



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

BOARD MEETING MINUTES

DATE: June 17, 2021

TIME: 8:00 a.m.

LOCATION: Spokane Convention Center and WebEx

ATTENDANCE:

Board Members

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

Staff Members

Elizabeth Lagerberg, Advising AAG
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
Paul Bitar, Senior Financial Consultant

1. Call to Order at 8:02 a.m.

1.1 Roll Call

Mr. Blaisdell, Board Chair, took roll call.

1.2 Order of Agenda

A motion was made by Mr. VanDeWege, and seconded by Ms. Lund, to accept the agenda with the addition of agenda item 4.9 – Scope of Board’s role regarding engineered products.
Motion carried.

1.3 Approval of Meeting Minutes

A motion was made by Mr. Wengler, and seconded by Mr. VanDeWege, to accept the May 4, 2021 meeting minutes as written. Motion carried.

1.4 Review Correspondence & Communications

The Board reviewed the email from Ming Alwin, City of Seattle and the memo from NCEES regarding Washington Accord Guidance that were included in the board packet.

1.5 Public Comment Opportunity

None provided

2. Disciplinary Action

2.1 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

Mr. Blaisdell delivered the committee's report.

Discussion Topics:

1. Director's Report – Board/Agency operations

Mr. Larson and Mr. Fuller discussed the status of the office move. Painting, carpeting has been done. We are in the middle of getting the electronics and wiring finished. Furniture has been ordered. We expect to get moved in fully by August or early September.

Mr. Fuller discussed a hybrid model (50% at home, 50% in the office) for staff to work once we get fully moved in.

Mr. Blaisdell had questions regarding records management and POLARIS. Staff answered his questions, and Mr. Fuller explained that these topics will also be discussed at the Strategic Planning Session.

Mr. Bitar gave a high-level overview of the budget. Licensing fee collection are down about 7% this biennium. Fund balance at end of biennium will be about \$900,000.

2. Does the scope of the Board's role extend to engineered products?

A discussion was held regarding whether the board has any authority over engineered products. It was determined that if there was engineering performed, the board does have jurisdiction over the licensee, but not necessarily the product. Ms. Lagerberg said she felt it was more of a consumer protection issue, and a complaint could be filed with the Office of the Attorney General.

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

3.2 Practice Committee (PC)

Ms. Lund delivered the committee's report.

Complaint Summary:

Total Complaints Received	10
Engineering Complaints	2
Surveying Complaints	8
On-Site Designer Complaints	0

Total Administrative Closures	4
Engineering Closures	0
Surveying Closures	4
On-Site Designer Closures	0

Compliance Report:

Ms. Lund reported there are two individuals on compliance monitoring (Richard Russum, PLS and Russell Bodge) and both are currently in compliance with the terms of their board orders.

Action Items:

1. The PC recommends the Investigative through Legal Processes flowcharts be kept internal unless someone asks for them (not published on Website). They will also be included in the Board Members Manual.
2. The PC reviewed a question regarding Architect stamping structural design documents. Ms. Lund drafted a response to Mr. Alwin and it will be sent to him.
3. Ms. Short will send a certified letter to Mr. Bodge requesting an update on where he is with compliance of the board order.
4. The PC is recommending approval of the Board on revised WAC 196-25.
5. This year the PC updated and submitted to the Board for approval 3 WACs; and requested the Board repeal 3 policies.
6. This year's PC will put forward for next year's committee the following:
 - a. Move the database for questions up on priorities list and work with Ms. Moretti on researching an appropriate database.
 - b. Assist the AGOs Office on responding to Engineer/Architect stamping issues.

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

3.3 Exam Qualifications Committee (EQC)

Ms. Gnanapragasam delivered the committee's report

Overview:

- Re-exam application discontinuance
 - o EQC to recommend discontinuing reexam requirements beginning Jan 1, 2022 this is for PE/SE & PLS 6hr exams only this does not affect state specific PLS/OS exams
- Polaris update
 - o There are about 10 outstanding "bugs"
- SAW (Secure Access Washington)
 - o Applicants will now choose BRPELS instead of DOL
 - o All email requests for help come directly to us, and no longer will be going through DOL then to us. This cuts back on response time by a few days

- OS Designer Application & verification form mockup review
 - o Final adjustments made and final application/verification forms to be completed and on website by end of July
 - o OS WAC language updates being forwarded to next EQC
- FE equivalency pathway
 - o Current EQ recommends the next EQC to review and identify a pathway for FE exam equivalency

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

3.4 Survey Committee

Mr. Wengler delivered the committee's reports.

