



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

SPECIAL BOARD MEETING MINUTES

DATE: April 21, 2022

TIME: 8:00 a.m.

LOCATION: 605 11th Ave SE - Suite 207, Olympia, WA and WebEx

ATTENDANCE:

Board Members

Marjorie Lund, PE, SE, Chair
Doug Hendrickson, PE, Vice Chair
Aaron Blaisdell, PLS
Nirmala Gnanapragasam, Ph.D, PE
Dave Peden, PE, SE
Ivan VanDeWege, PE
James Wengler, PLS, CFedS

Staff Members

Elizabeth Lagerberg, Advising AAG (WebEx)
Ken Fuller, PE, Director
Richard Larson, PLS, Deputy Director
Carmena Moretti, Executive Assistant
Shanan Gillespie, Regulatory Program Manager
Jill Short, Investigations & Compliance Manager
Vonna Cramer, Licensing Lead (WebEx)
Mackenzie Wherrett, Licensing Specialist
Nghiem Pham, Licensing Specialist (WebEx)

1. Call to Order at 8:00 a.m.

1.1. Roll Call

Ms. Lund, Board Chair, took roll call.

1.2. Order of Agenda

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

1.3. Approval of Meeting Minutes

A motion was made by Mr. Wengler, and seconded by Mr. Blaisdell, to accept the March 3, 2022 meeting minutes as written. Motion carried.

1.4. Review Correspondence & Communications

None provided.

1.5. Public Comment Opportunity

None provided.

Executive Session

Ms. Lund, Board Chair, announced that the Board would move into closed to consult with the board attorney, discuss matters related to enforcement and cases in current litigation. It was estimated Executive Session would last from 8:06 until 8:46 a.m. followed by a 10-minute break for meeting participants.

Open Session Reconvened – 8:24 a.m.

2. Disciplinary Action

2.1. Recommended Case Closure

2020-10-1482-00ENG

Mr. Hendrickson recommended the case be closed.

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

2.2. Disciplinary Report

Ms. Short provided a summary of the Disciplinary Report that was included in the board packet.

3. Committee Reports

3.1. Executive Committee

Ms. Lund delivered the committee's report.

Discussion Topics

- Financial Report

Mr. Bitar gave an overview of the board's financial report. He reported the agency is in excellent financial condition. He stated that the agency is projected to end the biennium with about \$1.04 million in its operating account and is on track to underspend appropriation by about \$350k.

Mr. Bitar provided a brief overview of the state audit process. He stated that audits are performed by the State Auditor's Office and monies must be appropriated for the audit during the legislative session. State agencies get audited approximately every 4 years. The Board is not being audited this biennium but will probably be audited next biennium.

Mr. Bitar informed the committee that the quarterly invoices from DOL are similar each quarter, and in recent quarters the amount invoiced appears to go down.

Ms. Lund asked about whether insurance had covered the cost of the cyber incident, and how the board will report internal costs, such as employee overtime for payment. Ms. Lagerberg stated insurance covered legal, forensic, call center set-up and operation, and the notifications that were sent to affected individuals. However, it doesn't appear that internal costs, such as overtime, will be covered.

Ms. Lund also requested that Mr. Fuller work with Mr. Bitar on Tenant Insurance & Liability Insurance options and provide them to the committee at its June meeting.

- Director's Report Board/Agency operations

Mr. Fuller informed the committee that Greg Schieferstein has accepted the Communication Consultant 3 position and will officially begin on May 2, 2022. He will attend the April 20th workshop and be introduced to the Board.

Mr. Fuller informed the committee the previous office issues (wi-fi bandwidth, video equipment, etc.) have been resolved. He thanked staff for working with the various outside agencies/vendors to get it completed.

Mr. Fuller informed the committee that he is looking into salary “bumps” and promotions for staff within the next year.

- Review of Strategic Planning Items, workshop planning, communications consultant

The committee discussed the remaining strategic planning items on their list. They will remain informed about any deregulation through NCEES meetings, and other associations. They felt that the agency is moving forward with outreach and education with the hire of Greg. Measuring performance and measuring the licensing system functionality with stakeholder will be on hold until the on-line licensing system issues are resolved.

