

The Washington Board

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



Journal

Number 51 • Spring 2013

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Message from the Chair

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

From Lisa Brown, PE, Board Chair

I’d like to reflect on some significant issues, progress and changes that occurred during my 10 years on the board, as my board appointment is coming to a close.

LOOKING BACK

During my tenure as a Board Member several milestones have been achieved. State laws were enacted and rules developed for continuing professional development for professional land surveyors and on-site wastewater treatment designers. Although new law requiring continuing professional development for engineers has not been enacted, the debate on its pros and cons has brought attention to the importance of maintaining competency of practice whether or not there is auditing by the Board.

In 2007, the Engineer’s Registration Act, chapter 18.43 RCW, was amended to incorporate ‘significant structures’ and structural licensure requirements to design ‘significant structures.’ In 2011, the structural engineering examination transitioned from the state specific examination to the national structural examination developed through National Council of Examiners for Engineering and Surveying (NCEES).

In 2010, the board proposed revisions to the engineer registration rules to provide a structured and confident way for the Board to evaluate applicants from other jurisdictions and non-U.S. jurisdictions. The proposed rules would have enabled the Board to consider qualified individuals for licensure without examinations, provided certain conditions had been met. While the Board did not adopt the rules, the importance of adapting to the needs of national and international mobility of licensure remains an important issue. International mobility continues to be a topic of discussion at the state and national level and the board has requested that NCEES assist the states in evaluating foreign applicant credentials.

Most recently was the eventful issuance of a wall certificate prepared for the 50,000th professional license issued by the Board of Registration for PE & LS. Since 1935, the growth of the ranks of engineers and land surveyors has been constant. Even with the likes of our recent economic challenges, the professions of engineering and land surveying have proven to be resilient as well as maintaining relevance to the ever changing world.

LOOKING AHEAD

January 2014 will bring the initial administration of computer based testing (CBT) for the Fundamentals of Engineering (FE) and Fundamentals of Land Surveying (FS) examinations. More information on this milestone can be found elsewhere in this Journal, on the Board’s website or by visiting: cvt.ncees.org. Plans are already

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News to You

Computer Based Testing Will Start January 2014

In previous articles the Board has reported the upcoming change on the administration of the Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) examinations to computer based testing (CBT). We are now less than one year to this significant transition so it is important that information about this be shared as widely as possible. As a reader of this publication you are probably a licensed engineer or land surveyor since that is our primary distribution. What we ask each of you to do is alert your co-workers, students or fellow association members that are planning to take either of these exams after January 2014.

There is considerable information being produced by the National Council of Examiners for Engineering and Surveying on their website: cvt.ncees.org. Everyone affected or interested in this transition should visit that site for details. Here are some points to take note of:

- The October 2013 exam administration will be the last administration of the FE and FS exams in pencil-and-paper format. Effective January 1, 2014, the FE and FS exams will only be offered via CBT.
- The Principles and Practice of Engineering (PE) and Principles and Practice of Surveying (PS) exams will continue to be offered twice each year (April and October) in pencil-and-paper format, pending further action by NCEES exam committees.
- Computer-based FE and FS exams will be administered only at approved Pearson VUE testing centers. For those candidates in Washington State the most convenient testing centers are in: Seattle metro area (2), Spokane (1), Yakima (1) and Portland, Oregon metro area (2).
- Registration for all exams will open Monday, November 4, 2013. The first available seating at a Pearson VUE testing center for the FE and FS exams will be Thursday, January 2, 2014. The registration process to be used by the State of Washington is in development and is not finalized at this time. Refer to the Board's web site for the most current information.
- There will be four testing windows for the FE and FS exams annually. Each of these windows will last two months, with a month between them. Therefore, exam appointments will be available in January and February, with no exams offered in March; exam appointments available in April and May, with no exams offered in June, etc.
- Candidates for a CBT exam may take the exam only one time per testing window and no more than three times in a 12-month period.
- Effective with the opening of registration on November 4, 2013, candidates registering to take the FE or FS exam will be required to pay NCEES directly for all exam-related fees. This will be included as a part of the online registration process and will require payment with MasterCard or Visa. The fee is set at **\$250** each time the examination is taken.
- The FE and FS exams will be six hours in length, which will include a tutorial, breaks, the exam, and a brief survey at the conclusion of the exam.
- The FE and FS exams will continue to be closed book. Supplied reference material for the exams will be electronic and will be available on the NCEES website.
- Examinees will be allowed to bring and use NCEES-approved calculators on CBT exams.
- Sample exams for the computer-based FE and FS will be available for purchase after the October 2013 exam administration. There will be seven FE exams to choose from: Civil, Chemical, Electrical/Computer, Environmental, Industrial, Mechanical and other. Test specifications for the FE exams and FS exam are available from cvt.ncees.org.

