

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS

CONDENSED MINUTES OF THE MEETING HELD *FEBRUARY 8-9TH, 2024*

Date:	February 8-9 th , 2024
Time/Location:	February 8 th 9am – 4:30pm / February 9 th 9am – 3:30pm University of Alaska Anchorage – EIB Room 413
Attending:	Board Members: In Person – Catherine Fritz, Bob Bell, Jeff Garness, Loren Leman, Ed Leonetti, Elizabeth Johnston, Jake Maxwell, Fred Wallis 2 nd day only – Sterling Strait, Brent Cole / Virtual – 1 st day – Brent Cole, Randall Rozier 2 nd day – Randall Rozier Board Staff: Sara Neal, Kelly Johnson Division Staff: Sylvan Robb, Stacie Kraly, Sara Chambers, Billy Homestead, Patrick Kase, Alison Osborne, Celine Taleon, Invited testimony: Andrea Reynolds, Brennan Pool Public: 2/8/2024 - Virtual: John Barry, Aaron Blaisdell, Jesse Greschover, Clifton Enoch, Kurt Sahl, Bob Tsigonis, John Zarlring, Matt Bray, Mary Knopf, Chung Lin. In Person: Colin Maynard, Brad Rinckey, Paul Baril, Tom Ravens, Tamas Deak 2/9/2024 – Virtual: Jesse Escamilla, John Barry, Jessica Cederberg, Mary Knopf, Matthew Stielstra, Chung Lin
Absent:	Excused: 1 st day – Sterling Strait

1. Call to Order / Roll Call / Virtual Notice	
Roll Call: Bob Bell, Jeff Garness, Loren Leman, Ed Leonetti, Jake Maxwell, Elizabeth Johnston, Sterling Strait, Fred Wallis, Randall Rozier, Catherine Fritz, Brent Cole	
2. Review / Amend / Approve Agenda	
Motion: Agenda	In a Motion made by Bob Bell, seconded by Ed Leonetti and approved unanimously, it was: <i>RESOLVED to approve the agenda for the February 8-9th, 2024, meeting as amended by moving agenda item 15 from February 8th at 3:15pm to February 9th at 1pm, adding agenda, item 16 D CE Audits, item 23 A (3) Statute “Code of Ethics”, item 26 – Break and correcting agenda item 21 to read “Architectural Engineering Board Discussion”.</i>
3. General Information	
<p>A. Mission Statement</p> <p>B. Virtual Code of Conduct</p> <p>C. Strategic Plan</p> <p>D. National Organizations</p> <ol style="list-style-type: none"> 1. NCEES – see updates on www.ncees.org 2. NCARB – see updates on www.ncarb.org 3. CLARB – see updates on www.clarb.org 	

4. Consent Agenda	
<p>A. Item 1: Meeting Minutes</p> <ol style="list-style-type: none"> 1. November 14-15th, 2023 <p>B. Item 2: Outgoing Correspondence</p> <ol style="list-style-type: none"> 1. Roger Weese -Direct Supervisory Control – Leman, Garness 2. Danh Vu – Application Requirements - Fritz 	
Motion: Consent Agenda	<p>In a Motion made by Elizabeth Johnston, seconded by Loren Leman and approved unanimously via roll call vote, it was:</p> <p><i>RESOLVED to approve the consent agenda Items A – B for the February 8-9th, 2024, meeting.</i></p>
5. Ethics Reporting	
<p>Bob Bell met with Representative Shaw to discuss the AELS Board configuration. Elizabeth Johnston attended the NCEES Exam Policies and Procedures Committee meeting at no cost to the AELS Board. Jeff Garness talked with Representative McKay about the AELS Board configuration. Loren Leman and Jeff Garness met the AG Treg Taylor to discuss the ADEC regulations. Catherine Fritz met with legislators regarding SB73/HB159 as a representative of AIA and made it clear she was not representing the AELS Board. Fritz represented the AELS board at a hearing on HB159. She also met with Representative Claman on January 15, 2024, to discuss SB73/HB159. Johnston disclosed to Chair Fritz that she testified as a private citizen during the HB159 hearing. Garness also talked with Representative Donna Mears about various topics.</p>	
6. Review Public Comments and final Board review for Regulation Projects	
<p>A. 36.068 Landscape Architect by Exam – Leonetti</p> <p>B. Simplified Application by Reexamination (no public comments received)</p>	
Motion: 12AAC 36.068 and 36.040	<p>In a Motion made by Bob Bell and seconded by Ed Leonetti to adopt the proposed regulation changes to 12AAC 36.040 Simplified Applications and 12AAC 36.068 Eligibility for landscape architect registration by examination as amended in this meeting by correcting 12 AAC 36.990 (47) to say “LAAC” means the Landscape Architecture Accreditation Council and (48) to say “LARE” means the Landscape Architect Registration Examination,</p> <p>Elizabeth Johnston, seconded by Ed Leonetti, amended the motion by correcting the title for 12AAC 36.040 in the motion to read “Simplified application for reexamination”. The amendment was approved via roll call vote. Yes: Bell, Cole, Fritz, Garness, Johnston, Leman, Leonetti, Maxwell, Rozier, Wallis</p> <p>The main motion made by Bob Bell, seconded by Ed Leonetti, to adopt the proposed regulations in 12 AAC 36.040 Simplified application for reexamination, 12 AAC 36.068 “Eligibility for landscape architect registration by examination” and 12 AAC 36.990 (47) and (48) as proposed and amended was approved via roll call vote. Yes: Bell, Fritz, Garness, Johnston, Leman, Leonetti, Maxwell, Rozier, Wallis</p> <p>Therefore, it was, <i>RESOLVED to adopt the proposed regulations in 12AAC 36.040, 12AAC 36.068 and 12AAC 36.990 with consideration to public comments received and cost to private persons as proposed and amended in this meeting.</i></p>

