



# Board of Registration Board Training

## Presented by

**Elizabeth Lagerberg**, AAG, Board Advisor

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SeaTac, WA  
08/07/2024

# Agenda

1. Agenda and expectations
2. OPMA refresher– *approx. 1 hr.*
3. Brief Adjudicative Proceeding (BAP) – *approx. 1 hr.*
4. Statement of Charges (SOC) – *approx. 1 hr.*
5. Roles and responsibilities of the AAGs
6. Board member resources
7. Agency contacts



# Expectations

- Board members will leave the training with an understanding of the laws and processes concerning the agenda items.
- That Board members will ask questions and actively participate when appropriate
- Staff will provide a copy of the training slides to Board members via the Board Member SharePoint site.



# Statement of Charges (SOC)

## RCW 18.235.050

The Uniform Regulation of Business and Professions Act (URBPA) authorizes the BRPELS disciplinary authority to investigate and issue a statement of charges when the disciplinary authority has reason to believe that a license holder or applicant has violated RCW 18.235.130.

RCW 18.235.130 identifies numerous acts or conditions that constitute unprofessional conduct.



# Statement of Charges (SOC)

## Process & Best Practices

Board staff prepares the SOC and AAG Prosecutor reviews before the Board serves on a respondent

AAG Prosecutor is responsible for defending the SOC

Meeting with AAG, Board staff, and case manager may be useful in working through edits or concerns

Best practices:

In the Background section: State the facts clearly

In the Charges section:

- One charge per paragraph
- Each charge should be supported by substantial evidence
- Each charge must include a full RCW or WAC citation

If the AAG believes insufficient evidence exists to support the SOC:

