moscow ID
Yakima WA	Portland OR
Walla Walla WA	Vancouver BC

Pearson-Vue also has many other testing sites throughout the country that would be available for examinees should those locations be more convenient. More information on testing locations, availability, and details can be found on the [Pearsonvue.com](https://www.pearsonvue.com) web site. Additionally, one can familiarize oneself with the look, feel and navigation of a computerized based test through “View Demo” on the Pearson-Vue site.

# Examinations

# Statistics Of Actions

## SPRING 2018 EXAMINATION RESULTS

	Total	Pass	% Pass
Principles & Practice of Engineering			
Architectural	4	3	75%
Chemical (CBT)	6	5	83%
Civil	219	129	59%
Electrical	54	27	50%
Environmental	23	5	42%
Industrial	2	0	0%
Mechanical	53	37	70%
NA/ME	8	7	88%
16 Hour Structural			
Lateral Forces Bridge	11	3	27%
Vertical Forces Bridge	10	2	20%
Lateral Forces Building	40	18	45%
Vertical Forces Building	31	17	55%
Principles & Practice of Land Surveying			
NCEES – 6 Hour	9	9	100%
WA Specific L S (2-hour)			
March	16	8	50%
June	18	9	50%
On-Site Designer	12	6	50%
On-Site Inspector	7	5	71%

## FALL 2018 EXAMINATION RESULTS

	Total	Pass	% Pass
Principles & Practice of Engineering			
Chemical (CBT)	6	4	67%
Civil	190	114	60%
Control Systems	8	8	100%
Electrical	61	30	49%
Environmental (CBT)	10	6	60%
Fire Protection	6	4	67%
Mechanical	55	38	69%
Mining & Mineral	2	2	100%
Nuclear	4	3	75%
16 Hour Structural			
Lateral Forces Bridge	9	2	22%
Vertical Forces Bridge	8	3	38%
Lateral Forces Building	23	7	30%
Vertical Forces Building	18	10	56%
Principles & Practice of Land Surveying			
NCEES – 6 Hour	13	9	69%
WA Specific L S (2-hour)			
October	14	5	36%
December	12	5	42%
On-Site Designer	7	2	29%
On-Site Inspector	8	6	75%

## 2018 FUNDAMENTALS EXAMINATIONS

(COMPUTER-BASED TESTING)

January – December	Total	Pass	% Pass
Fundamentals of Engineering (EIT)	1467	1017	69%
Fundamentals of Land Surveying (LSIT)	29	9	31%

## STATISTICS OF ACTIONS TAKEN BY THE BOARD

### JANUARY 1, 2018 THROUGH DECEMBER 31, 2018

Active investigations as of January 1, 2018	49
Investigations Opened	86
Investigations Closed	82
Active Investigations as of December 31, 2018	53

### SUMMARY BY MONTH:

	Complaints Received	Inquiries Received	Investigations Opened*
January	12	0	12
February	4	0	4
March	4	0	4
April	8	0	8
May	8	0	8
June	3	0	3
July	4	0	4
August	12	0	12
September	5	0	5
October	7	0	7
November	9	0	9
December	10	0	10
Totals	86	0	86

\* Investigations can be opened by either a complaint or an inquiry received.

### SUMMARY BY PROFESSION AS OF DECEMBER 31, 2018

	Active Status	Legal Orders	Compliance
Investigations Prof. Engineers	16	3	0
Prof. Land Surveyors	18	5	1
Unlic. Engineers	4	1	0
Unlic. Land Surveyors	4	0	0
On-Site Designers	0	2	1
Totals	42	11	2

Legal status refers to the investigations that the Case Manager has referred to legal for violations and the Board Order is in progress of being issued.

# Investigations & Enforcements

## Summaries Of Investigations And Actions By The Board

The following case summaries cover the disciplinary actions against licensees from January 1, 2018 through December, 31, 2018. In each disposition the Board accepted the recommendations of the Case Manager, unless stated otherwise. For those cases involving a Board order, each licensee may be monitored for compliance with the conditions imposed in the order.

The summary information provided under “INFORMAL ACTIONS” is provided to educate licensees on events and circumstances that come before the Board for investigation. In those cases, no disciplinary action is taken because either the allegations are unsubstantiated, fall outside the scope of jurisdiction of the Board or it becomes unnecessary because of corrective measures taken. Any investigations that reveal clear and convincing evidence of wrongdoing, and where a Board Order is issued, will be listed under “FORMAL ACTIONS”.

The decisions of the Board members who work as Case Managers of the investigations are based upon their personal opinions of the severity of the infraction and the best course of action to take to appropriately resolve issues. Interpreting any one or several dispositions as indicative of the Board’s view of how all such cases will be handled in the future would be incorrect.

These summaries are not intended to disclose complete details related to any given investigation or action. While every effort is made to ensure accuracy of the information shown, anyone intending to make a decision based upon this information should contact the Board office for more details.

### FORMAL ACTIONS:

#### *Surveying*

#### **Donald R. Hurd, PLS**

**Case No. 15-07-0001 & 16-02-0005**

These investigations were opened based on complaints alleging Mr. Hurd had recorded several surveys that did not meet the requirements of Chapter 58.09 RCW and Chapter 332-130 WAC.

During the course of the investigation, Mr. Hurd was contacted several times requesting a response to the complaints, but did not provide the information requested. During a review of the surveys in question, the Case Manager found that one of the surveys lacked so much basic data it showed a lack of respect for the profession and the public.

On January 4, 2017 the Board issued a Statement of Charges and settlement option in the form of a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. Mr. Hurd requested a settlement conference. A settlement conference was held and after some delay, Mr. Hurd signed the Agreed Order.

Terms of the Agreed Order include:

Upon the effective date of the Order, matters 15-07-0001; 16-02-0005; 17-02-0002; and 17-03-0001 will be closed.

Mr. Hurd voluntarily surrendered his license effective September 18, 2017.

Mr. Hurd will not seek reinstatement of his license.

On June 21, 2018, the Board accepted the Agreed Order.

#### **Edward T. Snyder, PLS**

**Case No. 16-03-0011**

This investigation was opened based on a complaint alleging Mr. Snyder prepared an erroneous survey and failed to record the survey with the county auditor’s office.

During the course of the investigation, Mr. Snyder was contacted several times requesting a response, but did not provide all of the information requested. During a review of the investigation file, the Case Manager reviewed a copy of the now recorded survey, but most of the data shown on the survey was illegible. Due to the poor quality and size of the copy, a copy of the survey was downloaded from The Department of Natural Resources (DNR) website. The survey contained a marginal note added by the DNR which stated: “PLSO Note: Original map not legible”. The digital copy of

*Continues next page*

the survey was illegible and contained a Surveyor's certificate and an Auditor's certificate which was not in compliance with Chapter 58.09.080 RCW. The Case Manager recommended staff counsel Mr. Snyder and give him the opportunity to prepare an amended record of survey. Mr. Snyder amended the survey, and provided a copy to the board will was still illegible and unacceptable as presented.