C. SB 126	
D. Digital Signatures	
Motion:	In a Motion made by Ed Leonetti, seconded by Bob Bell it was proposed that 12AAC 36.185(f) be removed from the Chapter 36 changes due to SB126 regulation project. The motion failed with a roll call vote. Yes: Garness, Leonetti / No: Bell, Fritz, Johnston, Leman, Maxwell, Rozier, Wallis
Motion: Chapter 36/SB126, 12AAC 36.063(b), and .065(e) and 12AAC 36.185(f)	In a Motion made by Elizabeth Johnston and seconded by Bob Bell it was proposed to adopt the regulation changes to Chapter 36 to comply with the changes made in AS 08.48 due to SB126, changes to 36.063(b) and .065(e) changing "foreign degree" to "degree obtained outside the United States." and changes to 36.185(f) digital signatures. The motion passed via roll call vote. Yes: Bell, Fritz, Johnston, Leman, Leonetti, Maxwell, Rozier, Wallis, Cole / No: Garness Therefore, it was, <i>RESOLVED to adopt the proposed regulations in Chapter 36 due to SB 126, 12AAC 36.063(b) and 12AAC 36.065(e), and 12AAC 36.185(f) with consideration to public comments received and cost to private persons as proposed in this meeting.</i>
7. Regulation Projects in Progress	
A. Responsible Charge – Leman / Garness	
Motion: Responsible Charge Experience/Responsible Charge	In a Motion made by Loren Leman and seconded by Jeff Garness it was proposed to approve the regulation changes to Chapter 36 to change all similar terms "responsible control, direct professional knowledge, and direct supervisory control" to responsible charge or responsible charge experience, to change the definition 12AAC36.990 (18) and (19) responsible charge experience and to add 12AAC36.990(d) to further explain the definition of responsible charge in AS08.48.341(21). The motion passed unanimously via roll call vote. Yes: Bell, Cole, Fritz, Garness, Johnston, Leman, Maxwell, Rozier, Wallis Therefore, it was, <i>RESOLVED to approve the proposed regulations in Chapter 36 to change all similar terms "responsible control, direct professional knowledge, and direct supervisory control" to responsible charge or responsible charge experience, change the definition in 12AAC 36.990 (18) and (10) responsible charge experience and add 12AAC 36.990(d) for public notice pending approval by the Department of Law.</i>
B. 12AAC 36.185 – Document Retention – Johnston/Garness	
Motion: 12AAC36.185(j)	In a Motion made by Elizabeth Johnston and seconded by Jeff Garness it was proposed to approve the regulation changes to 12AAC 36.185(j) which adds "for the duration of the statute of repose as defined under AS 09.10.055" to clarify how long sealed documents must be retained. The motion was approved via a roll call vote: Yes: Bell, Johnston, Leman, Leonetti, Maxwell, Rozier, Wallis / No: Cole, Fritz, Garness Jeff Garness, seconded by Loren Leman, amended the motion to say "document must be retained by the registrant, the owner of the documents or the document of public record... " After board discussion, Garness decided to withdraw the amendment. Therefore, it was, <i>RESOLVED to approve the regulation change to 12AAC 36.185(j) for public notice pending approval by the Department of Law.</i>

