

# Title 196 WAC

## PROFESSIONAL ENGINEERS AND LAND SURVEYORS, BOARD OF REGISTRATION FOR

### Chapters

- 196-04     **Organization and jurisdiction.**
- 196-08     **Practice and procedure.**
- 196-12     **Registered professional engineers.**
- 196-16     **Registered professional land surveyors.**
- 196-20     **Engineers-in-training.**
- 196-24     **General.**
- 196-26     **Registered professional engineers and land surveyors fees.**
- 196-27     **Rules of professional conduct.**

### DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

#### Chapter 196-28 NONRESIDENTS

- 196-28-010     Information required of nonresidents intending to practice thirty days or less in calendar year. [Rules, filed 4/19/66.] Repealed by 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.

#### Chapter 196-04 WAC ORGANIZATION AND JURISDICTION

### WAC

- 196-04-010     Marine surveyors.
- 196-04-020     Branch of marine surveyor discontinued.
- 196-04-030     Chief executive of the board of registration for professional engineers and land surveyors—Duties, qualifications.
- 196-04-040     Assistant registrar for board of registration for professional engineers and land surveyors—Duties, qualifications.

**WAC 196-04-010 Marine surveyors.** The board of engineers and land surveyors will not hold examinations for marine surveyors nor will the board, after January 1, 1966, issue license renewals for marine surveyors. All inconsistent rules or regulations are hereby amended or repealed.

[Order, (codified as WAC 196-04-010), filed 8/20/63.]

**WAC 196-04-020 Branch of marine surveyor discontinued.** The branch of marine surveyor shall be discontinued with the calendar year of 1965 and that no further examinations or licenses will be issued in the branch of marine surveyor following this date.

Renewals of presently licensed persons who now hold certificates in good standing will be accepted through the years of 1964 and 1965, but shall be null and void at the expiration of the year 1965.

[Order, (codified as WAC 196-04-020), filed 9/30/63.]

(1986 Ed.)

**WAC 196-04-030 Chief executive of the board of registration for professional engineers and land surveyors—Duties, qualifications.** (1) The chief executive of the staff of the board of registration for professional engineers and land surveyors, hereinafter referred to as "registrar," shall have the following duties:

(a) Setting policy for the daily clerical work of receiving and processing applications, complaints, investigations and general correspondence;

(b) Overseeing the examination and grading process, including personnel and site selection;

(c) Directing investigations of violations or alleged violations of all laws applicable to the practice of professional engineering and land surveying;

(d) Directing the preparation of the board's budget and the monitoring of expenditures;

(e) Scheduling, preparation and minute-keeping of board meetings;

(f) Maintaining liaison with other state board of engineering examiners in order to be conversant with the laws, policies and procedures of other states, so as to facilitate reciprocity provisions of chapter 18.43 RCW;

(g) Performing other duties, as may from time to time be required; and

(h) Performing duties requested by the board.

(2) The registrar of the state board of registration for professional engineers and land surveyors shall possess the following minimum qualifications:

(a) Said registrar shall hold a valid registration, issued pursuant to chapter 18.43 RCW, as a professional engineer in the state of Washington.

(b) Said registrar shall possess at least three years of supervisory experience satisfactory to the board.

[Statutory Authority: RCW 18.43.035. 85-04-030 (Order PL 512), § 196-04-030, filed 1/31/85.]

**WAC 196-04-040 Assistant registrar for board of registration for professional engineers and land surveyors—Duties, qualifications.** (1) The assistant registrar for the board of registration for professional engineers and land surveyors shall have the following duties:

(a) Receiving and investigating oral and written complaints of alleged violations of all laws pertaining to the practice of engineering and land surveying; making in person visits to engineering and land surveying offices to investigate alleged violations; preparation of disciplinary cases to be heard by the board;

(b) Assisting the registrar in the preparation, distribution and proctoring of all examinations held by the board;

(c) Maintaining an up-to-date log of all complaints registered by the board;

[Title 196 WAC—p 1]

(d) Acting as the supervisor of other board employees during the absence of the registrar; and

(e) Such other duties as may be directed by the registrar or by the board.

(2) The assistant registrar of the board of registration for professional engineers and land surveyors shall possess the following minimum qualifications.

(a) Said assistant registrar shall hold a valid registration, pursuant to chapter 18.43 RCW, as a professional engineer and/or land surveyor in the state of Washington.

(b) Said assistant registrar shall possess at least two years of supervisory experience satisfactory to the board.

[Statutory Authority: RCW 18.43.035, 85-04-030 (Order PL 512), § 196-04-040, filed 1/31/85.]

### Chapter 196-08 WAC

#### PRACTICE AND PROCEDURE

##### WAC

196-08-010	Appearance and practice before agency—Who may appear.
196-08-030	Appearance and practice before agency—Solicitation of business unethical.
196-08-040	Appearance and practice before agency—Standards of ethical conduct.
196-08-050	Appearance and practice before agency—Appearance by former employee of agency or former member of attorney general's staff.
196-08-060	Appearance and practice before agency—Former employee as expert witness.
196-08-070	Computation of time.
196-08-080	Notice and opportunity for hearing in contested cases.
196-08-085	Hearings on charges to be heard within three months.
196-08-090	Service of process—By whom served.
196-08-100	Service of process—Upon whom served.
196-08-110	Service of process—Service upon parties.
196-08-120	Service of process—Method of service.
196-08-130	Service of process—When service complete.
196-08-140	Service of process—Filing with agency.
196-08-150	Subpoenas—Form.
196-08-160	Subpoenas—Issuance to parties.
196-08-170	Subpoenas—Service.
196-08-180	Subpoenas—Fees.
196-08-190	Subpoenas—Proof of service.
196-08-200	Subpoenas—Quashing.
196-08-210	Subpoenas—Enforcement.
196-08-220	Subpoenas—Geographical scope.
196-08-230	Depositions and interrogatories in contested cases—Right to take.
196-08-240	Depositions and interrogatories in contested cases—Scope.
196-08-250	Depositions and interrogatories in contested cases—Officer before whom taken.
196-08-260	Depositions and interrogatories in contested cases—Authorization.
196-08-270	Depositions and interrogatories in contested cases—Protection of parties and deponents.
196-08-280	Depositions and interrogatories in contested cases—Oral examination and cross-examination.
196-08-290	Depositions and interrogatories in contested cases—Recordation.
196-08-300	Depositions and interrogatories in contested cases—Signing attestation and return.
196-08-310	Depositions and interrogatories in contested cases—Use and effect.
196-08-320	Depositions and interrogatories in contested cases—Fees of officers and deponents.

