

Practice Committee Meeting October 9, 2025 | 1:00 p.m.

In person: **BRPELS Office**

605 11th Ave NE Olympia, WA 98501

Virtually via Microsoft Teams:

Join the meeting now

Meeting ID: 222 420 247 702 3

Passcode: Eh3ke7DT Or call in (audio only)

Committee:

+1 564-999-2000,,687619399# US, Olympia Phone Conference ID: 687 619 399#

Mike Harney, PE, Chair Matthew Rasmussen, PE, PLS

Maureen Jackson, PE

Support staff: Ken Fuller, PE, Director

Kristina Horton, PLS, Deputy Director

Shanan Gillespie, Regulatory Program Manager

Kevin Ballard, Internal Control Manager Mackenzie Wherrett, Executive Assistant Bryce Dickison, Administrative Assistant

Randy Garcia, Investigations & Compliance Manager Jill Short, Investigations & Compliance Manager

Vonna Cramer, Licensing Lead Elizabeth Lagerberg, AAG

Discussion topics

- Complaints Summary (RG/JS)
- Administrative Closures Report (RG/JS)
- Compliance Report/Noncompliance Report (RG/JS)
- Approval of Draft Language and to file CR102 for WAC 196-09 (SG)
- Approval to file a CR103 for WAC 196-25 (SG)
- Definitions and Requirements for Electronic and Digital Signatures (KF)

Strategic Planning Items

None at this time.

Complaints Summary October 2025

(As of October 1, 2025)

Engineering: 6 complaint(s)

COMPLAINT NUMBER	ALLEGATIONS	STATUS
2025-08-3207	Unlicensed practice	Admin Review
2025-08-3375	Unprofessional conduct	Admin Review
2025-08-3614	Unlicensed practice	Admin Review
2025-09-3820	Unprofessional conduct	Intake
2025-09-3852	Unlicensed practice	Admin Review
2025-09-3914	Unlicensed practice	Intake
Surveying: 9 complaint(s)		
COMPLAINT NUMBER	ALLEGATIONS	STATUS
2025-08-3183	Erroneous survey	Admin Review
2025-08-3351	Unprofessional conduct	Admin Review
2025-08-3458	Unprofessional conduct	Management Review
2025-08-3495	Erroneous survey	Admin Review
2025-08-3589	Unprofessional conduct	Admin Review
2025-09-3726	Erroneous survey	Investigation
2025-09-3799	Erroneous survey	Admin Review
2025-09-3803	Unlicensed practice	Intake
2025-09-4047	Unlicensed practice	Investigation

On-site Septic System Designing: 2 complaint(s)

COMPLAINT NUMBER
2025-08-3487ALLEGATIONS
Unlicensed practiceSTATUS
Investigation

2025-09-4089 Unprofessional conduct Intake

TOTAL: 17

Administrative Closure Recommendations October 2025

(As of October 2, 2025)

Engineering: 2 Closed

2025-07-2834-00ENG - A complaint was received from an engineer alleging that his project submitted to the City was rejected by respondent, due to violation of City Code regarding the undergrounding of OH power.

The respondent's communication of City Standards and enforcing requirements on development is an action as a city employee independent of a PE license. The venue for relief to the complainant is within development standards and civil court. The Director recommends closure with no further action.

2025-08-3375-00ENG - A complaint was received concerning structural engineering plans that were drawn by an EIT and sealed by the respondent. The complainant alleges that there was miscommunication with the EIT regarding a bearing wall. The complainant indicated he was not satisfied with the project and alleges the respondent proceeded to invoice him additional fees in the amount of \$750.00 to redraw the SE plans.

A response was received from respondent who provided a timeline of the project. The respondent indicated a joist span direction error was discovered and the EIT collaborated with the complainant and invoiced him for revised drawings and calculations. The respondent indicated a good faith refund of \$500.00 was provided to the complainant. Board staff contacted complainant who was satisfied with the revised drawings and calculations.

The Board's Director conducted remedial counseling with the EIT and respondent regarding WAC 196-27A-020 and recommends this case be closed with no further action.

Surveying: 4 Closed

2025-06-2387-00LSV - A complaint was received alleging the respondent conducted a ROS and set two markers on their potential property lines and labeled the markers as "approximate." The complainant alleges the survey was used as rationalization for removal of a fence line and has concerns of encroachment of his property without authority.