5/25/21 Discussion Topics

- Future of the WA state specific land surveyor's exam

Mr. Blaisdell gave a background on what the board has discussed in the past regarding the state specific LS exam. State specific items are included on the exam, as well as areas covered on the NCEES PLS exam. He discussed the writing of exam items, using subject matter experts (SMEs), board staff, and resources. At NCEES, he is on the PLS exam committee and they have been tasked with doing a detailed study regarding the exam going to a modular style exam – nationwide, for all PLS candidates. There would be 5 modules: boundary, PLSS, mapping sciences, incidental drainage, and a core survey exam.

Mr. Wengler stated he was under the impression that these modules were being created for easy mobility across the states for professional land surveyors, and a state specific exam may not be needed.

Questions that need to be considered:

How much it will be for the applicant to take the exam?

What modules will they have to take?

Is this going to preclude the meeting with SMEs in June? It will not. The module system still needs to be worked on at the NCEES, and it is still a few years away. More discussion about the future of the NCEES PLS exam after the NCEES Annual meeting in August.

If the module-type exam is implemented, does Washington need to have a state specific exam?

Could it be a take-home exam?

Do we need to change where we are going on the exam right now? No. If these modules do in fact become the new system in 2025, we can look at the state specific exam – it doesn't mean that we have to get rid of state specific questions, but we may be able to get rid of some of the basic land surveying questions that are now on the exam. It could possibly be a take-home exam.

We need to look at converting format from paper/pencil to computer-based.

The SMEs will be getting together to look at where we are missing items in the item bank, validate the questions in the item bank, decide which ones need to be deleted or rewritten.

Move forward with writing questions to fill in domain areas where there are few questions and making it a more robust exam.

Mr. Wengler asked about a take home exam instead of a secure exam on-line? Mr. Blaisdell did not think that would be an issue. He believes that a take-home exam would be good. Does a take-home exam need to be paper/pencil or on-line where you could take your time work to finish it.

A take-home exam can be tailored and flexible. A time-limit would be good to include, so that the exam is not out of date if an applicant takes too long to finish it. There needs to be a short-time frame to finish the exam.

The future of the survey exam is bright when it comes to the flexibility on how we qualify candidates in Washington. It will only get better, but the one thing we have to do is continue to shore up the item bank, fill in the domain areas, and look at the data to see how certain questions perform over time.

6/9/21 Discussion Topics

- Email from DNR and draft rule language – WAC 332-130

Mr. Wengler and Mr. Blaisdell had questions of Mr. Knuth regarding the draft language (amended) to WAC 332-130-020 – Definitions, Relative accuracy, and WAC 332-130-050 Survey Map requirements. They provided comments to Mr. Knuth for his group to consider.

- Update on LS Exam SME meeting

Mr. Larson provided the committee with an update on the LS Exam SME meeting. There will be one group of exam question writers, and one group of exam question testers. Meeting notices will go out to interested licensees by next week.

3.5 Structural Committee

Mr. Hendrickson delivered the committee's report.

At the June 7th meeting, the Committee reviewed the final changes to the Structural Application. The final document was sent to Ms. Moretti for formatting and posting by July 1, 2021.

4. New Business

4.1 WAC 196-25 Approval Request (from PC)

The Board discussed the latest draft of proposed WAC 196-25 and determined additional changes need to be made. The PC agreed to reexamine the WAC based on some of the feedback from the discussion and will bring it back to the Board for review at the next meeting.

