Fall 2014 • Number 54

Washington Board JOURNAL

INSIDE:

MESSAGE FROM THE CHAIR 2

NEWS TO YOU

Life As Executive Director 3
New Faces On The Block 4
A Decade Of Dedicated Service 4
Seattle University Wins 2014 NCEES Engineering Award 5
State 2-Hour Land Surveying Exam Closer To CBT 6
Member Feedback On Fall 2013 BORPELS Journal Article 7
NCEES Approves Revised Educational Initiative 8
Finding New Ways To Get More Women In Engineering 9
As The Courts See It 10
Decoupling Experience: An Evolution Of The Model 12
Questions & Answers 13

EXAMINATIONS

Examination Results 14

INVESTIGATIONS AND ENFORCEMENT

Statistics Of Actions Taken By The Board 15
Summaries Of Investigations 15

SCHEDULES

Examination Schedule 23
Calendar 23

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Term expires 7/2019

Ivan VanDeWege, PE
Battle Ground
Term expires 7/2019

George A. Twiss, PLS
Executive Director, Tacoma

WASHINGTON STATE DEPARTMENT OF LICENSING

Message From The Chair

The "Message From The Chair" is a reflection of the personal opinions and experiences of the Board Chair. Opinions 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 indicated.

From Scott Valentine, PLS

Many of our fellow licensees volunteered their time and expertise for a very successful outreach project held at the Pacific Science Center on Saturday, August 23, 2014. Unofficial estimates total over six thousand children and teenagers participated in the "Engineer It! Weekend" activities sponsored by the National Council of Examiners for Engineering and Surveying (NCEES).

The event took place as part of the NCEES 93rd Annual Meeting held at the Sheraton Seattle Hotel. Introducing the younger generation to our professions and encouraging them to consider engineering and surveying as a career is an important function of our Board and our professional societies. Describing "Engineer It! Weekend" as successful is really an understatement considering the large number of attendees and the obvious joy and wonder they demonstrated during hands-on experiences.

A partial description of the many activities available to attendees will give you an indication of the high quality of the program.

- Learning how robots help surgeons was provided by **Applied Dexterity & University of Washington BioRobotics Lab.**
- The **Pacific Science Center** demonstrated chemical reactions with household products and performed many other scientific exercises.
- The **Structural Engineers Association of Washington** demonstrated the creation of structures and testing them for an earthquake.
- **Washington First Robotics** introduced the building process and functions of robots.

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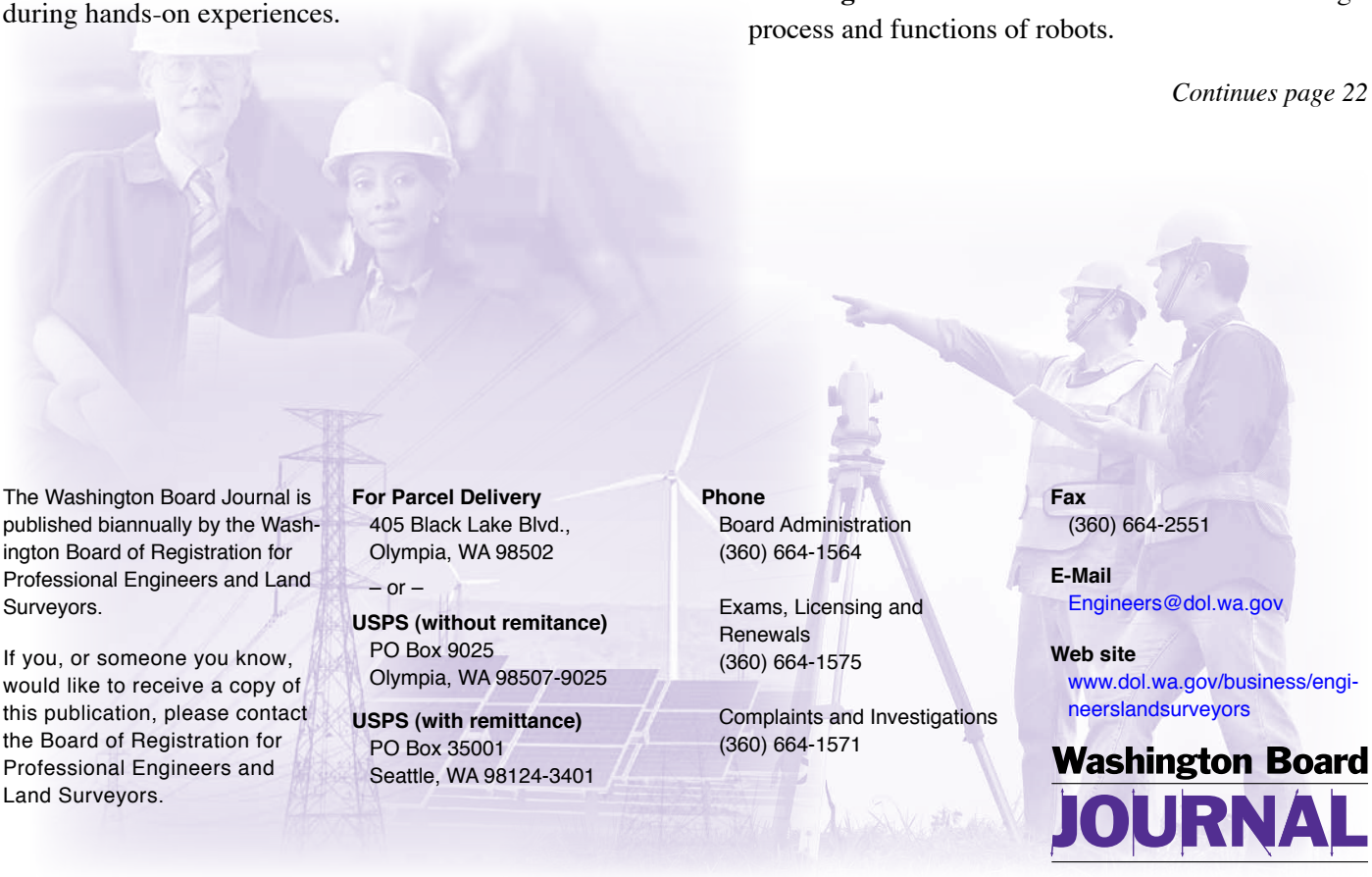

The Washington Board Journal is published biannually by the Washington Board of Registration for Professional Engineers and Land Surveyors.

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.

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Washington Board JOURNAL

Life As Executive Director

By: George A Twiss, PLS

If my schedule comes together as planned, I will be leaving service to the Board and to the state of Washington on May 1, 2015. For so long, any thoughts of my retirement were at a distance in my vision. Conversations of "retirement" were usually related to board members who were nearing the end of their second term of service and the preparations we needed to do for the selection and orientation of new members.

Oh how things have and are changing. The stable workgroup that has served the Board has experienced two retirements this year, one with 14 and the other with 15 years of service. When I reach that point, I will have served the Board for 29 years. So for all that time, what have I learned and what might be good advice for my replacement?

To say that working for an employer like the Board is unique could easily be an example of a supreme understatement. There is literally nothing like it. Yes, it is work directly connected to the professions and to regulated practice. But it is not professional practice as licensees would define it. The Executive Director does not perform engineering or surveying but can have considerable opportunity to influence how individuals do practice.

A review of the history of the Board shows that the position of the chief of staff, whether called Registrar, Executive Secretary, or Executive Director, has been held by one holding a license. All of my predecessors were licensed as professional engineers: Edward Dohm, PE (Certificate No. 2) 1935 – 1962; Clarence Shain, PE (Certificate No. 140) 1962 – 1967; Quentin Gately, PE (Certificate No. 8469) 1967 – 1985); and Alan Rathbun, PE (Certificate No. 16957) 1985 – 1997. I became the first executive officer holding a license as a land surveyor.

