

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

## Board Meeting

November 22, 2021

### [WebEx Link](#)

or

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# **Board Meeting**

## **Tab 1**

### **Call to Order**

- 1.1 Roll Call
- 1.2 Order of Agenda
- 1.3 Approval of October 22, 2021 Meeting Minutes



STATE OF WASHINGTON

## BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

### Special Board Meeting Agenda

**DATE & TIME:** November 22, 2021 4:00 p.m.

**LOCATION:** [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 October 21, 2021 Meeting Minutes
  
- 2. New Business**
  - 2.1. RCW 18.43 Recommendation (from PC)
  
- 3. Other Business**
  - 3.1. Public Comment
  
- 4. Adjourn Meeting**



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

**BOARD MEETING MINUTES**

**DATE:** October 21, 2021

**TIME:** 8:00 a.m.

**LOCATION:** WebEx

**ATTENDANCE:**

**Board Members**

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

**Excused**

Dave Peden, PE, SE

**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

**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. Hendrickson, and seconded by Mr. VanDeWege, to accept the agenda. Motion carried.

1.3 Approval of Meeting Minutes

A motion was made by Mr. Blaisdell, and seconded by Ms. Gnanapragasam, to accept the August 12, 2021 meeting minutes as written. Motion carried.

A motion was made by Mr. Blaisdell, and seconded by Mr. VanDeWege, to accept the September 14, 2021 meeting minutes as written. Motion carried.

A motion was made by Ms. Gnanapragasam, and seconded by Mr. Hendrickson, to accept the September 22, 2021 meeting minutes as written. Motion carried.

A motion was made by Mr. Blaisdell, and seconded by Ms. Gnanapragasam, to accept the October 1, 2021 meeting minutes as written. Motion carried.

1.4 Review Correspondence & Communications

The Board reviewed the email from James Clark thanking the Board that was included in the board packet.

## 1.5 Public Comment Opportunity

None provided.

### Executive Session

Ms. Lund, Board Chair, announced the purpose and estimated time 8:11 to 9:41 a.m. for Executive Session.

### Open Session Reconvened – 9:40 a.m.

## 2. Disciplinary Action

### 2.1 Board Order – Stipulated Finding of Fact, Conclusions of Law, and Agreed Order

2020-02-0091-00ENG Muhannad R. Attili, PE

On February 10, 2020 a complaint was received alleging Mr. Attili engaged in multiple violations of the engineering licensing laws and rules including unprofessional conduct.

Mr. Attili was hired on December 11, 2019 and pre-paid \$600 for calculations to a covered deck. He was contacted multiple times by his client and each time promised to complete the calculations. On January 20, 2020, he hung up when his client identified himself. On or about February 12, 2020 the client hired another engineer to complete the calculations. When Mr. Attili was contacted by the Board Investigator on February 19, 2021, he responded saying he would refund his clients money in full. On November 5, 2020 the Board Investigator contacted the Complainant who indicated that he never received a refund.

The Agreed Order imposes the following sanctions:

- Mr. Attili's professional engineer license will be suspended for 1 year.
- Mr. Attili will be assessed a \$2,500 fine.
- Mr. Attili must successfully complete and pass the Law Review Exam within 90 days.
- Mr. Attili will be responsible for all costs, expenses, fees and/or tax consequences incurred by complying with the Agreed Order.

A motion was made by Mr. Hendrickson, and seconded by Mr. Wengler, to accept the Stipulated Findings of Fact, Conclusions of Law, and Agreed Order as presented. Motion carried. Mr. VanDeWege abstained.

### 2.2 Recommended Case Closures

2019-06-0004-00ENG

Mr. Wengler recommended the case be closed.

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

2020-07-0321-00ENG

Mr. VanDeWege recommended the case be closed.

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

2020-11-1626-00ENG

Ms. Short presented the case for case manager, Mr. Peden, along with his recommendation that the case be closed.

A motion was made by Mr. Hendrickson, and seconded by Mr. Wengler, to accept the case manager's recommendation for closure. Motion carried. Mr. Peden was absent during the vote.

2020-09-1125-00LSV

Mr. Wengler recommended the case be closed.

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

### 2.3 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.

- Financial Report – Paul Bitar, DES

Mr. Bitar discussed the current financial report and informed the committee that a positive account balance is still projected. He asked if there were any DOL budget items that the board may be aware of. He was informed that the Board is still working with DOL and that the costs associated with Red Falcon (imaging system) have not been received.

- Review/Respond to public comments received for changes to WAC 196-09 *Board Practices and Procedures* (Concise Explanatory Statement)

The committee discussed the responses provided in the Concise Explanatory Statement that was provided. There were some editorial changes made. And based on one of the comments, the committee and staff will be working on language regarding Indexing of Records. Staff will send the edited Concise Explanatory Statement to the full Board prior to the board meeting.

- Polaris cost analysis:

- Duplicate wall certificate charges

As a previous action item, Ms. Cramer provided the committee with the costs associated with changes in the online licensing system that would allow the Board to charge a fee for duplicate wall certificates. Staff generally receives around 200 requests for duplicate wall certificates every quarter.

- Expiration date change

As a previous action item, Ms. Cramer provided the committee with the costs associated with changes in the online licensing system that would change the expiration date of initial licenses so that licenses would expire no earlier than one year after the issue date.

- Delegation

The Committee reviewed the draft delegation to the Director, with the included language about emergency actions and will be making a recommendation to the board for approval.

- Director’s Report – Board/Agency operations

Mr. Fuller discussed the Board’s new office space and stated that a video of the space will be shown at the Board meeting.

Mr. Fuller informed the committee that the position description form for the Communications Consultant has been sent to the reviewing committee, and he is gathering names for the interview panel. He is hoping that this position will be hired by February 2022.

Mr. Fuller discussed the Board’s motion to appeal the Tappel decision from the Thurston County Superior Court, and the requested stay of the Order. Informational only.

- RCW 18.43

Mr. Fuller and the committee held a discussion of whether any amendments to RCW 18.43 could be done in time for legislation to be considered during the 2022 session. The consensus was no. It was determined that the board be more deliberate when crafting language, and not just rush it. Various stakeholders will have to be included in the discussions. Suggestions about adding sunset language was also brought up.

The committee decided that the Board’s Practice Committee was the appropriate committee to assign the task of working on language regarding the term “Engineer.”