A response was received. An interview with the complainant was conducted with Board investigative staff and the Deputy Director. The complainant indicated that the actual common boundary corners have been set by the respondent in the same location that the "approximate" markers (hub & lath) were, and that the developer removed the fence line.

Board investigative staff and the Board's Deputy Director conducted an interview with the respondent. Remedial counseling about the use of "approximate" regarding the marking of corners and boundary lines was provided to the respondent by the Deputy Director. The Deputy Director recommends closing the case with no further action.

2025-06-2527-00LSV - A complaint was received alleging the respondent was hired to perform a survey in June 2023. The complainant has been attempting to get the respondent to complete the survey. Those attempts have been unsuccessful.

October 2025

The respondent was notified of the complaint and a response was requested. No response was received.

Prior to receipt of this complaint, the respondent had 5 previous investigations opened against him. All of those investigations went through the legal process. The respondent was charged and never responded to the charges. His license was suspended for 10 years and a fine of \$30K was assessed through a Board Default Order.

Since disciplinary action has been taken against the respondent's license, it is recommended this case be closed with no further action.

2025-08-3351-00LSV - A complaint was received alleging the respondent failed to seal a final topographic drawing pursuant to WAC 196-23-020(2).

A response was received from respondent who stated in review and in accordance with WAC 196-23-020(2) the preliminary topographic survey submitted to the City should have contained his professional seal and labeled "preliminary."

An interview with respondent was conducted with Board investigations staff and the Deputy Director. During the interview it was revealed that the respondent does have a process to stay in compliance regarding stamping and signing of maps and documents and that this particular project was one where the process was not followed, which was a "one off" incident. It was also revealed the complainant, a fellow licensee, did NOT contact the respondent to discuss the situation prior to filing the complaint.

The Deputy Director provided remedial counseling regarding WAC 196-20-020(2) and WAC 332-130-145 and recommends this case be closed with no further action.

2025-08-3495-00LSV- A complaint was received alleging the respondent conducted an erroneous survey.

Prior to receiving the respondent's response an email was received by Board staff from complainant, requesting his complaint be formally withdrawn per the outcome of a court case settlement.

The Board's Deputy Director spoke with the Respondent, reviewed their brief response, the PDH log provided, and surveys related to the case. It is the Deputy Director's recommendation that this case be closed with no further action.

On-site: 0 Closed

TOTAL: 6

Morta, Steven, PE 2023-02-0191-00ENG Stipulated Findings of Fact, Conclusion of Law, and Agreed Order Signed 8/3/2023 Effective 8/3/2023	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: 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. 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. 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.	Due 9/3/2023 12/2023 03/2024 06/2024 09/2024 12/2024 03/2025 06/2025 09/2025	8/31/2023 Rec'd a copy of peer review contract between Respondent and Patricia Rogers, PE of MET Engineering, PLLC.
	During the two-year stayed suspension, Respondent will provide to the Board, monthly, a listing of and	Due 09/2023 10/2023	9/27/2023 Report rec'd from Respondent with list of projects. 9/29/2023 Rec'd peer reviewer report.
	status of projects under design which include preparation of structural construction documents and/or	11/2023 12/2023 01/2024	10/31/2023 Report rec'd from Respondent with list of projects.
	calculations.	02/2024 03/2024	10/31/2023 Rec'd peer reviewer report.
		04/2024 05/2024 06/2024	11/22/2023 Rec'd peer reviewer report. 12/2/2023 Rec'd peer reviewer report.

07/2024	
07/2024 08/2024 09/2024	1/1/2024 Rec'd respondent's list of projects.
10/2024 11/2024	1/31/2024 Rec'd respondent's list of projects.
12/2024	2/29/2024 Rec'd respondent's list of projects.
01/2025 02/2025	3/31/2024 Rec'd respondent's list of projects.
03/2025 04/2025	3/31/2024 Rec'd peer reviewer report.
05/2025 06/2025	4/30/24 Rec'd respondent's list of projects.
07/2025 08/2025	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.
	10/30/24 Rec'd respondent's list of projects.
	12/2/24 Rec'd respondent's list of projects.
	1/1/25 Rec'd respondent's list of projects.
	1/30/25 Rec'd respondent's list of projects.
	1/31/25 Rec'd peer reviewer report.
	2/28/25 Rec'd respondent's list of projects.
	3/30/25 Rec'd respondent's list of projects.
	4/2/25 Rec'd peer reviewer report.
	4/29/25 Rec'd respondent's list of projects.
	5/30/25 Rec'd respondent's list of projects.
	5.55,25 1 too a respendent of fire of projects.

