



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

BOARD MEETING MINUTES

DATE: June 23, 2022

TIME: 8:00 a.m.

LOCATION: Spokane Convention Center, Spokane, WA and WebEx

ATTENDANCE:

Board Members

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

Guest(s)

Tom Barger, PLS (WebEx)

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)
Greg Schieferstein, Outreach and Communication Manager (WebEx)

1. Call to Order at 8:01 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. Peden, to accept the April 21, 2022 meeting minutes as written. Motion carried.

1.4. Review Correspondence & Communications

The Board reviewed an email from Mr. Schwegel requesting a Letter of Support regarding NCEES Traffic Engineering Licensing Exam and directed Mr. Fuller to respond to Mr. Schwegel explaining the Board isn't convinced there's a sufficient population to generate another NCEES test module and suggest that he contact engineering societies and professional organizations who can test the waters and assess the need.

1.5. Public Comment Opportunity

None provided.

Executive Session

Ms. Lund, Board Chair, announced that the Board would move into closed session to consult with the board attorney, discuss matters related to enforcement and cases in current litigation. It was estimated Executive Session would last from 8:28 until 8:50 a.m. followed by a short break for meeting participants.

Open Session Reconvened – 9:00 a.m.

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

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 \$1.7 million in its operating account and is on track to underspend appropriation this biennium.

- Director's Report Board/Agency operations

- Potential fee reduction (2-year cycle)

Mr. Fuller requested that the committee approve staff to conduct a fee study to see how the board can reduce the amount of money in its' operating account, to avoid any potential fee sweeps by the legislature.

The committee charged staff to work with Mr. Bitar to look at ways to reduce the fund balance.

- Discuss: what constitutes unprofessional conduct charge?

Mr. Fuller asked if the board wants to discuss/determine a process of where do we draw a line to what constitutes unprofessional conduct charge versus remedial counseling / education?

The committee determined that a presentation should be given before the full Board at the August meeting and directed staff to work with our attorneys to review "Standard of Care" in the industry to outline an objective process of what errors or how many errors may trigger moving forward with a formal investigation. They also requested that the bodies of code (RCW 18.43.105, 18.235.130, WAC 196-29-110) be considered, and a discussion of whether violations are misconduct or malpractice.

- On-line licensing system update

Ms. Cramer provided the committee with a status report on Polaris. She stated that she has been working on getting a commitment from DOL to have one dedicated DOL employee to sit down with BRPELS staff, once a week for about an hour, to discuss outstanding issues/bugs within Polaris that affect BPPELS licensees.

Ms. Cramer informed the committee there was recently a “bug” regarding a batch process for renewals. The renewals were not being sent out prior to expiration, and licensees were only receiving notification the day after their license expired. DOL was informed, and they are working on getting the issue fixed.

- Communication & Outreach Manager’s Report

Mr. Schieferstein provided the committee an overview of the outreach projects he is currently working on and pending projects.

- Review of NCEES Annual Meeting motions

The committee reviewed and discussed the NCEES Annual meeting motions. Mr. Fuller discussed motion EPP 12, and was concerned about the language, considering previous litigation about ADA accommodations.

The committee directed Mr. Fuller and Ms. Lagerberg provide a response for the Board to consider at the August Board meeting. The committee further directed Mr. Fuller contact NCEES and request this motion be taken off the consent agenda.

- 2023 Legislation processes

Ms. Gillespie provided a brief overview of the 2023 legislative check list that is required for agency sponsored legislation. Staff is working on completing the checklist and will keep the committee updated.

- Review of Strategic Planning Items

The committee reviewed the strategic planning items below.

Staff requested removal of the action item regarding rulemaking for WAC 196-26A & WAC 196-30, to start charging a fee for duplicate wall certificates. The reason for the request is that it doesn’t appear there are an inordinate amount of duplicate certificate requests, and it seems contrary to ask for this additional fee, when the board may be considering reducing other fees to lower the board’s fund balance.

Active 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 from this meeting

- Staff to work with Paul to look at ways to reduce the fund balance.

- Staff to work with the board attorneys to review “Standard of Care” in the industry to outline an objective process of what errors or how many errors may trigger moving forward with formal investigation/statement of charges for presentation at August board meeting.
- Mr. Fuller and Ms. Lagerberg to provide a response regarding NCEES Annual Meeting motion EPP 12 for the Board to consider at the August Board meeting.
- Mr. Fuller to contact NCEES and request motion EPP 12 be taken off the consent agenda.
- Staff requested removal of the action item regarding rulemaking for WAC 196-26A & WAC 196-30, to start charging a fee for duplicate wall certificates.

