



WAC 196-27A-020

Fundamental canons and guidelines for professional conduct and practice.

Registrants are to safeguard life, health, and property and promote the welfare of the public. To that end, registrants have obligations to the public, their employers and clients, other registrants and the board.

(1) Registrant's obligation to the public.

(a) Registrants are obligated to be honest, fair and timely in their dealings with the public, their clients and other licensed professionals.

(b) Registrants must be able to demonstrate that their final documents and work products conform to accepted standards.

(c) Registrants must inform their clients or employers of the harm that may come to the life, health, property and welfare of the public at such time as their professional judgment is overruled or disregarded. If the harm rises to the level of an imminent threat, the registrant is also obligated to inform the appropriate regulatory agency.

(d) Registrants shall maintain their competency by continuing their professional development throughout their careers and shall provide opportunities for the professional development of those individuals under their supervision.

(e) Registrants shall be objective and truthful in professional documents, reports, public and private statements and testimony; all material facts, and sufficient information to support conclusions or opinions expressed, must be included in said documents, reports, statements and testimony. Registrants shall not knowingly falsify, misrepresent or conceal a material fact in offering or providing services to a client or employer.

(f) Registrants shall offer their services in a truthful, objective, professional manner that effects integrity and fosters public trust in the engineering and land surveying professions.

(g) Registrants should endeavor to extend the public knowledge of engineering and land surveying.

How?

(h) Registrants shall accurately represent their academic credentials, professional qualifications and experience.

(i) Registrants may advertise professional services only in ways that are representative of their qualifications, experience and capabilities.

(j) Registrants shall forbid the use of their name or firm name by any person or firm that is engaging in fraudulent or dishonest business or professional practices.

(2) Registrant's obligation to employer and clients.

(a) Registrants are expected to strive with the skill, diligence and judgment exercised by the prudent practitioner, to achieve the goals and objectives agreed upon with their client or employer. They are also expected to promptly inform the client or employer of progress and changes in conditions that may affect the appropriateness or achievability of some or all of the goals and objectives of the client or employer.

(b) Registrants and their clients should have a clear and documented understanding and acceptance of the work to be performed by the registrant for the client. The registrant should maintain good records throughout the duration of the project to document progress, problems, changes in expectations, design modifications, agreements reached, dates and subject of conversations, dates of transmittals and other pertinent records consistent with prudent professional practice.

(c) Registrants shall seal only documents prepared by them or under their direct supervision as required by RCW [18.43.070](#).

(d) Registrants shall be competent in the technology and knowledgeable of the codes and regulations applicable to the services they perform.

(e) Registrants must be qualified by education or experience in the technical field of engineering or land surveying applicable to services performed.

(f) Registrants may accept primary contractual responsibility requiring education or experience outside of their own fields of competence, provided, their services are restricted to those parts and aspects of the project in which they are qualified. Other qualified registrants shall perform and stamp the work for other parts and aspects of the project.

(g) Registrants shall act as faithful agents or trustees in professional matters for each employer or client.

(h) Registrants shall advise their employers or clients in a timely manner when, as a result of their studies and their professional judgment, they believe a project will not be successful.

(i) Registrants shall avoid conflicts of interest, or the appearance of a conflict of interest, with their employers or clients. Registrants must promptly inform their employers or clients of any business association, interest, or circumstances that could influence their judgment or the quality of their services or would give the appearance that an existing business association, interest, or circumstances could result in influencing their judgment or the quality of their services.

(j) Registrants shall accept compensation from only one party for services rendered on a specific project, unless the circumstances are fully disclosed and agreed to by the parties of interest.

(3) Registrant's obligation to other registrants.

(a) If registrants issue statements, critiques, evaluations or arguments on engineering or land surveying matters, they shall clearly indicate on whose behalf the statements are made.

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

(c) Registrants shall respond to inquiries from other registrants regarding their work in a timely, fair and honest manner as would be expected from a prudent practitioner.

(4) Registrant's obligation to the board.

(a) Registrants shall cooperate with the board by providing, in a timely manner, all records and information requested in writing by the board, or their designee.

(b) Registrants shall respond to, or appear before the board at the time, date and location so stated in a legally served board order.

(c) Registrants shall notify the board of suspected violations of chapter [18.43](#) or [18.235](#) RCW or of these rules by providing factual information in writing to convey the knowledge or reason(s) to believe another person or firm may be in violation.

~~WAC 196-27A-030~~

WAC 196-27A-030

Washington State Register filings since 2003

Explicit acts of misconduct.

In addition to any failure to conform with the requirements of chapter 18.43 or 18.235 RCW, or this chapter, the following acts and any act or condition listed in RCW 18.235.130, are explicitly defined as misconduct in the practice of engineering and/or land surveying.

- (1) Aiding or abetting the unsupervised practice of engineering or land surveying in the state by a person or firm that is not registered in accordance with chapter 18.43 RCW, or, aiding or abetting an unlicensed person to practice or operate a business or profession when a license is required.
- (2) The practice of engineering or land surveying by a registrant when the registrant's license is retired, expired, suspended or revoked.
- (3) Failing to comply with the terms and conditions of an order issued by the board.
- (4) Failing to provide relevant information on plans and surveys in a clear manner consistent with prudent practice.
- (5) Failing to comply with the provisions of the Survey Recording Act, chapter 58.09 RCW and the survey standards, chapter 332-130 WAC.
- (6) Failing to respond to inquiries from clients, or other professionals regarding conflicts with the registrant's work, opinions or procedures, in a manner that would be expected from a prudent practitioner.
- (7) Failing to correct engineering or land surveying documents or drawings known to contain substantive errors.
- (8) Failing to notify a client or employer that a project could not, or would not, be completed once that assessment is made.
- (9) Modifying another licensee's work without notifying that licensee, and clearly delineating the modifications and sealing and signing the modifications made; EXCEPT where the plans, maps, or documents are modified by the owner to reflect changes over time for their own purposes and are not used for submittals or bid documents.
- (10) Offering or accepting money, goods or other favors as inducement to receive favorable consideration for a professional assignment, or as an inducement to approve, authorize or influence the granting of a professional assignment.
- (11) Soliciting or accepting gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with clients or employers in connection with work for which the registrant is responsible.
- (12) Using privileged information coming to registrants in the course of their assignments as a means of making personal profit beyond their professional compensation.
- (13) Requesting, proposing, or accepting professional commissions on a contingent basis under circumstances in which the registrant's integrity may be compromised.
- (14) Any act, statement or behavior that harasses, intimidates or retaliates against anyone who has provided information, assistance or testimony in connection with any board inquiry, investigation, hearing or other proceeding.
- (15) Willfully attempting to suborn another person to violate the law or administrative code, public policy or their code of professional ethics.
- (16) Willfully making false statements or submitting fraudulent documents when reporting the completion of continuing professional development requirements.
- (17) Disorderly, discriminatory or abusive behavior or statements which are significantly disruptive to the normal activities of a place of business or public view, where such behavior would give anyone witnessing the act a reasonable belief to be concerned for their safety or well-being.

