

The
**Washington
Board**



Journal

Number 53 • Spring 2014

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

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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 indicated.

From Stephen J. Shrope, PE, SE

Changes to the Engineer’s Registration Act?

In my last message to Licensees and other interested readers of the Board Journal, I identified a number of “Changes and Challenges” facing the Board. Briefly, the key issues discussed were:

- Computer based testing
- Continuing education
- Electronic/digital seals and documents
- Foreign applications
- Structural examinations
- Technology impacts
- Board budget
- Board membership and administration

I am pleased to say that a measure of progress was made on most of these issues during the 2013 – 2014 board year, but as also mentioned, most involve long-term efforts to totally resolve. In order to be effected, some resolutions to these issues will ultimately require changes to the Engineer’s Registration Act, which governs engineering and land surveying. By the nature of the legislative process, changes to this law will likely not come without considerable effort.

The current Engineer’s Registration Act was first adopted in 1947. Since that time there have been several changes to various portions, some initiated by the Board and some by interested stakeholders. The more significant changes since the late 1980’s are: adding two land surveyor positions, which increased the Board from five to seven members; expanding definitions and requirements for structural engineering; implementing continuing education for professional land surveyors; enhancing regulatory authority over unlicensed practice; authorizing appointment of pro-tem board members; and establishing a retired license status.

You might ask ‘Why change the law?’ The Board does have some flexibility in interpretation through policy and rule making, but the effects of an ever advancing world in professional licensing have placed challenges upon the Board to apply the spirit of a law written over 65 years ago. In some ways, administrative rules adopted by the Board have served an intermediary purpose, so that sound, practical progress

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News to You

Moving On!

By: *George A. Twiss, PLS,
Executive Director*



This is a bit different than the type of article I have written many times for the Journal. This article is a reflection as I plan for my retirement from this position next year. To say this has been and continues to be a unique experience does not even come close to adequately describe what I have seen and experienced over the years.

I was first hired by the Board in March 1986 to serve as the investigator for the Board. When hired, I was the first one to perform that work on a full time basis. Before I took the position, several individuals, including board members, performed investigations as time permitted. Being an investigator was, as I thought, not too different from what a surveyor must do in their regular routine. We search out evidence, evaluate its impacts on the objective, and file a report of the information. What I learned was that investigating one's professional practice is quite different than the simplified characterization I just made.

I accepted the position at a time when my small private practice had limited customers and even less income. A regular paycheck seemed a good solution to my problem at the time. I figured working for the Board would be a good change of pace for a couple years or so. I envisioned returning to private practice because I did not see myself doing the 8 to 5 routine very long. Well, about 29 years will have passed by the time I retire. I guess you could conclude that I found something I liked at least as well as I enjoyed private practice.

Over these years I have met hundreds of individuals who have had an impact upon me and my career with the Board. Trying to name everyone would only result in a list that was incomplete because there were so many, and I would invariably forget some. Yet I feel compelled to make note of some special individuals who have served on the Board.

Early in my career there were three Board members who stand out with particular distinction. Alfred Byrne, PE, Jerry Olsen, PE, PLS and Roy Avent, PE. They all extended to me patience and guidance. In addition, they helped me to fully understand the critical importance of the Board and the service to the public. I also offer special thanks to Dan Clark, PLS, Carol Fleskes, PE, and Al Hebrank Jr., PLS, who were all influential in my selection as Executive Director in 1997.

Anyone who accepts appointment to the Board does so with two objectives: to give back to their professions and to serve the public. I developed a special appreciation for the amount of time those who serve on the board spend away from work and family. The comprehensive list of board members represent thousands of hours of service and dedication to their professions and to the public. In addition those already noted are: Bob Clark PE, Harvey Dodd PE, SE, Robert Cray PLS, Charles Salina PE, Dan Waltz PE, Wes Taft PE, SE, Umesh Vasishth PE, SE, Lyle Hansen PE, Ying Fay Chan PE, SE, Nancy Miller Duevel PE, SE, Hal E. Williamson PE, and Lisa Brown PE. Those who are presently members of the Board are Mel Garland, PLS, Daniel Parker, PE, Neil Norman, PE, Scott Valentine, PLS, Chun Lau PE, SE, Stephen Shrope, PE, SE, and Nirmala Gnanapragasam, PhD, PE.

Beyond the Board are the hundreds of individuals, here in Washington and across the country, that have enabled me to contribute and participate in the growth of our professions. I have worked with Board members from almost all states, leadership from licensing authorities throughout Canada, and have held discussions with representatives of professional organizations from Japan, Singapore, South Korea, and Australia.

I should also mention that later this year the Board will open recruitment for my position. Specific eligibility requirements have not been set at this time. More details will be provided through published announcements by the Department of Licensing, the Board's LISTSERV, and in the 2014 Fall Journal. If you are interested in applying or know someone who is, have them respond directly to me at the board offices by email: gtwiss@dol.wa.gov.

Reminder...Board Vacancies To Open This Summer

If you are interested or have thought about applying for a position on the Board, there is still time to apply. In July 2014, Dan Parker, PE (electrical) and Mel Garland, PLS will complete their second term of service and retire from the Board. These two retirements will open up appointments for one engineer and one land surveyor.

Eligibility for appointment qualifications:

- Must have been licensed (in Washington) for at least ten years prior to appointment
- Must be a resident of Washington State
- Must have been in active practice for five years immediately prior to appointment
- Must be a US citizen

The Governor's office accepts applications throughout the year and considers all eligible candidates for upcoming vacancies. The application and instructions are available on the Governor's website at www.governor.wa.gov/boards.

The review of applications by the Governor's office usually starts in May and results in a decision in June or July. This timeline is variable depending upon a variety of factors. The members of the Board and their staff assist in screening applicants, and identifying what experience characteristics are most needed to keep the Board as diverse as possible.

