

**Board of Registration
for Professional
Engineers & Land
Surveyors**

Board Meeting

December 8, 2016

10:30 AM

Radisson SeaTac Airport

SeaTac, WA

Board Meeting

Tab 1

Call to Order



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

**COMMITTEE MEETING SCHEDULES
 &
 SPECIAL BOARD MEETING AGENDA**

DATE: Committee Meetings – Thursday, December 8, 2016
 Special Board Meeting – Thursday, December 8, 2016

TIME: 8:00 a.m.

LOCATION: Radisson Hotel Seattle Tacoma Airport
 18118 International Blvd
 Seattle WA 98188

ATTENTION: Board and Committee 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.

Guests may choose to join the board during meals, but meals will not be provided for guests.

BOARD MEMBERS

Nirmala Gnanapragasam, PhD, PE, Chair	(Shoreline)
Stephen Shrope, PE, SE, Vice-Chair	(Spokane)
Neil A. Norman, PE	(Richland)
James Wengler, PLS, CFedS	(Port Angeles)
Aaron Blaisdell, PLS	(Tacoma)
Ivan VanDeWege, PE	(Battle Ground)
Marjorie Lund, PE, SE	(Seattle)

STAFF MEMBERS

Shanan Gillespie, Acting Executive Director
 Jenni Lingle, Administrative Assistant
 Jill Short, Investigations Manager
 Elizabeth Lagerberg, AAG Advisor

COMMITTEE MEETING SCHEDULE
Thursday, December 8, 2016

Committee Reports are given under the Special Board Meeting agenda item #2Committee Reports.

Exam/Qualifications Committee (EQ) 8:00 a.m.

Review of exam related subjects, application eligibility, and policy review.
Committee: Mr. Shrope, PE, SE, Chair; Mr. Wengler, PLS, CFedS, Ms. Lund PE, SE.
Board staff.
Report under #2.1.

Practice Committee (PC) 8:00 a.m.

Review of complaints, disciplinary actions, and questions on scope of practice.
Committee: Mr. VanDeWege, PE, Chair; Mr. Norman, PE; Mr. Blaisdell PLS
Board staff.
Report under #2.2.

Surveying Committee Upon completion of PC and EQ Committees

Review and development of policy or rules on land surveying. Discuss outreach document.
Committee: Mr. Norman, PE, Chair; Mr. Wengler, PLS, CFedS; Mr. Blaisdell PLS
Board staff.
Report under #2.3.

Executive Committee Upon completion of PC and EQ Committees

Review of budget, travel, and staffing issues.
Committee: Ms. Gnanapragasam, PhD, PE, Board Chair; Mr. Shrope, PE, SE, Board Vice-Chair
Board staff.
Report under #2.4.

The committee business will adjourn by 10:15 a.m. The full Board will reconvene for their Special Board Meeting at 10:30 a.m.

SPECIAL BOARD MEETING AGENDA
Thursday, December 8, 2016

OPEN SESSION 10:30 a.m.

1. Call to Order

- 1.1. Introductions
- 1.2. Order of agenda
- 1.3. Approval of draft minutes: October 13, 2016
- 1.4. Approval of draft minutes: November 9, 2016
- 1.5. Review communications
- 1.6. Public comment opportunity

2. Committee Reports

- 2.1. Exam/Qualifications Committee
- 2.2. Practice Committee
- 2.3. Surveying Committee
- 2.4. Executive Committee

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 short break to announce and invite visitors to *Open Session*.

OPEN SESSION RECONVENES

3. Disciplinary Activity

- 3.1. New board orders
 - 3.1.1. 14-09-0006 & 15-01-0007
 - 3.1.2. 15-05-0005
- 3.2. Recommended closures
- 3.3. Disciplinary report

4. New Business

- 4.1. Discussion of Hiring Process for Executive Director
- 4.2. Interagency Agreement

5. Old Business

- 5.1. Review prior action items list
- 5.2. Outreach and event calendar

6. Executive Director's Report

- 6.1. Program operations
- 6.2. Travel
- 6.3. Other items

7. Assistant Attorney General's report

8. Other Business

- 8.1. Action items from this meeting
- 8.2. Agenda items for next meeting
- 8.3. Any other business

9. Adjourn Meeting



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

SPECIAL BOARD MEETING MINUTES

DATE: October 13, 2016

TIME: 9:00 am

LOCATION: The Historic Davenport
 Porter Room
 10 S Post St
 Spokane, WA 99201

BOARD MEMBERS

Nirmala Gnanapragasam, PhD, PE, Chair	(Shoreline)
Stephen Shrope, PE, SE, Vice-Chair	(Spokane)
Ivan VanDeWege, PE	(Battle Ground)
Neil A. Norman, PE	(Richland)
James Wengler, PLS, CFedS	(Port Angeles)
Aaron Blaisdell, PLS	(Tacoma)
Marjorie Lund, PE,SE	(Seattle)

STAFF MEMBERS

Michael Villnave, PE, Executive Director
 Shanan Gillespie, Regulatory Boards Program Manager
 Jennifer Lingle, Administrative Assistant
 Jill Short, Investigations & Compliance Manager
 Elizabeth Lagerberg, AAG Advisor

GUESTS

Thomas Barger, PLS, Land Surveyors Association of Washington

OPEN SESSION**1. Call to Order 9:04 a.m.****1.1. Introductions**

Board members, staff, and guests introduced themselves.

1.2 Approval of order of agenda

MOTION: Mr. Blaisdell made a motion to approve the agenda. Mr. Wengler seconded the motion, and it passed.

1.3 Approval of Draft Minutes: August 11, 2016

MOTION: Mr. Wengler made a motion to approve the August 11, 2016 minutes, as presented. Mr. Blaisdell seconded the motion, and it passed.

1.4 Review Communications**1.4.1 Letter to King County**

Mr. Villnave updated the board regarding the letter on the specific requirements of a surveyor's certificate that was sent to King County.

1.5 Public Comment Opportunity

There was no public comment.

2. Committee Reports**2.1 Exam/Qualifications Committee**

Mr. Shrope delivered the committee's report.

Structural Engineer by Comity:

<u>1</u>	Reviewed
<u>1</u>	Approved

Mr. Shrope reported that the committee reviewed three policies, and directed staff to work with the AAG to develop these policies into draft rule language.

MOTION: Mr. VanDeWege made a motion to accept the Exam/Qualifications Committee report and imbedded action items. Mr. Wengler seconded the motion, Mr. Shrope abstained and it passed.

2.2 Practice Committee

Mr. VanDeWege delivered the committee's report.

Total cases reviewed by the committee:

9 cases

Total cases opened by the committee:

4 cases

Tabled for review until next meeting:

 0 case

Total cases not opened by the committee:

 5 cases

Mr. VanDeWege reported there are currently seven individuals in compliance monitoring. Of those seven, one has filed a petition for judicial review by the Whatcom County Superior Court. The board has had no contact from the two individuals in compliance monitoring. Two have completed all conditions of their agreed order and have been removed from compliance monitoring.

MOTION: Mr. Norman made a motion to accept the Practice Committee report. Mr. Shrope seconded the motion, and it passed.

2.2.1 Complaints summary

Packet item only; no action

2.2.2 Compliance report

Packet item only; no action.

2.3 Surveying Committee

Mr. Norman reported on the letter response from King County regarding if plats are required to have certified language. The board does not have jurisdiction the county would need to enforce it.

Mr. Norman discussed the Department of National Resources (DNR) Survey Advisory Board and the draft vertical standards WAC.

Action Item: Mr. Wengler will draft a letter to DNR Survey Advisory board regarding the draft vertical standards WAC and provide the letter for Mr. Villnave to review.

2.4 Executive Committee

Ms. Gnanapragasam reported the committee met briefly and discussed having the Interagency Agreement signed at the December meeting by Ms. Drew, Assistant Director, Business and Professions Division, Department of Licensing and Ms. Kohler, Director, Department of Licensing.

The committee briefly discussed the budget.

MOTION: Mr. Shrope made a motion to approve and sign the interagency agreement as written. Mr. Wengler seconded the motion, and it passed.

EXECUTIVE SESSION: Ms. Gnanapragasam, Board Chair, announced the purpose and estimated duration for *Executive Session*. No formal actions were taken during *Executive Session*. At the conclusion of *Executive Session*, the Board took a short break and invited visitors back for *Open Session*.

OPEN SESSION RECONVENES

3. Disciplinary Activity

3.1. New board orders

No new board orders.

3.2. Recommended closures

3.2.1. 2015-06-0002

Mr. Shrope and Mr. Wengler recommended the case be closed.

MOTION: Mr. Norman made a motion the board accept the case manager's recommendation for closure. Mr. Blaisdell seconded the motion and it passed with Mr. Shrope and Mr. Wengler abstaining.

3.2.2. 2015-12-0002

Mr. VanDeWege recommended the case be closed.

MOTION: Mr. Blaisdell made a motion the board accept the case manager's recommendation for closure. Mr. Shrope seconded the motion and it passed with Mr. VanDeWege abstaining.

3.2.3. 2016-03-0003

Mr. Shrope recommended the case be closed.

MOTION: Mr. Norman made a motion the board accept the case manager's recommendation for closure. Mr. Blaisdell seconded the motion and it passed with Mr. Shrope abstaining.

3.2.4. 2016-06-0001

Ms. Gnanapragasam recommended the case be closed.

MOTION: Mr. Shrope made a motion the board accept the case manager's recommendation for closure. Mr. Wengler seconded the motion and it passed with Ms. Gnanapragasam abstaining.

3.3. Disciplinary report

Packet item only; no action.

4. New Business

4.1 2017 Meeting Schedule

Mr. Villnave suggested dates for 2017 board meetings. The tentative dates and locations are:

- February 9, 2017 at Seattle University.
- April 13, 2017 in Ellensburg.
- June 14-15, 2017 in SeaTac.
- August 10, 2017 in Vancouver.
- October 19, 2017 in Spokane.
- December 7, 2017 in Bellingham.

5. Old Business

5.1 Review prior action items list.

Ms. Lingle reviewed the master action item list with the Board.

5.2 Outreach and event calendar

The Board reviewed and discussed past and upcoming outreach opportunities.

6 Executive Director's Report

6.1 Program operations

Mr. Villnave and Ms. Gillespie updated the board on the CR105 rule filing (expedited rule-making) for WAC 196-29-110, and WAC 196-27A-010. At the end of the month the CR103 will be filed.

Mr. Villnave updated the board on the recent hiring of Customer Service Representative David Henry.

6.2 Travel

Ms. Gnanapragasam and Mr. Villnave will be attending the National Council of Examiners for Engineering and Surveying (NCEES) Presidential Assembly and Member Board Assembly on February 3-4, 2017 in Atlanta, Georgia.

In April 2017, The Association of Professional Engineers and Geoscientists (APEGA) will meet in Calgary, Alberta, Canada.

On May 18-20, 2017, the NCEES Western Zone will have a meeting in Denver, Colorado. The NCEES annual meeting will be held in Miami, Florida on August 23-26, 2017. A decision will be made on who will attend these meetings at the December board meeting.

Action Item: Mr. Villnave will research the exact dates for the APEGA meeting in April 2017.

