

# Chapter 308-15 WAC

## GEOLOGIST LICENSING SERVICES

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-15-090	What are the specialty licenses, qualifications and processes for licensure? [Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-090, filed 5/25/01, effective 6/25/01.] Repealed by WSR 05-01-174, filed 12/21/04, effective 1/21/05. Statutory Authority: RCW 18.220.040, 18.220.050.
308-15-100	What is a brief adjudicative proceeding (BAP)? [Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-100, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-100, filed 5/25/01, effective 6/25/01.] Repealed by WSR 07-13-038, filed 6/13/07, effective 7/14/07. Statutory Authority: RCW 18.220.040.
308-15-101	When can a brief adjudicative proceeding (BAP) be requested? [Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-101, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-101, filed 5/25/01, effective 6/25/01.] Repealed by WSR 07-13-038, filed 6/13/07, effective 7/14/07. Statutory Authority: RCW 18.220.040.
308-15-102	What records are required for a brief adjudicative proceeding (BAP)? [Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-102, filed 5/25/01, effective 6/25/01.] Repealed by WSR 05-01-174, filed 12/21/04, effective 1/21/05. Statutory Authority: RCW 18.220.040, 18.220.050.

**WAC 308-15-010 State board of licensing.** (1) **Meetings:** The Washington state geologist licensing board, hereafter called the board, will hold quarterly regular public meetings each year. Special public meetings may be held at such times and places as the board finds necessary. Public notice of all public meetings will be issued as required by the Open Public Meetings Act, chapter 42.30 RCW.

(2) **Rules of order:** The latest edition of *Robert's Rules of Order* will govern the conduct of business at meetings and sessions of the board.

(3) **Officers:** The board will elect a chair, a vice chair and a secretary at its regular quarterly meeting in March.

(4) **Quorum:** A quorum at any regular or special meeting or session will consist of four members of the board.

(5) **Licensed geologists:** The board will maintain a roster of licensed geologists.

[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-010, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-010, filed 5/25/01, effective 6/25/01.]

**WAC 308-15-020 Definitions.** (1) **"Board"** means the Washington state geologist licensing board.

(2) **"Department"** means the Washington state department of licensing.

(3) **"Geologic interpretation," as applied to the practice of geology and its specialties,** is the iterative process by which geologists, using generally accepted geologic principles, determine geologic history, origin and process from observation and testing of rock, soil and water characteristics, contents, distribution, orientation, lateral and vertical continuity; and resulting landforms.

(4) **"Geological work of a character satisfactory to the board"** means that the applicant's qualifying work history consists of professional experience in the practice of geology. Professional geological work is work performed at a professional level that requires the application of professional knowledge, principles and methods to geological problems through the exercise of individual initiative and judgment in investigating, measuring, interpreting and reporting on the physical phenomena of the earth. Implicit in this definition are the recognition of professional responsibility and integrity and the acknowledgment of minimal supervision. Professional geological work specifically does not include routine activities by themselves such as drafting, sampling, sample preparation, routine laboratory work, or core logging, where the elements of initiative, scientific judgment and decision making are lacking, nor does it include activities which do not use scientific methods to process and interpret geologic data. It also does not include engineering or other physical sciences where geological investigation, analysis and interpretation are minimal or lacking. Professional specialty experience is considered to meet this definition.

(5) **"Geologist web site"** means the internet web site maintained by the department of licensing.

(6) **"National Association of State Boards of Geology" or "ASBOG"** means the organization responsible for developing, publishing and grading National Geologist Licensing Examinations.

(7) **"Professional specialty practice of a character satisfactory to the board"** means that the applicant has qualify-

ing work history pertinent to the specialty that meets the standards for professional geologic work defined above. Elements, typical applications, types of projects, for the engineering geologist and hydrogeologist specialties are outlined in WAC 308-15-053.

(8) **"Reciprocity"** means the issuance of a license without examination as a geologist or specialty geologist to a person who holds a license or certificate of qualifications issued by proper authority of any state, territory, or possession of the United States, District of Columbia, or any foreign country, if the applicant meets the requirements outlined in WAC 308-15-040 for a geologist license, in WAC 308-15-055 for an engineering geologist license, and in WAC 308-15-057 for a hydrogeologist license.

(9) **"Year of professional practice"** means at least 1600 hours of work in the practice during a year. Examples of a "year of professional practice" include 200 eight-hour days or 160 ten-hour days during a year. Part-time work will be counted on a prorated basis.

