

AELS Board Meeting - Day 1

Feb 17, 2021 9:00 AM - Feb 17, 2021 5:00 PM AKST

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State Board of Registration for Architects, Engineers, and Land Surveyors

	Appointed	Reappointed	Expires
Jennifer Anderson <i>Civil Engineer</i>	03/01/2018		03/01/2022
Robert (Bob) Bell <i>Land Surveyor</i>	03/01/2020		03/01/2024
Catherine Fritz - Secretary <i>Architect</i>	03/01/2016	03/01/2020	03/01/2024
Jeff Garness <i>Engineer Other Than Those Listed</i>	03/01/2020		03/01/2024
Elizabeth Johnston – Vice-Chair <i>Electrical/Mechanical Engineer</i>	03/01/2017		03/01/2025
John Kerr – Chair <i>Land Surveyor</i>	03/01/2013	03/01/2017	03/01/2021
Jeff Koonce <i>Architect</i>	03/01/2013	03/01/2017	03/01/2021
Loren Leman <i>Civil Engineer</i>	03/01/2020		03/01/2024
Luanne Urfer <i>Landscape Architect</i>	07/01/2013	07/07/2017	03/01/2021
Fred Wallis <i>Mining Engineer</i>	03/01/2016	03/01/2020	03/01/2024
Bruce Magyar <i>Public Member</i>	12/15/2020		03/01/2022

State of Alaska
Board of Registration for Architects,
Engineers, and Land Surveyors

MISSION STATEMENT

The board adopts regulations to carry out its mission to protect the public health, safety, and welfare through the regulation of the practice of architecture, engineering, land surveying, and landscape architecture by:

- **ensuring that those entering these practices meet minimum standards of competency, and maintain such standards during their practice;**
- **requiring licensure to practice in the State of Alaska; and**
- **enforcing both the licensure and competency requirements in a fair and uniform manner.**



Alaska Division of Corporations, Business and Professional Licensing

Virtual Meeting Code of Conduct

I understand that by participating in any virtual board meeting or event hosted by the Division of Corporations, Business and professional Licensing, **I am agreeing to the following code of conduct:**

Expected Behavior

- Because CBPL and its boards value a diversity of views and opinions, all board members, invited guests, members of the public, and division staff will be treated with respect.
- Be considerate, respectful, and collaborative with fellow participants.
- Demonstrate understanding that the board is following a business agenda and may reasonably change it to ensure meeting efficiency. Unless invited ahead of time to address the board, the chair may recognize members of the public to speak for a limited time during the public comment period.
- Recognize the chair has the authority to manage the meeting, and staff may intercede to assist, if needed.
- All participants are also subject to the laws applicable in the United States and Alaska.

Unacceptable Behavior

- Harassment, intimidation, stalking or discrimination in any form is considered unacceptable behavior and is prohibited.
- Physical, verbal or non-verbal abuse or threat of violence toward of any board member, invited guest, member of the public, division staff, or any other meeting guest/participant is prohibited.
- Disruption of any CBPL board meeting or hosted online session is prohibited.
- Examples of unacceptable behavior include:
 - Comments related to gender, gender identity or expression, age, sexual orientation, disability, physical appearance, body size, race, religion, national origin, political affiliation;
 - Inappropriate use of nudity and/or sexual images in presentations;
 - Use of music, noise, or background conversations as a disruption. While this may happen briefly or incidentally, prolonged or repeated incidents are prohibited.
 - Shouting, badgering, or continued talking over the speaker who has been recognized by the chair.

Reporting Unacceptable Behavior

If you or anyone else in the meeting is in immediate danger or threat of danger at any time, please contact local law enforcement by calling 911. All other reports should be made to a member of the senior management team.

Consequences

If the director of the division determines that a person has violated any part of this code of conduct, CBPL management in its sole discretion may take any of the following actions:

- Issue a verbal or written warning;
- Expel a participant from the meeting;
- Suspend attendance at a future meeting – both virtual and in-person;
- Prohibit attendance at any future CBPL event – both virtual and in-person;
- Report conduct to an appropriate state entity/organization;
- Report conduct to local law enforcement.



ALASKA STATE BOARD OF REGISTRATION FOR
ARCHITECTS, ENGINEERS, AND LAND SURVEYORS
TENTATIVE AGENDA

FEBRUARY 17, 2021 (DAY 1)

Zoom: <https://zoom.us/j/96714234083>

Teleconference: 253-215-8782

Meeting ID: 967 1423 4083

Board Members:

John Kerr

*Land Surveyor
(Chair)*

Elizabeth Johnston

*Electrical/Mechanical
Engineer (Vice Chair)*

Catherine Fritz

Architect (Secretary)

Jennifer Anderson

Civil Engineer

Robert (Bob) Bell

Land Surveyor

Jeffrey Garness

*Civil/Environmental
Engineer*

Jeffrey Koonce

Architect

Loren Leman

Civil Engineer

Luanne Urfer

Landscape Architect

Fred Wallis

Mining Engineer

Bruce Magyar

Public Member

Meeting Details

Meeting Start Time: 9:00 a.m.

Meeting Start Date: 2/17/2021

Meeting End Time: 5:00 p.m.

Meeting End Date: 2/18/2021

Meeting Location: Virtual Teleconference

Agenda

- I. 9:00 am - Call to Order/Roll Call
- II. 9:02 am - Mission Statement
- III. 9:03 am - Virtual Meeting Code of Conduct
- IV. 9:05 am - Board Member Introductions
- V. 9:15 am - Review/Amend/Approve Agenda
- VI. 9:20 am - Review/Approve Minutes from November 12-13, 2020 Board Meeting
- VII. 9:25 am - Ethics Reporting
- VIII. 9:30 am - Board Elections
- IX. 9:35 am - Licensing Examiner's Report

Board Staff:

Rebecca Powers
*Executive
Administrator*

Sara Neal
Licensing Examiner

**Upcoming
Meetings:**

May 2021
August 2021
November 2021

- X. 9:40 am - Correspondence Received
 - A. PE Exam Eligibility
 - B. CE Exemption Request
- XI. 9:50 am - Correspondence Sent
 - A. Clarke – PE Stamping Requirements
 - B. Glashan – Practice Question
- XII. 10:00 am - Public Comment
- XIII. 10:30 am - Investigative Report
- XIV. 11:00 am - Division Update
- XV. 12:00 pm - Lunch
- XVI. 1:00 pm - Reconvene/Roll Call
- XVII. 1:05 pm - LS/AKLS
- XVIII. 1:20 pm - Application Review
- XIX. 3:30 pm - HB61 Discussion with Representative Claman
- XX. 4:00 pm - Application Review - Continued
- XXI. 5:00 pm - Recess for the Day



ALASKA STATE BOARD OF REGISTRATION FOR
ARCHITECTS, ENGINEERS, AND LAND SURVEYORS
TENTATIVE AGENDA

FEBRUARY 18, 2021 (DAY 2)

Zoom: <https://zoom.us/j/92904248914>

Teleconference: 253-215-8782

Meeting ID: 929 0424 8914

Board Members:

John Kerr

*Land Surveyor
(Chair)*

Elizabeth Johnston
*Electrical/Mechanical
Engineer (Vice Chair)*

Catherine Fritz
Architect (Secretary)

Jennifer Anderson
Civil Engineer

Robert (Bob) Bell
Land Surveyor

Jeffrey Garness
*Civil/Environmental
Engineer*

Jeffrey Koonce
Architect

Loren Leman
Civil Engineer

Luanne Urfer
Landscape Architect

Fred Wallis
Mining Engineer

Bruce Magyar
Public member

Meeting Details

Meeting Start Time: 9:00 a.m.

Meeting Start Date: 2/17/2021

Meeting End Time: 5:00 p.m.

Meeting End Date: 2/18/2021

Meeting Location: Virtual Teleconference

Agenda

- I. 9:00 am - Reconvene Meeting/Roll Call
- II. 9:05 am - Application Review - Special Requests
 - A. M. B. - CE
- III. 10:30 am - National Organization Reports and Updates
 - A. CLARB
 - B. NCARB
 - C. NCEES
- IV. 11:00 am - Old Business
 - A. NTSB Safety Recommendations
- V. 11:30 am - New Business

Board Staff:

Rebecca Powers
*Executive
Administrator*

Sara Neal
Licensing Examiner

**Upcoming
Meetings:**

May 2021
August 2021
November 2021

- VI. 12:00 pm - Lunch
- VII. 1:00 pm - Reconvene/Roll Call
- VIII. 1:05 - Regulations
- IX. 1:35 pm - Strategic Plan Overview
- X. 2:00 pm - Committee Updates/Working Session
 - A. Investigative Advisory Committee
 - B. Licensure Mobility (Military Spouse)
 - C. Guidance Manual
 - D. Legislative Liaison
 - E. Emeritus Status
 - F. Planning & Implementation Committee
 - G. Continuing Education
 - H. Outreach Committee
- XI. 4:40 pm - Read Applications into the Record
- XII. 4:45 pm – 2021 Board Meeting Dates
- XIII. 4:50 pm - Board Member Comments
- XIV. 5:00 pm - Adjourn Meeting

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS AND LAND
SURVEYORS

MINUTES OF THE MEETING
November 12-13, 2020

These are DRAFT minutes prepared by staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Board.

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Registration for Architects, Engineers and Land Surveyors was held virtually on August 13-14, 2020.

1. Call to Order/Roll Call

The meeting was called to order at 9:05 a.m.

Board members present, constituting a quorum:

Jennifer Anderson, PE, Civil Engineer, Environmental Engineer

Robert (Bob) Bell, PS, Land Surveyor, Civil Engineer

Catherine Fritz, Architect

Jeffrey Garness, PE Civil Engineer, Environmental Engineer

Elizabeth Johnston, PE, Electrical Engineer, Fire Protection Engineer (Vice Chair)

John Kerr, PS, Land Surveyor (Chair)

Jeff Koonce, Architect

Loren Leman, PE, Civil Engineer

Luanne Urfer, Landscape Architect

Fred Wallis, PE, Mining Engineer

Attending from the Division of Corporations, Business, and Professional Licensing were:

Rebecca Powers, Executive Administrator

Sara Neal, Licensing Examiner

Ryan Gill, Investigator III

Amber Whaley, Senior Investigator

Sara Chambers, Director

2. Mission Statement

The Chair, John Kerr, read the Board's mission statement into the record:

The Board adopts regulations to carry out its mission to protect the public health, safety, and welfare through the regulation of the practice of architecture, engineering, land surveying and landscape architecture by:

- *Ensuring that those entering these practices meet minimum standards of competency, and maintain such standards during their practice;*
- *Requiring licensure to practice in the State of Alaska;*

- *Enforcing both the licensure and competency requirements in a fair and uniform manner.*

3. Virtual Meeting Code of Conduct

The Chair reminded the board to be courteous and thanked everyone for always working well together.

4. Review/Approve Agenda

On a Motion duly made by Elizabeth Johnston, seconded by Loren Leman and approved unanimously, it was RESOLVED to approve the agenda.

5. Review/Approve Minutes from August 13-14, 2020 Meeting

Fred Wallis and Elizabeth Johnston need name corrections. Leman would like for the minute to reflect the name of the individual that called the name to order, rather than just saying "The Chair." Johnston would like for it to be noted that anyone whose audit has been approved has been notified via MyAlaska and/or letter. All others have been sent to the paralegal. Fritz recommended the information read that due to the extensive number of audits reviewed, the division will follow-up as necessary.

On a Motion duly made by Loren Leman, seconded by Elizabeth Johnston and approved unanimously, it was RESOLVED to approve the August 13-14, 2020 meeting minutes, pending suggested edits.

6. Ethics Reporting

Elizabeth Johnston has joined the NCEES election policies and procedures committee, which is the result of her advocacy to bring computer banks testing to the Fairbanks location. Luanne Urfer attended the virtual CLARB annual meeting. Catherine Fritz attended NCARB's exam committee virtual meeting.

7. Licensing Examiner's Report

Neal walked through the Licensing Examiner's Report noting that there is an application for a naval architect and marine engineer, which is the first one received in a very long time. The exam results are starting to pick back up now that Pearson is starting to open their testing centers. Kerr clarified that exam results show only people who went through Alaska to register for the exam. Since exams are not state specific anymore, the data does not really give a snapshot of what type of activity is happening and it would be nice to have some indicator. Urfer would prefer the charts to distinguish between other disciplines, not just engineers. Kerr thanked Neal for putting the information together for the board.

8. Correspondence Received

- a. Patrick Church – Church was unable to complete his continuing education requirements and is asking to voluntarily retire his license. A similar situation happened with another registrant in 2018 where the board granted the request to relinquish/retire the license. In order to reactive his license in the future, Patrick Church would need to submit evidence of continuing education

On a Motion duly made by Jeff Koonce, seconded by Loren Leman and approved unanimously, it was RESOLVED to grant Patrick Church's request to voluntarily retire his license.

9. Correspondence Sent

- a. Condominium Plats Certification – There is a statute under the Department of Natural Resources that has condominium plats, which are commonly owned land interests. They have a certification requiring a land surveyor to certify that mechanical and structural substantially complete. Kerr stated the board has addressed this topic number of times. During the last discussion, the conclusion was that the land surveyors are not qualified to make that statement, but in fact it

would take the full team. The board has requested the DNR change the statute, they have not done anything yet. Currently, it would be a violation for a surveyor to certify that. So there is a conflict and Kerr has told DNR that the board views it as inappropriate for land surveyor to be certifying that. DNR will have to act; meanwhile surveyors can't certify these, but they are. There are current complaints with investigations related to this situation. If the board is aware of someone doing something outside of our statutes, we obligated to turn that over to our investigator. Leman stated that it would be nice if DNR would introduce legislation through the governor, but it could also be done through an individual legislator who feels compelled to introduce that legislation. If DNR does not find the issue important, perhaps the AELS board could find a legislator who has background in this area that may have an interest to carry it forward.

b. Arctic Engineering – Instructor Qualifications – Edward Yarmak, who is a Representative for the ASCE's Cold Region Engineering Division is concerned about non- PE's teaching Arctic Engineering courses. Currently, there is no requirement for a PE to teach arctic engineering. Every school has had a PE as part of their staff. UAF recently had personnel change and they did not have a PE, but that may have changed. Johnston said their current instructor is not a PE but they are supervised by Dr. Perkins, who is a PE. There is not a problem currently, but the board should monitor the situation. They have not asked the board to do anything – they are just expressing their concern. The board has been reviewing the programs, with the most recent three years ago. The board should come up with a schedule for reviewing the programs. The arctic engineering committee should be reformed. Leman appreciates the concern from Yarmak, and wants instructors to be well qualified, but there is an exemption in statute for the teaching of engineering. The overall goal is to make sure the instructors are competent, but the statute limitation says they do not have to be registered. Johnston stated that it is a principles course, not a practice course. As a principles course, having a PhD or educational based qualifications is fine. Fritz added that the complication with requiring a licensed instructor is that if it is a PE, and there is an architect taking a course, then technically the architect would not have the approval. Fritz would like to work on arctic course requirements more to make sure instructors are responding across all disciplines in the best way possible. Kerr said there is no action required at this time.

c. NCEES FE/FS Requirements – The board no longer regulates who can and cannot take the NCEES FE and FS exams. NCEES was still requiring people to submit transcript information so that was just a matter of contacting NCEES to clarify. Applicants can sign up for the FE and FS exams without prior approval from the board. Powers took care of the issue with NCEES.

d. Career Counseling: Barrier Crimes – The board received a letter from a career counselor who had a person who had been involved in the claim of insurance fraud, because they were driving without insurance and they lied about it after being involved in a car accident. The board does not have any defined barrier crimes and Kerr is not sure if that is something the board would want to consider in the future and have more structure. Johnston stated that while there are no barrier crimes, the board does have the language about fitness and character. Kerr responded to the letter that these issues are a board call on a case by case basis. Johnston advises not to bind the future boards with how they might respond on a hypothetical application.

e. Clarify the Scope of Home Inspectors – There are people who are home inspectors that are doing inspections of septic systems that they are probably not qualified to do. The adequacy of the system requires engineering skills to assess that. The board will need to come up with a position statement on this topic. Garness said the issue came up when someone was identified running septic system adequacy tests but they were not an engineer. He was asked to review and

determine whether or not the person was practicing engineering. Garness has done thousands of these tests and has a pretty good insight into what needs to be done for adequacy tests and, in his opinion, it is essentially testing of a civil structure. It's not as simple as just dumping water into a system to see if it does not back up into the house. Typically the person performing the test would pull records from state or municipality to confirm that the system is sized adequately. There must be knowledge about monitoring the tool set to the appropriate depths in the drain fields. The tester must also have some experience in engineering judgment. In summary, the question is, "Can you perform septic system adequacy tests without performing civil engineering." The boards stance is no, you cannot perform such a test without performing civil engineering.

