

Washington State Board of Registration for Professional Engineers & Land Surveyors

Board Meeting

December 10, 2020

[WebEx Link](#)

or

Join by video system, application or Skype for business

Dial 1775336221@webex.com

You can also dial 173.243.2.68 and enter meeting number 177 533 6221

Meeting password: HzyvwN23wH3

Tap to join from a mobile device (attendees only)

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Board Meeting

Tab 1

Call to Order

- Roll Call
- Order of Agenda
- Approval of October 15, 2020 Meeting Minutes
- Public Comment Opportunity



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

Special Board Meeting Agenda

DATE & TIME: December 10, 2020 8:00 a.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 15, 2020 Meeting Minutes
- 1.4. Public Comment Opportunity

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

OPEN SESSION RECONVENES

2. Disciplinary Action

- 2.1. Recommended Closures
- 2.2. Disciplinary Report

3. Committee Reports

- 3.1. Executive Committee – [Link to Agenda](#)
- 3.2. Practice Committee – [Link to PC Agenda](#)
- 3.3. Exam Qualifications Committee – [Link to EQC Agenda](#)
- 3.4. Survey Committee – [Link to SC Agenda](#)

4. New Business

- 4.1. Committee Recommendation Process (from Executive Committee)
- 4.2. WAC 196-09 – Board Practices and Procedures (from Executive Committee)
- 4.3. Administrative Complaint Intake/Closure Procedures (from PC)
- 4.4. Board Policies 3, 44, and 48 (from PC)
- 4.5. State Specific On-Site Cut Score (From EQC)
- 4.6. State Specific PLS Cut Score (From EQC)
- 4.7. SE Licensure (From EQC)
- 4.8. Current Licensing Fees
- 4.9. NCEES Zone Interim Meetings

5. Old Business

- 5.1. None

6. Director's Report

- 6.1. Agency Operations
- 6.2. Financial Report with Paul Bitar

7. Assistant Attorney General's Report

8. Other Business

- 8.1. Additional Public Comment
- 8.2. Upcoming Outreach and Events
- 8.3. Rolling Action Item List + Action Items from This Meeting
- 8.4. Agenda Items for Next Meeting

9. Adjourn Meeting



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

SPECIAL BOARD MEETING MINUTES

DATE: October 15, 2020

TIME: 8:00 a.m.

LOCATION: WebEx

ATTENDANCE:

Board Members

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

Staff Members

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

Absent/Excused

Stephen Shrope, PE, SE

Guests

Sharon Zimmerman

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

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

1.2. Order of Agenda

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

1.3. Approval of Meeting Minutes

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

1.4. Public Comment Opportunity

None

Executive Session

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

Open Session Reconvened – 9:01 a.m.

2. Disciplinary Action

2.1. Recommended Closures

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

2.2. Administrative Closures Report

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

2.3. Disciplinary Report

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

2.4. Polaris Enforcement Demo

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

3. Committee Reports

3.1. Executive Committee

Mr. Blaisdell delivered the committee's report

Discussion/Action Items:

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

2. Rule review and public comments

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

3. Director's Report

- IAA #2 is still being negotiated with DOL.

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

- Polaris/Licensing update

Ms. Cramer provided a licensing update to the committee.

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

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

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

- Hiring a process consultant

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

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

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

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

3.2. Practice Committee (PC)

Ms. Lund delivered the committee's report

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

Compliance Report:

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

Discussion/Action Items:

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

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

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

3.3. Exam Qualifications Committee (EQC)

Ms. Gnanapragasam delivered the committee's report

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

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

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

EQC Action Items:

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

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

3.4. Survey Committee

Mr. Wengler delivered the committee's report

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

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

4. New Business

4.1. Rule Review

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

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

5. Director's Report

5.1. Agency Operations

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

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

5.2. Financial Report

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

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

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

5.3. Other Items

- 2021 Board Meetings

The Board determined the following dates for its 2021 meetings:

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

- Recording Board Meetings

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

6. Assistant Attorney General's Report

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

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

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

7. Other Business

7.1. Any Other Business

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

(Action)

