

The
**Washington
Board**

*Informing Professional
Engineers and Professional
Land Surveyors of the events
and developments that affect
their professions*



Journal

Number 50 • Fall 2012

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If you, or someone you know, would like to receive a copy of this publication, please contact the Board of Registration for Professional Engineers and Land Surveyors.

For Parcel Delivery

405 Black Lake Blvd.,
Olympia, WA 98502

– or –

USPS (without remittance)

PO Box 9025
Olympia, WA 98507-9025

USPS (with remittance)

PO Box 35001
Seattle, WA 98124-3401

Phone

Board Administration
(360) 664-1564

Exams, Licensing and
Renewals
(360) 664-1575

Complaints and Investigations
(360) 664-1571

Fax

(360) 664-2551

E-Mail

Engineers@dol.wa.gov

Web site

www.dol.wa.gov/business/engineerslandsurveyors

Message from the Chair

“The Message from the Chair” is a reflection of the personal opinions and experiences of the Board Chair. Comments in the article may be shared by various members of the Board, but they are not to be interpreted as a policy, position, or consensus of the Board unless specifically so indicated.

From Lisa Brown, PE, Board Chair

I'd like to take this opportunity to update you on exciting changes coming in administration of examinations in Washington State. Previous Board Journal articles and Chair messages have mentioned that National Council of Examiners for Engineering and Surveying (NCEES) will begin administration of the Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) as computer based exams beginning January 2014. At the recent NCEES annual meeting, there was support that the vision of computer based testing should eventually include all exams such as the Principles and Practices of Engineering (PE) and Principles and Practices of Land Surveying (PLS). The Washington Board will be pursuing transitioning Washington state specific exams to computer based exams (i.e. Washington State Specific Land Surveyor and On-Site Designer).

NCEES exams will be offered at Pearson VUE test centers in Renton, Seattle, Spokane Valley and Yakima. The Board hopes to utilize the same test centers for administration of the state specific exams and have the exams. However, that is not certain at this time. Administration of computer based exams will be beneficial on several levels. The added available testing locations in Washington State should be more convenient for some examinees. Once exams transition to computer based, examinees may take exams at the designated testing locations more often during the year. Exam results will also come out sooner. The importance of preserving exam security can't be emphasized enough. Transitioning to computer based exams is expected to enhance security reducing exam collusion situations. It's unfortunate that in the past few years the Board has investigated approximately 8 cases related to exam collusion. When the Board receives notification on suspected exam collusion occurring at a Washington State test site, all individuals involved are subject to an investigation. In most cases there is an innocent test taker completely unaware he/she is being victimized by someone cheating on an exam. Yet, the innocent victim is still subject of an investigation until the circumstances and facts are determined. If an investigation results in a determination of exam cheating, the guilty party could be subject to fines, exam invalidation or other restrictions. The Board recently adopted a policy with the purpose of more quickly responding to situations such as exam cheating or other unprofessional acts related to the examination process. In situations where an examinee is determined to be an innocent victim, not a knowing and willing participant to exam cheating, the investigation of the innocent victim is typically closed without further action. Quicker dispositions allow for exam validation sooner and peace of mind for those that are victims.

News to You

Board Vacancy Opening Next Summer

July 2013 will mark the end of Lisa Brown's second term as a Board Member. Her position is one of the five engineer positions to the Board. Basic requirements for being appointed are: Hold an active license as a PE in Washington; have been licensed for at least ten years; have been a resident of the state for the last five years prior to appointment and is a Citizen of the United States.

If you are interested in applying for that vacancy now is not too soon to start. The application and instructions can be found at the website for the Office of the Governor: <http://www.governor.wa.gov/boards/application/default.asp>. The appointment will be made prior to July 9th which is the start of the Board's business year.

If you have any questions on the duties of Board members and the amount of time that serving on the Board may involve, contact George Twiss, Executive Director at 360-664-1565 or gtwiss@dol.wa.gov.

Software Engineering?...Not Yet

In May of this year the National Council of Examiners for Engineering and Surveying (NCEES) announced their plan to offer a Principles and Practice of Engineering examination in Software Engineering. The first offering of the exam will be April 2013.

While the Washington Board is not obligated to offer licensing in all disciplines defined by NCEES exams, they have historically done so. However, for the time being the Board has chosen to at least delay offering licensing in Software Engineering. They are concerned that the matrix of the exam outlines a scope of professional practice that could be difficult differentiate between licensed and unlicensed practice.

At their meeting in August, the Board agreed to not provide this option to Washington applicants for at least two years. Near the end of that period the Board will again consider whether this is an appropriate discipline to offer in the State of Washington.

For those interested in pursuing a license as a professional engineer in software engineering it is suggested that you contact other state Boards about whether you could qualify under their laws. Contact information for other boards can be found at www.ncees.org

Are You Represented At Board Meetings?

Most all licensees know of the Board and that they have regular occurring meetings to conduct business assigned to them by the state Legislature and the Office of the Governor. There are about 6 two-day meetings each year. The first day is devoted to standing and ad hoc committees meeting for in-depth discussion of all questions and issues including the evaluation of new complaints and policy and rule development related to registration and examinations. The formal Board Meeting is held the second day.

For many years the Land Surveyors Association of Washington (LSAW) and the Washington Society of Professional Engineers (WSPE) have had representation at our meetings. Not only do they attend but they are usually afforded opportunity to participate with Board members and contribute to reaching good decisions both in the committee meetings and at the formal Board Meeting. More recently the Structural Engineers Association of Washington (SEAW) has a representative in attendance.

The Board functions best when they can interact with stakeholders. Having regular representation at meetings enables professional organizations to have direct impact in decisions that could ultimately affect their members.