Service as a board member is a position of high responsibility on behalf of the citizens of Washington. Not only does the Board establish and maintain standards for new licensure, but they also are called upon to evaluate the competency and level of professionalism when licensees and applicants are found to have violated rules of professional conduct.

On average, a board member will spend about three days per month (eight hour days) performing the work of the Board. Board activities include attending board meetings, presenting to stakeholder groups, participating in regional and national meetings of the NCEES, and serving as a technical expert over investigations, exam item writing, and administrative rule development.

It is very important for all members to attend and participate in the Board's business activities. While member roles and responsibilities may vary over respective terms of service, all members perform the above work and no one member carries more than their share.

If you have any interest in applying but have questions before you decide, please contact me at your convenience.

George A. Twiss, PLS, Executive Director
Ph. 360-664-1565 or email: gtwiss@dol.wa.gov.

Introducing The New Deputy Executive Director

Michael R Villnave, PE started his first day March 3, 2014 as the new Deputy Executive Director.

Michael comes to our staff from the Olympic Region headquarters of the Washington State Department of Transportation in Tumwater, Washington.

Mike was first licensed in Alaska where he graduated from the University of Alaska, Anchorage. In early 1999 he became a staff engineer with the Idaho Transportation Department, Boise and received his Idaho license. After continuing work in Idaho in public service and private practice, he took the position of Traffic Design Engineer in 2005 with WSDOT, Tumwater. His most recent duties included managing project schedules, budgets, and other managers. He had responsibility over senior and journey level professional staff involved in traffic design, analysis, and construction work zone strategy.

Mike was selected from a pool of 15 applicants. While the job requirements did not specify the need for a PE or PLS license, we are very fortunate to fill the vacancy left by Robert Fuller with someone of Michael's ability and experience.

Some of his duties with the Board will include overall management of the Board Journal, internal staff operations, outreach efforts, and oversight of investigation activities. His skills and experience will fit very well with the responsibilities of this position.



Washington State LS Exam To Be Administered As Computer-Based Testing...January 2015

The board is moving forward to administer our state specific LS licensing examination through computer based testing (CBT) by January 2015, concurrent with the NCEES LS exam. The standard written exam will be administered in April and the last written exam will be administered in October of 2014, but not thereafter. The exam will remain 25 multiple-choice questions and will continue to follow the established matrix already published.

The following are the noted comparisons between the CBT of the NCEES exam and the Washington State exam:

	NCEES LS Exam	State LS Exam
Number of questions	100	25
Format	Multiple choice	Same as NCEES
Approximate duration	5 hours	2 hours
Administration CBT	Year-Round	Year-Round
Timing	2-month windows: Jan/Feb, Apr/May, Jul/Aug, Oct/Nov	Same as NCEES
References	Limited – closed book	Open book
Calculator	NCEES approved	Same as NCEES
City Locations	Seattle area (2) Yakima (1) Spokane (1)	Different locations from NCEES: Olympia, Everett, Vancouver, Wenatchee, Yakima, Pasco, Spokane

Both groups of exam administration sites require advance reservations as well as online registration by the applicant. Since the two exams will be administered by different vendors, coordination of scheduling to enable a candidate to take both exams on the same day cannot be guaranteed. Exam fees are non-refundable.

Long Time Board Employee Retires

This March brought forth a big change for the Board. After 14 years of dedicated service processing approximately 800 applications a year for professional licensure, long time Board employee Carol VanGilder decided it was time to process her own application—for retirement. Van, as she was known by many, decided it was time to work in her garden, plant flowers to soak up the March rains, and enjoy more time with her family.

Through the years, she processed applications for all aspects of the licensure program. However, in her final years working for the board, she focused primarily on PE comity, PLS, On-site designer, corporations and limited liability companies. Van consistently conveyed professionalism and dedication, while serving the Board and applicants with great respect. We will miss her.

Do You Know... Current Laws & Rules

Did you know that current laws and rules regarding the practice of engineering, land surveying, and on-site design are posted on our web site?

dol.wa.gov/business/engineerslandsurveyors/laws.html

Laws & Rules

Memorandums Of Understanding Define Collaboration Between Boards

When the legislature created the licensing acts for Engineering (Chapter 18.43 RCW), Architecture (Chapter 18.08 RCW), Geologists (Chapter 18.220 RCW), and Landscape Architects (Chapter 18.96 RCW), each included a definition for the scope of practice for each profession. Anyone reading the various definitions might conclude that there is NOT a clear distinction between these professions in regard to the work performed. This has been a source of regular discussions over many years and sometimes does not result in a clear understanding of how the overlapping areas of practice should be handled.

Driven by a common interest to set out a systematic way to collaborate on cross-jurisdictional questions, the Engineers/Land Surveyors Board has entered into a Memorandum of Understanding (MOU) with each of the design boards. The MOU (basic text shown below) will be used to help the Boards develop common agreed upon responses whenever possible.

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is established to define the working relationship between the (Board of Registration and the boards listed above).

Background

The practice of engineering (RCW 18.43.020) defines some activities (that may be shared with other recognized professions). In these areas of overlapping practice, it is imperative the boards communicate accurate messages on how their respective scopes of practice apply.

Procedures

I. If a question is raised on whether an activity is the practice of (geology, architecture or landscape architecture) the opinion of the (governing board) will govern.

II. If a question is raised on whether an activity is the practice of engineering, the opinion of the BOR will govern.

III. If, on such occasions when an activity is believed to be within either scope of practice, the boards agree to the following procedures for a collaborative response.