Testing Centers For Computer-Based Testing

When computer-based testing begins in 2014 registered candidates can schedule their examination at any Pearson Professional Testing Center in the country. Those centers most convenient for Washington residents are:

Western Washington/Seattle metro area:
1300 SW 7th Street, Renton, WA
10700 Meridian Avenue North, Seattle, WA

Central Washington:
1701 Creekside Loop, Yakima, WA

Eastern Washington:
1410 N Mullan Rd, Spokane Valley, WA

Oregon/Portland metro area:
10700 SW Beaverton Hillsdale Hwy., Beaverton, OR
805 SW Broadway, Portland, OR

Testing Centers

- (a) Evaluation and interpretation of evidence.
- (b) Adjustment and authoritative interpretation of survey data
- (c) Certification of positional accuracy of maps or measured survey data.
- (d) Acquisition of field data required to authoritatively position the location of features.
- (e) Utilization of the principles of land surveying to determine the position of any monument or reference point which marks a property line, boundary, corner, right of way, easement or alignment of those lines, or setting, resetting, or replacing any such monument or reference point;
- (f) Setting, resetting or replacing of control points which orient construction or engineering projects in relation to property, easement, or right-of-way boundaries.
- (g) Directly or indirectly giving an authoritative reference or opinion as to the location of a property line, boundary, right of way, easement, or any corner position relating thereto;
- (h) The creation and modification of descriptions for use in legal instruments of conveyance of real property and property rights (easements) and the subdivision of land.
- (i) The creation of maps and geo-referenced databases representing authoritative locations for boundaries, the location of fixed works, or topography.
- (j) The establishment of ground control which determines authoritative elevations or boundaries in relation to photogrammetric or other active or passive remote-based sensing technology.

The text of the draft guideline is found at: <http://www.dol.wa.gov/business/engineerslandsurveyors/docs/eDocsInterpretiveGuideline.pdf>

Both of these proposals will be presented in a series of workshops around the state to enable individuals to comment in person. Your input is equally considered if you wish to send us an email should you be unable to attend any one of the workshops. Comments can be provided via email on either proposal to: engineers@dol.wa.gov.

Board Schedules Stakeholder Workshops

The Board has renewed its effort to seek out comments from stakeholders on two initiatives affecting licensees. First is the “draft of concept” for rules that could be used to clarify the statutory definition of land surveying. Second is the introduction of an “Interpretative Guideline” on the definitions and use of electronic documents and digital signatures. The draft language on the scope of surveying is below.

Practice of Land Surveying.

Except for those authorities granted to county engineers in chapter 36.80, 36.81 and 36.86 RCW, all the following activities must be accomplished by or under the direct supervision of a licensed professional surveyor:

DATE	LOCATION	TIME
May 7, 2013	Silverdale Beach Hotel Cove Room 3073 NW Bucklin Hill Rd. Silverdale, Washington	6:00 pm – 8:00 pm
May 8, 2013	LaQuinta Inn Conference Room 1425 East 27th Street Tacoma, Washington	6:00 pm – 8:00 pm
May 9, 2013	Embassy Suites St. Helens Room 20610 44th Ave W Lynnwood, Washington	6:00 pm – 8:00 pm
May 14, 2013	Holiday Inn Express Board Room 1620 Canyon Road Ellensburg, Washington	6:00 pm – 8:00 pm
May 21, 2013	Hilton Garden Inn Granite I Room 9015 W Highway 2 Spokane, Washington	6:00 pm – 8:00 pm
May 22, 2013	Holiday Inn Express Hotel Syrah Room 4525 Convention Place Pasco, Washington	6:00 pm – 8:00 pm
May 29, 2013	Comfort Inn Conference Room 401 E 13th Street Vancouver, Washington	6:00 pm – 8:00 pm