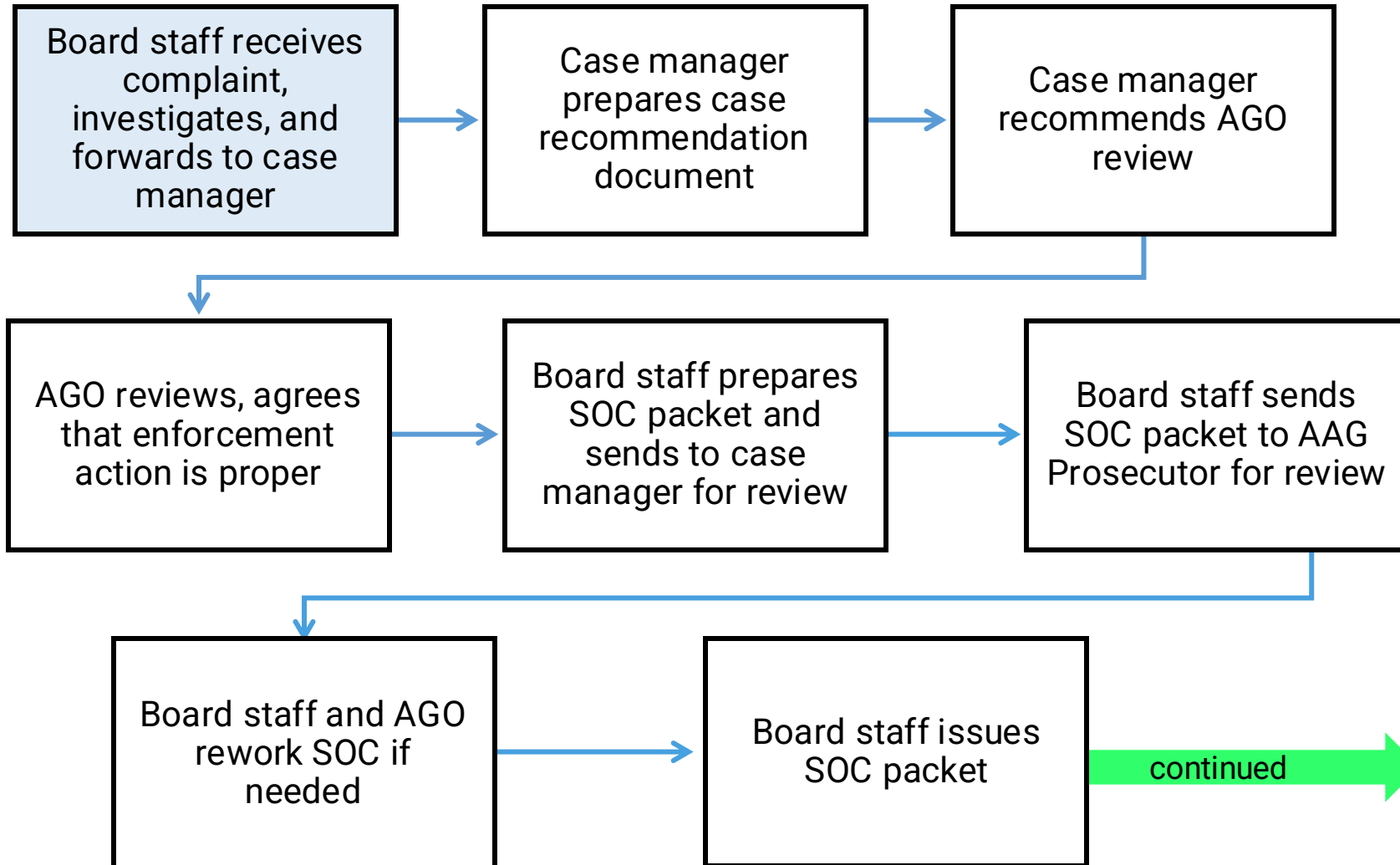
Board can investigate further

Board can decide not to charge

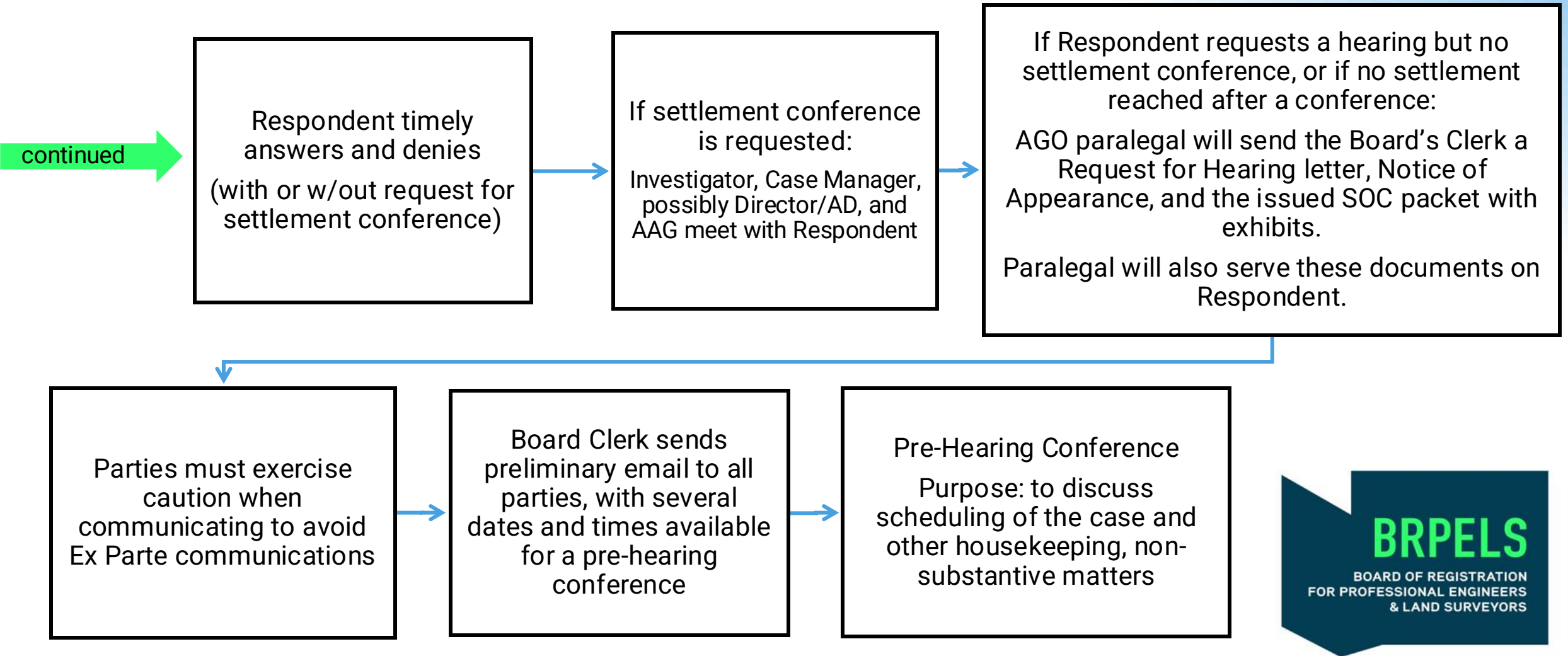
Note: Timeliness is very important!



# Legal Case Process



# Legal Case Process



# Legal Case Processes

1. Scheduling Order:
  - a. Discovery?
  - b. Witness/exhibit lists
  - c. Dispositive motions
  - d. Prehearing briefs
  
2. Hearing:
  - a. Opening Statements
  - b. Evidence
  - c. Closing
  - d. Deliberation
  - e. Final Order
  
3. What happens after Final Order? – Judicial Review





I, [REDACTED], certify that I caused a copy of this document to be placed in the U.S. Mail on the date above my signature, postage prepaid, to: [REDACTED]. I certify under penalty of perjury, under the laws of the State of Washington, that the foregoing is true and correct.  
Dated: \_\_\_\_\_ at Olympia, WA.

Signature: \_\_\_\_\_

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

In the Matter of the License to Practice as a Professional Land Surveyor of:

[REDACTED], PLS

Respondent.