Action Items:

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

A motion was made by Mr. Hendrickson, and seconded by Mr. VanDeWege, to receive 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>10</b>
Engineering Complaints	7
Surveying Complaints	3
On-Site Designer Complaints	0

<b>Total Administrative Closures</b>	<b>11</b>
Engineering Closures	5
Surveying Closures	6
On-Site Designer Closures	0

#### Compliance Report:

Mr. Hendrickson reported there are two individuals on compliance monitoring. Mr. Russum, PLS is currently in compliance with the terms of his board order. Mr. Bodge is currently out of compliance with his board order. Staff has been unable to contact Mr. Bodge after several attempts. Mr. Bodge will stay on compliance monitoring and this report until contact is made.

#### Action Items:

1. The PC reviewed and reassessed WAC 196-23-020(3)(d) and (5) and recommends the Board approve refiling the CR102 with changes regarding preparation and sealing of reports. The PC agreed to pursue subsidiary consideration of unlicensed practice, which will be reviewed in a subsequent committee meeting.

#### Previous/Ongoing Action Items:

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

Ms. Lund asked Mr. Hendrickson to elaborate on the visitor's presentation at the committee meeting. Mr. Hendrickson explained that the visitor was a licensee with concerns with other licensees making changes to their submitted documents during plan review. The PC determined the issue is out of the realm of the Board's control and that it is more likely a question of business practice.

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

### 3.3 Exam Qualifications Committee (EQC)

Mr. VanDeWege delivered the committee's report.

#### Discussion Topics

- Cut Score review
  - PLS state specific exam from Survey committee recommendation:
    - Cut score: 28/40
      - Total examinees: 28
      - 13 passing
        - 15 1<sup>st</sup> time takers = 11 passing
        - 13 reexam takers = 2 passing
  - OS state specific exam OS committee recommendation:
    - Cut score: 82/100
      - Total examinees: 13



- 6 passing
    - 5 Designers
    - 1 Inspector
- 196-12 Concise Explanatory Statement
 

The Committee decided to file a supplemental CR-102 to address public comments received during the hearing. After the committee re-reviews, any changes to the proposed language will need to be sent back out for public comment.
- 196-20 Concise Explanatory Statement
 

The EQC is recommending the Board to proceed with rule making.

#### Action Items

- Ms. Cramer will gather data from all states concerning exam equivalency from foreign jurisdictions.

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

### 3.4 Survey Committee

Mr. Blaisdell delivered the committee's report.

#### Discussion Topics

- Review of September 2021 State Specific LS exam results
 

The committee reviewed the exam result memo and is proposing a cut score of 28/40 to the EQC for its recommendation to the Board. This would result in a 46% pass rate.
- Monument preservation
 

A lengthy discussion was held regarding the issue of monument preservation. Mr. Galli (guest) requested that the Board send out information regarding monument preservation as monument destruction and the replacement (or non-replacement) of those monuments is an issue.

Mr. Wengler agreed to prepare a letter and requested staff send the copy of the previous monument preservation letter and past Journal articles to committee members for consideration. Once they have completed their revisions, the letter will be forwarded to Ms. Lagerberg for review. Then, Mr. Fuller will contact the State Surveyor at DNR and ask for their contribution.

Ultimately the committee will decide how the final product/letter gets distributed to the appropriate parties, e.g. licensees, county public works directors, and utility companies, etc.

### 3.5 Structural Committee

The Structural Committee did not meet this period.

### 3.6 On-Site Committee

Ms. Gnanapragasam delivered the committee's report.

## Discussion Topics

- Review of September 2021 State Specific On-site exam results  
The committee is proposing a cut score of 82/100 to the EQC for its recommendation to the Board. This would result in a 46% pass rate.
- OSWD Application Review  
The committee requested the applicant provide specific experience designing systems for review at the next meeting.
- The On-Site Wastewater Designer application has been completed and uploaded to the website.
- WAC 196-32 Review  
Draft language is still under discussion, specifically the qualification requirements for inspectors that want to become designers. Revisions slated to be completed at the next meeting on November 2<sup>nd</sup>.

## Action Items

- Ms. Cramer email OSWD applicant to request specific design experience.
- Staff will schedule next OSW Ad-Hoc Committee meeting to prioritize committee work and finish WAC and application review.

## 4. New Business

### 4.1 PLS State Exam Cut Scores (from EQC)

A motion was made by Ms. Gnanapragasam, and seconded by Mr. Blaisdell, to approve the Exam Qualifications Committee recommendation of a cut score of 28/40 for the September State Specific PLS Exam. Motion carried.

### 4.2 On-site Licensing Exam Cut Scores (from EQC)

A motion was made by Mr. Blaisdell, and seconded by Mr. VanDeWege, to approve the Exam Qualifications Committee recommendation of a cut score of 82/100 for the September State Specific On-Site Exam. Motion carried.

### 4.3 WAC 196-23-020(3)(d) and (5) Recommendation – Stamping and Seals (from PC)

Mr. Hendrickson provided a brief overview of the proposed revisions to WAC 196-23-020(3)(d) and (5). The PC recommended the Board approve the changes to the draft language.

A motion was made by Mr. Wengler, and seconded by Ms. Gnanapragasam, to have staff advance WAC 196-23-020(3)(d) and (5) to CR-102 Proposed Rule Making process. Motion carried.

### 4.4 Rule Making - Concise Explanatory Statement and Filing of the CR103

#### 4.4.1. WAC 196-09 – Board Practices and Procedures

A motion was made by Mr. Hendrickson, and seconded by Mr. VanDeWege, to accept the public comments received on this rule proposal and the agency's response to those comments and approve filing of the CR-103. Motion carried.

4.4.2. WAC 196-12 – Registered Professional Engineers

The Exam Qualifications Committee recommended further review of this rule proposal with the possibility of filing a supplemental CR102.

4.4.3. WAC 196-20 – Engineers-in-Training

A motion was made by Mr. Blaisdell, and seconded by Mr. Hendrickson, to approve filing of the Concise Explanatory Statement and the CR-103. Motion carried.

4.5 2022 Board Meeting Schedule

The Board determined the following dates for its 2022 meetings:

Date	Location
February 22-23	TBD
April 20-21	TBD
June 22-23	TBD
August 10-11	TBD
October 19-20	TBD
December 7-8	TBD

4.6 Delegation of Authority to Director

A motion was made by Mr. Hendrickson, and seconded by Mr. Wengler, to approve the Delegation of Authority to the Director as written. Motion carried.

4.7 RCW 18.43 – Engineers and Land Surveyors

Ms. Lund confirmed that the Practice Committee will review the language of RCW 18.43 with stake holders to improve the methods the Board uses to adjudicate complaints related to the use of the title engineer and the practice of engineering.

**5. Old Business**

5.1 Review of Strategic Planning Goals

Ms. Lund reviewed strategic goal priority list that Mr. Fuller provided with committee assignments. Committee chairs and staff leads were asked to include strategic planning action items on future agendas and to keep an ongoing list of accomplishments.