A. An ad hoc committee, composed of up to two board members of each board, will be convened when:

- 1. A complaint is filed with either board alleging a licensee has engaged in unlicensed practice of the other profession.*
- 2. An interpretation is sought by any stakeholder on whether a certain activity is the practice of (geology, architecture or landscape architecture) or the practice of engineering or both.*
- 3. Any other action or decision that requires the collaborative expertise of the (geology, architecture or landscape architecture) boards and the Board of Registration for Professional Engineers and Land Surveyors.*

B. The committee will meet to seek a unified response when possible. Such meetings may (at the convenience of the members) be held as a "face-to-face" meetings or teleconference calls. Meeting times, dates and locations will be coordinated by program staff. Board administrators shall participate when possible.

This MOU shall remain in effect until such time as terminated by either signatory board or modified by agreement of both signatory boards.

No Good Deed Goes Unpunished?

We have all heard this phrase many times. How and if it becomes an actuality may be very different and can have wide ranging effects.

Well that is exactly what happened in last year's legislative budget. With considerable challenges before the Legislature to fund critical services to the public, the budget writers looked to the variety of dedicated funds throughout state government as a possible remedy to support spending from the General Fund.

Hundreds of dedicated accounts exist throughout state government. These accounts are funded through special fees or charges and are typically created as a funding source for a very limited purpose. These purposes may include oil spill cleanup, public transportation systems, and public health services for special groups.

The Board has always operated with funding from the "Engineer's Account," created in 1947. The account is funded by fees collected by the Board. Expenditures are paid from the account to enable the Board to deliver services required by state law. With the broad stable revenue source that represents the professions of engineering, surveying and on-site designers, the fund balance of the Board has been very stable—even through tough economic times. In fact, the fund balance has been on a pattern of slight growth for many years. Because of this stability, the Board initiated a fee suspension on license renewals to benefit all individual licensees in active practice. The Board was just about to extend and increase the fee suspension last year when reality struck.

Budget writers for the state legislature needed to find additional funds and targeted a variety of dedicated accounts. With our balance at about \$ 2.8M, budget writers believed the account held surplus funds beyond what was necessary for board operations. The budget approved last session included a line item that transfers \$1.9M from the Engineer's Account to the state's General Fund Account. At the writing of this article the actual transfer has not yet occurred but remains an encumbrance.

This means that plans to develop process improvements and to better utilize available

technologies are now on hold. The Board will continue to provide the best services possible while managing all responsibilities. There is no reduction or curtailments planned for the near future as a result of the impending transfer. However, it is unlikely that any portion of current fee collections related to license renewals will be suspended for the foreseeable future.

Signing Ceremony Promotes Mobility

*By: Jerry Carter, Chief Executive Officer
National Council of Examiners for Engineering and Surveying*

A signing ceremony was held in Tokyo, Japan, on December 18 to formalize memorandums of understanding (MOUs) between the Japan PE/FE Examiners Council (JPEC) and the Texas, North Carolina, and Kentucky engineering boards. At the ceremony, NCEES and JPEC also inked a new agreement that allows NCEES exams to continue to be offered to JPEC candidates, with the Fundamentals of Engineering exams to be offered at Pearson VUE test centers in Tokyo and Osaka, Japan. NCEES exams have been offered in Japan since 1992, initially through a MOU between the parent organization of JPEC and the Oregon board. In 2005, at the request of the Oregon board and by an affirmative vote of the Council, NCEES entered into an agreement with JPEC to provide for the continued administration of NCEES exams in Japan.

Value of PE license in Japan

Since the initiation of the partnership in 2005, the leadership of JPEC and NCEES have held numerous discussions about how best to facilitate licensure as a professional engineer for JPEC candidates who have never lived in the United States or worked for US-based companies. For a large majority of JPEC candidates, the desire to obtain a PE license is not based on a desire to move to the United States and work as an engineer here, but more so on their employment with large international firms. In a number of countries, the US

system of licensure for engineering is considered the de facto model, and attaining a license as a PE is both a mark of distinction and a qualifier for advancement in many firms. A number of Japanese automobile and technology firms have located manufacturing facilities in the United States in recent years, which has benefited the economies of both countries. Additionally, many US firms and their engineers are now providing consulting services on a regular basis to Japanese entities.

To emphasize the importance of the MOUs and the growing exchange of services between countries, the Japanese trade representatives for North Carolina, Kentucky, and Texas attended the signing ceremony.

Meeting the standard

From the initiation of the agreement with NCEES, the members of JPEC recognized that the agreement has centered on facilitating the examination process and that NCEES, as an organization, is not authorized to grant a PE license. Likewise, JPEC candidates are aware that licensure can be granted only by an NCEES member board and that, in addition to successfully completing the exams, they must also meet education and experience requirements. A number of NCEES member boards have regulatory requirements concerning initial licensure as a PE such as requiring the candidate to be a resident of that jurisdiction, which has been a prominent obstacle to JPEC candidates.

Supporting international mobility

At the 2013 NCEES annual meeting, the leadership of JPEC and the Texas, North Carolina, and Kentucky engineering boards met to formulate agreements whereby these member boards would willingly receive applications from JPEC candidates who had successfully completed the NCEES licensure exams. A common link among these three NCEES member boards is that none require residency as a condition for initial licensure and all three have procedures in place to evaluate experience gained outside the United States. Each of these member boards does require any applicant who moves to its jurisdiction and applies for licensure as a PE to comply with all applicable state and federal

requirements. Therefore, these boards will apply the same rigor in evaluating the qualification of JPEC candidates as they do in evaluating domestic candidates to ensure these individuals are qualified and will practice their craft in a manner that protects the public. Enhanced mobility of the PE license is one of the key elements of the current NCEES strategic plan and a focus of NCEES President Patty Mamola, PE, who represented NCEES at the signing ceremony. During her installation at the 2013 annual meeting, President Mamola said, “We need to champion improved mobility for engineers and surveyors here in the United States and be a part of the conversation to define our role in global mobility. Making it easier to practice our professions across borders will promote the exchange of ideas and accelerate engineering and surveying advances.” As regulators, NCEES member boards must find new ways to eliminate impediments to mobility of the professional license between states as well as countries. We must remain diligent in ensuring that only competent individuals are licensed to offer professional services, but we must be enlightened in our thinking to allow us to continue to provide for the health, safety, and welfare of the public. I feel that the action taken by the Texas, North Carolina, and Kentucky engineering boards are a step in the right direction.