On a Motion duly made by Elizabeth Johnston, seconded by Luanne Urfer and approved unanimously, it was RESOLVED to evaluate gathering historic board correspondence and adding it to the AELS Board website.

Break

10. Military Spouse Working Session

Lieutenant General David Krumm, Jim Dodson, President of the Fairbanks Economic Development Corporation, and Jomo Stewart joined the meeting at 9:50. Vice-Chair Elizabeth Johnston is a professional electrical engineer and fire protection engineer based in Fairbanks. She is also a military spouse and after hearing our guests speak at the Fairbanks Chamber of Commerce, requested we invite them to join today to present to the board why it is important that military spousal reciprocity is recognized. It is also very much in line with the letter received from the administration on reducing barriers to licensure as much as possible and evaluating the AELS boards own internal policies and procedures. Lt. Gen. Krumm explained to the board that the military relocates service members and their families to Alaska often. The number one thing families do when they get reassigned is look at schools and look at opportunities for the spouse. In the past, the objective was to give spouses opportunities to gain employment, which in many cases meant government jobs. However, many spouses now are more educated, have professional careers, and are looking at furthering those careers. The goal is to make licensing for military spouses more attainable, whether it be temporary licensing or expedited licensing. Kerr stated that the board is 100% on board with facilitating licensure for the military and are supportive of it. Dodson added that military spouse licensure is a legislative priority and Alaska is 39th out of all the states as far as being competitive. Fritz reminded the board that the licensing requirements for architects, engineers, land surveyors, and landscape architects is based on the protection of life, health, safety, and welfare and Alaska has very specific requirements that are unlike any other state. Applicants should understand the Arctic conditions of which our licensed professionals will work and be responsible for. She asks our guests to please offer any specific ideas in order to streamline these requirements. Johnston stated that having to wait three months for licensure amounts to 8% of a 36-month tour of duty, so it is important to become licensed as quickly as possible. Some of the ideas she suggests, that are in line with other states, are a waiver of fees, an extension of continuing education timeliness, and an expedited application for licensure for a military spouse. In researching this, Johnston noted there is a form that military spouses can attach to their application that requests an expedited application review. Kerr interjected that Johnston's suggestions are very good and is the kind of thing the board needs to be discussing. There is no doubt this board is supportive of making military spouse licensure simple and efficient, with the caveat that public safety cannot be compromised. Lemman added that he served in the Alaska legislature and for ten years the represented the Elmendorf Air Force base was in his district. He was happy to work with the military and he agrees that the board probably can accept an interstate compact, but with provisions. Lt. Gen. Krumm stated that military spouses need to understand the environment that they are coming into and if a temporary license can be granted, then it will be beneficial to the state. Kerr thanked the guests for bringing this issue to the board's

attention and suggests forming a working committee to come up with actions that the board can consider to make this happen. Lt. Gen. Krumm appreciates the board's involvement and support.

11. Division Update

Sara Chambers, Division Director, joined the meeting to give the division update. Director Chambers reminded the board to review the Board Member Handbook that is available on the AELS website. The board reviewed first quarter reports and were reminded that 4th quarter reports are also available for review on their own time. Reviewing the previous six years allows the board to check out trends. FY20 was a large revenue year due to it being a renewal year, which can be compared to FY18, FY16, and FY14. Renewal revenues are sometimes lower because fees have been lowered, but AELS has not had to change their fees too much. Travel expenditures were significantly lower due to travel mandates related to COVID-19. Director Chambers commended the board for expanding their zoom horizons and working so diligently to be productive in the virtual environment. AELS does pay high membership fees, but the benefits of members to CLARB, NCEES, and NCARB far outweigh the cost. Investigative fees have decreased, as Investigator Gill is still sharing his time with other programs. He estimates spending approximately 75% of his time working with AELS. Kerr would like for it to be noted that we do not have Investigator Gill full time because we do not have enough work for him, but because we are in a transition and the investigations section has vacancies to fill. Investigator Gill does make AELS cases his highest priority. Fritz asked if there is a mechanism used to help figure out what tasks are needed by the board and how to get issues addressed. Director Chambers said it comes down to communication and Powers will let her supervisor know if she needs assistance in obtaining resources. Kerr would like to point out that the board by statute does not have limited resources – it has the ability to get the funds necessary to meet its mission and he does not view resources as a limiting factor. Director Chambers stated that that is partially correct. There is a legislative budget process and the legislature tells the division how much money can spend each year. Fritz would like for it to be known that virtual meetings are very difficult for this board, and even though they have been overall successful, they still come with big snags and do not compare to meeting in person, and there were good interactions despite some extreme difficulties. Director Chambers continues to think creatively about how the division does state business during the COVID-19 emergency. Each board meeting will have its challenges as they adapt to new technology, so we must accept the new normal. Kerr thanked Director Chambers for her advocacy on the boards functional needs. Director Chambers thanked the board for their hard work, partnership, and leadership.

Lunch at 12:10.

12. Application Review

The board began reviewing applications for registration.

13. Investigative Report

a. Board Report

Investigator Gill gave the investigative report. There were a few more cases opened and three more cases pending, with a few more in the queue. There are 17 open cases and six closed cases since the last meeting. In the future, there will be a separate probation report identifying any licensees that may be on probation or have stipulations of any consent agreements that may be in place.

b. Executive Session

On a Motion duly made by Elizabeth Johnston, seconded by Loren Leman and passed unanimously, it was RESOLVED to go into Executive Session to discuss investigation consent agreements.

On a Motion duly made by Catherine Fritz, seconded by Bob Bell and passed unanimously, it was RESOLVED to come out of Executive Session.

On a motion duly made by Loren Leman, seconded by Fred Wallis and passed unanimously, it was RESOLVED to accept the consent agreement allowing Bobby Burnett to surrender his license.

14. Public Comment

Blake Burley – Burley made a bit of noise about the lack of testing opportunities in Fairbanks. He knows of someone that had to travel to Anchorage to take the test, which is a huge barrier, and they failed. People are not retaking the test because it is such a burden to travel so far. Burley would like to reiterate that he feels like this is a big enough deal that the board should consider pursuing making this happen in Fairbanks. Kerr thanked Burley for his comment and let him know that the board is engaged in conversations with the University of Alaska Fairbanks and we are expected to make this happen. Johnston thanked Burley for his comment, and let him know that he has been appointed to NCEES' exam policies and procedures committee as a result of her vocal complaining on how exams are administered in Alaska. She spoke to the CEO of NCEES, who is personally aware of the exam issues happening in Alaska. NCEES will be working with Pearson VUE to identify what steps need to be taken.

Chris Miller, Mechanical Engineer and President of Design Alaska – Miller thanks the board for all the efforts the board is doing to clarify the CE requirements. Miller feels like we are holding a high standard to health, safety, and welfare yet participation in a professional society is not held to the same standard. He would like for the audits to keep the burden low to the constituents and be fast and responsive. He thinks audits are good and have proven to be very successful at raising the bar. Miller does not think the military spouse issue is huge in the grand scheme of things, and thinks every military spouse that wants to be employed as an architect or engineer in the state of Alaska can probably get a job right away. Miller thinks the arctic engineering course is important and would like to see the board continue trying to make the Arctic engineering course important, worthwhile, meaningful, and require all applicants to have taken it whether they are applying by comity or exam. Miller supports bringing exams to the University of Alaska Fairbanks. If the exam issue is related to financing, then he would like to know the appropriate person to speak to. However, it sounds like there is a patch in the works, so he will give it a little time to see how if the issue gets resolved. Leman thanked Miller for his comments and suggested speaking to UAF Chancellor Dan White and the Dean of Engineering, Bill Schnabel. Miller is very familiar with both gentlemen and will ask Bill if he knows anything from his perspective. Kerr stated that Bill is championing the cause.

Recess for the Day

15. Reconvene Meeting/Roll Call

The meeting was called to order at 8:35 a.m.

Board members present, constituting a quorum:

Jennifer Anderson, PE, Civil Engineer, Environmental Engineer

Board members present, constituting a quorum:

Jennifer Anderson, PE, Civil Engineer, Environmental Engineer

Robert (Bob) Bell, PS, Land Surveyor, Civil Engineer

Catherine Fritz, Architect

Jeffrey Garness, PE Civil Engineer, Environmental Engineer

Elizabeth Johnston, PE, Electrical Engineer, Fire Protection Engineer (Vice Chair)

John Kerr, PS, Land Surveyor (Chair)
Jeff Koonce, Architect
Loren Leman, PE, Civil Engineer
Luanne Urfer, Landscape Architect
Fred Wallis, PE, Mining Engineer

Attending from the Division of Corporations, Business, and Professional Licensing were:

Rebecca Powers, Executive Administrator
Sara Neal, Licensing Examiner
Jun Maiquis, Regulations Specialist

16. Application Review – Special Requests

The board reviewed applications of special consideration.

Kerr read **Sec. 08.48.171. General requirements and qualifications for registration.** An applicant for registration as an architect, engineer, land surveyor, or landscape architect must be of good character and reputation and shall submit evidence satisfactory to the board of the applicant's education, training, and experience. However, an applicant for registration as a land surveyor may not be required to submit evidence of more than eight years of any combination of education, experience, or training. The board discussed what it means to have good moral character and reputation and consulted NCEES and NCARB's guidelines. A committee will be formed to draft guidance.

17. National Organization Reports and Updates

a. CLARB

Urfer stated that there is nothing to report at this time.

b. NCARB

i. Remote Testing

Fritz reported that she has been serving on the exam committee and NCARB is rolling out the first test versions of remote proctored exams in December. This has been something that has been on the mind of a lot of people for a long time and COVID has made it happen even faster. It is very exciting for Alaska because it means that people will be able to have access to the exam without travelling. There are still some issues, but NCARB is trying to work them out. This will be one option for candidates – there will still be approved test centers.

WCARB just announced that the annual meeting will be held virtually in March and they are working hard to figure out how that can be done. There has not been much activity on the regional level, which is disappointing because they have worked hard toward getting committees structured and getting the strategic plan in place. COVID has made it all very challenging.

c. NCEES

Johnston reported that many of the in-person exams were cancelled in 2020. As a result, NCEES has added a January 2021 for civil exam administration for paper and pencil, which seems to be the most efficient way to get through the backlog. To protect the test integrity, registration will have a slightly different timeline than others. Registration opened November 1 and will close December 14, which is slightly off sequence and there is not an option to take the exam in Alaska, which means our candidates would have to travel, with the nearest location being in

Seattle. The electrical examination, which was originally scheduled for April 2021, was accelerated for computer based testing. Johnston stated that she attended the virtual annual meeting.

18. Old Business

a. Continuing Education Audits – Guidance

The board has just completed a continuing education audit, which happens once every two years. The board is full of knowledge on how that should proceed. It was challenging reviewing the audit via zoom and there is a lot of concern about what qualifies and does not qualify. Kerr requests a volunteer to take the document he produced, and based on recent experience, expand on that and edit it in a way that makes it easier for the board to make the next set of continuing education audits. Garness would like to be involved, and Leman expressed interest as well. Fritz reminded the board that a committee was formed and is not sure if they have had a chance to meet. She and Johnston are both on the committee and the idea for a two-person committee was so they could meet without public notice. Kerr sent Fritz the draft continuing education evaluation guide.

b. Rimkus COA – DOL Response

Rimkus is a firm that was seeking a certificate of authorization. Neal explained that the board received several similar questions from firms around the same period of time that did not have bylaws or they did not do amendments to their bylaws if they were a corporation. Our statute states that they have to turn that in with their application for a certificate of authorization, so we sent the question to legal to ask if there was a workaround for these firms. Kerr summarized the response from law that said, in essence, the answer is no. They have to have such an amendment. The response from legal says that just because the states that they operate in do not require an amendment, does not mean that they cannot do one. So, in keeping with our statutes, we require one, so therefore, they need to produce that document for us. The response from department of law should be added to the AELS website.

c. Committees

The board determined who will be on each committee. Johnston suggested there should be a report for each meeting, even if there is nothing to report. Every committee chair should have a task every meeting to say what the status is.

i. Investigative Advisory Committee – All board members

ii. Licensure Mobility (Military Spouse) – Elizabeth Johnston (chair) & Loren Leman

iii. Guidance Manual – Staff & Full Board – Standing, ongoing committee

iv. Legislative Liaison (Barrier Crimes & Conditions) – Loren Leman (chair), Catherine Fritz, and Bob Bell

v. Emeritus Status – Fred Wallis (chair)

vi. ~~Budget Committee~~ – Planning & Implementation Committee – Catherine Fritz (chair), Rebecca Powers, and the whole board. The purpose will be to implement the strategic plan, align priorities with resources, and create the annual report. The annual report

should be a reflection of the strategic plan and the implementation of that plan. The annual report can be found on the division website. Powers asked board members for input when drafting the annual report and received minimal feedback. Any suggestions were taken into account and changes were made. Due to deadlines, the annual report had to be submitted. In the future, Powers would like to see the annual report as a board meeting topic that is discussed and voted on at a board meeting.

vii. Continuing Education – Catherine Fritz (corresponding member), Elizabeth Johnston (chair), and Jeff Garness

viii. Outreach Committee – The last project was to create a board slide after each meeting that will go out to all the professional societies to say the board met, with five highlights of the meeting. The board also developed the board reporting form for whenever they do an activity or a volunteer effort so there is something to track and include in the annual report. This committee could incorporate presentations in different communities, societies, and groups, with the purpose being to get people aware of what the board is doing. Johnston was the board liaison to the Civil Engineering Advisory Committee because she was the only board member in Fairbanks. Her term expires in December, so Anderson will fulfill the role of board liaison. Leman sits on an equivalent committee at UA. UA has weekly seminars and they are always looking for speakers. Leman thinks a board presentation could be valuable. Professional societies are also always looking for speakers and it would be a great opportunity for board members to go in and speak to societies and get some exposure. Kerr regularly presents to the Alaska Society of Professional Land Surveyors in Anchorage. Kerr also suggested the board provide Alaska deigns a meeting summary for their quarterly meeting. Fritz thinks it is important to document outreach activity using a template the board developed.

d. Strategic Plan

Fritz gave an overview of the strategic plan for the new board members. The idea is to highlight what is important to the board, help new members have a framework for the business of the board, and identify ways to get involved. Basically, the strategic plan is a roadmap. Catherine will recommend next steps for the board to discuss at the February meeting.

19. New Business

a. CE Exemption Request

i. Kean

Mr. Kean has been licensed since 1975 and has recently had issues obtaining the required continuing education credits. His renewal application was processed upon submission and his license is currently active. After much discussion, the Board determined that Mr. Kean's license should not have been renewed, per **12 AAC 36.510. CONTINUING EDUCATION REQUIREMENTS.** (c) To renew a professional architect, engineer, land surveyor, or landscape architect registration, a professional architect, engineer, land surveyor, or landscape architect must obtain a minimum of 24 professional development hours during the 24 months immediately preceding that registration period.

