

State of Alaska

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

August 2-3, 2018

Board Meeting Packet

PUBLIC VERSION

**KPB Architects
500 L. Street, Suite 400
Anchorage, AK**



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.**

Meeting Agenda

AELS Quarterly Meeting Agenda

Thursday, August 2nd – Friday, August 3rd, 2018
KPB Architects
500 L. Street, Anchorage, AK

Conference Call Number: 1-800-315-6338

Access Code: 51676

Wednesday, August 1, 2018 – AGC Safety Fair

Members of the AELS board will be participating in the Associated General Contractors of Alaska's Safety Fair from 4:00 p.m. to 7:00 p.m., 8005 Schoon St., Anchorage, AK 99518

Thursday, August 2, 2018 Agenda:

- I. Call to Order 9:00 a.m.
- II. Review/ Amend Agenda 9:02 a.m.
- III. Ethics Reporting 9:05
- IV. Review/ Approve May 2018 Meeting Minutes 9:10 a.m.
- V. Investigative Report 9:15 a.m.
 - A. Version Control of Plans
- VI. Correspondence Sent 9:30 a.m.
 - A. Response: Engineering Scope of Practice
 - B. Response: Mentoring Program
 - C. Response: Licensure requirements for Cathodic Protection Services
 - D. Response: Land Surveyor DOB Information
 - E. Response: Feedback from URISA-Alaska on draft Guidance Manual language
 - F. Update - Stamping Requirements for AHERA projects
 - G. Response: Recognize Forest Engineering
 - H. Response: Sealing Change Orders
 - I. Response: Certifying Condominium Plats
 - J. Letter to Municipality RE: Sealing Requirements
 - K. Letter to Governor RE: Travel
- VII. Correspondence Received 9:45 a.m.
 - A. Question: PE Education and Work Experience
- VIII. AS 08.48.331(a)(10) Discussion with Municipal Light & Power - 10:00 a.m.
- IX. Break - 10:30 a.m.

X. Standard Drawings Discussion with DOT&PF 10:40 a.m.

XI. Old Business 11:10 a.m.

A. May 2018 To Do List

B. Regulation Project Updates

1. 12 AAC 36.060, 061, .103, and .110 – *Align terminology w/ NCARB, address obsolete seismic req., and update Architect by Comity regulations*
2. 12 AAC 36.105 – *Address confusion RE: disciplines added in 2012 and require SE by comity applicants to meet current standards*
3. 12 AAC 36.185(c) – *Clarify responsible charge requirements for corporate authorization, who is authorized to seal and office requirements*
4. AS 08.48.331(b), AS 08.48.341(15), 12 AAC 36.068, 12 AAC 36.069 – *Update landscape architecture statutes and regulations to be more consistent with that of the other professions regulated by the board*

C. Alaska Statute 08.48.055 Update – *Delegate authority for staff to approve applications for registration by comity that meet certain criteria*

D. Guidance Manual

XII. Lunch 12:10 p.m. - 1:15 p.m.

XIII. Reconvene meeting/ Roll call 1:16 p.m.

XIV. Public Comment 1:30 p.m.

XV. Application Review 2:30 p.m.

XVI. Recess for the day 5:00 p.m.

XVII. Recess for the day 5:00 p.m.

Friday, August 3, 2018 Agenda:

- I. Reconvene meeting/ Roll Call 8:15 a.m.
- II. Application Review continued 8:16 a.m.
- III. Break 10:00 a.m.
- IV. NCEES Exam Discussion 10:15 a.m.
- V. New Business 10:30 a.m.
 - A. Request to consider board name revision to AELSLA
 - B. Effect of 6-digit registration #s on survey caps
- VI. Division Update 11:00 a.m.
 - A. Quarter Report
 - B. Annual Report
 - C. Board Evaluations Summary
- VII. Committee Updates 11:30 a.m.
- VIII. Executive Session (Working Lunch) 12:00 p.m.
- IX. Licensing Examiner Report 1:05 p.m.
- X. Read Applications into the Record 1:15p.m.
- XI. Review Calendar / National Organization Updates 1:30 p.m.
 - A. Upcoming Board Meetings & National Conferences
 - B. CLARB
 - C. NCARB
 - D. NCEES
- XII. Board Tasks - To Do List 2:00 p.m.
- XIII. Board member comments 2:15 p.m.
- XIV. Meeting Adjourns 2:30 p.m.

Meeting Minutes

1
2 These draft minutes were prepared by the staff of the Division of Corporations, Business and Professional
3 Licensing. They have not yet been approved by the Board.
4

5 **STATE OF ALASKA**
6 **DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT**
7 **BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS AND**
8 **LAND SURVEYORS**
9

10 **MINUTES OF THE MEETING**

11 **May 3-4, 2018**

12 By authority of AS 08/01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a
13 scheduled meeting of the Board of Registration for Architects, Engineers and Land Surveyors was held on
14 Thursday, May 3rd and Friday, May 4th at KPB Architects, Anchorage, Alaska.
15

16 **I. Call to Order/Roll Call**

17 The meeting was called to order at 9:01am by Dave Hale, Chair.
18

19 **Board members present, constituting a quorum:**

20 Jennifer Anderson, Civil Engineer, Environmental Engineer
21 Dave Hale PS, Surveyor
22 Catherine Fritz, Architect
23 Elizabeth Johnston, PE Electrical Engineer, Fire Protection Engineer
24 Richard "Vernon" Jones, Public Member
25 John Kerr, PS, Surveyor
26 Jeff Koonce, Architect
27 Colin Maynard, PE, Civil Engineer, Structural Engineer
28 Bill Mott, PE, Chemical Engineer, Metallurgical and Materials Engineer
29 Luanne Urfer, Landscape Architect
30 Fred Wallis, Mining Engineer
31

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

33 Alysia Jones, Executive Administrator
34 John Savage, Investigator
35

36 The following staff attended telephonically for portions of the meeting:

37 Melissa Dumas, Administrative Officer
38 Heather Noe, Licensing Examiner
39

40 The following members of the public attended portions of the meeting:

41 Chris Ottosen, in person
42 Bob French, in person
43 Peter Beardsley, telephonically
44 Nefertari Carter, telephonically

1
2 **II. Review/Amend Agenda - 9:02 a.m.**

3
4 **On a Motion duly made by John Kerr seconded by Colin Maynard, and approved**
5 **unanimously, it was RESOLVED to accept the updated agenda.**
6

7 **III. OnBoard Software Training**

8 A. Jones walked the board through the new online software solution, OnBoard to ensure
9 everyone was logged in and able to access the meeting materials. The board also utilized the
10 action feature to create and vote on several motions.
11

12 **IV. Ethics Reporting**

13 The Chair, Maynard and Kerr reported they had attended the NCEES Western Zone meeting
14 held in Honolulu, April 5-7.
15

16 Johnston, Mott and A. Jones reported they had attended the NCARB/CLARB Orientation for
17 New Member Board Members and Executives held in Washington, D.C., Feb 8-10.
18

19 The Chair, Fritz, R. Jones and A. Jones reported they attended the NCARB Regional Summit in
20 Wichita, March 8-10.
21

22 **V. Review/Approve February 2018 Meeting Minutes**

23
24 **On a Motion duly made by Colin Maynard, seconded by Jeff Koonce and approved**
25 **unanimously, it was RESOLVED to approve the minutes with minor corrections.**
26

27 **VI. Investigative Report**

May_3_2018_A_00:01

28 Savage said the Chair plans to meet with the new chief Greg Francois to discuss AS 08.48.055,
29 which specifies the department in consultation with the board, shall employ two persons who are
30 not members of the board with one serving as the Executive Administrator and the other as
31 Investigator for the board.
32

33 Savage mentioned former Chief Investigator Al Kennedy departure was crushing to the Division.
34 The Chair asked if Kennedy's departure impacted Savage's ability to work on AELS cases.
35 Savage said people are being hired and some are moving on after only a few months. Savage
36 indicated a lot of the experienced staff have moved on. The Chair said they will meet with
37 Francois and have a friendly conversation about the history and reasons why the board worked to
38 get the two staff positions for the AELS board in statute.
39

40 Maynard explained historically there had been multiple investigators assigned to AELS cases,
41 but the board did not feel it was getting the services it needed and decided to go to the legislature
AELS May 3-4, 2018 Meeting Agenda
Updated 6/01/2018

1 with the issue. Savage clarified there were 3 ½ investigators and stated he believed there is
2 currently an appropriate workload to keep that many investigators employed. Maynard indicated
3 having additional resources would allow investigative staff to be more proactive and conduct site
4 visits. The Chair said he wanted to make sure everyone was aware of what was happening and
5 the discussion that would take place with the Division's Chief Investigator.

6
7 In regards to the Investigative Report, Savage said there was an increase over the past few
8 months related to the recent renewal cycle. Maynard asked for clarification on the
9 Review/Complete items on the report. Savage explained those were typically related to a "Yes"
10 response on the application. R. Jones asked if Savage is able to conduct site visits. Savage
11 responded he has not been able to get out as much as he used to, and hopes that will change soon.
12 Johnston asked if he is able to visit sites outside the Anchorage area. Savage stated he does do
13 road trips to reach other areas, but that going to other areas of the state (e.g. Southeast or around
14 Fairbanks) requires a travel request. Maynard said when the board met in Fairbanks, Savage
15 would typically schedule site visits in conjunction with board meeting in that location.

16
17 The board discussed their responsibility to inform Savage if they see something. Savage said the
18 Fire Marshall's office and other entities also notify his office if they become aware of an issue.

19
20 Johnston said the State Fire Marshall removed their person in Fairbanks and commented on the
21 lack of coverage of other areas outside of Anchorage. Koonce asked if Savage visits the western
22 part of the state. Savage said he has not, but indicated he would like to schedule a time to review
23 that area.

24
25 Kerr asked if there was an opportunity to roll the visits into our outreach program. Kerr said the
26 board now has a line item in the budget for outreach and asked if we can keep going in that
27 direction and use that line item to also cover investigate site visits. Fritz suggested scheduling
28 Savage and a board member on a conference agenda, such as the Associated General Contractors
29 of Alaska conference, which would not require travel, but Savage's participation and possibly
30 that of a board member to actively be involved with the conference, instead of just attending.
31 Fritz added there are some venues that would require minimal travel, and would be excellent
32 outreach opportunities to make various audiences aware of the rules.

33
34 Savage mentioned the Department of Labor has also been a great asset and explained their
35 electrical, boiler, and plumbing inspectors have contacted Savage when they see issues. Savage
36 said these other groups are helpful, but reiterated there is nothing like "boots on the ground" and
37 walking up to a site and requesting to review plans, see permit, etc.

38
39 R. Jones asked Savage to explain to the new board member how to handle complaints. Savage
40 explained if anyone calls a member directly, the board member should stop the individual, and

1 direct them to Savage. Maynard explained the board may need to be the jury somewhere down
2 the road, and cannot know anything about it. The board also discussed the role of a reviewing
3 board member on an investigative case.

4
5 Fritz asked Savage to clarify what “unlicensed practice/architect” meant on the Investigative
6 Report. Savage explained that statement typically refers to a case where someone was trying to
7 be an architect who is not registered with the state. Kerr commented that there appeared to be a
8 large amount of license application problems and did not recall seeing those in the past. Savage
9 explained, the increase is due in part to the board’s request for more detailed explanations in the
10 Investigative Reports coupled with a higher amount of applications submitted with “Yes”
11 responses to the general questions.

12
13 *May_3_2018_A_20:36*
14

15 **VII. Division Update**

16 The board moved forward to discuss agenda item VII.B. while they waited for Division staff to
17 call-in to discuss the FY 18 3rd Quarter Report (agenda item VII.A.).

18
19 **B. Annual Report FY 18** – A. Jones explained the annual report is due at the end of June and
20 requested the board review the FY 17 annual report as a reference. The Chair requested we
21 include travel information for the investigator’s site visits. A. Jones stated estimated travel costs
22 for the investigative sweeps were included in the FY 17 report and that she would follow up with
23 Savage to see if he planned to conduct any before the end of the fiscal year.

24
25 The Chair asked everyone to review the report and to submit all anticipated travel requests to
26 staff. A. Jones also asked the board to send any anticipated outreach activities to her so she can
27 include those in the annual report. The Chair urged the board to determine compelling reasons to
28 hold meetings in Juneau and Fairbanks that go beyond the importance to licensees and the
29 public.

30
31 The Chair asked Urfer to provide a report on CLARB.

May_3_2018_A_23:23
32

33 **VIII. National Organization Reports**

34 **A. CLARB** - Urfer reported CLARB is currently focused on trying to get members to apply to
35 serve on committees, and mentioned they are restructuring. The Chair asked if Urfer is serving
36 on any committees or boards for CLARB and she responded the organization appears to be
37 targeting larger jurisdictions with a higher volume of landscape architects. Mott mentioned at the
38 NCARB/CLARB orientation, there was a lot of discussion about deregulation in other
39 jurisdictions. Johnston mentioned they are having their first international CLARB meeting in
40 Toronto this September in order to make comparisons between Canadian and American model

1 laws. Johnston also noted that CLARB will do a model law comparison between a jurisdiction's
2 governing documents and their national organization model law. Johnston said following the
3 comparison, CLARB will provide a tool that highlights similarities and differences, and includes
4 recommendations because the closer jurisdictions are to their model law, the more defensible
5 they are.

6
7 Melissa Dumas. Administrative Officer for the Division of Corporations, Professional and
8 Business Licensing joined the meeting telephonically. The board returned to agenda item VII.
9 Division Reports.

10 *May_3_2018_A_26:48*

11 **A. FY 18 Quarterly Report** – Dumas introduced herself for the record and walked through the 3rd
12 quarter report. Dumas noted the board had a reduction in fees. Fritz asked for more details about
13 the legal services line items 3088 and 3094. Dumas stated she would review and email A. Jones
14 additional details in response to Fritz's question. Mott asked about total revenues.

15
16 Mott asked Dumas if she knew what percentage of licensing revenues are anticipated to come in
17 during the 4th quarter. Dumas provided an estimate and the board discussed trying to have a
18 year's worth of expenses as their surplus, and looked at both renewal and non-renewal years.

19
20 The board thanked Dumas for calling-in.

21
22 *Note: Dumas provided additional information via email later that afternoon, which explained*
23 *3088 costs included costs for Megyn Greider's attendance and legal services during the*
24 *November 2017 board meeting and 3094 were for hearing services associated with OAH# 17-*
25 *0839-AEL-Timothy Ingraham.*

26
27 *May_3_2018_A_26:48*

28 The board returned to discussing **VII.B. FY 18 Annual Report.**

29
30 A. Jones said she would notify the board once a draft was ready for review and comment. The
31 board discussed board meeting travel requests. A. Jones explained statements of support from
32 local chapters were included in the travel request for the May meeting, and reminded the board
33 of the statewide travel restrictions and that meeting outside of the most cost-effective location is
34 not in compliance with the Division's policies.

35
36 TASK: A. Jones will provide a list of dates for all FY 2019 meetings.

37
38 The board discussed potential outreach audiences, including IBC meeting, professional societies,
39 code-enforcement, contracting agencies, students, and legislators. The group also discussed how
40 to incorporate those outreach activities into the annual report and quarterly meeting travel

1 requests. The board asked A. Jones to submit the travel request for all four board meetings at the
2 beginning of the fiscal year.

3
4 Fritz requested the board consider ways to streamline the application review process in order to
5 free up time during the quarterly meetings for other activities and discussions. Maynard
6 explained the volume of applications may even out over the next few years as the NCEES exams
7 transition to computer-based-testing and a more flexible schedule.

8
9 The board continued to discuss challenges related to travel to and from conferences as well as
10 issues with accessing lodging due to delayed flights.

11
12 TASK: The Chair requested A. Jones provide a copy of the Division travel policy.

13
14 Urfer requested the travel request for the CLARB Annual Meeting, be submitted as soon as
15 possible to avoid any issues. A. Jones agreed to submit the request as soon as she receives the
16 official invitation and agenda from CLARB.

17 *May_3_2018_B_00:15*

18
19 **C. Board Member Self-Evaluations** – A. Jones asked each board member to complete the
20 evaluation form and submit it to her along with travel receipts. She agreed to email the form to
21 the board following the meeting.

22
23 **D. Travel Updates & Reminders** – Given the previous discussion regarding travel, the Chair
24 asked if there were any additional comments. The board had no additional comments.

25
26 *May_03_2018_B_02:39*

27 **IX. National Organization Reports**

28 The board returned to agenda item IX. Before moving on to NCARB updates, Urfer added that
29 CLARB is also focused on outreach to potential applicants and encouraging licensure.

30
31 **B. NCARB** – Fritz summarized 5.0 ARE is in effect, and 4.0 is being phased out. Fritz noted she
32 is working on the strategic planning committee for the western region, which is looking to align
33 its mission and vision with what's important to the region. Johnston added there are 110,000
34 licensed architects in U.S, and only 65,000 are AIA members, so NCARB believes they have a
35 role to fill in reaching out to those that are not members. Johnston also mentioned NCARB has
36 an assigned point-of-contact for each board (jurisdiction). Koonce mentioned the value of
37 certificate was a big topic of discussion at the Board of Director's meeting. Fritz said there is a
38 continued debate about its value and whether NCARB is responsible to the member boards or the
39 certificate holders. Koonce also mentioned a lot of states are adjusting their term limits.

1 Fritz mentioned California was not represented at the NCARB Regional Summit because of
2 political issues. Johnston added in regards to the certificate, NCARB can customize what we see,
3 and add information that is state specific. Johnston said they also track AXP hours and are
4 working on a way to also track continuing education. Fritz thanked Johnston for the information
5 and wished she had been eligible to attend the training as well. Johnston noted that A. Jones had
6 compiled a detailed report of the Orientation. A. Jones noticed the report had not been uploaded
7 to the board packet and uploaded it to OnBoard during the meeting for the board members to
8 view.

9
10 A. Jones commented that NCARB has significantly improved its customer service and has been
11 very responsive to requests for assistance from AELS staff.

12
13 *May_03_2018_B_10:20*

14 **C. NCEES** – Maynard reported NCEES CEO is resigning and they are in the process of
15 reviewing applications for his replacement. Maynard said Brian Robertson of Colorado was
16 elected as the Western Zone Vice President and Scott Bishop of New Mexico was elected as
17 Assistant Vice President. Maynard said committee updates were non-controversial and language
18 mirroring the model law structural engineer designation will be included in the appendix so
19 jurisdictions that wish to license structural engineers separately can utilize that language.

20
21 Maynard mentioned NCEES recently sent out a survey to help determine what should be
22 included on the fundamentals of engineering and fundamentals of survey exam. Maynard noted
23 inconsistencies related to structural engineering, stating it was not included in the list of
24 engineering disciplines, however structural questions were included in the exam. Maynard said
25 the meeting was informative and mentioned changes to the transition to computer-based-testing
26 (CBT) schedule. Maynard notified the board that the software engineering exam would be
27 eliminated following the October 2018 administration due to low enrollment of the past several
28 years. Kerr added the main discussion of the Surveyors' Forum at the Western Zone meeting
29 focused on developing a separate module for public lands for the PLS exam. Kerr said a
30 committee was formed to look into the topic which led to a discussion on the possibility of other,
31 more in-depth modules including hydro-graphic surveying, aerial-based surveying, and GIAS.
32 Kerr said the group also looked at tailored modules to cover topics currently included in state-
33 specific exams. The Chair added the module approach allows for a lot more flexibility and would
34 help to promote licensure mobility. Both Kerr and the Chair indicated the more in-depth modules
35 were still several years out and anticipated discussions to continue. Kerr added NCEES now
36 offers a tool for tracking, storing, and transmitting continuing education material.

37
38 The Chair requested the board skip ahead to Agenda Item XII. Correspondence Received, Item
39 F. as there were two guests in attendance to hear the discussion on that item and the board was
40 currently behind schedule.

XII. Correspondence Received

F. Stamping Requirements for AHERA projects – The Chair asked Mr. French and Mr. Ottosen to introduce themselves. French and Ottosen work for EHS Alaska, which does hazardous material consulting. French stated it was his understanding that hazardous materials drawings need to be stamped to be included in part of a design package and asked the board if the hazmat drawings are required to be stamped by a professional engineer or architect, or if can they be stamped by a person who has the training (AHERA certification), which is required by the EPA. French stated the discipline for hazardous materials “falls through the cracks” and said it is not specifically included in the disciplines currently regulated by the board. French noted environmental engineering is the most closely related field, but stated that discipline often deals with site contamination and not with construction. Ottosen explained the impetus for bringing the matter before the board was that French is planning to retire in a few years and they are trying to figure out what the actual requirements are. Ottosen said he did not see anything in the Alaska statute and regulations. Ottosen mentioned there are requirements set out in federal regulations, but explained there are no stringent education or experience requirements for this type of work. Ottosen added states are allowed to have their own additional requirements, beyond what is stipulated in the federal regulations.

Maynard said when he first received the question from staff, he felt it needed to come before the board and had requested it be added to the agenda. Maynard said he did a little research and said the environmental engineering test does include some questions on asbestos, lead paint, etc., but that it is one small portion of a much larger exam. Maynard stated it might be possible to handle it similarly to fire protection engineers, and update statutes and/or regulations to allow AHERA designers to do work that particular work in addition to an engineer or architect that has the expertise to do stamp hazmat drawings.

Several board members commented they had never seen an architect stamp those types of drawings. Johnston stated that, in her firm, an architect does stamp drawings dealing with lead-based paint removal.

Anderson asked if they are locating different materials on the drawings based upon sample results that they obtained. French and Ottosen responded yes. Anderson then asked if they have drawings in hand, review the data, and then mark up the drawings to indicate whether or not it tested positive for lead, asbestos, PCPs, etc. Ottosen and French stated they are marking the drawings and quantifying. French added that their work involves showing what is there, what needs to be removed, etc. French said similar to Alaska, Washington does not have anything specific, but in the last decade they developed an AHERA designer stamp that looks like a professional stamp, and is used by individuals that have the AHERA training and certification.

1 Johnston asked if AHERA is just asbestos and noted this is a broader question. French confirmed
2 that AHERA is just asbestos and added that there aren't federal requirements for the other areas.

3
4 Anderson said in her experience and practice, it has always been a scientist, engineer, or
5 AHERA-certified person signing off of those drawings, but explained they are not stamped.

6
7 The Chair asked if it should be regulated. Fritz said it should be clearly regulated, and added that
8 she could see how it could be considered under architecture because of the relation to buildings,
9 but stated to her knowledge there is nothing in an architects education, experience, or
10 examination that relates to this type of work and it would be a stretch under the current
11 framework of architecture.

12
13 Ottosen commented there is no formal training for this type of work, and expertise comes from
14 experience. Ottosen said AHERA certification requirements only involve a few courses. Mott
15 agreed a lot of the knowledge and expertise is based upon experience.

16
17 Ottosen said a lot of people don't want the liability and that is why they contact companies, such
18 as theirs, with individuals who are AHERA certified. The Chair said the board does not handle
19 certifications and needs to determine if this should be regulated by a board and then what would
20 it fall under. The board discussed potential disciplines and fields of practice that the work would
21 fall under, the importance of professionals having the expertise to stamp that type of drawing,
22 and how that may change depending upon the material in question.

23
24 Ottosen clarified that they are doing building surveys, so they are looking for hazardous building
25 materials. Maynard asked if there was a certification for lead-based paint. Ottosen stated the EPA
26 has regulations for removal of lead-based paint for certain activities and that both he and French
27 are certified to do that type of work. Ottosen said he does not foresee a reason to regulate that
28 since there is already a process in place at the federal level with lead risk assessors and lead
29 inspectors.

30
31 Fritz stated she would not be interested in getting involved in certifications, but asked French and
32 Ottosen if they believed the work falls within a discipline regulated by the board or is a
33 certification adequate. French stated he did not feel it needs to be regulated by the board, and
34 believed there could be an exception for this type of work, similar to fire protection. Maynard
35 explained fire protection exemptions are in statute and asked if they would like to have
36 something in statute or regulation that says notwithstanding all these other things, if you have
37 these certifications, you are qualified to do this type of work? Ottosen indicated that it would be
38 nice to have legal backing. French said he wasn't sure it needed to be in statute, but agreed that it
39 would provide clarification on something that has not been addressed previously.

1 Koonce asked how hazardous materials regulated in Washington, Oregon, or California. French
2 said it is the same situation where it is not specifically addressed. Koonce asked if there was any
3 other regulatory board other than OSHA that provided oversight. French responded EPA and
4 OSHA. Kerr asked if there is any hazmat plan reviewer and what protects the public?

5
6 Koonce explained there is a two-step process and likened it to a designer-contractor relationship.
7 Koonce explained one group identifies hazardous materials and then another company, that is
8 certified to do the abatement work in accordance with OSHA and EPA, completes the work.

9
10 French and Ottosen said they require inspections to be signed by the appropriate, certified
11 individuals.

12
13 Fritz asked about stakeholder groups and suggested the board do some review of this topic and
14 take comments. Ottosen said there are five to six companies that do this type of work in Alaska.
15 French said some of the companies are stamping, while others do not.

16
17 Anderson said based upon the information presented at this time, she does not see the need for a
18 PE to stamp it. R. Jones suggested adding it to our statutes under exemptions. Mott stated as a
19 licensed engineer you are required to only work within an area that you are competent, follow a
20 certain ethical code, and rely on a third party group to manage the qualifications of personnel and
21 expressed his concern regarding uniform qualifications, uniform requirements, and uniform
22 capabilities for this type of certification.

23
24 Fritz reviewed the current exemptions and indicated designers of fire detection or suppression
25 systems is specifically addressed, and stated there was nothing in Section 08.48.331 that could be
26 inferred that hazardous material certification was part of an existing exemption.

27
28 Maynard said if it doesn't fall under the definition of any of our fields of practice then we don't
29 govern it. R. Jones suggested adding some language to the definition of environmental
30 engineering and including a clause regarding individuals that are appropriately certified are
31 exempt from licensure.

32
33 The Chair asked if Anderson would be willing to look into the issue more closely and suggested
34 she work with R. Jones given his background and knowledge with the AELS board and
35 regulation updates.

36
37 TASK: The Chair asked Anderson and R. Jones to review and determine where the most
38 appropriate place would be to address the concern.

1 French and Ottosen said they brought the matter to the board because they felt it was important
2 and current regulations were not clear on this point. The board agreed and thanked French and
3 Ottosen for bringing the issue before the board.
4

5 *May_03_2018_B_55:07*

6 The board went back to Agenda Item X.
7

8 **X. Outreach Reports**

9 Maynard said he spoke to UAA students during the electrical engineering wrap-up course earlier
10 this spring and mentioned he typically speaks to the mechanical engineering wrap up course, but
11 stated due to changes in staffing, he will likely be speaking with that group of students during a
12 planning/ project management course in the fall.
13

14 Kerr and the Chair presented at the AK Survey and Mapping conference and will be presenting
15 at the Alaska Arch users group. Kerr mentioned they met with the president of URISA, and said
16 overall the outreach regarding the practice of land surveying has been very productive and
17 increased understanding. Wallis asked how the talk with DNR went and Kerr responded they are
18 much more knowledgeable now and the presentation was well received.
19

20 Wallis mentioned his company had been bringing students into the mines.
21

22 *May_03_2018_B_55:58*

23 **XI. Correspondence Sent**

24 The Chair summarized the responses sent to items listed under Correspondence Received on the
25 February 2018 meeting and asked if the board had any questions.
26

27 R. Jones asked if the board received a response from UAA regarding the FE exam. Maynard and
28 A. Jones explained the letter had only recently gone out and A. Jones stated she would notify the
29 board of any responses received.
30

31 ***C. Response: Sealing requirements and municipalities.*** The Chair explained, the individual who
32 had initially brought the question to the board had requested a letter be sent to the Municipality
33 of Anchorage about requirements to stamp certain documents and legal descriptions. The Chair
34 said he has spoken with the municipal surveyor about this topic and learned their lawyers are
35 looking into the matter right now. The Chair recommended waiting to see what the findings were
36 before sending a communication from the board. Kerr suggested sending the letter now regarding
37 the board's position before they come to a final decision. The Chair explained the topic is legal
38 descriptions for encumbrance of property or some transfer of property and the exhibits that
39 accompany them. The Chair explained that typically both are stamped and they go into the legal

1 document. The board discussed temporary permits, temporary easements, permanent easements,
2 and an actual transfer of property, and how the documents are still final even if it is temporary.

3
4 Maynard said he receives requests to stamp calculations and the guidance manual clearly states
5 calculations are not final and only final documents need to be stamped. Maynard said a report or
6 memo may be stamped with calculations attached. The board discussed the stamping of field
7 logs. The Chair and Kerr stated they are stamped and have been used in court.

8
9 The Chair reiterated the discussion before the board is in relation to documents that are being
10 recorded. The Chair asked if the board was comfortable moving forward with this
11 correspondence. Kerr stated their legal interpretation is not going to change the board's
12 perspective, but that the board's perspective may change their legal perspective. The Chair
13 agreed to draft the letter, but wanted to ensure that it was the board's decision, and requested that
14 a motion be made.

15
16 Mott asked to return to the discussion about calculations and why they were not final documents.
17 Maynard said no one is building anything off of your calculations. Several members disagreed.
18 Maynard referenced the guidance manual which says calculations cannot be final documents.
19 Several members indicated the information in the guidance manual may require a revision or
20 further clarification. Mott stated calculations are likely to be the most engineering thing you may
21 do in the whole design. Maynard argued that you create a report or a plan based on those
22 calculations. Kerr asked if you can hand someone your calculations and they will do something
23 based upon that information. Fritz offered the example of performance specifications and
24 mentioned more and more manufacturers are obligated to produce something according to
25 calculations. The board determined calculations lack the context of what they mean so a cover
26 sheet or report is required to explain what to do based on those calculations, and stamping that
27 cover sheet would be appropriate. Fritz commented that the industry is changing, and explained
28 there were times where a master builder just did everything and figured it out in the field, and
29 now we design everything, bid everything, and then construct it. Fritz added there are so many
30 choices on how to do things and stated she could see instances where calculations could be the
31 product of the engineer or even the architect.

32
33 The Chair brought the discussion back to the initial topic and reiterated that the letter would
34 address the topic of final documents that are being recorded as legal descriptions and the exhibits
35 to support those descriptions. The Chair said Kerr is drafting a motion for the board to consider.
36 The Chair stated that he and Kerr are very close to the source on this topic and suggested
37 someone else bring the motion forward. Maynard, Johnston, and Fritz responded the Chair and
38 Kerr have the most expertise and felt it would be appropriate to come from one of them.

May_3_2018_B_1:08:42

The board returned to the agenda and discussed the possibility of postponing Agenda Item XIII. Presentation – NCARB Education Guidelines until Friday pending confirmation of NCARB staff's ability to reschedule.

May_3_2018_B_01:10:39

Based on the time, the Chair requested the board move to Agenda Item XII and suggested discussing simpler questions before the lunch break and saving the more complex topics for later.

B. Question: Mentoring Program – A. Jones explained an individual pursuing registration in Alaska as an industrial engineer is interested in the mentor program and is asking if it is acceptable to have face to face meetings virtually, since there is only one licensed industrial engineer in Alaska.

Johnston said given the limited number of licensed individuals that can act as a mentor in this discipline, she recommended the board be flexible. Johnston also recalled the board's discussion regarding remote supervision at the February meeting and encouraged the board to be consistent. Maynard agreed if it is acceptable to oversee a project remotely, then it should be acceptable to conduct the mentoring program remotely as well, as long as all the requirements are being met.

Wallis mentioned he has a peer that he has been encouraging to pursue his license in industrial engineering and asked about work experience being verified by a mining engineer. The board reviewed the regulations regarding the board's authority to determine the amount of credit given for responsible charge experience gained under the responsible control of a professional engineer in another branch of engineering than what the applicant has applied for.

The Chair asked if anyone felt we should not allow virtual meetings, provided all the requirements listed in 12 AAC 36.063(J) were met. Johnston asked if the board's response would differ if the discipline was more common. Several members indicated they felt virtual meetings were acceptable given current technology, regardless of the discipline.

The Chair explained A. Jones would be assisting with the correspondence to ensure more timely responses and requested the board provide more detailed information of what needed to be included in response letters.

R. Jones asked if the regulations specified "face to face" and whether or not the regulations needed to be modified. A. Jones confirmed 12 AAC 36.063 (J) specifies "face to face". The board discussed the use of various virtual meeting tools and believed the current regulation was

adequate. The Chair requested A. Jones specify in the letter “face to face” meetings includes virtual.

Nefertari Carver from NCARB joined the meeting telephonically for Agenda Item XIII. Presentation – NCARB Education Guidelines. Fritz suggested moving the presentation to Friday rather than trying to fast forward through the information, especially given the complexity of the topic. Carver agreed to reschedule for Friday and left the meeting.

Kerr read a draft of the motion regarding clarification of the term final documents as stated in AS 08.48.221. Johnston asked for clarification regarding some of the language and the board determined some potential misinterpretations based upon the proposed language.

The Chair requested the board consider revisions and continue the discussion later.

The board recessed for lunch at 12:10 p.m.

The board reconvened at 1:33 p.m.

