

# Washington State Board of Registration for Professional Engineers & Land Surveyors

## Board Meeting

August 11, 2022

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# Board Meeting

## Tab 1

### Call to Order

- 1.1 Roll Call
- 1.2 Order of Agenda
- 1.3 Approval of June 23, 2022 Meeting Minutes
- 1.4 Review Correspondence & Communications
  - 1.4.1 Walesh Email Regarding Engineering Licensing Exemptions
- 1.5 Public Comment Opportunity



## STATE OF WASHINGTON

## BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

## Special Board Meeting Agenda

**DATE & TIME:** August 11, 2022 11:00 a.m.

**LOCATION:** SeaTac Conference Center  
17801 International Blvd  
Seoul Meeting Room  
Seattle, WA 98158

and [WebEx Link](#)

or

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**ATTENTION:** All meetings are open to the public except when business calls for a Closed Session. During Closed Session all guests will be excused. Start times are subject to change by the Board or Committee Chair.

**OPEN SESSION****1. Call to Order**

- 1.1. Roll Call
- 1.2. Order of Agenda
- 1.3. Approval of June 23, 2022 Meeting Minutes
- 1.4. Review Correspondence & Communications
  - 1.4.1. Welsh email regarding engineering licensing exemptions
- 1.5. Public Comment Opportunity

**EXECUTIVE SESSION:** The chair will announce the purpose and estimated duration for Executive Session. No formal actions will be taken during Executive Session. Once Executive Session concludes, the Board will take a break to announce and invite visitors to Open Session.

**OPEN SESSION RECONVENES****2. Disciplinary Action**

- 2.1. Case Closures
- 2.2. Disciplinary Report

**3. Committee Reports**

- 3.1. Executive Committee
- 3.2. Practice Committee
- 3.3. Exam Qualifications Committee
- 3.4. Survey Committee
- 3.5. Structural Committee
- 3.6. On-Site Committee

**4. New Business**

- 4.1. Approval of Concise Explanatory Statement & Filing of CR103 for WAC 196-12 (from EQC)
- 4.2. Update on Development of RCW 18.43 Next Steps (from PC)
- 4.3. Approval of Monument Removal/Replacement Response to DNR (from Survey Committee)
- 4.4. NCEES Annual Meeting Motions
- 4.5. Amendment to Existing Agreed Order - Hawkins (from PC)

**5. Director's Report**

- 5.1. Financial Report
- 5.2. Agency Operations
- 5.3. Program Reports
  - 5.3.1. Communication & Outreach
  - 5.3.2. Regulatory
  - 5.3.3. Investigation & Compliance
  - 5.3.4. Licensing
  - 5.3.5. Admin
- 5.4. Other Items

**6. Assistant Attorney General's Report**

- 6.1. AGO Opinion

**7. Other Business**

- 7.1. Additional Public Comment
- 7.2. Upcoming Outreach and Events
- 7.3. Action Items from This Meeting
- 7.4. Agenda Items for Next Meeting

**8. Adjourn Meeting**



**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:

<b>Total Complaints Received</b>	<b>12</b>
Engineering Complaints	6
Surveying Complaints	6
On-Site Designer Complaints	0
<b>Total Administrative Closures</b>	<b>6</b>
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 provided additional data, e.g. total number of examiners per exam; how many 1<sup>st</sup> timers are passing; and how many times applicants are taking the exam before passing.

#### Action Items

- Ms. Gillespie will incorporate the committees 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

**From:** STU WALESH <[stu-walesh@comcast.net](mailto:stu-walesh@comcast.net)>

**Sent:** Thursday, July 28, 2022 10:51 AM

**To:** STU WALESH <[stu-walesh@comcast.net](mailto:stu-walesh@comcast.net)>

**Subject:** What's more important – Preventing a bad-hair day or a bad-flight day?

**Engineering licensing board members and related government personnel:**

Licensure laws for U.S. professions protect the public. However, as you know, states (except two) allow major exemptions to engineering licensure laws.

As a result, many engineering organizations that conduct risky engineering projects do so without guidance and sign-off by competent and accountable Professional Engineers (PEs) who are ethically and legally bound to hold public protection paramount. Exemptions place the public at unnecessary risk.

Besides endangering citizens, these laws create bizarre situations. For example, Washington State's licensure law for hair stylists and barbers allows no exemptions from licensure. In stark contrast, the state's engineering licensure law provides many exemptions, including Boeing engineers who design and manufacture 200-passenger commercial aircraft that fly 520 miles per hour.

Washington's licensure laws suggest that preventing a "bad-hair day" is more important than preventing a "bad-flight day."

For more information, see my book [\*Engineering's Public-Protection Predicament\*](#).

I try, for the sake of public safety, to inform the American public about their unnecessary risk with the hope that some will urge state licensing boards, perhaps yours, and legislatures to reduce/eliminate exemptions to engineering licensure laws.

**Suggestion:** Based on my long-ago service on a licensing board, please consider this idea. At a near future meeting of your board, carefully look at the exemptions your law/rules allow. Ask yourself who is best-served by those exemptions, the public or business? If the latter, fix it. Thank you.

Stu

Stuart G. Walesh, Ph.D., P.E.  
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# **Board Meeting**

## **Tab 2**

### **Disciplinary Activity**

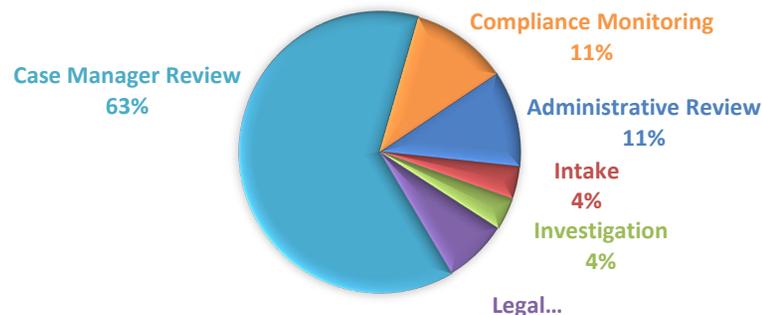
- 2.1 Case Closures
- 2.2 Disciplinary Report

## Board of Registration for Professional Engineers Land Surveyors Disciplinary Report - August 2022

### Open Case Status

Status	Program Type			Total
	Engineers	Land Surveyors	OSW	
Administrative Review	3	0	0	3
Intake	0	1	0	1
Investigation	0	1	0	1
Legal	0	2	0	2
Case Manager Review	2	15	0	17
Compliance Monitoring	2	1	0	3
<b>Total</b>	<b>7</b>	<b>20</b>	<b>0</b>	<b>27</b>

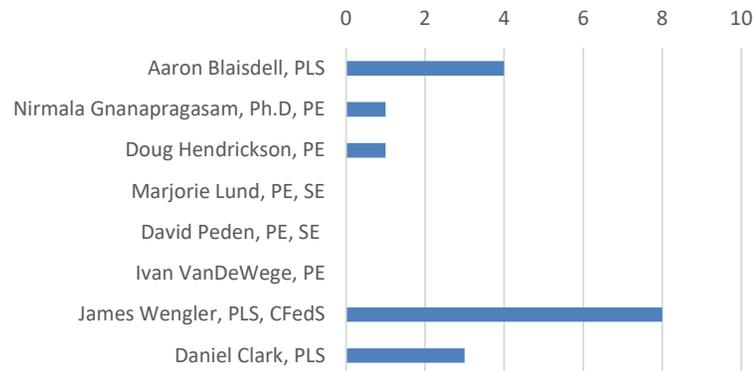
### Open Complaint Status



### Case Manager Review

Case Manager	Program Type		Total
	Engineers	Land Surveyors	
Aaron Blaisdell, PLS		4	4
Nirmala Gnanapragasam, Ph.D, PE	1	0	1
Doug Hendrickson, PE	1	0	1
Marjorie Lund, PE, SE	0	0	0
David Peden, PE, SE	0	0	0
Ivan VanDeWege, PE	0	0	0
James Wengler, PLS, CFedS	0	8	8
Daniel Clark, PLS	0	3	3
<b>Total</b>	<b>2</b>	<b>15</b>	<b>17</b>

### Case Manager Open Complaints



### Administrative Review

Board Staff	Engineers	Land Surveyors	OSW	Total
Ken Fuller, PE	3	0	0	3
Rich Larson, PLS	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>

# **Board Meeting**

## **Tab 3**

### **Committee Reports**

- 3.1 Executive Committee
- 3.2 Practice Committee
- 3.3 Exam/Qualifications Committee
- 3.4 Survey Committee
- 3.5 Structural Committee
- 3.6 On-Site Committee

# Board Meeting

## Tab 4

### New Business

- 4.1. Approval of Concise Explanatory Statement & Filing of CR103 for WAC 196-12 *(from EQC)*
- 4.2. Update on Development of RCW 18.43 Next Steps *(from PC)*
- 4.3. Approval of Monument Removal/Replacement Response to DNR *(from Survey Committee)*
- 4.4. NCEES Annual Meeting Motions
- 4.5. Amendment to Existing Agreed Order - Hawkins



STATE OF WASHINGTON  
**BOARD OF REGISTRATION FOR  
 PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
 P.O. Box 9025, Olympia, WA 98507-9025

**Washington Administrative Code  
 Notice of Permanent Rules for WAC 196-12  
 Registered professional engineers**

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 196-12

**Effective date:** These rule changes will become effective 31 days after filing (approximately **September 15, 2022**).

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

**Comment:**

In the interest of providing clarity and consistency with State Law RCW 18.43 for the non-attorney professionals and general public, I suggest the following changes/comments:

- a) WAC 196-12-010 – Maintain the heading “Registration” instead of changing to “Licensure.”

Rationale – Using Registration is consistent with RCW 18.43.010 language

- b) WAC 196-12-010(1)(a) – Maintain the use of “practical” in referring to work experience or perhaps use text similar to RCW 18.43.060 “experience in engineering work.”

Rationale – not all work or employment responsibilities is engineering. Using similar text to RCW 18.43 reinforces and avoids ambiguity to the reader.

- c) WAC 196-12-010 – Edit to read “(B) An equivalent examination as determined by the board which tests the applicant’s knowledge of appropriate fundamentals of engineering subjects including mathematics and the basic sciences as defined in RCW 18.43.040(1)(b)(i) and was administered by a board approved foreign jurisdiction”

Rationale – adding the reference to a foreign jurisdiction assists with providing clarity that the board is intending to limit their acceptance of alternative examinations to those entities and is not unintentionally allowing others (businesses, agencies, or organizations) within the United States to do so.

- d) New Section WAC 196-12-014 (2)(b)(ii) – Edit to include supervisors or verifiers engineering credentials.

Rationale – (I think that is what the text might be intending) it ensures supervisors have engineering knowledge and background to be able to make engineering judgement determinations that the applicant is competent to practice and to be considered for licensure in Washington State.

- e) WAC 196-12-021 (6) – Support the removal of “technology” in the last sentence.

Rationale – the proposed edit provides clarity.

- f) WAC 196-12-045 – Add website link to the list of board currently recognized branches

Rationale – links are proposed in other WAC changes, and it would be useful to have the information readily available.

**Response:**

- a) The Board believes that the term “Licensure” is a more contemporary term, and most applicants will identify with that term. Most people understand that registration and licensure have similar meanings.
- b) The word “practical” has been put back in the language.
- c) The Board agrees with this change, and the language has been added.
- d) Additional language, referring to RCW 18.43.050 is being added. This RCW states verification of work experience be from professional engineers that supervised the applicant’s work.
- e) The Board appreciates your support.
- f) We will add a link when available.

**Comment:**

I am a licensed PE in Washington. The wording here would not allow me to get a Washington license. When I came to the US, there was a provision to waive the FE exam. If you could demonstrate you had the equivalent of ABET courses, you have professional registration somewhere in the world, and you could pass the PE exam, you basically had the fundamentals under your belt. There is a principle in the engineering profession that you act within your realm of competency.

Exam equivalency cannot be readily identified or could be burdensome within the current revisions. With the current revisions it’s the FE or an equivalent exam. What I am advocating for, is that a professional engineer that has many years of registration in another jurisdiction whether internationally or in the US and can pass the PE exam, it is reasonable that they should be able to get an exemption on the FE exam or the Board should have the discretion in determining whether that was required or not. At the moment the wording states it’s the FE exam or some equivalent. The definition of equivalency appears to be either difficult to either define or satisfy and that potentially leaves the board in a position where they could not give either a PE license or entry into the PE exam. They need more discretion at their availability to make judgement of a candidate.

**Response:**

The FE waiver language that used to be in rule was repealed in 2015, based upon advice from the Board's Assistant Attorney General Advisor. The Board is currently working on amending language in RCW 18.43.100 that will allow applicants to waive the FE exam if they meet the requirements established by the board in that section and in rule.

**Comment:**

It looks to me, and maybe someone could clarify it, on the FE exam, section (A)(i), you've eliminated the exemption for Canadians but then you say or an equivalent exam as determined by the board. Isn't that going to eliminate the Canadians, because they don't have to take a FE exam to get their PEng?

I understand the intent, but the way it's worded, would leave you to believe there isn't going to be that exemption for Canadians.

**Response:**

We are expanding that exception for other foreign jurisdictions, which will include Canada. There will be a process regarding exam equivalency for the applicant to complete.

**Comment:**

In WAC 196-12-020 Work experience records, it looks like you fully eliminated item 2. I would like an explanation or rationale why you eliminated it.

**Response:** The language regarding structural experience was removed because WAC 196-12-047 *Structural licensing requirements* details the type of structural experience an applicant must meet when applying for a structural license.

**Comment:**

Are you saying WAC 196-12-047 replaces item 2?

**Response:** Yes.

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

WAC 196-12-010(1)(a): Added "practical" back in language.

WAC 196-12-010(2)(a)(ii)(B): Added "and was administered by a board approved foreign jurisdiction."

WAC 196-12-014 (2)(b)(ii): Added "per RCW 18.43.050."

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

AMENDATORY SECTION (Amending WSR 04-04-001, filed 1/21/04, effective 2/21/04)

**WAC 196-12-005 Declaration and purpose.** This chapter contains rules and procedures for applications, examinations, experience, education, and eligibility (~~(and examinations)~~) to ~~((be))~~ become licensed as professional engineers.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-12-005, filed 1/21/04, effective 2/21/04.]

AMENDATORY SECTION (Amending WSR 18-10-085, filed 5/1/18, effective 6/1/18)

**WAC 196-12-010** (~~(Registration)~~) Licensure requirements for all applicants—Initial licensure and licensed in another jurisdiction.

To become licensed as a professional engineer in the state of Washington, whether you are applying for an initial license or you possess a license in another jurisdiction, you must meet the requirements for experience and examinations described below, which need not be completed within the state of Washington:

(1) **Experience:** Have eight years of experience in engineering work of a character satisfactory to the board:

(a) The eight years (~~(of experience)~~) may be a combination of education and (~~(practical)~~) practical work experience. (~~(Under selected circumstances a maximum of five years of education (baccalaureate and master's degrees in engineering) can be granted toward the eight-year requirement;)~~)

(b) The eight years of experience must be broad based(~~(r)~~) and progressive (~~(experience)~~) to include gaining knowledge and comprehension of engineering subjects and applying engineering principles.

(2) (~~(Receive a)~~) **Examination requirements:** An applicant must have received passing scores on two stages of examination(s). One must test the fundamentals of engineering and the other must test the principles and practice of engineering. Exam results must be independently verified by a NCEES member board, or a board approved foreign jurisdiction.

(a) (i) **Fundamentals of engineering examination** must meet the following requirements:

(ii) The examination must be either:

(A) The National Council of Examiners for Engineering and Surveying (NCEES) fundamentals-of-engineering (FE) examination~~((~~Or~~~~, have a current license as a Canadian professional engineer (P.Eng), and having received a passing score on the Engineers Canada Professional Practice Examination (PPE);

~~(3) Receive a passing score on the NCEES)) ; or~~

(B) An equivalent examination as determined by the board which tests the applicant's knowledge of appropriate fundamentals of engineering subjects including mathematics and the basic sciences as defined in RCW 18.43.040 (1) (b) (i) and was administered by a board approved foreign jurisdiction.

(b) Principles and practice of engineering ~~((~~PE~~)~~)

**examination** ~~((~~

~~(4))~~ :

The principles and practice of engineering (PE) examination must be the examination administered by NCEES.

(3) Additional licensure requirements:

An applicant must meet the following additional requirements for licensure:

(a) Receive a passing score on the Washington law review;

~~((5) Be of good character and reputation))~~ (b) Fully complete the application form to the satisfaction of the board; and

~~((6) Payment of))~~ (c) Pay all applicable fees.

~~((Exam results must be independently verified by the NCEES member board, or engineers Canada constituent association that granted approval to take the exam.))~~

[Statutory Authority: RCW 18.43.035. WSR 18-10-085, § 196-12-010, filed 5/1/18, effective 6/1/18; WSR 15-08-064, § 196-12-010, filed 3/27/15, effective 4/30/15; WSR 14-07-106, § 196-12-010, filed 3/19/14, effective 4/19/14; WSR 08-11-100, § 196-12-010, filed 5/20/08, effective 7/1/08. Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-12-010, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. WSR 98-12-052, § 196-12-010, filed 5/29/98, effective 7/1/98; WSR 88-12-044 (Order PM 738), § 196-12-010, filed 5/27/88; WSR 87-13-005 (Order PM 606), § 196-12-010, filed 6/4/87; WSR 84-04-027 (Order PL 454), § 196-12-010, filed 1/25/84; WSR 82-01-064 (Order 81-10), § 196-12-010, filed 12/18/81; Order PL 224, § 196-12-010, filed 11/5/75; Order PL-129, § 196-12-010, filed 7/27/72; Order 11, § 196-12-010, filed 9/12/68; Rule IIA, filed 11/15/65; Rule IIA, filed 8/4/64; Rule IA, filed 12/26/62.]

NEW SECTION

**WAC 196-12-013 FE examination application.** (1) **ABET accredited degree applicants.** For those who have attended ABET accredited degree programs and now have reached senior standing, applications to take the FE examination may be completed online directly with NCEES. Applicants should list the state of Washington as their licensing state.

(2) **All other applicants.** Those who do not meet the requirements of subsection (1) of this section must fill out the FE exam application provided on the board website, <https://brpels.wa.gov/>, demonstrate they meet the requirements, provide required documentation, and be approved by the board to take the examination.

Further details on education experience records are provided under WAC 196-12-021.

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NEW SECTION

**WAC 196-12-014 PE licensure application form.** The board has a single application form for PE licensure in the state of Washington.

This application form must be used by all applicants including those applying for the PE exam and licensure concurrently, those who have already taken the PE examination in another jurisdiction but have not obtained their initial license, and those who are already licensed in another jurisdiction and are seeking a license in Washington state.

(1) **Current PE examination and licensure applications:** Applicants who have not taken the PE examination will apply for both the PE examination and licensure on the application form. In order to be approved by the board to take the PE examination, the applicant must complete all sections of the form, except the date and location of taking the PE exam, and must otherwise meet all of the qualifications for licensure. Upon passing the PE examination, the applicant is also qualified for licensure.

Applications for PE examination and licensure must be received at the board's address with the applicable fee by the date posted on the board's website.

(2) **All other applicants for PE licensure in Washington state.** All other applicants applying for licensure in the state of Washington, including those who are licensed in another jurisdiction or have passed the Principles & Practices of engineering examination

but have not obtained their initial license, must complete all sections of the application form provided by the board.

(a) All applicants must provide information on the application form that demonstrates they meet all requirements for licensure. This includes work experience requirements, education requirements, and examination requirements as detailed in WAC 196-12-010, 196-12-020, and 196-12-021; and RCW 18.43.040.

(b) All applicants must provide the following documents to verify these requirements:

(i) Education experience records - Official transcripts or the equivalent, showing all grades and degrees.

(ii) Work experience records - Completed form titled "Professional Engineering Experience Verification" which includes not only work experience information and details but also verifications of work experience by supervisors or other verifiers, per RCW 18.43.050.

(iii) Verification of licensing in any other jurisdiction(s), if any.

(iv) Verification of passing the FE examination or its equivalent (if any) and verification of passing the PE examination.

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AMENDATORY SECTION (Amending WSR 08-11-100, filed 5/20/08, effective 7/1/08)

**WAC 196-12-020 Work experience records.** The following criteria will be used in evaluating an applicant's experience record:

(1) Work experience will be approved based on a demonstration of competency and progressive responsibility in the analysis, synthesis and evaluation of engineering concepts and data, under the direct supervision of a person authorized by chapter 18.43 RCW or other applicable statute to practice engineering. Under the general guidance and direct supervision of an authorized professional, the applicant must be in a position of making independent judgments and decisions in the following experience areas:

- (a) Formulating conclusions and recommendations;
- (b) Identifying design and/or project objectives;
- (c) Identifying possible alternative methods and concepts;
- (d) Defining performance specifications and functional requirements;
- (e) Solving engineering problems;
- (f) Interacting with allied professionals (~~((from other areas of practice))~~);

(g) Effectively communicating recommendations and conclusions;

(h) Demonstrating an understanding and concern for

energy/environmental considerations, socioeconomic impact, and sustainability of resources.

~~(2) ((The branch of structural engineering requires specialized work experience to protect the public safety. To be eligible to take the structural license examination, an applicant must have at least two years of progressive responsibility in structural engineering experience. These two years of structural experience are in addition to the eight years of engineering experience required to be registered as a professional engineer and must be documented in the application in accordance with subsection (1) of this section. The structural engineering experience must be supervised by a licensed professional engineer in the branch of structural engineering or a licensed professional engineer with substantial structural engineering work experience.~~

~~(3))~~ Engineering teaching may be considered satisfactory experience up to a maximum of two years at the discretion of the board.

~~((4))~~ (3) Applied research is considered satisfactory experience when it meets the following conditions:

(a) The research must be conducted under the guidance or supervision of a (~~licensed~~) professional engineer. For the purposes of this subsection, guidance or supervision means being cognizant of all applicable aspects of the work and a reviewer of all applicable reporting documentation.

(b) The principal result(s) of the research are in a published report or a recognized engineering journal article in which the applicant is the (~~first~~) primary author or the work is adequately documented and available to the board upon request.

(~~(5)~~) (4) For military engineering experience to be considered acceptable, it should be similar to engineering experience that would be gained in a nonmilitary environment as defined in subsection (1) of this section, and such experience must be verified.

(~~(6) Any~~) (5) All work experience gained (~~(without)~~) must be under the direct supervision of a professional engineer authorized to practice under chapter 18.43 RCW or an individual authorized by another statute to practice engineering (~~(, or any work experience gained in any other situation which violates the provisions of chapters 18.43 and 18.235 RCW or Title 196 WAC will not be counted toward the statutory experience requirement)~~).

[Statutory Authority: RCW 18.43.035. WSR 08-11-100, § 196-12-020, filed 5/20/08, effective 7/1/08. Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-12-020, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. WSR 02-01-071, § 196-12-020, filed 12/14/01, effective 1/30/02; WSR 98-12-052, § 196-12-020, filed 5/29/98, effective 7/1/98; WSR 92-01-101, § 196-12-020, filed 12/17/91, effective 1/17/92; WSR 87-13-005 (Order PM 606), § 196-12-020, filed 6/4/87; WSR 84-04-027 (Order PL 454), § 196-12-020, filed 1/25/84; WSR 82-01-064 (Order 81-10), § 196-12-020, filed 12/18/81; Order PL-115, § 196-12-020, filed 11/24/71; Rule IIB, filed 11/15/65; Rule IIB, filed 5/26/65; Rule IIB, filed 8/4/64; Rule IB, filed 12/26/62.]

AMENDATORY SECTION (Amending WSR 14-07-106, filed 3/19/14, effective 4/19/14)

**WAC 196-12-021 Education experience records.** Official transcripts must be sent to the board's office for (~~full education experience credit~~) review and approval.

(1) A baccalaureate degree in engineering in a program accredited by (~~the engineering accreditation commission (EAC) of~~) the

accreditation board for engineering and technology (ABET) is equivalent to four years of required experience. Satisfactory completion of each year of such an approved program is equivalent to one year of experience.

~~(2) ((A baccalaureate degree in an engineering technology program accredited by the technology accreditation commission (TAC) of ABET, is equivalent to three years of required experience. Satisfactory completion of each year of such an approved program is equivalent to three-fourths of one year of experience.~~

~~(3) An approved four years in))~~ A degree in engineering from a non-ABET accredited engineering program ((will)) may be given ((a maximum of three)) four years at the discretion of the board. The board will determine if the degree is satisfactory to the board to in awarding years of experience.

