



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

SPECIAL BOARD MEETING MINUTES

DATE: December 10, 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
Chun Lau, P.E., P.Eng, S.E., F.SEI, F.ASCE

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
Paul Bitar, Senior Financial Consultant

1. Call to Order at 8:04 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 Ms. Lund, to accept the agenda with the amendment of switching the order of items 3.3 and 3.4 so the Survey Committee report could precede the Exam Qualifications Committee report. Motion carried.

1.3. Approval of Meeting Minutes

A motion was made by Ms. Gnanapragasam, and seconded by Mr. VanDeWege, to accept the October 15, 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 8:13 to 9:13 a.m. for Executive Session.

Open Session Reconvened – 9:13 a.m.

2. Disciplinary Action

2.1. Recommended Closures

2019-09-0002-00ENG

Mr. Larson recommended the case be closed.

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

2019-09-0004-00ENG

Mr. Larson 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.

2020-08-0877-00ENG

Ms. Gnanapragasam recommended the case be closed.

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

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

Mr. Blaisdell delivered the committee's report

Discussion/Action Items:

Paul Bitar provided the committee with financial reports, current through the end of October. There was a discussion on the Polaris invoices sent by the Department of Licensing. Mr. Bitar stated he has questions out to DOL about the invoices, and will let the board know the outcome, when he hears something. Mr. VanDeWege stated that the board had voted at a previous meeting, to spend a set amount on Polaris, and asked staff to look in previous minutes to find the information.

- Recording Board meetings (recommendation under new business on board agenda)
Committee discussed whether to record future board meetings. The pros and cons were discussed. The committee was provided the State General Schedule showing the retention time for recordings. The committee requested Ms. Lagerberg research recordings by 3rd parties, and whether it can be waived as public officers appointed by the Governor.
- WAC 196-09 – Board practices and procedures (recommendation under new business on board agenda)
The committee reviewed the changes to WAC 196-09-050 and -100 based on board member comments. After reviewing the document, Ms. Lagerberg requested to revise -

100. The committee requested that Ms. Lagerberg make the changes, and send it out to the full board, so they can review it prior to the meeting tomorrow.

- Committee Recommendation process (recommendation under new business on board agenda)

The committee had a discussion on how information and recommendations from committees are acted upon by the board, and who receives this information prior to the board meeting. Ms. Moretti stated that staff is currently working on processes, and standardizing committee topic items and report outs. Staff committee leads will send committee reports to Board Chair, Committee Chairs, Mr. Fuller, and Ms. Moretti prior to the board meeting.

Action Items

- Ms. Moretti – find meeting minutes that contain information regarding DOL & BRPELS Polaris costs.
- Ms. Lagerberg to research whether having public meetings recorded by a 3rd party is waived as public officers appointed by the Governor.
- Ms. Lagerberg and Ms. Gillespie will revise 196-09-100 and send out today so a recommendation can move forward at the board meeting.
- Staff committee leads will send committee reports to Board Chair, Committee Chairs, Mr. Fuller, and Ms. Moretti prior to the board meeting.

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	14
Engineering Complaints	9
Surveying Complaints	4
Onsite Designer Complaints	1
Total Administrative Closures	7
Engineering Closures	4
Surveying Closures	3
Onsite Designer Closures	0

Compliance Report:

Ms. Lund reported there are four individuals on compliance monitoring (Richard Russum, PLS; Daniel Johnson, PLS, Russell Bodge, PE; and Ron Dalle, OS) and that all of them are currently in compliance with the terms of their board orders. Mr. Johnson prevailed in Superior Court and will be removed from compliance monitoring.

Action Items:

1. The PC is recommending approval of the Complaint Review and Administrative Closures process worked on by Mr. Hendrickson, Mr. Fuller, Mr. Larson, Ms. Lagerberg, Ms. Gillespie, and Ms. Short. Topic discussed further in item 4.3.
2. Bring the current Investigation Process, Case Manager Recommendation, Sanction Recommendation, and Legal Processes flowcharts to the February 2021 PC Meeting.
3. The PC is recommending the Board repeal Policy #3 Issuing a New License Number for Revoked Certificates as this is covered in RCW 18.43.110. Topic discussed further in item 4.4.
4. The PC is recommending the Board repeal Policy #44 Board Monitored Peer Review as the peer review process will be included in a board order when necessary. Topic discussed further in item 4.4.
5. Review Policy #48 at the February 2021 PC meeting and whether this should be put into WAC. Topic discussed further in item 4.4.
6. Add Legislative Updates to each PC agenda.
7. Add update on new database to February 2021 PC agenda and also as a New Business item for the February 2021 Board agenda.
8. If a new bill is dropped that affects the Board a special meeting will be called to review the legislation.