6.3 Other items

Mr. Villnave reviewed the Regulatory Boards Section staffing organizational chart and staff duties with the board.

The NCEES has updated its licensee record maintenance system and as a result have had issues merging records from prior to 2008. NCEES is asking licensees to contact them if licensees need records or references collected prior to 2008 for licensure by comity in other states. NCEES may need to recreate or manually input these records.

For Computer Based Testing (CBT), NCEES is looking at implementing alternative questions beyond the normal multiple choice questions for the Professional Land Surveying exam and eventually the Fundamentals of Engineering and Surveying exams.

NCEES will lower the costs of Fundamentals of Engineering (FE) and the Fundamentals of Surveying (FS) CBT exams in 2018 by \$50 from \$225 to \$175.

The Principle and Practice of Engineers (PE) CBT exams will be \$375 when computer based testing begins in 2018.

Action Item: Add an FYI announcement for licensees, regarding obtaining records prior to 2008 from NCEES to the Journal.

Action Item: Mr. Gnanapragasam will send the board a link to a YouTube video with the alternative examples of testing.

7 Assistant Attorney General's report

Ms. Lagerberg reported on her research regarding whether the Federal Aviation Administration (FAA) can take action against a professional license for abusing drone use. Ms. Lagerberg explained the answer is no. It is the state's jurisdiction to take action regarding the professional license.

Ms. Lagerberg stated that an assistant attorney's general advice is not an official opinion or decision. There is an in-depth process for official decisions and a board should not give a legal opinion.

8 Other Business

8.1 Action items from this meeting

Action items were reviewed and will be added to the master action items list.

8.2 Agenda items for next meeting

Mr. Villnave will bring the NCEES history booklet to share with the board.

The board will discuss who will attend APEGA and Western Zone meetings in 2017.

8.3 Any other business

Mr. Villnave presented the draft journal to the board. Mr. Blaisdell will assist Mr. Villnave with the editing of draft journals in the future.

9 Adjourn Meeting: 12:22 p.m.

Next meeting: December 8, 2016, 8:00 a.m. – Committee Meetings and Regular Board Meeting
Location: Radisson Hotel in SeaTac, WA

Respectfully Submitted:

Michael R. Villnave, Executive Director



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

SPECIAL BOARD MEETING MINUTES

DATE: November 9, 2016

TIME: 2:30 p.m.

LOCATION: The Department of Licensing
 Room 210-W
 1125 Washington St SE
 Olympia, WA 98504

BOARD MEMBERS

Nirmala Gnanapragasam, PhD, PE, Chair	(Shoreline)
Stephen Shrope, PE, SE, Vice-Chair	(Spokane)
Ivan VanDeWege, PE	(Battle Ground)
Neil A. Norman, PE	(Richland)
James Wengler, PLS, CFedS	(Port Angeles)
Aaron Blaisdell, PLS	(Tacoma)
Marjorie Lund, PE,SE	(Seattle)

STAFF MEMBERS

Michael Villnave, PE, Executive Director
 Shanana Gillespie, Regulatory Boards Program Manager
 Jennifer Lingle, Administrative Assistant
 Jill Short, Investigations & Compliance Manager
 Rick Storvick, Assistant Administrator
 Elizabeth Lagerberg, AAG Advisor

OPEN SESSION

1. Call to Order 2:42 p.m.

1.1. Introductions

Board members, who participated via teleconference call, and staff introduced themselves.

1.2 Approval of order of agenda

MOTION: Mr. Norman made a motion to approve the agenda. Mr. Blaisdell seconded the motion, and it passed.

EXECUTIVE SESSION: Ms. Gnanapragasam, Board Chair, announced the purpose and estimated duration for *Executive Session*. No formal actions were taken during *Executive Session*. At the conclusion of *Executive Session*, the Board took a short break and invited visitors back for *Open Session*.

OPEN SESSION RECONVENES

2. New Business

2.1 Delegation of Acting Executive Director

Mr. Villnave, Executive Director has taken another position, and the board delegated Ms. Gillespie as Acting Executive Director until the position is permanently filled.

MOTION: Mr. Norman made a motion to accept the delegation for Acting Executive Director. Mr. Blaisdell seconded the motion, and it passed.

3 Adjourn Meeting: 3:47 p.m.

Next meeting: December 8, 2016, 8:00 a.m. – Committee Meetings and Regular Board Meeting
Location: Radisson Hotel in SeaTac, WA

Respectfully Submitted:

Shanan Gillespie, Acting Executive Director

Board Meeting

Tab 2

Committee Reports

<p>Hodde, Benjamin PLS 14-06-0003</p> <p>Stipulated Findings of Fact, Conclusions of Law and Default Order</p> <p>Signed: 08/13/2015 Effective: 08/13/2015</p>	<ul style="list-style-type: none"> • He shall not be eligible to renew his license to practice professional land surveying through December 28, 2016, representing a two year suspension from when his license expired. • Within 30 days he shall refund to his client money paid in connection with the July 2013 land surveying services. • After proof of reimbursement and with the clients advance permission he shall remove any evidence in the form of monuments he set in the course of said survey. He shall provide proof he has done so. • Within one year of this Order he shall pay a fine of \$5000.00. • Before he is eligible to reinstate his license, which shall be no sooner than December 28, 2016, he is required to comply with the sanctions above and also take and pass the Washington State 2-hour Professional Land Surveyor's Exam. 	<p>8/28/16</p> <p>9/13/15</p> <p>8/13/16</p>	<ul style="list-style-type: none"> • 08/13/15 - Copy of Default Order sent, via first class mail, to Mr. Hodde, Prosecuting AAG and the Executive Director of the Board. <p>The Statement of Charges was mailed May 11, 2015, returned 5/20/15 as unable to forward</p> <p>The Default Order was mailed August 19, 2015, returned 8/28/15 as unable to forward.</p> <p>Called the complainant on December 7, 2015, Mr. Hodde has not contacted them.</p> <p>August 3, 2016, nothing has been received as of this date.</p> <p>If nothing is received by 12/28/16 then remind Jill to process a Default Order to revoke his licensed, per PC meeting 8/10/16.</p>
<p>Hoffman, Kenneth 15-04-0008</p> <p>Stipulated Findings of Fact, Conclusions of Law and Agreed Order</p> <p>Signed: 06/16/2014 Effective: 06/19/2014</p>	<ul style="list-style-type: none"> • He shall cease and desist from offering to provide and/or providing land surveying in the state of Washington until such time as he shall be licensed to do so. • He shall not represent himself to current and potential clients or to the public as being able to provide and/or perform land surveying services until he obtains a license in the state of Washington. • He is assessed a fine of \$750.00 and agrees to make payments of \$250 per month for three months or he can pay the full fine immediately. 	<p>1st payment 2nd payment 3rd payment</p>	<ul style="list-style-type: none"> • 06/21/16 - Copy of Order sent, via first class mail, to Mr. Hoffman • 07/20/16 – Received Mr. Hoffman's 1st installment of \$250.00. • 08/24/16 – Received Mr. Hoffman's 2nd installment of \$250.00

<p>Mahoney, Michael PLS 14-10-0004</p> <p>Findings of Fact, Conclusions of Law, and Final Order of Default Signed: 02/09/16 Effective: 02/09/16</p>	<ul style="list-style-type: none"> • Findings of Fact, Conclusions of Law and Default Order. • Upon the effective date of this Order, your professional land surveyor's license is suspended for a period of two (2) years. The suspension is in effect for the first nine (9) months from the effective date of this order. The additional fifteen (15) months of said suspension is stayed (not imposed) contingent upon you complying with the conditions outlined in 4.2 and 4.3 of the order. • You must complete the required thirty (30) hours of Professional Development Hours (PDH) for the period of July 2012 to July 2014 and provide proof of such completion as required by the Board. • Within 60 days of the effective date of the Order he shall pay a fine of \$500.00. 	<p>04/09/16</p>	<ul style="list-style-type: none"> • 02/09/16 - Copy of Default Order sent, via first class mail, to Mr. Mahoney, AAG and the Board's Executive Director. • 8/30/16 – Letter sent to Mr. Mahoney that he has not complied with any terms of the Default Order. <p>September 21, 2016, nothing has been received as of this date.</p>
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<p>McIntire, Leigh OS 11-07-0002, 11-08-0001 12-01-0001, 12-09-0001</p> <p>Stipulated Findings of Fact, Conclusions of Law and Agreed Order</p> <p>Signed: 06/19/2014 Effective: 06/19/2014</p>	<ul style="list-style-type: none"> • Licensed suspended for a minimum of 2 years, suspension stayed as long as he complies with the terms of the Order. • Pay a fine of \$10,000.00 to be paid in 4 installments of \$2,500.00 each • Within 90 days, which is September 17, 2014, reimburse two clients; \$900.00 to Davis Allan Hull and \$450.00 to Margaret Gahan. Must provide a copy of cancelled checks to the Board • .No later than 6/1/16, must complete and pass the Texas Tech University ethics course <p>McIntire, Leigh OS Compliance Page 1 of 2</p>	<p>01/01/15 07/01/15 01/01/16 06/01/16</p> <p>01/17/14 Hull Gahan</p> <p>09/01/16</p>	<ul style="list-style-type: none"> • 06/23/14 - Copy of order sent, via first class mail, to Mr. McIntire & AAG. • 06/26/14 - Board staff sent a letter, via first class mail, to the complainant (a copy of the Order was attached). • 10/01/14 - A letter was sent to Mr. McIntire reminding him of the terms of the Board Order. In the letter it was highlighted 'to provided to the Board a copy of a cancelled check' • 12/01/14 - Received an email from Mr. McIntire. Attached were copies of the checks he sent to his clients and a copy of the certified mail receipt. Board staff talked to Mr. McIntire and he will send copies of the canceled check when available. • 12/29/14 - Received an email from Mr. McIntire. Attached was a copy of the check for his first installment of \$2,500.00. He said his first payment has been sent. • 1/6/15 - Received Mr. McIntire's fine of \$2,500. • 6/10/15 - A letter was sent to Mr. McIntire reminding him of the remaining terms of the Board Order. The letter noted his due date of July 1, 2015 for his next installment of \$2500. • 6/30/15 - Email received from Mr. McIntire that fine was put in mail. • 7/8/15 - Received Mr. McIntire's fine of \$2,500. • 9/17/15 - FYI for PC meeting - A reminder will be mailed to Mr. McIntire the first part of December reminding him of his next installment. • 12/07/15 - A letter was sent to Mr. McIntire reminding him of the remaining terms of the Board Order. The letter noted his due date of January 1, 2016 for his next installment of \$2500. The letter also reminded him of the Texas Tech University course due date
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<p>McIntire, Leigh OS 11-07-0002, 11-08-0001 12-01-0001, 12-09-0001</p> <p>Stipulated Findings of Fact, Conclusions of Law and Agreed Order</p> <p>Signed: 06/19/2014 Effective: 06/19/2014</p>	<p>McIntire, Leigh OS Compliance Page 2 of 2</p>		<ul style="list-style-type: none"> 01/05/16 - Received email from Revenue Accounting that they had received Mr. McIntire's payment and was processing it. 01/11/16 - Received Mr. McIntire's third installment of \$2,500. 3/23/16 - Called Texas Tech University to verify if Mr. McIntire was enrolled, he was not enrolled and has not completed the course. 3/23/16 - Called Mr. McIntire; left him a message reminding him the course needs to be completed by June 1, 2016 and the course could take up to 6 weeks to complete. 06/29/16 – Board staff talked to Mr. McIntire concerning his remaining terms. He was told that if he needed more time to complete the Texas Tech course he can ask for it (per the PC). 06/29/16 – Received an email from Mr. McIntire asking for an extension and the final payment was mailed. Board staff sent Mr. McIntire an email granting him a 3 month extension to 9/1/16. 07/12/16 – Received Mr. McIntire's final payment of \$2,500. His fine is paid in full. 9/21/16 – Email sent to Mr. McIntire reminding him to submit his letter from Texas Tech that he has completed and passed the Course.
<p>Nielsen, Donald Ray PE 15-01-0001</p> <p>Stipulated Findings of Fact, Conclusions of Law and Agreed Order</p> <p>Signed: 04/19/16 Effective: 04/19/16</p>	<ul style="list-style-type: none"> Within thirty (30) days of the effective date of the Order he shall pay a fine in the amount of twenty-five hundred (U.S.) dollars (2,500), in five monthly installments of five hundred (\$500) each. Within thirty (30) days of effective date of the Order he shall notify his clients that his license was expired at the time he signed and stamped the engineering plans and provide a copy of the correspondence to the Board. Within ninety (90) days of the effective date of the Order he shall, at his own expense, resubmit all projects that were signed and stamped with an expired license. 	<p>5/21/16 6/21/16 7/21/16 8/21/16 9/21/16</p> <p>5/21/16</p> <p>7/20/16</p>	<ul style="list-style-type: none"> 04/21/16 - Copy of Order sent, via first class mail, to Mr. Nielson 05/18/16 - Letter received from Mr. Nielsen that he has contacted his clients and he submitted a copy of the letter that was sent to them. 05/24/16 - Received Mr. Nielsen's first installment of \$500.00 06/23/16 - Received notification from Mr. Nielsen that he notified his clients of his expired license status and has issued updated sets of 3 projects that were not completed. The only portion of his order left to complete is 4 more payments of \$500 to complete the \$2500 total due. 06/28/16 - Received Mr. Nielsen's first installment of \$500.00 08/01/16 - Received Mr. Nielsen's final installment of \$1,500.00 <p>All terms of his Board Order have been met.</p>