The committee discussed the workshop items, and Ms. Lund requested that staff have a practice session for the set-up of equipment prior to the workshop.

The communications consultant position was discussed during the Director’s report.

- Review of Western Zone issues for zone meeting
- The committee discussed the Western Zone meeting attendance (Doug Hendrickson, Aaron Blaisdell, Jim Wengler, Dave Peden, Ken Fuller), and the motion from the New Mexico board. No decisions were reached.

Strategic Planning Items

- Remain engaged and informed on deregulation
- Emphasis on outreach and education
- Measure performance and gain stakeholder feedback that is relevant and useful for improving our agency
- Measure the licensing system software functionality from stakeholders

Action Items

- The committee directed staff to start the rulemaking process to change WAC 196-26A Registered professional engineers and land surveyor fees and WAC 196-30 Fees for on-site wastewater treatment designers and inspectors, and to start work with Deloitte and DOL to update the online licensing system.

A motion was made by Mr. VanDeWege, and seconded by Mr. Wengler, to accept the Executive Committee report. Motion carried.

3.2. Practice Committee (PC)

Mr. Hendrickson delivered the committee’s report.

Complaint Summary:

Total Complaints Received	8
Engineering Complaints	7

Surveying Complaints	1
On-Site Designer Complaints	0
Total Administrative Closures	14
Engineering Closures	10
Surveying Closures	4
On-Site Designer Closures	0

Compliance Report:

Mr. Hendrickson reported there are currently 4 individuals on compliance monitoring (Richard Russum, PLS; Russell Bodge; Muhannad Attili, PE; and Ryan Hawkins). Mr. Russum, Mr. Attili, and Mr. Hawkins are in compliance with the terms of their board orders. Mr. Bodge is currently out of compliance with his board order. Mr. Bodge's license is still in suspended status.

Discussion and Action Items:

1. Staff will discuss with Prosecuting AAG about next steps for Mr. Bodge's noncompliance with his board order.
2. The PC reviewed the Concise Explanatory Statement (CES) to the comment received on proposed changes to WAC 196-23. The PC is recommending the Board accept the CES and direct staff to file the CR103.
3. The PC considered unlicensed practice as it relates to RCWs/WACs. At this time there was no recommendation for changes to any WACs to address unlicensed practice/direct supervision. The PC feels it may warrant further review following the Board's direction of RCW 18.43 updates.
4. The PC reviewed the Strategic Planning Goals. The AIA/PE Stamping and green book resolution is still under review by the AAG's office. The PC determined the direction on decoupling exam experience should be closed/removed. There are no current issues of Mobility of licensing for Federal employees/spouses.

Previous/Ongoing Action Items:

1. Assist the AGOs Office on responding to Engineer/Architect stamping issues.
2. Staff continues to search a viable database for questions/answers and is currently exploring SharePoint as an option.

A motion was made by Mr. Wengler, and seconded by Ms. Gnanapragasam, to accept the Practice Committee report with a friendly amendment that the PC would continue to monitor the direction of decoupling and mobility issues. Motion carried.

3.3. Exam Qualifications Committee (EQC)

Mr. VanDeWege delivered the committee's report.

Discussion Topics

- March 2022 PLS state exam cut score
 - Recommendation from Survey Committee to approve cut score 27/40

- March 2022 OS state exam cut score
 - Recommendation from On-Site Ad Hoc Committee to approve cut score 81/100
- FE exam equivalency form (Alternative Pathway form mockup)
 - Mockup form completed
 - To be discussed at the board workshop
- RCW 18.43.040 Registration requirements review
- WAC 196-12 review
 - Was completed last meeting, placed on agenda in error
- NM motion to NCEES WAC
 - To be discussed at the board workshop

A motion was made by Mr. Hendrickson, and seconded by Mr. Peden, to accept the Exam Qualifications Committee report. Motion carried.

3.4. Survey Committee

Mr. Blaisdell delivered the committee's report.

Discussion Topics

- Review and recommendation to EQC: March 2022 4-hour PLS exam results

The committee reviewed the exam result memo. The committee is proposing a cut score of 27/40 to the Exam Qualification Committee for recommendation to the Board. This would result in a 55% pass rate.

Mr. Blaisdell and Mr. Wengler requested staff send them exam candidate comments from the March 2022 exam.