196-08-330	Depositions and interrogatories in contested cases—Submission of interrogatories.
196-08-340	Depositions and interrogatories in contested cases—Interrogation.
196-08-350	Depositions and interrogatories in contested cases—Attestation and return.
196-08-360	Depositions and interrogatories in contested cases—Provisions of deposition rule.
196-08-370	Official notice—Matters of law.
196-08-380	Official notice—Material facts.
196-08-390	Presumptions.
196-08-400	Stipulations and admissions of record.
196-08-410	Form and content of decisions in contested cases.
196-08-420	Definition of issues before hearing.
196-08-430	Prehearing conference rule—Authorized.
196-08-440	Prehearing conference rule—Record of conference action.
196-08-450	Submission of documentary evidence in advance.
196-08-460	Excerpts from documentary evidence.
196-08-470	Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses.
196-08-480	Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements.
196-08-490	Expert or opinion testimony and testimony based on economic and statistical data—Supporting data.
196-08-500	Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 196-08-470 or 196-08-480.
196-08-510	Continuances.
196-08-520	Rules of evidence—Admissibility criteria.
196-08-530	Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.
196-08-540	Petitions for rule making, amendment or repeal—Who may petition.
196-08-550	Petitions for rule making, amendment or repeal—Requisites.
196-08-560	Petitions for rule making, amendment or repeal—Agency must consider.
196-08-570	Petitions for rule making, amendment or repeal—Notice of disposition.
196-08-580	Declaratory rulings.
196-08-590	Forms.

**WAC 196-08-010 Appearance and practice before agency—Who may appear.** No person may appear in a representative capacity before the board other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

[Rule .08.010, filed 7/6/60.]

**WAC 196-08-030 Appearance and practice before agency—Solicitation of business unethical.** It shall be unethical for persons acting in a representative capacity before the board to solicit business by circulars, advertisements or by personal communication or interviews not warranted by personal relations, provided that such representatives may publish or circulate business cards. It is equally unethical to procure business indirectly by solicitors of any kind.

[Rule .08.030, filed 7/6/60.]

**WAC 196-08-040 Appearance and practice before agency--Standards of ethical conduct.** All persons appearing in proceedings before the board in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the board may decline to permit such person to appear in a representative capacity in any proceeding before the board.

[Rule .08.040, filed 7/6/60.]

**WAC 196-08-050 Appearance and practice before agency--Appearance by former employee of agency or former member of attorney general's staff.** No former employee of the board or member of the attorney general's staff may at any time after severing his employment with the board or the attorney general appear, except with the written permission of the board, and in compliance with RCW 44.22.040, in a representative capacity on behalf of other parties in a formal proceeding wherein he previously took an active part as a representative of the board.

[Rule .08.050, filed 7/6/60.]

**WAC 196-08-060 Appearance and practice before agency--Former employee as expert witness.** No former employee of the board shall at any time after severing his employment with the board appear, except with the written permission of the board, as an expert witness on behalf of other parties in a formal proceeding wherein he previously took an active part in the investigation as a representative of the board.

[Rule .08.060, filed 7/6/60.]

**WAC 196-08-070 Computation of time.** In computing any period of time prescribed or allowed by the board's rules, by order of the board or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

[Rule .08.070, filed 7/6/60.]

**WAC 196-08-080 Notice and opportunity for hearing in contested cases.** In any contested case, all parties shall be served with at least 30 days before the date set for the hearing. The notice shall state the time, place, and issues involved, as required by RCW 34.04.090(1).

[Rule .08.080, filed 7/6/60.]

**WAC 196-08-085 Hearings on charges to be heard within three months.** All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the

board within three months after the date on which they have been preferred. The date preferred shall be defined as the date of issuance of a formal statement of charges by the board or its designee(s).

[Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-08-085, filed 1/25/84; Rule .08.081, filed 7/6/60.]

**WAC 196-08-090 Service of process--By whom served.** The board shall cause to be served all orders, notices and other paper issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it.

[Rule .08.090, filed 7/6/60.]

**WAC 196-08-100 Service of process--Upon whom served.** All papers served by either the board or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.

[Rule .08.100, filed 7/6/60.]

**WAC 196-08-110 Service of process--Service upon parties.** The final order, and any other paper required to be served by the board upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record.

[Rule .08.110, filed 7/6/60.]

**WAC 196-08-120 Service of process--Method of service.** Service of papers shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail; or by telegraph.

[Rule .08.120, filed 7/6/60.]

**WAC 196-08-130 Service of process--When service complete.** Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid.

[Rule .08.130, filed 7/6/60.]

**WAC 196-08-140 Service of process--Filing with agency.** Papers required to be filed with the board shall be deemed filed upon actual receipt by the board at the place specified in its rules accompanied by proof of service upon parties required to be served.

[Rule .08.140, filed 7/6/60.]

**WAC 196-08-150 Subpoenas--Form.** Every subpoena shall state the name of the board and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and place.

[Rule .08.150, filed 7/6/60.]

**WAC 196-08-160 Subpoenas--Issuance to parties.** Upon application of any party or counsel for any party to a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The board may issue subpoenas to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought.

[Rule .08.160, filed 7/6/60.]

**WAC 196-08-170 Subpoenas--Service.** Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person and by tendering him on demand, if entitled by law to make such demand, the fees for one day's attendance and the mileage allowed by law.

[Rule .08.170, filed 7/6/60.]

**WAC 196-08-180 Subpoenas--Fees.** Witnesses summoned before the board shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the superior courts of the state of Washington.

[Rule .08.180, filed 7/6/60.]

**WAC 196-08-190 Subpoenas--Proof of service.** The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgement of service with the board or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the board and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

[Rule .08.190, filed 7/6/60.]

**WAC 196-08-200 Subpoenas--Quashing.** Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed (and upon notice to the party to whom the subpoena was issued) the board or its authorized member or officer may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions.

[Rule .08.200, filed 7/6/60.]

**WAC 196-08-210 Subpoenas--Enforcement.** Upon application and for good cause shown, the board will seek judicial enforcement of subpoenas issued to parties and which have not been quashed.

[Rule .08.210, filed 7/6/60.]

[Title 196 WAC--p 4]

**WAC 196-08-220 Subpoenas--Geographical scope.** Such attendance of witnesses and such production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

[Rule .08.220, filed 7/6/60.]

**WAC 196-08-230 Depositions and interrogatories in contested cases--Right to take.** Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of a complaint, application or petition. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this rule and the rule on subpoenas.

[Rule .08.230, filed 7/6/60.]

**WAC 196-08-240 Depositions and interrogatories in contested cases--Scope.** Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

[Rule .08.240, filed 7/6/60.]

**WAC 196-08-250 Depositions and interrogatories in contested cases--Officer before whom taken.** Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the board or agreed upon by the parties by stipulation in writing filed with the board. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceeding.

[Rule .08.250, filed 7/6/60.]

**WAC 196-08-260 Depositions and interrogatories in contested cases--Authorization.** A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the board and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in

any manner and when so taken may be used as other depositions.

[Rule .08.260, filed 7/6/60.]

**WAC 196-08-270 Depositions and interrogatories in contested cases--Protection of parties and deponents.** After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the board or any designated member may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the board, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the board or the board may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the board or its designated agent may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

[Rule .08.270, filed 7/6/60.]

**WAC 196-08-280 Depositions and interrogatories in contested cases--Oral examination and cross-examination.** Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim.

[Rule .08.280, filed 7/6/60.]

**WAC 196-08-290 Depositions and interrogatories in contested cases--Recordation.** The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under

his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

[Rule .08.290, filed 7/6/60.]

**WAC 196-08-300 Depositions and interrogatories in contested cases--Signing attestation and return.** (1) When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the board holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the board, or its agent, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

[Rule .08.300, filed 7/6/60.]