[Statutory Authority: RCW 18.43.035, 07-07-121, § 196-27A-030, filed 3/20/07, effective 4/20/07; 06-11-120, § 196-27A-030, filed 5/19/06, effective 7/1/06; 02-23-027, § 196-27A-030, filed 11/12/02, effective 12/13/02.]

RCW 18.43.110

Discipline of registrant — Board's power — Unprofessional conduct — Reissuance of certificate of registration.

The board shall have the exclusive power to discipline the registrant and sanction the certificate of registration of any registrant.

Any person may file a complaint alleging unprofessional conduct, as set out in RCW [18.235.130](#) and [18.43.105](#), against any registrant. The complaint shall be in writing and shall be sworn to in writing by the person making the allegation. A registrant against whom a complaint was made must be immediately informed of such complaint by the board.

The board, for reasons it deems sufficient, may reissue a certificate of registration to any person whose certificate has been revoked or suspended, providing a majority of the board vote in favor of such issuance. A new certificate of registration to replace any certificate revoked, lost, destroyed, or mutilated may be issued, subject to the rules of the board, and a charge determined by the director as provided in RCW [43.24.086](#) shall be made for such issuance.

In addition to the imposition of disciplinary action under RCW [18.235.110](#), the board may refer violations of this chapter to the appropriate prosecuting attorney for charges under RCW [18.43.120](#).

RCW 18.43.180

Uniform regulation of business and professions act.

The uniform regulation of business and professions act, chapter [18.235](#) RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

Chapter 18.235 RCW

Uniform regulation of business and professions act

Complete Chapter

RCW Sections

- 18.235.005 Intent.
- 18.235.010 Definitions.
- 18.235.020 Application of chapter -- Director's authority -- Disciplinary authority.
- 18.235.030 Disciplinary authority -- Powers.
- 18.235.040 Director's authority.
- 18.235.050 Statement of charges -- Hearing.
- 18.235.060 Procedures governing adjudicative proceedings.
- 18.235.070 Previous denial, revocation, or suspension of license.
- 18.235.080 Orders.
- 18.235.090 Appeal.
- 18.235.100 Reinstatement.
- 18.235.110 Unprofessional conduct -- Finding.
- 18.235.120 Payment of a fine.
- 18.235.130 Unprofessional conduct -- Acts or conditions that constitute.
- 18.235.140 Final order issued under RCW 18.235.130 -- Failure to comply.
- 18.235.150 Investigation of complaint -- Cease and desist order/notice of intent to issue -- Final determination -- Fine -- Temporary cease and desist order -- Action/who may maintain -- Remedies not limited.
- 18.235.160 Violation of injunction -- Contempt of court -- Civil penalty.
- 18.235.170 Misrepresentation -- Gross misdemeanor.
- 18.235.180 Crime or violation by license holder -- Disciplinary authority may give notification.
- 18.235.190 Immunity from suit.
- 18.235.200 Use of records -- Exchange of information -- Chapter does not affect or limit.
- 18.235.210 Application of chapter -- January 1, 2003.
- 18.235.900 Short title.
- 18.235.901 Effective date -- 2002 c 86 §§ 101-123.
- 18.235.902 Part headings not law -- 2002 c 86.
- 18.235.903 Severability -- 2002 c 86.

RCW 18.235.005

Intent.

It is the intent of the legislature to consolidate disciplinary procedures for the licensed businesses and professions under the department of licensing by providing a uniform disciplinary act with standardized procedures for the regulation of businesses and professions and the enforcement of laws, the purpose of which is to assure the public of the adequacy of business and professional competence and conduct.

It is also the intent of the legislature that all businesses and professions newly credentialed by the state and regulated by the department of licensing come under this chapter.

RCW 18.235.110

Unprofessional conduct – Finding

(1) Upon finding unprofessional conduct, the disciplinary authority may issue an order providing for one or any combination of the following:

- (a) Revocation of the license for an interval of time;
- (b) Suspension of the license for a fixed or indefinite term;
- (c) Restriction or limitation of the practice;
- (d) Satisfactory completion of a specific program of remedial education or treatment;
- (e) Monitoring of the practice in a manner directed by the disciplinary authority;
- (f) Censure or reprimand;
- (g) Compliance with conditions of probation for a designated period of time;
- (h) Payment of a fine for each violation found by the disciplinary authority, not to exceed five thousand dollars per violation. The disciplinary authority must consider aggravating or mitigating circumstances in assessing any fine. Funds received must be deposited in the related program account;
- (i) Denial of an initial or renewal license application for an interval of time; or
- (j) Other corrective action.

(2) The disciplinary authority may require reimbursement to the disciplinary authority for the investigative costs incurred in investigating the matter that resulted in issuance of an order under this section, but only if any of the sanctions in subsection (1)(a) through (j) of this section is ordered.

(3) Any of the actions under this section may be totally or partly stayed by the disciplinary authority. In determining what action is appropriate, the disciplinary authority must first consider what sanctions are necessary to protect the public health, safety, or welfare. Only after these provisions have been made may the disciplinary authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

(4) The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct. The stipulations entered into under this subsection are considered formal disciplinary action for all purposes.

RCW 18.235.130

Unprofessional conduct — Acts or conditions that constitute.

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession or operation of the person's business, whether the act constitutes a crime or not. At the disciplinary hearing a certified copy of a final holding of any court of competent jurisdiction is conclusive evidence of the conduct of the license holder or applicant upon which a conviction or the final holding is based. Upon a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Except as specifically provided by law, nothing in this subsection abrogates the provisions of chapter [9.96A](#) RCW. However, RCW [9.96A.020](#) does not apply to a person who is required to register as a sex offender under RCW [9A.44.130](#);

(2) Misrepresentation or concealment of a material fact in obtaining or renewing a license or in reinstatement thereof;

(3) Advertising that is false, deceptive, or misleading;

(4) Incompetence, negligence, or malpractice that results in harm or damage to another or that creates an unreasonable risk of harm or damage to another;

(5) The suspension, revocation, or restriction of a license to engage in any business or profession by competent authority in any state, federal, or foreign jurisdiction. A certified copy of the order, stipulation, or agreement is conclusive evidence of the revocation, suspension, or restriction;

(6) Failure to cooperate with the disciplinary authority in the course of an investigation, audit, or inspection authorized by law by:

(a) Not furnishing any papers or documents requested by the disciplinary authority;

(b) Not furnishing in writing an explanation covering the matter contained in a complaint when requested by the disciplinary authority;

(c) Not responding to a subpoena issued by the disciplinary authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing authorized access, during regular business hours, to representatives of the disciplinary authority conducting an investigation, inspection, or audit at facilities utilized by the license holder or applicant;

(7) Failure to comply with an order issued by the disciplinary authority;

(8) Violating any of the provisions of this chapter or the chapters specified in RCW [18.235.020\(2\)](#) or any rules made by the disciplinary authority under the chapters specified in RCW [18.235.020\(2\)](#);

