



Washington Board

JOURNAL

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Your Board Members

Nirmala Gnanapragasam, PE
Chair
Seattle
Term expires 7/2018

Stephen Shrope, PE, SE
Vice-Chair
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

Marjorie Lund, PE, SE
Seattle
Term expires 7/2021

Michael Villnave, PE
Executive Director, Olympia

Message From The Chair

Articles appearing in this Journal are a reflection of the personal opinions and experiences of the author. 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 Nirmala Gnanapragasam, Ph.D, PE

As a licensed engineering educator, I consider it an honor serving on the Board. I am not sure if our Board has had an educator in the recent past, but I believe a faculty member can be a great advocate for licensure - introducing the process to the students early on and encouraging licensure among those entering the profession.

As a licensed faculty member, I start talking to my students in their first quarter as freshmen about the process and value of licensure. I connect them with practitioners so my students can learn about the daily life of an engineer, the projects engineers work on and the responsibility licensees have towards public safety, health, and welfare.

Take a moment to reflect on who inspired you to obtain your professional license. Was it one of your instructors, a relative practicing the profession or a boss for whom you worked for as an intern?

Each of us can identify one or more individuals who sparked our interest to work towards licensure. As a licensee reading this Board Journal, wouldn't it be great to give back to your professional community? If you are interested, there are many ways to do this.

- If you have an intern working for you or your company, share with them the value of licensure and the responsibility that comes with it. Educate them on the

ethical dilemmas you have had to deal with as a licensee.

- You can partner with a faculty member in your local college or university and talk to their classes about projects you have worked on, co-teach a course, or serve as a mentor in their capstone or service learning projects.
- Colleges and Universities are always in search of licensed practitioners to serve on their advisory boards. Serving in that capacity, you get a chance to have a positive impact on the curriculum, students and to interact with faculty.

I frequently receive emails from licensees asking me how they could help our program and I always find a way to fold them into the activities I do with my students. You will find that working with students and young professionals is a rewarding and rejuvenating experience. If you ever need it, the National Council of Examiners for Engineering and Surveying (NCEES) has speaker kits available to get you started.

Promoting faculty licensure is a topic discussed at almost every NCEES meeting that I have been to in my three years on the Board. Unfortunately, licensure is not a priority for most faculty members because of the pressure

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

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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
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New Board Member Appointed

On August 9, 2016, Governor Inslee's office announced the appointment of Marjorie A. Lund, PE, SE as the newest member of the Board, filling the vacancy left by Chun Lau PE, SE.

Marjorie Lund is a licensed Structural Engineer and Principal at Lund Opsahl LLC. She is filling one of the five professional engineer positions on the Board. She is licensed in Washington, California, Oregon, Oklahoma and Texas.

Marjorie has an extensive career in structural engineering and business management. She has worked on a wide range of public and private building projects. Her expertise spans the building industry and includes medical, higher education, and commercial projects. She has designed low-, mid-, and high-rise office buildings, long-span structures and catenary suspension systems. She provides seismic renovations on structures and enjoys the challenge of historic building preservation.

Marjorie served the State of Washington as a member of the Structural Engineering Licensing Committee for 22 years where she assisted in writing, grading and setting the passing score for the licensing examination. She is affiliated with Structural Engineers Association of Washington as a member and founder of the Sustainability Committee. Marjorie is a member of the American Institute of Architects, American Institute of Steel Construction, and Commercial Real Estate Women. She has won local and national awards for structural innovation and written articles on sustainable construction and existing building seismic renovation. She won the AISC IDEAS2 Merit Award, Projects above \$75M for Swedish Orthopedic Institute in 2009.

Board Chair Nirmala Gnanapragasam, PhD, PE appointed Marjorie to serve as a member of the Exam Qualification Committee and Structural Committee.



Marjorie Lund, PE, SE

The Board Thanks Chun Lau, PE, SE For His Dedication And Service

The term of service for one board member came to completion in July, 2016. Chun Lau, a licensed structural engineer, filled one of five professional engineer positions on the Board. He was appointed by former Governor Christine Gregoire in 2006 and reappointed to a second term in 2011.