**WAC 196-08-310 Depositions and interrogatories in contested cases--Use and effect.** Subject to rulings by the board upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the board upon its own motion or the motion of any party. Except by agreement of the parties or ruling of the board, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party.

[Rule .08.310, filed 7/6/60.]

**WAC 196-08-320 Depositions and interrogatories in contested cases--Fees of officers and deponents.** Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken.

[Rule .08.320, filed 7/6/60.]

**WAC 196-08-330 Depositions and interrogatories in contested cases--Submission of interrogatories.** Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within 10 days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories.

[Rule .08.330, filed 7/6/60.]

**WAC 196-08-340 Depositions and interrogatories in contested cases--Interrogation.** Where the interrogatories are forwarded to an officer authorized to administer oaths, as provided in WAC 196-08-250, the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation.

[Rule .08.340, filed 7/6/60.]

**WAC 196-08-350 Depositions and interrogatories in contested cases--Attestation and return.** The officer before whom interrogatories are verified or answered shall (1) certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the board, one copy to the counsel who submitted the interrogatories and another copy to the deponent.

[Rule .08.350, filed 7/6/60.]

**WAC 196-08-360 Depositions and interrogatories in contested cases--Provisions of deposition rule.** In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule.

[Rule .08.360, filed 7/6/60.]

[Title 196 WAC--p 6]

**WAC 196-08-370 Official notice--Matters of law.** The board, upon request made before or during a hearing, will officially notice:

(1) **Federal law.** The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register;

(2) **State law.** The Constitution of the state of Washington, acts of legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations;

(4) **Agency organization.** The board's organization, administration, officers, personnel, official publications, and practitioners before its bar.

[Rule .08.370, filed 7/6/60.]

**WAC 196-08-380 Official notice--Material facts.** In the absence of controverting evidence, the board, upon request made before or during a hearing, may officially notice:

(1) **Agency proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the board;

(2) **Business customs.** General customs and practices followed in the transaction of business;

(3) **Notorious facts.** Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) **Technical knowledge.** Matters within the technical knowledge of the board as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) **Request or suggestion.** Any party may request, or the board may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) **Statement.** Where an initial or final decision of the board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the board may consult

any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) **Evaluation of evidence.** Nothing herein shall be construed to preclude the board or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

[Rule .08.380, filed 7/6/60.]

**WAC 196-08-390 Presumptions.** Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the board with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

(1) **Continuity.** That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) **Identity.** That persons and objects of the same name and description are identical;

(3) **Delivery.** That mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) **Ordinary course.** That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly co-exists with the fact presumed;

(5) **Acceptance of benefit.** That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his own self-interest so to do;

(6) **Interference with remedy.** That evidence, with respect to a material fact which in bad faith is destroyed, eloiigned, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact.

[Rule .08.390, filed 7/6/60.]

(1986 Ed.)

**WAC 196-08-400 Stipulations and admissions of record.** The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) **Upon whom binding.** Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) **Withdrawal.** Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the board that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

[Rule .08.400, filed 7/6/60.]

**WAC 196-08-410 Form and content of decisions in contested cases.** Every decision and order, whether proposed, initial, or final, shall:

(1) Be correctly captioned as to name of agency and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law;

(5) Whenever practical, include the reason or reasons for the particular order or remedy afforded;

(6) Wherever practical, be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same.

[Rule .08.410, filed 7/6/60.]

**WAC 196-08-420 Definition of issues before hearing.** In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that the board may proceed promptly to conduct the hearings on relevant and material matter only.

[Rule .08.420, filed 7/6/60.]

**WAC 196-08-430 Prehearing conference rule—Authorized.** In any proceeding the board or its designated member upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or

[Title 196 WAC—p 7]

their qualified representatives to appear at a specified time and place for a conference to consider:

- (1) The simplification of the issues;
- (2) The necessity of amendments to the pleadings;
- (3) The possibility of obtaining stipulations, admissions of facts and of documents;
- (4) The limitation of the number of expert witnesses;
- (5) Such other matters as may aid in the disposition of the proceeding.

[Rule .08.430, filed 7/6/60.]

**WAC 196-08-440 Prehearing conference rule—Record of conference action.** The board or its designated member shall make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

[Rule .08.440, filed 7/6/60.]

**WAC 196-08-450 Submission of documentary evidence in advance.** Where practicable the board or its designated member may require:

(1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the board and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;

(2) That documentary evidence not submitted in advance, as may be required by subdivision (1), be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;

(3) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

[Rule .08.450, filed 7/6/60.]

**WAC 196-08-460 Excerpts from documentary evidence.** When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

[Rule .08.460, filed 7/6/60.]

[Title 196 WAC—p 8]

**WAC 196-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses.** The board or its designated member in all classes of cases where practicable shall make an effort to have the interested parties agree upon the witness or witnesses who are to give expert or opinion testimony, either by selecting one or more to speak for all parties or by limiting the number for each party; and, if the interested parties cannot agree, require them to submit to him and to the other parties written statements containing the names, addresses and qualifications of their respective opinion or expert witnesses, by a date determined by him and fixed sufficiently in advance of the hearing to permit the other interested parties to investigate such qualifications.

[Rule .08.470, filed 7/6/60.]

**WAC 196-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements.** The board or other appropriate officer, in all classes of cases in which it is practicable and permissible, shall require, and when not so permissible, shall make every effort to bring about by voluntary submission, that all direct opinion or expert testimony and all direct testimony based on economic or statistical data be reduced to written sworn statements, and, together with the exhibits upon which based, be submitted to him and to the other parties to the proceeding by a date determined by the hearing officer and fixed a reasonable time in advance of the hearing; and that such sworn statements be acceptable as evidence upon formal offer at the hearing, subject to objection on any ground except that such sworn statements shall not be subject to challenge because the testimony is not presented orally, and provided that witnesses making such statements shall not be subject to cross-examination unless a request is made sufficiently in advance of the hearing to insure the presence of the witnesses.

[Rule .08.480, filed 7/6/60.]

**WAC 196-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data.** The board or its designated member, in his discretion but consistent with the rights of the parties, shall cause the parties to make available for inspection in advance of the hearing, and for purposes of cross-examination at the hearing, the data underlying statements and exhibits submitted in accordance with WAC 196-08-480, but, wherever practicable he shall restrict to a minimum the placing of such data in the record.

[Rule .08.490, filed 7/6/60.]

**WAC 196-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 196-08-470 or 196-08-480.** Whenever the manner of introduction of opinion or expert testimony or testimony based on economic or statistical data is governed by requirements fixed under the provisions of WAC 196-08-470 or 196-08-480, such testimony not submitted in accordance with the relevant



requirements shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to conform to such requirements.

[Rule .08.500, filed 7/6/60.]

**WAC 196-08-510 Continuances.** Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the board of said desire, stating in detail the reasons why such continuance is necessary. The board, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the board may grant such a continuance and may at any time order a continuance upon its own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the board may in its discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

[Rule .08.510, filed 7/6/60.]

**WAC 196-08-520 Rules of evidence--Admissibility criteria.** Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the officer conducting the hearing, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the board shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

[Rule .08.520, filed 7/6/60.]