The board does not find the pandemic to be a compelling reason to lack continuing education considering how many zoom conferences and continuing education opportunities are available online. Johnston feels she now has greater access to continuing education because she no longer has to

convince her employer to pay for travel.

On a motion duly made by Loren Leman, seconded by Jeff Koonce, after a roll call vote it was RESOLVED to allow Mr. Kean to meet his obligations under AELS board regulations and policies with the following conditions:

- 1) he be given until December 31, 2020 to cure his PDH (CEU) deficiency;**
- 2) if he does not meet this deadline, his PLS registration will be suspended until his deficiency is cured;**
- 3) he will be audited for the 2020 cycle (24 hours) and 2021 mid-cycle (12 hours);**
- 4) he pays appropriate fees and penalties;**
- 5) he shall further provide a list of projects sealed during the time of lapsed registration;**
- 6) the registrant shall not practice during the time it takes to cure his continuing education deficiency.**

The registrant shall be notified immediately following this meeting.

b. Letters of Recommendation from Relatives for Comity Applicants
Urfer explained that on some applications, there has been at least one every meeting where a letter of recommendation is from a close family member. The board needs to address how to approach this issue for consistency. Johnston thinks it is ok to receive a letter of recommendation from a relative as long as they are qualified to speak to that person's experience and knowledge of their profession. It may be worth it for the board to call a reference for additional verification. Another option would be to ask for a list of three projects that they personal have experienced with the person on and what the role of the person was for that project.

On a Motion duly made by Elizabeth Johnston, seconded by Jeff Koonce and passed unanimously, it was RESOLVED to amend the Comity Registration Applications Instructions with a new bullet under Work Experience Verification that adds the requirement to list two example projects that the verifier is personally knowledgeable about and describe the applicant's role on the project.

Lunch at 12:40

20. Reconvene/Roll Call

21. Statute and Regulation Working Session

- a. SE by Comity Regulations
- b. Working Draft

Catherine Fritz asked for an update regarding the statute and regulation project that Alysia Jones had given to Jun Maiquis. In looking at the copy that was marked-up for Jun, Kerr led a discussion on the structural engineering regulation under 12 AAC 36.105 (h). The only path to licensure is for applicants who have taken both the PE and the SE-16-hour exams. Based on Colin Maynard's suggestions and the board discussion the following changes are being proposed for regulation 12 AAC 36.105 (h):

(b) An applicant for engineering registration by comity must

(1) submit verification of current registration to practice engineering in a state, territory, or possession of the United States, the District of Columbia, or a foreign country that was based upon education, experience,

and examination requirements that, in the opinion of the board, were at least equivalent to the requirements of AS 08.48 and this chapter at the time the applicant's out-of-state registration was issued or at least equivalent to current requirements (as modified by (h) in this section); the applicant must have passed an NCEES engineering examination in the same branch of engineering that is being applied for, as required by 12 AAC 36.100(c); and

For consideration,

(h) In addition to meeting the requirements of (b)(1) of this section, an applicant for structural engineering registration by comity must have passed an NCEES Principles and Practices of Engineering Examination, and

- 1) the 16-hour NCEES Structural Engineering Examination or;*
- 2) NCEES Structural II and Washington or California Structural III exams passed prior to 2011, or;*
- 3) NCEES Structural I and NCEES Structural II passed prior to 2006, or;*
- 4) Western States 16-hour Structural exam passed prior to 2004;*

and have six years of experience with a bachelor's degree or five years of experience with a master's degree. Applicants who have passed the NCEES Structural Engineering I Examination, NCEES Structural Engineer II Examination, or both may be granted a civil engineering registration.

Jun Maiquis joined the meeting to answer any questions the Board had and to give a status update on the AELS Statute and Regulation project. He said that after the Board reviewed it, he could give it to the AG for a pre-review, if there is any regulation change that does not agree with a statute he would bring it back to the Board. The Board voted to accept the regulation changes as is and have Jun public notice the regulation changes.

On a motion duly made Catherine Fritz, seconded by Loren Lemman and passed unanimously, it was RESOLVED to approve the regulation draft of 10.16.2020 and forward to Jun Maiquis for review and public notice.

22. Read Applications into the Record

On a motion duly made Loren Lemman, seconded by Jeff Koonce and passed unanimously, it was RESOLVED to go into Executive Session to discuss pending investigation consent agreements.

On a Motion duly made by Catherine Fritz, seconded by Bob Bell and passed unanimously, it was RESOLVED to come out of Executive Session.

On a Motion duly made by Bob Bell, seconded by Catherine Fritz and after a roll call vote, it was RESOLVED to adopt the consent agreement for Floyd Tetpon.

On a motion duly made by Loren Lemman, seconded by Catherine Fritz and after a roll call vote, it was RESOLVED to deny the following applicant find the following list of applicants for registration by comity and by examination incomplete with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.

FIRST NAME	LAST NAME	TYPE OF LICENSE	NOV DECISION
Shlomo	Wygoda	Architect	Denied

On a motion duly made by Catherine Fritz, seconded by Loren Lemman and passed unanimously, it was **RESOLVED** to approve the following list of applicants for registration by comity and by examination with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.

FIRST NAME	LAST NAME	TYPE OF LICENSE	NOV DECISION
Alain	Rivard	Architect	Approved
Gavin	Wells	Architect	Approved
Matthew	Hood	Architect	Approved
Arthur	Playle	Architect	Approved
Geoffrey	Ekey	Architect	Approved
Robert	Gaspard	Architect	Approved
Jeanne	Rynne	Architect	Approved
Daniel	Hawke	Chemical	Approved
Adam	Weible	Civil	Approved
Benjamin	Faris	Civil	Approved
Cole	Bales	Civil	Approved
David	Davila	Civil	Approved
Gregory	Brown	Civil	Approved
James	Manzer	Civil	Approved
Joseph	King	Civil	Approved
Peter	Kahn	Civil	Approved
Sean	Leeper	Civil	Approved
Stephen	Osborn	Civil	Approved
Timothy	Ramsey	Civil	Approved
William	Hume	Civil	Approved
Raphael	Mohammed	Civil	Approved
Aditya	Paranjape	Electrical	Approved
Aleksandr	Reznik	Electrical	Approved
Channing	Navis	Electrical	Approved
Francis	Oakes	Electrical	Approved
Justin	Jordan	Electrical	Approved
Kevin	Register	Electrical	Approved
Matthew	Nichols	Electrical	Approved
Tracy	Helton	Electrical	Approved
Viswa	Amirapu	Electrical	Approved
Jason	Scates	Fire Protection	Approved
April	Rickets	Mechanical	Approved
Charles	Wierman	Mechanical	Approved

Frank	Shadpour	Mrivechanical	Approved
Gregory	Brown	Mechanical	Approved
Stephen	Meicke	Mechanical	Approved
William	Long	Petroleum	Approved
Robert	Pine	Structural	Approved
Andrew	Howe	Structural	Approved

On a motion duly made by Catherine Fritz, seconded by Loren Lemman and passed unanimously, it was RESOLVED to conditionally approve the following list of applicants for registration by comity and by examination with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.

FIRST NAME	LAST NAME	TYPE OF LICENSE	NOV DECISION
Corey	Dirutigliano	Architect	Conditional
David (Joe)	Willhoite	Architect	Conditional
Alicia	Greene	Civil	Conditional
Clifton	Berkey	Civil	Conditional
Collin	Pugh	Civil	Conditional
Eric	Struben	Civil	Conditional
Erin	Urvina	Civil	Conditional
Gaby	Atik	Civil	Conditional
L. Brent	Wright	Civil	Conditional
Martin	Jensen	Civil	Conditional
Mustapha	Assi	Civil	Conditional
Brittany	Boring	Electrical	Conditional
Evan	Mathers	Mechanical	Conditional
Fabrizio	Paletta	Mechanical	Conditional
Conrad	Chandler	Environmental	Conditional
J. Doss	Daley	Mechanical	Conditional
John	Pahkala	Electrical	Conditional
Steven	Hyde	Land Surveyor	Conditional
Floyd	Tetpon	Land Surveyor	Conditional
Daniel	Anunciacion	Land Surveyor	Conditional
Kenneth	Banning	Mechanical	Conditional
Lauren	Bullard	Fire Protection	Conditional
Mariusz	Sawicki	Fire Protection	Conditional
Sean	Birnbaum	Mechanical	Conditional
Zackery	Wright	Mechanical	Conditional
Bridget	Lapenter	Naval	Conditional
Tanner	Gansert	Petroleum	Conditional

On a motion duly made by Catherine Fritz, seconded by Jeff Koonce and passed unanimously, it was RESOLVED to find the following list of applicants for registration by comity and by examination

incomplete with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.

FIRST NAME	LAST NAME	TYPE OF LICENSE	NOV DECISION
David	Balzer	Architect	Incomplete
Matthew	Blake	Civil	Incomplete
Wilson	Platt	Mechanical	Incomplete

23. Board Member Comments

Anderson thanked Powers and Neal for working fervently behind the scenes and for always being available to the board as needed. Bell has been on boards and she thinks this one does a pretty good job and does not get upset. Fritz thanked everyone for their time, support, and leadership, and thanked Powers and Neal for leading the meeting. She thinks the board is learning to do the virtual format better, although she still contends that it is much better in person. Garness appreciates the discussions and can see there are motions and deep-felt feelings and appreciates the way everybody approaches tough topics and respects each other. Johnston thanked the board for enduring sixteen hours of zoom. She appreciates the hard work that is done by staff and that the board is moving to some substantive topics. Koonce looks forward to the next meeting and would like to thank staff for their hard work, especially because working remotely is difficult. He feels it was a productive meeting and feels like the board is getting better as a team. Leman echoed all the other comments. He thanked the board for all they do and what they give back to their professions. He has noticed this board is lots of work – it is not necessarily easy. He would like to see the board put more teeth into corrections of bad behaviors. If the board does not have the authority, it may be necessary to go to the legislature to get more authority. Leman would also like for the new investigator to bring issues to them sooner, before there is a consent agreement with the offending party. Urfer thanked staff for all of the hard work that went into the meeting. She also really appreciated the comments Leman just made. Wallis thanked everyone for working together. Powers thanked the board for their patience and feels like the meeting ran much smoother than the last one, and it can only get better from here. Neal thanked the board for all of the work that went into reviewing applications early. She also appreciates quick responses to questions between board members. It makes communicating with the people that ask the questions that much better. Kerr thanked everybody for their participation in what was a grueling meeting, and to staff for their hard work.

24. Adjourn Meeting

The AELS November 2020 board meeting adjourned at 5:02 p.m.

Respectfully submitted:

Rebecca Powers, Executive Administrator

Approved:

John B. Kerr, Chair

Alaska Board of Registration for Architects,
Engineers, and Land Surveyors

Date: _____

DRAFT

CONFIDENTIAL

ETHICS SUPERVISOR DETERMINATION FORM
(Board or Commission Member)

Board or Commission: _____

Member Disclosing Potential Ethics Violation: _____

I have determined that the situation described on the attached ethics disclosure form

- does or would violate AS 39.52.110 - .190. Identify applicable statute below.
- does not or would not violate AS 39.52.110 - .190.

Signature of Designated Ethics Supervisor (Chair)

Printed Name of Designated Ethics Supervisor

Date: _____

COMMENTS (Please attach a separate sheet for additional space):

Note: Disclosure Form must be attached. Under AS 39.52.220, if the chair or a majority of the board or commission, not including the disclosing member, determines that a violation of AS 39.52.110-39.52.190 will exist if the member participates, the member shall refrain from voting, deliberating, or participating in the matter. A member will not be liable under the Ethics Act for action in accordance with such a determination so long as the member has fully disclosed all facts reasonably necessary to the determination and the attorney general has not advised the member, chair, or board or commission that the action is a violation. Forward disclosures with determinations to the State Ethics Attorney as part of your quarterly report. Quarterly reports are submitted to Litigation Assistant, Opinions, Appeals & Ethics, Department of Law, 1031 W. 4th Avenue, Suite 200, Anchorage, AK 99501.

WHO IS MY DESIGNATED ETHICS SUPERVISOR?

Every state public officer, employee or board or commission member, has a designated ethics supervisor.

Executive Agencies

The ethics supervisor for each agency is the Commissioner or a senior manager to whom the Commissioner has delegated the function. The current ethics supervisor for each agency is listed below. The ethics supervisor for a Commissioner is Shawn Henderson, Director of Administrative Services in the Office of Governor, by delegation from the Governor.

Boards and Commissions

The Chair of each board and commission serves as the ethics supervisor for the other members and any executive director. The ethics supervisor for the Chair is Shawn Henderson, Director of Administrative Services in the Office of Governor, by delegation from the Governor. If a board or commission employs staff, the executive director serves as the ethics supervisor for these employees.

Public Corporations

The Chair of the board serves as the ethics supervisor for the other members of the board and any executive director. The executive director is the ethics supervisor for employees of the corporation.

Office of the Governor

The ethics supervisor for the Governor and Lieutenant Governor is the Attorney General. By delegation from the Governor, the ethics supervisor for the staff of the offices of the Governor and Lieutenant Governor is Shawn Henderson, Director of Administrative Services.

University of Alaska

By delegation of the University President, the ethics supervisor for university employees is Associate General Counsel Andy Harrington.

EXECUTIVE BRANCH AGENCIES

Administration: Dave Donley, Deputy Commissioner

Commerce, Community & Economic Development: Amy Demboski, Assistant Commissioner

Corrections: April Wilkerson, Administrative Services Director

Education & Early Development: Bobi Jo Grimes, HR Consultant III

Environmental Conservation: Theresa Zimmerman, Human Resources Manager

Fish & Game: Samantha Gatton, Acting Admin Services Director

Health & Social Services: Kimberley King, Human Resource Manager

Labor & Workforce Development: Cathy Muñoz, Deputy Commissioner

Law: Maria Bahr, Assistant Attorney General

Military & Veterans Affairs: Stanley A. Wright, Special Assistant to the Commissioner

Natural Resources: Peter Caltagirone, Special Assistant

Public Safety: Kelly Howell, Special Assistant to the Commissioner

Revenue: Brad Ewing, Administrative Services Director

Transportation & Public Facilities:

- Facility Services: John Binder, Deputy Commissioner
- Aviation: John Binder, Deputy Commissioner
- Central Region: Wolfgang Junge, Regional Director
- Northern Region: Rob Carpenter, Regional Director
- Southcoast Region: Lance Mearig, Regional Director
- Alaska Marine Highway System: Rob Carpenter, Deputy Commissioner
- Headquarters: Rob Carpenter, Deputy Commissioner
 - Administrative Services Division
 - Division of Program Development
 - Information Systems and Services Division
 - Statewide Design and Engineering Services Division

Updated June 2020

ETHICS INFORMATION FOR MEMBERS OF BOARDS & COMMISSIONS (AS 39.52)

Introduction

This is an introduction to AS 39.52, the *Alaska Executive Branch Ethics Act*. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and *members of statutorily created boards and commissions*.

Scope of Ethics Act (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- use their official positions to secure employment or contracts;
- accept compensation from anyone other than the State for performing official duties;
- use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
- take or withhold official action on a matter in which they have a personal or financial interest; or
- coerce subordinates for their personal or financial benefit.
- attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

Improper Gifts (AS 39.52.130)

A board member may not solicit or accept gifts if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.



Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a *competitively solicited* State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. *A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.*



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

Improper Representation (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

Restriction on Employment After Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate the Ethics Act is prohibited.

Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

Disclosure Procedures

DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. *A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.* If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see *Ethics Act Procedures for Boards and Commissions* available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

REPORTS BY THIRD PARTIES (AS 39.52.230)

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

Complaints, Hearings, and Enforcement

COMPLAINTS (AS 39.52.310-330)

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of

the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject.

