



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

SPECIAL BOARD MEETING MINUTES

DATE: October 15, 2020

TIME: 8:00 a.m.

LOCATION: WebEx

ATTENDANCE:

Board Members

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

Staff Members

Elizabeth Lagerberg, Advising AAG
Ken Fuller, PE, Director
Richard Larson, PLS, Deputy Director
Carmena Moretti, Executive Assistant
Shanan Gillespie, Regulatory Program Manager
Jill Short, Investigations & Compliance Manager
Vonna Cramer, Licensing Lead

Absent/Excused

Stephen Shrope, PE, SE

Guests

Sharon Zimmerman

1. Call to Order at 8:01 a.m.

1.1. Mr. Blaisdell, Board Chair, took roll call.

1.2. Order of Agenda

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

1.3. Approval of Meeting Minutes

A motion was made by Mr. VanDeWege, and seconded by Ms. Gnanapragasam to accept the August 27, 2020 meeting minutes as written. Motion carried.

1.4. Public Comment Opportunity

None

Executive Session

Mr. Blaisdell, Board Chair, announced the purpose and estimated time 8:16 to 9:01 a.m. for Executive Session.

Open Session Reconvened – 9:01 a.m.

2. Disciplinary Action

2.1. Recommended Closures

Ms. Short informed the Board that there are no investigation to close at this time.

2.2. Administrative Closures Report

Ms. Short reported there were four complaints administratively closed this period.

2.3. Disciplinary Report

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

2.4. Polaris Enforcement Demo

Ms. Short provided a demonstration of the enforcement side of Polaris, DOL's new software.

3. Committee Reports

3.1. Executive Committee

Mr. Blaisdell delivered the committee's report

Discussion/Action Items:

1. Mr. Bitar temporarily joined the meeting to give an overview of his financial report and take any questions from committee members.
 - BRPELS' under spending projection is smaller than previously expected but the agency is still in great financial shape.
 - Mr. Bitar is currently working with DOL regarding line items that exceed IAA agreed amounts. DOL has been responsive and Mr. Bitar indicated that he is receiving the information he needs to reconcile the charges. He also noted that BRPELS has money in other underspent categories, e.g. travel and training that can cover the overages if necessary.
 - Mr. Bitar informed the committee that he submitted a budget request to slightly reduce BRPELS spending authority this fiscal year to align with the Governor's request to reduce spending by cancelling the general wage increase and furloughing employees.
 - Mr. Bitar also noted he filed an objection to the Governor's Office request for agencies to submit plans with a 15% reduction of next biennium's total budget noting that such cuts could create a hardship for BRPELS.

2. Rule review and public comments

Ms. Gillespie shared additional proposed edits to WAC 196-09 and the public comment received by BRPELS. She will incorporate the additional feedback and work with Ms. Lagerberg on a final draft to be presented to the Board at the December meeting. **(Action)**

3. Director's Report

- IAA #2 is still being negotiated with DOL.

Partial costs associated with DOL IT may continue for certain staff. The connection to Polaris was based on BRPELS being connected to DOL's network. CRAB (BRPELS' new IT support) is working directly with DOL to get it figured out.

- Polaris/Licensing update

Ms. Cramer provided a licensing update to the committee.

- DOL continues to address system bugs as fast as they can. Other groups within DOL are having problems too and weekly updates are being released by the Polaris team.
- The Department of Revenue has caught up on their backlog of revenue issues and staff has all of the paper licensing applications.
- Email queue has 276 various emails although only 86 of these are unread and need to be processed. There are currently 25 renewals for processing.

There are currently a number of lapsed licenses because Polaris only sends a reminder *email* to licensees and hard copy notifications are no longer being sent. Ms. Cramer is developing a post card reminder for licensees that states they will no longer be receiving reminders via the postal service and to please make sure their contact information in the system is current. This information will also be posted on BRPELS' website and eventually emailed once staff determines the best process for mass emails. Ms. Cramer will send scripted language to Ms. Moretti for posting on the website. **(Action)**

Ms. Moretti will check with IT support at CRAB regarding Listservs or alternate methods of sending mass emails. **(Action)**

- Hiring a process consultant

Mr. Fuller received committee support to hire a consultant to assist staff with processes/procedures and performance measures. Committee members indicated they would like to be involved in the selection and maintenance of the plan, but not implementation. Mr. Fuller will share three proposals he's received with committee members. **(Action)**

- BRPELS staff continue to work remotely with the opportunity to go into the Chandler Court office as needed.
- Recording board meetings

The committee discussed the possibility of recording board meetings and posting the audio files on the website. It was the consensus of the committee to *not* record board meetings in order to encourage active participation from licensees and stakeholders. Detailed minutes will continue being published.

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

3.2. Practice Committee (PC)

Ms. Lund delivered the committee's report

| | |
|--------------------------------------|-----------|
| Total Complaints Received | 13 |
| Engineering Complaints | 7 |
| Surveying Complaints | 5 |
| Onsite Designer Complaints | 1 |
| | |
| Total Administrative Closures | 4 |

Compliance Report:

Ms. Lund reported there are four individuals on compliance monitoring and that all of them are currently in compliance with the terms of their board orders. A court granted Mr. Johnson's motion for a stay of his suspension and fine pending an appeal hearing (tentatively scheduled for early October 2020). Mr. Johnson's license is currently in active status.

