



Fall 2017 • Number 60

# Washington Board

# JOURNAL

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Term expires 7/2020

**James Wengler, PLS**  
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Term expires 7/2019

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

**Nirmala Gnanapragasam, PE**  
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Term expires 7/2018

**Ivan VanDeWege, PE**  
Battle Ground  
Term expires 7/2019

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

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

**Shanan Gillespie**  
Acting 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 Stephen Shrope, PE, SE**

As I now begin my seventh year on the Board, I look back at the significant changes that have occurred and are continuing to occur, regarding the registration/licensing of Engineers and Land Surveyors in our state, along with the resulting impacts to BORPELS operation and activities. The primary driver for changes, of course, is basically the same as that affecting all aspects of our lives today: technology. For those of you who may be newer to licensure, or may not be aware of gradual changes at BORPELS, hopefully the following will be helpful in understanding its current responsibilities and activities.

In the 1990s and early 2000s, drastic advances in communications and capabilities to remotely provide professional services as well as increased mobility of professionals has led to more standardization of examinations among most all states. This Board and its staff, over all its previous existence, had the responsibility to write the exams, coordinate, conduct and proctor them as well as correct them and make the final passing-performance determinations. Technology driven changes and practicality led Washington along with all

other states and territories to shift those responsibilities to the national organization, NCEES (National Council of Examiners for Engineers and Surveyors). BORPELS still has opportunity to have input into the examination process as well as comity issues through participation in NCEES committees. As most licensees are now aware, the inevitable continuing technology advances have more recently led to computer-based testing (CBT implementation for all exams is still underway) and a drive toward a central, NCEES repository of professional qualifications for mobility purposes and a national data base for licensee disciplinary actions.

Upon reading the above, one might justifiably ask, what then does the Board and its staff do now? Obviously, without the direct testing responsibility, Board member and staff work has been reduced substantially. In recent years, under gubernatorial budget related directives, the DOL (Dept. of Licensing) has reorganized, reducing staff of various Boards and implementing shared work groups that provide “like” services to the

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If you, or someone you know, would like to receive a copy of this publication, please contact the Board of Registration for Professional Engineers and Land Surveyors.

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## Dordt College wins 2017 NCEES Engineering Education Award

### Engineering Department takes \$25,000 prize for vehicle bridge project

NCEES is pleased to announce that the Dordt College Engineering Department is the grand prize winner of the 2017 NCEES Engineering Education Award. The award jury met June 6, 2017, in Clemson, South Carolina, to select the \$25,000 grand prize winner.

The department received the top prize for its submission, Liberia Farm Bridge. For the project, undergraduate civil engineering students worked closely with professional engineers (P.E.s), construction management professionals, and other consultants to design and construct the bridge. The team designed and constructed the Liberian Farm Bridge near Harbel, Liberia, in order to connect a farm and three communities to civilization and the market. The design team also performed the construction, assisted by others from the school with construction management experience and by 30 local Liberians. Liberian participation was crucial to the project's success and created community ownership in the project. To ensure that the bridge remains functional long into the future, the design team also created a regular maintenance schedule.

The jury praised the project for incorporating both the design and build to respond to the true needs of the local Liberians.

“This project provided a sustainable solution to needed infrastructure and contributed to the economic vitality of rural communities in Harbel, Liberia,” said NCEES Engineering Education Award juror Sallye Perrin, P.E. “The collaboration between the students and P.E.s is commendable.”

The jury selected five additional winners to receive awards of \$7,500 each:



- **Seattle University**

Department of Civil and Environmental Engineering

*Design of a Care Facility for Young Mothers in Uganda*

- **Seattle University**

Department of Civil and Environmental Engineering

*Restoration and Replacement Options for Utility Company Bridge*



- **George Mason University**

Sid and Reva Dewberry Department of Civil, Environmental, and Infrastructure Engineering Design and Construction

*Reliable Drinking Water System for an Orphanage in Central America*



## MARQUETTE UNIVERSITY

- **Marquette University**

Department of Civil, Construction, and Environmental Engineering  
*El Bosque Pedestrian Bridge*



- **North Carolina State University**

UNC/NCSU Joint Department of Biomedical Engineering  
*Belltower Medical—Urinary Catheter Solutions*

The NCEES Engineering Education Award recognizes engineering programs that encourage collaboration between students and professional engineers. EAC/ABET-accredited programs from all engineering disciplines were invited to submit projects that integrate professional practice and education.