On June 11, 2018 the Board issued a Statement of Charges and settlement option in the form of a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. Mr. Snyder requested a settlement conference and an agreement was reached.

Terms of the Agreed Order include:

Mr. Snyder's license is SUSPENDED for two (2) years from the effective date of this order. Said suspension is stayed (not imposed) for two years from the effective date of this AGREED ORDER contingent upon Mr. Snyder complying with the other conditions outlined in the ORDER.

Within six months of the effective date of the Order, Mr. Snyder will pay a fine of \$3,000 in monthly installments of \$500.

Within 90 days of the effective date of the Order, Mr. Snyder must complete the on-line "PLS Refresher" course offered by the Land Surveyors' Association of Washington (LSAW).

Within 90 days of the effective date of the Order, Mr. Snyder must record a legible copy of the survey with the Asotin County Auditor's Office.

On October 18, 2018, the Board accepted the Agreed Order.

### *Unlicensed Engineering*

#### **Clay Brunt, Structural Dynamics, LLC** **Case No. 2017-01-0006-00ENG**

This investigation was opened based on a complaint alleging Clay Brunt and Structural Dynamics, LLC were offering structural engineering services without being licensed. According to the Complainant, Structural Dynamics, LLC was offering engineering services on their website, and on business cards.

Mr. Brunt stated he is not a Professional Engineer, and his company sub-contracts with an engineering

firms when engineering services are needed. The Case Manager reviewed the investigation file, and found that it did not appear the company was offering engineering services, however, they are advertising engineering services on their website. The Case Manager recommended staff counsel Mr. Brunt informing him that he needs to remove all reference to the provision of engineering services from all advertising materials including business cards and website.

On June 7, 2018 the Board issued a Statement of Charges on Unlicensed Activities and Notice of Intent to Issue Cease and Desist Order, and settlement option in the form of Agreed Findings of Fact, Conclusions of Law, and Order to Permanently Cease and Desist. Mr. Brunt did not respond to the Statement of Charges.

On August 9, 2018 the Board issued a Findings of Fact, Conclusions of Law and Permanent Cease and Desist Order (Default).

Terms of the Permanent Cease and Desist Order (Default) include:

Mr. Brunt and Structural Dynamics, LLC permanently cease and desist from offering to practice engineering in the State of Washington.

Mr. Brunt and Structural Dynamics, LLC shall not represent himself or his business to current or potential clients or the public, as being able to provide and/or perform engineering services in the State of Washington until they become licensed with the Board. This includes: making any statement, directly or indirectly, to any individual or to the public being able to provide and/or perform engineering services, until they obtain a Certificate of Authority with the Board; distributing any advertisement or offering that suggests Structural Dynamics, LLC officers or employees can provide engineering services; and participating in any capacity in the dissemination of advice, estimates, suggestions or recommendation to any individual or the public where such remarks could be interpreted to convey the impression that its officers or employees are competent and conversant in the profession of engineering.

Mr. Brunt and Structural Dynamics, LLC shall not distribute to any client or public agency any document, including but not limited to: letterhead, business cards, maps, or website references, which show either the firm, its officer and/or employees as having been involved or offer engineering activities or services.



## INFORMAL ACTIONS:

### *Engineering*

#### **2017-11-0003-00ENG**

This investigation was opened based on a complaint from a Professional Engineer alleging another Professional Engineer of incompetence, and aiding and abetting unlicensed engineering. The Complainant disagreed with a state agency's permitting process and design approach for forest practices hydraulic projects.

After reviewing the investigation file, the Case Manager did not find any violation of the regulations governing the practice of engineering in Washington State. The Board does not have jurisdiction over the organizational structure and job classification of other state agencies, and the Respondent appeared to have followed the guidelines set forth by his employer. The Case Manager recommended the case be closed with no further action.

#### **2018-01-0004-00ENG**

This investigation was opened based on a complaint alleging unprofessional conduct by a Professional Engineer (Respondent) who was unwilling to help the Complainant concerning a creek bed running through her property, and that the PE willingly made false statements.

Documentation from the Complainant suggested the Respondent falsely stated that the Complainant may require a permit from another governmental body and the Respondent indicated another party at the agency would respond to Technical Assistance requests.

After reviewing the investigation file, the Case Manager could find no unprofessional conduct, and recommended the case be closed with no further action.

#### **2018-08-0002-00ENG**

This investigation was opened based on a complaint alleging unprofessional conduct by a Professional Engineer. Communications submitted by the Complainant and Respondent indicate that work requirements changed over the project in scope, deliverables, and interaction with the permitting authority.

After reviewing the investigation file, the Case Manager concluded that there was no information submitted

to provide any direct evidence or inference of acts of unprofessional conduct under RCW 18.43 nor RCW 18.235, and recommended this case be closed with no further action.

#### **2018-08-0004-00ENG**

This investigation was opened based on a complaint from a Professional Engineer alleging the firm's project manager (Respondent) designed an electrical systems without supervision of a licensed electrical engineer.

After reviewing the investigation file, the Case Manager found no basis to the allegations, and recommended the case be closed with no further action.

#### **2017-03-0003-00ENG**

This investigation was opened based on a complaint alleging the Respondent used the Complainant's PE stamp without his knowledge. The Complainant's stamp appeared on subsequent revisions of a drawing after the Complainant stopped employment with the Respondent's firm. The Respondent's firm had to make revisions to the original drawings and during the course of the redesign, and after the complaint was filed, the Complainant became re-employed by the firm to complete the design. Additionally, it was discovered that the end product will be implemented in a manufacturing line in North Carolina, not Washington.

After review of the investigation file, the Case Manager determined that remedial counseling be conducted. Board staff met with the Respondent and informed the Respondent's firm that the document control process should be improved, and an internal review of the document control process should be conducted and appropriate changes made.

After the remedial counseling was conducted, the Case Manager recommended the case be closed with no further action.

#### **2017-09-0007-00ENG**

This investigation was opened based on a complaint alleging the Respondent submitted unsigned drawings for a storm water design, and the design did not match calculations for a storm water detention vault that was submitted for review.

*Continues next page*

After reviewing the investigation file, the Case Manager found the drawings were submitted to the AHJ without signatures, these drawings were preliminary and were marked as such. The Respondent indicated he marks his drawings “Preliminary” or “Not for Construction”. The drawings were submitted for a review hearing and were expected to be marked up by the AHJ, markups would then be included to produce the final drawings. The Complainant appeared to have an issue with the proposed development project and filed an appeal to the project along with this subject complaint. The complainant’s appeal was subsequently denied due to lack of legal basis by the hearing examiner.