(10) **"Year of professional specialty practice"** means at least 1600 hours of work in a specialty during a calendar year, per examples given in subsection (9) of this section.

(11) **"Geologist in training"** means an individual who has met all the educational requirements outlined in WAC 308-15-040(2), and has passed the ASBOG Fundamentals of Geology examination, but does not meet the experience requirements outline in WAC 308-15-040(3).

[Statutory Authority: RCW 18.220.040, WSR 07-13-038, § 308-15-020, filed 6/13/07, effective 7/14/07. Statutory Authority: RCW 18.220.040, 18.220.050, WSR 05-01-174, § 308-15-020, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW, WSR 01-12-023, § 308-15-020, filed 5/25/01, effective 6/25/01.]

### **WAC 308-15-030 How do I apply for a geologist license?** (1) Review the available options for licensure:

- (a) Examination in WAC 308-15-050; and
- (b) Reciprocity in WAC 308-15-060.

(2) Complete and submit your application according to the directions in the geologist application packet, which is available on the geologist web site and upon request from the board office.

(3) Verify you meet minimum educational requirements by having your official sealed transcripts sent directly to the board office from your college or university. Transcripts from schools outside the United States or Canada must be evaluated by a board-approved evaluation service. The evaluation service must send the original evaluation and a copy of the transcripts directly to the board office.

(4) Solicit personal references and verifications of experience in the format and on the forms specified in the application instructions. Verifications must be sent to the board directly from the originating source.

(5) If applying for a license by reciprocity, solicit verification of your current license or certification and your examination scores on the form provided in the application packet. Verification must be sent directly to the board from the issuing jurisdiction.

(6) If applying for a specialty license, submit a project list on the forms provided in the application packet to show you meet the minimum requirements of professional specialty practice of a character satisfactory to the board.

(7) If requested by the board, submit one or more reports you contributed to or solely prepared.

(8) If applying for a license by examination, your complete application, as described in subsection (9) of this section, must be received by the board at least ninety calendar days before the date of the examination.

(9) An application is not complete and will not be considered until all of the following are received by the board:

(a) Application, signed and dated, and without omissions;

(b) Application fee and, if applying for a specialty by examination, the examination fee specified in WAC 308-15-150;

(c) Transcripts sent directly from the colleges or universities;

(d) Personal references sent directly from the originators;

(e) Verification of experience sent directly from the verifiers;

(f) If applying by reciprocity, verification of exam scores and license or certification in another jurisdiction;

(g) If applying for a specialty license, project list; and

(h) Other documentation requested by the board.

[Statutory Authority: RCW 18.220.040, 18.220.050, WSR 06-04-022, § 308-15-030, filed 1/23/06, effective 2/23/06; WSR 05-01-174, § 308-15-030, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW, WSR 01-12-023, § 308-15-030, filed 5/25/01, effective 6/25/01.]

**WAC 308-15-040 What are the minimum requirements to be eligible for a geologist license?** You are eligible for a geologist license if you submit a complete application according to WAC 308-15-030, demonstrating:

(1) **Personal references.** You are of good moral character, as attested to by two references.

(2) **Education.** You have graduated from an accredited college or university with:

(a) A degree in geology, engineering geology, hydrogeology with at least twenty-four semester/thirty-six quarter hours of upper division geology courses; or

(b) A degree in a related geological science approved by the board, and have either:

(i) Successfully completed classes in structural geology, mineralogy, petrology and sedimentary geology/stratigraphy. Twenty-four semester/thirty-six quarter hours must be upper division geology courses; or

(ii) Successfully completed coursework that is determined by the board to be educationally equivalent in content and rigor to the classes listed above. You must submit documentation that demonstrates your coursework is equivalent to the requirements in (b)(i) of this subsection acceptable to the board. Examples of documentation include course syllabi, copies of study materials, and the tables of contents of books used in the course.

(3) **Experience.** You have at least five years of professional geological experience satisfactory to the board after completing the educational requirements in subsection (2) of this section. Experience earned prior to meeting the minimum educational requirements will not be considered. At least three years of geological experience must be obtained under the supervision of state-licensed geologists or others who, in the opinion of the board, are qualified to have responsible

charge. The following may be considered qualifying experience:

(a) Geological research or teaching at the university or college level, which, in the judgment of the board, is comparable to experience obtained in the practice of geology; and

(b) Up to two years' credit for full-time graduate study in geology, engineering geology, hydrogeology or one of the related geological sciences approved by the board.

