



Washington Board

JOURNAL

MESSAGE FROM THE CHAIR2

NEWS TO YOU

New Board Member.....	3
A Decade Of Dedicated Service	3
Land Boundary Survey Map Requirements.....	3
Which Direction Does Your Moral Compass Point?	5
Marquette University Wins 2015 NCEES Engineering Award	6
As The Courts See It.....	8
Are You Using The Correct Stamp?	9

EXAMINATIONS

Examination Results	9
---------------------------	---

INVESTIGATIONS AND ENFORCEMENT

Statistics Of Actions Taken By The Board	10
Summaries Of Investigations.....	10

SCHEDULES

Examination Schedule	15
Calendar	15

Your Board Members

Chun Lau, PE, SE
 Chair
 Bellevue
 Term expires 7/2016

Nirmala Gnanapragasam, PE
 Vice-Chair
 Seattle
 Term expires 7/2018

Stephen Shrope, PE, SE
 Spokane
 Term expires 7/2020

Neil Norman, PE
 Richland
 Term expires 7/2017

James Wengler, PLS
 Port Angeles
 Term expires 7/2019

Ivan VanDeWege, PE
 Battle Ground
 Term expires 7/2019

Aaron Blaisdell, PLS
 Tacoma
 Term expires 7/2020

Michael Villnave, PE
 Executive Director, Olympia

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 Chun C. Lau, PE, SE

Year Of Changes

As you may already know from the 2015 spring Board Journal, the Board is facing many changes this year. Mr. Michael Villnave, PE has assumed the duty as our Executive Director as of April this year and is settling nicely into his new role. I would like to take this opportunity as this year's Board Chair to extend my gratitude to the outstanding service that our former Executive Director, Mr. George Twiss, PLS provided to the Board and to the citizens of Washington in our mission to protect the health, safety, and welfare of the public.

Another change this year has been the appointment by Governor Inslee of Mr. Aaron Blaisdell, PLS to replace Mr. Scott Valentine, PLS as one of the two land surveyors on the Board. Mr. Valentine served ten years on the Board and provided his expertise in disciplinary cases that involved the practice of land surveying to protect the welfare of the public. On behalf of the Board,

I would like to thank him for the countless hours he spent in serving as technical expert over investigations, exam item writing, and administrative rule development. Our new appointee, Mr. Blaisdell, is no stranger to the Board. He has been involved with the Board's Surveying Committee and has been attending board meetings as the liaison representative from the Land Surveyors Association of Washington (LSAW). I am looking forward to working with both land surveyors, Mr. Blaisdell and Mr. James Wengler and dealing with the land surveyor issues facing the Board.

Changes are not only happening to our Board, but also on a national level with the changing licensure model and examinations that will impact comity applications across the states. Back in 2005, my predecessor, Ms. Nancy Miller-Duevel, PE, SE, wrote about an argument she heard that a candidate for licensure should be allowed to take the principles and practice of engineering (PE) exam as soon as he or she has passed the fundamentals of engineering (FE) exam. And now in 2015, change is

Continues page 14

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.

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) 570-7098

E-Mail

Engineers@dol.wa.gov

Web site

www.dol.wa.gov/business/engineerslandsurveyors

Washington Board
JOURNAL

New Board Member

In July, Governor Jay Inslee appointed Aaron Blaisdell, PLS to the Board filling the professional land survey vacancy left by Scott Valentine, PLS. Aaron has been involved in land surveying for the last 18 years and has been licensed in Washington as a Professional Land Surveyor since 2004. He is the Survey Principal for Apex Engineering, PLLC in Tacoma. As a resident of Tacoma, he serves on various volunteer boards and commissions and works with students throughout the community. Originally from Spokane, he graduated from Washington State University with a Bachelor of Science Degree in Agriculture in 1994. He then moved to the Puget Sound area, became involved in land surveying, and graduated from Renton Technical College with a degree in Civil Engineering – Land Survey in 1999. Aaron currently serves on the Board's Exam Qualification Committee and Survey Committee.



He was instrumental in guiding efforts to improve the state's 2-hour survey examination and transition to computer based testing.

Prior to his appointment, Scott served as president for the Land Surveyors Association of Washington and for the Montana Association of Registered Land Surveyors. This experience was of considerable value to his transition as an effective board member. Throughout his career, Scott has proven to be an effective liaison to the professions with his direct participation in dozens of programs and workshops.

The Board and the citizens of Washington thank Scott for his effort and commitment to safeguard life, health, and property in promoting public welfare for the past ten years.

