



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

BOARD MEETING MINUTES

DATE: December 9, 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
Dave Peden, PE, SE
Ivan VanDeWege, PE
James Wengler, PLS, CFedS

Guest

Sharon Zimmerman, PE

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
Mackenzie Wherrett, Licensing Specialist
Paul Bitar, Senior Financial Consultant

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. Hendrickson, to accept the agenda. Motion carried.

1.3 Approval of Meeting Minutes

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

1.4 Review Correspondence & Communications

The Board reviewed the email from Anthony Kathol, PE regarding renewal notifications.

1.5 Public Comment Opportunity

None provided.

Executive Session

Ms. Lund, Board Chair, announced the purpose and estimated time 8:10 to 9:10 a.m. for Executive Session followed by a 10-minute break for meeting participants.

Open Session Reconvened – 9:20 a.m.

2. Disciplinary Action

2.1 Recommended Case Closure

2019-07-0003-00ENG

Ms. Short presented the case for case manager, Mr. Clark, along with his recommendation that 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. Clark was absent during the vote.

2.2 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 – Paul Bitar, DES

Mr. Bitar discussed the financial spreadsheet that was in the packet. He informed the committee that DOL has been contacted about an error in the quarterly billing statement. DOL inadvertently charged the Board for rent at the Black Lake Complex, and for DES Small Agency Services. He suggested that BRPELS pay the DOL invoice minus the costs of the errors.

Mr. Fuller was asked about the costs of storage space rental fees. He explained that we will have the space for approximately six more months and staff is currently moving items from storage to the office.

- Director's Report – Board/Agency operations

Mr. Fuller informed the committee that the Communications Consultant job announcement should be posted to careers.wa.gov within the week. The recruitment will last approximately three weeks, then the applications will be reviewed, and interviews will be set up.

Mr. Larson provided the committee with an update of the office move. We are still in the process of getting the electronics and associated programs working, but it should be finished by the end of the year.

Mr. Fuller informed the committee that Ms. Cramer is working on several projects. She is researching options to have paper renewal notices mailed out and researching

licensing requirements in other states including foreign degree evaluations, foreign experience, and whether other state board accept exams other than NCEES exams.

Mr. Fuller informed the committee that he and Mr. Larson are talking with other state agencies (DOH, DOE, WSDOT, DNR and CRAB) about various topics such as signature, title usage and providing direct supervision. Ms. Lund asked how he and Mr. Larson are documenting these discussions. Mr. Fuller stated that he is keeping track of these agency meetings by emails that are sent between the agencies.

- Legislation – discussion

Ms. Gillespie informed the committee that the next legislative session starts on January 10, 2022 and provided them with best guess cut-off dates. The official cut-off calendar will not be published until after session starts. The committee agreed to follow the bill tracking process it followed last year:

- Priority will be set by the Executive Committee, and the Position will be neutral, unless the board determines it should be otherwise.
- If a bill is “high” priority, staff will send the committee emails of any upcoming hearings regarding the bill. Mr. Fuller will analyze any substitute bill language to see if there is a change to the priority assigned.

Strategic Planning Items

- Remain engaged and informed on deregulation

Ms. Lund expressed her concern about the decoupling of exams, how it may weaken the profession, and since the PE exam is a practice exam, she believes that individuals with less than 2 years should not be passing the exam.

Mr. Fuller informed the committee that the Board is a member of FARB (Federation of Associations of Regulatory Boards) and ARPL (Alliance for Responsible Licensing), and that both associations track deregulation legislation and work with state boards facing deregulation across the country.

- Emphasis on outreach and education

Mr. Fuller told the committee that not much has been done for this item, but that the engineering title use issue will be the primary focus for a while.

- Measure performance and gain stakeholder feedback that is relevant and useful for improving our agency

The committee determined that this is not a high priority right now.

- Measure the licensing system software functionality from stakeholders

Ms. Cramer gave a report on the online licensing system (Polaris). There are still a few minor bugs that are being worked out, but the templates have been updated to show BRPELS information.

- PD for communications and outreach manager with Ms. Lund, Mr. Hendrickson, and Mr. Blaisdell in consultation

Currently in process. See update under Director’s Report.

- Task force for review of current outreach plan (Ms. Lund, Mr. Peden, Mr. Hendrickson, Ms. Cramer, and Mr. Fuller) and report back to board

The committee made this item a top priority. Staff was requested to set up a meeting of the task force members to review the current outreach plan prior to the February Board meeting and include a copy of the plan.

- 2022-2023 Biennium Budget development.
Complete.

Action Items from Current Meeting:

1. Staff to set up meeting of task force members (Ms. Lund, Mr. Peden, Mr. Hendrickson, Ms. Cramer, and Mr. Fuller) for review of current outreach plan prior to February Board meeting and include a copy of the plan.
2. Ms. Short to provide Board members with link to Ms. Lagerberg’s NCEES presentation.

