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Washington Board

JOURNAL

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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. Opinions in the article may be shared by various members of the Board, but they are not to be interpreted as a policy, position, or consensus of the Board unless specifically indicated.

From Scott Valentine, PLS

As you may already know, the Board is presently facing many changes. Those will be outlined first, and secondly, we will discuss surveying mobility recently proposed by the National Council of Examiners for Engineering and Surveying (NCEES).

The most important of the many changes the Board underwent was the selection of Michael Villnave, Professional Engineer, as the new Executive Director. Michael had been the Deputy Executive Director for a little over a year and assumed his official duties as Executive Director on April 1, 2015. He takes the place of George Twiss, PLS, who retired after giving a lifetime of outstanding service to our professions and to the citizens of Washington. George will be missed, but he may continue his service to the Board as a pro-tem member. Michael shows every indication of carrying on the high integrity of the position.

At the start of this year, the Department of Licensing implemented some organizational changes affecting the Board's program within the Business and Professions Division. This change is the merging of all regulatory board programs under one administrator. This plan was designed and made possible by the collaborative discussions between the Board and the Department. This new organizational structure will take nothing away from our long pattern of quality service to the professions and to the public. It will afford new opportunities to have greater resources and management expertise to continue our goal to serve you well. The new administrator for the Regulatory Boards Section is Lorin Doyle. She has had many years of experience working with the boards for Architects, Landscape Architects, Geologists, Funerals and Cemeteries, and Collection Agencies. This experience and her proven leadership skills have already proven to be very beneficial. Michael and Lorin have

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Washington Board
JOURNAL

Introducing The New Executive Director



As announced in the Spring 2014 Board Journal, Michael Villnave, PE, accepted the Deputy Executive Director position with the Board in March 2014. Throughout this past year, Michael has demonstrated sincere initiative and dedication in learning and understanding issues of importance to the Board. His contributions to business processes and functions have already resulted in improvements and efficiencies that benefit our stakeholders. He established himself as a respected leader with the board staff and managed several team projects with positive results. Michael's dedication over the past year and his commitment to the profession made him one of the top candidates for the position.

Michael was first licensed in Alaska after graduating 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. In March 2014, Michael sought to serve the public in a different way and accepted the position of Deputy Executive Director to the Board.

While it was not mandated to hire a licensed individual for the Executive Director position, we are very fortunate to have found Michael to succeed George Twiss, PLS, who retired in April 2015. Michael's unique skills and experience have prepared him to be an effective leader for board staff and to excel in serving both the Board and the Department. In addition to his qualifications for this position, he brings integrity and commitment to most effectively serving the Board, the licensees of Washington State, and supporting the Board's mission to protect the health and safety of the public.

Board Vacancy

If you are interested or have thought about applying for a position on the Board, there is still time to apply. The Board will be retiring one member in July 2015, as Scott Valentine, PLS completes his second term of service. This retirement will open an appointment for one land surveyor position.

Eligibility for appointment qualifications:

- Must be actively engaged in the practice for at least ten years subsequent to registration, five of which shall have been immediately prior to appointment,
- Must be a US citizen
- Must be a resident of Washington State for at least five years immediately preceding appointment

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 around May and results in a decision in June or July. The members of the Board and their staff are not directly involved in screening applicants, however, we may be asked to detail 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 the 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 3 days per month (8-hour days) performing the work of the Board. The work may include attending board meetings, making presentations to stakeholder groups, participating in regional and national meetings of the NCEES, or serving as a technical expert over investigations, exam item writing, and administrative rule development.

Continues next page

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 their terms of service, all members perform the above work so 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.

Michael Villnave, PE, Executive Director

Phone: 360-664-1565 • Email: mwillnave@dol.wa.gov.

Board Updates Application Forms

Earlier this year, Board and staff members began reviewing the application forms and instructions that applicants and verifiers are asked to complete before the Board can determine if the applicant is qualified, starting with the Structural Engineer application. The new application is available on the Board's website. All applications will be updated with the goal to help candidates understand what they must provide and help Board staff to understand if they are qualified to be registered.

When applying:

- Provide a detailed explanation of your experience. Avoid jargon and abbreviations when describing your experience. Do not assume that all persons reviewing your application have broad experience in engineering, surveying, or on-site designing.
- Avoid repetitious summaries of the same experience. Detailing the same experience but for multiple employers can lead the reviewer with the impression you have done the exact same work at each place, with no advancement in responsibilities or duties.
- If you have a criminal record or criminal history, regardless of how long ago or how minor you deem the infraction, reveal the details. If the background check shows a criminal history and you left this question blank, you may appear as if you are intentionally trying to hide something. Be honest and

let us determine how this history may or may not affect your application.

- If you are seeking credit for education gained in a foreign country, you may need a credentials evaluation. A credentials evaluation confirms education obtained in a foreign country compares to an accredited degree in the US. The credentials evaluation is generally requested when a candidate applies to sit for an exam. National Council of Examiners for Engineering and Surveying is presently the only accepted provider, see [www./ncees.org/](http://www/ncees.org/) for more information.

The application process and the time it takes from start to finish is not the same for every applicant. However, you can have considerable influence on how quickly we are able to make a decision if you take your time and fill out the application correctly and thoroughly.

When verifying, do so openly and in detail. Only recommend an individual for professional license when, in your opinion, they are ready to sit for the exam.

Application Experience Highlights Another Use For Enforcement Exchange

Rick Huett

Alabama State Board Of Licensure For Professional Engineers And Surveyors Investigator

December 2014 Licensure Exchange Volume 18, Issue 6

Recently, the Alabama board received a comity licensure application, along with the individual's National Council of Examiners for Engineering and Surveying (NCEES) Record, that provided a learning experience for board staff. As part of the application process, board staff reviews the application as well as the NCEES Enforcement Exchange database, an Alabama public record search using the Alacourt system, and a public record search using LexisNexis. The search of Enforcement Exchange and Alacourt did not provide additional information. However, the LexisNexis search revealed a felony criminal conviction that the individual

did not identify on his application to the board or for the NCEES Record.

Since Alabama law does not allow the board to issue a license to someone with a felony criminal conviction (unless his or her civil rights have been restored), the board needed additional information to ascertain if the applicant could be licensed in the state. When the individual was contacted, he indicated that his failure to report the conviction on the application was unintentional—an administrative assistant had completed the application and was unaware of his prior conviction. The investigation of the matter eventually determined the following:

The individual was found guilty of theft by deception in 1992 and required to serve a two-year probation period, undergo drug monitoring, pay restitution, and perform community service. In 1995, he plead guilty to one count of possession of a controlled dangerous substance (third degree) and one count of simple assault (fourth degree).

The individual had filed an original application to a different board that identified the felony criminal conviction and was ultimately issued a professional engineer license in that state.

The individual had submitted applications to other boards that also did not identify the felony criminal conviction.