~~((4))~~ (3) No more than one year may be granted for postgraduate engineering courses ~~((for those applicants having earned degrees in accordance with subsections (1), (2), or (3) of this section)).~~

~~((5))~~ (4) A baccalaureate degree in a nonengineering program will be given a maximum of two years of experience.

~~((If the degree is followed by a graduate degree in engineering from a school that has an ABET accredited undergraduate program in the~~

~~same discipline as the graduate degree, a maximum of four years of experience may be granted for this combination of education.~~

~~(6))~~ (5) An associate degree in engineering from an approved program may be equivalent for up to two years of experience.

~~((7) Education gained over time where no degree is conferred will be granted no more than two years of experience. For the purpose of this subsection, education over time means:))~~ (6) Sporadic engineering related education may be considered as experience by the board at its discretion. For example, one or two engineering classes taken at a time, often at different schools; ((seminars; workshops; and)) and/or classes taken through industry ((and)) or the military may count as experience. In ((order to determine the appropriate amount of experience,)) evaluating this type of education, the board will ((be compared)) compare the courses taken to college coursework in a baccalaureate of engineering ((technology)) degree program.

~~((8) The board may approve engineering degree programs from other countries.))~~

(a) A number of foreign degree programs are included in mutual recognition agreements entered into by ABET with other accrediting authorities. Applicants with a degree from one of these programs will

be evaluated (~~(in accordance with subsections (1) and (2) of this section)~~) by the board.

(b) Applicants having engineering degrees from programs in countries that are not ABET accredited will be required to have their transcripts evaluated by a transcript evaluation service approved by the board. This evaluation will be performed at the applicant's expense, and the applicant will be responsible for submitting all necessary information to the evaluation service. The board will use the evaluation to determine if the foreign degree is (~~equivalent to an ABET accredited degree. If the board determines that the degree is equivalent, experience will be granted in accordance with subsection (1) or (2) of this section. If the board determines that the foreign degree is not equivalent to an ABET accredited degree, then a maximum of three years of experience will be granted in accordance with subsection (3) of this section)~~) satisfactory to the board to award years of experience.

(c) An applicant with an undergraduate degree from a foreign program that is not ABET accredited, can waive the requirement for a degree evaluation if they have a graduate degree in engineering from a school that has an ABET accredited undergraduate engineering degree program in the same discipline as the graduate degree. (~~No more than~~

~~four~~) Years of experience will be (~~granted for this combination of education~~) determined at the discretion of the board.

~~((9))~~ (7) Any other education (~~will~~) may be taken into account and evaluated on its merits by the board.

~~((10))~~ (8) Work experience gained between semesters or quarters or during summers while enrolled in an approved curriculum (~~will be considered part of the educational process. No more than one year of experience will be granted for one calendar year~~) may be counted as experience at the discretion of the board.

[Statutory Authority: RCW 18.43.035. WSR 14-07-106, § 196-12-021, filed 3/19/14, effective 4/19/14; WSR 08-11-100, § 196-12-021, filed 5/20/08, effective 7/1/08.]

AMENDATORY SECTION (Amending WSR 14-07-106, filed 3/19/14, effective 4/19/14)

**WAC 196-12-030** (~~(Principles and practice)~~) **Additional branches of engineering** (~~(examination)~~). (~~The principles and practice of engineering examination is given at times and places as approved by the board.~~) A professional engineer with a current registration in the state of Washington that is seeking to become licensed in an

additional branch of engineering must pass the principles and practice examination for that additional branch.

[Statutory Authority: RCW 18.43.035. WSR 14-07-106, § 196-12-030, filed 3/19/14, effective 4/19/14; WSR 08-11-100, § 196-12-030, filed 5/20/08, effective 7/1/08. Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-12-030, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. WSR 02-01-071, § 196-12-030, filed 12/14/01, effective 1/30/02; WSR 01-09-016, § 196-12-030, filed 4/6/01, effective 5/7/01; WSR 98-12-052, § 196-12-030, filed 5/29/98, effective 7/1/98; WSR 93-01-081, § 196-12-030, filed 12/15/92, effective 1/15/93; WSR 84-04-027 (Order PL 454), § 196-12-030, filed 1/25/84; WSR 82-01-064 (Order 81-10), § 196-12-030, filed 12/18/81; Order PL-129, § 196-12-030, filed 7/27/72; Order PL-115, § 196-12-030, filed 11/24/71; Order 11, § 196-12-030, filed 9/12/68; Rule IIC, filed 11/15/65, 8/4/64; Rule IC, filed 12/26/62.]

AMENDATORY SECTION (Amending WSR 18-10-085, filed 5/1/18, effective 6/1/18)

**WAC 196-12-045 Registration of applicants licensed in other jurisdictions.** Licenses may be issued only in the branches of

engineering (~~offered~~) currently recognized by the board. The board has discretion to issue a license to an out-of-state licensee who meets the following requirements:

(1) Completes (~~an~~) the application (~~on forms~~) form provided by the board including supporting documentation, as listed in WAC 196-12-010, 196-12-014, 196-12-020, 196-12-021, and pays the appropriate fee;

(2) Holds a currently valid license in a board recognized licensing jurisdiction in a state, territory, possession, district, or foreign country; and

(3) Meets minimum requirements for licensure as determined by the board under WAC 196-12-010 and 196-12-014, including testing that adequately measures the fundamentals of engineering and principles and practice of engineering.

[Statutory Authority: RCW 18.43.035. WSR 18-10-085, § 196-12-045, filed 5/1/18, effective 6/1/18; WSR 08-11-100, § 196-12-045, filed 5/20/08, effective 7/1/08. Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-12-045, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. WSR 98-12-052, § 196-12-045, filed 5/29/98, effective 7/1/98.]

AMENDATORY SECTION (Amending WSR 18-10-085, filed 5/1/18, effective 6/1/18)

**WAC 196-12-047 Structural licensing requirements.** The branch of structural engineering requires specialized work experience to protect the public health, safety, and welfare. To be licensed as a structural engineer, an applicant must:

(1) Be currently licensed as a professional engineer in Washington state;

(2) Have at least two years of progressive responsibility in structural engineering experience in addition to the eight years of engineering experience required to be registered as a professional engineer. The structural experience should:

(a) Demonstrate the applicant's ability to design building structures or nonbuilding structures integrated within "significant structures" as defined in RCW 18.43.020 (~~((11) and located in International Building Code (IBC) Seismic Design Category D or above))~~ (12);

(b) Be progressive in difficulty and magnitude;

(c) Demonstrate breadth and depth of seismic design (~~subject matter~~) and detailing experience for projects in seismic regions similar to those located in Washington state;

(d) Incorporate two of the four common construction materials (steel, concrete, wood, and masonry);

(e) Reflect ability to design and apply structural engineering principles that show sound judgment on projects involving public health, safety, and welfare;

(f) Be supervised by a licensed professional engineer in the branch of structural engineering or a licensed professional engineer with substantial structural engineering work experience for projects in seismic regions similar to those located in Washington state; and

(3) Pass a board approved structural exam.

[Statutory Authority: RCW 18.43.035. WSR 18-10-085, § 196-12-047, filed 5/1/18, effective 6/1/18.]

AMENDATORY SECTION (Amending WSR 08-11-100, filed 5/20/08, effective 7/1/08)

**WAC 196-12-055 Permit for temporary practice.** Any nonresident engineer who intends to practice engineering in the state of

Washington on a temporary basis must provide the board with the following before starting any work:

- (1) A completed application with applicable fees.
- (2) Dates work is to be started.
- (3) Name and address of client.
- (4) Description and location (address) of project.
- (5) Name and contact information for local permitting authority.

Plans, specifications, and reports prepared by the nonresident engineer must be signed, dated, and stamped with their professional seal. A copy of the permit issued by this board shall be attached to the engineering documents submitted for approval or building permit.

[Statutory Authority: RCW 18.43.035. WSR 08-11-100, § 196-12-055, filed 5/20/08, effective 7/1/08. Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-12-055, filed 1/21/04, effective 2/21/04.]

AMENDATORY SECTION (Amending WSR 08-11-100, filed 5/20/08, effective 7/1/08)

**WAC 196-12-065 Retired status.** A professional engineer having reached the age of (~~sixty-five~~) 65 and having discontinued active

practice as a professional engineer may be eligible for retired status. "Active practice" is defined as exercising direct supervision and control over any professional engineering activity as defined in RCW 18.43.020(5).

(1) Request for retired status. Upon approval, a request for retired status will be granted effective the next scheduled renewal date.

(2) A licensee on retired status may:

(a) Retain the board issued wall certificate of registration;

(b) Use the title "retired professional engineer" or "PE-retired" or "SE-retired" as appropriate;

(c) Work as an engineer in a volunteer capacity, provided that the retired licensee does not create an engineering document or use their seal;

(d) Provide experience verifications and references for persons seeking registration;

(e) Serve as an instructor for engineering related courses;

(f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to engineering work performed by the licensee;

(g) Serve in a function that supports the principles of registration and/or promotes the profession of engineering, such as members of commissions, boards or committees;

(h) Serve in an engineering capacity as a "good samaritan." The state laws governing such activity are RCW 38.52.195 and 38.52.1951 and chapter 18.43 RCW.

(3) A licensee on retired status must not:

(a) Perform any engineering activity, as provided for in RCW 18.43.020(5), unless the activity is under the direct supervision of a licensed professional engineer with an active registration in Washington;

(b) Act as the designated engineer for a corporation or limited liability company;

(c) Apply their professional engineers seal to any plan, specification, (~~plan~~) or report.

(4) Certificate of registration reinstatement. A retired licensee may resume active engineering practice with payment of the current renewal fee.

(5) Exemptions. A licensee is not eligible for retired status if their license to practice is under board ordered sanction. This

exemption exists until the sanctions have been lifted or satisfied by the board.

[Statutory Authority: RCW 18.43.035. WSR 08-11-100, § 196-12-065, filed 5/20/08, effective 7/1/08. Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-12-065, filed 1/21/04, effective 2/21/04.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

- |                |                             |
|----------------|-----------------------------|
| WAC 196-12-011 | Application requirements.   |
| WAC 196-12-012 | Reexamination requirements. |



## **MOTIONS TO BE PRESENTED AT THE 2022 ANNUAL MEETING**

The following are draft motions for the 2022 NCEES annual meeting. The final motions—as well as full officer, committee, and task force reports—will be included in the 2022 *Action Items and Conference Reports*, which will be posted online by July 1.

At its May board meeting, the board of directors considered each motion that will come before the Council. The board position and whether the motion was placed on the consent agenda are listed after the motion. In the review of the motion, the board has the following options:

- Endorse the motion and place it on the consent agenda
- Endorse the motion and not place it on the consent agenda
- Not endorse the motion and not place it on the consent agenda
- Take no position and not place it on the consent agenda

## Special Committee on Bylaws (4 motions)

### Bylaws Motion 1

Move that *Bylaws* 3.021 be amended as follows:

**Section 3.021 Associate Members.** An Associate Member of NCEES shall be a designee of a Member Board, but not a member of a Member Board, who is appointed by the NCEES Board of Directors as an Associate Member of NCEES.

Recommendations for associate members of NCEES shall be submitted by Member Boards to the Board of Directors and become effective upon appointment by the Board of Directors. Such appointments shall be reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Associate Members of NCEES shall have the privilege of the floor ~~upon approval of the presiding officer at meetings of the Council. Associate Members and~~ may serve on any committee ~~or task force~~ to which duly appointed under the *Bylaws*. Associate Members are eligible to hold the elective office of zone Secretary-Treasurer but are not eligible to serve on the NCEES Board of Directors.

### Rationale

The Special Committee on Bylaws received a charge to review changes to *Bylaws* 3.021 as proposed by the 2020–21 ACCA and approved by the Council at the 2021 annual meeting and to propose an amendment that removes “upon approval by the presiding officer.” The 2020–21 ACCA rationale was as follows: “Associate members are currently active in the Council and, through their attendance at the annual meeting, have the ability to participate and contribute to the discussion.”

The committee added “at meetings of the Council” to the proposed language from ACCA to clarify when an associate member would have the “privilege of the floor.” The phrase matches language used elsewhere in the *Bylaws*.

### Board of directors’ position

Endorses, consent agenda

### Bylaws Motion 2

Move that *Bylaws* 3.022 be amended as follows:

**Section 3.022 Emeritus Members.** An Emeritus Member of NCEES shall be a person who is a former member of a Member Board who is duly recommended by that Member Board and approved by the NCEES Board of Directors. Such appointments shall be reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Emeritus Members of NCEES shall have the privilege of the floor ~~upon approval of the presiding officer at meetings of the Council. Emeritus Members and~~ may serve on any committee ~~or task force~~ to which duly appointed under the *Bylaws*.

### Rationale

The Special Committee on Bylaws received a charge to review changes to *Bylaws* 3.022 as proposed by the 2020–21 ACCA and approved by the Council at the 2021 annual meeting and to propose an amendment that removes “upon approval by the presiding officer.” The 2020–21 ACCA rationale was as follows: “As past board members, they [emeritus members] have a knowledge of the Council and some historical perspective. Their best interest should align with the Council’s. If someone who is not a member, associate member, or emeritus member requests to speak, it should be up to the presiding officer to decide if that individual will be allowed the floor.”

The committee added “at meetings of the Council” to the proposed language from ACCA to clarify when an emeritus member would have the “privilege of the floor.” The phrase matches language used elsewhere in the *Bylaws*.

### Board of directors’ position

Endorses, consent agenda

**Bylaws Motion 3**

Move that *Bylaws* 7.02 be amended as follows:

**Section 7.02 Advisory Committee on Council Activities.** The Advisory Committee on Council Activities (ACCA) shall consist of a chair and [two](#) members from each zone. At least one member shall be a professional engineer, one member a professional surveyor, and one member a member board administrator. The committee shall provide advice and briefing to the President and the Board of Directors on new policy issues, problems, and plans that warrant preliminary assessment of policy choices and procedures not as yet assigned to a standing committee or involving several existing committees. Consultants appointed to this committee shall have served on the Board of Directors.

The committee will act as principal advisor to the President and the Board of Directors on such specific non-recurring problems or plans as the President may explicitly assign to the committee. The committee shall review the *Manual of Policy and Position Statements*, in consideration of past and current action of the Council, and present any proposed revisions as needed.

**Rationale**

The Special Committee on Bylaws received a charge to review changes to *Bylaws* 7.02 as proposed by the 2020–21 ACCA and approved by the Council at the 2021 annual meeting and to propose an amendment to add the language shown above. The 2020–21 ACCA rationale was as follows: “ACCA believes it is important to specify the exact number of members from each zone to be in concert with most of the other NCEES standing committees.”

**Board of directors’ position**

Endorses, consent agenda

**Bylaws Motion 4**

Move that *Bylaws* 6.02 be amended as follows:

**Section 6.02 Quorum and Voting.** A quorum for the transaction of business at the Annual Business Meetings of the Council shall be delegates from a majority of Member Boards. A majority vote of the Member Boards represented shall be required for affirmative action unless otherwise provided for in the *Bylaws*.

Only Member Boards shall be entitled to vote. Voting shall be by Member Boards, with each board entitled to one vote. ~~If a Member Board is represented by more than one delegate present at the time of voting, the vote may be split proportionately if its delegates wish.~~ An associate member may serve as a Member Board delegate for voting purposes only when so designated by the Member Board’s chair through written, signed communication presented to NCEES staff prior to the opening session of the meeting. For Member Boards that require authorization from the state, such designation may come from the agency director for that board.

Voting by one Member Board on behalf of another Member Board not physically present in the meeting room at the time of the vote shall not be permitted.

**Rationale**

The Special Committee on Bylaws received a charge to review changes to *Bylaws* 6.02 as proposed by the 2020–21 NCEES board of directors and approved by the Council at the 2021 annual meeting and to propose an amendment to add the language shown above. The 2020–21 NCEES board of directors’ rationale was as follows: “The board of directors is proposing to have this language removed because each board has one vote; for that board’s vote to make a difference, it needs to be counted as whole vote.”

**Board of directors’ position**

Endorses, consent agenda

**Advisory Committee on Council Activities (10 motions)****ACCA Motion 1**

Move that a Special Committee on Bylaws be charged with amending the *Bylaws* to add a past president as a member to each standing committee and task force. This position will have the same rights and responsibilities as other members and will not alter the committee membership requirements as specified in other sections of the *Bylaws*. If a past president is not available to serve on a specific committee or task force, the position will remain unfilled for that year. The past president positions are intended to be limited to past presidents who are still involved in Council activities.

**Financial impact**

The proposed 2022–23 NCEES budget has \$1,351 estimated per committee traveler. Assuming that a past president would be assigned to 10 standing committees and an estimated two task forces, the total financial impact would be approximately \$16,500 in the 2023–24 fiscal year.

**Rationale**

ACCA believes that it is very important to use the knowledge and experience of our past presidents. Adding a past president, if they are willing and able to serve, to each committee and task force will allow the Council to benefit broadly from the experience and knowledge of the past presidents across all committees and task forces. The majority of our past presidents are emeritus members, not current state board members. Creating this new past president position on each committee and task force will not take a committee or task force position away from a current state board member or from another emeritus member in favor of a past president. Making the past president seat on a committee or task force not mandatory will mean that this position can go unfilled if there are not enough past presidents available to serve. This motion does not preclude the president-elect from choosing consultants to be part of committees and task forces. The motion also makes it clear that ACCA is adding a new voting member to each committee and task force (to be occupied by a past president) and not a consultant position.

**Board of directors' position**

Does not endorse, non-consent agenda

**Board of directors' rationale**

The board of directors values the knowledge, expertise, and previous work of all NCEES past presidents. However, the board feels that the *Bylaws* already adequately addresses past presidents' service on committees and task forces. Making the appointment of a past president mandatory also takes away the incoming president's freedom to build the committees and task forces that they feel are best suited to serve the Council and address the charges for the year.

As noted last year when ACCA put forward a similar motion, the board of directors recognizes that *Bylaws* 5.01 gives the president the authority to appoint committee and task force members, chairs, vice chairs, and consultants. *Bylaws* 7.01 states that members, associate members, past presidents, and emeritus members are eligible to serve on a committee or task force; thus, adding another prescriptive member to a given committee or task force seems without value.

**ACCA Motion 2**

Move that Position Statement 21 be amended as follows:

**PS 21 International Activities**

- A. The Council should continue ~~its current involvement in the international arena within the following guidelines: to offer its examinations at foreign sites within the guidelines of EAP 10.~~
- ~~1. All substantive agreements and model documents shall be approved by the full Council before execution.~~
  - ~~2. Access to non-CBT examinations by either educational institutions or national organizations shall be approved by the full Council before execution.~~
  - ~~3. Access to CBT examinations at an NCEES approved test site for applicants from an ABET accredited program or the equivalent as determined by NCEES may be approved by the board of directors.~~
  - ~~4. All agreements and model documents shall be clearly nonbinding on member boards.~~
  - ~~5. Unless specifically provided for in the Council budget, services rendered to other nations shall be funded by the requesting nation to a level that ensures no net loss of Council funds.~~

- B. ~~In identifying the qualifications for the right of licensure to practice engineering and surveying, NCEES shall always inform foreign jurisdictions that the qualifications for licensure in the United States, by and through its are determined by~~ state and territorial jurisdictions, ~~include~~ based on education, experience, and examination.
- C. NCEES shall ~~further~~ emphasize to all national and foreign jurisdictions the importance of licensure in safeguarding the health, safety, and welfare of the public. Constraints such as citizenship, residency, establishment of local office, or similar restrictions shall be discouraged.
- ~~ED.~~ NCEES shall stress to all national and foreign jurisdictions the need for the development of a database of their licensing requirements. ~~All requirements for practice should have a goal of global mutuality.~~
- ~~DE.~~ NCEES shall ~~work with foreign jurisdictions toward establishment of an international system for evaluation of education, experience, examination, practice, and ethical conduct.~~ encourage the development of globally uniform licensure requirements that meet the international benchmark for independent professional practice established by the International Engineering Alliance Graduate Attributes and Professional Competencies. Constraints such citizenship, residency, establishment of local office, or similar restrictions shall be discouraged.
- ~~EF.~~ NCEES shall function as a resource for other nations that desire to establish or improve their education, experience, examination, and ethics requirements for licensure to practice engineering and surveying.
- ~~FG.~~ NCEES shall work with foreign jurisdictions toward mutual development of international ~~law enforcement compliance~~ procedures for the professional practice of engineering and surveying.
- ~~GH.~~ NCEES shall work with foreign jurisdictions to emphasize the importance of current international intellectual property protection.

#### Rationale

Paragraph A was modified to have policies regarding the offering of NCEES examinations at foreign sites reside solely in EAP 10. The wording in other paragraphs was added, modified, or deleted to reflect current practice.

#### Board of directors' position

Endorses, consent agenda

#### **ACCA Motion 3**

Move that Position Statement 26 be deleted.

#### **PS 26 Inclusion of All Engineers by ABET**

~~NCEES encourages ABET to investigate using more inclusive language such as *practitioner* that all—government and private practice as well as those in industry—may identify with and embrace. ABET's current use of the term *industry* alone does not recognize or apply to the entire spectrum of engineering practice.~~

#### Rationale

This position statement was originally written to encourage ABET to do more to promote licensure within its accreditation standards. Since it was developed in the early 2000s, positive changes have occurred in this area. For example, the ABET website does promote licensure (see [www.abet.org/accreditation/what-is-accreditation/licensure-registration-certification](http://www.abet.org/accreditation/what-is-accreditation/licensure-registration-certification)), ABET consistently invites NCEES to its annual symposium to make a presentation on using the FE exam as an outcomes assessment tool, and Criterion 6 of ABET's *Criteria for Accrediting Engineering Programs* specifically calls out professional licensure as one method to measure faculty quality.

#### Board of directors' position

Endorses, consent agenda

#### **ACCA Motion 4**

Move that Position Statement 33 be replaced as shown:

#### **PS 33 Promotion of Licensure**

~~The mission of NCEES is to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public. As such, the Council is committed to promoting and will promote the value of licensure to all audiences.~~

**PS 33 Promotion of Licensure**

NCEES is committed to promoting the value of licensure in support of its mission to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.

**Rationale**

ACCA supported generally maintaining PS 33 but with a few modifications to more directly connect the promotion of licensure to the NCEES mission. The committee felt that the changes were easier to read when presented as a new position statement than when shown as insertions and deletions in the existing position statement.

**Board of directors' position**

Endorses, consent agenda

**ACCA Motion 5**

Move that Position Statement 34 be replaced as shown:

**PS 34 ~~Diversity Within the Engineering and Surveying Professions~~**

~~NCEES is committed to advancing licensure to all groups and recognizes the benefits a diverse population of licensed engineers and surveyors provides in shaping the future of professional licensure. NCEES encourages diversity in member boards. Through efforts that promote the value of professional licensure, it strives to create a diverse population of qualified volunteers—without regard to age, race, gender, sexual orientation, religion, color, national origin, or disability—at all levels in order to safeguard the health, safety, and welfare of the public.~~

**PS 34 Diversity, Equity, and Inclusion**

NCEES is committed to 1) advancing licensure in such a way as to be inclusive of all people for the betterment of engineering and surveying licensure and 2) treating its employees and volunteers of the organization in an equitable and inclusive manner with respect, dignity, and fairness that fosters participation without regard to individual differences. NCEES encourages its member boards to do the same.

**Rationale**

ACCA supported generally maintaining PS 34 but with a few modifications to separately address diversity in the wider professions and within NCEES as an organization. The title was updated to include consideration for equity and inclusion, which is a more comprehensive manner of addressing diversity. The committee felt that the changes were easier to read when presented as a new position statement than when shown as insertions and deletions in the existing position statement.

**Board of directors' position**

Endorses, consent agenda

**ACCA Motion 6**

Move that Position Statement 36 be amended as follows:

**PS 36 Sustainability**

NCEES ~~recommends that encourages~~ professional engineers and professional surveyors to incorporate in their work and lives the principles and practices of sustainability to safeguard the health, safety, and welfare of the public ~~now and in the future~~.

Sustainability, is-as defined for this purpose, as-is the ability to meet the needs of the present without compromising the ability of future generations to meet their own needs, through the balanced application of integrated planning and the combination of environmental, social, and economic decision-making processes.

**Rationale**

ACCA supported generally maintaining PS 36 but with a few modifications to make the position statement clearer and to explicitly set parameters for sustainability in both work and personal lives.