Throughout his tenure, Chun served as the Chair of the Board twice (2010-2011; 2015-2016). He chaired the Practice Committee and the Exam Qualifications Committee, the two standing committees that guide the primary business activities of the Board. He also served on the Structural Engineering, Land Surveying and Engineer License Mobility committees.

At the National Council of Examiners for Engineering and Surveying (NCEES) level, Chun served on the EPP Committee, EPE Committee, and the Sustainable Building Design Task Force. He served as a juror for the 2011 NCEES Engineering Awards and represented the Council and the Board at the NCEES Engineering Awards presentations at Seattle University for a number of years.

Chun's professional activities go well beyond the Board and NCEES. He has been on several committees and special assignments for the Structural Engineering Association of Washington (SEAW) and National Council of Structural Engineers Associations (NCSEA). He was instrumental in the drafting of the significant structure law and changes to the 16 hour structural exam that we utilize today.

Even though his time on the Board has ended, his involvement with the Board and NCEES will continue.



Chun Lau, PE, SE

Continues next page

Chun was elected as Assistant to the Vice President for the NCEES Western Zone. He will continue to carry his passion and commitment to Washingtonians and the profession.

In every instance, Chun presented the utmost dedication to the profession and gave his best to the Board and the citizens of Washington State. The Board wants to thank Chun for his effort and commitment in safeguarding life, health, and property in promoting public welfare for the past ten years. We wish him continued success in his career.

Board Outreach

In addition to its roles in regulation, licensure and enforcement, the Board also has a public outreach function. Outreach is one tool by which the Board can educate stakeholders as to the critical role of licensure and in safeguarding life, health, property, and promoting the public welfare in regards to engineering and land surveying.

Board members will:

- Speak to college students about the professions and benefits of choosing engineering or land surveying as a career.
- Explain the path to becoming licensed.

Did You Know? NCEES Plans Final Pencil-and-Paper Chemical PE Exam

NCEES plans to offer the Chemical PE exam in pencil-and-paper format for the last time in April 2017. Beginning in 2018, the exam will be offered via computer based testing (CBT) at Pearson VUE testing centers. For exam update and schedule please visit ncees.org/exams.

- Speak to public regarding public service and protection role of licensure.
- Speak about the practice as defined by statute and rule and answer question regarding the complaint process.

To request a Board member to speak at your event send an email to engineers@dol.wa.gov with the following information:

- Topic
- Name of your organization
- Audience (students, professionals, public)
- Name and date of the event

Proposed WAC 196-29-105 Practice of Land Surveying – Withdrawal of CR101

At the Special Board Meeting held on March 10, 2016, the Board of Registration for Professional Engineers and Land Surveyors voted to withdraw the Pre-proposal Statement of Inquiry (CR101) filed as WSR 13-20-011 (proposed WAC 196-29-105 Practice of Land Surveying) and refer the issue to the Board's Survey Committee to be handled as outreach. The CR101 was originally filed on September 20, 2013.

This withdrawal action by the Board ceases formal rulemaking activities with regard to Draft WAC 196-29-105 Practice of Land Surveying. This action does not preclude the Board from future rulemaking efforts regarding this subject.

As part of the Board's ongoing mission for protecting the health, safety and welfare of the public through the licensing of engineers, land surveyors, and on-site wastewater designers, as well as recommending rules and regulations for administering licensing and regulatory laws, the Board's Survey Committee will provide information through outreach and education of the

existing laws and rules under their jurisdiction.

The outreach opportunities will be announced to subscribers of the Board's Listserv. If you would like notification of any outreach opportunities, please join the Board's Listserv at www.dol.wa.gov/business/engineerslandsurveyors/emaillist.html.

Stopping Leakage of "Engineer" Title into Non-Licensed Fields

Posted May 23, 2016 in Professional Licensing Report News Stream

Over the last five years, there have been 800 complaints on the misuse of the word "engineer" in Texas, according to an April 15 report published by the American Statesman.

One complaint in particular has resulted in the Texas state engineering board demanding that a car shop, Tire Engineers, stop using the term "engineer" in its company name.

The company is arguing that there was no intent, nor is there any risk in confusing consumers as to the nature of their business by using the term.

The Texas engineering board has a history of fighting with other companies over the usage of the term. For instance, the board went to court against a high-tech company over some of their employees being called "software engineers." The board also stopped a Houston company from using the term "welding engineers" on their website.