**6. Director's Report**

6.1 Financial Report

Mr. Fuller informed the Board that Mr. Bitar provided a detailed report to the Executive Committee yesterday and offered to contact him if any of the board members had specific questions.

6.2 Agency Operations

Mr. Larson presented a short video of BRPELS' new office.

Board access to M365 and SharePoint is still in progress and will be the next major focus for WaTech.

### 6.3 Other Items

Mr. Fuller informed the Board that he emailed the position description (PD) for a Communications Consultant to the committee for review. The goal is to have someone hired by the beginning of February. Once the PD is formalized, recruitment can begin, and Mr. Fuller stated he is currently working on establishing the interview panel.

Ms. Lund asked Mr. Fuller to provide an update on the LEAN process that was brought up at the last meeting to evaluate some of our process and procedures. Mr. Fuller explained that it hasn't moved forward but now that we're in the new office he would follow up and provide an update in the next week or so.

Ms. Lund reminded the Board that the legislative session is coming up and Ms. Gillespie will be tracking legislation and reporting it to like she did last year. Everyone agreed that they liked the way she handled it last session.

## 7. Assistant Attorney General's Report

Ms. Lagerberg reported that her focus has been the Tappel case and unlicensed practice. She stated that she will be working closely with Mr. Fuller, Ms. Lund, and Mr. Hendrickson on drafting a letter in anticipation of incoming complaints.

Ms. Lagerberg expressed concern with planned changes to the OS process and urged the Board to get feedback and involve stakeholders before moving too far forward.

Ms. Lagerberg confirmed that she will be working on the indexing issue that was brought up by the bar association during the rule making process.

## 8. Other Business

8.1 Additional Public Comment  
None Provided

8.2 Upcoming Outreach and Events

Mr. Hendrickson has been asked by WSU to speak to engineering seniors in November.

Ms. Lagerberg suggested the Board attend applicable professional groups and stakeholder meetings to talk about the Tappel case. Mr. Fuller said that Ms. Gillespie will be sending a list of stakeholders to the Board and Mr. Blaisdell noted that the PC has already been tasked with this assignment.

Mr. Fuller informed the board that the Bend school district has asked him to teach a high school class on engineering a couple of times a week.

Ms. Lagerberg announced that, at the invitation of Ms. Short, she would be a guest speaker at the NCEES Law Enforcement Committee on November 10<sup>th</sup>. Ms. Short said that any one is welcome to attend and agreed to email registration information for all upcoming NCEES forums.

Ms. Lagerberg informed the board that the memo she drafted for the formal AGO Opinion request regarding architect engineer stamping was sent to the taskforce and comments are due at the end of the week.

### 8.3 Action Items from This Meeting

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

1. Ms. Cramer will gather data from all states concerning exam equivalency from foreign jurisdictions.
2. Ms. Cramer will contact OSWD applicant to request specific design experience.
3. Ms. Cramer will set up next OSW Ad-Hoc Committee meeting for November 2, 2021 to finish WAC and application review; create a priority list; and discuss outreach to the onsite community regarding proposed WAC changes.
4. Ms. Gillespie will file CR103s for WAC 196-09 – Board Practices and Procedures and WAC 196-20 – Engineers-in-Training.
5. Ms. Gillespie will file supplemental CR102 for WAC 196-12 – Registered Professional Engineers.
6. Ms. Gillespie will file a CR102 for WAC 196-23-020(3)(d) and (5).
7. Ms. Gillespie will send stakeholder list to board members.
8. Ms. Short will send out schedule/list of available NCEES forums.
9. Committee staff leads will add strategic planning action items to upcoming committee agendas.
10. Ms. Lund will sign and execute the delegation of authority.
11. Staff will send a copy of the previous monument preservation letter to Survey Committee members.
12. The EQC will 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.
13. The PC will 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

### 8.4 Agenda Items for Next/Upcoming Meetings

None Provided

## 9. Adjourn Meeting

A motion was made by Mr. VanDeWege, and seconded by Mr. Hendrickson, to adjourn the meeting at 12:23 p.m. Motion carried.

**Next Meeting:** December 9, 2021 – Special Board Meeting – WebEx

Respectfully submitted

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Ken Fuller, PE, Director

# **Board Meeting**

## **Tab 2**

### **New Business**

2.1 RCW 18.43 Recommendation (from PC)

## **RCW 18.43.010**

### **General provisions.**

In order to safeguard life, health, and property, and to promote the public welfare, any person in either public or private capacity practicing or offering to practice engineering or land surveying, shall hereafter be required to submit evidence that he or she is qualified so to practice and shall be registered as hereinafter provided; and it shall be unlawful for any person to practice or to offer to practice in this state, engineering or land surveying, as defined in the provisions of this chapter, or to use in connection with his or her name or otherwise assume, use, or advertise any title or description tending to convey the impression that he or she is a professional engineer or a land surveyor, unless such a person has been duly registered under the provisions of this chapter.

## **Proposed RCW 18.43.015**

### **Use of Engineering Titles**

Only persons registered as a professional engineer under this chapter shall be entitled to take and use the titles "professional engineer," "licensed engineer," "registered engineer," or "structural engineer" or any combination of those titles or abbreviations thereof, or any branch titles of engineering in which the board issues or has issued licenses, as defined by rule. Use of the term engineer, by itself, is generic and not regulated.

### ALTERNATIVE LANGUAGE

The following titles are regulated by the Board, and use of those titles, including any combination or abbreviation thereof, by persons not licensed under this chapter is prohibited. Regulated titles include "professional engineer," "licensed engineer," "registered engineer," "structural engineer," as well as those branch titles for which the Board issues license endorsements, as listed in WAC. Use of the term "engineer" except as described in this section is not regulated by the Board.

## **RCW 18.43.020**

### **Definitions.**

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the state board of registration for professional engineers and land surveyors, provided for by this chapter.

(2) "Director" means the ~~executive~~ director of the Washington state board of registration for professional engineers and land surveyors.

(3) "Engineer" as used in this chapter is an abbreviation for and means a professional engineer, registered engineer or an engineer licensed pursuant to this chapter.

Commented [LEE(1)]: I added this just to be perfectly clear.

(4) "Engineer-in-training" means a candidate who: (a) Has satisfied the experience requirements in RCW 18.43.040 for registration; (b) has successfully passed the examination in the fundamental engineering subjects; and (c) is enrolled by the board as an engineer-in-training.

(5) "Engineering" means the "practice of engineering" as defined in this section.

(6) "Land surveyor" as used in this chapter means a professional land surveyor.