**Board of directors' position**

Endorses, consent agenda

**ACCA Motion 7**

Move that Exam Administration Policy 10 be amended as follows:

**EAP 10 NCEES Examinations Offered ~~to a at~~ Foreign-Entity Sites****~~A.~~ Authority of CEO**

~~Upon receiving a request, the chief executive officer may be authorized by the NCEES board of directors to enter into discussions with a foreign entity concerning the administration of NCEES examinations at a foreign site. The discussions will include an assurance that NCEES examinations will be administered in full compliance with all NCEES examination policies and procedures. All costs borne by NCEES to carry out this provision will be reimbursed.~~

**~~B.~~ Contracting with Foreign Entities**

~~NCEES may contract with the foreign entity to provide administration of its examinations to the foreign entity's engineering or surveying applicants, upon approval of the Council. A draft agreement that defines areas of responsibility for the foreign entity and NCEES may then be created. The agreement will require, at a minimum, that the foreign entity reimburse all costs borne by NCEES to carry out the provisions of the agreement.~~

~~As an exception, the NCEES board of directors is authorized to permit the Fundamentals of Engineering and the Fundamentals of Surveying examinations to be administered at NCEES approved test sites to applicants from a foreign ABET-accredited engineering or surveying program. At a minimum, all costs borne by NCEES to carry out this provision will be reimbursed.~~

~~The chief executive officer is authorized to enter into discussions with foreign entities concerning the administration of NCEES examinations to examinees via computer-based testing (CBT). Any agreement resulting from such discussions requires the approval of the NCEES board of directors.~~

**~~C.~~ Minimum Criteria for Examinees**

~~For any approved agreement, NCEES will establish minimum criteria for examinees of the foreign entity that are in general conformance with the existing NCEES *Model Law* and *Model Rules*. ~~NCEES will retain the score information for examinees of foreign entities and will transmit that information to any member board when requested. Such agreements shall require that any additional costs to NCEES to administer the exams shall be reimbursed by the foreign entity and that CBT examinations shall be administered in accordance with the NCEES examinee testing agreement.~~~~

**~~D.~~ Use of Examination Results for Licensure**

~~The Results of the examinations may be used to assist examinees interested in applying for licensure as a professional engineer or surveyor with an NCEES member board. NCEES makes no representations that passing such exams will qualify the examinees for licensure in any NCEES member board jurisdiction. The results may also be used as well as an outcomes assessment tool to assist in measuring the outcomes of a foreign-based ~~education system~~ ABET-accredited programs.~~

~~However, in the event that the examinee elects to use the results of the examination for the purpose of applying for licensure, the member board may not be precluded from imposing any additional requirements related to state licensure, including but not limited to educational and experience requirements.~~

**~~E.~~ Restriction on Use of Examination Results**

~~Examinee performance data from examinations provided to a foreign entity shall not be included in exam evaluation or development, used to establish cut scores, or included in exam result statistics for NCEES jurisdictions. Examinee performance data from exams provided to a foreign entity may be evaluated and reported separately.~~

**~~F.~~ Release of Examinee Performance Data**

~~NCEES may release examinee performance data to an ABET-accredited foreign educational program or to the foreign governing body or professional organization as provided in the contract or as approved by the board of directors.~~

**F. Other Foreign Offerings**

The chief executive officer is authorized to approve other foreign sites without foreign entity involvement for use by U.S. military personnel and their spouses and by other individuals approved by the chief executive officer.

**Rationale**

EAP 10 defines the processes by which NCEES offers its exams at sites outside the United States. Now that all exams except the PE Structural exam have transitioned to CBT, it was necessary to review and update EAP 10. ACCA requested input from NCEES staff who deal directly with offering exams at non-U.S. sites. In consultation

with the EPP Committee, ACCA modified EAP 10 to fit the current methodology that NCEES uses to deal with this issue.

### Board of directors' position

Endorses, consent agenda

#### ACCA Motion 8

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* 4.05:

**Section 4.05 Qualifications.** Any member of NCEES who is a citizen of the United States and a member of a Member Board sometime during the calendar year in which the nomination occurs is eligible to hold an elective office. Associate members are not eligible to serve on the NCEES Board of Directors.

To be eligible for the office of President-Elect, a person shall be a licensed engineer or surveyor, shall have been a member of NCEES at least three years, and shall have attended at least two NCEES Annual Business Meetings.

Members of the current Board of Directors whose term on their Member Board has expired during their term as NCEES Treasurer or Vice-President may run for President-Elect if

- ~~Their term on their state board has expired during their term as NCEES Treasurer or Vice-President;~~
- They have obtained emeritus standing within the Council; and
- ~~They~~ They have the approval of their state-Member Board; and
- It is their zone's rotation to elect a President-Elect; and
- They have been nominated by the zone.

The President-Elect shall not be from the same zone as the President.

To be eligible for the office of Treasurer, a person shall be a licensed professional engineer, licensed professional surveyor, or public member.

To be eligible for the office of Vice President, a person shall be a licensed professional engineer or surveyor and shall be from the zone that elects him or her.

### Rationale

This motion does not change the intent of this section of *Bylaws* Article 4 but does make the language clearer.

### Board of directors' position

Endorses, consent agenda

#### ACCA Motion 9

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* 4.02, 4.04, and 4.06:

**Section 4.02 Board Membership.** The Board of Directors shall consist of the President, the President-Elect, the Immediate Past President, the Treasurer, ~~and~~ the four Vice Presidents (one from each zone), and one At-Large Member who shall be a public member of a Member Board.

**Section 4.04 Elections and Terms of Office.** The President-Elect shall be elected by the Council at each Annual Business Meeting in the manner prescribed in the *Bylaws*. The President-Elect shall serve the Council for a period of three years. The first year shall be as President-Elect. The second year, without further election, the President-Elect shall become President, holding that office until a successor has been installed. The third year, without further election, the President shall become Immediate Past President. Any member elected to the office of President-Elect shall be eligible to serve as President-Elect, President, and Immediate Past President, with full authority of the offices and board privileges. Past Presidents shall be ineligible for reelection as President-Elect of the Council.

The Treasurer shall be elected at the Annual Business Meeting every three years in the manner prescribed in the *Bylaws*. Treasurers shall not be eligible for reelection to the same office until at least one full term has elapsed. For the office of Treasurer, a partial term served shall not be considered a term for term-limit purposes.

Vice Presidents shall be elected at their respective Zone Interim Meeting every two years in the manner prescribed in the *Bylaws*. Vice Presidents from the Northeast and Southern Zones shall be elected in odd-

numbered years. Vice Presidents from the Central and Western Zones shall be elected in even-numbered years. Vice Presidents shall not be eligible for reelection to the same office until at least one full term has elapsed. For the office of Vice President, a partial term served shall not be considered a term for term-limit purposes.

At-Large Members shall be elected at the Annual Business Meeting every two years in the manner prescribed in the Bylaws. At-Large Members shall not be eligible for reelection to the same office until at least one full term has elapsed.

New members of the Board of Directors shall assume their duties at the conclusion of the Annual Business Meeting. Board members may continue to serve until the conclusion of the term of office to which they were elected even if their terms with Member Boards have ended.

**Section 4.06 Vacancies.** If a vacancy occurs in the office of President, the President-Elect shall succeed to the office of President for the completion of that term and subsequently serve the full one-year term that he or she was originally elected to serve as President. A vacancy in the office of President-Elect shall remain unfilled until the next NCEES Annual Business Meeting. At that time, the Council will elect a President from the zone of the vacant President-Elect position.

A vacancy in the office of Immediate Past President shall be filled by the most recent available Past President.

A vacancy in the office of Treasurer shall be filled by the Board of Directors within 30 days; the selected individual shall fill the position until an election for a new full-term Treasurer is held at the next Annual Business Meeting.

A vacancy in the office of a Vice President shall be filled by that zone's Assistant Vice President.

A vacancy in the position of an At-Large Member shall be filled by the Board of Directors within 30 days; the selected individual shall fill the position until an election for a new full-term At-Large Member is held at the next Annual Business Meeting.

Appointments by the Board of Directors shall be made in accordance with the required qualifications and limitations for duly elected members of the Board of Directors.

A quorum of the Board of Directors for filling of vacancies shall consist of six members except in the event of two vacancies, when five shall constitute a quorum. For the filling of vacancies, the members of the Board of Directors may be represented by proxies, duly signed and verified.

#### **Financial impact**

The proposed 2022–23 NCEES operating budget includes \$15,750 per vice president for travel expenses. Assuming the at-large public member on the board would have similar expenses to a vice president, the same amount specified for a vice president would be added to the budget each year for the at-large public member. The estimated financial impact for fiscal year 2023–24 is \$15,750.

#### **Rationale**

Public members are active in the Council. They provide different perspectives than professional members, and those perspectives have value to the Council. As an organization dedicated to the advancement of licensure for the protection of the health, safety, and welfare of the public, NCEES should consider those perspectives in all deliberations. Representation from the public has been recognized by nearly all jurisdictions within the Council as an important component for deliberation on licensing boards. Our counterpart organizations in the design professions, such as the Council for Interior Design Qualification, the Council of Landscape Architectural Registration Boards, and the National Council of Architectural Registration Boards (NCARB), include a public member on their boards of directors.

#### **Board of directors' position**

Does not endorse, non-consent agenda

#### **Board of directors' rationale**

Public members are important to NCEES member boards. They provide a different point of view from that of professional engineers, professional surveyors, and/or other professionals who serve on their respective member boards. The board of directors feels that NCEES should provide a pathway for public members to become more involved in NCEES leadership and thus endorses ACCA Motion 10. The board endorses the ability for a public member to be on the board of directors through existing positions without adding a position available only to public members.

**ACCA Motion 10**

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws 4.05*:

**Section 4.05 Qualifications.** Any member of NCEES who is a citizen of the United States and a member of a Member Board sometime during the calendar year in which the nomination occurs is eligible to hold an elective office. Associate members are not eligible to serve on the NCEES Board of Directors.

To be eligible for the office of President-Elect, a person shall be a licensed [professional](#) engineer, ~~or licensed~~ [professional](#) surveyor, [or public member](#); and shall have attended at least two NCEES Annual Business Meetings.

Members of the Board of Directors may run for President-Elect if

- Their term on their state board has expired during their term as NCEES Treasurer or Vice-President;
- They have obtained emeritus standing within the Council, they have the approval of their state board;
- It is their zone's rotation to elect a President-Elect; and
- They have been nominated by the zone.

The President-Elect shall not be from the same zone as the President.

To be eligible for the office of Treasurer, a person shall be a licensed professional engineer, licensed professional surveyor, or public member.

To be eligible for the office of Vice President, a person shall be a licensed professional engineer, ~~or licensed~~ [professional](#) surveyor, [or public member](#) and shall be from the zone that elects him or her.

**Rationale**

As discussed in Motion 9, public members are active in the Council, they provide different perspectives than professional members, and their perspectives have value to the Council. As an organization dedicated to the advancement of licensure for the protection of the health, safety, and welfare of the public, NCEES should consider those perspectives in all deliberations, including those of Council leadership. Representation from the public has been recognized by nearly all jurisdictions within the Council as an important component for deliberation on licensing boards. Public members are eligible for leadership positions within their respective member board in many jurisdictions. NCARB allows a public member to be president of the board of directors.

ACCA also modified the wording to be consistent in terms of specifying that members of the board of directors must be licensed professional engineers, licensed professional surveyors, or public members. Member board members who represent other professions, such as architecture, geology, etc., are not eligible to hold positions on the NCEES board of directors.

**Board of directors' position**

Endorses, non-consent agenda

**Committee on Education (9 motions)****Education Motion 1**

Move that Position Statement 6 be amended as follows:

**PS 6 Examination of Engineering Students**

NCEES recommends that all schools with EAC/ABET-accredited engineering programs require students in such programs to take and make a good-faith effort to pass the NCEES Fundamentals of Engineering examination prior to their anticipated date of graduation. Deans, department heads, and faculty members are encouraged to provide FE exam review sessions to assist students in preparing for the exam. ~~NCEES and its member boards should provide resources for the reviews and assist these programs in determining whether students made a good-faith effort to pass the exam.~~

**Rationale**

In reviewing PS 6, the committee decided that computer-based testing has altered some aspects of the practices described in this position statement. The member boards are no longer involved with enrolling candidates to sit

for the FE examination and have no means to evaluate student performance. NCEES does provide resources for review—including practice examinations and reference manuals—but does not actively participate in preparing students for the examination; this is deemed a conflict of interest and thus the change noted above.

### **Board of directors' position**

Endorses, consent agenda

### **Education Motion 2**

Move that Position Statements 7, 8, and 9 be amended as follows:

#### **PS 7 Bachelor of Science Degree in Engineering Technology**

NCEES recommends that the boards of licensure, whose statutes do not otherwise prohibit, require any applicant who has a degree in engineering technology, who applies for engineering licensure in any jurisdiction of the United States, and who has not previously been licensed to practice by one of the boards of licensure be required to first demonstrate that he or she possesses at least a four-year bachelor of science degree in engineering technology, acquired through the successful completion of an ETAC/ABET-accredited program or through a board-approved program.

~~Recognizing that newly ETAC/ABET-accredited programs must spend several years in development before attaining accredited status, NCEES recommends that all applicants be considered as having graduated from an ETAC/ABET-accredited program if their program is/was accredited within three years after their graduation.~~

#### **PS 8 Bachelor of Science Degree in Engineering**

NCEES recommends that the boards of licensure require any applicant who applies for engineering licensure in any jurisdiction of the United States and who has not previously been licensed to practice by one of the boards of licensure be required first to demonstrate that he or she possesses at least a four-year bachelor of science degree in engineering, acquired through the successful completion of an EAC/ABET-accredited program or through a board-approved program.

~~Recognizing that newly EAC/ABET-accredited programs must spend several years in development before attaining accredited status, NCEES recommends that all applicants be considered as having graduated from an EAC/ABET-accredited program if their program is/was accredited within three years after their graduation.~~

#### **PS 9 Bachelor of Science Degrees in Surveying Engineering, Surveying and Mapping, and Geodesy**

NCEES recommends that the boards of licensure require any applicant who applies for licensure to practice surveying in any jurisdiction of the United States and who has not previously been licensed to practice by one of the boards of licensure for professional surveyors be required to first demonstrate that in the cases of four-year surveying degrees, such applicant possesses a four-year bachelor of science degree acquired through the successful completion of program for said degree accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET), Engineering Technology Accreditation Commission of ABET (ETAC/ABET), or a board-approved program.\*

NCEES expects all of its examination preparation to follow current *Model Law* and *Model Rules*. Model Law Surveyors should be utilized to prepare FS examinations, and Model Law Surveyors should be utilized to establish cut scores for FS examinations.

The content of the FS examination shall test the knowledge obtained in a baccalaureate surveying degree that will enable the individual to protect the public.

~~Recognizing that newly accredited EAC/ABET, ANSAC/ABET, or ETAC/ABET programs must spend several years in development before attaining accredited status, NCEES recommends that all applicants be considered as having graduated from an EAC/ABET, ANSAC/ABET, or ETAC/ABET-accredited program if their program is/was accredited within three years after their graduation.~~

\* Refer to the NCEES position paper “Benefits of a Four-Year Degree Requirement for Surveying Licensure” (2011), available as a PDF on [ncees.org](http://ncees.org) under MyNCEES.

### **Rationale**

The last paragraphs in the three position statements deal with backdating Model Law status for graduates from newly accredited programs. The specified periods conflict with current ABET practice. In addition, ABET currently has a process for programs to request backdating of accreditation for up to two years provided certain

provisions are met. NCEES should simply make use of the current ABET process rather than specifying a separate one.

#### **Board of directors' position**

Endorses, consent agenda

#### **Education Motion 3**

Move that Position Statement 9 be amended as follows:

#### **PS 9 Bachelor of Science Degrees in Surveying Engineering, Surveying and Mapping, and ~~Geodesy~~ Geomatics**

NCEES recommends that the boards of licensure require any applicant who applies for [surveying licensure](#) ~~to practice surveying~~ in any jurisdiction of the United States and who has not previously been licensed to practice by one of the boards of licensure for professional surveyors be required to first demonstrate that ~~in the cases of four-year surveying degrees, such applicant possesses they possess at least~~ a four-year bachelor of science degree ~~in surveying~~, acquired through the successful completion of ~~program for said degree accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET), Engineering Technology Accreditation Commission of ABET (ETAC/ABET), an ABET- accredited surveying program~~ or ~~through~~ a board-approved program.\*

NCEES expects all of its examination ~~preparation development~~ to follow current *Model Law* and *Model Rules*. Model Law Surveyors should be utilized to prepare FS examinations, and Model Law Surveyors should be utilized to establish cut scores for FS examinations.

The content of the FS examination shall test the knowledge obtained in a baccalaureate surveying degree that will enable the individual to protect the public.

\* Refer to the NCEES position paper “Benefits of a Four-Year Degree Requirement for Surveying Licensure” (2011), available as a PDF on [ncees.org](http://ncees.org) under MyNCEES.

#### **Rationale**

The wording changes are proposed to better reflect current surveying practice, to make the structure of PS 9 more like that of PS 8, and to improve the clarity of the position statement to reflect the emphasis on four-year surveying degree programs.

#### **Board of directors' position**

Endorses, consent agenda

#### **Education Motion 4**

Move that Position Statement 12 be amended as follows:

#### **PS 12 Licensing of Engineering Faculty**

[Faculty members who practice engineering as defined by jurisdictional statutes must be licensed](#). NCEES encourages all faculty members who teach advanced engineering courses, or who are in responsible charge of engineering curricula or engineering research, to be licensed professional engineers. ~~It is the position of NCEES that faculty members who practice engineering as defined by applicable statutes must be licensed.~~

#### **Rationale**

The last sentence has been moved to the beginning to emphasize the fact that faculty are not exempt from licensure requirements if they are consulting or providing other engineering services to the public or if the law in the jurisdiction in which their institution is located defines engineering education as part of engineering practice that must be licensed. Otherwise, it is desirable that faculty members be licensed to set an example for their students to pursue licensure.

#### **Board of directors' position**

Endorses, consent agenda

**Education Motion 5**

Move that Position Statement 19 be amended as follows:

**PS 19 Education**

The primary role of NCEES is to facilitate professional licensure of engineers and surveyors and uphold standards necessary to safeguard the health, safety, and welfare of the public. The Council strongly advocates quality education to prepare individuals to become engineers and surveyors, including K–12 and university education, as well as continued professional competency for licensees. The Council supports efforts to develop educational standards required for licensure and to expeditiously disseminate those standards to its member boards.

The educational objectives of NCEES are to

- A. Advocate quality education that adequately prepares candidates for licensed professional practice, which includes the following:
  1. K–12 education, as it informs students about the fields of engineering and surveying and prepares them for university study
  2. Higher education, which prepares individuals for licensure and professional practice
- B. Recognize institutional indicators of quality education, which may include the following:
  1. Program educational objectives and outcomes that include a focus on preparing students for licensed professional practice as described in paragraph A above
  2. Program educational objectives and outcomes that are assessed in part by nationally validated content examinations
  3. Curriculum requirements that equate to the standards for licensure eligibility
- C. Establish program indicators of quality education for licensure eligibility, which include the following:
  1. Nationally validated assessment methods
  2. ~~Program educational objectives that specifically direct the educational~~ Education standards ~~toward that prepare students for~~ licensed professional practice
  3. Compliance with ~~prescribed psychometric analyses that determine~~ pass rates on nationally validated content examinations
- D. Assist member boards in evaluating the indicators and metrics as established for licensure eligibility.

**Rationale**

The first change emphasizes that both K–12 and higher education are part of the education necessary for competent professional practice. The second edit clarifies that NCEES does not set program educational objectives but does set educational standards that are benchmarks for appropriate professional education. The third edit clarifies that examination pass rates are established through validated psychometric processes.

**Board of directors' position**

Endorses, consent agenda

**Education Motion 6**

Move that Position Statement 27 be amended as follows:

**PS 27 Online Education**

NCEES recognizes that online ~~education instruction, either in whole or as a supplement to in-person presentation, may become~~ can be an ~~alternative to traditional effective delivery method for~~ engineering and surveying education, and encourages the development of methods and techniques that will result in accredited programs that meet requirements for licensure.

**Rationale**

The COVID-19 pandemic has served to accelerate the use of online instruction to provide a broad spectrum of education. A good deal of experience has been gained in the delivery of online programs, and many high-quality online educational materials have been developed. There are a number of online educational programs covering a variety of subject areas, including engineering and surveying. The proposed rewording of this position statement is meant to reflect the reality that online programs are being developed that will be properly accredited to provide the education required for licensed practice.

**Board of directors' position**

Endorses, consent agenda

**Education Motion 7**

Move that Position Statement 32 be amended as follows:

**PS 32 Evaluation of Qualifications for non-Model Law Engineers and Surveyors**

NCEES recommends that education and experience for non-Model Law license applicants requesting permission to sit for examinations or requesting licensure by comity should be evaluated in accordance with related NCEES position statements and standards.

~~When determining whether a non-Model Law candidate's qualifying education is satisfactory, the NCEES Engineering Education Standard should be used for engineering applicants and the NCEES Surveying Education Standard should be used for surveying applicants.~~

~~Experience for non-Model Law engineering license applicants should be evaluated in accordance with PS 13, NCEES Recommended Education/Experience Guidelines for P.E. Licensing.~~

~~Examinations used for licensing of engineers and surveyors should be substantially equivalent to those administered by NCEES. In the event that an alternative to the NCEES examinations is accepted, the specific basis for granting a license without the equivalent examination should be clearly stated in the record.~~

~~The order in which the education, experience, and examination requirements are attained for engineering or surveying licensure need not follow the order presented in the Model Law. However, the total education, experience, and examination for engineering candidates should meet the minimum standards of NCEES as expressed by PS 13, NCEES Recommended Education/Experience Guidelines for P.E. Licensing.~~

**Rationale**

The Committee on Education believes that the first paragraph of the statement fully embodies the intent of this position statement. The additional paragraphs are redundant, in that they point to other position statements or standards that are noted in the first paragraph. The additional elaboration is not necessary.

**Board of directors' position**

Endorses, consent agenda

**Education Motion 8**

Move that the following statements be added to the NCEES Engineering and Surveying Education Standards:

**NCEES Engineering Education Standard**

The NCEES Engineering Education Standard was developed by the NCEES Committee on Education for use by the NCEES Credentials Evaluations service and member boards. An educational evaluation provided by NCEES should be accepted as the only official assessment of whether or not the Engineering Education Standard has been met.

**NCEES Surveying Education Standard**

The NCEES Surveying Education Standard was developed by the NCEES Committee on Education for use by the NCEES Credentials Evaluations service and member boards. An educational evaluation provided by NCEES should be accepted as the only official assessment of whether the Surveying Education Standard has been met.

**Rationale**

Designating NCEES as the only entity that can officially certify that the NCEES education standards have been met eliminates the potential for conflict between evaluators. These statements do not restrict member boards from performing their own evaluations or accepting evaluations from third parties, but they do specify that an evaluation by parties other than NCEES should not be considered to provide a definitive assessment of educational credentials with respect to the NCEES standards. The intent of this motion is to eliminate situations in which one entity determines that the credentials of a licensure candidate meet the NCEES standard but a second determines that there are deficiencies.

**Board of directors' position**

Endorses, consent agenda

**Education Motion 9**

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Rules 240.30*:

**240.30 Continuing Professional Competency**

## H. Reinstatement

A licensee ~~may bring applying to reinstate~~ a retired or inactive license ~~to active status by should~~ obtaining all delinquent PDHs. However, if the total number required to become current exceeds 30, then 30 shall be the maximum number required. If the applicant has not been engaged in the legal practice of engineering for more than five years prior to seeking reinstatement, the licensing board may require the applicant to take and pass the NCEES Principles and Practice of Engineering (PE) examination or the NCEES Principles and Practice of Surveying (PS) examination and jurisdiction-specific examinations prior to reinstatement.

**Rationale**

The *Model Law* provides that member boards may impose examination requirements when there is concern about the continued competency of a lapsed licensee who has been out of active practice for more than five years. The parallel section in the *Model Rules*, which is considered here, does not mention that the licensing board could impose such a requirement. As the *Model Rules* read now, it appears that acquiring the necessary PDHs is the only requirement that would need to be met, regardless of the length of time that a license has been inactive.

