



Special Board Meeting

November 18, 2024

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Special Board Meeting

Tab 1

Call to Order

- 1.1 Roll Call
- 1.2 Order of Agenda
- 1.3 Approval of October 17, 2024 Meeting Minutes
- 1.4 Public Comment Opportunity



Special Board Meeting Agenda

DATE & TIME: November 18, 2024

2:00 pm

LOCATION: BRPELS Office
605 11th Ave SE, STE 201
Olympia, WA, 98501

and Or

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ATTENTION: All meetings are open to the public except when business calls for a Closed Session. During Closed Session all guests will be excused. Start times are subject to change by the Board or Committee Chair.

OPEN SESSION

1. Call to Order

- 1.1. Roll Call
- 1.2. Order of Agenda
- 1.3. Approval of October 17, 2024 Meeting Minutes
- 1.4. Public Comment Opportunity

2. New Business

- 2.1. Approval of CR103 and Concise Explanatory Statement for WAC 196-26A & WAC 196-30
(*from EC*)

3. Adjourn Meeting



STATE OF WASHINGTON
**BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND LAND
SURVEYORS**
P.O. Box 9025, Olympia, WA 98507-9025
360.664.1575
brpels.wa.gov

SPECIAL BOARD MEETING MINUTES

DATE: October 17, 2024
TIME: 9:00 a.m.
LOCATION: Gonzaga University
Hemmingson Center, La Sorta
702 E Desmet Ave
Spokane, WA 99202

ATTENDANCE:

Board Members

Dave Peden, PE, SE, Chair
Doug Hendrickson, PE, Vice Chair
Aaron Blaisdell, PLS, (via Webex)
Maureen Jackson, PE
James Wengler, PLS, CFedS
Marjorie Lund, PE, SE
Mike Harney, PE

Guest(s)

Danitza Castleman, Prosecuting AAG
(via WebEx)
Pat Beehler, PLS (via WebEx)
Leif Kirchoff (via WebEx)
Patrick (via WebEx)
Kim (via WebEx)

Staff Members

Ken Fuller, PE, Director
Kristina Horton, PLS, Deputy Director
(via WebEx)
Mackenzie Wherrett, Executive Assistant
Bryce Dickison, Administrative Assistant
Shanan Gillespie, Regulatory Program Manager
Jill Short, Investigations & Compliance Manager
Vonna Cramer, Licensing Lead
Greg Schieferstein, Communications Manager
Elizabeth Lagerberg, Advising AAG (via WebEx)
Ian Shelley, DES, Senior Financial Advisor
(via WebEx)

1. Call to Order at 9:00 am

1.1. Roll Call

Ms. Lund took roll call.

1.2. Order of Agenda

A motion was made by Mr. Hendrickson, and seconded by Mr. Wengler, to accept the agenda as written. Motion approved.

1.3. Approval of the August 8, 2024 Meeting Minutes

A motion was made by Mr. Wengler, and seconded by Mr. Peden, to accept the August 8, 2024 Meeting Minutes as written. Motion carried.

1.4. Public Comment Opportunity

No public comment.

Executive Session

Ms. Lund, Board Chair, announced that the Board would go into closed session to consult with the board attorney to discuss matters related to enforcement, and cases in current litigation. It was estimated the Executive Session would last from 9:06 a.m. until 10:00 a.m.

Open Session Reconvened – 10:00 a.m.

1.4.1. Public Comment by Leif Kirchoff

Mr. Kirchoff was present to give comments when the open session was reconvened. The Board Chair allowed Mr. Kirchoff to provide comments. Mr. Kirchoff addressed a complaint he filed and his opinion on the closure of the case. Mr. Kirchoff added he'll be filing a new complaint about the same respondent. Mr. Kirchoff believed the respondent had a conflict of interest based on WAC 196-27A-020. Ms. Lund stated that the board cannot comment on the matter and thanked Mr. Kirchoff for the response.

