

The
**Washington
Board**

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



Journal

Number 42 • Fall 2010

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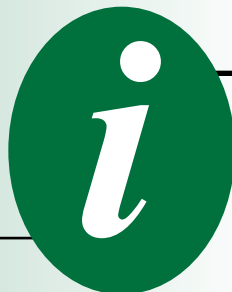
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DID YOU KNOW?

Did you know that effective August 1, 2010, your professional license renewal fee was temporarily lowered to \$76.00? Any individual engineer or surveyor license expiring on or after August 1, 2010 may be renewed for \$76. This temporary fee reduction will end July 31, 2012.

The Washington Board Journal is published biannually by the Washington Board of Registration for Professional Engineers and Land Surveyors, George A. Twiss, P.L.S., Executive Director.

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

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Message from the Chair

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

From Chun C. Lau, PE, SE, Board Chair

It has been quite a journey and rewarding experience since my appointment 4 years ago. I am humbled and honored to be elected Board Chair this year. There are a few things I want to share with you in this column.

Reminders

First, I would like to remind our licensees that the revision of WAC 196-23 – the rule governing use of professional seal requires our licensees to get new a stamp or seal that is prescribed in the revised rule. In the past year, I have come across a deferred submittal submitted by the specialty engineer on a project that was stamped with the old stamp. When I asked the engineer to refer to the revised rule for updated stamp requirements, the answer that I got was “he was grandfather in”. The rule is very clear that it is the licensee’s responsibility to update their stamp or seal to meet the revised rule requirements. Please refer to the revised rule that contains the images of the approved stamps/seals to make sure you are in compliance with the rule.

Second reminder goes to those applied for and received a waiver by the Board to practice structural engineering for structures defined as “Significant Structures” in RCW 18.43.020(11). The waiver expires on December 31, 2010 and is not renewable and cannot be extended beyond that date. Any ongoing authorized structural engineering work under the waiver must be completed by the end of business December 31, 2010.

NCEES Exams... Changes

At this year’s annual meeting in Denver, CO, the state licensing boards (member boards) for the NCEES voted to move the Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) exams to computer-based format. According to Jerry Carter, Executive Director of NCEES, “It will be a minimum of two years before FE and FS candidates begin taking the exams at computer-testing center”. The move to computer-based format is to increase scheduling flexibility for candidates, uniformity in testing conditions and strengthen security. There were discussions on moving the PE and PS exams to computer based format as well; however, the hurdle to overcome is the number of references that would be allowed in the test center. Until the numbers of references can be defined, the PE and PS exams will continue to be paper and pencil exams for the foreseeable future.

New 16 hours structural exam – October 2010 marked the last administration of the SE1 and SE2 exams by NCEES. Starting April 2011, the new 16 hours structural exam will be administered by NCEES and will be offered in April and October. Our

News to You

State Budget Crisis Impacts Board Operations

As you are probably aware, the State of Washington and most other states are in a budget crisis due to the national economic recession. The challenges to the state are to balance the services that are expected by the citizens within the available revenue collected.

The Board operates through a dedicated account set up expressly for the Board's administration of its duties. The account is the sole source of funds based on collection of fees from registrants. No funds from the state General Fund or other sources are used by the Board.

Because of instructions from the Governor to reduce costs, the Board has undertaken a variety of steps. First, starting next year they will reduce the number of meetings from 7 to 6 and balance the interval so that there is approximately 50 to 60 days between each meeting. Second, meetings are being organized to find less costly locations and methods of conducting business. And third, all travel for Board members and staff to attend or participate in regional or national meetings outside the state is eliminated unless the full cost of travel is covered by other organizations (non-state funds).

The Board is working hard to balance the instructions of the Governor with the needs of licensees and the general public. In the upcoming legislative session more changes may become necessary. If so, the Board remains committed to provide the best possible service within available resources.

Board Takes Final Action On Rule Proposal

At the special Board meeting on September 24th, the Board voted to reject a rule proposal that would have enabled issuance of a WA professional engineer's license to qualified candidates from the U.S. and Canada.

The rule proposal, identified as a new chapter to the Washington Administrative Code, chapter 196-13, would have allowed possible licensure to individuals who satisfactorily met alternative Board conditions of education, existing professional licensure and extended experience. This path would have eliminated the PE exam requirement for those who passed the Board's screening process. The final vote of the Board on this rule change was five against and two in favor.

This rule stemmed from a long process the Board had worked on and researched as far back as the late 90's. Their belief was that, in certain circumstances, an established licensed practitioner could be deemed as minimally competent based on their career including education and extended professional experience with the same level of confidence that would be demonstrated by a graduate engineer passing the PE licensure examination. Each applicant would have been required to submit to a rigorous evaluation by Board members.

During the formal rule-making process the Board received hundreds of comments opposed to the proposed rule. Many commenting believed that its passage would have a negative impact to the quality of engineering in the state of Washington and have an adverse effect on existing licensed engineers by adding thousands of new licensees to compete in their engineering market.

The vote of the Board was the final action on this WAC 196-13 proposal.

Loss Of Direct Supervision

One of the charges the Board's Practice Committee has is to review rules directly applicable to the practice of engineering, land surveying and on-site waste water design. To that end the committee works to stay on top of current industry and practice needs and address problems that arise that affect both the practice and regulation of the various disciplines.

During the recent and on going down turn of the economy Board staff has received a number of questions dealing with the loss of a licensee who is either the licensee of record for a project or responsible for direct supervision, and just how another licensee may assume

responsibility for the project. The Practice Committee is going to be considering language to add to WAC 196-25-070, Direct Supervision. The following is a preliminary draft that will serve as a starting point.

The Practice Committee is interested in your thoughts and comments and welcomes any suggestions.