Land Boundary Survey Map Requirements

James Wengler, PLS, CFedS

When I was asked to write an article for the Board Journal, I realized one year has passed since I was appointed to the Board. During this time, I have had the responsibility of acting as case manager on a number of complaints and investigations. As case manager, I have the opportunity to see many different types of maps, some are submitted with incoming complaints while some come from the investigation. The various maps include the standard Record of Survey, Short Plat, Plat, Binding Site Plan, Large Lot Subdivision, Condominium, or other maps required to be recorded with the County Auditor.

I have also observed other types of maps that are not required to be recorded pursuant to Chapter 58.09, 58.17, 64.32 RCW or other platting or recording statutes. Some of these maps are titled Exhibit Map, Preliminary Map, and Topographic Survey. Many of these maps contain some element of a land boundary survey

A Decade Of Dedicated Service

The term of service for one board member came to completion in July, 2015. In 2005, former Governor Christine Gregoire appointed Scott Valentine, PLS to the Board, and then reappointed him to a second term in 2010.

Scott Valentine, a licensed land surveyor, filled one of two professional land surveyor positions on the Board. Throughout his tenure, he served as Vice-chair and Chair for the Board and on various committees.



Continues next page

Unfortunately, the reason these maps have reached me is because of a complaint or an investigation. These maps generally appear to have been produced for the sole use of the client, but often fall into the hands of adjoining land owners or attorneys who possess little understanding of their intended purpose.

A common theme I have noticed while reviewing these maps, is the misunderstanding of what information is required to be shown on such maps. In most cases, these maps lack basic information or notes which leave the user scratching his head as to what the map represents or how the boundaries shown thereon were determined.

The definition of a Land Boundary Survey per Chapter 332-130-020 (3) WAC is as follows;

All surveys, whether made by individuals, entities or public bodies of whatever nature, for the specific purpose of establishing, reestablishing, laying out, subdividing, defining, locating and/or monumenting the vertical or horizontal boundary of any easement, right of way, lot, tract, or parcel of real property or which reestablishes or restores General Land Office or Bureau of Land Management survey corners.

This is a pretty broad statement which includes all surveys made by anyone of any nature. It does not matter what title you give the map, if you performed any of the tasks listed above you are responsible to meet the requirements of the chapter.

Chapter 332-130-030 WAC states the following:

The following requirements apply when a land boundary survey is performed. If, in the professional judgment of the surveyor, the procedures of subsections (1) and (2) of this section are not necessary to perform the survey, departures from these requirements shall be explained and/or shown on the survey map produced.

Chapter 332-130-030 (2) WAC states the following:

All maps, plats, or plans showing a land boundary survey shall show all the corners found, established, reestablished and calculated, including corresponding directions and distances, which were used to survey and which will be necessary to resurvey the parcel

shown. Additionally, all such maps, plats, or plans shall show sufficient section subdivision data, or other such controlling parcel data, necessary to support the position of any section subdivisional corner or controlling parcel corner used to reference the parcel surveyed. Where a portion or all of this information is already shown on a record filed or recorded in the county recording office of the county in which the parcel is located, reference may be made to that record in lieu of providing the required data.

This section also contains subsections 1, 3 and 4 which further lists the documentation required to be shown or referenced on the document or survey map produced.

It is important to note that these requirements apply to all survey maps, not just survey maps which are required to be filed or recorded. Additional information is required to be shown if the survey map is to be filed or recorded with the County Auditor.

Chapter 332-130-050 WAC states:

The following requirements apply to land boundary survey maps and plans, records of surveys, plats, short plats, boundary line adjustments, and binding site plans required by law to be filed or recorded with the county.

This section contains five subsections which contain an additional 39 subsections listing what is required to be shown on the documents to be filed or recorded.

In addition, Chapter 58.09.060 (1) RCW lists an additional five items required to be shown on the recorded survey.

A distinction should be made between filing and recording, as cited above.

Chapter 58.09.090 RCW (1) states in part: A record of survey is not required of any survey:

- (a) When it has been made by a public officer in his or her official capacity and a reproducible copy thereof has been filed with the county engineer of the county in which the land is located. A map so filed shall be indexed and kept available for public inspection.

The only exemption is for the recording of the document as long as it filed with the county engineer. All of the other elements of the Survey Recording Act and Chapter 332-130 WAC are required to be shown on the filed survey!

In summary, Chapter 332-130-030 applies to all land boundary surveys and their resultant maps, regardless if said survey is not required to be filed or recorded. Additional requirements are added if the survey is required to be filed or recorded.

Which Direction Does Your Moral Compass Point?