Board Reaches Milestone

On December 13, 2012, the Board issued license number 50,000. The recipient is Joseph Adams, an assistant manager at PACCAR's Kenworth Trucks Headquarters in Kirkland, Washington. He joins the long list of individuals who have become licensed



Pictured (left to right) Stephen Shrope, PE, SE (Board Member); George Twiss, PLS (Executive Director); Joseph Adams, PE (recipient) and Kevin Baney (supervisor).

by the State of Washington since November 19, 1935. That list began with the first appointed Board members: M. K. Snyder, Edw. C. Dohm, John P. Hart, E. B. Crane, and Robert L. Rockwell. The first individual to receive a license in land surveying only was number 31, O. L. Cayton.

Joseph Adams attended the University of Alabama, where he received a bachelor's degree in Electrical Engineering. He also received a MBA from the University of Washington. He worked four years at Honda Research and Development Americas before going to work at PACCAR in 2000.

Historically Speaking

When licensing was started in Washington there were five branches of engineering recognized. They were civil, electrical, mechanical, hydraulic and structural. Land surveying was recognized as a separate license. Today the Board issues licenses in 16 branches of engineering through the examinations offered by National Council of Examiners for Engineering and Surveying.

As of March 1, 2013 there are 24,984 active PEs in Washington. The majority are represented in the branches of: civil 54%; Mechanical 20%; Electrical 13%; Structural 6% and Chemical 2%. There are currently 2,250 women engineers since the licensing of the first, Willa Mylroie in 1953. There are presently 1,305 active land surveyors in Washington. The first woman to be licensed as a land surveyor was Kay Prickett in 1973.

Is Continuing Professional Development Working?

In 2005, The Washington State legislature enacted mandatory continuing professional development for professional land surveyors. That amendment took effect July 1, 2006. The law requires professional land surveyors to accumulate 15 hours of qualifying professional development every year. For the two year renewal period all surveyors must accumulate at least 30 hours to satisfy the requirements for license renewal.

We are now over 6 years from the implementation of this requirement and it seems appropriate to comment on how this program is working. However, before answering if it is working it is necessary to define what it was expected to do. Proponents in support of the requirement projected that there would be improvements to the general level of practice by licensees. Well...let's see.

Looking at complaint activity as a possible indicator we have the following to report. In looking back we thought it useful to include a comparable period before the PDH requirements took effect.

	Jan. 2002 to June 2007	July 2007 to Dec. 2012
Total complaints (*):	343	582
Land surveyors:	154	119
Formal charges:	29	7

(*) includes engineering, on-site design and land surveying

At first glance it could be interpreted that the trend shows overall improvement if it is assumed that the number of complaints has a reliable correlation to the quality of practice. But that is not necessarily the case. Other factors influence the data that cannot be ignored.

Complainants have expectations that the Board will arbitrate disputes such as boundary or contract problems.

Complainants seek remedy through the Board in place of civil court actions and attempt to leverage their positions by questioning the licensees work.

Complainants sometimes use the complaint process to retaliate against the licensee.

These conditions may not be evident when a complaint is first received and are only fully vetted through the investigation process. When

the investigation uncovers these motives the Board commonly will close without action. However, the statistics above include these as well.

To better manage the complaint activity the Board has implemented some process improvements since 2008. Each of these helps reduce the number of complaints that result in actual investigation or the number of investigations that result in formal charges being filed.

Incoming complaints are more thoroughly screened before the Board makes the decision to open an investigation.

Board case managers are more frequently involved with the day-to-day investigation activity.

Board members may choose to enter into an informal "mentoring" session with the licensee. This has proven to eliminate the need for charges in some circumstances.

So what do you think? Have we arrived at a better place with practitioners doing better work and the consumers being better protected? It would seem that whether or not you believe the implementation of PDH requirements has helped, the changes are good to see. But the final assessment of value is how each individual licensee has responded to the PDH requirements. If you are one who has sought out and actively participated in programs to enhance your professional skills then it is probably safe to say your clients are benefiting. However, for those who don't see this of value and just a burden of record keeping the result is far less favorable.