Proposed Language:

“In the event a licensee is either the licensee of record or responsible for direct supervision of a project and leaves employment, is transferred, is promoted, becomes incapacitated, dies or is otherwise not available to seal, sign and date final documents, the duty of the licensee of record or direct supervision shall be accomplished by the successor licensee. The successor licensee shall become familiar with and review, in detail and retain project documents to date. Subsequent work on the project must clearly and accurately reflect the successor licensee is the licensee of record or in direct supervision of the project. The successor licensee shall seal, sign, and date all work products in conformance with WAC 196-23-020.”



With the retirement of Mr. Chan came the Governor’s appointment of his replacement, Stephen Shrope, PE, SE. Mr. Shrope lives in Spokane and has spent a varied career in private practice. He has 35 years of consulting engineering experience

in civil and structural engineering for primarily large governmental and industrial projects. He is a graduate of Washington State University with a Bachelor’s Degree in Civil Engineering (70) and a Master’s Degree in Engineering Science (85). He holds professional engineering registration in Washington (civil/structural), Idaho (civil/structural), California (civil) and Arizona (structural). He is currently a senior project manager with Womer & Associates, Spokane. His initial committee assignments on the Board are: Exam/Qualifications Committee, the Structural Engineering Committee and the Land Surveying Committee.

One Retires...One Is Appointed



In July of this year the term of service for member Ying Fay Chan, PE, SE, was completed. First appointed in 2000, Mr. Chan filled one of the two structural positions on the Board. Over his ten years of service he served as Board Chair and Chair of the Board’s

Practice Committee, Exam Qualifications Committee and the Structural Engineering Committee. He was also appointed to serve the National Council of Examiners for Engineering and Surveying as a member of the Committee on Finances.

Having already retired from his consulting practice, “Charlie” was looking forward to spending more time with his family from his home in Olympia.

Workshop Reveals Differing Ideas About Mandatory Continuing Professional Development For Professional Engineers

This last summer, at the request of the state legislature, the Department of Licensing and the Board hosted an informal discussion about the pros and cons of mandatory continuing education for professional engineers. The following is a report summary about the topic and the information that has been collected by the Board since last spring and provided to the legislature.

In the 2010 Legislative Session HB 2602 was presented to add Mandatory Continuing Professional Development to the existing language in Chapter 18.43 (Engineer’s Registration Act). The existing language was enacted in RCW 18.43.080 but was applicable only to professional land surveyors. The 2010 proposal was to add professional engineers to the other conditions already being administered by the Board for Professional Land Surveyors and On-site Wastewater Designers.

Financial Impact:

In the Department of Licensing's evaluation of HB 2602 it was estimated that to incorporate the almost 1000 additionally monthly renewals into a similar monitoring plan used for professional land surveyors would necessitate the establishment of a full time position. This position would be responsible for the random monitoring of renewals, collection of performance data and notification of those individuals who had not completed needed requirements.

Position in support of Legislation:

HB 2602 was introduced at the request of the American Society of Civil Engineers (ASCE). Their position is expressed in the national ASCE Policy Statement No. 425, which states, in part: The American Society of Civil Engineers (ASCE) supports documented continuing professional development as a condition for maintaining status as a licensed Professional Engineer. ASCE also supports uniformity of continuing professional development requirements among licensing jurisdictions.

Position in opposition to Legislation:

In their testimony before the House Commerce and Labor Committee, members of the Washington Society of Professional Engineers (WSPE) stated that they were not opposed to the need for licensed professionals to maintain continued competency. However, they did not agree with the proponents that a mandatory program administered by the Board was necessary. They believe that existing administrative rules that require licensees to maintain competency are sufficient to protect the public.

Alternative Position to proposed Legislation:

The Architect, Engineer Legislative Council (AELC) testified at the hearing and offered an alternative position. Their testimony suggested that the department should conduct a sunrise type of study to better determine if such a program was needed and should be administered by the state.

Request for agency study:

While the original bill and its substitute did not pass last session, the leadership of both the House and Senate presiding committees forwarded an informal request to the Department of Licensing. The request

was to contact the interested parties and stakeholders to see if the differences revealed in the testimony could be resolved before the proposal is again considered.

Department of Licensing / Board of Registration:

At an informational workshop on June 9th, the public was invited to attend and express their opinions on the proposal for continuing education/professional development. Specifically invited and in attendance were representatives of ASCE, WSPE and AELC. Each representative stated their organizations position as reflected above.

However, the AELC's testimony offered an alternative not previously considered. In their presentation, they stated agreement with the general position of the Washington Society of Professional Engineers in that a new mandatory program was too burdensome and would not give meaningful value to consumers of engineering services. However, it was suggested that existing rule-making authority of the Board could be used to further define a recommended framework for licensed engineers to follow that would mimic the administrative rules for CPD now in place for professional land surveyors. This alternative would eliminate the need for statutory changes but would provide more definition to licensees for their current obligation to "maintain competency" and somewhat fit the rationale of the ASCE proposal.

Board Survey of Licensees:

In the Spring 2010 edition a question was posed regarding Mandatory Continuing Professional Development. That question was: "Do you favor Continuing Education for Professional Engineers with compliance auditing by the Board?" The responses as of July 9, 2010 are as follows:

Total Responding: 351

YES: 81

NO: 230

Undecided: 40

Board's Position:

The Board has not taken a position for or against this legislative proposal nor is it proposing to take any administrative steps toward rule-making discussed in the AELC proposal.

NCEES Urges P.E. Seals For Tower Crane Foundation Designs

The following letter was submitted to Engineering News-Record (ENR) in response to their recent coverage of tower crane accidents in the construction industry.

ENR's August 16 article, "Gutsy Builder Took A Quantum Leap," references new OSHA regulations set to go into effect later this year concerning the certification of crane operators. NCEES would like to bring attention to another aspect of crane safety: the design of tower crane foundations and the qualifications of those who sign off on them.

Last month, the state licensing boards that comprise NCEES voted to adopt a position statement that recommends that the state boards actively pursue enforcement of statutes and rules concerning engineering supervision over the design of tower crane foundations. The statement recommends that foundation design documents be prepared and sealed by a licensed professional engineer (P.E.) and that the P.E. review the erection of the crane for compliance with the design and specifications for its foundation. The full text of the position statement can be found below.