May_03_2018_C_00:20

XVII. Public Comment

Peter Beardsley joined the meeting telephonically and requested an opportunity to address the board on Agenda Items XII.F. Stamping Requirements for AHERA Projects and XII.A. Engineering Scope of Practice. Beardsley stated he is the President and CEO of Nortech, and is a registered civil engineer and environmental engineer in Alaska. Beardsley said Nortech does similar work to EHS and commented he thought the earlier discussion regarding AHERA projects was good. Beardsley offered to provide input to the committee assigned to follow up on XII.F. Beardsley said from his perspective, the important thing to keep in mind is the difference between a technical report and design drawings. Beardsley explained there is a mechanism in place to include a hazmat report showing the project location and sample results as supplemental information without having to stamp them. Beardsley added that, alternately, the information could be brought into the documents and stamped. Beardsley said he is not sold on using the AHERA project stamp and thinks there are approaches, as mentioned above, where the information can be included as supplemental. Beardsley said he has a degree in environmental engineering, but was registered before the board licensed environmental engineers and therefore had to take the civil exam and obtain an extra year of experience. Beardsley commented the design philosophy that goes into engineering is a much deeper philosophy than a technical certification such as that of an AHERA designer. Beardsley reiterated his position that design documents should be stamped and technical reports don’t need to be stamped by an engineer, but indicated they need to be signed by someone who is able to advise on that item.

1 The Chair thanked Mr. Beardsley for his comments and suggested he email A. Jones his contact
2 information to be shared with the committee members for Item XII.F.

3
4 In regards to Agenda Item XII.A., Beardsley stated he is pleased to see the Department of
5 Environmental Conservation's HR staff asking about this topic because in his opinion, many of
6 the things DEC approves are not reviewed by an engineer and he believes they should be.
7 Beardsley mentioned they have an engineering plan review process for water and wastewater
8 systems and those are not always approved by an engineer. Beardsley said he wants DEC to hire
9 more engineers, and encourages DEC to do that and noted that as engineers, we stay in the area
10 of our expertise and if expanding the scope allows more engineers to be eligible for these
11 positions that is a positive thing.

12
13 The Chair thanked Mr. Beardsley for his comments and invited him to stay on the line since the
14 board would be discussing that item next.

15
16 The Chair confirmed no one else wished to testify and directed the board to return to discussing
17 Agenda Item XII.

18 *May_03_2018_C_06:50*

19 **A. Question: Engineering Scope of Practice** - The Chair asked the board for their opinion.

20 Maynard said if the position is called "Environmental Engineer" then it needs to be an
21 environmental engineer, but if they have a more generic term such as "Engineer I/II" then there
22 is a little more flexibility. Maynard reiterated an engineer must work within their area of
23 expertise. Fritz suggested reviewing and addressing each of the questions posed to the board.

24
25 The board reviewed the following questions:

26 *1. What licenses are a related branch of engineering? More specifically, can civil, mechanical,*
27 *or chemical engineering be considered related branches of engineering to environmental?*

28 Fritz read aloud the description provided in Mr. Robertson's email: "design or review
29 Wastewater Treatment facilities, pumping stations, sewer systems, storage facilities, and water
30 supply and distribution systems," and asked what types of engineers, other than environmental
31 would be allowed to do that work?

32
33 Johnston responded all of those (civil, mechanical, and chemical) plus industrial. The Chair said
34 it is a component part and they are all responsible for different parts. Several members indicated
35 whoever has the appropriate training would potentially qualify.

36
37 In response to the first question, the Chair summarized it depends upon who is doing the work,
38 and the *type* of work that that registrant is certifying, reviewing, or stamping, but potentially any
39 of these are related branches of engineering.

1 2. *Is an employee/ subordinate with an ABET accredited B.S. in Civil, Chemical, or Mechanical*
2 *engineering allowed to perform environmental engineering under the direct supervision of a*
3 *person registered as an Environmental Engineering?* Several board members responded of
4 course. Maynard added under statute there is an exemption for people who work under a licensed
5 person and the exemption would apply to this situation. Fritz said her interpretation of the
6 question was whether or not the cross-discipline experience was acceptable and if you have a
7 B.S. in one branch of engineering, that it is acceptable to obtain experience under a registrant of
8 a different branch. The board discussed the experience and noted it would still need to meet the
9 requirements laid out in Table B under 12 AAC 36.063, and may mean they need an additional
10 year of experience.

11
12 3. *Is an applicant with an ABET accredited B.S. in Civil, Chemical or Mechanical engineering*
13 *eligible to sit for the Environmental Engineering exam and become licensed as an*
14 *Environmental Engineer provided they work under the direct supervision of an Environmental*
15 *Engineer and meet the experience requirements of 12 AAC 36.063.* The board stated the response
16 is similar to the response for question 2.

17
18 4. *Is there significant incidental practices and overlap between the Civil, Mechanical, Chemical,*
19 *and Environmental engineering? For example on a water or wastewater treatment plant, would*
20 *it be likely to see a Civil design the structure, a Mechanical design the pumping works, a*
21 *Chemical engineer work on the treatment and corrosion control chemistry?*

22 The board discussed overlap for incidental practices. Maynard commented the example provided
23 is a perfectly good way to have a project run. The Chair recommended including a reminder that
24 professionals stamp what they are allowed to stamp, what is in their area of expertise, and
25 suggested that be considered when dividing up a project.

26
27 Fritz suggested revising the response to question 1 to include something that indicates there are
28 multiple ways to reach a design and review of the things you want done, and to stress areas of
29 expertise and the fact that one person may not be able to do everything you want.

30
31 The Chair directed the board to review the email correspondence from HR staff which
32 specifically asked “if the segmenting of the PE into disciplines limit the work of an engineer to
33 primarily the scope defined in their discipline...” Maynard responded affirmatively, adding you
34 can do work of minor importance of other disciplines, if you have the capabilities to do that
35 work.

36
37 TASK: Maynard agreed to review the letter.

38 *May_03_2018_C_20:41*

39 **C. Question: Licensure requirements for Cathodic Protection Services** – Mott stated for the
40 record that this is a large part of what he does for a living and mentioned he knows the

1 individual, but that the individual and company information had not been provided to him when
2 A. Jones initially sent him the question. Mott explained cathodic protection is basically
3 controlling corrosion on pipelines, tanks, or offshore structures, and is part of the practice of
4 corrosion engineering. Mott said the certificates are issued by the National Association of
5 Corrosion Engineers (NACE). Mott explained corrosion engineering is a subset of materials
6 engineering. Mott stated the board regulates materials engineering and in his opinion you should
7 be a licensed materials engineer, chemical engineer, or electrical engineer, because those are the
8 engineers that have the expertise to actually understand what's going on. Mott added that the
9 certifications have changed over the years, and the exam to obtain certification was fairly simple
10 ten years ago, whereas the exam is now much more robust. Mott said you can't discern when a
11 cathodic protection specialist took the exam, and added NACE does the certification, but does
12 not regulate the practice. Johnston asked about continuing education requirements for NACE
13 certification. Mott confirmed there is a course required to maintain certification, but explained it
14 is not directly linked to cathodic protection, and could be any aspect of corrosion.

15
16 The board also looked at the title of the company because it included the word engineering and
17 confirmed that the company cannot contain the word "engineering" since the individual is not
18 licensed in Alaska. Johnston reiterated Mott's point, that we do regulate this profession and
19 agreed that the individual should be licensed. Mott stated the individual's argument was that
20 Alaska does not license "corrosion engineers" and restated it is a subset of materials engineering.
21 Mott explained cathodic protection as the application of an electrical current to a structure to
22 keep it from corroding. Several board members agreed that it falls under the practice of
23 engineering.

24
25 The Chair summarized the discussion, stating that corrosion engineering and cathodic protection
26 does fall under our professional licensure.

27
28 Mott said this is a problem in Alaska, and people are able to offer these types of services as
29 consultants, but are not licensed. He explained the regulators and the customers don't necessarily
30 know what they are getting is not appropriate for the job. Johnston added that the ramifications
31 are delayed.

32
33 The board discussed proposing the individual change the name, Mott stated that is only masking
34 the issue. The board then discussed the use of the term specialist and how it did not change the
35 fact the work still falls under the practice of engineering.

36
37 TASK: Bill will review letter.
38
39
40

May_03_2018_C_31:31

1 **D. Request: Land Surveyor DOB information** – The Chair explained staff received a request for
2 date of birth (DOB) information to support the hypothesis that the population of Alaska
3 registered land surveyors is aging. Maynard asked if they want DOB information associated with
4 a particular person. The Chair and A. Jones confirmed names and other identifying information,
5 would *not*, be included in the spreadsheet, only year of birth and location information (city, state,
6 zip code).
7

8 The Chair commented his appreciation for the individual's concern about the future of the
9 profession, but indicated he was unsure if the amount of time to complete the task was worth the
10 effort. A. Jones explained the initial request was forwarded to the Division's paralegal staff as a
11 FOIA request, however because it is not a list we already maintain, the Division was not
12 obligated to produce it. A. Jones said the individual is still interested in obtaining the data, which
13 would require a directive from the board. Kerr stated it would be interesting to see the data, but
14 was uncertain how the data would guide any action. The board discussed if this information
15 might be available through a professional society. A. Jones explained the task would likely take
16 several hours as staff would need to access each of the 426 active land surveyor records because
17 the DOB field is not currently included in queries.
18

19 Kerr stated having an adequate supply of qualified individuals is in the best interest of the board,
20 and asked the board if this contributes to that end. The board discussed the request and what
21 information could be provided. A. Jones confirmed that any list we would provide would go
22 through the Division's paralegal staff and reiterated the list would only include birth years and
23 location information such as zip codes.
24

25 The board determined they had no issue with dispensing the information as long as it was
26 sanitized and delegated the task to be completed at the Executive Administrator's discretion.
27

28 TASK: As time allows, AELS staff will compile DOB information of all active land surveyors.
29

30 May_03_2018_C_39:54
31

32 **E. Feedback: From URISA-Alaska on guidance manual draft language** – The Chair explained
33 Kerr had sent out draft guidance manual language to several organizations for review, and
34 received feedback from URISA, which includes GIS professionals and planners. The Chair said
35 they have been doing a lot of outreach with people who use UAVs and GIS to explain licensure,
36 the definition of land surveying, and what the law says. The Chair explained this is part of the
37 response they have received from groups. The Chair stated there are some concerns about
38 encroachment and some people are surprised by the information. Kerr added the draft language
39 that was distributed had been previously reviewed by the board for consideration in the guidance
40 manual. Kerr noted URISA provided some good feedback and mentioned the language regarding

1 machine control was updated in response to the comments he received from URISA. Kerr
2 indicated the process also increased awareness with their membership.

3
4 *May_03_2018_C_42:59*

5 **G. Request: Recognize Forest Engineering/ Logging Engineering** – Maynard mentioned he did
6 some research related to this request and found only Oregon State has an ABET accredited forest
7 engineering program, and Oregon is the only jurisdiction that licenses forest engineers, and
8 Oregon has their own exam for forestry engineering. Maynard explained civil and agricultural
9 engineers have done logging in Alaska for decades. Maynard said it is a narrow focus and did not
10 see a compelling argument to add it to the list of branches of engineering regulated by the board.
11 The Chair said the description provided in the request looked like a combination of civil
12 engineering and surveying, and mentioned he had done a lot of work with the forest service that
13 involved civil engineers and surveyors on site.

14
15 The board discussed the extensive process to change a statute and what would be required for a
16 regulation update. The board determined there was no compelling argument to add forest
17 engineering.

18
19 TASK: Chair will review letter.

20
21 **H. Question: Sealing change orders** – The board discussed the question and several members
22 indicated sealing depends on the significance of the change. Maynard mentioned varying
23 requirements depending upon jurisdiction and mentioned the municipality vs. fire marshal's
24 office. Fritz stated it is an issue of the *practice*, and recommended any significant design changes
25 previously not included should be stamped, but that a minor clarification about a detail may not
26 need to be stamped. The Chair restated the questions and the board indicated it would be at the
27 discretion to the person sealing it.

28
29 TASK: Fritz agreed to review the letter.

30 *May_03_2018_C_51:34*

31 **I. Question: Certifying condominium plats** – The Chair stated the certification example
32 provided was different than the standard statement he is used to seeing. The Chair also noted in
33 the example provided, a land surveyor is being asked to certify “the structural components and
34 mechanical systems of each building are complete,” and indicated a land surveyor would not be
35 qualified to make that statement. Several members agreed. The Chair mentioned seeing other
36 statements that certify the appropriate process has been followed and someone else who is
37 qualified submitted things. Maynard said an engineer should not sign that either unless they have
38 been on the job site twenty-four hours a day. The Chair explained there is a process for
39 submitting all of the required documents and some come from an engineer. Maynard argued you
40 can't certify it, the Chair responded you can certify that the process has been completed. Fritz

1 said you *can* certify if you so choose, but it might be unwise. The Chair directed the board to
2 review the included reference materials: Alaska Statutes Sec. 34.08.090 Creation of common
3 interest communities and Sec. 34.08.170 Plats and plans. The board reviewed the statutes. The
4 Chair explained it is a certificate of completion that states all of the statutes have been adhered
5 to. Maynard asked what the structural components and mechanical systems have to do with the
6 plat. The Chair stated the surveyor can say if the required documents have been submitted.

7
8 The board returned to the initial question: “Can a RLS certify this and NOT be in violation?”
9 Maynard suggested notifying whoever is governed by this statute that they are requiring
10 architects, engineers, and land surveyors to do something that legally they cannot do. Maynard
11 stated an entire design team should be signing off of this and one registrant cannot certify the
12 whole thing because a large portion may be outside of his or her area of expertise and discipline.
13 Fritz asked if you can say it, but just not stamp it. The Chair explained the more generic
14 statement that he is used to basically requires a registrant to sign that all the requirements have
15 been adhered to. Fritz commented if registrants stamp it they are stamping professional
16 responsibility for the components for which they are professionally licensed to design and
17 oversee. The board discussed the statement and discussed contacting whoever was responsible
18 for enforcing these statutes.

19
20 TASK: The Chair asked A. Jones to research the statutes noted above and determine a point of
21 contact for the board. The Chair stated the response to the individual who brought the question to
22 the board be that surveyors should not be stamping documents with the certification of
23 completion statement provided by the individual.

24
25 The board prepared to transition to application review. Kerr asked to read the revised motion
26 related to final drawings before moving on. Kerr reminded the board the motion was related to
27 parcel plats, exhibits, legal descriptions, etc. Kerr read the motion. Several board members
28 indicated they would need to review it in writing before commenting. Kerr agreed to provide
29 copies for the board to review later.

30
31 *May_03_2018_D_00:00:07*

32 **XVI. Instructions for Reviewing Applications**

33 A. Jones went over the process for reviewing applications.

34 35 **XVI. Application Review**

36 The board began reviewing the 82 applications for registration.

37
38 The board recessed for the day at 5:00 p.m.

Friday, May 4, 2018

May_04_2018_A_00:03:06

XX. Reconvene meeting/ Roll call

The Chair called the meeting to order at 8:22 am.

Board members present, constituting a quorum:

Jennifer Anderson, Civil Engineer, Environmental Engineer

Dave Hale PS, Surveyor

Catherine Fritz, Architect

Elizabeth Johnston, PE Electrical Engineer, Fire Protection Engineer

Richard "Vernon" Jones, Public Member

John Kerr, PS, Surveyor

Jeff Koonce, Architect

Colin Maynard, PE, Civil Engineer, Structural Engineer

Bill Mott, PE, Chemical Engineer, Metallurgical and Materials Engineer

Luanne Urfer, Landscape Architect

Fred Wallis, Mining Engineer

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

Alysia Jones, Executive Administrator

The following staff attended telephonically for portions of the meeting:

Heather Noe, Licensing Examiner

The following members of the public attended portions of the meeting:

Kelsey Davidson, ASID

Barbara Cash, ASID

Cara Rude, ASID

Mary Knopf, ASID

Maurice Brown, NCARB

Marta Zaniwski, NCARB

Nefertari Carter, NCARB

Martin Smith, NCARB

XXI. Application Review continued

The board continued to review applications.

May_04_2018_A_01:32:00

Anderson brought an item before the board for discussion related to a previous applicant's request to change her license type. Anderson explained a currently licensed civil engineer had a lot of correspondence in 2013 with previous staff regarding which PE exam to take. The

1 individual applied to the board to take the environmental exam, but ended up taking and passing
2 the civil exam, and was issued an Environmental Engineer license in 2014. Anderson stated that
3 the registrant did not notify anyone it was a mistake when it was initially issued and is now
4 requesting her license to be changed to Civil instead of Environmental. Anderson expressed her
5 concern that the individual has been practicing as an environmental engineer for the past four
6 years, and noted the individual has had two opportunities to renew and potential correct the
7 registration type. Urfer commented that the application came to the board around the time they
8 were revising the branches of engineering. The board discussed the work being done under the
9 current license and determined it was appropriate under an environmental or civil registration.
10 Maynard suggested we correct the error. Anderson restated her reservation given the length of
11 time it took for the individual to bring it to the board's attention and wondered what the impetus
12 is at this point was to change it.

13
14 The board agreed that the issue was an administrative change and asked A. Jones to
15 communicate that to the registrant and determine the best way to issue the civil engineer
16 registration and discontinue the environmental one.

17
18 **On a motion duly made by Elizabeth Johnston, seconded by Colin Maynard, and**
19 **approved unanimously, it was RESOLVED that Katelyn Acker shall have her PE license in**
20 **civil upon relinquishment of her environmental license to the board.**

21
22 TASK: A. Jones will notify the registrant and correct the license type.

23
24 *May_04_2018_A_01:43:54*

25 **XXII. Presentation: Alaska Initiative for Interior Designer Registration**

26 Barbara Cash, Cara Rude, Mary Knopf, Kelsey Davidson – Cash introduced everyone and
27 thanked the board for the regulation questionnaire provided following the February 2018
28 meeting. Cash highlighted the updates made to the information packet. Cash explained of the
29 eight states listed, the top four require registration and have permitting privileges, and the bottom
30 four are voluntary. Cash stated twenty-seven states recognize interior designers, however she
31 noted wide variations in the language and level of recognition (registration, licensure, and
32 certifications). Cash said there were three jurisdictions that were closest to how Alaska would
33 approach registration: Washington, D.C., Florida and Nevada.

34
35 The Chair asked Cash to summarize the impacts to the public. Cash directed the board to page
36 two of the packet, which included positive consequences and negative consequences. Cash
37 explained they are focusing on “Registered Interior Designers” who work in code-impacted
38 environments, and this is a distinction to allow interior designers practicing in residential
39 environments to continue to practice in non-code impacted areas. Fritz expressed her concern
40 regarding the use of the terminology “non-structural, code-impacted environments” as

1 potentially inferring some things do not have code requirements. Fritz stated everything has code
2 requirements. Fritz explained AELS statutes and regulations include exemptions that specify
3 circumstances that do not require registration, and recommended their language model that
4 approach. Cash agreed it could be structured that way and stated the group defaulted to using the
5 phrase “protection of public safety”. Maynard added that residential is already outside of the
6 AELS board’s purview.

7
8 Urfer recommended not using the landscape architecture language as an example and encouraged
9 the interior designers to model the language of the other professions regulated by the AELS
10 board.

11
12 The Chair asked the group about sponsorship. Cash explained ASID Alaska Chapter is working
13 with lobbyist Dave Parrish, to help identify a sponsor.

14
15 Fritz reminded the group of her request at the February meeting for them to look at the definition
16 of architecture and identify what is distinctly different about interior design as opposed to
17 architecture. Cash responded the profession of interior design has developed over the years and
18 explained in states where interior designers are registered, there are separate standards and an
19 architect cannot call themselves an interior designer unless they meet those standards. Cash
20 mentioned the Unified Facility Criteria and Whole Building Design Guide, two broad-based
21 guidelines that recognize interior design as a specialty.

22
23 Johnston commented the Federal government has similar requirements for registered
24 communications distribution designers that typically overlap with electrical engineering, but they
25 want that specialty certification.

26
27 Fritz asked, in the event of a practice act to add interior designers, would architects only be able
28 to practice if they have the qualifications of interior design. Rude explained it was a citing from
29 those sources and likened it to the relationship between architecture and landscape architecture,
30 where architecture still encompasses that, but not all projects have an architect, and some scopes
31 just require a landscape. Rude said some projects only hire an interior designer and it would
32 protect those scopes of work and projects that don’t have an architect on them.

33
34 Fritz explained the difference with landscape architecture, at least in Alaska, was that it created a
35 bridge between civil engineering and some aspects of architecture, and it does not prohibit those
36 who are competent professionals in those areas to continue to practice within their area of
37 expertise. Fritz reiterated that what she, and the board, is looking for in regards to interior design
38 is the unique responsibility that is not already covered by a profession currently regulated by the
39 board. Fritz explained the practice has a responsibility to the health, safety, and welfare of the

1 public and the unfilled need must be clearly articulated to show a direct impact on health, safety,
2 and welfare.

3
4 Maynard disagreed, stating we are not here to protect turf, but rather protect the health, safety
5 and welfare of the public. Maynard provided the example of fire protection engineering, in which
6 fire protection engineers existed and were capable of performing certain work that fell under
7 electrical engineering. Maynard stated interior designers are already doing work, and suggested
8 registration would give us a mechanism for ensuring they are qualified to do that work.

9
10 To provide additional background on landscape architecture, Urfer explained there was a request
11 by the federal government to have licensed landscape architects on projects and initially
12 everyone was from out of state because Alaska did not register landscape architects. Cash said it
13 has not elevated to that point in the language, but mentioned they are looking for NCIDQ or
14 licensed. Cash said there are so many acronyms and mentioned being able to say a “registered
15 interior designer” would help clarify the qualifications to the public.

16
17 Fritz requested the board try not to use derogatory terms and acknowledge there are differences
18 in opinions about whose responsibility it is, not who has the right to do it. The Chair reminded
19 the board and guests that the board is here because they have to be licensed, not because they
20 want to be and asked that everyone keep that in mind during discussions.

21
22 Cash commented that the practice of landscape architecture may have bridged architecture and
23 civil engineering, but the two were already doing that work. Koonce explained federal work
24 requires licensure on a much higher and broader level. Koonce said you have to have those
25 credentials to do that work. Koonce said the reason is the protection of the public and the
26 credentials ensure that. Koonce encouraged the group to convey that to the board and legislature.

27
28 Fritz recalled yesterday’s discussion of cathodic protection and whether it fell under the practice
29 of engineering. She explained the board determined it did fall under our regulations and an
30 individual should be licensed to do that work in Alaska. Fritz commented based on that
31 discussion, if you are doing interior design that falls under the practice of architecture, you
32 should pursue architectural registration. Fritz also mentioned the prior day’s discussion regarding
33 forestry engineering and the board’s determination that the scope of work was already covered
34 by another discipline and there was nothing unique about forestry engineering that warranted it
35 being added to the current list of branches of engineering. Fritz explained these are the types of
36 discussions and debates within our industries and encouraged the interior designers to be
37 prepared to articulate and defend how interior design is a unique practice outside the area of
38 architecture and why it needs to be regulated.

1 Koonce recommended talking with peers from the eight states they identified previously to see if
2 they have any strong, valid arguments or points that could be used to support the group's efforts.
3 Cash said the fact that twenty-five U.S. states and jurisdictions are already regulated, titled, or
4 licensed interior designers sets a precedence. Cash said she sees it as an opportunity to more
5 clearly define, understand, and regulate a practice that does affect public health, safety and
6 welfare.

7
8 Koonce mentioned nationally, regulation is going in the opposite direction, with several states
9 experiencing deregulation.

10
11 The Chair asked what compelled the states that have licensed interior designers to do so. Cash
12 said the practice of interior design has been elevated over the years with degree programs,
13 accrediting bodies, testing bodies, and continuing education requirements, and explained it is
14 already functioning as a practicing profession. Cash stated because of that, jurisdictions are
15 seeing the need to address it and integrate it into their regulatory system.

16
17 Fritz cautioned the group to be clear when asking for signatures, speaking with legislators, etc.
18 that they are requesting a *practice act* and that only four other jurisdictions have a practice act,
19 and of the four, only three have components Alaska interior designer registration would model.
20 Cash reiterated there are vast differences within those four and said they would carry forward the
21 required registration. Fritz agreed, stating the practice act is the most relevant piece for people to
22 understand.

23
24 The Chair asked if there were any issues or lawsuits that compelled the regulation in another
25 jurisdiction. Cash noted one state cited fire issues and the loss of lives in public buildings due to
26 non-compliant interior finishes or furnishings. Knopf stated this was an area that differentiated
27 interior designers, noting architects are not trained on furniture and finishes the way interior
28 designers are.

29
30 Fritz indicated those were the unique distinctions she was encouraging the group to identify.
31 Cash stated it is up to an architect how far into that granular level they was to delve, but
32 confirmed that the level at which interior designers work. Fritz added architects are trained as
33 generalists, which is reflected in their education, and practice tends to be specialized. Fritz said if
34 there is a compelling life safety issue related to interior finishes and furnishes that is the evidence
35 that will build a case for a niche that interior designers are uniquely qualified to address.

36
37 Kerr encouraged the group to identify other problems or issues that interior design is solving.
38 Cash responded plans are submitted by non-registered professional that does not have any
39 qualifications or credentials. The board discussed potential situations where that may be

1 acceptable and where a professional would be required. Davidson mentioned interior designers
2 are often hired to fix things because it was not done correctly the first time around.

3
4 Cash shared some examples of issues that Dana Nunn had compiled including misplacement of
5 resilient flooring in a medical facility. Mott recommended asking ASID for assistance in putting
6 together statistics on deaths, costs, etc. to justify their position.

7
8 Fritz asked the group what their timeline was for the statute change. The group indicated they
9 would like to see something introduced during the 2019 legislative session.

10
11 The Chair thanked the group for coming. The group thanked the board for the opportunity to
12 speak.

13
14 *May_04_2018_B_02:59*

15 **XIII. Presentation – NCARB Education Guidelines**

16 NCARB staff Nefertari Carter and Martin Smith joined telephonically.

17
18 Fritz explained the presentation was a result of discussions regarding updates to the Architect
19 Registration by Comity Requirements and the realization that an orientation on the basics of
20 NCARB would be beneficial for the board. Fritz acknowledged the presentation was created by
21 NCARB staff with a few modifications made by her.

22
23 Fritz walked through the presentation and pointed out that our requirements for initial
24 registration are distinctly different compared to comity registration. Fritz said Alaska has
25 allowed differences in the education and experience and we don't require comity applicants to
26 meet the NCARB record requirement.

27
28 Maynard asked for clarification on the education requirements for comity applicants. Fritz
29 confirmed they are not required to have a NAAB accredited degree and explained that NCARB,
30 and profession as a whole, recognizes and wants alternative paths, and now there are education
31 alternatives. Fritz added that AEELS' current regulations do not require comity applicants to
32 complete the AXP if they are registered in another state that did not require the AXP.

33
34 Maynard explained engineers must have an ABET degree or something that is evaluated. R.
35 Jones clarified, if they don't have any ABET degree, they are required to have additional years of
36 experience.

37
38 Fritz stated architect comity applicants have alternatives, whereas exam applicants are required
39 to have an NCARB record. Fritz continued with the presentation, noting that the regulations
40 referenced the *NCARB Education Standards* and explained those have changed into a more

1 comprehensive education guideline that outlines the education requirements for initial
2 registration. Fritz mentioned the regulations (12 AAC 36.061 Architect Education Requirements)
3 needed to be updated to reference the new education guidelines. Fritz commented that the new
4 guidelines are very clear on what the requirements are and also explain the AXP (internships,
5 credit for work, etc.).

6
7 Fritz explained the two options initially brought before the board were to (1) adopt the NCARB
8 standard including the guidelines and record requirement OR (2) have the board do it
9 themselves, which would require the board to administer their own requirements. Fritz stated the
10 expectation was that the requirements in Option 2 would mirror new applicants because the
11 inequity, or loophole that Fritz previously identified was that it is harder to obtain initial
12 registration as an architect in Alaska than by comity. Fritz reiterated her belief that it is unfair
13 and opens the board up to liabilities to have this inequity. Fritz explained if the board decided to
14 manage it themselves, it would involve managing the six experience areas, and reminded the
15 board that they had previously indicated they were not in favor of taking on that tasks, when the
16 tasks were already being adequately managed by NCARB.

17
18 Fritz reviewed the examination leg of the requirements and discussed the A.R.E. with the other
19 board members.

20
21 Fritz explained the NCARB certificate and how it is used for licensure mobility. Fritz stated
22 when her and Koonce review applications with an NCARB certificate, they still verify the artic
23 requirement and jurisprudence questionnaire, but NCARB has already verified the education,
24 experience, and examination either through the traditional route or an alternative route.

25
26 The group discussed foreign architects and mutual recognition agreements. Smith clarified that
27 there are mutual recognition agreements with Canada, Australia and New Zealand, but that
28 Mexico is part of a Tri-national agreement, which is a different process. Fritz thanked Smith for
29 the clarification and explained how beneficial it is to be able to rely on NCARB, who has all of
30 the tools to verify the information.

31
32 Maynard clarified that he never had any questions about whether the NCARB certificate was
33 worthwhile or not, but he questioned how people are not meeting our standards, since they have
34 to meet the standards in Alaska at the time they received their initial registration, and did not
35 understand what the loophole was.

36
37 Fritz explained there is an “or” in the architectural registration by comity regulations that the
38 board will be reviewing later, and the “or” says if you have worked somewhere else for two
39 years and someone will write a letter then you are in. Maynard responded engineer regulations
40 do not include that wording and restated his concern with requiring comity applicants to go to

1 NCARB and get their blessing. Maynard said engineer applicants have the option to provide an
2 NCEES record, but that it is not a requirement. Fritz explained someone needs to evaluate
3 equivalent and it either needs to be this board or the board needs to rely on NCARB. Fritz said
4 we have to go in and assess the “equivalent” at the time of registration, which may require
5 looking at a non-NAAB degree and looking at the course descriptions. Fritz believed that type of
6 review by the board would be arbitrary and potentially outside of the board’s area of expertise.
7 Koonce said they are trying to address the validity of the other license. Fritz added NCARB has a
8 mechanism now to track and evaluate education and experience. R. Jones asked if NCARB
9 would evaluate a degree obtained fifteen years ago based on the standards at that time or today’s
10 standards. Smith explained if someone is coming to NCARB today for certification, they need to
11 meet today’s standards, but if they were certified back in 1996 they would have met the
12 certification requirements of that time, and as long as they maintain an active license with that
13 certification it stays current. Maynard explained that is the issue he has with requiring someone
14 who was licensed 20-30 years ago, who met the NCARB certificate requirements at that time,
15 but did not get one, would now be required to go to NCARB and meet today’s standards. Fritz
16 clarified that the most recent proposal included a date that aligned the requirement for an
17 NCARB record with the earlier regulation change that required NCARB records for exam
18 applicants. Fritz explained the intent is not to deny people who have been practicing for 30 years,
19 or make it onerous, but to bring forward a standard for the three-legged stool from this time
20 forward.

21
22 R. Jones explained when the comity regulations were updated, the board decided to leave the
23 NCARB record requirement for exam applicants was because in order to take the A.R.E., an
24 applicant must start an NCARB record. The thought was that older registrants would retire and
25 over time it would not be an issue, because younger applicants would all have a record.

26
27 Fritz said part of the issue is that thinking does not exist in other jurisdictions. Fritz said she has
28 seen two such comity applicants come through that had no intention of working outside Alaska,
29 but went to another state for initial registration. Fritz said applicants are already maintaining
30 NCARB records because of the A.R.E. and AXP, so requiring them after 2011 should not be a
31 big deal. Fritz added that the update would also release the board from having to interpret
32 transcripts and other documentation. Koonce explained they (him and Fritz) are not comfortable
33 doing the education equivalency analysis because it is burdensome and subjective and would like
34 to have a qualified 3rd party do that analysis.

35
36 Fritz and Koonce explained the industry as a whole wants there to be multiple paths, however the
37 dilemma is the evaluation of those alternative paths, which could be at the discretion of the
38 reviewing board member at that time. Fritz stated NCARB has created a system to evaluate
39 alternative paths and she expects over the next several years other jurisdictions would be
40 updating their regulations to utilize that standard as well.

1 Smith explained boards do not want to be doing all of the validation, particularly in regards to
2 education, and previously relied on the EESA evaluation, for people who did not have a NAAB
3 degree. Smith said the EESA was a lengthy and expensive process that required the applicant to
4 obtain additional schooling. Smith said NCARB was charged to look at the education the
5 applicant has and determine equivalencies. Smith explained someone with a non-NAAB, four-
6 year architecture-related degree would have to complete two times the AXP, be licensed for
7 three years, and have no disciplinary action before they are eligible for NCARB certification.
8 Smith stated those without an architecture-related degree must submit a dossier with examples of
9 work that they've completed as architects or in an architectural firm that fulfill the areas that are
10 missing in their education. Smith explained architects around the country volunteer to review the
11 dossiers and determine what areas the candidate is missing. Smith added that a lot of people are
12 excited and utilizing this alternative path.

13
14 The Chair commented that having a national standard is good for the applicant as well as the
15 public because it is not as subjective as current processes. The Chair agreed that it is not
16 appropriate for board members to vet classes they don't really know much about. Koonce stated
17 his preference to remove that burden from the reviewing board member.

18
19 Fritz explained based on the current draft of the regulations, reviewing board members would
20 still see the two letters option for anyone that was registered prior to 2011. R. Jones said he could
21 accept the change requiring two times the AXP for a four year degree that was a non-NAAB, or
22 making them go to NCARB if they have less than a four year degree. R. Jones restated that his
23 concern was requiring someone who has been practicing for 5-10 years, who only has a four year
24 degree spend \$1100 to have someone say "Yes, you are okay." Fritz responded that they don't
25 have to do that currently and that would not be required under the proposed revisions. The board
26 discussed reviewing two time the AXP and Fritz explained Alaska would have to set up a
27 framework to evaluate work experience, a mechanism for tracking hours and a reporting system.
28 Fritz noted the each of the six categories contain multiple tasks that would each need to be
29 evaluated. R. Jones asked why the supervisor couldn't sign off on what the individual had done.
30 Fritz responded it was a possible.