The committee requested staff provide a report on the overall performance of exam questions by the June meeting.

LS exam SME report

Staff reported that they had recently met with the PLS SMEs and had set up meetings with individual exam module question teams. After a lengthy discussion, the committee directed staff to contact the SMEs, cancel the team meetings and try to find a date for a 1-2 day in-person meeting with all SMEs.

- Survey monument protection – email

Review of FYI email in packet.

- 02-14-2022 letter: Recording monument replacement

The committee reviewed a February 14th letter from Pat Beehler, PLS, DNR Public Land Survey Office regarding Recording monument replacement & encroachment. The letter stated that there are previous opinions from the SAB, AAG, and perhaps others on the questions posed in the letter. The committee agreed that the answer to Mr. Beehler's questions 1a-1c could be found as part of DNR's permit process. Mr. Beehler's question 2 could not be answered now. The committee felt that before it could be answered, the Survey Recording Act needs to define some terms.

After further discussion, it was decided to get Ms. Lagerberg's advice on whether the Board can or should respond, absent any previous opinions. Staff was directed to send Ms. Lagerberg the letter and get a response from her prior to the June meeting.

- Application evaluation guidelines review
 - Fundamentals of surveying
 - LS Principles & Practices – Comity in Surveying
 - Memorandum on LS education curriculum
 - NCEES Surveying education standard

The committee reviewed the application evaluation guidelines and provided staff with some edits. Staff will update the documents and send them out to the committee prior to the June meeting.

As a result of the document review, there was a discussion about the board approved survey programs (Clark College and Renton Technical College), and the survey programs at other colleges. There are programs in Bellingham and Yakima that have been looked at by the survey committee, but they have not been approved. The committee would like to have this as a topic item on future agendas.

Strategic Planning Items

- Determine the pathways to state specific PLS exam
- Work with DNR on the Survey Recording Act and associated WACs to determine our regulatory direction for “intelligent interpretation” and other items.

The committee did not review the strategic planning items due to time constraints.

Action Item:

- Staff to send Mr. Blaisdell and Mr. Wengler exam candidate comments from the March 2022 exam.
- Staff to provide a report on the overall performance of exam questions by the June meeting.
- Staff to contact the PLS exam SMEs try to find a date for a 1-2 day in-person meeting in June.
- Staff was directed to send Ms. Lagerberg Mr. Beehler's letter, ask whether the Board can or should respond, absent any previous opinions and get a response from her prior to the June meeting.
- Staff to update the application evaluation guideline docs and send them out to the committee prior to the June meeting.

3.5. Structural Committee

Mr. Peden delivered the committee's report.

Application Review

- Before deciding on the application for SE licensure, the committee directed staff to request applicant provide additional information:
 1. Updated experience of projects completed over the last 6 years.
 2. A new verifier.
 3. Detail a total of the 10 years of progressive experience required to apply for SE endorsement.

Discussion Topic

NCEES proposed computer-based testing for structural exam and turning it into a four-component exam due to conflicts with Pearson VUE exam location hours.

3.6. On-Site Committee

Ms. Gnanapragasam delivered the committee's report.

Discussion Topics

- On-Site Cut score
 - Recommendation to EQC for cut score acceptance
 - Cut score: 81/100
- On-Site Mentoring Program requirements/processes (In RCW?)
 - Discussion tabled until June
- Report out WOSSA meeting
 - Committee members Bob Suggs, Ric Wilkerson & Bill Creveling reported concerns over the one-year requirement for Inspectors to obtain a year prior to taking the exam due to smaller health districts may not having a certified certificate competency holder on staff.
- Inspector verification form
 - Create new inspector experience form based of Ric Wilkerson's edits
 - Updated Designer experience form adding language for direction for those inspectors who are applying for designer licensure
 - Update WAC
- WAC 196-32
 - Updating language

Action Items

- Designer & Inspector pass/fail & reexam statistics over the last 5 years (Ms. Cramer)
- Create new Inspector form (Staff with Ms. Gnanapragasam)
- Update Designer form to add language for inspectors who are applying for designer licensure (Staff)
- WAC 196-32 language (Ms. Gillespie & Ms. Gnanapragasam) to committee for final review. Want stakeholder meeting beforehand to work out language. June is goal.
- Committee members to provide 3 – 5 ideas on the mentoring program for June meeting.