At the time of my selection by the Board there were, and may still be, many who believe that the executive officer for this Board must be a PE. It seemed that the opinion was based upon there being considerably more licensed engineers than land surveyors under the authority of the Board. That opinion was also rooted in the belief that the work of the executive officer was mostly of an engineering nature and a surveyor was not sufficiently versed in engineering matters.

I would not disagree for a moment that I was not "versed" in engineering matters when appointed. However, the Board found me the best qualified candidate partly because I had already served 11 years on the Board staff. However, the expectation to be "versed" in engineering or land surveying is more of a historical preference than an actual need to administer this program. The reality is that this position requires skills to manage the critical regulatory activities of the Board. The primary responsibilities demand good management skills over a license.

For the future, what the Board does and how the Board does it will continue to change. Such changes will involve providing more online services, enhanced communication and outreach, computer based testing, and improving complaint investigations to enable more innovative solutions to case dispositions.

The Board's desire and need to be accessible to all stakeholders will drive many strategic initiatives. Efforts include analyzing data from customer satisfaction surveys to help target improvement opportunities and interactive dialogue with broader audiences to encourage stakeholder involvement in the development of rules, policies, and procedures. Board members and staff will continue to attend various professional meetings and conferences and deliver timely information to licensees.

At about the time this Journal is mailed, the Board and the Department of Licensing will be opening the recruitment process for this position. If you are interested in applying for the upcoming vacancy I suggest you subscribe to the Board's ListServ so you will receive the announcement when it is first published. That link is: http://www.dol.wa.gov/business/engineerslandsurveyors/emaillist.html

New Faces On The Block

On September 9, 2014, Governor Jay Inslee appointed two new members to the Board, filling the two vacated positions by Mel Garland, PLS and Daniel Parker PE.

James Wengler, PLS

Filling one of two professional land surveyor positions on the Board, James Wengler, a Professional Land Surveyor and Certified Federal Surveyor, comes to the Board following many years as the liaison to the Board representing the Land Surveyor's Association of Washington (LSAW). He was LSAW's Surveyor of the Year in 2006 and is a Past State President of LSAW. James, owner of Wengler Surveying & Mapping in Port Angeles, is also a member of the National Society of Professional Land Surveyors and recently served on the Board of Governors and the Board of Directors. Scott Valentine, PLS, Board Chair appointed James to serve as a member of the Practice Committee and the Survey Committee.

Ivan VanDeWege, PE

Ivan VanDeWege is a licensed Electrical Engineer, and is the Senior Electrical/ Product Safety Engineer for CASE Forensics. Ivan is filling one of five professional engineer positions on the Board. He is licensed in Washington, Montana, Oregon, Idaho, and Utah. Ivan is certified as a Product Safety Engineer and Fire and Explosion Investigator. He is a senior member of the Institute of Electrical and Electronics Engineers (IEEE), National Society of Professional Engineers, and Washington Society of Professional Engineers. He has served as Vice President of Technical Activities for the Product Safety Engineering Society of IEEE, on the Board of Directors of the Product Safety Engineering Society of IEEE, and as Chair of the Forensics and Failure Analysis Technical Committee of IEEE. Scott Valentine, PLS, Board Chair appointed Ivan to serve as a member of the Exam Qualification Committee.

A Decade Of Dedicated Service

The term of service for two board members came to completion in August, 2014. In 2004, former Governor Gary Locke appointed Daniel Parker, PE and Mel Garland, PLS to the Board, and former Governor Christine Gregoire reappointed them to a second term in 2009.

Daniel Parker, PE

Dan Parker, licensed as an Electrical Engineer, filled one of five registered professional engineer positions on the Board.

Throughout his tenure, Dan volunteered to be Journal Editor, served as Vice Chair and Chair for the Board, and sat on various committees. He was instrumental in drafting interpretive guidelines for electronic documents and signatures. He supports international mobility of licensure in engineering, and has served both as a member and as Chair of the Mobility Task Force for the National Council of Examiners for Engineering and Surveying (NCEES). He believes that simplifying the licensing process and removing unnecessary barriers for foreign based applicants, while maintaining rigorous qualification standards, is a positive way to improve services to the public.

For his considerable efforts and contributions to the NCEES, Dan received the Distinguished Service Award in 2014. This annual award is conveyed to only five members of state licensing boards. His selection is confirmation of his value and dedication to the professions.

Mel Garland, PLS

Mel Garland, a Professional Land Surveyor, filled one of two professional land surveyor positions on the Board. He has served as Vice Chair and Chair for the Board and also on various committees. He was instrumental in guiding efforts to improve the state's 2-hour survey examination. This exam, viewed by independent exam experts as a fair yet discriminating measure of competence, has been studied by other state boards in their goal to achieve similar testing performance.

Prior to his appointment, Mel was the board liaison for the Land Surveyors Association of Washington and attended most board meetings on their behalf. That experience was of considerable value to his transition as an effective board member. He has continued to be

an effective liaison to the professions with his direct participation in dozens of programs and workshops throughout his career.

Seattle University Wins 2014 NCEES Engineering Award

The National Council of Examiners for Engineering and Surveying (NCEES) is pleased to announce that the Seattle University Department of Electrical and Computer Engineering is the grand prize winner of the 2014 NCEES Engineering Award for Connecting

Dean of College of Science and Engineering, Dr. Michael Quinn (left) and Chair of Electrical and Computer Engineering, Agnieszka Miguel (right), received the NCEES Engineering Grand Prize Award from NCEES President Patty Mamola, PE (center) at the organization's national meeting held in Seattle in August.

Professional Practice and Education. The award jury met June 3, 2014, in Clemson, South Carolina, to select the $25,000 grand prize winner.

The department received the top prize for its submission, Microgrid System for a Wind and Solar Farm Located in Rural Kenya. For the project, electrical engineering students worked as part of a team that also included faculty, professional engineers, and other professionals to design a hybrid wind- and solar-power microgrid system to provide electricity to a school and surrounding community in Muhuru Bay, Kenya.

The jury praised the project for its strong interaction with professional engineers as well as its applications for communities in the United States and abroad.

The jury selected five additional winners to receive awards of $7,500 each:

The Citadel, The Military College of South Carolina

Department of Civil and Environmental Engineering

Wave Dissipation System

North Carolina State University

UNC/NCSU Joint Department of Biomedical Engineering

Creating a Better Way to Locate Vasculature for Intravenous Therapy

Seattle University

Department of Civil and Environmental Engineering

Historic Landmark Incline Lift Structural Evaluation and Retrofit

University of Evansville

College of Engineering and Computer Science

Fairfield Reservoir and Dam

University of Notre Dame

Department of Civil and Environmental Engineering and Earth Sciences

Innovative Housing Solutions for Post-Quake Haiti

Continues next page

The NCEES Engineering Award recognizes engineering programs that encourage collaboration between students and professional engineers. EAC/ABET-accredited programs from all engineering disciplines were invited to submit projects that integrate professional practice and education.

The winners were selected by a jury of NCEES members and representatives from academic institutions and professional engineering organizations. The 11 jury members 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

"It is imperative that students preparing to enter the engineering profession understand the vital importance of technical competency and ethical practice," said NCEES President Patty Mamola, PE "These projects, which represent a variety of engineering disciplines, are great examples of innovative ways to prepare students for professional practice. We hope they will inspire other engineering programs to incorporate similar collaborations."

