



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

SPECIAL BOARD MEETING MINUTES

DATE: February 13, 2020
TIME: 8:30 a.m.
LOCATION: Radisson Hotel SeaTac Airport
18118 International Blvd
Seattle, WA 98188

BOARD MEMBERS

Ivan VanDeWege, PE, Chair
Aaron Blaisdell, PLS, Vice Chair
Nirmala Gnanapragasam, Ph.D, PE
Doug Hendrickson, PE
Stephen Shrope, PE, SE
James Wengler, PLS, CFedS

BOARD MEMBERS EXCUSED

Marjorie Lund, PE, SE

STAFF MEMBERS

Ken Fuller, PE, Executive Director
Carmena Moretti, Executive Assistant
Elizabeth Lagerberg, Advising AAG
Shanan Gillespie, Regulatory Program Manager
Jill Short, Investigations & Compliance Manager

OPEN SESSION

1. Call to Order 8:31 a.m.

1.1. Introductions

Board members, and staff introduced themselves

1.2. Order of Agenda

A motion was made by Mr. Blaisdell, and seconded by Mr. Wengler to accept the agenda as amended. Motion carried.

1.3. Approval of Meeting Minutes

A motion was made by Mr. Wengler, and seconded by Mr. Hendrickson to accept the December 12, 2019 meeting minutes as amended. Motion carried.

A motion was made by Mr. Hendrickson, and seconded by Ms. Gnanapragasam, to accept the January 22, 2020 meeting minutes as written. Motion carried.

1.4. Review communications

- Notice of Future Changes to NCEES Exams (Information Only)
- Plumbing Engineering ME Option – Discussion moved to section 3.2

1.5. Public comment opportunity

Mr. Hart introduced himself and addressed the Board on its mission and other general matters.

New Business 4.1 Lobbying Discussion with AGO (moved forward to accommodate schedules)

Mr. Peterson, Division Chief, Senior Assistant Attorney provided a general overview of 42.17A.635 RCW – Legislative activities of state agencies, other units of government, elective officials, employees. He also offered to arrange a follow up training session facilitated by a subject matter expert if board members and staff thought it would be useful.

EXECUTIVE SESSION: Mr. VanDeWege, Board Chair, announced the purpose and estimated time 9:15 a.m. to 10:25 a.m. for Executive Session.

OPEN SESSION RECONVENED 10:28 a.m.

2. Disciplinary Activity

New Board Orders

2018-08-0008-00ENG Russel S. Bodge, PE and Pacific Northwest Engineering

Mr. Bodge's license was suspended on August 29, 2017 due to unpaid child support. Additionally, the Certificate of Authorization for Pacific Northwest Engineering, a firm owned by Mr. Bodge, expired on November 30, 2017. On August 21, 2018 a complaint was received alleging non-payment of wages, unprofessional conduct and violations of the fundamental canons and guidelines for professional conduct and practice of engineering. Following an investigation it was determined that Mr. Bodge was practicing as a PE without a license and that Pacific Northwest Engineering was providing services without a certificate of authorization.

The Agreed Order imposes the following sanctions

- The Respondent's license to practice as a professional engineer license will be suspended for five years commencing on the date that the August 29, 2017 Order of Suspension imposed by the Department of Social and Health Services is lifted, and is stayed for five years as long as he does not violate any laws or rules relative to professional engineering, there is no further discipline by the Board, and he complies with the following terms of the Agreed Order:
 - Within ninety days of the Agreed Order Mr. Bodge will:
 - Submit a list of projects he has worked on since the Order of Suspension was entered by the Department of Social and Health Services on August 29, 2017.

- Provide a letter from his brother, Brian Bodge, PE verifying his direct supervision and a list of projects on which he has directly supervised the Respondent since August 29, 2017.
- Upon the Order of Suspension imposed by the Department of Social and Health Services being lifted, Respondent renew his license following the renewal process in effect at the time of renewal.
- Within ninety days of the Order of Suspension imposed by the Department of Social and Health Services being lifted Mr. Bodge will:
 - Provide a letter detailing how he came into compliance and how he plans to proceed in compliance with all laws and rules relative to Professional Engineering.
 - Provide four reference letters to the Board. Two references shall be client references and two shall be Professional Engineer references.
 - Take and pass the Law Review exam
 - Bring his license and (if applicable) the certificate of authorization of his professional engineering business, into compliance.

A motion was made by Mr. Hendrickson, and seconded by Mr. Shrope to accept the Agreed Order. Motion carried.

2.2. Recommended closures

2019-01-0007-00ENG

Ms. Short presented the case for case manager, Ms. Lund, along with her recommendation that the case be closed.

A motion was made by Ms. Gnanapragasam, and seconded by Mr. Hendrickson to accept the case manager's recommendation for closure. Motion carried.

2019-02-0003-00ENG

Mr. Wengler recommended the case be closed.

A motion was made by Mr. Shrope, and seconded by Mr. Blaisdell to accept the case manager's recommendation for closure. Motion carried. Mr. Wengler abstained.

2019-05-0005-00ENG

Ms. Short presented the case for pro-tem board member and case manager, Mr. Clark, along with his recommendation that the case be closed.