When transmitting an NCEES Record to a board, Council staff checks Enforcement Exchange prior to submitting the Record. In this instance, since Enforcement Exchange did not list a violation and NCEES was unaware of the felony criminal conviction, the Record listed the individual as a Model Law Engineer, an NCEES designation that means that the individual meets the standards listed in the NCEES Model Law.

The Alabama board ultimately denied the application since it believed that the individual had failed to divulge information that appeared to be felony criminal convictions. The application was denied, and the individual was advised that he had 30 days to notify the board if he wished to appeal its decision. He did not appeal.

The board staff alerted the appropriate NCEES personnel regarding the felony criminal conviction, and the individual's NCEES Record no longer identifies him as a Model Law Engineer.

As we neared the end of this process, board staff felt it would benefit other boards to have some avenue to ascertain this type of information without attempting to contact individual boards. Staff was aware of a recently added category to NCEES Enforcement Exchange that allows boards to post this type of information, and the individual's information was posted on the Exchange as a "License Denial—Non-Disciplinary." This information is now available to all boards that the individual may apply to in the future—just another great reason to use Enforcement Exchange.

NOTE: The Washington Board uses both Enforcement Exchange and LexisNexis as part of the review process of all applications submitted.



As The

COURTS

See It

Professional Licensing Report, Posted on February 5, 2015

California's Fourth District Court of Appeal, in a September 12 ruling, affirmed the State Board of Pharmacy's decision to revoke the license of a pharmacist who was found to have orchestrated an elaborate Medicaid fraud scheme (Hoang v. California State Board of Pharmacy).

In 2005, pharmacist Tue Hoang, manager of Orange Pharmacy in California, refused an on-site fraud prevention review, which was mandatory for pharmacies seeking to submit claims for particular prescriptions under the state Medicaid program, known as Medi-Cal. Hoang's refusal led to exclusion from the program.

To circumvent the exclusion, Hoang ordered the Orange Pharmacy to dispense Medi-Cal prescriptions, forwarding the pertinent prescription information to another local pharmacy (Pacific Pharmacy). Pacific Pharmacy submitted the claims as its own, returning the payments to Orange Pharmacy.

Continues next page

“Between July and December 2005, payments from CalOptima’s PBM to Pacific increased from approximately \$43,000 to over \$73,000,” the ruling stated. “One of defendant’s inspectors estimated 38 percent of Pacific’s reimbursements from CalOptima between August 2005 and November 2006 were for Orange-filled prescriptions. He prepared a tabulation of invoices Orange had provided to Pacific for billing CalOptima that totaled over \$149,000.”

The California State Board of Pharmacy learned of Hoang’s conduct, and brought him before an administrative law judge, who recommended that Hoang’s license be placed on probation for five years. The board declined the judge’s recommendation, however, electing to permanently revoke Hoang’s license and Orange Pharmacy’s permit, an action that the appellate court affirmed.

The court cited four primary factors in deciding to affirm the board’s decision of license revocation: 1) license revocation does not hinge on the existence of a victim; 2) the plaintiff failed to adequately show remorse for his conduct; 3) the plaintiff clearly benefited financially from illegal, fraudulent behavior; 4) the board (defendant) had every right to revoke plaintiff’s license and his pharmacy’s permit on its own discretion.

What does Washington law say?

RCW 18.43.105, RCW 18.210.020, and RCW 18.235.130 allows the Board to charge licensees with unprofessional conduct which can include fines, suspension, revocation or other sanctions.

The Importance of Monument Preservation

In recent years, the Board has communicated to licensees the importance of taking affirmative steps to preserve existing survey monumentation around the state. The messages were primarily directed to those professional engineers and professional land surveyors who were in positions that involved in the design and administration of construction projects where monument destruction was at risk. The Board and the Public Land Survey Office, within the Department of Natural Resources, has seen improvements. More effort is being made to have surveyors locate and reference “at

risk” monuments in advance of construction. Yet there remain occurrences where construction practices remove survey monuments [some paid for by property owners of adjoining lands] before steps are taken to perpetuate the positions.

Licensees, particularly in the offices of County Engineer, City Engineer, Washington Department of Transportation, utility companies, or construction companies involved in public works projects, are again reminded of these requirements for monument perpetuation. Chapter 58.24 RCW and Chapter 332-120 WAC set out the requirements and procedures that must be followed to achieve the legislature’s intent for monument protection. The oversight you provide on these projects and the requirement for monument preservation should also be passed along to contractors and road maintenance personnel who could inadvertently disturb or remove a monument.

Repeated here is the letter from the Department of Natural Resources, who are responsible to administer the monument preservation requirements.

Dear Sir or Madam:

Citizens of Washington State have invested in property boundaries and survey monuments since before Statehood. These monuments are not only important to delineate public and private ownership; they are critical. However, property corners and survey monuments are often endangered, and in many cases destroyed, by road and utility construction and maintenance.

In 1969, RCW 58.24.040 (8) initiated a process to protect these monument assets and responsibility was assigned to a variety of governmental and professional people. Employees of government agencies responsible for the work must take the lead in following this law and thereby protect these monuments. Each agency should adopt as their “best practice” a monument protection plan, which follows the temporary “monument removal permit process” outlined in Chapter 332-120 WAC. Noncompliance by Professional Engineers and Land Surveyors is considered a violation of law to be managed by the Board of Registration for Professional Engineers and Land Surveyors. Anyone performing construction or maintenance activities should consider the following:

No survey monument shall be removed or destroyed (the physical disturbance or covering of a monument such that the survey point is no longer visible or

readily accessible) before a permit is obtained from the Department of Natural Resources. WAC 332-120-030(2) states "It shall be the responsibility of the governmental agency or others performing construction work or other activity (including road or street resurfacing projects) to adequately search the records and the physical area of the proposed construction work or other activity for the purpose of locating and referencing any known or existing survey monuments (RCW 58.09.130).

Any person, corporation, association, department, or subdivision of the state, county or municipality responsible for an activity that may cause a survey monument to be removed or destroyed shall be responsible for ensuring that the original survey point is perpetuated (WAC 332-120-030(2)).

Survey monuments are those monuments marking local control points, geodetic control points, and land boundary survey corners (WAC 332-120-030(3)).

When a monument must be removed during an activity that might disturb or destroy it, a licensed Engineer or Land Surveyor must complete, sign, seal and then file a permit with the Department of Natural Resources. If many monuments are in danger along a proposed construction route, one permit can be issued for the entire project with location and description details outlined for each monument. The permit will alert others that may encounter the construction or maintenance project and location information will be protected until a new monument is placed. In most cases, an agency official must be in responsible charge of protecting monuments during maintenance and construction activities within their jurisdiction.

The Department of Natural Resources link to the permit application for the temporary removal of monuments is http://www.dnr.wa.gov/BusinessPermits/HowTo/LandownersIndustryContractors/Pages/eng_plso_forms.aspx.