These discussions are more than listening to ideas and initiatives proposed by the Board. They are equally an opportunity for organizations to bring issues to the Board that should be considered in the Board's current and future business objectives.

Whether you are a member of one of the above organizations or not the Board is interested in hearing from you. We are also very interested in having other professional organizations become visitors to meetings when possible. If this is of interest to you or your group you can find details on our website (<http://www.dol.wa.gov/business/engineerslandsurveyors/>) or subscribe to the ListServ (<http://www.dol.wa.gov/business/engineerslandsurveyors/emaillist.html>) to receive agendas and other notices about Board meetings.

The Board Loses A Loyal Staff Member

On September 1st, Kim King, long-time Executive Assistant to the Board's Executive Director, passed away as a result of cancer. She had taken retirement due to her health at the end of March and was undergoing treatment in hopes of reversing her decline. She is survived by her husband Gary; daughter Sara and grandson Korye, along with her siblings and many, many friends.

Kim was the Executive Assistant since 1998. She had primary responsibility to assist Board members in the preparation before and following meetings, workshops and other board activities. For those who attended meetings or frequently contacted our administrative offices, she was the one who took care of the details and made everyone her priority.

She frequently said how much she enjoyed working for the Board and experiencing all the variety of challenges found in regulatory work. To her credit, she made friends with everyone. No matter how much work needed her attention she had a smile and a warm greeting for everyone.

For us who knew her closely this news is hard to accept. She was always there for us but never asked anything for herself. The loyalty and professionalism she devoted to her work was exceptional and sets a very high standard for us to duplicate. We will all miss her.



A Reminder To Engineers Who Perform Home Inspections

The Department of Licensing's records now show there are now 571 licensed home inspectors in Washington State. In addition to licensed home inspectors, professional engineers occasionally perform home inspections in their capacity as a professional engineer. As a licensed PE they are one of the professions that are exempted from having to obtain the home inspector license to perform home inspections. The quality and competency of the work engineers perform is governed by chapter 18.43 RCW and the administrative rules adopted by the Board of Registration. In addition, procedural requirements for direct supervision and sealing / signing engineering work product applies equally to any home inspection reports an engineer prepares.

Engineers conducting home inspections must not only comply with the Board's law and rules governing engineering practice, they must also perform their home inspections in conformance with the provisions of the Home Inspector Licensing Law –RCW 18.280 and the Standards of Practice in WAC 308-408C. If questions are raised about the quality or thoroughness of an inspection performed by a professional engineer, his or her work will, in part, be judged against those standards.

Any complaints or concerns about the competence or accuracy shown in an engineer's home inspection report should be forwarded to: Board of Registration for Professional Engineers and Land Surveyors, PO Box 9025, Olympia, 98507-9025. You can also send your concerns via email to: engineers@dol.wa.gov. All such matters will receive thorough attention toward determining what, if any, action might be appropriate.

NCEES Announces Changes To FS Exam

The current specifications for the Fundamentals of Surveying (FS) exam will change in January 2014 in conjunction with the exam's transition to computer-based testing (CBT). In 2010, NCEES announced a move toward CBT. The final pencil-and-paper exam will be offered in October 2013. All FS exams administered before CBT will use the exam specifications currently

available on the Exams portion of the NCEES website.

This notice of new domains follows a previous call for volunteers to participate in a content review. The cross-section of participants included licensed professional surveyors, academics teaching surveying courses, and surveying interns. These individuals were surveyed about the fundamental knowledge and skills necessary for a surveying intern to work in a manner that protects the health, safety, and welfare of the public.

NCEES has posted the major domains for these exams online, and the complete specifications will be available in 2013. For a list of the new FS exam domains for the January 2014 administration, go to ncees.org/CBT

NCEES Approves Expanding Computer-Based Testing To PE, PS Exams At 2012 Annual Meeting

The state licensing boards that compose NCEES, the organization that develops and administers the exams used for engineering and surveying licensure throughout the United States, have voted to begin converting the PE and PS exams to a computer-based format.

The unanimous decision was made during the 2012 NCEES annual meeting, held August 22–25 in St. Louis, Missouri. It follows a 2010 decision to convert the FE and FS exams to computer-based testing, a transition that will be completed in January 2014.

The PE exams will be converted to CBT in 2015 at the earliest, but as NCEES Executive Director Jerry Carter explained, the transition will be paced for each exam. “We offer 25 different PE exams in 17 different engineering disciplines, and NCEES will review each exam individually to determine what it needs to move to CBT,” he said. “The language approved by the Council is ‘at the earliest feasible date,’ and NCEES will move carefully and deliberately with each conversion to ensure that the exam continues to reliably measure professional competence.”

There is no set time for converting the PS exam to a computer-based administration, but Carter explained that NCEES wants to gain experience with computer-based testing for the FE and FS exams before it moves another exam to the new format.

While recognizing the effort involved in converting an exam to computer-based format, Carter also noted the advantages, including greater scheduling flexibility for

candidates, more uniformity in testing conditions, and enhanced security for exam content.

The PE or PS exam is typically the last step in the engineering or surveying licensure process. Licensure candidates who pass the FE or FS exam and meet education and work experience requirements must pass the PE or PS exam to become eligible for licensure as a professional engineer or professional surveyor.

Over 25,000 candidates took the PE exam in the past year, which included October and April administrations. Over 1,200 examinees took the PS exam during the same period.

NCEES focuses on industrial exemptions. Among other actions taken at the annual meeting, NCEES member boards expressed their support for strengthening licensure’s protections by applying them toward engineered products and systems. They approved an amendment to the NCEES Model Law to require responsible charge of a licensed engineer over the engineering design of buildings, structures, products, machines, processes, and systems that can affect the public health, safety, and welfare.

