STATE OF WASHINGTON
Board of Registration for
Professional Engineers & Land Surveyors

JOURNAL

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Message from the Chair

By Marjorie Lund, PE SE

The Board, and our team, wish all of you a healthy and happy 2022! We hope your new year is starting off with interesting new opportunities. My message to you in this journal is a brief explanation and update to recent complaints and legal action against the Board (BRPELS) concerning the use of the title "engineer." Please accept that I am not licensed to practice law, and I am simplifying this complicated issue for the sake of a brief overview. My purpose is to present facts, but any implied opinions expressed in this message are my own.

Current Legal Actions:

In 2018, Mr. Paul Tappel PE filed a lawsuit against the BRPELS, the Governor, and the State Attorney General claiming that state agencies and specifically BRPELS are misinterpreting the laws governing the use of the title "engineer." The suit claimed that only licensed professional engineers are legally entitled to use the title "engineer," and that use of the title by non-licensed individuals amounts to unlicensed practice. It also claimed that the Board is not properly adjudicating unlicensed practice by individuals who use the title "engineer" when they are not licensed.

Since my message is about the use of the word "engineer" and not the lawsuit, I will quickly summarize the legal action by saying that the first Superior Court Judge ruled against Tappel, who promptly appealed the decision. The Appellate Court, not satisfied that the first Superior Court decision properly addressed all the issues, sent it back to the lower court. This time, the case was heard by a different Superior Court Judge who issued a ruling nearly opposite to the first decision. We, BRPELS and other State Agencies, have now appealed the second Superior Court decision. The case is currently waiting for a ruling from the Court of Appeals. Recent articles in trade publications have incorrectly indicated that a final decision has been issued. That is untrue.

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Is It Now a Significant Structure?

By Dave Peden, PE SE

The 2018 Washington State Building Code includes a new section, 504.4.1, which allows for an increase in the number of building stories if certain criteria are met. As adopted:

"For Group R-1, R-2, and I-1 Condition 2 Assisted living facilities licensed under chapter 388-78A WAC and residential treatment facilities as licensed by Washington state under chapter 246-337 WAC located in buildings of Type VA construction equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, the maximum number of stories permitted in Section 504.4 may be increased by one provided the interior exit stairways and ramps are pressurized in accordance with Sections 909.6.3 and 909.20." (See full building code section for further criteria).

Before this section was adopted, buildings of this group such as wood framed hotels and apartment buildings were limited to four stories in height. With the currently adopted code, this group of buildings can now be five stories in height.

The Board would like to remind our readers that these taller structures are "significant structures" as defined in RCW 18.43.020(12)(d) and require a licensed structural engineer be responsible for the design of the building structure. Prior to this new section, these buildings could be designed by a licensed professional engineer and did not typically require the involvement of a licensed structural engineer.

RCW 18.43.020(12) "Significant structures" include: (d) Buildings that are customarily occupied by human beings and are five stories or more above average ground level."

RCW 18.43.040(1)(a)(iii) "Structural engineering is recognized as a specialized branch of professional engineering."

RCW 18.43.040(1)(a)(iv) "An engineer must be registered as a structural engineer in order to provide structural engineering services for significant structures."

2021-22 On-site Wastewater Ad hoc Committee

There are around 200 on-site wastewater designers and 100 inspectors licensed in the State of Washington.

In addition to regulating the professions of engineering and land surveying, the Board also regulates the practice of on-site wastewater engineering within the state of Washington. There are around 200 on-site wastewater designers and 100 inspectors licensed in the State of Washington. The Board reviews applications of licensees, administers the state specific examination, determines the passing cut scores, issues licenses to on-site wastewater designers and inspectors and investigates complaints.

In mid-2021, the Board formed the On-site Wastewater ad hoc committee to meet the needs of on-site wastewater design constituents. The committee is chaired by Nimmy Gnanapragasam PhD, PE, a Board member, and consists of members from the on-site wastewater industry: Bill Creveling, Bob Suggs and Ric Wilkerson represent the onsite wastewater designers; Leslie Turner and Roger Parker represent the Department of Health.

For the past few months, the ad hoc committee has been working on revising WAC 196-32, governing the practice of the profession, which has not been updated since 2000. Most of the work so far has involved updating the WAC to improve clarity and to reflect current changes in technology. The committee is looking for stakeholder feedback on two potentially significant revisions listed below:

Individuals applying to obtain their on-site wastewater inspector certificate of competency must have one year of practical experience working under the supervision of a certificate of competency holder or one year of previous work under a licensed on-site wastewater designer or a professional engineer unless otherwise approved by the board.