C. 12AAC 36.145 – What defines an office – Johnston/Garness/Wallis	
Motion: 12AAC36.145	<p>In a Motion made by Elizabeth Johnston and seconded by Fred Wallis it was proposed to remove 12AAC36.145 Architectural, Engineering, or Surveying Offices in its entirety.</p> <p>The motion was approved unanimously via a roll call vote: Yes: Bell, Johnston, Leman, Leonetti, Maxwell, Rozier, Wallis, Cole, Fritz, Garness</p> <p>Therefore, it was,</p> <p><i>RESOLVED to approve the removing the regulation 12AAC 36.145 for public notice pending approval by the Department of Law.</i></p>
D. 12AAC 36.530(b) – CE Military Exemption – Education Committee	
Motion: 12AAC 36.530(b)	<p>In a Motion made by the Education Committee it was proposed to approve a regulation change to 12AAC36.530(b) that removes the word “consecutive” from the military orders exemption for continuing education.</p> <p>The motion was approved unanimously via a roll call vote: Yes: Bell, Johnston, Leman, Leonetti, Maxwell, Rozier, Wallis, Cole, Fritz, Garness</p> <p>Therefore, it was,</p> <p><i>RESOLVED to approve the regulation change to 12AAC 36.530(b) by removing the word “consecutive” for public notice pending approval by the Department of Law.</i></p>
E. Architectural Engineering – Johnston, Legislative Liaison Committee -See agenda item 19 A survey was sent out through NCEES to evaluate how other jurisdictions regulate this discipline. Johnston has also reached out to the Architectural Engineers Institute (AEI) who writes the PE AE exam, and they will be discussing this topic with the board tomorrow.	
8. Break	
9. Division Report – Director Robb	
<p>A. FY 2024 – 2nd Quarter Update</p> <p>B. Update on EA Salary The Division has 6 Executive Administrators (EA) – 3 have their range specified in statute and 3 do not. Director Robb has been trying administratively to have the EA range raised. It requires a class study which needs approval from the Office of Management and Budget (OMB). Director Robb suggested adding the EA salary range to HB159/SB73. Bell inquired about adding it to other bills related to professional licensing. Director Robb will send Chair Fritz a list of possible bills the EA salary range could be added to. Fritz assigned the Legislative Liaison Committee with reviewing the list of bills Director Robb sends to the Board.</p> <p>C. Update on ADEC Director Robb deferred to Department of Law’s Division Director Stacie Kraly’s report to the Board tomorrow.</p> <p>D. Update on Military & Spouse Special Licensure Bill is in the finance committees in both bodies that would require temporary licensure for each licensing program so that they are in compliance with the federal requirement. Director Robb indicated that there is a case before a judicial body that is similar to AELS’s need to require the Cold Regions Design Course that she is watching to see how what the court decides.</p> <p>Director Robb also discussed the sunset audit process since the AELS’s board is set to sunset in June 2025. The audit kicked off on Monday, February 5, 2024. The audit teams set the time period review dates and then looks through minutes to ensure business was handled properly and meetings were public noticed. They also take a sample of new applicants as well as</p>	

renewals to check that everyone was licensed according to regulation. The audit team will check to see that investigations are being done in a timely manner. Once that process is complete a confidential management is issued and given to the Commissioner and to the Board chair with recommendations to the Board, to the governor's office, and to the Division. After a response has been issued to the recommendations, the audit team releases a confidential preliminary report to the Commissioner and the Board chair. Those responses will be included in the final report that will be published to the website. Then next year the Board will seek a sponsor for its sunset bill.

10. Public Comment

Colin Maynard – He is looking forward to serving on the board again starting March 1, 2024. He suggested that the board discuss the regulation for document retention further. He was chair during the last sunset audit and did not find it to be an onerous process. A possible bill to add the EA salary to is the Operating Budget Bill, but he cautioned to be careful that whatever bill it possibly gets added to does not require a title change for the EA. He expressed his willingness to serve on the Legislative Liaison Committee since he has worked with the legislature since the 1990s.

11. Outreach Event – Cold Regions Design Course Instructors

12. Board Discussion on Cold Regions Design Core Competencies

To not cause a delay to licensure, one solution could be to increase the frequency it is offered and possibly have it on demand. Ideas for content would be to have core content all applicants need to take and then have modules specializing in professions/disciplines. However, because the course is designed to show applicants what they do not know the content might not need to be changed.

While the system is not broken, it could be improved upon. Garness suggested that the board provide information to the existing course instructors on how the courses could be improved. Fritz assigned the task to the Education Committee give the course instructors a list of up to five core competencies it would like to see included in the course and to evaluate the timing of the courses taken by comity applicants to see if the courses could be offered in a way that allowed a comity applicant to get licensed more quickly and not have to wait for a course to be offered. Fritz asked the Board to review the list of core competencies in the Board packet and let Sara know if changes or additions need to be made before the Education Committee meets.

13. Old Business

- A. Create Policy / Reg Project on number of references for applications – Bell / Wallis
SB126 removed the requirement in statute for applicants to provide references. Because Work Experience Verifications, are provided by someone who knows the applicant the Board felt like that was enough.
- B. AELS Website – Strait/Staff
Nothing to report
- C. Gather DEI Data from National Organizations – Johnston / Leonetti
Nothing to report

14. Break

15. Board Elections (Feb 2024-Feb 2025) – moved to February 9 at 1pm

16. New Business

- A. Incoming Correspondence
 - 1. Stephanie Cloud – CE Volunteer Hours
She was volunteering to design to a playground for her kids' school as part of her office's community volunteer program. Because it did not include teaching or including students K-12, and was part of her regular office duties this does not qualify as a CE activity.
 - 2. Bill Mendenhall – DUIs- Investigative Advisory Committee
He thinks that the Professional Fitness Question that asks about a DUI does not prove whether an applicant is fit for practice. Johnston referred to a case where the Board disciplined a registrant for excessive DUIs and was sued. The case will be sent to the board for them to review and be ready to discuss tomorrow under agenda item 23 A.