31
32 Johnston commented that she does not see a lot of value in the letters of reference we receive for
33 engineer by comity applicants, and believes it is not a defensible process.

34
35 Fritz asked Carter to explain some of the fees associated with an NCARB record. Carter
36 responded she would have to confirm the exact amounts, but stated anyone currently taking the
37 A.R.E. or AXP will have an NCARB record, so therefore anyone we would transmit a record for
38 reciprocal registration would have an NCARB record on file and there would be no additional
39 effort to make the record active. Fritz clarified her question, and asked if NCARB could facilitate
40 a candidate needing to document AXP through NCARB and report back to the AELS board.

1 Smith explained if they are an architect, an architect record holder has to pay the cost for a
2 certificate to open up a record, and they would go through the process of documenting their
3 experience and getting the state to release exam scores, if they took the exam prior to us having a
4 record of them, and submit transcripts. Smith said if they don't have a NAAB degree, they have
5 an opportunity to choose one of the educational alternatives, or they can have what we call a buff
6 record, which is something that doesn't have a certificate. Fritz asked about the cost of the
7 record. Smith responded \$1100 to have a record established after you are an architect in one of
8 the 54 jurisdictions. Maynard asked when NCARB started requiring a record to take the A.R.E.
9 Smith stated that NCARB began requiring a record 3-4 years ago when they switched over to the
10 new system, which also manages exam registration. Maynard stated there may be some people
11 who fall in between the 2011 regulation updates and NCARB's transition to requiring a record to
12 take the exams.

13
14 The Chair said there is a lot of discussion regarding fees and said it costs money to be licensed
15 and there is a benefit associated to it. The Chair did not feel it was a good use of the board's
16 time, especially given that the board is comprised of volunteers, to focus so much attention on
17 fees.

18
19 Urfer indicated landscape architect registration requirements are in a similar situation and
20 encouraged the board to update the regulations to clarify the requirements.

21
22 Johnston asked for clarification that the proposed updates would require an NCARB record, but
23 not an NCARB Certificate. Fritz responded yes and explained for comity applicants reviewing
24 board members just need to be able to verify they have satisfied the alternatives. Fritz
25 commented that it will still be up to the board to review the record and determine if our
26 regulations allow them to be licensed or not.

27
28 Kerr asked if there are state's that have low standards for architecture. Carter said each state
29 creates their own rules, and indicated fifty jurisdictions require just the AXP, and four
30 jurisdictions have additional requirements. Carter added all jurisdictions, except for two require
31 applicants to have completed a NAAB degree before they are eligible to take the A.R.E. Smith
32 commented every state has some variation of education, experience, and examination
33 requirements and in all instances, if someone does not have a NAAB degree they are required to
34 have additional experience to make up for what's missing in their education.

35
36 The board thanked the NCARB staff for being so accessible and sharing their expertise.
37 Carter and Smith left the meeting.

38
39 Based upon the discussion, the board decided to jump ahead to Agenda Item XXIII. B.1 to
40 discuss the proposed updates to architectural registration regulations.

XXIII. Old Business

B.1. Regulation Project Updates – Updates to 12 AAC 36.061, .103 and .110 - Fritz noted several housekeeping updates including removal of “seismic requirement” and reference to “NCARB Education Standard, 2010”. The board then reviewed the proposed updates to 12 AAC 36.103. Fritz summarized again the two options presented the board and the board’s request at the February meeting to address concerns about requiring older applicants to obtain an NCARB record. Fritz explained the current proposed updates include a date, which matches the effective date of the regulation updates requiring an NCARB record, so applicants who received initial registration prior to that date may still submit two letters of reference to verify their experience.

The board discussed the process for updating the regulations.

On a motion duly made by Catherine Fritz, seconded by Colin Maynard and approved unanimously, it was RESOLVED to proceed with public notice of 12 AAC 36.060, .061, .103, and .110 to address architectural registration by comity, modifications to references of NCARB Education Standards and obsolete seismic requirements.

The Chair thanked Fritz for all of her hard work on the regulation project.

R. Jones asked about the seismic requirement and whether it was still in the A.R.E. Fritz responded there may be questions, but confirmed it was no longer a distinct area. R. Jones asked how we are going to meet the seismic requirements. Fritz explained those requirements have already been met by adopting the NCARB standard for the A.R.E.

B.2. Regulation Project Updates – Updates to 12 AAC 36.105 – Maynard said the purpose of this regulation project was to look at comity registration for structural engineers, but in reviewing the regulations he determined additional updates. Maynard explained currently, the regulation states registration by comity may be granted for engineers if the applicant is registered based on education, experience, and examination requirements that the Board deems equivalent to that required by Alaska Statute and Regulation at the time the applicant was first registered. Maynard noted a strict interpretation of that means no one registered prior to March 11, 2012 in one of the nine engineering disciplines added on that date would be eligible for comity, because they could not be licensed as such in Alaska prior to that. Maynard proposed adding some language to address that issue.

In regards to the structural engineering registration, Maynard indicated the SE is a post-PE license, and current regulations allow people who received a PE or SE license based only on

1 taking the 16-hour exam between March 11, 2012 and September 9, 2016 to be licensed as an SE
2 in Alaska. Maynard provided suggestion on how to handle the various examinations applicants
3 may have taken.

4
5 The board reviewed Maynard's proposed revisions to 12 AAC 36.105 and recommended moving
6 forward with the updates. Fritz asked Maynard if he anticipated objections to the updates from
7 registrants and/or applicants. Maynard responded some people might not agree that an individual
8 should receive a civil license off of an SE I or SE II exam. Several members supported the
9 recommended changes.

10
11 **On a motion duly made by Colin Maynard, seconded by Jeff Koonce and approved**
12 **unanimously, it was RESOLVED to public notice changes to 12 AAC 36.105.**

13
14 *May_04_2018_B_01:16:34*

15 **B.3. Regulation Project Updates - Updates to 12 AAC 36.185(c)** – Maynard explained the
16 proposed updates to 12 AAC 36.185 includes revisions as well as moving some language to a
17 new, more appropriate section (12 AAC 36.140). Issues to be addressed with the proposed
18 regulation updates include:

- 19 • Whether there is only one individual in responsible charge for each discipline or whether
20 there may be more than one as part of a corporate authorization.
- 21 • Whether any employee of an authorized entity may seal documents or only the person(s)
22 listed on the corporate authorization. The new language codifies the answer determined at
23 the February 2018 meeting that the form is the case.
- 24 • Codifies the board's previous interpretation of whether there has to be an individual in
25 each discipline in every office.

26
27 Mott said he anticipated a lot of feedback from registrants, particularly on the definition of
28 "regularly employed". Johnston asked if we have a definition of "office". Fritz stressed the
29 general need and importance for a regulation update process as practices modernize. Urfer added
30 that the board also needed to recognize changes in technology. Koonce asked what the harm is in
31 clarifying the statement and putting it out for public comment. Johnston agreed public comment
32 would be beneficial and asked for clarification on how the proposed regulations would relate to
33 remote offices. The board discussed the term office and the Chair asked why there is a
34 requirement that we work out of any office, and stated that is not the point of licensure. Kerr said
35 the goal is to have appropriately supervised employees.

36
37 *May_04_2018_C_00:00:06*

38 Maynard said it is onerous to require companies to have a registrant of every discipline in every
39 office. Several board members agreed. Koonce agreed it should be extracted out of 12 AAC
40 36.185 Seals and placed elsewhere.

1
2 The Chair thanked Maynard for providing the board with a starting point.

3
4 TASK: A. Jones will email the board a word version of the proposed updates to 12 AAC 36.185
5 for review and comment.

6
7 **C. Guidance Manual** – A. Jones stated the version included in the packet was the same as the
8 version provided at the February meeting. The board discussed potential updates. Fritz asked
9 about distributing it to building officials, the Chair and A. Jones confirmed that is still the intent,
10 but it needed to be vetted by the board. Kerr indicated additional revisions were required to the
11 practice of land surveying section based upon the URISA feedback. Koonce asked if the version
12 provided was on the website. A. Jones explained the version on the website was from August
13 2016 and the one provided in the board packet is a DRAFT version. A. Jones proposed
14 incorporating information from correspondence the board has sent into the manual. The Chair
15 agreed an archive of the correspondence should be maintained for future board members to
16 reference.

17
18 TASK: A. Jones will send a word version of the Guidance Manual for the board to review and
19 comment.

20
21 Maynard stated it would be helpful to have a table of what the education and experience
22 requirements have been over the years to reference during application review. The Chair
23 suggested having staff attach relevant regulations to applications if applicable. Several board
24 members indicated that would be helpful.

25
26 TASK: A. Jones will compile education and experience requirements into a reference guide for
27 board use during application review.

28
29 Fritz requested the board return to Agenda Item XXIII Old Business and review the regulation
30 process information included in the board packet. A. Jones stated she would work with the
31 Division's Regulation Specialist on the ones the board move forward with.

32
33 *May_04_2018_C_00:10:28*

34 **XXVII. New Business**

35 **A. Regulation project proposal: Terminology revisions** – A. Jones said she added this item to
36 the agenda based upon previous discussions regarding terminology and the confusion with the
37 use of terms such as responsible charge. She recommended the board consider undertaking a
38 review of the AELS statutes and regulations to identify which terms should be updated and/or
39 required clarification.

1 The Chair volunteered Maynard.

2
3 TASK: Maynard agreed to put together a preliminary list by the next meeting.

4
5 *May_04_2018_C_00:12:49*

6 ***B. Regulation project proposal - AS 08.48.281(b), AS 08.48.331(11)(b), AS 08.48.341(15), 12***
7 ***AAC 36.069 and 12 AAC 36.109*** – Urfer explained the landscape architect registration language
8 has similar issues to that of the architectural registration and the current definition of landscape
9 architecture is extremely outdated and does not align with the definitions of the other professions
10 regulated by the board. Urfer added that CLARB’s record does not match what we do and said
11 there are lots of pieces that do not match up for registration by comity. Fritz suggested looking at
12 the current model law and comparing it against our current regulations to identify disconnects.

13
14 The Chair recommended Urfer do some analysis and put together a summary and/or proposed
15 updates to present at the next meeting.

16
17 The board discussed how over the past twenty years, the profession of landscape architecture has
18 developed into a distinct discipline that can now be more appropriately described. Maynard
19 commented there are no provisions in the registration by comity regarding examination of
20 licensure requirements based upon when the applicant was first licensed. Urfer said that is an
21 issue she is currently struggling with.

22
23 Koonce asked if it would be appropriate to emulate the proposed revisions for the architects, with
24 some wordsmithing. Several members agreed.

25
26 Urfer expressed her concern with linking to CLARB certification and what happens if CLARB’s
27 requirements change. Fritz responded that for NCARB, she feels it is low risk, and the benefit
28 outweighs the risk. Maynard agreed that the landscape architect registration by comity
29 regulations should be fixed.

30
31 The Chair asked Urfer if she needed any assistance to begin this regulation project. Urfer
32 indicated she would appreciate another board members insight. Fritz recommended R. Jones
33 because of his historical knowledge of the board. Maynard also volunteered to assist Urfer.

34
35 TASK: Urfer, R. Jones and Maynard will review statutes and regulations pertaining to landscape
36 architecture and put together an initial draft of proposed changes for the August meeting.

37
38 *May_04_2018_C_00:26:28*
39

1 The board returned to the motion regarding parcel exhibits, parcel plats, and legal descriptions
2 and reviewed Kerr's most recent draft. R. Jones asked where this information will be posted.
3 Kerr answered it would be included in the letter to the Municipality of Anchorage, previously
4 discussed under Agenda Item X. C. as well as the guidance manual.
5

6 **On a motion duly made by John Kerr, seconded Colin Maynard by unanimously, it**
7 **was RESOLVED that AS 08.48.221 Seals (b) as it applies to Parcel Exhibits, Parcel Plats,**
8 **and Legal Descriptions be clarified as: Final drawings, specifications, surveys, plats, plates,**
9 **reports or similar documents described in AS 08.48.221 Seals (b) that are referred to in this**
10 **paragraph as "professional works" includes, but is not limited to, Parcel Exhibits, Parcel**
11 **Plats, Legal Descriptions, and similar professional works that may or may not be part of**
12 **other documents. For the purpose of this clarification: If the professional works are not**
13 **identified as "Preliminary", "Draft", or equivalent, then they shall be considered "Final" in**
14 **the context of AS 08.48.221 and are required to be sealed.**
15

16 TASK: The Chair agreed to write the letter.
17

18 **XXVI. Executive Session**

19

20 **On a motion duly made by Colin Maynard, seconded by John Kerr and passed**
21 **unanimously it was RESOLVED to go into Executive Session in accordance with AS.**
22 **44.62.310 (c)(3) to review continuing education exemption request from Richard A.**
23 **Hancock. We invite the Executive Administrator Alysia Jones to join.**
24

25 At 1:20p.m, the board came out of executive session and were back on record.
26

27 **On a motion duly made by John Kerr, seconded by Colin Maynard, and passed**
28 **unanimously, the AELS board exempt Richard A. Hancock (AELC8484) from continuing**
29 **education requirements in accordance with 12 AAC 36.530 for the January 1, 2016 through**
30 **December 31, 2017 registration period.**
31

32 TASK: A. Jones will notify Mr. Hancock of the board's decision.
33

34 *May_04_2018_F_00:01:33*

35 **XXVIII. Elections of Officers**

36 The board held elections for the offices of Chair, Vice Chair, and Secretary. The board discussed
37 the additional duties of the officers. Koonce stated it has been the practice of the board to spread
38 the work around and rotate between the professions.
39

1 Koonce respectfully declined and deferred until next year due to personnel reasons. Maynard
2 volunteered to be Chair.

3
4 Kerr nominated Colin Maynard for Chair, Jeff Koonce for Vice Chair, Elizabeth Johnston for
5 Secretary and Fred Wallis as Sergeant at Arms. The board voted and the nomination passed
6 unanimously.

7 8 **XXIX. Committee Updates**

9 **Licensure implementation** – Koonce noted there was nothing additional to report other than
10 what had previously been discussed during national organization updates. Maynard explained the
11 initial purpose of that committee was to assist with the implementation of the additional
12 disciplines of engineering and could probably be dissolved. Fritz agreed, stating they were also
13 done with the updates related to AXP and A.R.E. 5.0., which were part of the committee’s initial
14 charges. The board agreed.

15
16 Fritz suggested establishing a new special committee on outreach. The Chair recommended
17 updating the land surveyor outreach committee to “Board Outreach”. The board agreed.

18
19 The Chair asked if the board had any additional outreach they wished to discuss. Johnston said
20 she was asked to serve of the UAF College of Engineering Advisory Committee. Johnston stated
21 she thought it would be a good idea for a member of the AELS board to serve on the committee
22 and is considering it. Wallis said he also received the same request.

23
24 The board discussed facilitating an outreach involving AGC and code officials. Fritz expressed
25 her interested in having the board coordinate an event involving these groups. Johnston
26 suggested the board plan something with ICEE if/when they meet in Fairbanks. The board also
27 discussed coordinating with APDC and the Legislative Fly-In event to coincide with the
28 February meeting. A. Jones noted if the interior designers proceed with their practice act it will
29 be important for the board to be in Juneau during the legislative session.

30
31 Koonce said Nevada publishes a document called the “Blue Book” as part of their licensure
32 outreach and encouraged the board to review that document and finalize our guidance manual to
33 use with our outreach to building officials and the State Fire Marshall’s office. Urfer suggested
34 including zoning officials and agencies as well.

35
36 Maynard mentioned he typically has someone from his office present at the AIA convention and
37 suggested the board get on the agenda.

38
39 Johnston asked if there was a standard presentation that could be utilized by board members
40 conducting outreach. A. Jones said she had checked with other programs in the Division to see if

1 there was a template the board could utilize, and indicated there was not a template and based on
2 recommended the board developing its own.

3
4 **TASK:** Maynard volunteered to put together a standard deck that could be adjusted based upon
5 the audience and/or focus.

6
7 Kerr mentioned the board has two standing open invitations to present at the ASPLS Conference
8 and URISA user group in Fairbanks.

9 *May_04_2018_F_00:16:52*

10
11 The board moved on to Standing Committees.

12
13 **Investigative** – A. Jones reminded board members to respond to Investigator Savage’s requests
14 promptly because he cannot move forward until a board member has reviewed it. Koonce
15 mentioned the reviewing board member needs to recuse themselves from a vote if the issue were
16 to come back before the board.

17
18 Johnston asked not to be contacted for electrical, because she would rather evaluate it when it is
19 comes before the board. The Chair explained that the board would still be able to get her input,
20 but that she would not be able to vote. Kerr encouraged Johnston to consider being involved
21 early on to ensure it is a valid case. Maynard commented in the six years he has been on the
22 board there has never been anything that has gone to trial. Several members agreed that it is
23 much easier and a better use of board members’ time to deal with the issues upfront, so Savage
24 can move in the right direction from the start.

25
26 **Licensure mobility** – Koonce said there is a lot of discussion regarding mutual agreements.
27 Maynard said licensure mobility is a big topic at NCEES meetings and that Nevada and
28 Wyoming recently signed a mutual agreement, and other states are interested in signing on as
29 well. The board talked about the arctic course and other requirements in Alaska. Johnston
30 commented at the NCARB meeting, she learned nearly fifty percent of jurisdictions allow staff
31 to approve some of the applications. Johnston asked about the possibility of implementing that
32 type of process with AELS, so the board could focus more time on discussing issues. Johnston
33 suggested the committee evaluate the application review process. Koonce stated as we become a
34 more global economy, we will see more international integration of disciplines.

35
36 The board discussed the possibility of delegating certain types of comity applications to staff. R.
37 Jones explained the idea was brought before the board by his predecessor and suggested if the
38 board was willing to accept model law certificates, NCARB certificates, etc. then staff could
39 handle those.

1 Maynard said we would need to check with legal on how to appropriate handle the approval
2 process.

3
4 Koonce agreed to continue to chair the licensure mobility committee and evaluate the application
5 review process. Koonce said he could provide the checklist for architects and requested other
6 members provide checklists for engineers, surveyors and landscape architects.

7
8 TASK – Koonce, Wallis, Urfer, and Hale will work on putting together criteria for staff
9 approved applications for the next board meeting.

10
11 TASK – A. Jones will check with LAW on how the appropriate process for staff approval of
12 certain applications.

13
14 **Emeritus Status** – Fritz asked why there was a committee for this item. Koonce and R. Jones
15 clarified that it is not emeritus status for this board, but that it is required for members who are
16 currently serving on national organization committees, to be eligible to serve out their term
17 because it extends past their term on the AELS board. The Chair stated it is on the standing
18 committee list as a reminder to check at each meeting if any action is required.

19
20 **Budget Committee**– Koonce stated there was nothing to report.

21
22 **Legislative Committee** – Fritz said she emailed Representative Sam Kito and spoke with his
23 staff following the discussion on HB90 at the February 2018 meeting. The Chair stated that he
24 had spoken with Representative Kito and Kito indicated he was going to pull HB90 along with
25 the QBS (qualifications based selection) bill.

26
27 The Chair recommended the board utilize Fritz more for the Legislative Committee since she is
28 located in Juneau. Fritz agreed.

29
30 **Continuing Education** - R. Jones stated that he had assisted A. Jones with reviewing audit
31 submissions. A. Jones explained initial notices were mailed on April 18, 2018 to five percent of
32 registrants. A. Jones stated 306 registrations were flagged, but that only 263 letters were sent due
33 to the remaining registrations were still lapsed as of April 18th. A. Jones explained the forty-three
34 lapsed registrations are still flagged and if/ when they renew they will receive an audit notice.

35
36 Maynard asked how many registrations lapsed following the renewal.

37
38 TASK- A. Jones will query the number of total lapsed licenses following the 2018-2019 renewal.

1 R. Jones recommended A. Jones check with the Division to ensure the five percent quota is met
2 and how to handle late renewals in regards to requiring submission of continuing education
3 documentation. The board discussed the audit process and centralized regulations related to
4 registration renewal.

5 TASK – A. Jones will confirm five percent quota is met and process for late renewals.
6

7 Fritz asked A. Jones about the findings of the audit to date. A. Jones stated she is just beginning
8 to receive responses, and did an initial pass of twenty submissions. A. Jones said she referred
9 four to R. Jones for review and his findings were in line with her determinations. A. Jones
10 explained she would bring anything questionable to the board for review. Fritz asked if people
11 were completing far beyond what was needed. A. Jones indicated there was some carry forward,
12 but in general people were close to the required twenty-four hours. R. Jones mentioned a
13 common issue is that people will cite carry over but not provide the documentation.
14

15 **XXX. Licensing Examiner Report**

16 A. Jones reported there were 81 applications reviewed at this meeting. Maynard and Johnston
17 requested the report breakout the engineer applications by discipline in addition to the number of
18 comity versus initial.
19

20 TASK – A. Jones will notify AELS Licensing Examiner to update the report to include engineer
21 applications by discipline.
22

23 Kerr asked for clarification on Certificate of Authorization Amendments. A. Jones explained
24 amendments can include changes to corporate, LLC or LLP name, owners, persons in
25 responsible charge and authorized fields of practice.
26

27 Mott asked how many Certificate of Authorizations lapsed following the renewal.
28

29 TASK – A. Jones will notify the AELS Licensing Examiner to update the report to include
30 information regarding number of lapsed Certificate of Authorizations.
31

32 A. Jones reported there were eight AKLS examinees, including seven in Anchorage and one in
33 Juneau. Kerr said he received feedback regarding the tables being too narrow and unable to
34 accommodate the books and reference materials. A. Jones asked the board for recommendations
35 for locations stating the options at the Atwood were classroom style, with the narrower training
36 tables or conference tables, which had been an issue the previous year.
37

38 Anderson, who had proctored the exam in Anchorage, said the room did not have a clock in the
39 room and examinees have to turn in their cell phones. Anderson added there was training next

1 door that was rather loud. A. Jones indicated the examinees had provided similar comments and
2 she would work on finding a more appropriate location for next year's exam.

3
4 *May_04_2018_F_00:57:09*

5 **XXXI. Read Applications into Record**

6
7 **On a motion duly made by Colin Maynard, seconded by John Kerr and passed**
8 **unanimously, it was RESOLVED to APPROVE the following list of applicants for**
9 **registration by comity and by examination with the stipulation that the information in the**
10 **applicants' files will take precedence over the information in the minutes.**

11
12 List of Applicants Approved for Registration:

KEVIN	ALLEN	DERRICK	WYKA
WILLIAM	AYERS	DING	YE
SCOTT	BARNDT	DAVID	ZAMBRANO
RAYMOND	BENJAMIN		
BILLY	BENNET JR.		
CHRIS	BOYD		
JONATHAN	BRAMELY		
SETH	BURWASH		
JACOB	CLARK		
JOSHUA	CROWE		
BRADLEY	DAVIS		
PAUL	FRENCH		
MICHAEL	HAHLBECK		
JAMES	KINSLOHR		
SANG	LEE		
ADAM	LEITH		
ANDREW	MATTIE		
CHAD	MCMULLEN		
STEPHEN	PARMENTIER		
PAUL	PATTERSON		
MICHAEL	PYSZKA		
BRADLEY	RICHARDSON		
NICHOLAS	ROCCO		
ANTHONY	ROOS		
MARK	SAMS		
LANCE	SAVANT		
NICK	SHAUER		
JOHN	SOMMERS		
TED	TRENKWALDER		
ANDREW	TRIPP		

MELISSA VAN BAALEN
JEFFREY WHEELER

On a motion duly made by Colin Maynard, seconded by John Kerr 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.

List of Applicants **CONDITIONALLY APPROVED** for Registration

FRANK	ATAIYAN	STEVEN	TRUBY
ANDREW	BENOIT	HABIB	UR-REHMAN
SCOTTEN	BLAIR	COLIN	WEBB
MORGAN	BRUNO	MATTHEW	WOODS
NATHAN	CARLSON		
THARETH	CASEY		
ERIC	CHAMBERS		
CLAYTON	CHOROMANSI		
LEONARD	CHRISTOPHERSON		
KRISTINE	COLBORN		
CODY	COX		
GORDON	DUFSETH		
KENNETH	EICHLER		
JAMES	ELLINGTON		
PATRICK	GAYNOR		
CHAD	GIPSON		
SUSANNE	GROBLER		
DARREN	HIPPENSTIEL		
STERLING	HOOKE		
JEFFREY	KAZMAIER		
GENE	KLOW		
BRIAN	LOGAN		
GORDON	METH		
MONA	METWALLY HASSONA		
JIFENG	PENG		
LISA	RICHESON		
BRENDA	ROSS		
HEATHER	SEALY		
MARVIN	SILVA		
RICHARD	SIVILS		
MATHEW	STAUBLIN		

MARTIN STODDARD
ERIC STRONG
CAROLYN TALLANT
V. ANDREW TAN

1 **On a motion duly made by Colin Maynard, seconded by John Kerr and passed**
2 **unanimously, it was RESOLVED to find the following list of applicants for registration by**
3 **comity and by examination INCOMPLETE with the stipulation that the information in the**
4 **applicants' files will take precedence over the information in the minutes.**

5
6 Applications for the following were determined to be INCOMPLETE:

WILLIAM CULVER
BADREDDIN DIAB
MARK EVANS
JAMES FOURTNER III
NICHOLAS GEORGELOS
STEVEN LINDHOLM
GABRIELA RUZICKA
SAMUEL WOOLFOLK

7
8 *May_04_2018_F_01:01:44*

9 **XXXII. Review Calendar of Events/ Board Travel**

10 The Chair requested travel for board meetings for the entire fiscal year (August 2018 through
11 May 2019) be submitted at all at once. The board discussed submitted travel requests for
12 Anchorage for the August and November meetings, Juneau for February, and Fairbanks for May.

13
14 TASK – A. Jones will provide a list of dates for all known upcoming CLARB, NCARB and
15 NCEES meetings. A. Jones reviewed criteria for funded delegates and for NCEES first-time
16 attendees for the annual meeting.

17
18 A. Jones notified the board of an invitation to the CLARB/ASLA Licensure Summit in late June
19 and confirmed it would be third party funded. The board directed A. Jones to proceed with
20 submitting a travel request for Urfer to attend.

21
22 The board discussed attendance at upcoming meetings. The board determined Maynard, Kerr,
23 and Wallis will attend the NCEES Annual Meeting. Maynard stated that they are discussing
24 separate funding for the Member Board Executives to attend.

25
26 The board discussed dates for the November 2018 and February 2019 meeting.

27
28 *May_04_2018_F_01:14:48*
29

1 XXXIII. Board Tasks

2 A. Jones posted a draft of the May 2018 To Do List in OnBoard and stated she would send an
3 email notification next week with the list of tasks. The Chair asked the board to respond in a
4 timely manner and reminded the board that A. Jones would draft letters for board members to
5 review.

7 Fritz volunteered to compile responses for the regulation change FAQ sheet. A. Jones stated she
8 would work with the regulation specialist and follow up with the board on next steps.

1 **XXXIV. Board Member Comments**

2 Everyone welcomed Jennifer Anderson to the board. Several members expressed their
3 appreciation for the invigorating dialogue and thanked Koonce and KPB for hosting once again.

5 The meeting adjourned at 2:42 p.m.

Respectfully submitted:

Alysia D. Jones, Executive Administrator

Approved:

*Colin Maynard, Chair
Board of Registration for Architects,
Engineers, and Land Surveyors*

Date: _____

Investigative Report



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

550 West Seventh Avenue, Suite 1500
Anchorage, Alaska 99501-3567
Main: 907.269.8160
Fax: 907.269.8195

MEMORANDUM

DATE: July 17, 2018
TO: Alaska State Board of Registration for Architects, Engineers and Land Surveyors
THRU: Greg Francois, Chief Investigator *BAF*
FROM: John Savage, Investigator
RE: Investigative Report for the August 2-3, 2018 Meeting

The following information was compiled as an investigative report to the Board for the period of April 13, 2018 through July 17, 2018. This report includes all investigations, complaints, and intake matters handled since the last report. The Division **opened 18 matters and closed 5 matters. 29 matters** remain on-going and under active investigation or are pending litigation (as indicated by italics).

Matters opened by the Paralegal in Juneau, regarding continuing education audits and license action resulting from those matters are not covered in this report.

CASE #	OPENED	COMPLAINT/INVESTIGATION	PROFESSION
2016-001384	12/02/16	Unlicensed practice or activity	CORPORATE AUTHORIZATION
2016-001387	12/05/16	Unlicensed practice or activity	LAND SURVEYOR
2016-001389	12/05/16	Unlicensed practice or activity	CORPORATE AUTHORIZATION
2016-001391	12/06/16	Unlicensed practice or activity	CORPORATE AUTHORIZATION
2017-000138	02/14/17	Unethical conduct	ENGINEER
2017-001073	10/09/17	Unlicensed practice or activity	ENGINEER
2017-001122	10/26/17	Unlicensed practice or activity	LAND SURVEYOR
2017-001125	10/26/17	Violation of licensing regulation	ENGINEER
2018-000224	02/22/18	License application problem	ENGINEER
2018-000228	02/23/18	License application problem	ENGINEER
2018-000229	02/23/18	License application problem	ARCHITECT
2018-000266	03/08/18	Violation of licensing regulation	ENGINEER
2018-000282	03/15/18	License application problem	LAND SURVEYOR
2018-000314	03/28/18	Unlicensed practice or activity	ARCHITECT
2018-000367	04/10/18	Violation of licensing regulation	ENGINEER
2018-000507	05/16/18	Continuing education	CHEMICAL ENGINEER

Open (cont.)

CASE #	OPENED	COMPLAINT/INVESTIGATION	PROFESSION
2018-000652	06/21/18	Violating professional ethics	ENGINEER
2018-000697	06/28/18	License application problem	ENGINEER
2018-000700	06/28/18	Unlicensed practice or activity	ENGINEER
2018-000703	06/29/18	Unprofessional conduct	LAND SURVEYOR
2018-000705	06/29/18	Violation of licensing regulation	LAND SURVEYOR
2018-000706	06/29/18	Unlicensed practice or activity	ARCHITECT
2018-000715	07/03/18	License application problem	ARCHITECT
2018-000728	07/06/18	Violation of licensing regulation	ARCHITECT
2018-000732	07/06/18	Falsified application	LAND SURVEYOR
2018-000794	07/16/18	License application problem	ENGINEER
2018-000797	07/17/18	Violation of licensing regulation	ENGINEER
2018-000798	07/17/18	Violation of licensing regulation	ENGINEER
2018-000801	07/12/18	Continuing education	PETROLEUM ENGINEER

OPEN: TOTAL = 29 *(including intakes)*

INVESTIGATIVE ACTIONS CLOSED SINCE LAST MEETING

<u>CASE NUMBER</u>	<u>CLOSURE</u>	<u>PROFESSION</u>
2018-000025	Advisement Letter	ENGINEER
2018-000490	Review Complete	ENGINEER
2018-000508	Review Complete	ARCHITECT
2018-000514	Review Complete	MECHANICAL ENGINEER
2018-000524	Review Complete	ENGINEER

CLOSED TOTAL = 5 *(including intakes)*

PROBATION CASES: TOTAL = 0

END OF REPORT

Correspondence
SENT



THE STATE
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GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

BOARD OF REGISTRATION FOR ARCHITECTS
ENGINEERS, AND LAND SURVEYORS

P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.1676
Fax: 907.465.2974

June 1, 2018

Keith Murray
State of Alaska
Department of Administration
333 Willoughby Ave.
Juneau, AK 99801

RE: Engineering Scope of Practice

Dear Mr. Murray,

The Board of Architects, Engineers, and Land Surveyors met on May 3-4, 2018 and discussed the questions posed by Mr. Roy Robertson, Engineer II with ADEC regarding engineering scope of practice. Please see the board's responses to his questions below.

1. *What licenses are a related branch of engineering? More specifically, can civil, mechanical, or chemical engineering be considered related branches of engineering to environmental?*

There is potential for any of the above listed branches of engineering to be related. The relationship is dependent upon the type of the work the particular registrant is certifying, reviewing, or stamping. Per 12 AAC 36.205, A person who holds a current certificate of registration as an engineer in the state may practice in that branch or branches of engineering, as defined in 12 AAC 36.990(a), for which the engineer holds a registration, even if the engineering practice includes activities that are included in another branch of engineering defined in 12 AAC 36.990(a).

Another aspect that must be taken into consideration is per 12 AAC 36.210(a)(3), a registrant may perform assignments only if the registrant's associates, consultants, and employees are qualified by education, training, or experience and, if required, registered in the specific technical branches or fields involved;

2. *Is an employee/ subordinate with an ABET accredited B.S. in Civil, Chemical, or Mechanical engineering allowed to perform environmental engineering under the direct supervision of a person registered as an Environmental Engineering?*

Yes, an employee or subordinate is allowed to work under the direct supervision of a registered engineer in another branch of engineering (AS 08.48.331). In regards to calculation of work experience credit, per 12 AAC 36.063(c)(1), the board will determine the amount of credit given for responsible charge experience gained under the responsible control of a professional engineer registered in the United States in another branch of engineering based on the comparability with the branch of engineering to which the applicant has applied; in some instances additional years of experience may be required.

3. *Is an applicant with an ABET accredited B.S. in Civil, Chemical or Mechanical engineering eligible to sit for the Environmental Engineering exam and become licensed as an Environmental Engineer provided they work under the direct supervision of an Environmental Engineer and meet the experience requirements of 12 AAC 36.063.*

Yes, similar to the response above, the applicant would need to meet the requirements of 12 AAC 36.063.