2. Disciplinary Action

2.1. Case Deliberation

2024-02-0418-00ENG

Ms. Lund recommended the case be closed with no further action. A motion was made by Mr. Wengler, seconded by Mr. Harney, to accept the Case Manager's recommendation for closure. Motion approved. Ms. Lund abstained.

2023-01-0098-00LSV

Ms. Short provided a summary of the [Agreed Order](#). A motion was made by Ms. Jackson, seconded by Mr. Hendrickson, to approve the proposed agreed order. Motion approved. Mr. Wengler abstained.

The Board and the Respondent agreed to the following terms:

Effective October 17, 2024, the Respondent was assessed a \$5000 fine and will cease and desist the practice of land surveying; and will not seek licensure for a period of ten years.

2.1.1. 2022-06-0883-00LSV

Ms. Short provided a summary of the [Agreed Order](#). A motion was made by Mr. Hendrickson, seconded by Ms. Jackson, to accept the proposed agreed order. Motion approved. Mr. Wengler abstained.

The Board and the Respondent agreed to the following terms:

Effective October 17, 2024, the Respondent's was assessed a \$5000 fine, and the survey will be corrected to meet the standards of laws/rules and filed within 90 days.

2.2. Disciplinary Report

Ms. Short provided a summary of the Disciplinary Report that was included in the [board packet](#). Ms. Short will adjust case manager open complaints document to exclude half numbers. Mr. Blaisdell inquired why Mr. Dale had three cases. Ms. Short explained that

the three cases were the same Respondent.

3. Committee Reports

3.1. Exam Qualifications Committee (EQC)

The board received the committee's reports as delivered by Mr. Harney.

- [10/9/2024 EQC Report](#)
- [10/16/2024 EQC Report](#)

3.2. Survey Committee (SC)

The board received the committee's report as delivered by Mr. Wengler.

- [10/16/2024 SC Report](#)

3.3. Executive Committee (EC)

The board received the committee's report as delivered by Ms. Lund.

- [10/16/2024 EC Report](#)

3.4. Practice Committee (PC)

The board received the committee's report as delivered by Mr. Hendrickson.

- [10/16/2024 PC Report](#)

4. New Business

4.1. Approval of CR102 for WAC 196-09-152 Indexes (NEW SECTION) (from EC)

Ms. Lund recommended advancing the CR102 for WAC 196-09-152 that adds new language about public indexes. Mr. Hendrickson motioned, seconded by Mr. Peden, to file the CR102 that adds new language for public indexes. Motion carried.

Discussion:

The board discussed how staff will input repealed policies.

4.2. Approval of CR103 for WAC 196-16-120 (PDH for PLS) (from SC)

A motion was made by Mr. Wengler, and seconded by Mr. Harney, to file CR103 for WAC 196-16-120. Motion carried.

Discussion:

Mr. Peden mentioned that he's in favor of limiting certain PDH.

4.3. Recommendation to move forward with the decoupling process for PE & PLS exams (from EQC)

Mr. Harney explained that EQC needed approval from the board before moving forward with developing language. Mr. Hendrickson motioned, seconded by Mr. Harney, for the board to approve advancement of decoupling and for EQC to review RCW 18.43 and WAC provisions to support decoupling Professional Engineers.

Discussion:

Ms. Lagerberg confirmed EQC will need direction from the board to begin drafting language. Mr. Hendrickson made a friendly amendment to his motion that the board approve advancement of decoupling and direct EQC to draft RCW 18.43 language to

support decoupling.

The board discussed how PLS are affected by decoupling. The Survey Committee previously discussed decoupling and decided to exclude it from scope. Ms. Lagerberg confirmed that decoupling should not change any rules associated with Professional Land Surveyors. Ms. Cramer added that the Structural Committee will be looking at decoupling the SE examination. Ms. Lund requested the friendly amendment be revised to consider how language will impact the professions the board regulates. Mr. Hendrickson revised his friendly amendment of the original motion to exclude PLS.

