



Practice Committee Meeting October 16, 2024 | 12:45 p.m.

Virtually via Microsoft Teams:

[Join the meeting now](#)

Meeting ID: 230 335 013 505

Passcode: Ue3Qqa

In person:

Gonzaga University
Hemmingson Center
La Sorta Room
702 E Desmet Ave
Spokane, WA 99202

Dial-in by phone

[+1 564-999-2000,,330769258#](#) United States,
Olympia

[\(833\) 322-1218,,330769258#](#) United States (Toll-free)

[Find a local number](#)

Phone conference ID: 330 769 258#

Committee: Doug Hendrickson, PE, Chair
Aaron Blaisdell, PLS
Dave Peden, PE, SE

Support staff: Ken Fuller, PE, Director
Kristina Horton, PLS, Deputy Director
Jill Short, Investigations & Compliance Manager
Shanan Gillespie, Regulatory Program Manager

Discussion topics

- Complaints Summary (JS)
- Administrative Closures Report (JS)
- Compliance Report/Noncompliance Report (JS)
- RCW 18.43 Task Force Update (DH/SG)
- Disciplinary Timeline Report (JS)
- PC Accomplishments

Strategic Planning Items

- Feedback Assessment of Complaint Process

Previous Action Items

- Checklist for Public Officials (No update at this time. Item will be on December agenda)

Complaints Summary
October 2024
(As of October 4, 2024)

Engineering: 5 complaint(s)

COMPLAINT NUMBER	ALLEGATIONS	STATUS
2024-07-1864	Unprofessional conduct	Admin Review
2024-08-2125	Unlicensed practice	Admin Review
2024-08-2133	Unlicensed practice-Website	Investigation
2024-08-2200	Unlicensed practice	Investigation
2024-09-2373	Unprofessional conduct	Intake

Surveying: 9 complaint(s)

COMPLAINT NUMBER	ALLEGATIONS	STATUS
2024-08-1939	Unprofessional conduct	Investigation
2024-08-2064	Unprofessional conduct	Investigation
2024-08-2184	Erroneous survey	Investigation
2024-08-2233	Unprofessional conduct	Investigation
2024-09-2412	Unprofessional conduct	Management Review
2024-09-2423	Erroneous survey	Investigation
2024-09-2424	Erroneous survey	Intake
2024-09-2561	Unprofessional conduct	Intake
2024-09-2591	Erroneous survey	Intake

On-site Septic System Designing: 0 complaint(s)

COMPLAINT NUMBER	ALLEGATIONS	STATUS

TOTAL: 14

Administrative Closure Recommendations
October 2024
(As of October 4, 2024)

Engineering: 0 Closed

Surveying: 0 Closed

On-site: 0 Closed

TOTAL: 0

<p>Kent Huxel 2021-08-2070-00LSV 2022-10-1445-00LSV</p> <p>Final Order to Permanently Cease and Desist</p> <p>Signed 12/8/2022 Effective 12/8/2022</p>	<p>Respondent shall permanently cease and desist from offering to practice professional land surveying and professional engineering in the State of Washington.</p> <ol style="list-style-type: none"> 1. Shall not represent himself or his business to current or potential clients or the public, as being able to provide and/or perform professional engineering services in the State of Washington; 2. 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 professional engineering activities; 3. Within one hundred and twenty (120) days of the effective date of this AGREED ORDER Respondent shall pay a fine to the Board, by check or money order, in the amount of thirty thousand dollars (\$30,000.00 (U.S.)) 	<p>Due 4/8/2023</p>	<p>12/14/2022 Respondent requested the final order be vacated.</p> <p>1/5/2023 Response sent to respondent denying request to vacate.</p> <p>2/3/2023 Staff will be filing a complaint with law enforcement in the city/county where the unlicensed practice occurred for the fraudulent use of a stamp. The complaint has been started, but additional evidence is being gathered.</p> <p>2/7/23 Received notice respondent filed a Notice of Appeal to Snohomish County Superior Court. Notice sent to AAG.</p> <p>3/31/23 Motion to dismiss filed by AAG.</p> <p>5/2/23 Judge granted the Board's motion and advised Mr. Huxel of his right to appeal the Judge's dismissal. The Judge agreed with the Board that Mr. Huxel failed to properly invoke the jurisdiction of the court because his petition for judicial review was untimely.</p> <p>5/12/23 Respondent filed appeal to 5/2/23 dismissal.</p> <p>AAG will pursue civil action once appeal is determined.</p> <p>7/12/2023 Mr. Huxel asked for review by Court of Appeals.</p> <p>9/26/2023 Met with AAG. Mr. Huxel's appeal is still pending. Civil action will be pursued following outcome of appeal.</p> <p>11/14/23 Report from AAG: Mr. Huxel was ordered by the court to re-file a corrected statement of arrangements which he has not done. The court can sanction him (unlikely given his indigent status) or can give him additional time to amend. They are just waiting for the court to issue direction on next steps. No scheduling order has been issued by the court, so no filings are yet needed on BRPELS behalf. According to their appellate advisor, the court of appeals is taking a long time to get orders issued but Danitza will reach out once they've heard what the court wants Mr. Huxel to do next.</p> <p>1/23/24 – Update from AAG, the Court of Appeal accepted the appellant's (respondent's) brief. A response was drafted by the AAG. Next course of action will be for the Court to decide the case without oral argument.</p> <p>3/28/24 – Update from AAG: Filings are complete in this case and it has tentatively been set for consideration by a panel of judges, without oral</p>
---	--	----------------------------------	--