A motion was made by Mr. Wengler, and seconded by Mr. Hendrickson, 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	12
Engineering Complaints	6
Surveying Complaints	6
On-Site Designer Complaints	0
Total Administrative Closures	6
Engineering Closures	4
Surveying Closures	2
On-Site Designer Closures	0

Compliance Report:

Mr. Hendrickson reported there are currently 3 individuals on compliance monitoring (Richard Russum, PLS; Muhannad Attili, PE; and Ryan Hawkins). All three are in compliance with the terms of their board orders.

Discussion Item:

- The Practice Committee (PC) reviewed RCW 18.43.050; RCW 18.43.080; RCW 18.43.033; RCW 18.43.030; and RCW 18.43.015 (new section); RCW 18.43.010; RCW 18.43.020; and RCW 18.43.200 and will be recommending the Board approve the changes as presented in New Business.

Previous/Ongoing Action Items:

1. Assist the AGOs Office on responding to Engineer/Architect stamping issues. (Ongoing)
2. Staff is working with a consultant to create a SharePoint library for board member questions/answers.

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

3.3. Exam Qualifications Committee (EQC)

Mr. VanDeWege delivered the committee's report.

6/16/22 Discussion Topics

- Mobility agreements and IEA

Guest speaker: Patty Mamola, PE, Nevada State Board of Professional Engineers and Land Surveyors Executive Director.

- Patty Mamola, Executive Director of the Nevada State Board gave a presentation on Mobility Agreements and how the Nevada State Board accepts international engineers.

IEA (International Engineer Agreement) is a global not-for-profit organization, which comprises members from 41 jurisdictions within 29 countries, across seven international agreements. These international agreements govern the recognition of engineering educational qualifications and professional competence.

Through the Educational Accords and Competence Agreements members of the International Engineering Alliance establish and enforce internationally benchmarked standards for engineering education and expected competence for engineering practice.

- LSIT application review

CBeps & foreign experience

The EQC reviewed an application requesting certification from CBeps (Canada) to be equivalent to LSIT and approved to move forward for the PLS and state exam. The application was not approved because the applicant only completed CBeps certification requirements and is not a licensed PLS in Canada. To be considered for the equivalency process, the applicant must be licensed in another jurisdiction, WAC rules do not allow for equivalency pathway.

- Staff to contact NCEES to see if they have any knowledge or information concerning foreign degree evaluation service Spantran. (See NCEES response).

- PE Application

- Exam request
- Experience review

To be reviewed at the 6/22/22 committee meeting CBeps & foreign experience

- Review of Draft Exam Equivalency Form

Staff to correct a few minor updates (grammar) and form to be revisited for completion at the 6/22/22 EQC meeting.

- WAC 196-12

The EQC worked on the Concise Explanatory Statement and Ms. Gillespie will incorporate changes for another review at the 6/22/22 meeting.

- WAC 196-32 – On-Site Designer and Inspector chapter language review
To be reviewed at the 6/22/22 committee meeting

6/22/22 Discussion Topics

- Spantran
Staff to complete research additional information on whether Spantran accepts transcripts directly from the applicant or University?
- Application Review – PE Application by Exam
The committee determined that further review is required. Staff will email applicant and request additional information pertaining to a verifier that has not responded.
- Review of Draft Exam Equivalency Form
The committee reviewed the final draft and approved the new application.
- WAC 196-12
Review of the Concise Explanatory Statement was moved to the August EQC meeting.
- WAC 196-32 – On-Site Designer and Inspector Chapter language review
Review of WAC 196-32 revisions was moved to the August EQC meeting.

A motion was made by Mr. Blaisdell, 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.

6/16/22 Discussion Topics

- LS exam SME report
The committee agreed with staff's request that this item be postponed and placed on the agenda for the in-person meeting next week.
- Survey monument protection – email
This email was a FYI only and no response is needed. However, Mr. Fuller suggested that the Board or staff engage with DNR regarding their proposed legislation. Mr. Wengler informed the committee he was asked by DNR to help with the language but was unsure if he would help.

Mr. Blaisdell is recommending any DNR survey bill be tracked by the Executive Committee. Staff informed the committee that when notification of the bill is received, they will make it a high priority bill on reports provided to the Executive Committee.
- 02-14-2022 letter: Recording monument replacement
The committee discussed this letter and decided that it should be an agenda item at next week's meeting. Staff will search for any prior opinions issued and provide them to the committee as reference.