Licensure Exchange April 2015 Volume 19, Issue 2

Bruce Pitts, PLS, Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors Emeritus Member and Director of Enforcement

IT HAS TAKEN GENERATIONS OF DEDICATED professional engineers and surveyors to create the level of public trust afforded to present-day licensees. This hard-earned trust must be renewed by each generation of licensees because, as we have seen, years of competent and ethical conduct can be destroyed very quickly by one unethical decision.

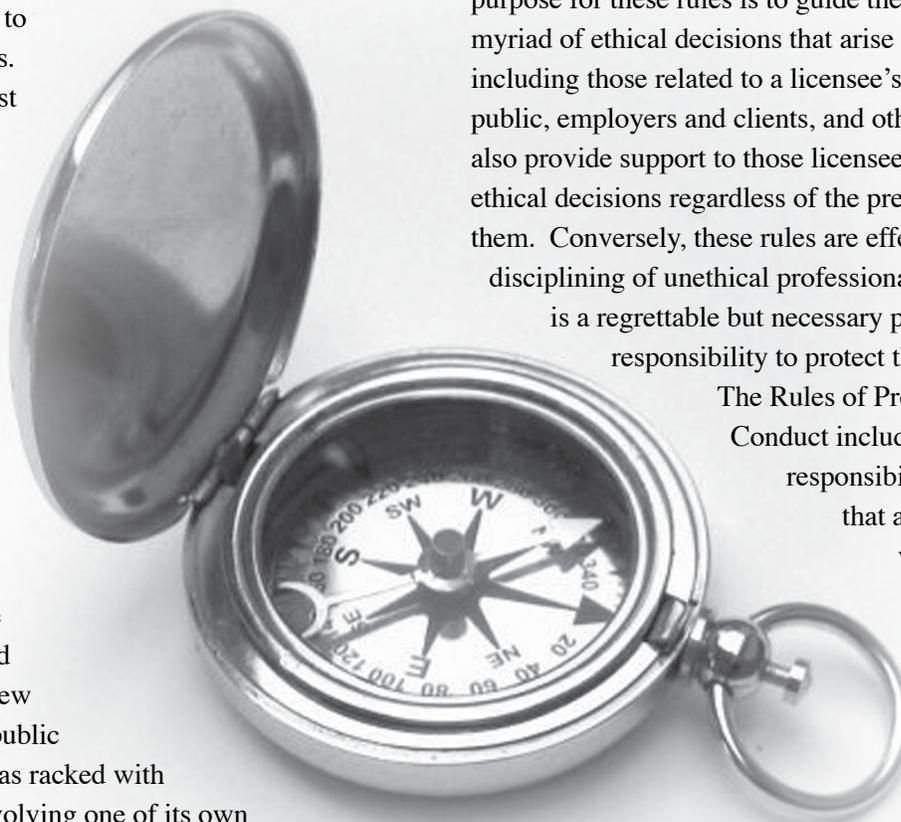
One such serious breach of the public trust happened in Oklahoma just a few years ago. A city's public works department was racked with a bribery scandal involving one of its own professional engineers and other professional engineers and contractors in the private sector. After pleading guilty to the charges, the professional engineers were sentenced to jail time and assessed large fines.

Following disciplinary investigations and hearings, the Oklahoma board revoked their PE licenses. As a way of explanation for this unethical and illegal behavior, the attorney for one of the engineers told the court that his client had "lost his moral compass."

We all bring our own sense of right and wrong, our "moral compasses," to the workplace, where we are often confronted with difficult ethical decisions. Many times, those decisions are complex and contain conflicting ethical choices that offer no clear pathway. In an ideal workplace, the principal engineer or surveyor understands the difficulty of making these types of decisions and encourages and models correct ethical behavior for employees to follow. It is imperative that this behavior is clearly communicated to young engineers and surveyors, who may not be familiar with professional ethical conduct. That effective leader is familiar with the codes of ethics produced by national engineering and surveying societies and knows the rules of professional conduct promulgated by their state's licensing board.

The NCEES Rules of Professional Conduct can be found in section 240.15 of the Model Rules. The primary purpose for these rules is to guide the licensee through the myriad of ethical decisions that arise in the workplace, including those related to a licensee's obligations to the public, employers and clients, and other licensees. They also provide support to those licensees who want to make ethical decisions regardless of the pressures placed on them. Conversely, these rules are effective tools in the disciplining of unethical professional practice. This is a regrettable but necessary part of the board's responsibility to protect the public.