Previous ongoing action items:

- a. 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. (Completed December 2020 and presented in item 4.3)
- b. 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. (Completed December 2020)
- c. 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. (Completed December 2020)
- d. Creating database for email questions/answers. (Add to February 2021 PC meeting agenda)
- e. Review policies related to practice committee. (Ongoing)
- f. Continue tracking monument legislation sponsored by LSAW/DNR. (Ongoing – call special meeting if necessary)
- g. Create an activities report and accomplishments by the PC. (Ongoing)

- h. 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 sent to the PC prior to the February 2021 meeting and discussed at that meeting)

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

3.3. Exam Qualifications Committee (EQC)

Ms. Gnanapragasam delivered the committee's report

Application Review Summary

- Reviewed and approved one FE applicant with foreign degree evaluation from FIS. Will be notified that for education experience to count towards PE, he will have to have evaluation from NCEES or WES.
- Reviewed 1 application for FE waiver. Mr. Fuller will contact applicant for more information. (Action)
- Reviewed 1 application for FE and PE waiver. The committee determined it would accept the exam he took in England towards the PE exam as it is very similar to a NCEES PE exam. It did not test fundamentals, so he would have to take FE exam. Mr. Fuller will contact applicant. (Action)
- Reviewed 4 on-site designer applications. Approved 1 for exam. Mr. Fuller will contact the applicants and request additional information. (Action)

SE licensure

- SE I Traditionally given CE license in WA
- SE II – First exam towards SE licensure + SE III exam
- SE III – state specific SE exam
- 16 hr exam (NCEES Exam first administered in April 2011)
 - PE license approval
 - Receiving applications
 - SE license approval requirements
 - FUTURE OPTION: If applicant takes 16hr exam only (no PE exam) Implement a new SE III state specific exam to move forward with obtaining an SE license, work with other aligning states (i.e. California, Oregon, Hawaii, Alaska) this also could work for those that have only take the SE I & SE II exams and want to move forward with SE licensure.

Mr. Lau, Pro-Tem board member, gave a brief history on the PE / SE requirements in Washington. He said we have to be consistent. We have applicants working their way through the process in Washington (FE, PE exam, licensure, SE exam), and comity applicants need to meet the same requirements. For Structural comity, look at whether they should be licensed as SE in another state.

This is an on-going discussion for both the EQC and the SE committees.

Ms. Cramer will be collecting information on the different types of applications that are unusual and have been handled in a different way. Provide information for February EQC and SE committee meeting. (Action)

The EQC reviewed scores of the PLS state specific exam and recommends the Board approve a cut score of 28/40.

The EQC also reviewed scores of the On-Site Wastewater state specific exam and recommends the Board approve a cut score of 84/100.

EQC Action Items:

- Ms. Cramer and Mr. Fuller will contact applicants regarding applications reviewed.
- Ms. Cramer to provide information regarding the SE applications that do not follow normal licensing path for February EQC and SE committee meetings.
- Staff to send out PLS and On-site exam results to exam candidates (upon approval by board).
- Staff to send a draft On-site application to EQC members & AAG for edits and comments a month prior to February 2021 EQC meeting. Committee would like to have an edited application to review @ February meeting.
- Staff to set up rules workshop/meeting with EQC members, staff, and AAG prior to February meeting to work on WAC 196-12.

Agenda Items for next meeting:

- Review of updated on-site application
- Review of WAC 196-12

A motion was made by Mr. Hendrickson, and seconded by Mr. Wengler, to approve the Exam Qualifications Committee report with the cut score recommendations. Motion carried.

3.4. Survey Committee

Mr. Wengler delivered the committee's report.

1. The Survey Committee reviewed scores of the October 2020 4-hour PLS state specific exam and recommends the EQC submit a cut score of 28/40 to the Board for approval.
2. Mr. Larson reported on the progress of preparing new questions for a third and possible fourth PLS exam by SMEs. The existing item bank previously mapped to specific knowledge areas of the exam blueprint. The plan now is to identify the areas that are missing exam items and to use the existing item bank to populate each knowledge area with at least two vetted questions.
3. Mr. Larson, Mr. Knudson (DNR), and Mr. Gallie gave a report on revised WAC 332.130.

4. Committee is reviewing Policy #42 – Incidental Surveying to see if it needs to be eliminated, updated, or converted to a WAC.

Survey Committee Action Items for Next Meeting:

1. Continue review of Policy #42.
2. Review PDH audits and how they are performed.

After the committee report, Mr. Blaisdell asked staff to include key external partners and stakeholders on Survey Committee meeting invites and to confirm they have the necessary call-in information. Mr. Blaisdell and Mr. Wengler will send a list of people to Ms. Moretti.