The Case Manager recommended the case be closed without any further action.

### **2017-10-0001-00ENG**

This investigation was opened based on a complaint alleging the Respondent, a Professional Engineer, performed site development work on property adjacent to that of the Complainant, and submitted false measurements in his engineering work in order to obtain the site development permit from the County.

The Respondent was hired by a homeowner who owns property adjacent to that of the Complainant to prepare a Site Development Permit Application. Prior to hiring the Respondent, the homeowner had performed some unpermitted work in the property, and the County issued a ‘Notice and Order to Correct’ for the unauthorized site development and also requested that the home owner submit a “Site Development Permit Application”. The Respondent prepared the permit application per county guidelines, and the permit application and the storm water site plan prepared by the Respondent were reviewed and approved by the County.

The Case Manager recommended the case be closed without any further action.

### **2017-12-0003-00ENG**

This investigation was opened based on a complaint alleging the Respondent, an employee of the Complainant, competed with the Complainant’s company in violation of employment agreements, fraudulently allowed sales contracts between Complainant’s company and Respondent’s company, and may have improperly directed third party charges

for land development activities to the Complainant’s company.

The Respondent was employed with the Complainant’s company in the capacity of land development management with progressively increasing scope, responsibilities and compensation. No engineering work was performed by the Respondent. The Complainant and Respondent differ in assertions that the Respondent requested and received approval from the Complainant to conduct a separate business in land acquisition and development for sales to home building companies.

After review of the investigation file, the Case Manager found this appears to be a contract dispute, which is outside the jurisdiction of the board, and recommended the case be closed with no further action.

### **2017-11-0004-00ENG**

This investigation was opened based on a complaint alleging a licensed Structural Engineer asserted improper structural calculations. The Complainant indicated he performed analytical review and visual inspection of an aluminum stretched fabric covered open structure for a recycle area, and found the Respondent’s calculations to be in error, and had not seen construction documents. Neither the Complainant nor the Respondent provided construction documents. The Respondent indicated he did not have a contract for construction services, and he had not been contacted by the Complainant or anyone affiliated with the project about problems.

After reviewing the investigation file, the Case Manager found no indication of unprofessional conduct and recommended the case be closed. The Case Manager further recommended that the closure letter state that there is a concern for the lack of communication between the parties, and the board is not a building jurisdiction and does not perform construction document reviews for applicable application of the building codes in construction documents or engineer’s calculations.

### **2017-11-0005-00ENG**

This investigation was opened based on a complaint alleging the Respondent refused to return previous drawings done by an architect, billed the Complainant for services that were not delivered, and refused to address errors and omissions on plans and drawings.

After reviewing the investigation file, the Case Manager did not find any violations of RCW 18.43, nor RCW 18.235. The billing issue appeared to be a contract dispute which is outside the jurisdiction of the board. Although the Respondent's license was delinquent at the time the Respondent sealed delivered drawings, the Respondent renewed his license during the course of the investigation.

The Case Manager recommended the case be closed with no further action.

### **2018-02-0002-00ENG**

This investigation was opened based on a complaint alleging failure on the part of a licensed engineering corporation and upon a County to appropriately stamp engineering work products as required by WAC 196-23-020(2).

The Complainant reviewed a drawing set of approximately 88 sheets submitted by the corporation to and for the County (the Public Works Department of said County being the Client). The drawing set was submitted, as cited in the complaint, with each drawing clearly indicating that the drawings were "preliminary" or "not for construction". The Respondent is a licensed Professional Engineer, though not the Designated Engineer of the corporation nor the Engineer in either supervision or of record of the engineering products. The Respondent stated that it was the corporation's policy to stamp any preliminary construction documents that are released or distributed externally. The drawings provided by the Respondent remained without stamp or attribution.

After reviewing the investigation file, the Case Manager found that in subsequent communication, the Respondent applied their stamp to the preliminary design package and completed resubmittal to the County in compliance with WAC 196-23-020(2).

The Case Manager recommended the case be closed with no further action.

### **2018-03-0001-00ENG**

This investigation was opened based on a complaint alleging failure on the part of the Respondent, a Professional Engineer, to appropriately seal engineering work products as required by WAC 196-23-020(2). The Complainant alleges that engineering calculations

provided by a subcontractor to the Respondent were not signed, sealed, nor appeared to have been conducted by a licensee.

The Complainant is a consultant in the service of a regional interest group. The Complainant reviewed a Final Technical Information Report (TIR) submitted to a City for a public review and approval of a development permit. The Complainant alleges that the TIR made available for public inspection did not bear the stamp and seal of appropriate licensees in accordance with WAC 196-23-020(2).

The Respondent acknowledged that the TIR was inadvertently submitted without seal or signature, and affirmed that the TIR had been revised to include seal and signature and that the revised TIR had been resubmitted to the City in compliance with WAC 196-23-020. Calculations conducted by a subcontractor, which were not conducted under the Respondent's supervision, were removed from the resubmitted TIR.

The Case Manager recommended the case be closed with no further action.

### **2018-04-0001-00ENG**

This investigation was opened based on a complaint from a County Environmental Health Services representative alleging the Respondent, a Professional Engineer, signed off on the installation of an on-site sewage system that he did not design and the certified installation is not the design approved by the County.

Based on the information provided by both the Complainant and Respondent, it was found the original on-site designer moved out of the area and was not available to follow up on the design and construction. The project is a residential on-site installation. Because of the unavailability of the original designer, the installer requested the Respondent's assistance in certifying the installation. The installer altered the location of the septic tank from the original design allegedly for improved system operation with verbal approval from the County. The Respondent certified the altered location installation with apparent understanding (and additional verbal verification) that it had regulatory approval. After the resident construction and on-site installation, rainfall and surrounding area storm drainage has apparently

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resulted in the site being inundated with excessive water, including possible flooding of the septic tank.

After reviewing the investigation file, the Case Manager found the determination of ultimate responsibility for possible problems with site drainage and the on-site installation is beyond the purview of the Board. Because of his limited involvement in the project as presented by the information provided, it would appear that there is no clear evidence of malfeasance or willful misconduct by the Respondent.

The Case Manager recommended the case be closed with no further action.

### **2018-07-0002-00ENG**

This investigation was opened based on a complaint from a Professional Engineer, who is also a city engineer, alleging the Respondent, a Professional Engineer, wrongfully sealed a preliminary plat map that was submitted to the City.