A motion was made by Mr. Blaisdell, and seconded by Mr. Wengler to accept the case manager's recommendation for closure. Motion carried.

2019-07-0005-00ENG

Ms. Short presented the case for board member and case manager, Ms. Lund, along with her recommendation that the case be closed.

A motion was made by Mr. Hendrickson, and seconded by Mr. Shrope to accept the case manager's recommendation for closure. Motion carried.

2019-09-0001-00ENG

Ms. Short presented the case for pro-tem board member and case manager, Mr. Clark, along with his recommendation that the case be closed.

A motion was made by Mr. Shrope, and seconded by Mr. Blaisdell to accept the case manager's recommendation for closure. Motion carried.

2.3. Disciplinary report

Total Complaints	45
Intake (Pending Response)	1
Investigative Status (Staff or Preliminary Case Manager Review)	9
Pending Case Manager Review	23
Legal/AGO	9
BAP	0
Compliance Monitoring	3

3. Committee/Task Reports

3.1. Executive Committee

Mr. VanDeWege delivered the committee's report

- Legislative Bills
 - HB2833 (SB6323) Concerning the board of engineers and land surveyors' appointment of its director and agreement with the department of licensing. Referred to Rules Committee.
 - HB2356 Reducing barriers to professional licensure for individuals with previous criminal convictions. Referred to Rules Committee.
 - HB2477 Establishing review standards for professional licensing regulation. Placed on second reading by Rules Committee.

Action Item for October meeting – when developing 2021 board meeting schedule, consider switching to January, March, June, September and November to:

1. Lighten up April and October, which typically contain the NCEES Western Zone meeting and exams.
2. Allow discussion of Bills & Initiatives in early January – prior to the start of legislative session.

3.2. Exam/Qualifications Committee (EQC)

Mr. Hendrickson delivered the committee's report.

- NCEES ME exam– Plumbing option

Guest Mr. Franzese, PE, spoke to the various communications received by BRPELS regarding establishing an ME Examination track for plumbing engineering and asked

for the Board’s support to NCEES. The EQC recommends that BRPELS take a neutral stance based upon its review of the merits, distinction, and efforts required to compose examination materials. (Action)

- Engineer Law Review e-mail

The EQC discussed an e-mail sent to BRPELS that asserts the multiple choice options to question 6 on the Engineer Law Review exam may not offer a correct answer. After a thorough review, the committee recommended refining the current set of answers. (Action)

- POLARIS Update

- There have been significant bugs with the rollout of the new licensing system.
- Substantial resources, including loan of several DOL personnel and extensive overtime, are needed to meet exam support deadlines, address the backlog, and respond to the high volume of incoming phone calls and e-mails.
- The vendor is working on the bugs but many new ones continue to be uncovered.
- Rollout 2 is expected at the end of June.

A motion was made by Mr. Wengler, and seconded by Mr. Blaisdell to accept the Exam Qualification Committee report, including approval of the two action items. Motion carried.

3.3. Practice Committee (PC)

Mr. Wengler delivered the committee’s report.

Total Complaints Received	8
Engineering Complaints	3
Surveying Complaints	3
Unlicensed Engineering Complaints	2
Unlicensed Surveying Complaint	0
Corporation Complaints	0
Total Administrative Closures	3
Engineering Closures	2
Surveying Closures	1

Compliance Report:

Mr. Wengler reported there are 3 individuals on compliance monitoring. All three individuals are currently in compliance with the terms of their board orders. Mr. Fuller is working directly with peer reviewers on two of the cases and is in communication with their respective case manager.

Discussion Items:

- The PC discussed an email Mr. Wengler received from the Department of Natural Resources (DNR) regarding the requirement of two signatures on Records of Surveys. After researching, Mr. Wengler responded to DNR with his opinion that

since the 2006 change to Chapter 196-23 WAC, both the Surveyor's Certificate and the Seal need to be signed. Mr. Wengler also indicated he would bring the question to the PC for discussion and review.

The PC agreed with Mr. Wengler and he agreed to confirm his answer with DNR and let them know BRPELS is not considering a WAC change. (Action)

- The PC discussed the use of drones as it relates to the practice of land surveying. The PC determined the current regulations don't regulate the use of drones and it does not foresee a WAC change at this time.
- The committee was notified that a rule making agenda was filed with the Office of the Code Reviser.
- When Mr. Wengler, Mr. Blaisdell, or Mr. Larson provide board staff with an answer to an emailed question from the public, staff will blind cc all three on the email response and archive it in a designated folder.

A motion was made by Mr. Shrope, and seconded by Ms. Gnanapragasam to accept the Practice Committee report. Motion carried.

3.4. Structural Committee (SC)

Mr. Shrope delivered the committee's report on behalf of Ms. Lund.

- The SC discussed a letter from NCEES outlining its proposal to transition the 16-hour Structural exam to computer based testing (CBT). The SC agreed that one person should be responsible for the Board's responses to ensure continuity.