- Discuss control of stamp and electronic documents

The committee discussed the issue of what is the professional's responsibility and what liability does a professional have when a previously signed and sealed document is used by other professionals or even the public for another project? If it becomes an issue of a complaint, and the licensee can provide documentation of as it left their office, they would not be in violation of any RCW/WAC under the Board's authority. Also, if something gets changed on the document, it is not the responsibility of the licensee.

- Survey titles

Since the Practice Committee is working on professional titles in RCW 18.43, Mr. Blaisdell asked the committee to consider if there should be language regarding "project surveyor," "review surveyors," "construction surveyors." Does use of these titles have the public assume they are licensed professional land surveyors? Comments that putting the word "land" before surveyor may be problematic.

Staff was directed to add this to the agenda for next week's meeting in Spokane.

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

Action items from this meeting

- Staff was directed to add topic items from this meeting to next week's agenda.
- Staff to search for any prior opinions issued and provide them to the committee as reference.

6/22/22 Discussion topics:

- LS exam SME report

Mr. Fuller provided the committee with a PLS exam project report. Staff will be working to put all of the exam question materials into one folder and saving all of the information into word documents. The report also outlines how those documents will be shared with the LS SMEs during an exam question workshop.

Mr. Fuller also informed the committee that we will be purchasing scanning equipment and software within the next month that will replace the current system of hand grading exams, and manually providing question performance.

Mr. Wengler requested that staff provide the committee members with exam question performance over the last four administrations.

- 02-14-2022 letter: Recording monument replacement

Mr. Wengler and Mr. Blaisdell will be working on answering the questions from DNR and the Survey Advisory Board. Mr. Larson and Ms. Gillespie will research the board's records for previous answers to the questions and provide them to the committee members within two weeks.

- Survey titles

Tabled until next committee meeting

Strategic Planning Items

- Determine the pathways to state specific PLS exam (in process – tied to the LS project report)
- Work with DNR on the Survey Recording Act and associated WACs to determine our regulatory direction for “intelligent interpretation” and other items (in process)

3.5. Structural Committee

Mr. Peden delivered the committee’s report.

6/14/22 Discussion Topic

- NCEES SE Exam Moving to CBT Testing

The committee discussed the fact that NCEES will be moving to 16-hour CBT exam with the first administration scheduled for April 2024. Chun Lau, PE, SE and Ed Huston, PE, SE were invited guests that shared their involvement and historical knowledge of the process leading up to the upcoming SE CBT exam.

6/22/22 Discussion Topics

- NCEES SE Exam Moving to CBT Testing

The committee discussed the information gathered at the last meeting and determined the next steps moving forward. The committee directed Mr. Fuller to reach out to structural engineering organizations in Washington, Oregon, and California to see what concerns they may have regarding the new exam format. The committee also asked Mr. Fuller to initiate another Western Zone meeting where this topic can be discussed with other states.

- RCW 18.43 Definitions

The committee determined the Significant Structures definition outlined in RCW 18.43.020 (12) is appropriate and no further review is necessary.

3.6. On-Site Committee

Ms. Gnanapragasam delivered the committee’s report.

Discussion Topics

- On-Site Mentoring Program

WOSSA has agreed to take on the mentoring program and will bring recommendations to the committee for review. Committee member, Ric Wilkerson, has agreed to serve as the liaison between the On-Site Committee and WOSSA.

- Final review of proposed changes to WAC 196-32

The committee reviewed proposed revisions to WAC 196-32 regarding the required design experience for inspectors and asked staff to solicit comments from stakeholders.

- Inspector Verification Form Draft Review

The committee asked staff to make additional edits to the form and bring it back for review at the next meeting.

- Review of reexam statistical data

The committee reviewed the pass/fail rates over the last 5 years and asked staff to provide additional data, e.g. total number of examiners per exam; how many 1st timers are passing; and how many times applicants are taking the exam before passing.

Action Items

- Ms. Gillespie will incorporate the committee's edits to the Inspector Verification form.
- Staff will solicit comments via Constant Contact regarding the changes to WAC 196-32 and based on the response, organize a workshop or forum to allow for public comments.
- Staff is going to revise the state specific exam survey to collect statistical data about exam difficulty, number of retakes, etc.
- The On-Site Committee plans to recruit new members from the east side of the state to ensure the other side of the state is represented on the committee.

4. New Business

4.1. Proposed Language for RCW 18.43.100 (from EQC)

The Board reviewed the Exam Qualifications recommendation of proposed changes to RCW 18.43.100.