**Board of directors' position**

Endorses, consent agenda

**Committee on Examination Policy and Procedures (17 motions)****EPP Motion 1**

Move that the Exam Development Policy 3 be amended as follows:

**EDP 3 Engineering and Surveying Examinations and Formats**

## B. Principles and Practice of Engineering Examinations

The Principles and Practice of Engineering examinations shall be offered in the following disciplines and shall be open-book, pencil-and-paper examinations or offered closed-book via CBT with supplied references as defined in EAP 4:

1. Agricultural and Biological
2. Architectural
3. Chemical
4. ~~Civil—Construction~~
5. ~~Civil—Geotechnical~~
6. ~~Civil—Structural~~
7. ~~Civil—Transportation~~
8. ~~Civil—Water Resources and Environmental~~
59. Control Systems
610. Electrical and Computer—Computer Engineering
711. Electrical and Computer—Electronics, Controls, and Communications
812. Electrical and Computer—Power
913. Environmental
104. Fire Protection
145. Industrial and Systems
126. Mechanical—HVAC and Refrigeration
137. Mechanical—Machine Design and Materials
148. Mechanical—Thermal and Fluid Systems
159. Metallurgical and Materials
1620. Mining and Mineral Processing
1721. Naval Architecture and Marine
1822. Nuclear

~~1923.~~ Petroleum

~~204.~~ ~~16-hour~~ Structural Engineering

The ~~16-hour~~ PE Structural Engineering examination shall consist of two ~~8-hour~~ components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. The ~~16-hour~~ PE Structural Engineering examination shall be considered and referred to as one examination.

#### Rationale

The proposed changes give a more complete listing of the examinations and clarify which format is open book and which format is closed book. They also remove the 16-hour title for the PE Structural examination, which is unnecessary and will not be accurate once the transition to CBT is complete.

#### Board of directors' position

Endorses, consent agenda

#### EPP Motion 2

Move that Exam Development Policy 4 be amended as follows:

#### EDP 4 Entry of New Discipline or Depth Module or Reinstatement to PE Examination Status

##### B. Technical Society ~~Requirement~~ Involvement

No discipline shall be added or reinstated unless a technical society agrees to sponsor-support the examination. All technical societies that sponsor-support examinations shall sign an agreement with NCEES delineating the responsibilities of both parties ~~in developing the examinations~~.

#### Rationale

The proposed amendments change the role of technical societies from sponsorship to support, in accordance with current practice.

#### Board of directors' position

Endorses, consent agenda

#### EPP Motion 3

Move that Exam Development Policy 7 be amended as follows:

#### EDP 7 Deleting/Combining/Renaming a Discipline or Module from the Examination Program

##### A. Deleting/Combining of Pencil-and-Paper Examinations

If in two consecutive administrations of pencil-and-paper examinations, there have been fewer than 50 total first-time examinees from NCEES jurisdictions in a specific examination or module, the Committee on Examination Policy and Procedures (EPP) shall review the desirability of continuing the subject examination or module and make one of the following recommendations to the board of directors:

1. Continue to prepare the examination or module.
2. Request the appropriate exam development committee and the supporting technical society to prepare and submit a specific remedial action plan for increasing the number of first-time takers to a level that meets or exceeds the minimum candidate requirements in the time period specified by the EPP Committee.
3. Place the examination or module on probation. The EPP Committee shall specify the conditions of the probation, including a time frame for corrective action. The recommendation may include the combination of the examination with another examination or other such action as the EPP Committee deems appropriate.
4. Discontinue the examination or module.

##### B. Deleting/Combining of CBT Examinations

If the population of first-time examinees from NCEES jurisdictions for any NCEES CBT examination or module is not adequate to provide for accurate psychometric analysis, the EPP Committee shall review the desirability of continuing the subject examination or module and make one of the following recommendations to the board of directors:

1. Continue to prepare the examination or module.
2. Request the appropriate exam development committee and the supporting technical society to prepare and submit a specific remedial action plan for increasing the number of first-time takers to a level that

meets or exceeds the minimum candidate requirements in the time period specified by the EPP Committee.

3. Place the examination or module on probation. The EPP Committee shall specify the conditions of the probation, including a time frame for corrective action. The recommendation may include the combination of the examination with another examination or other such action as the EPP Committee deems appropriate.
4. Discontinue the examination or module.

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**E. Adequate Item Bank Requirement**

If an examination ~~preparing entity~~ fails to have ~~on file with NCEES at all times~~ an adequate item bank as specified in paragraph D of EDP 3, including solutions and knowledges being assessed, the EPP Committee shall review the desirability of continuing the examination or module and make one of the following recommendations to the board of directors:

1. Continue to prepare the examination or module.
2. Discontinue the examination or module.
3. Place the examination or module on probation and recommend specific remedial action that may include contracting for item writing with an outside entity or other such action as the EPP Committee deems appropriate. If such remedial action fails to cause the examination to meet the requirements of paragraph D of EDP 3 within one year after the examination was put on probation, the EPP Committee shall recommend appropriate action to the board of directors.

**F. Sufficient Data for Exam Audit Requirement**

If an examination ~~preparing entity~~ fails to provide the Committee on Examination Audit with sufficient data to conduct an adequate audit for two consecutive audit cycles, the EPP Committee shall review the desirability of continuing the examination or module and make one of the following recommendations to the board of directors:

1. Continue to prepare the examination or module.
2. Discontinue the examination or module.
3. Place the examination or module on probation and recommend specific remedial action that the EPP Committee deems appropriate. If the examination entity fails to provide sufficient data to successfully complete the next scheduled examination audit, the EPP Committee shall recommend appropriate action to the board of directors.

\*\*\*\*\*

**Rationale**

The proposed amendments clarify that requests for remedial action plans should be developed by both the exam development committee and the supporting technical societies. They also clarify language regarding sufficient data for exam audits.

**Board of directors' position**

Endorses, consent agenda

**EPP Motion 4**

Move that Exam Development Policy 10 be amended as follows:

**EDP 10 Item Writers, Pass-Point Evaluators, Reviewers, and Scorers**

**B. Pass-Point Evaluation Team Requirements**

Exam committees shall require that at least one person who participates on the pass-point evaluation team be a person who has worked on the current development of an examination undergoing a pass-point evaluation. The number of current exam development members participating in the pass-point evaluation shall be no more than one-quarter of the pass-point evaluation team. ~~Any exam committee member involved in preliminary testing of the examination undergoing the pass-point evaluation shall be excluded from participating on the pass-point evaluation team for that examination.~~

**C. Restriction on Teaching ~~Refresher~~ Courses**

Any person serving on an NCEES examination development committee or involved in a pass-point evaluation panel shall not teach a ~~refresher~~ course related to the preparation for that examination within three years after serving on the committee or panel.

D. Exam Developers Requirement

Any person involved in the development of an NCEES examination who is later required by a member board to sit for that examination must inform that member board that ~~he or she~~ they worked on the development of that examination.

**Rationale**

The proposed changes clarify the roles and responsibilities of item writers, reviewers, and scorers and incorporate gender-neutral language.

**Board of directors' position**

Endorses, consent agenda

**EPP Motion 5**

Move that Exam Development Policy 11 be deleted.

~~**EDP 11 Payment for Examination Items**~~

~~It shall be the policy of NCEES to compensate the item writers and reviewers of materials for examinations. Further, NCEES may fund non-board members to attend workshops for the purpose of writing and reviewing examination materials. The EPP Committee shall recommend to the board of directors a fee schedule for these purposes.~~

**Rationale**

The committee proposes removing the policy covering payment for exam items because no payment for items is currently in place.

**Board of directors' position**

Endorses, consent agenda

**EPP Motion 6**

Move that Exam Administration Policy 1 be amended as follows:

**EAP 1 Administration of Examinations**

A. Guidelines and Procedures

NCEES will publish ~~examination administrative procedures that will~~ the Security and Administrative Procedures Manual to provide guidelines and procedures that member boards shall follow in the use of NCEES engineering and surveying examinations. The guidelines and procedures will cover matters concerning security, use, scoring, and general administration of such examinations for the purposes for which they are designated to ensure fair and equitable treatment of member boards and examination candidates.

B. Testing Regulations

~~Member boards or their designated representative~~ NCEES will provide the NCEES Examinee Guide to each candidate approved to take NCEES examinations. The NCEES Examinee Guide includes information regarding regulations to be observed during the examinations and actions that may be taken in the event of a testing irregularity.

C. Candidate Admission

Approval of candidates applying to take NCEES examinations ~~shall~~ may be by the individual member boards or their designated representative. To ~~sit for~~ be admitted to an NCEES examination, candidates will be required to ~~obtain a unique identification number from~~ create an account with NCEES. ~~Only candidates with an NCEES-supplied identification number will be allowed admission into the examination site.~~ Candidates not allowed admission to the morning session of a pencil-and-paper examination will not be admitted to the afternoon session.

D. Restriction of Who Can Be in the Examination Room

For pencil-and-paper examinations, only preauthorized member board members, member board staff, proctors, NCEES-designated representatives, and candidates ~~actually~~ taking an examination will be permitted in the examination room.

\*\*\*\*\*

#### H. Committee on Examination Audit

The Committee on Examination Audit shall include, as part of its auditing responsibilities, a review of the ~~examination administrative procedures manual~~ Security and Administrative Procedures Manual for content and effectiveness.

#### I. Banned Registration Requirements

If a member board bans an examinee from registering for an examination ~~as referenced in EAP 8~~, it shall be the responsibility of that member board to notify NCEES of the specific terms and reasons for the ban. NCEES will update the examinee's account to make this information available to all member boards. The decision as to whether another member board agrees to honor the terms of the original member board's decision to ban this examinee's registration will remain with the individual member boards.

#### Rationale

These proposed changes incorporate the proper names of publications and reflect current practice for exam administration.

#### Board of directors' position

Endorses, consent agenda

#### **EPP Motion 7**

Move that Exam Administration Policy 2 be amended as follows:

#### **EAP 2 Examination Schedules**

##### A. Pencil-and-Paper Examinations

A ~~10-year~~ schedule of examination dates shall be published for the PE Structural Engineering examination, and the schedule shall be updated annually by NCEES staff and affirmed by the board of directors. The examination dates should avoid conflicts with public and religious holidays.

~~Member boards~~ NCEES will schedule and administer the PE Structural Engineering examinations on the ~~NCEES-published day for each examination dates. For the 16-hour Structural Engineering examination, the~~ The Vertical Forces (gravity/other) and Incidental Lateral component ~~will be administered only on Friday,~~ and the Lateral Forces (wind/earthquake) component will be administered only on Saturday subsequent days.

Any request for deviation from this policy ~~by a member board~~ must be submitted to the NCEES office within the prescribed lead time ~~in order~~ to be considered for approval. A request for any deviation must conform to the applicable NCEES guidelines and must be approved by the NCEES compliance and security manager. Each request will be reviewed on its own merits.

##### B. CBT Examinations

NCEES will administer CBT examinations in the published timeframes or on the published dates as noted in the *Security and Administrative Procedures Manual*. The schedule shall be updated annually by NCEES staff and affirmed by the board of directors.

#### Rationale

A 10-year schedule for paper-and-pencil exams is no longer applicable. The PE Structural exam is the sole pencil-and-paper exam. Flexibility has been added to the administration days of the PE Structural exam. Also, member boards no longer administer exams. Some CBT exams are offered on specific dates and not within specific timeframes.

#### Board of directors' position

Endorses, consent agenda

#### **EPP Motion 8**

Move that Exam Administration Policy 3 be amended as follows:

#### **EAP 3 Release and Return of Examinations and Seating Charts for Pencil-and-Paper Examinations**

Exam books will not be ~~released to member boards delivered~~ prior to the regularly scheduled date for shipping orders for a particular administration.

All exam booklets, ~~and~~ answer sheets, and solution pamphlets must be returned to the exam printer in accordance with the NCEES *Security and Administrative Procedures Manual*.

Seating charts for each exam site and other administrative material must be ~~returned~~[transferred back](#) to NCEES in accordance with the NCEES *Security and Administrative Procedures Manual*.

### Rationale

The changes reflect that member boards no longer administer the exams.

### Board of directors' position

Endorses, consent agenda

### EPP Motion 9

Move that Exam Administration Policy 4 be amended as follows:

#### EAP 4 Materials Permitted and Not Permitted in Examination Room

##### B. ~~Open book~~[Pencil-and-Paper](#) Examinations

1. The following reference materials and aids may be brought into the examination room by the examinee for ~~his or her~~[their](#) personal use only:
  - a. Handbooks and textbooks
  - b. Bound reference materials, provided that the material be and remain contained (bound) in a cover during the entire examination. The term "bound" refers to the following:
    - (1) Material bound permanently, i.e., stitched or glued
    - (2) Material fastened securely in its cover by fasteners that penetrate all papers, e.g., ring binders, spiral binders, plastic snap binders, brads, screw posts. Loose material inside binder pockets does not qualify as bound.
2. Examinees are not permitted to exchange any reference materials.
3. Writing tablets, unbound tables, or unbound notes are not permitted in the examination room.
4. Examinees may tab reference books prior to the examination with Post-it™ type notes and flags, but pads of Post-it type notes and flags are not permitted in the examination room.

##### C. ~~Closed book~~[CBT](#) Examinations

Only NCEES-supplied reference materials are permitted for use in the examination room.

### Rationale

The proposed amendments use gender-neutral language and the current names of exam types.

### Board of directors' position

Endorses, consent agenda

### EPP Motion 10

Move that Exam Administration Policy 5 be amended as follows:

#### EAP 5 NCEES Examinations ~~Offered by a Member Board Within Its~~ [Jurisdiction Requirements](#)

##### A. Jurisdiction ~~Limitation~~ [Requirements](#)

~~A member board may offer NCEES examinations only in its jurisdiction except as noted in paragraph C. The member board must make suitable arrangements to protect the confidentiality and security of the examinations according to NCEES guidelines. Administration of examinations must conform to the NCEES scheduled timeframes for examinations. Individual applicants should apply to the sponsoring a member board in accordance with that jurisdiction's operating policies and procedures. This policy does not preclude an examinee from sitting for a CBT examination in a different jurisdiction.~~

##### B. [Approved Test Centers](#)

[Approved examinees may sit for a CBT examination at any NCEES-approved test center located in North America or any U.S. territory.](#)

##### BC. ~~U.S. Military Base Exemption~~ [Accommodations](#)

~~This policy does not preclude a member board from offering the examinations at an NCEES-approved site to U.S. military personnel stationed at military bases outside the United States.~~

[Approved examinees from the U.S. military serving outside of the United States and U.S. territories and their spouses residing outside of the United States and U.S. territories may request to take a CBT examination at an NCEES-approved test center located outside of these areas. NCEES will review all requests and make recommendations regarding the approval of the request.](#)

**CD. PE Structural Engineering Exam Administration**

~~Beginning with the April 2022~~ The pencil-and-paper administration, ~~of the 16-hour~~ PE Structural Engineering exam ~~will be is~~ offered as a regional exam and administered only by NCEES. This policy will continue until the exam transitions to computer-based testing. Examinees will be allowed to travel beyond jurisdictional boundaries to take the exam.

**Rationale**

The proposed changes reflect that member boards do not administer exams, that testing centers do administer exams, and that the PE Structural exam is now offered regionally.

**Board of directors' position**

Endorses, consent agenda

**EPP Motion 11**

Move that Exam Administration Policy 6 be amended as follows:

**EAP 6 Access to and Review of Examinations**

There shall be no post-administration access to, or review of, examination materials by an examinee or ~~his or her~~ their representative.

~~Member boards may allow examinees to~~ Examinees may request that their results for multiple-choice questions from a pencil-and-paper examination be verified by NCEES by manual verification, for a fee established by the NCEES board of directors.

**Rationale**

The proposed changes incorporate gender-neutral language and reflect that member boards do not administer examinations.

**Board of directors' position**

Endorses, consent agenda

**EPP Motion 12**

Move that Exam Administration Policy 7 be amended as follows:

**EAP 7 Requests for Special Examination Accommodations**

NCEES, ~~in cooperation with the member boards,~~ must determine reasonable, fair, and equitable methods to be employed to administer examinations to candidates. All such accommodations shall comply with applicable federal and state laws and regulations. NCEES will review all requests for accommodation and make recommendations regarding the approval of the request.

~~Member boards and testing services must follow the procedures in the Security and Administrative Procedures Manual regarding these requests.~~

**Rationale**

The proposed amendments reflect that member boards no longer administer examinations.

**Board of directors' position**

Endorses, consent agenda

**EPP Motion 13**

Moved that Exam Administration Policy 8 be amended as follows:

**EAP 8 Release and Use of Examination Results****A. Results Reporting**

Examination results shall be released only to the respective member board, ~~to or~~ its designee, ~~or and~~ directly to examinees ~~as directed by the member board~~. Examination results for candidates suspected of an exam irregularity shall not be released until the irregularity has been resolved per the *Security and Administrative Procedures Manual*. Reporting of examination results for candidates will be reported only as pass or fail. All failing candidates will be provided with a diagnostic report to indicate performance on those sections attempted.

~~The converted scores for each candidate will be furnished to member boards upon request. The use of individual candidate scores is for licensure purposes only, that is, to establish minimum competency. Individual candidate names and scores shall not be published, made public, used to make related comparisons, or used for purposes other than licensure. For example, scores above passing shall not be used to rank order or differentiate among passing candidates.~~

**B. Validity and Integrity**

NCEES shall strive to ensure that the validity and integrity of the examinations are preserved and examinees are treated in a fair and equitable manner. NCEES reserves the right to treat exam scores as final and not subject to change after one year has passed from the date of release from NCEES to the member boards. If there is a ~~post-roster~~ change in the exam scores within a year of the date NCEES releases the examination results roster to the member boards, then NCEES will notify the member board only if the ~~post-roster~~ change in exam scores alters a candidate’s status from fail to pass.

NCEES reserves the right to notify the member boards at any time if it learns that a candidate engaged in any improper conduct relating to the exam on which the score was obtained or took any action that jeopardized the security of any other NCEES exam or exam administration.

\*\*\*\*\*

**Rationale**

The EPP Committee reviewed and endorses the amendments to EAP 8 proposed by the Committee on Law Enforcement (see Law Enforcement Motion 2). EPP is proposing additional changes to reflect the current reporting of results in a CBT format.

**Board of directors’ position**

Endorses, consent agenda

**EPP Motion 14**

Move that Exam Administration Policy 9 be amended as follows:

**EAP 9 Providing Examination Scores-Results for Licensing by Comity**

When examination scores-results are requested for purposes of licensing by comity, member boards should report scores-results provided by NCEES ~~as the official scores. Member boards shall refrain from reporting scores that have been increased or decreased by the member board as a result of an internal examination review, a member board policy, or any other action taken unilaterally by the member board.~~

**Rationale**

The amendments are proposed because results (pass/no pass) are all that is required.

**Board of directors’ position**

Endorses, consent agenda

**EPP Motion 15**

Move that Exam Administration Policy 11 be amended as follows:

**EAP 11 Security and Administrative Procedures**

~~Member boards and testing~~ Testing services shall follow ~~current exam security administrative~~ procedures as prescribed by the NCEES *Security and Administrative Procedures Manual*.

All proctors participating in the administration of NCEES pencil-and-paper examinations shall be supplied with written examination administration and security procedures and instructions prior to each examination in sufficient time to address any questions and shall submit written affirmation that they have reviewed these procedures and instructions.

**Rationale**

The amendments are proposed to clean up language, reflect that member boards do not administer exams, and clarify that pencil-and-paper exams require that proctors be provided procedures and instructions.

**Board of directors’ position**

Endorses, consent agenda

**EPP Motion 16**

Move that Exam Administration Policy 12 be amended as follows:

**EAP 12 Exam Administration Audits**

~~Member boards or their authorized representatives are required to participate in exam administration audits as established by the NCEES board of directors' exam administration audit plan in order to ensure consistency in exam administration and security.~~

~~Member boards or their authorized representatives will follow the procedures established in the Auditing Compliance with Exam Procedures section of the NCEES Security and Administrative Procedures Manual. These will include member board self audits, onsite follow up audits, and the use of current NCEES Compliance and Security Audit forms.~~

CBT examination forensics, including a secret shopper-type program (which shall include a person who is requested to take the exam at a test center to verify quality assurance of the examination process), may be performed in accordance with the vendor-NCEES contract. Secret shopper exposure to NCEES examination content is restricted to an NCEES staff member or a licensed engineer or surveyor who has already passed the appropriate NCEES exam.

**Rationale**

The amendments are proposed to reflect that member boards no longer administer examinations.

**Board of directors' position**

Endorses, consent agenda

**EPP Motion 17**

Move that Position Statement 14 be deleted.

~~**PS 14 Computer-Based Testing**~~

~~The NCEES vision of computer-based testing (CBT) is as follows:~~

- ~~A. Conversion of the NCEES examinations to CBT should eventually include all exams.~~
- ~~B. The content areas, delivery methods, types, and processes associated with the CBT examination are expected to evolve and develop in order to remain current with the progress of professional practices as well as future technological advances to CBT.~~

**Rationale**

The position statement is no longer needed because all NCEES exams except the PE Structural exam have already transitioned to CBT.

**Board of directors' position**

Endorses, consent agenda

**Committee on Examinations for Professional Surveyors (1 motion)**

**EPS Motion 1**

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Law 130.10.C.2.a*:

**130.10 General Requirements for Licensure**

- C. Surveying
  - 2. Licensure as a Professional Surveyor
    - a. Initial Licensure as a Professional Surveyor
 

A surveyor intern ~~with a specific record of four years or more of combined office and progressive field experience satisfactory to the board in surveying under the supervision of a professional surveyor~~ shall be admitted to the NCEES Principles and Practice of Surveying examination ~~and any required state specific examinations~~. Upon passing ~~these~~ this examinations, ~~and any required state-specific examinations and satisfying the education and experience requirements~~, the applicant shall be eligible to be licensed as a professional surveyor, ~~if otherwise qualified~~.

**Rationale**

By decoupling the vital surveying experience requirement from the administration of the PS exam, licensing candidates, NCEES, and member boards will all benefit from automating the examination process, removing obstacles and promoting licensure, embracing the diversity of experience within licensing jurisdictions, and lowering the average age of FS and PS examinees (average age is significantly higher than that of FE and PE examinees). It will also provide a flexible licensing pathway for licensure candidates from differing career paths, better accommodate candidates who are protected by the ADA and may face hurdles in the working (field/office) environment, and increase licensure from peripheral disciplines (e.g., photogrammetric).

**Board of directors’ position**

Endorses, consent agenda

**Committee on Finances (6 motions)**

**Finance Motion 1**

Move that the adoption of the 2022–23 operating budget as shown in **Appendix B** be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

**Board of directors’ position**

Endorses, consent agenda

**Finance Motion 2**

Move that the adoption of the 2022–23 capital budget as shown in **Appendix C** be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

**Board of directors’ position**

Endorses, consent agenda

**Finance Motion 3**

Move that Financial Policy 6 be amended as follows:

**FP 6 Examination ~~Charges~~ Prices**

The Committee on Finances shall annually review all examination ~~charges~~ prices and propose any changes to examination ~~charges~~ prices for Council vote at the annual meeting. The current exam ~~fees~~ prices are as follows:

<u>Examination</u>	<u>FeePrice</u>	<u>Date approved</u>	<u>Date effective</u>
Computer-based FE*	<del>\$175</del> \$225	8/ <del>16</del> 22	1/ <del>18</del> 24
Computer-based FS*	<del>\$175</del> \$225	8/ <del>16</del> 22	1/ <del>18</del> 24
<del>Pencil and paper PE**</del>	<del>\$250</del>	<del>8/11</del>	<del>4/13</del>
Computer-based PE*	<del>\$375</del> \$400	8/ <del>16</del> 22	1/ <del>18</del> 24
Computer-based PS*	<del>\$300</del> \$375	8/ <del>15</del> 22	<del>10/16</del> 1/24
Structural Lateral Forces component**	\$400	8/09	4/11
Structural Vertical Forces component**	\$400	8/09	4/11

~~For computer-based examinations, examinees are required to pay NCEES directly.~~ All examinees are required to pay NCEES directly; this requirement includes both computer-based and pencil-and-paper examinations.

\*~~Fee-Price~~ includes exam development, scoring, and computer-based exam administration.

\*\*~~Fee-Price~~ includes exam development, scoring, shipping, and materials. Exam administration fees will remain separate for pencil-and-paper exams.

**Rationale**

Exams are the primary source of revenue for NCEES and must generate a nominal amount of positive income to ensure that sufficient short-term and long-term resources are available to the organization. This income is used

to fund many programs and services that support the Council’s mission and provide value to the member boards and the general public. The current pricing structure for the CBT exams does not generate sufficient revenue to cover the costs associated with the exams. Continued losses such as those currently being realized by the Council are not sustainable and will negatively affect the organization’s financial health.