4. New Business

4.1. Rule Making - Concise Explanatory Statement and Filing of the CR103 for WAC 196-23 (from PC)

The Board discussed a proposed rule changes and filing of the CR103 which would make the changes effective at the end of May.

Changes to current rule language provides clarification to land surveyor licensees of what final documents need stamped and removes the requirement of preparing a report each time an engineer reviews a document prepared by another engineer and may lessen the cost to the licensees.

There are two amendments to Chapter 196-23 WAC Stamping and seals:

1. An amendment to WAC 196-23-020(1) which currently contains a list of “final documents” which must contain the seal/stamp under that section. Added to that list is “land descriptions as defined in WAC 332-130-020.”
2. An amendment to WAC 196-23-020(5) to add the language “if required” to clarify that an engineer need not always prepare a report after reviewing another engineer’s work. Whether or not to prepare a report is left to the discretion of the engineer and/or their employer.

A motion was made by Mr. Wengler, and seconded by Mr. Blaisdell, to approve the rule changes and have staff file the CR103. Motion carried.

4.2. Rulemaking – WAC 196-12 Filing of CR102 (from EQC)

Ms. Gillespie explained that a CR102 had been filed and then stakeholder comments were received regarding the exam equivalency language in the license requirement section and the EQC decided the Principle and Practice examination must be administered by NCEES.

A motion was made by Mr. Blaisdell, and seconded by Mr. VanDeWege, to approve the proposed changes to WAC 196-12 with the revision to strike “or its equivalent” in WAC 196-12-014(2)(b)(iv) and for staff to file the CR102. Motion carried.

4.3. RCW 18.43 Actions from Special Work Session

Direction to EQC regarding FE Waiver & RCW 18.43

The board supports having a process to create an exam equivalency for the FE for foreign applicants that are currently licensed outside of Washington State. This would require a WAC change.

The direction from the Board is for the EQC to identify language, requirements, and process necessary to implement a FE waiver for out-of-state applicants that are currently licensed by another jurisdiction outside of the State of Washington and to consider the effect that this process may have on Land Surveyors. This would require an RCW change.

Direction to PC regarding RCW 18.43

General Clean Up

- Clarify that application fees are non-refundable. (RCW 18.43.050)
- Clarify renewal dates (RCW 18.43.080)

Increase allowable pro tem members of the board from 2 to 3 (RCW 18.43.033)

Change board member requirements to being licensed under 18.43 *or* 18.210 – to include the possibility of an On-Site pro tem board member. (RCW 18.43.030)

Clarify the definition and title of Professional Engineer throughout the RCW and to identify and, if appropriate, incorporate a list of titles regulated by BRPELS in applicable WACs using the ‘CA language’ as an example.

A motion was made by Ms. Gnanapragasam, and seconded by Mr. Hendrickson, to accept the guidance and direction to the ECQ and PC committees based on the outcomes from the April 20th Special Work Session. Motion carried.

4.4. PLS State Exam Cut Scores (from EQC)

A motion was made by Mr. Blaisdell, and seconded by Mr. Wengler, to approve the Exam Qualifications Committee recommendation of a cut score of 27/40 for the April 2022 State Specific PLS Exam. Motion carried.

4.5. On-Site Wastewater State Exam Cut Scores (from EQC)

A motion was made by Mr. Hendrickson, and seconded by Ms. Gnanapragasam, to approve the Exam Qualifications Committee recommendation of a cut score of 81/100 for the April 2022 State Specific On-Site Exam. Motion carried.

4.6. NCEES Western Zone Interim Meeting Votes/Voting Directions

The Board discussed proposed model law from New Mexico and the candidates for Western Zone Vice President.

A motion was made by Mr. VanDeWege, and seconded by Ms. Gnanapragasam, to give the attending delegates the authority to vote on behalf of the Board. Motion carried.