According to the report, 10 of the 12 states Tire Engineers operates in have said it may use its name. Mississippi is still deciding and Texas is fighting the company in court.

Use of the term "Engineer" in Washington State – Board Policy

Based upon the language in Attorney General Opinion No. 61-62 #149, dated 7/26/62, the Board believes it is a violation of chapter 18.43 RCW for an individual and/or corporation to convey the impression that they are licensed professional engineers by the use of the term(s) "professional

consulting engineer, practicing engineer, (or other common derivatives thereof) in public advertising or solicitation of business, UNLESS; the Board of Registration has issued the individual a license and/or corporation a certificate to practice engineering in the state of Washington.

HOWEVER, while the Board recognized that, in the following selected circumstances, said use may not present a public harm issue, they continue to discourage the use of the term "engineer (or other common derivatives thereof)" by non-engineers due to the confusion the public may derive from such use.

The use of "Engineer (or other common derivatives thereof)" is allowed WHEN:

- no representations or inferences are being made that they are Professional Engineers offering engineering services to the public, OR;
- the activities being performed CANNOT be construed as engineering or related to engineering practice as defined in chapter 18.43 RCW, OR;
- it is part of a description of an individual's education credential, such as: "Graduate Civil Engineer," or within the internal business identifications of exempt business entities.

Did You Know?

NCEES Sets CBT PE Exam Price

Beginning in 2018, NCEES has set the price for computer-based Principles and Practice of Engineering (PE) exam at \$375.



University of Nebraska–Lincoln wins 2016 NCEES Engineering Education Award

Licensure Exchange August 2016 Volume 20 issue 4

Charles W. Durham School of Architectural Engineering and Construction takes \$25,000 prize for interdisciplinary team design

National Council of Examiners for Engineering and Surveying (NCEES) is pleased to announce that the University of Nebraska–Lincoln Charles W. Durham School of Architectural Engineering and Construction is the grand prize winner of the 2016 NCEES Engineering Award for Connecting Professional Practice and Education. The award jury met June 7, 2016, in Clemson, South Carolina, to select the \$25,000 grand prize winner.

The department received the top prize for its submission, 888 Boylston Street-Interdisciplinary Team Design. For the project, electrical, structural, and mechanical engineering students worked as part of a team that also included licensed faculty, more than 50 licensed professional engineers and architects from industry, and many other allied professionals who served as mentors for the students. The team designed a proposed 17-story mixed-use high-rise building; the main guideline was for the building to be energy efficient according to the American Society of Heating, Refrigerating, and Air-Conditioning Engineers standards.

The jury praised the project for its strong interaction with professional engineers as well as the complexity and multidisciplinary aspects of the project.

“This project had so many multidisciplinary aspects. The report was detailed and comprehensive and clearly conveyed the knowledge and skills learned,” said NCEES Engineering Award jury chair Michelle Rambo-Roddenberry, Ph.D., P.E. “The breadth of interaction the students had with practicing professional engineers was impressive.”

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



- **George Mason University**

Sid and Reva Dewberry Department of Civil, Environmental, and Infrastructure Engineering
New Drinking Water and Sewer System for an Elementary School for Orphans—Bilwi, Nicaragua

- **George Mason University**

Sid and Reva Dewberry Department of Civil, Environmental, and Infrastructure Engineering
Water and Sanitation Project Children’s Feeding Center Puerto Cabezas, Nicaragua



- **Seattle University**

Department of Civil and Environmental Engineering
Design Development of a Cultural Village for Migrant Workers

- **Seattle University**

Department of Civil and Environmental Engineering
Design of Habitat-Sensitive Erosion Hazard Mitigation near a Bridge

- **Seattle University**

Department of Electrical and Computer Engineering
Solar Microgrid in Rural Zambia with Real-Time Cloud-Based Monitoring

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.

A jury of NCEES members and representatives from academic institutions and professional engineering organizations selected the winners. The 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

Profiles of the winning submissions are available online at ncees.org/award.

Winners of 2016 NCEES Surveying Education Award Announced

Licensure Exchange August 2016 Volume 20 issue 4

Ten surveying programs each receive \$10,000 cash prize

National Council of Examiners for Engineering and Surveying (NCEES) is pleased to announce the recipients of the inaugural NCEES Surveying Education Award. This annual award recognizes surveying programs that best reflect the organization's mission to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.