In addition to the two awards won in 2014, Seattle University has competed and won seven awards between 2009 and 2013.

2009 NCEES Engineering Award • $7,500 winner

Seattle University

Department of Civil and Environmental Engineering

Structural Design Package for the Replacement of a County Bridge

2011 NCEES Engineering Award • $7,500 winners

Seattle University

Department of Civil and Environmental Engineering

Flood Control Channel Design for a River in Northwest Haiti

Seattle University

Department of Civil and Environmental Engineering

Structural Design of Dam Sluice Gate Walkway Slabs: Retrofit and Replacement Options

2012 NCEES Engineering Award • $7,500 winners

Seattle University

Department of Civil and Environmental Engineering

Design of an Orphanage, Learning and Community Center in Ethiopia

Seattle University

Department of Civil and Environmental Engineering

Historic Dam Guardrail and Vehicle Barrier Retrofit for Public Safety

2013 NCEES Engineering Award • $7,500 winners

Seattle University

Department of Civil and Environmental Engineering

Design Options for a Creek Crossing for a Utility Company

Seattle University

Department of Civil and Environmental Engineering

Structural Evaluation and Retrofit of a Warehouse

State 2-Hour Land Surveying Exam Moves Closer To Computer Based Testing

As reported in the past, the Board intends to change the method of administering the Washington State 2-hour Land Surveyor Exam (25 multiple-choice exam) from the current "paper/pencil" method to a secure computer based test (CBT) administration. This goal is partly driven by the similar actions taken by the National Council of Examiners for Engineering and Surveying for the 6-hour Land Surveying Exam. This type of administration also affords the Board the flexibility to administer the exam in more locations across the state and on a more convenient schedule than the present method.

Progress is being made but some restraints may interfere with our planned implementation of January 2015. We are working to solve these issues and are hopeful to keep on schedule. We will provide updates on the implementation to CBT via our website and will send announcements to our ListServ subscribers. You may subscribe to our ListServ, free of charge at: **http://www.dol.wa.gov/business/engineerslandsurveyors/emaillist.html.**

Member Feedback On Fall 2013 BORPELS Journal Article

Neil Arthur Norman, PE, C.Eng.
Western Region Member, NSPE Board of Ethical Review

Several Washington licensees commented on the Fall 2013 Journal Article, "Is Whistleblowing a Job Killer or a Career Killer?" This article was a reprint from the NSPE PE Magazine issue of December, 2012. I had originally been requested by NSPE to draft a professional ethics article that would generate comments from members, and in that I guess I was successful.

The ethics dilemma covered may be the most controversial ethical challenge we could face in our careers, and hopefully we never do have to make a choice between our duties to be "faithful agents or trustees for each employer or client" and our duty to "inform (the) appropriate regulatory agency if our professional judgment is overruled resulting in an imminent threat to public health and safety." Our Washington code includes these sections:

WAC 196-27A-020
Fundamental canons and guidelines for professional conduct and practice.

Registrants are to safeguard life, health, and property and promote the welfare of the public. To that end, registrants have obligations to the public, their employers and clients, other registrants and the board.

(1) Registrant's obligation to the public.

(c) Registrants must inform their clients or employers of the harm that may come to the life, health, property and welfare of the public at such time as their professional judgment is overruled or disregarded. If the harm rises to the level of an imminent threat, the registrant is also obligated to inform the appropriate regulatory agency.

(2) Registrant's obligation to employer and clients.

(g) Registrants shall act as faithful agents or trustees in professional matters for each employer or client.

In every case, the judgment of what constitutes an imminent threat is left to the individual engineer. The use of verbal and written communication within the engineer's chain of command can usually resolve a conflict, but even this level of challenge can result in a soured relationship with your immediate management, even when diplomatically performed. Nevertheless, when our judgment calls for this we must do it. Reaching outside your firm's or client's structure to a regulatory agency is certain to engender serious hard feelings.

As the title of the article reflects, I believe that the failure to take the high road when public health safety and welfare is endangered will be more damaging to your career than will a conflict with your current employer or client. The case I used as an example in the article was NSPE Board of Ethical Review (BER) Case no 88-6. The engineer is found at fault for not reporting their concerns outside their employer's hierarchy. In most cases similar to this there are conflicting opinions in BER discussions usually related to whether the risks do present an imminent threat to public health, property, and welfare. I have never heard a member of the BER challenge the primary responsibility of the professional engineer to protect public health and safety.

You can find and read the full discussion of Case 88-6 and other similar cases such as 82-5 and 65-12 at this link: www.nspe.org/Ethics/EthicsResources/BER/index.html

As included in the full discussion of Case 88-6, the BER observed "the engineer who makes the decision to 'blow the whistle' will in many instances be faced with the loss of employment. While we recognize this sobering fact, we would be ignoring our obligation to the Code and hence to the engineering profession if, in matters of public health and safety, we were to decide otherwise."

In selecting this potential conflict between our ethical commitments, I was hoping to draw attention to the issue and to learn your thoughts as to whether there is **ever** a requirement to go outside your client or employer hierarchy to inform outside authorities. The seriousness of this discussion would certainly warrant further comment relative to other cases where whistleblowing was judged by the engineer to be necessary.

NCEES Approves Revised Educational Initiative

August 2014, NCEES website

The US engineering and surveying licensing boards that make up the NCEES have voted to modify the approach to requiring additional education for initial engineering licensure by removing specific language in the NCEES *Model Law* and *Model Rules*, originally intended to be effective in 2020.

The decision was made during the 2014 NCEES Annual Meeting, held August 20–23, 2014 in Seattle, Washington. As part of the vote, Annual Meeting delegates decided to instead develop an official NCEES position statement that supports additional engineering education beyond a bachelor's degree.

"NCEES remains committed to improving education standards to better prepare engineers to enter the profession and will work with other engineering organizations, educators, and the professional engineering community to reach that goal," said NCEES Chief Executive Officer Jerry Carter. "NCEES voted to remove these requirements to avoid confusion and unintended comity licensure barriers while it works on the specifics of the requirement."

The additional education requirement in the *Model Law* and *Model Rules*—the NCEES best-practice models for state licensure laws and rules—called for an engineering licensure candidate to obtain a master's degree or its equivalent before initial licensure. The requirement was first added to the model documents by Council vote in 2006. In subsequent years, NCEES Annual Meeting delegates approved several additions and modifications to the language to adjust and clarify the requirement.

The Council's latest decision means that in 2020 the NCEES *Model Law* and *Model Rules* will continue to require an engineering bachelor's degree from an EAC/ABET-accredited program to fulfill the education requirement for engineering licensure.

Carter explained that having the additional education requirement in the model documents was creating uncertainty about what would be required for licensure in the future and impacts to students entering engineering programs.

"The language about requiring additional education beyond the bachelor's degree was inserted in the NCEES model governance documents to reflect the belief of the Council that significant revisions are needed in the education of engineers to ensure that they are prepared to enter the professional practice of engineering. Because the language had been incorporated into the NCEES *Model Law* and *Model Rules* but had not yet been adopted by any individual licensing board, it was causing confusion among students, educators, and professional engineers," he said.

Another key issue was the effect on the NCEES records program, which is used by professional engineers across the country to facilitate comity licensure, the process by which a professional engineer licensed in one state gets licensed in another.

Carter explained, "For those who meet the Model Law Engineer (MLE) or Model Law Structural Engineer (MLSE) standard, many states expedite a comity licensure application. In 2020, the MLE and MLSE standards would have required a master's degree or the equivalent. If no state requires a master's, most licensees would no longer meet the MLE and MLSE standards, which would have slowed comity licensure. The NCEES is dedicated to facilitating licensure among states, so it wants to avoid this impediment."