The Rules of Professional Conduct include many ethical responsibilities, but the ones that are most often violated involve licensees affixing their signature and seal to surveying or engineering documents dealing with subject matter in which they lack competence or to documents not prepared under their direct control or personal



Continues next page

supervision.

Professional engineers are required to practice only within disciplines where they have competence based on their education, verifiable experience, and examination. Professional surveyors, likewise, may not practice within areas of surveying in which they lack competence. For example, if a professional surveyor with competence only in photogrammetry is asked to perform an ALTA/ACSM Land Title Survey on a large commercial complex, the proper ethical decision would be to decline the project.

Another common violation is signing and sealing work not done under the licensee's direct control and personal supervision ("plan stamping"), which occurs when the licensee surrenders the responsible charge of the project to an unlicensed individual or firm. Often, this individual or firm is the client, contractor, or other designer who has performed the calculations and made the engineering or surveying decisions for the project. The licensed engineer or surveyor then steps in after the design process is complete and reviews, signs, and seals the work. This is contrary to public protection and clearly a violation of board laws and rules.

An ethical violation involving dishonesty that member boards frequently report on the NCEES Enforcement Exchange database occurs during the initial licensing or license renewal process. Licensees and applicants are typically asked if they have been found guilty of a crime or been disciplined by another licensing board.

NCEES asks a similar question when a licensee applies for Model Law Engineer, Model Law Surveyor, or Model Law Structural Engineering status. It is surprising how often "no" is selected when, in fact, the honest answer is "yes." Applicants and licensees can make honest mistakes, but often it appears that they are not aware that member boards do communicate with each other through Enforcement Exchange and that many boards perform background checks. Those individuals risk facing a charge of fraud and deceit in the licensing or application process when an honest answer and explanation would generally have resolved the matter.

Honesty and ethical behavior are essential for licensees to be worthy of the public trust and are recognized as fundamental virtues of professional standing. Professional engineers and surveyors are trusted by the public and must hold paramount the safeguarding of the life, health, property and welfare of the public.



MARQUETTE UNIVERSITY

Marquette University Wins 2015 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 Marquette University Department of Civil, Construction, and Environmental Engineering. The award jury met June 2, 2015, in Clemson, South Carolina, to select the \$25,000 grand prize winner.

The department received the top prize for its submission, Sechum Vehicle Bridge. For the project, civil engineering students worked as part of a team that also included faculty, professional engineers with specific technical backgrounds to support each discipline on the project, other professionals, and more than 100 community volunteers from the Mayan community of Sechum in Guatemala. The team designed and constructed a vehicle bridge, which impacted three rural communities seeking safe, reliable crossing of the Rio Pasaguay to access education, markets, and health care.

The jury praised the project for its strong interaction with professional engineers as well as its improvements to the quality of life in this community.

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



University of Nebraska-Lincoln

Charles W. Durham School of Architectural
Engineering and Construction
Multidisciplinary Vertical Farm Design



University of Arkansas at Little Rock

Department of Construction Management and
Civil and Construction Engineering
*American Red Cross of Greater Arkansas Seismic
Retrofit Feasibility Study*



The Citadel

Department of Civil and Environmental
Engineering
*Multidisciplinary Evaluation and Rehabilitation
Design of Sacred Heart Catholic Church*



George Mason University

Sid and Reva Dewberry Department of Civil,
Environmental, and Infrastructure Engineering
*Water Supply, Distribution, and Storage Sabana
Grande, Nicaragua*



Seattle University

Department of Civil and Environmental
Engineering
*Seismic Analysis and Retrofit Design of a Historic
Substation Control Building*

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.

“It’s never too early to get ‘real’ and interact with professional engineers and the public. When students complete these types of projects, they are forced out of their comfort zones and have to develop and use skills that an engineer needs,” said NCEES Engineering Award jury chair Michelle Roddenberry, PhD, PE “Being part of an open-ended challenge, under the direction of mentor engineers and faculty, is a great way to transition from textbook problems to messy, challenging ones that aren’t as clearly defined and take teamwork to solve.”

A jury of NCEES members and representatives from academic institutions and professional engineering organizations selected the winners. The 11 jury members considered criteria such as

- Successful collaboration of faculty, students, and licensed professional engineers
- Protection of public health, safety, and/or welfare of the public
- Multidiscipline and/or allied profession participation
- Knowledge or skills gained
- Effectiveness of display board, abstract, and project description

Marquette University was honored at the NCEES annual meeting. Representatives from the winning project received the award on behalf of the university’s Department of Civil, Construction, and Environmental Engineering at a luncheon held on August 21.