(9) Aiding or abetting an unlicensed person to practice or operate a business or profession when a license is required;

(10) Practice or operation of a business or profession beyond the scope of practice or operation as defined by law or rule;

(11) Misrepresentation in any aspect of the conduct of the business or profession;

(12) Failure to adequately supervise or oversee auxiliary staff, whether employees or contractors, to the extent that consumers may be harmed or damaged;

(13) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession or operation of the person's business. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Except as specifically provided by law, nothing in this subsection abrogates the provisions of chapter 9.96A RCW. However, RCW 9.96A.020 does not apply to a person who is required to register as a sex offender under RCW 9A.44.130;

(14) Interference with an investigation or disciplinary action by willful misrepresentation of facts before the disciplinary authority or its authorized representatives, or by the use of threats or harassment against any consumer or witness to discourage them from providing evidence in a disciplinary action or any other legal action, or by the use of financial inducements to any consumer or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary action; and

(15) Engaging in unlicensed practice as defined in RCW 18.235.010.

Code of Ethics of Professional Land Surveyors

THE FUNDAMENTAL PRINCIPLES

Professional Land Surveyors uphold and advance the integrity, honor, and dignity of the land surveyors' profession by:

- I. Using their knowledge and skill for the enhancement of human welfare;
- II. Being honest and impartial, and serving with fidelity the public, their employers and clients;
- III. Striving to increase the competence and prestige of the land surveyors' profession; and
- IV. Supporting the professional and technical societies of their disciplines.

THE FUNDAMENTAL CANONS

1. Professional Land Surveyors shall hold paramount the safety, health and welfare of the public in the performance of their professional duties.
2. Professional Land Surveyors shall perform services only in the areas of their competence.
3. Professional Land Surveyors shall issue public statements only in an objective and truthful manner.
4. Professional Land Surveyors shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.
5. Professional Land Surveyors shall build their professional reputations on the merit of their services.
6. Professional Land Surveyors shall act in such a manner as to uphold and enhance the honor, integrity, and dignity of their profession.
7. Professional Land Surveyors shall continue their professional development throughout their careers and shall provide opportunities for the professional development of those under their supervision.



The
**Washington
 Board**



Journal

*Informing Professional
 Engineers and Professional
 Land Surveyors of the events
 and developments that affect
 their professions*

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INSIDE:

MESSAGE FROM THE CHAIR 2

NEWS TO YOU

Board Approves New Stamp Designs 3

Best Practices Can Keep At Bay “Unexpected” Delays 3

Structural Engineers Or Computer Technicians?..... 5

As The Courts See It 6

Is That A Monument? 8

New Board Member Appointed..... 9

The Board Finalizes Position on Incidental Surveying Practice..... 10

CE/PDH Auditing Has Started 10

Questions & Answers 11

DOT Draws Attention To Monument Preservation 12

Board Hires New Investigation Manager 13

EXAMINATIONS

Examination Results 13

INVESTIGATIONS AND ENFORCEMENT

Statistics of Disciplinary Actions Taken By The Board..... 14

Summaries Of Investigations..... 14

SCHEDULES

Calendar 19

Examination Schedule 19

Administrative services are provided to the Board by the Department of Licensing. The Department and the Board have a policy of providing equal access to their services. If you need special accommodation, please call (360) 664-1575 or TTY (360) 664-8885.



Investigations & Enforcement

Statistics of Actions Taken By The Board

JANUARY 1, 2007 THROUGH
JUNE 30, 2007

Active investigations as of January 1, 2007	46
Investigations Opened	34
Investigations Closed	14
Active Investigations as of June 30, 2007	66

SUMMARY BY MONTH:

	Complaints Received	Inquiries Received	Investigations Opened*
January	5	1	4
February	7	1	0
March	10	1	5
April	6	0	5
May	8	1	5
June	36	0	15
Totals	72	4	34

*Investigations can be opened by either a complaint or an inquiry received.

SUMMARY BY PROFESSION AS OF JUNE 30, 2007

	Active Investigations	Legal Status	Compliance Orders
Prof. Engineers	22	9	3
Prof. Land Surveyors	3	5	5
Unlic. Engineers	6	3	0
Unlic. Land Surveyors	1	2	1
On-site Designers	4	11	0
Totals	36	30	9

Summaries Of Investigations And Actions By The Board

The following case summaries cover the disciplinary actions against licensees from January 1, 2007 to June 30, 2007. In each disposition the Board accepted the recommendations of the case manager, unless stated otherwise. For those cases involving a Board order, each licensee may be monitored for compliance with the conditions imposed in the order.

The summary information provided under "INFORMAL ACTIONS" is provided to educate licensees on events and circumstances that come before the Board for investigation. In those cases no disciplinary action is taken because either the allegations are unsubstantiated, fall outside the scope of jurisdiction of the Board or it becomes unnecessary because of corrective measures taken. Any investigations that reveal *clear and convincing* evidence of wrongdoing will be listed under "FORMAL ACTIONS."

The decisions of the Board members who work as Investigation Case Managers are based upon their personal opinions of the severity of the infraction and the best course of action to appropriately resolve issues. Interpreting any one or several dispositions as indicative of the Board's view of how all such cases will be handled in the future would be incorrect.

These summaries are not intended to disclose complete details related to any given investigation or action. While every effort is made to ensure accuracy of the information shown, anyone intending to make a decision based upon this information should contact Robert Fuller, Deputy Executive Director at (360) 664-1578 for more details.

FORMAL ACTIONS

ENGINEERING

Leslie Killingsworth, PE, Case No. 06-07-0003

The Board's investigation of Leslie Killingsworth, PE was opened based on documentation received from the Oregon State Board of Examiners for Engineering and Land Surveying revoking his license in Oregon. It was alleged that he participated in a scheme to defraud, and to obtain money by false pretenses and misrepresentations to his client and the public.

Through a Brief Adjudicative Proceeding the Washington Board also revoked his license.

LAND SURVEYING

Joe Willis, Jr., Case No. 06-07-0002

The Board's investigation of Joe Willis Jr., PLS was opened based on allegations that he stamped drawings that were neither prepared by him or under his direct supervision.

Joe Willis Jr., PLS was the subject of a formal hearing on March 11, 2004. The hearing was the result of a Statement of Charges issued by the Board on January 8, 2004 concerning his practice as a professional land surveyor. The charges alleged that Mr. Willis, Jr. failed to record a survey within the time frame required by law and, failed to respond to the Board during the investigation. As he did not respond to the charges, a hearing was held by default and resulted in a Findings of Fact, Conclusions of Law and Default Order signed by the Board chair on March 11, 2004. The order suspended Mr. Willis Jr.'s license to practice as a professional land surveyor for one year. The suspension was stayed pending completion of an ethics course and payment of a \$2,000 fine. If Mr. Willis, Jr. fails to complete any of the terms of the order, the stay shall be lifted and the suspension imposed. (*Mr. Willis failed to pay the assessed fine, and his license was suspended on May 9, 2004*).