The amendment is a response to provisions in many state laws, known as industrial exemptions, that exempt firms that manufacture products from requiring a P.E. to oversee their design.

“The newly added requirement is subject to implementation at the state level,” Carter said. “But adding it to the Model Law—which serves as a best-practice model for state laws—demonstrates the boards’ commitment to protecting the American public.”

Newly installed president Gene Dinkins, P.E., P.L.S., has appointed a task force for the coming year to study which U.S. jurisdictions have industrial exemptions and to develop discussion points that state licensing boards can use to begin talks with their legislators about eliminating these types of exemptions.

Full details on all motions considered during the annual meeting will be included in the official minutes, which will be published later this year.

Contact

For more information, contact NCEES Executive Director Jerry Carter at 864-654-6824.

International Licensure Applicants Are Changing The Paradigm

By: Jerry Carter, NCEES Executive Director

Along with President Dale Jans and President-Elect Gene Dinkins, I recently attended the biennial workshop of the International Engineering Alliance in Sydney, Australia. The IEA provides administrative oversight to six international agreements governing mutual recognition of engineering qualifications and professional competence. Of the six agreements, NCEES is a signatory to the Asia-Pacific Economic Cooperation (APEC) and the Engineers Mobility Forum (EMF), both of which are intended to help facilitate mobility of practicing engineers between the participating countries.

The concept of these agreements is that a person recognized in one country as having reached the agreed international standard of competence should only be minimally assessed (primarily for local knowledge) prior to obtaining registration in another country that is party to the agreement. This model should sound familiar; it replicates the vision on which the U.S. system of licensure is based. The primary purpose for the creation of the Council was to promote reciprocity/comity, allowing qualified engineers to cross state boundaries. Engineering has always been a mobile profession, and it became clear early on that this country needed a process that would eliminate impediments to crossing state boundaries to provide professional services. Through the years, the importance of facilitating mobility has not changed; the boundaries are just different. Today,

the issue has expanded from “how to get a license in an adjoining state” to “how to get a license in another country.”

Whenever I represent NCEES internationally, I am always impressed by the common thread that we share with our overseas counterparts. Although we may have linguistic and cultural differences, the predominant concern is ensuring that the individuals who offer engineering services are competent in their field and will provide their expertise in a manner that protects the well-being of the general public.

There has been significant interest in NCEES exams in recent years by foreign entities. This is partly the result of foreign programs receiving ABET accreditation and wanting to use the Fundamentals of Engineering exam as an outcomes assessment tool. The interest is also based on the prestige associated with being designated as a professional engineer licensed in the United States. Whatever the motive, the end result is that a growing number of individuals

educated and living outside the United States will be pursuing licensure with an NCEES member board.

Several boards have already taken measures to address the increase in foreign applicants, while others remain in a quandary about how to assess experience gained outside this country. As an organization, we must determine what changes will be required to evolve the licensure process to accommodate this situation, while also ensuring that no action we take will impair our mission to protect the public.

Today, the issue has expanded from “how to get a license in an adjoining state” to “how to get a license in another country.”



Florida Atlantic University Wins NCEES Engineering Award

The winners of the NCEES Engineering Award for Connecting Professional Practice and Education have been named, with the grand prize going to the Florida Atlantic University Department of Civil, Environmental, and Geomatics Engineering. The award jury met on May 31 in Clemson, South Carolina, to select the winning projects from among this year's 30 entries.

Florida Atlantic University received the \$25,000 grand prize for its entry, Dania Beach Nanofiltration Plant Expansion. For the project, civil engineering students collaborated with faculty, professional engineers, and city officials to find innovative and cost-effective solutions to designing a new water treatment facility for the city, resulting in the construction of the world's first LEED Gold-certified water treatment plant.

The jury praised the project for incorporating many aspects of civil engineering and renewable energy, noting the student contributions from concept through construction and obtaining LEED Gold certification.

"Emphasizing the importance of technical competency and ethical practice is critical to educating the next generation of professional engineers," said NCEES President Dale Jans, P.E. "We hope this award will inspire other colleges to introduce similar collaborations."

The jury selected five additional winners to receive awards of \$7,500 each, two of which were to Seattle University:

- Seattle University Department of Civil and Environmental Engineering
Design of an Orphanage, Learning and Community Center in Ethiopia



John Wesley Lauer (faculty accepting the award for Jhon Paul Smith), Scott Stainer (former student on project)

- Seattle University Department of Civil and Environmental Engineering
Historic Dam Guard Rail and Vehicle Barrier Retrofit for Public Safety



Dan Pickering (former student on project), Robert Cochran (Seattle City Light liaison), Katherine Kuder (faculty advisor)

The NCEES Engineering Award recognizes engineering programs that encourage collaboration between students and licensed professional engineers. EAC/ABET-accredited programs from all engineering disciplines were invited to submit projects that integrated professional practice and education. In selecting this year's winners, the 11-member jury of NCEES members and representatives from academic institutions and professional engineering organizations considered criteria such as:

Successful collaboration of faculty, students, and licensed professional engineers

- Benefit to public health, safety, and welfare
- Multidiscipline and/or allied profession participation
- Knowledge or skills gained

NCEES is currently preparing for the 2013 award cycle, and entry information will be available in late September. The 2012 NCEES Engineering Award Book will also be released this fall. More information on all of this year's winning projects is available online at ncees.org/award.

SPECIAL NOTE:

With the two awards to Seattle University noted above the Department of Civil and Environmental Engineering has received five awards since the awards program was established three years ago. No other

schools have received more than one award.