NCEES is currently preparing for the 2016 award cycle, and entry information will be available in September. The 2015 NCEES Engineering Award Book will also be released this fall. Profiles of the winning submissions are available online at ncees.org/award.



As The

COURTS

See It

Ohio: Disorderly Conduct Conviction Had “No Nexus” With License

Professional Licensing Report

March/April 2015

Vol. 26, Numbers 9/10

Issue: Criminal convictions and alleged unprofessional conduct

A teacher who was convicted of disorderly conduct was wrongly deprived of her license, the Court of Appeals of Ohio, Third District, held April 13, because the offense had no nexus with her performance as a teacher (*Wall v. Ohio State Board of Education*).

In a domestic dispute in 2011, the teacher allegedly blocked the vehicle of her husband’s ex-wife, broke the ex-wife’s driver side window with a hammer, and struck the doors of her vehicle.

The education department’s Office of Professional Conduct launched an investigation after receiving notice of a “pending criminal charge” against Wall.

Overriding a recommendation by a hearing officer that the board issue a letter of admonishment, the board adopted a resolution in October 2013 to suspend Wall’s teaching license for 20 months.

Under State Board of Education requirements, an elementary teaching license may be suspended for engaging in conduct that is “unbecoming to a teacher.”

A trial court reversed the suspension, finding that it was not supported by reliable, probative, and substantial evidence. The court noted that the offense did not involve children, did not occur during school hours,

and did not occur on school grounds, and the teacher’s students were not aware of the incident or subsequent administrative disciplinary proceedings.

The appeals court affirmed this ruling. However, the court refused to award attorney fees to the teacher. It found that the board was “substantially justified” in initiating an action involving the teacher’s license.

Criteria for determining what is conduct unbecoming a teacher, under State Board of Education rules, include:

- Likelihood that the conduct may have adversely affected students or fellow teachers
- The degree of such adversity anticipated
- The proximity or remoteness in time of the conduct
- The type of teaching certificate held by the party involved
- The extenuating or aggravating circumstances, if any, surrounding the conduct
- The praiseworthiness or blameworthiness of the motives resulting in the conduct
- The likelihood of the recurrence of the questioned conduct
- The extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the teacher involved or other teachers.

What Washington Law says:

In 2011, the Washington State Court of Appeals, Division II delivered a published opinion (No. 40010-3-II), stating in part that substantial evidence must support a nexus between the misconduct of the licensee and the licensee’s practice as a professional.

Future changes coming to the online renewal system will require you to inform the Board of any infractions. The Board will examine all infractions to determine if there is a nexus to the performance of your work.

Are You Using The Correct Stamp?

Even though the Board adopted WAC 196-23-010 seven years ago in 2008, there still seems to be a persistent problem. We continue to observe and receive complaints about licensees using the incorrect stamp design.

All licensees **MUST ONLY** use the approved stamp for their profession. Use of any other stamp, including older versions with the expired date, is in violation of this administrative rule. This violation could result in a fine of \$5000 per occurrence.

We strongly recommend you check the image you are using and that of your employees to ensure the correct stamp is being applied. Please be advised the Board may start legal proceedings against individuals who continue to use the wrong stamp.

WAC 196-23-010 Seals.

All individuals licensed in accordance with chapter 18.43 RCW must utilize a seal/stamp that conforms to the design as authorized by the board. It is the responsibility of the licensee to maintain control over the use of his/her stamp/seal. The impression or image of the seal/stamp must conform to the below-illustrated design and be of a size that assures full legibility of the following required information:

- (1) State of Washington
- (2) Registered professional engineer or registered professional land surveyor
- (3) Certificate number
- (4) Licensee's name as shown on wall certificate



Examinations

APRIL 2015 EXAMINATION RESULTS

	Total	Pass	% Pass
Principles & Practice of Engineering			
Agricultural & Biological	2	1	50%
Architectural	4	2	50%
Chemical	8	2	25%
Civil	158	85	54%
Electrical	50	34	68%
Environmental	10	3	30%
Mechanical	68	48	71%
NAME	2	1	50%
16 Hour Structural			
Lateral	39	16	41%
Vertical	42	22	52%
Lateral & Vertical	27	10	37%
Principles & Practice of Land Surveying			
NCEES – 6 Hour	10	8	80%
WA Specific (2-hour)	36	15	42%
On-Site Designer	1	1	100%
On-Site Inspector	6	4	67%

2015 COMPUTER-BASED TESTING (JANUARY – JUNE)

	Total	Pass	% Pass
Fundamentals of Engineering (EIT)			
Fundamentals of Engineering (EIT)	625	452	72%
Fundamentals of Land Surveying (LSIT)			
Fundamentals of Land Surveying (LSIT)	8	4	50%