**Board of directors’ position**  
Endorses, non-consent agenda

**Finance Motion 4**

Move that Financial Policy 6 be amended as follows to incorporate the computer-based PE Structural exam:

**FP 6 Examination Charges**

<u>Examination</u>	<u>Fee</u>	<u>Date approved</u>	<u>Date effective</u>
<u><a href="#">Pencil-and-paper</a></u>			
Structural Lateral Forces component**	\$400	8/09	4/11
<u><a href="#">Pencil-and-paper</a></u>			
Structural Vertical Forces component**	\$400	8/09	4/11
<u><a href="#">Computer-based</a></u>			
<u><a href="#">Structural exams***</a></u>			
<u><a href="#">Vertical breadth section</a></u>	<u><a href="#">\$350</a></u>	<u><a href="#">8/22</a></u>	<u><a href="#">1/24</a></u>
<u><a href="#">Vertical depth section</a></u>	<u><a href="#">\$350</a></u>	<u><a href="#">8/22</a></u>	<u><a href="#">1/24</a></u>
<u><a href="#">Lateral breadth section</a></u>	<u><a href="#">\$350</a></u>	<u><a href="#">8/22</a></u>	<u><a href="#">1/24</a></u>
<u><a href="#">Lateral depth section</a></u>	<u><a href="#">\$350</a></u>	<u><a href="#">8/22</a></u>	<u><a href="#">1/24</a></u>

\*\*\*[The current Structural exam will be transitioning from a pencil-and-paper format consisting of a vertical section and a lateral section given on two separate days to a computer-based exam consisting of vertical and lateral sections with separate breadth and depth components for each section in four separate exam seatings. Price includes exam development, scoring, and computer-based exam administration of each section.](#)

**Rationale**

The current pricing structure for the PE Structural exam only provides pricing in a pencil-and-paper format. The proposed language identifies pricing for the current PE Structural components in a pencil-and-paper format through the October 2023 exam administration and sets the prices for each section of the CBT Structural exam beginning with exam administrations in 2024.

**Board of directors’ position**  
Endorses, consent agenda

**Finance Motion 5**

Move that Financial Policy 1C be amended as follows:

**FP 1 Council Funds**

C. The reserve funds (current tangible assets plus tangible marketable long-term investments minus current liabilities) should be accumulated to and maintained at a [level sufficient for each of the following:](#)

- [1. A designated reserve equal to a](#) minimum amount of 100 percent of the annual operating budget.
- [2. ~~plus a~~ designated exam breach reserve equal to the computed cost of a ~~total-probable or potential~~ exam breach based on the current approved item replacement costs.](#)
- [3. A data breach reserve equal to the anticipated costs of such an incident, including lost revenue during recovery, less insurance provisions.](#)
- [4. A building reserve for long-range capital improvements and replacements for the NCEES headquarters building.](#)

Reserve funds [over the breach costs and operating costs in excess of the reserves stated above](#) may be designated by the board of directors for other NCEES [mission advancement initiatives or](#) capital projects. If the reserve funds fall below [this level the reserve levels stated above](#), the Council shall strive to correct the

situation. All reserves shall be reviewed annually by NCEES staff and presented to the board of directors and the Committee on Finances.

**Rationale**

The committee recommends that the current language in FP 1C be revised to clarify the intent that NCEES maintain designated reserves for each of the specified purposes. The committee also recommends that both a data breach reserve and a building reserve be established to protect the overall financial health of the Council.

**Board of directors’ position**

Endorses, non-consent agenda

**Finance Motion 6**

Move that Financial Policy 11 be amended as follows:

**FP 11 Exam Breach**

The board of directors shall review and approve the replacement cost for exam items at least annually, to be applicable in the event of an exam breach covered by this policy. Except as otherwise expressly provided in this policy, ~~each member board the exam delivery contractor~~ shall reimburse NCEES for the then-current replacement costs of all exam ~~questions items~~ whose security is compromised due to negligence while in the ~~contractor’s custody or control of the member board or an agent of the member board, including any test delivery contractor other than NCEES.~~ This policy applies with respect to all secure examinations developed by NCEES. Whether ~~a compromise an exam breach~~ has occurred for purposes of this policy shall be determined by the NCEES board of directors following an investigation of the incident and evaluation of all information submitted by the ~~member board exam delivery contractor~~, input from third-party consultants if deemed appropriate, and recommendations from a duly constituted NCEES breach committee. ~~Member boards shall not be responsible for any compromise that occurs while examination materials are in the custody or control of a shipping service so long as the member board has shipped the materials in compliance with applicable shipping requirements.~~

**Rationale**

The committee recommends revising the existing language in FP 11 for clarification and to reflect current practices related to a potential exam breach.

**Board of directors’ position**

Endorses, non-consent agenda

**Committee on Law Enforcement (2 motions)**

**Law Enforcement Motion 1**

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendment into *Model Law 110.20 O*:

**110.20 Definitions**

O. Disciplinary Action—The term “Disciplinary Action,” as used in this Act, shall mean any final written decision or settlement taken against an individual or firm by a licensing board based upon a violation of the board’s laws and rules. Disciplinary actions include reprimands; administrative fines; the board’s refusal to issue, restore, or renew a license; settlement agreements or consent orders; probation; suspension; revocation; or any combination thereof. Disciplinary action also includes voluntarily surrendering, relinquishing, or agreeing not to renew the license as part of an agreement or board order to avoid disciplinary action for a violation of the board’s laws or rules.

**Rationale**

The amendment provides examples of disciplinary actions to clarify the definition.

**Board of directors’ position**

Endorses, consent agenda

**Law Enforcement Motion 2**

Move that Exam Administration Policy 8 be amended as follows:

**EAP 8 Release and Use of Examination Results****C. ~~In Case of an Irregularity~~**

~~Examination results for any examinee suspected of an exam irregularity will be provided to the affected member board in a report segregated from all other examinee score reports. This report will identify the examinee and provide the examinee score information. After the release of the score report, NCEES will provide the member board with the results of any analysis conducted or other information pertaining to the suspected irregularity. The member board will conduct a review and notify NCEES of its findings and any action taken. An examination irregularity is one that potentially compromises the exam integrity or provides individual candidates with benefits not afforded to other candidates.~~

**D. ~~Examinee Non-Compliance~~**

~~Examination results for any examinee who fails to comply with the conditions stated in the NCEES *Examinee Guide* are subject to invalidation by NCEES in accordance with the list below. Exam irregularities that may be grounds for exam invalidation by the member boards are included in the second list below. The identity of any examinee whose results are invalidated and the reason for invalidation will be provided to the affected member board. Examinees identified by post-exam collusion analysis are subject to EAP 8C above. The following items in the NCEES *Examinee Guide* are grounds for a candidate to be dismissed from the exam room and for a candidate's exam results to be invalidated by NCEES:~~

- ~~• Having a device with copying, recording, or communication capabilities in his or her possession~~
- ~~• Having a calculator that is not on the NCEES approved list~~
- ~~• Removing pages from his or her exam booklet on pencil and paper examinations~~
- ~~• Leaving the exam area without authorization~~

~~The following are the items in the NCEES *Examinee Guide* that are grounds for a candidate's exam results to be invalidated by a member board:~~

- ~~• Having loose papers, legal pads, writing tablets, or unbound notes in his or her possession~~
- ~~• Using a non-NCEES writing instrument or eraser to complete any portion of the exam~~
- ~~• Beginning the exam before the proctor instructs him or her to do so~~
- ~~• Failing to stop writing immediately when time is called on pencil and paper examinations~~
- ~~• Writing on anything other than the exam booklet or answer sheet on pencil and paper examinations~~
- ~~• Violating any other terms stated in these regulations that are cause for dismissal or exam invalidation~~

~~The following item in the NCEES *Examinee Guide* falls under collusion and is already grounds for invalidation by the member boards:~~

- ~~• Copying from another examinee's answer sheet or colluding with other examinees~~

**C. Exam Irregularities**

All NCEES exam irregularities should be evaluated by NCEES with regards to invalidation of exam results. If a candidate fails to comply with the conditions stated in the NCEES *Examinee Guide*, NCEES shall have the authority to invalidate exam results and, furthermore, shall have the authority to suspend a candidate's ability to take an NCEES examination for up to three years. If deemed appropriate, NCEES shall also have the right to pursue additional restrictions on future testing, civil remedies, and/or criminal remedies. NCEES will notify the member board selected by the examinee of the specific terms and reasons for the invalidation and/or ban. NCEES will update the examinee's account to make this information available to all member boards.

If a member board objects to NCEES' decision to ban an examinee's registration, NCEES will update the examinee's account to allow the examinee to select that member board and register for an examination in accordance with the terms set forth by that member board.

**Rationale**

NCEES delegates passed a 2020–21 Advisory Committee on Council Activities motion to charge the appropriate committee with incorporating the first paragraph under the proposed Exam Irregularities section above. The ACCA rationale for the motion was as follows: "Making these changes will provide consistency in determining exam invalidation for examinees who violate the exam rules provided in the *NCEES Examinee Guide*. Member boards will no longer have to shoulder the responsibility for conducting investigations into exam irregularities. They will still be informed of the identity of any examinee whose results are invalidated, and the reason for invalidation will be noted in the NCEES Enforcement Exchange database."

The Committee on Law Enforcement recommends adding additional language (paragraphs 2–3 in the proposed Exam Irregularities section) to outline a process for communication and documentation of NCEES' decision and to provide relief for a member board that does not agree with NCEES' decision to ban an examinee's registration. These changes replace EAP 8.C, In Case of an Irregularity, and EAP 8.D, Examinee Non-Compliance, which primarily address exam irregularities during pencil-and-paper exam administrations.

**Board of directors' position**

Endorses, consent agenda

**Committee on Uniform Procedures and Legislative Guidelines (6 motions)**

**UPLG Motion 1**

Move that Position Statement 16 be amended as follows:

**PS 16 Electronic Technology**

The use of digital signatures has dramatically changed the practice of producing, submitting, and reproducing reports, drawings, and specifications by practitioners, but the need to safeguard the health, safety, and welfare of the public has not changed.

The use of digital signatures can adequately safeguard the public if the appropriate guidelines are followed. Electronic technology must be encouraged in an open and unrestrictive environment. It is the responsibility of the [state member](#) boards and other jurisdictions to encourage the use of digital signature technology to further safeguard the public from the current common practice of delivering documents electronically with no security or protection. [Refer to Model Rules 240.20, Seal on Documents, for further information.](#)

**Rationale**

The UPLG Committee feels that more-detailed information is included in the *Model Rules* and thus adding a reference to it seems prudent.

**Board of directors' position**

Endorses, consent agenda

**UPLG Motion 2**

Move that Position Statement 37 amended as follows:

**PS 37 Remote Sensing Technologies**

In the interest of safeguarding the public health, safety, and welfare, the use of remote sensing technology ([including but not limited to both aerial, ~~and~~ ground based, and hydrographic](#)) to perform professional services defined in NCEES *Model Law* 110.20 A.5, Practice of Engineering, and 110.20 B.4, Practice of Surveying, shall be under the responsible charge of an appropriately licensed professional.

**Rationale**

The UPLG Committee feels that these revisions to PS 37 improve clarity and that adding hydrographic as an example makes the position statement more comprehensive.

**Board of directors' position**

Endorses, consent agenda

**UPLG Motion 3**

Move that *Model Rules* 240.30 C be amended as follows:

**240.30 Continuing Professional Competency**

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of licensees.

C. Qualifying Activities

PDHs may be earned as follows:

1. Successful completion of college courses
2. Successful completion of short courses, tutorials, webinars, and distance-education courses offered for documented individual or group study. The method of delivery can be through the following:
  - a. Face-to-face programs or live internet-based programs
  - b. Archived prerecorded programs or archived correspondence programs
3. Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, conferences, or educational institutions
4. Teaching or instructing in 1 through 3 above
5. Authoring published papers, articles, books, or accepted licensing examination items
6. Active participation in professional or technical societies or in accrediting organizations
7. [Obtaining a Patent](#)
8. Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K–12 or higher education students

**Rationale**

The 2020–21 Committee on Education proposed a motion to charge UPLG with modifying 240.30 C related to continuing professional competency requirements. The Education Committee’s rationale for modifying the language was as follows: “The committee feels that the efforts to obtain a patent are qualifying activities for PDHs. The current language simply states, ‘patent,’ and this motion corrects the language to be an action similar to the other items in section C.”

The UPLG Committee agrees with the revision.

**Board of directors’ position**

Endorses, consent agenda

**UPLG Motion 4**

Move that *Model Rules* 240.30 D be amended as follows:

**240.30 Continuing Professional Competency**

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of licensees.

D. Units

The conversion of other units of credit to PDHs is as follows:

1. 1 semester hour..... 45 PDHs
2. 1 quarter hour .....30 PDHs
3. 1 continuing education unit ..... 10 PDHs
4. 1 hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conferences..... 1 PDH
5. For teaching in 1 through 4 above, apply multiple of 2\*
6. Publications
  - a. Each published peer-reviewed paper or book in the licensee’s area of professional practice..... 10 PDHs
  - b. Each published paper or article (other than 6.a above) in the licensee’s area of professional practice..... 5 PDHs
7. Active participation in professional and technical society (each organization) ..... 2 PDHs
8. Each patent..... 10 PDHs
9. [Active volunteer participation in standards or code development technical committees, standards, or code commissions](#) ..... up to 4 PDHs
- 9.10. 1 hour of outreach activities ..... 1 PDH (not to exceed 3 PDHs)

\* Teaching credit is valid only for the first offering or presentation. Full-time faculty may not claim teaching credit associated with their regular duties.

**Rationale**

The 2020–21 Committee on Education proposed a motion to charge UPLG with modifying 240.30 C related to continuing professional competency requirements. The Education Committee’s rationale for modifying the language was as follows: “Volunteers who hold P.E./P.S. licenses and are active in standards or codes

development spend many hours collaborating to develop these standards and guides. The work required to develop codes and standards is engineering or surveying related. The committee feels that the efforts to develop codes and standards within the engineering and surveying professions are qualifying activities for PDHs.”

The UPLG Committee agrees with the revision.

#### **Board of directors' position**

Endorses, consent agenda

#### **UPLG Motion 5**

Move that *Model Rules* 240.30 E be amended as follows:

#### **240.30 Continuing Professional Competency**

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of licensees.

##### **E. Determination of Credit**

The board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

1. Credit for college or community college approved courses will be based upon course credit established by the college.
  - a. [A semester credit hour represents 15 classes with 1 hour of instructional time plus 2 additional hours of student engagement with the subject material through homework, laboratory work, internships, practicums, studio work, or other academic work, resulting in 45 PDHs.](#)
  - b. [A quarter credit hour represents 10 classes with 1 hour of instructional time plus 2 additional hours of student engagement with the subject material through homework, laboratory work, internships, practicums, studio work, or other academic work, resulting in 30 PDHs.](#)
2. Credit for qualifying seminars and workshops will be based on 1 PDH for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDHs for the actual time of each program.
3. Credit determination for activities in subsections D.6 and D.8 is the responsibility of the licensee (subject to review as required by the board).
4. Credit for activity in subsection D.7, active participation in professional and technical societies (limited to 2 PDHs per organization), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDHs are not earned until the end of each year of service is completed.

#### **Rationale**

The 2020–21 Committee on Education proposed a motion to charge UPLG with modifying 240.30 E related to continuing professional competency requirements. The Education Committee’s rationale for modifying the language was as follows: “Member boards treat professional development hours earned through college courses differently. Some follow the *Model Rules*; others define the number of hours based on contact hours. The committee feels that the current *Model Rules* addresses PDHs accurately and is providing the amendment ... to help clarify why one semester hour is equal to 45 professional development hours.”

The UPLG Committee added the bullet point about quarter hours since this was inadvertently left out by the Committee on Education last year. UPLG added further explanation in the bullet points for clarification.

#### **Board of directors' position**

Endorses, non-consent agenda

#### **UPLG Motion 6**

Move that *Model Law* 130.10 C be amended as follows:

#### **130.10 General Requirements for Licensure**

Education, experience, and examinations are required for licensure as a professional engineer or professional surveyor as set forth by the jurisdiction.

## C. Surveying

## 2. Licensure as a Professional Surveyor

## a. Initial Licensure as a Professional Surveyor

A surveyor intern with a specific record of four years or more of ~~combined office and~~ progressive ~~field~~-experience ~~satisfactory to the board~~ in surveying under the supervision of a professional surveyor ~~and satisfactory to the board~~ shall be admitted to the NCEES Principles and Practice of Surveying examination and any required state-specific examinations. Upon passing these examinations, the applicant shall be licensed as a professional surveyor, if otherwise qualified.

**Rationale**

Last year's UPLG Committee was charged with reviewing the *Model Law* and *Model Rules* to determine if processes outlined within the documents place an unintended barrier to potential licensees from underrepresented groups. The committee's rationale for its amendments was as follows: "As a result of this review, the committee decided that the *Model Law* terms 'combined office' and 'field experience' ... could be a barrier to people with physical disabilities. It is therefore proposing to remove the specifics of office and field experience in the model document and to instead make it clear that the progressive experience should be satisfactory to the board. Making the language broader would help facilitate comity licensure among boards."

The proposed amendments simplify the language and allow "progressive" to relate to both field and office experience.

**Board of directors' position**

Endorses, non-consent agenda

**Engineering Licensure Model Task Force (1 motion)****ELMTF Motion 1**

Move that Position Statement 35 be replaced as shown:

**PS 35 Future Education Requirements for Engineering Licensure**

~~One of the goals of NCEES is to advance licensure standards for all professional engineers. Those standards describe the technical and professional competency needed to safeguard the health, safety, and welfare of the public. The Council recognizes that future demands for increasing technical and professional skills have resulted in the need for additional education beyond the bachelor's degree for those entering the engineering profession. For the purpose of this Position Statement, a bachelor's degree is in engineering from a program accredited by EAC/ABET or a bachelor's degree in engineering that meets the NCEES Engineering Education Standard as determined by NCEES.~~

~~NCEES has identified several future pathways by which a candidate for licensure as a professional engineer might obtain the body of knowledge needed to meet these educational requirements, including the following:~~

- ~~A. A bachelor's degree and a master's or earned doctoral degree in the same technical area of engineering from a program that offers an EAC/ABET-accredited bachelor's degree~~
- ~~B. A master's degree in engineering from a program accredited by EAC/ABET~~
- ~~C. A bachelor's degree from a program accredited by EAC/ABET that has a minimum of 150 semester credit hours, of which at least 115 semester credit hours are in mathematics, science, or engineering combined and at least 75 of these semester credit hours are in engineering~~
- ~~D. A bachelor's degree and at least 30 additional semester credit hours of upper-level undergraduate or graduate-level coursework in engineering on topics relevant to the practice of engineering (e.g., engineering-related science, mathematics, or professional practice topics such as business, communications, contract law, management, ethics, public policy, and quality control) from approved course providers (e.g., institutions that have EAC/ABET-accredited programs, or institutions or organizations accredited by an NCEES-approved accrediting body)~~
- ~~E. A bachelor's degree and 80 assessed learning days (ALDs) in areas germane to professional practice and that support and enhance the applicant's capability in their technical area of practice
 
  - ~~1. ALDs can be earned through credit or noncredit courses. The applicant shall be required to demonstrate successful completion and that the coursework was of sufficient content and rigor.~~~~

- ~~2. Coursework may include university courses, industrial in-house specialty courses, short courses and certification courses offered by professional and technical societies, and other courses meeting standards to be developed by NCEES.~~
- ~~3. At least 40 ALDs shall be from technical engineering coursework. Nontechnical ALDs include professional practice topics such as business, communications, contract law, management, ethics, public policy, and quality control.~~
- ~~4. For non-university provided coursework, a course that earns ALD credit must have a syllabus, learning objectives, and outcomes assessment.~~
- ~~5. For non-university provided coursework, one ALD unit shall be defined as eight hours of contact time.~~
- ~~6. For university provided coursework, a three-semester credit hour course shall equal six ALDs.~~
- ~~7. Any single course must consist of at least one ALD.~~

~~NCEES will continue to explore alternative educational pathways for candidates for licensure as professional engineers to develop the body of knowledge needed for entry into the profession. These alternatives will be developed through collaboration with technical engineering societies and other stakeholders engaged with the engineering profession.~~

### **PS 35 Framework for Future Engineering Licensure**

One of the goals of NCEES is to advance licensure standards for all professional engineers. Those standards describe the technical and professional competency needed to safeguard the health, safety, and welfare of the public. The Council recognizes that future demands for increasing technical and professional knowledge and skills will require the licensure process, including education and experience requirements, to be updated to meet these changing needs and ensure a competent level of professional engineering practice. NCEES supports a licensing framework that covers the life cycle of a professional engineer, with multiple focused pathways to licensure. These pathways include supplemental education focused on depth of technical knowledge and professional practice, a robust and adaptable system for assessment and evaluation, a system of focused and progressive experience, and lifelong learning.

NCEES recognizes that different areas of engineering practice may have differing requirements or paths to demonstrate a competent level of professional knowledge and skills. These future pathways will be developed to address the needs of the various areas of engineering practice as appropriate to safeguard the health, safety, and welfare of the public and support the strength and growth of the engineering profession.

Pathways by which a candidate for licensure as a professional engineer might obtain the body of knowledge needed to meet future education and experience requirements include the following:

- A. A bachelor's degree in engineering or engineering technology
- B. Focused and guided supplemental education requirements prior to licensure to address technical depth and professional practice, which may include
  - a. Additional formal education, such as a master's or doctoral degree
  - b. Certifications by recognized technical professional organizations
  - c. Professional-level continuing education courses
- C. Focused and guided experience prior to licensure
- D. Increased professional mentorship during the licensure process

### **Rationale**

The current PS 35 language is prescriptive and, to a large degree, unworkable. The replacement language is forward looking and flexible. Different engineering disciplines may very well determine different requirements/expectations for licensure. This language also recognizes the shortcomings now seen in the experience part of licensure and will provide for additional requirements during this crucial phase of the licensure process.

### **Board of directors' position**

Endorses, consent agenda

**Western Zone (1 motion)****Western Zone Motion 1**

Move that the Committee on Uniform Procedures and Legislative Guidelines be charged with incorporating the following amendments into *Model Law 130.10 B.2.b*:

**130.10 General Requirements for Licensure****B. Engineering****2. Licensure as a Professional Engineer****b. Licensure by Comity for a Professional Engineer<sup>3,4</sup>**

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity as a professional engineer:

- 1) An individual holding a certificate of licensure to engage in the practice of engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard that provides proof of minimal competency and is comparable to the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or
- (2) An individual holding an active Council Record with NCEES, whose qualifications as evidenced by the Council Record meet the requirements of this Act, may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction-; or
- (3) An individual holding a certificate of licensure to engage in the practice of engineering issued by any jurisdiction may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction, if they meet all three of the following criteria:
  - (a) has been actively licensed for a minimum of 10 years continuous immediately preceding application to this jurisdiction;
  - (b) has not received any form of disciplinary action related to professional conduct or practice from any jurisdiction within the five years immediately preceding application to this jurisdiction; and
  - (c) has not had their professional license suspended or revoked at any time from any jurisdiction.

<sup>3</sup> Jurisdictions (boards) that do not license by discipline may license an individual as a professional engineer.

<sup>4</sup> Jurisdictions (boards) that license by discipline may license an individual in any discipline in which the individual can verify his or her competency.

**Rationale**

The Western Zone believes that proposed changes to existing licensure laws by local legislative bodies have been increasing in frequency and severity and that this addition to the *Model Law* will allow jurisdictions, if they so wish, to remove regulatory barriers and allow expediency to professional engineering licensure without increased hazard to the public that each board serves. The intent is to utilize a history of board-monitored safe practice in lieu of any unique licensure criteria applied on a jurisdiction-by-jurisdiction basis that could prevent licensure of otherwise qualified individuals.

**Board of directors' position**

Does not endorse, non-consent agenda

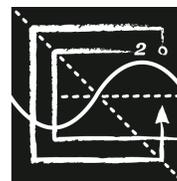
**Board of directors' rationale**

The board of directors does not endorse this change because it essentially plays to the lowest engineering licensure requirements. A number of boards have educational requirements, and this change would allow an experience-only path for those states, since some other jurisdictions have experience-only paths. This path would conflict with the current model documents and professional policies that refer to the three-legged stool of education, experience, and examinations. The board also questions whether 10 years is a long enough license requirement.

# BYLAWS

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August 2022



**NCEES**



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National Council of Examiners for Engineering and Surveying®

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**ARTICLE 1. NAME.**

**Section 1.01 Name.** The name of this organization shall be the National Council of Examiners for Engineering and Surveying.

**Section 1.02 Definitions and Abbreviations.** Wherever the word “Council” is used, it shall mean the National Council of Examiners for Engineering and Surveying, for which the official abbreviation shall be NCEES. The words “State Board” shall mean a legally constituted board of any state, territory, or political subdivision of the United States of America that administers an Act regulating the practice of professional engineering, a single branch of professional engineering or surveying, or a combination of professional engineering and surveying; or a board that serves in an advisory capacity to a state agency in the administration of such an Act. Wherever the word “State” is used, it shall mean any state, territory, or political subdivision of the United States of America.