		<p>argument, on May 30, 2024. Parties will be notified when a decision has been entered.</p> <p>The Court of Appeals (COA) affirmed the superior court's dismissal of Mr. Huxel's petition and agreed the petition was not served on the Board in a timely manner. Mr. Huxel has additional opportunities to appeal and our AAG expects he will, but for now the case is dismissed.</p> <p>Mr. Huxel has 20 days for reconsideration by the COA and 30 days for an appeal to the Supreme Court.</p> <p>Mr. Huxel attempted to appeal the Court of Appeals dismissal of his case. The Supreme Court sent a letter advising Mr. Huxel he did not file the appeal properly. Mr. Huxel must re-file his appeal properly, AND include an affidavit stating why he failed to properly appeal within the 30 days provided in law. The standard the court will use to decide if they will allow Mr. Huxel additional time, is whether Mr. Huxel shows "good cause" for his untimely appeal to the Supreme Court. This is a very high bar and it is unlikely Mr. Huxel will be able to show this. The due date for the re-filing of the appeal in proper form plus the good faith affidavit is August 16.</p> <p>On August 29, 2024, the Supreme Court notified Mr. Huxel his appeal was dismissed.</p>
--	--	---

<p>Morta, Steven, PE 2023-02-0191-00ENG</p> <p>Stipulated Findings of Fact, Conclusion of Law, and Agreed Order</p> <p>Signed 8/3/2023 Effective 8/3/2023</p>	<p>Respondent's license to practice is suspended for two years and respondent is assessed a fine in the amount of \$5K. The license suspension and fine are stayed contingent upon compliance with the following:</p> <p>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.</p> <p>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 AO 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.</p> <p>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.</p> <p>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.</p>	<p>Due 9/3/2023</p> <p>12/2023 03/2024 06/2024 09/2024 12/2024 03/2025 06/2025 09/2025</p> <p>Due 09/2023 10/2023 11/2023 12/2023 01/2024 02/2024 03/2024 04/2024 05/2024 06/2024</p>	<p>8/31/2023 Rec'd a copy of peer review contract between Respondent and Patricia Rogers, PE of MET Engineering, PLLC.</p> <p>9/27/2023 Report rec'd from Respondent with list of projects.</p> <p>9/29/2023 Rec'd peer reviewer report.</p> <p>10/31/2023 Report rec'd from Respondent with list of projects.</p> <p>10/31/2023 Rec'd peer reviewer report.</p> <p>11/22/2023 Rec'd peer reviewer report.</p> <p>12/2/2023 Rec'd peer reviewer report.</p>
---	---	---	---

		07/2024 08/2024 09/2024 10/2024 11/2024 12/2024 01/2025 02/2025 03/2025 04/2025 05/2025 06/2025 07/2025 08/2025	1/1/2024 Rec'd respondent's list of projects. 1/31/2024 Rec'd respondent's list of projects. 2/29/2024 Rec'd respondent's list of projects. 3/31/2024 Rec'd respondent's list of projects. 3/31/2024 Rec'd peer reviewer report. 4/30/24 Rec'd respondent's list of projects. 5/30/24 Rec'd respondent's list of projects. 6/28/24 Rec'd respondent's list of projects. 6/28/24 Rec'd peer reviewer report. 7/30/24 Rec'd respondent's list of projects. 8/29/24 Rec'd respondent's list of projects 09/30/24 Rec'd respondent's list of projects. 10/1/24 Rec'd peer reviewer report.
--	--	--	--