4. New Business

4.1. Committee Recommendation Process

The Board discussed ways to streamline a process that ensures items from the committee level are funneled to the Board for action, discussion, and/or approval. Committee staff leads will work closely with Committee Chairs and let the Board Chair, Director, and Ms. Moretti know when items need to be included in New Business on the board meeting agenda and copy the group when they send committee reports. The Director will similarly check with the Board Chair and AAG to determine if they have any additional new business items for the board agenda.

4.2. WAC 196-09 – Board Practices and Procedures (from Executive Committee)

Ms. Lagerberg informed the board that the Executive Committee had one minor change to the draft changes for WAC 196-09 and during the PC's discussion on the complaint process, Mr. Lagerberg concluded that the PC may want to consider whether they want to make additional revisions or include a short summary of the complaint process in this chapter. Ms. Lagerberg recommended the PC review the WAC before the draft is finalized and Ms. Lund agreed to have the PC work on this along with Policy 48.

4.3. Administrative Complaint Intake/Closure Procedures (from PC)

The Board reviewed and discussed the updated flow chart that Mr. Hendrickson created outlining the initial administrative review procedures for complaints before they enter the formal investigation process.

A motion was made by Mr. Wengler, and seconded by Ms. Lund, to accept the Administrative Complaint Intake/Closure Procedures as presented. Motion carried.

4.4. Board Policies 3, 44, and 48 (from PC)

The Board discussed Policy 3 – Issuing a New License Number for Revoked Certificates. It was the initial recommendation of the PC that this policy be repealed because it is covered under RCW 18.43.110.

Ms. Lagerberg noted that the policy may clarify the statute because it says a new certificate of registration, not a new license and it would be reasonable to keep it as a board policy that outlines what happens administratively.

In light of new information, Ms. Lund asked that the Board allow the PC to reconsider its position on repealing Policy 3. Ms. Lund also requested staff do further research on why this policy was put into place in 2013.

A motion was made by Mr. Hendrickson, and seconded by Ms. Gnanapragasam, to repeal Board Policy 3. After discussion, the motion was subsequently withdrawn.

The Board discussed Board Policy 44 – Board Monitored Peer Review. It is the recommendation of the PC that this policy be repealed because conditions and requirements of peer review are case specific and will be included in individual board orders as needed.

A motion was made by Mr. VanDeWege, and seconded by Ms. Gnanapragasam, to repeal Policy 44. Motion carried.

Policy 48 is still being reviewed in the PC – no recommendation to the Board at this time.

4.5. State Specific On-Site Cut Score (from EQC)

A motion was made by Ms. Lund, and seconded by Mr. Hendrickson, to accept the EQC's recommendation and approve a cut score of 84/100 for the State Specific On-Site October exam. Motion carried.

4.6. State Specific PLS Cut Score (from EQC)

A motion was made by Mr. Wengler, and seconded by Mr. VanDeWege, to accept the EQC's recommendation and approve a cut score of 28/40 for the State Specific PLS October exam. Motion carried.

4.7. SE Licensure (from EQC)

Mr. Lau gave a brief overview of the EQC's recent discussion regarding Washington's requirements for SE licensure and the desire for more consistency among states with high seismic zones. The Board discussed NCEES' 16-hour Structural Exam moving to CBT in 2024 and the concerns of losing the depth of seismic zone qualifications. Ms. Lund, Mr. Lau, and Mr. Fuller will be participating in a meeting with other western states to discuss the move to CBT, what it means for structural licensing in states with high seismic zones, and how agencies in other states are dealing with comity applications. Mr. Hendrickson asked to be kept apprised of the discussions as he is part of the NCEES Task Force regarding engineering licensure. The EQC and Structural Committee will continue to work on various aspect of the issue and continue reporting back to the Board.

4.8. Current Licensing Fees

Mr. VanDeWege noted that once Polaris is paid for, BRPELS' fund balance may start growing again and the Board may want to consider decreasing some of the licensing fees if possible. The Executive Committee agreed to look at the issue once the Polaris overruns are finalized.

4.9. NCEES Zone Interim Meetings

Mr. Fuller notified the board that both the upcoming NCEES Interim Zone Meeting and Board President's Assembly will be virtual. He also mentioned that this October will be the last pencil and paper exam for PE Civil which will be going to a CBT format.

5. Old Business

None

6. Director's Report

6.1. Agency Operations

Mr. Larson informed the Board that staff will be disconnecting from DOL's system on Friday and picking up new equipment on Monday.