The guidelines published by OSHA that will go into effect this year include a similar provision concerning the design of tower crane foundations. The member boards of NCEES have signaled their intention to enforce this as a part of their ongoing mission to protect the public's health, safety, and welfare.

*Sincerely,
Jerry Carter
Executive Director, NCEES*

NCEES Position Statement 32, Tower Cranes:

NCEES recognizes that the use of tower cranes—including assembly/erection, climbing, dismantling, and hoisting—exposes the public to a level of risk to health, safety, and welfare.

NCEES recommends that member boards actively pursue enforcement of statutes and rules with local permitting authorities having jurisdiction (AHJ) regarding the

engineering supervision over the design and erection procedures related to the foundations of tower cranes.

To implement the above, the following is recommended:

Foundation design documents shall be prepared by a qualified licensed professional engineer or a licensed structural engineer, as required, and the documents are to be sealed by the engineer.

Supervision by a qualified licensed professional engineer or a licensed structural engineer is required in the review of erection of the crane for compliance with the engineer's design and specifications for the tower crane foundations.

Notice Of Changes To NCEES Examinations And Supporting Materials

October 2010 Administration

Beginning with the October 2010 exam administration, NCEES implemented changes to the following Principles and Practice of Engineering (PE) and Fundamentals of Engineering (FE) exams. Current exam specifications and design standards are posted online at <http://www.ncees.org/>

Examinee Management System

The NCEES Examinee Management System was implemented starting with the October 2010 administration.

Examinees will log into the NCEES Web site, obtain a unique ID number, and register for the exam they were approved for, and intend to take. For the PE Civil, PE Mechanical, and FE exams, examinees must also select an afternoon module when they register.

PE Agricultural Exam

The PE Agricultural exam will have revised specifications. The new specifications are posted on the NCEES Web site.

An updated study guide is available from the American Society of Agricultural and Biological Engineers.

PE Structural II Exam

The new 16-hour Structural examination will be

offered starting with the April 2011 administration. Therefore, October 2010 was the last time NCEES offered the current Structural II exam.

PE Civil Exam

The PE Civil afternoon exam will be split into five individual booklets: Construction, Geotechnical, Structural, Transportation, and Water Resources and Environmental. Candidates taking this exam will have to choose their afternoon module when registering with NCEES. *On exam day, PE Civil candidates will receive only the afternoon module they registered for and will not be allowed to change to a different module.*

PE Mechanical Exam

The PE Mechanical afternoon exam will be split into three individual booklets: HVAC and Refrigeration, Mechanical Systems and Materials, and Thermal and Fluids Systems. Candidates taking this exam will have to choose their afternoon module when registering with NCEES. *On exam day, PE Mechanical candidates will receive only the afternoon module they registered for and will not be allowed to change to a different module.*

FE Exam (EIT Exam)

The FE afternoon exam will be split into seven individual booklets: Chemical, Civil, Electrical, Environmental, Industrial, Mechanical, and Other Disciplines. Candidates taking this exam will have to choose their afternoon module when registering with NCEES. *On exam day, FE candidates will receive only the PM module they registered for and will not be allowed to change to a different module.*

April 2011 Administration

Beginning with the April 2011 exam administration, NCEES will implement changes to the following Principles and Practice of Engineering (PE) exams. Current exam specifications and design standards are posted online at <http://www.ncees.org/>

PE Chemical Exam

The PE Chemical exam will have revised specifications. The new specifications will be posted on the NCEES Web site after the October 2010 administration.

A new edition of the NCEES *Chemical Sample Questions and Solutions* will be available for sale in November 2010. It will reflect the new specifications.

PE Civil Exam – Design Standards

The design standards for the structural module of the PE Civil exam are effective beginning with the April 2011 administration. The standards will be posted on the NCEES Web site after the October 2010 administration.

PE Environmental Exam

The PE Environmental exam will have revised specifications. The new specifications will be posted on the NCEES Web site after the October 2010 administration.

A new edition of the NCEES *Environmental Sample Questions and Solutions* will be available for sale in November 2010. It will reflect the new specifications.

PE Structural Exam

The 16-hour Structural exam will be offered for the first time effective with the **April 2011** administration.

It is a two-component exam with the Vertical Forces component offered on Friday and the Lateral Forces component offered on Saturday.

Candidates may take either or both components in any exam administration. They must obtain acceptable results on *both* components before passing the exam.

NCEES will use the Examinee Management System to track the attempts each candidate makes on a component and report results and passage of the exam to the boards once acceptable results are obtained for both components.

The specifications for the new Structural exam are posted on the NCEES Web site.

A new edition of the NCEES *Structural Sample Questions and Solutions* will be available for sale in November 2010.

The design standards for the PE Structural exam are effective beginning with the April 2011 administration. The standards will be posted on the NCEES Web site after the October 2010 administration.

New NCEES 16-Hour Structural Exam

NCEES has introduced a new 16-hour Structural exam, to be administered for the first time in April 2011. The new exam will replace the current NCEES Structural exams, which were administered for the last time in October 2010.

The new exam is a breadth and depth exam that is divided into two 8-hour components. The Vertical Forces (Gravity/Other) and Incidental Lateral Component is offered only on Friday and focuses on gravity loads and lateral earth pressures. The Lateral Forces (Wind/Earthquake) Component is offered only on Saturday and focuses on wind/earthquake loads.

Each component of the structural exam has a breadth module and a depth module. Examinees must take the breadth module of each component and one of the two depth modules in each component.

The breadth exams (morning session) contain questions covering a comprehensive range of structural engineering topics. All questions are multiple-choice.

The depth exams (afternoon session) focus more closely on a single area of practice in structural engineering. Examinees must choose either buildings or bridges, and must work the same topic area on both components. That is, if an examinee chooses to work building questions in the Vertical Forces component, then building questions must be worked in the Lateral Forces component. All questions are essay type questions.