7.2. Additional Public Comment

None

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

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

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

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

7.4. Agenda Items for Next/Upcoming Meetings

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

8. Adjourn Meeting

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

Next Meeting: December 10, 2020 – Special Board Meeting

Respectfully submitted

Ken Fuller, PE, Director

Board Meeting

Tab 2

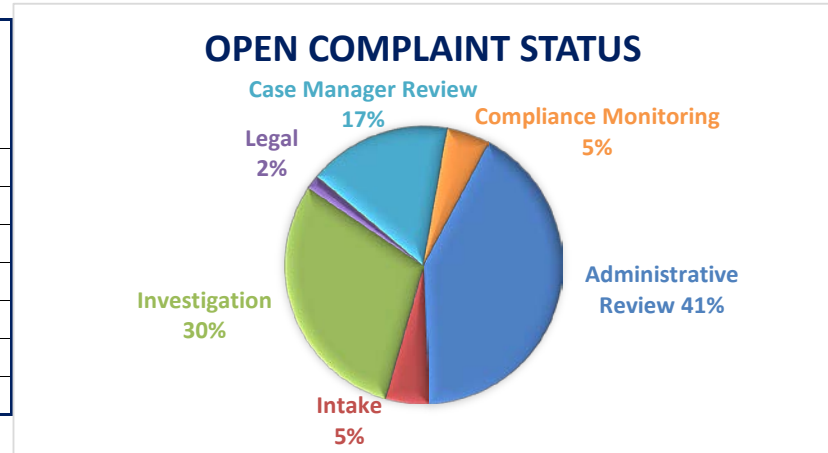
Disciplinary Activity

- Recommended Closures
- Disciplinary Report

Board of Registration for Professional Engineers Land Surveyors Disciplinary Report - December 2020

Open Case Status

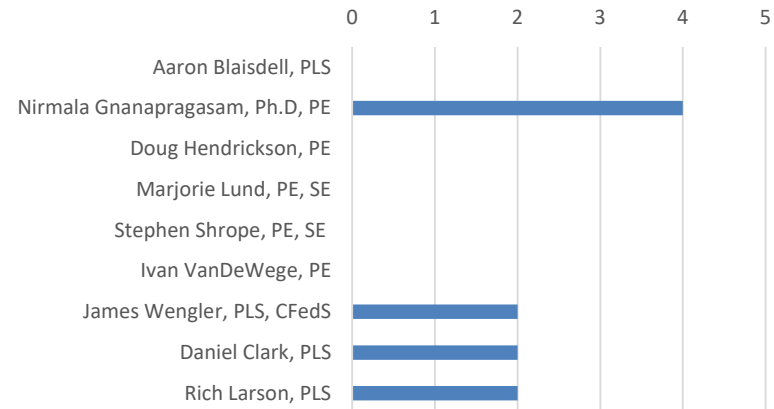
Status	Program Type			Total
	Engineers	Land Surveyors	OSW	
Administrative Review	7	18	0	25
Intake	1	2	0	3
Investigation	14	3	1	18
Legal	1	0	0	1
Case Manager Review	1	6	3	10
Compliance Monitoring	1	1	1	3
Total	25	30	5	60



Case Manager Review

Case Manager	Program Type		Total
	Engineers	Land Surveyors	
Aaron Blaisdell, PLS	0	0	0
Nirmala Gnanapragasam, Ph.D, PE	4	0	4
Doug Hendrickson, PE	0	0	0
Marjorie Lund, PE, SE	0	0	0
Stephen Shrope, PE, SE	0	0	0
Ivan VanDeWege, PE	0	0	0
James Wengler, PLS, CFedS	0	2	2
Daniel Clark, PLS	0	2	2
Rich Larson, PLS	0	2	2
Total	4	6	10

Case Manager Open Complaints



Administrative Review

Board Staff	Engineers	Land Surveyors	OSW	Total
Ken Fuller, PE	7	0	0	7
Rich Larson, PLS	0	18	0	18
Total	18	18	0	25

Board Meeting

Tab 3

Committee/Task Reports

- Executive Committee
- Practice Committee
- Exam/Qualifications Committee
- Survey Committee