NCEES awarded a \$10,000 prize to ten qualifying programs to assist with each program's continued efforts to promote the importance and value of licensure. The award jury considered criteria such as student outcomes, student involvement, outreach, and recruitment. The award jury met June 23–24, 2016, in Clemson, South Carolina, to select the winners.

The jury selected ten programs to receive awards of \$10,000 each:

 **Ferris State University**
College of Engineering Technology
Surveying Engineering program

 **Michigan Technological University**
School of Technology
Surveying Engineering program

 **Nicholls State University**
Department of Applied Sciences
Geomatics program

 **Oregon Institute of Technology**
College of Engineering, Technology, and Management
Geomatics program

 **Parkland College**
Department of Engineering Science and Technologies
Construction Design and Management: Land Surveying program

 **Southeast Technical Institute**
Department of Engineering Technology
Land Surveying Science Technology program

 **The University of Akron**
College of Applied Science and Technology
Surveying and Mapping program

 **Troy University**
College of Arts and Sciences
Surveying and Geomatics Sciences program

 **University of Florida**
School of Forest Resources and Conservation
Geomatics program

 **University of Maine**
College of Engineering
Surveying Engineering Technology program

More information about the 2017 NCEES Surveying Education Award cycle will be posted at ncees.org/surveying when available.

Questions And Answers



Q&A

Question: If a professional engineer knows that a well-qualified, but unlicensed, university professor has engaged in the practice of professional engineering by providing written and oral expert witness testimony (in which he provides recommendations and applies engineering principles) does the professional engineer have a responsibility to report the possible violation to the board of engineers?

Answer: *In review of WAC 196-27A-020: Fundamental canons and guidelines for professional conduct and practice, the answer to your question is yes.*

(4) Registrant's obligation to the board.

- (a) Registrants shall cooperate with the board by providing, in a timely manner, all records and information requested in writing by the board, or their designee.
- (b) Registrants shall respond to, or appear before the board at the time, date and location so stated in a legally served board order.
- (c) Registrants shall notify the board of suspected violations of chapter 18.43 or 18.235 RCW or of these rules by providing factual information in writing to convey the knowledge or reason(s) to believe another person or firm may be in violation.

If you feel there is a violation please refer to the following link to download the compliant form, <http://www.dol.wa.gov/business/engineerslandsurveyors/complaint.html>. The Board will investigate the complaint to determine if there is a violation of chapter 18.43 and/or 18.235 RCW and/or the associated rules (WAC 196).

Question: My practice is primarily involved in performing structural inspections of existing buildings.

Most of the time it is an assessment to determine feasibility for remodel or expansion. Occasionally, I do assessments of damage and repair following fire or flood damage. Recently in a meeting with an insurance representative for one of my best clients I was told it was not necessary for me to perform onsite testing. The insurance company would make the determination of what (if any) testing was needed and then have it performed by a vendor they have used in the past. All they wanted me to do was submit my engineering analysis incorporating the testing results. I have a problem with preparing a report and having nothing to say about the thoroughness or quality of the testing that is used to support my conclusions. How should I handle this?

Answer: *What you describe, if you agreed to do so, would likely give you high exposure to problems of your professional responsibility and also civil liability. Regardless of what the insurance company may think is necessary for their purposes, your responsibility as a professional engineer is: "...to safeguard life, health, and property, and to promote the public welfare..." To best meet your professional responsibility, in the event you are not conducting the testing yourself, is to prepare specifications on what testing you require and ensure that qualified personnel / labs meet your expectations. You could then more confidently represent the testing results in your report.*

Question: As a licensed On-site Designer I find the need to have a topographic map of the sites where I am placing the system. Do I need to hire a professional land surveyor to perform this work?