On-site wastewater inspector certificate of competency holders who plan to obtain their on-site wastewater designer license, may receive no more than three years of experience including education, towards the required four years of experience while working for a local health jurisdiction.

If you have any comments on the above two changes, send them to engineers@brpels.wa.gov.

The committee is also exploring how to improve Boards' services to the on-site wastewater community, specifically, to the current and potential licensees, to public agencies and/or jurisdictions that regulate local practices within a region.

Meet the On-Site Wastewater Committee Members

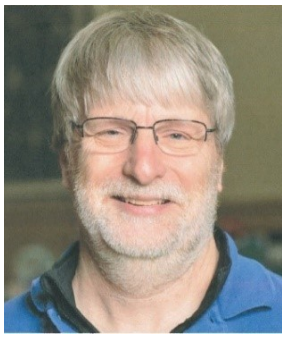
William Creveling

On-Site Wastewater Designer
Leroy Surveyors and Engineers

Growing up in Colorado I obtained a Bachelor of Science in Geology from Fort Lewis College in Durango in 1984. I took a job in Alaska as a geologist for an oil company (Exploration Logging USA). Following an oil field shutdown in 1985, I found my way to the Environmental Health Division in Tacoma in 1987. I spent 20 years in the On-Site Sewage Program embarking on a new career in a field I had never heard of until that point. I moved to Leroy Surveyors and Engineers in 2007 to oversee the implementation of a geotechnical consulting business and to oversee the existing on-site sewage design services. I got involved early in WOSSA and various stakeholder groups as an interested party in the future of our field.

Roger Parker, WA Department of Health (DOH)

Environmental Public Health is exciting! I've recently moved over to the Washington State Department of Health after serving for 6 years at a local health department as an Environmental Health Specialist. While at the local level, I was primarily working in both the Solid Waste and On-site Septic System programs. Over the past year, I've worked in the Wastewater Management section, assisting the local health jurisdictions with both technical and financial aspects of OSS work. Some of the hobbies that my family enjoys are hiking and playing board games together.



Robert D. Suggs, B.S, REHS/RS

Tacoma-Pierce County Health Department
On-site Wastewater and Individual Well Program

Robert Suggs started his career as an environmental consultant. For 18 years, he worked on a variety of marine and freshwater studies. He supported relicensing of over 20 wastewater treatment plants in Washington, Oregon, and British Columbia. He managed and conducted various biological studies and provided support on oil spills for Natural Resource Damage Assessment. Robert then spent 4 years working for a private on-site wastewater design firm. Here, he attained the Washington State On-site Wastewater designer's license. He drafted with CAD software and translated previous soils' experience to terrestrial soils' while learning the business of On-Site Wastewater design. During this process, Robert discovered that his previous technical experience as an environmental consultant had many areas of similarity with the On-site Wastewater industry. In 2007, Robert took a position with the Tacoma-Pierce County Health Department's On-site Wastewater Division as an On-site Wastewater design reviewer.

This position includes soils evaluations, design review, construction inspection, plat review, well site and construction inspection, and policy writing. He is currently the technical lead for the On-site Wastewater division, two of these last 15 years also include the startup a certified professionals' code enforcement group. Robert's experience as a wastewater designer gives him a realistic perspective on what could and should be expected of septic system installers and maintenance professionals. Robert was a contributor in writing the latest (2010) version of Tacoma-Pierce County Health Department On-site Wastewater code.

Leslie Turner, WA Department of Health (DOH)

From Fairbanks to Wenatchee! I started in the WA on-site world as a local health inspector in 2001 at Chelan Douglas Health District. There my duties included wastewater, land development, and drinking water. I began work at WA DOH Wastewater Section in 2008 to present. My basic duties include technical assistance, review, and revise the Recommended Standards & Guidance (RS&G) documents - often calling on the Technical Advisory Group for counsel. Other duties include training LHJs in soils with a CPSS (soil scientist) and general topics in the WAC 246-272A, RS&Gs, and field work tailored to the specific LHJ needs. I hold meetings for the LHJs 2x/yr for both the East and West side of the mountains. I review all waivers issued in the state for consistency with WAC 246-272A, review distribution products for registration, and currently serve on BRPELS ad hoc and exam review committees. I enjoy doing many things including hiking and stained-glass work

Ric Wilkerson, On-Site Wastewater Designer

Employed at Heath and Associates Engineering from 1988 to 1990 then started Wilkerson and Associates, Inc. specializing in land development consulting, soils evaluations and wastewater designs. Have grown the company from small to big and am now delightfully small again with my daughter, Lauren, as a partner. Have had the pleasure of serving on many Pierce County Health Department committees including Technical Review, Board Advisory, Rule Making and Budget and Planning roles. Have been a member of the Washington On-site Sewage Association for over 20 years and have presented at several WOSSA conferences. Have worked with BRPELS over the past 3 years on the Designer Exam Development Committee and currently serve as a subject matter expert for the Board.