<p>Prince, Adam 14-04-0003</p> <p>Findings of Fact, Conclusions of Law, and Final Order of Default Signed: 4/13/15 Effective: 4/16/15</p>	<ul style="list-style-type: none"> Findings of Fact, Conclusions of Law and Final Agreed Order of Default. Mr. Prince's ability to reinstate his license to practice on-site wastewater designing is removed. Mr. Prince is permanently ineligible to obtain a new license as an on-site wastewater designer. Within 90 days of the effective date of the Order he shall pay a fine of \$2,000.00. 	<p>7/16/15</p>	<ul style="list-style-type: none"> 04/16/15 - Copy of Order sent, via first class mail, to Mr. Prince, Prince's Attorney, AAG and the Board's Executive Director. Mr. Prince has appealed the Board's decision to the Whatcom County Superior Court.
<p>Russum, Richard, PLS 14-01-0005 14-03-0013</p> <p>Stipulated Findings of Fact, Conclusions of Law and Agreed Order Signed: 06/16/2016 Effective: 06/16/2016</p>	<ul style="list-style-type: none"> Ninety (90) days from the effective date of this Order his license is suspended for two (2) years. Said suspension is stayed contingent upon him complying with the conditions of the Order. Within ninety (90) days of the effective date of the Order he shall complete and file, with Lincoln County, the amended survey that he provided to the Board in 2014. Said survey must comply with all land surveying procedures and standards. Upon filing of the survey he must provide a copy to the Board for review. Within 90 days of the effective date of the Order he shall pay a fine of \$2,500.00. Within ninety (90) days he must present all documents showing he has completed all necessary PDH hours to support the renewal of his license between 6/22/12 and 7/22/14. Within ninety (90) days he must enroll in the "Ethics in Land Surveying" course administered by New Mexico State University or similar class approved by the Board.. Within one year of the effective date of this Order he must complete the New Mexico State University course or similar class approved by the Board. 	<p>9/14/16</p> <p>9/14/16</p> <p>9/14/16</p> <p>9/14/16</p> <p>9/14/16</p> <p>6/16/17</p>	<ul style="list-style-type: none"> 06/21/16 - Copy of Order sent, via first class mail, to Mr. Russum 08/22/16 - Received copies, via email, of his PDH hours and enrollment in NMSU. He stated the hard copies were in the mail along with his \$2,500 fine. 08/22/16 – Received copies, via email, of his PDH hours and enrollment in NMSU. Board staff entered onto Venture. He had 46 hours, 30 hours for his renewal period and 15 hours additional as a term of the Board Order. He stated the hard copies were in the mail along with his \$2,500 fine. Received a copy of an email confirming that he is enrolled in the NMSU course. 08/29/16 – Received an email from Mr. Russum, a copy of the recorded survey was attached. Per Board Order the survey will be sent to a licensed PLS for review.

Board Meeting

Tab 3

Disciplinary Activity

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

In the Matter of the License to Practice as a
Professional Land Surveyor of:

Daniel Bruce Johnson, PLS

Respondent.

License #28408

NO. 14-09-0006 & 15-01-0007

STIPULATED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
AGREED ORDER

The Washington State Board of Registration for Professional Engineers and Land Surveyors ("Board"), by and through Eric D. Peterson, Prosecuting Assistant Attorney General, and Daniel Bruce Johnson ("Respondent"), stipulate and agree to the following:

**Section 1
BACKGROUND**

- 1.1 Daniel Bruce Johnson, Respondent, holds/held a license (#28408) to practice as a professional land surveyor in the State of Washington.
- 1.2 The Respondent's license to practice will expire January 23, 2017.
- 1.3 On March 8, 2016, the Board issued a Statement of Charges against the Respondent alleging that the Respondent violated the following: RCW 18.43.070; RCW 18.43.105(5) & (10); RCW 18.235.130(4) & (8); RCW 58.04.007(1); RCW 58.09.040(1)(c); RCW 58.09.060(1)(a), (b), (c) & (e); RCW 58.09.080; RCW 58.09.090(1)(d)(ii); WAC 196-23-070(1)(c) & (d); WAC 196-27A-020(1)(b) & (e); WAC 196-27A-020(2)(d); WAC 196-27A-030(4) & (5); WAC 196-29-110(2) & (3); WAC 332-130-030(2) & (3); WAC 332-130-050(1)(b)(iii); WAC 332-130-050 (1)(f)(ii), (iii), (iv), (v) & (vi); WAC 332-130-110.

**Section 2
PROCEDURAL STIPULATIONS**

- 2.1 The Respondent understands that the Board is prepared to proceed to a hearing on the allegations in the Statement of Charges.

2.2 The Respondent understands that he has the right to defend himself against the allegations in the Statement of Charges by presenting evidence at a hearing.

2.3 The Respondent understands that, should the Board prove at a hearing the allegations in the Statement of Charges, the Board has the power and authority to impose sanctions, including fines, pursuant to RCW 18.235.110 and/or RCW 18.43.110.

2.4 The Respondent and the Board agree to expedite the resolution of this matter by means of this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order ("AGREED ORDER").

2.5 The Respondent waives the opportunity to present evidence at a hearing on the Statement of Charges contingent upon signature and acceptance of this Agreed Order by the Board.

2.6 This AGREED ORDER is not binding on any party unless and until it is signed and accepted by the Board. Should this Agreed Order be rejected, the Respondent waives any objection to the participation at a hearing of all or some of the Board members who considered the Agreed Order. The exception is Board Member James Wengler, PLS, Case Manager for this matter, who is recused from participating as a presiding or reviewing officer in an adjudicative hearing on this matter.

2.7 Once this AGREED ORDER is signed by the Board, the Respondent waives any and all right to judicial review and/or reconsideration by the Board.

Section 3 STIPULATED FACTS

The Respondent acknowledges that evidence is sufficient to justify the following finding of facts:

#14-09-0006

3.1 In his capacity as a professional land surveyor, Respondent performed a survey for Steven E. Shull of Lots 2 and 3 in the plat of Shorewood Beach, in the NW 1/4 of the NW 1/4, Section 35, Township 21 North, Range 1 East of the W.M., including portions of tidelands abutting said lots together with an easement as shown on said survey. The survey was recorded with the Pierce County Auditor's Office on June 2, 2000 under Pierce County recording number 2000625004.

3.2 Respondent failed to meet the standard of care expected of a practicing professional land surveyor, in that he:

3.2.1 Failed to show data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown, specifically the location of meander corners that control the location of the meander line or original plat monuments or the perpetuations thereof which control the location of the boundaries of the subject properties or the method of determining the lateral sideline boundaries of the tidelands or the line between upland and tidelands or the line of extreme low water.

3.2.2 Failed to give the complete physical description of the monuments shown, as found or set including type, size, and date visited.

3.2.3 Failed to disclose the departure from proportionate measurement solutions when establishing corners, lines and monuments shown on his survey.

3.2.4 Cited the legal description for the tidelands portion of the survey that is inconsistent with the legal description of record for lot 2 recorded under Auditor's file number 9409080690 or lot 3 as recorded under Auditor's file number 9107290131, records of Pierce County, Washington with no explanation given.

3.2.4.1 Provided a legal description of the tidelands for the adjoining lot 4 to the east of the subject property as recorded under Auditor's file number 200106070359 that is inconsistent with the description of the tideland description of lot 3 cited above, with no explanation given.

3.2.5 Failed to disclose the purpose of the easements described, shown and monumented on the survey or if it is an existing easement of record or being created for a future conveyance.

3.2.6 Failed to identify and or show sufficient section controlling parcel data or other such controlling parcel data, necessary to support the position of any section subdivisional corner or controlling parcel corner used to reference the parcel surveyed, specifically the location of the meander corners of section 35 or the location of any original plat monumentation or the perpetuations thereof.

3.2.7 Failed to provide documentation for all GLO or BLM corner(s) or point(s) used

to control the location of the parcel surveyed, specifically the meander corners of section 35.

3.2.8 Failed to disclose evidence that reasonable analysis might result in alternate positions of lines or points as a result of an ambiguity in the description.

3.2.9 Failed to identify any ambiguities, hiatuses and/or overlapping boundaries, specifically alternate locations of the lateral tideland boundaries, the location of the adjusted government meander line, the line of mean high water or the line of extreme low water as it relates to the boundaries shown on said survey.

3.2.10 Used an incorrect Auditor's certificate on the record of survey.

3.2.11 Placed a note on the survey stating: "BASIS OF BEARING: PLAT OF SHOREWOOD BEACH" which appears to have a reference to the plat which may contain monuments he used as a basis of bearing. However, Respondent failed to clearly give the description of the directional reference system, along with the method and location of obtaining it by referencing or describing the actual monument used to obtain said bearings.