4.2 Architect stamping structural design documents (from PC)

The Board discussed the email from Ming Alwin with the Department of Construction and Inspections of City of Seattle regarding an architect stamping structural design documents. The Board agreed that the Seattle building code cited in the email may be confusing. Mr. Blaisdell tasked Ms. Lund, with the assistance of Ms. Lagerberg and Mr. Fuller, to respond on behalf of the Board.

4.3 Discontinue Re-Exam Applications beginning January 1, 2022 (from EQC)

The Board discussed its current re-exam procedure.

A motion was made by Ms. Lund, and seconded by Mr. Hendrickson, to approve the EQC recommendation to discontinue re-exam applications effective January 1, 2022, unless the WAC changes become effective before that. Motion carried.

4.4 Board Journal Content and Posting Informal Actions

On the advice of the AGO, the Board decided to stop publishing informal actions on the website and in the Journal. Instead, Mr. Fuller will work with Ms. Lagerberg and Ms. Short and draft informative and/or educational examples to share with licensees based on issues identified in investigations with no action and administrative closures.

4.5 2021 NCEES MBA Resolution of Cooperation

The Board discussed NCEES MBA Resolution of Cooperation and Mr. Blaisdell tasked Mr. Fuller with drafting a response with an explanation of the Board's reasoning and reluctance to sign. Mr. Fuller also agreed to have board members review the correspondence before sending it to NCEES.

A motion was made by Mr. Hendrickson, and seconded by Mr. Wengler, to approve the resolution. Motion failed.

4.6 Report from NCEES Western Zone Meeting

Mr. Blaisdell and Mr. Fuller reported on the virtual NCEES Western Zone Interim Meeting they attended in May. At the meeting, Mr. Blaisdell facilitated the Surveying Breakout Forum and a new zone secretary-treasurer was elected.

4.7 Strategic Planning Session Report

Mr. Fuller gave a report of the Strategic Planning Meeting held the day before.

- Mr. Fuller will put together notes of the planning session based on the flip chart exercise that board members took part of at the meeting.
- The Executive Committee will provide ongoing oversight of the strategic plan and will provide an update at each board meeting. The Board agreed an annual strategic planning session would be helpful and scheduled the next one for June 2022.
- Mr. Fuller will work with Ms. Lund and Mr. Bitar on developing next biennium's budget.
- An ad hoc Outreach Committee was established to review the communication plan and develop a job description for a new outreach position. The committee will be chaired by Mr. Hendrickson and consist of board members Mr. Peden and Ms. Lund along with staff participation from Ms. Cramer and Ms. Moretti.

- The Board also established an ad hoc On-site Wastewater Committee. This committee will be chaired by Ms. Gnanapragasam and consist of three or four SMEs and Ms. Cramer as staff lead.

4.8 Election of 2021-2022 Officers

The Nominating Committee, consisting of Mr. VanDeWege and Ms. Gnanapragasam, provided the nominees of Ms. Lund for Board Chair and Mr. Hendrickson for Vice Chair.

A motion was made by Mr. Wengler, and seconded by Mr. Peden, to accept the nominating committee's recommendations. Motion carried.

4.9 Scope of Board's role regarding engineered products (from Executive Committee)

Mr. VanDeWege described a situation he's become aware of regarding a product with a dangerous safety issue and high failure rate. Because it's a product that's not engineered in the state and it's unclear whether the problem is actually in the engineering or fabrication of the product, the Board doesn't have authority to address the matter.

Ms. Lagerberg proposed the AGO's Consumer Protection Division as an option for individuals that wish to file a complaint and noted the Board could also choose to send a letter to CPSC.

5. Old Business

None

6. Director's Report

6.1 Financial Report

Mr. Bitar stated the Board is currently in sound financial condition and projects the agency will end the current biennium with about \$914K in its operating account. There are some expenses related to the new office that won't be incurred in the current biennium. He also noted that expenditures have been low and agency revenues look strong although they are still down by 7% compared to the prior biennium.

6.2 Agency Operations

Mr. Fuller asked the Board if there were any questions on topics previously discussed: office move; facility lease; contracts with DOL, DES, and WaTech; and the central service model.