Ms. Lagerberg asked Ms. Lund to clarify the meaning of “how it would affect all of the licensees”. Ms. Lund explained that if we’re going to change RCW and WAC language, we need to consider how it will impact Professional Engineers, Professional Land Surveyors, Structural Engineers and possibly On-Site licenses. Mr. Peden explained that the Exam Qualification Committee has not completed the review process. Ms. Lagerberg clarified that currently the board needs to give directions to the committees, and then the committees will consider if RCW or WAC language needs to be updated and what potential roadblocks they find.

- 4.4. Select the November meeting date to approve filing CR103 for fees (*from EC*)
Ms. Lund provided the timeline for approving CR103. On November 6, 2024, public hearing. Ms. Lund directed we hold a Special Board meeting on Monday, November 18, 2024, from 2:00 – 2:30 pm.

- 4.5. Select board meeting dates for 2025

Meeting Date - 2025	Meeting Location:
February 12 & 13	SeaTac, WA
April 16 & 17	Bothel, WA
June 16 & 17	SeaTac, WA
August 6 & 7	SeaTac, WA
October 15 & 16	Pullman, WA
December 10 & 11	Olympia, WA

Discussion:

The Annual Board Meeting is required to be in the third week of June according to WAC 196-09-120.

- 4.6. 2025 NCEES National Service Awards Nomination
Mr. Wengler nominated Mr. Blaisdell for the NCEES National Service award. The board agreed to the nomination. A motion was made by Mr. Wengler, seconded by Mr. Hendrickson, to nominate Mr. Blaisdell for the NCEES National Service award. Motion approved.

5. Director’s Report

- 5.1. Financial Report

Mr. Shelley was available for questions. The report was provided to EC and in the [board](#)

[packet](#).

5.2. Agency Operations

Mr. Schieferstein covered the [Communication and Outreach Report](#) from the Executive Committee. Ms. Horton gave an update on Mr. Garcia's appointment and start date, working on the Management Analyst 4 position, and offered kudos to staff for their effort with the success of the outreach event. Mr. Fuller explained how the agency will contract a lobbying company to help with legislation.

6. Other Business

6.1. Additional Public Comment

No comments provided

6.2. Upcoming Outreach and Events

- October 24 & 25, 2024 - WA-ACTE in Grand Mound
- November 16, 2024 - On-Site Workshop
- January 23-24, 2025 - WOSSA Septic Con in Tacoma
- January 30-February 2, 2025 - Home and Garden Show in Tacoma
- February 26-27, 2025 – LSAW conference in Tulalip
- March 6-8 WITEA Spring Conference in Wenatchee

6.3. Board/Staff Affiliate Involvement

Mr. Hendrickson will begin sessions with NCEES EPP committee starting with two, 3 hour video sessions. Mr. Hendrickson will be attending a meeting with NSPE in January for the Policy and Advocacy Committee. Ms. Lund will review the EPE PAK study for Professional Engineer Architectural Engineers. Ms. Lund asked Ms. Cramer for assistance with a list of who has taken the PE Architectural exam and is licensed in Building Systems Engineering.

6.4. Action Items from This Meeting

- Ms. Gillespie to advance the CR102 for 196-09-152 regarding public indexing.
- Ms. Gillespie to file CR103 for WAC 196-16-120.
- EQC to prepare revisions to RCW 18.43 and WAC provisions to support decoupling for Professional Engineers.
- Ms. Wherrett to schedule a special board meeting for November 18, 2024, via WebEx and the Olympia office.
- Mr. Wengler and board staff to work on and submit a nomination for Mr. Blaisdell for the NCEES National Service award.
- SC & SE to review decoupling
- Mr. Shieferstein will reach out to Washington State University and University of Washington Bothell about outreach opportunities in 2025.

6.5. Agenda Items for Next Meeting

- Select Director Review Committee members for Director's Evaluation.
- Approval of CR103 and Concise Explanatory Statement for pronoun usage.