3.2.12 Failed to place his signature directly over his seal/stamp.

3.2.13 Placed an untruthful statement regarding compliance with Chapter 58.09 RCW on his survey.

3.2.14 Failed to demonstrate that this final documents and work products conform to accepted standards.

3.2.15 Failed to demonstrate he was knowledgeable of the codes and regulations applicable to the services he performed by failing to conform to the minimum standards as cited in WAC 332-130 or disclose on his survey the multiple solutions and alternate boundaries associated with tideland boundaries specific to his project.

3.2.16 Failed to provide relevant information on plans and surveys in a clear manner consistent with prudent practice, specifically alternate locations of the lateral tideland boundaries, the location of the adjusted government meander line, the line of mean high water or the line of extreme low water as it relates to the boundaries shown on said survey.

3.2.17 Failed to comply with the provisions of the Chapter 58.09 RCW, Survey

Recording Act, and the survey standards, WAC 332-130.

3.3 In his capacity as a professional land surveyor, Respondent performed a survey for Steven E. Shull of Lot 4 in the plat of Shorewood Beach, in a portion of the NW 1/4 of the NW 1/4, Section 35, Township 21 North, Range 1 East of the W.M., including portions of tidelands abutting said lot. The survey was recorded with the Pierce County Auditor's Office on February 24, 2011 under Pierce County recording number 201102245001.

3.4 Respondent failed to meet the standard of care expected of a practicing professional land surveyor, in that he:

3.4.1 Failed to show data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown, specifically the location or lack of original plat monuments set along the baseline that would control the location of the sidelines of the upland portion of the boundaries, meander corners that control the location of the meander line or the method of determining the lateral sideline boundaries of the tidelands or the line between upland and tidelands or the line of extreme low water.

3.4.2 Failed to give the complete physical description of the monuments shown, as found or set including type, size, and date visited.

3.4.3 Failed to disclose the departure from proportionate measurement solutions when establishing corners, lines and monuments shown on his survey. The survey shows a distance of 726.52 feet between two monuments found in the centerline of Sherwood Court FL. The southerly of these two monuments is described on said survey as a "FOUND STONE MONUMENT" and the northerly is shown as a "FOUND BRASS MONUMENT." The original plat indicates the name of this road as "Sylvan Lane" and shows a distance between said monuments as 727.02 feet. Both monuments are described on said plat as "STONE MONUMENTS WITH (X) THERON."

3.4.4 Failed to show sufficient section controlling parcel data or other such controlling parcel data, necessary to support the position of any section subdivisional corner or controlling parcel corner used to reference the parcel surveyed, specifically the location of the meander corners of section 35.

3.4.5 Failed to provide documentation for all GLO or BLM corner(s) or point(s) used to control the location of the parcel surveyed, specifically the meander corners of section 35.

3.4.6 Failed to perform enough research in order to identify and did not identify ambiguities, hiatuses and/or overlapping boundaries, specifically alternate locations of the lateral tideland boundaries, the location of the adjusted government meander line, the line of mean high water or the line of extreme low water as it relates to the boundaries shown on said survey. The legal description of the tidelands of lot 4 as recorded under Auditor's file number 200106070359 is inconsistent with the description of the tideland description of the adjoining lot 3 to the west 3 as recorded under Auditor's file number 9107290131, records of Pierce County, Washington with no explanation given.

3.4.6.1 Respondent failed to perform the necessary research in order to determine the rights of the original patentee as it relates to the location of the seaward boundary of the subject property.

3.4.7 Used an incorrect Auditor's certificate on the record of survey.

3.4.8 Placed a note on the survey stating: "BASIS OF BEARING: PLAT OF SHOREWOOD BEACH" which appears to have a reference to the plat which may contain monuments he used as a basis of bearing. However, Respondent failed to clearly give the description of the directional reference system, along with the method and location of obtaining it by referencing or describing the actual monument used to obtain said bearings.

3.4.9 Certified that the survey was in conformance with the requirements of the survey recording act when it was not.

3.4.10 Failed to demonstrate that his final documents and work products conform to the accept standards.

3.4.11 Failed to demonstrate he was knowledgeable of the codes and regulations applicable to the services he performed by failing to conform to the minimum standards as cited in WAC 332-130 or disclose on his survey the multiple solutions and alternate boundaries associated with tideland boundaries specific to his project.

3.4.12 Failed to provide relevant information on plans and surveys in a clear manner

consistent with prudent practice, specifically alternate locations of the lateral tideland boundaries, the location of the adjusted government meander line, the line of mean high water or the line of extreme low water as it relates to the boundaries shown on said survey.

3.4.13 Failed to comply with the provisions of the Chapter 28.09 RCW, Survey Recording Act, and the survey standards, WAC 332-130.

3.5 In his capacity as a professional land surveyor, Respondent performed a survey for Ray Burgess of Lot 7 in the plat of Shorewood Beach, in a portion of the NW 1/4 of the NW 1/4, Section 35, Township 21 North, Range 1 East of the W.M., including portions of tidelands abutting said lot. The survey was recorded with the Pierce County Auditor's Office on April 5, 2011 under Pierce County recording number 201104055003.

3.6 Respondent failed to meet the standard of care expected of a practicing professional land surveyor, in that he:

3.6.1 Failed to show data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown, specifically the location or lack of original plat monuments set along the baseline that would control the location of the sidelines of the upland portion of the boundaries, the differences between the original plat dimensions and the dimensions returned on Respondent's survey, or the method of determining the line between the upland and tidelands.

3.6.2 Failed to disclose the origin or history of a found monument at the northeast corner of lot 7.

3.6.3 Failed to give the complete physical description of the monuments shown, as found or set including type, size, and date visited.

3.6.4 Departed from proportionate measurement solutions when establishing corners, lines and monuments shown on his survey. This discrepancy was not disclosed on the recorded survey.

3.6.5 Failed to perform enough research in order to identify and did not identify ambiguities, hiatuses and/or overlapping boundaries, specifically alternate locations of the upland – tideland boundaries or the location of the line of mean high water as it relates to the boundaries shown on said survey.

3.6.5.1 Failed to perform the necessary research in order to determine the rights of the original patentee as it relates to the location of the seaward boundary of the subject property.

3.6.6 Used an incorrect Auditor's certificate on the record of survey.

3.6.7 Placed a note on the survey stating: "BASIS OF BEARING: PLAT OF SHOREWOOD BEACH" which appears to have a reference to the plat which may contain monuments he used as a basis of bearing. However, Respondent failed to clearly give the description of the directional reference system, along with the method and location of obtaining it by referencing or describing the actual monument used to obtain said bearings.

3.6.8 Placed an untruthful statement regarding compliance with Chapter 58.09 RCW on his survey.

3.6.9 Failed to demonstrate that this final documents and work products conform to accepted standards.

3.6.10 Failed to demonstrate he was knowledgeable of the codes and regulations applicable to the services he performed by failing to conform to the minimum standards as cited in WAC 332-130.

3.6.11 Failed to provide relevant information on plans and surveys in a clear manner consistent with prudent practice, specifically alternate locations of the upland- tideland boundaries as it relates to the boundaries shown on said survey.

3.6.12 Failed to comply with the provisions of the Chapter 58.09 RCW, Survey Recording Act, and the survey standards, WAC 332-130.

3.7 In his capacity as a professional land surveyor, Respondent performed a survey for Steven E. Shull of Lot 2 in the plat of Shorewood Beach, in a portion of the NW 1/4 of the NW 1/4, Section 35, Township 21 North, Range 1 East of the W.M., including portions of tidelands abutting said lot. The survey was recorded with the Pierce County Auditor's Office on January 7, 2014 under Pierce County recording number 201401075001.

3.8 Respondent failed to meet the standard of care expected of a practicing professional land surveyor, in that he:

3.8.1 Failed to show data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown, specifically the location of any original plat monuments or the perpetuations thereof which control the location of the boundaries of the subject properties or the method of determining the lateral sideline boundaries of the tidelands or the line between upland and tidelands or the line of extreme low water. Respondent's survey shows he found monuments at the most northerly corners of Lot 3 and a steel screw and washer in concrete bulkhead along the line common to lots 3 and 4 without disclosing their origin, history or their relationship to the original plat monuments or the perpetuations thereof. The survey does not disclose the location of the found steel screw and washer in concrete shown along the line common to lots 3 and 4.

3.8.2 Failed to give the complete physical description of the monuments shown, as found or set including type, size, and date visited.

3.8.3 Failed to disclose the departure from proportionate measurement solutions when establishing corners, lines and monuments shown on his survey.

3.8.4 Cited, on the survey, a legal description of the tideland boundary and easement that is not the description of record for said properties.

3.8.5 Failed to show sufficient section controlling parcel data or other such controlling parcel data, necessary to support the position of any section subdivisional corner or controlling parcel corner used to reference the parcel surveyed, specifically the location of the meander corners of section 35 or the location of any original plat monumentation or the perpetuations thereof.

3.8.6 Failed to provide documentation for all GLO or BLM corner(s) or point(s) used to control the location of the parcel surveyed, specifically the meander corners of section 35.

3.8.7 Failed to perform enough research in order to identify and did not identify ambiguities, hiatuses and/or overlapping boundaries, specifically alternate locations of the lateral tideland boundaries, the location of the adjusted government meander line, the line of mean high water or the line of extreme low water as it relates to the boundaries shown on said survey.

3.8.7.1 Respondent failed to perform the necessary research in order to determine the rights of the original patentee as it relates to the location of the seaward boundary of the subject

property.

3.8.8 Used an incorrect Auditor's certificate on the record of survey.

3.8.9 Placed a note on the survey stating: "BASIS OF BEARING: PLAT OF SHOREWOOD BEACH" which appears to have a reference to the plat which may contain monuments he used as a basis of bearing. However, Respondent failed to clearly give the description of the directional reference system, along with the method and location of obtaining it by referencing or describing the actual monument used to obtain said bearings.

3.8.10 Placed an untruthful statement regarding compliance with Chapter 58.09 RCW on his survey.

3.8.11 Failed to demonstrate that this final documents and work products conform to accepted standards.

3.8.12 Recorded a survey without the affected landowners documenting the agreement in a written instrument, using appropriate legal descriptions and having the written instrument signed and acknowledged by each party in the manner required for a conveyance of real property and failing to record said agreement with the real estate records in the county or counties in which the affected parcels of real estate or any portion of them is located.

3.8.13 Failed to demonstrate he was knowledgeable of the codes and regulations applicable to the services he performed by failing to conform to the minimum standards as cited in WAC 332-130 or disclose on his survey the multiple solutions and alternate boundaries associated with tideland boundaries specific to his project.

3.8.14 Failed to provide relevant information on plans and surveys in a clear manner consistent with prudent practice, specifically alternate locations of the lateral tideland boundaries, the location of the adjusted government meander line, the line of mean high water or the line of extreme low water as it relates to the boundaries shown on said survey.

3.8.15 Failed to comply with the provisions of the Chapter 58.09 RCW, Survey Recording Act, and the survey standards, WAC 332-130.