The Board has commended the faculty, staff and students of the Department of Civil and Environmental Engineering, for their continuing strive for excellence in engineering education.



Nirmala Gnanapragasam, John Wesley Lauer, Katherine Kuder

upon his or her ability to “put food on the table” than being competitive. At some point surveyors have to collectively respect their profession enough to perform the work as they are required to do. If members of a profession disregard their responsibilities or fail to report such indifference to the law the profession, as a whole, is disregarded.

Question: If I place a rebar & cap along a line of two parcels in a plat marking a position not shown to have been previously monumented, do I file a record of survey even though the controlling monuments I used fit the plat dimensions?

Answer: *A rebar & cap would be considered a monument in any official determination by the Board and since its position was not previously noted of record the new monument would establish a condition that makes a recording required.*

Question: If I put a monument in a position where a previous monument of record is missing and my calculated position is within 0.03 feet of the plat/record location and nearby occupation is in close agreement (± 0.1 feet) with my position should I file a record of survey?

Answer: *Given the close agreement with record information and the meandering of the fence is probably not considered to be an encroachment, the recording would seem to meet the following conditions. Note the highlighted phrases.*

RCW 58.09.090, WHEN RECORD OF SURVEY NOT REQUIRED.

A record of survey is not required of any survey:

(d) When it is a retracement or resurvey of boundaries of platted lots, tracts, or parcels shown on a filed or recorded and surveyed subdivision plat or filed or recorded and surveyed short subdivision plat in which monuments have been set to mark all corners of the block or street centerline intersections, **provided that no discrepancy is found as compared to said recorded information** or information revealed on other subsequent public survey map records, such as a record of survey or city or county engineer’s map. If a discrepancy is found, that discrepancy must be clearly shown on the face of the required new record of survey. For purposes of this exemption, the term discrepancy shall include:

The Washington Board Journal Questions & Answers



Land Surveying:

Question: How do we get surveyors to follow the law? In a recent conversation with another surveyor he indicated that, in these tough economic times, he has decided that in order to be competitive and “put food on the table” he does not file a record of survey when he sets a corner monument. I have a partial copy of just such a survey he performed in 2009 and the area in which he surveyed is almost devoid of control monuments and would absolutely fall under the guidelines of the Recording Act. He also said he was willing to “take the chance” that he would be able to continue this practice without any problem. He notes that this could be the difference between his getting a job or not and that he knows that “other surveyors are doing it.”

Answer: *What the other surveyor has decided to do has been noted in Board investigations before. Each time he or she “takes a chance” they risk results in a penalty by the Board that will be far more impacting*

(i) A non-existing or displaced original or replacement monument from which the parcel is defined and which nonexistence or displacement has not been previously revealed in the public record;

(ii) A departure from proportionate measure solutions which has not been revealed in the public record;

(iii) The presence of any physical evidence of encroachment or overlap by occupation or improvement; or

(iv) Differences in linear and/or angular measurement between all controlling monuments that would indicate **differences in spatial relationship between said controlling monuments in EXCESS of 0.50 feet** when compared with all locations of public record: That is, if these measurements agree with any previously existing public record plat or map within the stated tolerance, a discrepancy will not be deemed to exist under this subsection.

Engineering:

Question: Can a WA company (in this case an LLC) providing materials testing and civil inspection services provide these services without a licensed P.E.? If said company does not have a licensed P.E. what limits does that place on their services, if any?

Answer: *In general, inspection and testing activities do not rise to the level of professional engineering judgment. Typically, individuals seeking licensure with that as their primary experience will not be granted full time credit. However, at times both the inspection and testing activities become engineering level work if the specialized knowledge gained in engineering education is required to interpret or direct these activities.*

For example: A technician may conduct routine construction site inspections and report of what is observed or what a test may have produced. It becomes more likely an engineering activity when the results or observations need to be interpreted to determine if they meet specification requirements.

Assuring compliance with specifications and design is part of the scope of engineering practice as defined in the Engineer's Registration Act, RCW

18.43.020(5)(a).

Question: Why is the Board pursuing a law change to add continuing education for professional engineers?

Answer: *The proposal to add continuing education for professional engineers is from the American Society of Civil Engineers (ASCE) for the state of Washington. The Board is not participating in the effort to pass this change other than to provide technical support to legislators on how it would be best to implement the requirement if it were to pass.*

Anyone with questions about the reason for the proposal should direct them to the local branches of the ASCE.

On-site Wastewater Designers:

Question: With the discussions of moving certain exams to a computer based format, is the Board going to do the same for the On-site exam?

Answer: *The Board is considering the cost effectiveness to do just that. However, over recent years we see less than 8 total new applicants each year. With that low number the costs to move to computer-based testing may make it impractical. In the alternative, the low numbers afford some flexibility in scheduling so that the exam may become more frequently administered.*

Question: The licensing law for On-site Designers was recently revised to make alternative educational options for credit such as mentoring and internship. How is that going to work?

Answer: *At the writing of this response all that can be said is that we are working on that. It is a somewhat complicated process of making an equitable comparison between, practical experience (full time employment under supervision of licensee), mentoring (fragmented accumulation of practical experience with course work), and formal education (college level classes targeting a specific field of study).*

Presently the Board is accepting applications that are asking for credit from a mentoring type format even though all the details have not been worked out. In the advance of final decisions all applications with such credit as part of the experience are considered on a case by case basis.



What The Courts Say

This article provides information of administrative and court actions that have taken place in the US involving professional licensure. This information is provided to help educate readers on actions that were taken affecting a professional license. In this case, the summary is not specifically about engineering or land surveying practice. It is about the compliance with continuing education requirements.