	<p>Respondent shall permanently cease and desist from offering to practice professional engineering in the State of Washington.</p> <ol style="list-style-type: none"> 1. Shall not represent himself or his business to current or potential clients or the public, as being able to provide and/or perform professional engineering services in the State of Washington; 2. 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 professional engineering activities; 3. Respondent shall destroy any seal bearing his name as a professional engineer and provide satisfactory proof of such destruction to the Board within 30 days of the entry of this Agreed Order; 4. Within one hundred and twenty (120) days of the effective date of this AGREED ORDER Respondent shall pay a fine to the Board, by check or money order, in the amount of thirty thousand dollars (\$30,000.00 (U.S.)); 5. Within sixty (60) days of the effective date of this AGREED ORDER Respondent shall create a list of clients, individuals, or entities for whom he is, or has in the past, provided any services that constitute professional engineering services and shall 	<p>Due 4/14/2022</p> <p>Due 7/14/2022</p>	<p>4/11/2022 Rec'd proof of destroyed stamp/seal.</p> <p>5/13/2022 Rec'd list of clients and proof of notification to those clients.</p>
--	---	---	--

	<p>notify all clients, individuals, or entities identified that he is not, and was not, a registered professional engineer and Respondent shall provide the Board (1) a copy of the list he has assembled and (2) proof of notification for all clients, individuals, or entities on the list;</p> <p>6. Respondent shall never apply to take the Professional Engineer Exam and shall never apply for licensure as a Professional Engineer in the State of Washington;</p> <p>7. Respondent shall not own, operate, manage, control, or possess an equity interest in any firm, organization, or entity offering professional engineering services in the State of Washington, with the exception of publicly traded companies.</p>	<p>Due 5/14/2022</p>	<p>7/8/2022 Emailed fine payment reminder to respondent.</p> <p>7/15/2022 Rec'd email from respondent stating he was unable to make the total \$30K payment at this time. He suggested a reduction in the fine amount or a payment plan. I emailed back stating if he made a good faith effort and paid the \$5K (as he suggested) and a written proposed payment plan or another option I would bring it before the PC for approval and then present to Board for agreement.</p> <p>8/11/2022 Board agreed staff would work with Mr. Hawkins on a fine payment plan.</p> <p>8/19/2022 Staff spoke to Mr. Hawkins about a payment plan for the \$30K fine. He is going to think about it and email me a proposal.</p> <p>9/16/2022 Emailed Mr. Hawkins about his proposal. No response.</p> <p>10/5/2022 Emailed Mr. Hawkins again about proposal. No response as of 10/6/2022.</p> <p>11/9/2022 Emailed Mr. Hawkins with final payment notice. Response required by 11/23/2022. No response. Will move forward with non-compliance action (collection agency).</p> <p>1/6/23 Working with Ms. Wherrett on obtaining a contract with a collection agency.</p> <p>4/13/23 Email notice sent to Mr. Hawkins informing him in 30 days he will be sent to collections if the fine of \$30K is not paid or if we do not rec'd payment arrangement request.</p> <p>4/27/23 AAG to pursue civil action.</p> <p>7/6/23 Turned Mr. Hawkins over to collection agency.</p> <p>11/17/23 No updates at this time.</p> <p>No new information.</p> <p>8/5/24-Collection Agency report – no money rec'd for fine.</p> <p>10/4/24 – Collection Agency report – no money rec'd for fine.</p>
--	--	--------------------------	---

<p>Bodge, Russell S. 2018-08-0008-00ENG</p> <p>Stipulated Findings of Fact, Conclusions of Law and Agreed</p> <p>Signed 2/13/2020 Effective 2/14/2020</p>	<p>Resp license is suspended for 5 years. Suspension will commence on the date the DSHS 8/29/17 order is lifted. Suspension will be stayed conditionally based on the following:</p> <ol style="list-style-type: none"> 1. Within 90 days respondent will provide a list of projects he has worked on since the DSHS order of suspension on 8/29/17. The list will include identifying information for each project including the type of project, location, approx. dates or times worked, date completed, dates signed & executed, and whether the projects were directly supervised by another PE. If so, identify the supervising PE. 2. Resp will provide a letter from his brother verifying his direct supervision of resp, detailing how he provides such direct supervision, and detailing a list of projects on which he has directly supervised resp since the DSHS order. 3. Upon DSHS order being lifted, resp will follow the license renewal process to renew his PE license in effect at the time of renewal. 4. Within 90 days of DSHS order being lifted respondent will: <ol style="list-style-type: none"> a. Provide a letter detailing how he came into compliance and how he plans to proceed in compliance with all laws/rules. b. Provide 4 references to the board. Two will be clients, two will be PE references. c. Take and pass the law review exam. d. Bring his license & COA into compliance 	<p>5/13/2020 10/6/2020</p> <p>5/13/2020</p> <p>?</p> <p>?</p>	<p>Nothing received from respondent at this time.</p> <p>Left a message for him to call me.</p> <p>Emailed respondent 8/26/2020 notifying him he is out of compliance.</p> <p>Rec'd list of projects.</p> <p>Mr. Fuller is working on this requirement with respondent.</p> <p>Respondent is working with DSHS. No lifting order rec'd from DSHS as of yet.</p> <p>Mr. Fuller attempted to contact Mr. Bodge. Mr. Bodge's phone number is no longer in service. Mr. Fuller spoke with Mr. Bodge's brother who stated he is not supervising Mr. Bodge's work.</p> <p>Contact has been made with the county Mr. Bodge worked in and company he was working for to ensure he is not working without a license. No evidence of that has been found at this time.</p> <p>Mr. Bodge's cell phone number is no longer in service.</p> <p>6/23/2021 Ms. Short sent an email asking for current phone number. No response.</p> <p>7/28/2021 Ms. Short sent a certified letter asking for update on compliance and current contact information.</p> <p>No new information.</p>
---	---	---	--