Discussion/Action Items:

1. The PC discussed the Board's response for the AGO opinion regarding the practice of architecture and engineering. (Also see agenda item #6 for Ms. Lagerberg's full report.)
2. Mr. Fuller, Mr. Larson, Mr. Hendrickson, Ms. Lagerberg, Ms. Gillespie, and Ms. Short will work on the Administrative Complaints Intake/Closure Process (flowchart) and bring back to the December PC meeting. **(Action)**
3. PC is recommending the administrative complaint closures be presented to the PC for review/approval. Those closures will be presented to the Board during the PC report for Board concurrence. The closure notifications will then be sent to the complainant/respondent. The PC recommends trying this process for six (6) months.
4. The PC reviewed a legislative timeline presented by Ms. Gillespie. The PC requested this document be made available for current and future Board members. Ms. Gillespie will work with Ms. Moretti on where to house the document. **(Action)**
5. Previous ongoing action items:
 - a. Creating database for email questions/answers. (Review at February 2021 PC meeting) **(Action)**
 - b. Review policies related to practice committee. (Ongoing)
 - c. Continue tracking monument legislation sponsored by LSAW/DNR. (Review at December 2020 PC meeting) **(Action)**
 - d. Create an activities report and accomplishments by the PC. (Add to each PC agenda) **(Action)**
 - e. Continue working on language in WAC 196-25. Ms. Gillespie, Mr. Fuller, and Ms. Lagerberg will look at questions and larger issues around designees,

definition of businesses, and responsible charge. (Draft language will be brought to the PC at the December 2020 meeting) **(Action)**

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

3.3. Exam Qualifications Committee (EQC)

Ms. Gnanapragasam delivered the committee's report

- Credentialing Services
 - The Committee recommends foreign degrees evaluated by World Education Services (WES) be accepted along with the other NCEES' approved evaluation services.
- Engineering Application Review – Comity
 - Applicant is a faculty member licensed in two other states. The EQC recommends approval based on teaching and research experience.
- On-Site Wastewater Designer Application Review
 - Applicant has a BS degree in Business Administration. The EQC recommends 1 year be granted towards their education and experience.
- Polaris Update
 - Licensing staff continue to work with DOL on bugs within Polaris and weekly fixes are being released by the product team. These 'bugs' are not specific to BRPELS but run across all of DOL's programs.
- 2021 State Specific Exam Dates
 - April 16, 2021 – locations to be determined.
 - October 15, 2021 – locations to be determined.

Mr. Fuller reported that Seattle will be one of the regional testing centers for the additional NCEES exams in January. These exams have been added to accommodate applicants that either chose to postpone due to COVID-19 or were unable to secure a spot for the October exams.

- On-Site Wastewater Designer (OSWD) Application
 - At the December committee meeting the EQC will review the On-Site Wastewater Designer Application and update verification requirements so they are more aligned with the PE application. **(Action)**
 - The committee recommends that going forward all OSWD applications be evaluated by the EQC to ensure applicants are meeting requirements.

EQC Action Items:

- Ms. Gillespie will send the draft of WAC 196-12-010 updates to Ms. Lagerberg for review. **(Action)**
- Continue review of WAC 196-12-011, 012, 020, and 021 at the December meeting. **(Action)**

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

3.4. Survey Committee

Mr. Wengler delivered the committee's report

1. The Committee reviewed and approved the Angoff score for five survey questions that were revised due to a recent RCW change.
2. The Committee discussed the limitation of pre-approving professional development hours (PDH) for the proposed DNR work session to help catalog old survey records. The topics of how the existing audits for PDH are reviewed and whether PDHs are reviewed when a complaint is received were raised and tabled for further discussion.
3. Mr. Wengler, Mr. Blaisdell, Mr. Larson, and Mr. Fuller volunteered to request a meeting with the DNR to discuss three specific issues affecting the investigation process:
 - Double signatures on records of surveys;
 - Using the filing of a record of survey to revise a plat; and
 - Eliminating book and page from auditors Certificates for records of surveys.**(Action)**

A motion was made by Mr. Hendrickson, and seconded by Mr. VanDeWege to approve the Survey Committee report including the Angoff score. Motion carried.

4. New Business

4.1. Rule Review

Ms. Gillespie presented an additional proposed change to WAC 196-23-20 regarding land descriptions.

A motion was made by Ms. Gnanapragasam, and seconded by Ms. Lund to approve the proposed language changes to WAC 196-23 and for Ms. Gillespie to move forward in the rule making process. Motion carried.

5. Director's Report

5.1. Agency Operations

BRPELS currently subleases office space from CRAB at Chandler Court. Mr. Fuller explained that he expects market conditions to change in the next few months and he has postponed searching for additional space at this time.

New agency computers and cell phones are currently be loaded and serviced by CRAB support services. There are a few issues with getting our system connected with Polaris at DOL and technical staff on both sides are currently working on it.