The NCEES Advisory Committee on Council Activities has been charged to develop the position statement supporting additional education for initial engineering licensure and will present it for adoption by the Council at the 2015 Annual Meeting.

Removing prerequisite in licensure requirements

Among other actions taken at the Annual Meeting, NCEES member boards voted to remove its *Model Law* prerequisite that four years of progressive engineering experience be earned before a licensure candidate can take the final licensing exam, the Principles and Practice of Engineering exam.

Delegates voted in 2013 to remove the prerequisite, and the NCEES Committee on Uniform Procedures and Legislative Guidelines was charged this year with proposing specific amendments to the language to effect the change. The Council voted to approve the proposed amendments.

Carter said that the change does not alter the requirements themselves. "The *Model Law* still requires four years of engineering experience for licensure. You don't have to meet the experience requirement before you can take the PE exam, but you do have to earn this experience, along with meeting the education and exam requirements, before you can become licensed as a

professional engineer."

This change to the *Model Law* is subject to implementation at the state level. "Each jurisdiction will decide whether to remove the prerequisite aspect of the experience requirement from its laws or policies, and some have already done so," Carter explained.

NOTE: The Washington Board supported this change but believes improvements to educational standards are a constant objective. At this point the Board has not adopted any rules that would have followed the original NCEES initiative.

It's Time To Find New Ways To Get More Women In Engineering And Improve Diversity

By Patty Mamola, PE, NCEES President
June 2014, NCEES Licensure Exchange Magazine

At my first National Council of Examiners for Engineering and Surveying (NCEES) Board of Directors meeting as president last August, Dan Wittliff, PE, immediate past president of the National Society of Professional Engineers (NSPE), spoke of his challenge to the Society of Women Engineers (SWE) to increase the number of women in engineering to 30 percent by 2030. He encouraged me and NCEES to work with NSPE and SWE to develop new strategies to meet this goal—not to keep doing what we've been doing (because it's obviously not working) but to take a fresh look and come up with new ideas.

At the recent zone interim meetings, the Advisory Committee on Council Activities presented a proposed diversity statement—a first for NCEES—which we had the opportunity to adopt at our annual meeting in Seattle in August. At the joint Central/Western Zone meeting, one of the delegates pointed out that while it is progress to have a diversity statement, it's also important to be able to measure how we're doing. He's absolutely right. At the board meeting following that zone meeting, we discussed the need to benchmark where we currently stand with regard to diversity. Once we have benchmarks, we can then identify the goals and develop a plan to work toward them.

Last month, I had the opportunity to attend the Engineers Canada annual meeting in St. John, New Brunswick, Canada. Engineers Canada is very similar to NCEES; it is the regulator for the engineering profession in Canada. For the past four years, it has focused on increasing the number of women in engineering. Its goal is for women to make up 30 percent of engineering graduates by 2030.

I was impressed by two things that I saw at the meeting related to Engineers Canada's efforts to promote women in engineering. The first was an awards luncheon that recognized young women selected for scholarships. The scholarship winners were chosen, not based on their academics, not on their GPAs, but on their involvement and their achievements related to engineering. Even though they were selected, they could not receive the scholarship money, ranging from $5,000 to $15,000, until they performed community outreach at their local high schools by speaking to students about becoming an engineer. What a great way to increase the return on the initial investment!

The second thing that impressed me was two unique, interesting awards presented at the Engineers Canada Awards Gala. The first is the Award for the Support of Women in the Engineering Profession, which recognizes a person who is well-known as a champion for women in engineering. The second award is the Gold Medal Student Award. This award is given to an engineering student who has exhibited outstanding leadership or is recognized by his or her professors or peers as having the potential to make significant contributions to the engineering profession. Both of these awards provide excellent opportunities to promote engineering.

I think it's time that we stop talking about diversity and begin taking action. Like our counterparts in Canada, let's start with a goal of increasing the percentage of women engineering graduates to 30 percent by the year 2030. Our efforts in this area will help us improve diversity in other areas. Diversity is necessary if we as engineers are going to increase the pool of possibilities of what can be created. I know that the NCEES board of directors is willing to expend some energy on this issue and that our strategic plan identifies diversity as a goal, but we are a member-driven organization. Your state board support is needed so that, as an organization, we can develop a plan and act.

NOTE: The Washington Board supported this issue and voted to adopt the diversity statement in the first steps in providing improved diversity amongst our members.

DID YOU KNOW...?

A wind turbine falls under the definition of a "Significant Structure" according to the definition found in RCW 18.43.020(11)(c), as the structure exceeds one hundred feet in height above the ground level.

With the expanding construction and installations for wind turbines throughout Washington State, the Board wanted to offer assistance and guidance as to when these projects involve engineering.

We see the turbines as transportable machinery units where the design and fabrication of components may occur outside the state of Washington. It is very common practice to have manufactured machinery transported into our state and installed within a project that is otherwise required to be permitted construction.

Our long standing guidance in these situations has been the design work necessary to adapt the equipment to the needs of the site is work that should be preformed by a Washington professional engineer.

In the case of a turbine, site adaptation could involve the expertise of several professionals for site access, grading, drainage and legal location through civil engineering and/or land surveying; foundations and anchorage through structural engineering; electrical power grid connection through electrical engineering; and any specialized site machinery requirements through mechanical engineering.

As pointed out by 18.43.020(11)(c), a licensed Washington structural engineer is required for the design of the foundation and anchorage.

As The COURTS See It

Publication: Professional Licensing Report
March/April 2014 • Vol. 25, Pages 9/10

Licensing, Testing, and Discipline in the Professions

Lack of remorse cited as court refuses to license F. Lee Bailey

The Supreme Judicial Court of Maine, in an April 10 decision, denied former O.J. Simpson attorney F. Lee Bailey admission to the state's bar, ruling that Bailey had not shown sufficient remorse or understanding of the seriousness of conduct that caused the Florida Supreme Court to strip him of his license in 2001 (Bailey v. Board of Bar Examiners).

Florida disbarred Bailey in 2001 for misconduct during his representation of a client charged with drug smuggling. The client, Claude Duboc, led a lavish lifestyle, with a classic car collection and two estates in France. When he determined to plead guilty, Bailey helped Duboc set up complicated arrangements for the maintenance of his properties during the asset forfeitures that would follow.

Part of those arrangements were the use of $3.5 million worth of stocks, which Bailey used to maintain the properties and, dubiously, to pay himself for Duboc's representation.

When Duboc became unhappy with Bailey and moved to replace him, Bailey responded by sending a letter to the presiding judge, Maurice Paul—but not to Duboc or his new attorneys—referring to his client as a "multimillionaire druggie."

Unmoved, Judge Paul removed Bailey from his representation of Duboc and ordered that the account that Bailey was using to pay himself be frozen, and for Bailey to surrender the remaining assets.

Despite the order, Bailey withdrew another $300,000, then informed authorities in Switzerland, where the funds were being held, that the money in the account was proceeds from drug trafficking. Swiss authorities then

froze the accounts, preventing Bailey from surrendering the money as ordered. Judge Paul held Bailey in contempt, incarcerated him for 44 days, and ordered him to repay over $400,000 that he had removed from the account.

As a result of these several improprieties, Bailey was disbarred in Florida. And, adding insult to injury, the IRS eventually assessed over $4.5 million in tax debts against Bailey, based on income from the sale of the stock that he had not reported.

In 2012, with his debt to the IRS still outstanding, the now 78-year-old Bailey applied for licensure in Maine. The state's Board of Bar Examiners determined that Bailey had not proven that he had the good character and fitness. The Board found that Bailey had not recognized the wrongfulness and seriousness of his offending conduct—a requirement for a showing of good character—noting that he was still contesting his disbarment in Florida.