A jury of NCEES members and representatives from academic institutions and professional engineering organizations selected the winners. The jury members considered criteria such as

- Successful collaboration of faculty, students, and licensed professional engineers
- Protection of public health, safety, and/or welfare of the public
- Multidiscipline and/or allied profession participation
- Knowledge or skills gained
- Effectiveness of display board, abstract, and project description

Profiles of the winning submissions are available online at [ncees.org/award](http://ncees.org/award).

## Winners of 2017 NCEES Surveying Education Award Announced

### University of Maine receives \$25,000 grand prize

NCEES is pleased to announce the recipients of the 2017 NCEES Surveying Education Award. This annual award recognizes surveying programs that best reflect the organization’s mission to advance licensure for surveyors in order to safeguard the health, safety, and welfare of the public.

NCEES awarded the University of Maine’s Surveying and Engineering Technology program the \$25,000 grand prize. Six additional prizes were awarded to qualifying programs to assist with each program’s continued efforts to promote the importance and value of surveying licensure. The award jury considered criteria such as student outcomes and involvement, outreach and recruitment, and the promotion of licensure. The award jury met June 15, 2017, in Clemson, South Carolina, to select the winners.

NCEES Surveying Education Award juror and president-elect of the Surveyors and Geomatics Educators Society (SaGES), Joseph Paiva, Ph.D., P.E., P.S., stated, “The University of Maine’s surveying and engineering technology program is impressive because it fosters the surveying profession in state, regionally, and nationally.”

The jury selected six programs to receive the following awards:

### \$15,000 winners



- **Oregon Institute of Technology**

College of Engineering, Technology, and Management  
*Geomatics program*



- **Nicholls State University**  
Department of Applied Sciences  
*Geomatics program*



**Santiago  
Canyon  
College**

- **Santiago Canyon College**  
Business and Career Technical Education Division  
*Surveying/Mapping Sciences program*



- **University of Florida**  
School of Forest Resources and Conservation  
*Geomatics program*

**\$10,000 winners**



- **The University of Akron**  
College of Applied Science and Technology  
*Surveying and Mapping program*

More information about the 2018 NCEES Surveying Education Award cycle will be posted at [ncees.org/surveying](http://ncees.org/surveying) when available.



- **New Mexico State University**  
Department of Engineering Technology and Surveying Engineering  
*Surveying Engineering program*

### About NCEES

*The National Council of Examiners for Engineering and Surveying is a nonprofit organization made up of engineering and surveying licensing boards from all U.S. states, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. Since its founding in 1920, NCEES has been committed to advancing licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the U.S. public. NCEES helps its member licensing boards carry out their duties to regulate the professions of engineering and surveying. It develops best-practice models for state licensure laws and regulations and promotes uniformity among the states. It develops and administers the exams used for engineering and surveying licensure throughout the country. It also provides services to help licensed engineers and surveyors practice their professions in other U.S. states and territories. For more information, please visit [ncees.org](http://ncees.org).*

# When Is Construction Staking Considered The Practice Of Land Surveying?

By James Wengler, PLS, CFedS

Construction and the development of properties can sometimes trigger a question or two related to the Practice of Land Surveying, which is under the jurisdiction of this Board. Without using any detailed information with respect to location, time or specific names, I will provide my opinion as to the relationship between construction staking and Professional Land Surveying.

## Question:

Does the performance of Construction staking overlap into the practice of Land Surveying, which requires a license to perform such work? Two sources of definitions are shown to help answer the question. Other sources may be available.

*Construction surveying or building surveying (otherwise known as “staking”, “stake-out”, “lay-out” or “setting-out”) is to stake out reference points and markers that will guide*

*the construction of new structures such as roads or buildings. (Source: Wikipedia, the free encyclopedia)*

The definition of Land surveying in the State of Washington is defined in Chapter 18.43.020 (9) RCW as follows:

*“Practice of land surveying” means assuming responsible charge of the surveying of land for the establishment of corners, lines, boundaries, and monuments, the laying out and subdivision of land, the defining and locating of corners, lines, boundaries, and monuments of land after they have been established, the survey of land areas for the purpose of determining the topography thereof, the making of topographical delineations and the preparing of maps and accurate records thereof, when the proper performance of such services requires technical knowledge and skill.*

It is important to recognize that this definition can be broken into three distinct parts for the purposes of this article. The first relates to the **establishment**. The second relates to the **reestablishment** or locating of items **after** they have been established. The third relates



to **topography** and the preparation of maps, etc.

