



Executive Committee Meeting December 11, 2024 | 2:45 p.m.

Virtually via Microsoft Teams:

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Meeting ID: 220 231 812 918

Passcode: DhXdRX

In person:

Board's Offices

605 11th Ave SE, Suite 207

Olympia WA 98506

Dial in by phone

[+1 253-372-2181](tel:+12533722181), [940228993#](tel:+1940228993) United States, Kent

[Find a local number](#)

Phone conference ID: 940 228 993#

Committee:

Marjorie Lund, PE, SE, Board Chair

Doug Hendrickson, PE, Vice Chair

Dave Peden, PE, SE, Past Board Chair

Support staff:

Shanan Gillespie, Regulatory Program Manager

Kristina Horton, PLS, Deputy Director

Ian Shelley, Senior Financial Consultant, DES

Elizabeth Lagerberg, AAG

Discussion topics

- Financial Report
- NCEES WZ Secretary – Nomination of Dave Peden, PE, SE
- Discussion: CR103 & Concise Explanatory Statement – Making pronouns gender neutral
- Communication Report
- Legislative Update
- Strategic Planning Items Discussion

Previous Action Items

- Staff to work on a license review/report out document regarding all three of the professions the Board regulates and provide it to the Board at a future meeting. *Will be provided at future meeting when completed.*

Strategic Planning Items

- Remain engaged and informed on deregulation.
- Emphasis on outreach and education.
- Measure performance & gain stakeholder feedback that's relevant and useful for improving our agency.
- Measure the licensing system software functionality from stakeholders.
- Early engagement with professional organizations in rulemaking.



STATE OF WASHINGTON
DEPARTMENT OF ENTERPRISE SERVICES

1500 Jefferson Street SE, Olympia, WA 98501

November 20, 2024

TO: Ken Fuller, Executive Director
Kristina Horton, Deputy Director
Mackenzie Wherrett, Executive Assistant
Board of Registration for Professional Engineers and Land Surveyors

FROM: Ian Shelley, Senior Financial Consultant – DES Small Agency Financial Services

SUBJECT: October 2024 FINANCIAL REPORT

October highlights

- \$202k revenues
- \$186k expenses
- Fund 024 balance: \$1.77 million – an increase of \$16,000 from September.

Biennium to date highlights

- Revenues:
 - \$2.78 million from July 2023 to October 2024
- Expenses:
 - \$2.56 million in expense from July 2023 to Oct 2024. This is a \$535k underspend against allotments year to date. Underspend largely composed of:
 - Salaries/benefits: \$55k less than planned BTD
 - CA Dainis/Vorsite: \$25k less than planned BTD
 - EM Attorney General: \$73k less than planned BTD
 - ER Other contracts: \$113k less than planned BTD
 - EY Software: \$134k less than planned BTD
- Fund balance:
 - Current balance is \$1.77 million, an increase from BI25 beginning balance of \$1.54 million.

Projected BI25 end highlights

- Revenue projected to reach \$4.27 million by June 2025. BI23 ended at \$4.32 million.
- Expenses projected to reach \$4.12 million.
- Fund 024 balance of \$1.69 million. This is an increase from the BI25 starting balance of \$1.54 million.



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1500 Jefferson Street SE, Olympia, WA 98501

Changes from last month

- September and October revenues were higher than average. Incorporating this data into forward looking projections results in biennial revenue projections increasing from \$4.14 million to \$4.27 million.

Analysis of Revenue Trends and Fee Increase Considerations

- Current biennium:
 - September revenues came in at \$222,810. This was much higher than the biennium to date average of \$168,631 per month (or \$4,047,144 per biennium).
 - October revenues came in at \$202,375. Again, higher than biennium to date averages.
 - Incorporating the September and October actual revenues into forward looking projections increased the:
 - BTD Monthly average to \$173,814 (before fee increases)
 - BI25 projection to \$4,171,536 (before fee increases)
 - BI25 projection to \$4,265,395 (if 10% fee increase goes live January 1, 2025)
- Long term & future biennium:
 - Initial estimates and models assumed \$4.0 million as the baseline revenue. When a 10% fee increase was applied to this baseline the resulting in biennial revenue was estimated at approximately \$4.36 million.
 - If a 10% fee increase is applied to most current BI25 revenue projection of \$4,171,536; then future biennial revenue projects to approximately \$4.54 million.
 - Expenses are assumed to reach \$4.5 million approximately during the biennium ending June 2031.
 - If the above assumptions hold true, fund balance may increase for a longer duration and to a higher level than anticipated in the initial fee analysis models and projections.