After review of the investigation file, the Case Manager found that, a PLS seal is required on a preliminary plat submittal and in this case, there was such a seal. The RCW and WAC do not appear to preclude multiple stamps on a plat, or other PE or PLS submittals (which often occurs on other multi-subject A&E drawings); therefore, it would appear there is no violation. In retrospect, the Respondent would appear to have been diligent in his interpretation of the requirement to seal his work on the project and thereby provide assurance to the City that appropriate engineering was involved in the proposed project details.

The Case Manager recommended the case be closed with no further action.

### **2018-08-0007-00ENG**

This investigation was opened based on a complaint from a business owner (Complainant) alleging the Respondent, a Professional Engineer, did not abide by the contract for engineering services involved with a commercial building remodel project. Also alleged was a number of issues, i.e. fraud, failure to meet schedule, deficient engineering, over-pricing, and poor communications. Respondent provided a lengthy response refuting the allegations.

After review of the investigation file, the Case Manager

found that this appeared to be a contract dispute which is out of the jurisdiction of the board.

The Case Manager recommended the case be closed with no further action.

### *Land Surveying*

### **2017-04-0008-00ENG**

This investigation was opened based on a complaint alleging the Respondent, a Professional Land Surveyor failed to depict correct information on a survey map, failed to record a survey, and failed to stamp and/or seal a survey map.

After reviewing the investigation file, the Case Manager recommended remedial counselling. Board staff met with the Respondent and discussed the standard of practice for Professional Land Surveyors. The Case Manager concluded that compliance had been met after an amended survey had been filed.

The Case Manager recommended the case be closed with no further action.

### **2017-11-0002-00ENG**

This investigation was opened based on a complaint from a Professional Land Surveyor (PLS) alleging the Respondent, also a Professional Land Surveyor, performed a survey which created a new western boundary when the Book and Deed used do not support his survey.

According to the Complainant, a survey was prepared by the Respondent for the Complainant's neighbor that was based on incorrect survey field information, erroneous data and/or references such that the results of the survey found significant differences with prior surveys and controlling monumentation. When contacted by the Board, the Respondent provided supporting (backup) information that supported his analysis of the evidence acquired while performing the survey. It also appeared from the information provided that the Respondent was more than willing to communicate to the Complainant as to why some of the information shown on the Respondent's survey did not match the prior survey's information.

After review of the investigation file, including a survey submitted by the Respondent, the Case Manager found

that the survey appeared to reflect a comparison to the prior surveys for the Complainant's property and those adjoining. The Case Manager also determined that from the information provided, that the survey was performed and the results from the survey by the Respondent were in conflict with the Complainant's knowledge of the common line and the survey reflected the professional opinion of the line in question.

The Case Manager recommended the case be closed with no further action.

### **2018-01-0003-00ENG**

This investigation was opened based on a complaint alleging the Respondent, a Professional Land Surveyor, submitted an incorrect legal description to a city that will cloud or slander the Complainant's title.

A letter was sent to the Respondent requesting a detailed response to the allegations, including a copy of the legal description. The Respondent contacted the Board stating he retired in July 2016, and sold his company to former employees. He further stated he was never contacted by the Complainant or any other entity and therefore could not respond to the allegations. He did provide contact information for the firm and designated PLS. A response was received from the PLS at the new firm, including a preliminary Short Plat, the most recent deed which includes a description of the Complainant's property and a Title Report of the subject property being divided which adjoins the complainant's property to the east. No conveying documents were provided by the Complainant.

After review of the investigation file, the Case Manager found no evidence the Respondent or new PLS or the new survey firm submitted an incorrect legal description to the city.

The Case Manager recommended the case be closed and a letter be sent to the PLS of the new firm reminding him that his survey needs to meet all of the requirements of Chapter 58.09 RCW and Chapter 332-130 WAC before it is recorded.

### **2017-11-0001-00ENG**

This investigation was opened based on a complaint alleging the Respondent, a Professional Land Surveyor, recorded a survey that wrongly showed a sewer easement

on his property that in reality exists on the neighboring property to the east.

After review of the investigation file, the Case Manager determined from the information provided, the Record of Survey for a BLA as performed by or under the direct supervision of the Respondent, does depict a sanitary easement line; however, there is no evidence that the easement was placed incorrectly based on the Respondent's information at the time of the survey. Therefore, there was no information provided in the investigation that the Respondent violated Chapter 18.43 RCW.

The Case Manager recommended this case be closed with no further action.

### **2018-02-0001-00ENG**

This investigation was opened based on a complaint alleging a survey crew was removing monuments markers from the middle of the street. The survey crew was driving a van with the firm's name on it and the survey crew told the Complainant they were removing the monument. The Respondent is the firm's designated Land Surveyor and owner.

When contacted by the Board, the Respondent provided supporting information that supported her analysis of the evidence acquired while performing the survey. It also appeared from the information provided that the Respondent was more than willing to communicate to the Complainant as to why the crews were conducting the activity in the street.

After reviewing the investigation file, the Case Manager determined there was no information in the investigation file that the Respondent violated Chapter 18.43 RCW.

The Case Manager recommended this case be closed with no further action.

### **2017-12-0002-00ENG**

This investigation was opened based on a complaint alleging the Respondent, a Professional Land Surveyor, failed to disclose encroachments on a recorded map pursuant to WAC 332-130-050 (l)(f)(vii). The Complainant is an adjoining property owner to which the Respondent performed a survey, and alleges that the Respondent performed a survey and recorded

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an associated map that fails to disclose appropriate encroachments on his property pursuant to WAC 332-130-050 (1)(f)(vii).

After reviewing the investigation file, it appeared to the Case Manager, the Respondent did disclose, on his recorded map, a potential encroachment along the common line. There were also specific dimensional notes that give an approximate relationship of the potential encroachments with the common line. The Case Manager found no clear evidence that the Respondent violated WAC 332-130-050 (1)(f)(vii).

The Case Manager recommended this case be closed with no further action.

### **2018-05-0005-00ENG**

This investigation was opened based on information the board's office received concerning a firm's business activities in the state of Washington. Research of the firm showed that their Certificate of Authority (COA) with the board expired in 2014. Prior to a formal investigation being opened, Board staff contacted the firm in 2017 to let them know that their Certificate of Authority with the board had expired. Three additional messages were left on the office manager's phone concerning the renewal. Once a formal investigation was opened, the Respondent firm filed the proper paperwork to renew their COA and the firm is now in compliance.

The Case Manager recommended this case be closed with no further action.

### **2018-07-0003-00ENG**

This investigation was opened based on a complaint from a property owner alleging there is a discrepancy in a walk way easement that was shown on the Respondent's survey, and that the Respondent, a Professional Land Surveyor, used hearsay evidence to determine the location of an easement which is poorly described.

The survey recorded by the Respondent showing the location of the easement is based on his professional judgement for the purpose of litigating said case. There is no clear and convincing evidence that the Respondent violated any laws regarding the practice of land surveying.