7. Adjourn Meeting

A motion was made by Mr. Hendrickson, and seconded by Ms. Lund, to adjourn the meeting at 1:48 p.m. Motion approved.

Next Meeting: December 12, 2024 – Special Board Meeting – BRPELS Office, Olympia, WA & WebEx

Respectfully submitted,

Ken Fuller, PE, Director

DRAFT

Special Board Meeting

Tab 2

New Business

- 2.1 Approval of CR103 and Concise Explanatory Statement for WAC 196-26A & WAC 196-30 (*from EC*)



STATE OF WASHINGTON
**BOARD OF REGISTRATION FOR PROFESSIONAL
 ENGINEERS AND LAND SURVEYORS**
 P.O. Box 9025, Olympia, WA 98507-9025
 360.664.1575
 brpels.wa.gov

**Concise Explanatory Statement
 Notice of Permanent Rules for WAC 196-26A & WAC 196-30**

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Code Reviser's Office. This statement will be provided to anyone who commented about the proposed rulemaking.

Adoption of: WAC 196-26A Registered professional engineer and land surveyor fees & WAC 196-30 Fees for on-site wastewater treatment designers and inspectors

Effective date: These rule changes will become effective January 1, 2025.

Summary of all public comments received on this proposal and the board's response to those comments:

Comment:

I am concerned about how high the fees are to maintain our PE license. I oppose an increase in any kind of renewals.

Response:

BRPELS is funded solely by licensing fees, not taxpayer dollars. Over time, this small increase (\$6 a year or \$12 per renewal cycle) would offset inflation driven increases to our agency costs, fund technology improvements and outreach opportunities to our professions and the public.

Comment:

Two things to note:

1. The \$180 fee for CA is for 2 years.
2. Perhaps you could consider a 2-year license period to reduce administrative costs.

Response:

The proposed fee of \$128 is for a two-year renewal period.

Comments:

The State of Montana has lower fees than Washington State for professional licensing registration and they have reduced the renewal fee to \$0 for the last 4 years. I am surprised that Washington State needs to increase the licensing fee at this time.

How much your costs have increased over the years to justify an increase in my fees. What costs have increased the most and why?

The answer isn't always to raise rates - especially during these difficult times. Maybe, just maybe you should trim everything to the bone and cut your tasks and duties to only what is absolutely essential.

Response:

Thank you for sharing your concerns regarding the proposed fee increase. We understand that any additional cost can be frustrating, and we want to provide some clarity on why this change is necessary.

It has been over 20 years since renewal fees were increased. The fee increase of \$6 per year is being implemented to address rising operational costs and to further expand our efforts in promoting public awareness and safety. These initiatives are critical to ensure that professional engineering standards remain robust and that the public can trust the engineering profession's contributions to safety and quality.

We are committed to maintaining transparency and efficiency in our operations. Our goal is to ensure that every dollar is spent wisely, with a focus on delivering the highest value to our licensees and the public. The additional revenue will be used to:

- 1. **Enhance Public Awareness Campaigns:** Educating the public about the vital role professional engineers and land surveyors play in our society.*
- 2. **Strengthen Safety Programs:** Expanding our safety initiatives to safeguard public welfare.*
- 3. **Cover Rising Operational Costs:** Addressing inflation and increased administrative expenses to maintain our high service standards.*

We believe these efforts will ultimately benefit all our licensees by reinforcing the integrity and trust in our profession.

We appreciate your understanding and continued support. If you have any further questions or would like more detailed information about our budget and expenditures, please do not hesitate to reach out.

Changes made to the proposed WAC because of public comment:

None

The Board appreciates your involvement in this rulemaking process. If you have any questions, please contact Shanana Gillespie, Board Rules Coordinator, at (360) 664-1570 or e-mail at Shanana.Gillespie@brpels.wa.gov.

Special Board Meeting

Tab 3

Adjourn Meeting