Since the words, “construction staking” are not specifically identified within the definition of Land Surveying, an analysis must be performed in order to understand the relationship between the boundary to those physical markers being placed for the locations of structures or features. If the position of a feature, line or utility shown on the construction plans is to be directly related to the property boundary, the position is an accessory to the boundary (controlling). If those features, etc. are an accessory to the boundary (controlling), then a Professional Land Surveyor is required for the determination of said boundary. In this instance, those positions require the **establishment or reestablishment** of the boundary line. Likewise, if topographic delineation surveys are required, such as; As-builts, Current Condition Surveys, etc. for the project, they should be accomplished by a Professional Land Surveyor in order to be in compliance with our current law.

For example; if the construction plans for a project show the clearing limits along or relative to a boundary line, said line must be established by a Professional Land Surveyor in order for the clearing limits to be staked. Conversely, if the clearing limit is an arbitrary line with no relation to the boundary, the Professional Land Surveyor is not required to stake the clearing limits since they are independent of the boundary.

Often a question gets asked, “Why do I need to be licensed when I am only identifying the clearing limits and not the boundary and writing approximate?”

The act of marking the clearing limits, which may be coincident with or dependent on the location of a land boundary line during a construction project does not relieve an individual of his/her responsibility to comply with other statutory laws, namely; Chapter 58.09 RCW **Surveys—Recording**; Chapter 58.09.120 RCW **Monuments—Requirements and/or** WAC 196-29-110 **Land surveying practice standards**. Placing a lath or any other monument **on the line or referencing the line** between two or more ownerships is the Practice of Land Surveying by definition. Further, simply marking or scribing on the lath, “approximate clearing limits”, “clearing limits”, “approximate boundary line”, etc. during the construction staking activity does not relieve such activity being performed by or under the direction of a Professional Land surveyor.

With the help of electronic tools and computer

drafting, files are sometimes transmitted amongst the projects team members with calculations embedded (points) to reflect the relationship between the boundary and other features, lines, etc. Merely taking the electronic information and staking those features or points in the field is not an exempted activity and therefore outside of the definition of land surveying under Chapter 18.43.020 (9) RCW. Careful consideration must be taken to understand how or if those features, lines, etc. relate to the boundary.

## Board Seeks Subject Matter Experts in Land Surveying

One of the most important goals of the Board’s mission is to assure that all applicants, registrants and licensees maintain a high standard of practice and compliance with applicable statutes, rules and regulations. We accomplish these goals through balanced and fair treatment of our stakeholders, colleagues and the citizens of Washington, while continuing to assure effective and efficient use of the financial resources entrusted to us. The committees of the Board regularly review all examinations to ensure that questions appearing on the respective Washington exams (PE, PS, OSS) are appropriate and relevant to the industry and profession.

The Survey Committee of the Board is currently seeking approximately nine Professional Land Surveyors who are licensed within the State of Washington and who wish to be a Subject Matter Expert (SME). The SMEs will meet over the next few months to review the survey question item bank and if needed; assist in developing new questions related to the Washington State Land Surveyor Exam (2-hour - open book exam).

For more information, please contact the Board office at 360.664.1575 or by email to [engineers@dol.wa.gov](mailto:engineers@dol.wa.gov)

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## Complaints VS Disciplinary Action

The Board has occasionally received inquiries regarding the apparent higher number of disciplinary actions against surveyors as opposed to engineers. Considering this particular issue as well as other past questions regarding the Board's handling of complaints it seemed appropriate to provide some background information to licensees on the subject of complaints and their evaluation.

Disciplinary actions are initiated when a complaint is submitted to the Board. Typically, complaints originate from the public, from governmental agencies, and from other licensees. It should be noted here that per WAC 196-27A-020(4)(c), licensees have a responsibility to report suspected violations of the applicable RCW or rules by a person or firm. It should be noted that when a surveyor is hired to survey a client's land, in almost all cases it involves the establishment or reestablishment of boundaries between two or more ownerships. It is not unusual for a survey of one parcel of land to involve multiple adjoining land owners who have not asked or are may not want their boundary determined.

In Washington State the role of the surveyor is to make a professional judgment as to the location of a boundary line based on the best available evidence and to disclose the difference between lines of Title and lines of occupation on the survey map he or she produces.