From: [Wherrett, Mackenzie \(BRPELS\)](#)
To: [Gillespie, Shanan \(BRPELS\)](#)
Subject: FW: NCEES WZ Secretary
Date: Monday, November 25, 2024 6:05:41 AM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image006.png](#)
[image007.png](#)



Mackenzie Wherrett (she/her)

Executive Assistant

Washington State
Board of Registration for
Professional Engineers &
Land Surveyors

desk: 360.664.1568

cell: 360.968.4813

Mackenzie.Wherrett@brpels.wa.gov

Notice: This email and your response may be considered a public record and may be subject to disclosure under Washington's Public Records Act, Chapter 42.56 RCW.

From: Fuller, Ken (BRPELS) <Ken.Fuller@brpels.wa.gov>
Sent: Friday, November 22, 2024 11:21 AM
To: Wherrett, Mackenzie (BRPELS) <Mackenzie.Wherrett@brpels.wa.gov>
Cc: Lund, Marjorie (BRPELS Board Member) <Marjorie.Lund@brpels.wa.gov>
Subject: RE: NCEES WZ Secretary

Hi Mackenzie

Could you add this to executive committee and to new business.

Thank you,

Ken

From: Peden, Dave <dave.peden@coffman.com>
Sent: Thursday, November 21, 2024 2:56 PM
To: Blaisdell, Aaron <ablaisdellbor@gmail.com>
Cc: Sco Say <scosay@gmail.com>; Fuller, Ken (BRPELS) <Ken.Fuller@brpels.wa.gov>
Subject: RE: NCEES WZ Secretary

External Email

Thanks Aaron and Scott.

Ken, Sounds like we need our board to submit my nomination.

Thanks.

Dave

David L. Peden, PE, SE

Principal, Structural Engineering
LEED AP

Coffman Engineers, Inc.
p 509.328.2994 www.coffman.com

From: Aaron Blaisdell <ablaisdellbor@gmail.com>

Sent: Thursday, November 21, 2024 2:20 PM

To: Peden, Dave <dave.peden@coffman.com>

Cc: Sco Say <scosay@gmail.com>; Fuller, Ken (BRPELS) <Ken.Fuller@brpels.wa.gov>

Subject: Re: NCEES WZ Secretary

Dave -

You'll need to contact the Nominating committee (Christina) and let her know. If there are any nominations, you would need to follow the election process as a candidate. If not, I think it is a matter of reconfirming you. Regardless, the election process will be followed to confirm you.

Thank you for your willingness to serve.

Aaron Blaisdell, PLS

Board Member

Washington State Board of Professional Engineers and Land Surveyors

On Nov 21, 2024, at 1:58 PM, Sco Say <scosay@gmail.com> wrote:

Dave,

Good afternoon. I don't see an automatic extension within the Zone Meeting and Continuity Guidelines. We could talk about it next Wednesday during the monthly leadership meeting.

I see it that you would get nominated by your board and run through the same process as before. It does say you can be reelected, unlike the other positions.

<image.png>

Thanks,

Scott Sayles

928-715-8277

On Thu, Nov 21, 2024 at 11:38 AM Peden, Dave <dave.peden@coffman.com> wrote:

Aaron and Scott, I'm willing to extend my position as WZ Secretary to another term. Will there still be an election? What action do I need to take?

Thanks.

Dave

David L. Peden, PE, SE

Principal, Structural Engineering
LEED AP

Coffman Engineers, Inc.
221 North Wall Street, Suite 500 | Spokane, WA 99201
p 509.328.2994 www.coffman.com

From: [Gillespie, Shanan \(BRPELS\)](#)
To: [Lund, Marjorie \(BRPELS Board Member\)](#); [Hendrickson, Douglas \(BRPELS Board Member\)](#); [Peden, David \(BRPELS Board Member\)](#); [Lagerberg, Elizabeth E \(ATG\)](#)
Cc: [Horton, Kristina \(BRPELS\)](#); [Wherrett, Mackenzie \(BRPELS\)](#)
Subject: FOR YOUR REVIEW: Making pronouns gender neutral - Concise explanatory statement
Date: Monday, December 2, 2024 4:03:00 PM
Attachments: [image002.png](#)
[image004.png](#)
[ALL Written Comments -Amending pronoun usage.pdf](#)
[DRAFT Concise Explanatory Statement.docx](#)
[121124_19609_review.docx](#)
[121124_196-33-400_review.docx](#)
[121124_196-34-115_review.docx](#)
[121124_196-23_review.docx](#)
[image006.png](#)
[image007.png](#)

Hi everyone.