Board Meeting

Tab 4

New Business

- Committee Recommendation Process (from Exec Committee)
- WAC 196-09 – Board Practices and Procedures (from Exec Committee)
- Administrative Complaint Intake/Closure Procedures (from PC)
- Board Policies 3, 44, and 48 (from PC)
- State Specific On-Site Cut Score (from EQC)
- State Specific PLS Cut Score (from EQC)
- SE Licensure (from EQC)
- Current Licensing Fees
- NCEES Zone Interim Meetings

WAC 196-09-010 Declaration of purpose. This chapter contains rules and administrative procedures for regular and special meetings, adjudicative proceedings (hearings and reviews, public records and other activities of the board, board members and board staff in executing their responsibilities under chapter 18.43 RCW and chapter 18.210 RCW.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-09-010, filed 1/21/04, effective 2/21/04. Statutory Authority: RCW 18.43.035. WSR 98-12-045, § 196-09-010, filed 5/29/98, effective 7/1/98.]

NEW SECTION

WAC 196-09-011 Definitions. The following definitions shall apply to this chapter:

1) "Administrative Review" means an objective review of an initial enforcement or licensing decision made by board staff, to which any person adversely affected by such a decision is entitled by law.

2) "Adjudicative proceedings" are processes of administrative review provided by the board and may be either a formal hearing before the full board including witness testimony or a simplified review by a single presiding officer without witness testimony.

3) "Board administrative staff" or "board staff" means staff who perform the day-to-day operations and administration

for the board and who may make preliminary decisions on licensing and enforcement matters.

4) "Case manager" means a board member who provides expertise and works with board staff on a specific licensing or enforcement matter and who will not participate in a judicial capacity on that matter.

5) "Respondent" means the person who requests an administrative review of a board staff decision as described herein.

6) "Presiding Officer" means a member of the board who may preside over a full board hearing, conduct pre-hearing conferences, or perform a brief adjudicative proceeding.

NEW SECTION

WAC 196-09-012 Right to Administrative Review. When the board makes an enforcement or licensing decision that negatively affects a licensee, applicant or unlicensed practitioner under Chapters 18.43 and 18.210 RCW, that person is entitled to request administrative review of the decision pursuant to the Administrative Procedures Act, Chapters 34.05 RCW and 10-08 WAC.

WAC 196-09-020 Adjudicative proceedings. The administrative procedures act chapters 34.05 RCW and 10-08 WAC apply to all adjudicative proceedings under the jurisdiction of the board.

Administrative review is performed by one of the following types of adjudicative proceedings:

1) A formal adjudicative hearing before the entire board with the presentation of witness testimony and/or documentary evidence; or

2) A brief adjudicative proceeding (BAP) before a single presiding officer, which may be used for the review of simple matters where no witness testimony is needed.

3) An emergency adjudicative proceeding under RCW 34.05.479 which may be used when there is an immediate danger to the public health, safety, or welfare requiring immediate board action.

[Statutory Authority: RCW 18.43.035. WSR 98-12-045, § 196-09-020, filed 5/29/98, effective 7/1/98.]

WAC 196-09-050 Brief adjudicative proceedings. (1) The board may conduct brief adjudicative proceedings as provided in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. (2) Brief adjudicative proceedings may only be allowed when a respondent challenges the following categories of board decisions:

(a) A denial of an application for licensure, including renewal, reinstatement, or denial of eligibility to take examinations.

(c) A finding that a licensee has failed to meet continuing professional development requirements;

(d) A finding that a licensee has violated the terms of a final order or agreed order issued by the board or the board's designee;

(e) A finding that a person has engaged in false, deceptive or misleading advertising; or engaged in unlicensed practice.

[Statutory Authority: RCW 46.01.110 and 2018 c 199. WSR 18-21-028, § 196-09-050, filed 10/5/18, effective 11/5/18. Statutory Authority: RCW 18.43.035 and chapter 18.235 RCW. WSR 06-11-121, § 196-09-050, filed 5/19/06, effective 6/19/06. Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-09-050, filed 1/21/04, effective 2/21/04.]