**ARTICLE 2. PURPOSE.**

**Section 2.01 Purpose.** The purpose of this Council shall be to provide an organization through which state boards may act and counsel together to better discharge their responsibilities in regulating the practice of engineering and surveying as it relates to safeguarding the health, safety, and welfare of the public. The Council shall also provide such services as may be required by the boards in their mandate to safeguard the public.

**Section 2.02 Objectives.** In the public interest, NCEES shall provide to licensing boards services that assist in the development and administration of the licensing process by promoting

- (1) Improvements of licensing laws for engineering and surveying, including the administration and effectiveness of these laws;
- (2) Uniformity of standards and practices used in engineering and surveying licensure;
- (3) General acceptance and recognition of comity for engineering and surveying licensure among boards;
- (4) Definition and maintenance of nationally recognized licensing qualifications to become professional engineers and professional surveyors;
- (5) Identification and observation of international engineering and surveying licensing procedures and the maintenance of a liaison with international licensing agencies;
- (6) Improvement and uniformity of standards for law enforcement and disciplinary action in engineering and surveying licensing laws and their administration; and
- (7) Value of the licensure of engineers and surveyors as it relates to safeguarding the health, safety, and welfare of the public.

**ARTICLE 3. MEMBERSHIP.**

**Section 3.01 Member Boards.** A Member Board of NCEES shall be a State Board, as defined in Article 1, Section 1.02, which is a member of the Council. Acceptance of a Member Board shall be by majority vote of the Council. Member Boards shall pay fees as set forth in the *Bylaws*.

**Section 3.02 Members.** A member of NCEES shall be a person who is a member of a Member Board.

**Section 3.021 Associate Members.** An Associate Member of NCEES shall be a designee of a Member Board, but not a member of a Member Board, who is appointed by the NCEES Board of Directors as an Associate Member of NCEES.

Recommendations for associate members of NCEES shall be submitted by Member Boards to the Board of Directors and become effective upon appointment by the Board of Directors. Such appointments shall be

reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Associate Members of NCEES shall have the privilege of the floor ~~upon approval of the presiding officer at meetings of the Council. Associate Members and~~ may serve on any committee or task force to which duly appointed under the *Bylaws*. Associate Members are eligible to hold the elective office of zone Secretary-Treasurer but are not eligible to serve on the NCEES Board of Directors.

**Section 3.022 Emeritus Members.** An Emeritus Member of NCEES shall be a person who is a former member of a Member Board who is duly recommended by that Member Board and approved by the NCEES Board of Directors. Such appointments shall be reviewed annually by each Member Board and shall remain in effect until the Board of Directors is notified otherwise by the Member Board.

Emeritus Members of NCEES shall have the privilege of the floor ~~upon approval of the presiding officer at meetings of the Council. Emeritus Members and~~ may serve on any committee or task force to which duly appointed under the *Bylaws*.

**Section 3.03 International Affiliate Organization.** An International Affiliate Organization of NCEES shall be a legally constituted entity located outside the United States having a collateral and supportive position with the licensure of engineers or surveyors. International Affiliate Organizations are entitled to representation at Council meetings without voting privileges and, on approval of the presiding officer, may have the privilege of the floor. Acceptance of an International Affiliate Organization shall be by majority vote of the Council.

**Section 3.04 Participating Organizations.** A Participating Organization shall be a society, institute, association, or organization of national scope whose membership is composed predominantly of engineers and/or surveyors engaged in work at the professional level and whose policies include advancement of professional ethics and standards and encouragement of licensure, and which actively supports the policies and objectives of the Council. Participating Organizations are entitled to representation at meetings of the Council without voting privileges and, on approval of the presiding officer, may have the privilege of the floor. They shall be privileged to communicate with the officers and Board of Directors of the Council on matters of mutual concern. Acceptance of a Participating Organization shall be by majority vote of the Council.

**Section 3.05 Delegates.** A delegate shall be a member or an associate member designated by a Member Board to represent it at meetings of the Council. A Member Board may have as many delegates as it has members but may cast votes only as prescribed. Any delegate shall have the privilege of the floor.

**Section 3.06 Representatives.** A representative shall be a member of an International Affiliate Organization or a Participating Organization designated to represent his or her respective organization at meetings of the Council.

**Section 3.07 Past Presidents.** Past presidents of the Council who are not members of Member Boards shall be considered as honorary participants in the Council eligible to serve on the committees, to have the privilege of the floor at meetings of the Council, to take part in discussions, and to perform all functions of members except to hold office and vote.

**Section 3.08 Zones.** The Member Boards of the Council shall be divided into four zones as follows: **Central Zone:** Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin; **Northeast Zone:** Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia; **Southern Zone:** Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, Virgin Islands (U.S.), Virginia; **Western Zone:**

Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Montana, Nevada, New Mexico, Northern Mariana Islands, Oregon, Utah, Washington, Wyoming.

**Section 3.09 Zone Organization.** Each zone shall adopt the *Zone Meeting and Continuity Guidelines* for its organization and operation consistent with and in conformity to the NCEES *Bylaws*.

Each zone shall submit copies of its minutes to the Council at the Annual Business Meeting of the Council. Each zone shall elect an Assistant Vice President who shall serve a two-year term concurrent with the Vice President. The Assistant Vice President shall assist the Vice President, shall perform the duties outlined in the *Zone Meeting and Continuity Guidelines*, and shall perform all duties of the Vice President in the event that the Vice President is unable to perform for any reason. This shall include fulfilling the duties as Vice President on the Board of Directors.

Each zone shall elect a Secretary-Treasurer. Members and associate members shall be eligible to hold the office of Secretary-Treasurer. The Secretary-Treasurer shall keep and have published zone minutes and maintain records of zone activities.

Administration of the financial affairs of the zone shall be consistent with those of the Council as governed by the Council's Articles of Incorporation and the *Bylaws*.

#### **ARTICLE 4. BOARD OF DIRECTORS.**

**Section 4.01 Board of Directors.** The Board of Directors shall be the executive board of the National Council of Examiners for Engineering and Surveying. The Board of Directors shall exercise the corporate powers as set forth in the South Carolina Nonprofit Corporation Act.

The Board of Directors shall function as the executive board of the Council and may authorize all expenditures, provide direction to the office of the Chief Executive Officer through the President, authorize the borrowing of funds for Council purposes, and do all things necessary to conduct the affairs of the Council between the Annual Business Meetings.

The Board of Directors shall not take any action that shall interfere with the rights of any Member Board in the regulation of licensees or determine the licensing requirements of applicants within any Member Board's jurisdiction. The Board of Directors shall not be authorized to make expenditures in excess of its annual income and general reserves. In no event shall the Board of Directors be authorized to increase NCEES membership fees of a constituent member.

Decisions of the Board of Directors shall be made by a majority of the members present at a regularly scheduled or called meeting at which a quorum is present. The President shall call meetings of the Board of Directors. A majority of the board members may submit a written request to the President to call such meeting, and the President shall call such meeting within 30 days of receiving such request.

**Section 4.02 Board Membership.** The Board of Directors shall consist of the President, the President-Elect, the Immediate Past President, the Treasurer, and the four Vice Presidents (one from each zone).

**Section 4.03 Officers.** Officers of the Council shall be the President, the President-Elect, the Immediate Past President, the Treasurer, the four Vice Presidents (one from each zone), and the Chief Executive Officer as the Secretary.

**Section 4.04 Elections and Terms of Office.** The President-Elect shall be elected by the Council at each Annual Business Meeting in the manner prescribed in the *Bylaws*. The President-Elect shall serve the Council for a period of three years. The first year shall be as President-Elect. The second year, without further election, the President-Elect shall become President, holding that office until a successor has been installed. The third year, without further election, the President shall become Immediate Past President. Any member elected to the

office of President-Elect shall be eligible to serve as President-Elect, President, and Immediate Past President, with full authority of the offices and board privileges. Past Presidents shall be ineligible for reelection as President-Elect of the Council.

The Treasurer shall be elected at the Annual Business Meeting every three years in the manner prescribed in the *Bylaws*. Treasurers shall not be eligible for reelection to the same office until at least one full term has elapsed. For the office of Treasurer, a partial term served shall not be considered a term for term-limit purposes.

Vice Presidents shall be elected at their respective Zone Interim Meeting every two years in the manner prescribed in the *Bylaws*. Vice Presidents from the Northeast and Southern Zones shall be elected in odd-numbered years. Vice Presidents from the Central and Western Zones shall be elected in even-numbered years. Vice Presidents shall not be eligible for reelection to the same office until at least one full term has elapsed. For the office of Vice President, a partial term served shall not be considered a term for term-limit purposes.

New members of the Board of Directors shall assume their duties at the conclusion of the Annual Business Meeting. Board members may continue to serve until the conclusion of the term of office to which they were elected even if their terms with Member Boards have ended.

**Section 4.05 Qualifications.** Any member of NCEES who is a citizen of the United States and a member of a Member Board sometime during the calendar year in which the nomination occurs is eligible to hold an elective office. Associate members are not eligible to serve on the NCEES Board of Directors.

To be eligible for the office of President-Elect, a person shall be a licensed engineer or surveyor, shall have been a member of NCEES at least three years, and shall have attended at least two NCEES Annual Business Meetings.

Members of the Board of Directors may run for President-Elect if

- Their term on their state board has expired during their term as NCEES Treasurer or Vice-President;
- They have obtained emeritus standing within the Council, they have the approval of their state board;
- It is their zone's rotation to elect a President-Elect; and
- They have been nominated by the zone.

The President-Elect shall not be from the same zone as the President.

To be eligible for the office of Treasurer, a person shall be a licensed professional engineer, licensed professional surveyor, or public member.

To be eligible for the office of Vice President, a person shall be a licensed professional engineer or surveyor and shall be from the zone that elects him or her.

**Section 4.06 Vacancies.** If a vacancy occurs in the office of President, the President-Elect shall succeed to the office of President for the completion of that term and subsequently serve the full one-year term that he or she was originally elected to serve as President. A vacancy in the office of President-Elect shall remain unfilled until the next NCEES Annual Business Meeting. At that time, the Council will elect a President from the zone of the vacant President-Elect position.

A vacancy in the office of Immediate Past President shall be filled by the most recent available Past President.

A vacancy in the office of Treasurer shall be filled by the Board of Directors within 30 days; the selected individual shall fill the position until an election for a new full-term Treasurer is held at the next Annual Business Meeting.

A vacancy in the office of a Vice President shall be filled by that zone's Assistant Vice President.

Appointments by the Board of Directors shall be made in accordance with the required qualifications and limitations for duly elected members of the Board of Directors.

A quorum of the Board of Directors for filling of vacancies shall consist of six members except in the event of two vacancies, when five shall constitute a quorum. For the filling of vacancies, the members of the Board of Directors may be represented by proxies, duly signed and verified.

**Section 4.07 Sanction or Removal.** By a majority vote and pursuant to the grievance procedure of the Council's *Manual of Policy and Position Statements*, which shall set forth appropriate due process, the Board of Directors may recommend the removal or sanction of a member of the Board of Directors. Upon a finding of the Board of Directors that the Board member has violated the ethics policy set forth in Section 4.08 of the *Bylaws*, that finding, along with stated grounds therefor, shall be transmitted to the chair of the Advisory Committee on Council Activities.

A Grievance Committee shall be appointed to address the removal or sanction recommended by the Board of Directors. The Grievance Committee members shall be selected as follows: two members of the Board of Directors, selected by the Board; one member from each zone, selected by the Assistant Vice President of each respective zone; and three members of the Advisory Committee on Council Activities, selected by said committee.

If by a majority vote of its members, the Grievance Committee concurs with the Board-recommended removal or sanction, the Board of Directors shall implement such removal or sanction.

A sanction may include a period of suspension from Board activities, including attendance at Board of Directors or Council conferences and meetings.

In the event of removal of a Board member, the vacancy on the Board of Directors shall be filled pursuant to Section 4.06 of the *Bylaws*.

**Section 4.08 Ethics Policy.** A member of the Board of Directors is in violation of the ethics policy of the Board of Directors if he or she:

- (1) Commits a criminal act that reflects adversely on the Board member's honesty, trustworthiness, or fitness as a Board member in other respects.
- (2) Engages in conduct involving dishonesty, fraud, deceit, or misrepresentation.
- (3) Engages in conduct involving moral turpitude.
- (4) States or implies an ability to influence improperly the Board of Directors or any committee or officer of the Council.
- (5) Grossly abuses his or her authority in the discharge of the duties of the Council.
- (6) Engages in any action that harms the public image or professional reputation of the Council.

**Section 4.09 Board Audit Committee.** The President, President-Elect, Immediate Past President, Treasurer, and Finance Committee chair shall comprise the Board Audit Committee. The Board Audit Committee shall annually select and recommend for approval by the full Board the accounting firm that shall conduct the annual financial audit and prepare the annual financial statements of NCEES. The Board Audit Committee shall also review and recommend for formal action by the full Board of Directors the audit results and final financial statement. The Board Audit Committee shall also approve the engagement of other financial consultants as may be necessary to facilitate its review of NCEES finances. Members of the Board Audit Committee must be free from any relationship that, in the opinion of the Board, would interfere with the exercise of independent judgment. The Board Audit Committee shall have a working familiarity with basic finance and accounting principles and practices.

## **ARTICLE 5. DUTIES OF THE OFFICERS AND THE BOARD OF DIRECTORS.**

**Section 5.01 President.** The President shall be the chair of the Board of Directors and shall preside over all meetings of the Board as well as the Annual Business Meeting of the Council. The President shall be an ex-officio member of all committees and task forces of the Council. The President shall perform all other duties ordinarily pertaining to the office of President. The President shall prepare and present to the Council at the Annual Business Meeting a report of the President's activities during the term of office.

The President shall appoint all members, chairs, vice-chairs, and consultants of the standing committees as defined in Article 7 of the *Bylaws*. The President shall also appoint all members, chairs, vice-chairs, and consultants of special committees and task forces unless specific action of the Council or of the Board of Directors names the personnel of the committee or task force. The President shall also appoint one member of the Board of Directors to serve as board liaison to each standing committee, special committee, and task force. The President shall appoint all official representatives of the Council to any other organizations. If needed during the annual meeting, the President shall appoint a Tellers Committee for the election of the President-Elect and/or Treasurer.

If the President is absent, the President-Elect will serve as the acting President in accordance with *Bylaws* 5.02. If both the President and the President-Elect are absent, the Vice President from the zone that will be nominating the next President-Elect will serve as the acting President. The acting President shall have all powers of the President while presiding in this capacity.

**Section 5.02 President-Elect.** The President-Elect shall serve as a member of the Board of Directors. In the absence of the President or the incapacity of the President, the President-Elect shall exercise the duties of and possess all the powers of the President, including the appointment of committees. The President-Elect shall serve as an ex-officio member of the Committee on Finances.

**Section 5.03 Treasurer.** The Treasurer shall serve as a member of the Board of Directors. The Treasurer shall, under the direction of the Board of Directors, oversee the financial operation of the Council and shall obtain an annual audit of Council finances and submit such audit to the Board of Directors. The Treasurer shall serve as an ex-officio member of the Committee on Finances.

**Section 5.04 Vice Presidents.** Vice Presidents shall be identified as Central Zone Vice President, Northeast Zone Vice President, Southern Zone Vice President, and Western Zone Vice President. The Vice President of each zone shall be the administrative officer of their zone and serve as a member of the Board of Directors.

**Section 5.05 Secretary.** The Chief Executive Officer shall serve as the Secretary of the Corporation. As such, the Secretary shall serve as the custodian for corporate records of the Council and shall be the officer responsible for preparing minutes of the directors' and members' meetings and for authenticating all corporate records. The Secretary shall have the authority to execute documents on behalf of the Council and as directed by the Board of Directors.

**Section 5.06 Restrictions on Endorsements.** No member of the Board of Directors shall endorse, recommend, or certify, gratuitously or for profit, on behalf of the Council, any product or service or any publication not issued, published by the Council, or authorized by the Board of Directors.

## **ARTICLE 6. MEETINGS OF THE COUNCIL.**

**Section 6.01 Annual Business Meetings.** The Annual Business Meeting of the Council shall be held at the time and place selected by the Board of Directors.

Notice of the Annual Business Meeting shall be provided to each Member Board, member, associate member, International Affiliate Organization, and Participating Organization not less than four weeks prior to each meeting.

The Board of Directors shall prepare a consent agenda for each Annual Business Meeting. Individual motions may be removed from the consent agenda upon request by any Member Board.

**Section 6.02 Quorum and Voting.** A quorum for the transaction of business at the Annual Business Meetings of the Council shall be delegates from a majority of Member Boards. A majority vote of the Member Boards represented shall be required for affirmative action unless otherwise provided for in the *Bylaws*.

Only Member Boards shall be entitled to vote. Voting shall be by Member Boards, with each board entitled to one vote. ~~If a Member Board is represented by more than one delegate present at the time of voting, the vote may be split proportionately if its delegates wish.~~ An associate member may serve as a Member Board delegate for voting purposes only when so designated by the Member Board's chair through written, signed communication presented to NCEES staff prior to the opening session of the meeting. For Member Boards that require authorization from the state, such designation may come from the agency director for that board.

Voting by one Member Board on behalf of another Member Board not physically present in the meeting room at the time of the vote shall not be permitted.

**Section 6.03 Special Meetings.** Special meetings of the Council may be called by the President, or by the delegates, representatives, or officers of the majority of the Member Boards. The same *Bylaws* relative to quorum, voting, procedure and conduct of business at an Annual Business Meeting shall apply to special meetings.

**Section 6.04 Zone Meetings.** Zone meetings may be held each year. A quorum for the transaction of business at zone meetings shall be delegates from a majority of Member Boards of the zone. The Vice President from the zone shall preside at the zone meetings and submit copies of its minutes to the Council.

**Section 6.05 Rules of Order.** The Council shall be governed by the most recent edition of *Robert's Rules of Order, Newly Revised* when not in conflict with the *Bylaws*. The presiding officer shall rule on all questions pertaining to the *Bylaws* and rules of order in the conduct of the meetings. The President may appoint a parliamentarian to assist the presiding officer.

The order of business for the Annual Business Meeting shall be established by the President and published as part of the meeting agenda prior to the beginning of the meeting.

## **ARTICLE 7. COMMITTEES OF THE COUNCIL.**

**Section 7.01 Standing Committees.** The standing committees of the Council shall be the following: Advisory Committee on Council Activities (ACCA), Awards, Education, Examination Audit, Examinations for Professional Engineers (EPE), Examinations for Professional Surveyors (EPS), Examination Policy and Procedures (EPP), Finances, Law Enforcement, Member Board Administrators (MBA), and Uniform Procedures and Legislative Guidelines (UPLG).

The structure and membership of all standing committees shall be commensurate with the charges unless otherwise provided for in the *Bylaws*. The composition of the committees should reflect the diversity of the Council membership.

A committee member may be appointed to serve on only one standing committee during any administrative year.

Appointments shall limit the tenure on any one committee to a maximum of four consecutive years, including any time as chair, except that (1) an individual may serve for three years as an EPS Committee member, two additional years as the EPS Committee vice chair, and two additional years as the EPS Committee chair; and (2) an individual may serve for three years as an EPE Committee member, two additional years as the EPE Committee vice chair, and two additional years as the EPE Committee chair. The chairs of the EPE and EPS

Committee shall have had experience in developing NCEES examinations before assuming the position of chair. This experience is defined as involvement in at least two of the following activities: item writing or review, participation on a cut score panel, involvement in a Professional Activities and Knowledge Study (PAKS) committee or on examination specification committees, or participation on an examination development committee. The ascension track to the chair shall also include psychometric training approved by NCEES. A committee chair appointment shall be limited in tenure to a maximum of two consecutive years on any one committee.

Members, associate members, past presidents, and emeritus members shall be eligible to serve on any committee or task force. Committee members may continue to serve until the conclusion of the term of office to which they were appointed even if their terms with Member Boards have ended.

**Section 7.02 Advisory Committee on Council Activities.** The Advisory Committee on Council Activities (ACCA) shall consist of a chair and two members from each zone. At least one member shall be a professional engineer, one member a professional surveyor, and one member a member board administrator. The committee shall provide advice and briefing to the President and the Board of Directors on new policy issues, problems, and plans that warrant preliminary assessment of policy choices and procedures not as yet assigned to a standing committee or involving several existing committees. Consultants appointed to this committee shall have served on the Board of Directors.

The committee will act as principal advisor to the President and the Board of Directors on such specific non-recurring problems or plans as the President may explicitly assign to the committee. The committee shall review the *Manual of Policy and Position Statements*, in consideration of past and current action of the Council, and present any proposed revisions as needed.

**Section 7.03 Committee on Awards.** The Committee on Awards shall have one member from each zone plus the chair. When available, these members should be past members of the Board of Directors who have received the Distinguished Service Award of NCEES. It shall, by October 1 of each year, canvass the Member Boards for nominations for the awards to be given at the Annual Business Meeting, including the Distinguished Service Award. It shall be guided by the established policies and procedures for the awards. Nominations shall be submitted by entities as defined in Council policy by January 31 of the next year.

The committee shall complete its recommendations and submit its report to the Board of Directors by April 1. The Board of Directors shall review the report and approve individuals to receive awards.

**Section 7.04 Committee on Education.** The Committee on Education shall consist of a chair and two members from each zone. At least two members of the committee shall be professional surveyors. Committee appointments shall strive to include representatives from academia, private practice, industry, and government. The NCEES representatives to the ABET board of directors and Engineering Accreditation Commission shall be consultants to the committee. Other consultants shall be appointed as necessary.

The committee shall serve in an advisory role for education issues related to ABET, requirements prior to initial licensure, continuing professional competency, and foreign degree or unaccredited program evaluation. The committee shall also review the NCEES *Engineering Education Standard* and *NCEES Surveying Education Standard* annually and propose any revisions to the Council for approval at the annual meeting. The committee shall review and update the *Continuing Professional Competency Guidelines* as necessary, but at least every five years.

**Section 7.05 Committee on Examination Audit.** The Committee on Examination Audit shall consist of a chair and one member selected from each zone representing when possible private practice, academia, government, and industry. In addition, the President shall appoint as consultants the chairs of the Committees on Examinations for Professional Engineers and Examinations for Professional Surveyors.

This committee shall be responsible for an independent audit annually of the NCEES examination program.

This committee will report directly to the Board of Directors.

**Section 7.06 Committee on Examinations for Professional Engineers.** The Committee on Examinations for Professional Engineers (EPE) shall consist of a chair and three members from each zone. It shall supervise the preparation of examination specifications and be responsible for the content and scoring of all examinations in the fundamentals and principles and practice of engineering.

The committee, in the interest of uniformity and efficiency, may prepare examination development procedures and shall review examination scores and make recommendations of minimum passing grades for examinations.

At least 50 percent of the committee members should be carryover members to provide continuity of the program.

This committee shall have the authority to recommend, in connection with its work, the appointment of consultants.

**Section 7.07 Committee on Examinations for Professional Surveyors.** The Committee on Examinations for Professional Surveyors (EPS) shall consist of a chair and three members from each zone. All members shall be professional surveyors. EPS shall supervise the preparation of examination specifications and be responsible for the content and scoring of all examinations in the fundamentals and principles and practice of surveying.

The committee, in the interest of uniformity and efficiency, shall prepare examination development procedures and shall review examination scores and make recommendations of minimum passing grades for examinations.

At least 50 percent of the committee members should be carryover members to provide continuity of the program.

This committee shall have the authority to recommend, in connection with its work, the appointment of consultants.

**Section 7.08 Committee on Examination Policy and Procedures.** The Committee on Examination Policy and Procedures (EPP) shall consist of a chair, two members selected from each zone, and the chairs of the Committee on Examinations for Professional Engineers and Examinations for Professional Surveyors (or their representatives) as consultants. In addition, the President may appoint other consultants as deemed necessary, including a member board administrator.

This committee shall be responsible for reviewing the effectiveness of the examinations and recommending policies, specifications, and procedures consistent with the trends in the engineering and surveying professions.

**Section 7.09 Committee on Finances.** The Committee on Finances shall consist of a chair and two members from each zone. It shall study the financial needs of the Council, recommend sources of income and ways and means of securing adequate funds for the proper operation of the Council, and assist the Board of Directors in the financial year's budget performance and report its findings to the Council. This committee shall recommend to the Board of Directors the next year's budget for approval. Financial procedures shall be in accordance with Article 9, Finances, and established policies and procedures of the Council. The President-Elect and Treasurer shall serve as ex-officio members of the committee.