Mr. Willis, Jr. failed to comply with the Board Order and a Brief Adjudicative Proceeding (BAP) was held on February 28, 2007. Based on the findings of the BAP, his license to practice as a land surveyor was revoked.

Ronald Curren, PLS, Case No. 04-12-0005

The Board's investigation of Mr. Curren was based on a complaint alleging that he was contracted to subdivide 80 acres into 18 lots, including performing the surveying and platting, with mylar to be recorded. Mr. Curren never filed the mylar for recording and refused to respond to phone calls and letters from his clients.

The investigation revealed that Mr. Curren eventually filed the mylar even though he knew that all of the corners for the subdivision had not been set as stated in his certification. The case manager authorized the issuance of a Statement of Charges. A settlement opportunity was offered and accepted. Terms of the Agreed Order included a \$1200 fine; provide evidence of enrollment, completion and passing the New Mexico State land surveying ethics course; and, starting July 1, 2007 and continuing the first day of each month thereafter for twelve successive months, he shall submit a report to the Board which details his progress on the law and ethics course and how

he can apply the lessons completed to his practice.

Knud Knudsen, PLS, Case No. 06-01-0009

The Board's investigation of Mr. Knudsen was based on a complaint alleging that a short plat filed by Mr. Knudsen had a significant error of closure, the legal description shown on the short plat did not match the dimensions shown and the legal description and dimensions shown do not match the deed dimensions.

The investigation revealed the information shown on the original map did not meet the standard of practice indicated in the certification, and the initial Affidavit of Correction did not correct all of the errors in the original document, and he failed to stamp it. The second Affidavit of Correction also did not correct all of the errors and again was not stamped. The case manager authorized the issuance of a Statement of Charges. A settlement opportunity was offered and accepted. Terms of the Agreed Order included a \$500 fine and he must prepare and submit to the Board for review an affidavit of correction or amended short plat correcting all errors contained in the original document, prior to recording the document.

David Cummins, PLS, Case No. 04-01-0004

The Board's investigation of Mr. Cummins was based on a complaint alleging he recorded multiple surveys that contained multiple errors and failed to meet the standard of practice expected of a licensed land surveyor.

The investigation revealed there were multiple errors or omissions. The case manager authorized the issuance of a Statement of Charges. A settlement opportunity was offered and accepted. Terms of the Agreed Order included he prepare an amended survey and provide it as part of the peer review process. He was also to submit the next five surveys that he prepares and performs in accordance with the Survey Recording Act to a peer review process. The cost of the review was to be paid for by the licensee.

UNLICENSED LAND SURVEYING

Charles Lamont, Case No. 06-03-0002

The Board's investigation of Charles Lamont, a licensed architect, was based on a complaint alleging that he was practicing land surveying without being licensed when he and his client collaborated to prepare and file a Boundary Line Adjustment (BLA) document with the city.

It was the Case Manager's opinion that the preparation and filing of the BLA constituted the unlicensed practice of surveying, and Mr. Lamont stepped beyond his area of expertise in trying to expedite a project.

Continues next page

recorded long after the required 90-day time-frame. The Case Manager also found that the original survey and the amended survey were not compliant with the Surveying Recording Act, RCW 58.09, as the surveys failed to show pertinent information.

It was the Case Manager's opinion that Mr. Schmidt's conduct failed to meet the standard of care expected of a licensed professional land surveyor. On October 3, 2007, a Statement of Charges was issued. A settlement opportunity was offered, but while Mr. Schmidt sent in a response, he did not submit a signed Notice of Opportunity to Defend. The Board's office contacted Mr. Schmidt by phone and he chose not to submit the forms. As a result, the Board issued a Findings of Fact, Conclusions of Law and Order of Default (Default Order) revoking Mr. Schmidt's professional land surveyor's license.

James Bell, PLS, Case No.: 03-12-0001

The Board's investigation of Mr. Bell was based on a complaint alleging that Mr. Bell recorded numerous surveys that were not correct, did not have pertinent information on them, and did not conform to the Survey Recording Act.

The investigation showed that Mr. Bell did file several erroneous surveys and left off pertinent information from the surveys. A technical consultant was asked to review the surveys and make recommendations. The technical consultant's report confirmed that Mr. Bell had made numerous errors on some of his surveys and had left off pertinent information on some other surveys.

It was the Case Manager's opinion that a Statement of Charges be issued. Mr. Bell was also offered a settlement option in the form of a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. Mr. Bell requested a hearing, and the hearing was held April 23-24, 2008. The Board issued a Final Board Order as a result of the hearing. Terms of the Final Order, effective May 23, 2008, included suspension of Mr. Bell's license for one year with the suspension stayed upon his compliance with the following:

- Within 30-days of effective date of the Order, Mr. Bell will provide Board staff a list of potential peer

reviewer(s), and within 15 days of receiving Board approval of a peer reviewer, he will provide the Board with confirmation that he has entered into an arrangement with a peer reviewer.

- Within 90-days of effective date of the Order, at least the first of the 12 reports on the future surveys will be submitted by the peer reviewer to the Board.
- Within 180-days of effective date of the Order, the second and third of the 12 reports on the future surveys will be submitted by the peer reviewer to the Board.
- The remaining 9 of the 12 reports on the future surveys will be submitted by the peer reviewer to the Board at points within discretion of the peer reviewer and him; all of the 12 reports must be received by the Board at the end of one year of the effective date of the Order.
- Within one year effective date of the Order, reports on all six disputed surveys will be corrected to the peer reviewer's and Board's satisfaction and re-recorded.

UNLICENSED PRACTICE OF LAND SURVEYING

Fredrick Vettters, Case No. 08-01-0008

This investigation was opened as a result of a complaint alleging Mr. Vettters was offering unlicensed land surveying.

Mr. Vettters was trying to set up a business offering his services to assist people in locating property corners. He sent out a letter to real estate brokers stating that he could help them locate properties, find existing property corners or a close approximation, and flag approximate property boundaries. Also in the letter, Mr. Vettters had a disclaimer stating that he is not a license surveyor.

On January 28, 2008, a Cease and Desist Order was issued. Mr. Vettters replied to the Board stating that he will comply with the order, and he sent letters to all the real estate brokers advising them that he will no longer provide this service.

INFORMAL ACTIONS

ENGINEERING

Case No. 00-01-0004

This case consisted of 12 separate complaint issues. After review of the file, the Case Manager identified 4 of the 12 issues as being the most egregious and recommended charges on those 4 issues. The case manager requested that an expert geotechnical/soils engineer review projects in which the respondent provided soils analysis, geotechnical reports and foundation design to assess the accuracy of the violations that were recommended. The expert was unable to identify evidence to support the allegations of the violations to the level of charges. Based on this analysis, it appeared that there is an absence of clear, cogent, and convincing evidence to move forward with charges and it was recommended that the case be closed.