Answer: *No. The scope of practice for a designer includes topographic surveying. What the board restricts is for a designer to do mapping of that type for anyone other than their own use or for topographic mapping of any portion of the site that is not intended to be part of the design or the reserve area. If a site is five acres in size and the project is confined to a one-acre area of that parcel, it would be inappropriate for the designer to perform topographic mapping for the entire site, unless it can be shown that a much larger area is needed in the site design work.*

Examinations

APRIL 2016 EXAMINATION RESULTS

	Total	Pass	% Pass
Principles & Practice of Engineering			
Architectural	1	1	100%
Chemical	12	3	25%
Civil	168	105	63%
Electrical	48	30	63%
Environmental	16	7	44%
Industrial	3	2	67%
Mechanical	74	42	57%
NA/ME	8	5	63%
16 Hour Structural			
Lateral	31	15	48%
Vertical	32	15	47%
Lateral & Vertical	19	8	42%
Principles & Practice of Land Surveying			
NCEES – 6 Hour	14	11	79%
On-Site Designer	2	1	50%
On-Site Inspector	6	2	33%
2016 COMPUTER-BASED TESTING (JANUARY - JUNE)			
	Total	Pass	% Pass
Fundamentals of Engineering (EIT)	745	527	71%
Fundamentals of Land Surveying (LSIT)	14	8	57%
WA Specific (2-hour) Land Surveying	26	17	65%

Statistics Of Actions

STATISTICS OF ACTIONS TAKEN BY THE BOARD

JANUARY 1, 2016 THROUGH JUNE 30, 2016

Active investigations as of January 1, 2016	31
Investigations Opened	16
Investigations Closed	21
Active Investigations as of June 30, 2016	26

SUMMARY BY MONTH:

	Complaints Received	Inquiries Received	Investigations Opened *
January	5	1	1
February	13	0	3
March	11	2	3
April	4	0	1
May	6	0	2
June	9	0	6
Totals	48	3	16

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

SUMMARY BY PROFESSION AS OF JUNE 30, 2016

	Active Investigations	Legal Status	Compliance Orders
Prof. Engineers	13	3	2
Prof. Land Surveyors	6	9	2
Unlic. Engineers	6	1	0
Unlic. Land Surveyors	1	1	1
On-Site Designers	0	3	0
Totals	26	17	5

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.

Investigations & Enforcements

Summaries Of Investigations And Actions By The Board

The following case summaries cover the disciplinary actions against licensees from January 1, 2016 through June 30, 2016. 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 ACTIONS:

Land Surveying

Michael Mahoney, PLS, Case No. 14-10-0004

The Board opened an investigation of Michael Mahoney, PLS based on his license being randomly selected for compliance with the necessary Continuing Professional Development Hours (PDH).

The Board Investigator made multiple attempts for verification of the required hours, but received no response. Finally during a telephone conversation, Mr. Mahoney stated that he was unable to provide proof of any PDHs.

On February 2, 2016, the Board issued a Findings of Fact, Conclusions of Law and Default Order. Terms of the Default Order include:

- Mr. Mahoney’s professional land surveyor’s license is suspended for a period of two (2) years. The suspension is in effect for the first nine (9) months from the effective date of the order. The additional fifteen (15) months of said suspension is stayed (not imposed) contingent upon him complying with the other conditions below.
- Mr. Mahoney shall pay a fine of \$500.
- Mr. Mahoney must complete 30 hours of PDH.

Richard Russum, PLS, Case Nos. 14-01-0005 & 14-03-0013

These investigations were opened based on two complaints. The first complaint alleged that Mr. Russum was paid a down payment for the survey, but failed to perform the survey and did not communicate honestly or as promised with the Complainant. The second complaint alleged Mr. Russum performed a survey in 2010, but did not record the survey and failed to respond to multiple inquiries by another licensed land surveyor about the project.

During the course of the first investigation, Mr. Russum was contacted several times by the board investigator requesting information regarding the allegations, requesting an interview, and requesting that he needed to submit his PDH log. Mr. Russum agreed to an interview and provided some of the requested documentation, including proof that the down payment was returned to the Complainant. Nothing was provided by Mr. Russum regarding his failure to respond to the Complainant and the Board or for the failure to perform the survey as requested.

During the course of the second investigation, it was found that Mr. Russum performed a large ALTA survey

where sectional corners were set but the survey was not recorded. The Complainant acquired copies of a seven-page document from Mr. Russum's client titled "Record of Survey." The Complainant sent several letters concerning this matter to Mr. Russum and asked him to record his survey. The Case Manager reviewed the seven-page unrecorded survey and found it contained several substantive errors.