The form can be sent by email or USPS to:

John R Gasche, L.S.I.T.
Public Land Survey Office
PO Box 47030
Olympia, WA 98504-7030
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1-888-902-1190
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Forensic Engineering In The State Of Washington

Ivan VanDeWege, PE

Forensic engineers are often called upon to investigate the possibility of an engineering system failure. Often, the word forensics brings images to mind of individuals driving around in brightly colored Humvees, always solving impossibly difficult cases with irrefutable results in the 60-minute time slot required by TV show producers. In reality this is not the case, it often requires meticulous work that can span years, sometimes with inconclusive results. This article explores forensic engineering work in Washington State as it relates to licensing requirements and the investigative work requirements. First, a little background on forensic engineering.

The meaning of *forensic*, as defined by the Merriam-Webster dictionary is: relating to or dealing with the application of scientific knowledge to legal problems. Forensic engineering, therefore, is the application of engineering sciences to assist the judiciary in determining the culpability of an engineering system in a legal dispute. Although forensic engineering requires specialized knowledge, it is not a standalone area of discipline within the engineering profession. The forensic engineer relies on one of the core engineering disciplines (i.e., civil, mechanical, or electrical) to draw upon in the conclusions he or she may make. It would be very difficult or next to impossible for an individual (only educated in the forensic engineering process) to conclude the reason for a building collapse, without first having an in-depth theoretical and practical background in the civil/structural engineering disciplines.

Frequently the role of the forensic engineer is to describe the theoretical and scientific background of an engineering system to the judiciary, determine if the system did or did not fail, and explain how it affects the subject of the legal dispute. The engineering science, procedures, and calculations normally employed by engineers can be grouped into the category of failure analysis. Failure analysis of engineering systems is not limited to the forensic engineering industry. Many research and design engineers perform failure analysis of engineering systems during product development. The

Continues next page

failure analysis normally performed in the engineering profession requires specialized knowledge, additional documentation, stringent tracking of samples (evidence), and use of only generally accepted test methodologies, to meet the standards of the judiciary system.

The failure analysis of engineering systems has been performed for almost as long as the implementation of engineering systems themselves. The ability to perform a competent investigation and evaluation of engineering system failures has produced continually improving engineering designs. “Much of the knowledge used to design, construct, manufacture, and operate engineering facilities and products has been obtained through learning from failures. Interdisciplinary communication about the causes of failures and accidents often results in improved design.”¹

Field and laboratory failure analysis of engineering systems usually involves a considerable amount of investigatory work by the engineer. At times, the forensic engineering community has been concerned that the investigatory component of forensic engineering work may be outside of the scope of Washington Engineering Law. The forensic engineer is often required to perform on-site investigations and evaluations of engineering systems. Often this includes interviewing witnesses and users of the system to collect data on the event. The investigatory component of forensic engineering work is covered under Washington Engineering Law; let’s take a look at what the RCW’s tell us.

RCW 18.43.020(5)(a) states:

“Practice of engineering” means any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical, physical, and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design, and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects...

From the above we can conclude the engineering investigation and evaluation of “*any public or private*

utilities, structures, buildings, machines, equipment, processes, works, or projects” (engineering systems) are covered by the scope of the RCW. If an engineer is performing a forensic engineering investigation or evaluation then he or she is working under the scope of engineering as defined by the RCW. This includes the needed data collection of interviewing users and witnesses that interacted with or observed the engineering system.

A parallel can be made to what an engineer would normally consider part of the design process. Civil Engineers often visit future building locations to determine the acceptability of the site for the structure. This investigatory process includes evaluation of slopes, soil composition, and may include interviews with individuals familiar with the site location. The data that is gathered during the investigation is then accounted for when the building is designed and ultimately can have a large impact on the building design.

As defined above the “Practice of Engineering” includes the investigation and evaluation of engineering systems and, as a result, the work performed by a forensic engineer is covered under the scope of the Practice of Engineering² as defined by the RCW. Only licensed professional engineers may offer forensic engineering services in the State of Washington. In addition to the RCW’s, there are many practical reasons why only licensed professional engineers can offer forensic engineering services, including:

1. The forensic engineer is investigating and evaluating the possibility of a failure in an engineering system and will ultimately determine how and why that engineering system did or did not fail. Only licensed engineering professionals should critique the work of other licensed engineering professionals.
2. Often the forensic engineer is tasked with finding alternative solutions (alternative engineering designs) that may have prevented an engineering system failure.
3. The analysis and conclusions of an engineering

² Often forensic engineers work closely with private investigators that are gathering data on the overall event. The cooperative effort of private investigators working with professional engineers can work very well. Private investigators are often trained extensively on interviewing techniques, surveillance, and/or fire investigation.

¹ Carper, Kenneth L., Forensic Engineering 2nd ed., New York, CRC Press, 2001

system failure should ultimately assist in making the next generation of the subject engineering system superior to the previous design. Those analysis and conclusions that a design engineer may rely upon should only come from a licensed engineering professional.

4. When an individual takes on the title of “engineer” the public holds trust in the licensed individual to perform to the high levels of the profession, and the licensed professional is expected to be duly qualified to hold that title under state law. This holds particularly true when an expert witness is introduced to a jury as a “Forensic Engineer” or “Engineer”. The jury trusts that the engineer (and his or her opinions) has been properly vetted.³

As with all engineering work performed in the state of Washington, the gate keeping mechanism to help ensure only licensed professional engineers engage in the “Practicing of Engineering,” is the stamped and signed work product. This is clear from RCW 18.43.070 which states:

Plans, specifications, plats, and reports prepared by the registrant shall be signed, dated, and stamped with said seal or facsimile thereof. Such signature and stamping shall constitute a certification by the registrant that the same was prepared by or under his or her direct supervision and that to his or her knowledge and belief the same was prepared in accordance with the requirements of the statute.

From the above we can conclude that forensic engineering reports are required to be signed, dated, and stamped. This is to assure reports submitted to the client (with intention to submit to the judicial system) have been prepared by a licensed professional engineer.

Unfortunately, at times engineering system failures have resulted in financial or human cost. The parties that incur these losses utilize the court system to hold entities accountable; as a result the engineering failure analysis gets introduced into the judicial system (forensic engineering). The forensic engineer needs to provide

³ The judiciary has the ultimate decision making ability to determine if an engineer is qualified to testify on the subject at hand and if his or her opinions are allowed to be heard, nonetheless the responsibility to determine who is qualified to practice engineering and offer said services resides with the State Board of Registration for Professional Engineers and Land Surveyors. (RCW 18.43.030)

professional, fair, unbiased explanations of engineering systems based on the “*engineering education, training, and experience and the application special knowledge of the mathematical, physical, and engineering sciences,*”⁴ so the trier of fact understands and can be confident in the engineering conclusions presented by the forensic engineer. The ultimate goal is to ensure forensic engineers adhere to the high standards established by Washington State Law and that they be duly licensed as a professional engineer.