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Discipline Held For False Representation Of Continuing Education

The Delaware state psychology board acted reasonably in disciplining licensee Earl Walker, Jr., for failing to meet his continuing education requirements and falsely representing that he had

met the requirements, the Superior Court in New Castle, Delaware, held February 3 (Earl E. Walker, Jr. v. Board of Examiners of Psychologists).

After catching a reporting discrepancy in continuing education hours during a random audit, the board held a hearing. Walker explained that he had been through a rough patch during the two years of the CE reporting period in question, and this caused him to make a 28.75-hour exaggeration in his reported continuing education credits. Walker blamed his divorce, custody issues, and financial problems resulting from his ex-wife's bankruptcy.

The board placed Walker on probation for six months, requiring him to complete his credits and to be assessed by a psychologist to determine if his apparent disorganization would impair his work. Unhappy with this outcome, he filed an appeal with the Superior Court.

In his appeal, Walker argued, among other things, that the "penalty was unprecedented and excessive," and that the board made "unfounded assertions of professional incompetence." To reinforce his arguments, he introduced a chart which purported to show his penalty was an outlier in the range of punishments given to psychologists who committed similar infractions.

He also argued that, because the board had not



filed a certified record of the proceedings within a 20-day deadline, its decision was void for procedural failures. The board countered that the sanctions imposed on Walker were both well within its statutory range of discretion and reasonable given the level of disorganization shown by Walker's failure to complete his continuing education requirements.

As for the filing deadline, the board argued that Walker's own slow filing was the cause of the delay and that, in any case, Walker was not prejudiced by the delay, an argument the court accepted.

In the rest of its decision in favor of the board, the court stated that the primary question before it was whether the sanctions against Walker were supported by substantial evidence. The court first recounted the history of the board proceedings against Walker, citing the board's effort to determine a proper sanction and Walker's own admissions as to the cause of his failure to acquire and accurately report his continuing education credits.

"Here," it said, "the effectively undisputed evidence of [Walker's] failure to satisfy his continuing education requirements, taken together with his admitted personal difficulties, gave rise to the board's concerns about [his] ability to satisfy the board's requirements for unsupervised licensure; this issue is precisely the type of matter that is within the expertise and specialized competence of the board."

What Does Washington Law Say?

The Engineer's Registration Act, chapter 18.43 RCW provides for mandatory auditing of continuing education credits for the renewal of a land surveyor's license. Chapter 18.210 RCW requires continuing education for licensed on-site designers but does not tie it to the renewal of the license. Continuing education is not presently required to renew a professional engineer's license.

In administering both laws the Board conducts random sampling of active licensees to ensure compliance with this requirement. Since auditing has been instituted licensees have demonstrated very good compliance with the auditing. Only one out-of-state licensee was disciplined for fraudulent reporting. Like the case discussed above, the Washington licensee admitted he did not collect the required credits even though he affirmed otherwise.

Examinations

April 2012 Examination Results

	Total	Pass	% Pass
Fundamentals of Engineering (EIT)	611	437	72%
Principles & Practice of Engineering			
Agricultural	4	2	50%
Chemical	12	10	83%
Civil	203	139	68%
Electrical	59	38	64%
Environmental	16	5	31%
Mechanical	82	63	77%
NA/ME	12	8	67%
Structural	80	38	48%
Fundamentals of Land Surveying (LSIT)	29	9	31%
Principles & Practice of Land Surveying			
NCEES – 6 Hour	19	16	84%
WA Specific L S (2-hour)	53	27	51%
On-Site Designer	3	3	100 %
On-Site Inspector	4	2	50%

Investigations & Enforcement

Statistics of Actions Taken By The Board

JANUARY 1, 2012 THROUGH JUNE 30, 2012

Active investigations as of January 1, 2012	16
Investigations Opened	57
Investigations Closed	67
Active Investigations as of June 30, 2012	6

SUMMARY BY MONTH:

	Complaints Received	Inquiries Received	Investigations Opened*
January	7	0	7
February	13	0	13
March	18	0	18
April	11	0	11
May	6	1	6
June	2	1	2
Totals	57	2	57

**Investigations can be opened by either a complaint or an inquiry received.*

SUMMARY BY PROFESSION AS OF JUNE 30, 2012

	Active Investigations	Legal Status	Compliance Orders
Prof. Engineers	5	1	0
Prof. Land Surveyors	1	0	1
Unlic. Engineers	0	0	0
Unlic. Land Surveyors	0	0	0
On-site Designers	0	3	0
Totals	6	4	1

Legal status refers to the investigations that the Case Manager has referred to legal for violations and the Board Order is in progress of being issued.

Summaries Of Investigations And Actions By The Board

The following case summaries cover the disciplinary actions against licensees from January 1, 2012 - June 30, 2012. In each disposition the Board accepted the recommendations of the case manager, unless stated otherwise. For those cases involving a Board order, each licensee may be monitored for compliance with the conditions imposed in the order.

The summary information provided under "INFORMAL ACTIONS" is provided to educate licensees on events and circumstances that come before the Board for investigation. In those cases no disciplinary action is taken because either the allegations are unsubstantiated, fall outside the scope of jurisdiction of the Board or it becomes unnecessary because of corrective measures taken. Any investigations that reveal clear and convincing evidence of wrongdoing, and where a Board Order is issued, will be listed under "FORMAL ACTIONS".

The decisions of the Board members who work as Case Managers of the investigations are based upon their personal opinions of the severity of the infraction and the best course of action to take to appropriately resolve issues. Interpreting any one or several dispositions as indicative of the Board's view of how all such cases will be handled in the future would be incorrect.