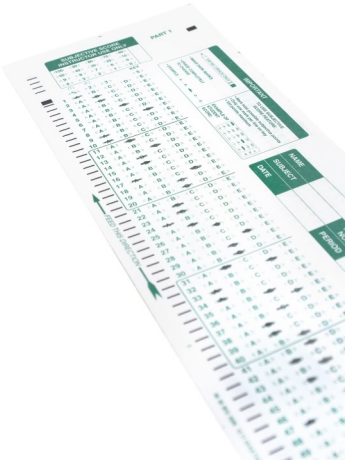
Examination Results

2021 NCEES Exam Results (WA)

	Total	Pass	Percent Passing
Principles & Practices of Engineering			
Chemical	4	3	75%
Civil	427	275	64%
Control Systems	2	2	100%
Electrical	80	52	65%
Environmental	22	15	68%
Fire Protection	7	6	86%
Industrial	3	2	67%
Mechanical	82	62	76%
Metallurgical	1	0	0%
Naval Architect/Marine Engineering	4	2	50%
Principles & Practices of Land Surveying (6 hours)	16	10	63%
Fundamentals of Engineering (EIT)	1127	844	85%
Fundamentals of Land Surveying (LSIT)	35	19	54%
Structural Engineering			
Lateral Forces – Bridges	16	6	38%
Vertical Forces – Bridges	12	7	58%
Lateral Forces – Buildings	68	35	51%
Vertical Forces – Buildings	57	33	58%

2021 State Specific Exam Results

	Total	Pass	Percent Passing
April 2021			
WA St. Specific 4-hour Land Surveyor	49	24	49%
On-site Designer Exam			
Designers	10	5	50%
Inspectors	4	3	75%
September 2021			
WA St. Specific 4-hour Land Surveyor	21	11	52%
On-site Designer Exam			
Designers	9	5	56%
Inspectors	4	1	25%



Investigation and Enforcement

Summary of Formal Actions by The Board

The following case summaries cover the formal actions of the Board from January 2021 through December 2021. Each Respondent may be monitored for compliance with the conditions imposed in the order.

Engineering

Muhannad R. Attili, PE

Case # 2020-02-0091-00ENG

The investigation was opened based on a complaint alleging Mr. Attili violated RCW 18.43 and WAC 196-27A, including unprofessional conduct.

Mr. Attili was hired by the Complainant on December 11, 2019 and was paid $600 for calculations for 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.

Mr. Attili was contacted by the Board investigator and stated he would refund the client's money in full. When contacted by the Board investigator, the Complainant indicated he never received a refund.

During a review of the investigative file, the Case Manager determined Mr. Attili had violated the rules of professional conduct related to negligence and a registrant's obligation to their client to strive with the skill, diligence and judgment exercised by the prudent practitioner, to achieve the goals and objectives agreed upon with their client. Also, to promptly inform the client or employer of progress and changes in conditions that may affect the appropriateness or achievability of some or all of the goals and objectives of the client.

On August 25, 2021, the Board issued a Statement of Charges and settlement option in the form of a Stipulated Findings of Fact, Conclusions of Law, and Agree Order. Mr. Attili requested a settlement conference. A settlement conference was held, and on Mr. Attili signed an Agreed Order.

Terms of the Agreed Order include:

- Mr. Attili's professional engineer license will be suspended for 1 year. That suspension will be stayed on the condition Mr. Attili meets the following:
  - Within 9 months, Mr. Attili will pay a $2,500 fine.
  - Within 30 days, Mr. Attili will refund the client's $600, and provide proof to the Board.
  - Within 90 days, Mr. Attili must successfully complete and pass the Law Review Exam.

On October 21, 2021, the Board accepted the Agreed Order.

On-site Septic System Designing

Sally Little

Case # 2020-09-0912-00OSW & 2020-10-1289-00OW

These investigations were opened based on a complaint alleging Ms. Little submitted incomplete or inaccurate drawings to the County that required several resubmittals.