WAC 196-09-055 Records required for brief adjudicative proceeding. The records for the brief adjudicative proceeding may include but are not limited to:

(1) License related denials:

(a) All correspondence, including emails, between the applicant or respondent and the board staff regarding an initial determination including copies of applications, renewal notice(s), denials, appeals.

(b) All documents received by the board from or on behalf of the applicant, licensee or respondent relating to information, payments, or explanations that have been provided to the board.

(c) Copies of all supplementary information related to application or complaint review by staff or board members;

(d) All documents relied upon by board staff in reaching the initial determination;

(e) Any other information that may be of assistance to the presiding officer in deciding the case.

(2) Determination of compliance with previously issued board order:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the board regarding compliance with the final order or agreement; and

(d) All documents relied upon by the board showing that the license holder has failed to comply with the previously issued final order or agreement.

[Statutory Authority: RCW 46.01.110 and 2018 c 199. WSR 18-21-028, § 196-09-055, filed 10/5/18, effective 11/5/18. Statutory Authority: RCW 18.43.035 and chapter 18.235 RCW. WSR 06-11-121, § 196-09-055, filed 5/19/06, effective 6/19/06. Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-09-055, filed 1/21/04, effective 2/21/04.]

WAC 196-09-060 Procedures for brief adjudicative proceedings. A brief adjudicative proceeding is conducted by a presiding officer as designated by the board chair. The presiding officer shall have knowledge and experience in the administrative processes of the board and the requirements of the provisions for a brief adjudicative proceeding as provided

in chapter 34.05 RCW and WAC 196-09-050 through 196-09-060, but shall not have participated in the determination or action under review. Except as may be otherwise required by the presiding officer, the following procedures shall apply:

(1) Both parties shall provide any written statements, explanations, documents, emails, and other information they feel might be relevant as instructed by the presiding officer.

(2) In unique circumstances, during the administrative review, the presiding officer may ask questions and take testimony of the respondent and the board staff, as necessary to supplement the record.

(3) No other witnesses may appear to testify. If the presiding officer determines that witnesses are needed in order to make a decision, the proceeding will be converted into a formal hearing.

(4) The presiding officer may convert the brief adjudicative proceeding into a formal hearing if they determine, for any reason, that a formal hearing is needed.

(5) At the time any unfavorable action is taken tThe presiding officer may serve up0on each party a preliminary brief

statement of the reasons for the decision. Within ten (10) days of the preliminary statement, the presiding officer shall give the parties a written order containing the findings and conclusions supporting the decision and information about any internal administrative review available.

(6) The brief written statement is an initial order. If no review is taken of the initial order as authorized by RCW 34.05.488 and 34.05.491, the initial order shall be the final order.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-09-060, filed 1/21/04, effective 2/21/04.]

WAC 196-09-100 Investigative cost reimbursement. The reimbursement of investigative costs may be ordered by the board if the adjudicative process has resulted in a finding by the board that identifies conduct which is considered misconduct or malpractice and is contained in an agreed order or has resulted in the suspension or revocation of the license to practice. Costs subject to reimbursement are those expenses paid by the board during the investigation process, such as expert or consultant witness contracts.

In addition, the disciplinary authority may impose a civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in the unlicensed practice of a profession or operation of a business for which a license is required by one or more of the chapters specified in RCW 18.235.020; chapter 18.43 RCW and chapter 18.210 RCW.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-09-100, filed 1/21/04, effective 2/21/04.]

WAC 196-09-110 Cooperation with board investigation. In the course of an investigation and request by the board under its authority in chapter 18.43 RCW, a licensee or registrant must provide access to any papers, records, or documents in their possession or accessible to them that pertain to the allegations in a complaint or investigation, and may provide a written explanation addressing such complaint/investigation or other information requested by the board. A facility related to a complaint or investigation shall be made accessible by the licensee during regular business hours.

[Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-09-110, filed 1/21/04, effective 2/21/04.]

WAC 196-09-120 Meetings and officers. All meetings of the board are held in accordance with the Open Public Meetings Act, chapter 42.30 RCW. The Washington state board of registration for professional engineers and land surveyors shall hold its annual meeting in the third week of June each year. All other meetings of the board are held at such times and places as the board may deem necessary.