Case No. 06-05-0003

This investigation was opened as a result of a complaint stating the respondent was hired to draw an engineered set of lateral load details for a permit to build a garage, and the complainant received a letter from the county stating that the plans were not up to code and incomplete. The respondent disagreed with the county. The complainant then hired another engineer and the plans were approved. Due to the lack of clear and convincing documentation provided by the complainant and the county supporting the allegations, it was recommended that the case be closed.

Case No. 07-01-0004

This investigation was opened as a result of a complaint alleging the respondent was hired to do lateral analysis calculations, however, the calculations that were prepared were denied by the county and while the complainant's paid the respondent for plans, when confronted by the complainants with the denials and a demand for a refund of the money, the respondent told them to get an attorney.

The complainants did not provide any evidence

to support their allegations and the county did not provide copies of the denial letters as it is standard policy for the county to not keep copies of denial letters. Due to the lack of clear and convincing documentation provided by the complainant and the county supporting the allegations, it was recommended that the case be closed.

Case No. 06-09-0010

This investigation was opened based on information received from an on-site designer exam applicant who was being interviewed by a Board investigator as a witness on two other cases. During the interview, the applicant admitted that the respondent stamped and signed designs that were done by designer exam applicant.

From the evidence presented by both the respondent and the witness, and based on the rules as applicable to direct supervision, there was not clear, cogent, and convincing evidence to substantiate the allegations of plan stamping or aiding and abetting unlicensed practice.

LAND SURVEYING

Case No. 07-10-0001

This investigation was opened as a result of a complaint alleging the respondent performed a boundary survey but failed to record a Record of Survey.

The investigation revealed the respondent prepared a boundary survey of the complainant's property in 2003. In April 2007, the complainant discovered the survey had not been recorded. After urging by his client and Board staff, the respondent recorded the survey and sent a letter of apology to his client. His client was satisfied with the recording and apology and wanted to let the matter drop.

After reviewing the file the case manager recommended the investigation be closed without formal action since the complainant did not want to pursue this further and because the respondent took the necessary corrective action by recording the survey.

as diligent in providing information to the complainant as is expected, this was not found to be a significant source of damage to the client. The primary impediment to the project's progress was the failure of the complainant to provide supporting professional services in a timely manner.

LAND SURVEYING

Case No. 06-11-0005

This investigation was opened as a result of a complaint alleging unprofessional conduct and performing an erroneous survey by not showing pertinent information.

The investigation revealed that the respondent did not show, an adjoining survey performed approximately two years prior to the respondent's survey.

The case manager concluded that while there was an omission of the reference in the respondent's survey, this alone did not rise to a level that merits formal action.

The survey appeared to be a correct representation of the client's legal description. All other surveys in the area, including the one the respondent overlooked, were in close agreement with the survey in question.

Case No. 07-02-0002

This investigation was opened as a result of Board staff receiving information that a PLS had filed a survey after being served with a Board Order, suspending both his PLS and PE license.

During the investigation and subsequent interview of respondent, the investigator learned that due to an error by the respondent's staff, the respondent did not read correspondence that was mailed to him during the investigation. The investigator was able to verify the letters were unopened. Based on the circumstances the case manager recommended that the Board Order be vacated, and the case be closed with no further action.

Case No. 06-07-0001

This investigation was reopened as a result of Board staff receiving a request from a PLS to reopen and reconsider his case. The original decision of the Board resulted in a Findings of Fact, Conclusions of Law and Default Order in 2005. The PLS did not meet the conditions of the Default Order, and the case manager recommended that an Order suspending his license be issued.

As a result of the additional information provided by the PLS, the case manager felt there were extenuating circumstances involved in the PLS's actions not to comply with the previous order. The case manager authorized a

Findings of Fact, Conclusion of Law and Agreed Order to vacate the previous Board Order and the investigation be closed with no further action.

ON-SITE

Case No. 05-09-2302

This investigation was opened as a result of a complaint alleging the respondent was hired to complete a septic system design and failed to submit the design to the local health department. The complainant further alleged that the design was completed but there was inadequate back-fill, and that additional money was needed for a building permit extension because the original permit had expired. The complainant felt final approval should have been completed before the permit expired.

After review of the investigation file, the case manager concluded that while it appeared there were delays in the project from the time the permit was initially issued to when the as-built certification was approved by the local health department, there was not enough evidence to support the complainant's allegations that additional costs were incurred. In addition, the Case Manager did not feel that there was enough evidence to conclude that the delays were all within the respondent's control or responsibility.

Case No. 06-06-0008

This investigation was opened as a result of a complaint alleging the respondent knowingly submitted designs for a septic system that was located in the wrong place and was not workable with the location of the wells on the property or proposed location of the residence.

The investigation revealed the initial failure to locate the overlap was an unintentional oversight and the designer was diligent in correcting the deficiency. The designer fulfilled his contract to the developer and he was not under contract to the complainant and therefore not obligated to make changes to the existing design to accommodate the complainant's plans for the site.

UNLICENSED PRACTICE - LAND SURVEYING

Case No. 05-08-0009

This investigation was opened as a result of a complaint alleging the respondent offered and performed topographic surveying and engineering without being licensed.

A Notice of Intent to Issue a Cease and Desist (NOI) was issued to the respondent on May 7, 2007. In response to the NOI, the respondent sent in additional information.

Continues next page

Investigation and Enforcement Law Enforcement Cases with Sanctions, July 15, 2005–September 6, 2007

Continued from page 2

adjustment survey while working to partition a property into two parcels, violating ORS 672.200(2) and (4), OAR 820-020-0015(2), and OAR 820-020-0025(1).

Marx entered into a settlement agreement in which his land surveying registration was suspended for six months, assessed a \$3,000 civil penalty, and required to take a Survey Ethics course through New Mexico State University. Following the suspension, Marx was required to have his work reviewed by a registered professional surveyor for one year.

Marx failed to comply with the terms of the settlement agreement when he did not complete the Survey Ethics course and submit peer review reports to the Board. Marx entered into a supplemental agreement in which his land-surveying registration was suspended for a minimum of 3 additional months or until he completed the Survey Ethics course. The \$3,000 civil penalty was immediately due and the one-year peer review was still required.

2305: Jim Rogers (Unlicensed).

Practicing Land Surveying Without a License

The Board issued a Final Order finding that Rogers, conducting business as Rogers and Associates in Port Orford, Curry County, had practiced land surveying by establishing land boundaries, corners, or monuments. Landowners and real estate agents had hired Rogers on several occasions to locate property monuments, violating ORS 672.025(1) and 672.045(1).

Rogers entered into a settlement agreement in which a \$500 civil penalty was assessed. Furthermore, Rogers was required to send each real estate agent for whom he had previously provided services a letter advising that he will no longer locate monuments, corners, boundaries, property, or other lines.