On the next committee agenda is a discussion about the concise explanatory statement for making pronouns gender neutral throughout various WACs. This rulemaking originally started out as expedited rulemaking (CR105), but because of the objections received, a CR102 was filed, and a public hearing was held on November 20th. There were 2 individuals that attended the hearing, and one provided comment. Written comments were also received (see attached).

I'm not sure what the Committee will recommend to the Board based on those comments. I have drafted a concise explanatory statement but have not finished the responses to the comments. (see attached). Any additional response language will be appreciated.

I'm also sending you the language that shows the changes to pronouns. If you have any comments/edits, we can discuss it at the meeting.

At the committee meeting, you can do one of the following:

- Make no changes to the language and leave it as it currently is published.
- Make some changes to the proposed language, and recommend staff file a CR103. (those changes will be addressed on the concise explanatory statement)
- Adopt the language as amended, and recommend staff file the CR103.

The agenda and packet will be sent out in the next few days.

Thanks!



Shanan Gillespie
Regulatory Program Manager

Washington State
Board of Registration for
Professional Engineers &
Land Surveyors
desk: 360.664.1570
shanan.gillespie@brpels.wa.gov



STATE OF WASHINGTON
**BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS**
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**Washington Administrative Code
Notice of Permanent Rules for WAC 196-09, 196-23,
196-33-400, 196-34-115**

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 must be provided to anyone who gave comments about the proposed rulemaking.

The Board received a petition for expedited rulemaking to update pronouns in various WACs. A CR105 (Expedited Rulemaking form) was filed, and parties notified. Objections to the use of expedited rulemaking and amending the language were received. A CR102 (Proposed Rulemaking form) was filed and a public hearing was held on November 20, 2024.

Adoption of: WAC 196-09 Board practices and procedures.
WAC 196-23 Stamping and seals.
WAC 196-33-400 Seals and stamps.
WAC 196-34-115 Qualifying activities.

Effective date: These rule changes will become effective 31 days after filing (approximately January 18, 2025).

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

I disagree that this change is grammatically correct and believe it will create much confusion regarding who is professionally responsible for engineering work. As an example WAC 196-23-010 is clearly intended to address an individual's use of engineering seals and requires a specific individual to maintain control of his or her seal. To change this language to "they, them, themselves" implies there is more than just one individual who is responsible for maintaining control of seals, which is clearly not the intent of the board.

This amendment diminishes individual responsibility. "They" is easily confused with a group responsibility rather than an individual's responsibility. The law needs to be clear, and individuals have a right to be identified in the law.

The proposed language is confusing and entirely unnecessary. The language can certainly be revised to avoid confusing the singular with the plural if the board so chooses.

I recognize that BRPELS is attempting to mainstream the pronouns from he/she and her/him, but there are better ways to do so. The easiest of which is simply rewriting the sentences such that the pronouns are replaced with "the individual or entity" or "requestor" as appropriate.

Response:

Thank you for your participation in the rulemaking process. The Board has considered the comments received and has revised some of the proposed language. (See below).

Comment:

I am strongly in favor of updating the relevant WAC sections to eliminate binary language and provide professional inclusivity.

Response:

Thank you for your time and support of the proposal.

Changes made to the proposed WAC because of public comment:

WAC 196-23-040 removed "his/her" and proposed "their." Now reads "when representing licensing credentials"

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.

AMENDATORY SECTION (Amending WSR 21-22-092, filed 11/2/21, effective 12/3/21)

WAC 196-09-130 Board member limitations—Contract selection.