It is the public's misconception that surveyors determine ownership of land which often leads to complaints being filed.

In addition, the law requires in most cases that surveys involving the setting of monuments and the disclosure of discrepancies be recorded with the County Auditor. These are then included in title reports of the subject and adjoining parcels.

This process exposes the Surveyor to more avenues for the public to acquire and critique the map. This may ultimately lead to filing a complaint against the surveyor, regardless of the quality of the survey.

The Board does not have jurisdiction over disputed property line locations or the rights associated with real

property and therefore will not open an investigation regarding these matters.

However, it is not unusual for the surveys submitted with the complaint to be deficient in some or many of the laws governing the practice of surveying which is much more prescriptive, precise and statutorily driven than that for the engineers. The specific requirements for such surveys and maps are numerous and codified in statutes. They can include setting corners, providing specific mapping information, recording in a timely manner, preliminary vs final, etc. that can lead to disagreements between an owner, a governing agency and surveyor(s) and therefore may result in complaints to the Board or the Board opening a complaint based on the information contained in the complaint . With any complaint, including those involving engineers, the Board follows a diligent process of initial evaluation, and if so justified opening of a case with further investigation and action. Evaluation of a complaint generally includes obtaining a response from the subject of the complaint and addressing the following: 1) Does the Board have jurisdiction over the individual or his/her conduct; 2) Does the information in the complaint and response provide sufficient detail to enable a decision; 3) Would the Board have good cause to take action if infractions/violations were proven.

Repetitive complaint issues and/or more serious infractions may result in formal charges and disciplinary action; however, such charges must be supported by clear, incontrovertible evidence of statute violations that would reasonably withstand an appeal by the respondent. Finally, it should be noted that once charges are filed all investigative documentation is subject to public disclosure.



# Examinations

## APRIL 2017 EXAMINATION RESULTS

	Total	Pass	% Pass
Principles & Practice of Engineering			
Architectural	1	1	100%
Chemical	8	4	50%
Civil	410	238	58%
Electrical	51	29	57%
Environmental	9	7	78%
Mechanical	55	40	73%
NA/ME	11	6	55%
16 Hour Structural			
Lateral	49	18	37%
Vertical	40	25	62%
Principles & Practice of Land Surveying			
NCEES – 6 Hour	6	5	83%
On-Site Designer	6	3	50%
On-Site Inspector	15	12	80%
March & June 2017 Exams			
WA State Specific			
Land Surveying (2-hour)	20	12	60%
2017 COMPUTER-BASED TESTING (JANUARY - JUNE)			
	Total	Pass	% Pass
Fundamentals of Engineering (EIT)	920	647	70%
Fundamentals of Land Surveying (LSIT)	9	5	56%
Principles & Practice of Land Surveying			
NCEES 6-hour	7	6	86%

# Statistics Of Actions

## STATISTICS OF ACTIONS TAKEN BY THE BOARD

### JANUARY 1, 2017 THROUGH JUNE 30, 2017

Active investigations as of January 1, 2017	20
Investigations Opened	18
Investigations Closed	13
Active Investigations as of June 30, 2017	25

### SUMMARY BY MONTH:

	Complaints Received	Inquiries Received	Investigations Opened *
January	6	1	2
February	4	0	2
March	5	2	2
April	8	0	3
May	9	0	3
June	1	0	1
Totals	20	0	7

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

### SUMMARY BY PROFESSION AS OF JUNE 30, 2017

	Active Investigations	Legal Status	Compliance Orders
Prof. Engineers	12	0	4
Prof. Land Surveyors	9	4	2
Unlic. Engineers	3	0	0
Unlic. Land Surveyors	1	1	0
On-Site Designers	0	1	0
Totals	25	6	6

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, 2017 through June 30, 2017. 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:

#### *Engineering*

#### **Robert Balmelli PE,** **Case No. 13-02-0004**

This investigation was opened based on a complaint alleging Mr. Balmelli showed lack of understanding basic on-site wastewater treatment system regulations and design principles in that an on-site wastewater

treatment septic system he designed in Lewis County did not meet regulatory requirements.

On November 3, 2016 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. A settlement conference was held and Mr. Balmelli accepted a settlement option and signed the Agreed Order.