⁴ Selected text from RCW 18.43.020(5)(a)

DID YOU KNOW...?

1.

If you work for a corporation or LLC that offers engineering and/or land surveying, they must obtain a Certificate of Authorization from the Board, and be currently registered with Washington’s Secretary of State’s Office.

2.

We cannot renew your Engineering/ Land Surveying Certificate of Authorization with the Board, unless your corporation or LLC is currently registered with Washington’s Secretary of State’s Office.

3.

You can renew your license online without a password. Login using the new secure renewal process at <http://www.dol.wa.gov/business/engineerslandsurveyors/survrenew.html>



Professional Land Surveyor Exam Going Computerized

The National Council of Examiners for Engineering and Surveying (NCEES) announced the April 2016 exam administration will be the last Principles and Practices of Land Surveying (PS) exam offered in pencil-and-paper format. Registration for the PS exam in the new computer based format will begin mid-2016, with the first available exam window offered October 1, 2016.

The PS exam will follow the same schedule as the FS and FE exams and will be administered only at approved Pearson VUE testing centers. Exams will be administered all months except March, June, September, and December. Candidates for a computer-based exam may take the exam only one time per testing window and no more than three times in a 12-month period.

The PS exam will have 85 operational (scored) items and 15 pretest (non-scored) items with an appointment time of 7 hours, which includes a tutorial, breaks, taking the exam, and a brief survey at the conclusion of the exam. The PS exam will remain closed-book with an electronic supplied reference material delivered with the exam. No other reference material will be allowed at the test center. Examinees will be allowed to bring and use NCEES-approved calculators. A computer-based PS practice exam will be available for purchase after the April 2016 exam administration. For more information, visit www.ncees.org/exams/.

NOTE: The Washington State 2-hour State Land Surveyor Exam is scheduled to transition from paper/pencil to computer based testing format beginning July 1, 2015. We will provide updates via our website and will send announcements to our ListServ subscribers. You may subscribe to our ListServ, at: <http://www.dol.wa.gov/business/engineerslandsurveyors/emaillist.html>

The Survey Recording Act

The Survey Recording Act (SRA) has been and continues to be a frequently debated subject, which results in varied ways that practitioners read and follow its instructions. There are items in particular seem to generate the most conversation:

When is a survey considered complete?

What survey should be recorded?

When is a survey complete?

The law states recording must occur within 90 days of completion. Over the years, the Board has seen this interpreted most commonly in one of three rationales:

When the corners are set.

When the map is finished.

When the client pays the bill.

The Board has held to the opinion that:

The survey is complete when the Surveyor's Certificate is signed and sealed.

What survey should be recorded?

Before answering this question, all surveyors should understand the "purpose" of the SRA:

RCW 58.09.010 The purpose of this chapter is to provide a method for preserving evidence of land surveys by establishing standards and procedures for monumenting and for recording a public record of the surveys.

The SRA goes on to say..."A survey should be recorded if it shows:

...establishment, reestablishment, or restoration of a corner on the boundary of two or more ownerships or general land office corner... RCW 58.09.040(1).

Like the interpretations of when a survey is complete, the Board has experienced a variety of responses when asking a surveyor. "Why didn't you record the survey?" You may have responded with one of the following statements?

- My client did not want it recorded.
- My client refused to pay the recording fee.
- I (or an employee) forgot.

- I did not prepare a map.
- No one else does.
- It is not finished.
- My survey is exempt.
- If I record it the Board will see my work.
- In this county it is too expensive.
- When I record I get phone calls about the survey.
- I record all surveys once every six months.
- All I did was find corners shown on another survey.
- I was not certain my corners were correct.
- I am going to remove the corners.
- There is a boundary dispute and my client did not want the neighbor to see the map.
- The SRA applies only to private surveys and I did this for a public agency.
- I gave the map to my client to record.

If you truly believe in the purpose of the SRA as highlighted above, would you consider any of these statements a legitimate justification for not recording?

Tips to Improve Your Record of Survey

At the 2015 Annual Meeting for the Land Surveyor's Association of Washington (LSAW), the Board presented a program, part of which provided tips on how surveyors could improve the content of their Records of Survey (ROS). Here are the key points from the presentation:

Survey Narrative

Both the Survey Recording Act (SRA) and Survey Standards include requirements that are best completed by a narrative. Specifically, rules in WAC chapter 332-130, ask for:

WAC 332-130-030 provides:

If, in the professional judgment of the surveyor, the procedures of subsections (1) and (2) of this section are not necessary to perform the survey, departures

from these requirements shall be explained and/ or shown on the survey map produced.

- (1) *The reestablishment of lost GLO ... or the subdividing of sections ... shall be done according to ... Manual of Surveying Instructions ... Methods used for such corner reestablishment or section subdivision shall be described...*
- (2) *All maps ... showing a land boundary survey shall show all the corners found, established, reestablished and calculated, including ... directions and distances. All ... maps ... shall show sufficient section subdivision data, or other ... controlling parcel data, ... to support the position of any section sub-divisional corner or controlling parcel corner ...*

A narrative can also serve as a means for the surveyor of record to easily revisit and/or recall decisions and thought processes used in a survey months, even years after the survey was recorded. The narrative should capture the rationale used to make key decisions. Here is an example of a survey narrative discussing decision making rationale.

...In my analysis, I found the legal description for this parcel contained a scrivener's error making an incorrect tie to the section corner. The existing Warranty Deed calls for a direction of N 27° 33' E but should have been N 27°43' E as shown in original deed of 1922.

Corner History and Monument Descriptions

In almost every instance, survey preparation involves research of existing survey records. The SRA requires you to disclose what record information may reveal about the monuments you find.

RCW 58.09.060 (1) The record of survey as required by RCW shall show:

- (a) *All monuments found, set, reset, replaced, or removed, describing their kind, size, and location and giving other data relating thereto;*

The following is an example how a simple description about a found monument can be improved considerably. Each example builds in informative content from the one preceding. The end result gives the end user a far better

level of what monument was used and why.

- Poor: Fnd. ip
Average: Found i.p. for 1/16th corner...
Better: Found ¾" iron pipe in intersection.
Accepted as 1/16th corner by previous surveys.
Best: Found ¾" pinched iron pipe in 12" cast iron case at intersection of NE 23rd and Rock Lane, February 2014. Accepted as 1/16th corner as reportedly set by Smith & Marks in 1945. County recovered iron pipe in 1989 and set case during road improvement.

Land Improvements Showing Assumed or Interpreted Ownership

This is where the real usefulness of the ROS is illustrated. Most clients want to know where their deed description is located in respect to what they can see on the ground.