(4) **Examination.** You have passed the ASBOG examination according to WAC 308-15-050, or another examination acceptable to the board.

[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-040, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-040, filed 5/25/01, effective 6/25/01.]

**WAC 308-15-050 What is the examination process to be licensed as a geologist?** You must take and pass the ASBOG examination. The examination currently consists of two parts: Fundamentals of Geology and Practice of Geology. Each part of the examination is four hours long. Information on the examination is available on the ASBOG web site.

(1) **Applying for the examination:** You may either:

(a) Apply to take the Fundamentals of Geology exam after you meet the minimum educational requirements for licensure, and the Practice of Geology exam after you meet the experience requirements outlined in WAC 308-15-040.

(i) To apply to take the Fundamentals of Geology exam, you must provide the board with an application; a certified copy of your transcripts, sent directly from your college or university; and the application fee listed in WAC 308-15-150. You do not need to submit employment and experience verification forms or personal references.

(ii) After you meet the minimum experience requirements, you may apply for the Practice of Geology examination by submitting the remaining application documents and application fee; or

(b) Apply to take both parts of the ASBOG examination after you meet all other licensure requirements outlined in WAC 308-15-040 by submitting a completed license application packet and application fee.

(2) **Fees:** You must submit the application fee with your application prior to the application deadline. Fees are listed in WAC 308-15-150. Following approval of your application you must submit your examination fees directly to ASBOG prior to the deadline specified by ASBOG.

(3) **Special accommodations:** If you have a disability, the board will provide accommodations consistent with the Americans with Disabilities Act. You must request special accommodations at least ninety days before the examination date.

(4) **Notification of scoring:** The board will notify you by mail of your examination score within ninety days of taking the examination.

(5) **Failing the examination:** You may apply to retake the examination by submitting a written request and the administrative fee for reexamination specified in WAC 308-15-150. You must submit the examination fee directly to ASBOG by the deadline specified by ASBOG.

[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 06-04-022, § 308-15-050, filed 1/23/06, effective 2/23/06; WSR 05-01-174, § 308-15-050, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-050, filed 5/25/01, effective 6/25/01.]

### **WAC 308-15-053 What are the specialty licenses?**

The types of specialty licenses are engineering geologist and hydrogeologist.

#### **(1) Engineering geologist.**

##### **(a) Elements of the engineering geologist specialty.**

The practice of engineering geology involves the interpretation, evaluation, analysis, and application of geological information and data to civil works. Geotechnical soil and rock units are designated, characterized, and classified, using standard engineering soil and rock classification systems. Relationships are interpreted between landform development, current and past geologic processes, ground and surface water, and the strength characteristics of soil and rock. Processes evaluated include both surficial processes (for example, slope, fluvial, and coastal processes), and deep-seated processes (for example, volcanic activity and seismicity). Geotechnical zones or domains are designated based on soil and rock strength characteristics, common landforms, related geologic processes, or other pertinent factors. Proposed developmental modifications are evaluated and, where appropriate, analyzed to predict potential or likely changes in types and rates of surficial geologic processes. Proposed modifications may include such things as vegetation removal, using various types of earth materials in construction, applying loads to shallow or deep foundations, constructing cut or fill slopes and other grading, and modifying ground and surface water flow. The effects of surficial and deep-seated geologic processes are evaluated and analyzed to predict their potential effect on public health, public safety, land use, or proposed development.

**(b) Typical engineering geologic applications and types of projects.** Engineering geology is applied during all project phases, from conception through planning, design, construction, maintenance, and, in some cases, reclamation and closure. Planning-level engineering geologic work is commonly conducted in response to forest practice regulations, critical areas ordinances, and the State Environmental Policy Act. Typical planning-level engineering geologic applications include timber harvest planning, proposed location of residential and commercial developments and other buildings and facilities, and alternative route selection for roads, rail lines, trails, and utilities. Site-specific engineering geologic applications include cuts, fills, and tunnels for roads, trails, railroads, and utility lines; foundations for bridges and other drainage structures, retaining walls and shoring, dams, buildings, water towers, slope, channel and shoreline stabilization facilities, fish ladders and hatcheries, ski lifts and other structures; landings for logging and other work platforms; airport landing strips; rock bolt systems; blasting; and other major earthwork projects such as for aggregate sources and landfills.

#### **(2) Hydrogeologist.**

**(a) Elements of the hydrogeologist specialty.** In addition to tasks commonly performed by licensed geologists, the practice of hydrogeology involves the study of the movement of water and other fluids through geologic materials, the

mechanical, physical, chemical, and thermal interaction of fluids with geologic materials, and the transport of energy and chemical constituents by fluids in the subsurface.