Investigations & Enforcements

Statistics Of Actions Taken By The Board

JANUARY 1, 2015 THROUGH JUNE 30, 2015

Active investigations as of January 1, 2015	23
Investigations Opened	38
Investigations Closed	46
Active Investigations as of June 30, 2015	15

SUMMARY BY MONTH:

	Complaints Received	Inquiries Received	Investigations Opened *
January	7	1	7
February	5	0	5
March	1	0	1
April	13	0	13
May	7	0	7
June	5	0	5
Totals	38	1	38

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

SUMMARY BY PROFESSION AS OF JUNE 30, 2015

	Active Investigations	Legal Status	Compliance Orders
Prof. Engineers	4	4	1
Prof. Land Surveyors	4	9	0
Unlic. Engineers	3	0	0
Unlic. Land Surveyors	1	2	0
On-Site Designers	3	1	3
Totals	15	16	4

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, 2015 through June 30, 2015. 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:

On-Site Designing

Allen Bellinger

On-Site Designer

Case No. 14-04-0002

The Board opened an investigation of Allen Bellinger

based on allegations that he aided and abetted unlicensed practice.

The complainant provided evidence of an erroneous as-built drawing of an on-site system as well as follow-up communications with the respondent in which he indicated he had not been to the site in recent years and had just stamped the drawing, prepared by an unlicensed person.

During the course of the investigation, the Respondent was unable to provide proof of his continuing education since 2011 as requested and admitted to stamping the drawings without personal involvement. He further stated he no longer intended to practice on-site designing.

On August 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. Bellinger accepted the settlement option and signed the Agreed Order.

Terms of the Agreed Order include:

- Mr. Bellinger's license to practice on-site wastewater treatment system designing is revoked.
- Mr. Bellinger is prohibited from any level of on-site wastewater treatment system design, as-built document preparation, or any work, evaluations, consultations, or recommendations that constitute the practice of on-site wastewater treatment system design as defined in chapter 18.210 RCW.
- Ten years from the effective date of this order, Mr. Bellinger may apply for a new license by submitting an application and otherwise completing all requirements then in effect for issuance of a new license to practice on-site wastewater treatment system design.

On March 19, 2015, the Board accepted the Agreed Order.

Charles Pollmar

On-Site Designer

Case No. 14-05-0003

The Board opened an investigation of Charles Pollmar based on allegations he had prepared and submitted on-site septic designs with an expired and invalid license. The Complainant, a County Health Department, provided a copy of the designs showing Mr. Pollmar's stamp with an expiration date of April 18, 2016. Mr. Pollmar's license had in fact expired on April 18, 2014.

During the course of the investigation, it was found that the Mr. Pollmar had submitted three sets of drawings to the county between April 18, 2014 and May 8, 2014, while his license to practice as an on-site designer was expired and invalid. Board staff contacted Mr. Pollmar informing him that an investigation had been opened and requested a copy of his records for his professional development hours (PDH) for the period of April 2012 through April 2014. Mr. Pollmar's reply to the request showed he was six hours short of the 30 hours required for the two-year period, however he did acquire an additional eight hours PDH by August 2014.

After reviewing the investigation file, the Case Manager authorized the issuance of a Statement of Charges on October 27, 2014, and a settlement option in the form of a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. A settlement conference was held and Mr. Pollmar accepted the settlement option and signed the Agreed Order.

Terms of the Agreed Order include:

- Payment of a \$500 fine within 60 days of the effective date of the Order.
- Mr. Pollmar agrees to obtain the required thirty hours of PDH for each two-year period in which he maintains active licensure as an on-site wastewater designer.

On June 16, 2015, the Board accepted the Agreed Order.

Continues next page

Adam Prince
Case No. 14-04-0003

The Board opened this investigation based on a complaint alleging that Mr. Prince was practicing on-site designing without a valid license. In a previous Agreed Order, Mr. Prince surrendered his on-site designer license, and the Order set forth terms that would allow him to obtain a new license to practice on-site designing after eight years.

This investigation revealed that Mr. Prince prepared an as-built design of an on-site wastewater treatment system that was not prepared under the direct supervision of a licensed on-site designer. At Mr. Prince's request, a licensed on-site designer stamped, signed, and submitted the plans to the Whatcom County Health Department.

After reviewing the investigation file, the Case Manager authorized the issuance of a Statement of Charges on December 30, 2014, and a settlement option in the form of a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. Mr. Prince did not file an answer to the statement of charges within 20 days; his answer was filed beyond the 20-day deadline.

