

1 U.S.C. §1343(a)(3) and (4), and for federal questions by 28 U.S.C. §1331.

2 1.2 This Court has supplemental jurisdiction to enforce free speech and press rights
3 protected by Article I Section 5 of the Washington Constitution under 28 U.S.C. §1367.

4 1.3. Plaintiff ROGER W. KNIGHT is a resident of King County, Washington.

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6 1.4. Defendant DAVID J. BROWNE is an Investigations Manager for the Washington
7 State Department of Licensing's (DOL) Board of Registration for Professional Engineers and
8 Land Surveyors (BRPELS).

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10 1.5. Defendant ELIZABETH LUCE is the Director of the Department of Licensing.

11 1.6. Defendant CHRISTINE GREGOIRE is the Governor of Washington.

12 1.7. Defendant BRUCE J. DOBBS is a Professional Engineer and Land Surveyor
13 licensed in such capacities by the State of Washington. He is acting under the belief that he is
14 required by Washington law to file a complaint against the plaintiff. His primary place of
15 business is located in King County, Washington. He is thus both acting directly under color of
16 state law and acting in concert with those who are acting under color of state law.

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18 1.8. Actions complained of have taken place and are currently taking place in King
19 County and Thurston County in the State of Washington.

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21 1.9. Actions complained of are not and do not appear to be related to any effort by the
22 State of Washington and its agencies and personnel to enforce a child support obligation.

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24 **CAUSE OF ACTION**

25 2.1. Plaintiff ROGER W. KNIGHT completed and was awarded a Bachelor of Science
26 degree in Mechanical Engineering (BSME) by the University of Washington in Seattle in June
27 1982.

1 2.2. Shortly after receiving the BSME Plaintiff ROGER W. KNIGHT took and passed
2 the Washington State Engineer In Training test.

3 2.3. From January 1984 through May 1995, Plaintiff ROGER W. KNIGHT was
4 employed by The Boeing Company as an engineer, in its Paycode 4 and as a member of the
5 Professional Bargaining Unit of the Seattle Professional Engineering Employees Association.
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7 2.4. Since leaving The Boeing Company, Plaintiff ROGER W. KNIGHT has made a
8 second career as a science fiction novelist and legal assistant to attorneys.

9 2.6. When the owners of the King County Parcel ID 132604-9050, with the legal
10 description as follows:
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12 The North 552.72 Feet of the West 375 Feet of the West Half of the North East
13 Quarter of the Northwest Quarter of Section 13, Township 26 North, Range 4
14 East, W.M.; Except the North 30 Feet Therefore for North East 165th Street.

15 And commonly known as 16424 72nd Avenue North East, Kenmore, Washington 98028, found
16 out about a proposed housing development in an adjacent parcel, they asked Plaintiff ROGER
17 W. KNIGHT to look into it. These land owners are Paul H. King and Owen Harold Bensen.

18 2.7. The proposal in question is set forth in the City of Kenmore's public file
19 designated PLP 05-145 Proposed Shannon Ridge Development.
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21 2.8. The parcel involved in the Shannon Ridge proposal is King County Parcel ID
22 132604-9052, with the legal description as follows:
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24 The North 380 Feet of the West Half of the North East Quarter of the North
25 West Quarter of Section 13, Township 26 North, Range 4 East, W.M.; Except
26 the North 30 Feet; and Except the West 375 Feet; Also the North 380 Feet of the
27 West 22.5 Feet of the East Half of the North East Quarter of the North West
28 Quarter of Section 13, Township 26 North, Range 4 East, W.M.; Except for the
29 North 30 Feet Thereof.

and commonly known as 7315 165th Street North East, Kenmore, Washington 98028.

1 2.9. After obtaining and reading through the documents submitted by numerous
2 commentators and reviewing the proposal, Plaintiff ROGER W. KNIGHT submitted letters to
3 the City of Kenmore for inclusion in its Public File for PLP 05-145 Proposed Shannon Ridge
4 Development.

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6 2.10. Most of these facts set forth herein above are set forth in the Declaration of Roger
7 W. Knight in Support of the Complaint and its attached Exhibits filed herein (Knight
8 Declaration). Other facts are matters of public record that this Court can take notice of.