#15-01-0007

3.9 In his capacity as a professional land surveyor, Respondent performed a survey for Kevin Johnson of Lot 11 and a portion of Lot 12 of the Plat of Stavis Creek, in the SE 1/4 of the NE 1/4, Section 14, Township 24 North, Range 2 West of the W.M. The survey was recorded with the Kitsap County Auditor's Office on October 27, 2014 under Kitsap County recording number 201410270191. The description on the Plat of Stavis Creek of the boundary is an aliquot part of Section 14, Township 24 North, Range 2 West, W.M., Kitsap County, Washington. Therefore the east line of lot 11 should be coincident with the common line between sections 13 and 14.

3.10 Respondent failed to meet the standard of care expected of a practicing professional land surveyor, in that he:

3.10.1 Failed to show data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown, specifically the location of the monuments along the east line of section 14 which control the location of the boundaries of the subject properties.

3.10.2 Failed to show sufficient section controlling parcel data or other such controlling parcel data, necessary to support the position of any section subdivisional corner or controlling parcel corner used to reference the parcel surveyed, specifically the location of the quarter corner common to sections 13 and 14, the north sixteenth corner common to sections 13 and 14, or the northeast corner of section 14.

3.10.3 Set monuments along both the north and south lines of the subject property without making a determination of the accuracy and validity of the existing monuments by the use of standard survey methods and professional judgment, specifically by not searching for or tying the location of the original monuments occupying the northeast and southeast corner of the subject properties or determining if said monuments were lost.

3.10.4 Failed to close his traverse to detect errors and blunders and to ensure that the survey standards, chapter 332-130 WAC have been met.

3.10.5 Only showed one (1) tie to an adjoining survey of record on his survey. Respondent provided a response to a question regarding research of adjoining surveys of records, and indicated only one (1) additional survey exists that was inadvertently omitted from his survey.

Respondent failed to show ties to a minimum of five (5) adjoining surveys of record other than the two (2) previously identified.

3.10.6 Failed to provide documentation for all GLO or BLM corner(s) or point(s) used to control the location of the parcel surveyed, specifically the east quarter corner and the northeast corner of section 13.

3.10.7 Did not clearly give the description of the directional reference system, along with the method and location of obtaining it by referencing or describing the actual monument used to obtain said bearings.

3.10.8 Failed to give the physical description of the monument shown, as found or set including type, size, and date visited.

3.10.9 Failed to show that some of the monuments found were at variance with the record dimensions contained in deed calls or on previously recorded survey maps. Said survey shows a hub and tack set along the north line of the subject property between two found iron pipes 153.15 feet apart, but fails to show the distance of the set hub and tack between said monuments. Respondent's field notes indicate that some of the monuments found were at variance with the record dimensions contained in deed calls or on previously recorded survey maps. These variances were not disclosed on said survey.

3.10.10 Did not disclose the departure from proportionate measurement solutions when establishing corners, lines and monuments shown on his survey.

3.10.11 Failed to properly sign the surveyor's certificate and used an incorrect Auditor's certificate on the record of survey.

3.10.12 Failed to contain, on his survey, procedures, measurement redundancy, and closure checks sufficient to detect errors and blunders to ensure that the survey standards, chapter 332-130 WAC have been met.

3.10.13 Placed, on his survey, the following untruthful statement "THIS SURVEY COMPLIES WITH ALL STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT", AND CHAPTER 58.09 RCW AND 332-130 WAC."

3.10.14 Did not demonstrate that his final documents and work products conform to

accepted standards.

Section 4 AGREED CONCLUSIONS OF LAW

The Respondent acknowledges that, based upon the Findings of Fact, the following Conclusions of Law are justified:

4.1 The Board has jurisdiction over the subject matter of this proceeding and over the Respondent.

4.2 The Respondent's acts, errors, or omissions in connection with his practice as a professional land surveyor represent violations of one or more of the following: **RCW 18.43.070; RCW 18.43.105(5) & (10); RCW 18.235.130(4) & (8); RCW 58.04.007(1); RCW 58.09.040(1)(c); RCW 58.09.060(1)(a), (b), (c) & (e); RCW 58.09.080; RCW 58.09.090(1)(d)(ii); WAC 196-23-070(1)(c) & (d); WAC 196-27A-020(1)(b) & (e); WAC 196-27A-020(2)(d); WAC 196-27A-030(4) & (5); WAC 196-29-110(2) & (3); WAC 332-130-030(2) & (3); WAC 332-130-050(1)(b)(iii); WAC 332-130-050 (1)(f)(ii), (iii), (iv), (v) & (vi); WAC 332-130-110.**

The acts, omissions, errors and/or discrepancies stated above in this AGREED ORDER, individually and cumulatively, constitute misconduct, malpractice and/or unprofessional conduct as defined in chapters 18.43 and 18.235 RCW. Such acts are grounds for the Board to suspend the license to practice land surveying issued to Daniel Bruce Johnson and to impose a monetary fine against the Respondent, as provided in RCW 18.235.110. The respondent concedes to this agreement in order to forestall a protracted and expensive litigation.

Section 5 AGREED ORDER

The Board and the Respondent stipulate and agree to the following terms and conditions:

5.1 Upon the effective date of this AGREED ORDER, the professional land surveyor's license of the Respondent is suspended for a period of two (2) years. The suspension will be STAYED so long as the following conditions identified in paragraphs 5.2 through 5.9 are met.

5.2 Respondent agrees to a peer review, at his own-expense, of the next ten (10) surveys that he completes that involve determining the boundaries of tidelands or properties abutting tidelands. The Board and the Respondent acknowledge that the Respondent may not be hired to perform another survey that meets this peer review requirement during the two-year suspension period. However, the Respondent agrees to this peer review requirement until ten surveys have been completed.

5.3 Within 90 days of this AGREED ORDER, the Respondent agrees to bring into compliance with Chapter 58.09 RCW and Chapter 330-130 WAC the survey identified in Case No. 15-01-0007. The respondent shall make certain the amended record of survey addresses items 3.10.1 through 3.10.14 as noted above. Once the survey is brought into compliance, Respondent will submit a preliminary copy of the amended record of survey along with all field notes and traverse closures to have the survey peer-reviewed at his own-expense and will re-record the survey upon approval by the reviewer. Once this survey has been re-recorded, Respondent will provide the Board with proof that the survey is in compliance, peer reviewed, and re-recorded.

5.4 Respondent agrees to cooperate in any future complaint investigations or other inquiries from the Board.

5.5 Within 30 days of the effective date of this AGREED ORDER, the Respondent shall pay a fine to the Board, by check or money order, in the amount of five thousand (U.S.) dollars (\$5,000).

5.6 All fines shall be submitted to:
Department of Licensing
Lily Reinecke, Board Clerk
PO Box 3907
Seattle, WA 98124-3907

5.7 The Respondent shall be responsible for all costs, expenses, fees and/or tax consequences incurred by the Respondent in complying with this AGREED ORDER.

5.8 The Board agrees to close the pending case investigation (Case No. 2016-02-0004) regarding Respondent.

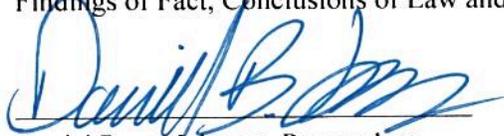
5.9 Should the Respondent fail to comply with any of the terms or conditions of this AGREED

ORDER, the Board will initiate administrative steps for imposition of further penalties and/or sanctions authorized and deemed appropriate. In making a determination of compliance under the terms of this AGREED ORDER, the Board may rely upon the records in their possession, or lack thereof, in reaching such a decision.

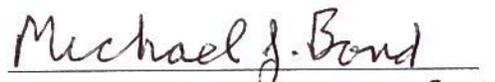
5.6 This AGREED ORDER addresses and concerns itself solely with those issues referenced herein relating to the Respondent's practices as a professional land surveyor that are within the license-disciplining authority of the Board. This AGREED ORDER should not be considered to address, encompass, or limit judicial or other remedies relating to those practices and activities of the Respondent not deemed within the Board's license-disciplining authority.

5.7 The AGREED ORDER becomes effective immediately upon its being served pursuant to RCW 18.235.080. Service of this order is complete upon mailing. RCW 34.05.010(19).

I, Daniel Bruce Johnson, Respondent, certify that I have read this Stipulated Findings of Fact, Conclusions of Law and Agreed Order in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Board without my appearance. If the Board accepts the Stipulated Findings of Fact, Conclusions of Law and Agreed Order, I understand that I will receive a signed copy.


 Daniel Bruce Johnson, Respondent

9/28/16
 Date


 Attorney for Respondent WSBA #: 9154
 (if applicable)

10-2-2016
 Date

Section 6
FINAL ORDER

The Board accepts and enters this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

DATED this _____ day of _____, 2016

State of Washington Board of Registration for
 Professional Engineers and Land Surveyors

 Nirmala Gnanapragasam, Ph.D, PE Presiding Officer

Presented by:


 Meg McCann, Assistant Attorney General, Prosecutor for Board

10.9.16
 Date

We are committed to providing equal access to our services.
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**STATE OF WASHINGTON
BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS**

In the Matter of the License to Practice as an
On-Site Wastewater Treatment System
Designer of:

Eric Neil Cleaver

Respondent

License #5100194

No. 15-05-0005 & 15-06-0003

**STIPULATED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND AGREED
ORDER**

The Washington State Board of Registration for Professional Engineers and Land Surveyors ("Board"), by and through Meg McCann, Prosecuting Assistant Attorney General, and Charles Henry Pollmar ("Respondent"), stipulate and agree to the following:

Section 1

BACKGROUND

1.1 Eric Neil Cleaver, Respondent, holds/held a license (#5100194) to practice as an on-site wastewater treatment system designer in the state of Washington.

1.2 The Respondent's license to practice expires on December 25, 2016.

1.3 On July 8, 2016, the Board issued a Statement of Charges against the Respondent alleging that the Respondent violated the following: RCW 18.210.020(3), RCW 18.210.130(2), WAC 196-33-200(1)(a), (b), & (c), and (2), WAC 196-33-300, WAC 196-33-500(1) & (3) and RCW 18.235.130(4), (8), & (12).

Section 2

PROCEDURAL STIPULATIONS

2.1 The Respondent understands that the Board is prepared to proceed to a hearing on the allegations in the Statement of Charges.

2.2 The Respondent understands that he has the right to defend himself against the allegations in the Statement of Charges by presenting evidence at a hearing.

2.3 The Respondent understands that, should the Board prove at a hearing the allegations in the Statement of Charges, the Board has the power and authority to impose sanctions, including fines, pursuant to RCW 18.235.110 and/or RCW 18.210.220.

2.4 The Respondent and the Board agree to expedite the resolution of this matter by means of this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order ("AGREED ORDER").

2.5 The Respondent waives the opportunity to present evidence at a hearing on the Statement of

Charges contingent upon signature and acceptance of this Agreed Order by the Board.

2.6 This AGREED ORDER is not binding on any party unless and until it is signed and accepted by the Board. Should this Agreed Order be rejected, the Respondent waives any objection to the participation at a hearing of all or some of the Board members who considered the Agreed Order. The exception is Board Member Nirmala Gnanapragasam, PE, Case Manager for this matter, who is recused from participating as a presiding or reviewing officer in an adjudicative hearing on this matter.