(7) "Land-surveyor-in-training" means a candidate who: (a) Has satisfied the experience requirements in RCW 18.43.040 for registration; (b) successfully passes the examination in the fundamental land surveying subjects; and (c) is enrolled by the board as a land-surveyor-in-training.

(8)(a) "Practice of engineering" means any 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.

(b) A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this chapter, who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself or herself to be a professional engineer, or through the use of some other title implies that he or she is a professional engineer; or who holds himself or herself out as able to perform, or who does perform, any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering.

(c) The practice of engineering does not include the work ordinarily performed by persons who operate or maintain machinery or equipment.



(9) "Practice of land surveying" means assuming responsible charge of the surveying of land for the establishment of corners, lines, boundaries, and monuments, the laying out and subdivision of land, the defining and locating of corners, lines, boundaries, and monuments of land after they have been established, the survey of land areas for the purpose of determining the topography thereof, the making of topographical delineations and the preparing of maps and accurate records thereof, when the proper performance of such services requires technical knowledge and skill.

(10) "Professional engineer" means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as defined in this section, as attested by his or her legal registration as a professional engineer. Equivalent titles include "registered engineer" and "licensed engineer." Professional Engineers may be further endorsed or licensed by the Board in specialty areas such as "structural engineer." The Board will maintain a complete list of specialty branches of professional engineering which they endorse and regulate in rule.

(11) "Professional land surveyor" means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and principles and practices of land surveying, which is acquired by professional education and practical experience, is qualified to practice land surveying and as attested to by his or her legal registration as a professional land surveyor.

(12) "Significant structures" include:

(a) Hazardous facilities, defined as: Structures housing, supporting, or containing sufficient quantities of explosive substances to be of danger to the safety of the public if released;

(b) Essential facilities that have a ground area of more than five thousand square feet and are more than twenty feet in mean roof height above average ground level. Essential facilities are defined as:

(i) Hospitals and other medical facilities having surgery and emergency treatment areas;

(ii) Fire and police stations;

(iii) Tanks or other structures containing, housing, or supporting water or fire suppression material or equipment required for the protection of essential or hazardous facilities or special occupancy structures;

(iv) Emergency vehicle shelters and garages;

(v) Structures and equipment in emergency preparedness centers;

**Commented [LEE(2)]:** I added this to the definition. I think it explains a bit better that the titles registered engineer and licensed engineer are synonymous with professional engineer and have the same definition. It also gives an explanation of specialty licenses/endorsements.

- (vi) Standby power-generating equipment for essential facilities;
  - (vii) Structures and equipment in government communication centers and other facilities requiring emergency response;
  - (viii) Aviation control towers, air traffic control centers, and emergency aircraft hangars;
- and
- (ix) Buildings and other structures having critical national defense functions;
  - (c) Structures exceeding one hundred feet in height above average ground level;
  - (d) Buildings that are customarily occupied by human beings and are five stories or more above average ground level;
  - (e) Bridges having a total span of more than two hundred feet and piers having a surface area greater than ten thousand square feet; and
  - (f) Buildings and other structures where more than three hundred people congregate in one area.

**RCW 18.43.030**

**Board of registration—Members—Terms—Qualifications—Compensation and travel expenses.**

A state board of registration for professional engineers and land surveyors is hereby created which shall exercise all of the powers and perform all of the duties conferred upon it by this chapter. ~~After July 9, 1986, t~~ The board shall consist of seven members, who shall be appointed by the governor and shall have the qualifications as hereinafter required. ~~The terms of board members in office on June 11, 1986, shall not be affected. The first additional member shall be appointed for a four year term and the second additional member shall be appointed for a three year term.~~ On the expiration of the term of any member, the governor shall appoint a successor for a term of five years to take the place of the member whose term on said board is about to expire. However, no member shall serve more than two consecutive terms on the board. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor, qualified as described in this chapter, shall have been duly appointed ~~and shall have qualified.~~

Commented [LEE(3)]: TECHNICAL CHANGE

Commented [LEE(4)]: TECHNICAL CHANGE

A minimum of Fivefour members of the board shall be registered professional engineers licensed under the provisions of this chapter one member may be either a licensed engineer or onsite wastewater system designer licensed by the Board pursuant to chapter 18.210 RCW.

Commented [LEE(5)]: If you are making any other changes besides use of title, you have discussed this one at length.

Two members of the board shall be registered professional land surveyors licensed under this chapter. Each of the members of the board shall have been actively engaged in the practice of engineering or land surveying for at least ten years subsequent to registration, five of which shall have been immediately prior to their appointment to the board.

Each member of the board shall have been a resident of this state for at least five years immediately preceding his or her appointment.

Each member of the board shall be compensated in accordance with RCW 43.03.240 and, in addition thereto, shall be reimbursed for travel expenses incurred in carrying out the provisions of this chapter in accordance with RCW 43.03.050 and 43.03.060.

The governor may remove any member of the board for misconduct, incompetency, or neglect of duty. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor as hereinabove provided.

### RCW 18.43.033

#### Pro tem board members—Limits—Duties.

Upon request of the board, and with approval of the director, the board chair shall appoint up to ~~two~~ **three** individuals to serve as pro tem members of the board. The appointments are limited, as defined by the board chair, for the purpose of participating as a temporary member of the board on any combination of one or more committees or formal disciplinary hearing panels. An appointed individual must meet the same qualifications as a regular member of the board. While serving as a board member pro tem, an appointed person has all the powers, duties, and immunities of a regular member of the board and is entitled to the same compensation, including travel expenses, in accordance with RCW 18.43.030. A pro tem appointment may not last for more than one hundred eighty days unless approved by the director.

### RCW 18.43.035

#### Bylaws—Employees—Rules—Periodic reports and roster.

(1) The board may adopt and amend bylaws establishing its organization and method of operation, including but not limited to meetings, maintenance of books and records, publication of reports, code of ethics, and rosters, and adoption and use of a seal.

(2) Four members of the board shall constitute a quorum for the conduct of any business of the board.

(3) The board shall appoint its director, who must hold a valid Washington license as a professional engineer or professional land surveyor.

(4) The board may employ such persons as are necessary to carry out its duties under this chapter.

(5) It may adopt rules reasonably necessary to administer the provisions of this chapter. The board shall submit to the governor periodic reports as may be required. A roster, showing the names of all registered professional engineers and land surveyors may be published for distribution, upon request, to professional engineers and ~~professional~~ land surveyors registered under this chapter and to the public.

### RCW 18.43.040

#### Registration requirements.

(1) The following will be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer, engineer-in-training, professional land surveyor, or land-surveyor-in-training, respectively:

(a)(i) As a professional engineer: A specific record of eight years or more of experience in engineering work of a character satisfactory to the board and indicating that the applicant is competent to practice engineering; and successfully passing a written examination, in engineering as prescribed by the board.