2318/2433: Thomas H. Burton (00590LS)

Negligence or Incompetence in the Practice of Land Surveying

The Board issued a Final Order finding that Burton failed to renew his land-surveying certificate on or before December 31, 2005. Furthermore, Burton changed the expiration date on the seal to indicate that his certificate had been renewed. Burton practiced land surveying with a delinquent license until it was renewed on June 8, 2006. During this period, Burton failed to properly research, search for, and find the monuments of record prior to submitting the map of survey to the county. Burton also failed to file maps within the 45-day requirement and to return corrected surveys to the County Surveyor's Office within 30 days. Burton also had four subdivisions for which the post-monumentation was not completed or not completed accurately. Burton was found violating ORS 209.250(2), (3)(d)(e)(f), and (4)(b); ORS 672.025(1); ORS 672.045(1); ORS 672.200(2) and (4); ORS 92.050(2); ORS 92.060(5)(a); ORS 92.070(2); and OAR 820-020-0015(2).

The Board combined case 2318 with case 2433 for which Burton signed a settlement agreement to retire his land-surveying registration.

2326: David L. Panther (01917LS)

Negligence or Incompetence in the Practice of Land Surveying

The Board issued a Final Order finding that Panther was to locate the common property line between two lots. In performing his survey, Panther failed to locate or show on his unrecorded map any existing monuments along the north lines of the lots. Panther also did not locate or show the southeast corner or note the existence of the other witness objects throughout the development. Litigation was initiated by the client against their neighbor based on the work performed by Panther. Panther later performed additional fieldwork to verify the location of the

Continued on page 4

Investigation and Enforcement Law Enforcement Cases with Sanctions, July 15, 2005–September 6, 2007

Continued from page 3

property line and discovered the property line that he had initially staked was in error, violating ORS 672.200(2) and (4) and OAR 820-020-0015(2).

Panther entered into a settlement agreement in which he permanently surrendered his registration to practice land surveying.

2328: Svend A.K. Sorensen (Unlicensed) *Practicing Engineering Without a License*

The Board issued a Final Order finding that Sorensen was issued a certificate of registration as an Oregon professional engineer (07990PE) on March 1, 1974. Sorensen's registration expired June 30, 1998, and he did not renew or reinstate his registration within a five-year period, causing it to lapse. In 2004, Sorensen filed Articles of Incorporation with the Oregon Corporations Division to form "Svend Sorensen, Inc." According to incorporation documents, the professional/business service he would render was "structural engineering." Sorensen sent the Board and Governor Kulongoski correspondence captioned "Svend Sorensen, Inc. Structural Engineering," violating ORS 672.020(1) and ORS 672.045(2).

Sorensen entered into a settlement agreement in which the Board would take no action provided that Sorensen acknowledged his violations and that he would no longer represent himself by any means that he was authorized to practice engineering in Oregon.

2339: Robert C. Bowser (07649PE) *Negligence or Incompetence in the Practice of Engineering*

The Board issued a Final Order finding that Bowser, through the firm of AE Associates, Inc., had provided engineering on three separate Portland projects.

Bowser engineered a 14,000-square-foot, single story proposed building on Powell Boulevard that utilized concrete masonry units

(CMU) with wood roof framing. The building's plans were initially designed and drafted by Gordon Trone. However, Bowser signed and sealed each sheet in the plan set. Also, Bowser provided services for a three- and four-story duplex on Miles Street that was to be constructed with Rastra panels. Lastly, Bowser engineered a dormer addition to a Rex Street residential structure. Bowser was found violating ORS 672.200(2) and (4) and OAR 820-020-0020(2).

Bowser entered into a settlement agreement in which he would retire his certificate to practice engineering (while under investigation). He agreed to not apply to the Board for professional registration. Also, Bowser was to list his clients for whom he has provided services during the six months prior to the agreement and identify those clients he is transferring to another engineer. Bowser does not consent or agree with the charges in this matter.

2348: Ruben M. Martinez (02536LS) *Negligence or Incompetence in the Practice of Land Surveying*

The Board issued a Final Order finding that Martinez was to mark the boundaries of two adjoining properties. Martinez set permanent monuments, but did not submit for filing the map of survey within 45 days. Upon review, the map of survey lacked record information and he then failed to return the corrected survey to the County Surveyor within 30 days. Martinez also agreed that his assistant would retain a portion of the surveying fees in return for securing the project, violating ORS 209.250(1), (2), (3)(e), (4)(b), and (8); ORS 672.045(1); ORS 672.200(1) and (4); OAR 820-020-0015(8); OAR 820-020-0035(2); and OAR 820-020-0045(3).

Martinez entered into a settlement agreement in which his land surveying registration was suspended for six months. Martinez was assessed a \$3,000 civil penalty and was required to take a Survey Ethics course through New Mexico State

Continued on page 5

Investigation and Enforcement Law Enforcement Cases with Sanctions, July 15, 2005–September 6, 2007

Continued from page 4

University. The agreement was later amended to include the requirement that the map of survey be corrected and filed with the county. However, Martinez has failed to meet the stipulated terms of the amended agreement. As a result, the Board issued a Final Order by Default revoking the land surveying registration of Ruben Michael Martinez, effective January 8, 2008.

2350: Dennis A. Crowe (00845LS)

Right of Entry Violation

The Board issued a Final Order finding that a survey field crew under Crowe's supervision and control was to conduct a property corner search and survey boundary lines. During the survey, the crew determined that the property line and the fence line were not in harmony and they proceeded to cross the fence to establish the true boundary line. After establishing the line, a crewmember went towards the neighbor's home in order to inform them of their activities. The field crew did not attempt to first provide in-person notice to the owners or occupants, nor did they provide written notice of entry in a conspicuous place, violating ORS 672.047(4).

Crowe entered into a settlement agreement in which he was assessed a \$250 civil penalty. In addition, Crowe agreed to modify his business practices to be fully compliant with the requirements of ORS 672.047.

2369: Sherpa Design, Inc. (Unlicensed)

Advertising Engineering Services Without a License

The Board issued a Final Order finding that Sherpa Design, Inc., a mechanical design services firm, did not employ registered professional engineers. Sherpa Design marketed itself as an "engineering services company" and contracted with registered engineers on a project-need basis, violating ORS 672.020(1); ORS 672.045(2); and OAR 820-010-0720(2).

Sherpa Design, Inc., entered into a

settlement agreement in which a \$1,000 civil penalty was assessed of which \$500 was abated provided Sherpa ceased using any claim, sign, advertisement, letterhead, business card, website, or any other representation that the business is engaged in the practice of engineering or offering engineering services. Sherpa was given 30 days to remove references to engineering from all of its advertisement materials.

2370: Doug T. Davis (02690LS)

Failure to File and Correct Map of Survey

The Board issued a Final Order finding that Davis stamped and signed a record of survey for which he established boundary monuments. Davis did not submit a permanent map of survey for filing within 45 days of setting the first monument. Furthermore, he failed to comply by not returning the corrected survey to the County Surveyor within 30 days. Davis also erroneously listed the date that the monuments were set in the title block of survey. By preparing and sealing the survey, Davis was not truthful in his professional reports or statements, violating ORS 209.250(1) and (4)(b); OAR 820-020-0025(1); and OAR 820-030-0060.