**WAC 196-08-530 Rules of evidence--Tentative admission--Exclusion--Discontinuance--Objections.** When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The board may, in its discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

[Rule .08.530, filed 7/6/60.]

**WAC 196-08-540 Petitions for rule making, amendment or repeal--Who may petition.** Any interested person may petition the board requesting the promulgation, amendment, or repeal of any rule.

[Rule .08.540, filed 7/6/60.]

**WAC 196-08-550 Petitions for rule making, amendment or repeal--Requisites.** Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must

also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule.

[Rule .08.550, filed 7/6/60.]

**WAC 196-08-560 Petitions for rule making, amendment or repeal--Agency must consider.** All petitions shall be considered by the board and the board may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

[Rule .08.560, filed 7/6/60.]

**WAC 196-08-570 Petitions for rule making, amendment or repeal--Notice of disposition.** The board shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition.

[Rule .08.570, filed 7/6/60.]

**WAC 196-08-580 Declaratory rulings.** As prescribed by RCW 34.04.080, any interested person may petition the board for a declaratory ruling. The board shall consider the petition and within a reasonable time the board shall:

- (1) Issue a nonbinding declaratory ruling; or
- (2) Notify the person that no declaratory ruling is to be issued; or
- (3) Set a reasonable time and place for a hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.

If a hearing is held or written evidence is submitted as provided in subsection (3), the board shall within a reasonable time:

- (1) Issue a binding declaratory rule; or
- (2) Issue a nonbinding declaratory ruling; or
- (3) Notify the person that no declaratory ruling is to be issued.

[Rule .08.580, filed 7/6/60.]

**WAC 196-08-590 Forms.** Any interested person petitioning the board for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the Washington state board of registration for professional engineers and land surveyors." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be

brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

The original and two legible copies shall be filed with the agency. Petitions shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

Any interested person petitioning the board requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the Washington state board of registration for professional engineers and land surveyors." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by agency rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the agency. Petitions shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

[Rule .08.590, filed 7/6/60.]

### Chapter 196-12 WAC

#### REGISTERED PROFESSIONAL ENGINEERS

##### WAC

196-12-010	Applications.
196-12-020	Experience records.
196-12-030	Examinations.
196-12-050	Evaluation of candidates for engineering licenses.
196-12-060	Persons enrolled as E.I.T.s.
196-12-085	Corporation or joint stock associations.

[Title 196 WAC—p 10]

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

196-12-031	Examinations—Modification of examination times. [Filed 12/13/67.] Repealed by 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.
196-12-040	Reports. [Rule ID, filed 12/26/62.] Decodified as omitted from comprehensive refileing of rule dated 11/15/65 and 8/4/64.
196-12-070	Fees. [Order PL 224, § 196-12-070, filed 11/5/75; Order PL 181, § 196-12-070, filed 1/28/75; Order 11, § 196-12-070, filed 9/12/68; Rule IIF, filed 11/15/65; 8/4/64; Rule IG, filed 12/26/62.] Repealed by 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.
196-12-075	Renewal of licenses. [Order PL 224, § 196-12-075, filed 11/5/75; Order PL 181, § 196-12-075, filed 1/28/75; Order PL 176, § 196-12-075, filed 10/15/74.] Repealed by 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.
196-12-080	Branches of registration. [Order PL-129, § 196-12-080, filed 7/27/72; Order PL-115, § 196-12-080, filed 11/24/71; Order 11, § 196-12-080, filed 9/12/68; Rule IG, filed 11/15/65, 8/4/64; Rule IH, filed 12/26/62.] Repealed by 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.
196-12-090	Correspondence. [Order PL-115, § 196-12-090, filed 11/24/71; Order 11, § 196-12-090, filed 9/12/68.] Repealed by Order PL 181, filed 1/28/75.

**WAC 196-12-010 Applications.** The deadline for receipt of applications properly filled out and accompanied by the application fee is four months before the date of the examination. Verification of the applicant's claimed experience must be in the board office three months before the date of the examination. Applications received after the deadline will be held for consideration for a later examination. Lack of verification of experience will also cause the application to be held for a later examination. Those who have previously taken the examination and failed or those who qualified and did not appear for the examination are required to notify the board office in writing three months before the next examination which they intend to take. An entire application is not required where an applicant has taken the examination and failed or who has filed and failed to appear for the previous examination. However, a new application is required every five years, after board approval of the initial application, to reactivate an application or maintain examination eligibility.

[Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-12-010, filed 1/25/84; 82-01-064 (Order 81-10), § 196-12-010, filed 12/18/81; Order PL 224, § 196-12-010, filed 11/5/75; Order PL-129, § 196-12-010, filed 7/27/72; Order 11, § 196-12-010, filed 9/12/68; Rule IIA, filed 11/15/65; Rule IIA, filed 8/4/64; Rule IA, filed 12/26/62.]

**WAC 196-12-020 Experience records.** (1) Evaluation of records: The basic requirement for registration as a professional engineer is a specific record of eight years or more of approved experience in engineering work of a professional grade. The provisions of the law are that any experience by college study, as defined below, must be substantiated by an official transcript, the supplying of which is the responsibility of the applicant.

(1986 Ed.)

(a) Graduation in an approved engineering college curriculum of four years is equivalent to four years of the required experience.

(b) Satisfactory completion of each year of such an approved engineering curriculum is equivalent to one year of experience.

(c) Graduation in a curriculum other than engineering will be evaluated by the board.

(d) Postgraduate study in engineering may be given credit up to one year.

(e) Engineering teaching of a character satisfactory to the board may be recognized as engineering experience, up to a maximum of two years.

(2) Colleges recognized by the board: All student's credits from curricula approved by the accreditation board for engineering and technology are accepted. In the state of Washington student's credits from other curricula than those approved by the accreditation board for engineering and technology may be accepted at the discretion of the board.

(3) An applicant must have passed the first stage of the examination and be enrolled as an E.I.T. in accordance with WAC 196-12-050 before applying for the second stage or branch examination.

[Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-12-020, filed 1/25/84; 82-01-064 (Order 81-10), § 196-12-020, filed 12/18/81; Order PL-115, § 196-12-020, filed 11/24/71; Rule IIB, filed 11/15/65; Rule IIB, filed 5/26/65; Rule IIB, filed 8/4/64; Rule IB, filed 12/26/62.]

**WAC 196-12-030 Examinations.** (1) The examination is given in two parts. All examinations are given with open book unless otherwise specified by the board.

For the specific branch of engineering in which the applicant desires to qualify, and for the times and places of such examinations, see WAC 196-24-050.

(2) The following rules shall apply:

(a) Applicants must be enrolled as an engineer-in-training and are required to take the examination in the specific branch of engineering under which they desire to qualify.

(b) Applicants who are enrolled as EITs in other states by virtue of a written examination comparable to that given by the state of Washington may be exempt from taking the first stage of the examination.

(c) All qualified applicants are required to take the examination in the specific branch of engineering in which they desire to become registered.

[Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-12-030, filed 1/25/84; 82-01-064 (Order 81-10), § 196-12-030, filed 12/18/81; Order PL-129, § 196-12-030, filed 7/27/72; Order PL-115, § 196-12-030, filed 11/24/71; Order 11, § 196-12-030, filed 9/12/68; Rule IIC, filed 11/15/65, 8/4/64; Rule IC, filed 12/26/62.]