(ii) Graduation in an approved engineering curriculum of four years or more from a school or college approved by the board shall be considered equivalent to four years of such required experience. The satisfactory completion of each year of such an approved engineering course without graduation shall be considered as equivalent to a year of such required experience. Graduation in a curriculum other than engineering from a school or college approved by the board shall be considered for up to two years of such required experience. However, no applicant shall receive credit for more than four years of experience because of undergraduate educational qualifications. The board may, at its discretion, give credit as experience not in excess of one year, for satisfactory postgraduate study in engineering.

**Commented [ML6]:** Why are we adding it here and not every place? It is not added in the first part of the same sentence!

**Commented [DH7R6]:** Agree – rejected here as context is written throughout this chapter with expression of ‘professional’ applying to the joint term of ‘engineers and/or land surveyors’. Apply definitions 18.43.020(3) and (6) when reference to one discipline.

**Commented [LEE(8R6):** Agree. Remove these fixes throughout the document.

(iii) Structural engineering is recognized as a specialized branch of professional engineering. To receive a certificate of registration in structural engineering, an applicant must hold a current registration in this state in engineering and have at least two years of structural engineering experience, of a character satisfactory to the board, in addition to the eight years' experience required for registration as a professional engineer. An applicant for registration as a structural engineer must also pass an additional examination as prescribed by the board.

(iv) ~~An professional engineer must be registered as a structural engineer in order to provide structural engineering services for significant structures. The board may waive the requirements of this subsection (1)(a)(iv) until December 31, 2010, if:~~

~~(A) On January 1, 2007, the engineer is registered with the board as a professional engineer; and~~

~~(B) Within two years of January 1, 2007, the engineer demonstrates to the satisfaction of the board that the engineer has sufficient experience in the duties typically provided by a professional structural engineer regarding significant structures.~~

(b)(i) As an engineer-in-training: An applicant for registration as a professional engineer shall take the prescribed examination in two stages. The first stage of the examination may be taken upon submission of his or her application for registration as an engineer-in-training and payment of the application fee prescribed in RCW [18.43.050](#) at any time after the applicant has completed four years of the required engineering experience, as defined in this section, or has achieved senior standing in a school or college approved by the board. The first stage of the examination shall test the applicant's knowledge of appropriate fundamentals of engineering subjects, including mathematics and the basic sciences. The board may waive the first stage of the examination specified under this subsection for an applicant requesting a waiver and who has met the educational, experience, and any other requirements established in rule by the board.

(ii) At any time after the completion of the required eight years of engineering experience, as defined in this section, the applicant may take the second stage of the examination upon submission of an application for registration and payment of the application fee prescribed in RCW [18.43.050](#). This stage of the examination shall test the applicant's ability, upon the basis of his or her greater experience, to apply his or her knowledge and experience in the field of his or her specific training and qualifications.

(c)(i) As a professional land surveyor: A specific record of eight years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying, and successfully passing a written examination, , in surveying as prescribed by the board.

(ii) Graduation from a school or college approved by the board as of satisfactory standing, including the completion of an approved course in surveying, shall be considered equivalent to four years of the required experience. Postgraduate college courses approved by the board shall be considered for up to one additional year of the required experience.

(d)(i) As a land-surveyor-in-training: An applicant for registration as a professional land surveyor shall take the prescribed examination in two stages. The first stage of the examination may be taken upon submission of his or her application for registration as a land-surveyor-in-training and payment of the application fee prescribed in RCW [18.43.050](#) at any time after the applicant has completed four years of the required land surveying experience, as defined in this section, or has achieved senior standing in a school or college approved by the board. The first stage of the examination shall test the applicant's knowledge of appropriate fundamentals of land surveying subjects, including mathematics and the basic sciences.

(ii) At any time after the completion of the required eight years of land surveying experience, as defined in this section, the applicant may take the second stage of the examination upon submission of an application for registration and payment of the application fee prescribed in RCW [18.43.050](#). This stage of the examination shall test the applicant's ability,

**Commented [LEE(9)]:** REMOVE CHANGE IF YOU WANT A SHORTER VERSION.

**Commented [LEE(10)]:** This is not actually in the current law. It would be a new section.

Do you want to go for this change?

Do you want it to apply to all persons or only those that come in from out of state?

upon the basis of greater experience, to apply knowledge and experience in the field of land surveying.

(iii) The first stage shall be successfully completed before the second stage may be attempted. Applicants who have been approved by the board to take the examination based on the requirement for six years of experience under this section before July 1, 1996, are eligible to sit for the examination.

(2) No person shall be eligible for registration as a professional engineer, engineer-in-training, professional land surveyor, or land-surveyor-in-training, who is not of good character and reputation.

(3) Teaching, of a character satisfactory to the board shall be considered as experience not in excess of two years for the appropriate profession.

(4) The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be practice of engineering.

(5) Any person having the necessary qualifications prescribed in this chapter to entitle him or her to registration shall be eligible for such registration although the person may not be practicing his or her profession at the time of making his or her application.

#### **RCW 18.43.050**

##### **Application—Registration fees.**

Application for registration shall be on forms prescribed by the board and furnished by the director, shall contain statements made under oath, showing the applicant's education and detail summary of his or her technical work and shall contain verification of the technical work from professional engineers and professional land surveyors, that supervised the applicant's technical work and have personal knowledge of the applicant's engineering and/or land surveying experience.

The registration fee for professional engineers shall be determined by the board, which shall accompany the application and shall include the cost of application processing and issuance of certificate. The fee for engineer-in-training shall be determined by the board, which shall accompany the application and shall include the cost of application processing and issuance of certificate.

The registration fee for professional land surveyors shall be determined by the board, which shall accompany the application and shall include the cost of application processing, and issuance of certificate. The fee for land-surveyor-in-training shall be determined by the board, which shall accompany the application and shall include the cost of application processing and issuance of certificate.

All registration fees are non-refundable. Should the board find an applicant ineligible for registration, the registration fee shall be retained as an application fee.

#### **RCW 18.43.060**

##### **Examinations.**

When written examinations are required, they shall be held at such time and place as the board shall determine. If examinations are required on fundamental engineering subjects (such as ordinarily given in college curricula) the applicant shall be permitted to take this part of the professional examination prior to his or her completion of the requisite years of experience in engineering work. Upon submittal of an application, the board shall issue to each applicant upon successfully passing the examination in fundamental engineering subjects a certificate stating that the applicant has passed the examination in fundamental engineering subjects and that his or her name has been recorded as an engineer-in-training.