Terms of the Agreed Order include:

- He is hereby Reprimanded
- He shall pay a fine of \$250.00 within 3 months.
- By June 1, 2018 he shall take the Advanced Soils for OSS Class and Design of Large On-Site Sewage Systems offered by WOSSA. Written notification will be provided to the Board within 30 day of completion of each class

On June 15, 2017, the Board accepted the Agreed Order.

#### **Craig A. Penfield PE** **Case No. 15-08-0001**

This investigation was opened based on a complaint alleging Mr. Penfield was practicing engineering on an expired license.

During the course of the investigation it was found that Mr. Penfield’s license was expired from October 26, 2013 to August 11, 2015. Mr. Penfield provided the Board with a list of engineering plans that he stamped and signed during this period of time.

On November 11, 2016 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. A settlement conference was held and Mr. Penfield accepted the settlement option and signed the Agreed Order.

Terms of the Agreed Order include:

- Within thirty (30) days he shall notify his clients listed that his license was expired at the time

he stamped and signed the engineering plans and provide a copy of the correspondence to the Board.

- Within ninety (90) days of the effective date of the Agreed Order he shall, at his own expense, resubmit all projects stamped between October 26, 2013 and August 11, 2015, to the appropriate plan reviewing entities and notify the Board when completed, except that he shall not be required to resubmit plans for those projects which were never originally submitted to a reviewing entity or where construction of the project was completed on or before November 8, 2016.
- Within sixty (60) days of the effective date of the Order he shall pay a fine in the amount of \$2,000.

On April 18, 2017, the Board accepted the Agreed Order.

#### *Surveying*

#### **James Bell, PLS** **Case No. 14-11-0002**

This investigation was opened based on a complaint alleging Mr. Bell failed to show an outbuilding on a survey he performed and that a subsequent unrecorded survey of the same boundary showing additional monument evidence, was not recorded with the County Auditor within 90 days.

During the course of the investigation, it was found that Mr. Bell failed to show the necessary information including quarter corners and descriptions of monuments on the first survey. In the process of doing the resurvey, Mr. Bell discovered an additional monument at the southwest corner which was not previously disclosed and concluded that the newly discovered monument should have been recognized as the southwest corner monument instead of the monument used in this original survey. The resurvey did not contain Mr. Bell's seal and was not recorded within 90 days of its completion. The resurvey also had multiple errors and lacked all of the required information.

On August 18, 2016 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. Bell opted for a formal hearing, which was held on April 12, 2017. The Board issued a Final Board order on June 16, 2017.

Terms of the Final Order include:

- A 3 year suspension stayed for 2 years, 9 months. Mr. Bell will serve a 3 month actual suspension: the stay of 2 years. 9 months will then remain in place so long as he consistently produces survey work that meets the standards of practice for land surveying in Washington State, there are no further acts of professional misconduct, and the terms of this order are followed.
- He shall pay a fine to the Board in the amount of \$5,000 within three (3) months.
- He will have all survey work reviewed and approved by an independent third party surveyor prior to recording for the next 3 years.

Mr. Bell is currently appealing the Board's Order in Yakima County Superior Court.

#### **INFORMAL ACTIONS:**

##### *Engineering*

#### **Case No. 15-02-0005**

This investigation was opened based on a complaint from a PE alleging that another PE performed work that was substandard and potentially dangerous to the crews on board fishing vessels. The complainant cited the stability report for a particular fishing vessel done by the respondent in 2011. The complainant also alleged that the deck house was improperly designed by the respondent and did not meet required structural stability.

The respondent provided detailed responses to the allegations and also provided several examples of other Vessel Stability Reports that he had prepared in recent years.

The Board contracted with a technical consultant to review the case. The consultant found that the stability instructions were up to the standards expected of a licensed PE with a naval architect/

*Continues next page*

marine engineer endorsement. His report also stated the respondent complied with ABS rules for vessels under 90 meters.

Based on the technical consultant's report and his own review, the Case Manager recommended the case be closed with no further action.

### **Case No. 16-02-0003**

This investigation was opened based on a complaint alleging the Respondent's firm offers engineering services in Washington without a Certificate of Authorization with the Board. The Complainant was also concerned that the Respondent's curriculum vitae (CV) and website appears to have language implying he is a professional engineer in Washington. After being notified by the Board investigator, Respondent updated his website and CV by clearly stating which jurisdictions in where he is licensed.

The Case Manager concluded that there was no evidence that the Respondent has performed engineering services in Washington and recommended that the case be closed with no further action.