A motion was made by Mr. Hendrickson, and seconded by Mr. Wengler, to accept the proposed revisions to RCW 18.43.100 and move forward with gathering stakeholder and legislative input. Motion carried.

4.2. Proposed Language for RCW 18.43 (from PC)

The Board reviewed the Practice Committee recommendation of proposed changes to RCW 18.43.100.

A motion was made by Mr. VanDeWege, and seconded by Mr. Blaisdell, to accept the proposed revisions to RCW 18.43.100 as amended at the meeting, with a few typo corrections that Ms. Gnanapragasam will send to Ms. Gillespie, and gender clarity edits as now required. Motion carried.

A motion was made by Mr. Hendrickson, and seconded by Mr. Blaisdell, to have the Practice Committee work with staff to determine how to move forward with stakeholder and legislative involvement for all RCW 18.43 proposed changes the Board is recommending. There was a friendly amendment from Ms. Lund for the PC to include Ms. Lagerberg in the process. Motion carried.

4.3. Withdraw of Action Item and CR101 regarding charging for Additional Wall Certificates WAC 196-30 and WAC 196-26A.

Ms. Gillespie explained that the request for additional wall certificates is minimal, and the administrative cost of processing payments would be greater than generating and mailing a new one.

A motion was made by Mr. Wengler, and seconded by Mr. Peden, to withdraw action and CR101 regarding charging for additional wall certificates. Motion carried.

4.4. Approval of Concise Explanatory Statement & Filing of CR103 for WAC 196-12 (from EQC)

Discussion postponed until the next meeting.

4.5. Election of 2022-2023 Officers

The Nominating Committee, consisting of Mr. VanDeWege and Mr. Blaisdell, provided the nominees of Mr. Hendrickson for Board Chair and Mr. Peden for Vice Chair.

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

5. Director's Report

5.1. Financial Report

Mr. Fuller referred board members to Mr. Bitar's financial report that was included in the packet and asked if there were any questions. Note: Mr. Bitar provided an overview at the 6/22/22 Executive Committee meeting which can be found in agenda item 3.1.

5.2. Agency Operations

Mr. Fuller stated that the agency is purchasing a Scantron reader and software to grade state specific exams. The system will also allow for data collection and reporting.

Mr. Fuller also informed the Board that the agency has engaged a consultant, Diane Gallagher with Vorsite, LCC, to build out the SharePoint site and make it more efficient for staff and board members. She will also be developing a way to use SharePoint as a project management tool for tracking, reporting, and holding staff accountable.

Mr. Fuller let the board know that the agency has also hired a consultant to provide leadership and team development to drive better communication, expectations, and performance.

5.3. Other Items

5.3.1. Alliance for Responsible Professional Licensing (ARPL) – Universal License Request

Mr. Fuller led a discussion on a national anti-licensing movement and provided information from Alliance for Responsible Professional Licensing and NCEES regarding their response and efforts against threats to licensure in other states.

5.3.2. Communication & Outreach Project Report

Mr. Schieferstein provided a summary of the Communication and Outreach report that was included in the board packet.

6. Assistant Attorney General's Report

Ms. Lagerberg stated she didn't have anything new to report but was open to questions.

7. Other Business

7.1. Additional Public Comment

None Provided

7.2. Upcoming Outreach and Events

None Provided

7.3. Action Items from This Meeting

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

1. Mr. Fuller will respond to Mr. Schwegel.
2. Ms. Lund assigned unprofessional conduct topic to Practice Committee.
3. Ms. Cramer will send Mobility Agreement/IEA presentation to Board & Staff.
4. Ms. Cramer will share IEA foreign licensure information with Ms. Gnanapragasam.
5. Onsite Committee will start looking at WAC 196-32 regarding 1-year Onsite Inspector experience requirement.
6. Ms. Gnanapragasam will send Ms. Gillespie minor edits to RCW 18.43.
7. Practice Committee will work with Ms. Lagerberg and staff on developing steps to move forward with changes to RCW 18.43 e.g., preliminary stakeholder feedback and possible legislative involvement.

7.4. Agenda Items for Next/Upcoming Meetings

1. Update to RCW 18.43 next step development
2. Motions for NCEES Annual Meeting

8. Adjourn Meeting

A motion was made by Mr. Blaisdell, and seconded by Mr. VanDeWege, to adjourn the meeting at 12:53 p.m. Motion carried.

Next Meeting: August 11, 2022 – Special Board Meeting – SeaTac & WebEx

Respectfully submitted



Ken Fuller, PE, Director