		1	
Rogers, Robert, PLS 2022-06-0883-00LSV Stipulated Findings of Fact, Conclusion of Law, and Agreed Order Signed 10/17/2024 Effective 10/17/2024	Respondent's license to practice is suspended for minimum of one year. Suspension is stayed contingent upon: Within 90 days of the agreed order the respondent will pay a fine in the amount of \$5000. Within ninety (90) days of the effective date of this AGREED ORDER, Respondent will provide a corrected record of survey for Board review for Parcels #0319201022 & #0319201015 located in Spanaway, WA. The corrected record of survey will comply with RCW 58.09.060(a), (e) and WAC 332-130-030(2) and (3)(a). Once said survey is approved to meet standards, the Respondent will file the Amended Record of Survey with the appropriate	Due 1/17/25 Due 1/17/25	6/30/25 Rec'd respondent's list of projects. 6/30/25 Rec'd peer reviewer report. 7/30/25 Rec'd respondent's list of projects. 8/30/25 Rec'd respondent's list of projects. 9/30/25 Rec'd respondent's list of projects. 9/30/25 Rec'd peer reviewer report. Received 10/29/24. 12/19/24 Rec'd AROS from respondent. 1/9/25 Emailed respondent – AROS still does not meet requirements. 1/17/25 Rec'd AROS – changes approved. Resp instructed to file AROS.
Kent Huxel 2023-01-0098-00LSV Agreed Findings of Fact, Conclusion of Law, and Order to Permanently Cease and Desist Signed 10/17/2024 Effective 10/17/2024	county auditor's office. Mr. Huxel agrees he will not seek licensure as a professional land surveyor, professional engineer, or onsite septic system designer for TEN (10) years from the date an Agreed Order is signed by the Board. Mr. Huxel agrees he will not own or operate a land surveying, engineering, or on-site septic system design business for TEN (10) years from the date an Agreed Order is signed by the	\$5000 fine due 10/17/2025	1/30/25 – Currently in compliance.

Mr. Huxel agrees he will not advertise to provide services requiring BRPELS licensure until properly licensed under Chapter 18.43 RCW.

Mr. Huxel agrees his experience previous to and through the date the Board signs the Agreed Order will not count towards licensure requirements. Otherwise, any education must be approved and accepted by the Board. RCW 18.43.040, including his education previous to and through the date the Board signs the Agreed Order.

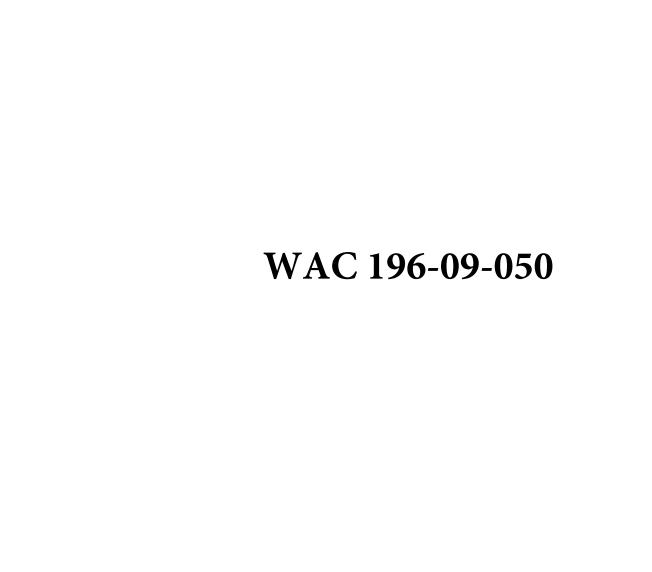
Mr. Huxel, agrees that, after the TEN (10) year prohibition on license application, when he applies for licensure, he will apply with a National Council of Examiners for Engineering and Surveying (NCEES) record and comply with all other NCEES requirements. BRPELS will notify NCEES of Mr. Huxel's TEN (10) year exam and license prohibition.

Mr. Huxel agrees to be subject to compliance monitoring by a peer reviewer, approved by BRPELS, for the first two (2) years after he is licensed. Mr. Huxel would be responsible for all costs related to the peer review, and all work by the peer reviewer must be completed pursuant to a contract. The signed contract will be provided to the Board and a progress report from the peer reviewer will be sent to the Board on a quarterly basis.