4. *Is there significant incidental practices and overlap between the Civil, Mechanical, Chemical, and Environmental engineering? For example on a water or wastewater treatment plant, would it be likely to see a Civil design the structure, a Mechanical design the pumping works, a Chemical engineer work on the treatment and corrosion control chemistry?*

There is some overlap for incidental practices and a registrant can do work of minor importance of another discipline as long as they have the capabilities to do that work. The example given would be a rational division of responsibilities.

Thank you for bringing these questions to the AELS board. If you have any additional questions, please forward them to our Executive Administrator, Alysia Jones (907.465.1676/ alysia.jones@alaska.gov).

Respectfully yours,

BOARD OF ARCHITECTS, ENGINEERS, AND LAND SURVEYORS



David Hale, PLS
Chair

Cc: Roy Robertson, ADEC



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BOARD OF REGISTRATION FOR ARCHITECTS
ENGINEERS, AND LAND SURVEYORS

P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.1676
Fax: 907.465.2974

June 5, 2018

Roy Robertson
State of Alaska
Department of Environmental Conservation
555 Cordova St.
Anchorage, AK 99501

RE: Engineering Scope of Practice

Dear Mr. Robertson,

The Board of Architects, Engineers, and Land Surveyors met on May 3-4, 2018 and discussed the questions you posed regarding engineering scope of practice. Please see the board's responses to his questions below.

1. *What licenses are a related branch of engineering? More specifically, can civil, mechanical, or chemical engineering be considered related branches of engineering to environmental?*

There is potential for any of the above listed branches of engineering to be related. The relationship is dependent upon the type of the work the particular registrant is certifying, reviewing, or stamping. Per 12 AAC 36.205, A person who holds a current certificate of registration as an engineer in the state may practice in that branch or branches of engineering, as defined in 12 AAC 36.990(a), for which the engineer holds a registration, even if the engineering practice includes activities that are included in another branch of engineering defined in 12 AAC 36.990(a).

Another aspect that must be taken into consideration is per 12 AAC 36.210(a)(3), a registrant may perform assignments only if the registrant's associates, consultants, and employees are qualified by education, training, or experience and, if required, registered in the specific technical branches or fields involved;

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3. *Is an applicant with an ABET accredited B.S. in Civil, Chemical or Mechanical engineering eligible to sit for the Environmental Engineering exam and become licensed as an Environmental Engineer provided they work under the direct supervision of an Environmental Engineer and meet the experience requirements of 12 AAC 36.063.*

Yes, similar to the response above, the applicant would need to meet the requirements of 12 AAC 36.063.

4. *Is there significant incidental practices and overlap between the Civil, Mechanical, Chemical, and Environmental engineering? For example on a water or wastewater treatment plant, would it be likely to see a Civil design the structure, a Mechanical design the pumping works, a Chemical engineer work on the treatment and corrosion control chemistry?*

There is some overlap for incidental practices and a registrant can do work of minor importance of another discipline as long as they have the capabilities to do that work. The example given would be a rational division of responsibilities.

Thank you for bringing these questions to the AELS board. If you have any additional questions, please forward them to our Executive Administrator, Alysia Jones (907.465.1676/ alysia.jones@alaska.gov).

Respectfully yours,

BOARD OF ARCHITECTS, ENGINEERS, AND LAND SURVEYORS



David Hale, PLS
Chair

Cc: Keith Murray, DOA



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**Department of Commerce, Community,
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BOARD OF REGISTRATION FOR ARCHITECTS
ENGINEERS, AND LAND SURVEYORS

P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.1676
Fax: 907.465.2974

June 5, 2018

Dear Ms. Johnston,

The Board of Architects, Engineers, and Land Surveyors met on May 3-4, 2018 and discussed your question regarding whether or not the mentoring program may be successfully completed remotely.

The board reviewed the mentoring requirements outlined in 12 AAC 36.063(j) and determined the reference to "quarterly face-to-face meetings" includes virtual meetings. However, in accordance with the regulations, an appropriate visual meeting tool, versus audio-only communication, is required. The tool must allow real time sharing of documents, so that both parties can see what is being discussed.

In regards to your request for assistance in locating an Industrial Engineer who is willing to serve as your mentor, the Executive Administrator will utilize her network of Member Board Executives in other jurisdictions to submit a request for an Industrial Engineer mentor and provide you with contact information of any potential mentors.

If you have any additional questions, please forward them to our Executive Administrator, Alysia Jones (907.465.1676/ alysia.jones@alaska.gov).

Respectfully yours,

BOARD OF ARCHITECTS, ENGINEERS, AND LAND SURVEYORS



David Hale, PLS
Chair



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BOARD OF REGISTRATION FOR ARCHITECTS
ENGINEERS, AND LAND SURVEYORS

P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.1676
Fax: 907.465.2974

June 13, 2018

RE: Request for Industrial Engineer Mentor

The Alaska Board of Registration for Architects, Engineers and Land Surveyors (AELS) is looking for a Professional Industrial Engineer, preferably working in the healthcare industry, to serve as a mentor for an engineer-in-training.

Per AELS regulations 12 AAC 36.063(j), an applicant must complete four years of quarterly face-to-face meetings* with a professional engineer registered in the United States and registered in the same discipline that the applicant is applying for. An applicant shall

- (1) prepare a report for each meeting on a form provided by the department, which includes
 - (A) a description of what topics were covered during the meeting;
 - (B) a statement indicating whether or not it was responsible charge work and if the work was performed according to industry standards;
 - (C) the professional engineer's seal and signature; and
- (2) submit as a part of the final report a statement from the professional engineer, who served as the mentor, recommending the applicant for registration.

If you are interested in serving as a mentor or would like additional information about Alaska's mentoring program please contact AELS Executive Administrator, Alysia Jones at 907.465.1676 or alysia.jones@alaska.gov.

**The AELS board has determined the reference to "quarterly face-to-face meetings" in the regulations includes virtual meetings. However, in accordance with the regulations, an appropriate visual meeting tool, versus audio-only communication, is required.*



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P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.1676
Fax: 907.465.2974

June 1, 2018



RE: Request for Exemption for Cathodic Protection Services Business License

Dear Mr. [REDACTED]:

The Board of Architects, Engineers, and Land Surveyors met on May 3-4, 2018 and reviewed your request for licensure exemption to practice Corrosion Engineering in the State of Alaska. The Board discussed your request and concluded that licensure is required to practice Corrosion Engineering in Alaska based on the following:

- Improper practice and application of cathodic protection and corrosion engineering can pose a risk to public safety and the environment due to the likelihood and history of spills, gas leaks and explosions.
- Cathodic Protection and Corrosion Engineering are recognized specialties inherent in the practice of Materials Engineering.
- Metallurgical and Materials Engineering is a recognized engineering discipline in the State of Alaska (12 AAC 36.990 (17)) and requires licensure to practice.
- The practice of cathodic protection and corrosion engineering include expressing engineering judgement and making recommendations based on test data. Work of this nature must be signed or sealed and completed by or under a registered engineer in accordance with 12 AAC 36.190.

In following, the board respectfully denies your request for an exemption to State of Alaska professional engineer registration requirements. If you have any additional questions, please forward them to Alysia Jones (907.465.1676/ alysia.jones@alaska.gov).

Sincerely,

BOARD OF ARCHITECTS, ENGINEERS, AND LAND SURVEYORS

A blue ink signature of David Hale, consisting of a stylized first name and a full last name.

David Hale, PLS
Chair



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

BOARD OF REGISTRATION FOR ARCHITECTS
ENGINEERS, AND LAND SURVEYORS

P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.1676
Fax: 907.465.2974

June 6, 2018

Gwen Gervelis, PS
State of Alaska
DNR – Division of Mining, Land and Water
550 West 7th Ave, Suite 650
Anchorage, AK 99501-3576

RE: Request for Land Surveyor DOB Information

Dear Ms. Gervelis,

The Board of Architects, Engineers, and Land Surveyors met on May 3-4, 2018 and considered your request for date of birth information for all active registered land surveyors in the State of Alaska.

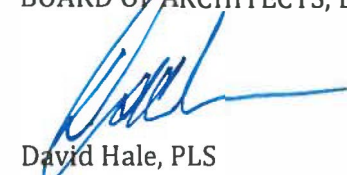
The board agreed the statistical data would provide evidence that the population of registered land surveyors in Alaska is aging, and directed AELS staff to compile a spreadsheet containing birth year and location (city, state) information as time allows.

Based upon AELS staff duties and deadlines, the information will be provided to you no later than July 31, 2018.

If you have any additional questions, please forward them to our Executive Administrator, Alysia Jones (907.465.1676/ alysia.jones@alaska.gov).

Respectfully yours,

BOARD OF ARCHITECTS, ENGINEERS, AND LAND SURVEYORS



David Hale, PLS
Chair

Status	CITY	STATE/ PROVINCE	BIRTH YR
Active	FAIRBANKS	AK	1923
Active	ANCHORAGE	AK	1931
Active	PHOENIX	AZ	1936
Active	DOUGLAS	AK	1936
Active	FAIRBANKS	AK	1938
Active	ANCHORAGE	AK	1938
Active	ANCHORAGE	AK	1938
Active	Fairbanks	AK	1938
Active	Fairbanks	AK	1939
Active	WASILLA	AK	1939
Active	ANCHORAGE	AK	1939
Active	ANCHORAGE	AK	1939
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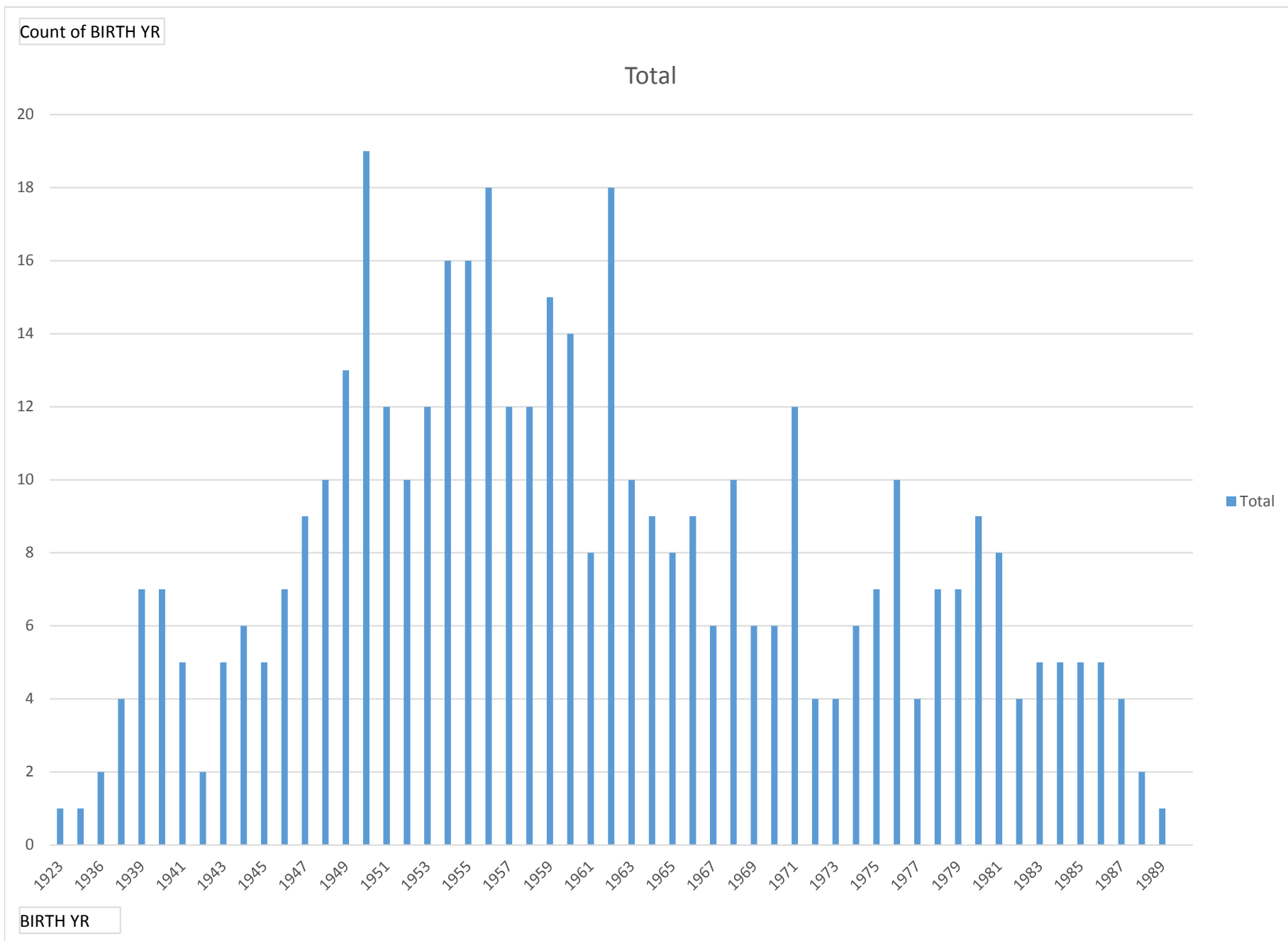
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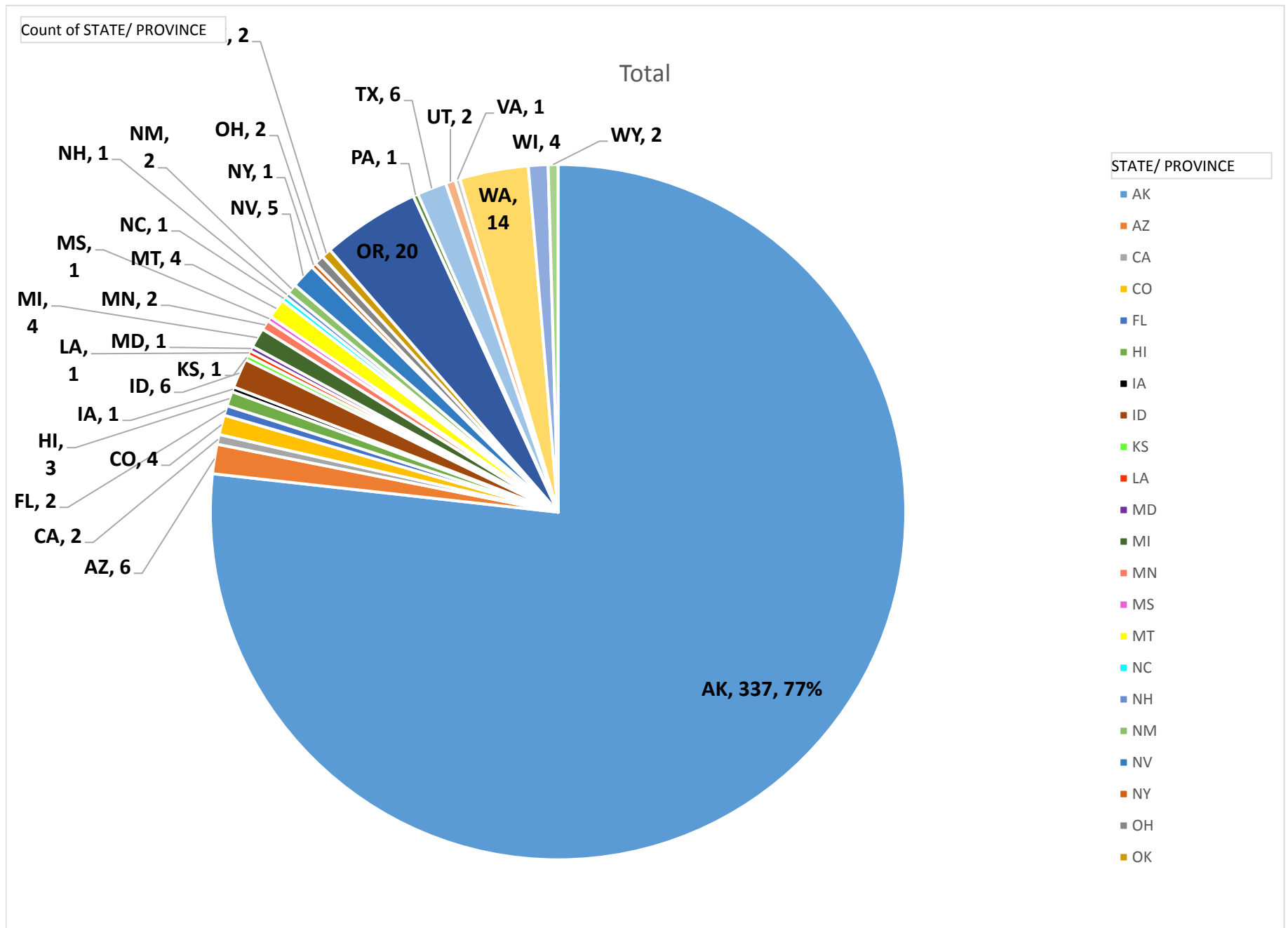
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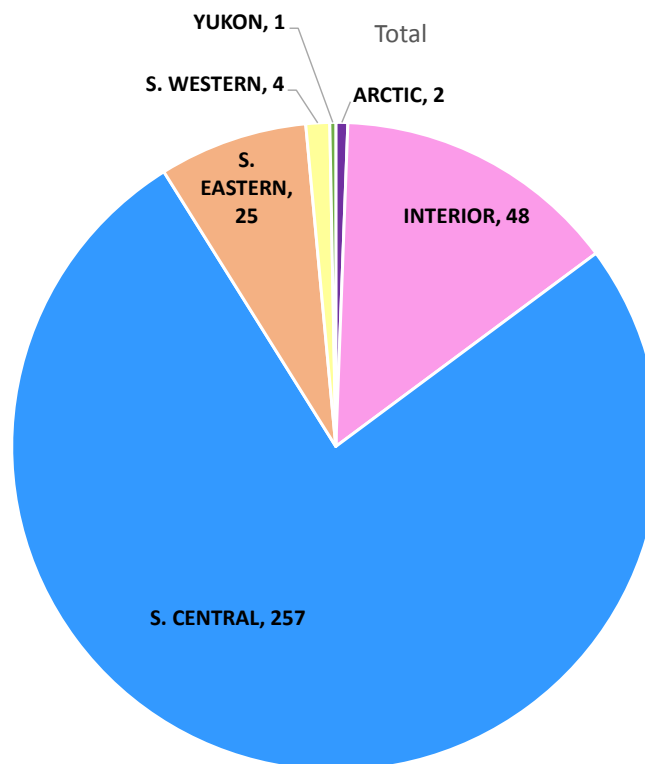
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- REGIONS
- ARCTIC
 - INTERIOR
 - S. CENTRAL
 - S. EASTERN
 - S. WESTERN
 - YUKON



THE STATE
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GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

BOARD OF REGISTRATION FOR ARCHITECTS
ENGINEERS, AND LAND SURVEYORS

P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.1676
Fax: 907.465.2974

June 6, 2018

Anne Johnson, GISP, PMP
President, URISA-Alaska

RE: URISA Feedback on AELS Guidance Manual draft language for AS 08.43.341(14)

Dear Ms. Johnson,

Thank you and URISA-Alaska for taking the time to review the draft language and providing feedback to the Board of Registration for Architects, Engineers, and Land Surveyors. The comments contained a lot of good background information and demonstrated that many URISA members understand the issues that the statute addresses.

The board met on May 3-4, 2018 and reviewed the consolidated comments provided by URISA-Alaska. Based upon your comments, the board intends to update language regarding machine control and is considering how to incorporate other comments to improve clarity. An updated version of the Guidance Manual will be prepared for review at the August 2-3 board meeting.

Again, the board appreciates your feedback and looks forward to future discussions and outreach opportunities with URISA-Alaska.

If you have any additional questions, please forward them to our Executive Administrator, Alysia Jones (907.465.1676/ alysia.jones@alaska.gov).

Respectfully yours,

BOARD OF ARCHITECTS, ENGINEERS, AND LAND SURVEYORS

A blue ink signature of David Hale, written in a cursive style.

David Hale, PLS
Chair



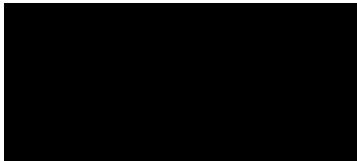
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P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.1676
Fax: 907.465.2974

June 6, 2018



RE: Request to recognize forest engineering/ logging engineering in Alaska

Dear 

The Board of Architects, Engineers, and Land Surveyors met on May 3-4, 2018 and considered your request to recognize forest engineering/ logging engineering as a branch of professional engineering in the State of Alaska.

The board reviewed the description of duties provided and determined the activities fell under the practice of agricultural engineering, civil engineering, and surveying, all of which are currently regulated by the board. The board does not feel that the addition of a Forest Engineering designation under the branch of engineering is warranted at this time since the activity falls within the purview of existing professions regulated by the board.

If you have any additional questions, please forward them to our Executive Administrator, Alysia Jones (907.465.1676/ alysia.jones@alaska.gov).

Respectfully yours,

BOARD OF ARCHITECTS, ENGINEERS, AND LAND SURVEYORS

A handwritten signature in blue ink, appearing to read "David Hale".

David Hale, PLS
Chair



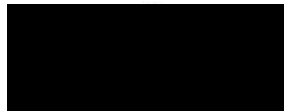
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P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.1676
Fax: 907.465.2974

June 1, 2018



RE: Sealing Change Orders

Dear 

The Board of Architects, Engineers, and Land Surveyors met on May 3-4, 2018 and discussed the appropriateness of the practices you described in your email to AELS Executive Administrator dated April 16, 2018.

Question No. 1. *If a registrant has signed their final design documents (drawings and specifications), do they have to sign construction change orders, requests for information (RFIs), design clarification/verification requests (DCVRs), reviewed shop drawings, reviewed submittals, etc. **when** the registrant has changed the design from the final design documents by use of the instruments stated?*

For example, the change in the design could be contained in the (a) technical description of the change order, (b) answer to the RFI or DCVR, (c) review comments on a shop drawing or submittal or (d) approval of a shop drawing or submittal that differed from the design where the designer noted and approved the change on the shop drawing or submittal.

If drawings are substantively modified during the construction project, then a seal on the revised plan would be required. Technical descriptions and clarifications that provide additional information about the design are not considered changes to the design drawings and therefore, not required to be sealed.

Question No. 2. *In practice, it has been at the discretion of the registrant to determine when they need to change the final design documents and re-issue them (with a new seal) due to a change in the design. Common practice is to re-issue drawings or specifications for major design changes or when the registrant believes it is necessary to re-issue in order to prevent confusion about how the design is being changed.*

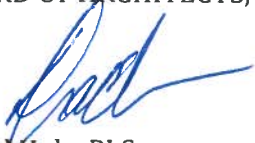
The board's position on this matter is that the decision to seal modified drawings be at the discretion of the registrant sealing the documents. The use of professional judgement is required to

determine a substantive modification and best practices suggest that any significant changes to drawings be sealed.

If you have any additional questions, please forward them to our Executive Administrator, Alysia Jones (907.465.1676/ alysia.jones@alaska.gov).

Respectfully yours,

BOARD OF ARCHITECTS, ENGINEERS, AND LAND SURVEYORS

A handwritten signature in blue ink, appearing to read 'Dale', with a long horizontal flourish extending to the right.

David Hale, PLS
Chair



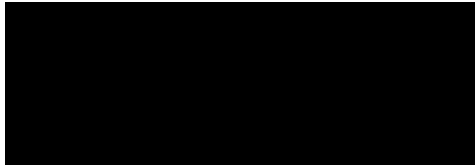
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P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.1676
Fax: 907.465.2974

June 6, 2018



RE: Certifying Condominium Plats

Dear [REDACTED]

The Board of Architects, Engineers, and Land Surveyors met on May 3-4, 2018 and discussed your question regarding the appropriateness of a registered land surveyor signing the *Certificate of Completion* provided in your email message to AEELS Executive Administrator, Alysia Jones, dated April 26, 2018.

Per Alaska Statute 08.48.221 and 12 AAC 36.185, architects, engineers, land surveyors and landscape architects are responsible for performing design services within their area of expertise and certifying "the structural components and mechanical systems are completed..." is outside the scope of the practice of land surveying AS 08.48.341 (14).

The certificate of completion required by 08.34.090 contains elements that cannot be certified by a professional land surveyor. Verification of structural components and mechanical systems must be certified by the licensed professional with direct supervisory control over that portion of the project.

AEELS Executive Administrator, Alysia Jones is in the process of addressing the issue with the Department of Natural Resources, which is governed by Alaska Statutes 34.08.090 to ensure State statutes and regulations are in alignment.

Thank you for bringing this matter to the AEELS board. If you have any additional questions, please forward them to Alysia Jones (907.465.1676/ alysia.jones@alaska.gov).

Respectfully yours,
BOARD OF ARCHITECTS, ENGINEERS, AND LAND SURVEYORS

A blue ink signature of David Hale, written over the typed name.

David Hale, PLS
Chair

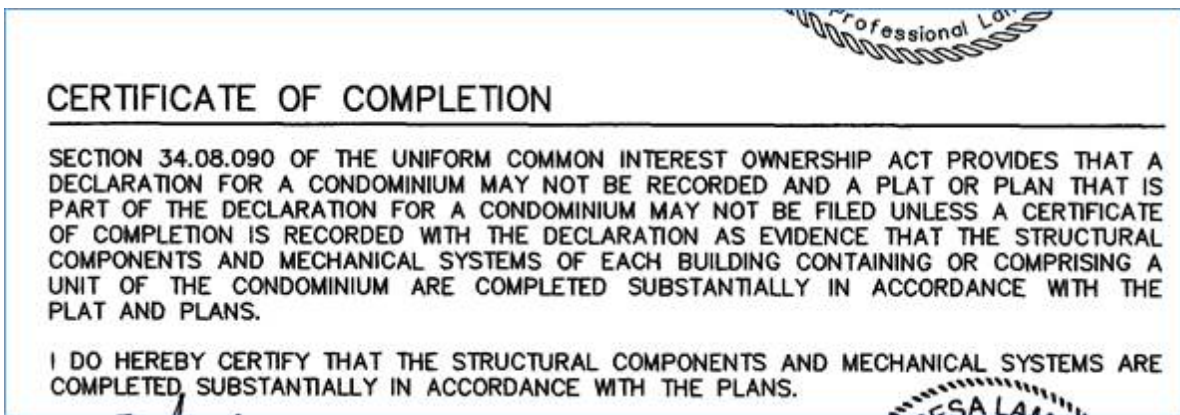
From: [Jones, Alysia D \(CED\)](#)
To: [Gervelis, Gwen M \(DNR\)](#)
Cc: [Dave Hale](#); [Colin Maynard](#)
Subject: Potential conflict between statutes and regulations
Date: Friday, July 06, 2018 2:08:00 PM
Attachments: [REDACTED]

Good afternoon Ms. Gervelis,

As I mentioned on the phone, it has come to the AELS Board's attention that there is a conflict between your *Certificate of Completion* required by AS 08.34.090 and AELS Statutes and Regulations.

At the AELS board's recent quarterly meeting, the board discussed the appropriateness of a registered land surveyor signing the Certificate of Completion based upon a request AELS staff had received from [REDACTED].

For your reference, I have included the example of the *Certificate of Completion* initially provided to the board from [REDACTED] here.



Additionally, I have attached will find the board's letter of response to [REDACTED]. As indicated in the board's letter, I am hoping we can discuss the issue to ensure our respective statutes and regulations are in alignment.

Please contact me at your earliest convenience.

Thank you,

Alysia D. Jones
Executive Administrator

Alaska State Board of Registration for
Architects, Engineers and Land Surveyors
907.465.1676

[Alaska AELS Board Website](#)



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Juneau, Alaska 99811-0806
Main: 907.465.1676
Fax: 907.465.2974

June 5, 2018

Municipality of Anchorage
Geospatial Department
Mr. Steve Schmitt, PLS
1200 East 1st Avenue
Anchorage, AK 99501

RE: Professional Seal Requirements and Exemptions from Licensure Requirements

Dear Mr. Schmidt:

The Board of Architects, Engineers, and Land Surveyors (AELS) received a letter from Mr. Jake Maxwell, the Chief Surveyor for Anchorage Municipal Light and Power, requesting clarification on two issues:

1. Professional sealing requirements for final legal descriptions and exhibits, and
2. If the Municipality of Anchorage and private utility companies are exempt from professional licensure requirements (as stated in AS 08.341.14) related to land surveying.

The Board considered Mr. Maxwell's questions at the February 1-2, 2018 and the May 3-4, 2018 meetings, and has forwarded a response to him. He has requested that we also share the board's response with the municipality.

In regards to the first question, does the creation of final legal descriptions and exhibits require a professional seal, the answer is yes. Alaska Statute 08.48.221 Seals specifically states, "When a registrant issues final drawings, specifications, surveys, plats, plates, reports, or similar documents, the registrant shall stamp the documents with the seal and sign the seal." The board discussed the statute and agreed unanimously that final drawings, specifications, surveys, plats, plates, reports, or similar documents includes, but is not limited to, parcel exhibits, parcel plats, legal descriptions, and similar professional works that may or may not be part of other documents. For the purposes of this clarification: if the professional works are not identified as "Preliminary", "Draft", or equivalent, then they are "Final" in the context of AS 08.48.221 and are required to be sealed and signed.

In response to the second question, the only entity that is generally exempt from state licensing statutes and regulations is the federal government, unless there exists a specific exemption in AS 08.48.331. All other state, municipal, and private entities are subject to licensing statutes and regulations and are regulated by the AELS board.

For your reference, a copy of AS 08.48.221 Seals, AS 48.331 Exemptions, and AS 08.341 (14) Practice of Land Surveying are provided on the following page. If you wish to review the board's discussion on this matter, please refer to the February 1-2, 2018 and the May 3-4, 2018 meeting minutes. The first is available on the AELS Board Meeting Agendas/Minutes webpage:

<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofArchitectsEngineersandLandSurveyors/BoardMeetingAgendasMinutes.aspx> The May meeting minutes will be available once they are completed.

If you have any additional questions, please forward them to our Executive Administrator, Alysia Jones (907.465.1676/ alysia.jones@alaska.gov).

Respectfully yours,

BOARD OF ARCHITECTS, ENGINEERS, AND LAND SURVEYORS

A handwritten signature in black ink, appearing to read 'Colin Maynard', is positioned above the printed name.

Colin Maynard, PE, SE
Vice Chair

Enc.:

AS 08.48.221 Seals

AS 48.331 Exemptions

AS 08.341 (14) Practice of Land Surveying



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

BOARD OF REGISTRATION FOR ARCHITECTS
ENGINEERS, AND LAND SURVEYORS

P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.1676
Fax: 907.465.2974

June 27 2018

The Honorable Bill Walker
Office of the Governor
P.O. Box 110001
Juneau, AK 99811

RE: AELS Board Travel and Exemption Request

Dear Governor Walker,

I am writing once again to request an exemption for members of the Architects, Engineers, Land Surveyors, and Landscape Architects (AELS) Board of Registration from the travel restrictions imposed for state employees by your office. My letter to you dated August 21, 2017 contained the Board's previous request for an exemption and included information explaining the makeup of the board and the onerous process of approving travel that resulted in delays, additional expenditure of funds, and great inconvenience to our board members who are volunteering their time to perform their individual duties on the board. The only change over the course of the previous year is that things seem to have gotten much worse.

Your memo to state employees dated January 5, 2016 states that "Essential travel not subject to this prohibition includes travel which is mission critical to the agency and inherent to the job..." The mission of the AELS Board is to protect the public. We do this by ensuring that applications for licensure meet minimum requirements, by maintaining regulations to ensure they are in alignment with current statutes, by responding to requests for information and input by public and private entities, and by outreach to the public that educates professionals and non-professional about the reason and benefits of licensure. The workload is considerable for a volunteer board, but the mission is important. It requires face-to-face meetings quarterly by the board members and the staff who prepare the review documents that ensure that the meetings are efficient and effective. The personal interaction between board members and staff at the meetings saves untold hours in the process. The outreach to the public is a proactive way to help people understand the statutes and regulations prior to infractions occurring, saving an unquantifiable amount of time and money from potential infractions that must then be investigated and brought to conclusion. Time is money, and this type of action generally eats up a lot of both. In light of all of these items, travel by our board, including support staff, is essential and inherent to the mission of our board.

We request that we be allowed to once again have one board meeting in Juneau, one in Fairbanks, and two in Anchorage, each year, attended by all board members and two support staff. We also

request that our travel be booked during normal business hours rather than early morning or evening flights. Morning flights have had the effect of delaying meetings due to a lack of quorum when flights are delayed or canceled, and evening flights have resulted in members and staff arriving late at night, sometimes after midnight. The state has also booked members and staff in small lodges rather than traditional hotels in order to save as little as \$20. A late flight for the last board meeting, coupled with the lodge scenario, resulted in several of our members arriving in Anchorage after midnight to find that they could not access their lodging for the night and had to re-book in a different hotel. This would not happen if the state would book members in standard hotels that are manned 24 hours a day, and limit flights to ones within the normal work day. Saving a few bucks while greatly inconveniencing members of the board is a great way to limit the number of volunteers you will have for future board positions.

Finally, our Board had a surplus of \$859,414 at the end of FY 17. Our renewals were done in this fiscal year (FY18), so our ending Cumulative Surplus will be well in excess of a million dollars at the end of this year, probably closer to \$1.3 million. With this surplus, it seems patently ridiculous to be concerned over an additional \$8000 to be able to meet once a year in Juneau and Fairbanks when that travel allows the Board the ability to reach out to licensees in communities other than Anchorage.