B. New Annual Report Template
The Board looked through the simplified template for FY2024.

C. Board delegate(s) to speak on SB73 / HB 159 after 3/1/2024
Bell asked if the Board could have a past Board member speak on behalf of the Board. Sara Chambers joined the meeting to offer guidance on the issue. Chambers said that if the board member leaves the board mid-session, then it would be permissible for that board member to offer testimony on a bill if they make it clear when his or her term on the Board ended. However, the Board does need to train another Board member to speak to the issue. The past Board member could only testify about positions the Board took while they were on the board and not speak to anything that has happened since they left the board. Johnston pointed out that characterizing the motion in the May 2023 meeting by saying the board opposes adding IDs to the AELS board is incorrect. The motion was in the positive which means the motion to approve adding IDs to the AELS Board failed. Chambers informed the Board that because the motion did not pass, the board is neutral. She also suggested to not let procedure (wording a motion in positive language), get in the way of the business of the Board. A new Board member who is coming onto the Board on March 1, 2024, can be delegated to speak even if they have not been confirmed by the legislature. Fritz did suggest that the Board send a letter to the House Finance Committee informing them of the Board's concerns from the May 2023 meeting.

<p>Motion: Table Agenda Item 16 C: Board delegate to speak on SB73 / HB159</p>	<p>In a Motion made by Elizabeth Johnston and seconded by Fred Wallis it was proposed to table agenda item 16 C Board Delegate(s) to speak on SB73/ HB159 until after item 15 – Board Elections tomorrow.</p> <p>The motion failed via a roll call vote: Yes: Johnston, Leonetti, Maxwell, Wallis / No: Bell, Fritz, Garness, Leman. The motion fails due to a tie vote.</p> <p>Therefore, it was,</p> <p><i>RESOLVED to not table discussion on agenda item 16 C – Board Delegate(s) to speak on SB73/ HB159</i></p>
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<p>Motion: Board delegate to speak on SB73 / HB159</p>	<p>In a Motion made by Jeff Garness and seconded by Bob Bell it was proposed approve Loren Leman and Catherine Fritz to speak on behalf of the AELS Board on SB73 and HB159 until such time the Board appoints someone else or the end of the 33rd Legislative Session.</p> <p>Leman and Fritz accepted the role unless the Board acts on SB73 and HB159 between March 1, 2024, the end of the 33rd session. Johnston spoke against the motion saying only current board members should speak on bills before legislature and if this motion passes it is imperative that the delegates only speak to what the Board has agreed on.</p> <p>The motion passed via a roll call vote: Yes: Bell, Cole, Fritz, Garness, Leman, Maxwell / No: Johnston, Leonetti, Wallis / Abstain: Rozier (was not in meeting for this discussion)</p> <p>Therefore, it was,</p> <p><i>RESOLVED that Loren Leman and Catherine Fritz will speak on behalf of the AELS Board on SB73 and HB159 until such time the Board appoints someone else or the end of the 33rd Legislative Session.</i></p>
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D. Upcoming CE Audit
Audit letters will go out by early March. Because of the new CE Regulations, the board will now accept the NCEES Continuing Professional Competency (CPC) report. Staff will review audits that include AIA transcripts, NCEES CPC report, and AELS CE logs that are straight forward and only bring ones that need board review to the May Board meeting.

17. Licensing Examiner's Report

A. Update on staff approval process
It was discovered that because AELS regulations did not specify when it could start charging the late fee for renewals Centralized Statute 08.01.100(b) applies which states that late fees cannot be charged until a license has been lapsed for more than 60 days.

Also, it was confirmed that staff can review and also have the board review applicants between board meetings who have not completed the Cold Regions Design Course and / or the Jurisprudence Questionnaire.

Motion:
Regulation Project
12AAC36.170 Fees

In a Motion made by Elizabeth Johnston and seconded by Fred Wallis, and approved unanimously, it was proposed to modify regulation 12AAC 36.170 Fees to establish that the AELS late fee will be charged on renewals that are postmarked after 12/31 of the end of the renewal period.

Therefore, it was,

RESOLVED to approve the regulation project on 12AAC36.170 Fees to charge the late fee immediately upon lapsing and not wait the 60 days.

18. Application Review Questions

- A. Stephen Laverty – applying for NM by Comity. His supervisor died before verifying his experience and does not qualify for the letters of reference because he has not been licensed for five years. Maryland licensed him based on him submitting projects he has completed for their review. Fritz asked the applicant to be reviewed under 12AAC36.105(b)(1) that gives leeway to the board to evaluate the applicant’s education, experience, and examinations to ensure they are equivalent to the requirements of AS 08.48 and assigned two board members to review and bring their decision to the meeting tomorrow.
- B. Cody Lourie
Mr. Lourie has applied CE by Exam. He was brought before the whole board because it was originally thought that he did not have an ABET degree. Upon further research it was found that at the time he graduated in 2008 his Plastics Engineering Technology degree was ABET accredited. The reviewing board members signed off on his board ballot conditionally approving him for licensure based on him passing the PE exam.
- C. Maddison Cappabianco
She is applying for EC by Comity. Her experience was signed off by a mechanical engineer and the experience verified on the form does not appear to be chemical experience. The board requested the applicant and the verifier clarify the experience to evaluate if it qualifies as chemical experience. An explanation was submitted that showed it was chemical engineering experience so applicant was approved for licensure.