To pass the structural exam, examinees must obtain acceptable results on both components. The components may be taken in different exam administrations.

How much will NCEES charge for the exam?

If a candidate sits for both Structural components, the minimum cost would be \$820 (\$10 for each exam/component ordered and \$400 for scoring each Component). This cost does not include the administration fee charged by NCEES.

Where can I find more information on the NCEES 16-hour Structural exam?

To get more information regarding the 16-hour Structural exam, including exam specifications and design standards, please visit the NCEES website http://www.ncees.org/Exams/PE_exam.php

New Letter To Accompany Complaints Against A Land Surveyor

During the September Board meeting in Spokane the Board approved a letter that explains Board Jurisdiction, Surveyor's Scope of Practice, Board Investigation, and Board Actions applicable to the discipline of land surveying. This letter is intended to explain the various functions of the Board and a general of the scope of practice for land surveying.

Although the letter is not meant to define completely the practice of land surveying it is intended to answer those questions such as: "Can the Board order the land surveyor to change a boundary line?" or other questions not within Board jurisdiction.

This letter will accompany a complaint form and will be sent to both the complainant and respondent when a complaint regarding land surveying is filed. Below is a copy of the letter to be used:

Dear (Complainant / Respondent)

Recently you filed a complaint with our office alleging possible violations in the practice of a professional land surveyor. The following information is provided so you better understand the role and responsibilities of the Board, the surveyor and what services the Board can provide.

Board Jurisdiction

The Board is charged in law to administer the licensing of professional land surveyors. This responsibility also includes the expectation to investigate alleged violations of their professional conduct. In doing the investigations the Board is NOT authorized nor does it have lawful jurisdiction, to make a judicial decision over disputed contract terms or property line locations. Lawful jurisdiction and resolution of both those items rests solely with the local district or superior court in which you reside.

Surveyor's Scope of Practice

Under Washington Law, a licensed professional land surveyor is NOT authorized to affirm where actual property ownership may exist. The execution of a properly researched and evaluated survey results in marking points on the ground that represent the surveyor's opinion based on his measurements

and interpretations. In situations where boundary interpretations are more complex another surveyor could reach a completely different conclusion. These differences can exist even when both surveyors performed equally thorough analysis and technically correct procedures.

Board Investigation

If the Board authorizes an investigation of a complaint, it should only be seen as confirmation that they need to look into the allegation more thoroughly. Opening an investigation does not mean that any conclusion has been reached that the allegations are correct and that violations have occurred. The investigation is used to collect materials and information so a determination can be made by a Board member on whether administrative actions are appropriate.

Board Actions

If an investigation results in a determination that the surveyor's work did not meet the expected standard of practice the Board may order various penalties. Most severe are actions against the license such as revocation, suspension or variations involving those conditions. The Board may also order the licensee pay a fine or enter into some form of remedial activity to improve their practice. The Board cannot order a licensee to pay refunds to a client or restitution for damages that may be alleged to have occurred. Whatever solution is devised, it is developed being mindful of finding a balanced solution to the circumstances presented.

We hope you have found the above information helpful.

FE, FS Exams To Begin Gradual Move To Computer-Based Format

The state licensing boards that compose NCEES, the organization that develops and administers the exams used for engineering and surveying licensure throughout the United States, have voted to begin converting the Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) exams to a computer-based format.

The decision was made during the NCEES Annual Meeting in Denver. It followed a prolonged study by a special task force convened to consider the issue and

share its findings with the organization.

Transition expected to take at least two years. The move from paper-and-pencil exams to computer-based exam delivery will not take place overnight, said NCEES Executive Director Jerry Carter.

“The language approved by the Council includes the phrase ‘at the earliest feasible date,’ which means that NCEES exam writers and staff will be involved in a process that includes adapting exam item banks, selecting vendors, and communicating with licensing boards and examinees before we can begin offering the exams via computer,” said Carter.

“We anticipate it will be at least two years before FE and FS candidates begin taking the exams at computer-testing centers.”

Flexibility and security key factors in decision. Among the reasons given by the NCEES Computer-Based Testing Task Force for its recommendation to convert the exams to a computer-based format include greater scheduling flexibility for candidates, more uniformity in testing conditions, and enhanced security for exam content. The vote to move toward computer-based testing for the FE and FS exams was unanimous.

The FE exam is designed for college engineering seniors who intend to pursue a P.E. license. Nearly 50,000 examinees took the FE exam during the 2009-10 academic year, which included October and April administrations. The FS exam is a similar exam designed for those beginning the process toward professional surveying licensure.

The PE and PS exams, which engineering and surveying candidates are also required to take after completing work experience requirements, will continue to be paper-and-pencil exams for the foreseeable future.

Full details on this vote and other actions taken at the NCEES Annual Meeting can be found in the published minutes, which will be available this fall.

Engineering:

Question:

I run a small consulting practice that involves inspections of construction that may or may not have been based upon a design I developed. During busy times it is difficult to cover all my client needs for timely inspections and reports because I have only three support staff in my firm. Recently I discovered where a consultant was obtaining site inspection information based upon photographs taken and transmitted to the licensee. The licensee apparently did not visit the site himself.

Is the use of photography in that way in agreement with Board rule?

Answer:

The basic principle of your question stems from whether such photographic documentation is sufficient to meet the Board's rules governing direct supervision, competent practice and standards of care for engineering. Each of these areas can be satisfactorily performed through the use of photography but the licensee must be directing who and what is being done.

It is also at the discretion of the licensee and the specifications of the project on whether photography alone is sufficient for all applications or projects. Licensees should exercise caution and a well reasoned plan in choosing to use photography to ensure any subsequent certification meets the standards of professional responsibility the project requires.