At the annual meeting the board shall elect a chair and vice chair to hold office for one year commencing July 9. Any resignation from the position of chair shall be filled for the remainder of the term by the vice chair.

[Statutory Authority: RCW 18.43.035. WSR 10-05-016, § 196-09-120, filed 2/4/10, effective 3/7/10. Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-09-120, filed 1/21/04, effective 2/21/04.]

WAC 196-09-130 Board member limitations—Contract selection. (1) When a member of the board of registration for professional engineers and land surveyors (Board) is beneficially interested, directly or indirectly, in a contract, sale, lease, purchase or grant that may be made by, through, or is under the supervision of the board in whole or in part, or

when the member accepts, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in such contract, sale, lease, purchase or grant, the member must:

(a) Exclude him or herself from the board discussion regarding the specific contract, sale, lease, purchase or grant;

(b) Exclude him or herself from the board vote on the specific contract, sale, lease, purchase or grant; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific contract, sale, lease, purchase or grant.

(2) The prohibition against discussion set forth in sections (a) and (c) may not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

[Statutory Authority: RCW 18.43.035. WSR 06-22-032, § 196-09-130, filed 10/25/06, effective 11/25/06.]

WAC 196-09-131 Board member limitations—board actions.

(1) When a member of the board of registration for professional

engineers and land surveyors (Board) either owns a beneficial interest in or is an officer, agent, employee or member of an entity or individual, which is subject to a board action, the member must:

(a) Recuse him or herself from the board discussion regarding the specific action;

(b) Recuse him or herself from the board vote on the specific action; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific action.

(2) The prohibition against discussion and voting set forth in sections (a) and (c) may not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3)(a) "Board action" may include any of the following: an investigation or adjudicative proceeding; application or submission; request for a ruling or other determination; contract, claim, case

decision, determination, finding, ruling, or order; or

monetary grant, payment, or award.

[Statutory Authority: RCW 18.43.035. WSR 06-22-032, § 196-09-131, filed 10/25/06, effective 11/25/06.]

WAC 196-09-135 Reporting of board member recusal. (1) If exclusion or recusal occurs pursuant to WAC 196-09-130 or 196-09-131, the member of the board should disclose to the public the reasons for his or her exclusion or recusal from any board action whenever it occurs. The board staff should record each instance of exclusion or recusal and the basis for it in the minutes of the board meetings.

[Statutory Authority: RCW 18.43.035. WSR 06-22-032, § 196-09-135, filed 10/25/06, effective 11/25/06.]

(New section)

WAC 196-09-150 Public records. All public records of the board are available for public inspection and copying pursuant to these rules and applicable state law (chapter 42.56 RCW), as follows:

(1) Hours for inspection of records. Public records are available for inspection and copying during normal business hours of the office of the Washington State Board of Registration for Professional Engineers and Land Surveyors at 2404 Chandler Court, Suite 240-A, Olympia, Washington, Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays. Records may be inspected at the board's office when

the requestor has been notified of the availability of the requested documents and an appointment is made with the public records officer.

(2) Records index. An index of public records, consisting of the retention schedules applicable to those records, is available to members of the public at the board's office.

(3) Organization of records. The board maintains its records in a reasonably organized manner. The board will take reasonable actions to protect records from damage and disorganization. A requestor shall not take original records from the board's office. A variety of records are also available on the board's website at <https://brpels.wa.gov/>. Requestors are encouraged to view the documents available on the website prior to submitting a public records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or obtain copies of public records should make the request using the board's public records request form available on the board's website or in writing by letter or email addressed to the public records officer. Written requests must include the following information:

(i) Date of the request;

(ii) Name of the requestor;

(iii) Address of the requestor and other contact information, including telephone number and any email addresses;

(iv) Clear identification of the public records requested to permit the public records officer or designee to identify and locate the records.

(b) The public records officer may also accept requests for public records by telephone or in person. If the public records officer or designee accepts an oral or telephone request, he or she will confirm receipt of the request and the details of the records requested, in writing, to the requestor.