(1) When a member of the board of registration for professional engineers and land surveyors (board) is beneficially interested, directly or indirectly, in a contract, sale, lease, purchase or grant that may be made by, through, or is under the supervision of the board in whole or in part, or when the member accepts, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in such contract, sale, lease, purchase or grant, the member must:

(a) Exclude (~~him or herself~~) themselves from the board discussion regarding the specific contract, sale, lease, purchase or grant;

(b) Exclude (~~him or herself~~) themselves from the board vote on the specific contract, sale, lease, purchase or grant; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific contract, sale, lease, purchase or grant.

(2) The prohibition against discussion set forth in sections (a) and (c) may not prohibit the member of the board from using (~~his or her~~) their general expertise to educate and provide general information on the subject area to the other members.

[Statutory Authority: RCW 18.43.035. WSR 21-22-092, § 196-09-130, filed 11/2/21, effective 12/3/21; WSR 06-22-032, § 196-09-130, filed 10/25/06, effective 11/25/06.]

AMENDATORY SECTION (Amending WSR 21-22-092, filed 11/2/21, effective 12/3/21)

WAC 196-09-131 Board member limitations—Board actions. (1)

When a member of the board of registration for professional engineers and land surveyors (Board) either owns a beneficial interest in or is an officer, agent, employee or member of an entity or individual, which is subject to a board action, the member must:

(a) Recuse (~~him or herself~~) themselves from the board discussion regarding the specific action;

(b) Recuse (~~him or herself~~) themselves from the board vote on the specific action; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific action.

(2) The prohibition against discussion and voting set forth in sections (a) and (c) may not prohibit the member of the board from using (~~his or her~~) their general expertise to educate and provide general information on the subject area to the other members.

(3) "Board action" may include any of the following:

(a) An investigation or adjudicative proceeding;

(b) Application or submission;

(c) Request for a ruling or other determination decision, finding, ruling, or order; or

(d) Monetary grant, payment, or award.

[Statutory Authority: RCW 18.43.035. WSR 21-22-092, § 196-09-131, filed 11/2/21, effective 12/3/21; WSR 06-22-032, § 196-09-131, filed 10/25/06, effective 11/25/06.]

AMENDATORY SECTION (Amending WSR 21-22-092, filed 11/2/21, effective 12/3/21)

WAC 196-09-135 Reporting of board member recusal. If exclusion or recusal occurs pursuant to WAC 196-09-130 or 196-09-131, the member

of the board should disclose to the public the reasons for (~~his or her~~) their exclusion or recusal from any board action whenever it occurs. The board staff should record each instance of exclusion or recusal and the basis for it in the minutes of the board meetings.

[Statutory Authority: RCW 18.43.035. WSR 21-22-092, § 196-09-135, filed 11/2/21, effective 12/3/21; WSR 06-22-032, § 196-09-135, filed 10/25/06, effective 11/25/06.]

AMENDATORY SECTION (Amending WSR 21-22-092, filed 11/2/21, effective 12/3/21)

WAC 196-09-150 Public records. All public records of the board are available for public inspection and copying pursuant to these rules and applicable state law (chapter 42.56 RCW), as follows:

(1) Inspection of records. Public records are available for inspection and copying during normal business hours of the office of the Washington state board of registration for professional engineers and land surveyors. Records may be inspected at the board's office when the requestor has been notified of the availability of the requested documents and an appointment is made with the public records officer.

(2) Records index. An index of public records, consisting of the retention schedules applicable to those records, is available to members of the public at the board's office.

(3) Organization of records. The board maintains its records in a reasonably organized manner. The board will take reasonable actions to protect records from damage and disorganization. A requestor shall not take original records from the board's office. A variety of records are also available on the board's website at <https://brpels.wa.gov/>. Requestors are encouraged to view the documents available on the website prior to submitting a public records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or obtain copies of public records should make the request using the board's public records request form available on the board's website or in writing by letter or email addressed to the public records officer. Written request must include the following information:

(i) Date of the request.

(ii) Name of the requestor.

(iii) Address of the requestor and other contact information, including telephone number and any email addresses.

(iv) Clear identification of the public records requested to permit the public records officer or designee to identify and locate the records.

(b) The public records officer may also accept requests for public records by telephone or in person. If the public records officer or designee accepts an oral or telephone request, (~~he or she~~) they will confirm receipt of the request and the details of the records requested, in writing, to the requestor.