2.7 Once this AGREED ORDER is approved and signed by the Board, the Respondent waives any and all right to judicial review and/or reconsideration by the Board.

Section 3

STIPULATED FACTS

The Respondent acknowledges that evidence is sufficient to justify the following findings of fact:

3.1 In December 2013, Respondent sold his business, Cleaver Construction, Inc. Respondent remained with the new owners as an on-site septic system designer to train and supervise one of the new owners, as the new owners did not have past experience in the septic industry. Respondent worked with the new owner for 6 to 7 months, and felt the new owner had enough experience to “make good decisions for site and soil evaluations. I review each (all) of these designs before putting my stamp and signature to them, but trusted him for the site work.” Respondent goes on to state “After only a couple of months it became clear to me that he was making some incorrect calls pertaining to soils, restrictive layers, and setbacks.”

3.2 In January 2015, Respondent, in his capacity as an on-site wastewater treatment system designer, stamped designs for a proposed septic system for Joan Sullivan for property located at 1900 Anderson Lake Road, Chimacum, Washington, and submitted the designs to the local health jurisdiction. Respondent knowingly placed his seal and signature on an on-site system design that was not prepared by him or under his direct supervision. The design was for a standard pressurized drainfield. On April 23, 2015, Jefferson County Public Health Department conducted an on-site review, including a review of the soil test pits in the primary drainfield area. The septic area appeared to be on a wetland, and the submitted soil logs were not logged by a licensed professional.

3.3 On September 4, 2014, Respondent submitted to the Jefferson County Public Health Department (JCPHD), a septic Permit Application for Larry Powers for property located at 11573 Coyle Road, Quilcene, Washington. Soil logs were not dated or logged by the Respondent or other licensed professional. All pages of the design were not stamped by the designer, and several design details were missing including pump requirement for the proposed system, screening/protection of the pump, cross section of the trench and monitoring ports. On October 28, 2014, the Respondent was notified by JCPHD about the soil log deficiency.

3.4 On October 29, 2014, JCPHD conducted an initial site inspection where water was observed in the test holes in the proposed drainfield area, and noted the drainfield area was proposed near a very steep slope where running water was heard in near proximity. These issues were not identified on the submitted designs.

3.5 On December 7, 2014, Respondent was notified by JCPHD in writing about the missing design details and other deficiencies were found on the submitted designs. The Respondent submitted a redesign on March 10, 2015, but did not address many of the deficiencies including the soil log documentation and surface water. The revised site plan showed test pits were inconsistent with the previous submittal but were numbers the same, causing confusion as to where the described soils were located.

#15-06-0003

3.6 On August 19, 2014, Respondent met with Kitsap Public Health District (KPHD) regarding multiple problems with submittals by the Respondent. On August 22, 2014, KPHD sent Respondent a letter summarizing the findings of the meeting and informed Respondent design submittals with problems will not be approved until the problems are addressed through revision or redesign submittals.

3.7 On June 17, 2014, Respondent stamped a Building Site Application (BSA) for a septic system for property located on Cedar Grove Road, Poulsbo, Washington, and submitted the design to the Kitsap Public Health District. On July 3, 2014, a letter was sent to the property owner, and Respondent informing them there is a private drilled well located on the parcel to the south. The designs submitted by Respondent stated "No known Wells within 100 feet." The letter informed the Respondent the well must be located and accurately represented on the BSA site plan. The June 2014 submittal was denied by the Kitsap Public Health District.

3.7.1 On August 4, 2014, Respondent stamped a revised BSA for the Cedar Grove Road property and submitted the redesign to KPHD. This submittal was denied as the proposed drainfield did not meet treatment standard requirements for reduced well setback and the soil logs were not correctly labelled.

3.7.2 On August 28, 2014, Respondent stamped a second revised BSA for the Cedar Grove Road property and submitted the redesign to KPHD. On September 11, 2014, KPHD sent a letter to Respondent informing him they had conducted a review and/or field inspection of the BSA and determined to support the on-site sewage system portion of the BSA that an additional drawing showing a detail of the reserve area was needed. The site plan drawing did not show the 10 foot no build zone in the reserve area, and did not show the 5 foot property line setback. On September 16, 2014, Respondent stamped a third revised BSA for the Cedar Grove Road property and submitted the redesign to the KPHD. The third revised BSA was accepted by the Kitsap Public Health District.

3.8 On October 7, 2014, Respondent stamped a Building Site Application (BSA) for a septic system for property located at 28212 Hansville Road NE, Kingston, Washington, and submitted the designs

to the Kitsap Public Health District. On October 14, 2014, KPHD sent a letter to Respondent informing him they had conducted a review and/or field inspection of the BSA and determined all of the soils logs showed either light mottling, compactions, and/or very little root growth below about 30" of depth and it appeared a pressure distribution OSS may work at the site but only if a Class B Waiver allowing 18" of vertical separation is approved. This letter gave Respondent three options to correct the deficiencies. Respondent submitted a Class B waiver on November 14, 2014, and it was approved.

3.9 On October 9, 2014, Respondent stamped an on-site design for a septic system for property located at 20073 Pugh Road NE, Poulsbo, Washington, and submitted the designs to Kitsap Public Health District. The submitted design showed the neighbor's well in the wrong location, when it was actually located within 100 feet of the proposed drainfield, which did not meet the county's requirements.

3.10 On October 9, 2014 Respondent stamped a Record of Construction (RoC) for property located at 3930 Lakeness Road, Poulsbo, Washington, and submitted the RoC to Kitsap Public Health District. The submittal was missing the required dispersal information, electrical setup information, and pressure distribution laterals information. Respondent resubmitted the RoC a second time on October 9, 2014, however, the required dispersal information and pressure distribution laterals information was still missing.

3.11 On January 20, 2015 Respondents stamped a RoC for property located at 9310 Hemlock Ave NE, Bainbridge Island, Washington, and submitted the RoC to Kitsap Public Health District. The RoC submitted did not match the on-site septic system (OSS) actually installed. On January 22, 2015 Steven J Brown, Senior Environmental Health Specialist sent an email to Respondent stating "Eric, attached you will find both the red-lined drawing left for me during my 7/1/14 inspection of the OSS install, and the final RoC you submitted on 1/20/15. You'll notice that the lengths of the laterals are different on the drawings and the center lateral is actually split in two, and there are more ob ports existing at the site than the final RoC shows. Please correct your final RoC drawing to match what was actually installed, and resubmit when the corrections are made."

3.12 On May 11, 2015 Respondent stamped a Building Site Application (BSA) for a septic system replacement for property located at 2878 SE Travera Drive, Port Orchard, Washington, and submitted the designs to the Kitsap Public Health District. The site plan showed the existing drainfield in the wrong location, and the soil logs were not constructed in the proposed drainfield area. On May 13, 2015, the KPHD sent a letter to the Respondent informing him the soil logs were not completed per regulations and the soil type inspected at the site did not match the design. The submittal was denied.

Section 4
AGREED CONCLUSIONS OF LAW

The Respondent acknowledges that, based upon the Findings of Fact, the following Conclusions of Law are justified:

4.1 The Board has jurisdiction over the subject matter of this proceeding and over the Respondent.

4.2 The Respondent's acts, errors, or omissions in connection with his practice as an on-site wastewater treatment system designer represent violations of one or more of the following: RCW 18.210.020(3), RCW 18.210.130(2), WAC 196-33-200(1)(a), (b), & (c) and (2), WAC 196-33-300, WAC 196-33-500(1) & (3) and RCW 18.235.130(4), (8), & (12).

The acts, omissions, errors and/or discrepancies stated above in this AGREED ORDER, individually and cumulatively, constitute misconduct, malpractice and/or unprofessional conduct as defined in chapters 18.43, 18.210, and 18.235 RCW. Such acts are grounds for the Board to suspend or revoke the license to practice on-site wastewater treatment system designing issued to Eric Neil Cleaver and/or to impose a monetary fine against the Respondent, as provided in RCW 18.210.220 and RCW 18.235.110.

Section 5
AGREED ORDER

The Board and the Respondent stipulate and agree to the following terms and conditions:

5.1 Within ninety (90) days of the effective date and Board acceptance of this AGREED ORDER, the Respondent must, at his own expense, redesign and resubmit the projects for Joan Sullivan (property located at 1900 Anderson Lake Road, Chimacum, Washington) and Larry Powers (property located at 11573 Coyle Road, Quilcene, Washington) to the appropriate plan reviewing authorities.

5.2 Within ninety (90) days of the effective date and Board acceptance of this AGREED ORDER, the Respondent shall, at his expense, check all other projects completed with the "new owner" since the sale of Respondent's business to validate the design and must inform appropriate jurisdictions of any remedial measures, if needed. Respondent shall provide the Board with a list of projects completed, and provide proof of any remedial measures, if needed.

5.3 Within ninety (90) days of the effective date and Board acceptance of this AGREED ORDER, the Respondent shall pay a fine in the amount of fifteen thousand (U.S.) dollars (\$15,000). The check or money order shall be made payable to the "Department of Licensing" and mailed to the Department of Licensing, Engineers and Land Surveyors Board, Revenue Accounting, PO Box 3907, Seattle, WA 98124-3907. Upon Board acceptance of this AGREED ORDER, the Board will provide the Respondent with an invoice and instruction on the submittal of the payment.

5.3 (ALTERNATE) Within one year of the effective date and Board acceptance of this AGREED ORDER, the Respondent shall pay a fine in the amount of three thousand (U.S.) dollars (\$3,000). The check or money order shall be made payable to the "Department of Licensing" and mailed to the Department of Licensing, Engineers and Land Surveyors Board, Revenue Accounting, PO Box 3907, Seattle, WA 98124-3907. Upon Board acceptance of this AGREED ORDER, the Board will provide the Respondent with an invoice and instruction on the submittal of the payment. In addition, Respondent agrees to voluntarily surrender his license.

5.4 The Respondent shall be responsible for all costs, expenses, fees and/or tax consequences incurred by the Respondent in complying with this AGREED ORDER.

5.5 Should the Respondent fail to comply with any of the terms or conditions of this AGREED ORDER, the Board will initiate administrative steps for imposition of further penalties and/or sanctions authorized and deemed appropriate. In making a determination of compliance under the terms of this AGREED ORDER, the Board may rely upon the records in their possession, or lack thereof, in reaching such a decision.

5.6 This AGREED ORDER addresses and concerns itself solely with those issues referenced herein relating to the Respondent's practices as an on-site wastewater treatment system designer that are within the license-disciplining authority of the Board. This AGREED ORDER should not be considered to address, encompass, or limit judicial or other remedies relating to those practices and activities of the Respondent not deemed within the Board's license-disciplining authority.

5.7 The AGREED ORDER becomes effective immediately upon its being served pursuant to RCW 18.235.080. Service of this order is complete upon mailing. RCW 34.05.010(19).

I, Eric Neil Cleaver, the Respondent, certify that I have read this Stipulated Findings of Fact, Conclusions of Law and Agreed Order in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Board without my appearance. If the Board accepts the Stipulated Findings of Fact, Conclusions of Law and Agreed Order, I understand that I will receive a signed copy.