The Case Manager recommended this case be closed with no further action.

### **2017-05-0003-00ENG**

This investigation was opened based on a complaint from a state agency informing the Board of a Professional Land Surveyor pertaining to multiple maps with multiple errors / discrepancies in indexing information. Various staff members of the agency has contacted the Respondent several times about these errors, but there has been no improvement.

After reviewing the investigation file, the Case Manager recommended remediation / counselling. Board staff met with the Respondent and discussed the need to have the correct indexing information on the recorded surveys, reminding him that this is the standard of practice for licensed Professional Land Surveyors. The Case Manager concluded that the Respondent amended the data bases with the correct indexing information.

The Case Manager recommended this case be closed with no further action.

### **2018-05-0008-00ENG**

This investigation was opened based on a complaint alleging the Respondent, a Professional Land Surveyor, surveyed her neighbor's property producing multiple versions of inaccurate drawings that do not correspond to what is actually on site. Leading to ongoing conflict between neighbors.

The Respondent provided supporting information that explained the scope of work for the client, and provided copies of the maps that were generated to explain the marks that were placed in the sidewalk and the temporary control points that were placed using standard survey practices.

After reviewing the investigation file, the Case Manager determined that the information provided to the Board supported the activity performed by the Respondent and/or the field crew being supervised by the Respondent. Therefore, there was no information found in the investigation that the Respondent violated Chapter 18.43 RCW and/or WAC 196-27A.

The Case Manager recommended this case be closed with no further action.

### **2016-08-0006-00ENG**

This investigation was opened based on a complaint alleging that the Respondent, a Professional Land

Surveyor, incorrectly marked the Complainant's property, there have been several surveys done on his property and the Respondent keeps changing the markers.

The Respondent prepared multiple surveys for the area over a period of time, the oldest going back before 1973. From the information provided the Respondent was more than willing to communicate with the complainant as to why some of the information shown on his last survey did not match his prior survey's information. At the Respondent's own volition, an amended survey was recorded at the county and a copy was provided to the board. The Respondent's surveys seemed as though he was using historical date from the past 40 years to support his resolution of the property boundary.

After review of the investigation file, the Case Manager recommended remedial counselling. Board staff met with the Respondent and discussed the standard of practice for Professional Land Surveyors. The Respondent appeared to understand minimum standard of practice as defined by RCW or WAC and will make considerable changes from this point forward.

The Case Manager recommended this case be closed with no further action.

#### **2018-05-0007-00ENG**

This investigation was opened based on a complaint alleging the Respondent, a Professional Land Surveyor, did not follow standard professional practices or procedures. The Complainant alleged the survey was based on an old fence that never existed, nor did both parties agree on the boundary.

The Respondent provided supporting information that explained the scope of work for his client and marked the property boundary line based on the best available evidence that he had at the time of the survey. He also provided copies of the field notes that were generated to explain the angles and distances shown on his survey.

After reviewing the investigation file, the Case Manager determined, from the information provided, the Respondent placed corners and recorded a survey map which showed data and results that were in conflict with what the Complainant understood to be line in question. The information provided to the Board supported the professional opinion made by the Respondent during the

performance of his survey. There was no information found in the investigation that the Respondent violated Chapter 18.43 RCW and/or WAC 196-27A.

The Case Manager recommended this case be closed with no further action.

#### **2017-12-0001-00ENG**

This investigation was opened based on a complaint alleging the Respondent, a Professional Land Surveyor violated Chapter 196-27A WAC by displaying abusive behavior and making abusive comments to county staff and the public that were doing business in the Auditor's office, violated Chapter 196-27A-WAC by failing to respond to inquiries from clients, or other professionals regarding conflicts with the registrant's work, opinions or procedures, in a manner that would be expected from a prudent practitioner.

After reviewing the investigation file, the Case Manager recommended remedial counselling. Board staff met with the Respondent and talked about keeping a professional manner at all times. The Respondent stated that he was there as a citizen, not a PE or PLS, brought up the unprofessionalism of the staff and stated that he did not yell at anyone. The Respondent further stated he understood that he needs to uphold professionalism.

The Case Manager recommended this case be closed with no further action.

#### **2016-08-0001-00ENG**

This investigation was opened based on a complaint alleging the Respondent, a Professional Land Surveyor, failed to meet ethical standards pursuant to Chapter 196-27A WAC - Rules of professional conduct and practice, and provided a written list of accusations alleging unprofessional conduct.

The Respondent was hired by the Complainant's neighbor to provide land survey services for determining the location of a property line between two parcels. The Respondent conducted a level of research from public and private records that he felt was adequate and attempted to gather field evidence in support of his survey. At various times and during multiple visits to the property, the Respondent communicated his intent to the Complainant of gathering field evidence in

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support of resolving a disputed property line between the properties. It was the Respondent's belief that he was given access to the property by the Complainant to search for evidence. The Complainant provided maps and documentation he had in his possession to the Respondent and showed the Respondent physical stakes that they believed were marking the corners for their property.

After reviewing the investigation file, it appeared to the Case Manager that there seems to be a breakdown in communication between the Complainant, the Respondent and the Respondent's client about the various stages of the survey process. As a result of this investigation, the Respondent seems fully aware of the communication breakdown and will try to alleviate future conflicts.

The Case Manager recommended this case be closed with no further action.

#### *On-Site Designers*

#### **2017-10-0001-000SW**

This investigation was opened based on a complaint that the Respondent, a licensed On-Site Designer, submitted a Change of Designer Request to the health department without knowledge of the homeowner.

The Respondent was a subcontractor to a custom home builder who in this case was the general contractor for the home owner. When the septic tank installation was found to be deficient, it appeared that the general contractor and the Respondent tried to get a list of deficiencies from the original designer. When this information could not be obtained from the designer in a timely fashion, the Respondent submitted the Change of Designer Request to the health department assuming that the custom home builder had obtained the home owner's permission to change the designer in order to expedite the work. The Respondent was remorseful for not checking with the homeowner directly before filing the change of request form.

After reviewing the investigation file, the Case Manager recommended remedial counselling.

Board staff met with the Respondent and discussed professional obligations of a licensed On-Site Designer.

Since the Respondent was a new licensee and it appeared this was an oversight by the Respondent to assume that the home owner approved the change of designer without checking with the home owner, the Case Manager recommended the case be closed with no further action.

#### *Unlicensed Engineering*

#### **2017-05-0009-00ENG**

This investigation was opened based on a complaint alleging the unlicensed practice of engineering. The complaint was two-fold: 1) alleging that the Respondent attended an engineers' meeting and introduced himself as an engineer and that Respondent's business card had the title "engineer" while not being a licensed Professional Engineer, 2) alleging that the Respondent was making final engineering design decisions that he was not qualified to make. The project involved a fish passage design in forest land.