When Are Political Donations or Campaign Activities Unethical?

Board Member, Neil Norman, PE, F.NSPE

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In this apparently never ending political season, I have been asked to readdress this important question. Accessing the NSPE Board of Ethical Review cases online, we can see that the BER has considered this question at least 20 times since the first such case in 1962. The cases have been complex and the opinions have often not been unanimous.

NSPE has held a consistent position to encourage

all engineers to support political candidates who have demonstrated through their activities a commitment to ethical professional practices and to the support of infrastructure and other issues of importance to engineering. By becoming involved in the political process, we can affect legislative, legal, and regulatory policy. The NSPE Political Action Committee and state society PACs were created to provide vehicles for access to elected politicians to further these ends. Beyond these joint means of access, many engineers know and have worked with political incumbents they want to, and should be able to, support.

Engineering has the strongest code of ethics of any profession. This code has generally been institutionalized in the laws and rules of state licensing boards. We have zero tolerance for bribery, fraud, and corruption. Yet we are continually shocked to see the publically aired details of violations of these standards by political incumbents. As a result, many engineers are leery of entering the arena to become active in the political process or are even reluctant to participate in engineering PACs.

This lack of enthusiasm for the political process is unfortunate because it is necessary in our republic to enter the fray in order to influence the protection of public health and safety. Elected and appointed government incumbents at all levels make decisions for us. Whether they know it or not, they need our expert knowledge and advice to arrive at sound public policy on technical issues. Through meetings and communications with engineers, they can develop trust in our competence and honesty, and we can positively affect public policy. Those of us who have worked to explain the need for qualifications-based selection to legislators know how difficult that can be and how transient their understanding may be.

Our ethical codes and the differing state and federal laws dictate the limits to our participation in this process. In the NSPE Code of Ethics, Section II.5.b states that “Engineers shall not offer, give, solicit, or receive, either directly or indirectly any contribution to influence the award of a contract by public authority, or which may be reasonably construed by the public as having the effect or intent of influencing the awarding of a contract. They shall not offer any gift or other valuable consideration in order to secure work...” The laws frequently stipulate limits to political donations, but our decisions beyond legal restrictions must be personal interpretations.

If we have or are being considered for a client

relationship with the candidate or if the candidate is in a position to grant us or our firm future work, we are on soft ground. Large cash contributions are not appropriate in these cases.

We should strive for full transparency with our peers, the public, the press, and our own consciences. Use your empathy to see how competitors or project opponents might view your actions. Assume that all details will be publically discussed. Your motivations in providing political support are the key consideration. It is not unethical to belong to a PAC, to make cash contributions, to participate in campaigns, or be an open supporter of your candidate as long as you are satisfied that there is no conflict of interest. You will know when it is appropriate to back off. You may well receive future work because of respect for your honesty and competence known to the candidate—and that is OK.

NSPE, through original sponsorship of the National Institute for Engineering Ethics, our strong Code of Ethics, and the 500 cases documented by the Board of Ethical Review has been a catalyst to discussion of this question. To dig deeper, access those BER cases on the NSPE Web site. You can also visit the Web sites of the NIEE and Texas Tech University’s Murdough Center for Engineering Professionalism. You will find decades of wisdom documented.

A Changing Population In Surveying!

There are 1,305 active licensed land surveyors.

There are 205 in retired status.

There are 42 revoked.

72% of those active are over age 50.

40% of those active are over age 60.

8% of those active are UNDER age 40.

Changes

The Washington Board Journal

Questions & Answers



Branch Offices

Question: Yesterday I noticed that a local engineering/land surveying firm had opened a branch office in a city about 2 hours from where their headquarters is located. When I spoke with the owner he said that their business was growing and that they needed this office to help service their customer base in that area. He went on to tell me that his resident land surveyor at the headquarters will do “double duty” and supervise the new office location as well since it is so close.

In reading the language in WAC 196-25-050, Branch offices and places of business, it specifically states that, “...(a) firm maintaining branch offices shall have a resident professional engineer or resident land surveyor, for each branch office as well as the parent location.” Doesn’t the firm need to have a different surveyor for the Branch office? Can that branch office offer engineering if the only licensee in residence is a PLS?