Action Items from Past Meetings:

1. 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 accept the Executive Committee report. Motion carried.

3.2 Practice Committee (PC)

Mr. Hendrickson delivered the committee’s report.

Complaint Summary:

Total Complaints Received	6
Engineering Complaints	3
Surveying Complaints	2
On-Site Designer Complaints	1
Total Administrative Closures	8
Engineering Closures	1
Surveying Closures	7
On-Site Designer Closures	0

Compliance Report:

Mr. Hendrickson reported there are three individuals on compliance monitoring (Richard Russum, PLS; Russell Bodge, and Muhannad Attili, PE). Mr. Russum and Mr. Attili are in compliance with the terms of their board orders. Mr. Bodge is currently out of compliance with his board order and his license is still in suspended status.

Discussion and Action Items:

1. The PC will conduct ongoing review and consideration of RCW 18.43.

2. The PC reviewed complaint/investigation timelines. Staff will work on a target for timelines & ensuring cases are resolved in a timely manner. Initial durations have been set and will be assessed against performance and reported back to the PC.
3. The PC executed removing "Remedial Counseling" as an option on the Case Manager's Worksheet. The two options will be "Closed with no further action" or "Formal Action." Remedial counseling will still be an option as part of the investigation. When remedial counseling is conducted, it will be documented under the "Facts" section of the worksheet.
4. The PC reviewed the Complaint Review and Administrative Closures Flowchart and made two additions. Under the "Intake" Column last box will state "No response or brief response due at this time." And under "Initial Review" third box down will read, "Reviewer conducts preliminary review of complaint documents and response. Reviewer may contact a case manager for input."

Previous/Ongoing Action Items:

1. The PC reviewed and reassessed WAC 196-23-020(3)(d) and (5) and recommends the Board approves refiling the CR102 with changes in the attached version. The PC agreed to subsidiary consideration of unlicensed practice, which will be reviewed in a subsequent committee meeting. (Completed)
2. Assist the AGOs Office on responding to Engineer/Architect stamping issues.
3. Staff continues to search a viable database for questions/answers and is currently exploring SharePoint as an option.

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

3.3 Exam Qualifications Committee (EQC)

Mr. VanDeWege delivered the committee's report.

Discussion Topics

- WAC 196-12 - review of exam equivalency language
Language to be reviewed further
- FE exam equivalency form (Alternative Pathway form mockup)
The committee reviewed other states response to foreign equivalency inquiry Form to be worked on further
- FE Waiver discussion and determine if RCW changes are needed
Committee determined that RCW requires two forms of examination and FE waiver is not allowed.

Action Items

1. Ms. Cramer will provide statements from when the Board tried to approve the P.eng for "comity" licensure (no FE or PE exams required)

2. Ms. Cramer to provide documentation to the committee on the mobility agreements (IEA etc.) and Canada licensing process
3. Work on WAC 196-12-010(2) language to reflect FE equivalency
4. Ms. Cramer will work with Ms. Gnanapragasam on FE equivalency form.

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.

Discussion Topics

- State specific LS examination

Ms. Cramer and Ms. Gillespie discussed the item bank project and informed the committee that once information is provided from Mr. Blaisdell and Mr. Wengler, they will finish up with the project, and schedule a SME meeting. In the meantime, Ms. Cramer and Ms. Gillespie will complete the question performance project, and provide results to Mr. Blaisdell and Mr. Wengler.

5. Monument preservation – status of letter

After a lengthy discussion, the committee decided that the letter needs some edits before it is sent out. They don't want a lot of changes to the letter but may expand the section regarding WAC 332-120-020(2).

Mr. Blaisdell offered to edit the letter and send it out to committee members for their review. Mr. Wengler stated that this letter should be sent out on a regular basis as a reminder to licensees about their responsibility in monument preservation.

6. DNR monument removal letter/paper

The committee reviewed 2 letters. One letter from the DNR Survey Advisory Board, and one from Pat Beehler, PLS, State Surveyor. While the committee felt the Survey Advisory Board letter was fine, it will be sending comments to Mr. Beehler regarding his letter.

The committee was informed that Mr. Galli has written an article for the Board Journal. Mr. Wengler informed Mr. Galli of the December 10, 2021 deadline for journal articles.

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:

1. Staff to send LS exam question performance report to Mr. Blaisdell and Mr. Wengler for their review.
2. Mr. Blaisdell to edit the monument preservation letter and send it out to committee members for their review.
3. Provide comments back to Pat Beehler (Staff or Blaisdell or Wengler?)

A motion was made by Ms. Gnanapragasam, and seconded by Mr. Peden, to accept the Survey Committee report. Motion carried.

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

1. WAC 196-32 Review

The committee continued review of WAC 196-32 and determined two issues need further work.