Background On Board / DOL Interagency Agreement

The following is an approximation of timing and events that precipitated the need to establish an interagency agreement between the Board of Registration for Professional Engineers and Land Surveyors, and the Department of Licensing. The agreement was first established in 1991 and has been signed by the Director of the Department, Assistant Director of the Business and Professions Division, the Board Chair, and the Board Vice-Chair each year since.

About 1985, issues arose between the Board and the management of the Department of Licensing (Department). These issues pertained to two areas

of dispute. First was the status of those employees who provided service to the Board at the Olympia office. Second was the disposition of authority to expend monies from the Engineer's Dedicated Account (account).

The dispute came to an apex when the Board discovered the Department had used funds from the account for expenditures supporting other licensing programs within the Department. At that time, the approximate fund balance of the account was \$500K. The administrator of the Board detected the balance was dropping without changes in existing budgeted revenue or expenditures. When he raised it with the Department he was told that they used some monies to assist programs that did not have sufficient funding to purchase equipment.

The Board asked their AAG advisor if such transfer between accounts was lawful. The advice confirmed such transfer was not lawful unless the funds were used to support the Board's activities.

Representatives of the Board then met with the Department to discuss their use of account funds. There was no denial by the Department and they held the position that since the funds were held under the appropriation of the Department they could use the funds as they deemed appropriate. The Department was also requiring Board staff to perform investigation and licensing activities for other Department programs unrelated to Board business.

The Department filed a request for a formal Attorney General's Opinion (AGO) about the questioned authority on use of funds and staffing. The questions were directed to the wording of chapter 18.43 RCW (Engineer's Registration Act). The paraphrased questions from the AGO 1986 No. 14 were:

Does the Board of Registration for Professional Engineers and Land Surveyors or does the Director of the Department of Licensing have the authority to manage, direct, supervise, and discipline the current Registrar, Assistant Registrar, and other persons assigned to support the Board's functions?

May the Director of the Department assign duties to these employees other than duties relating to the Board's functions?

In reply to the request by the Department, Attorney General Kenneth Eikenberry provided the following summaries of the detailed opinion:

The Board of Registration for Professional Engineers and Land Surveyors, not the Director of the Department of Licensing, has the authority to manage, direct, supervise, and discipline those employees assigned to support the Board's functions.

In the closing paragraph of the AGO it is stated, in part:

In summary, the Board is an independent agency; appropriations for its support are drawn from a dedicated fund; and the legislature specifically granted the Board authority to employ staff although it generally has not granted such authority to other business or professional boards.

The AGO was amended following a request for clarification in February of 1987 but the update opinion did not change the initial analysis.

In the 1988 legislative session, the Department proposed a bill to amend the Engineer's Registration Act that would transfer the authority over budget and staff assignments from the Board to the Director of the Department. That legislative effort failed due to strong opposition from the regulated community.

Early in her administration, Director Faulk* was instructed by the Governor to initiate an effort to repair relationships with the Board. With the Board, the Department, and the office of the Attorney General participating, the initial *INTERAGENCY AGREEMENT* (Agreement) was created and signed by the Department and the Board in 1989.

The Agreement has been renewed annually through 2013. Representatives of the Department and the Board meet annually to discuss common points of interest, mutual objectives for the upcoming year, and provide updated signatures for the agreement.

**In 1988, Governor Gardner approved Mary Faulk as Director of Department of Licensing.*

The NCEES 2014 Annual Meeting

On August 20-23, 2014 the National Council of Examiners for Engineering and Surveying (NCEES) will hold its 93rd annual meeting in Seattle. The NCEES is a national nonprofit organization dedicated to advancing professional licensure for engineers and surveyors. It develops, administers, and scores the examinations used for engineering and surveying licensure in the United States. It also facilitates professional mobility and promotes uniformity of the US licensure processes through services for its member licensing boards and licensees. These services include the records program, study materials, credentials evaluations, exam administration, and more.

The annual meeting is the one gathering each year that enables all boards to participate in the development and deployment of the processes, model requirements and examinations that are the frame work for today's professional licensing. The Washington Board of Registration for Professional Engineers and Land Surveyors (Board) is one of the Council's members representing all 50 states, the District of Columbia, Guam, Puerto Rico, and the US Virgin Islands.

The NCEES mission is lived all year long by many people dedicated to protecting the public's health, safety, and welfare through licensure. Members and staff of the 69 licensing boards that make up NCEES advance licensure by serving their boards, speaking to students and educators about the importance of licensure to our everyday lives, and contributing their time and expertise to NCEES committees and task forces. NCEES exam volunteers—licensed professional engineers and surveyors—advance licensure by developing the engineering and surveying licensure exams that are the uniform standard in the US and are fast becoming a standard globally. Licensing board members and staff advance licensure at the NCEES annual business meeting each August by coming together to set policies, positions, and models for improving licensure processes. NCEES was created in 1920 to improve uniformity among state licensing boards. In 2014, it has built on its long history in many ways—especially by raising public awareness, keeping its exams relevant and accessible, and enhancing mobility—to move the organization forward and strengthen licensure for today and tomorrow.