Answer: *The intended use of one surveyor to manage the surveying of both the headquarters and the branch office is not allowed under the Board rule. In addition, if the intention of the owner is to offer and provide both engineering and surveying from the branch office, then the branch office must have a resident PE and PLS. This situation does not change regardless of how close a branch office may be to the headquarters location.*

Two Engineers on one project.

Question: I am a PE who has been hired to be the engineer of record for a planned construction of a design that was completed 5 years ago. I have a set of the completed plans and an electronic version that are in complete agreement with the hard copy. The client has contacted my firm because the original design engineer has passed away and the client is now ready to proceed with the project. My preliminary study of the plans showed they were very well developed and complete but they were never submitted for review to the local building department. The Building Department is

insisting that I submit a clean set of plans with only my seal and signature. Is this something I can do?

Answer: *As the Board has stated, it is not acceptable for a PE to stamp a plan that was not prepared by them or under their direct supervision. The primary purpose of that regulation was to guard against the preparation and distribution of designs that appeared to be the product of an engineer’s effort but were not.*

Your situation is different in a couple of key respects. First, a qualified professional competently performed the original design, and second, you were hired to execute the existing design through the construction phase. As we see it there is no reason for the building department to ask for plans to be resealed with your seal. The original plans should be sufficient and can be submitted even with the deceased PE stamp. However, if the review process produces changes that need to be incorporated before the permit is issued those changes by you would need to be explained and thoroughly evaluated to ensure overall design integrity. It might also be necessary to have a clarifying statement about the dual roles on the plan and to directly inform the department staff of the situation so they know and understand your role on the project.

Signing Records of Survey

Question: I see a continuing issue that I believe needs clarification. Amongst the surveyors in the county I practice there seems to be differing opinions about the signature requirements on the Record of Survey map. The Survey Recording Act specifies a “Surveyor’s Certificate” that includes the signature of the surveyor. The Board rules also seem to require a signature across the seal. Some sign only the certificate, other only the seal. Can you clarify?

Answer: *The final Record of Survey map has two separate law requirements for signature so the map should contain two signatures. The “Surveyors Certificate” is one and the Board’s defined use of the PLS seal and signature is the other.*

Application of Survey Recording Act

Question: If a plat states that all corners of lots and/or blocks have been set, but for either reasons of site development or an outright lie by the engineer or surveyor of record, no corners are found, does a record of survey need to be filed if new corners are set from

existing controlling monumentation that agrees with the plat dimensions within +/- 0.05 feet and there are no visible incursions on parcel lines?

Answer: YES. Since the scenario presents conditions that would be answered by the following provisions of the SRA.

RCW 58.09.040 Records of survey — Contents — Filing — Replacing corner, filing record.

After making a survey in conformity with sound principles of land surveying, a land surveyor may file a record of survey with the county auditor in the county or counties wherein the lands surveyed are situated.

(1) It shall be mandatory, within ninety days after the establishment, reestablishment, or restoration of a corner on the boundary of two or more ownerships ... a land surveyor shall file ... a record of such survey ... which through accepted survey procedures, shall disclose:

(a) The establishment of a corner which materially varies from the description of record;

(b) The establishment of one or more property corners not previously existing;

Question: If incursions are found along parcel lines but the controlling monumentation is less than ...”spatial relationship between said controlling monuments in EXCESS of 0.50 feet...” does this mean that incursions within less than 0.50 feet are also considered acceptable and a record of survey is not required?

Answer: The need for mapping of encroachments or other indications of occupation is very dependent on the conditions found. The dimensional conditions you reference relate only to the position of the controlling monuments used in the survey. The surveyor has the responsibility to evaluate the indications found and judge if those conditions represent where land owners have considered the boundary. Generally speaking, if the conclusion is that the existing conditions represent assumed property lines, then the distance those items are found from the surveyed line should be shown on the ROS.



This article provides information of administrative and court actions that have taken place in the US involving professional licensure. This information is provided to help educate readers on actions that were taken affecting a professional license. In this case, the summary is about the release of public records in the state of Texas.

Professional Licensing Report, vol. 24, numbers 3/4, September/October 2012.