Sometimes parole evidence of land owners can help establish whether an improvement is a perpetuation of ownership. Perpetuation of a survey can be achieved when the record shows corners and lines in relation to more than durable permanent site improvements.

Legal Description of Survey or Specific Reference to Recorded Document Where Description is Found

The ROS is also required to show a reference to a record description. If the survey creates changes from the previous description of record, it is incumbent on the surveyor to explain the "what" and "why" of the changes. Nothing can be more confusing to an end user of a survey than to have a deed that does not agree with a survey and no explanation is provided to clarify why.

Variations Between Measured and Record Distances

This is an important detail that helps bridge the chain of evidence and corner history information from one record to another. It also fits with the importance of clarifying when a legal description may reflect different directions and distances from prior record. For the most part, typical surveys show these variations but rarely identify what "record" is the source of the historical information.

Focus On The Basic Questions Of Who, What, And Where Key To Future Of Engineering And Surveying

Patty Mamola, PE, NCEES Past President

NCEES Licensure Exchange Magazine, August 2014

As an organization, we have completed many of the action items identified in the strategic plan that was adopted in August 2012. The plan has served us well as a framework in which we make decisions and move forward with various initiatives. It has served our organization as a useful tool for providing direction to staff, committee and task force members, and the board of directors.

To ensure that our strategic plan remains relevant, the board of directors has committed to revisiting the strategic planning process. During the upcoming year the board will take a fresh look at the purpose of our organization, clarify the vision for NCEES, and recraft draft goals and action plans.

I'm hopeful that when we take this fresh look at our strategic plan, we will continue to focus on the what, who, and where of engineering and surveying: what it is we do as engineers and surveyors and how we communicate that simply to the public, who is and can be an engineer or a surveyor—diversity within our professions—and where we work and the borders we cross to do our work—mobility.

Until the public can understand what it is that we do as engineers and surveyors, we cannot begin to talk about the value of licensure. Engineers and surveyors touch every aspect of society. Think about the technological advances that have occurred in just the last 10 years. Each one can be attributed to engineering, yet society has no idea.

To realize that only about 20 percent of graduating engineers are women and that only about half that amount are choosing to remain in the engineering field is eye-opening. For surveying, the numbers are even less. So much of engineering is creating tangible items from someone's imagination. It makes me wonder, what innovations are we missing out on by not having more diverse professions?

Mobility is the very reason that NCEES was created, created by states that recognized the wisdom and value of having a portable credential. Each of you as a state board is a member of this organization. You too recognize the value of mobility. I hope that we continue to broaden our individual state perspectives and strive to remove the barriers to mobility—nationally and internationally.

As I wrapped up my year as president and I write this final article, it has caused me to reflect on the past year. While focusing on the who, what, and where of engineering and surveying, I've had the opportunity to travel to many interesting places; talk to, and with, many smart and professional people; and see and experience the many amazing things that engineers and surveyors create and do. I am truly honored and privileged to have served you and to forever be known as the first female president of NCEES, an organization that was wise enough to make it happen in the first century of its history.

NOTE: The Washington Board is about creating diversity within our profession and removing barriers to mobility. However, we have the responsibility of providing protection to the public and will ensure only those who meet the qualifications outlined in law and rule are granted licensure to practice in Washington State.

NCEES Board Of Directors Authorizes Contribution To Engineers Without Borders-USA

Jerry Carter , NCEES Chief Executive Officer
NCEES Licensure Exchange, December 2014

At the final meeting of the 2013 to 2014 National Council of Examiners for Engineering and Surveying (NCEES) board of directors, the Board authorized a contribution of \$200,000 to Engineers Without Borders-USA (EWB) to support projects for the coming year. The contribution will be used as matching funds for EWB's year-end campaign. NCEES will be recognized throughout the year, which will provide an opportunity to introduce more

people to our organization and the work that it does.

This contribution, which was approved in August, is a continuation of support for EWB. In 2013, the board authorized four \$5,000 grants to support proposed projects under the supervision of EWB. Many of us have heard of this organization, but few have a full appreciation of who is involved in the projects or how they deliver services. Through these initial grants, the NCEES board became familiar with the significant humanitarian contributions that EWB delivers while providing opportunities for young engineers to develop their technical and leadership skills.

Sustainable solutions for those in need

EWB was created in 2002 with the foundation of "connecting a developing community that has a specific infrastructure need to engineers who can partner with the community to design a sustainable solution." Since its inception, EWB has grown rapidly and currently has more than 14,700 members. It includes hundreds of student chapters at US-based universities and colleges. The number of projects has also increased significantly, and in 2013, EWB was involved in 684 projects in 39 countries.

Guidance from PE mentors

Each EWB project includes a commitment to a community and typically has a 5-year lifespan. Each project must result in substantial improvement in the quality of life in the chosen community, and each project team is required to have a mentor, who is typically a professional engineer. One member of the professional mentor team must be designated as the responsible engineer in charge (REIC), who assumes overall responsibility for the project. The REIC provides technical guidance on all designs, ensures that all reports are accurate and adequately detailed, provides a final review, then seals and signs the documents. Although some projects may have an REIC who is not a professional engineer, any project where failure of the project may result in death, severe illness, injury, or significant damage of property requires the REIC to be a

Continues next page

professional engineer. In addition to technical competence, the REIC must be a member of EWB and involved with an EWB-USA chapter.

As noted, there are numerous EWB chapters at US institutions, which are affording the opportunity for future engineers to enhance their classroom learning by gaining hands-on experience on projects that, after completion, can be sustained by the local community on a long-term basis. The seven types of projects that EWB is engaged in include water supply, sanitation, civil works, structures, energy, agriculture, and information systems. The goal as defined by EWB is to “create global engineers who are capable of working in multicultural and multidisciplinary teams to effectively manage projects both domestically and internationally.” This experience provides the opportunity for students to gain a better understanding of engineering principles as well as the concept of working as a team. Students are also exposed to the extreme level of poverty in various parts of the world and come to understand how engineering can make a positive change in the lives of the people they are helping.

Support for the profession’s future

As a major sponsor, NCEES will aid in supporting the humanitarian efforts of EWB while helping engineering students involved in the various projects to bridge the gap between their classroom experience and the application of engineering in real-world situations. The board believes that these individuals will change the world in the future, and they will do so as professional engineers.

NOTE: If you are interested in becoming a mentor or sponsor with EWB, click the following link for more information about the program and a list of participating universities and colleges in your area, <http://www.ewb-usa.org/>.

Redefining The Surveyor Of The Future

Jerry Carter, *Chief Executive Officer, NCEES*
NCEES Licensure Exchange, June 2014

In my life, I have found that many people tend to quote either Mark Twain or Yogi Berra. I have favorite quotes from both, but a favorite Yogism is, “The future ain’t what it used to be.”