On January 20, 2016, 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. A settlement conference was held and Mr. Russum accepted the settlement option and signed the Agreed Order.

The terms of the Agreed Order included:

- 90 days from the effective date of the Order his license is suspended for two (2) years. Said suspension is stayed contingent upon him complying with the conditions of the Order.
- Within 90 days of the effective date of the Order, he shall complete and file, with Lincoln County, the amended survey that he provided to the Board in 2014. Said survey must comply with all land surveying procedures and standards. Upon filing of the survey he must provide a copy to the Board for review.
- Within 90 days, of the effective date of the Order he shall pay a fine of \$2,500.
- Within 90 days, he must present all documents showing he has completed all necessary PDH hours to support the renewal of his license between 2012 and 2014.
- Within 90 days, he must enroll in the "Ethics in Land Surveying" course administered by New Mexico State University or similar class approved by the Board.
- Within one year of the effective date of this Order, he must complete the New Mexico State University course or similar class approved by the Board.

Engineering

Robert Bittner, PE, Case No. 14-09-0004

The Board opened an investigation of Robert Bittner, PE based upon a complaint alleging the unlicensed practice of engineering.

The complainant provided evidence of Mr. Bittner stamping an engineering calculation with an expired license. Respondent's license was expired from June 10, 2010 through October 2, 2014.

During the course of the investigation the respondent admitted to completing five projects that contained 47 stamped plan sheets and documents.

On March 19, 2016, 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. Bittner accepted the settlement options and signed the Agreed Order.

Terms of the Agreed Order include:

- Mr. Bittner shall pay a fine of \$2,000.
- Mr. Bittner shall notify his clients that his license was expired at the time he signed and stamped the engineering plans and provide a copy of the correspondence to the Board.
- Mr. Bittner shall at his own expense, reissue the engineering plans to his clients.

Nielsen, Donald, PE, Case No. 15-01-0001

This Board opened an investigation of Donald Nielsen, PE based upon a complaint alleging the unlicensed practice of engineering.

During the course of the investigation, the Board investigator requested a list of projects he completed since September 2013. It was discovered that the respondent had stamped seventy five drawings with an expired PE license, and his engineering firm had an expired Certificate of Authorization with the Board.

On February 12, 2016, 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. Nielsen accepted the settlement option and signed the Agreed Order.

Terms of the Agreed Order:

- Mr. Nielsen shall pay a fine of \$2,500.
- Mr. Nielsen shall notify his clients that his license was expired at the time he signed and stamped the engineering plans and provide a copy of the

Continues next page

correspondence to the Board.

- Mr. Nielsen shall at his own expense, reissue the engineering plans to his clients.

Unlicensed Land Surveying

Kenneth Hoffman, Case No. 15-04-0008

The Board opened this investigation based on a complaint alleging that Mr. Hoffman offered land surveying services in Washington without being licensed as professional land surveyor in Washington.

In 2005, Mr. Hoffman located existing monuments for friends of his in Washington so they could build a fence. Several years later, Mr. Hoffman returned to the property to confirm that a fence was built on their side of the line, and provided them a letter explaining the work he performed.

In 2012, Mr. Hoffman swore an affidavit in support of Summary Judgment in Skamania County Superior Court which stated in part “I am a registered professional land surveyor. In 2005, I helped...establish a property line.”

On March 3, 2016, 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. A settlement conference was held and Mr. Hoffman accepted the settlement option and signed the Agreed Order.

The terms of the Agreed Order were:

- He shall cease and desist from offering to provide and/or providing land surveying in the state of Washington until such time as he shall be licensed to do so.
- He shall not represent himself to current and potential clients or to the public as being able to provide and/or perform land surveying services in Washington.
- He shall pay a fine of \$750.

INFORMAL ACTIONS:

Land Surveying

Case No. 15-01-0005

This investigation was opened based upon a complaint alleging the Respondent filed a Record of Survey that did not contain the clarity of detail for the method in determining a railroad centerline.

The Respondent admitted he should have provided more detail on the Record of Survey and filed an amended Record of Survey.

The Case Manager recommended closing the investigation with no further action as the Respondent filed an Amended Record of Survey that contained the appropriate and necessary information.