A Default Hearing was held on March 19, 2015, with the Board hearing oral arguments from the prosecution and from Mr. Prince. As a result of the hearing, on April 17, 2015, the Board issued a Findings of Fact, Conclusions of Law, and Final Order Upon Default.

Terms of the Order include:

- Payment of a \$2000 fine within 90 days of the effective date of the Order.
- Mr. Prince's ability to reinstate his license to practice on-site wastewater treatment system designing, as was provided in a previous Agreed Order, is removed. Further, Mr. Prince is permanently ineligible to obtain a new license as an on-site wastewater designer.

- Upon the effective date of this Order, Mr. Prince is prohibited from holding himself out as a licensed on-site designer. He shall not independently carry out activities to include evaluation, design, and development of wastewater treatment system in Washington State. Unless working for and supervised directly by a licensed on-site wastewater designer, Mr. Prince may not independently perform soil assessment, site evaluation, consultation, or recommendations with owner/developers/installers, or consultation with permitting authorities regarding on-site wastewater treatment system evaluation, design, or development, plan preparation, post construction inspections, or preparation of record / as-built drawings for on-site wastewater treatment systems.

Mr. Prince is currently appealing the Findings of Fact, Conclusions of Law, and Final Order Upon Default with Whatcom County Superior Court.

INFORMAL ACTIONS:
Engineering

Case No. 14-02-0019

This investigation was opened based upon a complaint alleging the Respondent failed to complete the engineering evaluation for a Large On-Site Septic System (LOSS) for a mobile home park (MHP).

In January of 2012, the Complainant hired the Respondent to provide engineering consulting services for the LOSS for a MHP. The contract between the parties stated "the work does not include documentation or engineering drawings for any improvement that may need to be done on the LOSS that serves the park. The specific engineering improvements to the LOSS will be done under a separate contract."

The Respondent submitted the completed Operation Permit Application for LOSS and the supporting documents to the Department of Health (DOH) in February, 2012. In March, 2012, the DOH issued the permit to operate the system.

The Case Manager concluded that the Respondent provided all services agreed upon in the contract and recommended that the case be closed with no further action.

Land Surveying

Case No. 12-08-0006

This investigation was opened based on a complaint alleging the Respondent failed to perform necessary research and failed to provide direct supervision of his field crew. Also alleged, were errors on the Record of Survey.

During an interview with Board staff, the Respondent admitted there were problems with the Record of Survey and agreed to prepare an Amended Record of Survey. The Amended Record of Survey was recorded.

Because the Respondent was very cooperative during the investigation and corrected the situation, the Case Manager recommended closing the investigation with no further action.

Case No. 14-02-0014

This investigation was based on a complaint from a Professional Land Surveyor (PLS), alleging that the Respondent recorded an erroneous survey in 2005. The Respondent recorded an Amended Record of Survey in March, 2014.

The Complainant recorded a Record of Survey in October, 2014, which conflicted with the amended survey recorded by the Respondent. The conflict between the two surveyors included interpretation of deeds, records, legal descriptions, and their intent and determination of meander line location which resulted in two separate determinations of property lines.

The Case Manager recommended closing the investigation with no action as both surveyors utilized their respective professional judgment.

Unlicensed Engineering

Case No. 14-04-0004

This investigation was opened based on an email alleging unlicensed practice of engineering by the Respondent. Respondent is licensed in Texas, but not in Washington.

The project specified in the complaint was designed by an engineering firm located in Washington with a Washington Professional Engineer (PE) on staff. The Respondent is not an employee of the firm. A letter provided by the firm states that the Respondent did not issue any documents to the contractor in construction of the project.

During the course of the investigation an email was provided by a former employee of the project's owner indicating that the Respondent provided engineering direction to him during the inspection phase of the construction. The Respondent was contacted, and the Board investigator received a response stating the Respondent did not write the email message and provided a copy of an email string retained by another employee that contradicts the email.

The Case Manager recommended the case be closed with no further action there was no clear, convincing evidence to substantiate the allegation of unlicensed practice.

Case No. 14-10-0002

This investigation was opened based on an anonymous letter alleging the unlicensed practice of engineering by the Respondent. The Respondent was to present to the court expert testimony regarding bottle packaging.

In addition to the letter, the Complainant submitted a report prepared by the Respondent for a civil case wherein the Respondent referred to himself with the term "engineer." The Respondent was very forthcoming with his response, including his resume and his professional activities.