(b) **Typical hydrogeologic applications and types of projects.** Typical applications include regional or basin groundwater resource, quantity and quality, characterization, development and protection of groundwater resources, subsurface characterization; design of vadose and saturated zone cleanups; design, testing, and construction supervision of test, production, recharge, injection, remediation, dewatering and resource protection wells; fluid flow and transport modeling; dewatering system design; and evaluation of potential impacts caused by past, current, or future activities on the quantity and quality of groundwater and soil gas, and the range of potential mitigations.

[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-053, filed 12/21/04, effective 1/21/05.]

**WAC 308-15-055 What are the minimum requirements to be eligible for an engineering geologist specialty license?** You are eligible for an engineering geologist license if you submit a complete application according to WAC 308-15-030, demonstrating:

(1) You hold a current Washington state geologist license; and

(2) You have demonstrated knowledge of the engineering geology of Washington state; and

(3) You have completed advanced study pertinent to engineering geology and acceptable to the board as follows:

(a) Eighteen semester/twenty-seven quarter hours of graded academic coursework; or

(b) Two hundred seventy hours of seminars or workshops; or

(c) Five hundred forty hours of on-the-job training under the supervision of state-licensed engineering geologists or others who, in the opinion of the board, are qualified to have responsible charge of engineering geologic projects; or

(d) A combination of (a), (b), and (c) of this subsection; and

(4) You have five years of professional engineering geology experience after completion of the advanced study requirements specified in subsection (3) of this section. At least three years of engineering geological experience must be obtained under the supervision of state-licensed engineering geologists or others who, in the opinion of the board, are qualified to have responsible charge of engineering geologic projects. The following may be considered qualifying engineering geologic experience:

(a) Engineering geological research or teaching at the university or college level, which, in the judgment of the board, is comparable to experience obtained in the practice of engineering geology; and

(b) Up to two years' credit for full-time graduate study in engineering geology or a curriculum containing equivalent academic content approved by the board; and

(5) You have passed the Washington state engineering geologist specialty examination or an examination acceptable to the board.

[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-055, filed 12/21/04, effective 1/21/05.]

**WAC 308-15-057 What are the minimum requirements to be eligible for a hydrogeologist specialty license?** You are eligible for a hydrogeologist license if you submit a complete application according to WAC 308-15-030, demonstrating:

(1) You hold a current Washington state geologist license; and

(2) You have demonstrated knowledge of the hydrogeology of Washington state; and

(3) You have completed advanced study pertinent to hydrogeology and acceptable to the board as follows:

(a) Eighteen semester/twenty-seven quarter hours of graded academic coursework; or

(b) Two hundred seventy hours of seminars or workshops; or

(c) Five hundred forty hours of on-the-job training under the supervision of state-licensed hydrogeologists or others who, in the opinion of the board, are qualified to have responsible charge of hydrogeologic projects; or

(d) A combination of (a), (b), and (c) of this subsection; and

(4) You have five years of professional hydrogeology experience after completion of the advanced study requirements specified in subsection (3) of this section. At least three years of hydrogeologic experience must be obtained under the supervision of state-licensed hydrogeologists or others who, in the opinion of the board, are qualified to have responsible charge of hydrogeologic projects. The following may be considered qualifying hydrogeologic experience:

(a) Hydrogeologic research or teaching at the university or college level, which, in the judgment of the board, is comparable to experience obtained in the practice of hydrogeology; and

(b) Up to two years' credit for full-time graduate study in hydrogeology or a curriculum containing equivalent academic content approved by the board; and

(5) You have passed the Washington state hydrogeology specialty examination or an examination acceptable to the board.

[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-057, filed 12/21/04, effective 1/21/05.]