Let's Focus On How We Make A Difference

By: Patty Mamola, PE, NCEES President

During my travels over the last few years, I frequently have been reminded of the impact that engineers and surveyors have on the world we live in. At a National Academy of Engineering meeting in early 2013, leaders in our professions presented information on cutting-edge technologies such as 3D printing that are set to revolutionize the manufacturing industry. In 2013, the American Society of Civil Engineers recognized Grand Central Terminal in New York City as an ASCE Historic Civil Engineering Landmark. Often celebrated for aesthetic reasons, the commuter rail terminal station was recognized for its innovative engineering features, most of which go unseen by the public. The terminal incorporated designs to reduce crowds and handle baggage more efficiently. The terminal also pioneered the concept of selling "air rights" for buildings over the train yards to offset the project's enormous costs. Surveyors have similarly been responsible for innovations such as using LIDAR to relocate retired space shuttle *Endeavour*, without disassembly, from its remote landing strip to an urban museum where it is on permanent display for the public to enjoy.

Everywhere we look, there's evidence of the amazing, wonderful creations that engineers and surveyors are responsible for. If someone asks you what you do for a living, it's unlikely that you'll respond, "I'm revolutionizing the manufacturing industry," or "Your data that's just out there on the cloud instead of a server, that's because of me." Engineers and Surveyors struggle with how to simply and concisely tell the public what it is we do. We focus on the details and the accuracy of describing the profession and not on the big picture. We are humble and often minimize our contributions. We miss the opportunity to wow because we don't talk about how we make the world around us better. Each of us can make a difference in changing the public's perception of our professions simply by doing a better job of describing what we do. Let me throw a few out there: I'm a surveyor; I measure the world around us. I measure and map the earth (or the air above us, or the ocean). And for engineers, I take an idea and figure out how to make it a reality. I create products that make people's lives better. I can print a human ear, using a printer like the one in your home! Why not start the conversation with a statement that elicits interest and excitement about what you do?

NCEES Launches Computer-Based Testing

NCEES is pleased to announce the Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) exams have fully transitioned to computer-based testing and are now administered exclusively at approved Pearson VUE test centers. Computer-based testing provides many advantages for both examinees and NCEES. Examinees are now able to schedule their exam at a time and location that work best for them and receive their results within seven to ten days. NCEES gains enhanced security and better uniformity in testing conditions with the transition.

“We are excited that computer-based testing for the FE and FS is under way and that all of our preparation leading up to the conversion has been successful,” said Jerry Carter, NCEES Chief Executive Officer. “The transition to computer-based testing is a positive step forward for NCEES.” To learn more about the FE and FS exams, visit ncees.org/exams.

What Do You Think?

Years ago, all five Board members personally signed each wall certificate for licensees. With the increase to seven board members, a logistical challenge emerged. This led to the current format of providing “wet” signatures of the board chair, one other board member, and the program and DOL Directors. A change is under consideration to help streamline the process and issue certificates sooner. This change would once again display all board member signatures, in a scanned, pre-printed format. The program’s Executive Director would continue to wet-sign all certificates.

Do you have an opinion? Should we continue with the current format of two original board member’s signatures, or display the signatures of the full board? Let us know what you think, contact us at engineers@dol.wa.gov.

The Washington Board Journal Questions & Answers



Engineering

Question: *I am a Professional Engineer (Civil) and have been practicing as a PE since 1991. I have several years of experience prior to 1991 in the field of surveying and construction. My company provides clients with construction plans that rely on topographic and boundary survey data and information which is provided by a PLS. The topographic and boundary surveys and electronic files are provided (to me) by either the client or the PLS themselves. I then take that information and perform my design for roads, utilities, grading, erosion control, etc.*

In the Boards response to this question from issue Number 52, the Board states “Professional responsibility carries over to the surveyor who uses erroneous works.” In my case, I am NOT a PLS but I use a PLS work to perform my services. Am I required to have another PLS check the information provided by the original surveyor? Does the Professional responsibility carry over to my Company?

Answer: As a professional engineer your responsibility does not require you to make additional efforts to verify the accuracy of the work performed by a licensed land surveyor beyond what you may think is necessary for your purposes. You have every right to expect that the work is competently performed and meets the standards of practice as well as those items you may specify in your instructions. If the work is incorrect the problems and impacts that can come from that are many and complex. Determining who may be responsible for damages stemming from the erroneous work is usually a civil litigation issue.

Question: *Last year the Board published a proposed guideline for the use of electronic documents and digital signatures. I have not heard how that turned out. What is the status?*

Answer: The draft guideline is currently available on our website: <http://www.dol.wa.gov/business/engineerslandsurveyors/>. We continue to invite individuals to comments as they wish. The guideline has not been changed since it was first introduced and the Board has not set out a timetable to pursue further changes at this time. It is not a script of mandatory conditions so licensees can use it as they see fit. We believe there is very useful content that can be helpful to those unaccustomed to electronic document handling.

Question: *I have a question concerning the use of the word “engineering” by a local land surveyor. The firm in question has a single licensed land surveyor but no licensed engineers on staff and yet they use the term “engineering” in conjunction with their advertising, website, signs, and even title blocks on their records of survey. It is my understanding that this is not an allowed practice. Am I correct on this?*

Answer: It is unlawful for the firm to use “engineering” in their business name. State law requires any firm offering and/or providing engineering services to be owned by a PE if a proprietorship, or has a license professional engineer as an employee of the firm if a corporation or LLC. Use of the titles: “engineer, engineers or engineering” is seen as an offer to provide engineering services. Having a licensed land surveyor on staff does not fulfill the requirement for a PE.

Land Surveying

Question: *As a surveyor I use and download electronic files and maps created by the county that show property layout and are based upon their own section breakdowns. With sufficient checking I then use this information to layout and stake corners. Is this practice a breach of technical or ethical standards, or would it be seen as “my judgment” for laying out boundary?*

Answer: Opinion and judgment need to be based upon best available evidence by using methods and procedures that satisfy the standards of practice. Provided you perform sufficient checks of information and satisfy yourself that accuracy meets expected standards of practice, you are free to use the information as needed. Keeping in mind that you are

responsible for errors that may be embedded in the information even if you do not discover them.