The investigation found that the resubmittals did not address all the reviewer's comments, and that Ms. Little was submitting designs with technologies that she was not familiar with and/or competent to do.

The second investigation was regarding an on-site septic system she designed in 2007. The investigation found Ms. Little did not complete the as-built drawing for this design. The complainant was unable to sell the property due to a Report of System Status (RSS) hold and had to hire another designer to complete the work.

During the investigation, Ms. Little contacted the Board investigator and requested an early resolution to these investigations and offered to voluntary surrender her license. An Agreement for Voluntary Surrender of License was signed by Ms. Little and presented to the Board during their August 12, 2021 Board meeting.

Terms of the Agreement included:

• Ms. Little voluntarily surrenders her license to practice as an on-site wastewater treatment system designer in the State of Washington.

• Ms. Little agrees that she will not apply for licensure again as an on-site wastewater treatment system designer in the State of Washington.

On August 12, 2021, the Board accepted the Agreement for Voluntary Surrender of License.

Complaint Summary by Profession

	Filed	Closed	Active
2021 Complaints	**50**	**29**	**21**
Professional Engineers	16	13	3
Professional Land Surveyors	19	11	8
On-Site Designers	3	2	1
Unlicensed Engineers	10	2	8
Unlicensed Land Surveyors	2	1	1
Unlicensed On-site Designers	0	0	0

Remembering Jim Coan, Land Surveyor Extraordinaire

By: Martin Paquette, PLS

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I have known Jim Coan since about March 1, 1991. We lost Jim on August 8 of 2021, after a short illness, nothing that could have been predicted. The geospatial world lost a big man, and I lost a good friend—and to speak truly for myself, I lost a mentor and advocate. I am sad to lose him but glad for the time we had. Jim Coan was an educator, teacher and friend to surveyors in Washington State and beyond.

Born on March 23, 1948 in Tennessee, he grew up in Washington DC and went to Vietnam in 1967-1968. He came back and took his discharge from the US Army, having had enough for now.

He went to work at a minimart in a strip mall, and a land surveying business nearby had up a help-wanted sign. Jim walked over and asked what surveying was, and, as Jim tells the story, the surveyor handed him a plumb bob. "The pointed end goes down." Jim seemed to grasp that idea, so he was hired and was soon hooked by the land surveying profession. In those years, the work was all done with transit and chain, and the company did not yet own an electronic calculator. Jim has described the surveying he did then as being closer to what George Washington did than to what we do today!

As Jim's ability and interest increased, he needed to advance his knowledge. His boss said, "if you want a promotion, you need to go to school!" So, Jim enrolled in evening classes at Anne Arundel Community College near Annapolis, where he studied Math and Engineering. He advanced in Surveying and became a drafter, and he learned quite a bit about storm drain design in a state where storm drain design was included in licensed surveying practice.

Jim moved on to Lethbridge, Alberta for several years—and then on to Spokane, doing survey work all along the way. Jim never told me a lot about his Spokane years, but I do know that his first marriage ended there and his relationship to his three children did not end but became closer.

Jim and Ronda began their 2nd marriages together, and Ronda brought her two kids, and so…there are five in all, one of whom is now a member of the Board of Registration for Engineers and Land Surveyors in Washington!

When people set out to be Surveyors or Engineering techs, they do not typically have it in mind to become teachers. Mentors, of course, but not teachers in schools or colleges. In 1983, Spokane's economy had become so slow that you "couldn't buy a job," as Jim put it, and he needed one. There was an opening for a Civil Engineering Technology instructor at Renton Vocational Technical Institute over near Seattle. Jim could survey; he could draft; he knew storm drainage; he knew a bit about soil testing and septic systems. And with some leadership skills he'd picked up somewhere along the way, Jim was the obvious choice for RVTI. Jim, Ronda, and the kids packed up and moved west.

It was said that Jim saved the Civil Engineering Technology program at RVTI from cancellation. He improved the teaching quality and added math classes, but, after a couple years, he thought he'd had enough, and Lynn Call stepped in. Jim went to work at Pac Tech with Mel Garland, forming a friendship there to last the rest of his life. But Lynn Call said he felt like a fish out of water at RVTI, and he applied to the City of Bellevue (separate biography on Lynn someday) and Jim came back to teaching.