Case No. 15-08-0003

This investigation was opened based on information obtained during an investigation of another licensee. It appeared to the Case Manager, the Respondent performed a survey (not recorded) that was not exempt from having to be recorded.

During an interview with the Board Investigator, it was discovered that the owner of the firm the Respondent works for, conducted the original survey and directed Respondent to issue an exhibit map for his client.

Respondent stated he purposely stamped the survey preliminary, as he was not planning to be the individual who would be recording the survey. Respondent agreed that the survey is not exempt from being recorded, and he wanted to be in compliance.

The Case Manager concluded that Respondent fully cooperated with the investigation and that this was an isolated incident. The owner of the firm did file the survey.

Case No. 15-10-0003

This investigation was opened based on information obtained during an investigation of another licensee. The allegations were the respondent did not record a boundary line survey that contained discrepancies.

After reviewing two preliminary surveys, the Case Manager determined that the Respondent properly executed and identified all deficiencies. The Respondent did file a Record of Survey with the County Auditor.

The Case Manager concluded that respondent fully cooperated with the investigation and recommended that the case be closed with no further action.

Engineering

Case No. 15-08-0005

This investigation was opened based on a complaint from a Washington PE, alleging that a significant

engineering project for a large, multi-national oil company, underwent construction without the proper seals on the project design drawings.

During the course of the investigation, it was discovered that a number of changes were made to the project involving multiple firms, and that the local regulatory authority did not require sealed drawings for permitting which contributed to the late application of seals and signature.

Due to the complex team relationships and apparent confusion in responsibilities which impacted the timing of the document production, the Case Manager recommended the case be closed with no further action.

Case No. 13-06-0001

Board staff received an email from a professional engineer licensed in Washington State, informing the Board of action by several other state Boards. Respondent was licensed in 47 states at the time of the self-reporting.

The Respondent is currently licensed in Washington and there have been no complaints filed against his license in Washington. In the original disciplinary action taken, he was charged with working outside his are of competency which consisted of placing his PE seal on documents that consisted of Architecture plans. In 2012, another Board issued an Order for practicing outside the areas of practice, because plans submitted to a City on 2 projects lacked basic/fundamental information for a fire alarm system.

The case manager reviewed some work the Respondent had done in Washington and found that work met minimum standards. Base on this review, the Case Manager recommended the case be closed with no further action.

Case No. 15-05-0007

This investigation was opened based on a complaint from a Professional Engineer alleging that Respondents engaged in misconduct as foundation elements for a seismic analysis were excluded from a project.

The Case Manager determined there appeared to be a misunderstanding on whether the foundation elements would be excluded and recommended the

case be closed with no further action.

Unlicensed Engineering

Case No. 15-08-0004

This investigation was opened based on a complaint alleging the Respondent engaged in the unlicensed practice of engineering, and that his firm's name conveys the impression he is a professional engineer.

During the course of the investigation the respondent updated his firm's name, and is pursuing licensure in Washington State.

The Case Manager recommended the case be closed with no further action based on the voluntary action taken by respondent to eliminate any misconception of the services he provides, and the lack of incontrovertible evidence of willful misconduct.

Unlicensed Land Surveying

Case No. 15-08-0002

This investigation was opened based on information obtained during the review of a complaint alleging unlicensed land surveying by a California registered PLS who performed an ALTA survey with an architect firm's logo and sheet border in Washington State. The California PLS responded that he did not perform the surveys under the firm's name and that case was not opened.

The firm's owner was contacted and he stated his firm had used a surveying firm for all of their survey needs in Washington State, and the architect's firm logo and sheet border were used since the survey was performed for their client. The firm's owner did not appear to know that the surveying firm was not licensed in Washington State.

The firm agreed that all information (logo, name and legend, etc.) from an outside service will be reflected appropriately in the future. The firm was made aware of the licensing and registration requirements for providing such services within Washington State and stated they will submit proof of registration and/or licensure, as required, for any future services within Washington State.

The Case Manager recommended the case be closed with no further action.

Message From The Chair

of tenure, promotion and the publish or perish academic environment they live in. Most universities do not reward or recognize faculty for obtaining their professional license. The Accreditation Board of Engineering and Technology (ABET) in its accreditation criteria for engineering programs recommends faculty teaching design courses be licensed, but does not require it. So how exactly do we address this issue of promoting faculty licensure?