**WAC 308-15-060 What are the minimum requirements for obtaining a geologist or specialty license by reciprocity?** You are eligible for a geologist or specialty license by reciprocity if you submit a complete application according to WAC 308-15-030, demonstrating:

(1) You meet the education and experience requirements in WAC 308-15-040 and, if applying for specialty geologist license, the experience requirements in WAC 308-15-055 or 308-15-057;

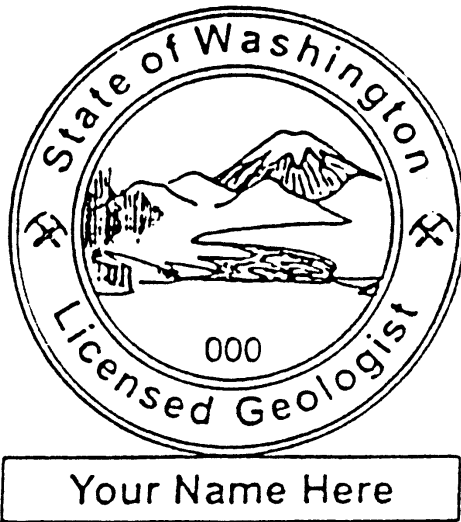
(2) You hold a current geologist, and if applicable, a specialty geologist license, registration, or certification in good standing, issued by a state or jurisdiction approved by the board; and

(3) You have passed the ASBOG examination or an examination acceptable to the board. If you are applying for a specialty geologist license, you must also verify that you have passed a specialty geologist examination adopted by or acceptable to the board.

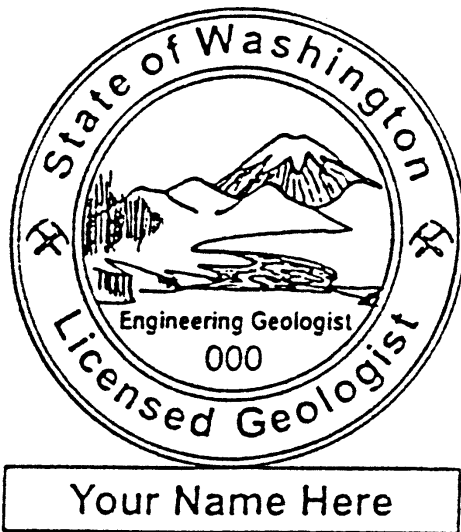
[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-060, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-060, filed 5/25/01, effective 6/25/01.]

**WAC 308-15-070 Do I need a seal?** Upon licensure, you must obtain a seal bearing your name, license number, and the legend "State of Washington Licensed Geologist." If you are licensed as an engineering geologist or hydrogeologist, the specialty must be noted on the seal. Seals may be rubber, embossed, or digitally produced. Facsimiles of the seal designs authorized by the director are shown below. Deviations to the authorized designs are not allowed.

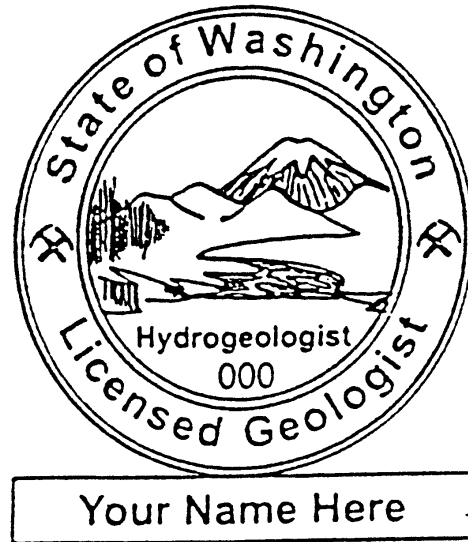
Geologist stamp here



Engineering geologist stamp here



Hydrogeologist stamp here



[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-070, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-070, filed 5/25/01, effective 6/25/01.]

**WAC 308-15-075 When do I need to use my stamp/seal?** (1) You must stamp/seal, sign, and date every final geology or specialty geology report, letter report, or document that is prepared by you or prepared under your supervision or direction and submitted to other parties.

(a) All figures, maps, and plates bound within final reports or documents do not need to be individually stamped/sealed, signed and dated. Unbound final figures, maps, and plates must be individually stamped/sealed, signed and dated.

(b) Draft geology or specialty geology work does not have to be stamped/sealed, but the documents and all associated figures, maps, and plates must be clearly marked as draft.

(2) You must stamp/seal, sign, and date every final geology or specialty geology design and specification that is prepared by you or prepared under your supervision or direction. Draft geology or specialty geology design and specification drawings do not have to be stamped/sealed, but each design and specification must be clearly marked as draft.

(3) If you stamp/seal, sign and date work performed by someone other than yourself, you are responsible to the same extent as if you prepared the report, design or specification.

[Statutory Authority: RCW 18.220.040. WSR 07-13-038, § 308-15-075, filed 6/13/07, effective 7/14/07. Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-075, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-075, filed 5/25/01, effective 6/25/01.]

**WAC 308-15-080 What do I need to know about renewing or reinstating my license?** (1) **Term of license:** Your license will be issued for a period of one year.