Our board members and the staff that support us are dedicated to protecting the public, and spend many unpaid hours performing duties in support of our mission. We respectfully request an exemption from the travel restrictions so that we can do our job without being hindered by the state.

Respectfully yours,

BOARD OF ARCHITECTS, ENGINEERS, AND LAND SURVEYORS



David Hale, PLS
Chair

Correspondence
Received

AEELS Board Meeting - August 2, 2018

VII. Correspondence Received

The board received correspondence from an individual who is concerned with the calculation of graduate education and work experience per 12 AAC 36.063(3)(B) and 12 AAC 36.063(e), which states “education and work experience may not be accumulated concurrently. A maximum of 12 months’ credit may be claimed for a calendar year,” in potentially delaying one’s ability to obtain licensure.

AS 08.48.331(a)(10)

Discussion with
Municipal Light
& Power

AEELS Board Meeting - August 2, 2018

VIII. AS 08.48.331(a)(10) Discussion with Municipal Light & Power

Following the February 2018 meeting, the board responded to a question posed by a professional land surveyor regarding professional seal requirements for final legal descriptions and exhibits and professional licensure exemptions. The board provided a letter of response dated April 10, 2018.

At the May 2018 meeting, the board discussed the individual's initial request to share the response with the Municipality of Anchorage. Following the meeting, the board sent a letter to the Municipality of Anchorage dated June 5, 2018, referencing the April 10, 2018 letter (*See Item VI. J, page 82 of August 2018 Board Packet – Public Version*). On June 20th, AEELS staff received an email from ML&P personnel requesting additional clarification. Following AEELS board staff's response, ML&P's management team requested time on the Board's agenda to discuss the topic further. On July 19th the Board received a Memorandum from the Deputy Municipal Attorney.

For additional information, please see:

- **AEELS February 2018 Meeting Minutes:**
https://www.commerce.alaska.gov/web/Portals/5/pub/AELS_Minutes_2018_02.pdf
 - Page 2, line 25.
 - Page 11, line 15-27
- **AEELS May 2018 Meeting Minutes:**
https://www.commerce.alaska.gov/web/Portals/5/pub/AELS_Minutes_2018_05.pdf
 - Page 11, 31 to Page 13, line 9
 - Page 35, line 1- 16

SEC. 08.48.331. EXEMPTIONS.

(a) This chapter does not apply to

- (1) a contractor performing work designed by a professional architect, engineer, or landscape architect or the supervision of the construction of the work as a supervisor or superintendent for a contractor;
- (2) workers in building trades crafts, earthwork, grounds keeping, or nursery operations, and superintendents, supervisors, or inspectors in the performance of their customary duties;
- (3) an officer or employee of the United States government practicing architecture, engineering, land surveying, or landscape architecture as required by the person's official capacity;
- (4) an employee or a subordinate of a person registered under this chapter if the work or service is done under the direct supervision of a person registered under this chapter;
- (5) associates, consultants, or specialists retained by a registered individual, a partnership of registered individuals, a corporation, a limited liability company, or a limited liability partnership authorized to practice architecture, engineering, land surveying, or landscape architecture under this chapter, in the performance of professional services if responsible charge of the work remains with the individual, the partnership, or a designated representative of the corporation, limited liability company, or limited liability partnership;
- (6) a person preparing drawings or specifications for
 - (A) a building for the person's own use and occupancy as a single family residence and related site work for that building;
 - (B) farm or ranch buildings and their grounds unless the public health, safety, or welfare is involved;
 - (C) a building that is intended to be used only as a residence by not more than
 - (i) four families and that is not more than two stories high and the grounds of the building; or
 - (ii) two families and that is not more than three stories high and the grounds of the building, if the building is located in a municipality that has adopted a building or residential code that applies to the building and if the building complies with the building or residential code;
 - (D) a garage, workshop, or similar building that contains less than 2,000 square feet of floor space to be used for a private noncommercial purpose and the grounds of the building;
- (7) a specialty contractor licensed under AS 08.18 while engaged in the business of construction contracting for work designed by an architect, engineer, or landscape architect that is within the specialty to be performed or supervised by the specialty contractor, or a contractor preparing shop or field drawings for work that the specialty contractor has contracted to perform;
- (8) a person furnishing drawings, specifications, instruments of service, or other data for alterations or repairs to a building or its grounds that do not change or affect the structural system or the safety of the building, or that do not affect the public health, safety, or welfare;
- (9) a person who is employed by a postsecondary educational institution to teach engineering, architectural, or landscape architectural courses; in this paragraph, "postsecondary educational institution" has the meaning given in AS 14.48.210;

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

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

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

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

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

(b) The requirement to be registered as a landscape architect under this chapter only applies to a person who practices an aspect of landscape architecture that the board has determined affects the public health, safety, or welfare.

Standard Drawings Discussion w/ DOT&PF

AELS Board Meeting - August 2, 2018

X. Standard Drawings Discussion with DOT&PF

At the August 2017 meeting several people representing DOT&PF, Municipal Light & Power, Anchorage Water and Waste Utility, Municipality of Anchorage, and Kenai Peninsula Borough testified during public comment on a response the board had provided to an individual regarding sealing requirements. The board did adjust its response slightly once it became aware that the original questions posed were related to *standard* drawings. During the course of the discussion, the board expressed some concerns regarding DOT&PF's practice of stamping standard drawings. At the February meeting, DOT&PF Chief of Design & Construction Standards Mark Neidhold spoke to the board and the group decided to keep the lines of communication open and continue to work on the matter together. Mr. Neidhold requested time on the August 2018 agenda to continue the discussion and will be providing some additional information per the board's request (Feb 2018 meeting). The additional information includes:

- A written statement from LAW that contains the rationale and references the statutes and regulations reviewed to determine DOT&PF's practices were in compliance
- Data from other states regarding the use of stamped standard drawings.

For additional information, please see:

- **AELS August 2017 Meeting Minutes:**
https://www.commerce.alaska.gov/web/Portals/5/pub/AELS_Minutes_2017_08.pdf
 - Page 1, line 41-42
 - Page 5, line 7 to Page 13, line 30
 - Page 20, line 2-37
- **AELS February 2018 Meeting Minutes:**
https://www.commerce.alaska.gov/web/Portals/5/pub/AELS_Minutes_2018_02.pdf
 - Page 15, line 37 to Page 17, line 23

Old Business

Regulation Project Updates

Regulation Changes Questionnaire

Division/Board: _____ Meeting Date: _____

Regulation change being proposed: 12 AAC _____

General top of the regulation: _____

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

1. Is the new regulation needed to comply with new legislation or federal law?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, effective date of new statute/federal law: _____	
<i>(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)</i>	
2. Does the change add a new license type?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes:	
Does it affect current licensees?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do current licensees/non-licensees already perform the service for which the new license type is required?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Does it change the qualifications or requirements of an existing license?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, does it affect current licensees?	
4. Does it affect continuing education/competency requirements?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes:	
Does it add additional requirements or hours?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does it clarify existing regulations?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there an effective date in the future to give licensees time to comply?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Is it a fee change or does it create a new fee?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes:	
Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Does it make changes to the requirements of licensees?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes:	
All licensees	Yes <input type="checkbox"/> No <input type="checkbox"/>
Certain licensees (List: _____)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Initial licensees	Yes <input type="checkbox"/> No <input type="checkbox"/>
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)	

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
9. What will the regulation do?
10. What is the demonstrated public need or purpose of this regulation?
11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i>)?
12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations?
13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?
14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.
15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.
16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes. <div style="display: flex; justify-content: space-between;"> FAQ on website <input type="checkbox"/> Email to licensees <input type="checkbox"/> Letter to licensees <input type="checkbox"/> </div>

Staff submitting this worksheet: _____ Date submitted to Regulations Specialist: _____

**Chapter 36. State Board of Registration for Architects,
Engineers, and Land Surveyors.**

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 36.060 is amended to read:

12 AAC 36.060. Eligibility for architect examination and registration. (a) To be eligible for the architect registration examination required in 12 AAC 36.100(b), an applicant must submit

(1) an application showing that the applicant meets the education requirements specified in 12 AAC 36.061; and

(2) an NCARB Record [SUMMARY IN SUPPORT OF APPLICATION FOR EXAMINATION].

(b) To be eligible for registration by examination as an architect in this state, an applicant must

(1) submit an application in compliance with 12 AAC 36.010;

(2) meet the education requirements specified in 12 AAC 36.061;

(3) complete the NCARB Architectural Experience Program (AXP);

(4) satisfy the arctic [AND SEISMIC] requirements of 12 AAC 36.110; and

(5) successfully pass the examinations required in 12 AAC 36.060 and

12 AAC 36.100. (Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 8/13/87, Register 103; am 10/20/90, Register 116; am 11/13/99, Register 152; am 10/29/2009, Register 192; am 5/25/2017, Register 222; am ____/____/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

12 AAC 36.061 is amended to read:

12 AAC 36.061. Architect education requirements. (a) To be eligible for registration as an architect in this state, an applicant must

(1) have a professional degree in architecture from an academic institution accredited by the National Architectural Accrediting Board (NAAB) or certified by the Canadian Architectural-Certification Board (CACB) not later than two years after the degree was received; only a bachelor of architecture or a master of architecture satisfies the requirements for a professional degree under this paragraph; four-year pre-professional degrees in architectural studies or post-professional degrees in a related field do not satisfy the requirements for a professional degree under this paragraph; or

(2) satisfy the minimum education requirements of the NCARB Education **Guidelines** [STANDARD] as prescribed in the NCARB publication *NCARB Education Guidelines, May 2017* [STANDARD, 2010] and adopted by reference.

(b) To verify compliance with (a) of this section, the board will only accept documentation from NCARB of the applicant's education credentials, and the applicant must have NCARB transmit its verification to the board by

(1) an NCARB "Council Record With Application for Jurisdiction Registration With Council Certification," commonly known as an "NCARB Green Cover Council Record," if the applicant is applying for registration by examination; or

(2) an NCARB Council Certificate, commonly known as "NCARB Blue Book," if the applicant is applying for registration by comity. (Eff. 11/13/99, Register 152; am 3/8/2001, Register 157; am 1/20/2002, Register 161; am 6/13/2003, Register 166; am 6/11/2005, Register 174; am 9/8/2006, Register 179; am 2/9/2007, Register 181; am 7/12/2008, Register 187; am 7/13/2011, Register 199; am 5/25/2017, Register 222; am ____/____/_____, Register ____)

Editor's note: The NCARB publication *NCARB Education Guidelines* [STANDARD], adopted by reference in 12 AAC 36.061(a)(2), may be obtained from NCARB at (202) **879-0520** [783-6500], by writing to the National Council of Architectural Registration Boards, 1801 K Street, N.W., Suite **700K** [1100], Washington, D.C. 20006, or by requesting one online at <https://www.ncarb.org>.

12 AAC 36.103 is amended to read:

12 AAC 36.103. Architect registration by comity. (a) Under AS 08.48.191(a), the board may issue a certificate of registration as an architect to an applicant who

- (1) documents education and passage of the NCARB Architect Registration Examination;
- (2) documents work experience that satisfies the requirements of [(b)(3)] of this section;
- (3) has completed the arctic engineering [AND SEISMIC] requirements of 12 AAC 36.110; and
- (4) has completed a jurisprudence questionnaire prepared by the board covering the provisions of AS 08.48 and this chapter.

- (b) An applicant for a certificate of registration as an architect by comity must submit
 - (1) an application for registration by comity in compliance with 12 AAC 36.010, including the applicable fees established in 12 AAC 02.110; **and**
 - (2) verification of a current registration to practice architecture in a state, territory, or possession of the United States, the District of Columbia, or a foreign country that is based on education, experience, and examination requirements that the board determines 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 [; AND

(3) EITHER

(A) VERIFICATION OF AT LEAST 24 MONTHS OF RESPONSIBLE CHARGE EXPERIENCE AS AN ARCHITECT AS DEFINED UNDER AS 08.48.341(1) OR AS VERIFIED BY THE SIGNATURE AND SEAL, EXCEPT AS PROVIDED IN (d) OF THIS SECTION, BY THE ARCHITECT WHO SUPERVISED THE APPLICANT AND WHO AT THE TIME OF PROVIDING THE SUPERVISION, WAS LEGALLY REGISTERED AS A PROFESSIONAL ARCHITECT IN A STATE, TERRITORY, OR POSSESSION OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, OR A FOREIGN COUNTRY; OR

(B) IF THE APPLICANT HAS BEEN PRACTICING ARCHITECTURE AS A REGISTERED ARCHITECT FOR FIVE YEARS OR MORE IN A STATE, TERRITORY, OR A POSSESSION OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, OR A FOREIGN COUNTRY, TWO LETTERS OF REFERENCE VERIFYING THAT EXPERIENCE; EACH LETTER MUST BE SIGNED AND SEALED, EXCEPT AS PROVIDED IN (d) OF THIS SECTION, BY AN ARCHITECT WHO IS LEGALLY REGISTERED IN A STATE, TERRITORY, OR POSSESSION OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, OR A FOREIGN COUNTRY].

(c) An applicant for a certificate of registration as an architect by comity under this section **shall** [MAY] submit a council record issued by NCARB to verify the applicant's qualifications, including

(1) examination results;

(2) education;

(3) experience; and

(4) registration in another licensing jurisdiction.

(d) If an architect who provides a [WORK EXPERIENCE VERIFICATION UNDER (b)(2) OF THIS SECTION OR A] reference letter under (c) [(b)(3)] of this section does not possess a seal, the applicant must provide the board a statement from that architect,

(1) providing that architect's registration number; and

(2) [IF THAT ARCHITECT IS PROVIDING A REFERENCE LETTER,]

certifying that the registration of that architect is current.

(e) Except as provided in (c) of this section, an applicant who received an initial certificate of registration as an architect on or before July 13, 2011 may submit two letters of reference verifying that the applicant's experience as a registered architect for five years or more in a state, territory, or possession of the United States, the District of Columbia, or a foreign country in lieu of the NCARB council record. Each letter must be signed and sealed by an architect who is legally registered as a professional architect in a state, territory, or possession of the United States, the District of Columbia, or a foreign country. (Eff. 6/3/89, Register 110; am 1/1/90, Register 116; am 3/16/96, Register 137; am 7/26/97, Register 143; am 11/13/99, Register 152; am 6/13/2003, Register 166; am 7/12/2008, Register 187; am 7/25/2008, Register 187; am 3/11/2012, Register 201; am ____/____/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.191

12 AAC 36.110 is amended to read:

12 AAC 36.110. Arctic [AND SEISMIC] requirement. (a) An applicant for registration as an architect, engineer, or landscape architect must have successfully completed a board-approved university-level course in arctic engineering or its equivalent.

(b) Repealed ____/____/____ [IN ADDITION TO (a) OF THIS SECTION, AN APPLICANT FOR ARCHITECTURAL REGISTRATION BY COMITY SHALL PASS THE NCARB EXAMINATION ON SEISMIC FORCES UNLESS THE APPLICANT WAS REGISTERED BY EXAMINATION IN

(1) CALIFORNIA IN 1936 OR LATER;

(2) ALASKA, HAWAII, IDAHO, MONTANA, NEVADA, OR WASHINGTON STATE IN JUNE 1963 OR LATER;

(3) UTAH OR ARIZONA IN DECEMBER 1963 OR LATER;

(4) COLORADO IN JUNE 1964 OR LATER;

(5) GUAM IN JUNE 1965 OR LATER;

(6) NEW MEXICO IN JUNE 1966 OR LATER; OR

(7) ANY OTHER NCARB JURISDICTION IN JUNE 1968 OR LATER]. (Eff.

5/23/74, Register 50; am 9/30/78, Register 67; am 8/13/87, Register 103; am 11/13/99, Register 152; am ____/____/____, Register ____)

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191
AS 08.48.171

Regulation Changes Questionnaire

Division/Board: AELS

Meeting Date: May 3-4, 2018

Regulation change being proposed: 12 AAC 36.060, .061, .103, .110

General top of the regulation: housekeeping: .060, .061, .110. Address issue w/ comity registration for architects : .103

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

1. Is the new regulation needed to comply with new legislation? If yes, effective date of new statute: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Does the change add a new license type? If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Does it change the qualifications or requirements of an existing license? If yes, does it affect current licensees?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
4. Does it affect continuing education/competency requirements? If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
5. Is it a fee change or does it create a new fee? If yes: Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
6. Does it make changes to the requirements of licensees? If yes: All licensees Certain licensees (List: _____) Initial licensees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)	

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
<p>9. What will the regulation do?</p> <p>Updates to .060, .061, and .110 will update references to NCARB standards to align with current terminology and remove obsolete seismic requirement. Updates to .103 will close a current loophole that allows registration by comity to have lesser requirements than initial registration. It will make regulations for both comity and initial registration consistent and aligned with national standards.</p>
<p>10. What is the demonstrated public need or purpose of this regulation?</p> <p>There are two existing problems with current regulations: 1. The current criteria for registration by comity requires extensive interpretation by AELS Board members when reviewing applications, which makes the board vulnerable to inconsistent decisions, and 2. The reduced requirements for registration by comity has resulted in Alaska licensees who have less expertise than their colleagues who were initially licensed in Alaska, making the licensing process inconsistent and unfair.</p>
<p>11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i>)?</p> <p>No additional cost. All application and registration fees would remain the same.</p>
<p>12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations?</p> <p>The changes will result in increased fairness through consistent, clear processes that align with national standards, and will reduce the Board's exposure. Also, by relying on national standards, registration applicants will have increased mobility and consistency of requirements across states as they complete requirements for education, examination, and experience. This is especially important in Alaska since there is no architectural education program in the state.</p>
<p>13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?</p>
<p>14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.</p>
<p>15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.</p>

Staff submitting this worksheet: Alysia Jones Date submitted to Regulations Specialist: 6/21/2018

12 AAC 36.105 is amended to read:

12 AAC 36.105. Engineer registration by comity. (a) Under AS 08.48.191(b), the board may issue an engineering certificate of registration to an applicant who

(1) documents education and passage of examinations that meet the requirements of (b) of this section;

(2) documents work experience that satisfies the requirements of (c) of this section;

(3) has completed the arctic engineering requirements of 12 AAC 36.110; and (4) has completed a jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.48 and this chapter.

(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, 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;** 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

(2) have passed the fundamentals of engineering examination or had this requirement waived under 12 AAC 36.090.

(c) An applicant for engineering registration by comity must

(1) have at least 24 months of responsible charge experience in the branch of professional engineering listed in 12 AAC 36.990(17) for which the applicant has applied, as

verified by the signature and seal, except as provided in (g) of this section, of the engineer who has supervised the applicant and who was, at the time of providing the supervision,

(A) legally registered as a professional engineer in a state, territory, or possession of the United States, the District of Columbia, or a foreign country; and

(B) either

(i) registered as a professional engineer in that branch of engineering or a related branch of engineering approved by the board; or

(ii) practicing in the branch for which the applicant has applied, if the licensing jurisdiction where the supervising engineer was registered as a professional engineer does not register engineers in specific branches of engineering; or

(2) if the applicant has been practicing engineering as a registered engineer for five years or more in a state, territory, or possession of the United States, the District of Columbia, or a foreign country, provide two recent letters of reference verifying that experience; each letter must be signed and sealed, except as provided in (g) of this section, by an engineer who is

(A) legally registered as a professional engineer in a state, territory, or possession of the United States, the District of Columbia, or a foreign country; and

(B) practicing the specific branch of engineering for which the applicant has applied or a related branch of engineering approved by the board.

(d) Repealed 7/19/2009.

(e) An applicant for engineering registration by comity may submit a council record issued by NCEES to verify the applicant's qualifications, including

(1) examination results;

(2) education; and

(3) registration in another licensing jurisdiction.

(f) Repealed 7/19/2009.

(g) If an engineer who provides a work experience verification under (c)(1) of this section or a reference letter under (c)(2) of this section does not possess a seal, the applicant must provide the board a statement from that engineer,

(1) providing that engineer's registration number and branch of engineering; and

(2) if that engineer is providing a reference letter, certifying that the registration of that engineer is current.

(h) Notwithstanding (b)(1) of this section, an applicant for structural engineering registration by comity must have passed a NCEES Principles and Practices of Engineering Examination and the 16-hour NCEES Structural Engineering Examination 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 Engineering II Examination, or both may be granted a civil engineering registration. Eff. 9/30/78, Register 67; am 8/13/87, Register 103; am 6/3/89, Register 110; am 10/20/90, Register 126; am 3/1/96, Register 137; am 7/26/97, Register 143; am 8/26/98, Register 147; am 11/13/99, Register 152; am 3/9/2001, Register 157; am 6/11/2005, Register 174; am 7/25/2008, Register 187; am 7/19/2009, Register 191; am 5/25/2017, Register 222; am _____/_____/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191

AS 08.48.171

Regulation Changes Questionnaire

Division/Board: Architects, Engineers & Land Surveyors

Meeting Date: May 3-4, 2018

Regulation change being proposed: 12 AAC .36.105

General top of the regulation: Licensure by Comity

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

1. Is the new regulation needed to comply with new legislation? If yes, effective date of new statute: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Does the change add a new license type? If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Does it change the qualifications or requirements of an existing license? If yes, does it affect current licensees?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Does it affect continuing education/competency requirements? If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
5. Is it a fee change or does it create a new fee? If yes: Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
6. Does it make changes to the requirements of licensees? If yes: All licensees Certain licensees (List: _____) Initial licensees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?) None.	

<p>8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.</p>
<p>9. What will the regulation do?</p> <p>It will allow individuals licensed in other jurisdictions prior to the addition of nine engineering license types to be licensed in Alaska by matching current criteria. It will require structural engineers applying for licensure by comity, meet current standards.</p>
<p>10. What is the demonstrated public need or purpose of this regulation?</p> <p>The strict reading of the current engineering comity regulations would bar individuals licensed in other jurisdictions prior to March 11, 2012 to be licensed in Alaska, because the state did not have those licenses at that time. However, they most likely would meet current standards and should be able to be licensed.</p> <p>The current language regarding SE license by comity could allow an individual to have taken the SE exam in another state and then apply for comity, without having a PE first. This could lead others to believe that they can attempt to take that path to get around the current requirements. The regulation change makes it clear that the current requirements apply to both applicants by exam and by comity.</p>
<p>11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i>)?</p> <p>There should be no cost to any agency or Municipality or individuals wanting to be licensed as a PE in Alaska. Individuals who already have a post-PE SE license will also see no additional cost. Individuals who have only taken an SE test, will need to take a PE exam, which costs approximately \$650 (\$300 to the State of Alaska for license and application fees and \$350 to NCEES for the exam). Although, if they take the PE exam in their home state, the \$300 fee may be less.</p>
<p>12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations?</p> <p>This eliminates confusion regarding the nine engineering disciplines that were added in 2012 and it makes the SE license by examination and comity have the same requirements. It makes comity similar to the other western states (Washington, Oregon, and California).</p>
<p>13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?</p> <p>This will make those individuals who were licensed in other states as an SE, based on the SE test alone and without a prior PE, take a PE exam (most probably the Civil-Structural exam).</p>
<p>14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.</p> <p>This makes getting licensure by comity the same as licensure by examination. The Board might face equal protection claims, if it was harder to get initial licensure here than comity licensure.</p>
<p>15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.</p>

Staff submitting this worksheet: Alysia Jones Date submitted to Regulations Specialist: 6/21/2018

CORPORATE AUTHORIZATION AND USE OF SEALS

~~There are a few issues with which the AELS Board and the design profession have been dealing with and discussing for a few years now. The attached regulation changes attempt to address those. The issues are:~~

The board proposes regulations changes to 12 AAC 36.135 and 12 AAC 36.185 to address the following issues:

- 1) ~~Whether May a corporation, LLC or LLP designate multiple registrants in responsible charge for each discipline on a corporate authorization there is only one individual in responsible charge for each discipline or whether there may be more than one as part of a corporate authorization.~~
- 2) Whether any employee of an authorized entity may seal documents or only the person(s) specifically listed on the corporate authorization. The new language codifies the answer determined at the February meeting that the former is the case.
- 3) Formally address ~~Responds to the~~ APDC's concern that the AELS Board may change their interpretation of required staffing for an office. whether there has to be an individual in each discipline in every office. This includes ~~The proposed updates involve~~ removing the language from 12 AAC 36.185 Use of Seals ~~(where it was out of place)~~ and creating a new section.12 AAC 36.140 with similar language and language consistent with the AELS Board interpretation from ~~two years ago~~ 2015.

12 AAC 36.135. REVIEW OF APPLICATION FOR CORPORATE, LIMITED LIABILITY COMPANY, OR LIMITED LIABILITY PARTNERSHIP AUTHORIZATION.

An applicant who meets the requirements on the checklist established by the board in this section has demonstrated the necessary qualifications for a certificate of authorization for corporate, limited liability company, or limited liability partnership practice. An applicant who does not meet the requirements on this checklist or whose responses on the application form do not clearly show that the applicant is qualified to receive a certificate of authorization will not be issued a certificate unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.48.241 for a certificate of authorization. A certificate of authorization for corporate, limited liability company, or limited liability partnership practice will be issued to an applicant who submits

- (1) a completed form for application that includes the
 - (A) name and address of the corporation, limited liability company, or limited liability partnership;
 - (B) type of architecture, engineering, land surveying, or landscape architecture practiced by the corporation, limited liability company, or limited liability partnership;
 - (C) name and current state registration number of the registrant who will be in responsible charge for the activities of the corporation, limited liability company, or limited liability partnership in this state of each branch of practice requiring registration under AS 08.48;
 - (D) names of the majority stockholders of the corporation, the names of the members holding a majority interest of a limited liability company, or the names of the partners of a limited liability partnership; and
 - (E) signature and title of an agent authorized by the corporation, limited liability company, or limited liability partnership, to apply for corporate, limited liability company, or limited liability partnership authorization under this chapter;
- (2) the corporation, limited liability company, or limited liability partnership certification fee in 12 AAC 02.110;
- (3) a certified copy of a resolution of the board of directors of the corporation, the managing members or manager of the limited liability company, or the general partners of the limited liability partnership that
 - (A) designates an individual **or individuals** with a current registration in this state as responsible for each field of practice; and
 - (B) provides that full authority to make all final practice decisions on behalf of the corporation, limited liability company, or limited liability partnership for work performed by the corporation, limited liability company, or limited liability partnership in this state is granted by the board of directors of the corporation, the managing members or manager of the limited liability company, or the general partners of a limited liability partnership to the individual designated in the resolution as responsible for the relevant field of practice;
- (i) **The individual or individuals in responsible charge of a discipline may grant other employees, who are registered in that discipline, the authority to seal drawings on behalf of the corporation, limited liability company, or limited liability partnership. This does not relieve the individual or individuals in responsible charge from responsibility for the work delegated to the other employee.**
- (4) a copy of the bylaws of the corporation, the articles of incorporation or operating agreement of the limited liability company, or the partnership agreement of the limited liability partnership showing that the corporation, limited liability company, or limited liability partnership has complied with the requirements in AS 08.48.241(b)(1);
- (5) repealed 8/19/2006;
- (6) a statement of the experience of the corporation, limited liability company, or limited liability partnership in each field of practice of architecture, engineering, land surveying, or landscape architecture during the five years before the date of application; and
- (7) a certified statement on a form provided by the board, stating that each licensee designated in responsible charge for each branch of practice acknowledges and agrees to that designation by the corporation, limited liability company, or limited liability partnership; the statement must include each responsible charge licensee's
 - (A) state registration number;
 - (B) registration expiration date;
 - (C) professional seal; and
 - (D) signature.

Authority: AS 08.48.101 AS 08.48.241

12 AAC 36.140. ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURE, OR LAND SURVEYING OFFICES

(a) each office

maintained for the preparation of drawings, specifications, reports, or other professional work that will require a professional seal must have a registrant assigned to, and regularly employed in, that office who has direct knowledge and supervisory control of the employees of that office.

(b) While a registrant is required, the office need not have a registrant in every discipline offered by that entity. A registrant in another office of the entity may be in responsible charge control of the work done in that office for the discipline in which they are registered. To offer a service, at least one registrant licensed in that discipline must be regularly employed by the entity.

(c) for the purpose of this section, "regularly employed" means at least 20 hours per week.

(d) for the purposes of this section, an "entity" is a sole practitioner, partnership, corporation, limited liability company, limited liability partnership, or governmental agency.

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12 AAC 36.185. USE OF SEALS. (a) A registrant may

(1) not sign or seal a drawing or document dealing with professional services in which the registrant is not qualified to sign or seal by virtue of education, experience, and registration;

(2) approve and seal only design documents and surveys that are safe for public health, property and welfare in conformity with accepted architecture, engineering, land surveying, and landscape architecture standards in Alaska;

(3) seal only final drawings, surveys, reports, and required construction documents for which the registrant is qualified to seal and for which the registrant claims responsibility;

(4) not knowingly allow the use of his or her seal by another person on a document that the registrant has neither prepared nor reviewed personally;

(5) not use the seal or a reproduction of the seal of another registrant on a document, regardless of the intended use of the document;

(6) not sign a name other than his or her own name over a seal, and may not forge the signature of the individual to whom the seal was issued by the board; and

(7) not sign or seal drawings, documents, or other professional work for which the registrant does not have direct professional knowledge and direct supervisory control.

(b) If portions of drawings, documents, or other professional work are prepared by other registered professionals, a registrant may seal only that portion of the work for which the registrant has direct professional knowledge and direct supervisory control.

(c) ~~Each office maintained for the preparation of drawings, specifications, reports, or other professional work that will require a professional seal must have a registrant assigned to and regularly employed in that office who has direct knowledge and supervisory control of that work.~~ **Repealed XX/XX/XXXX**

(d) The registrant shall include the date each time the registrant signs and seals a document by electronically or manually inserting the date within the seal or within two inches of the seal.

(e) The registrant, by sealing final drawings, takes responsibility for related discipline specifications included in the final drawings, unless under AS 08.48.221 the registrant certifies on the face of the document the extent of the registrant's responsibility.

(f) An electronic image of a signature may be used on the seal if the registrant or the owner of the documents retains an original copy of the documents, accessible for later reference, that has either

(1) an original hand signature over the seal; or

(2) software in place that will automatically remove or modify the electronic image of the signature if the document is modified.

Authority: AS 08.48.101 AS 08.48.111 AS 08.48.221

Definition

Alaska State **Statute** 08.48.341 defines architecture, engineering, land surveying and landscape architecture as follows:

- (15) “practice of landscape architecture” means professional services or creative work in the design of the landscape, ~~in-site investigation, reconnaissance, research, planning, design, and preparation services related to drawings and construction documents, observation of construction, and location, arrangement, and design of incidental and necessary tangible objects and features for the purpose of~~
- ~~(A) preservation and enhancement of land uses and natural land features;~~
 - ~~(B) location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways;~~
 - ~~(C) establishing or maintaining trails, plantings, landscape irrigation, landscape lighting, and landscape grading; or~~
 - ~~(D) generalized planning of the development of land areas in a manner that is sensitive to the area's natural and cultural resources;~~

the adequate performance of which requires the specialized knowledge of applied mathematics and physical and social-sciences, dealing with consultation, evaluation, planning, and design of landscape architecture projects, public and private; the teaching of advanced landscape architectural courses in institutions of higher learning, consultation and the direction of or the performance of preparing, filing, and administering landscape architecture plans, drawings, specifications, permits, and other contract documents involving projects that direct, inform or advise on the functional use and preservation of natural and built environments; landscape architectural review of drawings and specifications by regulatory agencies; “practice of landscape architecture” may by regulation of the board include architectural or engineering design of minor importance, but it does not include comprehensive architectural or engineering services;

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Examination

12 AAC 36.068. ELIGIBILITY FOR LANDSCAPE ARCHITECT REGISTRATION BY EXAMINATION. (a) To be eligible for the professional landscape architect registration examination as required in 12 AAC 36.100(e), an applicant must submit

- (1) a complete application on a form provided by the department; and
- (2) except as provided in (c) and (i) of this section, satisfactory evidence that the applicant’s education ~~or~~ and work experience are equivalent to the requirements set out in the following table of education and work experience for professional landscape architect:

**TABLE OF EDUCATION AND WORK EXPERIENCE
REQUIREMENTS FOR PROFESSIONAL LANDSCAPE
ARCHITECT**

Classification	Education Credit Allowed In Years	Work Experience Credit Allowed In Years	Total Years of Education and Work Experience
LAAB accredited professional degree in landscape architecture and a master’s or doctorate degree in landscape architecture	5 - 6	2 - 3	8
LAAB accredited professional degree in landscape architecture	4 - 5	3 - 4	8
Non-LAAB accredited	4	4	8

professional degree in
landscape architecture and a
master's or doctorate degree
in landscape architecture

Non-LAAB accredited professional degree in landscape architecture	3	5	8
Non-LAAB accredited B.S./B.A. degree in landscape architecture	1 - 3	8 - 10	10
Course work in LAAB accredited landscape architecture curriculum – no degree	1 - 3	7 - 10	10
Course work in non-LAAB accredited landscape architecture program – no degree (Minimum of one year credit hours)	1	11 - 12	12

(b) Education for initial examination must be in the field of landscape architecture for full credit to be given. If the education is not in the field of landscape architecture, the board will determine the amount of credit to be given based on course work comparability with the field of landscape architecture as required by Landscape Architectural Accreditation Board (LAAB) for accredited programs. An applicant with a foreign degree shall submit

(1) a transcript of the applicant's education and if the transcript is not in English, submit a translation into English and a signed and notarized affidavit by the translator of the accuracy of the translation; and

(2) an evaluation of the applicant's education from an agency approved by the board unless the applicant's education has been earned at a school accredited by an accreditation agency recognized by the board.