**WAC 196-12-050 Evaluation of candidates for engineering licenses.** (1) A candidate who is enrolled as an E.I.T. is required to write only the examination in the branch approved by the board.

(2) Candidates holding a baccalaureate degree in an accredited engineering curriculum who have had at least seventeen additional years of experience satisfactory to

the board (after the statutory eight years of experience) may request the fundamental examination waived and may be permitted to write the branch examination only.

(3) A professional land surveyor seeking registration as a professional engineer should refer to WAC 196-12-020.

[Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-12-050, filed 1/25/84; 82-01-064 (Order 81-10), § 196-12-050, filed 12/18/81; Order PL 181, § 196-12-050, filed 1/28/75; Order PL-121, § 196-12-050, filed 5/3/72; Order ELS 7001, § 196-12-050, filed 5/18/70; Order 11, § 196-12-050, filed 9/12/68; Rule IID, filed 11/15/65, 8/4/64; Rule IE, filed 12/26/62.]

**WAC 196-12-060 Persons enrolled as E.I.T.s.** Any time an individual enrolled as an E.I.T. has fulfilled the requirements of a total of eight years of approved professional experience, a new application must be submitted for registration completely filled out, notarized and accompanied by the required fee. Washington state E.I.T. enrollees are not required to submit a second transcript of college record except for additional post-graduate study claimed as professional experience. IT IS ABSOLUTELY ESSENTIAL FOR THE APPLICANT TO INDICATE CLEARLY IN HIS PROFESSIONAL APPLICATION THE FACT THAT HE IS ENROLLED AS AN E.I.T., AND THE YEAR AND STATE IN WHICH HE OBTAINED SUCH REGISTRATION.

[Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-12-060, filed 1/25/84; 82-01-064 (Order 81-10), § 196-12-060, filed 12/18/81; Order PL 224, § 196-12-060, filed 11/5/75; Order 11, § 196-12-060, filed 9/12/68; Rule IIE, filed 11/15/65, 8/4/64; Rule IF, filed 12/26/62.]

**WAC 196-12-085 Corporation or joint stock associations.** Corporations or joint stock associations shall file:

(1) A letter of application containing a brief statement of the corporation's origin, activities, and principals. Said letter should also state the type, or types, of engineering practiced, or to be practiced by such corporation. Type or types are limited to the branches currently being issued by the board. Application shall be signed and attested by a corporate officer.

(2) The application for certificate of authorization shall state the experience of the corporation, if any, in furnishing engineering services during the preceding five year period and state the experience of the corporation, if any, in the furnishing of all feasibility and advisory studies made within the state of Washington.

(3) A certified copy of a resolution of the board of directors of the corporation which shall designate a person holding a certificate of registration under this chapter as responsible for the practice of engineering by said corporation in this state and shall provide that full authority to make all final engineering decisions on behalf of said corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the person so designated in said resolution: *Provided*, That the filing of such resolution shall not relieve the corporation of any responsibility or liability imposed upon it by law or by contract. The designated engineer responsible for the practice of engineering by said corporation shall be a

full-time employee of the corporation. Full-time employee is defined as an individual whose main place of business and major income is derived from said corporation. No individual will be the designated engineer at more than one place of business or one company at any one time.

(4) A designation in writing setting forth the name or names of a person or persons holding certificates of registration under this chapter who shall be in responsible charge of each project and each major branch of the engineering activities in which the corporation shall specialize in this state. The engineers in charge of major branch or project shall be full-time employees of the corporation. Full-time employee is defined as an individual whose main place of business and major income is derived from said corporation. No individual will be an engineer in charge of branch or project at more than one place of business or company at any one time. In the event there shall be a change in the person or persons in responsible charge of any project or major branch of the engineering activities, such changes shall be designated in writing and filed with the board within thirty days after the effective date of such changes.

(5) A certified copy of the section of the bylaws of the corporation containing provisions that all engineering decisions pertaining to any project or engineering activities in this state shall be made by the designated engineer in responsible charge named in the resolution of the board of directors.

(6) A current certified financial statement accurately reflecting the financial condition of the corporation. Certification shall be by an officer of the corporation or a public accountant.

(7) The professional records of the designated person or persons under (3) above who shall be in responsible charge of all the engineering activities of the corporation.

(8) A copy of the articles of incorporation as filed with the secretary of state for the state of Washington and bearing his acceptance stamp.

(9) A copy of the corporation bylaws and any revisions to the bylaws, that may affect the ability of the designated engineer to make all engineering decisions as set forth in (5) above.

(10) In the case of change or increase in the engineers named as being in responsible charge (subsection (3) above), a certified copy of a resolution of the board of directors of the corporation which shall designate said person or persons shall be filed with the board within thirty days after the effective date of such changes. The professional history of newly named engineers will also be required.

(11) Application fee as determined by the director of the department of licensing.

[Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-12-085, filed 1/25/84; 82-01-064 (Order 81-10), § 196-12-085, filed 12/18/81; Order PL 181, § 196-12-085, filed 1/28/75; Order PL-115, § 196-12-085, filed 11/24/71.]

## Chapter 196-16 WAC

### REGISTERED PROFESSIONAL LAND SURVEYORS

#### WAC

196-16-005	Definitions.
196-16-007	Applications.
196-16-010	Experience records.
196-16-020	Examinations.
196-16-031	Reciprocity.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

196-16-030	Reports. [Rule IIC, filed 12/26/62.] Decodified as omitted from comprehensive refiling of rules dated 11/15/65 and 8/4/64.
196-16-040	Evaluation of candidates for land surveyor licenses. [Rule IID, filed 12/26/62.] Decodified as omitted from comprehensive refiling of rules dated 11/15/65 and 8/4/64. See WAC 196-16-010 and 196-16-020.
196-16-050	Fees. [Order PL 224, § 196-16-050, filed 11/5/75; Order PL 181, § 196-16-050, filed 1/28/75; Rule IIID, filed 11/15/65; Rule IIID, filed 8/4/64; Rule IIE, filed 12/26/62.] Repealed by 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.
196-16-055	Renewal of licenses. [Order PL 224, § 196-16-055, filed 11/5/75; Order PL 181, § 196-16-055, filed 1/28/75; Order PL 176, § 196-16-055, filed 10/15/74.] Repealed by 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.
196-16-060	Correspondence. [Order PL-115, § 196-16-060, filed 11/24/71.] Repealed by Order PL 181, filed 1/28/75.

**WAC 196-16-005 Definitions.** The Professional Engineers and Land Surveyors Act provides; land surveyor: The term "land surveyor" shall mean a person who, through technical knowledge and skill gained by education and/or by experience, is qualified to practice land surveying as hereinafter defined.

The term "practice of land surveying" shall mean assuming responsible charge of the surveying of land for the establishment of corners, lines, boundaries and monuments, the laying out and subdivision of land, the defining and locating of corners, lines, boundaries and monuments of land after they have been established, the survey of land areas for the purpose of determining the topography thereof, the making of topographical delineations and the preparing of maps and accurate records thereof, when the proper performance of such services requires technical knowledge and skill.