CONFIDENTIALITY (AS 39.52.340)

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

HEARINGS (AS 39.52.350-360)

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

PERSONNEL BOARD ACTION (AS 39.52.370)

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

PENALTIES (AS 39.52.410-460)

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

DEFINITIONS (AS 39.52.960)

Please keep the following definitions in mind:

Benefit - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

Board or Commission - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

Designated Ethics Supervisor - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

Financial Interest - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

Immediate Family - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

Official Action - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

Personal Interest - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our [Executive Branch Ethics web site](#) or please contact:

State Ethics Attorney
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-5903
(907) 269-5100
attorney.general@alaska.gov

Revised 9/2013

EXECUTIVE BRANCH ETHICS ACT

Responsibilities of Designated Ethics Supervisors for Boards and Commissions

Boards and commissions subject to the Ethics Act have designated ethics supervisors. The chair serves as the designated ethics supervisor for board or commission members and the executive director. The executive director is the designated ethics supervisor for staff. The designated ethics supervisor for a chair is the governor, who has delegated this responsibility to Guy Bell, Administrative Director of the Office of the Governor.

Designated ethics supervisors should refer to the [2019 Designated Ethics Supervisors Handbook](#) (503KB PDF), available from the state ethics attorney, regarding their responsibilities under the Ethics Act. Briefly, as designated ethics supervisor, you must --

1. Ensure that members and employees are provided copies of the guides, Ethics Information for Members of Boards and Commissions and Ethics Act Procedures for Boards and Commissions -- and keep a supply of disclosure forms.
 1. These guides, other educational materials, disclosure forms, statutes and regulations are available for review and copying on the [Department of Law ethics web site](#). If access to this page is not available, please contact the Attorney General's office at 269-5275.
2. Review all disclosures, investigate potential ethics violations, make determinations regarding conduct, and take action.
3. Keep member or employee disclosure statements (of potential violations, receipt of gifts, and interests in grants/contracts/leases/loans) on file in your office. Disclosure of a gift received from another government must be forwarded to the Office of the Governor.
4. Submit an ethics report to the Department of Law in April, July, October and January for the preceding quarter. You will receive a reminder. There is a sample report on the ethics web page.
 1. Mail, email or fax to Jennifer L. Williams, Paralegal, Department of Law, Opinions, Appeals & Ethics Section, 1031 W. 4th Avenue, Suite 200, Anchorage, AK, 99501, ethicsreporting@alaska.gov, fax no. 907-258-4978.

You may request ethics advice from your agency's Assistant Attorney General or from the State Ethics Attorney, Maria Bahr, at 269-5285 or maria.bahr@alaska.gov. Please direct questions about reporting procedures to Jennifer L. Williams at 269-5275 or jennifer.williams1@alaska.gov.

EXAMINERS REPORT- February 17th and 18th, 2021

THIS REPORT IS FOR October 1st – December 31st, 2020

APPLICATIONS TO BE REVIEWED:

FIELDS OF PRACTICE/DISCIPLINE	COMITY		EXAM		FIELDS OF PRACTICE/DISCIPLINE	COMITY		EXAM	
	2020	2021	2020	2021		2020	2021	2020	2021
AGRICULTURAL	0	0	0	0	METALURGICAL & MATERIALS	0	0	0	0
CHEMICAL	0	0	0	0	MINING & MINERAL	0	0	0	0
CIVIL	15	20	26	24	NAVAL ARCHITECTURE & MARINE	0	0	0	0
CONTROL SYSTEMS	2	0	0	0	NUCLEAR	0	0	0	0
ELECTRICAL	4	3	5	0	PETROLEUM	0	0	0	0
ENVIRONMENTAL	0	1	0	0	STRUCTURAL	3	2	2	0
FIRE PROTECTION	0	0	1	0	ARCHITECT	10	9	0	0
INDUSTRIAL	0	0	0	0	LANDSCAPE ARCHITECT	0	0	1	0
MECHANICAL	2	9	8	7	LAND SURVEYOR	4	1	3	4
TOTAL						40	45	46	35

REGISTRATIONS AND RENEWALS:

REGISTRATIONS	TOTAL	REGISTRATIONS	TOTAL
ARCHITECT	11	CORPORATIONS	5
LANDSCAPE ARCHITECT	0	LIMITED LIABILITY	4
LAND SURVEYOR	1	LIMITED PARTNERSHIP	0
ENGINEERS	91		

RENEWALS/REINSTATEMENTS/RETIRED	FIRM	INDIVIDUAL
RENEWALS RECEIVED BEFORE 12/31/2019	545	5743
RENEWALS RECEIVED ON/AFTER 01/01/2020	128	471
REINSTATEMENTS RECEIVED	N/A	2
RETIRED REGISTRATIONS-1/1/2020	N/A	178

EXAM RESULTS:

EXAM	PASS	FAIL	NO SHOW	EXAM	PASS	FAIL	NO SHOW	EXAM	PASS	FAIL	NO SHOW
FE	24	13	0	PE	40	23	1	AKLS			
FS	1	1	0	PS	1	1	0	SE	1	4	1

LICENSE VERIFICATIONS:	83
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ADDITIONAL COMMENTS:

- 1 applicant from Alaska sat for the regional PE exam in Jan 2021 that NCEES offered in Seattle

From: [Katie Schumacher](#)
To: [Board of AELS \(CED sponsored\)](#)
Subject: PE Exam Eligibility Question
Date: Monday, January 11, 2021 2:55:10 PM

Hello all,

There have been a few changes in management at my place of work and I have a question for the board regarding options to maintain eligibility to take the PE Exam.

I'm hoping to sit for the exam in October 2021 and will have over four years of experience by then. My manager, who is a PE, left the company back in October and I want to make sure I'm on track to have an eligible person supervise and sign me off on experience, as I'm still doing engineering work and managing several engineering projects around site. I'm not sure if her replacement will have a PE and there are no other PEs onsite at work that I know of. I work at the Pogo Mine, and we are the only North American mine that Northern Star Resources, the parent company, owns. Their corporate offices are in Australia and they have several mines around Australia, but Pogo is their first in the United States.

What potential options do I have to make sure that I'm still on track to apply?

Please let me know if you need any clarification. Thank you so much for your help, it is much appreciated.

Regards,
Katie Schumacher

Benjamin Clark Brown
6810 Round Tree Drive
Anchorage, Alaska 99507
907/444-1019
December 31, 2020

RECEIVED
Juneau

JAN 05 2021

CBPL

Board of Architects, Engineers, and Land Surveyors
State of Alaska
PO Box 110806
Juneau AK 99811

Dear Board Members:

Due to extenuating circumstances, I am asking for an exemption to the State's continuing education requirement for the past registration period. I have not met the minimum hours of required study and missed my initial renewal date for the following reasons:

- Mid-year 2019, my mother's (Houston, Texas) health started to decline after battling colon cancer for the previous three years as well as her mental faculties.
- November 2019, purchased a new home in order to accommodate my mother as she was not able to take care of herself.
- December 2019, moved into our new house and began modifying it for my mother (chair lift, security system/intercom/panic buttons, etc.) Also began renovation of our previous home in preparation for sale.
- January 2020, flew to Texas and moved my mother into our new home, set up in-home health care for her, and continued renovation of our previous home.
- February 2020, continued care for my mother as her health began to decline faster than we had anticipated. Monitored the advancement of the Coronavirus as its dire implications concerned us for my mother's health as well as my immediate family.
- March 2020, terminated home health care for my mother to reduce her risk of exposure to the virus. My two children, one elementary and one starting middle school, began schooling from home due to the statewide closure of schools. My wife and I shared teaching responsibilities as well as caring for my mother.
- April 2020, my mother lost her battle with cancer and passed away peacefully in our home. We continued working from home and managing our children's school studies.
- May 2020, the mayor of Anchorage declared landscaping an essential profession and I returned to work, while trying to help at home with household management and the children's school.
- June – November 2020, continued to participate in home responsibilities while working 50+ hours under COVID-19 health guidelines.
- December – present, management of my job and home responsibilities while recovering and preparing a plan to repair my LA license as well as other essential life responsibilities that have been placed on the backburner. Sale of our previous home has been stagnant until recently due to pandemic pressures on the market.

I am very aware of the type of pressure this year and the pandemic has had on everyone and I do not feel I am more affected than others. I am cognizant of the importance of continuing education and do quite enjoy it, however I also do want to be realistic about having the time to make up for past opportunities and keep up with present requirements. However, if the Board does not deem my situation a viable reason for exemption, I would like the opportunity to attempt to accomplish the previous CEU requirement as well as the current period's requirement and apply for an extension.

Most sincerely,



Benjamin Brown

From: Clarke, Michael (Anchorage) [<mailto:Michael.Clarke@Worley.com>]
Sent: Monday, November 30, 2020 9:03 AM
To: Regulations and Public Comment (CED sponsored) <regulationsandpubliccomment@alaska.gov>
Subject: Alaska State PE Stamping Requirements
Good morning!

My name is Mike Clarke, and I am the documentation lead for Worley Alaska, Inc. We have several existing projects for ConocoPhillips, and we are at a point where we need to archive those projects. As part of that process, we need to apply Professional Engineering (PE) stamps to some of the drawings.

Conoco procedures require that we conform to the State of Alaska PE stamping requirements. I have read through the regulations that I can find, and beyond structural drawings, I have found nothing that defines which drawings need to have a PE stamp. I am looking for a list of specific types of drawings (i.e., P&IDs, Area Classifications, isometrics, etc.)

If you have such a list, could you either send me a copy or provide a link to its location on your website?

Thank you for your help!

Regards,

Mike Clarke
Worley Document Control
907-351-2147
Michael.Clarke@worley.com

From: Neal, Sara J (CED) <sara.neal@alaska.gov>
Sent: Friday, December 4, 2020 9:55 AM
To: Powers, Rebecca J (CED) <rebecca.powers@alaska.gov>; Clarke, Michael (Anchorage) <Michael.Clarke@Worley.com>
Subject: RE: Alaska State PE Stamping Requirements[External Sender]

Hello Mike

Please read through the Guidance Manual the Board posted to the AELS Website

[Guidance Manual](#)

Page 19-26 covers drawings and sealing professional work.

Let us know if this does not answer your questions,

Sara Neal

Licensing Examiner
[Board of Registration for
Architects, Engineers and Land Surveyors](#)

From: Clarke, Michael (Anchorage) [<mailto:Michael.Clarke@Worley.com>]

Sent: Thursday, January 14, 2021 11:44 AM

To: Neal, Sara J (CED) <sara.neal@alaska.gov>; Powers, Rebecca J (CED) <rebecca.powers@alaska.gov>

Subject: RE: Alaska State PE Stamping Requirements

Sara,

Thank you for your response. I am sorry for the late reply.

The short answer is 'no'. The published regulations don't really answer my question: What specific types of engineering drawings require PE stamps?

For example, in my experience, the following drawings have historically been PE stamped:

Civil/Structural: Plans, sections, details. Really, pretty much everything.

Mechanical/Piping: P&IDs, Piping Plans, Isometrics (although Iso's have depended upon the owner company...BP, yes; Conoco, no)

Electrical/Instrumentation: One-lines and Area Classifications

So, that's what I am kind of looking for: a list of drawing types that require PE stamping.

I have looked through the state regulations, including the file you directed me to, and ultimately they suggest stamping "all documents that are required to be signed and sealed" without actually saying which drawings are required to be signed and sealed.

Thank you,

Mike

January 26, 2021

Dear Mr. Clarke,

Thank you for your inquiry.

Drawing titles and types related to AELS activities are not defined in Alaska Law. Alaska regulates Architecture, Engineering, Land Surveying, and Landscape Architecture professional **activities** as defined in AS 08.48. Those drawings based on professional design services are regulated and the seal on the drawings demonstrates that those activities were done by a licensed professional authorized to do so in Alaska.

While this may sound evasive, it's not intended to – unless drawing titles/types have rigidly specified contents there is no way to compile a definitive list of drawings which require seal and signature. The statement "Any drawing that depicts a design is required to be sealed and signed" is close to true. A better summary statement is: "Any drawing (or other document) which was prepared using the professional activities related to Architecture, Engineering, Land Surveying, and Landscape Architecture as defined in AS 08.48 is required to be sealed and signed."

The list that you provided contains drawing titles that I would anticipate being sealed and signed by the professional overseeing preparation and taking responsibility for their content – a review of the contents would be required to make an absolute statement regarding sealing and signing.

There is nothing to prevent a professional who has overseen the preparation from sealing and signing a drawing (or other document) that does not legally require sealing and signing. When in doubt, it's safer to seal and sign than not to – this ensures compliance.

Best regards,

John Kerr, PLS
[www.SurvBase](http://www.SurvBase.com), LLC
c. 907.529.5959

From: [Stafford Glashan](#)
To: [Board of AELS \(CED sponsored\)](#)
Subject: Practice Question
Date: Wednesday, February 10, 2021 10:42:35 AM

I am curious if the Board has an opinion (can be unofficial/verbal) on whether the design of construction dewatering is considered engineering. It involves estimating hydraulic conductivity (from experience, gradations, pumping tests, slug tests, etc), determining dewatering depth (based on depth of excavation for footings, pipelines, etc), and estimating groundwater flows and withdrawal methods (sumps, wells, etc). In many cases it also includes an evaluation of capture zone (whether groundwater contamination will be entrained) and methods of disposal.

Feel free to call if you want to discuss.

S



Stafford Glashan, P.E. | Senior Engineer

247 South Alaska Street

Palmer, Alaska

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Main: (907) 561-2120 Direct Anchorage: (907) 433-3214

Direct Valley: (907) 357-2174

sjg@shanwil.com

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Please consider the environment before printing this e-mail

From: [Jeff Garness](#)
To: [Board of AELS \(CED sponsored\)](#); [Jennifer Anderson](#)
Cc: [Powers, Rebecca J \(CED\)](#)
Subject: RE: Practice Question
Date: Thursday, February 11, 2021 9:55:42 AM

I would argue that the design of a construction dewatering system is engineering. I assume the assessment would also include the impact to adjacent foundations/structures.

Jeffrey A. Garness, P.E., M.S.

AELS Board Member
Civil/Environmental Engineer
Mobile: (907) 244- 9612

From: Board of AELS (CED sponsored) <aelsboard@alaska.gov>
Sent: Wednesday, February 10, 2021 11:08 AM
To: Jennifer Anderson <jennifer.ann.anderson@gmail.com>; Jeff Garness <Jeff@garnessengineering.com>
Cc: Powers, Rebecca J (CED) <rebecca.powers@alaska.gov>
Subject: RE: Practice Question

Question for you...

Thank you for taking the time to answer this.

Sara J. Neal
Licensing Examiner

Alaska State Board of Registration for
Architects, Engineers and Land Surveyors
907.465.2540
[Alaska AELS Board Website](#)

During this time of uncertainty you may experience some delays in reaching staff. We appreciate your patience and apologize for any inconvenience. For more information about Alaska's response to COVID-19, please visit coronavirus.alaska.gov.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

550 West Seventh Avenue, Suite 1500
Anchorage, AK 99501-3567
Main: 907.269.8160
Fax: 907.269.8156

MEMORANDUM

DATE: February 02, 2021
TO: Architects, Engineers, and Land Surveyors
THRU: Greg Francois, Chief Investigator *GF*
FROM: Jared Famularo, Investigator *JF*
RE: Investigative Report for the February 17, 2021 Meeting

The following information was compiled as an investigative report to the Board for the period of October 26, 2020, through February 02, 2021; this report includes cases, complaints, and intake matters handled since the last report.

Although generally not included, matters opened by the Paralegal in Juneau, regarding continuing education audits and license action resulting from those matters have been covered in this report.