(2) **Initial license:** Your first license will expire on your next birthday unless your next birthday falls ninety days or less after the issuance date, in which case your first license

will expire on the second birthday following the issuance date.

(3) **Renewal date:** Your license renewal date is your birthday.

(4) **Timely renewal:** It is your responsibility to make a timely renewal whether or not you receive a renewal notice from the department. Your renewal is considered timely if you:

(a) Send the renewal fee to the department on or before your renewal date, as evidenced by the postmark;

(b) Deliver the renewal fee to the department before the close of business on your renewal date; or

(c) Renew your license over the internet on or before your renewal date.

(5) **Invalid license:** If you fail to renew your license according to subsection (4) of this section, your license is invalid. If your license is invalid, you are prohibited from offering and/or providing professional geologist services until the license is renewed or reinstated.

(6) **Late fee:** If you fail to pay your renewal fee within ninety days following your renewal date, you must pay the renewal fee plus a late fee equal to one year's renewal fee.

(7) **Reinstatement:** If you fail to renew your license for a period of five years or more, you may be reinstated upon payment of the current year's renewal fee and a late fee equal to one year's renewal fee. In addition to the payment of fees, you must submit the following:

(a) A signed statement that you are knowledgeable with the current laws and rules governing geologists in Washington state;

(b) A professional resume of your geologist activities during the delinquent period, including licensure in another jurisdiction, with sufficient detail to demonstrate to the board that you have maintained your skills; and

(c) A detailed explanation of the circumstances surrounding the reason you allowed your license to expire.

[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-080, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-080, filed 5/25/01, effective 6/25/01.]

**WAC 308-15-103 How are brief adjudicative proceedings (BAPs) conducted?** (1) A presiding officer, designated by the board, conducts brief adjudicative proceedings. The presiding officer will not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer will designate the date by which written documents must be submitted by the parties.

(3) The presiding officer may, at the presiding officer's discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer may employ board expertise as a basis for a decision.

(6) The presiding officer will not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer will enter an initial order.

[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-103, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-103, filed 5/25/01, effective 6/25/01.]

#### **WAC 308-15-105 Brief adjudicative proceedings. (1)**

The board will conduct brief adjudicative proceedings as provided for in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. Brief adjudicative proceedings may be used whenever a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of chapters 18.220 and 18.235 RCW, administrative rules in Title 308 WAC or any statutes or rules that specifically govern the defined practices of geologists. Brief adjudicative proceedings may also be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act.

(2) Brief adjudicative proceedings may be used to determine the following issues including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(d) Whether an applicant meets minimum requirements for an initial or renewal application;

(e) Whether an applicant has failed the professional licensing examination;

(f) Whether an applicant or licensee failed to cooperate in an investigation by the board;

(g) Whether an applicant or licensee was convicted of a crime that disqualifies the applicant or licensee from holding the specific license sought or held;

(h) Whether an applicant or licensee has violated the terms of a final order issued by the board or the board's designee;

(i) Whether a person has engaged in false, deceptive, or misleading advertising; or

(j) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

[Statutory Authority: RCW 46.01.110 and 2018 c 199. WSR 18-21-028, § 308-15-105, filed 10/5/18, effective 11/5/18. Statutory Authority: RCW 18.220.040. WSR 07-13-038, § 308-15-105, filed 6/13/07, effective 7/14/07.]

**WAC 308-15-107 Records required for the brief adjudicative proceeding.** The records for the brief adjudicative proceeding shall include:

(1) Renewal or reinstatement of a license:

(a) All correspondence between the applicant and the board about the renewal or reinstatement;

(b) Copies of renewal notice(s) sent by the department of licensing to the licensee;

(c) All documents received by the board from or on behalf of the licensee relating to information, payments or explanations that have been provided to the board.

(2) Applicants for certification/licensing:

(a) Original complete application with all attachments as submitted by applicant;

(b) Copies of all supplementary information related to application review by staff or board member;

(c) All documents relied upon in reaching the determination of ineligibility;

(d) All correspondence between the applicant and the board about the application or the appeal.

(3) Determination of compliance with previously issued board order:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

[Statutory Authority: RCW 46.01.110 and 2018 c 199, WSR 18-21-028, § 308-15-107, filed 10/5/18, effective 11/5/18. Statutory Authority: RCW 18.220.040, WSR 07-13-038, § 308-15-107, filed 6/13/07, effective 7/14/07.]