Davis entered into a settlement agreement in which his land surveying registration was suspended for three months and he was assessed a \$1,000 civil penalty.

2377: Lloyd L. Tolbert (02813LS)

Right of Entry Violation

The Board issued a Final Order finding that a survey field crew under Tolbert's supervision and control was to conduct a boundary survey. During the course of the survey, the crew entered a clear-cut belonging to an adjacent landowner and established a survey traverse point. The traverse point was located 200 feet northerly and 26 feet easterly of a 2-inch angle iron marking the southwest corner of the property. The field crew did not attempt to first provide in-person

Continued on page 6

Unlicensed Land Surveying

Tom Nelson and Associates, LLC, Case No. 07-12-0003

The Board's investigation on Tom Nelson and Associates, LLC opened based on a complaint that this firm had been doing unlicensed land surveying services in Washington for the past three years.

The investigation showed that Tom Nelson and Associates, LLC conducted survey activities without a Certificate of Authorization from the Board authorizing the business to offer land surveying services for the Washington public. On March 17, 2008, Tom Nelson and Associates, LLC obtained a Certificate of Authorization from the Board.

The case manager authorized the issuance of a Statement of Charges on January 5, 2009, and a settlement option in the form of a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. On March 30, 2009, Tom Nelson and Associates, LLC accepted the settlement option and signed the Agreed Order. The terms of the Agreed Order called for an immediate cease and desist from offering land surveying services in Washington until Tom Nelson and Associates, LLC obtains the appropriate certification from the Secretary of State and a Certificate of Authorization from the Board. The Agreed Order also imposed a \$5,000 fine to be paid within 180 days of the effective date of the Agreed Order, April 8, 2009.

INFORMAL ACTIONS:

Engineering

Case No. 08-10-0013

This investigation was opened as a result of a complaint alleging that the respondent stamped and signed an application for permit to remove or destroy 19 survey monuments along a state highway. The complaint detailed concern that following construction too few monuments would be replaced.

The investigation revealed that the Washington State Department of Transportation (WSDOT) was working with the Department of Natural Resources (DNR) to resolve the monument issues.

Since the two agencies are working with each other and WSDOT employees are working towards the same goal, the investigation was closed with no further action.

Case No. 08-11-0003

This investigation was opened after a complaint was received from the Director of a Public Works Department of a municipality alleging the respondent submitted three geotechnical reports that had either inaccurate or false information on them, and lacked supporting documentation.

The case manager concluded that the complaints against the respondent were unsubstantiated, as the one inaccuracy as admitted was inconsequential and does not reach the level of incompetency or unethical behavior.

Case No. 09-01-0007

This investigation was opened based on a complaint alleging that a licensed professional engineer (PE) was operating a branch office in Washington and the branch office does not have a licensed PE in responsible charge. The respondent does have a Certificate of Authorization for his firm from this Board, and his internet website lists a second office in Washington.

The respondent was contacted and asked for some specific information concerning his branch office. This information was submitted to the Board. The respondent was directed to either hire a licensed PE or remove all implications of offering engineering services at the branch office.

The respondent removed all indications that engineering was being offered in the branch office.

Case No. 09-01-0001

This investigation was opened based upon a letter from NCEES identifying a pair of examinees from the October 2008 FE exam suggesting irregularities per NCEES analysis procedures.

The two examinees were sitting next to each other during the exam, and the October 2008 exam was the first time this respondent had taken the FE exam. During the course of the investigation another letter from NCEES stated that they reviewed the exam booklets and answer sheets for both examinees. The Case Manager concluded that the respondent was not responsible for the irregularities found during the October 2008 FE examination.

Case No. 09-01-0002

This investigation was opened based upon a letter from NCEES identifying a pair of examinees from the October 2008 FE exam suggesting irregularities per NCEES analysis procedures.

The two examinees were sitting next to each other during the exam, and the respondent had previously taken the FE exam. During the course of the investigation another letter from NCEES stated that they reviewed the exam booklets and answer sheets for both examinees. The Case Manager agreed with the recommendation from NCEES that the respondent's test results be invalidated.

Land Surveying

Case No. 07-04-0005

This investigation was opened as a result of a complaint alleging that the respondent performed a survey (short plat) that had encroached upon the complainant's property line by about ten feet.

The complainant, an unlicensed individual, drew, notarized, and attempted to record a map showing the subject area in detail with record deed information, distances on parcels and a fence on the property line claimed by him as the property line. The mapping and attempted recording was his attempt to put on the public record information related to a disputed line. When it was not

accepted, the complainant hired a PLS to review the work and file a record of survey in April 2007.

The properties involved originated in deeds starting in 1885. The differences in the solutions determined between the respondent and the complainant's surveyor largely lie in the interpretation of the old ambiguous deeds and the choice of monuments to control the survey. Interviews were held with the complainant, respondent and another licensee. The information showed that one of the survey solutions made some reliance on existing fence lines.

Interviews that property owners in the area had historically used and accepted fence lines as property lines but that those locations did not agree with deeds. There was also some ambiguity on which monuments could best control surveys in the area. The disputes were also involved in a lawsuit between the property owners.

The case manager concluded and recommended closure with no action since there was no clear evidence of wrong doing by the involved licensees.

Case No. 07-05-0003

This investigation was opened based on a complaint alleging the respondent performed surveys on or adjacent to the complainant's property in 1990 and 2004 that do not have the basis of bearing identified and that the 1990 survey did not show all physical features that encroached or were appurtenant to the boundary.

A site visit to the subject property revealed brick pillars, rock walls, fences and driveway that were not shown on the 1990 survey. The neighbor stated he had personal knowledge the rock wall and driveway were at least 25 years old. On the 1990 survey there is a statement that the basis of bearing is assumed and even though the bearings are the same on the 2004 short plat no actual basis of bearing statement was made.

The case manager determined that the respondent failed to comply with RCW 58.09.060 and

WAC 332-13-050 on both surveys, and initially recommended the issuance of a Statement of Charges and a settlement option in the form of a Stipulated Findings of Fact, Conclusions of Law and Agreed Order. Conditions in the Agreed Order included the respondent file an affidavit of correction on the 2004 survey clearly stating the basis of bearing, and re-record the 1990 survey showing all physical features relevant to the boundary at that time.

After being contacted by Board staff, the respondent filed an affidavit of correction and re-recorded the surveys. The case manager reviewed the survey, which was supplied by the respondent, and he found it satisfactory.

Case No. 08-09-0001

This investigation was opened after the Board received notification that a survey prepared and recorded by the respondent did not meet the uniform contrast requirements of WAC 332-130-050 and contained numerous errors or omissions.

When the respondent received information regarding contrast from DNR he asked for the Board's opinion, and upon learning the opinion, the respondent prepared and submitted two revised surveys that do meet the requirements.