License # [REDACTED]

NO. [REDACTED]

STATEMENT OF CHARGES

Jurisdiction of the Board of Registration for Professional Engineers and Land Surveyors in this proceeding is based on Chapter 18.235 Revised Code of Washington (RCW) Uniform Regulation of Businesses and Professions Act; Chapter 18.43 RCW Engineer's Registration Act; Title 196 Washington Administrative Code (WAC) Board of Registration for Professional Engineers and Land Surveyors; Chapter 34.05 RCW the Administrative Procedure Act. Rules applicable to this proceeding are in Chapter 196-09 Board Practice and Procedures.

**1. LICENSE HISTORY**

- 1.1 [REDACTED] (Respondent) holds a license to practice as a professional land surveyor. Respondent's license number is [REDACTED].
- 1.2 Respondent's license to practice expires on September 2, 2025.

**2. BACKGROUND**

- 2.1 On June 13, [REDACTED], a complaint was received alleging that the Respondent twice incorrectly surveyed property belonging to the complainant, [REDACTED], which resulted in substantial legal fees, medical out of pocket fees, damage expenses, and interest on the complainant's construction loan.
- 2.2 On June 16, [REDACTED], Respondent stated he would amend the survey again and send to the Board a preliminary copy before recording.
- 2.3 On November 1, [REDACTED], the Respondent was interviewed again, and the lack of data shown on the preliminary second survey, specifically the lack of research and section subdivision was discussed. The respondent stated he would again revise the survey.

**3. STATEMENT OF CHARGES**

- 3.1 The Respondent performed a survey in November [REDACTED] and on December 3, [REDACTED], and filed the survey under Auditor's number [REDACTED]. The survey was lacking the data necessary to support the boundaries shown thereon and was not in compliance with the Survey Recording Act RCW 58.09.060(a)(e) or the Minimum Standards for Land Boundary Surveys WAC 332-130-030(2) and (3)(a). This conduct is also a violation of RCW 58.09.030.

3.2 On April 21, [REDACTED], the Respondent recorded an amended record of survey (AROS). A review of that survey by the case manager found the survey was still inadequate and lacked the data necessary to support the boundaries shown thereon and was not in compliance with RCW 58.09.060(a), (e) and WAC 332-130-030(2) and (3)(a). In addition, the survey shows that the monuments set were not placed at the corrected corner positions of the subject property with no explanation, in violation of RCW 58.09.060(e). This conduct is also a violation of RCW 58.09.030.

3.3 On June 16, [REDACTED], the Respondent was interviewed, and discussion occurred regarding information that was lacking on the Respondent's original and amended record of surveys, specifically the lack of a section subdivision or reference to a section subdivision necessary to support the boundaries shown thereon pursuant to WAC 332-130-030(2) and (3)(a).

3.4 On June 29, [REDACTED], the Board Case Manager received and reviewed the second preliminary amended record of survey. It was determined the survey still lacked the necessary section subdivision data among other things, in violation of RCW 58.09.060(a), (e), and WAC 332-130-030(2), (3).

3.5 On November 3, [REDACTED], a preliminary amended record of survey was received from Respondent. This survey still lacked the necessary section subdivision or reference to a section subdivision necessary to support the boundaries show thereon pursuant to WAC 332-130-030(2) and (3)(a).

3.6 On November 9, [REDACTED], the Respondent was asked if he felt the survey met both Chapter 58.09 RCW and Chapter 332-130 WAC. On November 4 16, [REDACTED], the Respondent stated that two minor changes were made. Still, no section subdivision was shown, in violation of RCW 58.09.060(a), (e), and WAC 332-130-030(2), (3).

3.7 The conduct described in 3.1 through 3.6 contain multiple violations of WAC 332-130-030(2) and (3)(a); RCW 58.09.030; RCW 58.09.060(a), (e); RCW 18.43.105(5), RCW 18.43.110, and RCW 18.235.130(4).

**3. REQUEST FOR SANCTIONS**

Based upon the conduct of Respondent, the Board of Registration for Professional Engineers and Land Surveyors requests that the professional land surveyor license of [REDACTED] be suspended or revoked and/or other disciplinary measures be taken pursuant to Chapter 18.43 RCW and RCW 18.235.110.

DATED this \_\_\_\_ day of \_\_\_\_\_, [REDACTED]

\_\_\_\_\_  
Ken Fuller, PE, Director  
Board of Registration for Professional  
Engineers and Land Surveyors

# Roles and Responsibilities of the AAG

## Case specific vs. general

- Prosecuting AAG: Case specific matters
- Advising AAG: Questions about a process or interpretation of law without the facts.

## When to bring in the AAG in the enforcement process

- Before SOC to determine whether substantial evidence exists
- Again, after 1st Draft of SOC if additional review is needed

**Best practice:** If you have requested advice from your AAG, wait for the advice before taking action.

# Additional Resources

## Training:

- [WA Secretary Of State OPMA Training Requirements](#)
- [MRSC website](#)
- [ATG website](#)
- [Washington State Office of the Governor's website](#)
- [WA Coalition for Open Government – Video Resources](#)
- [WA Open Government Resource Manual](#)

## Other:

- [BRPELS.WA.GOV](#)
- [License Look-Up](#)
- [Secure Access Washington \(SAW\)](#)

**Board Member Manual**



# Your BRPELS Contacts

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***THANK YOU!***