

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

In the Matter of the License to Practice as a
Professional Engineer of:

Steven P. Morta, PE

Respondent.

License #30758

NO. 2023-02-0191-00ENG

STIPULATED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
AGREED ORDER

The Washington State Board of Registration for Professional Engineers and Land Surveyors (Board), and Steven P. Morta (Respondent), stipulate and agree to the following:

**Section 1
BACKGROUND**

- 1.1 Steven P. Morta, Respondent, holds a license (#30758) to practice as a professional engineer.
- 1.2 The Respondent's license to practice engineering is currently due to expire January 14, 2025.
- 1.3 On April 13, 2023, the Board issued a Statement of Charges against the Respondent alleging that the Respondent violated the following: RCW 18.43.105(2), (5) & (10); RCW 18.235.130(1)(4) & (8); WAC 196-23-010; WAC 196-23-020(1); WAC 196-27A-020(1)(a)(b)(c)(e) & (f); WAC 196-27A-030(4).

**Section 2
PROCEDURAL STIPULATIONS**

- 2.1 The Respondent understands that the Board is prepared to proceed to a hearing on the allegations in the Statement of Charges.
- 2.2 The Respondent understands that he has the right to defend himself against the allegations in the Statement of Charges by presenting evidence at a hearing.
- 2.3 The Respondent understands that, should the Board prove at a hearing the allegations in the Statement of Charges, the Board has the power and authority to impose sanctions, including fines, pursuant to RCW 18.235.110 and/or RCW 18.43.110.
- 2.4 The Respondent and the Board agree to expedite the resolution of this matter by means of

this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order (Agreed Order).

2.5 The Respondent waives the opportunity to present evidence at a hearing on the Statement of Charges contingent upon signature and acceptance of this Agreed Order by the Board.

2.6 This Agreed Order is not binding on any party unless and until it is signed and accepted by the Board. Should this Agreed Order be rejected, the Respondent waives any objection to the participation at a hearing of all or some of the Board members who considered the Agreed Order. The exception is Board Member Marjorie Lund, PE, SE, Case Manager for this matter, who is recused from participating as a presiding or reviewing officer in an adjudicative hearing on this matter.

2.7 Once this Agreed Order is signed by the Board, the Respondent waives any and all right to judicial review and/or reconsideration by the Board.

Section 3 STIPULATED FACTS

The Respondent acknowledges that evidence is sufficient to justify the following finding of facts:

3.1 Respondent, in his capacity as a professional engineer, showed a lack of understanding of design principles for a project he designed and certified the project was built to specifications in Tacoma, Washington. The project did not meet regulatory requirements.

3.2 In April 2022, Respondent was hired by Integrated NW Construction to design a pole building located at 3608 72nd Street East, Tacoma, Washington.

3.3 A permit was not obtained for the project. As a Professional Engineer, the Respondent is responsible for confirming that documents have been submitted for permitting of a project.

3.4 On October 27, 2022, Respondent, in a signed letter (Engineering Letter), and without having visited the project site, attested the construction in the field matched the design documents (plans). In the Engineering letter, Respondent also made statements that conflicted with Respondent's plans. The Board investigators confirmed that what was built in the field did not match Respondent's plans.

3.5 The Engineering Letter was not sealed as required.

3.6 The two-page construction documents provided by the Respondent are incomplete for the construction of a structure and contain structural design information that is incorrect as follows:

3.6.1 The roof trusses are missing loading criteria or proper connection details.

3.6.2 Purlin connections are not included in the construction documents.

3.6.3 The posts as shown in the plans are not the correct size to withstand wind forces.

3.6.4 Embedment shown on plans do not include concrete and is inadequate to withstand wind forces.

3.6.5 Note, on Sheet 2.0, in Respondent's plans, stating "#5 VERTS" shows lack of structural knowledge because it does not define the location and spacing of the rebar.

3.6.6 Note, on Sheet 2.0 in Respondent's plans, stating "#5 Rebar as shown" shows lack of structural knowledge because the rebar shown is inadequate in the grade beam.

3.6.7 Sheet 2.0 Section shows posts embedded 5 feet 0 inches in the ground with a note indicating "tamped earth" around the posts. This provides inadequate support of the posts for lateral loads.