(c) The minimum work experience must include 24 months of responsible charge. The board will accept up to a maximum of two years of subprofessional work experience for up to one half of the work experience required for registration based on its meeting the definition of "subprofessional work" in 12 AAC 36.990.

(d) To receive full credit for work experience, an applicant must

(1) gain experience while under the responsible control of a professional landscape architect registered in the United States, or

(2) successfully complete a mentoring program that meets the requirements of (f) – (h) of this section.

(e) Education and work experience may not be accumulated concurrently. A maximum of 12 months' credit may be claimed for a calendar year.

(f) Work experience for initial examination must be in the field of landscape architecture for full credit to be given. If the work experience is not in the field of landscape architecture, the board will determine the amount of the credit to be given based on comparability within the field of landscape architecture practice.

(g) To meet the mentoring requirements of this section, an applicant

(1) who holds a 5-year LAAB accredited professional degree in landscape architecture must complete three years of quarterly face-to-face meetings with a professional landscape architect registered in the United States;

(2) who holds a 4-year LAAB accredited professional degree in landscape architecture must complete four years of quarterly face-to-face meetings with a professional landscape architect registered in the United States.

(h) On a form provided by the department, an applicant shall submit a report for each meeting under (f) of this section, including

(1) a description of the applicant's work experience and topics reviewed during the meeting;

(2) a statement indicating whether or not the work experience reviewed was responsible charge work, if it was directly applicable to professional landscape architectural work and whether the work was performed according to industry standards; and

(3) the signature, date and seal of the professional landscape architect who served as the applicant's mentor.

(i) An applicant who completes a mentoring program under (f) of this section must submit a final report that includes a statement from the professional landscape architect who served as the mentor recommending the applicant for registration under AS 08.48 and this chapter.

(j) Upon submission of evidence of graduation from an LAAB accredited curriculum in landscape architecture, an applicant for examination as a landscape architect may sit for sections 1 and 2 of the examination as early as can be scheduled after graduation. Authorization to sit for the remaining portions of the examination will not be granted until satisfactory evidence that the applicant's education and work experience requirements set out in the table of education and work experience for professional landscape architect in (a)(2) of this section have all been satisfied.

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

12 AAC 36.069. STANDARDS FOR REGISTRATION AS A LANDSCAPE ARCHITECT. In accordance with AS 08.48.331(b)*, and except as exempted in AS 08.48.331(a), design or creative work involving any of the following constitutes the practice of an aspect of landscape architecture that affects the public health or safety and thus requires registration as a landscape architect:

- (1) grading, clearing, or shaping of land;
- (2) landscape irrigation;
- (3) outdoor planting plans;
- (4) outdoor play apparatus;
- (5) outdoor structures.

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.331
AS 08.48.171 AS 08.48.191

Exemption

***AS 08.48.331 (b)** The requirement to be registered as a landscape architect under this chapter only applies to a person who practices an aspect of landscape architecture that the board has determined affects the public health, safety, or welfare.

12 AAC 36.069. STANDARDS FOR REGISTRATION AS A LANDSCAPE ARCHITECT. In accordance with AS 08.48.331(b), and except as exempted in AS 08.48.331(a), design or creative work involving any of the following constitutes the practice of an aspect of landscape architecture that affects the public health or safety and thus requires registration as a landscape architect:

- ~~(3) grading, clearing, or shaping of land;~~
- ~~(4) landscape irrigation;~~
- ~~(5) outdoor planting plans;~~
- ~~(6) outdoor play apparatus;~~
- ~~(7) outdoor structures.~~

1. Investigation, selection and allocation of land and water resources for appropriate uses;
2. Formulation of feasibility studies, and graphic and written criteria to govern the planning, design and management of land and water resources;
3. Preparation, review and analysis of land use master plans, subdivision plans and preliminary plats;
4. Determining the location and siting of improvements, including buildings and other features, as well as the access and environs for those improvements;
5. Design of land forms and land form elements, storm water drainage, soil conservation and erosion control methods, pedestrian and vehicular circulation systems and related construction details;
6. Consultation, planning, designing or responsible supervision in connection with the development of land areas for preservation, restoration, remediation, stabilization and enhancement;
7. Design of non-habitable structures for aesthetic and functional purposes, such as pools, walls and structures for outdoor living spaces, for public and private use;
8. Determination of proper land use as it pertains to natural features; ground cover, use, nomenclature and arrangement of plant material adapted to soils and climate; naturalistic and aesthetic values; settings and approaches to structures and other improvements; and the development of outdoor space in accordance with ideals of human use and enjoyment;
9. Design with a priority to ensure equal access to all public goods and services through the use of barrier-free and inclusive design in compliance with the Americans with Disabilities Act (ADA);
10. Consultation, planning, designing and/or responsible supervision relative to natural drainage and the consideration, determination and solution of inherent problems of the land relating to erosion, wear and tear, blight or other hazards to include the implementation of low impact development and green infrastructure designs;
11. Design of land forms and land form elements relative to recreation and facilities, parks and playgrounds, and related construction details;
12. Consultation, planning, designing or responsible supervision in connection with urban renewal, multimodal transportation, urban design, and neighborhood planning
13. Consideration of the health, safety and welfare of the public. Public welfare is defined through: environmental sustainability; contribution to economic sustainability and benefits; promotes public health and well-being; builds communities; encourages landscape awareness/stewardship; offers aesthetic and creative experiences; and enables people and communities to function more effectively.

Comity

(+) **12 AAC 36.109. LANDSCAPE ARCHITECT REGISTRATION BY COMITY.** (a) An applicant for landscape architect registration by comity shall comply with 12 AAC 36.110 and verify the applicant's education and experience by submitting an application in compliance with 12 AAC 36.010; and CLARB council certificate; or

(2) verification of a current registration to practice landscape architecture in another licensing jurisdiction that was based upon CLARB certificate standards, or 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 that the applicant submits an application for registration by comity.

(b) In addition to complying with (a) of this section, an applicant for landscape architect registration by comity must complete a jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.48 and this chapter.

Under AS 08.48.191(d), the board may issue a landscape architecture certificate of registration to an applicant who

- (1) documents education and passage of examinations that meet the requirements of (b) of this section;
 - (2) documents work experience that satisfies the requirements of (c) of this section;
 - (3) has completed the arctic engineering requirements of 12 AAC 36.110; and
 - (4) has completed a jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.48 and this chapter.
- (b) An applicant for a certificate of registration as a landscape architect by comity must submit
- (1) an application for registration by comity in compliance with 12 AAC 36.010, including the applicable fees established in 12 AAC 02.110; and
 - (2) verification of a current registration to practice landscape architecture in a state, territory, or possession of the United States, the District of Columbia, or a foreign country that is based on education, experience, and examination requirements that the board determines 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. AND
- (c) either
- (1) verification of at least 24 months of responsible charge experience as a landscape architect as defined under 08.48.341 (9) or as verified by the signature and seal, except as provided in (d) of this section, by the landscape architect who supervised the applicant and who at the time of providing supervision, was legally registered as a professional landscape architect in a state, territory, or possession of the United States, the District of Columbia, or a foreign country; OR
 - (2) if the applicant has been practicing landscape architecture for five years or more in a state, territory, or possession of the United States, the District of Columbia, or a foreign country, two letters of reference verifying that experience; each letter must be signed and sealed, except as provided in (d) of this section, by a landscape architect who is legally registered in a state, territory, or possession of the United States, territory, or possession of the United States, the District of Columbia, or a foreign country.
- (c) An applicant for a certificate of registration as a landscape architect by comity under this section may submit a council record issued by CLARB to verify the applicant's qualifications including
- (1) examination results;
 - (2) education; and
 - (3) registration in another licensing jurisdiction;
- (d) If a landscape architect who provides work experience verification under (b)(2) of this section or reference letter(s) under (b)(3) of this section does not possess a seal, the applicant must provide the board a statement from that landscape architect
- (1) providing that landscape architect's registration number; and
 - (2) for the landscape architect(s) providing a reference letter(s), certification that the registration of that landscape architect is current

Authority: AS 08.48.101
AS 08.48.171

AS 08.48.181

AS 08.48.191

Discussion: Delegating authority for staff to approve applications for registration by comity that meet certain criteria.

Current AELS Statute reads:

AS 08.48.055. Executive Secretary of the Board; Investigator. (a) The department, in consultation with the board, shall employ two persons who are not members of the board. One shall serve as the executive secretary of the board. The other shall serve as investigator for the board. The executive secretary is the principal executive officer of the board and is in the partially exempt service under AS 39.25.120.

(b) The executive secretary of the board shall perform duties as prescribed by the board.

In order for staff to approve applications, language that specifically delegates authority to staff is required. For your reference, here are two examples that allow the board to delegate to staff:

Medical Board - AS 08.64.075. Designees. If this chapter authorizes a designee to perform a duty, the board may designate a single board member, the executive secretary, or another employee of the department.

Board of Nursing - AS 08.68.100. Duties and powers of board...

(7) define by regulation the qualifications and duties of the executive administrator and delegate authority to the executive administrator that is necessary to conduct board business;

Additionally, the Board of Nursing has the following in their regulations...

12 AAC 44.321. REVIEW OF APPLICATIONS. (a) An applicant who meets the requirements on the appropriate checklist established in this section has demonstrated the necessary qualifications for the license, permit, registration, or authorization applied for. An applicant who does not meet the requirements on the appropriate checklist in this section will not be issued a license, permit, registration, or authorization unless the board or the board's executive administrator further reviews the application and determines that the applicant meets the qualifications in AS 08.68 and this chapter for the license, permit, registration, or authorization applied for. An application that contains affirmative responses to questions about the applicant's disciplinary history, professional conduct, or personal history may be referred to the division's investigative staff for review and investigation or approved by the executive administrator before final action is taken under 12 AAC 44.980 on the application.

(b) The form titled *Application Checklist for Registered or Practical Nurse License by Examination or Temporary Permit*, dated July 2012, is adopted by reference. This form is established by the board for review by staff of an application for a registered or practical nurse license by examination, including a temporary nonrenewable permit.

(c) The form titled *Application Checklist for Registered or Practical Nurse License by Endorsement or Temporary Permit*, dated July 2012, is adopted by reference. This form is established by the board for review by staff of an application for a registered or practical nurse license by endorsement, including a temporary nonrenewable permit.

(d) The form titled *Application Checklist for Authorization to Practice as an Advanced Nurse Practitioner and to Have Prescriptive Authority*, dated July 2012, is adopted by reference. This form is established by the board for review by staff of an application for initial authorization to practice as an advanced nurse

practitioner, including a nonrenewable permit to practice as an advanced nurse practitioner and authority to prescribe and dispense legend drugs or prescribe controlled substances.

(e) The form titled *Application Checklist for Authorization to Practice as a Certified Registered Nurse Anesthetist or to Have Prescriptive Authority*, dated July 2012, is adopted by reference. This form is established by the board for review by staff of an application for initial authorization to practice as a certified registered nurse anesthetist, including a nonrenewable certified registered nurse anesthetist permit and authority to prescribe legend drugs or controlled substances.

(f) The form titled *Application Checklist for Registered or Practical Nurse License Reinstatement*, dated July 2012, is adopted by reference. This form is established by the board for review by staff of an application for reinstatement of a nurse license.

(g) The form titled *Application Checklist for Advanced Nurse Practitioner Preceptorship Registration*, dated July 2012, is adopted by reference. This form is established by the board for review by staff of an application for advanced nurse practitioner preceptorship registration.

Authority: AS 08.68.100 AS 08.68.200 AS 08.68.251 AS 08.68.170 AS08.68.210
AS 08.68.850 AS 08.68.190

A SAMPLE of one of the above application checklists is provide on the following page for your reference.



INFORMATION ONLY

APPLICATION CHECKLIST FOR LICENSURE TO PRACTICE AS AN ADVANCED PRACTICE REGISTERED NURSE AND TO HAVE PRESCRIPTIVE AUTHORITY

In accordance with AS 08.68 and 12 AAC 44.380-450, the Board of Nursing authorizes that an authorization to practice as an Advanced Practice Registered Nurse and/or to have prescriptive authority be issued to an applicant whose application meets the qualifications listed below. An application that does not meet the qualifications listed below must be reviewed further by the board to determine if the applicant is qualified for authorization to practice as an advanced practice registered nurse or to have prescriptive authority.

Name of Applicant: _____

Applying for:

- _____ authorization to practice as an advanced practice registered nurse. (receipt # _____)
- _____ temporary authorization to practice as an advanced practice registered nurse
- _____ prescriptive authority for legend drugs
- _____ prescriptive authority for controlled substances
- _____ HIPDB/NPDB discipline check

PART I. TEMPORARY AUTHORIZATION TO PRACTICE AS AN ADVANCED PRACTICE REGISTERED NURSE

An applicant is qualified to receive temporary authorization to practice as an advanced practice registered nurse if the applicant

- _____ (1) has met the qualifications in (1), (2), (4), (5), (6), and (7) of the list in part II below;
- _____ (2) has been accepted to take the next specialty board examination, is awaiting certification results, or is currently certified as an advanced nurse practitioner in another state or jurisdiction;
(state and license # _____)
- _____ (3) holds a current license as an registered nurse in this state (license # _____).

Comments: _____

Authorized Representative, Board of Nursing

Date Reviewed

APRN Permit Number: _____ Issue Date: _____ Expiration Date: _____

PART II. LICENSE TO PRACTICE AS AN ADVANCED PRACTICE REGISTERED NURSE

An applicant is qualified to practice as an advanced practice registered nurse if the applicant has met the following requirements:

- _____ (1) provided an official transcript sent directly from the school of nursing showing the applicant has satisfactorily completed an education course that meets the requirements of 12 AAC 44.400(a)(1)(A);
- _____ (2) is currently licensed as a registered nurse in this state (license # _____);
- _____ (3) provided evidence of a current certificate as a nurse practitioner in a specialty area of nursing granted by a national certification body recognized by the board directly from the certifying body;
- _____ (4) in the absence of a continuing education requirement of the certifying body, submit documented evidence of having obtained 60 contact hours of continuing education in the population foci of the advanced practice nurse every two years.

- _____ (5) submitted a written plan that
- _____ (A) describes the applicant's clinical practice;
 - _____ (B) identifies the expected category of clients, which is within the scope of practice of the applicant;
 - _____ (C) lists the applicant's method of routine consultations and referrals, the method of documenting routine consultations and referrals in the patient record; and the names and titles of health care providers that the applicant will use for routine consultations and referrals;
 - _____ (D) lists the applicant's method for emergency referrals,
 - _____ (E) describes the process for quality assurance the applicant will use to evaluate the applicant's practice, including
 - _____ (i) the use of national standards that apply to the area of practice;
 - _____ (ii) present or past review of the practice;
 - _____ (iii) use of preestablished criteria; and
 - _____ (iv) a written evaluation of the quality assurance review with a plan for corrective action, if indicated, and follow up;
- _____ (6) submitted a fully completed application form including;
- _____ (i) the names and addresses of three professionals who may be contacted as references;
 - _____ (ii) one fully completed and signed reference form that indicates the applicant is competent; and
 - _____ (iii) the applicant's notarized signature certifying that the information on the form is correct to the best of the applicant's knowledge;
 - _____ (iv) A certified copy of CGFNS Credential Evaluation/Course by Course Evaluation if the applicant is a graduate of a foreign school of nursing.
 - _____ (v) if a foreign graduate: proof of attaining the minimum scores on the English language tests in 12 AAC 44.400(a)(6)(E)
- _____ (7) paid the application fee and initial biennial authorization fee required in 12 AAC 02.280.

PART III. PRESCRIPTIVE AUTHORITY FOR LEGEND DRUGS AND SCHEDULE II- V CONTROLLED SUBSTANCES

An applicant is qualified to receive authorization to prescribe legend drugs and controlled substances if the applicant

- _____ (1) is currently authorized or holds temporary authorization as an advanced nurse practitioner in the state;
- _____ (2) provides evidence of completion of 15 contact hours of education in advanced pharmacology and clinical management of drug therapy within the two year period immediately before the date of application;
- _____ (3) submits a completed, notarized application as required in (6) of the list in part II above;
- _____ (4) pays the prescriptive authority application fee required in 12 AAC 02.280.

Comments: _____

	Yes	No
Approved for: APRN Authorization	_____	_____
Legend Drug Authority &	_____	_____
Controlled Substance Prescriptive Authority	_____	_____
E-mail DEA	_____	_____

Authorized Representative, Board of Nursing

Date Reviewed

AELS Board Packet Day 2

NCEES Exam Discussion

AELS Board Meeting - August 3, 2018

IV. NCEES Exam Discussion

An individual is requesting an audience with the AELS board to discuss his concerns and frustration with NCEES testing process and is requesting that the board consider revising its statutes and regulations related to initial requirements for registration.

New Business

AEELS Board Meeting - August 3, 2018

V. B. Effect of 6-digit registration numbers on survey caps

A member of the board recently identified an issue with the 6-digit registration numbers adopted in 2015 by the Division of Corporations, Business and Professional Licensing, when the Division transitioned to their new database. The member noted the new numbering system is an issue when stamping two inch aluminum or brass survey caps.

Division Update

Annual Report

Fiscal Year 2018

**STATE BOARD OF REGISTRATION FOR
ARCHITECTS, ENGINEERS, AND LAND
SURVEYORS**



**Department of Commerce, Community
and Economic Development**

**Division of Corporations, Business
and Professional Licensing**

This annual performance report is presented in accordance with
Alaska statute AS 08.01.070(10).

Its purpose is to report the accomplishments, activities, and the
past and present needs of the licensing program.

**STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS
FY 2018 Annual Report**

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**STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS
FY 2018 Annual Report**

Identification of the Board

Board Member	Duty Station	Date Appointed	Term Expires
Dave Hale, Chair Land Surveyor	Anchorage	Mar 01, 2012 <i>Reappointed Mar 01, 2016</i>	Mar 01, 2020
Colin Maynard, Vice Chair Civil Engineer	Anchorage	Mar 01, 2012 <i>Reappointed Mar 01, 2016</i>	Mar 01, 2020
Jeffrey Koonce, Secretary Architect	Anchorage	Mar 01, 2013 <i>Reappointed Mar 01, 2017</i>	Mar 01, 2021
Jennifer Anderson Civil Engineer	Anchorage	Mar 01, 2018	Mar 01, 2022
Catherine Fritz Architect	Juneau	Mar 01, 2016	Mar 01, 2020
Elizabeth Johnston Electrical/Mechanical Engineer	Fairbanks	Mar 01, 2017	Mar 01, 2021
Richard "Vernon" Jones Public Member	Juneau	Oct 26, 2016 <i>Reappointed Mar 01, 2018</i>	Mar 01, 2022
John Kerr Land Surveyor	Anchorage	Mar 01, 2013 <i>Reappointed Mar 01, 2017</i>	Mar 01, 2021

**STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS
FY 2018 Annual Report**

Identification of the Board (continued)

Board Member	Duty Station	Date Appointed	Term Expires
William Mott Engineer Other Than Those Listed	Anchorage	May 26, 2017	Mar 01, 2020
Luanne Urfer Landscape Architect	Palmer	Mar 01, 2013 <i>Reappointed July 07, 2017</i>	Mar 01, 2021
Fred Wallis Mining Engineer	Healy	Mar 01, 2016	Mar 01, 2020

**STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS
FY 2018 Annual Report**

Identification of Staff

Alysia Jones – Executive Administrator

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-1676

Heather Noe – Licensing Examiner

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2540

John Savage – Investigator

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
550 W. 7th Ave., Suite 1500
Anchorage, Alaska 998507
(907) 269-8176

Jun Maquis – Regulation Specialist II

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2537

Sher Zinn – Regulation Specialist II

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-1049

STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS

FY 2018 Annual Report

Narrative Statement

During FY 18, the Board of Registration for Architects, Engineers, and Land Surveyors (AELS) held four in-person two-day meetings to further regulation projects, review applications for registration, discuss regional and national issues concerning the professions regulated by the board, discuss and respond to requests for clarification, and conduct outreach. All meetings and application deadlines were public noticed as required. Meeting agendas, draft versions of the prior meeting's minutes and public versions of the upcoming meeting's board packet were made available on the AELS website prior to each meeting.

FY 2018 Highlights

- During the 2018-2019 renewal period, 5,209 Individuals and 553 Firms renewed. Between January and March 2018, AELS staff processed renewal applications for 582 individuals and 68 firms.
- As a result of the biennial fee analysis, application and initial registration fees were adjusted to more accurately reflect resourcing and the following fees were reduced:
 - Individual renewal fees, and reactivation of retired status registration were decreased by \$50
 - Corporate, LLC and LLP renewal fees were reduced by \$100.
- The board presented to UAA geomatics and engineering students, faculty, and staff in conjunction with the November 2017 meeting
- Board members participated in a training session with Judge Christopher Kennedy from the Office of Administrative Hearings.
- The Licensure Mobility Committee was tasked with reviewing the current application review process and determining methods to increase licensure mobility for comity applicants that meet specific criteria.

Board Membership

The board is comprised of 11 members, including two civil engineers, two land surveyors, one mining engineer, one electrical or mechanical engineer, one engineer from another branch of the profession of engineering, two architects, one landscape architect, and one public member.

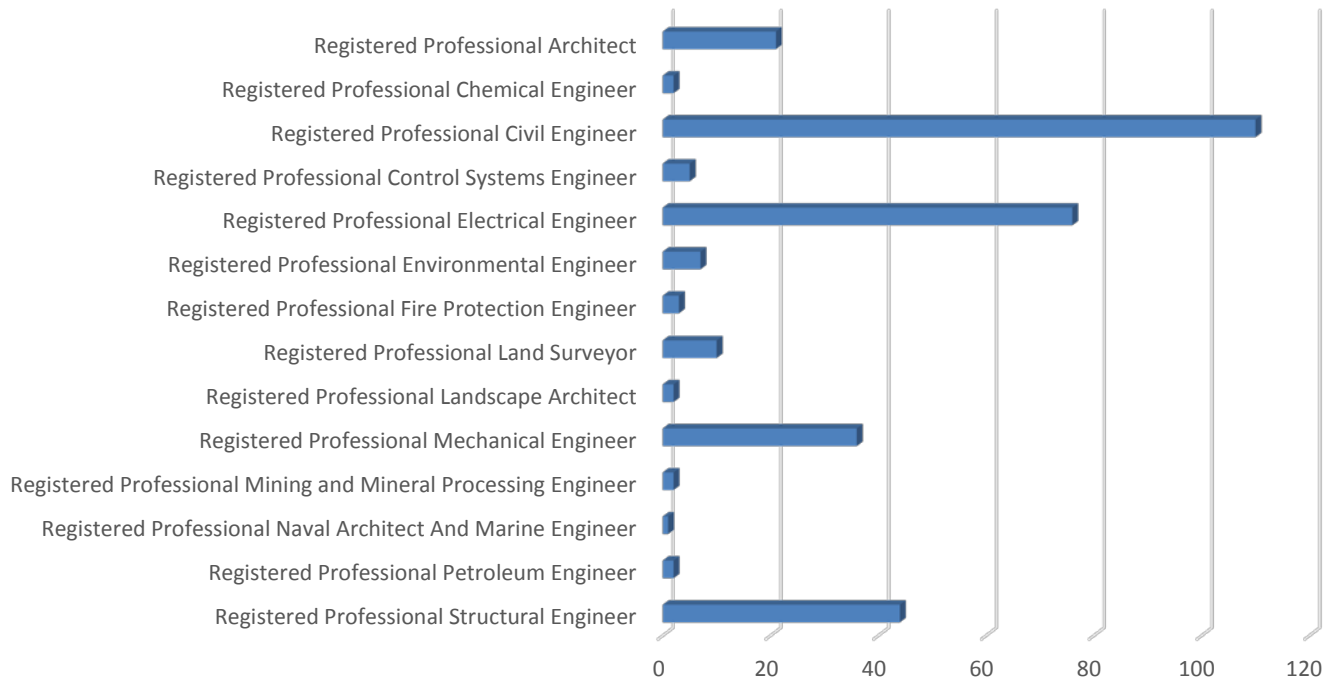
During FY 18, the Governor appointed Jennifer Anderson to the Civil Engineer seat previously held by Brian Hanson and reappointed Richard "Vernon" Jones to the Public Member seat.

Applications for Registration

In FY 18, the AELS board reviewed 377 applications for professional registration. To date, 283 have been approved for registration. The chart on the following page provides additional information regarding professional registration by field of practice.

FY 2018 Narrative Statement (continued)

FY18 Individual Registrations



Additionally, 54 firms including 21 corporations, 31 LLCs, and 2 LLPs were registered in FY 18.

Investigations

In regards to investigations, 61 cases were opened in FY 18. Sixteen matters remain open. The majority of cases were related to unlicensed practice or a violation of licensing regulation. During FY 18, the investigator was unable to conduct investigative sweeps due to a shortage of resources within the Investigative Unit. The board supports travel in FY 19 for the investigator to conduct site visits outside the Anchorage area. The board would also like to emphasize, per AS 08.48.055 the AELS investigator is statutorily assigned to the board.

Regulation Updates

The board has made significant progress on regulation projects over the past year. Please see Goals and Objectives Part 1 for more information.

Outreach

The board is a strong proponent of conducting outreach both in conjunction with and outside of quarterly meetings. Outreach efforts are an effective, proactive way to ensure licensees are familiar with existing statutes and regulations, and practice with in them. A listing of the boards outreach efforts in FY 18 are included under Goals and Objectives Part 1.

FY 2018 Narrative Statement (continued)

National Memberships

The AELS board is a member board of the following national organizations:

- National Council for Architectural Registration Boards (NCARB)
- National Council of Examiners for Engineering and Surveying (NCEES)
- Council for Landscape Architect Registration Boards (CLARB).

These organizations administer national examinations and promote professional registration in order to protect public health, safety, and welfare. During FY 18, members of the board and the Executive Administrator attended regional and national meetings to discuss threats to licensure, participate in elections, and vote on motions. Following the meetings, attending members and staff write in-depth reports which are included in the next quarterly meeting board packet and discussed during the meeting.

In addition to regularly scheduled regional and national meetings, NCARB partnered with CLARB to offer a three-day orientation workshop for new member board members and member board executives (MBEs). This workshop provided cross-disciplinary training for the attending board members and was an invaluable opportunity for the Executive Administrator to gain a better understanding of each organization's role and develop important contacts with representatives from other jurisdictions as well as NCARB and CLARB staff.

In late June 2018, CLARB will host a Licensure Summit in conjunction with the American Society of Landscape Architects (ASLA) to help empower members to defend the integrity of licensure in the interest of the public's health, safety, and welfare.

Through their position on the AELS board, the following members and staff also serve on committees for these national organizations or other institutions.

- Former board member Brian Hanson held the office of Vice President for NCEES Western Zone
- Colin Maynard serves on the NCEES' Uniform Procedures and Legislative Guidelines Committee
- Catherine Fritz serves on the WCARB Regional Strategic Planning Committee
- Elizabeth Johnston and Fred Wallis serve on the University of Alaska Fairbanks, College of Engineering's Advisory Council
- Alysia Jones was recently appointed to the NCARB MBE Committee

Travel

Due to the statewide travel restrictions implemented in January 2016, all FY 17 meetings were held in Anchorage, the most cost-effective location. Previously, board meetings rotated between Anchorage in August and November, Juneau in February for legislative session, and Fairbanks in May. This schedule provided registrants and applicants access to the Board, and offered the board an opportunity to connect with current and potential registrants. While interested individuals may attend quarterly meetings via teleconference, the board believes it is not an adequate substitute for direct, in person contact.

The board sincerely appreciates the Division's support of four, in person meetings in order to review applications for registration as effectively and efficiently as possible and continues to look for alternate ways to minimize travel costs.

Explanation of Quarterly Meeting Rankings

The following details are provided to explain the ranking of the AELS board's quarterly meetings and to highlight the unique importance of each meeting.

#1 February (Juneau)

The February meeting is ranked highest for FY 19 due to the following potential statute changes:

- **AS 08.48.011**
The Alaska Chapter of the American Society for Interior Designers plans to introduce a bill during the 2019 Legislative Session for a practice act and have expressed their desire, if the practice act passes, for interior designers to be regulated by the AELS board.
- **AS 08.48.055**
The board is considering delegating approval of applications for registration that meet certain criteria to staff.

Additionally, the February is the last opportunity for land surveyor applicants to apply to the board before the Alaska Land Surveyor Exam administration, held annually in April. The February meeting and the August meeting typically see a higher volume of applications due to the timing of the NCEES professional engineer exams.

In regards to outreach, historically, the board schedules their meeting in conjunction with the Alaska Professional Design Council's Legislative Fly-in event in Juneau and members of the board take advantage of the opportunity to present at the APDC luncheon and interact with registrants from around the state.

#2 August (Anchorage)

As mentioned above, there is typically a higher volume of applications at the August meeting due to its proximity to NCEES exam registration deadlines. The board is also interested in scheduling an outreach activity with general contractors, and/or building officials in conjunction with this meeting.

#3 May (Fairbanks)

In FY 18, the board adjusted the date of the meeting in order to speak with engineering and geomatic students, staff, and faculty at the University of Alaska, Fairbanks. This opportunity was very timely, as the regulation changes to the Fundamentals of Engineering and Fundamentals of Surveying exam requirements went into effect at the end of May 2017. In FY 19, the board hopes to coordinate with local chapters of professional societies to interact with current registrants in the Fairbanks area.

#4 November (Anchorage)

The November meeting provides an opportunity to conduct outreach to University of Alaska – Anchorage students, staff, and faculty, which cannot be done during the August meeting due to the school calendar.

STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS

Fiscal Year 2018 Annual Report

Budget Recommendations for FY 2019

The Budget Recommendations section anticipates the board's fiscal priorities for the upcoming year. Please complete all parts of this section with details about anticipated meetings, conferences, memberships, supplies, equipment, to other board requests. Meeting expenses that are being funded through third-party reimbursement or direct booking must be identified separately from expenses paid through license fees (receipt-supported services or RSS). Be sure to explain any items listed as "other" so they may be tracked appropriately.

#1 Rank

(Rank board meetings in order of importance)

Board Meeting Date	Location	# Board	# Staff
February 6-7, 2019	Juneau	11	2
<input checked="" type="checkbox"/> Airfare:			\$3,800.00
<input checked="" type="checkbox"/> Hotel:			\$2,700.00
<input checked="" type="checkbox"/> Ground:			\$360.00
<input checked="" type="checkbox"/> Other:			\$1,715.00
Total Estimated Cost:			\$8,575.00

#2 Rank

(Rank board meetings in order of importance)

Board Meeting Date	Location	# Board	# Staff
August 2-3, 2018	Anchorage	11	1
<input checked="" type="checkbox"/> Airfare:			\$1,400.00
<input checked="" type="checkbox"/> Hotel:			\$1,250.00
<input checked="" type="checkbox"/> Ground:			\$480.00
<input checked="" type="checkbox"/> Other:			\$1,195.00
Total Estimated Cost:			\$4,325.00

#3 Rank

(Rank board meetings in order of importance)

Board Meeting Date	Location	# Board	# Staff
May 2-3	Fairbanks	11	1
<input checked="" type="checkbox"/> Airfare:			\$3,200.00
<input checked="" type="checkbox"/> Hotel:			\$2,750.00
<input checked="" type="checkbox"/> Ground:			\$440.00
<input checked="" type="checkbox"/> Other:			\$1,999.00
Total Estimated Cost:			\$8,389.00

STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS
Fiscal Year 2018 Annual Report

Budget Recommendations for FY 2019

#4 Rank

(Rank board meetings in order of importance)

Board Meeting Date	Location	# Board	# Staff
November 1-2, 2018	Anchorage	11	1
<input checked="" type="checkbox"/> Airfare:			\$1,400.00
<input checked="" type="checkbox"/> Hotel:			\$1,250.00
<input checked="" type="checkbox"/> Ground:			\$480.00
<input checked="" type="checkbox"/> Other:			\$1,195.00
Total Estimated Cost:			\$4,325.00

Travel Required to Perform Examinations

☐ Not applicable

Date	Location	# Board	# Staff
April 2019	Anchorage/ Fairbanks	1	0
Description of meeting and its role in supporting the mission of the Board: The Alaska Land Surveyors (AKLS) exam is offered annually in April. Depending upon the applicant pool, a proctor may be needed in Fairbanks and/or Anchorage. Every effort is made to utilize board members in those locales, however in the event one is not available, the board requests one day travel be included in the FY 19 budget for a board member/ staff to proctor the exam.			
<input checked="" type="checkbox"/> Airfare:			\$200.00
<input type="checkbox"/> Hotel:			\$0.00
<input checked="" type="checkbox"/> Ground:			\$40.00
<input type="checkbox"/> Conference:			\$0.00
<input checked="" type="checkbox"/> Other:			\$50.00
Describe "Other" (break out all sections):			
Total Estimated Cost:			\$290.00

Out-of-State Meetings and Additional In-State Travel☐ Not applicable

Date	Location	# Board	# Staff
August 15-18, 2018	Scottsdale, AZ	4	0

Description of meeting and its role in supporting the mission of the Board:

The NCEES Annual Meeting is an opportunity for members to discuss challenges facing engineers and surveyors on a national level, participate in elections and vote on motions.

NOTE: In addition to funding three delegates, NCEES offers a separate funding for first-time attendees. In FY 19, three board members qualified for this funding, however due to other commitments, only one will be able to attend.