These summaries are not intended to disclose complete details related to any given investigation or action. While every effort is made to ensure accuracy of the information shown, anyone intending to make a decision based upon this information should contact Robert Fuller, Deputy Executive Director at (360) 664-1578 for more details.

FORMAL ACTIONS:

Land Surveying

Jeremy Disch, PLS, Case No. 11-05-0009

The Board's investigation of Mr. Disch was based upon a complaint alleging that Mr. Disch embezzled funds from his local chapter of the Land Surveyors Association of Washington while acting as treasurer. The successor treasurer of the chapter discovered the discrepancy which Mr. Disch had attempted to conceal. The Chapter pressed criminal charges against Mr. Disch.

During the course of the investigation, Mr. Disch admitted to embezzling LSAW chapter funds while treasurer of the chapter. The embezzled amount totaled about \$10,000, which he has since paid back, accompanied by a written and verbal apology to members. Mr. Disch appeared to be remorseful and understood the seriousness of the action. In addition to the pending criminal action, he indicated that he has lost his job, been publicly castigated, and has had personal relationships destroyed or jeopardized.

After reviewing the investigation file, the case manager authorized the issuance of a Statement of Charges on November 16, 2011, and a settlement option in the form of a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. On December 15, 2011, Mr. Disch accepted the settlement option and signed the Agreed Order. The terms of the Agreed Order are that he pay a \$500 fine within one year of the effective date of the Agreed Order and his license shall be suspended for a period of 18 months. During the suspension period he shall enroll in, complete and pass the New Mexico State University correspondence ethics course.

On January 12, 2012, the Board accepted the Agreed Order.

Ruben M. Martinez, PLS, Case No. 11-02-0002

The Board's investigation of Ruben M. Martinez was based upon information received from the Utah Professional Engineer and Professional Land

Surveyor Licensing Board. The information was to inform the WA Board that Mr. Martinez had pled guilty in Utah of attempted forgery and Unlawful Unprofessional Conduct (practicing in a profession while not licensed). Mr. Martinez did not report this Utah conviction to the Washington Board of Registration.

During the course of the investigation it was found that Mr. Martinez was in the process of obtaining his license in Utah during this time and had to go before the Utah board to explain his Oregon license being revoked. Mr. Martinez told the Utah board that he was appealing his revocation in Oregon. The Utah Board opened an investigation and found that a survey on file with the County Surveyor's Office had in fact been surveyed and prepared by Mr. Martinez but had the seal and signature of another Professional Land Surveyor. A written statement was provided to the Utah Board from that individual stating that the seal and signature appearing on the survey map were forgeries.

After reviewing the investigation file, the case manager authorized the issuance of a Statement of Charges on May 20, 2011, and a settlement option in the form of an Agreed Order. Mr. Martinez accepted the settlement option and signed the Agreed Order. The terms of the Agreed Order are:

In lieu of further disciplinary procedures, Mr. Martinez's license to practice professional land surveying in the state of Washington shall be voluntarily surrendered and he shall never practice professional land surveying in the state of Washington, including any temporary, emergency or volunteer practice.

Mr. Martinez shall immediately return to the Board, his Professional Land Surveyors wall certificate and all copies of current credentials which reflect a current expiration date.

Mr. Martinez shall never reapply for licensure in the state of Washington or any other jurisdiction in the United States of America.

On March 15, 2012, the Board accepted the Voluntary Surrender in Lieu of Discipline (Agreed Order).

INFORMAL ACTIONS:

Land Surveying

Case No. 10-07-00040

This investigation was opened based upon a complaint that the respondent did a boundary and topographic for the complainant and placed the line of Ordinary High Water incorrectly. The respondent originally prepared the survey in 2007 and did not show any line of Ordinary High Water (OHW). The survey was later revised but showed an incorrect line of Ordinary High Water. The client used the survey to obtain the necessary permits to build a house but the city rescinded the building permit due to the incorrect survey. A Stop Work Order was posted at the job site. When notified of the error, the respondent refunded the fee charged for the survey and prepared a drawing correcting his error. Upon advice of his attorney, he refused to sign the drawing until the complaint filed with the Board was withdrawn. This demand was later changed to reimbursement of his original fee before signing. The complainant hired another surveyor to complete the survey.

Upon review of the Record of Survey by the Case Manager it was discovered that the respondent failed to put any accuracy statement as required. The respondent performed work in a negligent manner and when confronted with the error, made unreasonable demands for correcting the error. The respondent also prepared and filed a Record of Survey that was deficient.

Because of the respondent's excellent reputation and the case manager's belief this was an isolated incident he authorized staff to set up a counseling session with the respondent. That session involving staff and board member, revealed the respondent's understanding of his actions and promised to make a renewed effort to meeting statute and rule

standards for the practice of land surveying. No further action was taken.

Case No. 11-02-0003

This investigation was opened based on allegations the respondent did not disclose encroachments when he surveyed his own property and did not illustrate the encroachments on a subsequent Boundary Line Adjustment (BLA) he prepared. He then failed to disclose the encroachment during the process when he sold the property.

Initially the respondent filed a survey in 2004 which did show the encroachments. The respondent then prepared and submitted a BLA application and survey which was recorded in July of 2007. The survey did not show the encroachment onto the property. In 2008 he sold the property and again did not disclose the encroachment.

When questioned by the Board's investigator, the respondent claimed that he was forced to remove the encroachment due to a demand by the city's reviewer. The investigator was able to get a copy of the original submittal and reviewer's comments. The encroachment was not shown on the original submittal nor did the review comments mention anything regarding an encroachment.