Bailey appealed the decision with some success. In 2013, a single justice of the state's Supreme Court determined that Bailey had satisfactorily proved his good character and should be granted a license. The board appealed that decision, and the case moved to the full court.

While the court in this latest ruling determined that the law did not require Bailey to unambiguously accept every adverse finding made against him during his disbarment, it found that in many instances, no evidence existed to show that Bailey accepted his malfeasance at all.

In others, the evidence showed that Bailey had actually minimized both the wrongfulness and seriousness of his conduct. At times, Bailey seemed to even halfheartedly profess the existence of a minor conspiracy on the part of the federal Department of Justice, Florida Bar officials, and various judicial figures to attain his disbarment.

On the whole, the court ruled in affirming the board's decision, Bailey failed to prove that he understood the seriousness and wrongfulness of his past conduct, and he was not eligible for the bar.

What does Washington Law say?

One of the requirements to become licensed is the applicant must be of good character and reputation.

Unprofessional Conduct—Acts or Conditions that Constitute.

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant:

- The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession or operation of the person's business, whether the act constitutes a crime or not.

- The suspension, revocation, or restriction of a license to engage in any business or profession by competent authority in any state, federal, or foreign jurisdiction.

- Practicing with a practice permit or license issued that is expired, suspended, or revoked.

- Being willfully untruthful or deceptive in any document, report, statement, testimony, or plan that pertains to the design or construction of a system.

- Submission of a design or as-built record that is knowingly based upon false, incorrect, misleading, or fabricated information.

- Submission of any application for licensure or certification that contains false, fraudulent, or misleading information.

- Failure to cooperate with the disciplinary authority in the course of an investigation, audit, or inspection authorized by law by:

  – Not furnishing any papers or documents requested by the disciplinary authority

  – Not furnishing in writing an explanation covering the matter contained in a complaint when requested by the disciplinary authority

  – Not responding to a subpoena issued by the disciplinary authority, whether or not the recipient of the subpoena is the accused in the proceeding

  – Not providing authorized access, during regular business hours, to representatives of the disciplinary authority conducting an investigation, inspection, or audit at facilities utilized by the license holder or applicant.

Decoupling Experience: An Evolution Of The Model

Jerry Carter, NCEES Chief Executive Officer

During the 2013 NCEES annual meeting, the Council approved a motion by the Advisory Committee on Council Activities to disconnect the timing of the experience requirements currently provided in the Model Law. This action will change the sequence of when licensure candidates are eligible to take the Principles and Practice of Engineering (PE) exam but not the elements of the licensure model, which includes education, experience, and examination. This year, the Committee on Uniform Procedures and Legislative Guidelines was charged with developing the language to incorporate into the Model Law 130.10, General Requirements for Licensure, to implement this change. The committee offered a motion for the Council's consideration at the 2014 annual meeting.

Since the Council voted to make this change, I have heard numerous comments that it will negatively impact the ability to test for minimum competence and questions about why candidates should be allowed to take a professional practice exam prior to gaining actual experience in the field. I would like to express some personal opinions on both questions.

For a number of years, several NCEES member boards have been allowing candidates to take the PE exam before completing the four years of required progressive engineering experience. Candidates may take the PE prior to gaining the required experience, but licensure is not awarded until all three elements (education, experience, and examination) have been attained. Anecdotally, we have heard that few candidates take the PE exam immediately upon successful completion of the Fundamentals of Engineering (FE) exam and that most generally obtain two to three years of experience before tackling the PE. Certainly, there are candidates who might be able to take and pass the PE prior to gaining actual experience, but the experience element is still required prior to a candidate obtaining a license as a professional engineer.

Anyone who has served on an NCEES exam development committee realizes that it is impossible to create a licensure exam that is not academic to a degree. Our engineering exam committees have done a good job in developing items that require a combination of academic knowledge and practical experience. As I noted, some bright people can get through both exams with relative ease, but the statistics available to NCEES, based on the national population of candidates taking the PE exam, clearly indicate that those who have completed at least four years of experience have a higher pass rate on the PE exam than those who do not.

There were a number of compelling reasons for the Council to approve this action, but the most significant one to me was the number of missed opportunities by so many candidates who successfully completed the FE exam but never took the PE exam. Upon graduation, many candidates enter fields that do not traditionally require licensure as a professional engineer or obtain jobs with companies that do not support licensure. Allowing candidates to take the PE exam after completion of the FE exam but prior to obtaining the four years of experience will keep more candidates in the licensure pipeline.

I also believe that changing the sequence of when someone satisfies the required elements for licensure as a PE will not reduce the ability to determine that a candidate is minimally competent to practice engineering. Various NCEES member boards have already demonstrated this to be the case. Even making a slight tweak to the licensure model is difficult, but in order to grow and evolve, change is inevitable.

We are not alone in our view that change is required to remain current and effective. The National Council of Architectural Registration Boards has recognized the need to provide an alternate pathway for licensure and has created a task force to investigate the potential that the education, experience, and examination requirements could be completed concurrently and that licensure as an architect could be achieved at graduation from an accredited architectural program.

I believe that this was an important change and one that reflects the organization's ability to address change when needed. I also hope that all member boards will endorse this revision in order to continue to promote mobility between jurisdictions, which is the basis for NCEES' existence.

NOTE: When this initiative came before the Council, the Washington Board was opposed and

continues to retain this opinion. They believe that uncoupling of the "experience before examination" model can result in individuals providing services to the public with little or no practical experience. The Board will continue to accept and process any applications, regardless of when the PE exam was taken, that they believe have satisfied state requirements and can safely serve the public.

Questions And Answers

Q&A

Land Surveying Practice

Question: Can a professional land surveyor sign and seal survey data collected with multi-beam echo sounder technology or with vessel-mounted LiDAR technology?

Answer: *The use of specific specialized equipment and the data that can be collected from certain types of measurements are only tools that technology makes available. Simple use of this equipment is not part of the scope of surveying practice as defined in RCW 18.43.020. What the law does govern is the analysis, adjustments, decisions, and opinions that rise to the professional level of specialized knowledge and skill. Also within the scope of practice is the type of information that is disseminated to the consuming public through maps, diagrams, and reports. These end products, when representing to the public positions about property boundaries and/or certain types of topographic information, should carry the seal and signature of a licensed professional.*

Plan Review and Stamping:

Question: I am a Town Engineer for a small town. The county public works department agreed to act as the lead agency in the preparation of plans and specifications for countywide pavement overlay program. Town staff provided direction to the county public works department relative to the limits of the proposed paving. A county public works department designer under the direction of the County Engineer prepared contract plans.

Plans, incorporating our paving project limits, were sent to me by the county asking me to review and prepare to sign the cover page and typical plan sheet attached. It was my assumption the plans sheet would be stamped by the County Engineer, as was done on past projects. After reviewing the project limits and a brief review of the details, I agreed to sign the cover page to acknowledge the plans incorporated our project limits. Upon further communications, they indicated they also wanted me to stamp the typical plans. Again, these plans have been prepared by the designer from within their agency.

The plans are, admittedly, very simple, but I am hesitant to stamp plans where this could put me in violation of RCW 18.43.070. Given that the plans were not prepared under my supervision, I am not comfortable with this. I am looking for your guidance.