**Commented [LEE(11)]:** Good. But not necessary for short version.

The scope of the examination and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering works so as to ensure the safety of life, health and property. Examinations shall be given for the purpose of determining the qualifications of applicants for registration separately in engineering and in land surveying. A candidate failing an examination may apply for reexamination. Subsequent examinations may be granted upon payment of a fee to be determined by the board.

### **RCW 18.43.070**

#### **Certificates and seals.**

The board shall issue a certificate of registration upon payment of a registration fee as provided for in this chapter, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. In case of a registered engineer, the certificate shall authorize the practice of "professional engineering" and specify the branch or branches in which specialized, and in case of a registered land surveyor, the certificate shall authorize the practice of "land surveying."

In case of engineer-in-training, the certificate shall state that the applicant has successfully passed the examination in fundamental engineering subjects required by the board and has been enrolled as an "engineer-in-training." In case of land-surveyor-in-training, the certificate shall state that the applicant has successfully passed the examination in fundamental surveying subjects required by the board and has been enrolled as a "land-surveyor-in-training." All certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the chair and by the director.

The issuance of a certificate of registration by the board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges and titles of a registered professional engineer or a registered professional land surveyor as authorized in this chapter, while the said certificate remains unrevoked and unexpired.

Each registrant hereunder shall upon registration obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "registered professional engineer," "registered structural engineer" or "registered professional land surveyor." Plans, specifications, plats, and reports prepared by the registrant shall be signed, dated, and stamped with said seal or facsimile thereof. Such signature and stamping shall constitute a certification by the registrant that the same was prepared by or under his or her direct supervision and that to his or her knowledge and belief the same was prepared in accordance with the requirements of the statute. It shall be unlawful for anyone to stamp or seal any document with said seal or facsimile thereof after the certificate of registrant named thereon has expired or been revoked, unless said certificate shall have been renewed or reissued.

### **RCW 18.43.075**

#### **Retired status certificate.**

The board may adopt rules under this section authorizing a retired status certificate. An individual certificated under this chapter who has reached the age of sixty-five years and has retired from the active practice of engineering and land surveying may, upon application and at the discretion of the board, be exempted from payment of annual renewal fees thereafter.

### **RCW 18.43.080**

#### **Expiration and renewals of certificates—Fees—Continuing professional development.**

(1) Licenses and certificates of authorization issued under this chapter are valid for a period of time as determined by the board. A professional engineer and or land surveyor registered under this chapter who fails to pay the renewal fee within ninety days following the expiration date shall pay the current renewal fee plus an amount equal to one year's fee.

**Commented [ML12]:** If we are making changes we need to be consistent. Also, isn't registered and professional redundant?

**Commented [DH13R12]:** Addressing by tying back to drafted -015

**Commented [ML14]:** My stamp does not say "registered"

**Commented [DH15R14]:** Agree – WA stamps are not so designed. Although I have others which use both Registered and Professional

**Commented [LEE(16):** UNDO CHANGES HERE.  
DO NOT ADD PROFESSIONAL OR REMOVE REGISTERED.

(2) ~~Beginning July 1, 2007, t~~ The board may not renew a certificate of registration for a professional land surveyor unless the registrant verifies to the board that he or she has completed at least fifteen hours of continuing professional development per year of the registration period. ~~By July 1, 2006, the board shall adopt rules governing continuing professional development for land surveyors that are generally patterned after the model rules of the national council of examiners for engineering and surveying.~~

Commented [LEE(17)]: REMOVE for short version. Do not add professional

#### **RCW 18.43.100**

##### **Registration of out-of-state applicants.**

The board may, upon application and the payment of a fee determined by the board, issue a certificate without further examination as a professional engineer or land surveyor to any person who holds a certificate of qualification of registration issued to the applicant following examination by proper authority, of any state or territory or possession of the United States, the District of Columbia, or of any foreign country, provided: (1) That the applicant's qualifications meet the requirements of the chapter and the rules established by the board, and (2) that the applicant is in good standing with the licensing agency in said state, territory, possession, district, or foreign country.

#### **RCW 18.43.105**

##### **Disciplinary action—Prohibited conduct, acts, conditions.**

In addition to the unprofessional conduct described in RCW [18.235.130](#), the board may take disciplinary action for the following conduct, acts, or conditions:

- (1) Offering to pay, paying or accepting, either directly or indirectly, any substantial gift, bribe, or other consideration to influence the award of professional work;
- (2) Being willfully untruthful or deceptive in any professional report, statement or testimony;
- (3) Attempting to injure falsely or maliciously, directly or indirectly, the professional reputation, prospects or business of anyone;
- (4) Violation of any provisions of this chapter;
- (5) Conflict of interest—Having a financial interest in bidding for or performance of a contract to supply labor or materials for or to construct a project for which employed or retained as an engineer except with the consent of the client or employer after disclosure of such facts; or allowing an interest in any business to affect a decision regarding engineering work for which retained, employed, or called upon to perform;
- (6) Nondisclosure—Failure to promptly disclose to a client or employer any interest in a business which may compete with or affect the business of the client or employer;
- (7) Unfair competition—Reducing a fee quoted for prospective employment or retainer as a professional engineer or professional land surveyor after being informed of the fee quoted by another professional engineer or professional land surveyor for the same employment or retainer;
- (8) Improper advertising—Soliciting retainer or employment by advertisement which is undignified, self-laudatory, false or misleading, or which makes or invites comparison between the advertiser and other professional engineers or land surveyors;
- (9) Committing any other act, or failing to act, which act or failure are customarily regarded as being contrary to the accepted professional conduct or standard generally expected of those practicing professional engineering or land surveying.

#### **RCW 18.43.110**

##### **Discipline of registrant—Board's power—Unprofessional conduct—Reissuance of certificate of registration.**



The board shall have the exclusive power to discipline the registrant and sanction the certificate of registration of any registrant.

Any person may file a complaint alleging unprofessional conduct, as set out in RCW [18.43.105](#), against any registrant. The complaint shall be in writing and shall be sworn to in writing by the person making the allegation. A registrant against whom a complaint was made must be immediately informed of such complaint by the board.

The board, for reasons it deems sufficient, may reissue a certificate of registration to any person whose certificate has been revoked or suspended, providing a majority of the board vote in favor of such issuance. A new certificate of registration to replace any certificate revoked, lost, destroyed, or mutilated may be issued, subject to the rules of the board, and a charge determined by the board shall be made for such issuance.

In addition to the imposition of disciplinary action under RCW [18.235.110](#) and [18.43.105](#), the board may refer violations of this chapter to the appropriate prosecuting attorney for charges under RCW [18.43.120](#).