At the time of the investigation the respondent had moved out of state and to surrender his license. He further stated he had no intention to return.

Case No. 11-05-0010

This investigation was opened following a complaint from one surveyor against another alleging several deficiencies in a Record of Survey recorded in December 2007 for the Washington State Department of Transportation (WSDOT) for a conservation easement. One of which was on the position of a disputed center of section.

Following review the Case Manager concluded that surveys in the area showed two possible locations for the center. One being the location defined by intersecting quarter section lines and the other

being an existing monument. The respondent and complainant accepted the same perimeter quarter section corner locations but did not agree with the acceptance of the existing center monument. The case manager concluded the respondent should have shown the location of the stone and the alternate positions of the lines. He was notified and agreed to correct it through an affidavit of correction. No further action was required.

Case No. 11-07-0004

This investigation was opened following a complaint which listed several deficiencies against the respondent, employed by the Washington State Department of Transportation (WSDOT) for failing to provide a correct map and record it as an ROS. The Case Manager concluded the document prepared by the respondent was a WSDOT internal drawing and was not required to be recorded or comply with the Survey Recording Act.

Case No. 11-10-0015

This investigation was opened following a continuing education audit of a land surveyor's license. The respondent was sent a letter that he was being audited for his Professional Development Hours (PDH). In response he requested and was granted a shift in his license status from active to inactive, thus waiving the immediate requirement for PDH units to be satisfied.

The respondent was informed that as an inactive licensee he is prohibited from offering or providing surveying services and that he would need to document PDH credits at such time he asked for his license to be returned to active. No further action was taken.

Case No. 11-11-0004

A complaint from a land surveyor alleged that the Respondent has been serving as the Designated Licensed Surveyor for two businesses during the same time period. The respondent stated that he was never the Designated Land Surveyor for his prior firm. He became employed by the firm in March, 2011, and became listed as their Designated

Land Surveyor in November, 2011. He did not perform any work for the firm that required a Licensed Land Surveyor before December, 2011.

Case No. 12-01-0006

This investigation was opened when one surveyor filed a complaint against another. During a survey by the complainant he discovered property pins set by the Respondent but no ROS was filed. Even though the survey was found to have errors, the Complainant felt this was an isolated incident and would be corrected by the Respondent. However, after reading in the Board Journal about an Agreed Order against the Respondent for not recording surveys he made his complaint.

The Respondent informed the Board that the original survey was for a planned remodel, but did not meet set-back requirements and that the property had been sold and resold after the survey. He stated that his client had been reimbursed for the recording fee and that the property corners had been removed. As it turns out, one of the property corners had not been removed. After being informed that one corner had not been removed by his party chief as he had believed was the case, he returned to the site the same day to do so.

Concluding all of the terms and conditions of the Agreed Order had been satisfied and upon further evaluation of all case details the case manager found no justification to pursue this matter any further.

On-site wastewater designers

Case No. 11-04-0003

This investigation was opened based upon a complaint by a private homeowner who had contracted with the Respondent to provide septic system design services. The complainant alleged that Respondent completed the design but did not follow through with coordination with the County for inspections which resulted in a delay of an occupancy permit. The complainant also stated

that contact with the respondent has been very difficult requiring him to retain a second designer to complete the work.

The investigation found the respondent has done approximately 100 designs in the last 4-5 years; but only 4-5 projects in the last two years; Thought the project was complete and produced paperwork showing request for County inspection; Did not bill or been paid for the completion of the work; and, was known by county staff to be a person difficult to get in contact with.

Poor communication or complete lack thereof appeared to be the issue. There did not appear to be an overt act of negligence or malicious intent. The Case Manager concluded that formal action was not appropriate but noted that further complaints would likely require action by the Board.

Unlicensed Practice

Case Nos. 10-06-0007 & 10-07-0001

These two investigations were opened following complaints alleging the respondent had installed a sign advertising engineering and surveying services without being licensed. It was alleged that the sign represented an offer to practice.

It was confirmed that two large signs existed where described in the complaint. The signs indicated the offer of engineering and surveying services and, in a reply to the Board, the respondent implied he could provide engineering services without knowing who he was addressing.

The respondent agreed to immediately cease and desist offering engineering services and removed both signs. A statement was obtained from the respondent stating it was not his intention to perform engineering but to utilize other licensed engineers. He now understands that an individual/company must have a license to practice engineering or advertise for that work. Following the recommendation of the Case Manager the Board closed the investigations with no further action.

Case No. 11-11-0003

This investigation was opened following a complaint alleging that a firm has been advertising surveying services on their web page without having a licensed surveyor on staff or a listed designated surveyor.

The firm did not have a licensed surveyor on staff when their web site listed Topographic Survey and Construction Survey as the services available. The investigation showed the firm has employed a licensed surveyor, and the surveyor has been listed as their Designated Surveyor.

Prior to 2011 the firm did include Topographic Survey and Construction Survey on their web page. However, the investigation found that the firm did not perform surveying services before December, 2011. In March 2011 the firm did employ a surveyor but had not listed him as a Designated Land Surveyor.

In November, 2011 the deficiency was corrected and the firm submitted the forms naming a PLS as the designated LS. The case manager recommended closing the case with no further action.

Case No. 12-01-0005

This investigation was opened following Board receipt of a letter expressing concern about a person that gave an expert testimony, via Declaration, stating he was a land surveyor and his firm is licensed with the State of Washington. The complainant could not find that this person was a licensed land surveyor in Washington. The complainant also found that the Declaration was peculiarly absent of a surveyor's stamp and signature.