On-site Wastewater Designs

Question: *If I do a soils report on a site including a map of the hole location, but I do not prepare a design, must my soils report/map be stamped?*

Answer: Yes. The licensing law for on-site designers states: RCW 18.210.130.... Plans, specifications, and reports prepared by the registrant must be signed, dated, and stamped. Signature and stamping constitute certification by the licensee that a plan, specification, or report was prepared by or under the direct supervision of a licensee.

Question: *For most of my designs I obtain topographic mapping information from a variety of sources including local surveyors, architects, and county/city records and published maps like USGS. I spot check more detailed information on the actual site but rely upon these other sources. Is this acceptable?*

Answer: Being knowledgeable and competent on topographic mapping is a basic skill required for licensure. Reliance upon other sources for topographic information is within your discretion provided you find it meets the requirements for your design. However, if there are inaccuracies in that information which have influence on your design the amount of spot checking becomes more important. Ultimately you, as the responsible licensee, must sign and seal the final product.

Question: *A church has a daily average discharge to the septic system of 1500 GPD. On Sunday alone the discharge is 3,800 gallons. Can a licensed designer design a repair for this system or must it be done by a professional engineer?*

Answer: Any given system, particularly those servicing businesses and community organizations like schools and churches, have wide variation in flow rates depending upon the time and day of the week. The rules governing the design of On-site Systems (OSS) and Large On-site Systems (LOSS) are developed by the Department of Health and administered through the local health jurisdictions. The rules specify that above 3500 GPD becomes a LOSS and is designed by a professional engineer.



What The Courts Say

This article provides information of administrative and court actions that have taken place in the US involving professional licensure. This information is provided to help educate readers on actions that were taken affecting a professional license. In this case, the summary is about the continued practice by a licensee (dentist) when their license was expired.

Professional Licensing Report, October 2013.

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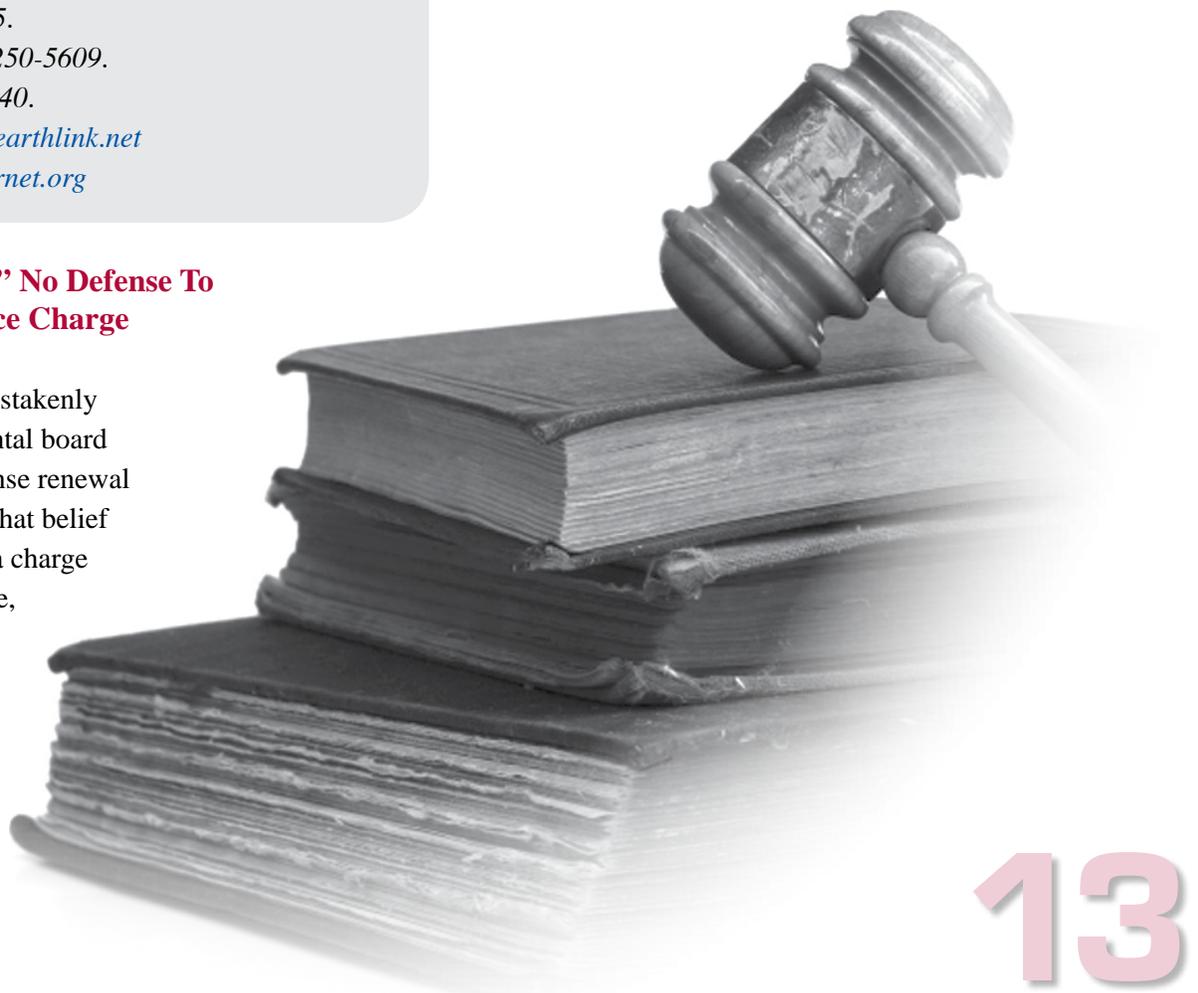
“Subjective Belief” No Defense To Unlicensed Practice Charge

A dentist who mistakenly believed the state dental board had received his license renewal forms could not use that belief as a defense against a charge of unlicensed practice, the Iowa Court of Appeals ruled on September 5. The dentist continually practiced in Iowa since 1996. With

his license set to expire in August 2010, he attempted to mail his \$315 license fee and renewal forms. However, the board never received them. In March of 2011, an insurance company inquired with the board about the dentist’s license, which had, by that time, lapsed. The dentist immediately ceased practicing. However, the damage was done; the board filed unlicensed practice charges against the dentist in December 2011. After a hearing, the board cited and fined him \$500.