### **Case No. 16-06-0009**

This investigation was opened based on a complaint concerning a professional engineer that provides services to a City. Following a heavy rainfall, the retaining wall behind the Complainant's property failed and rocks rolled into vehicular and pedestrian traffic on a public sidewalk and street. The City requested the Respondent to provide emergency response for the hazardous situation. The Respondent in turn hired a sub-consultant to survey the land surrounding the failed retaining wall to establish whose property the wall was on.

The Complainant alleged that the Respondent provided a survey to the City which was not stamped, signed or filed and incorrectly showed where the wall was located. Subsequently, the survey which was stamped, dated and signed was submitted to the City. Because of the urgent nature of the project, the first set of drawings was not stamped, signed or dated.

After reviewing the investigation file, the Case Manager found the Respondent neither performed any engineering or land surveying work on this project nor intended to violate any of the regulations governing the practice of engineering or land surveying in Washington State, and recommended closing the case with no further action.

### *Land Surveying*

### **Case No. 14-12-0002**

This investigation was opened based on a complaint filed by a licensed land surveyor concerning a survey the respondent recorded. The respondent did not remove incorrectly placed monuments subsequent to filing two amended surveys.

During the course of the investigation the respondent recorded an amended record of survey addressing the specific issues concerning the first surveys.

With the recording of the Amended Record of Survey the Case Manager recommended closing the case with no further action.

### **Case No. 16-08-0005**

This investigation was opened based on another investigation. It was alleged the Respondent performed an incomplete survey which was not signed.

The Respondent was contacted and stated that they had performed the survey work and provided a draft copy to the city engineer. The Respondent acknowledged that he had sent the survey information to the city engineer as part of the Emergency Wall Failure survey. He was unaware that he was providing the survey data to anyone other than the city engineer for analysis. Furthermore, he believed that the survey information was preliminary at the time it was sent and he would be following up with a stamped/sealed hardcopy.

The Respondent provided additional information that supported his position that the initial data sent to the city engineer was preliminary, and provided the Board with a copy of the signed/sealed survey.

After reviewing the investigation file, the Case Manager did not find clear, cogent and convincing evidence of any violations, and recommended the case manager be closed with no further action.

#### *Unlicensed Engineering*

##### **Case No. 15-11-0004**

This investigation was opened based on a complaint alleging a marine diesel engine service and repair company appeared to offer engineering services on its website while neither having a certificate of authority (COA) from the Board, nor having a full time Professional Engineer on staff.

The Respondent has a Certificate of Authority (COA) with Washington's Secretary of State Office. Based on correspondence with the firm and language on their website, they appeared to be offering engineering in Washington State. The Case Manager recommended that Board staff conduct remedial counseling with the firm.

The Case Manager recommended closing the case with no further action as the firm no longer offers engineering services in Washington State, and has removed the language from the website.

##### **Case No. 16-01-0004**

The investigation was opened based on a complaint alleging the unlicensed practice of engineering and poor quality of work. The Complainant had hired the Respondent to build a waterfront home and alleged that the Respondent's construction work was of poor quality, he ignored safety concerns during construction, and disregarded the Department of Fish and Wildlife rules and regulations.

The Case Manager reviewed the investigation file and did not find clear, cogent and convincing evidence that there have been any violations that are under the jurisdiction of the Board. All engineering work on the project seems to have been done by licensed engineers, and it appeared that there is disagreement between the Respondent and the Complainant on the quality and timing of the work. The Case Manager recommended that this case be closed without further action.

##### **Case No. 16-07-0001**

This investigation was opened based by on an email chain forwarded to the Board. The email chain included messages by the Respondent that allegedly conveyed geotechnical information that potentially construed unsupervised, unlicensed practice of engineering.

The Respondent is currently working as a "staff" engineer for a geotechnical engineering firm with ownership and supervision duly licensed in the State of Washington. The owner of firm indicated there was no intent by the firm to represent the Respondent as a PE in promotion or work product.

The Case Manager reviewed the investigation file and did not find clear, compelling, incontrovertible evidence that the Respondent provided or intended to provide information that was outside the purview of a supervising PE nor was there compelling evidence of intent on the part of the Respondent or firm to convey the impression that the Respondent was a PE. The Case Manager recommended that the case be closed with no further action.

#### *Unlicensed Land Surveying*

##### **Case No. 16-05-0005**

The investigation was opened based on an email received from the Idaho Board regarding the unlicensed practice of land surveying being advertised in Spokane's Craigslist and Nickelsworth newspaper.