[Statutory Authority: RCW 18.43.035. 82-01-064 (Order 81-10), § 196-16-005, filed 12/18/81; Rule III (part), filed 11/15/65; Rule III (part), filed 8/4/64.]

**WAC 196-16-007 Applications.** The deadline for receipt of a properly completed application accompanied by the required application fee is four months prior to the date of the examination. Response from applicant's references must be in hand three months before the date of the examination. Applications received after the deadline will be held for consideration for a later examination. Late responses from references will also cause the application to be held for consideration for a later examination. Those who have previously taken the examination and failed or those who qualified and did not

appear for the examination are required to notify the board office in writing three months before the examination which they intend to take. A new application is not required where an applicant has taken the previous examination and failed or has filed and failed to appear for the previous examination. However, a new complete application is required every five years after approval by the board until registration in Washington state is obtained.

[Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-16-007, filed 1/25/84; 82-01-064 (Order 81-10), § 196-16-007, filed 12/18/81; Order PL 224, § 196-16-007, filed 11/5/75; Order PL-129, § 196-16-007, filed 7/27/72; Order PL-115, § 196-16-007, filed 11/24/71; Rule IIIA, filed 11/15/65; Rule IIIA, filed 8/4/64.]

**WAC 196-16-010 Experience records.** The first requirement of the law for registration as a professional land surveyor is a minimum of six years of approved professional experience in land surveying. One year of the required experience must be in responsible charge of boundary surveying in the field and one year must be in a supervisory capacity in the office, which includes but is not limited to preparation of legal descriptions and record documents, survey and description research, computations and client/public contact. The provisions of the law are that:

(1) Graduation in a recognized land surveying curriculum of four years or more from a college recognized by the board is equivalent to four years of the required experience.

(2) Satisfactory completion of each year of such recognized course is equivalent to one year of experience.

(3) Graduation in any curriculum not recognized in (1) or (2) above will be evaluated by the board. It is the responsibility of the applicant to see that the board is furnished an official transcript of his college record when education is claimed as experience.

(4) Teaching of a character satisfactory to the board may be recognized as surveying experience up to a maximum of one year.

(5) Construction staking shall not be applicable toward the required six years of experience.

(6) A registered professional engineer who applies to be examined to become registered as a land surveyor must meet the requirements stated within this section.

[Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-16-010, filed 1/25/84; 82-01-064 (Order 81-10), § 196-16-010, filed 12/18/81; Order PL-115, § 196-16-010, filed 11/24/71; Rule IIIB, filed 11/15/65; Rule IIIB, filed 8/4/64; Rule IIA, filed 12/26/62.]

**WAC 196-16-020 Examinations.** The examinations are given in two parts: (1) Fundamentals and (2) principles and practice, each of one day's duration. The fundamentals and principles and practice consist of two sessions, one in the morning and one in the afternoon. All examinations will be open book unless otherwise specified by the board.

A candidate may elect to sit for the examination in two consecutive days or may sit for one part of one examination and the other part at a subsequent examination.

A candidate failing either the fundamentals or principles and practice and passing the other has only to repeat the part failed.

[Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-16-020, filed 1/25/84; 82-01-064 (Order 81-10), § 196-16-020, filed 12/18/81; Order PL-121, § 196-16-020, filed 5/3/72; Order PL-115, § 196-16-020, filed 11/24/71; Rule IIC, filed 11/15/65; Rule IIC, filed 8/4/64; Rules IIB and IID (part), filed 12/26/62.]

**WAC 196-16-031 Reciprocity.** Applicants for registration as a land surveyor by reciprocity, who have been qualified by a written sixteen-hour examination, in a state that gives like consideration to Washington registrants, and are in good standing with the examining state, will be exempt from the Washington state sixteen-hour written examination. All candidates will be required to pass a written examination as prescribed by the board.

[Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-16-031, filed 1/25/84; 82-01-064 (Order 81-10), § 196-16-031, filed 12/18/81; Order PL-115, § 196-16-031, filed 11/24/71.]

## Chapter 196-20 WAC ENGINEERS-IN-TRAINING

### WAC

196-20-010	Applications.
196-20-020	Experience.
196-20-030	Examinations.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

196-20-040	Fees. [Order PL 224, § 196-20-040, filed 11/5/75; Order PL-115, § 196-20-040, filed 11/24/71; Rule ID, filed 8/4/64; Rule IID, filed 12/26/62.] Repealed by 82-01-064 (Order 81-10), filed 12/18/81. Statutory Authority: RCW 18.43.035.
196-20-050	Correspondence. [Order PL-115, § 196-20-050, filed 11/24/71.] Repealed by Order PL 181, filed 1/28/75.

**WAC 196-20-010 Applications.** The deadline for properly completed applications accompanied by the statutory fee is four months prior to the date of the examination. Applications received after the deadline will be held for consideration for a later examination.

Official transcripts of college record, if not attached to the application, shall be forwarded to the board office as soon as they are available.

[Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-20-010, filed 1/25/84; 82-01-064 (Order 81-10), § 196-20-010, filed 12/18/81; Order PL 224, § 196-20-010, filed 11/5/75; Order PL-129, § 196-20-010, filed 7/27/72; Rule IA, filed 8/4/64; Rule IIIA, filed 12/26/62.]

**WAC 196-20-020 Experience.** The law requires the completion of four years of experience prior to taking the engineer-in-training examination. This requirement may be fulfilled in either of two ways:

(1) Graduation in an approved engineering curriculum of four years or more from a school or college recognized by the board.

(2) Four years or more of experience in engineering work of a character acceptable to the board.

[Rule IB, filed 8/4/64; Rule IIIB, filed 12/26/62.]

**WAC 196-20-030 Examinations.** (1) The engineer-in-training examination is given twice each year at times and places as will from time to time be designated by the board. The schedule of future examinations may be obtained from the board office. The examination is of one day's duration and consists of two sessions, one in the morning and one in the afternoon. It covers mathematics, physical sciences, and other general engineering related subjects.

(2) Persons who may normally expect to graduate within three months after a scheduled E.I.T. examination may sit for that examination. In cases where college graduation is claimed an applicant who passes the examination will not be enrolled as an E.I.T. until an official college transcript showing completion of the four-year requirement is filed with the board office.

(3) Those who pass this examination will be enrolled as engineers-in-training and are excused from taking the engineering fundamentals examination. The E.I.T. passing grade will not be weighted in the professional examination but will be qualifying only.

(4) All examinations will be given with open book unless otherwise specified by the board.

[Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-20-030, filed 1/25/84; 82-01-064 (Order 81-10), § 196-20-030, filed 12/18/81; Order PL 181, § 196-20-030, filed 1/28/75; Order PL-129, § 196-20-030, filed 7/27/72; Order PL-115, § 196-20-030, filed 11/24/71; Rule IC, filed 8/4/64; Rule IIIC, filed 12/26/62.]