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$0.00	\$0.00	\$2,800.00	\$2,800.00
<input checked="" type="checkbox"/> Hotel:	\$0.00	\$0.00	\$2,224.00	\$2,224.00
<input type="checkbox"/> Ground:	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> Conference:	\$0.00	\$0.00	\$1,800.00	\$1,800.00
<input checked="" type="checkbox"/> Other	\$0.00	\$1,000.00	\$0.00	\$1,000.00
NCEES provides a \$250 stipend to each funded delegate to cover out-of-pocket meal costs on travel and meeting days, and ground transportation to and from airport.				
Net Total:	\$0.00	\$1,000.00	\$6,824.00	\$7,824.00

Out-of-State Meetings and Additional In-State Travel

Date	Location	# Board	# Staff	
September 27-29, 2018	Toronto, Ontario Canada	1	0	
Description of meeting and its role in supporting the mission of the Board:				
As a multi-discipline board, it is imperative the board be represented at and actively participate in annual business meetings of national organizations to which the board belongs. This year the CLARB Annual Meeting will be held in Canada. A key motive for CLARB hosting an international meeting is to make comparisons between Canadian and American model laws in the pursuit of supporting licensure and developing tools to help jurisdictions defend licensure. The board expects to learn techniques on how to effectively address deregulation and monitor updates to L.A.R.E. and eligibilities to determine if regulation updates will be required, and participate in elections. Following any national meeting, the board requests attending members to provide a detailed summary of the meeting beyond the required Travel Action Summary form, along with action items for the board.				
Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$1,675.00	\$0.00	\$0.00	\$1,675.00
<input checked="" type="checkbox"/> Hotel:	\$675.00	\$0.00	\$0.00	\$675.00
<input checked="" type="checkbox"/> Ground:	\$120.00	\$0.00	\$0.00	\$120.00
<input checked="" type="checkbox"/> Conference:	\$975.00	\$0.00	\$0.00	\$975.00
<input checked="" type="checkbox"/> Other	\$200.00	\$0.00	\$0.00	\$200.00
For M&IE not otherwise included.				
Net Total:	\$3,645.00	\$0.00	\$0.00	\$3,645.00

Out-of-State Meetings and Additional In-State Travel

Date	Location	# Board	# Staff	
March 7-9, 2019	Nashville, TN	3	1	
Description of meeting and its role in supporting the mission of the Board:				
The purpose of the NCARB Regional Summit is to formulate and review proposals to be introduced at the annual meeting, and discuss issues relevant to western states. A one-day workshop for member board executives is held in conjunction with this meeting.				
Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$0.00	\$2,730.00	\$875.00	\$3,605.00
<input checked="" type="checkbox"/> Hotel:	\$0.00	\$2,000.00	\$800.00	\$2,800.00
<input type="checkbox"/> Ground:	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> Conference:	\$0.00	\$0.00	\$1,800.00	\$1,800.00
<input checked="" type="checkbox"/> Other	\$0.00	\$800.00	\$0.00	\$800.00
NCARB will reimburse delegates up to \$80/day to cover out-of-pocket meal costs on travel and meeting days, and ground transportation to and from airport.				
Net Total:	\$0.00	\$5,530.00	\$3,475.00	\$9,005.00

Out-of-State Meetings and Additional In-State Travel

Date	Location	# Board	# Staff	
May 16-18, 2018	Boise, ID	3	1*	
Description of meeting and its role in supporting the mission of the Board:				
The purpose of the NCEES Western Zone Meeting is to discuss issues unique to the western states, review and prepare proposals for the annual meeting.				
*At the 2018 Annual Meeting NCEES will vote on separate funding for executives to attend the regional and annual meetings. If it passes, NCEES will fund the MBE in addition to the three-funded delegates. If it does not pass, the board will determine board member/ staff attendance, and the costs provided below would be reduced by 25%.				
Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$0.00	\$0.00	\$2,052.00	\$2,052.00
<input checked="" type="checkbox"/> Hotel:	\$0.00	\$0.00	\$2,000.00	\$2,000.00
<input type="checkbox"/> Ground:	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> Conference:	\$0.00	\$0.00	\$2,400.00	\$2,400.00
<input checked="" type="checkbox"/> Other	\$0.00	\$800.00	\$800.00	\$1,600.00
NCEES provides a \$200 stipend to each funded delegate to cover out-of-pocket meal costs on travel and meeting days, and ground transportation to and from airport.				
Net Total:	\$0.00	\$800.00	\$7,252.00	\$8,052.00

Out-of-State Meetings and Additional In-State Travel

Date	Location	# Board	# Staff	
June 20-22, 2019	Washington D.C.	3	1	
Description of meeting and its role in supporting the mission of the Board: The purpose of the NCARB Annual Meeting is to vote on motions, participate in discussions and workshop sessions on various topics affecting the profession of architecture, receive updates from NCARB staff related to examination, council relations, services and the development of “toolkits”.				
Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> Hotel:	\$0.00	\$1,332.00	\$444.00	\$1,776.00
<input type="checkbox"/> Ground:	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> Conference:	\$0.00	\$1,995.00	\$665.00	\$2,660.00
<input checked="" type="checkbox"/> Other	\$0.00	\$1,280.00	\$0.00	\$1,280.00
NCARB will reimburse delegates up to \$80/day to cover out-of-pocket meal costs on travel and meeting days, and ground transportation to and from airport.				
Net Total:	\$0.00	\$4,607.00	\$1,109.00	\$5,716.00

Out-of-State Meetings and Additional In-State Travel

Date	Location	# Board	# Staff
TBD	Fairbanks, Juneau, Kenai Peninsula, Seward		1

Description of meeting and its role in supporting the mission of the Board:

Investigative Sweeps are critical to ensuring public health, safety and welfare. In FY 18, the AELS board budgeted for the AELS Investigator to conduct regional sweeps and site visits. Unfortunately, due to a lack of staff resources, the Investigator was unable to conduct investigative sweeps last fiscal year. The board hopes recent hiring of additional investigative staff will provide the AELS investigator to conduct site visits in FY19. Planned investigative sweeps include:

- Fairbanks – 3 days in the field, historically, this travel coincided with the May board meeting
- Juneau – 3 days in the field, travel scheduled for day of to minimize lodging and M&IE
- Kenai Peninsula – 3 days in the field, travel scheduled for day of to minimize lodging and M&IE
- Seward – 2 days in the field, travel scheduled for day of to minimize lodging and M&IE

The expenditures listed below represents the combined total.

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$600.00	\$0.00	\$0.00	\$600.00
<input checked="" type="checkbox"/> Hotel:	\$1,000.00	\$0.00	\$0.00	\$1,000.00
<input checked="" type="checkbox"/> Ground:	\$860.00	\$0.00	\$0.00	\$860.00
<input type="checkbox"/> Conference:	\$0.00	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> Other	\$540.00	\$0.00	\$0.00	\$540.00
Describe "Other" (break out all sections): M & IE				
Net Total:	\$3,000.00	\$0.00	\$0.00	\$3,000.00

Non-Travel Budget Requests

☐ Not Applicable

☐ Resources

☐ Examinations

☒ Membership

☐ Training

☐ Other

Product or Service	Provider	Cost Per Event
See description below	NCEES	\$6,500.00

Description of item and its role in supporting the mission of the Board:

Membership dues support the AELS board's mission to protect public health, safety, and welfare by providing access to full services of NCEES such as development and delivery of the FE, FS, PE, and PLS examinations, candidate record development and transmittal process, access to disciplinary database, funding delegates to regional zone meetings, and annual business meeting.

Non-Travel Budget Requests

☐ Not Applicable

☐ Resources

☐ Examinations

☒ Membership

☐ Training

☐ Other

Product or Service	Provider	Cost Per Event
See description below	NCARB	\$6,500.00

Description of item and its role in supporting the mission of the Board:

Membership dues support the AELS board's mission to protect public health, safety, and welfare by providing access to full services of NCARB including development and delivery of the Architect Registration Examination, administration of the Architectural Experience Program (AXP) candidate record development and transmittal process, access to disciplinary database, funding development of an integrated database, and funding two board members, one public member, and the Member Board Executive to attend the annual business meeting.

Non-Travel Budget Requests

☐ Not Applicable

☐ Resources

☐ Examinations

☒ Membership

☐ Training

☐ Other

Product or Service	Provider	Cost Per Event
See description below	CLARB	\$5,485.00

Description of item and its role in supporting the mission of the Board:

Membership dues support the AELS board's mission to protect public health, safety, and welfare by providing access to full services of CLARB including development and delivery of the Landscape Architect Registration Examination, candidate record development, and transmittal process.

Other Items with a Fiscal Impact

Cost Per Event: \$1,000.00

☐ Not Applicable

Number of Events: 1

Product or Service	Provider	Total Cost
Outreach	AELS Board	\$1,000.00

Description of item and its role in supporting the mission of the Board:

In FY 18, the Board added a line item to facilitate communication about regulations and registration. The board utilized this funding to cover costs for board member John Kerr to travel to Fairbanks to present at the Alaska UAS Interest Group Annual Meeting and to State of Alaska Department of Natural Resources staff. The board plans to continue to use this funding to further outreach efforts in FY 19.

Non-Travel Budget Requests

☐ Not Applicable

☐ Resources

☒ Examinations

☐ Membership

☐ Training

☐ Other

Product or Service	Provider	Cost Per Event
Exam development and scoring	TEST, Inc.	\$10,000.00

Description of item and its role in supporting the mission of the Board:

TEST, Inc. prepares, scores and provides exam information statistics for the Alaska Land Surveyors Exam. Following the exam administration, which is coordinated by AELS staff, TEST, Inc. conducts a post-exam workshop to develop the exam for the following year.

Summary of FY 2019 Fiscal Requests

Board Meetings and Teleconferences:	\$25,614.00
Travel for Exams:	\$290.00
Out-of-State and Additional In-State Travel:	\$37,242.00
Dues, Memberships, Resources, Training:	\$28,485.00
Total Potential Third-Party Offsets:	-\$32,553.00
Other:	\$1,000.00
Total Requested:	\$60,078.00

STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS
Fiscal Year 2018 Annual Report

Legislation Recommendations Proposed Legislation for FY 2019

☐ **No Recommendations**

The Board has no recommendations for proposed legislation at this time.

☒ **Recommendations**

The Board has the following recommendations for proposed legislation:

Update AS 08.48.055 to delegate approval of applications for registration that meet criteria established by the board, to AELS staff.

DRAFT

STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS

Fiscal Year 2018 Annual Report

Regulation Recommendations Proposed Legislation for FY 2019

☒ No Recommendations

The Board has no recommendations for proposed regulations at this time.

☒ Recommendations

The Board has the following recommendations for proposed regulations:

- **12 AAC 36.060** – Update references to NCARB document to align with the organization’s terminology and remove obsolete reference to seismic requirement
- **12 AAC 36.061** – Update references to NCARB document to align with the organization’s terminology
- **12 AAC 36.103** – Update requirements for architect registration by comity requirements to better aligned with national standards and be more consistent with initial registration requirements
- **12 AAC 36.110** - Remove obsolete reference to seismic requirement
- **12 AAC 36.105** – Update engineer registration by comity requirements to allow individuals licensed in other jurisdictions prior to the addition of nine engineering registration types to be registered in Alaska by matching current criteria. These proposed changes will also require structural engineers applying for licensure by comity, meet current standards.

In addition to the above recommendations, the board is also reviewing the following regulations and plans to propose updates in FY 19:

- **12 AAC 36.185** – Board plans to revise regulations to provide clarification on:
 - Whether there is only one individual in responsible charge for each discipline or whether there may be more than one as part of a corporate authorization
 - Whether any employee of an authorized entity may seal documents or only the person(s) listed on the corporate authorization.
 - Codify the board’s previous interpretation of whether there has to be an individual in each discipline in every office.

An initial draft was presented to the board at the May 2018 meeting, board members were asked to provide comments and a revised draft will be presented at the August 2018 meeting.

- **12 AAC 36.109** – The board identified issues with the landscape architect registration language that are similar to those currently being addressed in the architect registration language. Board members Luanne Urfer, Richard “Vern” Jones, and Colin Maynard plan to provide an initial draft of proposed changes at the August 2018 meeting.

STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS

Fiscal Year 2018 Annual Report

Goals and Objectives

Part I

FY 2018's goals and objectives, and how they were met:

The board made significant progress on FY 2018 goals and objectives.

Regulation Updates

- **12 AAC 36.060, .061, .103 and .110**

At the May 2018 meeting, the board approved a motion to proceed with public notice of changes to 12 AAC 36.060, .061, .103 and .110. The proposed changes will make requirements for both comity and initial registration consistent and aligned with national standards a loophole that allows registration by comity to have lesser requirements than initial registration. Also included in the proposed changes are several housekeeping updates.

The board is compiling responses for the Regulations FAQ sheet and anticipates public noticing the proposed changes in early FY 19.

- **12 AAC 36.105**

At the May 2018 meeting, the board approved a motion to proceed with public notice of changes to 12 AAC 36.105 to allow individuals licensed in other jurisdictions prior to the addition of nine engineering license types to be licensed in Alaska by matching current criteria. The proposed updates will also require structural engineers applying by comity, to meet current standards.

The board is compiling responses for the Regulations FAQ sheet and anticipates public noticing the proposed changes in early FY 19.

Incorporate use of NCEES Record in Applications

The Licensure Mobility Committee was tasked with reviewing the current application process to determine and provide recommendations for streamlining the review process, and the ability to delegate approval of applications that meet certain criteria, which may include candidate records and certificates from CLARB, NCARB, and NCEES.

The committee will provide an update at the August 2018 meeting.

Implement a Licensure Pathway for Software Engineers

Based upon the research board members Elizabeth Johnston and Colin Maynard provided at the August 2017 meeting, the board decided not to pursue implementing a licensure pathway for software engineers. In April 2017, NCEES announced the Software Engineering exam would be discontinued after the October 2018 exam administration.

STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS
Fiscal Year 2018 Annual Report

Goals and Objectives (continued)

Part I (continued)

FY 2018's goals and objectives, and how they were met:

Outreach

In conjunction with the November 2017 board meeting, the board met with engineering and geomatics students, faculty, and staff at the University of Alaska – Anchorage (UAA).

Additionally, members reported conducting the following outreach efforts:

- John Kerr presented on licensure requirements for mappers at the Alaska UAS Interest Group Annual Meeting in Fairbanks
- John Kerr gave a presentation on licensure requirements for mappers to State of Alaska Department of Natural Resources staff in Fairbanks
- Colin Maynard spoke to the UAA students in the Mechanical Engineering wrap up course about licensing and professional development
- Dave Hale spoke to UAA geomatics students about licensing and role of the AELS board
- Brian Hanson gave a presentation on NCEES, licensure and the AELS Board to the Institute of Electronics and Electrical UAA student chapter
- Dave Hale and John Kerr gave a presentation about licensure requirements and UAVs at the Alaska Surveying and Mapping Conference in Anchorage

Future presentations are tentatively scheduled with the following groups:

- UAA Mechanical Engineering wrap up course
- Alaska ARCH User Group
- URISA User Group
- Kenai Peninsula Borough staff (offered remotely)

The board continues to move forward with revisions to the AELS Guidance Manual and hopes to schedule outreach activities with the Associated General Contractors of Alaska group, as well as building, planning and public officials once the updated version is ready for distribution.

STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS
Fiscal Year 2018 Annual Report

Goals and Objectives

Part II

FY 2019's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

Develop Outreach Efforts

The board strongly believes the best approach to protect the public is through preemptive education and outreach. To further their goal of increasing awareness, understanding, and compliance with AELS statutes and regulations the board has identified the following objectives for FY 19:

- Compile a list of potential outreach opportunities and audiences.
- Develop a PowerPoint presentation to be used during licensure presentations to ensure consistent messaging and provide a tool for board members and staff to utilize.
- Develop a pamphlet on UAVs.

Streamline Application Review Process

Thirty-five percent of each quarterly board meeting is dedicated to application review. The board takes the process very seriously and tasked the Licensure Mobility Committee with evaluating the board's current process to identify potential areas to increase efficiencies. Streamlining the application review process will allow more time for in-depth discussions on proposed regulation updates and other projects. In following with this objective, AELS staff are updating application checksheets to be more user-friendly.

Licensure Mobility

In tandem with evaluating the application review process, the Licensure Mobility Committee will be gathering eligibility criteria for each of the professions regulated by the board for the purpose of establishing standards by which AELS staff may approve certain applications for licensure. The goal is twofold – increase mobility and reduce the number of applications that require board review and approval.

Regulation Relevancy

The board identified a general need to update regulation terminology to recognize changes in technology and how work is accomplished in today's economy and will be reviewing regulations for potential updates.

STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS
Fiscal Year 2018 Annual Report

Sunset Audit Recommendations

Date of Last Legislative Audit: April 27, 2016
Board Sunset Date: June 30, 2025

Audit Recommendation:	Legislative Audit recommend the legislature extend the board's termination date to June 30, 2025 and consideration should be given to making the temporary, non-voting Landscape Architect seat a permanent voting member of the board.
Action Taken:	2017 Legislature approved HB 48, which made the Landscape Architect seat a permanent, voting member and extended the termination date of the board until June 30, 2025.
Next Steps:	Continue to serve the public's interest by effectively registering and regulating architects, engineers, land surveyors, and landscape architects. Develop and adopt regulations to improve the architect, engineer, land surveyor and landscape architect occupations.
Date Completed:	N/A

Committee Updates

Committee Updates – August 2018 Meeting

COMMITTEE NAME	MEMBERS	Tasks/ Notes from MAY 2018
Investigative Advisory Committee	All Members	
Licensure Mobility	Chair- Koonce Members – Wallis, Urfer	Evaluate current application process for potential improvements/ streamlining Compile criteria for applications to be approved by staff in support of licensure mobility
Board Outreach	Chair – Hale Members – Full Board	Facilitating outreach with the following: - AGC - code officials - ICEE - APDC & Legislative Fly-In - zoning officials - ASPLS Conference - URISA user group Mott compiling a list of potential outreach opportunities Maynard to put together a standard slide deck for presentations
Guidance Manual	Chair – Urfer Members – Full Board	
Legislative Liaison	Chair – Maynard Members – Fritz, Urfer	
Emeritus Status	Chair - Maynard Members - Full Board	
Budget Committee	Chair - Koonce Members – Kerr, Hanson	
Continuing Education	Chair – R.V. Jones Members -	Request for data on lapsed licenses following renewal period (provided in Examiner's report) Confirmed 5% quota was met

[illegible]

Examiner's Report

EXAMINERS REPORT- AUGUST 2-3, 2018

THIS REPORT IS FOR APRIL 1ST – JUNE 30TH, 2018

APPLICATIONS TO BE REVIEWED:

FIELDS OF PRACTICE/DISCIPLINE	COMITY	EXAM	FIELDS OF PRACTICE/DISCIPLINE	COMITY	EXAM
AGRICULTURAL	0	0	METALURGICAL & MATERIALS	0	0
CHEMICAL	0	0	MINING & MINERAL	0	0
CIVIL	24	19	NAVAL ARCHITECTURE & MARINE	1	0
CONTROL SYSTEMS	1	0	NUCLEAR	0	0
ELECTRICAL	7	3	PETROLEUM	0	1
ENVIRONMENTAL	1	1	STRUCTURAL	2	1
FIRE PROTECTION	1	0	ARCHITECT	4	2
INDUSTRIAL	0	0	LANDSCAPE ARCHITECT	0	0
MECHANICAL	4	0	LAND SURVEYOR	2	1
TOTAL				48	38

REGISTRATIONS AND RENEWALS:

REGISTRATIONS	TOTAL	REGISTRATIONS	TOTAL
ARCHITECT	8	CORPORATIONS	8
LANDSCAPE ARCHITECT	1	LIMITED LIABILITY	11
LAND SURVEYOR	6	LIMITED PARTNERSHIP	0
ENGINEERS	106		

RENEWALS/REINSTATEMENTS	FIRM	INDIVIDUAL
RENEWALS RECEIVED BEFORE 12/31/2017	553	5209
RENEWALS RECEIVED ON/AFTER 01/01/2017	78	711
REINSTATEMENTS RECEIVED	N/A	

EXAM RESULTS:

EXAMINATION	PASS	FAIL	NO SHOW	EXAMINATION	PASS	FAIL	NO SHOW
FE	17	5	0	FS	1	3	0
FS	57	30	4	PS	3	3	0
				AKLS	7	1	0

LICENSE VERIFICATIONS:

99

ADDITIONAL COMMENTS:

Calendar Review & Travel

FY 18 Board Travel (July 1, 2018 to June 30, 2019)

DATES	DESCRIPTION	LOCATION
August 2-3, 2018	AELS Quarterly Meeting	Anchorage
August 15 - 18, 2018	NCEES Annual Meeting	Scottsdale, AZ
September 27 - 29, 2018	CLARB Annual Meeting	Toronto
November 1-2, 2018	AELS Quarterly Meeting	Anchorage
February 6-7, 2019	AELS Quarterly Meeting	Juneau**
March 7-9, 2019	NCARB Regional Summit	Nashville, TN
May 2-3, 2019	AELS Quarterly Meeting	Fairbanks**
May 16-18, 2019	NCEES Western Zone Meeting	Boise, ID
June 20-22, 2019	NCARB Annual Meeting	Washington, D.C.

FY 19 Known Travel Dates

DATES	DESCRIPTION	LOCATION
August 14-17, 2019	NCEES Annual Meeting	Washington, D.C.
September TBD	CLARB Annual Meeting	TBD
June 18-20, 2020	NCARB Annual Meeting	Austin, TX
August 26-29, 2020	NCEES Annual Meeting	Chicago, IL
August 18-21, 2021	NCEES Annual Meeting	New Orleans, LA

2018 STATE HOLIDAY CALENDAR

JANUARY

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FEBRUARY

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APRIL

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JULY

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OCTOBER

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NOVEMBER

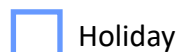
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State Holidays

Date	Holiday
01/01	New Year's Day
01/15	MLK Jr.'s Birthday
02/19	Presidents' Day
03/26	Seward's Day
05/28	Memorial Day
07/04	Independence Day



Holiday

State calendar maintained by the
Division of Finance,
Department of Administration
<http://doa.alaska.gov/calendars.html>
Rev. 07/10/2017

Biweekly employees please refer to
appropriate collective bargaining unit
agreement for more information regarding
holidays.

State Holidays

Date	Holiday
09/03	Labor Day
10/18	Alaska Day
11/11	Veterans' Day (observed 11/12)
11/22	Thanksgiving Day
12/25	Christmas Day

2019 STATE HOLIDAY CALENDAR

JANUARY

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FEBRUARY

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MARCH

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APRIL

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JULY

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AUGUST

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OCTOBER

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NOVEMBER

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DECEMBER

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State Holidays

Date	Holiday
01/01	New Year's Day
01/21	MLK Jr.'s Birthday
02/18	Presidents' Day
03/25	Seward's Day
05/27	Memorial Day
07/04	Independence Day

Holiday

State calendar maintained by the Division of Finance, Department of Administration
<http://doa.alaska.gov/calendars.html>

Biweekly employees please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

State Holidays

Date	Holiday
09/02	Labor Day
10/18	Alaska Day
11/11	Veterans' Day
11/28	Thanksgiving Day
12/25	Christmas Day



CLARB

Reports & Correspondence



From: [REDACTED]
To: [Jones, Alysia D \(CED\)](#)
Subject: How CLARB Member Boards will benefit from proposed governance changes
Date: Wednesday, June 06, 2018 8:19:11 AM

Click [here](#) if you are having trouble viewing this message.



In 2008 I served on a governance task force for the American Society of Association Executives (ASAE). Our assignment was to improve our governance structure for a challenging and unpredictable future (those predictions proved accurate!) through greater flexibility and efficiency.

Our situation was complicated by the fact that two organizations, ASAE and the Greater Washington Society of Association Executives (GWSAE) were merging, and while many of us belonged to both, each had their status quo defenders for whom the merger—much less the governance restructuring—was a bitter pill to swallow.

Put a bookmark in this story. We'll return to it in a minute.

If we do a quick [SWOT analysis](#) on landscape architecture regulatory boards (and I apologize in advance for the lack of rigor), we might see their natural **strengths** as effectiveness and credibility (among those who understand them).

Their **weaknesses** could be the constraints they operate within—from resources to attitudes. With respect to **threats**, one could envision their disruption through regulatory reform or creeping irrelevance in a changing world.

Opportunities? How about the ability to use their relatively small size, low profile and creative licensee base to *innovate* through smart experimentation, to become *agile* enough to thrive in any future and perhaps to even help *reinvent* how regulation is delivered (stay tuned for our friction analysis conversation in Toronto!).

Taking these into account, let's factor in critical change drivers that are bigger than boards, CLARB or regulation itself. Things like accelerating technology, changing demographics and shifting values. We refer to them as Big Shifts and they're changing every aspect of our lives—faster than we're comfortable with. (A great read on this is [Thank You for Being Late](#), by Thomas Friedman.)

Not to oversimplify, but I see us as having three choices—as organizations and individuals:

- A. Learn, grow, change and thrive
- B. Limp along and see what the future has in store for us
- C. Tentatively, cautiously change and hope it's enough

I'm proud to say (to the envy of many of my colleagues) that the CLARB Board of Directors has embraced choice "A." And an essential element of this approach is to start at the top with the elected leadership.

Over the last year you've been hearing, in different venues, why our Board is proposing a governance change, what the change involves and how it will be implemented if approved by the membership in September. Let me speak directly to the question of "**How will this benefit Member Boards?**" I believe that the change will benefit boards in five important ways:

1. **Regulatory relevance.** I suspect that if we don't adapt to the changing world fast or smart enough we will become irrelevant—either quickly or slowly. We can choose a different path and you and your board will be the beneficiary.
2. **A healthy CLARB.** We exist to serve Member Boards and those who depend on us. Our strength is your strength.
3. **More opportunities to serve.** Our new structure will enable you and your board members, plus other talented and committed individuals, to enter the leadership process.
4. **More ideas, insights and talents at your disposal.** The diverse and dynamic nature of future CLARB boards will be a powerful, new asset to yours.
5. **A voice in who gets nominated for every leadership role.** Every Member Board will be able to nominate for all positions.

Now back to my story...

Most of the ASAE and GWSAE members didn't have a strong opinion on the change, trusting in the diligence and good judgment of elected leadership. A few were energized by the prospect of a new, more agile and contemporary structure. And yes, a few were quite unhappy (to say the least) and vocal.

Those who opposed it typically expressed these fears:

- Loss of influence in the new, combined organization
- Fewer opportunities to serve
- Loss of the unique culture that was the hallmark of each group
- A general feeling that the whole process seemed to be moving too fast

Today, I'm happy to report that [ASAE](#) is a thriving, influential and dynamic organization—much more so than prior to this change. I believe that few even remember the impassioned conversations that took place—we're all just busy now helping each other make sense of, and thrive in, this changing world.

Change is hard on all of us. There are never enough facts to eliminate every potential risk. There are never guarantees that the change is going to “work” as hoped. And there is no assurance that life will be easier afterwards. But change we must, for all the reasons that we know in our heads and hearts.

I hope you can be with us in Toronto as the membership makes this consequential decision. Meanwhile, please feel free to reach out to [REDACTED] for leadership perspective or greater depth on this. Or call or [email me](#) if you want to chat.

Have a safe and enjoyable summer!



571-432-0332

[REDACTED]
@JoelAlbizo



[REDACTED]

Council of Landscape Architectural Registration Boards (CLARB)
1840 Michael Faraday Drive, Suite 200, Reston, Virginia 20190
info@clarb.org / www.clarb.org / 571-432-0332

From: [REDACTED]
To: [Jones, Alysia D \(CED\)](#)
Subject: 2018 Slate of Candidates | CLARB Elections
Date: Monday, June 11, 2018 11:24:06 AM

Click [here](#) if you are having trouble viewing this message.



A Vision of Leadership

2018 Board of Directors and Committee on Nominations Elections

After reviewing nominations, conducting interviews, and careful consideration of references and competencies, the **Committee on Nominations is pleased to announce the slate of candidates** for the 2018 Board of Directors and Committee on Nominations elections.



Phil Meyer
President
(automatic
succession)



Allison Fleury
President-Elect
[Read bio](#)
[Watch video](#)

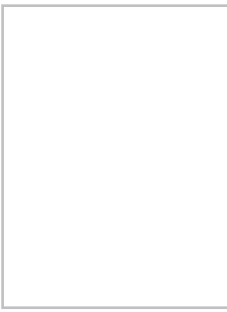


Stan Williams
President-Elect
[Read bio](#)
[Watch video](#)



Karen Kiest
Vice President
[Read bio](#)
[Watch video](#)

Bob Mercier
Vice President
[Read bio](#)
[Watch video](#)



Michael Beresnack

Secretary

[Read bio](#)

[Watch video](#)



Bob Gunderson

Secretary

[Read bio](#)

[Watch video](#)



Patrick Beam

Region 2 Director

[Read bio](#)

[Watch video](#)



Marjorie Pitz

Region 2 Director

[Read bio](#)

[Watch video](#)



Dean Pearson

Region 4 Director

[Read bio](#)

[Watch video](#)



Julie Hildebrand

MBE Director

[Read bio](#)

[Watch video](#)



Edward Kinney

Committee on

Nominations

[Read bio](#)

[Watch video](#)



Todd Reade

Committee on

Nominations

[Read bio](#)

[Watch video](#)

Ellen White

Committee on

Nominations



[Read bio](#)
[Watch video](#)

How to Vote for Officers and Committee on Nominations Members

Each Member Board may cast one [ballot](#) in the election of officers and members of the Committee on Nominations. Each ballot must be accompanied by a [credentials letter](#) indicating your Board's voting delegate. Ballots and credentials letters may be mailed or emailed to [Andrea Elkin](#) so they are received at the CLARB office by Friday, September 21 or these items may be turned in at the Annual Meeting no later than noon on Friday, September 28.

How to Vote for Regional Directors

Each Member Board in Regions 2 and 4 may cast one vote in their respective Regional Director election. Regional elections will be held *during the regional webcasts in August*. Dates for the regional webcasts will be announced in July.

Additional Information

[Visit the website](#) to learn more about the positions up for election, the candidates and the elections processes. If you have questions or would like more information, please refer to Article VII, Section 6 of the [Bylaws](#) or contact [Andrea Elkin](#).



[REDACTED]

Council of Landscape Architectural Registration Boards (CLARB)
1840 Michael Faraday Drive, Suite 200, Reston, Virginia 20190
info@clarb.org / www.clarb.org / 571-432-0332

From: [REDACTED]
Date: June 27, 2018 at 10:31:26 AM AKDT
To: [REDACTED]
Subject: Preparing for the Bylaws Vote at the Annual Meeting

Click [here](#) if you are having trouble viewing this message.

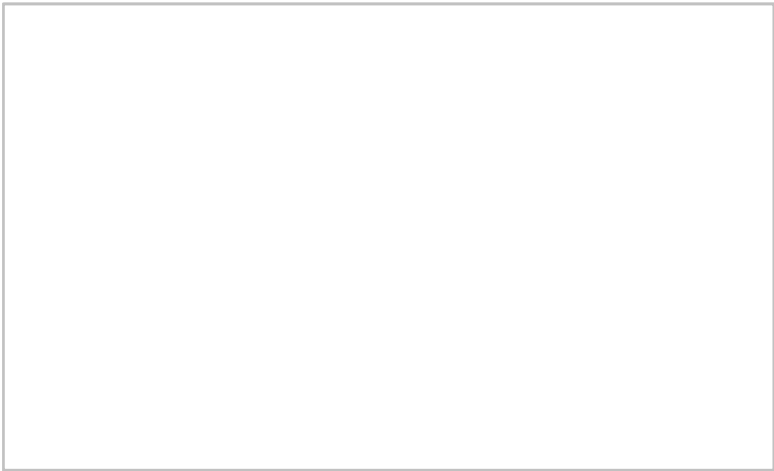


[How To Prepare for the Bylaws Resolution Vote](#)

Through a bylaws change, CLARB will be able to evolve to meet ever-changing regulatory threats and sustain its ability to exist, defend common-sense regulation and promote standards of licensure for the protection of the public's health, safety and welfare.

Documents and Resources

- [Resolution and Board of Directors' statement of support](#)
- [Color-coded bylaws revisions](#)
- [Summary of changes by article](#)



In this summary video, Chris Hoffman, CLARB's Past President and Chair of the Committee on Nominations, explains the governance recommendations and benefits to members and the organization.

The recommendations will be voted on by Member Board Members present on Saturday, September 29 at the 2018 Annual Meeting in Toronto. Add this agenda item to your board meeting now to prepare your representing Member Board Member to vote on behalf of your board.

Governance Recommendations Benefits

- Ensures continued relevancy of landscape architectural regulation.
- Provides equal access to all board members.
- Creates new opportunities for leadership.
- Provides wider variety of ideas, talents and insights.
- Offers the ability to nominate for *all* positions.
- Allows continuation of member services and opportunities.

- [Redlined bylaws with explanatory comments](#)
- [Resource document](#)
- [FAQ document](#)

Evolving CLARB Leadership
Webcast Series Recaps

- January: [Leadership Evolves](#)
- February: [The Pipeline Widens](#)
- March: [The Balanced Board](#)
- April: [Leadership Advisory Council](#)
- May: [Next Steps](#)





Travel Action Summary Report

Submit to the CBPL Travel Desk no later than seven business days after the meeting has concluded. Save a copy in your program files for the end-of-year compilation of all travel-related savings and deliverables for your program.