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10 2.11. On April 12, 2007, defendant BRUCE J. DOBBS, a Professional Engineer and
11 Land Surveyor, filed a complaint against the plaintiff ROGER W. KNIGHT, with the BRPELS
12 of the Washington State DOL. He included two of the letters the plaintiff filed with the City of
13 Kenmore as comments on PLP 05-145 Proposed Shannon Ridge Development. Please see
14 Exhibit D to the Knight Declaration.

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16 2.12. Shortly thereafter, defendant DAVID J. BROWNE, Investigations Manager of the
17 DOL-BRPELS, on behalf of defendants CHRISTINE GREGOIRE, Governor of Washington
18 and ELIZABETH LUCE, Director of the DOL, commenced communication efforts with
19 plaintiff ROGER W. KNIGHT. These communication efforts included the series of e-mails
20 represented by Exhibit 2 to the Knight Declaration. By United States Postal Service, Defendant
21 BROWNE sent the letter attached as Exhibit A to the Knight Declaration.

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23 2.13. In response to the postal letter sent by defendant BROWNE, plaintiff KNIGHT
24 requested by e-mail discovery of the complaint. Exhibit B to the Knight Declaration.

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26 2.14. By e-mail, Exhibit B, defendant BROWNE sent to plaintiff KNIGHT a letter,
27 Exhibit C, and the complaint by defendant DOBBS, Exhibit D to the Knight Declaration.
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1 2.15. Plaintiff KNIGHT's responsive e-mail of May 9, 2007 to defendant BROWNE
2 includes the following message:

3 Beyond, that, EVERY WORD IN THESE DOCUMENTS IS
4 COMMUNICATION WITH A PUBLIC AGENCY CONCERNING MATTERS
5 OF PUBLIC INTEREST AND PUBLIC POLICY AND THEREFORE:
6 Protected by the First Amendment and by Article I Section 5 of the Washington
7 Constitution.

8 After all, you don't investigate every person who speaks publicly about such
9 things as nuclear power plants, military bases, pollution, erosion, global
10 warming, carbon dioxide, UFO's, transportation issues, price of gasoline,
11 petroleum exploration, etc, even though many of these statements easily involve
12 matters of engineering and land surveying.

13 By asserting his Constitutional right to free speech and press in a public forum, plaintiff
14 KNIGHT presented a complete answer to the allegations involved.

15 2.16. Nevertheless, defendant BROWNE insists on further communication with
16 plaintiff KNIGHT in his e-mail of May 11, Exhibit A, and letter Exhibit C, defendant
17 BROWNE continues to characterize plaintiff KNIGHT's comments in a public forum as
18 possible "unlicensed practice" and cites RCW 18.43.010, RCW 18.43.020(5), RCW
19 18.43.105(5) and RCW 18.235.

20 2.17. RCW 18.43.010 reads:

21 In order to safeguard life, health, and property, and to promote the public
22 welfare, any person in either public or private capacity practicing or offering to
23 practice engineering or land surveying, shall hereafter be required to submit
24 evidence that he is qualified so to practice and shall be registered as hereinafter
25 provided; and it shall be unlawful for any person to practice or to offer to
26 practice in this state, engineering or land surveying, as defined in the provisions
27 of this chapter, or to use in connection with his name or otherwise assume, use,
28 or advertise any title or description tending to convey the impression that he is a
29 professional engineer or a land surveyor, unless such a person has been duly
registered under the provisions of this chapter.

RCW 18.43.020(5) reads:

1 (5) Practice of engineering: The term "practice of engineering" within the
2 meaning and intent of this chapter shall mean any professional service or
3 creative work requiring engineering education, training, and experience and the
4 application of special knowledge of the mathematical, physical, and engineering
5 sciences to such professional services or creative work as consultation,
6 investigation, evaluation, planning, design and supervision of construction for
7 the purpose of assuring compliance with specifications and design, in connection
8 with any public or private utilities, structures, buildings, machines, equipment,
9 processes, works, or projects.

10 A person shall be construed to practice or offer to practice engineering, within
11 the meaning and intent of this chapter, who practices any branch of the
12 profession of engineering; or who, by verbal claim, sign, advertisement,
13 letterhead, card, or in any other way represents himself or herself to be a
14 professional engineer, or through the use of some other title implies that he or
15 she is a professional engineer; or who holds himself or herself out as able to
16 perform, or who does perform, any engineering service or work or any other
17 professional service designated by the practitioner or recognized by educational
18 authorities as engineering.

19 The practice of engineering shall not include the work ordinarily performed by
20 persons who operate or maintain machinery or equipment.