**Chapter 196-24 WAC  
GENERAL**

WAC	
196-24-030	Reciprocity.
196-24-040	Applications.
196-24-050	Examinations.
196-24-060	Renewal fees.
196-24-070	Correspondence.
196-24-080	Fees.
196-24-085	Information required of nonresidents intending to practice thirty days or less in a calendar year.
196-24-090	Branch offices.
196-24-095	Seals.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

196-24-010,	196-24-020 [Rules IVA, IVB, filed 12/26/62.] Superseded by rules filed 8/4/64. See WAC 196-24-030 et seq.
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**WAC 196-24-030 Reciprocity.** The Professional Engineers Registration Act provides that the board for professional engineers and land surveyors may, upon application, and payment of a fee, issue a certificate without further examination as a professional engineer to any person who holds a certificate of qualification of registration issued to him following examination by proper authority, of any state, territory or possession of the United States, the District of Columbia, or of any foreign country, provided:

(1) That the applicant's qualifications meet the requirements of the chapter and the rules established by the board;

(2) That the applicant is in good standing with the licensing agency in said state, territory, possession, district, or foreign country;

(3) That the said state, territory, possession, district, or foreign country gives like consideration on a reciprocal basis to those persons who have been registered by examination in this state; and

(4) That the license has been granted on the basis of an examination equivalent to that given by the state of Washington.

[Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-24-030, filed 1/25/84; 82-01-064 (Order 81-10), § 196-24-030, filed 12/18/81; Order PL 224, § 196-24-030, filed 11/5/75; Order PL 181, § 196-24-030, filed 1/28/75; Rule IVA, filed 8/4/64.]

**WAC 196-24-040 Applications.** (1) All candidates who desire registration in Washington are required to submit their application on a form to be furnished by this board.

(2) This application must be filled out in complete detail and where the applicant desires registration by reciprocity, it is essential that the state where license was issued by exam is given and that said state will verify this registration. It is the responsibility of the applicant to pay any fees required by said state.

(3) The application fee for engineers, land surveyors, engineers-in-training, engineering corporations and engineering partnerships are determined by the director of the department of licensing. A fee schedule can be obtained by contacting the board office.

(4) The applicant must supply the board with an official college transcript of any education listed on his application.

[Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-24-040, filed 1/25/84; 82-01-064 (Order 81-10), § 196-24-040, filed 12/18/81; Order PL 224, § 196-24-040, filed 11/5/75; Rule IVB, filed 8/4/64.]

**WAC 196-24-050 Examinations.** (1) The branches in which certificates of registration are presently issued are: Aeronautical, agricultural, ceramic, chemical, civil, electrical, fire protection, industrial, logging, mechanical, metallurgical, mining, naval architecture and marine engineering, and nuclear. The branches of sanitary and structural engineering are considered to be specialized branches. An applicant for any specialized branch is required to hold a current registration in the state of Washington, in one of the regular branches. Applicants shall have not less than two years of professional experience in the additional branch in which the applicant seeks registration, over and above the requirements for professional registration (statutory eight years).

The examination in structural engineering shall be of two days duration. Examination in sanitary engineering shall be of one day duration.

Certificates of registration will also be issued in land surveying.

All examinations are given at times and places as will be designated by the board. The schedule of future examinations may be obtained from the board office.

(2) Applicants for registration by reciprocity from states, territories, districts, or countries who have been issued certificates of registration without examination or in instances where such governmental body does not grant certificates of registration to regularly qualified registrants of the state of Washington will be required to sit for an examination to test the skill, knowledge, and other professional attributes of the applicant.

(a) The examination will be given in the branch chosen by the applicant from the list of regular branches given by this board.

(b) Such examinations are given after the board has approved the applicant's request.

(c) In cases where an applicant is issued a certificate of registration by his governmental body in a branch not included in the list of regular branches (subsection (1) of this section) the board will examine such an applicant in a regular branch of his choice, presumably the one closest to his specialty.

(3) One designation as professional engineer and/or land surveyor will be issued by reciprocity. Each added designation requires a new application. All added branches will be authorized by passing a regular examination, except applicants who may be granted registration without further examination provided they have successfully passed an examination equivalent to that given in the state of Washington, in a state, territory, possession, district, or country, which grants like reciprocity to the state of Washington registrants.

(4) All examinations are given with open book unless otherwise specified by the board.

[Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-24-050, filed 1/25/84; 82-01-064 (Order 81-10), § 196-24-050, filed 12/18/81; Order PL 181, § 196-24-050, filed 1/28/75; Order PL-115, § 196-24-050, filed 11/24/71; Order PL 113, § 196-24-050, filed 8/3/71; Rule IVC, filed 8/4/64.]

**WAC 196-24-060 Renewal fees.** (1) Renewals are issued on an annual basis.

(2) Under the staggered license renewal system the late payment penalty provision will be applied as follows: Before the expiration date of the individual's license the director of the department of licensing shall mail a notice for renewal of license to every person holding a current license. The licensee must return such notice along with current renewal fees prior to the expiration of said license. If the licensee fails to pay the prescribed renewal fees within ninety days after the expiration date of the license, then the renewal fee will be the current fee plus an amount equal to one year's renewal fee.

(3) The renewal fee for engineers, land surveyors, engineering corporations and engineering partnerships are determined by the director of the department of licensing.

[Statutory Authority: RCW 18.43.035. 82-01-064 (Order 81-10), § 196-24-060, filed 12/18/81; Order PL 224, § 196-24-060, filed 11/5/75; Order PL 181, § 196-24-060, filed 1/28/75; Rule IVD, filed 8/4/64.]

(1986 Ed.)

**WAC 196-24-070 Correspondence.** All correspondence will be addressed to:

Washington State Board of Registration  
for Professional Engineers and  
Land Surveyors  
P.O. Box 9649  
Olympia, Washington 98504  
Telephone 206-753-6966

[Statutory Authority: RCW 18.43.035. 82-01-064 (Order 81-10), § 196-24-070, filed 12/18/81; Order PL 181, § 196-24-070, filed 1/28/75; Order PL-115, § 196-24-070, filed 11/24/71; Rule IVE, filed 8/4/64.]

**WAC 196-24-080 Fees.** All checks or money orders shall be made payable to the state treasurer. Registration: The application must be accompanied with the required fee; with engineers submitting the certificate fee after passage of the exam. Should the board deny the application, the initial fee will be retained as an application fee. An applicant who fails the first scheduled exam may be reexamined once without payment of an additional fee, provided he notifies the board office in writing of his intention to appear for the examination a second time at least three months prior to said examination. Each subsequent examination will be granted upon payment of an examination fee received at least three months prior to said examination. Applicants who fail to appear for scheduled examinations will forfeit their re-examination privilege or examination fee.

[Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-24-080, filed 1/25/84; 82-01-064 (Order 81-10), § 196-24-080, filed 12/18/81.]

**WAC 196-24-085 Information required of nonresidents intending to practice thirty days or less in a calendar year.** Every nonresident engineer or land surveyor who intends to conduct professional practice under the exemption of subsection (2) of RCW 18.43.130, shall furnish the board, prior to the commencement of such work with the following information:

- (1) Name and place of his residence.
- (2) Jurisdiction where currently registered.
- (3) Imprint of professional seal.
- (4) Dates work is to be started and terminated in the state of Washington.
- (5) Name and address of client.
- (6) Type, location of job and regulating authority (if applicable).

[Statutory Authority: RCW 18.43.035. 82-01-064 (Order 81-10), § 196-24-085, filed 12/18/81.]

