

STATE REPRESENTATIVE  
48<sup>th</sup> LEGISLATIVE DISTRICT  
AMY WALEN

State of  
Washington  
House of  
Representatives



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CONSUMER PROTECTION &  
BUSINESS

July 15, 2020

The Honorable Bob Ferguson  
Attorney General of the State of Washington  
P.O. Box 40100  
Olympia, WA 98504-0100

Dear Attorney General Ferguson,

I am writing to request an Attorney General's Opinion pursuant to RCW 43.10.030(5) addressing a question pertaining to the acceptability of engineers stamping and signing architectural documents under state law (RCW 18.08.410).

Some background:

Some local jurisdictions are accepting submissions in violation of RCW 18.08.410, citing Attorney General Opinion 1990 No. 9. In some jurisdictions, engineers are signing and stamping drawings prepared by others (non-professionals) and submitting them for permit even where the drawings are predominantly architectural in nature. This is a misinterpretation of RCW 18.08.410 and Attorney General Opinion 1990 No. 9. Until 2010, RCW 18.08.410 (9) provided that design by a non-professional that did not meet the exemptions allowing for non-professional design of residential structures or structures less than 4,000 square feet could still be submitted for permit, so long as signed by a licensed engineer or architect. Neither this exception in the statute nor Attorney General Opinion 1990 No. 9. relieved the signing professional from being competent to review and approve the drawings they signed as required by RCW 18.235.130 (4).

In 2010, RCW 18.08.410 was amended and the exception allowing engineers to sign non-professional designs for permit was removed. No other provision of RCW 18.08.410 could be construed to allow engineers to sign architectural drawings. Attorney General Opinion 1990 No. 9 remains unchanged and is still being used as justification to allow the practice of accepting for permit architectural drawings signed by engineers. This is in violation of RCW 18.235.130 (4), which requires engineers to be professionally competent so as not to cause an unreasonable risk of harm to others, and RCW 18.08.410, which does not allow for engineers to sign architectural drawings for permit. I am asking that the opinion be updated to eliminate the confusion, which leads to situations where drawings are signed by engineers who are not competent architects, presenting the potential for harm that could be avoided if engineers no longer were acceptable signers of architectural drawings.

I request your opinion on the following question:

Is it acceptable for engineers to stamp and sign architectural drawings for permit prepared by non-professionals for projects not excepted under 18.08.410?

Thank you for your consideration. The answer to this question will help provide clarity for local governments on what type of professional stamps they may accept on architectural drawings and resolve confusion related to an existing Attorney General opinion that has been invalidated by subsequent change to the statute.

Sincerely,

A handwritten signature in black ink that reads "Amy Walen". The signature is written in a cursive, flowing style.

Amy Walen  
State Representative  
48<sup>th</sup> Legislative District