Mr. Huxel agrees to pay a \$5,000 fine related to the Current Case (Case No. 2023-01-0098-00LSV). This fine must be paid within 12 months from the date an Agreed Order is signed by the Board. Fines shall be paid by Cashier

		1	
	Check or Money Orders payable to		
	Board of Registration for Professional		
	Engineers and Land Surveyors		
	(BRPELS), must have Case No. 2023-		
	01-0098-00LSV written on the payment		
	instrument.		
	BRPELS will suspend the \$30,000 fine		
	imposed in Cases 2021-08-2070-		
	00LSV and 2022-10-1445-00LSV for		
	TEN (10) years from the date an		
	Agreed Order is signed by the Board.		
	After 10 years, if the Board has not		
	issued a Final Order against Mr. Huxel		
	evidencing additional violations under		
	BRPELS jurisdiction, and Mr. Huxel		
	has otherwise complied with the terms		
	and conditions from the Current Case		
	and the Agreed Order, BRPELS will		
	permanently waive the entire \$30,000		
	fine from Cases 2021-08-2070-00LSV		
	and 2022-10-1445-00LSV.		
	BRPELS agrees not to pursue a Civil		
	Action against Mr. Huxel with respect		
	to Cases		
	2021-08-2070-00LSV and 2022-10-		
	1445-00LSV so long as Mr. Huxel		
	complies with the terms and		
	conditions of the Agreed Order.		
	4.10 BRPELS agrees not to refer		
	Cases 2021-08-2070-00LSV and 2022-		
	10-1445-00LSV		
	for criminal prosecution as allowed by		
	RCW 18.235.170, RCW 18.43.110,		
	and RCW 18.43.120, so		
	long as Mr. Huxel complies with the		
	terms and conditions of the Agreed		
	Order.		
Riipinen, Jared, PLS	Respondent's license to practice is	Due	No request for an appeal was received by the respondent.
2024-09-2412-00LSV	suspended for 10 years:	02/13/35	,
2024-04-0720-00LSV	Tarpendou for to youro.	1 22/10/00	
2024-05-1121-00LSV	During the ten-year suspension,		
2023-04-0553-00LSV	Respondent will not own or operate a		
2024-02-0420-00LSV	land surveying, engineering, or on-site		
2027-02-0720-00L0 V	septic system design business.		
	achiic ayalciii ucaigii buaiileaa.	ĺ	

Findings of Fact, Conclusion of Law, and Default Order Signed 02/13/2025 Effective 02/13/2025	During the ten-year suspension, Respondent will not advertise or offer to provide land surveying services. Following the ten-year suspension, should the Respondent desire to reinstate his license, he will reapply for reinstatement and take and pass the Law and Ethics Exam.		
Ross, Richard Douglas 2024-01-0051-00LSV 2024-08-2064-00LSV 2025-03-1105-00LSV 2025-04-1111-00LSV 2025-04-1122-00LSV Findings of Fact, Conclusion of Law, and Default Order Signed 09/23/2025 Effective 09/23/2025	Respondent's license to practice is suspended for 10 years: During the ten-year suspension, Respondent will not own or operate a land surveying, engineering, or on-site septic system design business. During the ten-year suspension, Respondent will not advertise or offer to provide land surveying services. Following the ten-year suspension, should the Respondent desire to reinstate his license, he will reapply for reinstatement, he will take and pass the Washington PLS Licensing Exam and the Law Review Exam. Respondent assessed a fine of \$30,000 due within 90days of the effective date.	Due 12/23/25	



WAC 196-09-050 Brief adjudicative proceedings. (1) The board may conduct brief adjudicative proceedings as provided in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act.

- (2) Brief adjudicative proceedings may only be allowedoffered when a respondent challenges the following categories of board decisions:
- (a) A denial of application for licensure, including renewal, reinstatement, or denial of eligibility to take examinations;
- (b) A finding that a licensee has failed to meet continuing professional development requirements;
- (c) A finding that a licensee has violated the terms of a final order or agreed order issued by the board or the board's designee;
- (d) A finding that a person has engaged in false, deceptive, or misleading advertising, or engaged in unlicensed practice.