4.7. NCEES Annual Meeting – Funded Delegates

The Board identified Ms. Lund, Mr. Blaisdell, and Mr. Hendrickson as the three funded delegates and Mr. Peden as a funded first-time attendee for the NCEES Annual Meeting in Carlsbad, CA on August 23-26, 2022. The Board may also choose to send other board members at its expense. Mr. Larson will be attending as the Member Board Administration on behalf of Mr. Fuller and Ms. Short will be attending as the Chair of NCEES’ Law Enforcement committee.

4.8. Changes to Open Public Meetings Act (OPMA)

Ms. Lagerberg led a discussion on recent changes to the Open Public Meetings Act and agreed clarify and send additional information to board members and staff.

4.9. Communication & Outreach Budget Allocation

A motion was made by Mr. Hendrickson, and seconded by Mr. VanDeWege, to allocate an initial annual budget of \$75K to develop the communication and outreach program. Motion carried.

5. Director’s Report

5.1. Financial Report

Mr. Fuller referred board members to Mr. Bitar's financial report and asked if there were any questions. A full synopsis was given in the Executive Committee report in agenda item 3.1.

5.2. Agency Operations

5.2.1. Staffing

Mr. Fuller informed the Board that Mr. Larson is working on potential promotions for BRPELS' licensing staff.

Greg Schieferstein was hired for the CC3 position and will start on May 1st. He was introduced to board members at yesterday's Special Work Session.

Governor Inslee signed a budget with funds for salary increases for state employees.

Mr. Fuller stated he's working on getting a performance process set up and that he's particularly interested finding personal development opportunities for staff, including involving board members.

5.2.2. In-person future meetings

The next board meeting will be held Thursday, June 23rd in Spokane. The committees will meet virtually beforehand and have shorter one-hour in person meetings on Wednesday, June 22nd.

Due to NCEES annual meeting travel and busy schedules, the board meeting on Thursday, August 11th will be held in SeaTac and later in the day to allow for same day travel.

5.3. Other Items

Mr. Fuller stated that the agency is currently applying for Cyber Security insurance that's paid for by an appropriation through legislation. He is also looking into renter's and liability insurance for the office.

Ms. Lund appointed Mr. VanDeWege and Mr. Blaisdell to be the nominating committee for officer elections and the next board meeting.

6. Assistant Attorney General's Report

Ms. Lagerberg notified the Board that there still hasn't been a decision on the Tappel case and that she's currently working on the response to the DNR letter. She's also been working with Mr. Fuller on streamlining the complaint process and options for handling smaller violations without issuing statement of charges.

Mr. Blaisdell asked if the Board's prosecuting attorney, currently Mr. Pitel, could come to a future meeting so board members can ask questions and discuss whether case manager recommendations are clear and concise enough and whether board orders are written in a way that holds up as they progress through the legal system. Ms. Lagerberg agreed to check with Mr. Pitel about providing training for the Board.

Mr. Wengler asked for an update on a Letter of Education template to encourage compliance without formal charges. Ms. Lagerberg stated that as long as sanctions aren't being issued, there shouldn't be a problem with telling someone what the Board sees as needing to improve.

Ms. Lagerberg asked Ms. Short to send a copy of the draft template so she can discuss with Mr. Pitel.

7. Other Business

7.1. Additional Public Comment

None Provided

7.2. Upcoming Outreach and Events

June 13th – PLS SME Meeting

7.3. Action Items from This Meeting

Board staff reviewed the Rolling Action Items List and added the following items from this meeting:

1. Ms. Lagerberg will clarify changes to OPMA and send information to board members and staff.
2. Ms. Lagerberg will check with Mr. Pitel regarding facilitating a training with the Board.
3. Ms. Short will send Ms. Lagerberg a template for a Letter of Education so she can discuss with Mr. Pitel.
4. Ms. Lagerberg will meet with Mr. Blaisdell and Mr. Wengler to discuss response to DNR letter.
5. Ms. Moretti will add an AGO category to the Action Item List.

7.4. Agenda Items for Next/Upcoming Meetings

1. Possible Training with Board's Prosecuting Attorney
2. Officer Elections

8. Adjourn Meeting

A motion was made by Mr. VanDeWege, and seconded by Mr. Wengler, to adjourn the meeting at 12:19 p.m. Motion carried.

Next Meeting: June 23, 2022 – Board Meeting – Spokane & WebEx

Respectfully submitted



Ken Fuller, PE, Director