DISCIPLINARY TIMELINE REPORT
AUGUST 2024
(As of October 4, 2024)

CASE NUMBER	CURRENT STATUS	DATE MOVED TO CURRENT STATUS	ASSIGNED TO	CASE MANAGER	NOTES
2022-06-0883-00LSV	Legal	9/24/24	AAG		Settlement Conf/Proposed AO
2023-01-0098-00LSV	Legal	10/3/24	AAG		Legal/Settlement Process
2023-03-0339-00LSV	Legal	9/17/24	Jill Short		SOC served
2023-04-0553-00LSV	Management Review	8/26/24	Case Manager		Reopened
2023-05-0875-00LSV	Legal	7/2/24	Jill Short		
2023-05-1038-00LSV	Legal	7/11/24	Case Manager		SOC review
2023-10-2332-00LSV	Management Review	7/26/24	Case Manager		Waiting action from respondent
2024-01-0051-00LSV	Management Review	4/5/24	Case Manager		Add'l investigation continues
2024-01-0146-00LSV	Management Review	7/19/24	Case Manager		
2024-02-0418-00ENG	Management Review	9/3/24	Case Manager		Recommending closure
2024-02-0420-00LSV	Legal	8/12/24	Jill Short		
2024-03-0484-00ENG	Management Review	5/7/24	Case Manager		
2024-03-0485-00ENG	Management Review	5/7/24	Case Manager		
2024-03-0530-00LSV	Admin Review	10/2/24	Jill Short		
2024-03-0585-00OSW	Management Review	9/19/24	Case Manager		
2024-04-0720-00LSV	Legal	8/12/24	Jill Short		
2024-04-0747-00ENG	Management Review	9/18/24	Jill Short		Waiting for info from respondent
2024-05-1005-00LSV	Legal	10/1/24	Jill Short		
2024-05-1061-00LSV	Admin Review	9/25/24	Jill Short		Waiting action from respondent
2024-05-1121-00LSV	Legal	8/12/24	Jill Short		
2024-05-1160-00LSV	Legal	8/6/24	Jill Short		
2024-05-1311-00LSV	Legal	10/1/24	Jill Short		
2024-07-1864-00ENG	Admin Review	10/4/24	Admin Reviewer		
2024-08-1939-00LSV	Investigation	9/19/24	Jill Short		
2024-08-2064-00LSV	Investigation	10/1/24	Jill Short		
2024-08-2125-00ENG	Admin Review	10/3/24	Admin Reviewer		
2024-08-2133-00ENG	Investigation	8/23/24	Jill Short		
2024-08-2184-00LSV	Investigation	10/3/24	Jill Short		

DISCIPLINARY TIMELINE REPORT
AUGUST 2024
(As of October 4, 2024)

CASE NUMBER	CURRENT STATUS	DATE MOVED TO CURRENT STATUS	ASSIGNED TO	CASE MANAGER	NOTES
2024-08-2200-00ENG	Investigation	10/3/24	Jill Short		
2024-08-2233-00LSV	Investigation	10/2/24	Jill Short		
2024-09-2373-00ENG	Intake	9/18/24	Jill Short		
2024-09-2412-00LSV	Management Review	9/27/24		██████	
2024-09-2423-00LSV	Investigation	9/26/24	Jill Short		
2024-09-2424-00LSV	Intake	9/18/24	Jill Short		
2024-09-2561-00LSV	Intake	10/3/24	Jill Short		
2024-09-2591-00LSV	Intake	10/3/24	Jill Short		