The respondent firm was registered as a professional service company by Secretary of State and the owner is a licensed land surveyor. Both the firm and the employed professional land surveyor's licenses were current. The owner confirmed that the respondent works for his firm and all exhibits for the Declaration were done under his direct

supervision. The exhibits and declaration was prepared for a pending quiet title action.

Based on interviews proper supervision was maintained and the documents were attorney work product. The case manager recommended closing the case with no further action.

Case No. 11-11-0007 & 12-02-0001

This investigation was opened following complaints that the respondent, a non-licensed on-site septic designer, completed a record (as-built) drawing and then had a licensed designer stamp the drawing. The respondent was also advertising and promoting on-site design services on a “Facebook” page, business cards, and mailers.

In August 2011 the respondent had previously surrendered his on-site septic system license for 8 years in conjunction with a board order. In November 2011 a licensed designer submitted a record drawing he had stamped for a parcel. The record drawing was made on the respondent’s business letterhead, not the letterhead of the licensed designer. The complainant believed the record drawing was actually completed by the respondent not the licensed designer due to previous work products. The respondent and the licensed designer admitted they both worked on developing the record drawing.

Although the record drawing was completed on the respondent’s letterhead and he did work on helping develop the drawing, the Case Manager did not feel there was sufficient evidence demonstrating the record drawing was developed independently from the licensed designer. The respondent also has modified his advertising and “Facebook” page.

After a counseling session there was better understanding by the respondent of the requirements in the 2011 agreed order.

Message from the Chair

The Board has continued active outreach to colleges and universities in the past few years, relaying the benefits and importance of licensure in the engineering and land surveying professions. My daughter is currently enrolled in a Chemical Engineering program. While visiting her recently I met several of her classmates enrolled in a variety of engineering programs. I took the opportunity to ask each one their plans to pursue licensure. Each student answered 'yes'. I was encouraged by the responses I heard especially since most students asked were in their freshman year. I took this as a positive sign that young engineering students are planning licensure early in their education, as a key component of their future professional goals.

This will be the last year of my appointment to the Board. Key issues continue to evolve at the state and national level, such as foreign mobility and continuing professional development requirements for engineers. If you are interested in having an important role in continuing the Board mission I strongly encourage you to consider applying for an appointment. I also encourage you to attend our committee and/or Board meetings to observe the Board's role, structure and discussion issues. If you questions, feel free to contact one of the current Board members or Board staff.

PS To Become Closed-Book Exam

The NCEES Principles and Practice of Surveying (PS) will become a closed-book exam in April 2013. At this time, examinees will use NCEES-supplied references during the exam and will no longer be allowed to bring other reference material into the exam room.

This change is a result of a motion NCEES passed at its 2011 annual meeting. The motion was presented by the NCEES Committee on Examination Policy and Procedures, which is responsible for reviewing the effectiveness of NCEES exams.

"There were two reasons to go to a closed-book exam: to increase the security of the exam and to prepare for the possibility of the PS transitioning to a computer-based format," explained NCEES Director of Exam Services Tim Miller, P.E. "A closed-book exam will prevent candidates from copying exam content into their references or bringing in prohibited items. It will also

make for an easier transition if the PS exam moves to a computer-based format at computer testing centers, where space for references is limited."

A new edition of the NCEES Principles and Practice of Surveying Sample Questions and Solutions will be available for sale in November 2012. It will reflect the new exam specifications and include the supplied references. The supplied references will also be available online for free download at ncees.org.

Approved Stamp Formats ... A Reminder

Shown here are the only stamp designs approved by the Board. In July 2008 these designs were changed to delete the box showing the "Expired Date". It is noted that even four years later there are a number of licensees who are using a stamp design that has not been changed to reflect this format.

In addition, only those individuals who have completed the examination requirements for licensure in structural engineering are authorized to use the design showing the title "structural engineer".

All licensees who have stamping responsibility, whether via electronic image or conventional rubber stamp, must be using these new designs to be in compliance with the Board approved rule: WAC 196-23-010.



Schedules

Examination Schedule

Spring 2013 Administration

Examination	Type	Examination Date	Application Deadline
Architectural, Chemical, Civil, Electrical, Environmental, Industrial, Mechanical, Naval Architect/Marine Engineering	NCEES	Friday April 12, 2013	Tuesday January 15, 2013
16-hour Structural	NCEES	Friday & Saturday April 12 - 13, 2013	Tuesday January 15, 2013
Land Surveying (6-hour)	NCEES	Friday April 12, 2013	Tuesday January 15, 2013
Land Surveying (2-hour)	State	Friday April 12, 2013	Tuesday January 15, 2013
Fundamentals of Engineering & Fundamentals of Land Surveying	NCEES	Saturday April 13, 2013	Tuesday January 15, 2013
On-Site Wastewater Designer / Inspector Certification	State	To be determined	Tuesday January 15, 2013

2012 - 2013 Calendar of Events

The following is a proposed calendar of the Board's meetings, examinations, and participating events for the period of December 2012 through May 2013. The dates and locations noted for Board committee and Board meetings are subject to change without notice.

OCTOBER

2-3 Committee & Special Board Meeting *Spokane*

26-27 Exams *various locations*

DECEMBER

5-6 Committee & Special Board Meeting *SeaTac*

JANUARY

16-17 Committee & Special Board Meeting *SeaTac*

25-26 WOSSA Annual Conference *Yakima*

MARCH

6-9 LSAW Annual Meeting *Tulalip*

13-14 Committee & Special Board Meeting *SeaTac*

APRIL

18-20 NCEES Western Zone Meeting *San Francisco, CA*

MAY

17-19 Board Workshop *Leavenworth*



Board of Registration for Professional
Engineers and Land Surveyors
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