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Board must release names, phone numbers for licensees in training

A September decision by a Texas appellate court requires the Texas medical board to disclose the telephone and fax numbers of all holders of temporary physician-in-training permits on request. Although licensee phone numbers collected for emergency use are protected from disclosure by state law, the appellate court ruled that because temporary practitioners hold only “permits,” and not “licenses,” their contact information is subject to public disclosure under the state’s Public Information Act.

Examinations

October 2012 Examination Results

	Total	Pass	% Pass
Fundamentals of Engineering (EIT)	531	370	70%
Principles & Practice of Engineering			
Agricultural	0	0	N/A
Chemical	9	7	78%
Civil	196	117	60%
Control Systems	9	7	78%
Electrical	52	34	65%
Environmental	18	8	44%
Fire Protection	2	0	0%
Industrial	1	1	100%
Mechanical	74	55	74%
Metallurgical	2	2	100%
Nuclear	4	2	50%
16 Hr Structural			
Lateral	16	3	19%
Vertical	10	5	50%
Lateral & Vertical	32	6	19%
Fundamentals of Land Surveying (LSIT)	13	5	38%
Principles & Practice of Land Surveying			
NCEES – 6 Hour	14	9	64%
WA Specific L S (2-hour)	37	12	32%
On-Site Designer	4	3	75%
On-Site Inspector	5	2	40%

In October 2009, the medical board received a request from Optimum Healthcare, a Texas-based medical group, to provide Optimum with contact information—names, addresses, telephone, and fax numbers—for all of the board’s licensees, including all licensed physicians, out-of-state physicians with temporary licenses, and physicians-in-training. The board balked at giving Optimum access to its licensees’ telephone and fax numbers because they are protected from disclosure by a Texas statute. However, Texas law also requires an agency that wishes to claim an exception to the public disclosure law to request an opinion from the state’s attorney general, and the board submitted such a request.

When delivered, the opinion of the Texas Attorney General’s Office matched that of the board, with two notable exceptions. The statute protecting the numbers from disclosure only applied to “license holders,” the opinion said, and out-of-state physicians and physicians-in-training are not license holders, holding as they do only “permits” to practice. [those records should be released]

Despite language in the board’s rules describing a “temporary permit” for visiting physicians, the legislation granting the board authority to issue such permit described them as “provisional licenses.” This legislative cue was enough for the court to declare visiting physicians as the holders of licenses whose phone numbers would be protected from disclosure.

But while the legislature intended for visiting physicians have their phone and fax numbers protected from disclosure, it apparently did not intend that physicians-in-training should have that benefit. The board’s rules describe the permit available to medical residents as a “physician-in-training permit” and the legislation granting the board the power to issue the permits uses the same language. Further, the board’s regulations specifically describe physicians-in-training as physicians who do “not hold licenses to practice medicine in Texas” and the legislation refers to such physicians as “not otherwise licensed by the board.”

For the court, the legislative use of this language meant that physicians-in-training were “permit holders” only and their phone and fax numbers were subject to disclosure.

Continues on page 14

Investigations & Enforcement

Statistics of Actions Taken By The Board

JULY 1, 2012 THROUGH DECEMBER, 2012

Active investigations as of July 1, 2012	6
Investigations Opened	42
Investigations Closed	33
Active Investigations as of December 31, 2012	15

SUMMARY BY MONTH:

	Complaints Received	Inquiries Received	Investigations Opened*
July	11	0	11
August	6	0	6
September	1	0	1
October	14	1	14
November	0	0	0
December	10	1	10
Totals	42	2	42

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

SUMMARY BY PROFESSION AS OF DECEMBER 31, 2012

	Active Investigations	Legal Status	Compliance Orders
Prof. Engineers	10	0	2
Prof. Land Surveyors	3	0	2
Unlic. Engineers	1	0	0
Unlic. Land Surveyors	0	0	0
On-site Designers	1	3	0
Totals	15	3	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 July 1, 2012 - December 31, 2012. In each disposition the Board accepted the recommendations of the case manager, unless stated otherwise. For those cases involving a Board order, each licensee may be monitored for compliance with the conditions imposed in the order.

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

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

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

FORMAL ACTIONS:

Professional Engineering

Mark L. Kulp, PE, Case No. 11-10-0001

A complaint from a state agency alleged the respondent falsely claimed authorship of that agency's engineering documents by replacing

the original agency engineers' seal with his own. The altered documents were sent to a private firm portraying the misleading information about the respondent's experience as well as the origin of the documents themselves.