Ms. Lund will craft a response to NCEES outlining the Board's position based on the collective feedback she's received. At Mr. Lau's suggestion, Ms. Lund will also reach out to Ed Huston, PE, SE who's been involved with structural exam through NCEES. (Action)

The SC may consider:

- Teaming up with California and Oregon regarding the need for more rigorous seismic requirements
- Requiring a more detailed description of structural experience on the Washington State SE licensing application.
- Developing a state specific SE exam.

4. New Business

4.1. Lobbying Discussion with AGO

Mr. Peterson, Senior Assistant Attorney General, provided a general overview of the Public Disclosure Commission's reporting requirements for lobbying activities and offered to arrange a more in-depth training for the Board with someone with in-depth expertise on the subject.

[RCW 42.17A.635 - Legislative activities of state agencies, other units of government, elective officials, employees.](#)

4.2. Polaris Project Update

Discussed in section 3.2.

Mr. VanDeWege stated that, during the Executive Committee meeting yesterday, Ms. Cramer indicated the volume of incoming calls and emails has been leveling out and staff continues to work diligently to reduce the current backlog. Mr. Fuller notified the board that additional staff resources and overtime have been allocated to help get things back to normal.

DOL is trying to figure out how the Polaris licenses are going to function once the three licensing staff move over to BRPELS because currently they have access to the entire system and because of privacy issues, DOL is uncomfortable with non-staff having access to other licensing areas.

Ms. Moretti will post a notification on the BRPELS website acknowledging the problems people may be experiencing with the new licensing system. Mr. Fuller and Mr. Blaisdell will provide the language. (Action)

Ms. Moretti will also send the same information out on the listserv and to professional organizations for distribution. (Action)

Ms. Moretti will submit a request to DOL to have website visitors directed to the new BRPELS website and once DOL has correct links in Polaris, ask them to dismantle their website altogether. (Action)

4.3. Outreach and Guidelines Final Review

Postponed to next meeting.

4.4. NCEES Zone Awards and Western Zone VP Nominations

A motion was made by Mr. Wengler, and seconded by Ms. Gnanapragasam to delegate voting authority for the NCEES Western Zone Officers to its All-Zone attendees. Motion carried.

5. Old Business

5.1. Review prior action items list

Mr. Fuller reviewed the rolling action item list.

5.2. Outreach and event calendar

February 26th – 28th LSAW Conference.

March 1st Mr. Fuller and Mr. Blaisdell will present to an engineering class at UW Bothell.

April 17th & 18th Mr. Blaisdell will be a judge for the survey component at the ASCE competition at UW.

March 19th Mr. Fuller and Mr. Larson will be meeting with representatives from Bates Technical College regarding an on-site wastewater introductory class in their environmental group.

6. Executive Director's Report

6.1. Agency operations

- DES is still in negotiations with the landlord of BRPELS' new space.

6.2. Financial Report

- The Board reviewed the report submitted by Mr. Bitar.
- Three licensing staff members will be transferring from DOL.
- Deputy Director should be on board in the next couple of weeks.

6.3. Travel

- A policy and action plan needs to be developed to determine when staff can attend meetings and travel out-of-state.

6.4. Other items

- The Board approved Mr. Fuller's request to appoint Ms. Gillespie as the NCEES MBA and have her attend the annual meeting in August.
- Mr. Fuller discussed decoupling with the Board.

7. Assistant Attorney General's Report

Ms. Lagerberg will research whether a process needs to be in place if and when HB2833 passes and the Board is responsible for appointing its Executive Director.

The Executive Committee along with Ms. Lagerberg will work with BRPELS HR Business Partner, Ms. McClintock. (Action)

8. Other Business

8.1. New business

- None

8.2. Additional Public Comment

- None

8.3. Action items from this meeting

- Staff will send Mr. Wengler and Mr. Blaisdell a list of new licensees, including email addresses and phone numbers so they can provide Mr. Fuller with a list of beta testers.
- Ms. Gillespie will develop a checklist for rule updates.
- In October, the Board will consider switching its 2021 board meeting schedule to January, March, June, September and November.
- Mr. Fuller will draft a letter to Mr. Franzese affirming the Board's neutral stance on a plumbing engineer ME option.
- Mr. Wengler will confirm his answer with DNR regarding the requirement of two signatures on Records of Surveys and let them know BRPELS is not considering a WAC change.
- Ms. Moretti will post a news notification on BRPELS website acknowledging the problems people may be experiencing with the new licensing system. Mr. Fuller and Mr. Blaisdell will provide Ms. Moretti with language. The message will also be sent to the listserv and professional organizations.

- Ms. Moretti will submit a request to DOL to have website visitors directed to the new BRPELS website and once DOL has correct links in Polaris, ask them to take down their site altogether.
- Mr. Fuller will move forward with transitioning the NCEES MBA role to Ms. Gillespie.
- Ms. Lagerberg will research the appointment of the Executive Director with the Executive Committee and BRPELS HR Business Partner, Ms. McClintock.

8.4. Agenda Items for Next Meeting

- Decoupling
- Structural exam work session
- Outreach and Guidelines Final Review

9. Meeting Adjourned at 1:42 p.m.

Next Meeting: April 16, 2020 8:00 a.m. – Special Board Meeting

Respectfully submitted



Keh Fuller, PE, Interim Director