Over the past several years, we have seen a drastic reduction in the number of candidates taking both the Fundamentals of Surveying (FS) and the Principles and Practice of Surveying (PS) exams. Last year, the number of FS examinees was down just over 11 percent from the previous year, and PS examinees were down almost 5 percent. And as we look back in recent years, we can see the same trend of reduced numbers.

Many have contended that the demand for conventional surveying services has decreased as the result of a weak economy over the past several years, which undoubtedly has impacted the surveying profession in a negative way. Others maintain that technological advancements have altered the traditional role of the surveyor and will ultimately lead to the demise of the profession as we know it.

I know that many of you have heard the statistic that the average age of a professional surveyor today is somewhere between 57 and 60. That has appropriately raised concern about whether there will be an adequate supply of professional surveyors in the future. We have also heard that institutions with surveying programs are scrambling to maintain an adequate student population to continue to justify their existence.

I feel that this situation offers significant opportunities for the surveying profession. I believe that rather than facilitating the demise of the surveying profession, new and advancing technology will provide significant opportunities for surveyors who adapt through continuous training and expand their practices beyond traditional activities. The future surveyor will need to diversify his or her practice and embrace new technology and social media to remain relevant. According to a paper issued by the International Federation of Surveyors, the profile of the surveyor of the future is “a geospatialist with social responsibilities.”

The drastic reduction in the number of examinees

taking the NCEES surveying exams has been a topic of concern among members of the Council, and action is needed to continue to promote the surveying profession and the value of licensure. I am glad to report that President-Elect David Widmer, PLS, intends to create a task force to consider the future of the surveying profession and how NCEES can help reverse this trend and encourage more young people to enter this rewarding profession.

Surveying has a rich history in this country and an important role to play in its future.

NOTE: In Washington, we are seeing the same trends, currently out of the 1159 actively licensed professional land surveyors in Washington State, 57% are over the age of 56 and 70% are over the age of 51. When compared to 2006, 50% were over the age of 56 and 70% over the age of 51.



Questions And Answers

Q&A

QUESTION

I have been retained by a landowner to help subdivide their land into four parcels. Project specifics are: a common well, individual septic systems, and design of a shared driveway to accommodate large vehicles.

Some years ago, I owned an adjoining parcel and attempted to do a similar project, but determined ground water issues were too complicating to overcome. I have also since learned that new interpretations of wetlands could affect this proposal.

WAC 196-27A states: Registrants shall advise their employers or clients in a timely manner when, as a result of their studies and their professional judgment, they believe a project will not be successful.

Does this rule require me to reveal my personal experience of the past? I am not even sure the problems still exist or are not worse.

ANSWER

First, as a consultant, you are working to help your client meet their goals. You may not be qualified to know if your past experience would still pertain, and to what extent those conditions may or may not affect development plans or costs. Therefore, you are probably unable to say with certainty that this project will be unsuccessful. However, you are probably more familiar with the development process and ways to find out risks that would enable your client to make informed decisions.

Engineering

QUESTION

I was working on a design for a retrofit on a commercial building to meet new seismic code conditions. I am licensed as a civil engineer and have performed many of these designs over the years. However, in this instance, I was informed by the local building official that my license as a civil engineer was not sufficient. They said they now required this type of work be performed by a structural engineer. Can they do that, even though this building does not fall under the definition of a significant structure?

ANSWER

Yes. While state law allows a licensed professional engineer to perform the work of which they are competent, the decision by the local building official is permissible, provided it is not less restrictive than state law. In this particular case, they were choosing a more rigorous requirement which is within their authority when administering local building code. What would not have been permissible is if they allowed a non-engineer to perform engineering work.

Onsite Designer Licensing

QUESTION

I work in a rural area of the state where very few designers compete for even fewer projects. Recently, I

Continues next page

DID YOU KNOW...?

1. Your license is considered expired if not renewed **on or before** the expiration date; there is no grace period. The 90-day grace period after license expiration **only** applies to the amount of fees you will have to pay to renew.

2. If you applied for licensure to this Board more than 6 years ago, we no longer can retrieve your application from our records center.

3. You can check the status of any business or professional license issued by the Department of Licensing just by going to <http://www.dol.wa.gov/business/checkstatus.html> or go to the Board's website and click on the link near the bottom of the page.

encountered a situation where a designer, recently retired from the county health department, was apparently receiving preferential recommendations from county staff when making referrals to members of the public. It appears to me that there is a conflict of interest due to the familiarity between the designer and his colleagues at the county health department. Is this a violation of board rules?

ANSWER

Given the limits of the information you have provided, it would be difficult to say for certain that a conflict exists. At a minimum, it would seem inappropriate for the current health department staff to be guiding clients to the ex-employee (now designer) without doing similar to all designers in that locale. If you have a strong belief and evidence to support that belief, we suggest you have a conversation with the director of the health department to see if your suspicions are correct. The only way this conduct could be seen as a violation of board rule would be if the designer is actively promoting or supporting what you believe is interfering in the balance of competitive service marketing. If that were the case, a complaint should be filed with the board.

Land Surveying

QUESTION

If a plat is recorded without interior monuments being set, is it permissible for the original surveyor to have exclusive rights to setting or resetting any corners when a builder needs that work done? It is my suspicion that the developer tells all the builders and lot purchasers that a certain surveyor is recommended for all work in this subdivision.

ANSWER

Interior corners of the subdivision can be set after recording if certain steps are taken for county approval. If that is the case, it would not seem unusual for the platting surveyor to be recommended to continue what is their responsibility. There is nothing to prevent other surveyors from doing the same. However, the new surveyors who are locating corners that have not been previously set may have to file a Record of Survey.

Who We Are

To help you identify who can best assist you and how you can reach us should a question arise, we have listed individuals from our staff and their general responsibilities. Please contact us whenever you have a question or comment about the service you have received.

Board Mailing Address (*letters without payments*)

Board of Registration for Professional Engineers
and Land Surveyors
PO Box 9025
Olympia WA 98507-9025

Board Mailing Address (*forms with payments*)

Board of Registration for Professional Engineers and
Land Surveyors
Department of Licensing
PO Box 35001
Seattle, WA 98124-3401

Board Office Location

405 Black Lake Blvd. 2nd Floor
Olympia WA 98502

Board E-mail Address

Engineers@dol.wa.gov

Board Web Address

<http://www.dol.wa.gov/business>
engineerslandsurveyors/

Administrative staff

Michael R. Villnave, PE

Executive Director

360-664-1565

mvillnave@dol.wa.gov

Chief executive officer for Board operations. Manages overall staff and program budget. Oversees liaison activities between the Board, Department of Licensing and stakeholders. Provides guidance on application of statute, rules and policies on engineering, land surveying and on-site practice.

VACANT

Deputy Executive Director

Deputy to executive director. Provides support to the executive officer related to staff management, guidance on

application of statute, rules and policies on engineering, land surveying and on-site practice.