The issue came to light when the complainant was contacted regarding a reference request by a private firm that was considering hiring the respondent. The complainant and the engineers who actually sealed the original drawings were very concerned about the use of their documents and so advised the private firm.

The case manager concluded the accusations and the evidence showed a serious breach of both the legal and ethical responsibilities/requirements of a licensee. The case manager did not feel the respondent's reasoning for the breach was valid given the evidence of tampering with previously sealed documents.

On November 8, 2011 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 which included a voluntary surrender of his Washington license. Discussions with the respondent resulted in his acceptance of the Agreed Order on July 3, 2012.

The terms of the Agreed Order included:

- Respondent's license to practice engineering in the state of Washington shall be voluntarily surrendered within thirty days of the effective date of this Agreed Order.
- The Respondent shall never apply for licensure as an engineer in the state of Washington, or any other jurisdiction.

On August 16, 2012, the Board accepted the Agreed Order.

Engineer-In-Training

Matthew R. Youngblood, Case No. 12-05-0003

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 Engineering of Exam held in Seattle, in April 2012.

The evidence provided by the NCEES combined with the seating assignments supported a conclusion that one or both of the examinees had copied exam responses from the other. Following interviews, the named respondent stated he copied answers from the other examinee's answer sheet without the other examinee's knowledge. The respondent confirmed that he copied from the candidate that was seated directly to his left. The respondent told investigators that he did not know the other examinee; or had any agreement or connection to him prior to the examination date and time.

On August 8, 2012 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. On September 7, 2012, Mr. Youngblood accepted the settlement by signing Agreed Order.

The terms of the Agreed Order included:

- The respondent's results for the Engineer-In-Training/Fundamentals of engineering examination taken on April 14, 2012 is hereby invalidated and voided.
- He is restricted from applying to take the NCEES Fundamentals of Engineering examination for a period of three (3) years from the effective date of this Agreed Order.

On October 3, 2012, the Board accepted the Agreed Order.

INFORMAL ACTIONS:

Land Surveying

Case No. 12-06-0002

The Board received a complaint in June, 2012 from a former client of the respondent concerning a survey he had performed. The complainant

alleged in part that there were significant differences between the survey and the deeds.

The respondent recorded a survey in 1999 with assumed bearings as a basis along the east section line of the section. In 2003 the Respondent recorded another survey in the same section showing the bearing along the east line of the section differently than the 1999 survey. A second survey was recorded by the Respondent in 2003 showing the same basis as the earlier survey. The survey for the complainant in 2005 utilized the same bearing and basis of bearing as the 2003 surveys.

The respondent stated that his research showed three parcels on the property and that their descriptions were "...old, poorly written, ambiguous and had different points of beginning and did not close mathematically." He further stated that he considered the possibility of patterns of occupation based upon fences but there was no apparent pattern that would have yielded a better result.

The complainant hired another surveyor to review the respondent's work. This individual did some calculations and research and had questions concerning the survey. The respondent did share information with the reviewer.

The case manager concluded that the four recorded surveys by the respondent had been done in a competent manner. The respondent made his determination of the property lines to the best of his ability based on research and sound analysis. While the case manager did feel the respondent could have improved the overall quality of his work by including narratives, he found no cause for action and the case was closed.

Case No. 12-10-0005

In September, 2012 the Board was contacted by a city that was having a problem with a Preliminary Short Plat submitted by the respondent. The plat did not agree with a Record of Survey filed in 2004 by another PLS. The Board's investigation

was directed at determining the quality and accuracy of both surveys.

The subdivision blocks where both surveys were performed has an excess of six feet and the two surveyors used a differing approaches to distribute this difference. Neither survey showed the entire block or an explanation of the basis for determination of the property lines. During the investigation both surveyors had discussions with one another concerning this problem. One had chosen a proportional method throughout the blocks while the other judged that the difference should have been included in the most easterly lot due to the information on the plat and description.

During the investigation the surveyor using the proportional method concluded his method was incorrect and withdrew the Preliminary Short Plat. In a letter to the city and his client he apologized and offered a full refund to his client.