OPEN - 19

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
ARCHITECT			
2020-000613	Falsified application	Investigation	07/22/2020
ELECTRICAL ENGINEER			
2020-001089	Continuing education	Complaint	11/23/2020

ENGINEER

2017-001125	Violation of licensing regulation	Complaint	10/26/2017
2018-000797	Violation of licensing regulation	Complaint	07/17/2018
2018-000851	Unprofessional conduct	Complaint	07/31/2018
2020-000410	Unprofessional conduct	Complaint	04/28/2020
2020-000411	Unprofessional conduct	Complaint	04/28/2020
2020-000445	Fraud or misrepresentation	Complaint	06/16/2020
2020-000565	Fraud or misrepresentation	Complaint	06/22/2020
2020-000840	Violation of licensing regulation	Complaint	10/07/2020

LAND SURVEYOR

2021-000041	Unethical conduct	Intake	01/22/2021
2021-000052	License application problem	Intake	01/29/2021
2020-000416	Violation of licensing regulation	Complaint	06/03/2020
2020-000540	Unlicensed practice or activity	Complaint	07/22/2020
2021-000006	Negligence	Complaint	01/05/2021

MECHANICAL ENGINEER

2020-001081	Continuing education	Intake	11/10/2020
2020-001088	Continuing education	Intake	11/10/2020

SPECIALTY CONTRACTOR

2020-001150	Unlicensed practice or activity	Complaint	12/21/2020
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STRUCTURAL ENGINEER

2021-000053	License application problem	Intake	01/29/2021
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Closed - 10

<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
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ENGINEER

2020-001007	License application problem	Closed-Intake	11/03/2020	Review Complete
2019-000435	Violation of licensing regulation	Closed-Complaint	01/21/2021	No Action - No Violation
2020-000985	Unlicensed practice or activity	Closed-Complaint	11/17/2020	No Action - Lack of Jurisdiction
2018-000834	Unlicensed practice or activity	Closed-Investigation	01/22/2021	Cease and Desist Order

LAND SURVEYOR

2020-000999	Violation of licensing regulation	Closed-Intake	11/30/2020	Incomplete Complaint
2020-001000	Violation of licensing regulation	Closed-Intake	11/30/2020	Incomplete Complaint
2020-001001	Violation of licensing regulation	Closed-Intake	11/30/2020	Incomplete Complaint
2019-000413	Violation of licensing regulation	Closed-Complaint	11/19/2020	No Action - No Violation
2018-000999	Violation of licensing regulation	Closed-Investigation	12/01/2020	License Action
2019-000440	Falsified application	Closed-Investigation	11/25/2020	License Action

PROBATION REPORT

NAME	Case Number	Probation Start	Probation End
**Floyd Tetpon	2021-000056	11/25/2020	Hold

Released from probation:
None

SPECIAL NOTES:

**Floyd Tetpon: initial Land Surveyor License is "In Process." Probation status of 1 year will be begin when Tetpon's license is granted.

END OF REPORT

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

Summary of All Professional Licensing	FY 14	FY 15	Biennium	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium	FY 20	FY 21
Revenue											
Revenue from License Fees	\$ 9,571,362	\$ 8,838,737	\$ 18,410,099	\$ 10,967,792	\$ 10,344,142	\$ 21,311,934	\$ 10,593,566	\$ 12,348,444	\$ 22,942,010	\$ 10,440,011	\$ 8,533,933
Allowable Third Party Reimbursements	20,000	20,000	40,000	12,796	39,506	52,302	33,439	24,839	58,278	10,749	-
TOTAL REVENUE	\$ 9,591,362	\$ 8,858,737	\$ 18,450,099	\$ 10,980,588	\$ 10,383,648	\$ 21,364,236	\$ 10,627,005	\$ 12,373,283	\$ 23,000,288	\$ 10,450,760	\$ 8,533,933
Expenditures											
Non Investigation Expenditures											
1000 - Personal Services	2,668,599	2,745,710	5,414,309	3,221,534	2,833,296	6,054,830	3,311,573	3,505,118	6,816,691	3,523,169	1,592,958
2000 - Travel	335,152	348,971	684,123	293,821	219,832	513,653	269,357	178,153	447,510	104,189	2,138
3000 - Services	879,908	998,090	1,877,998	1,064,325	1,064,192	2,128,517	1,080,810	1,060,486	2,141,296	987,991	159,504
4000 - Commodities	16,414	14,468	30,882	13,419	9,150	22,569	13,350	9,334	22,684	5,510	682
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	50	-
Total Non-Investigation Expenditures	3,900,073	4,107,239	8,007,312	4,593,099	4,126,470	8,719,569	4,675,090	4,753,091	9,428,181	4,620,909	1,755,282
Investigation Expenditures											
1000-Personal Services	1,512,926	1,376,229	2,889,155	1,334,969	1,490,235	2,825,204	1,434,105	1,685,367	3,119,472	1,767,657	784,993
2000 - Travel	-	-	-	-	-	-	-	6,436	6,436	9,032	-
3023 - Expert Witness	38,963	23,450	62,413	39,450	35,739	75,189	31,975	17,785	49,760	23,050	14,179
3088 - Inter-Agency Legal	585,160	342,414	927,574	297,572	334,706	632,278	281,434	304,898	586,332	286,536	145,907
3094 - Inter-Agency Hearing/Mediation	80,877	67,834	148,711	85,582	90,926	176,508	64,444	118,441	182,885	67,422	30,684
3000 - Services other	-	-	-	-	-	-	-	16,625	16,625	10,546	1,221
4000 - Commodities	-	-	-	-	-	-	-	270	270	49	-
Total Investigation Expenditures	2,217,926	1,809,927	4,027,853	1,757,573	1,951,606	3,709,179	1,811,958	2,149,822	3,961,780	2,164,292	976,984
Total Direct Expenditures	6,117,999	5,917,166	12,035,165	6,350,672	6,078,076	12,428,748	6,487,048	6,902,913	13,389,961	6,785,201	2,732,266
Indirect Expenditures											
Internal Administrative Costs	1,884,728	1,268,068	3,152,796	2,102,454	2,194,345	4,296,799	2,315,297	2,375,261	4,690,558	2,427,082	1,213,550
Departmental Costs	858,553	990,382	1,848,935	946,871	1,342,387	2,289,258	1,314,295	1,399,397	2,713,692	1,033,812	516,916
Statewide Costs	559,117	565,293	1,124,410	325,187	485,759	810,946	530,355	538,481	1,068,836	691,585	345,802
Total Indirect Expenditures	3,302,398	2,823,743	6,126,142	3,374,512	4,022,491	7,397,003	4,159,947	4,313,139	8,473,086	4,152,479	2,076,268
TOTAL EXPENDITURES	\$ 9,420,397	\$ 8,740,909	\$ 18,161,307	\$ 9,725,184	\$ 10,100,567	\$ 19,825,751	\$ 10,646,995	\$ 11,216,052	\$ 21,863,047	\$ 10,937,680	\$ 4,808,534
Cumulative Surplus (Deficit)											
Beginning Cumulative Surplus (Deficit)	\$ 2,605,387	\$ 2,776,352		\$ 2,894,180	\$ 4,149,584		\$ 4,432,665	\$ 4,412,675		\$ 5,569,906	\$ 5,082,986
Annual Increase/(Decrease)	170,965	117,828		1,255,404	283,081		(19,990)	1,157,231		\$ (486,920)	3,725,399
Ending Cumulative Surplus (Deficit)	\$ 2,776,352	\$ 2,894,180		\$ 4,149,584	\$ 4,432,665		\$ 4,412,675	5,569,906		\$ 5,082,986	8,808,385
Statistical Information											
Number of Licenses for Indirect calculation	67,201	71,642		74,462	88,440		88,629	85,893		84,786	-

Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065.

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

Board of Architects, Engineers, and Land Surveyors	FY 14	FY 15	Biennium	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium	FY 20	FY 21 1st & 2nd QTR
	Revenue										
Revenue from License Fees	\$ 1,983,134	\$ 309,524	\$ 2,292,658	\$ 1,312,092	\$ 201,239	\$ 1,513,331	\$ 909,305	\$ 161,305	\$ 1,070,610	\$ 932,985	\$ 69,865
Allowable Third Party Reimbursements	5,931	7,156	13,087	6,302	13,376	19,678	13,692	10,892	24,584	4,143	-
TOTAL REVENUE	\$ 1,989,065	\$ 316,680	\$ 2,305,745	\$ 1,318,394	\$ 214,615	\$ 1,533,009	\$ 922,997	\$ 172,197	\$ 1,095,194	\$ 937,128	\$ 69,865
Expenditures											
Non Investigation Expenditures											
1000 - Personal Services	199,309	197,526	396,835	230,912	151,062	381,974	179,399	201,499	380,898	173,287	82,248
2000 - Travel	53,408	42,799	96,207	35,307	32,347	67,654	29,385	26,313	55,698	15,812	-
3000 - Services	81,489	50,246	131,735	70,609	38,839	109,448	45,487	59,467	104,954	35,084	18,230
4000 - Commodities	2,054	1,075	3,129	1,221	631	1,852	499	27	526	30	-
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	336,260	291,646	627,906	338,049	222,879	560,928	254,770	287,306	542,076	224,213	100,478
Investigation Expenditures											
1000-Personal Services	88,526	86,329	174,855	94,056	136,643	230,699	110,690	121,182	231,872	71,024	31,175
2000 - Travel	-	-	-	-	-	-	-	-	-	-	-
3023 - Expert Witness	-	-	-	-	-	-	-	-	-	-	-
3088 - Inter-Agency Legal	6,324	3,873	10,197	-	-	-	-	-	-	-	-
3094 - Inter-Agency Hearing/Mediation	264	314	578	-	134	134	58	-	58	-	-
3000 - Services other	-	-	-	-	-	-	-	670	670	208	8
4000 - Commodities	-	-	-	-	-	-	-	-	-	-	-
Total Investigation Expenditures	95,114	90,516	185,630	94,056	136,777	230,833	110,748	121,852	232,600	71,232	31,183
Total Direct Expenditures	431,374	382,162	813,536	432,105	359,656	791,761	365,518	409,158	774,676	295,445	131,661
Indirect Expenditures											
Internal Administrative Costs	182,000	102,583	284,583	216,777	183,444	400,221	190,072	176,749	366,821	187,122	93,561
Departmental Costs	67,160	62,382	129,542	68,567	103,670	172,237	95,712	96,635	192,347	66,632	33,316
Statewide Costs	41,217	33,442	74,659	19,550	33,286	52,836	32,420	32,978	65,398	32,186	16,093
Total Indirect Expenditures	290,377	198,407	488,784	304,894	320,400	625,294	318,204	306,362	624,566	285,940	142,970
TOTAL EXPENDITURES	\$ 721,751	\$ 580,569	\$ 1,302,320	\$ 736,999	\$ 680,056	\$ 1,417,055	\$ 683,722	\$ 715,520	\$ 1,399,242	\$ 581,385	\$ 274,631
Cumulative Surplus (Deficit)											
Beginning Cumulative Surplus (Deficit)	\$ (259,965)	\$ 1,007,349		\$ 743,460	\$ 1,324,855		\$ 859,414	\$ 1,098,689		\$ 555,366	\$ 911,109
Annual Increase/(Decrease)	1,267,314	(263,889)		581,395	(465,441)		239,275	(543,323)		355,743	(204,766)
Ending Cumulative Surplus (Deficit)	\$ 1,007,349	\$ 743,460		\$ 1,324,855	\$ 859,414		\$ 1,098,689	555,366		911,109	706,343
Statistical Information											
Number of Licenses for Indirect calculation	6,735	7,347		8,785	7,847		8,152	7,331		7,488	
Additional information:	<ul style="list-style-type: none"> • Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses * • Most recent fee change: Fee reduction FY18 • Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065. 										

Division of Corporations, Business and Professional Licensing

2021 Legislative Guidance for Professional Licensing Board & Commission Members

As a member of a professional licensing board or commission, you have considerable latitude—as well as responsibility—to recommend changes to your licensing program’s enabling statutes. Members of the public, consumers, other professionals, and your industry’s association confidently approach members of the legislature to affect the change they wish to see in your practice. Whether taking the initiative or reacting to an active bill, board members also need to be prepared to champion their cause!

THE OPEN MEETINGS ACT ALWAYS APPLIES

AS 44.62.310(h) provides detailed definitions of "governmental body," "meeting," and "public entity" that, when combined, define what constitutes a public meeting. A meeting of a decision or policy-making body occurs when more than three members or a majority of the members, whichever is less, engage collectively in discussion of a subject on which the body is authorized to act and set policy and is therefore subject to the Open Meetings Act. Under this definition, it doesn't matter where the meeting occurs, if it was prearranged, or who arranged it and could include unplanned casual or social contact in any location, including the office of a legislator or an industry gathering.

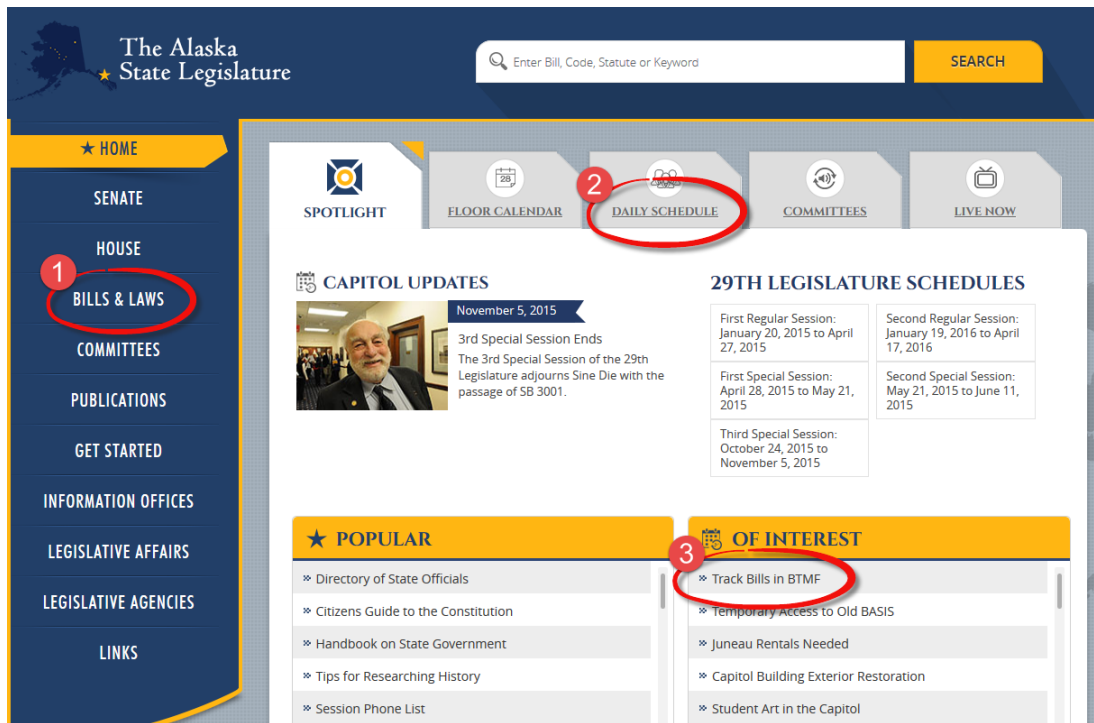
Members of boards and commissions should take care not to conduct business over email, lest the public be removed from the process. Board members should not email each other about board business; if a special meeting is needed, a member can alert staff and a meeting can be arranged and publicly noticed. Remember, all board member email correspondence is discoverable, and your board business is also the public’s business.

This information is contained in the *CBPL Guide to Excellence in Regulation*. Board members are provided a bound copy of this guidance manual; however, if you need another copy, you may download it here:
https://www.commerce.alaska.gov/web/Portals/5/pub/CBPL_Board.Commission.Guide.pdf.

BE INFORMED: IF NOT YOU, THEN WHO?