- Should one year of practical experience in wastewater systems be required when applying for an inspector license?
- Can inspector work experience count up to three of the required four years of experience when applying for a designer license?

Ms. Lagerberg recommended the committee contact stakeholders and multiple avenues are being used to gather stakeholder feedback.

- Staff sent a document via BRPELS' communication platform.
- Mr. Wilkerson and Mr. Fuller will solicit feedback at the upcoming WOSSA conference.
- Ms. Ms. Gnanapragasam has written an article for the Board Journal.

2. On-Site Committee Priorities

The committee is considering the following topics as possible future action items:

- Combining available resources for On-Site licensees and posting them on the BRPELS' website.
- CEU Requirements
- Mentoring for new and potential On-Site practitioners.

The Board confirmed that the collaboration and momentum of the On-Site Committee is extremely beneficial and recommends it remain an ongoing ad hoc committee.

4. New Business

4.1 Review of next steps in changes to RCW 18.43 (from PC)

In the committee report in item 3.2, Mr. Hendrickson indicated the PC is not prepared to move this item forward with the Board at this time. It will engage stakeholder involvement and continue the review and development of proposed changes.

5. Old Business

5.1 Review of Strategic Planning Goals

Ms. Lund stated action items have been moved to the committee level and are moving forward as indicated in the earlier committee reports.

Mr. Blaisdell stated that the assignment regarding decoupling may also be an appropriate for the Survey Committee.

6. Director's Report

6.1 Financial Report

Mr. Bitar reiterated the budget discussion from the Executive Committee report (Item 3.1) and confirmed the Board is in excellent financial condition and predicts the agency fund balance will remain stable throughout the current biennium. The agency is expected to underspend its appropriations and revenues remain strong.

6.2 Agency Operations

Mr. Fuller noted that agency operations were covered in detail during Executive Committee report and opened the floor up for any follow up questions.

Mr. Fuller predicts that interviews for the new Communication Consultant position will be held mid-January. Mr. Fuller will share the job announcement and encouraged to share the link with as many people as possible to ensure a diverse candidate pool. Logistics for the interview process will be communicated as they are developed.

Mr. Fuller stated that the staff performance reviews process is still moving forward and he will be working with the DES HR to put the plan in place at the beginning of the year.

6.3 Other Items

The Board identified Mr. Blaisdell, Mr. Wengler, and Mr. Peden as the three NCEES funded delegates for the Western Zone Interim Meeting in Stateline, Nevada on May 20th and 21st 2022. They Board may also choose to send others at its expense. Anyone interested in attending that isn't a funded delegate should let Mr. Fuller know. He will also decide which board staff will be attending.

7. Assistant Attorney General's Report

Ms. Lagerberg notified the Board that her presentation given to the NCEES Law Enforcement Committee has been posted on the NCEES website. Ms. Short agreed to provide the link and stated that it may only be available for NCEES members. <https://ncees.org/resources/2021-law-enforcement-forums/>.

Ms. Lagerberg notified the public that the Board has applied for a stay with the Court of Appeals on the Tappel case and it was granted. Ms. Harris at the Attorney General's Office is representing the Board in the appeal and it could be 3 months to a year before the Court of Appeals makes their decision.

8. Other Business

8.1 Additional Public Comment

None Provided

8.2 Upcoming Outreach and Events

Mr. Hendrickson informed the Board that on December 15 – 16, 2021 he will be attending NCEES' Engineering Licensure Model Task Force meeting in Denver, Colorado.

Mr. Blaisdell informed the Board that on January 19 – 20, 2022 he will be attending NCEES' Committee on Examinations for Professional Surveyors in Greenville, South Carolina.

8.3 Action Items from This Meeting

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

1. Staff to set up meeting of task force members for review of current outreach plan prior to February board meeting.
2. Ms. Short to provide a link to Ms. Lagerberg's NCEES presentation.
3. Ms. Cramer will provide the EQC with statements from when the Board tried to approve the P.eng for "comity" licensure (no FE or PE exams required).
4. Ms. Cramer to provide documentation to the EQC on the mobility agreements (IEA etc.) and Canada licensing process.
5. EQC to work on WAC 196-12-010(2) language to reflect FE equivalency.
6. Ms. Cramer to work with Ms. Gnanapragasam on FE equivalency form.
7. Staff to send LS exam question performance report to committee members for review.
8. Mr. Blaisdell to edit the monument preservation letter and send it out to survey committee members for review.
9. Staff, Mr. Blaisdell, or Mr. Wengler provide comments back to Pat Beehler.

8.4 Agenda Items for Next/Upcoming Meetings

1. Review of current outreach plan.

9. Adjourn Meeting

A motion was made by Mr. Hendrickson, and seconded by Mr. VanDeWege, to adjourn the meeting at 11:08 a.m. Motion carried.

Next Meeting: February 23, 2022 – Special Board Meeting – TBD

Respectfully submitted

Ken Fuller, PE, Director