Eric Neil Cleaver, Respondent

Date

Attorney for Respondent WSBA #:
(if applicable)

Date

5.5 Should the Respondent fail to comply with any of the terms or conditions of this AGREED ORDER, the Board will initiate administrative steps for imposition of further penalties and/or sanctions authorized and deemed appropriate. In making a determination of compliance under the terms of this AGREED ORDER, the Board may rely upon the records in their possession, or lack thereof, in reaching such a decision.

5.6 This AGREED ORDER addresses and concerns itself solely with those issues referenced herein relating to the Respondent's practices as an on-site wastewater treatment system designer that are within the license-disciplining authority of the Board. This AGREED ORDER should not be considered to address, encompass, or limit judicial or other remedies relating to those practices and activities of the Respondent not deemed within the Board's license-disciplining authority.

5.7 The AGREED ORDER becomes effective immediately upon its being served pursuant to RCW 18.235.080. Service of this order is complete upon mailing. RCW 34.05.010(19).

I, Eric Neil Cleaver, the Respondent, certify that I have read this Stipulated Findings of Fact, Conclusions of Law and Agreed Order in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Board without my appearance. If the Board accepts the Stipulated Findings of Fact, Conclusions of Law and Agreed Order, I understand that I will receive a signed copy.

Eric Neil Cleaver Oct. 1, 2016
Eric Neil Cleaver, Respondent Date

Attorney for Respondent WSBA #: Date
(if applicable)

**Section 6
FINAL ORDER**

The Board accepts and enters this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

DATED this _____ day of _____, 2016
State of Washington Board of Registration for
Professional Engineers and Land Surveyors

Chun C. Lau, PE, SE
Board Chair

Presented by:

**Section 6
FINAL ORDER**

The Board accepts and enters this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order.

DATED this _____ day of _____, 2016

State of Washington Board of Registration for
Professional Engineers and Land Surveyors

Nirmala Gnanapragasam, PhD, PE
Board Chair

Presented by:

Meg McCann, WSBA #37069
Prosecuting Attorney for Board of Registration for
Professional Engineers & Land Surveyors

Date

MM

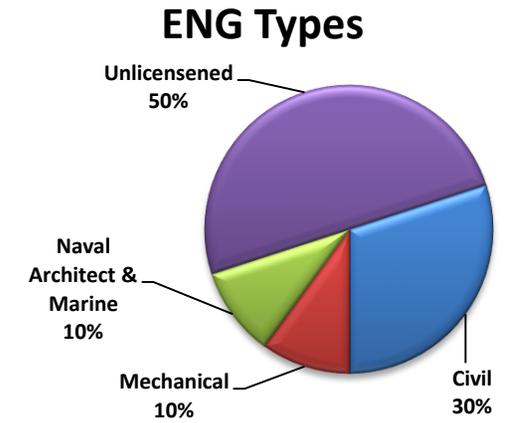
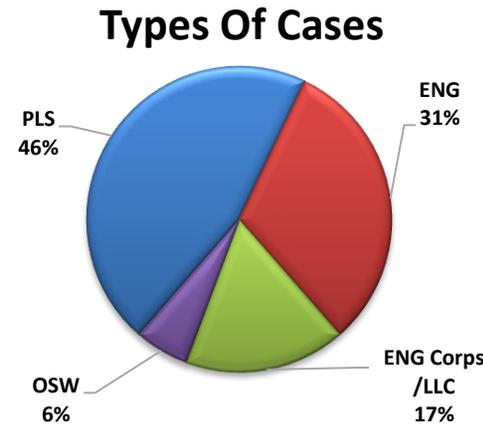
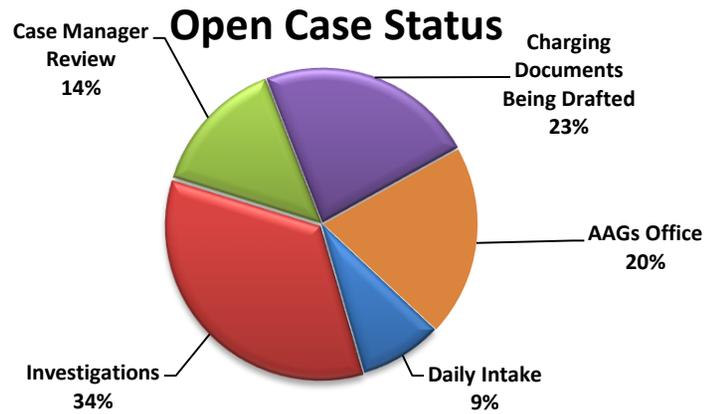
Meg McCann, WSBA #37069
Prosecuting Attorney for Board of Registration for
Professional Engineers & Land Surveyors

10.9.16

Date

We are committed to providing equal access to our services.
If you need accommodation, please call (360) 664-1565 or TTY (360) 664-0116.

Professional Engineers & Land Surveyors Board Disciplinary Report



	Total cases				Case Status					
	PLS	ENG	ENG Corps /LLC	OSW	Daily Intake	Investigations	Case Manager Review	Charging Documents Being Drafted	BAP	AAGs Office
Case Manager										
Aaron Blaisdell	4	0	0	0	0	1	0	3	0	0
Chun Lau, PE	0	1	0	0	0	0	0	0	0	1
Ivan VanDewege	0	1	0	0	0	0	1	0	0	0
James Wengler	7	0	0	0	0	1	0	2	0	4
NEIL NORMAN	0	2	0	0	0	0	2	0	0	0
Nirmala Gnanapragasam	0	2	0	2	0	0	2	1	0	1
PRACTICE COMMITTEE	0	0	1	0	1	0	0	0	0	0
Scott Valentine	1	0	0	0	0	0	0	1	0	0
Unassigned	4	5	5	0	2	10	0	1	0	1
Totals as of: 11 Nov 2016	16	11	6	2	3	12	5	8	0	7
Recent Case History	2016	2015	2014		Recent Case History	2016	2015	2014		
ENG Beginning	13	8	16		PLS Beginning	22	21	9		
ENG Opened	24	30	16		PLS Opened	17	25	32		
ENG Closed	25	25	24		PLS Closed	18	24	20		
ENG Total	12	13	8		PLS Total	21	22	21		
ENG Corp/LLC Beginning	8	1	11		OSW Beginning	4	5	5		
ENG Corp/LLC Opened	26	52	40		OSW Opened	0	4	7		
ENG Corp/LLC Closed	28	45	50		OSW Closed	0	5	7		
ENG Corp/LLC Total	6	8	1		OSW Total	4	4	5		

Typical Complaint Process (Open Case Status)
 -- Staff receive complaint (Daily intake)
 -- Staff evaluate complaint (Daily intake)
 -- Staff assign to Case Manager (CM) (CM Review)
 -- CM review; determine whether to investigate (CM Review)
 -- Staff investigate complaint (Investigations)
 -- If no evidence supports allegation, CM recommend closure (CM Review)

(cont.)
 -- If no evidence supports allegation, CM recommend closure (CM Review)
 -- If evidence supports allegation, CM determine sanctions (CM Review)
 -- Staff use BAP if appropriate (BAP)
 -- Staff drafts charging documents (Charging Documents Being Drafted)
 -- Board Attorney reviews charges, moves forward with prosecution (AAG review)
 -- Following Prosecution / Disposition decision (Compliance Monitoring)

Board Meeting

Tab 4

New Business

Interagency agreement between the Washington State Department of Licensing and the Board of Registration for Professional Engineers and Land Surveyors

This document explains the terms and conditions of a joint operational agreement between the Washington State Department of Licensing and the Board of Registration for Professional Engineers and Land Surveyors.

I. Definitions

- A. *Agreement* means the Interagency agreement between the Washington State Department of Licensing and the Board of Registration for Professional Engineers and Land Surveyors.
- B. *Assistant Director* means the Assistant Director for the Business and Professions Division.
- C. *Board* means the Board of Registration for Professional Engineers and Land Surveyors.
- D. *Department* means the Washington State Department of Licensing.
- E. *Director* means the Director of the Washington State Department of Licensing.
- F. *Division* means the Business and Professions Division of the Department of Licensing.
- G. *Executive Director* means the Executive Director of the *Board*.
- H. *Parties* mean the *Board* and the *Department*.

II. Roles and Responsibilities

The Legislature has determined the respective roles and responsibilities of the *Department* and the *Board*. The *Board* has specific authorities granted in state law that establish and enable the execution of the regulatory work they perform. While the *Board* is an independent agency, it has chosen, through this agreement, to work jointly with the *Department*.

III. *Board* Authority (RCW Chapter 18.43, 18.210, and 18.235)

- A. The *Board* has authority to: study, propose, adopt and/or amend administrative rules, hire employees as necessary to implement chapter 18.43 RCW and publish a roster.
- B. The *Board* has the sole authority to determine requirements for licensure, administer examinations and license registrants.
- C. The *Board* has the sole authority to investigate complaints and administer disciplinary action for infractions regarding the practice of engineering, land surveying and on-site wastewater system designs.

Interagency Agreement
Page 2 of 4

IV. Director and Department Authority (Chapters 18.43, 18.210, 18.235 and 43.24 RCW)

- A. The *Director* has the authority, upon request of the *Board*, to appoint pro-tem members to the *Board*.
- B. The *Director* has authority to adopt fees, collect and deposit all program revenue to the Engineer's Account (024).

V. Specific Provisions of this Joint Operating Agreement

A. Organization Support

- 1. The *Department* agrees that the *Board* should be administratively attached to the Business and Professions Division, or any successor division of the *Department*, in order to enable the *Board* to secure necessary support services and obtain other agency, *Board*, legislative, or gubernatorial information.
- 2. The *Board*, including the employees of the *Board* and its records, must be located within facilities owned or leased by the state and conform to the Department of Enterprise Services (DES) standards and be adequate and of a quality to enable the *Board* to deliver necessary services to the citizens of Washington.
- 3. The *Board* staff must remain co-located in the same facility as the *Division* for mutual convenience and efficiency and include private meeting space, and secure storage of *Board* examinations, files, and records.
- 4. The *Department* will provide services needed by the *Board* to deliver its services such as; staff training, fiscal accounting, and information systems.
- 5. The *Board* may use letterhead; return envelopes and business cards of its own design. The letterhead must contain the notation: "Administrative Services Provided by the Department of Licensing."

B. Personnel Matters

- 1. As the *Department's* primary contact on personnel matters, the *Board's* chair (or designee) shall represent the *Board* in meetings with the *Department* to discuss policies, discipline, and performance of *Board* staff, and overseeing the hiring of new staff and their work reassignments.
- 2. The *Executive Director* of the *Board* is a full time exempt position that is filled through a joint recruitment effort by the *Board* and the *Department*.
 - a. The *Department* will advertise any vacancy for this position following Department of Personnel procedures and incorporating job description specifications set by the Board, and perform background checks on prospective candidates.
 - b. The *Board* will evaluate the candidates and recommend three finalists for interviews.
 - c. The *Director* and the *Board Chair* will jointly interview candidates to make the final decision.