**Section 7.10 Committee on Law Enforcement.** The Committee on Law Enforcement shall consist of a chair and members from each zone. At least one member shall be a surveyor. The committee shall receive comments and suggestions from Member Boards regarding state board regulatory functions and submit recommendations for action to the Board of Directors. The committee will consider and recommend methods for Member Boards to achieve more effective and uniform enforcement of licensing acts and for greater interstate coordination of

enforcement actions, including better utilization of available technologies. The committee is responsible for periodically updating the *Investigation and Enforcement Guidelines* to assist Member Boards in investigative techniques, hearing procedures, and settlements.

**Section 7.11 Committee on Member Board Administrators.** The Committee on Member Board Administrators shall consist of a chair, who shall be a member board administrator; at least two member board administrators from each zone; and two current members or emeritus members of Member Boards. The committee shall arrange for the conference of administrators at the Annual Meeting and Interim Meetings of the NCEES zones. Throughout the year, the committee shall strive to provide close cooperation between administrators and to facilitate and assist any efforts by the Member Boards in addressing licensure processes and practices.

**Section 7.12 Committee on Uniform Procedures and Legislative Guidelines.** The Committee on Uniform Procedures and Legislative Guidelines (UPLG) shall consist of a chair and members from each zone. At least one member shall be a surveyor. The committee shall promote effective procedures for uniform comity by maintaining the *Model Law* and *Model Rules*. The committee shall incorporate revisions to *Model Law* and *Model Rules* language as result of motions, suggestions, and comments from other NCEES committees, task forces, and Member Boards. The committee is empowered to recommend amendments that it feels may be necessary. A comprehensive review of the *Model Law* and *Model Rules*, with the view of possible revision, is to be made by the committee at least once every five years.

**Section 7.13 Special Committees and Task Forces.** Special committees and task forces may be appointed at any time by the President for any purpose pertinent to the work of the Council. Such committee or task force shall be assigned specific charges and time for completion of their work and report to the Board of Directors. Such committee or task force membership shall be representative of the knowledge and experience required.

**Section 7.14 Participating Organizations Liaison Council.** In addition to the committees of the Council, there shall be a Participating Organizations Liaison Council (POLC). This council shall consist of one representative appointed by each participating organization. The President shall serve as chair of POLC. A two- or three-year term of appointment is suggested for each designated representative, each of whom should have ready communication with the governing board of the organization represented in order to effectively serve in a consultative and advisory capacity for the Council.

POLC should bring to the Council the policies and thinking of the board of directors of the participating organizations on all matters pertaining to licensure and legal recognition of engineers and surveyors, and should also serve as a channel of communications of Council policies and procedures to participating organizations.

**Section 7.15 Restrictions on Endorsements.** No committee or committee member of the Council shall endorse, recommend, or certify, gratuitously or for profit, on behalf of the Council, any product or service or any publication not issued, published by the Council, or authorized by the Board of Directors.

**ARTICLE 8. STAFF.**

**Section 8.01 Council Staff.** The Council shall employ a Chief Executive Officer and such other staff as required to conduct the affairs of the Council.

**Section 8.02 Chief Executive Officer.** The Chief Executive Officer shall be appointed by vote of the Board of Directors and shall hold office subject to the terms of an employment contract.

The Chief Executive Officer shall serve as the Secretary of the Corporation and as “chief employed officer” of the Council with full authority for the management of its affairs, subject to the duties specified by the *Bylaws*, the policies and procedures of the Council, and the employment contract, or the Board of Directors.

**Section 8.03 Restrictions on Endorsement.** No staff member of the Council shall endorse, recommend, or certify, gratuitously or for profit, on behalf of the Council, any product or service or any publication not issued, published by the Council, or authorized by the Board of Directors.

**ARTICLE 9. FINANCES.**

**Section 9.01 Budget Preparation.** The Committee on Finances shall submit a recommended annual budget for review by the Board of Directors. The Committee on Finances will present the budget as part of its committee report for Council approval at the Annual Meeting.

The fiscal year shall begin on October 1 and extend through September 30 of the following calendar year.

**Section 9.02 Annual Audit.** An annual audit shall be made by an independent certified public accountant according to generally accepted auditing standards and reported in the usual auditing format.

**Section 9.03 Business Travel Expenses.** All business travel expenses submitted for reimbursement to the Council shall be in accordance with the travel policy established by the Board of Directors.

**ARTICLE 10. MEMBERSHIP FEES.**

**Section 10.01 Fees.** Member Board annual membership fees are due 30 days within receipt of an invoice from NCEES. The fee schedule for Member Boards shall be based on the number of licensees of record as of December of the preceding calendar year.

**Section 10.011 Fee Schedule.** The annual membership fees for Member Boards shall be determined by the Council in accordance with the financial policy.

**Section 10.012 Inactive Status.** Any Member Board in arrears in membership fees 90 days prior to the Annual Business Meeting shall be placed in an inactive status by the Board of Directors. Member Boards in an inactive status shall not be entitled to vote. Individual members of Member Boards may not hold office or serve on committees. Representatives of boards in inactive status may attend meetings of the Council and may have the privilege of the floor. To be reinstated to an active status and to all the rights and privileges pertaining thereto, an inactive Member Board shall pay all fees and assessments in arrears plus those that have accrued during such inactive status period.

**Section 10.0125 Examinees.** Examinees may register and sit for NCEES examinations even when their NCEES member board is in arrears.

**Section 10.013 Dues.** Annual dues for International Affiliate Organizations and Participating Organizations are due on January 1 for the ensuing calendar year.

**Section 10.014 Dues Schedule.** Any annual membership dues of International Affiliate Organizations and Participating Organizations shall be paid in accordance with a schedule established annually by the Board of Directors.

**ARTICLE 11. ELECTIONS.**

**Section 11.01 Nominations.** A nomination for the office of President-Elect shall be presented to the Board of Directors by the respective Zone Vice President as voted on by the respective zone at its Zone Interim Meeting. The order of rotation for President-Elect shall be Northeast Zone, Central Zone, Southern Zone, and Western Zone.

Member boards may submit nominations for qualified Treasurer candidates in the third year of the outgoing Treasurer's term. These nominations shall be filed with the Chief Executive Officer not later than 60 days prior to the opening of the Annual Business Meeting.

Any delegate shall have the privilege of making nominations for President-Elect and Treasurer from the floor. Such nominees from the floor must meet requirements set out in Section 4.05 and be seconded by at least four Member Boards.

**Section 11.02 Tellers Committee.** The Tellers Committee shall consist of five members, including a chair and one representative from each zone. No member of the committee is eligible to serve as a teller for an election in which he or she is a candidate. The Tellers Committee will tabulate the results for all votes taken and report the results to the President.

**Section 11.03 Voting.** All elections shall be by ballot at the Annual Business Meeting. All elections shall be by a majority of votes cast unless otherwise stipulated by the *Bylaws*.

**Section 11.04 Election of Vice Presidents.** Vice Presidents from the Southern and Northeast Zones shall be elected at their Zone Interim Meeting in odd-numbered years. Vice Presidents from the Central and Western Zones shall be elected at their Zone Interim Meeting in even-numbered years.

The Secretary-Treasurer of the zone shall file with the Chief Executive Officer the name of the zone-elected Vice President and Assistant Vice President not less than 60 days prior to the opening of the Annual Business Meeting of the Council.

**ARTICLE 12. ADOPTION AND AMENDMENTS.**

**Section 12.01 Adoption.** The *Bylaws* shall become effective upon adoption by the Council at its annual business meeting. For such adoption, a two-thirds affirmative vote of the member boards present and in good standing shall be required.

**Section 12.02 Amendments.** The *Bylaws* may be amended at any annual business meeting by a two-thirds affirmative vote of the member boards present and in good standing. Any amendment proposed shall be sent to a Special Committee on Bylaws by the President at the President's initiative or as requested based on action by the Council. Any amendments recommended by a Special Committee on Bylaws shall be submitted to all member boards at least 60 days prior to the date of the earliest zone meeting preceding the next annual business meeting. Voting shall be by sections. All sections shall be considered in their proposed form, including punctuation and verbiage. Changes to the published amendments will not be permitted during the annual business meeting. Copies of the proposed amendments to be voted upon shall be distributed in written form to delegates at the annual business meeting.

**Section 12.021 Effective Date of Amendments.** An amendment to the *Bylaws* shall become effective upon certification by the presiding officer at the annual business meeting of a two-thirds affirmative vote of the member boards in good standing represented.



# Board Meeting

## Tab 5

### Director's Report

- 5.1 Financial Report
- 5.2 Agency Operations
- 5.3 Program Reports
  - 5.3.1 Communication & Outreach
  - 5.3.2 Regulatory
  - 5.3.3 Investigation & Compliance
  - 5.3.4 Licensing
  - 5.3.5 Admin
- 5.4 Other Items

**Moretti, Carmena (BRPELS)**

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**From:** Bitar, Paul (DES)  
**Sent:** Thursday, July 28, 2022 5:10 PM  
**To:** Fuller, Ken (BRPELS)  
**Cc:** Moretti, Carmena (BRPELS)  
**Subject:** June 2022 Financial Status  
**Attachments:** BRPELS\_Financial Status\_June 2022.xlsx

Hi Ken,

I have attached BORPELS' June 2022 financial status and projection reports. The information in the reports shows that **BORPELS is in excellent financial condition**. At this time, I project the agency will end the biennium with about \$1.61 million in its operating account. Additionally, the agency is on track to underspend its appropriation by \$543k.

**REVENUE**

Biennium 2021-23 revenue has been extraordinarily strong. For the period of July 2021 – June 2022, the agency generated \$2.106 million in licensing revenue vs. just \$1.824 million during the same period last biennium. This represents an increase of about 15.5% between biennia. Due to this substantial increase in revenue, I am now projecting that Biennium 21-23 revenue will exceed Biennium 19-21 revenue by 10%.

**EXPENSES**

Agency expenses, including DOL costs, have been low this biennium. The DOL invoice for the period of Apr-Jun was just \$51k.

Let me know if you have any questions.

Thanks,

**Paul Bitar**

Senior Financial Consultant

Small Agency Financial Services

Washington State Department of Enterprise Services

d: 360-407-8129

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**[@Twitter](#) [@Facebook](#) [@LinkedIn](#)**

**Your satisfaction is our priority and we value your feedback**

**Board of Registration for Professional Engineers and Land Surveyors**  
**Biennium 21-23 Projections**  
**Fund 024 - Operating Account**

Revenue Category		Biennium 21-23 Revenue Allotments	Actual Revenues through FM12 Jun-2022	Projected												Projected Revenue Total	Projected Variance	
				FM 13 Jul-2022	FM 14 Aug-2022	FM 15 Sep-2022	FM 16 Oct-2022	FM 17 Nov-2022	FM 18 Dec-2022	FM 19 Jan-2023	FM 20 Feb-2023	FM 21 Mar-2023	FM 22 Apr-2023	FM 23 May-2023	FM 24 Jun-2023			
Licenses and Fees		3,900,000	2,105,964	182,003	182,003	182,003	182,003	182,003	182,003	182,003	182,003	182,003	182,003	182,003	182,003	182,003	4,290,000	390,000
Fines, Forfeits and Seizures			750														750	750
Recov of Prior Expend Authority Expendit			122														122	122
Cash Over and Short			496														496	496
<b>Total Revenue</b>		<b>3,900,000</b>	<b>2,107,332</b>	<b>182,003</b>	<b>4,291,368</b>	<b>391,368</b>												

Expenses Category		Biennium 21-23 Expense Allotments	Actual Expenses through FM12 Jun-2022	Projected												Projected Expenditure Total	Projected Variance	
				FM 13 Jul-2022	FM 14 Aug-2022	FM 15 Sep-2022	FM 16 Oct-2022	FM 17 Nov-2022	FM 18 Dec-2022	FM 19 Jan-2023	FM 20 Feb-2023	FM 21 Mar-2023	FM 22 Apr-2023	FM 23 May-2023	FM 24 Jun-2023			
Salaries and Wages		1,454,529	652,224	59,642	59,642	59,642	59,642	59,642	59,642	59,642	59,642	59,824	59,824	59,824	59,824	59,824	1,368,659	85,870
Employee Benefits		511,755	210,503	20,629	20,629	20,629	20,629	20,629	20,629	20,629	20,629	20,660	20,660	20,660	20,660	20,660	458,175	53,580
Goods and Other Services		2,049,716	598,487	223,964	61,663	61,663	64,378	61,663	61,663	64,378	61,663	61,663	64,378	61,663	216,663	61,663	1,663,889	385,827
Travel		126,000	17,429	3,798	3,798	3,798	3,798	3,798	3,798	3,798	3,798	3,798	3,798	3,798	3,798	3,798	63,000	63,000
Capital Outlays		48,000	85,397	0	0	0	0	0	0	0	0	0	0	0	8,000	0	93,397	(45,397)
<b>Sum:</b>		<b>4,190,000</b>	<b>1,564,040</b>	<b>308,033</b>	<b>145,732</b>	<b>145,732</b>	<b>148,447</b>	<b>145,732</b>	<b>145,732</b>	<b>148,447</b>	<b>145,732</b>	<b>145,945</b>	<b>148,660</b>	<b>145,945</b>	<b>308,945</b>	<b>308,945</b>	<b>3,647,120</b>	<b>542,880</b>

Operating Transfers		Biennium 21-23 Operating Transfers	Actual Operating transfers through FM12 Jun-2022	Projected												Projected Op. Trans. Total	Projected Variance	
				FM 13 Jul-2022	FM 14 Aug-2022	FM 15 Sep-2022	FM 16 Oct-2022	FM 17 Nov-2022	FM 18 Dec-2022	FM 19 Jan-2023	FM 20 Feb-2023	FM 21 Mar-2023	FM 22 Apr-2023	FM 23 May-2023	FM 24 Jun-2023			
Operating Transfer In			30,131														30,131	(30,131)
<b>Total Net Operating Transfers</b>		<b>0</b>	<b>30,131</b>	<b>0</b>	<b>30,131</b>	<b>(30,131)</b>												

Fund Balance Projection		Biennium 21-23 Rev Allotments - Exp Allotments	Actual Rev - Exp through FM12 Jun-2022	Projected												Projected end of BI 21-23	Projected Variance	
				FM 13 Jul-2022	FM 14 Aug-2022	FM 15 Sep-2022	FM 16 Oct-2022	FM 17 Nov-2022	FM 18 Dec-2022	FM 19 Jan-2023	FM 20 Feb-2023	FM 21 Mar-2023	FM 22 Apr-2023	FM 23 May-2023	FM 24 Jun-2023			
Net Income (Loss)	BI 21-23 Beginning Balance	(290,000)	573,423	(126,030)	36,271	36,271	33,556	36,271	36,271	33,556	36,271	36,058	33,343	36,058	(126,942)	(126,942)	674,379	964,379
	\$ 939,391	649,391	1,512,814	1,386,784	1,423,055	1,459,326	1,492,882	1,529,153	1,565,424	1,598,980	1,635,251	1,671,310	1,704,653	1,740,711	1,613,770	1,613,770	<b>1,613,770</b>	<b>&lt;-- Ending Fund Balance (projected)</b>

Expenses Detail Category	Biennium 21-23 Expense Allotments	Actual Expenses through FM12 Jun-2022	Projected												Projected		
			Projected												Projected	Projected	
			FM 13 Jul-2022	FM 14 Aug-2022	FM 15 Sep-2022	FM 16 Oct-2022	FM 17 Nov-2022	FM 18 Dec-2022	FM 19 Jan-2023	FM 20 Feb-2023	FM 21 Mar-2023	FM 22 Apr-2023	FM 23 May-2023	FM 24 Jun-2023	Expenditure Total	Variance	
<b>Salaries and Wages</b>	<b>1,454,529</b>	<b>652,224</b>	<b>59,642</b>	<b>59,824</b>	<b>59,824</b>	<b>59,824</b>	<b>59,824</b>	<b>1,368,659</b>	<b>85,870</b>								
A Salaries and Wages	96,000	0														0	96,000
AA State Classified	1,077,925	507,058	47,151	47,151	47,151	47,151	47,151	47,151	47,151	47,151	47,333	47,333	47,333	47,333	47,333	1,073,599	4,326
AC State Exempt	267,792	130,000	11,185	11,185	11,185	11,185	11,185	11,185	11,185	11,185	11,185	11,185	11,185	11,185	11,185	264,221	3,571
AE State Special	12,812	6,538	587	587	587	587	587	587	587	587	587	587	587	587	587	13,582	(770)
AU Overtime and Call-Back	8,629	8,629	719	719	719	719	719	719	719	719	719	719	719	719	719	17,258	(17,258)
<b>Employee Benefits</b>	<b>511,755</b>	<b>210,503.23</b>	<b>20,629</b>	<b>20,660</b>	<b>20,660</b>	<b>20,660</b>	<b>20,660</b>	<b>20,660</b>	<b>458,175</b>	<b>53,580</b>							
B Employee Benefits	45,600	0														0	45,600
BA Old Age and Survivors Insurance	84,217	39,030	3,539	3,539	3,539	3,539	3,539	3,539	3,539	3,539	3,550	3,550	3,550	3,550	3,550	81,542	2,675
BB Retirement and Pensions	137,937	66,183	5,791	5,791	5,791	5,791	5,791	5,791	5,791	5,791	5,809	5,809	5,809	5,809	5,809	135,747	2,190
BC Medical Aid & Industrial Insurance	8,193	3,578	301	301	301	301	301	301	301	301	301	301	301	301	301	7,190	1,003
BD Health, Life & Disability Insurance	216,108	91,260	10,170	10,170	10,170	10,170	10,170	10,170	10,170	10,170	10,170	10,170	10,170	10,170	10,170	213,300	2,808
BH Hospital Insurance (Medicare)	19,700	9,128	828	828	828	828	828	828	828	828	830	830	830	830	830	19,072	628
BK Paid Family and Medical Leave		(6)														(6)	6
BV Shared Leave Provided Annual Leave		1,305														1,305	(1,305)
BZ Other Employee Benefits		25														25	(25)
<b>Goods and Other Services</b>	<b>2,049,716</b>	<b>598,487</b>	<b>223,964</b>	<b>61,663</b>	<b>61,663</b>	<b>64,378</b>	<b>61,663</b>	<b>61,663</b>	<b>64,378</b>	<b>61,663</b>	<b>61,663</b>	<b>64,378</b>	<b>61,663</b>	<b>216,663</b>	<b>1,663,889</b>	<b>385,827</b>	
E Goods and Other Services	130,800	0														0	130,800
EA Supplies and Materials	24,000	6,870	572	572	572	572	572	572	572	572	572	572	572	572	572	13,740	10,260
EB Communications/Telecommunications	19,200	8,050	671	671	671	671	671	671	671	671	671	671	671	671	671	16,100	3,100
EC Utilities	1,200	345														345	855
ED Rentals and Leases - Land & Buildings	72,000	26,360	2,233	2,233	2,233	2,233	2,233	2,233	2,233	2,233	2,233	2,233	2,233	2,233	2,233	53,156	18,844
EE Repairs, Alterations & Maintenance	24,000	25,641	534	534	534	534	534	534	534	534	534	534	534	534	534	32,052	(8,052)
EF Printing and Reproduction	12,000	8,426	702	702	702	702	702	702	702	702	702	702	702	702	702	16,853	(4,853)
EG Employee Prof Dev & Training	24,000	9,315	776	776	776	776	776	776	776	776	776	776	776	776	776	18,631	5,369
EH Rental & Leases - Furn & Equipment	12,000	6,256	521	521	521	521	521	521	521	521	521	521	521	521	521	12,512	(512)
EJ Subscriptions	2,400	0	100	100	100	100	100	100	100	100	100	100	100	100	100	1,200	1,200
EK Facilities and Services	120,000	56,500	4,376	4,340	4,340	4,340	4,340	4,340	4,340	4,340	4,340	4,340	4,340	4,340	4,340	108,616	11,384
EL Data Processing Services (Interagency)	288,000	26,519	118,833	9,537	9,537	11,587	9,537	9,537	11,587	9,537	9,537	11,587	9,537	9,537	9,537	256,409	31,591
EM Attorney General Services	360,000	116,993	12,751	12,751	12,751	12,751	12,751	12,751	12,751	12,751	12,751	12,751	12,751	12,751	12,751	270,000	90,000
EN Personnel Services	26,400	17,316	1,587	1,371	1,371	1,587	1,371	1,371	1,587	1,371	1,371	1,587	1,371	1,371	1,371	34,632	(8,232)
EP Insurance	3,884	1,977	1,078	78	78	78	78	78	78	78	78	78	78	78	78	3,913	(29)
ER Other Contractual Services	471,000	92,165	28,122	11,000	11,000	11,397	11,000	11,000	11,397	11,000	11,000	11,397	11,000	166,000	397,478	73,522	
EW Archives & Records Management Svcs	432	208	52			52			52			52			416	16	
EY Software Licenses and Maintenance	456,000	196,063	50,812	16,233	16,233	16,233	16,233	16,233	16,233	16,233	16,233	16,233	16,233	16,233	425,438	30,562	
EZ Other Goods and Services	2,400	(517)	243	243	243	243	243	243	243	243	243	243	243	243	2,400	0	
<b>Travel</b>	<b>126,000</b>	<b>17,429</b>	<b>3,798</b>	<b>63,000</b>	<b>63,000</b>												
GA In-State Subsistence & Lodging	36,000	7,154	904	904	904	904	904	904	904	904	904	904	904	904	904	18,000	18,000
GB In-State Air Transportation	16,800	3,711	391	391	391	391	391	391	391	391	391	391	391	391	391	8,400	8,400
GC Private Automobile Mileage	36,000	3,311	1,224	1,224	1,224	1,224	1,224	1,224	1,224	1,224	1,224	1,224	1,224	1,224	1,224	18,000	18,000
GD Other Travel Expenses	16,800	1,318	590	590	590	590	590	590	590	590	590	590	590	590	590	8,400	8,400
GF Out-Of-State Subsistence & Lodging	7,200	1,127	206	206	206	206	206	206	206	206	206	206	206	206	206	3,600	3,600
GG Out-Of-State Air Transportation	7,200	683	243	243	243	243	243	243	243	243	243	243	243	243	243	3,600	3,600
GN Motor Pool Services	6,000	126	240	240	240	240	240	240	240	240	240	240	240	240	240	3,000	3,000
<b>Capital Outlays</b>	<b>48,000</b>	<b>85,397</b>	<b>0</b>	<b>8,000</b>	<b>93,397</b>	<b>(45,397)</b>											
JA Noncapitalized Assets	24,000	85,397												8,000	93,397	(69,397)	
JB Noncapitalized Software	24,000	0													0	24,000	
<b>Total Dollars</b>	<b>4,190,000</b>	<b>1,564,040</b>	<b>308,033</b>	<b>145,732</b>	<b>145,732</b>	<b>148,447</b>	<b>145,732</b>	<b>145,732</b>	<b>148,447</b>	<b>145,732</b>	<b>145,945</b>	<b>148,660</b>	<b>145,945</b>	<b>308,945</b>	<b>3,647,120</b>	<b>542,880</b>	

## Communication & Outreach Report

8-11-22

Greg Schieferstein

### Currently Working

- **Journal**

We're underway producing the next edition of the *Journal*, with updates on BRPELS events of the last few months and a look ahead. Very soon, we'll be asking for Board submissions and appreciate the help in advance with the content. If you have a suggestion for a subject or topic, please let us know. Once we collect all the content, we'll organize and distribute the Journal, sometime in early fall.

- **Website**

We're moving ahead with a new and improved agency web page. We plan on auditing the current site and later using a state web designer to aid in branding, visual design, organization, navigation, content, mobile compatibility and interactivity.

### Upcoming Projects

- **Social media**

We plan in the future to use facebook, Twitter and other social media platforms to reach differing groups, who may be less likely to engage in postal, web or email messaging. This is also an opportunity to reach a younger demographic, on the advantages of licensure, what is required, etc. These posts will be cross posted to the website, for news and information. This could include videos and pictures supporting the agency, on the web, social, email and print.

### Completed items

- **Legislative Outreach**

The 2023 Legislative session begins Monday, January 9<sup>th</sup>. As directed, we produced a postcard and email to legislators, encouraging them to contact us with questions, regarding law changes with our agency. Board members and most staff also received these as well. Here's a copy of the postcard and a report on the distribution:



**Postcard** - US Mail and Mailstop (campus)

250 sent  
 3 returned  
 Average 3-day delivery

**Email** - Constant Contact

301 sent  
 24.2% open rate (many others previewed)  
 0 unsubscribed or spam reports

- **Pro-Equity Anti-Racism (PEAR) initiative/mandate**

We have completed first stage of answers to a baseline report. A subcommittee will review (Mackenzie Wherrett and Raeshawna Ware) and add to the document, which is part of a baseline report due to the state by September 1<sup>st</sup>.