19. Recess for day

Day 2 –

Roll Call: Catherine Fritz, Elizabeth Johnston, Loren Leman, Ed Leonetti, Jake Maxwell, Sterling Strait, Fred Wallis, Bob Bell (9:09am), Randall Rozier (9:08am), Brent Cole (9:47am)
Jeff Garness – Excused (Joined at

20. ASCE / AEI – Architectural Engineering Presentation – Andrea Reynolds

Presenters: Andrea Reynolds is the current past president for Architectural Engineering Institute (AEI). She is a structural engineer who also works in the architectural engineering profession. Nicole Jenkins is the immediate past chair of the NCEES PE Architectural Engineering Exam and has a degree in Architectural Engineering from Penn State. Brendan Poole graduated from the Missouri University of Science and Technology one year ago and sits on the AEI Emerging Leadership Council.

Brendan explained that architectural engineers do a combination of architecture and engineering. The profession is also called building engineering and involves the engineering and construction of buildings and facilities. The architectural engineering degrees considers both architecture and engineering.

Andrea said that only 5 of the NCEES jurisdictions do not recognize the PE AE exam for PE licensure. This is in part because those 5 states license structural engineers. Other states will allow someone with the PE AE to be registered as a PE – not discipline specific. The exam includes questions on electrical engineering – 25%, mechanical engineering – 25%, structural engineering – 20%, building systems integration – 15%, and construction administration – 15%. Because most jurisdictions are not discipline specific, a person’s

stamp who has passed the PE AE is usually either PE or SE. Many states allow an AE to only stamp plans for the entire buildings that are 2 stories or less.

The standard AE degree does not give a person a basic seismic understanding unless the person goes down the structural path for the degree that does give a basic seismic understanding, but not high seismic detailing. The career path for a person with an AE usually results in a person working in the mechanical, electrical, fire protection, plumbing design or in construction management.

21. Board Discussion on Architectural Engineering as a Registered Profession

AELS has received applicants who have an AE degree and can qualify under the equivalent degree table for another discipline. It has also received applications where the applicants have only passed the PE AE to which there is no pathway to licensure in Alaska. The board is open to either accepting the PE AE towards another discipline or adding the discipline of AE for those that have passed the PE AE. Fritz reminded the board that licensure would also require experience in the discipline being applied for. Johnston suggested crafting a scope of practice that would place limitations on the practice of architectural engineering. A person practicing AE could potentially stamp electrical, mechanical, and some structural drawings.

Fritz shared that she is concerned about the Board's workload and the time that adding this discipline would take, she also thinks it is good to be looking at alternate paths for licensure for those that have passed the PE AE, and lastly, that the board should review this and see if this is needed in Alaska. She did request that if the board does add this discipline to not include architect in the title of the discipline. She wants to hear from the industry and ask what the obstacles as well as the benefits are of doing this.

Fritz designated a working group to meet with professionals in the industry to include one mechanical engineer, one electrical engineer, one structural engineer, and one civil engineer, along with one AELS Board member – Ed Leonetti with a timeframe of one year. Her hope is that each person from the various industries will go to their state associations and talk about how adding this discipline would impact them as well as make the industry aware that the Board is considering adding this discipline.

22. Break

Follow-up on Item 17

Motion:

12AAC36.170 Fees

In a Motion made by Elizabeth Johnston and seconded by Fred Wallis, and approved unanimously via roll call vote, it was proposed to modify regulation 12AAC 36.170 Fees and add b) Late renewal penalty fees shall be assessed as of January 1 of the year following the biennium period and payment is due prior to renewal. Continuing education extension period fees are due at the time of the extension.

Therefore, it was,

RESOLVED to approve the regulation change to 12AAC36.170 Fees to charge the late fee immediately upon lapsing and not wait the 60 days as required in 08.01.100(b) for public notice pending approval by the Department of Law.

23. Committee Reports

A. Investigative Advisory Committee – Leonetti

1. Investigative Report – Kase

There are currently 8 open cases – 3 engineer cases and 5 land surveyor cases. He also shared the result of the closed cases. The cases that are assigned to board members that are terming off will be assigned to current board members.

2. Barrier Crimes

3. Application Professional Fitness Question #1

Have you been convicted of a crime or are you currently charged with committing a crime, or is any such action pending? For purposes of this question, "crime" includes a misdemeanor, felony, or a military offense **where a jail sentence could have been imposed**. including (but not limited to) a conviction involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. "Convicted" includes having been found guilty by verdict of a judge or jury, having entered a plea of guilty, nolo contendere or no contest, or having been given probation, a suspended imposition of sentence, or a fine.

If AELS required a background check, whatever shows on the report would be compared to the application. Investigator Billy Homestead suggested that if they required background checks they need to ensure the reports come to the board directly from the source and that the Board make a list of crimes that are backed up by statutes and regulations for what crimes need to be investigated.

This topic was discussed due to Mr. Mendenhall's letter under Item 16A(2) – Incoming Correspondence. He points out that the crimes that applicants are asked to report, specifically DUIs, that have no bearing on their profession should not be required.

4. "Code of Ethics" – in 08.48.101 and .111

The committee will look into what AELS is using for its Code of Ethics and then ensure it is being distributed.