The person is not a licensed land surveyor in Washington. The Board's investigator had several email contacts with the Respondent when the investigation first opened. After the initial contacts, there was no further response from the Respondent.

The Case Manager recommended closing the case with no further action as the Respondent's contact information is unavailable and no response has been received after numerous attempts to contact the Respondent.

various Boards. A few examples are: shared investigative staff that address complaints for several Boards; a shared resource that focuses on the required procedural development of rule language changes deemed necessary by various Boards; and shared resources for budget development and expenditure planning. These changes have resulted in a lessening of BORPELS staff with accompanying budget savings but, on a positive note, also with more ready access to additional personnel resources when needed. BORPELS still retains an Executive Director, as well as a few, key personnel that are primarily dedicated to its mission.

Despite the shift of the examination activities, the Board continues to have significant responsibilities and tasks. These include:

Interpretation and application of the laws and rules (RCWs and WACs) of Washington State applicable to the licensure of Engineers and Land Surveyors. As noted, NCEES has been granted the responsibility of the examination portion of the licensing process. That organization also continues to develop a “Model Law” for licensure that is encouraged for adoption by all states. However, most states, including Washington, have differing laws and requirements that can affect first licensure, comity and potential disciplinary actions. BORPELS is the primary authority for the interpretation activity in Washington and works closely with the State Attorney General’s office to assure appropriate compliance with statutes and to modify rules that may be inconsistent or out of date. Ultimate changes to the law remain in the purview of the legislature. (It also should be noted that in 2000, the legislature assigned to BORPELS the similar responsibility for the certification of on-site designers and inspectors)

Review and determination of applicant qualifications. A majority of applications to sit for exams as well as applications for comity follow a fairly standard flow-chart process to approval without direct Board input. However, there are always a number of non-typical submissions having concerns about education or experience. These are usually forwarded to the Board “Exam Qualifications” committee for review and ultimately final direction by the Board.

Review of complaints and determination of possible disciplinary action. Unfortunately, this is a major activity for this and other Boards as well. For BORPELS, the process involves close scrutiny of complaints by several Board members including a final “Case Review” by a single Board member for certain cases identified for eventual Board action. The process can involve considerable effort in some instances, potentially resulting in a time-consuming appeal/hearing process.

Professional and Public interface. The Executive Director and key BORPELS staff strive to be available to answer licensee or public generated questions in a timely manner. If necessary, some questions may be forwarded to Board members for clarification or further input. Upon request, Board members, the Executive Director and/or staff attend various professional society meetings or other public or educational venues to discuss licensure, ethics, or other subjects of interest as well as to indirectly encourage STEM education and technical career paths.

As you can see, the Board and its reduced staff continue to have a full plate. Our seven members, most of whom are otherwise occupied with their full-time professional careers, graciously donate their time to continue the mission of BORPELS, which is focused on protection of public health and safety through licensure of qualified individuals in the engineering and land survey professions.

# Schedules

## Spring 2018 Administration

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

- Fundamentals of Engineering (NCEES FE)
- Fundamentals of Land Surveying (NCEES FS)

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
Agricultural and Biological, Architectural, Chemical, Civil, Electrical, Environmental, Industrial, Mechanical, Naval Architect/Marine Engineering	NCEES	Friday April 13, 2018	Monday January 15, 2018
Structural (vertical)	NCEES	Friday April 13, 2018	Monday January 15, 2018
Structural (lateral)	NCEES	Saturday April 14, 2018	Monday January 15, 2018
On-Site Wastewater Designer / Inspector Certification	State	Friday March 16, 2018	Monday January 15, 2018

# Calendar

The following calendar displays the Board's planned meetings and participating events for 2018.

Dates and locations are subject to change. For more information, visit <http://www.dol.wa.gov/business/engineerslandsurveyors/meetings.html> or call (360) 664-1564.

### Board and Committee Meetings

*\*locations to be determined*

\*February 7-8, 2018  
SeaTac, WA

\*April 18-19, 2018  
SeaTac, WA (includes multi-board workshop)

\*June 20-21, 2018,  
Olympia, WA

### Board Participating Events

#### March 7-10, 2018

LSAW Annual Conference  
Spokane, WA

#### April 5-7, 2018

NCEES Western Zone  
Honolulu, HI

#### August 15-18

2018 NCEES Annual Meeting  
Scottsdale, AZ



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