

**WSR 24-20-128**  
**PROPOSED RULES**  
**BOARD OF REGISTRATION**  
**FOR PROFESSIONAL ENGINEERS**  
**AND LAND SURVEYORS**

[Filed October 1, 2024, 3:10 p.m.]

Original Notice.

Expedited Rule Making—Proposed notice was filed as WSR 24-16-070.

Title of Rule and Other Identifying Information: Chapter 196-09 WAC, Board practices and procedures; and chapter 196-23 WAC, Stamping and seals; WAC 196-33-400 Seals and stamps, and 196-34-115 Qualifying activities.

Hearing Location(s): On November 20, 2024, at 12:30 p.m., at the Board of Registration for Professional Engineers and Land Surveyors (BRPELS) Office, 605 11th Avenue S.E., Suite 201, Olympia, WA 98501; or WebEx meeting. The public may also virtually participate in the hearing by accessing the hearing link on BRPELS's rule-making page <https://brpels.wa.gov/current-laws-and-rules/rulemaking-activity>.

Date of Intended Adoption: December 12, 2024.

Submit Written Comments to: Shanan Gillespie, P.O. Box 9025, Olympia, WA 98507-9025, email [shanan.gillespie@brpels.wa.gov](mailto:shanan.gillespie@brpels.wa.gov), beginning October 2, 2024, 12:01 a.m., by November 20, 2024, 11:59 p.m.

Assistance for Persons with Disabilities: Contact Mackenzie Wherrett, phone 360-664-1568, TTY 711, email [Mackenzie.wherrett@brpels.wa.gov](mailto:Mackenzie.wherrett@brpels.wa.gov), by November 13, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: A petition was received requesting BRPELS amend pronoun usage throughout Title 196 WAC. The pronouns (he/she, him/her, himself/herself) were amended to be inclusive, modern, and grammatically correct (they, them, themselves). This proposal was originally filed using the expedited rule-making process; however, BRPELS received several objections to the process.

Reasons Supporting Proposal: These changes are minor, without changing the effect of the rules, and they support BRPELS's interest in being compliant with state inclusion policies.

Statutory Authority for Adoption: RCW 18.43.035, 18.210.050, and 18.210.060.

Statute Being Implemented: Chapters 18.43 and 18.210 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Skye Theriot, private.

Name of Agency Personnel Responsible for Drafting: Shanan Gillespie, 605 11th Avenue S.E., #201, Olympia, WA 98507, 360-664-1570; Implementation and Enforcement: Ken Fuller, 605 11th Avenue S.E., #201, Olympia, WA 98507, 360-664-1575.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. BRPELS is not one of the agencies to which RCW 34.05.328 applies pursuant to RCW 34.05.328 (5) (a).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of exemptions: RCW 34.05.310 (4)(d) applies because amendments clarify language without changing its effect: Chapters 196-09 and 196-23 WAC; WAC 196-33-400 and 196-34-115 Qualifying activities.

Scope of exemption for rule proposal:  
Is fully exempt.

October 1, 2024  
Ken Fuller  
Director

## OTS-5697.1

AMENDATORY SECTION (Amending WSR 21-22-092, filed 11/2/21, effective 12/3/21)

### **WAC 196-09-130 Board member limitations—Contract selection.**

(1) When a member of the board of registration for professional engineers and land surveyors (board) is beneficially interested, directly or indirectly, in a contract, sale, lease, purchase or grant that may be made by, through, or is under the supervision of the board in whole or in part, or when the member accepts, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in such contract, sale, lease, purchase or grant, the member must:

- (a) Exclude (~~((him or herself))~~) themselves from the board discussion regarding the specific contract, sale, lease, purchase or grant;
- (b) Exclude (~~((him or herself))~~) themselves from the board vote on the specific contract, sale, lease, purchase or grant; and
- (c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific contract, sale, lease, purchase or grant.

(2) The prohibition against discussion set forth in sections (a) and (c) may not prohibit the member of the board from using (~~((his or her))~~) their general expertise to educate and provide general information on the subject area to the other members.