Mel Garland had joined the program advisory committee, as had Greg Juneau. These members, together with the leadership of the LSAW, recognized the need for a two-year Surveying program in the central Puget Sound area. RVTI, then a part of the Renton School District, had greatly expanded its campus and had growth capacity. If a surveying program could draw the students, Civil Engineering Technology could become that program. So began the program we have now; the non-surveying program content was mostly eliminated. In the spring of1991, the first class in the two-year program was nearing completion of the 1st year and planning to

move into the 2nd year of the program.

I had just arrived from out-of-state, and one of the first persons I met in the Washington Surveying world was Jim Coan. He and Mark Harrison were presenting their positional tolerance program at the 1991 LSAW conference in Everett, and I remember thinking about Jim, "that guy sure can explain stuff in a way people understand!" I made a note to myself that he'd be a good person to get to know. Fast forward three months, and RVTI had a classified ad in the Seattle Times for a Surveying teacher. I assumed I was not qualified even though the ad appealed to me, and I was in a surveying job I liked.

Four weeks later, RTC (Renton Technical College)I had an ad for a surveying instructor, and I thought, "There are sure a lot of Surveying schools around Renton needing teachers. I guess I'd better apply, qualified or not," and when I went in to my post-hire meeting, I met Jim again for the second time and was welcomed into the program. That was the beginning of a fifteen-year partnership with one of the finest persons I could ever hope to share an office with.

Jim had never formally taught class when he started, but he saved the program, and you can't accomplish that by being a bad teacher. Jim didn't teach me how to teach, but he gave

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me a pretty good example to follow, especially those skills needed for college-age and adult students.

The second-year curriculum had never been taught before, and the redesigned first year had to be reshaped to segue into the new second year. When I started, I was afraid that I would fumble because I didn't know AutoCAD or DCA yet. More and more surveying shops were using it every year. Jim said, "you'll learn it soon enough. Right now, we can teach our strengths!" So, Jim took the CAD, and, after a couple years, when I had practiced and learned enough, I could teach CAD too. From then on, we took time at the beginning of the school year to look at the schedule, and Jim said, "What do you want to teach this year?" We traded the classes from both years between each other and took turns on the math sequence.

Jim knew what it took to keep the program successful, and that was to stay visible to the profession. The first thing was to be active in the LSAW and get the students involved. Jim made it to almost every local chapter meeting during his career and to neighboring chapter meetings when he could, bringing students along, and it was his intention to attend the whole annual conference every year, not just part of it. Hard to do when you teach. Normally, if we were gone from school, we had to find a substitute teacher, and they were rare, but Jim had the better idea—to make the conference part of the curriculum and bring all the students along! Renton Technical College was very visible at the conference from then on. For some students, it may well have been the only one they ever attended. For many, it was an eye-opener,

showing them the depth and seriousness of their new profession.

Every year, Jim announced that the students were invited to enter the national student competition, and for the 2002 annual ACSM (now NSPS) conference in Phoenix, Jim spearheaded a team of four who ran with the year's challenge and won 2nd place overall, outdoing everyone on costumes in their re-enactment of Lewis & Clark's expedition (which included a live dog).

And, if keeping RTC's students involved was not enough, Jim was a regular presenter at conferences, meetings, and practically every special seminar or refresher class.

Jim's many accomplishments are summarized in the Autumn edition of the Evergreen State Surveyor, and it is my job to tell a little more about the rest of his story by reflecting on my time working with Jim. As a teacher, he was patient with students and gave them more individual time than his contract required. He never, ever, got angry with me, even if I frustrated him, but if someone was way out of line, Jim could pour it on.

One day in 2005, workers were using pneumatic power tools on the wall outside the room while class was in session, and Jim asked them to stop until class was over. They ignored his request and kept up the noise, to which Jim responded with fury. One of the workers told Jim he was "out of control," and Jim told him, "Damned right, I'm out of control, and you're going to stop that NOW!" The workers stopped. This story was recounted to me later by students. The other story of Jim getting angry took place years before any of us here in Washington state knew him, and Jim told the story on himself. It involved a snake. Perhaps you've heard the story, and if you haven't, one of us can probably tell it for you fairly accurately.

In 2006, Jim left RTC and went into full-time licensed practice…until he retired in about 2014, and then he went on with part-time work. One of the first things he set about during that time was to become a Certified Federal Surveyor. Having CFedS after his name put him in the position of go-to person for classes on the subject of Public Land System Surveying. He always stayed involved with the surveying students and was on the advisory committee until he rejoined the RTC faculty in 2018, designing and teaching two on -line classes along with helping out in organizing it. He also came in with Vic Banks to teach first year while I piloted our initial run of the on-line 2nd year.