Continues next page

The matter of who can use the title “engineer” has at times been contentious. The RCW definitions can certainly be interpreted to the extreme; however, per previous court rulings, the word “engineer” is in the dictionary and therefore, by itself, apparently cannot be restricted only to licensed professional engineers. In accordance with this case manager’s understanding, the Board is authorized to take action in such cases where services may be offered directly to the public or when using the term “Professional Engineer” or one of the various specific licensing titles authorized by the Board. Since the Respondent appears not to have violated these guidelines, the Case Manager recommended the case be closed with no further action.

What's New

At their August special Board meeting, the Board adopted a new process for handling professional development hour violations for professional land surveyors and on-site designers. This process allows staff to issue a “notice of intent to discipline” to licensees who have failed to submit proof of completion of their professional development hours.

These violations will be handled through an informal disciplinary process called “Brief Adjudicative Proceedings” or BAP. Licensees who receive a BAP notice will have the opportunity to correct the violation, but if they fail to do so, they will receive a monetary fine and a six-month suspension of their license.

being proposed which would allow for the PE exam to be taken early, prior to gaining the required experience. This is a controversial proposal.

The argument proceeds like this: John E. Dole, engineer, graduates from an engineering program at a college and finds a job in a very specialized field of engineering. Four years later, when he obtained the required experience, he applies to take the principles and practice exam. John has forgotten much of what he learned in his basic field of engineering and must study those areas in order to pass the exam. Therefore, John should be allowed to take the exam prior to meeting the experience requirement for licensure so he can more easily pass the exam. Since an individual who has achieved senior standing in an accredited engineering program would be allowed to take the FE exam, it would be possible for that individual to take the PE exam before even receiving a Bachelor’s degree in engineering.

This argument is now a reality in some States, as NCEES has passed a motion among the member boards (licensing boards in the US states and territories) that allow the decoupling of the examination from experience. Decoupling means that candidates can take the engineering exams early without having to gain the required experience. This begged the question whether the PE exam is even relevant (at least for some disciplines). If you don’t need the experience to sit for the examination, then why is it called a principles and practice of engineering exam? I am struggling to reconcile how passing an examination on a subject matter an engineer does not use in his area of practice protects the public. What is the purpose of the PE exam? Maybe rather than exams, there needs to be more rigorous assessments of an applicant’s experience and development as an engineer. Currently, our state requires a candidate to gain an additional four years of experience before they can sit for the PE exam. I am not advocating decoupling the exam from the experience; simply sharing some thoughts I have had on the subject. Food for thought for our stakeholders; we would like to hear what you think. You can share your thoughts in an email to engineers@dol.wa.gov.

Schedules

Spring 2016 Administration

The Fundamentals of Engineering (FE) and the Fundamentals of Surveying (FS) exams are offered year-round as computer-based exams at Pearson VUE testing centers. For more information, visit <http://ncees.org/exams/cbt/> or call (360) 664-1575.

Examination	Type	Examination Date	Application Deadline
Agricultural and Biological, Architectural, Chemical, Civil, Electrical, Environmental, Industrial, Mechanical, Naval Architecture/Marine Engineering	NCEES	Friday April 15, 2016	Friday January 15, 2016
Structural (vertical)	NCEES	Friday April 15, 2016	Friday January 15, 2016
Structural (lateral)	NCEES	Saturday April 16, 2016	Friday January 15, 2016
Land Surveying (6-hour)	NCEES	Friday April 15, 2016	Friday January 15, 2016
On-Site Wastewater Designer / Inspector Certification	State	Thursday April 21, 2016	Friday January 15, 2016

Calendar

The following calendar displays the Board's planned meetings and participating events for 2016. Dates and locations are subject to change. For more information, visit <http://www.dol.wa.gov/business/engineerslandsurveyors/meetings.html> or call (360) 664-1564.

BOARD AND COMMITTEE MEETINGS

locations to be determined

February 3 & 4
April 13 & 14
June 15 & 16
August 10 & 11
October 12 & 13
December 7 & 8

BOARD PARTICIPATING EVENTS

February 6, 2016
NCEES President's Assembly
Atlanta, GA

March 2 – 4, 2016
LSAW Annual Conference
Marysville, WA

May 19 – 21, 2016
NCEES Western Zone Meeting
Anchorage, AK

August 24 – 27, 2016
NCEES Annual Meeting
Indianapolis, IN



Board of Registration for Professional
Engineers and Land Surveyors
P.O. Box 9025
Olympia, WA 98507

Presorted
Standard
US Postage
PAID
Olympia WA
Permit #45