Cassandra Fewell

Executive Assistant

360-664-1564

cfewell@dol.wa.gov

Assistant to the Executive Director. Coordinates all board meetings, minutes and schedules. Responsible for board and staff travel, public disclosure requests and contracts.

Shanan Gillespie

Management Analyst

360-664-1570

sgillespie@dol.wa.gov

Manager of the adjudicative process, prepares charging documents, rules coordinator and records retention coordinator.

Licensing staff

Process applications for PE or LS license, Engineer-in-Training, Land Surveyor-in-Training, On-site Designers/Inspectors, Limited Liability Companies and Corporations. Oversee local examination administrations, notifications to applicants and license renewals.

Vonna Rakestraw

Licensing Specialist - Lead

360-664-1573

vrakestraw@dol.wa.gov

Supports the work of the Exam Qualification Committee of the Board. Provides guidance to applicants and licensing staff on application of statute, rules and policies on engineering, land surveying and on-site designer/inspector practice as it relates to the licensing process.

Nghiem Pham

Licensing Specialist

360-664-1575

npham@dol.wa.gov

Processes PE exam, structural exam, professional land surveyor applications and on-site designer/inspector applications. Processes out-of-state verifications and prepares wall certificates. Processes PE, LS, and on-site designer/inspector renewals.

Continues next page

Jim McDonnell
 Licensing Specialist
 360-664-1575
jmcdonnell@dol.wa.gov

Processes PE comity applications. Processes EIT and LSIT exam and certification applications. Processes corporation and limited liability company applications and is the contact person for questions regarding Certificates of Authorization from the Board. Processes renewals for PE, LS, on-site designer/inspectors, corporations and limited liability companies.

Investigation staff

Jill Short
 Investigations & Compliance Manager
 360-664-1561
jshort@dol.wa.gov

Supports the work of the Practice Committee and manages investigations and enforcement activities of the board. Conducts investigations of engineering, land surveying and on-site designers. Provides guidance on application of statute, rules and policies on engineering, land surveying and on-site designer practice.

John Pettainen
 Investigator
 360-664-1571
jpettainen@dol.wa.gov

Conducts investigations of engineering, land surveying and on-site designers. Provide guidance on application of statute, rules and policies on engineering, land surveying and on-site designer practice. Tracks compliance with Board Orders.

Randy Garcia
 Investigator
 360-664-1569
rgarcia@dol.wa.gov

Conducts investigations of engineering, land surveying and on-site designers. Provide guidance on application of statute, rules and policies on engineering, land surveying and on-site designer practice. Monitors continuing education / professional development hours for professional land surveyors and on-site designers.

Examinations

OCTOBER 2014 EXAMINATION RESULTS

	Total	Pass	% Pass
Principles & Practice of Engineering			
Chemical	15	8	53%
Civil	148	101	68%
Control Systems	12	9	75%
Electrical	50	34	68%
Environmental	11	7	64%
Fire Protection	14	7	50%
Mechanical	66	41	62%
Nuclear	4	3	75%
16 Hr Structural			
Lateral	29	13	45%
Vertical	28	10	36%
Lateral & Vertical	16	4	25%
Principles & Practice of Land Surveying			
NCEES – 6 Hour	13	10	77%
WA Specific (2-hour)	36	17	47%
On-Site Designer	1	0	0%
On-Site Inspector	4	1	25%

2014 COMPUTER-BASED TESTING (July – December)

	Total	Pass	% Pass
Fundamentals of Engineering (EIT)			
	409	308	75%
Fundamentals of Land Surveying (LSIT)			
	4	0	0%

Investigations & Enforcements

Statistics Of Actions Taken By The Board

JULY 1, 2014 THROUGH DECEMBER 31, 2014

Active investigations as of July 1, 2014	22
Investigations Opened	40
Investigations Closed	9
Active Investigations as of December 31, 2014	23

SUMMARY BY MONTH:

	Complaints Received	Inquiries Received	Investigations Opened *
July	16	2	16
August	3	0	3
September	6	0	6
October	6	2	6
November	7	0	7
December	2	1	2
Totals	40	5	40

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

SUMMARY BY PROFESSION AS OF DECEMBER 31, 2014

	Active Investigations	Legal Status	Compliance Orders
Prof. Engineers	4	1	0
Prof. Land Surveyors	16	2	1
Unlic. Engineers	3	0	0
Unlic. Land Surveyors	0	2	0
On-Site Designers	0	3	1
Totals	23	8	2

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, 2014 through December 31, 2014. In each disposition the Board accepted the recommendations of the Case Manager, unless stated otherwise. For those cases involving a Board order, each licensee may be monitored for compliance with the conditions imposed in the order.

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

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

These summaries are not intended to disclose complete details related to any given investigation or action. While every effort is made to ensure accuracy of the information shown, anyone intending to make a decision based upon this information should contact the Board office for more details.

FORMAL ACTIONS

Land Surveying

Brad Diesen, PLS Case No. 13-12-0007

During an unrelated investigation, Board staff found Mr. Diesen recorded a survey while his license was expired. Based on these findings, the Board’s Practice Committee opened an investigation.

Continues next page

Brad Diesen, a licensed PLS recorded a survey on September 3, 2013. The investigation revealed Mr. Diesen's license expired August 22, 2013. After being notified of the Board's investigation and findings, Mr. Diesen renewed his license October 7, 2013.

On June 1, 2014, the Board issued a Statement of Charges and a settlement option in the form of a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. Mr. Diesen accepted the settlement option by signing the Agreed Order.

The terms of the Agreed Order included:

- Mr. Diesen shall provide written notification of his transgression to the client of the subject survey and provide a copy to the Board office.
- He will re-record the survey, at his own expense and only if he maintains active status for his license. Mr. Diesen also needs to provide a copy of the re-recorded survey to his client, within twenty days of the effective date of the Agreed Order.
- Mr. Diesen shall pay a \$500 fine to the Board.

On August 7, 2014, the Board accepted the Agreed Order. The investigation was closed and the case was moved to compliance monitoring.

INFORMAL ACTIONS:

Engineering

Case No. 14-03-0001

This case concerns a PE who may not have adequately maintained exclusive control over his seal and signature. The Respondent in this case came to the Board's attention via his involvement in a separate investigation regarding a project he worked on with an unlicensed individual while employed at an engineering firm.

While reviewing the investigation file, the Case Manager found the Respondent did maintain adequate control of his stamp, he kept it secured in a locked drawer in his office desk and only authorized the administrative professionals to affix his electronic

stamp when necessary. If a client requested electronic documents, a PDF would be created from a Word document with the stamp and signature and the document would be secured by the administrative professional before it went to the client, which prevented tampering with the stamp/signature. After the PDF was created, the stamp and signature were deleted from the Word document and saved in the project files. The PDF version was also saved.