The dentist’s appeal eventually reached the state Court of Appeals. In his appeal, he claimed that his alleged posting of the renewal paperwork created a legal presumption, on his behalf, that the board had received it. However, Judge Mary Tabor wrote in her opinion for the court, for license renewals, in order to benefit from the “mailbox presumption,” as the legal presumption is called, proof of the mailing must be provided. Although the dentist had purchased a check payment from his bank and kept his receipt, he was unable to produce any evidence that he had actually mailed his paperwork. With no evidence that he had mailed his renewal forms, he could not benefit from the presumption.

Continues next page



The dentist also argued that the board erred when it sanctioned him for unlicensed practice despite his good faith effort to renew his license. His “subjective belief” that he had renewed, should have protected him from a charge of unlicensed practice.

In response, Judge Tabor noted that the express language of the unlicensed practice statute did not require the board to consider his state of mind, but only whether he had, in fact, practiced while not in possession of a current license. If the board was required to consider whether he knew he had not renewed his license, “any licensee who inadvertently forgot to take the necessary steps to renew his license would be immune from disciplinary action.”

What does Washington Law say?

The Engineer’s Registration Act, Chapter 18.43 RCW:

RCW 18.43.070 states: ...

It shall be unlawful for anyone to stamp or seal any document with said seal or facsimile thereof after the certificate of registrant named thereon has expired or been revoked, unless said certificate shall have been renewed or reissued. [emphasis provided].

RCW 18.43.080 states:

Certificates of registration, and certificates of authorization and renewals thereof, shall expire on the [date set by the director] following their issuance or renewal and shall become invalid on that date unless renewed. [emphasis provided]

RCW 18.43.120 states: ...

Any person who shall practice, offer to practice, engineering or land surveying ..., or any person who shall attempt to use the expired or revoked certificate of registration, or any person who shall violate any of the provisions of this chapter shall be guilty of a gross misdemeanor. [emphasis provided]

Uniform Regulation of Business and Professions Act, Chapter 18.235 RCW:

RCW 18.235.010 (7) states:...

“Unlicensed practice” means: (a) Practicing a profession or operating a business identified in RCW 18.235.020 without holding a valid, unexpired,

unrevoked, and unsuspended license to do so;

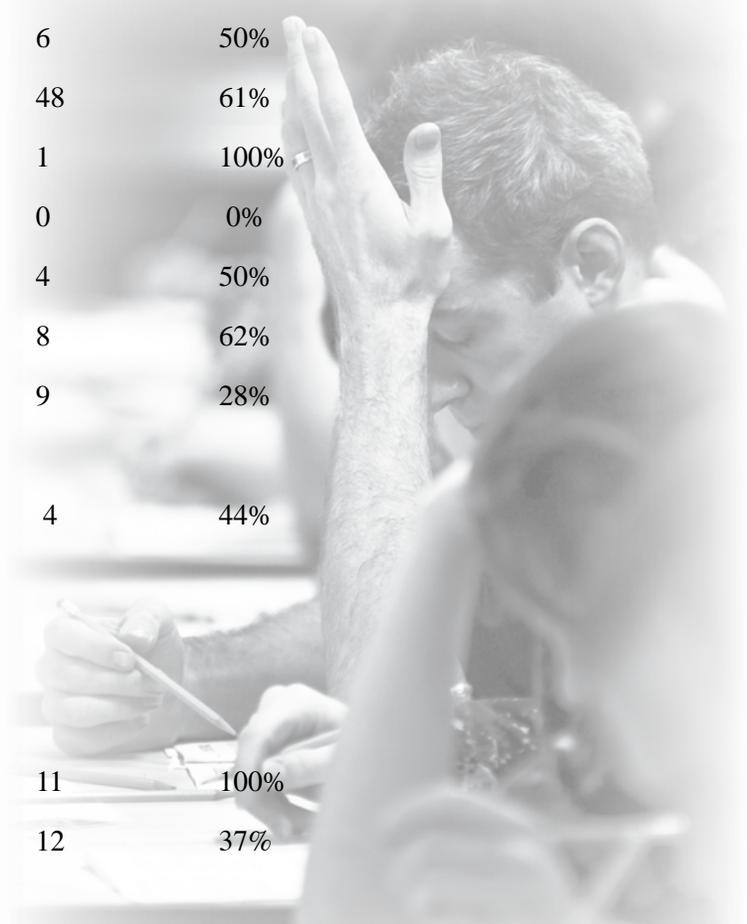
NOTES:

- a. The registration act provides for a 90 day grace period following the date of expiration before an additional fee is added to the base renewal fee of a delinquent license. It is a common misunderstanding by licensees that the 90 day period also applies to the validity of the license when it does not. If a license is not renewed by the expiration date it is invalid.
- b. The effective date of renewal is considered the time the online renewal is transacted or the postmarked date if mailed to the department of licensing.
- c. Renewal notices by the department are a courtesy reminder sent approximately 60 days prior to the date of expiration. No additional reminder is sent. It remains the responsibility of the licensee to renew their professional license or certificate of authorization before the date of expiration regardless of whether they received a expiration reminder.
- d. While the registration act does not require licensees to be bonded or insured many individuals do so. It is also understood that some of the insurance or bonding companies may not provide coverage to the licensee for conduct while their license was expired. It is recommended that you contact your insurance company to confirm how your coverage might be affected with an expired license.