As the respondent's corrected surveys meet the requirements for recorded surveys in Washington, the investigation was closed.

Case No. 08-09-0002

This investigation was opened after notification from the Oregon Board that they had revoked the respondent's Oregon Professional Surveyor's license based on his failure to appear at the hearing.

Considering the Oregon action it was recommended that the Washington Board close the investigation with no further action. The respondent also holds a license in Washington.

Case No. 08-09-0009

This investigation was opened as a result of a

complaint alleging the respondent performed an erroneous survey, did not record the survey and may have removed monuments previously set by another surveyor.

The respondent performed a survey of the subject property in June 2008. The respondent originally believed a record of survey was not required, but after corresponding with the Board's office the respondent prepared and recorded a record of survey. The respondent also provided a copy of all information requested by the Board.

The case manager recommended that this investigation be closed with no further action, as it appeared the respondent performed a survey consistent with accepted standards for procedure and accuracy, and there was no evidence to support the claim that he participated in the removal of any corners.

Case No. 08-10-0012

This investigation was opened as a result of a complaint alleging that the respondent conducted a survey in 1997 and never recorded the survey. When contacted, the manager of the respondent's firm stated it was standard policy of the firm to give copies of records of survey to their clients to record if they wish.

On November 11, 2008, the respondent filed the record of survey and sent a letter of apology to the complainant. The respondent also established new office procedures to insure all future records of survey are recorded within the requirements of law. The investigation was closed.

Case No. 08-12-0003

This investigation was opened based on a complaint alleging that the respondent had performed a survey that contained numerous errors and was not recorded. It was further alleged that the respondent violated a court order and trespassed onto the complainant's property.

A 1994 Record of Survey by another survey firm not named in the complaint, shows the east

disputed property line going through the middle of a substantial shop building. A row of trees is shown east of the shop and further east an existing fence line is shown. The status of the disputed line and its correct location was the subject of multiple law suits between land owners.

The issues raised in the complaint, including whether the survey was complete and should have been recorded, were integrated into the ongoing litigation. It was deemed premature for the Board to intercede with a decision on the technical content of the surveys until the legal issues had been resolved and instructions ordered by the court. At that time one or more of the surveyors may need to file amended or new surveys. For the current complaint, no action will be taken and the investigation is closed.

Case No. 08-12-0005

This investigation was opened as a result of a complaint alleging that a surveyor performed a survey which contained numerous errors and failed to show pertinent information on the survey.

The complainant stated that his immediate neighbor to the south requested a survey of their property line from the respondent in July 2006. The survey was recorded in January 2007. During the course of the investigation, the respondent provided an amendment to his survey in the form of a notarized Affidavit Regarding Survey, documenting the longstanding improvements along and in proximity to the property line, however the amended survey was not recorded.

The case manager concluded that the differences between the two surveys are a result of the approaches taken.

The complainant's surveyor chose to perpetuate a survey by another surveyor which was performed in June 1939. This survey did not have any verifiable tie to any monumentation or other points which could be directly tied to the plat. The respondent's survey takes into consideration the overall plat position and available monumentation as they relate to the subject property.

While neither survey may represent the true boundaries of these parcels, it is the case manager's opinion that the respondent's survey is a more considered approach to the problem. The complainant's surveyor chose the older survey to perpetuate because it was old and fit the occupation. Determination of the legal lines can only be determined by the adjacent owners through agreement or by the courts through an adverse possession or quiet title action.

The case manager recommended that this investigation be closed with no further action as there is no clear evidence to substantiate the allegations of any wrong doing by the surveyor.

On-Site Designers

Case No. 08-09-0010

This investigation was opened as a result of a complaint alleging that the respondent provided an on-site septic system design that was inadequate. The complaint also alleged that the respondent's conduct was unprofessional and that he was working outside his area of competency.

The case manager recommended that this investigation be closed with no further action as it appeared there was a lack of communication on both the respondent's and complainant's part. The case manager also felt the actions and work done by the respondent did not rise to the level of formal action.

Corporations

Case No. 09-03-0001

This investigation was opened after notification that a company had used "Engineering" in their product services description.

The investigation found that the company previously held a Certificate of Authorization (COA) with the Board, but the company let it expire in 2002 since they were no longer offering engineering services in Washington.



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- * Agendas, Schedules and Calendars
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- * Laws and Agency Rules
- * Legislative Committees
- * Legislative Agencies
- * Legislative Information Center
- * E-mail Notifications (Listserv)
- * Students' Page
- * History of the State Legislature

Outside the Legislature

- * Congress - the Other Washington
- * TVW
- * Washington Courts
- * OFM Fiscal Note Website



[WACs > Title 196 > Chapter 196-34 > Section 196-34-120](#)

[196-34-115](#) << [196-34-120](#) >> [196-34-125](#)

WAC 196-34-120

[Agency filings affecting this section](#)

Units.

Qualifying activities earned and applied to one of the following categories may not be applied to another category.

1. College hours:	
a. Completion of 1 college semester hour	45 PDH
b. Completion of 1 college quarter hour	30 PDH
2. 1 Continuing education unit	10 PDH
3. For publication or presentation of each:	
a. Authored technical paper or article	10 PDH
b. Authored book	30 PDH
4. Obtaining a patent	10 PDH
5. Membership in professional/technical societies or government committees or boards. (Not to exceed a total of 5 PDH/year)	2 1/2 PDH
6. For each hour of attendance in a professional or technical society meetings with an informational program. (Not to exceed a total of 5 PDH/year)	1 PDH
7. For each hour of attendance at meetings or hearings of the board or On-site Advisory Committee. (Not to exceed a total of 7 1/2 PDH/year)	1 PDH
8. For each hour of preparation and subsequent presentation (*) of a professional development program at seminars, professional/technical meetings, conventions or conferences. (Not to exceed 10 PDH/year) (*) <i>This credit does not apply to full-time faculty.</i>	1 PDH
9. Completion of the continuing education requirements for maintaining a credential as a registered sanitarian.	10 PDH
10. For each hour of participation in committees of organizations whose purpose is to develop codes, standards,	1 PDH

examinations and regulations.	
11. For each hour of participation in an activity involving substantial and organized peer interaction, excluding time spent during regular employment. (Not to exceed a total of 5 PDH/year)	1 PDH
12. For each hour of participation in organized courses, including employer provided courses, on environmental health topics/first aid/safety, technical or management skills.	1 PDH
13. For each hour of participation in sessions or courses, sponsored by technical or professional societies, organizations or the board.	1 PDH
14. For each hour of self-study. (Not to exceed a total of 5 PDH/year)	1 PDH
15. For each hour of work, outside normal duties of employment that involves participation in other recognized professional activities. (i.e. a designer working with a land surveyor) (Not to exceed a total of 2 PDH/year)	1 PDH

[Statutory Authority: RCW [18.43.035](#) and chapter [18.210](#) RCW. 06-11-118, § 196-34-120, filed 5/19/06, effective 7/1/06.]