

WSR 26-01-079
PERMANENT RULES
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed December 15, 2025, 7:13 a.m., effective January 15, 2026]

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

Purpose: The categories of when a brief adjudicative proceeding (BAP) can be used were expanded to include disciplinary matters where alleged violations are simple and can be proven solely with documentary evidence, and the types of records required for a BAP were also updated. Amendments to both sections improve consistency in the disciplinary process while continuing to provide due process and allowing the process to move quickly and fairly for all parties.

Citation of Rules Affected by this Order: Amending WAC 196-09-050 and 196-09-055.

Statutory Authority for Adoption: RCW 18.43.035.

Adopted under notice filed as WSR 25-21-159 on October 22, 2025.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: December 11, 2025.

Ken Fuller
Director

RDS-6770.1

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

WAC 196-09-050 Brief adjudicative proceedings. (1) The board may conduct brief adjudicative proceedings as provided in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act.

(2) Brief adjudicative proceedings may (~~only~~) be (~~allowed~~) offered when a respondent challenges the following categories of board decisions:

(a) A denial of application for licensure, including renewal, reinstatement, or denial of eligibility to take examinations;

(b) A finding that a licensee has failed to meet continuing professional development requirements;

(c) A finding that a licensee has violated the terms of a final order or agreed order issued by the board or the board's designee;

(d) A finding that a person has engaged in false, deceptive, or misleading advertising, or engaged in unlicensed practice;

(e) A finding that a professional land surveyor has violated the provisions of the Survey Recording Act, chapter 58.09 RCW and the survey standards, chapter 332-130 WAC;

(f) A finding that a licensee has violated the provisions of chapter 196-23 WAC, Stamping and seals, chapter 196-27A WAC, Rules of professional conduct, or chapter 196-33 WAC, Rules of professional practice for licensees designing on-site wastewater treatment systems.

(3) A brief adjudicative proceeding may be offered only where the violations alleged are simple and can be proven solely with documentary evidence and where no oral testimony or opinion is needed for the presiding officer to make a fully informed decision on the matter.

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

WAC 196-09-055 Records required for brief adjudicative proceeding. The records for the brief adjudicative proceeding may include, but are not limited to:

(1) License related denials and violations of law:

(a) All correspondence, including emails, between the applicant or respondent, complainant, and the board staff regarding an initial determination (~~((including copies of))~~ such as complaints, requests for information, responses, applications, renewal notice(s), denials, or appeals;

(b) All documents (~~((received by the board from or on behalf of the applicant, licensee or respondent))~~ or data relating to (~~((information, payments, or explanations that have been provided to the board))~~ violations or license denials including records from educational institutions, company employment records, attestations by licensees, plans, maps, drawings, recorded documents, contracts, advertisements, letterhead, business cards, invoices, and records from financial institutions;

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

~~(d))~~ All documents relied upon by board staff and case manager or board member in reaching the initial determination;

~~((e))~~ (d) Any other ((information)) documentary evidence that may be of assistance to the presiding officer in deciding the case.

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

(a) The previously issued final order, default, or ~~((agreement))~~ agreed order;

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

(c) All correspondence between the license holder and the board regarding compliance with the final order, default, or ~~((agreement))~~ agreed order; and

(d) All documents relied upon by the board staff and case manager showing that the license holder has failed to comply with the previously issued final order, default, or ~~((agreement))~~ agreed order.