Answer: *Any licensee asked to stamp plans or other professional documents as the engineer or surveyor of record must be very careful and consider the content of Board rules and statute requirements. Direct supervision, as defined by the Board in WAC 196-25-070, can be accomplished by a variety of ways and processes. In the end, it is the licensee who must satisfy to themselves if and what document they can place their seal and signature upon. The fact that you are "hesitant" and "uncomfortable" indicates to us that you do not believe your supervision requirements have been satisfied to stamp the plan.*

In addition, the Board has defined in WAC 196-23-020 how a licensee can be engaged to "review" the work of another licensee and stamp a report that discloses what the review was and conclusions made. However, under no circumstances, can a licensee stamp a plan prepared by a non-licensee that was not supervised regardless of how detailed a review was made.

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Stamping Shop Drawings

Question: I am working on a project in which a soldier pile wall has been designed by the engineer of record. The contractor then takes the design and develops details for the soldier piles and tieback pockets in "shop drawings." The project specifications, defined by the engineer of record, explain that the shop drawings are stamped by a professional engineer. Since the detailer is not a licensed engineer the contractor seeks an engineer to stamp the shop drawings.

Is it reasonable for an engineer to stamp fabrication shop drawings that simply copy the information presented in the project design drawings?

Answer: *Whether the requirement for the shop drawings to be stamped "is reasonable" seems to have been answered by the engineer of record who specified that requirement. Following this requirement incorporates the conditions set by the Board on the use of the stamp and direct supervision.*

Please Note:

Effective October 9, 2014, the Board will no longer waive the Fundamentals of Engineering (FE) exam for licensure pursuant to RCW 18.43.040. Pre-existing waivers remain valid. All future applicants for PE licensure must pass the NCEES FE exam. Email your questions to engineers@dol.wa.gov.

Examinations

APRIL 2014 EXAMINATION RESULTS

	Total	Pass	% Pass
Principles & Practice of Engineering			
Chemical	8	5	63%
Civil	186	114	61%
Electrical	42	25	60%
Environmental	15	6	40%
Industrial	4	4	100%
Mechanical	80	54	68%
NA/ME	5	5	100%
16 Hr Structural			
Lateral	54	30	56%
Vertical	42	22	52%
Lateral & Vertical	33	13	39%
Principles & Practice of Land Surveying			
NCEES – 6 Hour	14	13	93%
WA Specific (2-hour)	34	15	44%
On-Site Designer	4	3	75%
On-Site Inspector	7	2	29%

2014 COMPUTER-BASED TESTING

(January – June)

	Total	Pass	% Pass
Fundamentals of Engineering (EIT)	459	356	78%
Fundamentals of Land Surveying (LSIT)	13	5	38%

Statistics Of Actions Taken By The Board

JANUARY 1, 2014 THROUGH JUNE 30, 2014

Active investigations as of January 1, 2014	36
Investigations Opened	55
Investigations Closed	69
Active Investigations as of June 30, 2014	22

SUMMARY BY MONTH:

	Complaints Received	Inquiries Received	Investigations Opened*
January	5	1	5
February	19	2	19
March	20	1	20
April	4	1	4
May	3	1	3
June	4	0	4
Totals	**55**	**6**	**55**

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

SUMMARY BY PROFESSION AS OF JUNE 30, 2014

	Active Investigations	Legal Status	Compliance Orders
Prof. Engineers	9	1	2
Prof. Land Surveyors	6	2	1
Unlic. Engineers	2	0	0
Unlic. Land Surveyors	1	1	0
On-site Designers	4	0	4
Totals	**22**	**4**	**7**

Legal status refers to the investigations that the Case Manager has refered 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, 2014 through June 30, 2014. 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 the Board office for more details.

FORMAL BOARD ACTIONS:

Land Surveying

Todd Emerson
PLS
Case No. 13-03-0007

The Board's investigation was based on a complaint alleging that Mr. Emerson recorded several surveys

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that were deficient due to missing or incomplete information required by the Survey Recording Act.

During the course of the investigation Mr. Emerson admitted the two surveys were deficient in several instances. However, he stated he had not been ignoring the law intentionally.

The Board issued a Statement of Charges on May 19, 2014 alleging that Mr. Emerson failed to perform, prepare, and record a survey conforming to the requirements of the Survey Recording Act (RCW 58.09) and the Survey Standards (WAC 332-130), and offered a settlement option in the form of a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. Mr. Emerson accepted the settlement option and signed the Agreed Order. The terms of the Agreed Order include:

- Within 90 days, pay a $500 fine.
- Submit the next six surveys involving fieldwork and mapping for peer review, at his own expense
- Prepare and perform all surveys in accordance with the Survey Recording Act, Chapter 58.09 RCW.

On June 19, 2014, the Board accepted the Agreed Order. The investigation was closed and moved to compliance monitoring.

FORMAL BOARD ACTIONS:
On-site Septic System Designer

Leigh McIntire
On-site Designer
Case No. 11-07-0002, 11-08-0001, 12-01-0001, 12-09-0001

The Board's investigations of Leigh McIntire were based on multiple complaints alleging that he was hired and paid to complete septic system designs and as-built/record drawings, but he did not complete the work.

After reviewing the investigation files, the Case Manager found that in several instances, Mr. McIntire failed to respond to clients' requests for information and failed to provide copies of work products. This resulted in the complainants having to hire another licensed on-site designer to complete the work. It was also found that on several occasions he failed to respond to the Board's requests for information.

It was the Case Manager's opinion that the business practices of Mr. McIntire were inadequate and not up to professional standards expected of an on-site designer. As a result, the Board issued a Statement of Charges on March 4, 2014, and offered a settlement option in the form of a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. Mr. McIntire accepted the settlement option with modifications and signed the Agreed Order. The terms of the Agreed Order were:

- A $10,000 fine
- Provide to the Board copies of cancelled checks showing reimbursement of $900 and $450 to two clients
- Successfully pass the Texas Tech University course "BASIC Level Study in Engineering Ethics"
- Two-year suspension of his on-site designer license; stayed (not imposed) for no more than two years contingent upon compliance with the conditions outlined in the Agreed Order.

On June 19, 2014, the Board accepted the Agreed Order. The investigation was closed and moved to compliance monitoring.

FORMAL BOARD ACTIONS:
Engineer-In-Training

Thomas Kim
Case No. 13-12-0009

This investigation was opened following a notice from the National Council of Examiners for Engineering and Surveying (NCEES) alleging irregularities in exam performance data involving the respondent and another examinee during the

Fundamentals of Engineering Exam held in Pullman in October, 2013.

The evidence provided by the NCEES combined with seating assignments supported a conclusion that one or both of the examinees copied exam responses from the other. Following interviews, Mr. Kim stated he copied answers from the other examinee's answer sheet without the other examinee's knowledge. Mr. Kim told investigators he did not know or have any connection with the other examinee, nor were any arrangements made at any time.

On February 14, 2014 the Board issued a Statement of Charges and a settlement option in the form of a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. Mr. Kim accepted the settlement by signing the Agreed Order.

The terms of the Agreed Order included:

- Mr. Kim's results for the Fundaments of Engineering examination taken on October 26, 2013 will be invalidated and voided.
- Restriction from applying to take the NCEES Fundamentals of Engineering examination for a period of three years from the effective date of the Agreed Order.

On April 17, 2014, the Board accepted the Agreed Order and closed the investigation.

FORMAL BOARD ACTIONS:

Unlicensed Practice

John Gunderson
Case No. 12-07-0002

The Board opened an investigation on John Gunderson based on allegations that while employed at an engineering firm, he used the electronic stamp and signature of a PE on a report, without the knowledge of the PE. The PE was a former employee who had left the company approximately nine months before the report was completed. The report was provided to the client and to the city for review.

