

WSR 23-22-036
PERMANENT RULES
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed October 23, 2023, 3:07 p.m., effective November 23, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 196-09-015 Complaint processing approach, was amended to clarify the complaint process staff and the board member use when reviewing complaint documentation. Language was added regarding complainant requests to reopen closed complaints and/or investigations.

Citation of Rules Affected by this Order: Amending WAC 196-09-015.

Statutory Authority for Adoption: RCW 18.43.035.

Adopted under notice filed as WSR 23-14-089 on June 30, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: October 19, 2023.

Ken Fuller
Director

OTS-4680.1

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

WAC 196-09-015 Complaint processing approach. The board processes complaints as follows:

(1) Anyone may submit a complaint against a licensed or unlicensed person alleging unprofessional conduct, unlicensed practice, or any other violations of chapter 18.43, 18.235, or 18.210 RCW. Complaints must be sworn to in writing and should include documentation of the alleged conduct.

(2) Upon receipt of the complaint, board staff will send an acknowledgment of the complaint to the complainant. If the subject of the complaint ("respondent") is a licensee, the board will notify the licensee respondent that a complaint was filed against them and include a copy of the complaint documents.

(3) Board staff will conduct an initial review of the complaint to determine whether the complaint raises a potential violation that

would fall within the jurisdiction ~~((and purview of a potential board action.~~

~~(a) If board staff determines there are no violations))~~ of the board's regulatory powers. If the complaint does not raise a potential violation of law within the board's jurisdiction, the complaint is administratively closed after recommendation to the board, and the parties are notified of the closure.

~~((b) If board staff determines))~~ (4) If there is a potential violation, a ((formal investigation)) case is opened, a case file is created, and an investigator and case manager are assigned. The respondent is notified, and a response to the allegations in the complaint is requested.

~~((4))~~ (5) The investigator will conduct a formal investigation which may include requests for documentation and interviews of the complainant, respondent, and other associated parties. All records gathered during the investigation will be placed in the case file.

(6) When the investigation is complete, the case manager will review and evaluate ((all documentation or comments received (the investigation file),)) the case file with the investigator, and may ask additional questions of any party, or call for further investigation. When the case manager completes their review ((of the documentation)), they will draft a written report, which will ((result in either)) include facts, possible violations and recommendation on the disposition of the case which may be case closure, case closure with remedial counseling, ((expedited resolution),) or issuance of ((statement of)) charges.

~~((5))~~ (7) The board may resolve a complaint or investigation at any time during this process.

(8) If a complainant requests reopening of a closed complaint or investigation, the board may only do so upon receipt of additional evidence or information in support of the original complaint that is relevant to the allegations. Submission of additional documentation does not guarantee the complaint or investigation will be reopened.