The Respondent worked under the direct supervision of a licensed engineer and did not make any of the final engineering design decisions. The Respondent appears to have followed the supervisory structure of his organization which is outside the Board's jurisdiction.

After reviewing the investigation file, the Case Manager recommended the case be closed with no further action.

#### **2018-01-0002-00ENG**

This investigation was opened based on a complaint alleging the Respondent was practicing Naval Architecture and Marine Engineering without a license, namely stability studies of maritime homes (house boats).

After reviewing the investigation file, the Case Manager determined there was no clear and compelling evidence the Respondent has performed or intends to perform stability studies on maritime homes and further, he has agreed to remove any potentially confusing website information in that regard.

The Case Manager recommended the case be closed with no further action.

#### **2018-04-0002-00ENG**

This investigation was opened based on a complaint alleging a firm was advertising as an engineering firm



and providing engineering services. Through contact with the firm it was discovered the firm sold a portion of the company that offered the engineering services and the website had not been updated. Within nine days of initial contact with the firm, they updated the website to delete any indication they offer engineering services.

It appeared the Respondent firm did not update their website in a timely manner after the company restructuring, however, when contacted by the board they quickly corrected the issue.

The Case Manager recommended the case be closed with no further action.

### **2018-04-0007-00ENG**

This investigation was opened based on a complaint alleging the Respondent identified himself as a PE, but was not registered in Washington State. The complaint was prompted by the Respondent's biographical information associated with his campaign for a public utility-board position. Web site references were provided, as well as business and personal sites, the latter two of which indicates he is licensed in the State of Michigan.

After reviewing the investigation file, the Case Manager determined that it appeared the company solicits and sells a combination of "technology" as well as apparent materials, products and systems primarily to electrical-utility entities.

With regard to the PE designation in question, the Respondent and his company were advised that the Michigan qualification be included in any promo material, personal resumes, or other company documentation that is used in the State of Washington. Furthermore, the Respondent was advised that with his qualifications, obtaining comity licensure in Washington would be relatively easy, and could address the current and possible, future PE designation issues or misunderstandings.

The Case Manager recommended this case be closed with no further action.

### **2018-02-0004-00ENG**

This investigation was opened based on a complaint alleging the unlicensed practice of Engineering on the part of the Respondent.

In preparation of as built electrical and control drawings for a Washington hydroelectric power facility and in the review of said facility operations and design, the Complainant observed perceived design abnormalities in design documents for which the Respondent was identified as the designer on Plant electrical one-line, three line, and control system drawings (circa 2006). No stamp or seal of Professional Engineering supervision, responsible charge, nor preparation was evident upon said drawings.

The Respondent claimed to have been the equipment supplier, he had not represented himself as a Professional Engineer, and claimed to have hired a Professional Engineer to program and test powerhouse protective relays during commissioning: the named Professional Engineer does not appear to be licensed in Washington.

After reviewing the investigation file, the Case Manager recommended remedial counselling. Board staff met with the Respondent has affirmed he has no intent of doing business in Washington.

The Case manager recommended this case be closed with no further action.

### **2018-07-0001-00ENG**

This investigation was opened based on a complaint alleging the Respondent was using a Professional Engineer's stamp and electronic signature without the knowledge of the Professional Engineer. The Complainant is a Development Review Engineer for a city, and reviews submitted water supply plans and application. The subject plan documents appeared to be sealed by a Professional Engineer. Upon revision of plans, the Complainant found that the document seals were photographically reproduced (including date) from the prior application.

After review of the investigation file, the Case Manager concluded that communication between Staff, Respondent, and Professional Engineer has determined that the engineer of record of the Respondent business, is in responsible charge for the submitted plan documents. Reproduction error is asserted by the PE and Respondent in the matter of erroneous seal/signature/date in the documents received by the Complainant.

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The Case manager recommended this case be closed with no further action.

### **2018-08-0013-00ENG**

This investigation was opened based on a complaint alleging the Respondent had used the Complainant's Professional Engineer stamp on an engineering drawing that the Complainant did not work on.

The Respondent is the owner of a commercial building and the Complainant seems to have performed some emergency repair work on the commercial building for the Respondent after the 2001 Nisqually earthquake. This is evidenced by Complainant's stamp and signature on the engineering drawings of the building with a 2002 date.

In 2018 the Respondent decided to change the usage of the kitchen area from a restaurant to catering and food processing. To accomplish this change, a partition wall had to be added. The Respondent added the partition wall to the 2002 engineering drawing completed by the Complainant and submitted it to the city for approval with Complainant's stamp and signature still in place.

The permit reviewer informed the Respondent that this permit application did not require the stamp of a licensee and therefore requested that the stamp either be crossed out or blocked out from the engineering drawing. The Respondent abided by this request and the city approved the permit.

It appears there is a legal dispute between the Respondent and the tenant of the building. Because the Complainant's stamp was on the drawing submitted to the city initially in 2018, the tenant's attorney contacted the Complainant with questions about the drawing. This inquiry by the attorney triggered the complaint.

After reviewing the investigation file, it appeared to the Case Manager that the Respondent accidentally left the Complainant's stamp from 2002 in the 2018 submittal to the city, and the Respondent did not have any malicious intentions to deceive any parties involved.

The Case Manager recommended this case be closed with no further action.

### **2017-11-0006-00ENG**

This investigation was opened based on a complaint alleging that the State City and County Design

Standards Committee Chair, and the state aid engineer who appointed the current chair are not Professional Engineers.

The committee for State City and County Design Standards is established under RCW 43.32 and is not under the jurisdiction of the Board. The language of the RCW 43.32 does not restrict the membership or the position of Chair to a Professional Engineer. The response letter from the WSDOT Deputy Secretary of Transportation, on behalf of the Respondent, states that "duties of this position do not include preparing plans, specifications, plats, and reports that assure compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects."

After reviewing the investigation file, the Case Manager determined this is not under the jurisdiction of the board, and recommended the case be closed with no further action.

### **2017-12-0004-00ENG, 2017-12-0005-00ENG**

These investigations were opened based on complaints alleging the unlicensed practice of engineering. The Respondents do not hold a Professional Engineering license, and their job title is Environmental Engineer.

The information provided included advertisement for training sessions as well as attendance lists of industry associations, and lists names and titles of agency employees. The response to the complaint, sent in on behalf of the Respondents, stated the courses are consulting services and are not representing any work, or work product that assure compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects. There is no indication that any of the personnel listed have used the title Professional Engineer. There is no indication that the training courses constitute the practice of engineering without direct oversight by a licensed engineer.