Wyoming has a unique approach to promote faculty licensure. Individuals with doctorates in engineering are waived both the FE and PE exams. Four years of experience is still required – however, this could be satisfied by teaching upper level engineering design courses, and performing research. Teaching experience should demonstrate increasing responsibility and scope. No practical experience is required. The Wyoming Board interviews these individuals prior to granting the license. Their sole purpose of issuing licenses to faculty is to promote licensure among students. Although, I do support the notion of faculty licensure, I believe licenses should be earned. The examination leg of the three legged (education, examination and experience) stool is completely removed in the above approach. In my opinion, faculty members interested in licensure should pass the exams like everyone else. How do you promote the exams if you haven't

taken it yourself? I recognize that it is hard for faculty members to gain the four years of practical experience in a traditional manner. Therefore, the experience component could be demonstrated through a combination of graduate level education, teaching, research, work experience through summer/sabbatical work and partnership with licensed practitioners. Some experience outside the university setting is valuable in promoting licensure among students.

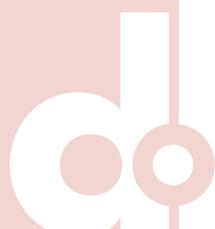
Moving onto other issues, there are several changes taking place in the examination arena. The Fundamental exams transitioned to computer based testing (CBT) in 2014. The CBT cut down the testing time from 8 to 6 hours. The students are happy to receive the results within 7-10 days after the exam. Initially, there were four testing windows during the year – each quarter of the year had two months of testing window. For example, during the January through March first quarter, January through February was the testing window. Now that most of the wrinkles within CBT are ironed out, NCEES has opened the testing window throughout the year. This will give candidates more options. NCEES is working on transitioning the PS and PE exams to CBT. The PS exam transitioned to CBT in October 2016. The Chemical and Nuclear Principles and Practice exams transition to CBT beginning in 2018. The others exams will move to CBT in the coming years. Stay tuned!

Another topic that piqued my interest at this year's NCEES annual meeting was the idea of having a non-technical practice exam covering topics such as ethics, contract law, finance, project management and leadership. It could either be introduced as a module into an existing exam or administered as a separate exam. The rationale given for the non-technical practice exam is that currently a majority of the disciplinary cases are related to ethics, professional practice, regulatory requirements and other related topics. Apparently, Canada introduced an exam in the 1980s focusing on professional topics and the number of disciplinary cases decreased significantly. Also other professions, such as architects, have professional topics covered in their exams. So do you think it is a good idea to test one's non-technical professional practice knowledge as part of licensure?

Did You Know?

NCEES Reduces FE and FS Exam Price

Beginning January 2018, NCEES will lower the price for the Fundamentals of Engineering and the Fundamentals of Surveying exam by \$50, from \$225 to \$175.



Schedules

Spring 2017 Administration

The following exams are offered year round as computer-based exams:

- Fundamentals of Engineering (NCEES FE)
- Fundamentals of Land Surveying (NCEES FS)
- Professional Land Surveying (NCEES 6 hour)
- Land Surveying (WA State Specific 2 hour)

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 Architect/Marine Engineering	NCEES	Friday April 21, 2017	Sunday January 15, 2017
Structural (vertical)	NCEES	Friday April 21, 2017	Sunday January 15, 2017
Structural (lateral)	NCEES	Saturday April 22, 2017	Sunday January 15, 2017
On-Site Wastewater Designer / Inspector Certification	State	Friday March 31, 2017	Sunday January 15, 2017

Calendar

The following calendar displays the Board's planned meetings and participating events for 2016 and 2017. 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*

December 8, 2016, Sea Tac
 February 9, 2017, Seattle University
 April 13, 2017, TBD*
 June 14-15, 2017, Sea Tac
 August 10, 2017, Vancouver
 October 19, 2017, Spokane
 December 7, 2017, TBD*

BOARD PARTICIPATING EVENTS

February 3 - 4, 2017
 NCEES President's Assembly
 Atlanta, GA

March 8 - 10, 2017
 LSAW Annual Conference
 Sea Tac, WA

May 18 - 20, 2017
 NCEES Western Zone Meeting
 Denver, CO

August 23 - 26, 2017
 NCEES Annual Meeting
 Miami, FL



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