- Ahead of the legislative season, select on the record a member who will serve as the point person for legislative activity. In the absence of this person, the division will look to the chair of the board for input, interpretation, and intervention, if a quick answer is needed. If the board is championing a piece of legislation, a history of the meeting minutes reflecting the issues and board’s perspective should be compiled by this leader and made available to board members and division management, who will be at every hearing. This research and history will be especially helpful to new board members who are appointed.
- When a bill is filed, division management will alert program staff. The examiner or executive should ensure that their board members are made aware of legislation that is filed that will affect them. With sometimes more than 50 bills to track, analyze, and testify on, division management may not be able to keep the board apprised of every late-breaking detail. Division management will periodically send updates to staff regarding legislation or request discussion with the board.
- That said, know where to find your bill using the Alaska State Legislature’s web page: akleg.gov. (See graphic below.)
 1. The **BILLS & LAWS** section on the sidebar links to a searchable list of documents. If you know the bill number, you can search using the bar at the top of the screen.
 2. The **DAILY SCHEDULE** shows all committee activity for the day you choose. It is subject to change, but it is a good starting place to see what is happening where.

3. The **BTMF**—or Bill Tracking Management Facility is your best friend when trying to keep up with a bill. Take the time to set up your profile and register the bill you want to track, then you will receive email updates when its status changes or is scheduled for a hearing.



GUIDELINES FOR BOARD MEMBER TESTIMONY

- Encourage the board to become engaged: Track the bill online, participate in hearings, write a letter supporting the board’s official position, and discuss the legislation in a public meeting. It is a best practice for organizations to speak with “one voice.” Any testimony or correspondence by a board member on behalf of a board must represent deliberation and action taken on the record in a public meeting.
- Staff may not express opinions on behalf of the board or discuss legislation with elected officials without prior arrangements with division management and clearance from the Governor’s Legislative Office. If the board has published a resolution or letter regarding the legislation as a result of a vote at a public meeting, staff may provide that document to legislators per department procedures.
- Individual board members may offer their personal or professional opinions on the legislation by clarifying that while they are appointed to a board, they do not speak on behalf of the board.
- Boards must provide a member to testify telephonically (or in person, if in Juneau) at every hearing when being considered for reauthorization per AS 08.03. Without member interest and advocacy for the board or commission’s continuation, it is possible that the sponsor could withdraw the bill and the board could sunset.
- The chair or elected board spokesperson should be prepared to answer questions posed by staff or legislators, testify telephonically (or in person, if in Juneau) on bills that require subject matter expertise or upon request, and otherwise be available on short notice to engage in this process.
- Be sure to differentiate the state licensing board from the industry association. Sometimes, they share the same goals. Sometimes, they do not. Legislators must keep track of a lot of names and organizations, so be sure that you are clear that you represent the State of Alaska.

- Nervous? Don't worry! Please email or call the division director or deputy director to discuss tips or even run through some potential questions/roleplay.

LEGISLATIVE TESTIMONY CALL-IN DO'S AND DON'TS - *Note that contact info may change if hearings are held via Zoom.*

Do remember this "off-net" system is designed to serve those who do not have any other way to testify or have a legitimate reason for using the system.

Do remember that off-net calls to the committee must be authorized prior to the meeting by the chairman. A minimum of 24 hours in advance is appreciated. Please work through the Director, Division Operations Manager, or the committee chairman's office for authorization.

Do use the streaming video available at <http://akl.tv/> to watch for your bill to come up. The chairman will announce the order of bills at the beginning of the meeting. Callers may be disconnected from the meeting if they call in prior to their bill being taken up. If video streaming is not an option for you, please contact the committee aide to make arrangements to call in early. Once the bill is before the committee, call 844-586-9085, give your name, bill number and ask to be connected to the _____ Committee.

Do Not call in before the bill you are testifying on comes before the committee.

Do remember the off net call-in lines are for testifiers only. If you wish to listen in, please use the live streaming at <http://akl.tv/>.

Do use the "mute" function of your phone until called on to testify. If this function is not available on your phone, ask the Legislative Information Office (LIO) moderator to mute your call.

Do Not use the "hold" function.

Do try to be in a quiet room without distractions or interruptions. Car noise, open windows, and barking dogs can all be heard by the legislative committee and guests at the hearing. These avoidable disturbances will detract from the credibility of your message. Please treat the important responsibility of testifying with utmost respect and professionalism.

Do remember that everything transmitted over your phone will be broadcast directly into the meeting room and recorded to become part of the permanent record.

Do remember to be in a location with good reception if using a cell phone. Disruptions coming into the meeting via the phone lines will result in all callers being disconnected from the system. This will require testifiers to call back to be reconnected. Turn off your computer or TV speakers if listening online so you do not create an audio "loop."

Do try to adhere to time limits imposed by the chairman.

Remember: There are a limited number of phone lines coming into the Capitol. These lines are also used by LIOs around the state. When all the phone lines are used up, an LIO may not be able to call in with a room full of people.

State Board of Registration for Architects, Engineers, and Land Surveyors

	Appointed	Reappointed	Expires
Jennifer Anderson <i>Civil Engineer</i>	03/01/2018		03/01/2022
Robert (Bob) Bell <i>Land Surveyor</i>	03/01/2020		03/01/2024
Catherine Fritz - Secretary <i>Architect</i>	03/01/2016	03/01/2020	03/01/2024
Jeff Garness <i>Engineer Other Than Those Listed</i>	03/01/2020		03/01/2024
Elizabeth Johnston – Vice-Chair <i>Electrical/Mechanical Engineer</i>	03/01/2017		03/01/2025
John Kerr – Chair <i>Land Surveyor</i>	03/01/2013	03/01/2017	03/01/2021
Jeff Koonce <i>Architect</i>	03/01/2013	03/01/2017	03/01/2021
Loren Leman <i>Civil Engineer</i>	03/01/2020		03/01/2024
Luanne Urfer <i>Landscape Architect</i>	07/01/2013	07/07/2017	03/01/2021
Fred Wallis <i>Mining Engineer</i>	03/01/2016	03/01/2020	03/01/2024
Bruce Magyar <i>Public Member</i>	12/15/2020		03/01/2022

Policies and Historical Information – page 2

Current Language

2. In order to meet Alaska's requirements, exam candidates may project their anticipated work experience up to the date of the exam.
- 12 AAC 36.067. DATE OF EXPERIENCE. Computation of qualifying experience for admission to the examination as architect, engineer or land surveyor is up to the date of exam.
- The board may require that an applicant submit an updated employment verification or letter from present employer prior to the exam date.

Proposed Language

2. Projection of Time

- a. In order to meet Alaska's requirements, exam candidates may project their anticipated work experience up to the date of the exam.

- b. 12 AAC 36.067. DATE OF EXPERIENCE. Computation of qualifying experience for admission to the examination as architect, engineer or land surveyor is up to the date of exam.

1. *While the AK LS exam is only offered once per year, a land surveyor candidate who:*
 - a. *Is on-track to meet all experience requirements in the same half year that the AK LS exam is offered (January to June or July to December);*
 - b. *Submits a sealed and signed letter from their present Registered Land Surveyor supervisor certifying that they are on-track to complete their experience requirement in that same half year;*
 - c. *Has met the education requirements;*
 - d. *Has paid all required fees;*
 - e. *Has submitted their complete application and supporting documents in a timely and organized manner per Board requirements;*

shall be permitted to take the AK LS exam in the same half year that they are projected to complete their experience requirements.

No individual shall be approved to take the NCEES PS Exam or to be licensed in Alaska until they have submitted proof that they have completed all experience requirements.

- c. The board may require that an applicant submit an updated employment verification or letter from present employer prior to the exam date.

HOUSE BILL NO. 61

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE CLAMAN

Introduced: 1/15/21

Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to commercial interior designers and commercial interior design;**
2 **establishing registration and other requirements for the practice of professional**
3 **commercial interior design; relating to the State Board of Registration for Architects,**
4 **Engineers, and Land Surveyors; relating to liens for labor or materials furnished;**
5 **relating to the procurement of commercial interior design services; and providing for an**
6 **effective date."**

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 * **Section 1.** AS 08.01.010(3) is amended to read:

9 (3) State Board of Registration for Architects, Engineers, [AND] Land
10 Surveyors, **Landscape Architects, and Commercial Interior Designers**
11 (AS 08.48.011);

12 * **Sec. 2.** AS 08.01.065(f) is amended to read:

13 (f) Notwithstanding (c) of this section, the department shall establish fee levels

1 under (a) of this section so that the total amount of fees collected by the State Board of
 2 Registration for Architects, Engineers, [AND] Land Surveyors, Landscape
 3 Architects, and Commercial Interior Designers approximately equals the total
 4 regulatory costs of the department and the board for all occupations regulated by the
 5 board. The department shall set the fee levels for the issuance and renewal of a
 6 certificate of registration issued under AS 08.48.211 so that the fee levels are the same
 7 for all occupations regulated by the board.

8 * **Sec. 3.** AS 08.03.010(c)(3) is amended to read:

9 (3) State Board of Registration for Architects, Engineers, [AND] Land
 10 Surveyors, Landscape Architects, and Commercial Interior Designers
 11 (AS 08.48.011) - June 30, 2025;

12 * **Sec. 4.** AS 08.48.011(a) is amended to read:

13 (a) There is created the State Board of Registration for Architects, Engineers,
 14 [AND] Land Surveyors, Landscape Architects, and Commercial Interior
 15 Designers. The board shall administer the provisions of this chapter and comply with
 16 AS 44.62 (Administrative Procedure Act).

17 * **Sec. 5.** AS 08.48.011(b) is amended to read:

18 (b) The board consists of **13** [11] members appointed by the governor having
 19 the qualifications as set out in AS 08.48.031. The board consists of two civil
 20 engineers, two land surveyors, one mining engineer, one electrical engineer, one [OR]
 21 mechanical engineer, one engineer from another branch of the profession of
 22 engineering, two architects, one landscape architect, one commercial interior
 23 designer, and one public member.

24 * **Sec. 6.** AS 08.48.061(c) is amended to read:

25 (c) The board may make expenditures from appropriated funds for any
 26 purpose that is reasonably necessary for the proper performance of its duties under this
 27 chapter. This may include the expenses of the board delegates to attend meetings of
 28 councils of architect examiners, engineering examiners, land surveyor examiners,
 29 commercial interior designer examiners, or landscape architect examiners, or any of
 30 their subdivisions. The total amount of disbursements issued in payment of the
 31 expenses incurred under this chapter may not exceed the amount of money

1 appropriated by the legislature.

2 * **Sec. 7.** AS 08.48.071(f) is amended to read:

3 (f) The department shall assemble statistics relating to the performance of its
4 staff and the performance of the board, including

5 (1) the number of architects, engineers, land surveyors, **commercial**
6 **interior designers**, and landscape architects registered over a five-year period;

7 (2) the rate of passage of examinations administered by the board;

8 (3) the number of persons making application for registration as a
9 professional architect, engineer, land surveyor, **commercial interior designer**, or
10 landscape architect over a five-year period;

11 (4) an account of registration fees collected under AS 08.01.065;

12 (5) a measure of the correspondence workload of any licensing
13 examiner employed by the department to carry out this chapter.

14 * **Sec. 8.** AS 08.48.111 is amended to read:

15 **Sec. 08.48.111. Power to revoke, suspend, or reissue certificate.** The board
16 may suspend, refuse to renew, or revoke the certificate of or reprimand a registrant,
17 corporation, limited liability company, or limited liability partnership who is found
18 guilty of (1) fraud or deceit in obtaining a certificate; (2) gross negligence,
19 incompetence, or misconduct in the practice of architecture, engineering, land
20 surveying, **commercial interior design**, or landscape architecture; or (3) a violation of
21 this chapter, a regulation adopted under this chapter, or the code of ethics or
22 professional conduct as adopted by the board. The code of ethics or professional
23 conduct shall be distributed in writing to every registrant and applicant for registration
24 under this chapter. This publication and distribution of the code of ethics or
25 professional conduct constitutes due notice to all registrants. The board may revise and
26 amend its code and, upon doing so, shall immediately notify each registrant in writing
27 of the revisions or amendments. The board may, upon petition of the registrant,
28 corporation, limited liability company, or limited liability partnership, reissue a
29 certificate if a majority of the members of the board vote in favor of the reissuance.

30 * **Sec. 9.** AS 08.48.171 is amended to read:

31 **Sec. 08.48.171. General requirements and qualifications for registration.**

1 An applicant for registration as an architect, engineer, land surveyor, **commercial**
 2 **interior designer**, or landscape architect must be of good character and reputation and
 3 shall submit evidence satisfactory to the board of the applicant's education, training,
 4 and experience. However, an applicant for registration as a land surveyor may not be
 5 required to submit evidence of more than eight years of any combination of education,
 6 experience, or training.

7 * **Sec. 10.** AS 08.48.181 is amended by adding a new subsection to read:

8 (b) Except as provided in AS 08.48.191, for registration as a professional
 9 commercial interior designer, a person shall be examined in this state in accordance
 10 with the regulations of procedure and standards adopted by the board under AS 44.62
 11 (Administrative Procedure Act). The procedure and standards must include
 12 successfully completing the examination administered by the Council for Interior
 13 Design Qualification or its successor.

14 * **Sec. 11.** AS 08.48.191 is amended by adding a new subsection to read:

15 (e) A person holding a certificate of registration authorizing the person to
 16 practice commercial interior design in a state, territory, or possession of the United
 17 States, the District of Columbia, or a foreign country that, in the opinion of the board,
 18 meets the requirements of this chapter, based on verified evidence, may, upon
 19 application, be registered in accordance with the regulations of the board.

20 * **Sec. 12.** AS 08.48.201(a) is amended to read:

21 (a) Application for registration as a professional architect, a professional
 22 engineer, a professional land surveyor, **a professional commercial interior designer**,
 23 or a professional landscape architect shall

24 (1) be on a form prescribed and furnished by the board;

25 (2) contain statements made under oath, showing the applicant's
 26 education and a detailed summary of the applicant's technical experience; and

27 (3) contain five references, three of whom must be architects for
 28 architectural registration, engineers for engineering registration, land surveyors for
 29 land surveying registration, **architects or commercial interior designers for**
 30 **commercial interior design registration**, and landscape architects for landscape
 31 architectural registration, having personal knowledge of the applicant's architectural,

1 engineering, land surveying, **commercial interior design**, or landscape architectural
2 education, training, or experience.

3 * **Sec. 13.** AS 08.48.211 is amended to read:

4 **Sec. 08.48.211. Certificate of registration.** (a) An applicant who fulfills the
5 requirements set out by the board shall be awarded a certificate of registration as a
6 professional architect, engineer, land surveyor, **commercial interior designer**, or
7 landscape architect, authorizing the holder to offer or perform architectural,
8 engineering, land surveying, **commercial interior design**, or landscape architectural
9 services or work for the public, or to certify or sign architectural, engineering, land
10 surveying, **commercial interior design**, or landscape architectural documents.
11 Certificates of registration issued under this section shall be inscribed on their face in a
12 manner determined by the board.

13 (b) The certificate of registration sealed by the board is prima facie evidence
14 that the person named in it is entitled to all rights and privileges of a professional
15 architect, professional engineer, professional land surveyor, **professional commercial**
16 **interior designer**, or professional landscape architect while the certificate remains
17 unrevoked or unexpired.

18 * **Sec. 14.** AS 08.48.215(a) is amended to read:

19 (a) On retiring from practice and payment of an appropriate one-time fee, an
20 individual who is a registrant in good standing with the board may apply for the
21 conversion of a certificate of registration to a retired status registration. An individual
22 holding a retired status registration may not practice architecture, engineering, land
23 surveying, **commercial interior design**, or landscape architecture in the state. A
24 retired status registration is valid for the life of the registration holder and does not
25 require renewal.

26 * **Sec. 15.** AS 08.48.221(a) is amended to read:

27 (a) Each registrant may obtain a seal of the design authorized by the board,
28 bearing the registrant's name, registration number, and the legend "Registered
29 Professional Architect," "Registered Professional Engineer," "Registered Professional
30 Land Surveyor," **"Registered Professional Commercial Interior Designer,"** or
31 "Registered Professional Landscape Architect," as appropriate. When a registrant

1 issues final drawings, specifications, surveys, plats, plates, reports, or similar
 2 documents, the registrant shall stamp the documents with the seal and sign the seal.
 3 The board shall adopt regulations governing the use of seals by the registrant. An
 4 architect, engineer, land surveyor, **commercial interior designer**, or landscape
 5 architect may not affix or permit a seal and signature to be affixed to an instrument
 6 after the expiration of a certificate or for the purpose of aiding or abetting another
 7 person to evade or attempt to evade a provision of this chapter. The registrant, by
 8 affixing the registrant's seal to final drawings, specifications, surveys, plats, plates,
 9 reports, or similar documents, and by signing the seal, certifies that the documents
 10 were prepared by or under the registrant's direct supervision, are within the registrant's
 11 field of practice, or constitute design work of minor importance.