Examinations

October 2013 Examination Results

	Total	Pass	% Pass
Fundamentals of Engineering (EIT)	574	420	73%
Principles & Practice of Engineering			
Agricultural	1	0	0%
Chemical	15	9	60%
Civil	177	92	52%
Control Systems	10	9	90%
Electrical	52	37	71%
Environmental	11	6	54%
Fire Protection	12	6	50%
Mechanical	78	48	61%
Mining	1	1	100%
Nuclear	1	0	0%
16 Hr Structural Lateral	8	4	50%
Vertical Only	13	8	62%
Lateral & Vertical	32	9	28%
Fundamentals of Land Surveying (LSIT)	9	4	44%
Principles & Practice of Land Surveying			
NCEES – 6 Hour	11	11	100%
WA Specific L S (2-hour)	32	12	37%
On-Site Designer	8	4	50%
On-Site Inspector	5	1	20%



Investigations & Enforcement

Statistics of Actions Taken By The Board

**JULY 1, 2013 THROUGH
DECEMBER 31, 2013**

Active investigations as of July 1, 2013	15
Investigations Opened	37
Investigations Closed	16
Active Investigations as of December 31, 2013	36

SUMMARY BY MONTH:

	Complaints Received	Inquiries Received	Investigations Opened*
July	3	2	3
August	7	0	7
September	4	0	4
October	10	0	10
November	4	2	4
December	9	0	9
Totals	37	4	37

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

SUMMARY BY PROFESSION AS OF DECEMBER 31, 2013

	Active Investigations	Legal Status	Compliance Orders
Prof. Engineers	20	0	0
Prof. Land Surveyors	8	0	0
Unlic. Engineers	5	0	0
Unlic. Land Surveyors	2	0	0
On-site Designers	1	3	0
Totals	36	3	0

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, 2013- December 31, 2013. 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.

INFORMAL ACTIONS:

Case No. 13-05-0001

This investigation was opened following a complaint in which a “roof inspection” report prepared by the Respondent (PE) errantly indicated the roof structure was safe and capable of supporting existing concrete tile roofing. According to the complaint, the roof inspection report contributed to the complainant’s decision to purchase the home. The complainant also alleged the respondent was not truthful in a written testimony document provided to the Court in a legal proceeding regarding the matter.

The investigation showed the respondent’s client was the seller of the home. The respondent had no contact with the complainant before or during his inspection and was not made aware of a “home inspection report” previously prepared for the complainant. The respondent’s inspection was guided by the client’s instructions to look at the tile roof and sagging eaves.

The respondent stated he observed the general condition of the tile roofing and the roof lines from a limited access visual perspective including the attic rafters in the eave area. He followed up with the preparation and submittal of a “*Limited Inspection Report*” in letter form, on findings including the eave condition. He concluded the roof was sound, based on what he could observe.

The Case Manager concluded the respondent provided an opinion based on what was visible and readily accessible and so stated with emphasis on inspection limitations in his report. The Case Manager concluded there was no evidence the respondent provided information which was not within the normal expected standard of care. He also concluded there was no evidence the respondent was not truthful in the Supplemental Declaration to the Court and recommended closure with no action.

Give Us 5 Minutes



We are always looking for opportunities to serve you better. Help us do that by accessing the DOL Customer Survey at:

<http://www.dol.wa.gov/customersurvey>



Thank You!

Customer Survey

There Seems To Be A Lingering Problem

In 2008, the Board adopted WAC 196-23-010. While the image was not significantly changed, the new rule did eliminate the box showing the “expired date.” 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.*

We strongly recommend you check the image you are using and that of your employees to ensure the correct stamp is being applied.

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.*



Continued from page 2

Message from the Chair

could be made. Yet there comes a time when attention must be given to the broader, strategic, changes necessary to address the ever evolving law governing engineering and land surveying.

This effort will require the participation of all licensees and their extended stakeholder organizations if the outcome is to produce the sound and visionary content needed. This can only be successful if a broad coalition of interests contribute and work together toward targeted solutions.

This spring, the Board will start work to define a plan to accomplish this effort. For now this plan is focused on learning best practices from those experienced

in major legislative changes, including other state boards across the US. We will also try to identify those organizations who are likely interested in the progress of this effort. Exact wording is not the target at this time, but rather a well conceived plan that can help organize resources, engage key legislators, and provide input opportunities from all who wish to participate.

The messages and announcements by the Board on this effort will be distributed via the Board’s ListServ. You may subscribe to this service free of charge: <http://www.dol.wa.gov/business/engineerslandsurveyors/emaillist.html>.

Schedules

Examination Schedule

Fall 2014 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 24, 2014	Thursday July 31, 2014
Structural (vertical) Structural (lateral)	NCEES	Saturday October 25, 2014	Thursday July 31, 2014
Land Surveying (6-hour)	NCEES	Friday October 24, 2014	Thursday July 31, 2014
Land Surveying (2-hour)	State	Friday October 24, 2014	Thursday July 31, 2014
Fundamentals of Engineering & Fundamentals of Land Surveying	NCEES	Computer Based Testing <i>See ncees.org for information</i>	Computer Based Testing <i>See ncees.org for information</i>
On-Site Wastewater Designer / Inspector Certification	State	TBD	Thursday July 31, 2014

Calendar

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

May

8 - 9

Board Workshop
Campbell's Hotel,
Chelan, WA

15 - 17

NCEES Western Zone
Lincoln, NB

June

18 - 19

Annual Board Meeting
SeaTac, WA

August

6-7

Special Board Meeting
Radisson Hotel
SeaTac, WA

20-23

NCEES Annual Meeting
Seattle, WA

October

8-9

Special Board Meeting
Davenport Hotel
Spokane, WA

December

10-11

Special Board Meeting
Radisson Hotel
SeaTac, WA



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