5.2. Financial Report

Mr. Bitar provided an overview of the financial report that was included in the packet.

The agency is in excellent financial shape and is expected to end the biennium with between \$500K and \$600K in its operating account. It is a substantial reduction from the projection at the beginning of the biennium of \$1.7M. This is due to the one-time costs associated with implementation of the Polaris licensing software. Mr. Bitar expects the costs to be much lower during the next biennium with the account balance remaining relatively stable or even slightly increasing.

Mr. Bitar informed the board of the budget requests he submitted to OFM which will be under consideration by the Governor's Office and Legislature during the upcoming legislative session. See Executive Committee report in section 3.1 for more budget request detail.

5.3. Other Items

- 2021 Board Meetings

The Board determined the following dates for its 2021 meetings:

| Date | Location |
|------------------|----------|
| February 17 – 18 | TBD |
| April 20 – 22 | TBD |
| June 16 – 17 | TBD |
| August 11 – 12 | TBD |
| October 20 – 21 | TBD |
| December 8 – 9 | TBD |

- Recording Board Meetings

Mr. Fuller asked board members if they'd like to consider returning to recording board meetings and posting the audio files on BRPELS' website. The Board discussed some of the pros and cons and decided to delegate further discussion to the Executive Committee and asked that they bring a recommendation to the Board at a future meeting.

6. Assistant Attorney General's Report

Notice of Request for Attorney General's Opinion 20-07-04 (Walen)

Ms. Lagerberg notified the board that the Office of the Attorney General has decided to issue an opinion regarding the practice of architecture and engineering. Ms. Simpson will be writing the opinion for the AGO in consultation with Ms. Lagerberg and other AAGs providing background information as needed. A draft of the opinion should be completed late November. Ms. Lagerberg also said that she spoke with the Architects Board and their main concern is differentiating between architectural and engineering drawings.

Ms. Lagerberg stated that the committee recommendation was engineers can sign anything that done under their direct supervision as part of the practice of engineering. If the project is not accepted or exempted under [RCW 18.08.410](#), the only person that can stamp architectural drawings is a licensed architect.

7. Other Business

7.1. Any Other Business

Mr. Fuller stated that the virtual meetings are working well and suggested the Board continue looking at the virtual process for future meetings. Mr. Blaisdell added that the virtual platform may also be an effective way to communicate throughout complaints, investigations, or with applicants that ask questions through the EQC. There may be ways for BRPELS to integrate the virtual process as it attempts to become a more efficient and collaborative agency. Mr. Fuller promised to bring a list of ideas to the next board meeting.

(Action)

7.2. Additional Public Comment

None

7.3. Rolling Action Item List + Action Items from This Meeting

Ms. Moretti reviewed the Rolling Action Items List from the packet and added the following items from this meeting:

1. Ms. Cramer will send postcards to licensees regarding renewal reminders and email scripted language to Ms. Moretti for posting on BRPELS' website.
2. The Executive Committee will discuss and bring recommendations regarding recording meetings to the next board meeting.
3. Ms. Moretti will check with IT support at CRAB regarding listservs or alternate methods of sending mass emails.
4. Mr. Fuller and Ms. Moretti will reach out to WaTech regarding board member portal access to BRPELS' website.
5. Mr. Fuller will share the three proposals for a processes/procedures and performance measures LEAN/HR consultant with the Executive Committee.
6. Members of the PC and board staff will work on the Administrative Complaints Intake/Closure Process (flowchart) and bring back to the December PC meeting.
7. The PC and Ms. Gillespie will continue to refine language in WAC 196-25-040 and 070.
8. The EQC will review the On-Site Wastewater Designer Application and update verification requirements so they are more aligned with the PE application.
9. Mr. Wengler, Mr. Blaisdell, Mr. Larson, and Mr. Fuller will meet with DNR regarding issues affecting the investigation process.
10. Ms. Gillespie and Ms. Moretti will decide where to house BRPELS' legislative timeline.
11. Ms. Gillespie will work with Ms. Lagerberg on a response to a rule making public comment.
12. Ms. Gillespie will incorporate the additional comments for WAC 196-09 and work with Ms. Lagerberg on a final draft for the December board meeting.
13. The EQC and Ms. Gillespie will continue to review WAC 196-12-011, 012, 020, and 021.

14. Ms. Moretti will send an updated calendar and meeting invites for 2021 board meetings and post meeting dates on the website.
15. Mr. Fuller will develop and bring a list of meeting efficiency ideas to the next board meeting.

7.4. Agenda Items for Next/Upcoming Meetings

1. Recording meetings and posting audio (Executive Committee)
2. New board member appointment update from the Governor's Office (Director's Report)
3. How existing audits for PDH are reviewed and whether PDHs are reviewed when a complaint is received. (Survey Committee)

8. Adjourn Meeting

A motion was made by Mr. Hendrickson, and seconded by Ms. Lund, to adjourn the meeting at 11:13 a.m. Motion carried.

Next Meeting: December 10, 2020 – Special Board Meeting

Respectfully submitted



Ken Fuller, PE, Director