3.6.8 Knee brace detail is shown but locations are not indicated on plans.

3.6.9 *Material properties for Purlins as shown in Sheet 2.0, do not match the grade of wood shown in the calculations.*

3.7 The Board requested examples of other engineering work completed by Respondent. Respondent submitted residential projects for Katharine & Shane Gervais, Rochester West LLC, and Tina Johnson. All three project drawings submitted by Respondent were missing details and incomplete. Missing items include load path for lateral loads, design of narrow wood shear walls, details for connections of walls and framing, concrete details of reinforcing and foundations. Respondent also submitted written descriptions of other work that included special inspections and geogrid retaining walls designed by Respondent. When asked to provide education and experience in inspections and in geotechnical engineering, Respondent did not respond.

Section 4
AGREED CONCLUSIONS OF LAW

The Respondent acknowledges that, based upon the Findings of Fact, the following Conclusions of Law are justified:

4.1 The Board has jurisdiction over the subject matter of this proceeding and over the Respondent.

4.2 The Respondent's acts, errors, or omissions in connection with his practice as a professional engineer represent violations of one or more of the following: **RCW 18.43.105(2)(5) & (10); RCW 18.235.130(1)(4) & (8); and WAC 196-27A-020 (1)(a)(b)(c)(e) & (f); WAC 196-27A-030(4).**

The acts, omissions, errors and/or discrepancies stated above in this AGREED ORDER, individually and cumulatively, constitute misconduct, malpractice and/or unprofessional conduct as defined in chapters 18.43 and 18.235 RCW. Such acts are grounds for the Board to suspend or revoke the license to practice engineering issued to Steven P. Morta and/or to impose a monetary fine against the Respondent, as provided in RCW 18.235.110.

Section 5
AGREED ORDER

The Board and the Respondent stipulate and agree to the following terms and conditions:

5.1 Upon the effective date of this Agreed Order Respondent's license to practice is suspended for two years and Respondent is assessed a fine in the amount of five thousand (U.S.) dollars (\$5,000). The license suspension and fine are stayed (not imposed) contingent upon Respondent complying with the following conditions outlined in 5.2 through 5.7.

5.2 Respondent will no longer design buildings or other structures that require the preparation of structural construction documents and/or calculations without a peer review of the work, as described in paragraphs 5.3 – 5.7.

5.3 Respondent will enter into a peer review contract agreement for the two-year stayed suspension. The contract will be executed within 30 days of the signed Agreed Order and a copy of the finalized contract will be provided to the Board. The contract will include a requirement for a quarterly

report, from the peer reviewer to the Board. The report will include project-specific summaries clearly detailing the work reviewed and the progress made by Respondent.

5.4 During the two-year stayed suspension, Respondent will submit, to the peer reviewer, all structural engineering designs for peer review and successfully respond to peer review comments.

5.5 During the two-year stayed suspension, Respondent will not submit any structural designs for permitting prior to successful peer review process.

5.6 During the two-year stayed suspension, Respondent will provide to the Board, monthly, a listing of and status of projects under design which include preparation of structural construction documents and/or calculations.

5.7 Respondent will be responsible for all costs related to the peer review contract.

5.8 Respondent shall be responsible for all costs, expenses, fees and/or tax consequences incurred by the Respondent in complying with this Agreed Order.

5.9 Should the Respondent fail to comply with any of the terms or conditions of this Agreed Order, the Board will initiate administrative steps for imposition of further penalties and/or sanctions authorized and deemed appropriate. In making a determination of compliance under the terms of this Agreed Order, the Board may rely upon the records in their possession, or lack thereof, in reaching such a decision.

5.10 This Agreed Order addresses and concerns itself solely with those issues referenced herein relating to the Respondent's practices as a professional engineer that are within the license-disciplining authority of the Board. This Agreed Order should not be considered to address, encompass, or limit judicial or other remedies relating to those practices and activities of the Respondent not deemed within the Board's license-disciplining authority.

5.11 The signed Agreed Order becomes effective immediately upon its being served pursuant to RCW 18.235.080. Service of this order is complete upon mailing. RCW 34.05.010(19).

I, Steven P. Morta, Respondent, certify that I have read this Stipulated Findings of Fact, Conclusions of Law and Agreed Order in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be

presented to the Board without my appearance. If the Board accepts the Stipulated Findings of Fact, Conclusions of Law and Agreed Order, I understand that I will receive a signed copy.

Steven P. Morta _____
Steven P. Morta, Respondent Date July 27, 2023

N/A _____
Attorney for Respondent WSBA #: _____
(if applicable) Date N/A

**Section 6
FINAL ORDER**

The Board accepts and enters this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

DATED this 3rd day of August, 2023

State of Washington Board of Registration for
Professional Engineers and Land Surveyors

Dave Peden
Dave Peden, PE, SE
Presiding Officer