Every student in the classroom got to know Jim, from 1984 to 2021! That would be 1000 or so. Many of them are licensed surveyors, and a few have also retired out of the profession.

Julie Csisek graduated from our program in 1994 and became licensed upon urging by Jim, among others. She came back to teach in the program from 2006 to 2015, not filling Jim's shoes, but wearing her own distinctive shoes!

Jim Coan's only academic shortcoming was that he couldn't spell. If you ever worked with him on a first draft of anything written, you quietly went through and fixed the spelling, not just relying on spell check. However, this didn't keep him from writing good articles and classroom presentations and Power Point lectures, however. His most recent accomplishment was a thick textbook of surveying math. Not a general math book with applied problems, but a book for surveyors and those studying for their exams, with survey-specific formulas, notation, and terminology. Jim decided to place it into "free-to copy but give credit" status. And a lot of copies have gone out—there seems to be nothing else like it out there. Anybody who would like to contribute—it could still use more problems.

At the annual conferences, Jim always got 5 stars for everything in the audience ratings, not because he was the biggest wig in the place but because he could make an explanation easier to understand than anyone else could do. He was the go-to person for classes on error analysis, and in recent years, as a CFedS, classes all about the Public Land Survey system.

As to his figures of speech and metaphors, Jim had no rivals. It has been said, you learn all sorts of stuff in the Army. But Jim was a reverent and respectful man and held back the things that were best left unsaid.

Jim was a lover of life and of people. If he was in a social setting with people gathered

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around (Jim liked to be early to things), to him there was always enough frontage at the table for one more.

He loved a glass of red wine and a good meal. I recall a conversation of persons in a group setting who, one by one, explained how they didn't care much for sweet and tasty desserts—too rich and so forth. They eschewed pastries, cakes, pecan pies, and so on. Jim listened as they all said their piece, and when they were done, Jim looked at them and said, "Well, I love all that stuff!" It was his approach to life. Jim loved travel—both for business and for pleasure. He loved his canoe, airliners, commuter trains, and, of course, his motorcycle. He loved walking to the nearest coffee shop for his beloved Seattle-style coffee, which was an almost daily ritual.

Jim was a history buff—especially US history, survey history, and wartime history. He admired historical surveyors Washington and especially Jefferson, and, for a few years he and Ronda had a black Labrador mix dog named Jefferson, and Jim loved that dog. Of course, it is no coincidence that Jefferson was a lovable dog.

Jim Coan is missed! I miss his cheery greeting, "Hey partner, how's it going?" and on parting, "Make sure to greet all those Paquette women in your life," referring to my wife and two daughters. I miss the frequent messages on my cell phone, and I miss Jim's creative energy. I could go on, and many of you reading this probably knew Jim well and have stories and memories you could add!

About the Author

Martin Paquette is a licensed professional land surveyor and the lead instructor of the survey program at Renton Technical College. He is the current chair of the Washington State Survey Advisory Board.

2023 Board Vacancy

Are you interested or have you thought about applying for a position on the Board? The Board will be retiring one member in July 2023, as Nirmala Gnanapragasam, PE, PhD completes her second term of service. This retirement will open an appointment for a professional engineer position.

Eligibility for appointment qualifications:

- Must be actively engaged in the practice for at least ten years subsequent to registration, five of which shall have been immediately prior to appointment,
- Must be a US citizen
- Must be a resident of Washington State for at least five years immediately preceding appointment

The Governor's office accepts applications throughout the year and considers all eligible candidates for upcoming vacancies. The application and instructions are available on the Governor's website at www.governor.wa.gov/boards.

The review of applications by the Governor's office usually starts around May and results in a decision in June or July. This timeline is variable depending upon a variety of factors. The members of the Board and their staff are not directly involved in screening applicants, however, we may be asked to detail what experience characteristics are most needed to keep the Board as diverse as possible.

Service as a board member is a position of high responsibility on behalf of the citizens of Washington. Not only does the Board establish and maintain the standards for new licensure, but they also are called upon to evaluate the competency and level of professionalism when licensees and applicants are found to have violated rules of professional conduct.

On average, a board member will spend about 3 days per month (8-hour days) performing the work of the Board. It may be attending board meetings, making presentations to stakeholder groups, participating in regional and national meetings of the NCEES, or serving as a technical expert over investigations, exam item writing, and administrative rule development.