Question:

I work in a consulting activity that incorporates many types of contracts between me and general contractors. Sometimes the contract terms touch on

issues that appear too specifically direct that I act differently than the Board rules or law indicates. In those circumstances I negotiate appropriate changes or refuse to sign the contract.

Sometimes I am told by a contractor that the language I was objecting to was never a problem with other engineers and they challenge my decision.

Am I being too limiting in my level of responsibility?

Answer:

Depending upon the project and your level of involvement, performance conditions in a civil contract can be very complicated. However, your actions appear to be correct from the information you provided. An engineer or engineering firm must be mindful that their performance as a licensed professional engineer is regulated through the laws and rules of the Board. At times a client or contractor does not understand those rules or may believe the engineer has discretion on which rules they will apply to the work being performed. All professional licensees must understand that regardless of what a civil contract may say or what disclaimers the licensee may wish to incorporate to limit their civil liability, if a conflict exists between the contract and the wording of state law or administrative rules, the law and rules take precedent.

Land Surveying:

Question:

I have been a practicing land surveyor for many years. In a recent conversation with a fellow land surveyor he relayed to me that he had no special responsibility to confirm that the information on record documents he obtains from county or city offices needs to be verified before he uses it. When questioned further he was acting under the belief that if an error is contained in the material the person who created the error is responsible. He would not be even if he used it and produced something incorrect.

I have been doing surveying for long enough to know that can't be correct but admittedly I have not seen exact rule language that contradicts what he said. What is the Board's stand on this?

Examinations

April 2010 Examination Results

	Total	Pass	% Pass
Fundamentals of Engineering (EIT)	649	459	71%
Principles & Practice of Engineering			
Architectural	2	1	50%
Chemical	7	4	57%
Civil	248	149	60%
Electrical	63	34	54%
Environmental	12	9	75%
Mechanical	92	67	73%
NA/ME	7	7	100%
Structural II	17	9	53%
Fundamentals of Land Surveying (LSIT)	75	48	64%
Principles & Practice of Land Surveying			
NCEES – 6 Hour	25	21	84%
WA Specific L S (2-hour)	49	31	63%
Forest Engineering	1	0	0%
On-Site Designer	4	3	75%
On-Site Inspector	7	4	57%

Answer:

Your friend is incorrect. Anyone familiar with the practice of land surveying knows of the heavy reliance on record documents and information that is an integral part of professional practice. Most surveyors can also say they have found errors in record information that, if ignored, would bring about serious problems for client and practitioner.

Prudent practice dictates that research is more than just obtaining copies of documents. A licensee must also make a judgment/analysis on how reliable that information is. How much analysis is needed can vary based upon a lot of factors some of which are: the reputation of the one who did the work, the consistency of the information with other reliable sources, the age of the information and where the information was obtained. A licensee is expected to apply reasonable diligence to confirm to his or her satisfaction that the information is reputable and reliable. For your friend to suggest that he has no responsibility to check the record information would be serious error on his part.

On-site Designer Licensing:

Question:

Some local building/development officials are asking that a homeowner specify where on their lot that the storm water collection facilities will be located. Many times that requirement ends up being added to the OS system design plans that have the stamp of the OS Designer (OSD). Isn't that wrong?

Answer:

The Board and the past members of the OS Advisory Committee have stated in the past that licensed OS Designers should not make any representations or delineations for storm water location under their state license. Their scope of practice, defined in RCW 18.210.010, makes no allowance for the OSD to locate, even approximately, the size and location of proposed storm water facilities. If a professionally licensed consultant is needed by local officials to make that determination then it must be by a professional engineer.

Investigations & Enforcement

Statistics of Actions Taken By The Board

JANUARY 1, 2010 THROUGH JUNE 30, 2010

Active investigations as of January 1, 2010	29
Investigations Opened	75
Investigations Closed	71
Active Investigations as of June 30, 2010	33

SUMMARY BY MONTH:

	Complaints Received	Inquiries Received	Investigations Opened*
January	21	0	21
February	7	0	7
March	13	1	13
April	9	2	9
May	9	2	9
June	16	0	16
Totals	75	5	75

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

SUMMARY BY PROFESSION AS OF JUNE 30, 2010

	Active Investigations	Legal Status	Compliance Orders
Prof. Engineers	12	2	0
Prof. Land Surveyors	9	0	1
Unlic. Engineers	5	0	0
Unlic. Land Surveyors	0	0	1
On-site Designers	3	2	3
Totals	29	4	5

Legal status refers to the investigations that the Case Manager has referred to legal for violations and the Board Order is in progress of being issued.

Summaries Of Investigations And Actions By The Board

The following case summaries cover the disciplinary actions against licensees from January 1, 2010 - June 30, 2010. In each disposition the Board accepted the recommendations of the case manager, unless stated otherwise. For those cases involving a Board order, each licensee may be monitored for compliance with the conditions imposed in the order.

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

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

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

FORMAL ACTIONS:

Engineering

Peter Riggle, PE, Case No. 08-12-0007

The Board opened an investigation on Peter Riggle, PE based on allegations that he violated WAC 196-27A-030(1) by aiding and abetting the unsupervised practice of engineering regarding the design and construction of two 10-ft tall retaining walls.

The investigation revealed that Mr. Riggle did not provide oversight, inspection, or observation at the site of the retaining walls before placement of ecology blocks. He also failed to ask for or observe any inspection reports of the site pre-conditions or preparation and testing results. It was also revealed that Mr. Riggle did not take due diligence to investigate a felony by the unlicensed individual which was reported to him before he signed off on that person's report, nor did he confirm the unlicensed individual's company was not a registered Washington State business.

After reviewing the investigation file, the case manager authorized the issuance of a Statement of Charges on March 26, 2010, and a settlement option in the form of a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. On May 6, 2010, Mr. Riggle accepted and signed the Agreed Order. The terms of the Agreed Order included the retirement of Mr. Riggle's PE license on or before January 1, 2011 and payment of a fine in the amount of \$200 within 30 days of the effective date of the Order.