- (e) A finding that a professional land surveyor has violated the provisions of the Survey Recording Act, chapter 58.09 RCW and the survey standards, chapter 332-130 WAC.
- (f) A finding that a licensee has violated the provisions of chapter 196-23 WAC, stamping and seals, chapter 196-27A WAC, rules of professional conduct, andor chapter 196-33 Rules of professional practice for licensees designing on-site wastewater treatment systems;
- (3) A brief adjudicative proceeding may be offered only where the violations alleged are simple and can be proven solely with documentary evidence and where no oral testimony or opinion is needed for the presiding officer to make a fully informed decision on the matter.

[Statutory Authority: RCW 18.43.035. WSR 21-22-092, § 196-09-050, filed 11/2/21, effective 12/3/21. Statutory Authority: RCW 46.01.110 and 2018 c 199. WSR 18-21-028, § 196-09-050, filed 10/5/18, effective 11/5/18. Statutory Authority: RCW 18.43.035 and chapter 18.235 RCW. WSR 06-11-121, § 196-09-050, filed 5/19/06, effective 6/19/06. Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, \S 196-09-050, filed 1/21/04, effective 2/21/04.1

Commented [EL1]: I am not fond of these two

Commented [HK2R1]: Noted. We'll use this

Commented [HK3]: Could this be open to interpretation? Maybe that's not a bad thing....

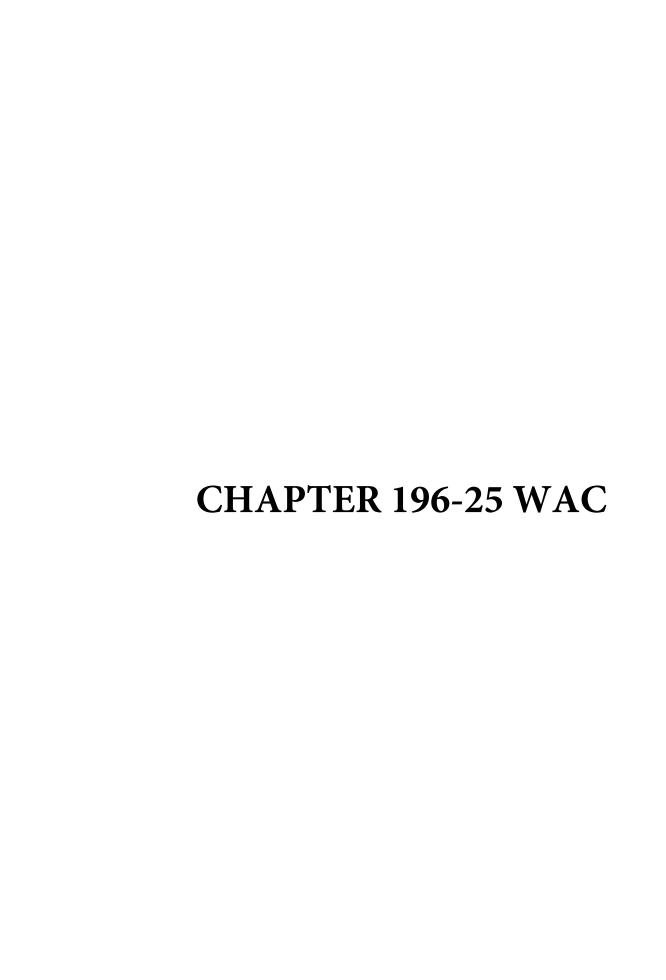
WAC 196-09-055 Records required for brief adjudicative proceeding. The records for the brief adjudicative proceeding may include, but are not limited to:

- (1) License related denials and violations of law:
- (a) All correspondence, including emails, between the applicant or respondent, complainant, and the board staff regarding an initial determination <u>including copies of</u> such as complaints, requests for information, responses, applications, renewal notice(s), denials, or appeals;
- (b) All documents or data -received by the board from or on behalf of the applicant, licensee or respondent relating to violations or license denials including records from educational institutions, company employment records, attestations by licensees, plans, maps, drawings, recorded documents, contracts, advertisements, letterhead, business cards, invoices, records from financial institutions; information, payments, or explanations that have been provided to the board;
- (c) Copies of all supplementary information related to application or complaint review by staff or board member;

- (d) All documents relied upon by board staff and case manager or board member in reaching the initial determination;
- (e) Any other <u>documentary evidence</u> <u>information</u> that may be of assistance to the presiding officer in deciding the case.
- (2) Determination of compliance with previously issued board order:
- (a) The previously issued final order, <u>default</u> or <u>agreed</u> orderagreement;
- (b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;
- (c) All correspondence between the license holder and the board regarding compliance with the final order, default or agreed orderment; and
- (d) All documents relied upon by the board staff and case manager showing that the license holder has failed to comply with the previously issued final order, default or agreed orderment.