**WAC 308-15-140 What are the rules of professional conduct? (1) What are the general responsibilities of a geologist?**

(a) A geologist must undertake professional service or render expert opinion only when qualified by training or experience in the technical areas involved.

(b) When serving as an expert or technical witness before a court, commission, or other tribunal, a geologist must express only those opinions founded upon adequate professional knowledge of the matters at issue.

(c) A geologist must sign and stamp/seal only professional work, including, but not limited to, maps and reports for which the geologist has direct professional knowledge, and for which the geologist is in responsible charge.

(d) A geologist must not take credit for work conducted by others. When using the results of other geologists' work in the performance of the practice of geology, a geologist must give due credit to the other geologists by citation or acknowledgment.

(e) A geologist must not make false statements or misrepresentations, or permit the publication or use of the geologist's name or work in association with any fraudulent activities.

(f) A geologist must make full disclosure to all parties concerned of any conflict of interest in projects or properties on which the geologist performs work.

(g) If a geologist's professional judgment is overruled or not adhered to under circumstances where the geologist has

reasonable cause to believe there is an imminent threat to the public health, welfare, or property, the geologist must immediately notify the client/employer of the possible consequences. If the client/employer does not take action in a period of time consistent with the level of danger, the geologist must use best efforts to notify the apparent appropriate regulatory agency.

(h) A geologist must issue no statements, criticisms, or arguments on geological matters that are inspired or paid for by interested parties, unless the geologist indicates on whose behalf the statements are made.

(i) A geologist must continue the geologist's professional development throughout the geologist's career, and must provide opportunities for the professional development of those individuals under the geologist's supervision.

**(2) What are the specific responsibilities of a geologist to an employer or client?**

(a) A geologist must avoid conflicts of interest with a client/employer and must disclose the circumstances to the client/employer if a conflict is unavoidable.

(b) A geologist must not, during the time of the geologist's retention or employment by a client/employer, use information developed for, or the resources of, said client/employer for private gain or in any other manner that may conflict with the client/employer's interest without the knowledge and consent of the client/employer, except as specified in subsection (1)(h) of this section. In the case of former client/employers, a geologist must honor agreements with former client/employers with regard to proprietary information, except as specified by subsection (1)(h) of this section.

(c) A geologist must either engage or advise a client/employer to engage other experts or specialists if the client/employer's interests are best served by such service.

(d) A geologist must not accept compensation concurrently from more than one client/employer on a project, unless the circumstances of payment are fully disclosed and agreed to by all financially interested parties.

(e) A geologist must advise the geologist's employers or clients when, as a result of their studies, the geologist believes a project will not be viable.

(f) A geologist must negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of professional service required.

(g) A geologist must not request, propose or accept professional compensation on a contingent basis under circumstances in which the geologist's professional judgment may be compromised.

**(3) What are the specific responsibilities of a geologist to the board?**

(a) A geologist must respond to formal requests of the board within the time frame and in the manner specified by the board in its request.

(b) Geologists, when requested by the board, must present information and assistance to the board in pursuing violations of laws and rules relating to the practice of geology in the state of Washington.

(c) If a geologist has knowledge or reasonable cause to believe another person or geologist is in violation of the licensing law, chapter 18.220 RCW, or the related adminis-

trative rules, the geologist must present such information in writing to the board.

(4) **What are prohibited acts?** The prohibited acts are found in RCW 18.220.130, 18.220.170 and 18.235.130.

[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-140, filed 12/21/04, effective 1/21/05. Statutory Authority: RCW 18.220.040(1), 18.220.050(1). WSR 02-20-072, § 308-15-140, filed 9/30/02, effective 10/31/02.]

**WAC 308-15-150 Fees. (1) Suspension of fees.** Effective July 1, 2016, a portion of the listed fees shown in subsection (2) of this section are temporarily suspended and replaced with the following:

#### Renewal Fees

Annual renewal fee for geologist	\$40.00
Annual renewal for each specialty	\$50.00
Annual renewal for geologist, with late fee (if paid ninety days or more after due date)	\$80.00
Annual renewal fee for each specialty, with late fee (if paid ninety days or more after due date)	\$100.00

The fees set forth in this section shall revert back to the fee amounts shown in WAC 308-15-150 on July 1, 2017.