After reviewing the investigation file, the Case Manager recommended the case be closed with no further action. The Case Manager directed staff to include the following language to the Complainant: "The Board has considered your complaint and the applicable law. It will not pursue investigations against the use of titles unless

the titles used are “Professional Engineer”, “structural engineer”, or “professional land surveyor”. It will provide the same response to all future complaints on this issue.”

#### **2017-12-0006-00ENG, 2018-01-0011-00ENG**

These investigations were opened based on complaints alleging the unlicensed practice of engineering. The Respondents do not hold a Professional Engineering license, and their job title is Local Program Engineer.

The information provided included advertisement for training sessions as well as attendance lists of industry associations, and lists names and titles of agency employees. The response to the complaint, sent in on behalf of the Respondents, stated the courses are consulting services and are not representing any work, or work product that assure compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects. There is no indication that any of the personnel listed have used the title Professional Engineer. There is no indication that the training courses constitute the practice of engineering without direct oversight by a licensed engineer.

After reviewing the investigation file, the Case Manager recommended the cases be closed with no further action. The Case Manager directed staff to include the following language to the Complainant: “The Board has considered your complaint and the applicable law. It will not pursue investigations against the use of titles unless the titles used are “Professional Engineer”, “structural engineer”, or “professional land surveyor”. It will provide the same response to all future complaints on this issue.”

#### **2018-01-0007-00ENG**

This investigation was opened based on a complaint alleging an agency’s employees were each misrepresenting themselves as an “engineer” without the proper Professional Engineer license.

The Complainant provided a written summary of the individuals’ business cards. That summary shows the titles as the employees’ working titles. A review of these individuals showed they are licensed Professional Engineers, but the licenses were delinquent. The agency was contacted to inquire if these positions were required

to be licensed Professional Engineers. It was confirmed that both positions are required to be licensed. The first individual listed was still employed by the agency, and when told his license was delinquent, he immediately renewed his license and updated his address. The second individual was no longer employed by the agency. After contact with the agency it was found the second position is now filled with a licensed Professional Engineer. Since the first individual came into compliance and renewed his license and the individual currently in the position is properly licensed, the Case Manager recommend this case be closed with no further action.

#### **2018-01-0008-00ENG**

This investigation was opened based on a complaint alleging an agency’s employees were each representing themselves as an “engineer” without the proper Professional Engineer license.

The Complainant provided a written summary of the individuals’ business cards. That summary shows the titles as the employees’ working titles. The actual title for these positions are Transportation Planning Specialist 2, 3, &4. Upon reviewing the requirements for these positions, there is no requirement by the agency to hold a Professional Engineer License. All of these positions work under a licensed Professional Engineer within the organization structure.

There is no indication that any of the personnel listed have used the title Professional Engineer. There is no indication that any of the employees are performing engineering services without direct oversight by a licensed engineer.

After reviewing the investigation file, the Case Manager recommended the cases be closed with no further action. The Case Manager directed staff to include the following language to the Complainant: “The Board has considered your complaint and the applicable law. It will not pursue investigations against the use of titles unless the titles used are “Professional Engineer”, “structural engineer”, or “professional land surveyor”. It will provide the same response to all future complaints on this issue.”

#### **2018-01-0009-00ENG, 2018-01-0012-00ENG**

These investigations were opened based on complaints

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alleging an agency's employees were each representing themselves as an "engineer" without the proper Professional Engineer license.

The Complainant provided a written summary of the individuals' business cards. That summary shows the titles as the employees' working titles. All of these positions work under a licensed Professional Engineer within the organization structure.

There is no indication that any of the personnel listed have used the title Professional Engineer. There is no indication that any of the employees are performing engineering services without direct oversight by a licensed engineer.

After reviewing the investigation file, the Case Manager recommended the cases be closed with no further action. The Case Manager directed staff to include the following language to the Complainant: "The Board has considered your complaint and the applicable law. It will not pursue investigations against the use of titles unless the titles used are "Professional Engineer", "structural engineer", or "professional land surveyor". It will provide the same response to all future complaints on this issue."

#### *Unlicensed Surveying*

### **2017-07-0002-00ENG**

This investigation was opened based on an inquiry from another state agency questioning whether a person or firm was registered to perform land surveying. Photographic information was sent to the Board indicating that a forestry firm had placed physical markers with "Survey Mark" depicted on them at the location of sub-divisional corners. Upon receiving this information and finding no evidence of registration for the person or firm, a Board generated complaint was filed against the Respondent for unlicensed practice of land surveying.

An email was received from the Respondent indicating the forest area was being managed by a separate forestry management firm and a response would be forthcoming. A detailed response was received from the private forest management firm on behalf of the Respondent. The response described the activity that led to the placing of the physical markers with "Survey Mark" depicted on them and the management firm acknowledged that the

markers in questions could be misconstrued to others. The management firm further described their operation and the marking was to make it clear that survey corners existed in the immediate vicinity. This method was for the benefit of preserving the property corners and to prevent destruction by the timber harvesters. They did not perform an analysis to establish or re-establish a boundary or survey marker nor did they use the markers to delineate the cutting line.

After reviewing the investigation file, it appeared to the Case Manager the reasons and methods for placing the markers were for preventing destruction of corners; however, the Respondent's management firm did not fully understand the implied results of using the materials or placing the markers in the locations. The management firm did provide information that described changes in the firm's practice and use of materials that are commonly used by land surveyors.

The Case Manager recommended this case be closed and that a detailed letter be drafted to the management firm to clarify the statutes pertaining to the practice of land surveying.

### **2017-11-0007-00ENG**

This investigation was opened based on a complaint alleging unlicensed Land Surveying. The Respondent firm is not registered as a corporation to provide Engineering/Land Surveying services in Washington State, nor does it employ a Professional Land Surveyor registered in Washington State. As a result of the investigation, the Respondent firm provided documentation that clarifies its offering of services and offered to clarify its services through its social media and on-line marketing information.

After reviewing the investigation file, it appeared to the Case Manager that the Respondent firm did not fully understand the requirements of offering services pursuant to Chapter 18.43 RCW. The firm took appropriate steps to modify its website and social media marketing information to clarify the difference between the services being offered and those services required to be registered under Chapter 18.43 RCW.

The Case Manager found no clear evidence that the Respondent willfully violated Chapter 18.43 RCW.

The Case Manager recommended that this case be closed with no further action.

## Message From The Chair

### 2017-07-0001-000SW

This investigation was opened based on a complaint received from a homeowner who engaged the Respondent to provide a septic system to be installed by June 2017. The Respondent completed a report; however, in April and May, Respondent had not completed the design and was not responsive to the Complainant’s requests for completion of the project. Upon investigation, the Complainant discovered the Respondent was not currently licensed as an On-Site Designer.