[Statutory Authority: RCW 18.43.035. WSR 21-22-092, § 196-09-055, filed 11/2/21, effective 12/3/21. Statutory Authority: RCW 46.01.110 and 2018 c 199. WSR 18-21-028, § 196-09-055, filed

10/5/18, effective 11/5/18. Statutory Authority: RCW 18.43.035 and chapter 18.235 RCW. WSR 06-11-121, \S 196-09-055, filed 5/19/06, effective 6/19/06. Statutory Authority: Chapters 18.43and 18.235 RCW. WSR 04-04-001, \$196-09-055, filed 1/21/04, effective 2/21/04.]



From: michaelr@harmsenllc.com

To: Gillespie, Shanan (BRPELS)

Subject: WAC 196-25 Business Practices: Proposed Language question

Date: Monday, August 4, 2025 3:39:07 PM

External Email

Greetings,

The need for some kind of license seems to be the driving force for the proposed change in WAC 196-25:

The **proposed change** from the web site:

WAC 196-25-010 Applications for certificates of authorization. All applications by corporations and LLCs for certificates of authorization must be completed on forms provided by the board and submitted to the offices of the board. A complete application requires the following: Payment of the appropriate fee as listed in chapter 196-26A WAC; **a current license with the secretary of state and the department of revenue**; affidavit of designated professional engineer and/or land surveyor; and, a copy of resolution naming the designated engineer, or land surveyor, or both

This "license" is neither named or defined that I can tell, though currently seems to be a business license.

Who knows what other licenses either the secretary of state or the dept of revenue may issue in the future, and other license-like things may also be in play currently.

If you are changing to include a license, then does the change need to be specific as to which license?

If yes, then my suggestion:

WAC 196-25-010 Applications for certificates of authorization. All applications by corporations and LLCs for certificates of authorization must be completed on forms provided by the board and submitted to the offices of the board. A complete application requires the following: Payment of the appropriate fee as listed in chapter 196-26A WAC; a current business license with the secretary of state and the department of revenue; affidavit of designated professional engineer and/or land surveyor; and, a copy of resolution naming the designated engineer, or land surveyor, or both

Just a thought.

Regards,



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

Washington Administrative Code Notice of Permanent Rules for WAC 196-25 Business practices

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

Adoption of: WAC 196-25

Effective date: These rule changes will become effective 31 days after filing (approximately November 21, 2025).

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

Comment:

my suggestion: ...a current **business** license with the secretary of state and the department of revenue...

Response:

Thank you for your comments. Your suggestion of adding the word "business" helps clarify what type of license is required at the Secretary of State's Office and the Dept. of Revenue.

Changes made to the proposed WAC as a result of public comment:

Added "business" to amended language in WAC 196-25-010.

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

AMENDATORY SECTION (Amending WSR 23-01-052, filed 12/14/22, effective 1/14/23)

WAC 196-25-010 Applications for certificates of authorization. All applications by corporations and LLCs for certificates of authorization must be completed on forms provided by the board and submitted to the offices of the board. A complete application requires the following: Payment of the appropriate fee as listed in chapter 196-26A WAC; a current license with the secretary of state and the department of revenue; affidavit of designated professional engineer and/or land surveyor; and, a copy of resolution naming the designated engineer, or land surveyor, or both.

 $\underline{\text{AMENDATORY SECTION}}$ (Amending WSR 23-01-052, filed 12/14/22, effective 1/14/23)

- WAC 196-25-045 Changes and renewals. (1) If the business changes its name with the secretary of state, the business must notify the board within 30 days of the name change.
- (2) At the time of renewal, the corporation or limited liability company must have a current license with the secretary of state and the department of revenue.
- (3) The filing of the resolution shall not relieve the business of any responsibility or liability imposed upon it by law or by contract.
- (4) If a completed application for renewal has not been received by the board by the date of expiration (postmarked before the date of expiration if mailed or transacted online before the date of expiration), the license is invalid.

Any corporation or LLC that is certified under chapter 18.43 RCW and this chapter is subject to the authority of the board as provided in RCW 18.43.035, 18.43.105, 18.43.110, and 18.43.120.

[1] RDS-6461.1

Definitions and Requirements for Electronic and Digital Signatures

Discussion; Mr. Fuller, PE