It is very important for all members to attend and participate in the Board's business activities. While member roles and responsibilities may vary over their terms of service, all members perform the above work so no one member carries more than their share.

If you have interest in applying, but have questions before deciding, please contact Ken Fuller, PE, Director at ken.fuller@brpels.wa.gov.

Message from the Chair

(Continued from page 1)

Who can call themselves an engineer?

This is a more complicated question than it appears on the surface. The laws addressed in chapter 18.43 RCW provide a definition of the practice of engineering and dictate that anyone who performs engineering that directly affects public safety must be a licensed engineer or practice under the direct supervision of a licensed engineer. The state regulates and licenses the practice of specific engineering fields, and the statutes direct BRPELS to adjudicate claims of persons practicing those fields of engineering without a license. Just as it is unlawful to practice or offer to practice engineering without a valid registration in the State of Washington, it is also unlawful to advertise or use a title that conveys the impression that one is a professional engineer unless one is registered under the provisions of the state law.

Does a person calling themselves an "engineer" imply to the public that the individual is licensed by the state as a professional engineer?

A recent case in Oregon ruled that state law violates freedom of speech by regulating the use of the word "engineer." The federal judge declared that certain parts of the state law violate the First Amendment. Oregon has since changed their statutes, and I might add, they are now more similar to Washington's laws.

The Oregon Court held that the First Amendment gives us the freedom to use the word "engineer." RCW 18.43.020 states "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; …." Note that there are two separate types of unlicensed practice portrayed in this statute: the actual practice of engineering services without a license vs. the holding out or portraying to the public that you are a licensed engineer, by use of a title, without a license.

Among the many complaints received by the Board, are complaints against unlicensed individuals that use titles that contain the word "engineer." It has been the Board's practice to have our case managers carefully investigate these complaints to determine:

1. if the intent or result of a title is to imply to the public that the individual is a registered professional engineer.
2. if an unlicensed individual is performing work without the direct supervision of a professional engineer.

It is clear that a person may not call themselves a Professional Engineer, Registered Engineer, or Licensed Engineer without violating the title act. Those titles are clearly regulated by statute along with the titles of the specific branches of engineering that are Washington endorsements such as Civil Engineer and Mechanical Engineer. Use of the title "engineer" in other instances is up in the air until the Court of Appeals makes its ruling.

Are you confused yet?

Here is the problem. There is confusion, and since the public doesn't study the RCWs every time they want to hire a professional, is it a concern to the public when individuals use a title that contains the word engineer? On the other hand, if we regulated everyone that called themselves an engineer, would we be in violation of the First Amendment?

How can we reduce the confusion?

This year BRPELS is working on ways to reduce the confusion and improve the understanding of our licensing laws.

Currently we are working on suggested revisions to chapter 18.43 RCW governing the practice of engineering. We will be working with the supporters of the lawsuit, engineering associations, state agencies and interested stakeholders to develop proposed language. The proposed revisions will be presented to the legislature for changes to the RCW during the next legislative cycle.

BRPELS is also modifying its regulations, which can be found in chapter 196 WAC to further clarify direct supervision, responsible charge, and the sealing of engineering work. While these changes go through rule-making process, BRPELS is performing outreach to state agencies, local jurisdictions, and the business community to communicate the importance of direct supervision and the responsibilities of licensed engineers in their supervision of subordinates.

Does a person calling themselves an "engineer" imply to the public that the individual is licensed by the state as a professional

With all that we do to maintain the high quality of licensure in this state, we ask for your assistance too.

- Be sure that your titles are clearly presenting your expertise.
- Perform thorough direct supervision throughout the engineering process and not just at the point of sealing documents.
- If the intent or result of a title is to imply to the public that the individual is a registered professional engineer.
- If you are interested in the RCW modifications, please contact BRPELS to participate in the changes to the language, we look forward to your involvement.

BRPELS
Board of Registration for
Professional Engineers & Land Surveyors

Board Staff

To help you identify who can best assist you and how you can reach us should a question arise, we have listed individuals from our staff and their general responsibilities. Please contact us whenever you have a question or comment about the service you have received.

Ken Fuller, PE
Director
360-664-1565
Ken.Fuller@brpels.wa.gov

Agency Director and Chief Executive Officer for Board operations. Manages overall staff and program budget. Oversees liaison activities between the Board, other state agencies, and stakeholders. Provides guidance on application of statute, rules and policies on engineering, land surveying and on-site practice.