On June 10, 2010, the Board accepted the Agreed Order.

Land Surveying

David P. Walczyk, PLS, Case No. 08-06-0011

The Board's investigation of Mr. Walczyk was based on a complaint alleging that he recorded a survey that contained numerous errors and said errors were not corrected when he later filed an amended record of survey (AROS).

After reviewing the investigation file, the case manager concluded that the respondent did not follow through with proper research even when informed that his survey did not meet the required standard. The case manager authorized the issuance of a Statement of Charges on January 22, 2010, and a settlement option in the form of a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. On April 7, 2010 Mr. Walczyk accepted the settlement option and signed the Agreed Order. The terms of the Agreed Order included:

License is suspended for a period of not more than 24 months from the effective date of the Agreed Order.

Suspension stayed as long as he complies with the terms of the Order.

Within 30 days of effective date of the Order, Mr. Walczyk shall prepare an amending ROS that combines and incorporates corrections for all the violations noted for the surveys described in the Order and submit a "prerecorded" version to the Board for review.

The respondent is was also required to have the identified work submitted to Peer Review in accordance with the instructions of the Board, as stated in the Order.

Further, on or before 180 days after the effective date of the Order, respondent shall submit 3 additional surveys for review. The 3 surveys will be randomly selected by the Board's Case Manager from a list provided to the Board by the respondent of all surveys work performed in each 30 day period. The surveys will be subject to Peer Review described in the order.

Within 24 months of the effective date of the Order, the respondent shall complete an additional 15 hours of continuing professional development.

On April 29, 2010, the Board accepted the Agreed Order.

On-Site Septic System Designers

Rodney Left, On-Site Designer, Case No. 09-02-0001

The Board's investigation of Rodney Left was based on a complaint alleging that he was hired to complete a septic system design, and after numerous rejected submittals to the county, was unable to complete the design. The complainant alleged that Mr. Left did not have the skills needed to complete the design and was practicing outside his of expertise.

The investigation revealed that Mr. Left was unfamiliar with the product he proposed be used, that he did not understand what he was designing, and that he did not have the experience necessary for designing commercial projects. The design did not meet the owner's requirements or specifications, and the owner hired another designer to design the system. None of Mr. Left's design was useable.

Upon review of the investigation file, it was the Case Manager's opinion that the on-site septic design by Mr. Left was inadequate and incomplete. The Case Manager authorized the issuance of a Statement of Charges on March 25, 2010, and a settlement option in the form of a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. On April 6, 2010, Mr. Left accepted the settlement option and signed the Agreed Order. The terms of the Agreed Order were a one year stayed suspension; \$500 fine, and he must take four courses that are being offered by the Washington On Site Sewage Association (WOSSA) and provide written notification to the Board of completion of each course.

On April 29, 2010 the Board accepted the Agreed Order.

Unlicensed Land Surveying

Calvin George, PE, Case No. 08-09-0012

The Board's investigation of Mr. George was based on a complaint alleging that he placed his PE stamp and signature on a boundary line adjustment that showed corners being set and a statement that the requirements of WAC's 332-130-090 & 332-130-100 were met.

The respondent stated that he had been told it was legal and common for PE's to stamp such documents for filing with the County and it got recorded by mistake. Just short of a year later, an amended BLA signed and sealed by PLS from the same company was recorded. This recording took place within one month of the respondent being notified by the Board of the possible violation.

After reviewing the investigation file, the case manager authorized the issuance of a Statement of Charges on February 5, 2010, and a settlement option in the form of a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. On March 8, 2010, Mr. George accepted the settlement option and signed the Agreed Order. The terms of the Agreed Order included the reprimanding of the licensee and a fine in the amount of \$500 to be paid within 30 days of the effective date of the Order.

On April 29, 2010, the Board accepted the Agreed Order.

Unlicensed On-site Septic System Designing

Richard Schubach, and Ziegler Lumber Company (Ziggy's), Case No. 09-09-0014

The Board's investigation of Richard Schubach was based on a complaint by the Director of a County Health District alleging that he was practicing on-site septic system designing without being licensed.

During the course of the investigation, copies of documents submitted to the County Environmental Health Division were obtained. Included in the documents was a cover sheet that stated: "Waste Water System Engineered Specifically For (homeowners name)" with Ziggy's company logo and a business card for Richard Schubach.

The investigation also showed that Mr. Schubach, while employed by Ziggy's, prepared on-site septic systems and then had the home owners submit those designs to the Health District as if they had done the designs themselves.

After reviewing the investigation file, the case manager authorized the issuance of a Notice of Intent to Issue a Cease and Desist Order. On December 15, 2009, the Board issued a Temporary Order to Cease and Desist and Notice of Intent to Issue Permanent Cease and Desist Order against both Richard Schubach, and Ziegler Lumber Company (Ziggy's). Both parties were also offered a settlement option in the form of a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. On January 25, 2010, Mr. Schubach accepted the settlement option and signed the Agreed Order. Terms of the Agreed Order included that Mr. Schubach immediately cease and desist from the unlicensed practice of on-site septic system designing.

On February 11, 2010, a representative from Ziegler Lumber Company accepted the settlement option and signed the Agreed Order. Terms of the Agreed Order included that Ziegler Lumber Company (Ziggy's) immediately cease and desist from the unlicensed practice of on-site septic system designing, and a \$1000 fine.

On February 23, 2010, the Board accepted both Agreed Orders.

INFORMAL ACTIONS

Engineering

Case No. 08-01-0007

This investigation was opened after a complaint was received from a county plans examiner alleging that the design engineer was reluctant to provide additional calculations, and project information to county plan check officials.

The investigation showed there was a communication problem between the respondent and the complainant. Other staff in the plan check unit were not having this problem.

In answering to the complaint, the respondent informed staff he was cooperating with the plan check unit, and intends to provide any materials needed. He felt at the time his work as a PE was being questioned by a non-PE but understood it may have been the conveyance of the message, not the request itself. The respondent also stated the complainant is no longer employed by the county, and the problems have been resolved.