- **Website – 1<sup>st</sup> phase upgrade** – temporarily hidden or removed, outdated or broken links:

- news
- related websites
- licensing stats page
- what's new page

**Thanks to staff for their help! More adjustments on the way.**

## Regulatory Program Report 8/11/22

### Current Items:

- Rulemaking
  - \* 196-12 Concise Explanatory Statement: review by EQC & approval by board to file CR103
  - \* 196-25 Working with AAG: review of Cost Analysis
  - \* 196-26A & 196-30 Need to add language regarding 1-year initial license
  - \* 196-09 CR101 filed. Language being drafted (indexing rule)
  - \* 196-32 Under committee review
- Exam Development (Team: Rich, Vonna, Shanan)
  - \* 09/14/22: Final examinee count for 9/23 PLS & OS exams.
    - Print and assemble any needed exam packets
  - \* Work w/ Scantron and WaTech to get equipment/software set up
  - \* Enter exam information into format that can be uploaded into the software
- Records Management
  - \* Working with staff to delete and/or move documents/folders from main library on SharePoint. If valid doc – move to appropriate folder in SharePoint.
  - \* Files (paper) to Records Center or Archives

### Completed Items:

- ✓ Exam Development: September 23, 2022 examinations (PLS & On-Site) printed and packets assembled (20 each)
- ✓ Public Records Requests: **54** (as of 8/5)
  - \* 53 completed

## Investigation/Compliance Program Report

8/11/22

### Current Items:

- PDH Audits
  - \* Project Team Assigned
    - Rich Larson/Vonna Cramer/Jill Short
    - Meeting scheduled with Polaris group and project team
  
- PLS Standards
  - \* Project Team Assigned
    - Aaron Blaisdell/Rich Larson/Jill Short
    - Project team met and discussed next steps

### Completed Items:

### Committee and/or Board Action Items:

## Licensing Program Report August 11, 2022

- **Statistical Data = 1/1/22 – 8/3/22**
  - *Applications received: 1593*
    - Corp/LLC: 83
    - EIT: 526
      - Exam: 474
      - Comity: 53
    - LSIT: 34
    - PE: 879
      - Exam: 283
      - Comity: 596
    - PLS: 19
      - Exam: 13
      - Comity: 6
    - On-Site Wastewater:
      - Designer: 8
      - Inspector: 10
  - *New licenses issued:*
    - EIT: 451
    - LSIT: 18
    - PE: 749
      - Exam: 206
      - Comity: 543
    - PLS: 15
    - OS:
      - Designer: 8
      - Inspector: 4
    - Corp/LLC: 63
  - *Total active licensee:*
    - Corp/LLC: 1446
    - PE: 26, 890
    - PLS: 1037
    - On-Site Wastewater:
      - Designer: 215
      - Inspector: 98

### Currently working on:

- **Special Projects**

- *Licensing Staff*
  - CBT exams for Law Reviews (Nghiem & Mackenzie)
  - Western Zone Mobility Challenges for NCEES (Mackenzie)
  - Initial exam data (Nghiem)
- *Licensing Lead*
  - PLS exam questions
  - On-Site exam questions
  - Committee prep
    - EQ
    - Structural
    - OS Ad Hoc
    - PLS Ad Hoc
  - Monitor Polaris issues/bug
    - Polaris
      - DOL/BRPELS “bug” meeting
        - Currently have 13 work items
        - Currently have 11 story items
  - OS tracking (Ad Hoc) statistical data
  - PLS statistical data
  - Scantron
  - Web update
  - SharePoint cleanup
  - Box cleanup
  - Polaris cleanup

### **Completed items**

- EQC
  - Schedule meeting w/OS Ad Hoc & EQ
    - Discuss WAC language (adding 1yr. requirement to Inspector exam approval) Meeting completed 7/22/22

## Administration Program Report

8/11/22

### Current Items:

- **Annual Internal Control Risk Assessment & Assurance Letter (Due 8/15/22)**

The State Accounting and Administrative Manual (SAAM) requires the internal control officer of each state agency to issue annual written assurance to the agency head that internal controls are operating as expected. Chapter 20 requires agencies to have a system of internal controls to minimize the risk of loss of tangible and intangible assets and provide assurance regarding the integrity of financial reporting and the effectiveness and efficiency of operations.

- \* Forms: Risk Assessment Questionnaire & Segregation of Duties.
- \* Rich is BRPELS Internal Control Officer.

- **Owned and Leased Asset Inventory (Due 8/15/22)**

BRPELS is required to annually inventory all owned and leased assets and to reconcile these assets in the Capital Asset Management System (CAMS).

- **Annual IT Contracts Report (Due 9/1/22)**

As a state agency, BRPELS is required to submit an annual IT Contract Report to the Department of Enterprise Services (DES) who compiles a comprehensive statewide report for legislative fiscal committees.

- **Annual Agency Contract Transparency Report (Due 10/31/22)**

BRPELS is required report all goods and services contracts on an annual basis.

- **Biennium 2023-25 Budget Submittal (Due 9/20/22)**

Even though BRPELS doesn't anticipate submitting any decision packages this biennium, the agency is still required to submit:

1. Agency Head Transmittal Letter
2. Agency Organization Chart
3. Agency Strategic Plan

- **2022 Annual Technology Certification (Due 9/30/22)**

Each year, agencies are asked to provide information on their technology portfolio and compliance with selected statewide policies that support statewide technology programs. There are six parts with due dates that fall between August and December 2022.

- **Hiring a Temporary Employee**
  - \* Employment agency contract completed
  - \* Full time - .5 Admin / .5 Licensing
  - \* 6 months to a year with a Temp-to-Hire option
  - \* We are working with WaTech on equipment and security access for a non-state employee and Vonna has reached out to DOL regarding access to Polaris.
- **SharePoint & MS365 Development**
- **Agency Form Clean Up Project**
  - \* Categorize forms by program and create a master list
  - \* Update Form Numbers (remove DOL agency #, logos, and misc. information)
  - \* Update Barcodes on licensing applications and forms
  - \* Insert BRPELS Logo and update InDesign master pages
- **Admin Policies – List & Reorg**
  - \* List and organize agency templates (examples from Accounting Board and DES)
  - \* Develop and establish any missing policies
  - \* Complete Telework Agreements
  - \* Revise Layoff Policy for HR
  - \* Apply Required Training Policy to align with state requirements (RCW, WAC, and SAAM)
  - \* Begin reading and reviewing agency polices during weekly staff meetings
  - \* Create employee attestation regarding policies

## Completed Items:

- ✓ **End of Fiscal Year \$\$ Processing** (All FY22 invoices submitted and paid + one accrual for Verizon because of billing cycle)

# **Board Meeting**

## **Tab 6**

### **Assistant Attorney General's Report**

#### 6.1 AGO Opinion



Published on *Washington State* (<https://www.atg.wa.gov>)

[Home](#) > Authority Of Engineers And Architects To Stamp And Sign Drawings For Submission For Building Permits

Attorney General

## **ARCHITECTS—ENGINEERS—Authority Of Engineers And Architects To Stamp And Sign Drawings For Submission For Building Permits**

Washington law provides no bright line rule for distinguishing between design documents that must be completed by an architect and those that must be completed by an engineer. In general, design work falls within an engineer’s scope of practice when it requires “engineering education, training, and experience and the application of special knowledge of the mathematical, physical, and engineering sciences,” and design work falls within an architect’s scope of practice when it requires “architectural education, training, and experience, in connection with the art and science of building design[.]” It is primarily up to local building officials to determine which types of documents are required or sufficient as part of the local jurisdiction’s building permit processes.

If design work falls within an engineer’s scope of practice, such work does not require an exemption from the practice of architecture to be lawful, even if the work would simultaneously fall within an architect’s scope of practice.

May 24, 2022

The Honorable Jim Honeyford  
State Senator, District 15  
PO Box 40415  
Olympia, WA 98504-0415

Cite As:  
AGO 2022 No. 3

Dear Senator Honeyford:

By letter previously acknowledged, you have requested our opinion to further clarify when design documents submitted to local building officials may be stamped by engineers as opposed to when they must be stamped by architects. We paraphrase your questions and answer them as follows:

### **QUESTIONS PRESENTED AND BRIEF ANSWERS**

1. When does a complete set of design documents created by an engineer for a non-agricultural and non-residential building that exceeds four thousand square feet amount to the practice of engineering as authorized by RCW 18.43?

There is no bright line rule in Washington law for when design documents are engineering or architectural in nature—both professions may engage in building design as part of their scope of

practice. Design work completed by an engineer falls within an engineer's scope of practice when it requires "engineering education, training, and experience and the application of special knowledge of the mathematical, physical, and engineering sciences[.]" RCW 18.43.020(8)(a). In contrast, design work falls within an architect's scope of practice when it requires "architectural

*[original page 2]*

education, training, and experience, in connection with the art and science of building design[.]" RCW 18.08.320(12). These two definitions have the potential for substantial overlap, as both contemplate building design. It is primarily up to the local building officials to determine which types of documents are acceptable for any given project on a case by case basis.

2. If a complete set of design documents is considered the practice of engineering as authorized by RCW 18.43, would those documents fall under the exemption to architectural licensing provided in RCW 18.08.410(1)?

Engineers do not require an exemption from the practice of architecture to practice their profession. RCW 18.08.410(1) states that RCW 18.08, the chapter regulating the practice of architecture, "shall not affect or prevent" the practice of engineering. Thus design documents completed within the scope of an engineer's practice do not need to fall under an exemption to the practice of architecture to be lawfully submitted by an engineer.

### **FACTUAL BACKGROUND**

To promote the health, safety, and welfare of building occupants or users, Washington has adopted a state building code that sets minimum requirements and standards for construction. RCW 19.27.020. As its building code, Washington has adopted the International Building Code and International Residential Code, both published by the International Code Council, Inc. RCW 19.27.031(1) (adopting codes); WAC 51-50 (adoption and amendment of the International Building Code); WAC 51-51 (adoption and amendment of International Residential Code). Cities and counties have the authority to amend the state building code within their jurisdiction so long as they do not diminish the code's minimum performance standards. RCW 19.27.040. The State Building Code Council regularly reviews the state building codes and adopts amendments as appropriate. RCW 19.27.074(1); see WAC Title 51. The Council also approves or denies city and county amendments when the local amendments apply to single-family or multifamily residential buildings. RCW 19.27.074(1)(b).

In order to receive a permit to build or change certain structures, a building owner may be required to submit to local building officials drawings that have been prepared and stamped by either a licensed architect, professional engineer, or both. See, e.g., *Residential Garage: Document Submittal Requirements* (Kent, WA effective Feb. 2, 2021), <https://www.kentwa.gov/home/showpublisheddocument/16969/637829310448270000> (specifying documental submittal requirements and minimum requirements for drawings and plans for construction of residential garage). See generally RCW 19.27.095(2) ("The requirements for a fully completed [building permit] application shall be defined by local ordinance[.]"); WAC 51-05-200 ("Building permit shall mean a permit issued by a city or a county to construct, enlarge, alter, repair, move, demolish, or change the occupancy of any building or structure regulated by the International Building Code . . . or by the International Residential Code[.]"). When and how those drawings are prepared, stamped, and submitted is governed by statute and local building codes, but the law is less clear about when a building project will require either engineering or architectural drawings.

*[original page 3]*

In 1990, this office issued a formal opinion on the issue of when and how a registered professional architect or professional engineer must sign and stamp a drawing being submitted for

building permits. AGO 1990 No. 9. The Opinion correctly noted that the stamping and submission of architectural drawings constitutes the practice of architecture which requires registration as an architect, but cited exemptions that allowed engineers to stamp plans and design work created by non-architects. AGO 1990 No. 9. The legislature removed those exemptions in 2010. Laws of 2010, ch. 129, § 8 (amending RCW 18.08.410).

In early 2021, citing ongoing confusion on the matter, Representative Walen requested an opinion about whether engineers may continue to stamp plans submitted to local building officials. In response, this office issued another formal opinion, AGO 2021 No. 2. That Opinion reiterated that the stamping of *architectural* drawings by non-architects is a violation of the Architect's Act and possibly the unlicensed practice of architecture. We clarified that to the extent AGO 1990 No. 9 conflicted with current law, building officials may not rely on AGO 1990 No. 9. AGO 2021 No. 2. But our 2021 Opinion did not opine on when drawings are architectural or engineering in nature. Nor did it preclude an engineer from stamping design documents that fall within an engineer's scope of practice.

Based on your letter, we understand that concerns continue to be raised over when design work constitutes the practice of engineering and when design work constitutes the practice of architecture, and you are seeking clarification.

## ANALYSIS

The scope of practice of engineering and architecture are related yet independent from one another. As the prior opinions and your current request suggest, it is difficult to draw a bright line rule that delineates when design documents created and stamped by an engineer are sufficient, or when a project requires design documents created and stamped by an architect, and vice versa. The best we can say based on the statutes is that engineers may design when that work requires "engineering education, training, and experience and the application of special knowledge of the mathematical, physical, and engineering sciences[.]" RCW 18.43.020(8)(a). Likewise, architects may stamp design documents that require "architectural education, training, and experience, in connection with the art and science of building design[.]" RCW 18.08.320(12). As explained below, we continue to take the position this issue is highly fact-specific and not amenable to a bright line rule.

### **A. Who may Create and Stamp Designs is Fact-Specific and Subject to Local Building Codes**

Your first question seeks a clear delineation between design work falling within an architect's scope of practice and design work falling within an engineer's scope of practice. The statutes, however, do not provide us with any such bright line. Instead, they suggest that there may be some overlap between design work completed by the two professions, dependent on whether the design work falls within the education, training, and experience of either or both

*[original page 4]*

professions. Additionally, as mentioned above, local building codes may further define the nature of design work required for any given project. Thus, a determination of whether any design document falls within the scope of practice of an architect, engineer, or both will be highly-fact specific.

Each of the statutes defining the scope of practice for architecture and for engineering contemplate that the respective practice includes building design work. The scope of the practice of architecture is defined by statute as:

[T]he rendering of any service or related work requiring architectural education, training, and experience, *in connection with the art and science of building design* for construction of any

structure or grouping of structures and the use of space within and surrounding the structures *or the design for construction of alterations or additions to the structures*, including but not specifically limited to predesign services, schematic design, design development, preparation of construction contract document , and administration of the construction contract.

RCW 18.08.320(12) (emphases added).<sup>[1]</sup> Architects seal and sign (stamp) documents pursuant to RCW 18.08.370(3). Pertinent here, RCW 18.08.410(1) states that the scope of the practice of architecture does not affect or prevent the practice of engineering as authorized by RCW 18.43.

RCW 18.43.020 defines the practice of engineering as:

[A]ny professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical, physical, and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, *design, and supervision of construction for the purpose of assuring compliance with specifications and design*, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects.

RCW 18.43.020(8)(a) (emphasis added). Engineers stamp design documents pursuant to RCW 18.43.070. *See also* WAC 196-23-020 (setting forth requirements for stamp usage on plan sets submitted by engineers). Thus, both of the statutes governing the scope of practice for architecture and engineering contemplate signed and stamped design work. RCW 18.08.320(12); RCW 18.43.020(8)(a).

*[original page 5]*

We are aware of two statutes that specifically require the design work of an engineer. See RCW 18.43.040(1)(a)(iv); RCW 18.43.020(12). Those statutes clarify that designs of significant structures, which include essential facilities, e.g., hospitals, fire and police stations, water tanks, or aviation control towers, must be performed by structural engineers. Otherwise, there is no bright line rule in statute, case law, or administrative rule generally governing when design work is architectural or engineering in nature.

The primary statutory difference appears to lie in whether the work requires the education of an engineer or that of an architect. Engineers may design when that work “require[s] engineering education, training, and experience and the application of special knowledge of the mathematical, physical, and engineering sciences[.]” RCW 18.43.020(8)(a). An architect may design as a part of “any service or related work requiring architectural education, training, and experience, in connection with the art and science of building design[.]” RCW 18.08.320(12). Thus both engineers and architects create, stamp, and submit design documents for submission to planning offices. Whether a project will require design documents stamped by an architect, engineer, or both will be very fact-specific based on the needs of the project.

The legislature has determined that local building officials have the authority to determine what documents must be submitted for approval according to local building codes. RCW 19.27.095(2) (requirements for fully completed application defined by local ordinance). Local building codes vary from jurisdiction to jurisdiction across the state and we assume that each local jurisdiction has enacted codes responsive to local needs and concerns. Thus, local building officials will be in the best position to evaluate whether design documents submitted in conjunction with a specific project meet building code requirements.

This conclusion is supported by the comment provided by members of the Washington State Board of Registration of Professional Engineers and Land Surveyors (BRPELS) and the Washington State Board of Architects, who put together a joint working group to discuss this opinion request. The overall conclusion of that working group, and the subsequently submitted comment, is

that there is no bright line rule because each project has specific needs and requirements; thus the local permitting office is in the best position to understand each project and make a determination of whether a project will require architectural or engineering designs (or both).

**B. The Practice of Engineering Does Not Require an Exemption from the Practice of Architecture to be Lawful**

Turning to your second question, you ask whether design documents that are considered the practice of engineering under RCW 18.43 would fall under an exemption to architectural licensing. The answer is “no” because engineers do not require an exemption to practice engineering: RCW 18.08.410(1) provides that RCW 18.08, governing architects, “shall not affect or prevent . . . engineering as authorized in chapter 18.43 RCW[.]” Thus, nothing in the law governing architects impedes an engineer from practicing their own profession.

*[original page 6]*

This conclusion is also supported by the comment submitted by the working group of members from BRPELS and the Washington State Board of Architects. That comment affirms that when an engineer submits design documents, they do so under the authority of RCW 18.43.

**CONCLUSION**

In conclusion, there may be differences in projects that might require either architectural or engineering design work or both, but these differences are not easy or practical to define in a general sense. Absent more specific statutes, local planning offices are in the best position to make these determinations based on local building codes and the specifications of each project.

We trust that the foregoing will be useful to you.

ROBERT W. FERGUSON  
*Attorney General*

*s/ R. July Simpson*  
R. JULY SIMPSON  
*Assistant Attorney General*  
(360) 586-3151

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[1] RCW 18.08.410 states that the scope of the practice of architecture does not affect or prevent all design related activities. Design related activities that are not defined as the practice of architecture include: design work for residential buildings with four or fewer dwelling units, design work for farm buildings, design work for buildings not exceeding four thousand square feet, and interior design services not affecting public health or safety. RCW 18.08.410(1), (5), (6), (7). You ask specifically about design related activity that would not fall within the exemptions in RCW 18.08.410(6), so I discuss these exemptions no further.

# **Board Meeting**

## **Tab 7**

### **Other Business**

- 7.1 Additional Public Comment
- 7.2 Upcoming Outreach and Events
- 7.3 Action Items from this Meeting
- 7.4 Agenda Items for Next Meeting

# 2022 BRPELS EVENT CALENDAR

January						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

February						
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20	21	22	23	24	25	26
27	28					

March						
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20	21	22	23	24	25	26
27	28	29	30	31		
31						

April						
S	M	T	W	T	F	S
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24	25	26	27	28	29	30

May						
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22	23	24	25	26	27	28
29	30	31				

June						
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19	20	21	22	23	24	25
26	27	28	29	30		

July						
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17	18	19	20	21	22	23
24	25	26	27	28	29	30

August						
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21	22	23	24	25	26	27
28	29	30	31			

September						
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

October						
S	M	T	W	T	F	S
						1
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

November						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

December						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

NCEES	
<b>Western Zone Annual Meeting</b>	<b>Annual Meeting</b>
May 19 - 21 State Line, NV	August 23 - 26 Carlsbad, CA

LSAW
<b>Annual Conference</b>
March 2 - 4 Vancouver, WA

<b>2022 Pacific Northwest ASCE Student Conference</b>
April TBD

<b>Committee &amp; Board Meetings</b>
<b>WA State Specific Exams</b>
<b>NCEES SE Exams</b>
<b>State Holidays</b>

# Board of Registration for Professional Engineers and Land Surveyors

## Action Item List

### Executive Committee

Date Assigned	Action Item	Assigned To	Status
6/15/22	Staff work with Paul Bitar to look at ways to reduce the fund balance.	Mr. Fuller Mr. Larson Ms. Gillespie Mr. Bitar	Complete
6/15/22	Contact NCEES and request motion EPP 12 be taken off the consent agenda	Mr. Fuller	Pending

### Exam Qualifications Committee (EQC)

Date Assigned	Action Item	Assigned To	Status
2/17/21	Research options for the Law Review and State Specific exams to be administered through an alternate platform.	Ms. Cramer	In Progress
10/21/21	Review WAC 196-16 and 196-34 and consider adding language to address the issue of reporting PDHs when a newly licensed surveyor is audited within a year of obtaining their license.	Committee	In Progress

### Practice Committee (PC)

Date Assigned	Action Item	Assigned To	Status
2/17/21	Research options for housing a database of FAQs	Staff	In Progress
10/21/21	Review RCW 18.43 and determine next steps to address outcomes from recent litigation concerning the use of the word engineer and the practice of engineering.	Committee	In Progress
6/23/22	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.	Committee	In Progress

### Survey Committee

Date Assigned	Action Item	Assigned To	Status
10/15/20	Meet with DNR regarding issues affecting the investigation process.	Mr. Wengler Mr. Blaisdell Mr. Larson	In Progress
4/21/21	Provide a summary of what has worked and what hasn't worked during the last few state specific exams, e.g. COVID-19 impacts, security of exams, and grading. Due before the SME meeting in June/July.	Staff	In Progress
12/9/21	Send LS exam question performance report to Mr. Blaisdell and Mr. Wengler for their review.	Staff	In Progress

**Structural Committee**

<b>Date Assigned</b>	<b>Action Item</b>	<b>Assigned To</b>	<b>Status</b>
12/9/20	Provide information regarding the SE applications that do not follow normal licensing path for February EQC and SE committee meetings.	Ms. Cramer	In Progress
2/16/21	Provide the number of SE applicants by comity, and the number of applicants with SE exam only at next meeting.	Ms. Cramer	In Progress

**On-Site Committee**

<b>Date Assigned</b>	<b>Action Item</b>	<b>Assigned To</b>	<b>Status</b>
4/12/22	Compile OS Designer & Inspector pass/fail & reexam statistics over the last 5 years.	Ms. Cramer	In Progress
4/12/22	Update OS Designer form – add language for inspectors who are applying for designer licensure.	Staff	In Progress
4/12/22	Hold stakeholder meeting and draft WAC 196-32 language for final committee review.	Ms. Gillespie Ms. Gnanapragasam Mr. Fuller	In Progress
6/23/22	Start looking at WAC 196-32 regarding 1-year Onsite Inspector experience requirement.	Committee Members	In Progress

**Board Staff**

<b>Date Assigned</b>	<b>Action Item</b>	<b>Assigned To</b>	<b>Status</b>
6/23/22	Send Mobility Agreement/IEA presentation to Board & Staff.	Ms. Cramer	Completed
6/23/22	Share IEA foreign licensure information with Ms. Gnanapragasam	Ms. Cramer	Completed
12/12/19	Write Communication Action Plan for board review.	Mr. Fuller Mr. Schieferstein	In Progress
8/12/21	Prepare a presentation on potential changes to the state specific exams considering NCEES' EPS Committee moving forward with exam modules.	Mr. Fuller Mr. Blaisdell	In Progress
8/12/21	Check with DOL regarding limiting applicant/licensees' ability to change name in Polaris.	Ms. Cramer	In Progress
3/3/22	Develop a Letter of Education and BAP alternative to present to the Board.	Mr. Fuller	In Progress
6/23/22	Respond to Mr. Schwegel's email.	Mr. Fuller	In Progress

AGO

Date Assigned	Action Item	Assigned To	Status
4/21/22	Check with Mr. Pitel regarding facilitating a training with the Board.	Ms. Lagerberg	In Progress
4/21/22	Ms. Short will send Ms. Lagerberg the template for a Letter of Education so she can discuss with Mr. Pitel.	Ms. Lagerberg Ms. Short	In Progress
4/21/22	Meet with Mr. Blaisdell and Mr. Wengler regarding response to DNR letter.	Ms. Lagerberg	In Progress
6/15/22	Work with staff and Mr. Pitel 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.	Ms. Lagerberg Ms. Short Mr. Fuller	Pending
6/15/22	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.	Ms. Lagerberg Mr. Fuller	Pending
6/23/22	Work with PC and staff on developing steps to move forward with changes to RCW 18.43 e.g., preliminary stakeholder feedback and possible legislative involvement.	Ms. Lagerberg Mr. Fuller Ms. Gillespie	In Progress

**Board Meeting**

**Tab 8**

**Adjourn Meeting**