(c) If the requests received in (a) or (b) of this subsection are not sufficiently clear to permit the public records officer to identify the specific records requested, the public records officer will request clarification from the requestor in writing.

(d) If the requestor wishes to have copies of the records made instead of simply inspecting them, (~~he or she~~) they should make that preference clear in the request. Copies will be made by the board's public records officer or designee.

(e) When fulfilling public records requests, the board will perform its public records responsibilities in the most expeditious manner consistent with the board's need to fulfill its other essential functions.

(f) By law, certain records and/or specific content of any specific record or document may not be subject to public disclosure. Accordingly, a reasonable time period may occur between the date of the request and the ability of the public records officer to identify, locate, retrieve, remove content not subject to disclosure, prepare a redaction log that includes the specific exemption, a brief explanation of how the exemption applies to the records or portion of the records being withheld, and produce the records for inspection and/or copying. The requestor will be kept informed of the expected delivery timetable.

(g) If the request includes a large number of records, the production of the records for the requestor may occur in installments. The requestor will be informed, in writing, of the board's anticipated installment delivery timetable.

(h) In certain instances, the board may notify affected third parties to whom the record relates. This notice allows the affected third party to seek an injunction within (~~(fifteen)~~) 15 days from the date of the written notice. The notice further provides that release of the records to the requestor will be honored unless timely injunctive relief is obtained by the affected third party on or before the end of the (~~(fifteen)~~) 15-day period.

(i) Requests for lists of credentialed individuals by educational organizations and professional associations: In order to obtain a list of individuals under the provisions of RCW 42.56.070(8), educational organizations and professional associations must provide sufficient information to satisfy the board that the requested list of individuals is primarily for educational and professionally related uses.

Board forms are available on the board's website or upon request.
[Statutory Authority: RCW 18.43.035. WSR 21-22-092, § 196-09-150, filed 11/2/21, effective 12/3/21.]

AMENDATORY SECTION (Amending WSR 08-10-009, filed 4/24/08, effective 7/1/08)

WAC 196-23-010 Seals. All individuals licensed in accordance with chapter 18.43 RCW must utilize a seal/stamp that conforms to the design as authorized by the board. It is the responsibility of the licensee to maintain control over the use of (~~his/her~~) their stamp/seal. The impression or image of the seal/stamp must conform to the below-illustrated design and be of a size that assures full legibility of the following required information:

- (1) State of Washington;
- (2) Registered professional engineer or registered professional land surveyor;
- (3) Certificate number;
- (4) Licensee's name as shown on wall certificate.



[Statutory Authority: RCW 18.43.035. WSR 08-10-009, § 196-23-010,

filed 4/24/08, effective 7/1/08; WSR 06-22-036, § 196-23-010, filed

10/25/06, effective 11/25/06; WSR 99-15-058, § 196-23-010, filed 7/15/99, effective 8/15/99.]

AMENDATORY SECTION (Amending WSR 06-22-035, filed 10/25/06, effective 11/25/06)

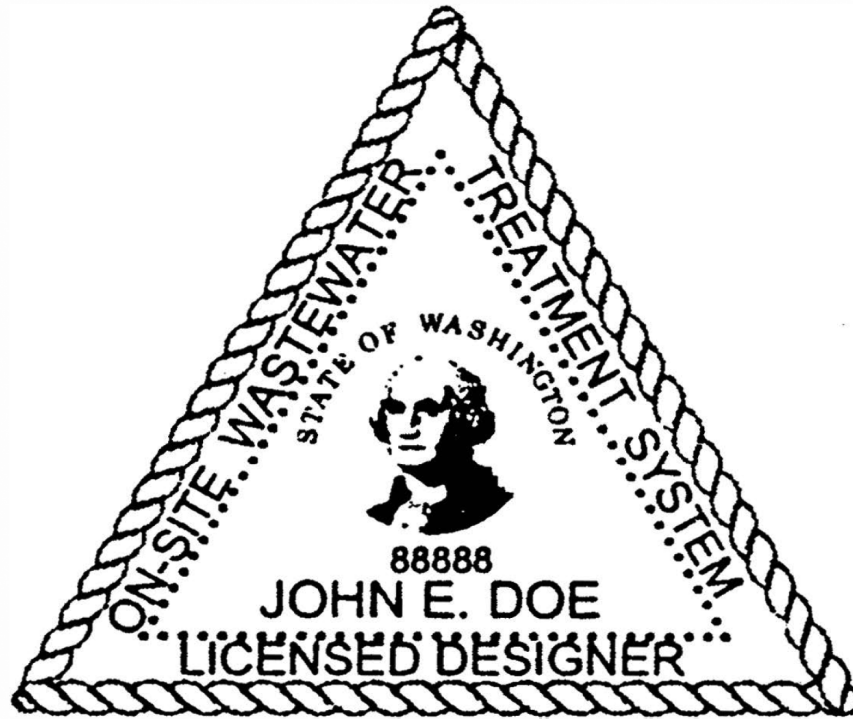
WAC 196-23-040 Use of the title S.E. Only professional engineers who have completed the state of Washington's requirements for licensure in structural engineering are permitted to use the title of S.E. when representing ((~~his or her~~)) ~~their~~ licensing credentials, as in, *James Smith, P.E., S.E.* Use of the title S.E. by any individual who is not licensed in structural engineering as provided in chapter 18.43 RCW, is subject to disciplinary action by the board in accordance with chapter 18.43 RCW and/or chapter 18.235 RCW.