21 RCW 18.43.105(5) states that the BRPELS may take disciplinary action for any
22 violation of chapter 18.43 RCW. This chapter includes the misdemeanor statute RCW
23 18.43.120 which reads:

24 Any person who shall practice, or offer to practice, engineering or land
25 surveying in this state without being registered in accordance with the provisions
26 of the chapter, or any person presenting or attempting to use as his own the
27 certificate of registration or the seal of another, or any person who shall give any
28 false or forged evidence of any kind to the board or to any member thereof in
29 obtaining a certificate of registration, or any person who shall falsely
impersonate any other registrant, or any person who shall attempt to use the
expired or revoked certificate of registration, or any person who shall violate any
of the provisions of this chapter shall be guilty of a gross misdemeanor.

It shall be the duty of all officers of the state or any political subdivision
thereof, to enforce the provisions of this chapter. The attorney general shall act
as legal adviser of the board, and render such legal assistance as may be
necessary in carrying out the provisions of this chapter.

Chapter 18.235 RCW authorizes regulatory agencies to enforce the business and
profession regulations of Title 18. Remedies thus authorized include cease and desist orders,

1 RCW 18.235.150, which is specifically requested by defendant DOBBS.

2 2.18. The statutory provisions of chapter 18.43 RCW are overbroad on their face in that
3 they criminalize Constitutionally protected speech in public fora, including the letters attached
4 to defendant DOBBS complaint to the BRPELS. Any person registered as an Engineer In
5 Training cannot truthfully declare having completed an engineering degree, the degree
6 completed and awarded and the University that awarded it, and even his status as a registered
7 Engineer In Training, because that might imply status as a Professional Engineer. Any person
8 who has never been registered with the BRPELS, including the bulk of the citizenry that has
9 never completed engineering degrees are prohibited from making comments in public fora in
10 matters concerning power plants, nuclear and other types, roads and highways, including the
11 Alaskan Way Viaduct, other public works funded by the public, land use, environmental
12 protection, unidentified flying objects, space exploration, marine mammals, fishing, shipping,
13 aircraft, buildings, housing, and any other matter that will involve comment and analysis that
14 necessarily involves the subject matters of engineering and land surveying. It is impermissible
15 to require any kind of license to engage in protected speech. Any cease and desist order is an
16 unconstitutional prior restraint on future speech. Therefore these statutes and the actions of the
17 defendants abridge freedom of speech and press in public fora in violation of the First
18 Amendment and in violation of Article I Section 5 of the Washington Constitution.
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23 2.19. The First Amendment is incorporated upon the states by the Fourteenth
24 Amendment.
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26 2.20. *Ex parte Young*, (1908) 209 U.S. 123, 157-168, 52 L. Ed. 714, 28 S. Ct. 441
27 found that state officers can be sued in their individual capacities under the Civil Rights Act of
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1 1871, now codified as 42 U.S.C. §1983, notwithstanding the Eleventh Amendment.
2 Defendants DAVID J. BROWNE, ELIZABETH LUCE, and CHRISTINE GREGOIRE can
3 thus be sued for prospective injunctive relief.

4 2.21. Defendant BRUCE J. DOBBS, is liable under *Lugar v. Edmondson Oil Co.*,
5 (1982) 457 U.S. 922, 73 L. Ed. 2d. 482, 102 S. Ct. 2744. He acted in concert with the other
6 defendants acting under color of state law to deprive the plaintiff of his First Amendment right
7 to freedom of speech and press.
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10 **REMEDY**

11 **WHEREFORE** plaintiff, without making any election of remedies, prays that this
12 Court enter judgment as follows:

13 A. For declaratory relief that chapter 18.43 RCW, either as applied to plaintiff ROGER
14 W. KNIGHT, or on its face, is invalid when applied to suppress public comment in public fora
15 as repugnant to the Constitution of the United States and the Constitution of the State of
16 Washington.
17

18 B. For injunction against the defendants prohibiting any further enforcement of the
19 chapter 18.43 RCW against Mr. Knight and other persons where such persons are making
20 public comments in public fora.
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22 C. For an award of costs and any attorney's fees against the defendants as provided by
23 42 U.S.C. §1988.
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25 D. For such other and further relief as to the Court seems reasonable and equitable.
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27 **RESPECTFULLY SUBMITTED**, May 14, 2007.

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/s/
Roger W. Knight, plaintiff