The Respondent has been the subject of several disciplinary actions dating back to 2011 with increasing severity as the Respondent apparently refused to comply with Board Orders. The last Board Order upheld the revocation of the Respondent’s On-Site Designer’s license and furthermore denied him the opportunity to obtain a license in the future.

After reviewing the investigation file, the Case Manager determined evidence is lacking for incontrovertible proof of design activity at this time.

The Case Manager recommended the case be closed with no further action.

ethical and professional requirements. An example of this is educating County recording offices of the correct interpretation of the surveying statute recording requirements.

Outreach could also include a licensing education track to inform students and current unlicensed engineers and surveyors of licensing opportunities.

The new outreach task force members are : Ms. Lund, Mr. Blaisdell, Ms. Gnanapragasam, Ms. Rakestraw, Mr. Fuller, Ms. Zimmerman, and Mr. Barger.

One of the other major accomplishments of this year involves the contracting of Dainis and Company, Inc. Dainis and Company is a Psychometrics and Evaluation firm that is working with the Board to prepare a Job Task Analysis (JTA), perform a validation survey and lead an item writing workshop to develop defensible test questions for both the Professional Land Surveyors state specific exam and the Onsite Septic Systems Designers exam.

The JTA sessions were held on October 3rd and 4th in Olympia, Washington and were highly successful.

The validation survey of the JTA has been sent out to industry practitioners. Respondents will rate the frequency and the importance of each sub-domain. Once this data is collected Dainis staff will analyze the results to develop an exam blueprint for each test.

Once the exam blueprint is complete, item writing workshops will be scheduled.

The Board would like to thank the following Subject Matter Experts (SME) who volunteered their valuable time to help protect the citizens of Washington State by ensuring only competent individuals are granted licensure to practice.

- |                        |                        |
|------------------------|------------------------|
| Thomas Barger, PLS     | Aaron Blaisdell, PLS   |
| John Christiansen, PLS | James Coan, PLS, CFedS |
| Mitch Evans, PLS       | Randal Freeby          |
| Mel Garland, PLS       | Bob Goodman            |
| Brian Hewitt, PE       | David Jensen, PE       |
| Timothy Kent, PLS      | Peter Lombardi         |
| Mark C. Nelson         | Robert Suggs           |
| Leslie Turner          | Stephen C. Wecker      |
| Richard Wilkerson      |                        |

Continues next page

As for legislation, the following rules made their way through the adoption process and will become law on December 3, 2018

WAC 196-23-070, WAC 196-33-400, and WAC 196-33-600

The purpose of these new rules is to give Professional Engineer, Professional Land Surveyor and On-site Wastewater System Designer licensees the ability to use “electronic signatures” when submitting documents required to have a signature. The amendment to the stamp design will make it easier for licensees to upload documents requiring a stamp to local jurisdictions. The adopted new section WAC 196-33-600 will outline the meaning of “signature” or “signed” as it is used in Chapter 18.43 RCW, Chapter 18.210 RCW, and Title 196 WAC. It will include criteria for handwritten, digital and electronic representations of a signature and their requirements.

In addition WAC 196-16-110 and WAC 196-16-120 were amended and will go into effect on January 1, 2019.

The amendment to this rule will add the requirement that all licensed Land Surveyors must read the Survey Recording Act (Chapter 58.09 RCW) and minimum standards for land boundary surveys and geodetic control surveys and guidelines for the preparation of land descriptions (Chapter 332-130 WAC) as part of their professional development hours, and must attest that they have read them at the time of renewal. This amendment was deemed necessary due to the increased number of recorded surveys that have been reviewed during Board investigations that do not meet state minimum standards.

I would like to thank the following Board members for their support and hard work on the various committees to which they have been assigned.

Executive Committee:

Ivan VanDeWege, PE–Electrical  
Steven Shrope, PE, SE-Civil/Structural

Practice Committee:

Aaron Blaisdell, Chair PLS  
Ivan VanDeWege, PE–Electrical  
Doug Hendrickson, PE

Exam and Qualifications Committee:

Marjorie Lund, Chair, PE, SE – Civil/Structural  
Nirmala Gnanapragasam, Ph.D, PE–Civil  
Steven Shrope, PE, SE-Civil/Structural

Survey Committee:

Doug Hendrickson, Chair, PE  
Aaron Blaisdell, PLS

Structural Committee:

Ivan VanDeWege, Chair, PE–Electrical,  
Marjorie Lund, PE, SE – Civil/Structural  
Steven Shrope, PE, SE-Civil/Structural

On a final note I would like to recognize former Board member Neil Norman, P.E. Neil Passed away on September 12, 2018. He was appointed by former Governor Christine Gregoire in 2007 and reappointed to a second term in 2012 and served through July of 2017. Neil demonstrated the utmost dedication to the profession and gave his best to the Board and the citizens of Washington State. He will not be forgotten.

# Schedules

## 2019 Administration

The following exams are offered year round as computer-based exams:

- Fundamentals of Engineering (NCEES FE)
- Fundamentals of Land Surveying (NCEES FS)
- Professional Land Surveying (NCEES 6 hour)
- Chemical Engineering

For more information, visit <http://ncees.org/exams/cbt/> or call (360) 664-1575. For information about the WA State Specific 2-hour land surveying exam, please call 360-664-1575.

Examination	Type	Examination Date	Application Deadline
Civil, Control Systems, Electrical, Fire Protection, Mechanical, Metallurgical & Materials, Mining & Mineral Processing	NCEES	Friday October 25, 2019	Wednesday July 31, 2019
Structural (vertical)	NCEES	Friday October 25, 2019	Wednesday July 31, 2019
Structural (lateral)		Saturday October 26, 2019	Wednesday July 31, 2019
Land Surveyor (2-hour)	State	Friday October 4, 2019	Friday September 13, 2019
On-Site Wastewater Designer / Inspector Certification	State	Friday October 4, 2019	Friday September 13, 2019

*For information regarding the On-Site Wastewater Designer exam or the WA State Specific 2-hour Land Surveyor's exam, please contact our office.*

# Calendar

The following is the proposed calendar of the Board's meetings and participating events through 2019. The dates and locations noted for meetings are subject to change. For more information, visit <http://www.dol.wa.gov/business/engineerslandsurveyors/meetings.html>.

<b>May</b> 16 - 18 <b>NCEES WZ Meeting</b> Boise, ID	<b>August</b> 7 - 8 <b>Special Board Meeting</b> Spokane	<b>October</b> 23 - 24 <b>Special Board Meeting</b> SeaTac
<b>June</b> 19 - 20 <b>Annual Board Meeting</b> SeaTac	<b>August</b> 14 - 17 <b>NCEES Annual Meeting</b> Washington, DC	<b>December</b> 11 - 12 <b>Special Board Meeting</b> SeaTac



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