Interagency Agreement

Page 3 of 4

- d. The **Board** chair will facilitate the annual performance evaluation of the **Executive Director**. The **Assistant Director** (or designee) will review the comments provided by the **Board** and include any additional observations and comments relative to the **Executive Director's** activities for the **Department**.
 - e. The **Board** will review the salary for the **Executive Director**. Any adjustments to the salary will be within limits established by the Department of Personnel and be negotiated between the **Board** and the **Executive Director**. The **Board** will forward recommendations for any adjustments to the **Assistant Director** for concurrence.
3. The **Executive Director** will evaluate candidates and recommend to the **Department** the appointment of such persons as are necessary to carry out the duties of the **Board**.
 - a. All classified, non-exempt employees hired to fill positions necessary to the **Board** will be selected by procedures established by the Department of Personnel and the **Department**.
 - b. The **Executive Director** is responsible for providing feedback in the annual performance evaluations of the staff for the portion of work related to the **Board** activities. The evaluations will be performed in a manner that follows procedures established by the Department of Personnel and the **Department**.
 - c. The **Board** agrees that the staff of the **Board** are state employees in positions governed by rules and procedures established by the Department of Personnel. As state employees, the **Department** is responsible for the hiring, discipline, or termination of all classified/non-exempt employees.
- C. Operating Budget and Expenditures
1. The **Board** and its **Executive Director** must have input and participation with the **Department's** Budget Office in the establishment and review of the **Board's** budget, expenditures plans, and revenue.
 2. The **Department** agrees to provide all available budgetary and fiscal information to the **Executive Director** to enable the **Board** to determine an accurate status of its funding and expenditure conditions.
 3. The **Board** must recommend a preferred fee structure based upon program needs and forecast data provided by the **Department**. Fee adoption is made under the authority of the **Director**.
 4. All direct and indirect expenditures charged to the **Board's** account by the **Department** must be determined by an equitable distribution throughout all programs or divisions sharing in the services being provided. The methodologies used to determine the distribution will be made available to the **Board** upon request.
 5. The **Executive Director** will determine the necessity of purchases for; supplies, furniture, computer hardware and computer software. All such purchases will be made following **Department** procurement procedures.
 6. The **Executive Director** will determine the necessity of contracts for consulting services to aid in examination development and technical support to the **Board** on investigations. All such contracts will be established in accordance with **Department's** contracting procedures.

Interagency Agreement

Page 4 of 4

7. No funds from the **Board's** dedicated account may be spent for products or services that are not needed by the **Board** or are not used to support the statutory obligations of the **Board**.

D. Travel Authorization

1. The **Board** selects which **Board** members or staff should travel to out-of-state destinations.
 - a. The **Executive Director** will follow **Department** policies and procedures when submitting the **Board's** request to the **Department**.
 - b. All travel is made subject to applicable state laws, rules, executive orders and available budget while respecting the need for adequate representation when the **Board** is participating with regional, national and international professional organizations and affiliates.

VI. OTHER PROVISIONS

- A.** The **Parties** agree that any modification, waiver, or termination of this **Agreement** will not be effective unless agreed by both parties in writing.
- B.** In the event of a dispute about the application or interpretation of this **Agreement**, the **Parties** will make a good faith effort to resolve it and be bound by the spirit of this **Agreement**.
- C.** If a dispute cannot be resolved, the **Parties** agree to request the assistance of the Attorney General. Such assistance may include mediation and/or binding arbitration.
- D.** The **Parties** agree to a minimum of one meeting each fiscal year to discuss items of mutual concern and to review the articles of this **Agreement** relating to any need for revision. The **Director** and the **Board's** Executive Committee must attend this meeting.

IN WITNESS WHEREOF:

The **Department** and the **Board** have signed this Agreement.

 Pat Kohler,
 DIRECTOR, Department of Licensing

 Date

 Kathleen Drew,
 ASSISTANT DIRECTOR, BPD
 Department of Licensing

 Date

 Nirmala Gnanapragasam, PhD, PE, Chair
 Board of Registration

 Date

 Stephen Shrope PE, SE, Vice-Chair
 Board of Registration

 Date

Board Meeting

Tab 5

Old Business

Board of Registration for Engineers and Land Surveyor

Board or Staff Assignments

Date Assigned

<i>Agenda Item</i>	<i>Action Item</i>	<i>Assigned to</i>	<i>Status</i>
10/13/2016 ..	Ms. Gnanapragasam will send the board a link to a YouTube video with the alternative examples of testing.	Ms. Gnanapragasam	<i>Due Date</i> <i>Completed</i> <input checked="" type="checkbox"/> <i>Out dated</i> <input type="checkbox"/>
10/13/2016 ..	Add and FYI announcement for licensees, regarding obtaining records prior to 2008 from NCEES in the Journal.		<i>Due Date</i> <i>Completed</i> <input type="checkbox"/> <i>Out dated</i> <input type="checkbox"/>
10/13/2016 ..	Mr. Villnave will research the exact dates for the APEGA meeting in April 2017. The general meeting is April 28, 2017	Mr. Villnave	<i>Due Date</i> <i>Completed</i> <input checked="" type="checkbox"/> <i>Out dated</i> <input type="checkbox"/>
10/13/2016 ..	From Survey Committee: Mr. Wengler will draft a letter to DNR survey advisory board regarding the verticle standards WAC and provide the letter to Mr. Villnave	Mr. Wengler	<i>Due Date</i> <i>Completed</i> <input checked="" type="checkbox"/> <i>Out dated</i> <input type="checkbox"/>
8/11/2016 ..	Send draft of Board Journal, before publishing.		<i>Due Date</i> <i>Completed</i> <input checked="" type="checkbox"/> <i>Out dated</i> <input type="checkbox"/>

Board or Staff Assignments

<i>Date Assigned</i>	<i>Action Item</i>	<i>Assigned to</i>	<i>Status</i>	<i>Due Date</i>	
4/19/2016	From EQ Report: Board/staff will consider how to license individuals that are not licensed by an NCEES member board, but have taken and passed the NCEES FE & PE exams.	EQ Committee	In process	<i>Due Date</i>	
..				<i>Completed</i>	<input type="checkbox"/>
				<i>Out dated</i>	<input type="checkbox"/>
	Board/staff will review law/rule language pertaining to specialty SE licensure (cell towers, bridges etc.).				
	Staff will consider putting current policy & application language into WAC regarding structural licensure (possibly add definitions of significant structures).				
2/4/2016	From EQ Report: Staff will provide the board with draft policy language for review at the next board meeting.		In process	<i>Due Date</i>	
..				<i>Completed</i>	<input checked="" type="checkbox"/>
				<i>Out dated</i>	<input type="checkbox"/>

Washington State BORPELS
 December 1, 2016
 SeaTac, WA

Subject: Outreach and event calendar

General Outreach Events		
DATE	EVENT, LOCATION	ATTENDEES
November 3, 2016	Society of Hispanic Professional Engineers (SHPW) presentation at the Washington Convention Center in Seattle, WA.	Ms. Gnanapragasam
November 18, 2016	Senior ME and EE Students presentation at WSU Tri Cities Campus.	Mr. Norman
	Olympic College discussion on licensure.	Ms. Gnanapragasam
February 4, 2017	Engineers Fair at Museum of flight in Seattle, WA	
March 8-10, 2017	Land Surveyor Association Conference in SeaTac, WA	Mr. Blaisdell
April 25-28, 2017	American Public Works Assoc. Washington Conference Center in Tacoma, WA.	Mr. Blaisdell

Recommendation: For information only.

Submitted by Board Staff
 December 1, 2016

Board Meeting

Tab 6

Executive Director's Report

Engineers & Land Surveyors Board Financial Reports

2015-2017 Biennium

Dec 2016

2015-2017 Revenue Summary

PERIOD ENDING

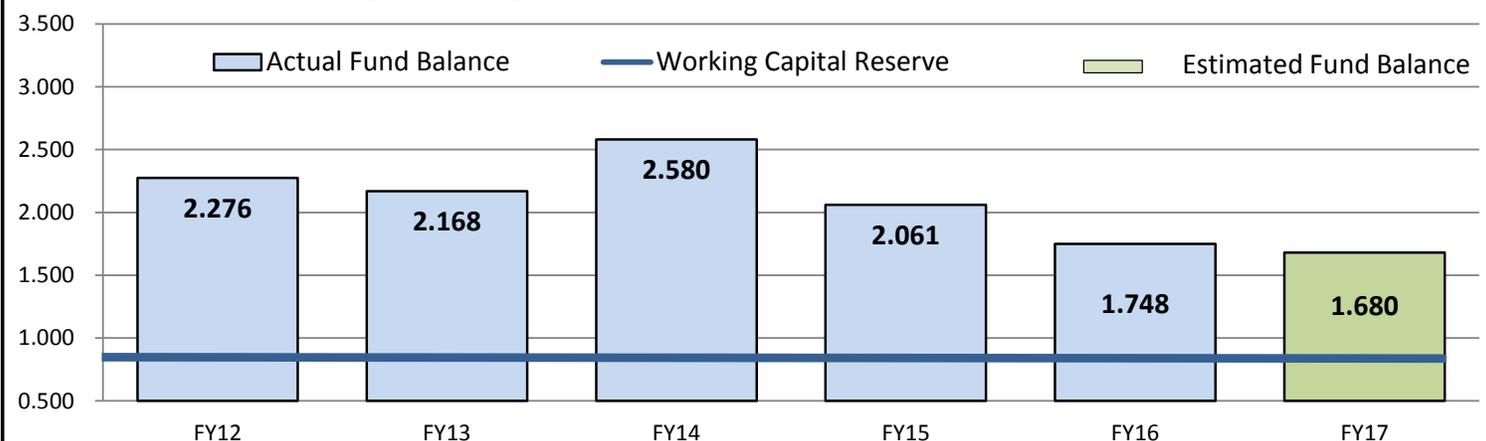
10/31/2016

Current Revenue Data based on Actuals

Projected Revenue Data based on Six-Year Plan

Beginning FY 17 Fund Balance	\$ 1,952,121	Oct 16 Fund Balance	\$ 2,052,335
Add: Current Biennium Revenue to Date	\$ 656,163	Add: Projected Revenue Remainder FY17	\$ 1,162,553
Less: Actual Expenditures to Date	\$ (552,949)	Less: Projected Expenditures Remainder FY 17	\$ (1,534,732)
Less: Operating Transfer Out	\$ (3,000)		
Current Fund Balance	\$ 2,052,335	Estimated Fund Balance	\$ 1,680,156

Beginning FY Fund Balance (in millions)



Working Capital Reserve: \$845,000

2017 Expenditure Summary

Expenditure	FY-to-Date Actual				
	Allotment	Expenditure	Variance	FY1 Allotment	\$2,044,069
FTE	11	11.13	1%	FY2 Allotment	\$2,117,931
Professional Engineers' Account	\$625,602	\$555,949	11%	Total BIEN Allotment	\$4,162,000
Staff		\$432,169			
Operations	No	\$27,362			
Meeting Facilities	Specific	\$3,931			
NCEES	Allotment	\$907			
Attorney General	Information	\$4,154			
Travel	Available	\$15,093			
Other		\$72,334			
Total		\$555,949			

Board Meeting

Tab 7

Assistant Attorney General's Report

Board Meeting

Tab 8

Other Business

Board Meeting

Tab 9

Adjournment