6.3 Other Items

- NCEES shared its Annual Meeting motions during the recent State of the Council Presentation and Mr. Fuller shared a couple he thought the Board may want to take note of:
 - Public outreach motion regarding a young engineers survey, to start reaching the future of the industry.
 - Motion on field experience for land surveyors that are not able to be in the field.

An in-depth discussion on NCEES' Annual Meeting motions is on the agenda for the August board meeting.

- Mr. Fuller will email the most recent draft of DOL Statement of Work #2 for everyone to review, including Ms. Cramer since it primarily addresses Polaris license and compliance software, revenue processing, and a potential scanning option for paper applications.
- Mr. Fuller will be working with the AGO's office to get a Prosecutor assigned to the Board.

7. Assistant Attorney General's Report

7.1 Formal AGO Opinion - Authority of Engineer to Stamp and Sign Architectural Drawings for Submission for Building Permits

The Board reviewed the Formal AGO Opinion AGO 2021 No.2 submitted to Representative Walen on March 31, 2021.

Ms. Lagerberg also informed the Board of a publication that the Department of Ecology wants to put out as guidance to their engineers regarding stamping.

Mr. Fuller is going to email the Ecology Report to everyone, and comments from board members should be sent back to him and Ms. Lagerberg. Ms. Lagerberg will then work with Mr. Fuller, Mr. VanDeWege, Mr. Hendrickson, and Mr. Wengler on an official response.

7.2 Honeyford Request for Formal AGO Opinion

The Board and Ms. Lagerberg discussed a new Request for a Formal AGO Opinion from Senator Jim Honeyford. Ms. Lagerberg will work with Mr. Peden, Ms. Gnanapragasam, Mr. Blaisdell, and the Architect's Board to develop a plan to move forward on the Honeyford Request for Formal AGO Opinion. Ms. Moretti will provide administrative support to the group by scheduling and setting up meetings.

8. Other Business

8.1 Additional Public Comment

None Provided

8.2 Upcoming Outreach and Events

June 23rd – Society of Naval Architects and Marine Engineers (SNAME) Pacific Northwest Section PE Ethics and Law Refresher (Mr. Hendrickson & Mr. Fuller)

8.3 Rolling Action Item List + Action Items from This Meeting

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

1. Ms. Short will provide statutes regarding sole proprietorship from the Secretary of State and Department of Revenue.
2. Ms. Lund will revise response to Ming Alwin at the City of Seattle Department of Construction and Inspections.
3. Ms. Short will email Ms. Lagerberg a link to Guidelines for Building Officials on the DOL website.

4. Instead of posting informal actions on the website and in the Board Journal, Ms. Lagerberg, Mr. Fuller, and Ms. Short will identify and draft informative and educational content based on issues found in complaints. These will be presented to the board to review before publication.
5. Mr. Fuller will draft a response to 2021 NCEES MBA Resolution of Cooperation for the Board to review.
6. Ms. Lund, Mr. Bitar, and Mr. Fuller will work together on next biennium's budget.
7. Mr. Fuller will email Ms. Lagerberg's latest draft of the Statement of Work with DOL to everyone for review. All comments and edits should be sent directly back to him.
8. Mr. Fuller is going to email the Ecology Report to everyone, and comments should be sent to both him and Ms. Lagerberg. Ms. Lagerberg will then work with Mr. Fuller, Mr. VanDeWege, Mr. Hendrickson, and Mr. Wengler on an official response.
9. Ms. Lagerberg will work with Mr. Peden, Ms. Gnanapragasam, Mr. Blaisdell, and the Architect's Board to develop a plan to move forward on the Honeyford Request for Formal AGO Opinion. Ms. Moretti will provide administrative support to the group by scheduling and setting up meetings.
10. Ms. Short will send a certified letter to Mr. Bodge to find out where he's at and whether he's still in compliance with his board order.

8.4 Agenda Items for Next/Upcoming Meetings

- NCEES Annual Meeting Motions

9. Adjourn Meeting

- 9.1 The meeting was adjourned at 1:45.

Next Meeting: August 12, 2021 – Special Board Meeting – SeaTac and WebEx

Respectfully submitted



Ken Fuller, PE, Director