The company discovered the situation and called the former PE asking if he had signed the November 7, 2011 report. He stated he had not, but that he provided some services on the project while employed with the company. The complainant emailed Mr. Gunderson asking for an explanation and he responded later that day. The complainant felt that the response suggested Mr. Gunderson had used the former PE's signature in an improper manner and filed a complaint with the Board.

On March 18, 2014, a Statement of Charges on Unlicensed Activities and Notice of Intent to Issue Cease and Desist Order was filed. On June 12, 2014 a settlement option in the form of Stipulated Findings of Fact, Conclusions of Law, and Agreed Order was sent to Mr. Gunderson. Mr. Gunderson signed the Agreed Order on June 17, 2014. The terms of the Agreed Order included that Mr. Gunderson cease and desist from offering to practice engineering in the state of Washington until he is licensed to do so under Chapter 18.43 RCW.

On June 19, 2014, the Board accepted the Agreed Order and closed the investigation.

INFORMAL ACTIONS:

Engineering

Case No. 13-10-0008

This investigation was opened following an inquiry from the Nebraska Board regarding a request for information regarding any complaints or disciplinary actions against the Respondent by the Washington State Board. The Respondent did have actions taken against him by several other boards, including a license suspension. The investigation was opened to determine if, by the Respondent's actions in other states, there may be grounds for disciplinary action by the Washington State Board.

The disciplinary actions taken by other boards had no direct correlation to the Respondent's work

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Washington State. The Respondent appears to be using license renewal activity to notify other boards, which is reasonable. In addition, it appeared other board actions were follow-on to the initial board action; no additional complaints were identified in the summary documentation provided.

The Case Manager concluded there did not appear to be clear, cogent, and convincing evidence for the Washington Board to initiate action against the Respondent. The Board closed the investigation with no further action.

Case No. 13-10-0009

This investigation was opened based on the Respondent's "self-reporting" notification of disciplinary action taken against him by the Oklahoma Board. The action taken by the Oklahoma Board against the Respondent was in conjunction with another order by the Oklahoma Board against the Respondent's firm. The nature of the charges and actions were a reprimand, fine, and cease and desist directive pertaining to practicing or offering engineering services outside of areas of competence in Oklahoma.

The Respondent has his own business and primarily works as a consulting engineer for a firm that manufactures pre-fabricated, ready-to-install structures. According to the Respondent, he supervises all engineering work he seals and he only seals work for those states in which he is licensed. Local oversight agencies, including the final Labor and Industry review, indicated no apparent problems with products or documentation pertaining to work he performed in Washington State.

The Case Manager concluded there did not appear to be clear, cogent, and convincing evidence for the Washington Board to initiate action against the Respondent. The Board closed the investigation with no further action.

INFORMAL ACTIONS:
Land Surveying

Case No. 13-07-0002

This investigation was opened following a complaint by a property owner alleging the Respondent made a 4.2 foot error and refused to make all affected properties whole after discovery of the error.

The Respondent performed a survey of property which shares a common line with the Complainant's property. An error was discovered when another surveyor surveyed the Complainant's property. The Complainant relied on the original survey and measured off of it to construct a fence on an unsurveyed line of his property. Upon notification of the error and consultation with the second surveyor, the Respondent filed an amended survey correcting the error and paid for relocating his client's fence, built on the wrong line.

The Case Manager concluded the Respondent did not violate any rules over which the Board has jurisdiction when he refused to compensate the Complainant for his fence. The Board closed the investigation with no further action.

Case No. 13-10-0006

During the course of investigation, it was discovered that a section corner was recovered by a county public works professional land surveyor. The recovered corner location was approximately 29 feet from a PK nail accepted as the same section corner on prior surveys recorded by seven professional land surveyors. The survey by the public works surveyor, showing the revised location of the section corner, was recorded in April 2010. The public works surveyor remembers alerting most of the surveyors affected by the revision. The Board investigator discovered no amended surveys had been recorded. In June 2013, letters were sent to the seven surveyors involved to ensure they were alerted to the situation and to ask what they had done in response. Five of the professional land surveyors promptly responded by accepting the revised section corner location, making corrections in the field, and recording

Amended Records of Survey. The Respondent replied in July 2013 that he intended to work with the other remaining surveyor to make an amendment, as their surveys were somewhat intertwined.
Neither of the two remaining surveyors showed any progress by October, 2013, and a formal investigation was opened for each surveyor. With still no progress shown in January 2014, both individuals were given a deadline of May 31, 2014 to complete field corrections and record amended surveys. Without apparent cooperation with the Respondent, the other surveyor recorded an amended survey on May 8, 2014. The Respondent recorded an amended survey on May 30, 2014.

The Respondent met the deadline requirement by recording the amended survey. The Board accepted the Case Manager's recommendation to close the case with no further action.

INFORMAL ACTIONS:

Unlicensed Practice

Case No. 13-08-0007

The Board opened this investigation based on a complaint alleging unlicensed practice of Marine Engineering. The Respondent advertised himself as a "Marine Engineer" on his website. During an interview, Board investigators explained to him how, due to using the title Marine Engineer on his website, the public could construe that he is offering engineering services.

The Respondent explained that he does not use the website to advertise services, but for personal emails and photos. He agreed to remove the title of Marine Engineer, which was subsequently confirmed by Board investigators.

Based on these findings the Case Manager concluded the Respondent cooperated with the Board and brought his website into compliance. The Board accepted the Case Manager's recommendation to close the case with no further action.

Case No. 13-10-0003

The Board opened this investigation following a complaint from a professional land surveyor regarding a Record of Survey (ROS) bearing the stamp of a professional land surveyor who had died several months before the ROS was recorded.

The Case Manager concluded the ROS was indeed signed by someone other than the deceased surveyor because the signature was distinctly different from many other recorded surveys. Board investigators found no evidence to determine who might have signed as the deceased surveyor. The Board agreed with the Case Manager's recommendation to send a letter to the county auditor and adjacent county auditors notifying them of the potential for fraudulent recording of surveys bearing the decease surveyor's stamp and signature. The case was closed with no further action.

INFORMAL ACTIONS:

Fundamentals of Engineering Exam

Case No. 13-12-0008

This investigation was opened following a notice from the National Council of Examiners for Engineering and Surveying (NCEES) alleging the Respondent was suspected of an examination irregularity along with another examinee on the Fundamentals of Engineering Exam held in Pullman, in October 2013.

The Case Manager concluded statistical evidence was correct regarding the irregularities of the two exams; the physical evidence as well as the interview of both examinees indicated the Respondent was undertaking the examination in good faith and was not aware that his answers were being copied by another examinee.

With formal action being taken against the candidate who admitted copying answers, no action was taken against the second candidate and his exam results were validated.

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Case No. 13-08-0002

This investigation was opened following a complaint from a home owner alleging the Respondent company provided services which did not meet "professional standards," including submittal quality, timing, and fee issues. The services in question involved a sequence of consultation for a garage foundation involving direction from multiple owner-representatives. The provided services began with environmental consultation on the garage location and ended with the preparation of a foundation design by the designated engineer of the company.

In a review, the Board determined the fee and schedule issues were not within their jurisdiction. However, an investigation was opened to obtain clarification as to the engineering responsibilities undertaken by the respondent company.

The respondent company primarily performs environmental assessments; however, when any suspected engineering issues arise, the company brings in the licensed designated engineer. The Complainant, who was building the garage himself, obtained a permit. The local building official was contacted and stated the only problem with the engineering design was that the owner/builder had deviated from it, requiring the engineer's approval for the change. The engineer's approval was provided to the City.

The Case Manager could find no clear, cogent, or convincing evidence the company or professional engineer conducted themselves in an unprofessional manner and the Board closed the investigation with no further action.