Ms. Gillespie reported that she is starting the legislative tracking process via Lobby.gov where she can track legislation by bill numbers, RCWs, or key words. DNR indicated to her that they are not aware of any new legislation and Ms. Gillespie said she will also be checking with DOL and DOH. Mr. Wengler stated there is potential legislation out of DNR. She informed the board members that she would be sharing her list of key words and contacting them to gather any additional key words they would like pre-populated in Lobby.gov.

Mr. Fuller asked Ms. Short to report on the NCEES Law Enforcement Committee, which she chairs. Ms. Short reported the committee hasn't met in a while because of NCEES staff being tied up with administering exams.

Mr. Fuller reported that BRPELS continues to sublease space from CRAB at Chandler Court and that the Governor's Office has asked that staff members that are able to work from home continue to do so through at least June. Mr. Fuller stated his intention of finding permanent space for BRPELS in 2021.

Mr. Fuller reported that he is working on procuring an email program to replace listserv so BRPELS' can communicate via email to all licensees.

Mr. Fuller pledged to having information formerly found in the Board Journal posted on BRPELS' website by the end of the year.

6.2. Financial Report

Mr. Bitar provided an overview of November's financial report and indicated the agency is in good financial condition with approximately \$1.1M in the Agency's operating account. At the end of this biennium the balance is expected to be approximately \$500K. The reason for the decline is the one-time implementation costs of the Polaris licensing system. During the last month, agency revenues were very strong at \$215K. In prior months the revenues had averaged around \$140K so they have significantly improved.

Mr. Bitar noted that he is optimistic BRPELS will have sufficient spending authority for both the current and next biennium. In a few weeks the Governor will release his proposed budget which will provide an idea of what BRPEL's budget will look like in the next biennium. Expenditures are low so far and Mr. Bitar indicated he expects them to remain relatively low with the exception of DOL costs. Mr. Bitar is currently working with DOL regarding questions about some of the invoices and costs that he feels may be overstated.

Ms. Lagerberg asserted that she is concerned because there isn't a current statement of work with DOL yet so there is no agreement on how much they will be paid for their services or even what those services are. She also noted that BRPELS shouldn't be paying them without an agreement in place. Ms. Lagerberg suggested Mr. Fuller and Mr. Bitar follow up with DOL on getting an IAA in place.

7. Assistant Attorney General's Report

Ms. Lagerberg provided an update on the Tappel Fisheries appeal which has been remanded back to the Superior Court by the Court of Appeals with the direction to rule on the issues, specifically on standing.

8. Other Business

8.1. Additional Public Comment

None

8.2. Upcoming Outreach and Events

None

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

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

1. Ms. Moretti will check previous meeting minutes and find the cap on Polaris costs that were set by the Board last year.
2. Ms. Lagerberg will research recordings by 3rd parties and whether it is waived for public officers appointed by the Governor.
3. Ms. Lagerberg and Ms. Gillespie will revise WAC 196-09-100 and send it out so a recommendation to the Board can move forward at tomorrow's meeting.
4. Staff committee leads will send committee reports to Board Chair, Committee Chairs, Mr. Fuller, and Ms. Moretti prior to the board meeting.
5. Ms. Short will bring the current Investigation Process, Case Manager Recommendation, Sanction Recommendation, and Legal Processes flowcharts to the February 2021 PC Meeting.
6. Staff will do further research on why Policy #3 was put into place in 2013.
7. PC will add review of WAC 196-09 to their docket.
8. Ms. Cramer and Mr. Fuller will contact applicants regarding applications reviewed by the EQC.
9. Ms. Cramer to provide information regarding the SE applications that do not follow normal licensing path for February EQC and SE committee meetings.
10. Staff will send out PLS and On-site exam results to exam candidates.
11. Staff will send a draft On-site application to EQC members & AAG for edits and comments a month prior to February 2021 EQC meeting.

12. Staff to set up rules workshop/meeting with EQC members, staff, and AAG prior to February meeting to work on WAC 196-12.
13. Mr. Blaisdell and Mr. Wengler will send Ms. Moretti a list of external partners to add to Survey Committee invites.
14. Ms. Gillespie will work with board members on gathering additional key words for Lobby.gov.
15. Mr. Fuller and Mr. Bitar will follow up with DOL on getting an IAA in place.

8.4. Agenda Items for Next/Upcoming Meetings

1. Update on new database (PC & Board Meetings)
2. Review of updated On-Site application (EQC)
3. Review of WAC 196-12 (EQC)
4. Review of Policies #3 and #48 (PC)
5. Review Policy #42 – Incidental Surveying (Survey Committee)

9. Adjourn Meeting

A motion was made by Mr. Hendrickson, and seconded by Mr. VanDeWege, to adjourn the meeting at 12:35 p.m. Motion carried.

Next Meeting: February 18, 2020 – Special Board Meeting

Respectfully submitted



Ken Fuller, PE, Director