Rich Larson, PLS
Deputy Director
360-968-4804
Rich.Larson@brpels.wa.gov

Deputy to Director. Provides support to the Director related to staff management, guidance on application of statute, rules and policies on engineering, land surveying and on-site practice. Provides guidance to staff regarding exams and investigations.

Carmena Moretti
Executive Assistant
360-664-1397
Carmena.Moretti@brpels.wa.gov

Executive Assistant to the Board. Coordinates all board meetings, minutes, and schedules.

Shanan Gillespie
Regulatory Manager
360-664-1570
Shanan.Gillespie@brpels.wa.gov

Agency rule-making coordinator, records retention coordinator, public records officer. Supports the work of the Board's Executive and Survey Committees.

Jill Short
Investigations & Compliance Manager
360-664-1561
Jill.Short@brpels.wa.gov

Supports the work of the Practice Committee and manages investigations and enforcement activities of the board. Conducts investigations of engineering, land surveying and on-site designers. Tracks compliance with Board Orders. Provides guidance on application of statute, rules and policies on engineering, land surveying and on-site designer practice.

Licensing:

Processes applications for PE or PLS license, Engineer-in-Training, Land Surveyor-in-Training, On-site Designers/ Inspectors, Limited Liability Companies and Corporations. Oversees local examination administrations, notifications to applicants and license renewals.

Vonna Cramer
Licensing Specialist - Lead
360-664-1573
Vonna.Cramer@brpels.wa.gov

Supports the work of the Exam Qualification Committee of the Board. Processes refunds. Provides guidance to applicants and licensing staff on application of statute, rules and policies on engineering, land surveying and on-site designer/inspector practice as it relates to the licensing process.

Nghiem Pham
Licensing Specialist
360-664-1575
Nghiem.Pham@brpels.wa.gov

Processes PE exam, PE initial license, SE exam, Professional Land Surveyor & On-Site Wastewater Designer/Inspector exam applications. Processes state specific PLS & OS exams. Processes refunds, renewals, license verification requests and answers general licensing questions.

Mackenzie Wherrett
Licensing Specialist
360-664-1575
Mackenzie.Wherret@brpels.wa.gov

Processes PE comity, SE comity applications, EIT/LSIT exam and certifications & Corp/LLC applications. Processes refunds, renewals, license verifications and assists in general questions about the licensure process.

BRPELS
Board of Registration for Professional Engineers & Land Surveyors

Board Mailing Address (documents without payments)
Board of Registration for Professional Engineers and Land Surveyors
PO Box 9025
Olympia WA 98507-9025

Board Mailing Address (applications or renewals with payments)
Board of Registration for Professional Engineers and Land Surveyors
Department of Licensing
PO Box 3777
Seattle, WA 98124-3777

Board Office Location
605 11th Avenue SE Suite #201
Olympia WA 98501

E-mail Address Engineers@brpels.wa.gov

Website https://brpels.wa.gov

BRPELS Office Access

BRPELS' offices are in a secure building and public access and walk-ins are not available. Access is by appointment only. If you schedule an appointment or have a meeting in our building, please follow the instructions posted by the two main entrances and call BRPELS staff. Someone will be happy to come and escort you to your meeting.

2022 Calendar

The following calendar displays the Board's planned meetings and participating events for 2022. Dates and locations are subject to change. For more information including locations, dial-in information, agendas, and meeting minutes visit https://brpels.wa.gov/about-us/board-meetings-and-minutes. or email engineers@brpels.wa.gov.

January 17 State Holiday (Office Closed) 21 Executive Committee 27 Practice Committee	**February** 10 Exam Qualifications Committee 21 State Holiday (Office Closed) 23 Special Board Meeting — WebEx	**March** 2-4 LSAW Conference, Vancouver WA 17 State Holiday (Office Closed) 25 WA State Specific Exam
April 17 State Holiday (Office Closed) 21 Special Board Meeting 22-23 NCEES Exams	**May** 19-21 NCEES Western Zone, State Line, NV 30 State Holiday (Office Closed)	**June** 20 State Holiday (Office Closed) 23 Board Meeting
July 4 State Holiday (Office Closed)	**August** 11 Special Board Meeting 23-26 NCEES Annual Meeting Carlsbad, CA	**September** 5 State Holiday (Office Closed) 23 WA State Specific Exam
October 20 Special Board Meeting 20-21 NCEES Exams	**November** 11 State Holiday (Office Closed) 24 State Holiday (Office Closed) 25 State Holiday (Office Closed)	**December** 8 Special Board Meeting 26 State Holiday (Office Closed)