#### **RCW [18.43.120](#)**

##### **Violations and penalties.**

Any person who shall practice, or offer to practice, engineering or land surveying in this state without being registered in accordance with the provisions of the chapter, or any person presenting or attempting to use as his or her own the certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant, or any person who shall attempt to use the expired or revoked certificate of registration, or any person who shall violate any of the provisions of this chapter shall be guilty of a gross misdemeanor.

It shall be the duty of all officers of the state or any political subdivision thereof, to enforce the provisions of this chapter. The attorney general shall act as legal adviser of the board and render such legal assistance as may be necessary in carrying out the provisions of this chapter.

#### **RCW [18.43.130](#)**

##### **Excepted services—Fees.**

This chapter shall not be construed to prevent or affect:

- (1) The practice of any other legally recognized profession or trade; or
- (2) The practice of a person not a resident and having no established place of business in this state, practicing or offering to practice herein the profession of engineering or land surveying, when such practice does not exceed in the aggregate more than thirty days in any calendar year: PROVIDED, Such person has been determined by the board to be legally qualified by registration to practice the said profession in his or her own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this chapter. The person shall request such a determination by completing an application prescribed by the board and accompanied by a fee determined by the board. Upon approval of the application, the board shall issue a permit authorizing temporary practice; or
- (3) The practice of a person not a resident and having no established place of business in this state, or who has recently become a resident thereof, practicing or offering to practice herein for more than thirty days in any calendar year the profession of engineering or land surveying, if he or she shall have filed with the board an application for a certificate of registration and shall have paid the fee required by this chapter: PROVIDED, That such person is legally qualified by registration to practice engineering or land surveying in his or her own state or country in which the requirements and qualifications of obtaining a certificate of



registration are not lower than those specified in this chapter. Such practice shall continue only for such time as the board requires for the consideration of the application for registration; or

(4) The work of an employee or a subordinate of a person holding a certificate of registration under this chapter, or an employee of a person practicing lawfully under provisions of this section: PROVIDED, That such work does not include final design or decisions and is done under the direct responsibility, checking, and supervision of a person holding a certificate of registration under this chapter or a person practicing lawfully under the provisions of this section; or

(5) The work of a person rendering engineering or land surveying services to a corporation, as an employee of such corporation, when such services are rendered in carrying on the general business of the corporation and such general business does not consist, either wholly or in part, of the rendering of engineering services to the general public: PROVIDED, That such corporation employs at least one person holding a certificate of registration under this chapter or practicing lawfully under the provisions of this chapter; or

(6) The practice of officers or employees of the government of the United States while engaged within the state in the practice of the profession of engineering or land surveying for the government of the United States; or

(7) Nonresident engineers employed for the purpose of making engineering examinations; or

(8) The practice of engineering or land surveying, or both, in this state by a corporation: PROVIDED, That

(a) The corporation has filed with the board an application for certificate of authorization upon a form to be prescribed by the board and containing information required to enable the board to determine whether such corporation is qualified in accordance with this chapter to practice engineering or land surveying, or both, in this state;

(b) For engineering, the corporation has filed with the board a certified copy of a resolution of the board of directors of the corporation that shall designate a person holding a certificate of registration under this chapter as responsible for the practice of engineering by the corporation in this state and shall provide that full authority to make all final engineering decisions on behalf of the corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the person so designated in the resolution. For land surveying, the corporation has filed with the board a certified copy of a resolution of the board of directors of the corporation which shall designate a person holding a certificate of registration under this chapter as responsible for the practice of land surveying by the corporation in this state and shall provide full authority to make all final land surveying decisions on behalf of the corporation with respect to work performed by the corporation in this state be granted and delegated by the board of directors to the person so designated in the resolution. If a corporation offers both engineering and land surveying services, the board of directors shall designate both a licensed engineer and a licensed land surveyor. If a person is licensed in engineering and land surveying, the person may be designated for both professions. The resolution shall further state that the bylaws of the corporation shall be amended to include the following provision: "The designated engineer or land surveyor, respectively, named in the resolution as being in responsible charge, or an engineer or land surveyor under the designated engineer or land surveyor's direct supervision, shall make all engineering or land surveying decisions pertaining to engineering or land surveying activities in the state of Washington." However, the filing of the resolution shall not relieve the corporation of any responsibility or liability imposed upon it by law or by contract;

(c) If there is a change in the designated engineer or designated land surveyor, the corporation shall notify the board in writing within thirty days after the effective date of the change. If the corporation changes its name, the corporation shall submit a copy of its amended

certificate of authority or amended certificate of incorporation as filed with the secretary of state within thirty days of the filing;

(d) Upon the filing with the board the application for certificate for authorization, certified copy of resolution and an affidavit, and the designation of a designated engineer or designated land surveyor, or both, specified in (b) of this subsection, the board shall issue to the corporation a certificate of authorization to practice engineering or land surveying, or both, in this state upon a determination by the board that:

(i) The designated engineer or designated land surveyor, or both, hold a certificate of registration in this state in accordance with this chapter and the certificate is in force;

(ii) The designated engineer or designated land surveyor, or both, are not designated in responsible charge for another corporation or a limited liability company;

(iii) The corporation is licensed with the secretary of state and holds a current unified business identification number and the board determines, based on evaluating the findings and information in this section, that the applicant corporation possesses the ability and competence to furnish engineering or land surveying services, or both, in the public interest; and

(iv) The corporation is registered with the department of revenue pursuant to RCW [82.32.030](#).

The board may exercise its discretion to take any of the actions under RCW [18.235.110](#) or this chapter with respect to a certificate of authorization issued to a corporation if the board finds that any of the officers, directors, incorporators, or the stockholders holding a majority of stock of such corporation has engaged in unprofessional conduct as defined in RCW [18.43.105](#) or [18.235.130](#) or has been found personally responsible for unprofessional conduct under (f) and (g) of this subsection.

(e) ~~Professional E~~ngineers or land surveyors organized as a professional service corporation under chapter [18.100](#) RCW are exempt from applying for a certificate of authorization under this chapter.

(f) Any corporation authorized to practice engineering or ~~professional~~ land surveying under this chapter, together with its directors and officers for their own individual acts, are responsible to the same degree as an individual ~~registered professional~~ engineer or ~~individual~~ professional land surveyor, and must conduct its business without unprofessional conduct in the practice of engineering or land surveying as defined in this chapter and RCW [18.235.130](#).

(g) Any corporation that is certified under this chapter is subject to the authority of the board as provided in RCW [18.43.035](#), [18.43.105](#), [18.43.110](#), [18.43.120](#), and chapter [18.235](#) RCW.