The case manager recommended no action, as it appeared the issue has been resolved.

Case No. 09-10-0007

The Board initiated this investigation based on information provided in another investigation. Allegations included potential violations of Chapter 196-23 WAC "Stamping and Seals" and Chapter 196-25-070 WAC "Providing Direct Supervision" It appeared the PE stamped FHA-HUD foundation certifications based on visual examination of pictures without providing personal inspection and observation when contracted by a licensed home inspector.

The respondent, a Washington licensed PE resides out-of-state. Review of his website indicated he advertises and provides manufactured home certification services including training to home inspectors for the purpose of conducting inspections of manufactured home foundations to meet HUD requirements. The respondent provides foundation engineering certifications based on visual observed features in photographs and inspection information that have been provided to him by licensed home

inspectors. The respondent provided references to other engineering companies that partner with home inspectors providing similar services.

The case manager concluded that the respondent utilizes licensed home inspectors to collect field data and document observations and then examines the information provided and makes a determination whether the foundation meets HUD guidelines and requirements.

Based upon the information provided, the case manager determined the respondent could use the collected information for the purpose of making engineering determinations as long as the information being collected is done so at the instructions of the PE.

Land Surveying

Case No. 09-07-0007

This investigation was opened as a result of a complaint alleging that a surveyor failed to show an encroaching shed on a 1990 Short Plat which was on property owned by the adjoining claimant. The respondent failed to show the shed on a Boundary Line Adjustment (BLA) in violation of city code and later the respondent again failed to show the shed on a development plan.

No evidence was submitted other than the complainant's statement to support the claim that the shed existed at the time of the survey. The line which had the alleged encroachment was not surveyed for this project, and the BLA clearly shows that. A rudimentary topographic survey to determine the general contours of the property was performed, and the relatively minor encroachment onto the subject property was not located in the field notes for the survey.

The case manager recommended this investigation be closed with no further action, as there was insufficient evidence to substantiate the allegations.

Case No. 09-09-0005

This investigation was opened as a result of a complaint alleging that a survey did not show the correct boundary information.

The respondent performed a survey which does not conform to accepted section subdivision practices. He used unrecorded information to develop an alternate section subdivision which, in his professional opinion, reflected the section and methods the original sub-divider of the properties used and that he was retracing the boundaries of that original survey. When contacted about the complaint, the respondent voluntarily prepared an amending Record of Survey drawing which shows the alternate boundary using the locally accepted subdivision of the section, and provided a copy to the case manager for review.

The case manager determined the overall work was well done and reflected the alternate boundary positions adequately, and the respondent accomplished that requirement with the second Record of Survey filing. The case manager recommended the case be closed with no further action.

Case No. 09-10-0003

This investigation was opened based on a complaint against a PLS alleging unprofessional conduct concerning a Boundary Line Adjustment (BLA). The complainant also felt the Respondent's fees were higher than necessary, and that the Respondent was not communicating with him or the County.

The Respondent performed a boundary survey in September, 2008 which discovered encroachments on the subject property. The adjoining owners agreed to initiate a BLA. The preliminary BLA was accomplished by setting monuments in concrete on directions from the two landowners, their attorneys and the County, with a building setback line of ten feet. Ultimately, the County required a twenty foot setback in order to approve the BLA. The existing monuments had to be removed and reset at the twenty foot setback dimension and a new preliminary submittal was required.

Since new calculations, a re-survey in the field, and plat preparation were required, the fees charged by the Respondent increased.

It appeared that there may have been poor communication by the Respondent during the process with the attorney and the County. However, it is not clear who may have been responsible for the ten foot

setback initial determination.

The Boundary Line Adjustment has been recorded, and an examination of the survey documents shows the information and data in a competent manner.

The case manager recommended this investigation be closed with no further action.

Case No. 09-10-0008

In October, 2009, the Board received a complaint against a Professional Land Surveyor that asked for the survey of a Short Plat to be declared incorrect, and that the Respondent's license be permanently revoked.

The respondent did a survey in July 2002 on parcel to contain 3.00 acres. In October 2008 the same respondent completed a short plat of the same piece of property showing Lot 1 as a 1.51 acre tract and Lot 2 as a 1.50 acre tract, (which equals 3.01 acres). This allowed the property to have two building sites.

After reviewing the investigation file, the case manager determined that an infraction had not occurred. The County Public Services Department accepted the information provided by the Respondent and approved the Short Plat.

The case manager recommended that the investigation be closed with no further action. It was the County Public Services Department that made the decision to accept the plat.

On-Site Designers

Case No. 09-08-0002

This investigation was opened as a result of a complaint alleging the respondent was hired to design a septic system but did not provide the as-built once the installation was completed.

The respondent claimed he was not notified of the installation until after it was covered up, and that he did submit a single as-built to the County after difficulty in receiving it from the owner, and that he was not aware of any other issues.

Based on the respondent's statements, and the vague nature of the County regulations, the case manager felt the respondent met the minimum requirements for his responsibility on the septic system design.

Corporations

Case No. 09-09-0009

This investigation was opened as a result of another investigation. It was discovered a professional engineer had an engineering corporation, but did not have a Certificate of Authorization (COA) with the board.

After corresponding with the engineer, an application for a Certificate of Authorization and supporting documentation was received from the respondent.

The company is now in compliance and has been issued a COA from the Board.

Unlicensed Practice of Engineering/Land Surveying

Case No. 08-04-0009

This investigation was opened after the Board was contacted by a person alleging a firm was offering/advertising land surveying/engineering services when they did not have a Certificate of Authorization (COA) from the Board. The firm's website was researched, and it appeared they were offering both engineering and land surveying services without a licensee on staff.