The Case Manager recommended the investigation be closed with no further action as it appeared the Respondent practiced due diligence in maintaining control of his stamp/seal. It was determined the unlicensed individual used a photocopy of the original document with the Respondent's seal without the Respondent's knowledge or permission.

INFORMAL ACTIONS

Land Surveying

Case No. 13-05-0004

In May, 2013, the Board received a complaint that the Complainant's ownership was surveyed incorrectly by a surveyor (Respondent). The alleged error resulted in the Complainant losing waterfront property. The Complainant stated he met with the Respondent but that the Respondent refused to correct the survey.

A topographic survey was performed for a proposed easement. Subsequently, the easement project was abandoned. A Record of Survey was recorded by the Respondent in August, 2010 showing recovered or reset property corners on the project. In October, 2011 the Complainant contacted the Respondent to express his concerns and ask that the survey be corrected. The Respondent's survey did not show the proper ownership line, a 545 foot contour line. The land is located in a cove of a privately owned lake. Once the Respondent was notified of the complaint, the Respondent recorded an Amended Record of Survey showing the 545 foot contour line as "approximate." On June 18, 2013, another Professional Land Surveyor hired by the Complainant recorded a Record of Survey with the contour line as the ownership line as "per plat" and

states that, “lateral lines and sidelines are shown to protect the riparian rights of access to...the lake.” On October 15, 2013 the Respondent recorded another Amended Record of Survey correcting scrivener errors found on his previous recordings.

A subject matter expert was brought in to review all of the prior surveys and provide comments how to correctly amend a survey. His comments, along with those of the Case Manager, were provided to the Respondent during a meeting with Board Investigators. The Respondent prepared an Amended Record of Survey which was reviewed and approved by the subject matter expert and the Case Manager and recorded on August 20, 2014.

The Respondent complied and filed a proper Amended Record of Survey. The Board accepted the case manager’s recommendation to close the case with no further action.

Case No. 13-10-0005

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

Since no progress had been shown by either of the two remaining surveyors, a formal investigation

was opened for each in October 2013. With still no progress shown, both individuals were given a deadline of May 31, 2014 to complete their field corrections and record amended surveys. The sixth surveyor, without apparent cooperation with the Respondent, recorded an amended survey on May 8, 2014. The Respondent, the seventh and final surveyor, recorded a five-page Amended Record of Survey amending ten former affected Records of Survey on May 30, 2014.

The Respondent met the deadline requirements by recording the amended survey. The Board accepted the recommendation of the case manager and closed the investigation with no further action.

INFORMAL ACTIONS

Unlicensed Surveying

Case No. 13-04-0004

The Respondent, not licensed as a professional land surveyor, owns and operates a website which offers to dispense topographic and boundary information to land owners who pay a fee for the service. Maps are provided with the boundary of a parcel overlaid on public domain topographic maps. By scrolling across the map, coordinates are obtained from software similar to Google Earth. The boundary has each corner marked for ease in determining the coordinates. After being contacted by Board staff, the Respondent updated his web page to state that only approximate coordinates are provided, and he advises clients to use a licensed surveyor if they need more accurate coordinates.

After reviewing the investigation file, it the Case Manager determined the Respondent was performing land surveying without a license. A Statement of Charges on Unlicensed Activities and a Notice of Intent to Issue Cease and Desist Order were issued. After the issuance of the charging documents, the Respondent filed a timely motion which included additional information. After evaluating this additional information, the Case Manager determined there was insufficient evidence to substantiate the charges. All charges were withdrawn in December 2014.

Message From The Chair

already forged a good relationship in collaborating new ways to assist our Board members, our staff, the professions, and the public.

Along with the organizational changes come improvements to the technology processes and systems we use in our daily business. The Department of Licensing is upgrading its online systems used to support license renewal activity. When implemented, the online renewal screens will allow our fellow professionals to use a new secure login process instead of the passwords from the paper renewal notices. Expect to see this component refined over the next year, along with the new option to apply online for initial or comity licenses. The online improvements will allow applicants to upload documents directly and securely into the Department's licensing system. Also planned are improvements intended to enable licensees and applicants to easily update their official records held by the Board.

The second subject of this message concerns survey mobility. In his inaugural speech in Seattle this past August, the president of the NCEES announced that a Future of Surveying Task Force has been created. He stated that the number of applicants for the Fundamentals of Surveying and Professional Surveyor exams has, "been dropping, and we need to face reality and find a solution to this crisis." One of the charges of the Task Force is to study this problem, which is a very worthwhile endeavor. The other key charge he further stated "is a spin-off of mobility for engineers, concerns mobility for surveyors. It is time we stop putting up roadblocks and thinking that we have the greatest state-specific exam there is and that without passing that exam, nobody can practice in our jurisdiction."

An individual wishing to be licensed in Washington must first fulfill educational and experience requirements and successfully pass the six hour national (NCEES) exam or hold a current license in another state. This qualifies the applicants to sit for the state-specific exam; an open book two-hour exercise which must be successfully passed for licensure. It has been carefully developed utilizing many subject matter experts and has been prepared with the assistance and guidance of

psychometricians, or professional exam experts. The exam tests knowledge of the vast body of state laws and case law pertaining to land surveying. These laws are unique to our state and are of great importance in property boundary determination by Professional Land Surveyors. For example, Washington has unique shore lands, tidelands, harbors and riparian boundary laws. These laws and many others must be understood, to a certain extent, by individuals licensed to practice here.

This is not "setting up roadblocks;" it is responsibly providing protection to the public in the licensing of professionals. Our Board is unanimous in the determination that the state-specific exam is extremely important for that protection. We are determined to continue state-specific exams.

Schedules

Fall 2015 Administration

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

Examination	Type	Examination Date	Application Deadline
Environmental, Chemical, Civil, Electrical, Mechanical, Control Systems, Fire Protection, Metallurgical & Materials, Mining & Mineral Processing, Nuclear, Petroleum	NCEES	Friday October 30, 2015	Friday July 31, 2015
16-hour Structural Vertical/Lateral	NCEES	Friday & Saturday October 30 & 31, 2015	Friday July 31, 2015
Land Surveying (6-hour)	NCEES	Friday October 30, 2015	Friday July 31, 2015
Land Surveying (2-hour)	State	Friday October 30, 2015	Friday July 31, 2015
On-Site Wastewater Designer / Inspector Certification	State	October 2015 TBD	Friday July 31, 2015

Calendar

Dates and locations are subject to change. For more information, visit <http://www.dol.wa.gov/business/engineerslandsurveyors/meetings.html> or call (360) 664-1564

Board & Committee Meetings

June 15 & 16
Spokane, WA

October 7 & 8
TBD

September

Annual Board Workshop
(date & location to be determined)

Board Participating Events

2015 PNWER Annual Summit
July 12—16
Big Sky Montana

NCEES Annual Meeting
August 19—22
Williamsburg, VA



Board of Registration for Professional
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