(c) If the requests received in (a) or (b) of this subsection are not sufficiently clear to permit the public records officer to identify the specific records requested, the public records officer will request clarification from the requestor in writing.

(d) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should make that preference clear in the request. Copies will be made by the board's public records officer or designee.

(e) When fulfilling public records requests the board will perform its public records responsibilities in the most expeditious manner consistent with the board's need to fulfill its other essential functions.

(f) By law, certain records and/or specific content of any specific record or document may not be subject to public disclosure. Accordingly, a reasonable time period may occur between the date of the request and the ability of the public records officer to identify, locate, retrieve, remove content not subject to disclosure, prepare a redaction log that includes

the specific exemption, a brief explanation of how the exemption applies to the records or portion of the records being withheld, and produce the records for inspection and/or copying. The requestor will be kept informed of the expected delivery timetable.

(g) If the request includes a large number of records, the production of the records for the requestor may occur in installments. The requestor will be informed, in writing, of the board's anticipated installment delivery timetable.

(h) In certain instances the board may notify affected third parties to whom the record relates. This notice allows the affected third party to seek an injunction within fifteen days from the date of the written notice. The notice further provides that release of the records to the requestor will be honored unless timely injunctive relief is obtained by the affected third party on or before the end of the fifteen-day period.

(i) Requests for lists of credentialed individuals by educational organizations and professional associations: In order to obtain a list of individuals under the provisions of RCW 42.56.070(9), educational organizations and professional associations must provide sufficient information to satisfy the board that the requested list of individuals is primarily for educational and professionally related uses.

Board forms are available on the board's website or upon request for your use.

NEW SECTION

WAC 196-09-160 Change of Address - Board Notification. All licensees in this state must notify the board **in writing** within thirty days of any change of mailing address or email address. Corporations and LLCs licensed in this state must notify the board of any opening, closing, or relocation of the main office or a branch office in this state.

From: Christopher P. Knotts, P.E. [mailto:noreply@ncees.org]
Sent: Tuesday, December 01, 2020 10:52 AM
To: Fuller, Ken (BRPELS) <ken.fuller@brpels.wa.gov>
Subject: NCEES zone interim meeting update



Dear Member Board Members, Member Board Administrators, Associate Members, and Emeritus Members:

The NCEES board of directors recently reviewed plans for the upcoming zone interim meetings in light of the ongoing COVID-19 pandemic. As part of our continuing response, the board initially decided to adjust some meeting plans and cap attendance. However, after further discussion with member board administrators and senior staff, we have decided to cancel the in-person zone interim meetings. This is the only way we can protect the health and well-being of member board representatives and staff, while ensuring that business is conducted in a way that includes all member boards.

The primary purpose of the zone interim meetings is to prepare member boards for the annual meeting. We will accomplish that through a series of podcasts, presentations, and virtual meetings. More details will follow soon.

The other purpose of the zone meetings is to conduct zone business, including officer elections. That is best done with all boards present, but travel restrictions and quarantine mandates would make it impossible for all boards to be represented. With the proposed plan, all boards will be able to participate in the balloting process, which will be similar to the process for the annual meeting. NCEES staff will be working with zone leadership to develop plans to conduct virtual meetings and solidify plans and timing for the elections. There will also be opportunities for zone members to socialize and welcome new members.

While I am disappointed to not get to see you in person next year in Asheville, North Carolina; Des Moines, Iowa; Bozeman, Montana; and Newport, Rhode Island, I know this is the right decision for the Council and everyone's health, safety, and welfare.

Sincerely,

Christopher P. Knotts, P.E.
NCEES President

Board Meeting

Tab 5

Old Business

None

Board Meeting

Tab 6

Director's Report

- Agency Operations
- Financial Report with Paul Bitar

Board Meeting

Tab 7

**Assistant Attorney
General's Report**

Board Meeting

Tab 8

Other Business

- Additional Public Comment
- Upcoming Outreach and Events
- Rolling Action Item List + Action Items from this Meeting
- Agenda Items for Next Meeting

Board Meeting

Tab 9

Adjourn Meeting