Motion:
Applications' Professional
Fitness Question 1

In a Motion made by the Investigative Advisory Committee, and approved by show of hand, it was proposed to modify Professional Fitness Question #1 to read as follows:
Have you been convicted of a crime or are you currently charged with committing a crime, or is any such action pending? For purposes of this question, "crime" includes a misdemeanor, felony, or a military offense where a jail sentence could have been imposed. "Convicted" includes having been found guilty by verdict of a judge or jury, having entered a plea of guilty, nolo contendere or no contest.

Yes: Bell, Fritz, Garness, Johnston, Leonetti, Maxwell, Rozier, Wallis / No: Leman, Strait

Therefore, it was,

RESOLVED to approve changing Professional Fitness Question #1 in all AELS applications.

Motion:
Regulation Project to
incorporate a list of barrier
crimes into 12AAC36.320

In a Motion made by Ed Leonetti and seconded by Jeff Garness, and approved via roll call vote it was approved to start a regulation project on 12AAC36.520 to incorporate a list of barrier crimes

Yes: Fritz, Garness, Johnston, Leonetti, Maxwell, Rozier, Strait, Wallis

Therefore, it was,

RESOLVED to approve a regulation project on 12AAC 36.520 to incorporate a list of barrier crimes.

A. Outreach Committee – Maxwell

1. 2024 Newsletter – All articles are in and should be out for board approval before the board members term off on March 1, 2024.
2. Wall Certificates – The committee will look into possibly adding this as a pdf to the MyLicense portal that the registrant can print themselves.
3. May 2024 outreach event
Regulators' forum with key Municipality of Anchorage Building Officials, State Fire Marshal, and AELS Investigator Maxwell requested that Garness help with this event and invite officials. Leonetti requested that Fairbanks Building Officials get invited.

B. Guidance Manual Committee - Rozier

1. Bylaws

There is currently no provision in the AELS Bylaws for how to make changes to the bylaws. Leman submitted the following paragraph for consideration:

"These By-laws may be adopted, amended or repealed by a majority of the Board members authorized. This action is authorized only at a properly noticed and conducted meeting of the Board. Proposed text for By-laws actions must be available to Board members and the public at least 21 days in advance of the meeting where a vote will be taken."

Fritz asked that the committee save all changes to the bylaws until the board can change regulation 12AAC 36.920 that specifically refers to the 2014 version of the bylaws.

<p>Motion: Changing the Bylaws 12AAC36.920</p>	<p>In a Motion made by Elizabeth Johnston and seconded by Randall Rozier, it was approved unanimously via roll call vote to open a regulation project to change 12 AAC 36.920 Board bylaws to update the 2014 reference</p> <p>Therefore, it was,</p> <p><i>RESOLVED to approve a regulation project on 12AAC 36.920 to not refer to a specific version date.</i></p>
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2. Definition of Responsible Charge Experience and HSW

<p>Motion: Adding a Definition Section to the Guidance Manual and add definitions for HSW and Responsible Charge Experience and add a reference to HSW in Board Policies and Historical Information.</p>	<p>In a Motion made by the Guidance Manual Committee it was approved unanimously via roll call vote to add the definition of HSW and Responsible Charge Experience to the Guidance Manual and add a reference to HSW in the Board Policies and Historical Information.</p> <p>Therefore, it was,</p> <p><i>RESOLVED to approve the changes to the Guidance Manual and Board Policies and Historical Information as presented in this meeting.</i></p>
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- 3. Example of CE self-study structured report – Leonetti
- 4. Digital Signature -waiting for regulation change – Johnston
- C. Legislative Liaison Committee – Leman
 - 1. Board Make-up – Rep. McKay did not file this bill and does not plan to advance it until the board can more clearly identify what it wants.
 - 2. EA Salary Issue – This was covered during the Division Update by Director Robb
 - 3. SB 73 / HB159 update – HB159 moved from House Labor and Commerce to House Finance after the hearing on February 2, 2024. Fritz testified for the AELS Board and informed the committee of the changes the board recommended in May 2023. Johnston testified as an individual and expressed concern with how the bill deals with comity applicants and the definition of practice. SB73 is with Senate Finance. Fritz suggested that the board send a letter to the House Finance Committee with the board’s concerns.
 - 4. HB221 – Maxwell shared that this bill deals with platting unplatted tracts of land. This bill would allow private citizens to record their own plat.

<p>Motion: Jake Maxwell – speak on behalf of the AELS Board on HB221</p>	<p>In a Motion made by Elizabeth Johnston and seconded by Sterling Strait, it was approved unanimously to have Jake Maxwell and the new Legislative Liaison Committee Chair speak on the AELS Statutes and Regulations on behalf of the AELS Board on HB221</p> <p>Therefore, it was,</p> <p><i>RESOLVED to approve Jake Maxwell and the LLC Chair to speak on the AELS Statutes and Regulations of the AELS Board on HB221.</i></p>
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- F. Education Committee - Johnston
 - 1. On demand Cold Regions Design course
The core competencies will be added to the resource folder for the board members to add/edit the core competencies.
 - 2. Regulation Project CE 12 AAC 36.530(b) (See Agenda Item 7D)