12 * **Sec. 16.** AS 08.48.241(a) is amended to read:

13 (a) This chapter does not prevent a corporation, limited liability company, or
 14 limited liability partnership from offering architectural, engineering, land surveying,
 15 **commercial interior design**, or landscape architectural services; however, the
 16 corporation, limited liability company, or limited liability partnership shall file with
 17 the board

18 (1) an application for a certificate of authorization **on** [UPON] a form
 19 to be prescribed by the board and containing information required to enable the board
 20 to determine whether the corporation, limited liability company, or limited liability
 21 partnership is qualified in accordance with the provisions of this chapter to offer to
 22 practice architecture, engineering, land surveying, **commercial interior design**, or
 23 landscape architecture in this state;

24 (2) a certified copy of a resolution of the board of directors of the
 25 corporation, the managing members or manager of the limited liability company, or
 26 the general partners of a limited liability partnership designating persons holding
 27 certificates of registration under this chapter as responsible for the practice of
 28 architecture, engineering, land surveying, **commercial interior design**, or landscape
 29 architecture by the corporation, limited liability company, or limited liability
 30 partnership in this state and providing that full authority to make all final architectural,
 31 engineering, land surveying, **commercial interior design**, or landscape architectural

1 decisions on behalf of the corporation, limited liability company, or limited liability
 2 partnership with respect to work performed by the corporation, limited liability
 3 company, or limited liability partnership in this state is granted by the board of
 4 directors of the corporation, the managing members or manager of the limited liability
 5 company, or the general partners of the limited liability partnership to the persons
 6 designated in the resolution; however, the filing of this resolution does not relieve the
 7 corporation, limited liability company, or limited liability partnership of any
 8 responsibility or liability imposed **on** [UPON] it by law or by contract;

9 (3) a designation in writing setting out the name of one or more
 10 persons holding certificates of registration under this chapter who are in responsible
 11 charge of each major branch of the architectural, engineering, land surveying,
 12 **commercial interior design**, or landscape architectural activities in which the
 13 corporation, limited liability company, or limited liability partnership specializes in
 14 this state; if a change is made in the person in responsible charge of a major branch of
 15 the architectural, engineering, land surveying, **commercial interior design**, or
 16 landscape architectural activities, the change shall be designated in writing and filed
 17 with the board within 30 days after the effective date of the change.

18 * **Sec. 17.** AS 08.48.241(b) is amended to read:

19 (b) Upon filing with the board the application for certificate of authorization,
 20 certified copy of resolution, affidavit, and designation of persons specified in this
 21 section, the board shall, subject to (c) of this section, issue to the corporation, limited
 22 liability company, or limited liability partnership a certificate of authorization to
 23 practice architecture, engineering, land surveying, **commercial interior design**, or
 24 landscape architecture in this state upon a determination by the board that

25 (1) the bylaws of the corporation, the articles of organization or
 26 operating agreement of the limited liability company, or the partnership agreement of
 27 the limited liability partnership contain provisions that all architectural, engineering,
 28 land surveying, **commercial interior design**, or landscape architectural decisions
 29 pertaining to architectural, engineering, land surveying, **commercial interior design**,
 30 or landscape architectural activities in this state will be made by the specified
 31 architect, engineer, land surveyor, **commercial interior designer**, or landscape

1 architect in responsible charge, or other registered architects, engineers, land
2 surveyors, **commercial interior designers**, or landscape architects under the direction
3 or supervision of the architect, engineer, land surveyor, **commercial interior**
4 **designer**, or landscape architect in responsible charge;

5 (2) the application for certificate of authorization states the type of
6 architecture, engineering, land surveying, **commercial interior design**, or landscape
7 architecture practiced or to be practiced by the corporation, limited liability company,
8 or limited liability partnership;

9 (3) the applicant corporation, limited liability company, or limited
10 liability partnership has the ability to provide architectural, engineering, land
11 surveying, **commercial interior design**, or landscape architectural services;

12 (4) the application for certificate of authorization states the
13 professional records of the designated person who is in responsible charge of each
14 major branch of architectural, engineering, land surveying, **commercial interior**
15 **design**, or landscape architectural activities in which the corporation, limited liability
16 company, or limited liability partnership specializes;

17 (5) the application for certificate of authorization states the experience,
18 if any, of the corporation, limited liability company, or limited liability partnership in
19 furnishing architectural, engineering, land surveying, **commercial interior design**, or
20 landscape architectural services during the preceding five-year period;

21 (6) the applicant corporation, limited liability company, or limited
22 liability partnership meets other requirements related to professional competence in
23 the furnishing of architectural, engineering, land surveying, **commercial interior**
24 **design**, or landscape architectural services as may be adopted by the board in
25 furtherance of the objectives and provisions of this chapter.

26 * **Sec. 18.** AS 08.48.241(d) is amended to read:

27 (d) The certificate of authorization must specify the major branches of
28 architecture, engineering, land surveying, **commercial interior design**, or landscape
29 architecture of which the corporation, limited liability company, or limited liability
30 partnership has designated a person in responsible charge as provided in this section.
31 The certificate of authorization shall be conspicuously displayed in the place of

1 business of the corporation, limited liability company, or limited liability partnership,
 2 together with the names of persons designated as being in responsible charge of the
 3 professional activities.

4 * **Sec. 19.** AS 08.48.241(e) is amended to read:

5 (e) If a corporation, limited liability company, or limited liability partnership
 6 that is organized solely by [EITHER] a group of architects, a group of engineers, a
 7 group of land surveyors, **a group of commercial interior designers,** or a group of
 8 landscape architects, each holding a certificate of registration under this chapter,
 9 applies for a certificate of authorization, the board may, in its discretion, grant a
 10 certificate of authorization to the corporation, limited liability company, or limited
 11 liability partnership based on a review of the professional records of the incorporators
 12 of the corporation, organizers of the limited liability company, or partners who formed
 13 the limited liability partnership in place of the required qualifications set out in this
 14 section. If the ownership of the corporation is altered, the membership of the limited
 15 liability company is altered, or the partners of the limited liability partnership change,
 16 the corporation, limited liability company, or limited liability partnership shall apply
 17 for a revised certificate of authorization, based **on** [UPON] the professional records of
 18 the owners of the corporation, the members of the limited liability company, or the
 19 partners of the limited liability partnership, if exclusively architects, engineers, land
 20 surveyors, **commercial interior designers,** or landscape architects, or otherwise under
 21 the qualifications required by (b)(1) - (4) of this section.

22 * **Sec. 20.** AS 08.48.241(f) is amended to read:

23 (f) A corporation, limited liability company, or a limited liability partnership
 24 authorized to offer architectural, engineering, land surveying, **commercial interior**
 25 **design,** or landscape architectural services under this chapter, together with its
 26 directors, officers, managing members, manager, and partners for their own individual
 27 acts, is responsible to the same degree as the designated individual registered architect,
 28 engineer, land surveyor, **commercial interior designer,** or landscape architect, and
 29 shall conduct its business without misconduct or malpractice in the practice of
 30 architecture, engineering, land surveying, **commercial interior design,** or landscape
 31 architecture as defined in this chapter.

1 * **Sec. 21.** AS 08.48.241(g) is amended to read:

2 (g) If the board, after a proper hearing, finds that a corporation, limited
3 liability company, or limited liability partnership holding a certificate of authorization
4 has committed misconduct or malpractice, the board shall suspend or revoke the
5 certificate of authorization. The board shall also suspend or revoke the certificate of
6 registration of any registered individual architect, engineer, land surveyor,
7 **commercial interior designer**, or landscape architect who, after a proper hearing, is
8 found by the board to have participated in committing the misconduct or malpractice.

9 * **Sec. 22.** AS 08.48.251 is amended to read:

10 **Sec. 08.48.251. Certain partnerships.** This chapter does not prevent the
11 practice of architecture, engineering, land surveying, **commercial interior design**, or
12 landscape architecture by a partnership if all of the members of the partnership are
13 architects, engineers, land surveyors, **commercial interior designers**, or landscape
14 architects legally registered under this chapter. In this section, "partnership" does not
15 include a limited liability partnership.

16 * **Sec. 23.** AS 08.48.281(a) is amended to read:

17 (a) A person may not practice or offer to practice the profession of
18 architecture, engineering, land surveying, **commercial interior design**, or landscape
19 architecture in the state, or use in connection with the person's name or otherwise
20 assume or advertise a title or description tending to convey the impression that the
21 person is an architect, [AN] engineer, [A] land surveyor, **commercial interior**
22 **designer**, or [A] landscape architect, unless the person has been registered under the
23 provisions of this chapter or is a person to whom these provisions do not apply, or, in
24 the case of a corporation, limited liability company, or limited liability partnership,
25 unless it has been authorized under this chapter.

26 * **Sec. 24.** AS 08.48.281 is amended by adding a new subsection to read:

27 (c) Notwithstanding (a) of this section, this chapter does not prohibit the
28 practice of commercial interior design by a person who is not registered to practice
29 commercial interior design if the services are being performed by a person acting
30 within the scope of practice authorized by another license that is held by the person.

31 * **Sec. 25.** AS 08.48.291 is amended to read:

1 **Sec. 08.48.291. Violations and penalties.** A person who practices or offers to
 2 practice architecture, engineering, land surveying, **commercial interior design**, or
 3 landscape architecture in the state without being registered or authorized to practice in
 4 accordance with the provisions of this chapter, or a person presenting or attempting to
 5 use the certificate or the seal of another, or a person who gives false or forged
 6 evidence of any kind to the board or to a member of the board in obtaining or
 7 attempting to obtain a certificate, or a person who impersonates a registrant, or a
 8 person who uses or attempts to use an expired or revoked or nonexistent certificate,
 9 knowing of the certificate's status, or a person who falsely claims to be registered and
 10 authorized to practice under this chapter, or a person who violates any of the
 11 provisions of this chapter, is guilty of a misdemeanor and upon conviction is
 12 punishable by a fine of not more than \$10,000, or by imprisonment for not more than
 13 one year, or by both.

14 * **Sec. 26.** AS 08.48.295(a) is amended to read:

15 (a) In addition to any other provision of law, if a person practices or offers to
 16 practice architecture, engineering, **commercial interior design**, or land surveying in
 17 the state without being registered or authorized to practice in accordance with the
 18 provisions of this chapter, the board may enter an order levying a civil penalty.

19 * **Sec. 27.** AS 08.48.311 is amended to read:

20 **Sec. 08.48.311. Rights not transferable.** The right to engage in the practice of
 21 architecture, engineering, land surveying, **commercial interior design**, or landscape
 22 architecture is considered a personal and individual right, based on the qualifications
 23 of the individual as evidenced by the individual's certificate of registration, which is
 24 not transferable.

25 * **Sec. 28.** AS 08.48.321 is amended to read:

26 **Sec. 08.48.321. Evidence of practice.** A person practices or offers to practice
 27 architecture, engineering, land surveying, **commercial interior design**, or landscape
 28 architecture **if the person** [WHO]

29 (1) practices a branch of the profession of architecture, engineering,
 30 land surveying, **commercial interior design**, or landscape architecture [AS DEFINED
 31 IN AS 08.48.341];

1 (2) by verbal claim, sign, advertisement, letterhead, card, or other
 2 means represents to be an architect, engineer, land surveyor, **commercial interior**
 3 **designer**, or landscape architect, or through the use of some other title implies that the
 4 person is an architect, engineer, land surveyor, **commercial interior designer**, or
 5 landscape architect; or

6 (3) holds out as able to perform or [WHO] does perform an
 7 architectural, engineering, land surveying, **commercial interior design**, or landscape
 8 architectural service recognized by the professions covered by this chapter, and
 9 specified in regulations of the board, as an architectural, engineering, land surveying,
 10 **commercial interior design**, or landscape architectural service.

11 * **Sec. 29.** AS 08.48.331(a) is amended to read:

12 (a) This chapter does not apply to

13 (1) a contractor performing work designed by a professional architect,
 14 engineer, **commercial interior designer**, or landscape architect or the supervision of
 15 the construction of the work as a supervisor or superintendent for a contractor;

16 (2) workers in building trades crafts, earthwork, grounds keeping, or
 17 nursery operations, and superintendents, supervisors, or inspectors in the performance
 18 of their customary duties;

19 (3) an officer or employee of the United States government practicing
 20 architecture, engineering, land surveying, **commercial interior design**, or landscape
 21 architecture as required by the person's official capacity;

22 (4) an employee or a subordinate of a person registered under this
 23 chapter if the work or service is done under the direct supervision of a person
 24 registered under this chapter;

25 (5) associates, consultants, or specialists retained by a registered
 26 individual, [A] partnership of registered individuals, [A] corporation, [A] limited
 27 liability company, or [A] limited liability partnership authorized to practice
 28 architecture, engineering, land surveying, **commercial interior design**, or landscape
 29 architecture under this chapter, in the performance of professional services if
 30 responsible charge of the work remains with the individual, the partnership, or a
 31 designated representative of the corporation, limited liability company, or limited

1 liability partnership;

2 (6) a person preparing drawings or specifications for

3 (A) a building for the person's own use and occupancy as a
4 single family residence and related site work for that building;

5 (B) farm or ranch buildings and their grounds unless the public
6 health, safety, or welfare is involved;

7 (C) a building that is intended to be used only as a residence by
8 not more than

9 (i) four families and that is not more than two stories
10 high and the grounds of the building; or

11 (ii) two families and that is not more than three stories
12 high and the grounds of the building, if the building is located in a
13 municipality that has adopted a building or residential code that applies
14 to the building and if the building complies with the building or
15 residential code;

16 (D) a garage, workshop, or similar building that contains less
17 than 2,000 square feet of floor space to be used for a private noncommercial
18 purpose and the grounds of the building;

19 (7) a specialty contractor licensed under AS 08.18 while engaged in
20 the business of construction contracting for work designed by an architect, engineer,
21 **commercial interior designer**, or landscape architect that is within the specialty to be
22 performed or supervised by the specialty contractor, or a contractor preparing shop or
23 field drawings for work that the specialty contractor has contracted to perform;

24 (8) a person, **other than a person providing commercial interior**
25 **design services**, furnishing drawings, specifications, instruments of service, or other
26 data for alterations or repairs to a building or its grounds that do not change or affect
27 the structural system or the safety of the building, or that do not affect the public
28 health, safety, or welfare;

29 (9) a person who is employed by a postsecondary educational
30 institution to teach engineering, architectural, **commercial interior design**, or
31 landscape architectural courses; in this paragraph, "postsecondary educational

1 institution" has the meaning given in AS 14.48.210;

2 (10) an officer or employee of an individual, firm, partnership,
3 association, utility, corporation, limited liability company, or limited liability
4 partnership, who practices engineering, architecture, land surveying, **commercial**
5 **interior design**, or landscape architecture involved in the operation of the employer's
6 business only, and further provided that neither the employee nor the employer offers
7 engineering, architecture, land surveying, **commercial interior design**, or landscape
8 architecture services to the public; exclusions under this paragraph do not apply to
9 buildings or structures whose primary use is public occupancy;

10 (11) a person while involved in revegetation, restoration, reclamation,
11 rehabilitation, or erosion control for disturbed land that the board determines does not
12 affect the public health, safety, or welfare;

13 (12) a person while maintaining or directing the placement of plant
14 material that the board determines does not affect the public health, safety, or welfare;