AMENDATORY SECTION (Amending WSR 21-22-092, filed 11/2/21, effective 12/3/21)

### **WAC 196-09-131 Board member limitations—Board actions. (1)**

When a member of the board of registration for professional engineers and land surveyors (Board) either owns a beneficial interest in or is an officer, agent, employee or member of an entity or individual, which is subject to a board action, the member must:

- (a) Recuse (~~((him or herself))~~) themselves from the board discussion regarding the specific action;
- (b) Recuse (~~((him or herself))~~) themselves from the board vote on the specific action; and
- (c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific action.

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

(3) "Board action" may include any of the following:

- (a) An investigation or adjudicative proceeding;
- (b) Application or submission;
- (c) Request for a ruling or other determination decision, finding, ruling, or order; or
- (d) Monetary grant, payment, or award.

AMENDATORY SECTION (Amending WSR 21-22-092, filed 11/2/21, effective 12/3/21)

**WAC 196-09-135 Reporting of board member recusal.** If exclusion or recusal occurs pursuant to WAC 196-09-130 or 196-09-131, the member of the board should disclose to the public the reasons for (~~his or her~~) their exclusion or recusal from any board action whenever it occurs. The board staff should record each instance of exclusion or recusal and the basis for it in the minutes of the board meetings.

AMENDATORY SECTION (Amending WSR 21-22-092, filed 11/2/21, effective 12/3/21)

**WAC 196-09-150 Public records.** All public records of the board are available for public inspection and copying pursuant to these rules and applicable state law (chapter 42.56 RCW), as follows:

(1) Inspection of records. Public records are available for inspection and copying during normal business hours of the office of the Washington state board of registration for professional engineers and land surveyors. Records may be inspected at the board's office when the requestor has been notified of the availability of the requested documents and an appointment is made with the public records officer.

(2) Records index. An index of public records, consisting of the retention schedules applicable to those records, is available to members of the public at the board's office.

(3) Organization of records. The board maintains its records in a reasonably organized manner. The board will take reasonable actions to protect records from damage and disorganization. A requestor shall not take original records from the board's office. A variety of records are also available on the board's website at <https://brpels.wa.gov/>. Requestors are encouraged to view the documents available on the website prior to submitting a public records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or obtain copies of public records should make the request using the board's public records request form available on the board's website or in writing by letter or email addressed to the public records officer. Written request must include the following information:

(i) Date of the request.

(ii) Name of the requestor.

(iii) Address of the requestor and other contact information, including telephone number and any email addresses.

(iv) Clear identification of the public records requested to permit the public records officer or designee to identify and locate the records.

(b) The public records officer may also accept requests for public records by telephone or in person. If the public records officer or designee accepts an oral or telephone request, (~~he or she~~) they will confirm receipt of the request and the details of the records requested, in writing, to the requestor.

(c) If the requests received in (a) or (b) of this subsection are not sufficiently clear to permit the public records officer to identify the specific records requested, the public records officer will request clarification from the requestor in writing.

(d) If the requestor wishes to have copies of the records made instead of simply inspecting them, (~~he or she~~) they should make that preference clear in the request. Copies will be made by the board's public records officer or designee.

(e) When fulfilling public records requests, the board will perform its public records responsibilities in the most expeditious manner consistent with the board's need to fulfill its other essential functions.

(f) By law, certain records and/or specific content of any specific record or document may not be subject to public disclosure. Accordingly, a reasonable time period may occur between the date of the request and the ability of the public records officer to identify, locate, retrieve, remove content not subject to disclosure, prepare a redaction log that includes the specific exemption, a brief explanation of how the exemption applies to the records or portion of the records being withheld, and produce the records for inspection and/or copying. The requestor will be kept informed of the expected delivery timetable.

(g) If the request includes a large number of records, the production of the records for the requestor may occur in installments. The requestor will be informed, in writing, of the board's anticipated installment delivery timetable.