Case No. 13-06-0003

This investigation was opened following an inquiry about a hydrographic surveying company based in Oregon. The company offers mapping services in multiple states, using a variety of instruments to create images of the bottom of aquatic environments. A review of their website and products showed a high level of expertise and product integrity. The Case Manager concluded that the company did not require the supervision of a professional land surveyor as their products did not show mapping in relation to regulatory or property lines.

The Case Manager recommended the investigation be closed, and a letter be sent to the firm cautioning them that the Board would view displaying regulatory lines or boundaries on their maps as falling within the duties and oversight of a professional land surveyor. The Board accepted the recommendations and closed the investigation.

Case No. 13-06-0004

This investigation was opened following a complaint regarding an unregistered hydrographic surveying firm that did not employ a surveyor in responsible charge. Subsequent to notification of the complaint, the respondent firm voluntarily hired a professional land surveyor and registered with the Board.

As the firm is now in compliance with applicable laws, they can offer land surveying services to the public. Based upon the Case Manager's recommendations the Board closed the investigation with no further action.

Case No. 13-10-0004

The Board opened an investigation following a complaint alleging that a firm (the complainant's former employer) was offering land surveying services without a resident professional land surveyor.

Two employees of the firm, a licensed architect and a professional land surveyor, informed the Board the firm was downsizing and not accepting new survey projects at their branch office in Eastern Washington. The vice president of the firm also responded, stating that their western Washington branch office does have a designated land surveyor working on completing existing projects in Washington.

The Case Manager found that the firm was not in violation of the law and the Board closed the investigation with no further action.

Case No. 13-10-0007

This investigation was opened against a respondent firm that provides modular structures following a broad inquiry from the Oklahoma Board regarding whether the firm provides or offers professional services in other states. Oklahoma issued a Board Order against the respondent firm for not having a Certificate of Authority (COA) to offer or practice engineering in Oklahoma.

Board Staff contacted several oversight agencies in the Puget Sound area who had dealt with this firm on previous projects to get a better understanding of what engineering services their firm was offering within Washington.

The Case Manager concluded, although these modular structures do require engineering in their manufacture to meet state and local codes, the internal design activity would not appear to constitute offering professional services in Washington. Additionally, the Respondent firm appears conscientious in its effort to provide this product within the purview of the local project engineering firm and there have been no complaints regarding their product or pre-fab design/installation methodology. Based upon the Case Manager's findings and recommendations, the Board closed the investigation with no further action.

Case No. 13-12-0001

This investigation was opened based on a complaint notifying the Board that a firm was using the term structural engineer on their website. The firm does not employ a licensed structural engineer.

Board staff met with the designated engineer for the firm and discussed the verbiage used throughout their website. The firm notified the Board that changes to the verbiage were made, including removal of the word 'structural.'

As the firm complied with the Case Manager's suggestions to change the verbiage on their website, the case was closed with no further action.

Up For A Challenge?

Take The 2015 Milton F. Lunch Ethics Contest Challenge!

All current NSPE individual members through their NSPE state societies, and NSPE chapters (including student chapters) are invited to participate in the 2015 NSPE Milton F. Lunch Ethics Contest which provided an opportunity to match their wits with experienced P.E.s and engineering students throughout the country!

Contestants are encouraged to analyze the facts of a real situation involving the ethical obligation(s) of an engineer who is faced with the ethical question of whether his firm can perform services in connection with a site development study for a county with which he is associated through his membership on a county industrial development agency.

Contestants must develop discussion and conclusions about the ethics of the engineer in the case using the format of the NSPE Board of Ethical Review. Entries must be 750 words or less and must be received at NSPE Headquarters by Friday, April 17, 2015.

The winning entry will receive a certificate, recognition in PE Magazine, and an award of $1,000 ($500 to the NSPE state society or NSPE chapter and $500 divided among the authors), provided by NSPE and the NSPE Educational Foundation. Special recognition may also be offered to the authors of superior essays written by current student members.

Judges will decide the winner based on quality of the entry in form and presentation; demonstration of understanding of the implications concerning ethical or unethical behavior; and comprehensive analysis of the case and arguments supporting your conclusions.

The contest is named for NSPEs former general counsel, who played a key role in the founding of the NSPE Board of Ethical Review.

Please visit the "Ethics" section of the NSPE Web site (www.nspe.org) for additional information or to download the contest flyer in PDF format which includes the FACTS and the QUESTION.

Continued from page 2

- **Seattle Pacific University** demonstrated a fire-fighting robot.

- The **Biomedical Engineering Society, University of Washington Chapter** showed the technology used by engineers to improve healthcare.

- The **Land Surveyors' Association of Washington** demonstrated measurement techniques.

- **National Council of Examiners for Engineering and Surveying** staff provided a compass exercise to find the hidden X.

- The **University of Washington Department Of Electrical Engineering** demonstrated how electricity works and its advantages.

- The **Puget Sound Engineering Council** showed how bridges are built and tested for strength.

- Instruction on coding and software applications was provided by **Seattle CoderDojo.**

- The **Washington Future City Competition** exhibited future city building models.

- The **Pacific Northwest Clean Water Association** demonstrated wastewater treatment and return to the environment.

- The **Western Washington American Society of Mechanical Engineers** showed the forces that affect a boat's ability to float.

- A demonstration of how scientists utilize waves and electronics to generate information was provided by **Tau Beta Pi of the University of Washington.**

Other organizations and individuals gave their time and talents to introduce our professions and the sciences to the attendees and I apologize for not listing them. All of the volunteers richly deserve our thanks and admiration for their contribution in this outstanding exercise.

Our engineering and surveying professions need many of the younger generation to make the decision to devote their future education and careers towards licensure in our fields. Outreach is the process towards that goal. I personally feel that "Engineer It! Weekend" will make that happen for some of the young people who were awed by and fully enjoyed their experience. Thanks to all who participated, the Pacific Science Center, and the National Council of Examiners for Engineering and Surveying and their staff.

Schedules

Spring 2015 Administration

The Fundamentals of Engineering (FE) and the Fundamentals of Surveying (FS) are offered year-round as computer-based exams at Pearson VUE testing centers. For more information visit http://ncees.org/exams/cbt/.

Examination	Type	Examination Date	Application Deadline
Agricultural and Biological, Architectural, Environmental, Chemical, Civil, Electrical, Industrial, Mechanical, Naval Architecture/Marine Engineering		NCEES April 17, 2015	Friday Thursday January 15, 2015
Structural (vertical)	NCEES	Friday April 17, 2015	Thursday January 15, 2015
Structural (lateral)	NCEES	Saturday April 18, 2015	Thursday January 15, 2015
Land Surveying (6-hour)	NCEES	Friday April 17, 2015	Thursday January 15, 2015
Land Surveying (2-hour)	State	Friday April 17, 2015	Thursday January 15, 2015
On-Site Wastewater Designer / Inspector Certification	State	TBD	Thursday January 15, 2015

Calendar

The following is the proposed calendar of the Board's meetings and participating events through June, 2015. The dates and locations noted for meetings are subject to change. For more information, visit http://www.dol.wa.gov/business/engineerslandsurveyors/meetings.html.

JANUARY
28 – 29
Special Board Meeting
TBD

FEBRUARY
7
NCEES President's Assembly
Atlanta, GA

MARCH
11– 13
LSAW Annual Conference
Kennewick, WA

MARCH
18 – 19
Special Board Meeting
TBD

APRIL/MAY
April 30 – May 1
Annual Board Workshop
TBD

MAY
14 – 16
NCEES Western Zone
Scottsdale, AZ

JUNE
17 – 18
Annual Board Meeting
TBD

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