15 (13) an employee, officer, or agent of a regulatory agency of the state
16 or a municipality when reviewing drawings and specifications for compliance with the
17 building codes of the state or a municipality if the drawings and specifications have
18 been sealed and signed by an architect, engineer, land surveyor, **commercial interior**
19 **designer**, or landscape architect or the preparation of the drawings and specifications
20 is exempt under this section from the requirements of this chapter; in this paragraph,
21 "building codes" includes codes relating to building, mechanical, plumbing, electrical,
22 fire safety standards, and zoning;

23 (14) a person who is designing fire detection or suppression systems
24 and is authorized by the Department of Public Safety to design fire detection or
25 suppression systems;

26 **(15) a person providing services limited to the planning, design,**
27 **and implementation of a kitchen or bath or the specification of products for a**
28 **kitchen or bath, if the space or area is in a building described in (6)(A) or (C) of**
29 **this subsection.**

30 * **Sec. 30.** AS 08.48.341(2) is amended to read:

31 (2) "board" means the State Board of Registration for Architects,

1 Engineers, [AND] Land Surveyors, Landscape Architects, and Commercial
 2 Interior Designers;

3 * **Sec. 31.** AS 08.48.341(4) is amended to read:

4 (4) "certificate of authorization" means a certificate issued by the
 5 board authorizing a corporation, a limited liability company, or a limited liability
 6 partnership to provide professional services in architecture, engineering, land
 7 surveying, commercial interior design, or landscape architecture through individuals
 8 legally registered by the board;

9 * **Sec. 32.** AS 08.48.341 is amended by adding new paragraphs to read:

10 (24) "commercial interior design" means a professional service or
 11 creative work for a building the primary use of which is public occupancy, involving

12 (A) analysis, research, planning, and design of the interior
 13 spaces of a building for the purpose of enhancing and protecting the health,
 14 safety, and welfare of the public by preparation of interior drawings,
 15 specifications, or other technical submissions and administration of
 16 nonstructural interior construction;

17 (B) design and specification of code-compliant interior
 18 finishes, furnishings, fixtures, or equipment;

19 (C) design or modification of existing nonstructural interior
 20 partitions, doors, suspended ceiling systems, or constructed ceiling elements;

21 (D) design or modification of existing internal circulation
 22 systems or number and configuration of exits for suite occupant load; or

23 (E) review, analysis, and evaluation of building codes,
 24 accessibility standards, or guidelines for interior planning, design, and
 25 nonbearing construction compliance;

26 (25) "commercial interior designer" means a professional commercial
 27 interior designer;

28 (26) "nonstructural" and "nonbearing" mean building elements that are
 29 not load-bearing and that can be added, moved, or removed without affecting the
 30 structural integrity of a building;

31 (27) "professional commercial interior designer" means a person who

1 has been legally registered as a professional commercial interior designer by the
2 board.

3 * **Sec. 33.** AS 08.48.351 is amended to read:

4 **Sec. 08.48.351. Short title.** This chapter may be cited as the Architects,
5 Engineers, Land Surveyors, Commercial Interior Designers, and Landscape
6 Architects Registration Act.

7 * **Sec. 34.** AS 14.43.310(b) is amended to read:

8 (b) To assist the administering authority in selecting eligible applicants for
9 award of each of the memorial education loans under AS 14.43.250 - 14.43.325 and in
10 reviewing the memorial education loan program, the following advisory committees
11 are established:

12 (1) three Alaska state troopers, each one to be selected from and to
13 represent a state trooper region of the state by the regional commander to serve for
14 three years, for the Michael Murphy memorial education loan;

15 (2) [REPEALED]

16 (3) three members of the State [STATE] Board of Registration for
17 Architects, Engineers, [AND] Land Surveyors, Landscape Architects, and
18 Commercial Interior Designers selected annually by the board from among its
19 engineer members, for the Harvey Golub memorial education loan; and

20 (3) [(4)] three members of the state Board of Education and Early
21 Development, or of the staff of the Department of Education and Early Development,
22 or any combination of these, selected annually by the board, for the Robert L. Thomas
23 memorial education loan.

24 * **Sec. 35.** AS 23.30.017(c)(1) is amended to read:

25 (1) "design professional" means a person registered under AS 08.48 as
26 an architect, engineer, [OR] land surveyor, landscape architect, or commercial
27 interior designer;

28 * **Sec. 36.** AS 34.35.050 is amended to read:

29 **Sec. 34.35.050. Lien for labor or materials furnished.** A person has a lien,
30 only to the extent provided under this chapter, to secure the payment of the contract
31 price if the person

1 (1) performs labor on [UPON] real property at the request of the owner
 2 or the agent of the owner for the construction, alteration, or repair of a building or
 3 improvement;

4 (2) is a trustee of an employee benefit trust for the benefit of
 5 individuals performing labor on the building or improvement and has a direct contract
 6 with the owner or the agent of the owner for direct payments into the trust;

7 (3) furnishes materials that are delivered to real property under a
 8 contract with the owner or the agent of the owner that are incorporated in the
 9 construction, alteration, or repair of a building or improvement;

10 (4) furnishes equipment that is delivered to and used on [UPON] real
 11 property under a contract with the owner or the agent of the owner for the
 12 construction, alteration, or repair of a building or improvement;

13 (5) performs services under a contract with the owner or the agent of
 14 the owner in connection with the preparation of plans, surveys, or architectural, [OR]
 15 engineering, or commercial interior design plans or drawings for the construction,
 16 alteration, or repair of a building or improvement, whether or not actually
 17 implemented on that property; or

18 (6) is a general contractor.

19 * **Sec. 37.** AS 35.15.010(c) is amended to read:

20 (c) In this section, "professional services" means architectural, engineering,
 21 [OR] land surveying, or commercial interior design services.

22 * **Sec. 38.** AS 36.30.270(a) is amended to read:

23 (a) Notwithstanding conflicting provisions of AS 36.30.100 - 36.30.260, a
 24 procurement officer shall negotiate a contract for an agency with the most qualified
 25 and suitable firm or person of demonstrated competence for architectural, engineering,
 26 [OR] land surveying, or commercial interior design services. The procurement
 27 officer shall award a contract for those services at fair and reasonable compensation as
 28 determined by the procurement officer, after consideration of the estimated value of
 29 the services to be rendered, and the scope, complexity, and professional nature of the
 30 services. When determining the most qualified and suitable firm or person, the
 31 procurement officer shall consider the

1 (1) proximity to the project site of the office of the firm or person
 2 unless federal law prohibits this factor from being considered in the awarding of the
 3 contract; and

4 (2) employment practices of the firm or person with regard to women
 5 and minorities.

6 * **Sec. 39.** AS 36.30.270(d) is amended to read:

7 (d) Notwithstanding the other provisions of this section, a procurement officer
 8 may include price as an added factor in selecting architectural, engineering, [AND]
 9 land surveying, **and commercial interior design** services when, in the judgment of
 10 the procurement officer, the services required are repetitious in nature, and the scope,
 11 nature, and amount of services required are thoroughly defined by measurable and
 12 objective standards to reasonably enable firms or persons making proposals to
 13 compete with a clear understanding and interpretation of the services required. In
 14 order to include price as a factor in selection, a majority of the persons involved by the
 15 procurement officer in evaluation of the proposals must be registered in the state to
 16 perform architectural, engineering, [OR] land surveying, **or commercial interior**
 17 **design** services.

18 * **Sec. 40.** AS 36.90.100 is amended to read:

19 **Sec. 36.90.100. Contracts for architectural, engineering, land surveying,**
 20 **commercial interior design, or landscape architectural services.** The state or a
 21 municipality may not award a contract for architectural, engineering, land surveying,
 22 **commercial interior design,** or landscape architectural services to

23 (1) an individual who is not registered under AS 08.48 to perform the
 24 architectural, engineering, land surveying, **commercial interior design,** or landscape
 25 architectural services required by the contract;

26 (2) a partnership, except as provided by (3) of this section, that is not
 27 qualified under AS 08.48.251 to provide the architectural, engineering, land surveying,
 28 **commercial interior design,** or landscape architectural services required by the
 29 contract; or

30 (3) a corporation, limited liability company, or limited liability
 31 partnership that is not authorized under AS 08.48.241 to offer the architectural,

1 engineering, land surveying, **commercial interior design**, or landscape architectural
 2 services required by the contract.

3 * **Sec. 41.** AS 39.25.120(c)(7) is amended to read:

4 (7) the principal executive officer of the following boards, councils, or
 5 commissions:

6 (A) Alaska Public Broadcasting Commission;

7 (B) Professional Teaching Practices Commission;

8 (C) Parole Board;

9 (D) Board of Nursing;

10 (E) Real Estate Commission;

11 (F) Alaska Royalty Oil and Gas Development Advisory Board;

12 (G) Alaska State Council on the Arts;

13 (H) Alaska Police Standards Council;

14 (I) Alaska Commission on Aging;

15 (J) Alaska Mental Health Board;

16 (K) State Medical Board;

17 (L) Governor's Council on Disabilities and Special Education;

18 (M) Advisory Board on Alcoholism and Drug Abuse;

19 (N) Statewide Suicide Prevention Council;

20 (O) State Board of Registration for Architects, Engineers,

21 [AND] Land Surveyors, **Landscape Architects, and Commercial Interior**
 22 **Designers**;

23 (P) Alaska Health Care Commission;

24 (Q) Board of Pharmacy;

25 * **Sec. 42.** AS 44.62.330(a)(3) is amended to read:

26 (3) State Board of Registration for Architects, Engineers, [AND] Land
 27 Surveyors, **Landscape Architects, and Commercial Interior Designers**;

28 * **Sec. 43.** The uncodified law of the State of Alaska is amended by adding a new section to
 29 read:

30 TRANSITION. Notwithstanding this Act, a person working as a commercial interior
 31 designer before the effective date of secs. 1 - 42 of this Act may continue to practice

1 commercial interior design in the state without registration or authorization as a commercial
2 interior designer under AS 08.48 until July 1, 2024.

3 * **Sec. 44.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 TRANSITION: REGULATIONS. The State Board of Registration for Architects,
6 Engineers, and Land Surveyors may adopt regulations necessary to implement this Act. The
7 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
8 effective date of the law implemented by the regulation.

9 * **Sec. 45.** Section 44 of this Act takes effect immediately under AS 01.10.070(c).

10 * **Sec. 46.** Except as provided in sec. 45 of this Act, this Act takes effect July 1, 2022.

Discussion Issues Regarding HB 61, Professional Registration for Commercial Interior Designers
With bill sponsor, Representative Claman
February 17, 2021

The AELS Board's mission is to protect the public health, safety, and welfare (HSW) through regulation of the practice of architecture, engineering, land surveying, and landscape architecture by

1. Ensuring that those entering these professions in this state meet minimum standards of competency, and maintain such standards during their practice; and
2. enforcing the licensure and competency requirements in a fair and uniform manner.

1. Why is this legislation needed? What is the current HSW hazard/harm that makes the licensing of Interior Designers necessary?

- a) If it is determined that a current gap exists in protection of the public, then is the Sponsor willing to work with the AELS Board to remedy that gap using existing licensed professionals rather than adding a new design profession?

2. Only two other states (Louisiana and Nevada) and the District of Columbia have Interior Design practice acts.

- a) If public protection is found to be needed, why does Alaska need a practice act, as opposed to some other kind of regulation mechanism if it is determined that there is a need for regulation?
- b) HB 61 is uniquely written; it is not similar to other Interior Design practice acts. The AELS Board (and Department) are actively working toward increasing license mobility across jurisdictions. Please explain why HB 61 does not model itself to other practice acts or national standards.

3. Concerns about impacts to the AELS Board.

- a) Sec. 5, AS 08.48.011 (b) in HB 61 is amended to add two additional members to the AELS Board. Please discuss your suggested revision to the engineering disciplines' board make-up.
- b) The current workload of the AELS Board and its staff is significant. Please discuss how you envision the added responsibilities (administration, enforcement, increased Board member size, etc.) of a newly registered discipline to be addressed.
- c) What is your anticipated schedule for HB 61?

4. The AELS Board has not discussed the proposed bill. However, our Legislative Committee Chair, Catherine Fritz (architect) has completed an initial review and raises the following concerns/issues of the current draft of HB61:

- a) The use of the term, "Commercial." Merriam-webster.com defines commercial as:
 - "1. a. (1) occupied with or engaged in commerce or work intended for commerce
 - (2): of or relating to commerce
 - (3): characteristic of commerce
 - (4): suitable, adequate, or prepared for commerce
- b. (1): being of an average or inferior quality
- (2): producing artistic work of low standards for quick market success

2. a. viewed with regard to profit
- b. designed for a large market
3. emphasizing skills and subjects useful in business
4. supported by advertisers”

Please explain the use of the work “Commercial” in HB 61, and why you believe it is important to distinguish commercial from non-commercial aspects of Interior Design practice, especially as it relates to HSW of the public? Non-commercial typically includes government agencies and non-profits, is it the intent of the bill to exclude the activities of these entities from the proposed Interior Design practice?

- b) Regarding proposed change Sec. 12. AS 08.48.201 (a), why are architects identified as references for interior designers? If Interior Design is a distinct profession from architecture, then architects would not be an appropriate discipline to provide references any more than other disciplines are allowed to do so.
- c) Regarding proposed change Sec. 24. AS 08.48.281, Is there any aspect of Interior Design practice that is not already part of the scope of practice of architecture?
- d) Regarding proposed change Sec. 29. AS 08.48.331 (a), item (8), Why is the new text necessary (this is not stated for any of the other registered disciplines)? This section is written as exceptions, so does this section mean that even if the scope of work to be done does not affect HSW, a registered Interior Designer must be hired?
- e) Regarding proposed change Sec. 29. AS 08.48.331 (a), item (15), This section indicates that a person planning, designing, and implementing kitchen and bath projects are exempt from the chapter for some types of buildings (person’s own use as a single family residence, and residential buildings not more than four families or two families that are more than three stories high). Why are these specific exemptions identified while other types of buildings in this section (farm buildings, private noncommercial garages and workshops less than 2,000 sf) are not called out in the section? More generally, why is this item needed since the exemptions are already stated?
- f) Regarding proposed change Sec. 29. AS 08.48.341, item (24), there are terms used in sub-section (A) that are not clear and/or relevant to the HSW mission of the AELS Board. For example, the terms analysis, enhancing, and administration are not used in the definition of other registered professions (items 12, 13, 14, and 15 of this section) and not understood as being applicable to HSW of the public. The phrase “nonstructural interior construction” is used in this section without definition.

Sub-section (B) uses the terms fixtures and equipment that have multiple definitions, and may already fall into the practice of electrical or mechanical engineering.

Sub-section (C) again references nonstructural components of a building, but does not indicate who determines whether or not a components is “nonstructural” and implies that lateral stability (seismic) of building elements are not structural through references to ceiling systems.

Sub-section (D) introduces the phrase “suite occupant load” without definition. A more significant concern of this sub-section is the critical issue of building exiting systems being designated as specific to the practice of interior design. Exiting systems are fundamental to the HSW of buildings. They are part of the integration of interior and exterior elements, and often include multiple design disciplines to properly execute. The nature of interior design does not extend to the complexities of exiting systems.

Sub-section (E) raises similar questions noted above, including reference to nonbearing construction compliance (how does a person not qualified in structures determine if something is nonbearing). Also, the review, analysis, and evaluation of codes, standards, and guidelines that are noted are not unique to the practice of interior design – these are already part of the practice of other existing licensed design professionals so they should not be articulated, specifically, as part of the definition of interior design practice.

- g) Regarding proposed change Sec. 29. AS 08.48.341, item (26), references to nonstructural and nonbearing, as well as the phrase structural integrity, are similar to the comments of sub-sections (C) and (E) above. Additionally, questions of fire rated assemblies arise because HSW involves more structural analysis. How does the proposed bill address fire rated assemblies within the definition of Interior Design?

5. What else would you like the AELS Board to know about this proposed bill and why it is important to you?