24. Lunch

15. Board Elections (February 2024- February 2025)

<p>Motion:</p>	<p>In a Motion made by Elizabeth Johnston and seconded by Sterling Strait, it was approved unanimously to have Jeff Garness serve as AELS Board Chair from February 2024-February 2025</p> <p>Therefore, it was,</p>
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Jeff Garness – Chair February 2024-February 2025	<i>RESOLVED to approve Jeff Garness as AELS Board Chair from February 2024-February 2025</i>
Motion: Ed Leonetti – Vice Chair February 2024-February 2025	In a Motion made by Elizabeth Johnston and seconded by Jeff Garness, it was approved unanimously to have Ed Leonetti serve as AELS Board Vice Chair from February 2024-February 2025 Therefore, it was, <i>RESOLVED to approve Ed Leonetti serve as AELS Board Vice Chair from February 2024-February 2025</i>
Motion: Sterling Strait - Secretary February 2024-February 2025	In a Motion made by Elizabeth Johnston and seconded by Jeff Garness, it was approved unanimously to have Sterling Strait serve as AELS Board Secretary from February 2024-February 2025 Therefore, it was, <i>RESOLVED to approve Sterling Strait serve as AELS Board Secretary from February 2024-February 2025.</i>

25. Special Groups

- A. Land Surveyor Subcommittee – Bell / Maxwell
The subcommittee is considering where to add a definition for recording plats in regulation. They will look into possibly adding it to 12AAC 36.185 – Use of Seals.
The definition the subcommittee will use is from NCEES Model Law 110.20 Definitions B 3 d – “Making any survey for the division, subdivision, or consolidation of any tract(s) of land”
- B. ADEC Regulations Working Group – Leman / Garness
DEC started a project to amend 18AAC72 – wastewater disposal regulations. The regulated community (including AELS) provided comments during the public comment period, but DEC put through the changes without incorporating AELS’s concerns, or even responding to them. The new DEC regulations expand the Certified Installers scope of practice which includes duties that are considered engineering. Because there was conflict between two state departments, the issue was brought to the Department of Law which resulted in Leman and Garness meeting the AG Treg Taylor. After hearing the conflicts between AELS regulations and DEC regulations, AG Taylor asked for a memo from AELS which was sent on January 31, 2024. AG Taylor then had the Department of Law review this. Civil Division Director Stacie Kraly joined the meeting to discuss the draft opinion that she issued but asked that we hold it while she continues to do her evaluation of the concerns expressed by AELS. She did say that when the conflict was found between these two state agencies it should have been elevated to her or the Deputy AG. The issues she is researching is why is an engineer is required for an over 500-gallon wastewater system, but one is not required for a system under that amount, why the word “supervision” or some form of it was added to the new DEC regulations and what was meant by that word, and what is the role of the Certified Installer? At this time, she is not saying she agrees with either agency, but is still evaluating and wants to be able to resolve this conflict. She appreciates that the AELS Board is offering a possible solution. She hopes to conclude her research within the next couple of weeks and have recommendations for AG Taylor, the Commissioner of ADEC, and the AELS Board.
- C. DOT Bridge / Structural Engineering Working Group – Strait / Leman
This working group did not meet between the November 2023 board meeting and the February 2024 meeting. Leman opted to stay on as a Working Group member even after he is off the board.

26. Break

27. Review Action Item List

28. Set Committee Meeting Dates

Legislative Liaison Committee – Wednesday, February 21 – 12:15 – 1:15pm – Catherine Fritz invited
Investigative Advisory Committee – Tuesday, March 5 – noon – 1pm
Land Surveyor Subcommittee – Thursday, March 7 – noon – 1pm – Bob Bell invited

Guidance Manual – Tuesday, March 19 – noon - 1pm

Outreach Committee – Wednesday, March 20 – noon – 1pm – Jeff Garness invited

Planning & Implementation Committee – Friday, March 22 – noon – 1pm – Catherine Fritz invited

Education Committee – Elizabeth resigned as chair – no meeting scheduled

29. Read Applicants into the Record

Motion:
Monthly Approval
Applicants

In a motion made by Ed Leonetti, seconded by Sterling Strait, and approved unanimously, it was

RESOLVED to APPROVE the following list of applicants for registration by comity that were reviewed by staff and board since the last board meeting.

License #	First Name	Last Name	Type of License	Board Decision
217487	Kristine	Pafford	Arch	Approved
217332	Ryan	Marsters	CE	Approved
217926	Jeremy	Wenger	ME	Approved
218427	Justin	Palmer	Arch	Approved
219045	Matthew	Staley	Arch	Approved
218883	Derek	Hancey	CE	Approved
218567	Driss	Majdoub	CE	Approved
219002	Elizabeth	Willmot	CE	Approved
218994	Tyler	Ott	CE	Approved
218158	Andrew	McEachern	SE	Approved
215207	Tanjeet	Juneja	SE	Approved
218613	William	Ragland	SE	Approved

Motion:
Monthly Conditional
Approval Applicants

In a motion made by Ed Leonetti, seconded by Jeff Garness, and approved unanimously, it was

RESOLVED to CONDITIONALLY APPROVE the following list of applicants for registration by comity that were reviewed by staff and board since the last board meeting.