The firm was contacted and informed staff that they were offering engineering and land surveying services. Staff was also informed that the firm was in the process of hiring a full time licensed professional land surveyor and obtaining a COA from the Board. Also, during the course of the investigation the firm was sold. The new owner informed the Board that he hired a full time licensed professional engineer (PE) so his firm would be in compliance. Board staff met with the owner of the firm to discuss when the PLS and PEs were hired. As the investigation was opened against the original firm and that firm has been dissolved and is no longer in existence, it appeared that the new firm, was in compliance with the Board's laws and rules.

The case manager recommended that the case be closed with no further action.

Case Nos. 09-09-0016 & 09-12-0002

The Board received an anonymous email concerning an ad on Craig's List advertising Boundary Line Adjustments by an unlicensed person. In reviewing the Craig's List advertisement it was evident the

respondent was not licensed.

After it was brought to the respondent's attention by staff that his Craig's List advertisement for BLA drawings warranted a complaint, he immediately pulled the advertisement and removed the BLA language from his web site. The respondent stated he did not mean to defraud anyone into thinking that he was a licensed surveyor or engineer, but simply wanted to offer his drafting services to do Boundary Line Adjustments drawings.

No work had apparently been done representing unlicensed activity in surveying.

However, the respondent was offering engineering services, and was advised of the case manager's findings. He agreed to immediately cease and desist, and has removed all items concerning land surveying and engineering service from his website.

Both cases were closed with no further action.

Case No. 10-03-0011

This investigation was opened based upon a complaint alleging unlicensed engineering practice based on a Craig's List advertisement. The unlicensed practice charge was not of sufficient merit to open an investigation however, an investigation was opened against a PE that was allegedly stamping the work for this unlicensed individual.

It was noted that the PE provided structural engineering calculations for the unlicensed individual's designs and that all of the PEs work was on his own business letterhead. Further, it appeared that the PE only placed his seal on calculations that he had produced, notes on the calculation sheets cover page clearly state that the engineer's seal is for lateral loads only, and that any approvals by the PE are for structural only and there was no evidence that the PE has ever sealed work done by the unlicensed individual.

The case manager recommended that case be closed, as the allegations were unsubstantiated, and the PE appeared to be working within the scope of his expertise and had only sealed work that he had personally produced.

Message from the Chair

State specified SE3 exam will be offered for the last time in October 2011. One of the goals for moving forward with the national 16 hours structural exam is to achieve better licensure mobility for structural engineering across the US. I want to thank the subject matter experts (SME) from our State that have been volunteering their time in the exam development with NCEES to ensure that the new exam test the knowledge on seismic design in high seismic area such as our State. You can find more information on the new national SE exam by visiting the NCEES website: www.ncees.org or referring to the article elsewhere in this Journal.

Fee Suspension

Over most of the past year the Board, as with all state agencies, has been asked to reduce expenditures and find efficiencies wherever possible to reduce the costs to state government. We have made many adjustments and as a result we are now collecting more revenue in renewal fees than is needed to cover the expenses of the program. To adjust to this the Board asked the Director of DOL to implement a temporary fee suspension to slow the amount of revenue collected. Effective with individual renewals for professional engineers and land surveyors occurring between August 1, 2010 and July 31, 2012, the fee for renewal is now set at \$76 instead of the previous \$116. Correspondingly, the penalty for late renewal is reduced to \$38 from the previous \$58 level.

Board Activities

A new position statement and recommendation was issued at the NCEES annual conference on Tower Cranes. "NCEES recommends that member boards actively pursue statutes and rules regarding the engineering supervision over the design and erection procedures related to the foundations of tower cranes".

Currently, the State of Washington Department of Labor & Industry (L&I) has the following rules on the design of tower crane:

"RCW 49.17.420 Construction crane certification program — Rules — Certificate of operation."

minimum, the following:

(e) Before installation of a nonstandard tower crane base, the engineering design of the nonstandard base shall be reviewed and acknowledged as acceptable by an independent professional engineer;

"WAC 296-155-525 Cranes and Derricks"

(5) Tower cranes.

(c) A professional engineer shall certify that the crane foundations and underlying soil are adequate support for the tower crane with its maximum overturning movement.

The Board's structural committee has been assigned with the task in reviewing the above rules to see if there are any revisions needed. Especially if a licensed structural engineer should be required in providing engineering service for the design in order to protect the public's health, safety and welfare.

(2) The crane certification program must include, at a

Schedules

Examination Schedule

Spring 2011 Administration

Examination	Type	Examination Date	Application Deadline
Civil, Electrical, Mechanical, Chemical, Environmental, Architectural, and Naval Architect/Marine Engineering	NCEES	Friday April 8, 2011	Saturday January 15, 2011
16-hour Structural	NCEES	Friday & Saturday April 8 - 9, 2011	Saturday January 15, 2011
Land Surveying (6-hour)	NCEES	Friday April 8, 2011	Saturday January 15, 2011
Land Surveying (2-hour)	State	Friday April 8, 2011	Saturday January 15, 2011
Fundamentals of Engineering & Fundamentals of Land Surveying	NCEES	Saturday April 9, 2011	Saturday January 15, 2011
On-Site Wastewater Designer / Inspector Certification	State	Friday April 8, 2011	Saturday January 15, 2011

2011 Calendar of Events

The following is a proposed calendar of the Board's meetings, examinations, and participating events through August 2011. The dates and locations noted for Board committee and Board meetings are subject to change without notice. For the latest information on meeting locations and dates, consult the Board's website.

FEBRUARY

1-2 Committee & Board Meeting

MAY

TBD 25-28 Western Zone Meeting
Spokane, WA
(hosted by the WA Board)

MARCH

2-5 2011 LSAW Joint Conference
Spokane, WA

JUNE

15-16 Committee & Board Meeting
TBD

APRIL

6-7 Committee & Board Meeting

AUGUST

8-9 Exams
various locations 1-2 Committee & Board Meeting
TBD

24-27 NCEES Annual Meeting
RI



Board of Registration for Professional
Engineers and Land Surveyors
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