(h) All plans, specifications, designs, and reports when issued in connection with work performed by a corporation under its certificate of authorization shall be prepared by or under the direct supervision of and shall be signed by and shall be stamped with the official seal of a person holding a certificate of registration under this chapter.

(i) For each certificate of authorization issued under this subsection (8) there shall be paid an initial fee determined by the board and an annual renewal fee determined by the board.

(9) The practice of engineering and/or land surveying in this state by a partnership if the partnership employs at least one person holding a valid certificate of registration under this chapter to practice engineering or land surveying, or both.

(10) The practice of engineering or land surveying, or both, in this state by limited liability companies: Provided, That

(a) The limited liability company has filed with the board an application for certificate of authorization upon a form to be prescribed by the board and containing information required to enable the board to determine whether the limited liability company is qualified under this chapter to practice either or both engineering or land surveying in this state.

Commented [LEE(18)]: REMOVE

Commented [LEE(19)]: REMOVE

(b) The limited liability company has filed with the board a certified copy of a resolution by the company manager or managers that shall designate a person holding a certificate of registration under this chapter as being responsible for the practice of engineering or land surveying, or both, by the limited liability company in this state and that the designated person has full authority to make all final engineering or land surveying decisions on behalf of the limited liability company with respect to work performed by the limited liability company in this state. The resolution shall further state that the limited liability company agreement shall be amended to include the following provision: "The designated engineer or land surveyor, respectively, named in the resolution as being in responsible charge, or an engineer or land surveyor under the designated engineer or land surveyor's direct supervision, shall make all engineering or land surveying decisions pertaining to engineering or land surveying activities in the state of Washington." However, the filing of the resolution shall not relieve the limited liability company of responsibility or liability imposed upon it by law or by contract.

(c) The designated engineer for the limited liability company must hold a current professional engineer license issued by this state.

The designated land surveyor for the limited liability company must hold a current professional land surveyor license issued by this state.

If a person is licensed as both a professional engineer and as a professional land surveyor in this state, then the limited liability company may designate the person as being in responsible charge for both professions.

If there is a change in the designated engineer or designated land surveyor, the limited liability company shall notify the board in writing within thirty days after the effective date of the change. If the limited liability company changes its name, the company shall submit to the board a copy of the certificate of amendment filed with the secretary of state's office.

(d) Upon the filing with the board the application for certificate of authorization, a certified copy of the resolution, and an affidavit from the designated engineer or the designated land surveyor, or both, specified in (b) and (c) of this subsection, the board shall issue to the limited liability company a certificate of authorization to practice engineering or land surveying, or both, in this state upon determination by the board that:

(i) The designated engineer or designated land surveyor, or both, hold a certificate of registration in this state under this chapter and the certificate is in force;

(ii) The designated engineer or designated land surveyor, or both, are not designated in responsible charge for another limited liability company or a corporation;

(iii) The limited liability company is licensed with the secretary of state and has a current unified business identification number and that the board determines, based on evaluating the findings and information under this subsection, that the applicant limited liability company possesses the ability and competence to furnish either or both engineering or land surveying services in the public interest; and

(iv) The limited liability company is registered with the department of revenue pursuant to RCW [82.32.030](#).

The board may exercise its discretion to take any of the actions under RCW [18.235.110](#) and [18.43.105](#) with respect to a certificate of authorization issued to a limited liability company if the board finds that any of the managers or members holding a majority interest in the limited liability company has engaged in unprofessional conduct as defined in RCW [18.43.105](#) or [18.235.130](#) or has been found personally responsible for unprofessional conduct under the provisions of (f) and (g) of this subsection.

(e) ~~E~~ Professional engineers or professional land surveyors organized as a professional limited liability company are exempt from applying for a certificate of authorization under this chapter.

(f) Any limited liability company authorized to practice engineering or land surveying, or both, under this chapter, together with its manager or managers and members for their own

individual acts, are responsible to the same degree as an individual ~~registered-professional~~ engineer or ~~registered-individual professional~~ land surveyor, and must conduct their business without unprofessional conduct in the practice of engineering or land surveying, or both.

Commented [LEE(20)]: REMOVE

(g) A limited liability company that is certified under this chapter is subject to the authority of the board as provided in RCW [18.43.035](#), [18.43.105](#), [18.43.110](#), [18.43.120](#), and chapter [18.235](#) RCW.

(h) All plans, specifications, designs, and reports when issued in connection with work performed by a limited liability company under its certificate of authorization shall be prepared by or under the direct supervision of and shall be signed by and shall be stamped with the official seal of a person holding a certificate of registration under this chapter.

(i) For each certificate of authorization issued under this subsection (10) there shall be paid an initial fee determined by the board and an annual renewal fee determined by the board.

#### **RCW [18.43.150](#)**

##### **Fees—Duty of board to set—Disposition.**

The board shall set fees at a level adequate to pay the costs of administering this chapter. All fees collected under the provisions of RCW [18.43.050](#), [18.43.060](#), [18.43.080](#), [18.43.100](#), and [18.43.130](#) and fines collected under RCW [18.43.110](#) shall be paid into the professional engineers' account, which account is hereby established in the state treasury to be used to carry out the purposes and provisions of RCW [18.43.050](#), [18.43.060](#), [18.43.080](#), [18.43.100](#), [18.43.110](#), [18.43.120](#), [18.43.130](#), and all other duties required for operation and enforcement of this chapter.

#### **RCW [18.43.170](#)**

##### **Registration suspension—Noncompliance with support order—Reissuance.**

The board shall immediately suspend the registration of a person who has been certified pursuant to RCW [74.20A.320](#) by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for ~~membership registration~~ during the suspension, reissuance of the certificate of registration shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

Commented [LEE(21)]: REMOVE if you use short version.

#### **RCW [18.43.180](#)**

##### **Uniform regulation of business and professions act.**

The uniform regulation of business and professions act, chapter [18.235](#) RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter

#### **RCW [18.43.190](#)**

##### **Military training or experience.**

An applicant with military training or experience satisfies the training or experience requirements of this chapter unless the board determines that the military training or experience is not substantially equivalent to the standards of this state.

#### **RCW [18.43.200](#)**

##### **Agreement with department of licensing.**

The department of licensing, through an interagency agreement with the board, must provide specified technical services to the board. The initial interagency agreement must be for

a term of three years and may be renewed by mutual agreement between the department of licensing and the board.

**RCW [18.43.900](#)**

**Short title.**

This chapter shall be known and may be cited as the "Professional Engineers' Registration Act".

# **Board Meeting**

## **Tab 3**

### **Other Business**

#### **3.1 Additional Public Comment**

**Board Meeting**

**Tab 4**

**Adjourn Meeting**