(h) In certain instances, the board may notify affected third parties to whom the record relates. This notice allows the affected third party to seek an injunction within (~~fifteen~~) 15 days from the date of the written notice. The notice further provides that release of the records to the requestor will be honored unless timely injunctive relief is obtained by the affected third party on or before the end of the (~~fifteen~~) 15-day period.

(i) Requests for lists of credentialed individuals by educational organizations and professional associations: In order to obtain a list of individuals under the provisions of RCW 42.56.070(8), educational organizations and professional associations must provide sufficient information to satisfy the board that the requested list of individuals is primarily for educational and professionally related uses.

Board forms are available on the board's website or upon request.

**OTS-5698.1**

AMENDATORY SECTION (Amending WSR 08-10-009, filed 4/24/08, effective 7/1/08)

**WAC 196-23-010 Seals.** All individuals licensed in accordance with chapter 18.43 RCW must utilize a seal/stamp that conforms to the design as authorized by the board. It is the responsibility of the licensee to maintain control over the use of ((his/her)) their stamp/seal. The impression or image of the seal/stamp must conform to the below-illustrated design and be of a size that assures full legibility of the following required information:

- (1) State of Washington;
- (2) Registered professional engineer or registered professional land surveyor;
- (3) Certificate number;
- (4) Licensee's name as shown on wall certificate.



AMENDATORY SECTION (Amending WSR 06-22-035, filed 10/25/06, effective 11/25/06)

**WAC 196-23-040 Use of the title S.E.** Only professional engineers who have completed the state of Washington's requirements for licensure in structural engineering are permitted to use the title of S.E. when representing ((his or her)) their licensing credential, as in, *James Smith, P.E., S.E.* Use of the title S.E. by any individual who is not licensed in structural engineering as provided in chapter 18.43 RCW, is subject to disciplinary action by the board in accordance with chapter 18.43 RCW and/or chapter 18.235 RCW.

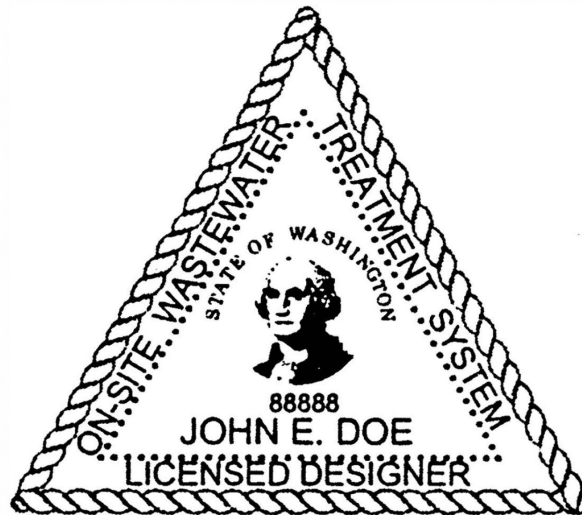
#### OTS-5699.1

AMENDATORY SECTION (Amending WSR 18-22-076, filed 11/2/18, effective 12/3/18)

**WAC 196-33-400 Seals and stamps.** All individuals licensed in accordance with chapter 18.210 RCW shall procure a seal/stamp that conforms to the design as authorized by the board. It is the responsibility of the licensee to maintain control over the use of ((his/her))

their stamp/seal. The impression or image of the seal/stamp shall conform to the below-illustrated design and be of a size that assures full legibility of the following required information:

- (1) State of Washington;
- (2) Licensed on-site wastewater treatment system designer;
- (3) License number;
- (4) Licensee's name as shown on license.



OTS-5700.1

AMENDATORY SECTION (Amending WSR 12-09-008, filed 4/5/12, effective 5/6/12)

**WAC 196-34-115 Qualifying activities.** The board believes that designers under provisions of chapter 18.210 RCW should have the discretion to make independent choices on what activities help them to be improved practitioners. The board will not provide advance approvals for selected activities or vendors. The board expects designers to seek out qualifying activities that can be demonstrated to the board as relevant to ((his or her)) their professional development as a designer.