Given the result, the case manager concluded the case be closed with no further action.

Fundamentals of Engineering Exam

Case No. 12-05-0002

This investigation was opened following a notice from the National Council of Examiners for Engineering and Surveying (NCEES) that indicated the respondent was suspected of an examination irregularity along with another examinee during the Fundamentals of Engineering Exam held in Seattle in April 2012.

Relying upon the statistical and physical evidence the case manager concluded the irregularities represented a possible incident of copying between candidates. When both were interviewed one had no recollection of looking at another exam while the second individual admitted to the investigator of his copying from the candidate to his left.

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

Message from the Chair

underway to move the national LS exam to CBT in 2015 and some of the PE exams will soon follow. These changes will require the board to review current laws and rules to ensure the transition is easy and enables candidates to take full advantage of this new exam process.

The board continues to revise and update administrative rules or policies when needed in an effort to stay current with professional practice. This has been somewhat challenging due to gubernatorial restrictions limiting all state agencies to only critical rule making that did not have negative impact on small business. For example, to 'keep up with the times', the board is developing a policy to bring stamping/seals up to date with current technology relating to electronic documents, electronic and digital signatures.

The board continues providing outreach to colleges and universities sharing information and promoting the importance of licensure in both engineering and land surveying professions. I recently observed a presentation at the NCEES Board President's Assembly in Atlanta, Georgia on the use of social media for outreach and sharing information. NCEES has engaged social media outreach as a method to more effectively relay information to engineer and land surveyor examinees. With the growing need for obtaining instantaneous information, I believe it will be important that the board

is strategic in using appropriate communication tools used by the current audience.

In closing

While some states enable some board members extended or unlimited appointments, Washington law sets out that a board member can serve no more than two consecutive five-year terms. Although I sincerely appreciate my experience and opportunity as a board member, I believe there's value in term limits. I've observed the benefits and importance in gaining new perspectives, diversity, opinions and values different members bring to board decision making. This will be very important as some key issues I expect will evolve in the future such as international mobility, continued professional development for engineers, and the industrial exemption.

Finally, I'd like to express my deep respect and admiration for the dedication of past and current board members, on-site designer technical support, and board staff I've had the opportunity to work with. Regretfully, during my terms we lost past board members Al Hebrank, P.L.S., and Umesh Vasishth, PE, SE, and board staff members Linda York and Kim King. They all contributed so much to the effectiveness of the Board and will be deeply missed.

What The Courts Say

What Does Washington Law Say?

Under chapter 18.43 RCW [Engineer's Registration Act] professional licensees and those receiving engineer or land surveyor in-training certificates are considered part of the larger inclusive group of "registrants." RCW 18.43.035 also authorizes the Board to publish a roster of PE and LS which is done electronically by means of our licensing inquiry system.

The Board does not collect phone or fax numbers like discussed in the Texas case. If a request is made for a "list" it will include the name and address of those requested PROVIDED that the list is not used

for commercial purposes like marketing services or products for profit. Private identification information such as birth date and SSN is not released.

Schedules

Examination Schedule

Fall 2013 Administration

Examination	Type	Examination Date	Application Deadline
Agricultural, Chemical, Civil, Electrical, Environmental, Control Systems, Fire Protection, Industrial, Mechanical, Metallurgical & Materials, Mining & Mineral Processing, Nuclear, Petroleum	NCEES	Friday October 25, 2013	Wednesday July 31, 2013
16-hour Structural	NCEES	Friday & Saturday October 25-26, 2013	Wednesday July 31, 2013
Land Surveying (6-hour)	NCEES	Friday October 25, 2013	Wednesday July 31, 2013
Land Surveying (2-hour)	State	Friday October 25, 2013	Wednesday July 31, 2013
Fundamentals of Engineering & Fundamentals of Land Surveying	NCEES	Saturday October 26, 2013	Wednesday July 31, 2013
On-Site Wastewater Designer / Inspector Certification	State	TBD	Wednesday July 31, 2013

Calendar

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

May

15 – 17

Board & Staff Workshop

Leavenworth, WA

June

11 – 12

Committee & Annual Board Meeting

SeaTac, WA



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Engineers and Land Surveyors
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