License #	First Name	Last Name	Type of License	Board Decision
215816	John	Miller	CE	Conditional
217277	Matthew	White	CE	Conditional
217560	Quinn	Culbertson	ME	Conditional
218336	Remy	Stern	CE	Conditional
217509	David	Montague	EE	Conditional
219111	Matthew	Ferguson	ME	Conditional
218029	Martin	Olson	CE	Conditional
218345	Aaron	Suderman	ME	Conditional
218998	Joshua	Voecks	CE	Conditional
218154	Timothy	Morgan	CE	Conditional

Motion: Approved Applicants	In a motion made by Ed Leonetti, seconded by Loren Leman, and approved unanimously, it was <i>RESOLVED to APPROVE the following list of applicants for registration by comity with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.</i>
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License #	First Name	Last Name	Type of License	February Decision
219383	Chung-Tse	Lin	Arch	Approved
217271	Wayne	Jenski	Arch	Approved
216274	Frederick	Grantham	CE	Approved
216726	Juan Javier	Torres Goitia	CE	Approved
216081	Madison	Cappabianco	EC	Approved
217554	David	Sansotta	SE	Approved

Motion: Conditionally Approved Applicants	In a motion made by Ed Leonetti, seconded by Bob Bell, and approved unanimously, it was <i>RESOLVED to CONDITIONALLY APPROVE the following list of applicants for registration by comity and examination with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.</i>
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License #	First Name	Last Name	Type of License	February Decision
218019	Jeremiah	Smith	Arch	Conditional
107876	Willie	Zamora	Arch	Conditional
219371	Cody	Lourie	CE	Conditional
217633	Corbyn	Navas	CE	Conditional
218665	Marianna	Ligon	CE	Conditional
217328	Whitley	Laws	CE	Conditional
218477	William	Redman	CE	Conditional
219106	Zak	Hartman	CE	Conditional
216332	Morgan	Pohlman	EE	Conditional
105634	Clifton	Enochs	EV	Conditional
219380	Jason	Gresehover	EV	Conditional
117089	Kelsey	Lindahl	EV	Conditional
219516	Brandon	Hoxie	LS	Conditional
114908	Eric	Roelfs	LS	Conditional
219367	Evan	Venechuk	LS	Conditional
219052	Michael	Bennett	LS	Conditional
196446	Simon	Gilliland	LS	Conditional
121881	Isaac	Williams	ME	Conditional
217700	Stephen	Laverty	NM	Conditional

Motion: Conditionally Approved Applicants	In a motion made by Ed Leonetti, seconded by Fred Wallis, and approved unanimously, it was <i>RESOLVED to find the following list of applicants for registration by comity INCOMPLETE with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.</i>
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License #	First Name	Last Name	Type of License	February Decision
218022	Sophia	Zumot	CE	Incomplete

Travel Resolution – Leman wrote a travel resolution asking the State to consider changing its travel policy to allow for the Board to meet once each year in Fairbanks and Juneau for meetings to keep in better touch with its registrants and the Legislature.	
Motion: Travel Resolution	In a motion made by Loren Leman, seconded by Elizabeth Johnston, and approved unanimously, it was During the discussion of this motion the board asked for reference to the following topics be included: excess go into general funds and enhances the board’s visibility in its enforcement role. <i>RESOLVED to adopt the Travel Resolution as amended in this meeting.</i>
30. Upcoming Calendar	
A. February 29-March 2, 2024 NCARB Regional Summit -- Savannah, GA – Catherine Fritz, Sara Neal B. April 19 th – AKLS C. May 8-9 th – May AELS Board Meeting 1. FY2025 Strategic Plan 2. CE Audit Documentation Review 3. New Board Member Welcome D. May16-17th - NCEES Zones Bozeman, MT – Jake Maxwell, Colin Maynard, Kelly Johnson, Sara Neal Strait asked if Maynard wanted attend in his place. E. June 13-15 th – NCARB Annual Business Meeting -Chicago, IL F. August 14-17 th – NCEES Annual Business Meeting – Chicago, IL G. August 22-23 – August 2024 Board Meeting H. September 19-20 th – CLARB Annual Business Meeting – Buffalo, NY	
Motion: NCARB Annual Business Meeting	In a motion made by Randall Rozier, seconded by Elizabeth Johnston, and approved unanimously, it was <i>RESOLVED to approve Randall Rozier and Paul Baril or as appointed by the chair to be the AELS delegates to the NCARB Annual Business Meeting.</i>
31. Board Member Comments	
All remaining board members expressed their gratefulness for the outgoing board members’ contributions to the board. Bell, Leman, Wallis, and Fritz are terming off the board. Exiting board members encouraged the board to keep up the good work. All members welcomed in the four new incoming board members that start on March 1, 2024.	
32. Adjourn	

Respectfully submitted:

Sara J. Neal

Sara Neal, Executive Administrator

Approved:

Jeff Garness

Jeff Garness, Chair
Environmental and Civil Engineer
Alaska Board of Registration for Architects,
Engineers, and Land Surveyors

Date: May 8, 2024