#### (2) Fees.

Type of Fee	Amount
<b>Application fees - includes initial license</b>	
Application fee for geologist (applying by examination)	\$100.00
Application fee for each specialty (applying by examination)	\$100.00
Application fee for geologist (applying by reciprocity)	\$200.00
Application fee for each specialty (applying by reciprocity)	\$150.00
<b>Examination fees</b>	
Fees for the fundamentals of geology and practice of geology examinations are submitted directly to ASBOG	
Administration fee for reexamination	\$65.00
Specialty examination (hydrogeologist or engineering geologist exam)	\$300.00
<b>Renewal fees</b>	
Annual renewal fee for geologist	\$100.00
Annual renewal fee for each specialty	\$85.00
Annual renewal for geologist, with late fee (if paid ninety days or more after due date)	\$200.00
Annual renewal for each specialty, with late fee (if paid ninety days or more after due date)	\$170.00

Type of Fee	Amount
<b>Miscellaneous fees</b>	
Duplicate license or wall certificate . . .	\$25.00
Certification of license records to other jurisdictions . . . . .	\$45.00
Proctor examination for another jurisdiction . . . . .	\$100.00

[Statutory Authority: RCW 18.220.040 and 43.24.086. WSR 16-12-091, § 308-15-150, filed 5/31/16, effective 7/1/16; WSR 14-11-013, § 308-15-150, filed 5/8/14, effective 7/1/14; WSR 11-08-054, § 308-15-150, filed 4/5/11, effective 7/1/11. Statutory Authority: RCW 18.220.040. WSR 08-12-039, § 308-15-150, filed 5/30/08, effective 7/1/08. Statutory Authority: RCW 18.220.040, 18.220.050. WSR 06-04-022, § 308-15-150, filed 1/23/06, effective 2/23/06; WSR 05-01-174, § 308-15-150, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-022, § 308-15-150, filed 5/25/01, effective 6/25/01.]

**WAC 308-15-160 Board member rules of conduct—Activities incompatible with public duties—Financial interests in transactions.** (1) When a member of the board either owns a beneficial interest in or is an officer, agent, employee, or member of an entity, or individual that is engaged in a transaction involving the board, the member shall:

(a) Recuse him or herself from the board discussion regarding the specific transaction;

(b) Recuse him or herself from the board vote on the specific transaction; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific transaction.

(2) The prohibition against discussion and voting set forth in subsection (1)(a) and (c) of this section shall not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3)(a) "Transaction involving the board" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the member in question believes, or has reason to believe:

(i) Is, or will be, the subject of board action; or

(ii) Is one to which the board is or will be a party; or

(iii) Is one in which the board has a direct and substantial proprietary interest.

(b) "Transaction involving the board" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a member; or a claim, case, lawsuit, or similar matter if the member did not participate in the underlying transaction involving the board that is the basis for the claim, case, or lawsuit. Rule making is not a "transaction involving the board."

(4) "Board action" means any action on the part of the board, including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to



act with respect to a decision, determination, finding, ruling, or order.

(5) The following are examples of possible scenarios related to board member rules of conduct. Activities incompatible with public duties; financial interests in transactions.

**(a) Example 1:**

The geologist licensing board disciplines licensed geologists in Washington. The board is conducting an investigation involving the services provided by a licensed geologist. One of the members of the board is currently serving as a subcontractor to that geologist on a large project. The board member must recuse himself from any board investigation, discussion, deliberation and vote with respect to disciplinary actions arising from licensed geologist services.

**(b) Example 2:**

The geologist licensing board makes licensing decisions on applications for licensure. An applicant for licensure owns a geotechnical consulting business which employs licensed geologists, including one of the board members. The board member employed by the business must recuse himself from any board investigation, discussion, deliberation and vote with respect to his employer's application for licensure.

**(c) Example 3:**

The geologist licensing board makes licensing decisions on applications from geologists registered in other states or territories of the United States, the District of Columbia, or other countries. The board can grant licensure if an individual's qualifications and experience are equivalent to the qualifications and experience required of a person licensed under Washington law. An out-of-state applicant is employed as a geologist by a multinational corporation that is planning to build its world headquarters in Washington and has hired a board member's firm as the geologist for the project. The board member must recuse himself from any board investigation, discussion, deliberation and vote with respect to the sufficiency of the out-of-state geologist's qualifications and experience.

(6) Recusal disclosure. If recusal occurs pursuant to subsection (1) of this section, the member of the board shall disclose to the public the reasons for his or her recusal from any board action whenever recusal occurs. The board staff shall record each recusal and the basis for the recusal.

[Statutory Authority: RCW 18.220.040. WSR 07-13-038, § 308-15-160, filed 6/13/07, effective 7/14/07.]