[Statutory Authority: RCW 18.43.035. WSR 06-22-035, § 196-23-040, filed 10/25/06, effective 11/25/06.]

AMENDATORY SECTION (Amending WSR 18-22-076, filed 11/2/18, effective 12/3/18)

WAC 196-33-400 Seals and stamps. All individuals licensed in accordance with chapter 18.210 RCW shall procure a seal/stamp that conforms to the design as authorized by the board. It is the responsibility of the licensee to maintain control over the use of ((his/her)) their stamp/seal. The impression or image of the seal/stamp shall conform to the below-illustrated design and be of a size that assures full legibility of the following required information:

- (1) State of Washington;
- (2) Licensed on-site wastewater treatment system designer;
- (3) License number;
- (4) Licensee's name as shown on license.



[Statutory Authority: RCW 18.43.035, 18.210.050, and 18.210.060. WSR 18-22-076, § 196-33-400, filed 11/2/18, effective 12/3/18. Statutory Authority: RCW 18.210.050, 18.210.060. WSR 01-11-102, § 196-33-400, filed 5/21/01, effective 6/21/01.]

AMENDATORY SECTION (Amending WSR 12-09-008, filed 4/5/12, effective 5/6/12)

WAC 196-34-115 Qualifying activities. The board believes that designers under provisions of chapter 18.210 RCW should have the discretion to make independent choices on what activities help them to be improved practitioners. The board will not provide advance approvals for selected activities or vendors. The board expects designers to seek out qualifying activities that can be demonstrated to the board as relevant to (~~his or her~~) their professional development as a designer.

[Statutory Authority: Chapters 18.43 and 18.210 RCW. WSR 12-09-008, § 196-34-115, filed 4/5/12, effective 5/6/12. Statutory Authority: RCW 18.43.035 and chapter 18.210 RCW. WSR 06-11-118, § 196-34-115, filed 5/19/06, effective 7/1/06.]



Communication and Outreach Program Report 12/2024

Current

- Researching Google Ads to promote hiring licensed, professional engineers, land surveyors and on-site designers
- WSU – interested in hosting meetings, Meet & Greet and guest lecture. UW Bothell no, UW Tacoma, no response.
- Legislative; adding Pro Tem & cleanup language. Two sponsors; Sen. Marco Liias (D) and Rep. Kevin Waters (R). Also, services of lobbyist Kevin Van De Wege.

Scheduled Presentations

- Home & Garden Show, Tacoma Dome – 3 topics: (1/30 -)
 1. “Don’t Cut Corners” – public campaign to promote hiring licensed professionals
 2. Septic safety – preventing kids and pets from falling in
 3. Get Kids into Survey – stickers, comic books, etc. and our mascot Blaze!
- State LSAW conference, Tulalip; presentations (TBA) and booth (2/26 -)

Completed

- Fall/Winter edition of “The Journal” released (11/20)
- Presentations at LSAW Chapters in Yakima (11/12) and Tacoma (12/5), Kris Horton & Greg Schieferstein.
- “Licensure & Ethics” presentation by Mike Harney, to St. Martin’s engineering students (12/2)