**WAC 196-24-090 Branch offices.** (1) A branch office of an engineering or land surveying firm shall be defined as an office established to solicit and/or provide engineering and/or land surveying services. A resident professional engineer/land surveyor shall be defined as a person holding a valid certificate of registration in this state and who maintains said branch office as his normal place of business. A professional engineer or professional land surveyor may be the resident licensee at only one place of business at any given time.

[Title 196 WAC—p 15]

(2) Each branch office of an engineering firm shall have a resident professional engineer in responsible charge. Each branch office of a surveying firm shall have a resident professional land surveyor in responsible charge.

(3) Branch office restrictions shall not apply to project offices. A project office shall be defined as an office established to provide:

(a) Supervision for construction of a project designed elsewhere.

(b) Supervision of or providing a convenient work place for a specific land surveying project.

(4) No new work shall be solicited by the firm's representative located at a project office.

[Statutory Authority: RCW 18.43.035, 82-01-064 (Order 81-10), § 196-24-090, filed 12/18/81.]

**WAC 196-24-095 Seals.** Engineers or land surveyors shall not affix their signature and seal to any engineering or land surveying plan or document dealing with subject matter outside their field of competence nor to any plan or document not prepared under their direct supervision.

"Under direct supervision" shall be construed to mean that the registrant providing such supervision shall have made the decisions on technical matters of policy and design. Furthermore, the registrant shall have exercised his professional judgment in all engineering and land surveying matters that are embodied in the plans, design, specifications or other documents involved in the work.

[Statutory Authority: RCW 18.43.035, 82-01-064 (Order 81-10), § 196-24-095, filed 12/18/81.]

**Chapter 196-26 WAC**

**REGISTERED PROFESSIONAL ENGINEERS AND LAND SURVEYORS FEES**

WAC  
196-26-010 Fees.

**WAC 196-26-010 Fees.** The following fees shall be charged by the professional licensing division of the department of motor vehicles:

<u>Title of Fee</u>	<u>Fee</u>
Engineer examination	\$ 20.00
Engineer certificate	10.00
Engineer-in-training application and examination	10.00
E.I.T. application as engineer	20.00
Land Surveyor application and examination	20.00
Application through reciprocity	20.00
Engineer and land surveyor renewal	20.00
Engineer corporation application	500.00
Engineer corporation renewal	100.00
Partnership application	100.00
Partnership renewal	50.00
Reissue or replacement certificate	3.00

[Order PL 224, § 196-26-010, filed 11/5/75.]

**Chapter 196-27 WAC**  
**RULES OF PROFESSIONAL CONDUCT**

WAC  
196-27-010 Purpose and definitions.  
196-27-020 Fundamental canons and guidelines for professional practice.

**WAC 196-27-010 Purpose and definitions.** (1) In order to safeguard life, health, property and to promote the public welfare, the following rules of professional conduct shall apply to every person holding a certificate of registration together with all corporations, partnerships, or other legal entities authorized to perform engineering or land surveying services under chapter 18.43 RCW.

(2) All persons, corporations, and partnerships registered under the provisions of chapter 18.43 RCW are charged with having knowledge of and being familiar with the provisions of the rules of professional conduct.

(3) Violation of these rules of professional conduct is considered misconduct or malpractice as defined by RCW 18.43.105(11). Registrants found guilty of said misconduct or malpractice are subject to disciplinary powers of the board as provided in RCW 18.43.110.

(4) The word "registrant" in these rules of professional conduct shall mean any person holding a certificate of registration issued by this board.

[Statutory Authority: RCW 18.43.035, 84-04-027 (Order PL 454), § 196-27-010, filed 1/25/84.]

**WAC 196-27-020 Fundamental canons and guidelines for professional practice.** (1) Registrants shall hold paramount the safety, health, and welfare of the public in the performance of their professional duties.

(a) Registrants shall recognize that the lives, safety, health, and welfare of the general public are dependent upon engineering/land surveying judgments, decisions, and practices incorporated into structures, machines, products, processes, and devices.

(b) Registrants shall approve or seal only those design documents, prepared by them or under their direct supervision, which are determined to be safe for public health and welfare in conformity with accepted standards.

(c) Registrants whose professional judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered shall inform their clients or employers of the possible consequences.

(d) Registrants who have knowledge or reason to believe that another person or firm may be in violation of any of the provisions of chapter 18.43 RCW or these rules of professional conduct shall present such information to the board in writing and shall cooperate with the board in furnishing such further information or assistance as may be required.

(2) Registrants shall perform services only in areas of their competence.



(a) Registrants shall undertake to perform assignments only when qualified by education or experience in the technical field of engineering or land surveying involved.

(b) Registrants may accept an assignment requiring education or experience outside their own fields of competence, provided their services are restricted to those phases of the project in which they are qualified. All other phases of such project shall be performed by qualified associates, consultants or employees.

(c) Registrants shall not affix their signatures or seals to any plan or document dealing with subject matter in which they lack competence by virtue of education or experience or to any such plan or document not prepared under their supervisory control.

(3) Registrants shall issue public statements only in an objective and truthful manner.

(a) Registrants should endeavor to extend the public knowledge of engineering or land surveying and shall not participate in the dissemination of untrue, unfair, or exaggerated statements regarding said professions.

(b) Registrants shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony.

(c) Registrants when serving as expert witness, shall express an engineering or land surveying opinion only when it is founded upon adequate knowledge of the facts, upon a background of technical competence, and upon honest conviction.

(d) Registrants shall issue no statements, criticisms, or arguments on engineering or land surveying matters which are inspired or paid for by interested parties, unless they indicate on whose behalf the statements are made.

(4) Registrants shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.

(a) Registrants shall avoid all known or potential conflicts of interest with their employers or clients and shall promptly inform their employers or clients of any business association, interest, or circumstances which could influence their judgment or the quality of their services.

(b) Registrants shall not accept compensation from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to and agreed to, by all interested parties.

(c) Registrants shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with their clients or employers in connection with work for which they are responsible.

(d) Registrants in public service as members, advisors, or employees of a governmental body or department shall not participate in considerations or actions with respect to services solicited or provided by them or their organization in private or public engineering/land surveying practice.

(e) Registrants shall advise their employers or clients when, as a result of their studies, they believe a project will not be successful.

(f) Registrants shall not use confidential information coming to them in the course of their assignments as a means of making personal profit if such action is adverse to the interests of their clients, employers or the public.

(g) Registrants shall not accept professional employment outside of their regular work or interest without the knowledge of their employers.

(5) Registrants shall build their professional reputation on the merit of their services and shall not compete unfairly with others.

(a) Registrants shall not give, solicit or receive either directly or indirectly, any commission, political contribution, or a gift or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies.

(b) Registrants should negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of professional service required.

(c) Registrants shall not request, propose or accept professional commissions on a contingent basis under circumstances in which their professional judgments may be compromised.

(d) Registrants shall not falsify or permit misrepresentation of their academic or professional qualifications or experience.

(e) Registrants may advertise professional services in a way that does not contain self-laudatory or misleading language.

(6) Registrants shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those individuals under their supervision.

[Statutory Authority: RCW 18.43.035. 84-04-027 (Order PL 454), § 196-27-020, filed 1/25/84.]