Board:	<input type="text" value="AELS"/>	Dates of Business:	<input type="text" value="June 22-24, 2018"/>								
Person Reporting:	<input type="text" value="Luanne Urfer"/>	# of Travelers: <i>Employees</i>	<input type="text"/>	<i>Board Members</i>	<input type="text" value="1"/>						
Type of Meeting:	<table><tr><td><input type="checkbox"/> Regular board business</td><td><input type="checkbox"/> Adjudication only</td></tr><tr><td><input type="checkbox"/> Special board meeting</td><td><input type="checkbox"/> Subcommittee meeting</td></tr><tr><td><input type="checkbox"/> On-site Investigation/Inspection</td><td><input checked="" type="checkbox"/> Other: CLARB/ASLA Licensure Summit</td></tr></table>					<input type="checkbox"/> Regular board business	<input type="checkbox"/> Adjudication only	<input type="checkbox"/> Special board meeting	<input type="checkbox"/> Subcommittee meeting	<input type="checkbox"/> On-site Investigation/Inspection	<input checked="" type="checkbox"/> Other: CLARB/ASLA Licensure Summit
<input type="checkbox"/> Regular board business	<input type="checkbox"/> Adjudication only										
<input type="checkbox"/> Special board meeting	<input type="checkbox"/> Subcommittee meeting										
<input type="checkbox"/> On-site Investigation/Inspection	<input checked="" type="checkbox"/> Other: CLARB/ASLA Licensure Summit										

Cost Savings

What expenses were reduced?

-
-
-

What is the estimated savings?

<input type="text" value="\$2000-\$3000"/>
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<input type="text"/>

Meeting Deliverables

Information gained:

Action recommended:

6/22-24, 2018

Joint Licensure Summit (CLARB/ASLA)

1. Licensure Threats

Information Gained

- Mobility: LA poised to provide relative ease of licensure between states through record keeping, tracking state requirements for similarities and differences, responding to practice act in majority of states (only 2 U.S. jurisdictions are title)
- Review & Decision: For most jurisdictions, 30-90 days but as short as 8 in some, depending on submittal dates
- Right to Work/Earn a Living: LA is highly misunderstood profession and often listed to deregulate (no longer license) with grossly different professions/trades/occupations having significantly different licensure requirements (hair braiders, fruit pickers, horse floaters, etc.)

Action Recommended

- Minimize Regulations: Review and simplify regulations, requirements and applicant submittals to minimize obstructions to licensure
- Shift Burden: Board assumes burden to justify licensure of (all) professions it covers and to justify it's existence
- Outreach: prepare graphic materials showcasing local projects (for each profession, collectively, and to identify what the Board does)
- Address Right to Work Act: confront movement addressing Right to Work Act with real facts and numbers that refute challenges (basic ACT purports decreased opportunities to work, decreases consumer costs, restricts trade, limits economic growth)

2. Educate Before Advocate

Information Gained

- Occupational Licensing: Identify and focus on threats to regulate by clarifying what each discipline actually does in layperson terms (SIMPLE, SHORT explanations) and how disciplines work together

Action Recommended

- Educate: Public, legislators, other professions, etc. as to how and why licensure and regulation are important, requirements for licensure, etc.
- Lobbying: Consider lobbying/hiring lobbyist (identify legislators that can support based on background, profession, family, etc.)
- Motivate: Encourage potential students and licensees to become licensed; acknowledge personal and professional motivations rather than occupational
- Health, Safety, Welfare: Acknowledge HSW issues with specific examples

3. How to Lobby

Information Gained

- Techniques for Successful Lobbying: relax, legislators WANT to know information; they are also nervous because want solid facts and information to support your cause/need; may appear confrontational to be able to answer questions from other legislative or address confrontational comments; awarding support legislator with great photo (framed for hanging) of project done by profession(s) on Board rather than plaque (draws attention and usually remains hung on wall vs plaque dropped in drawer)

Action Recommended

- Discussion: Board discussion concerning any suggested actions

4. Writing Resolution(s)**Information Gained**

- Preparing Resolutions: identify municipality, board, jurisdiction, etc. that would be willing to carry resolution forward; set goals; simplify approach; resolution must be easy to understand by general public

Action Recommended

- Discussion: Board discussion concerning any suggested actions

5. CEUs**Information Gained**

- CLARB Records: expanded to address individual state requirements; tracks and identifies jurisdictions that require CE; tracks approved classes by state

Action Recommended

- Discussion: Board discussion concerning any suggested actions

6. New Licensees**Information Gained**

- Motivation for Achieving Licensure: brainstorming session on recognizing new licensees; ideas included press covered announcement and photo op for licensees with governor or local legislative representative; photos posted on Board website and can be downloaded there; Advocacy Day (like Fly-In); hold state conference for licensees including those interested in volunteering for Board in the future; young professionals social meetings

Action Recommended

- Discussion: Board discussion concerning any suggested actions

7. Mutual Support Board and Professional Chapter**Information Gained**

- Communication: share information from meetings (invitation, written, oral); joint licensing ceremonies (possibly in AELS Meeting locations); university/college program outreach (professions without local programs need to be showcased to students)

Action Recommended

- Discussion: Board discussion concerning any suggested actions

8. Records**Information Gained**

- CLARB Record and Certification: Record contains reference letters vs. statute required letters justifying experience; acknowledgment by CLARB this is an issue with multiple states; looking at options

Action Recommended

- Discussion: Board discussion concerning any suggested actions; improvement with regulation change for LA (and possible statute revisions?)

9. Statute Revisions

Information Gained

- Statutory Updates: Revising statute is relative to evolving professions responding to public needs, HSW, and other local issues; evaluation of existing statute provides opportunities to improve it, reduce unnecessary regulation(s), redefine and identify professional work responsibilities to better protect the public; noted confusion for general public of individual licenses for engineering responsibilities (define unique licenses)

Action Recommended

- Discussion: Board discussion concerning any suggested actions

From: [REDACTED]
To: [Jones, Alysia D \(CED\)](#)
Subject: CLARB nominations—your input needed!
Date: Thursday, July 12, 2018 10:54:00 AM

Click [here](#) if you are having trouble viewing this message.



Dear Alysia,

Over the next year, CLARB is looking to improve how we communicate about leadership opportunities and provide the most helpful information to you, our members, when considering these opportunities.

This [short survey](#) is expected to take no more than five minutes and your feedback is greatly appreciated as it will help to inform our future program development.

Your responses to this [survey](#) will be anonymous and all results will be reported in the aggregate. We ask you to submit all survey responses by close of business on Friday, July 20.

Thank you for your time and honest feedback,

Andrea Elkin
Project Manager, CLARB



[REDACTED]

Council of Landscape Architectural Registration Boards (CLARB)
1840 Michael Faraday Drive, Suite 200, Reston, Virginia 20190
info@clarb.org / www.clarb.org / 571-432-0332

From: [REDACTED]
To: [Jones, Alysia D \(CED\)](#)
Subject: It's the fourth quarter...do we have enough in the "tank?"
Date: Thursday, July 12, 2018 7:37:34 AM

Click [here](#) if you are having trouble viewing this message.



With only 6 state legislatures still in session (and 11 more in recess) it feels like we've just started the fourth quarter of a tough football game.

Here's a summary of what we've learned this year and what it may mean or suggest. Please let me know if we've missed or misread anything. It's very "noisy" out there and sometimes it's hard to separate that from the "signal."

State level threats—and responses—are evolving

Direct, state-based challenges to landscape architecture licensure seem to have slowed a bit. So far this year we've only seen two and both were relatively easily overcome by local licensee advocacy. That said, we believe that continued vigilance is necessary, as legislation can be introduced quickly, and all states do not have a robust advocacy capacity.

We may be seeing early signs of increasing recognition/stature of the profession. After all, landscape

architecture is one of only 60 occupations licensed in all 50 states.

Perhaps the biggest new development is the mandate—either through legislation or executive order in nearly 30 states—to review licensed occupations. This is different than the routine sunset processes currently on the books. A couple of observations:

- The [language](#) associated with these actions tends to mirror that provided by the Institute for Justice and is biased against licensure and boards, emphasizes economics over HSW and promotes adopting a “least restrictive regulation” standard as the solution.
- No occupation is exempted and there is typically a goal of completing them all within a fixed time (e.g. five years).
- The guidance provided to reviewers can be both [detailed](#) (somewhat resembling sunset review) or [vague](#) with no boundaries. Both present different challenges.
- Nevada may be the first state to have conducted such a review. Licensure and the board emerged unscathed, thanks to well-coordinated input from the profession, academia and the board.
- These reviews can have teeth. In Pennsylvania for example, the governor’s office released a near 600-page [report](#) that recommended the de-licensure of 13 occupations.

Much like sunset review, licensure/boards increase their chances for surviving if there is effective coordination between key stakeholders who are taking advantage of the rapidly accumulating learning from others inside and outside the profession.

Now is not the time to go it alone!

Lots of bark and little bite at the federal level

Congress

Despite the anti-regulatory rhetoric and energy in Washington, DC, little has been done legislatively to advance occupational deregulation or regulatory reform at the state level outside of a few extreme bills that have gained little traction. This is partially because it’s hard to get them to agree on much (by design), because it’s a tricky play to push a federal role in deregulation while still championing state’s rights, and because of changing political dynamics.

It’s hard to see Congress finding new energy to advance licensure reform legislation this session.

That said, they continue to hold hearings that spotlight the anti-licensure narrative and draw attention to ill-conceived reform bills such as the [Restoring Board Immunity Act](#). The most recent was held by the House Committee on Education and Workforce and titled, “Occupational Licensing: Reducing Barriers to Economic Mobility and Growth.” Here’s a [link](#) to the testimony. None of it will surprise you, but I do suggest you read/watch the testimony given by the Institute for Justice representative just to reinforce that we (regulators of all licensed professions) are in this together.

On the [hopeful](#) side, the Professional Licensure Coalition, of which CLARB is a leader, is making some headway toward introducing a bill to protect state licensure board members and staff from antitrust (treble) damages liability.

At this writing, we may be close to introduction of a bill to accomplish this important goal. Stay tuned.

Federal Trade Commission

The FTC has been less energetic as of late due to the departure of the former acting chair and the agency operating with only two of five commissioners. They now have a new chair and a full complement of commissioners in place. We'll be watching closely to see where they go from here.

Whatever the direction of the FTC, we have good visibility into its priorities and workings.

Department of Labor

The Department of Labor (DOL) has been the most energetic federal agency with respect to regulatory reform. Its Chairman, Alex Acosta, has been personally engaged with the department's licensure mobility grant program. The first phase which, according to our sources, devolved into a licensure bashing forum, is ending and a second phase was introduced to help states to streamline licensure requirements and increase mobility.

The initial effort identified about 40 occupations (mostly "assistant/technician" titles) for attention. Landscape architecture was not one because: 1) it is licensed in 50 jurisdictions and 2) the license requires a bachelors/master's degree. However, states can modify the list and the lack of understanding about the profession and its impact on HSW are a risk factor. FARB's Executive Director sits on an advisory committee and will be keeping a watchful eye on this.

The nexus between the DOL and governors did produce some energy, with "temporary licensure" compact legislation introduced in AZ, SD and MO to address workforce shortage issues. This occurred with great fanfare in SD, with Secretary Acosta and the governor publicly aspiring to establish the compact across all Western states. It appeared that they overreached, drawing the ire of all regulated occupations, and the proposal did not advance in any state.

Picking on everyone isn't any more effective than just picking on a single occupation and now the licensure community is better equipped to push back.

Making lemonade out of lemons

The threat of regulatory disruption continues to evolve but so does the response from our community.

The resulting level of cooperation—and even collaboration—is unprecedented, whether it be between regulated professional associations through FARB, within the design regulation community through ICOR, between design associations through ASLA, AIA, ACEC and NSPE or within the landscape architecture community through ASLA and CLARB.

Consider the national work that's taking place within FARB. As president, I have the privilege and opportunity to gather the community to help find its voice and lean forward into the future. To this end,

next month, member CEOs and senior executives will gather to address this critical question:

How can the FARB membership, staff and partners collaborate to produce a more powerful voice in support of common sense professional regulation?

Meanwhile, at the state level, it's critical that we continue to build capacity through our member empowerment program so that we can withstand or avoid fresh challenges while we play a leadership role in creating the future of occupational regulation.

We've taken a major step forward this year with sustained effort to partner with ASLA to bring boards and chapters together in support of regulation. If you attended the recent in-person #LicensureSummit in Columbus, you learned, first hand, how this collaboration can make a real difference in the legislature. Look for more information and resources flowing from this historic event in the weeks and months to come and remember...

You don't have to do it all. Just #do1thing to get started.

It's been a tough season for regulatory boards. But we're in the "fourth quarter," and with our new insights, information, tools and relationships, we're in a great position to get a win for public health, safety and welfare.

See you in Toronto!



571-432-0332



@JoelAlbizo



Council of Landscape Architectural Registration Boards (CLARB)

1840 Michael Faraday Drive, Suite 200, Reston, Virginia 20190

info@clarb.org / www.clarb.org / 571-432-0332

From: [REDACTED]
To: [Jones, Alysia D \(CED\)](#)
Subject: Tell Your Peers! July Webcast & August Save The Date
Date: Monday, July 16, 2018 7:52:10 AM

Click [here](#) if you are having trouble viewing this message.



July Webcast **Problem-Solving With Your Peers**

On Tuesday, [July 24 at 3 p.m. ET](#) members of the CLARB Community will come together to leverage its collective knowledge.

As your peers share questions and issues they are currently facing, you will have an opportunity to assist in problem-solving by offering your insight and ideas.



Are you on a board seeking additional peer assistance? What issue is your board staff working through? **Submit** your questions/issues to [Missy Sutton](#) by July 20 to be added to this webcast's conversation.

This open conversation will kickstart a series of discussions empowering you to disrupt the norm using ideas and knowledge crowdsourced from our community. **Mark your calendar and join the exchange on [July 24 at 3 p.m. ET](#).**

Save The Date **Regional Webcast - August 15**

CLARB regions meet virtually twice per year (in February and August) to provide an opportunity for you to discuss what's happening in your jurisdiction.

[Save the date](#) and block off 90 minutes on
**Wednesday, August 15 at 3:30 p.m. ET / 2:30
p.m CT / 1:30 p.m. MT / 12:30 p.m. PT** for the
Region 5 virtual meeting.

Do you have something to share or submit for
discussion during the regional meeting? Please
contact [Missy Sutton](#). Stay tuned for the agenda
and additional information over the next few
weeks.



About CLARB's "In the Know" Series"

This series is designed to ensure that you are "in the know" about key issues, programs, activities and processes that are part of CLARB's work on behalf of you, our members. All events are prepared for your benefit and exclusive use and we respectfully ask that access information for – and content from – these events not be shared with the public without receiving prior permission from CLARB. Visit the ["In the Know" archive](#) to learn more.




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1840 Michael Faraday Drive, Suite 200, Reston, Virginia 20190
info@clarb.org / www.clarb.org / 571-432-0332

From: [REDACTED]
To: [Jones, Alysia D \(CED\)](#)
Subject: What Is Your "One Thing?" #LicensureSummit Recap
Date: Thursday, July 19, 2018 11:03:26 AM

Click [here](#) if you are having trouble viewing this message.



Just under 90 attendees representing 40 jurisdictions across the U.S. and Canada gathered together in Columbus, Ohio for the first-ever in-person joint Licensure Summit. The event was co-sponsored in partnership by CLARB and ASLA to assist chapters and licensing boards in building stronger, more effective relationships in response to the unprecedented efforts across the country to reform occupational licensure. The Licensure Summit was one of several events held this year to enhance licensure defense and education at the local level.

Sessions throughout the Licensure Summit focused on preparing for, as well as lessons learned from, threats of deregulation, introduction of interstate compacts for temporary licensure, broad sweeping licensure board reviews, and Right to Earn a Living Acts.

Attendees learned first-hand from Ohio State Representative Tim Schaffer on how to effectively communicate with policy makers while Ohio ASLA lobbyists shared tips and techniques for delivering effective and persuasive testimony.

Case studies were presented on: building effective and appropriate board-chapter relations; creative ways to educate on the value of licensure and boards; and successfully responding to licensure board reviews.

CLARB and ASLA have committed to increased support to boards and chapters in defending the integrity of licensure in the public's interest. Continued tracking and monitoring of legislative activities, virtual web summits before, during and after the 2019 legislative session and the development of new resources to assist in exercising your voice in defense of common-sense regulation are planned for the coming year.

In addition, members in attendance at the CLARB Annual Meeting will continue to work to build effective board-chapter relationships, find and exercise their "voice" in education and plan to be better prepared to defend against threats to landscape architecture licensure.

Other upcoming work toward this effort includes model resolution language and a suggested plan to use resolutions to educate legislators during World Landscape Architecture Month. Stay tuned for more information and don't forget, CLARB's Senior Licensure Defense Consultant, [David Sprunt](#), is available for licensure defense assistance.

Summaries and Resources:

- [Licensure Summit slides](#)
- [Worksheet activity](#)

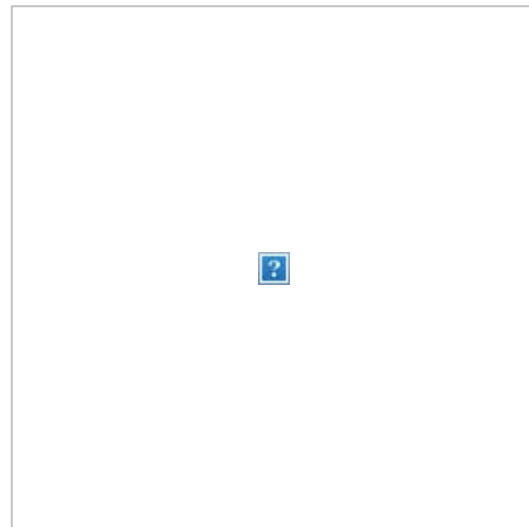
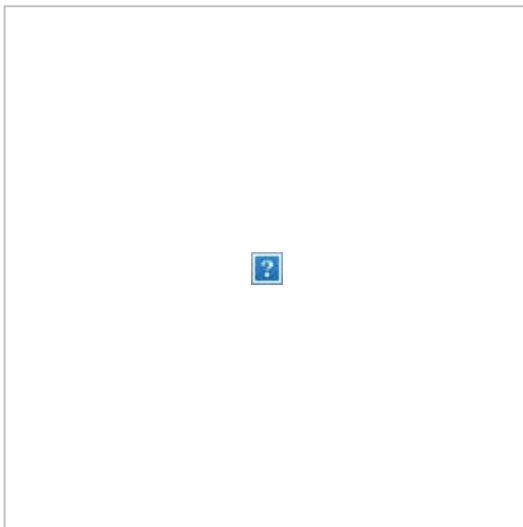
- [Rotating session summaries](#)
- [Licensure support tools on CLARB's website](#)
- [#LicensureSummit conversation on Twitter](#)



Do One Thing:

You don't have to do everything at once to see the impact of this work, start with one thing and grow from there. What one thing will your board do during the next year to strengthen its relationship with the ASLA chapter as well as raise awareness of the value of regulation and licensure in protecting the public's health, safety and welfare?

Upcoming Events:



Council of Landscape Architectural Registration Boards (CLARB)
 1840 Michael Faraday Drive, Suite 200, Reston, Virginia 20190
info@clarb.org / www.clarb.org / 571-432-0332



NCARB

Reports & Correspondence



Our Commitment to Ethical Conduct

NCARB's Ethics Task Force took a fresh look at the *Rules of Conduct*—which hasn't been changed since 1977—and recommended updates that will serve as a national model for Member Board adoption or adaptation. In a prescient move, the task force intentionally referenced harassment as an issue of focus—positioning the Council as a national leader with the vision and foresight to recommend guidelines regarding architectural ethics and professional conduct.

[READ THE MESSAGE FROM THE CEO](#) ➤



The Ethics Task Force discussing their recommendations on how ethics could be more prominently featured along the path to licensure and beyond.

April Highlights

IPAL and the Next Generation of Architects

About 400 students at NAAB-accredited programs are currently enrolled in an Integrated Path to Architectural Licensure (IPAL) option. Plus, the first group of IPAL graduates will receive their diplomas in May!

[READ ABOUT THE STRATEGIC PLAN](#) ➤

The Allure of NCARB Certification

For the first time, the top-ranked motivation for obtaining and maintaining the NCARB Certificate is to acquire the credential, according to the 2017 Perception Analysis

[READ ABOUT CENTRALIZING CREDENTIAL DATA](#) ➤

NCARB in the Press



- **Forbes:** [Architecture of The Future Will Be Better Because It Will Be Inclusive](#)
- **Building Enclosure:** [NCARB Approves Third-Party Test Prep Materials](#)
- **Association Success:** [Interview: The Surprising Benefits of In-House Technology Development](#)
- **Young Architect:** [An Inside Look at the NCARB ARE Examination Process with Ryan Misner](#)

Recent News



- [NCARB Approves First Third-Party Test Prep Materials for ARE 5.0](#)

Top Blog Posts



- [Get to Know the Members of NCARB's Re-Think Tank](#)
- [Understanding Architectural Legislation in Your State](#)
- [Serving the Community Through Architecture](#)

Message from the CEO

Dear Colleagues,

Workplace demeanor, professionalism in business relationships, exposing unacceptable behavior: these issues have surged to the forefront of our national consciousness in the past year. And yet a common concern about maintaining focus on these issues has been with us for many decades in the construct of ethics, whether it be as a professional, a leader, or as a moral code for everyday decision-making and human interaction. Almost three years ago, then-NCARB President-elect Dennis Ward, FAIA, NCARB, signaled that he would be standing up an Ethics Task Force to raise the profile of ethics as a disciplinary tool for our Member Boards and as a statement of corporate commitment by NCARB at the national level.

Subsequently, he appointed a distinguished group of architects, attorneys, academics, public members, and Member Board Executives to work through a dated “Code of Conduct” statement, which had gone untouched—and unnoticed—since 1977. The task force, chaired by NCARB Past President Dale McKinney, FAIA, NCARB, also articulated a path forward for how ethics could be more prominently featured along the path to licensure and in the post-licensure relationship between architects, NCARB, and licensing boards.

The task force members issued their final deliverables in December 2017. In a prescient move, they intentionally referenced sexual harassment as an issue of focus for disciplinary consideration, along with the obligation found in most ethics codes in other learned professions—namely, the obligation to say something if you know something.

While many of the refreshed tenets found in the proposed new *NCARB Model Rules of Conduct* have been commonly accepted in other learned professions, such as law and medicine, the *Model Rules of Conduct* has the potential to lift architects up to similar standards.

Accordingly, the NCARB Board of Directors has circulated a draft of the task force’s proposed revisions as a model law proposal for consideration via resolution at the June Annual Business Meeting (ABM). Along the way, the Board has received feedback on possible adjustments to the draft. A second draft has now been adopted by the Board for an ABM vote in June, and has been circulated to the membership for their deliberation and consideration in advance of the June meeting.



The intent of the Board is to repurpose the *Model Rules of Conduct* as a national, aspirational model that each licensing board can adopt or adapt for their own use, selecting which sections to implement and which sections to amend. The *Rules* will also serve as an informational statement to all NCARB Record holders, with deference to actual language that may be employed at the licensing board level. In taking this approach, NCARB will continue to base any discipline of its Record holders on actions taken at the licensing board level. Further, the *Model Rules of Conduct* language acknowledges the essential nature of due process before any disciplinary finding with the necessity of some findings being connected to a decision by a court of law.

This topic is at once obvious and complex. Reputations and livelihoods may hang in the balance on all sides, as does the need to promote a zero-tolerance culture regarding legitimate cases of abuse, intimidation, bigotry, a variety of “isms” and phobias, and actions amounting to criminal activity.

Undoubtedly there will be additional debate at our ABM regarding the final language of the *Rules*, its utility within the NCARB toolbox of licensing board options, and how it positions the Council in elevating this conversation. We welcome and encourage progress on maintaining a keener focus on ethical practice and behavior.

With best wishes,

mike

Strategic Plan

- **New plan development progress:** Data collected over the past 18 months from members, stakeholders, customers, volunteer leaders, and staff is coalescing around several emerging themes to anchor the refreshed plan, set to debut in June 2019. Drafters are conducting final engagement sessions with senior staff to prepare for a first draft review by the Board of Directors in September. A second review of this draft will occur at the October Member Board Chairs and Executives Summit. After further editing, the Board will take another look in January 2019. A final formatted version will be previewed to the Board in April 2019 and then readied for its June 2019 unveiling at the Centennial Annual Business Meeting.
- **Current plan progress:**
 - The goal of *facilitating licensure* continues to frame higher than expected engagement with candidates on several fronts. The projected number of Architect Registration Examination® (ARE®) administrations for the fiscal year ending June 30 was met three months early in March. A current snapshot of students participating in the Integrated Path to Architectural Licensure (IPAL) initiative has revealed a whopping 400 enrolled students; over 60 of these students are currently testing while pursuing their degree and completing the Architectural Experience Program® (AXP™). In May, the first IPAL graduates will receive their diplomas and be ready to apply for licensure in Florida and North Carolina.
 - The goal of fostering collaboration has framed ongoing discussions with several collateral organizations at the national and state levels.
- A continuing collaboration with AIA state components has resulted in a series of legislative victories regarding preserving the ability to regulate the reciprocal licensing process, augmented by a growing coalition of other disciplines utilizing both regulatory association and professional society resources.
- Most recently, leaders at AIA and NCARB have agreed to appoint volunteer observers to each other's continuing education committees to assure transparency and encourage collaboration.

North Carolina Board Congratulates An Upcoming IPAL Graduate



@NCArchitecture

Congratulations, Nick! We look forward to issuing your license! @NCARB
#IPAL <https://bit.ly/2HNYo7f>

CEO Outreach



March

Executive Committee Meeting

Oakhurst, CA | March 18

Board of Directors Meeting

Oakhurst, CA | March 19-21

Kentucky Board of Architects & AIA Kentucky

Lexington, KY | April 23-24

Strategic Plan (cont.)

- Analysis of a survey of [professional practice professors](#) conducted in association with the Association of Collegiate Schools of Architecture (ACSA) is underway. Findings will inform development of the Professional Practice Scholars program, as well as ongoing NCARB input to the National Architectural Accrediting Board (NAAB) regarding its accreditation review initiatives.
- A proposal for a first-ever NCARB-led workshop at the fall Business Meeting of the International Code Council (ICC) has been accepted.
- Several American Institute of Architecture Students (AIAS) campus chapters have communicated their appreciation to NCARB for the availability of Freedom by Design grants to support student initiatives to enhance individual and community access to private and public spaces.
 - The goal of *centralizing credential data* was referenced as a clear accomplishment by a recent survey of NCARB customers. The survey also indicates that for the first time, the top-ranked motivation for obtaining and maintaining the NCARB Certificate is to acquire the credential. Total Certificate holder numbers continue to move upward, with roughly 45,000 now listed as active certificates. Centralizing data has also made a leap forward in producing a much more comprehensive national disciplinary database through assigning NCARB staff to solicit Member Board information after every jurisdictional board meeting.

2018 ABM in Detroit



Detroit's riverfront continues to evolve as a unique place to walk, run, bike, or simply relax. Along the water, you'll find several parks, gardens, lighthouses, and the Port Authority. Visit the Detroit Riverfront Conservancy's [website](#) for a list of events.

Organizational Development and Office Life

- A kick-off meeting was conducted with the architects for the new NCARB office to be located at 1401 H Street NW, with a move-in date planned for March 2019. Currently, the design team is conducting staff interviews and developing initial proposals for office, conference, and meeting areas.
- Two retreats to address emerging opportunities and challenges are slated for May: one with directors and assistant directors, and another with the senior team. Topics include approaches to promote a transparent and collaborative office culture, review of “horizon ideas” identified by incoming Board leaders, and implementation strategies for providing additional services to Member Boards.
- The Brand Ambassadors and Quality of Life Committee are designing the all-staff retreat in July, which will involve exercises to increase awareness of cross-directorate roles and to provide support to a local charity.
- A second annual employee satisfaction survey has been completed, designed to measure “stretch opportunities” in comparison to top performing nonprofit organizations of similar size.
- The most recent quarterly all-staff meeting provided an opportunity for all employees to hear about data and feedback that is directing the design of the refreshed strategic plan. A group exercise and review of intent, scope, and purpose was well-received.



Jay Younger, President & CEO of McKinley Advisors, updated NCARB staff on the progress of refreshing NCARB's Strategic Plan, which will be unveiled in 2019.

Collateral Engagement



NCARB/AIA Leadership Retreat

Washington, DC | April 28-29

Five Collaterals Leadership Meeting

Washington, DC | April 29-30

Regulatory Update

- As mentioned in March's issue of the NCARB Update, [House Bill 465](#) in **Kentucky** proposed to reorganize several licensing and occupation boards within the state. The proposed reorganization, which would have transferred the Kentucky Board of Architects to the "Land Development" authority in the Cabinet, died in the Senate Committee on Licensing, Occupations and Administration Regulations at the adjournment of the session (April 14). However, it is possible for the governor to issue an executive order initiating the reorganization.
- [Senate Bill 334](#) in **New Hampshire** was originally proposed as a temporary license path for certain allied health professions. Recently, the interstate temporary licensure compact measure passed out of the Senate's executive sessions with amendments. The amendment includes language reverting the bill back to the original scope, which focused only on health-related occupations. The bill amendments also include helpful verbiage to professional boards within New Hampshire that already have a reciprocity and mobility process in place, exempting them from any compact bill moving forward. With New Hampshire's legislative session concluding on January 2, 2019, there is still a long road regarding this proposed legislation, and NCARB will continue to monitor all activity.
- The Occupational Board Reform Act bill in **Nebraska** ([NE Legislative Bill 299](#)) was recently passed through the unicameral legislature on the final day of the session. While the bill passed, there is still a chance the governor will veto it. This act requires state lawmakers to undertake a review of Nebraska's occupational licensing laws with the goal of eliminating requirements that serve as barriers to employment without benefiting public safety. The bill has outlined changes such as the creation of an Office of Supervision of Occupational Boards, criminal justice reform for those seeking entry back into an occupation/profession, additional annual reporting by state boards, limitation on fees, and a public notice/process for any new regulation. NCARB will continue to monitor and engage the state board if the governor does not veto the legislation.
- [LA Senate Bill 504](#) in **Louisiana** was introduced at the beginning of April 2018. "The Right to Earn a Living Act" would require regulatory boards to conduct annual comprehensive reviews of regulations to ensure board rules fulfill legitimate public health, safety, or welfare objectives and articulate why the regulation is necessary. This bill is very similar to Louisiana's [House Bill 825](#), which is currently sitting in the House Commerce Committee. Additionally, [HB 748](#) has moved quickly through the House, and if the bill is enacted, it could prohibit many professionals within the state identifying themselves as holding a professional certification. NCARB has reached out to various coalition partners to further develop an on-the-ground strategy regarding this bill, and will continue to monitor and communicate with MBE Kathy Hillegas in case additional help and resources are needed.

Administration

- Released the FY19 draft budget to the Board of Directors at their April meeting. The Board will formally pass a final budget following the Annual Business Meeting in June.
- On-boarded new Council Relations Manager, Caitlin Stromberg. Working to fill the assistant director vacancies in Customer Relations and Information Systems.
- Opened registration to the Annual Business Meeting. Please register soon if you are attending.
- Black Spectacles is the first test prep provider to have their materials approved through our [Approved Test Prep Provider Program](#) for two divisions: Project Planning & Design (PPD) and Project Development & Documentation (PDD). All course content for these two divisions was reviewed by NCARB's Approved Test Prep Provider Committee over a two-month window.

Council Relations

- Met with national coalition partners to discuss strategy for current ongoing legislative activity, and the group's future approach regarding the 2019 session. Key takeaways included holding a leadership summit, developing positive regulatory communication and marketing collateral, and looking at various research opportunities regarding professional licensure.
- Held successful quarterly meeting with the National Organization of Minority Architects (NOMA) to collaborate on future outreach events and conferences.



@blackspectacles

We're excited to be @NCARB's first-ever Approved Test Prep Provider!



@sarasamir yehia

I DID IT ... I am an Architect ... So proud of myself and so thankful for everyone who helped me through the way. Go for your dreams and never give up. #architect #ncarb

Customer Relations

- Partnering with Information Systems to implement a new phone system that will integrate with our computer system. This upgrade will improve call management and customer service.
- Also working with Information Systems to transition to a new tracking system to better manage customer requests.
- In concert with exam vendors, developing a contingency plan for customer support after the sunset of ARE 4.0 on June 30.

Examination

- Hosted a two-day business review and planning meeting with our testing vendor to outline process improvements and future exam development efforts.
- The Examination Committee completed an update to the ARE long-term master plan, as well as continued monitoring of the ARE 4.0 retirement and the ongoing delivery of ARE 5.0.
- In collaboration with Marketing & Communications, released a final round of targeted messages to ARE 4.0 candidates regarding the exam's retirement after June 30, 2018.
- Began organizing the large pool-review effort ARE 5.0 will undergo starting in July and continuing through spring 2019. During pool review, every exam question is reviewed for ongoing relevance and accuracy.



Joan Paros, Assistant Director of Examination Operations, shares details about the upcoming retirement of ARE 4.0.

Experience + Education

- Released two Mini-Monographs:
 - [Wind Forces Part V: Example of Wind Pressure Analysis and More](#)
 - [Sustainable Design Part VI: Economic Analyses](#)
- Hosted a meeting with Canada's National Standing Committee to share concept development and implementation processes and strategies for NCARB's IPAL initiative. The National Standing Committee, with representation from five provinces, is considering the possibility of an IPAL option for Canada's universities. Additional guests included representation from the Canadian Architectural Certification Board (CACB) and the University of Calgary; NCARB's task force members Mike Armstrong and David Cronrath; and local IPAL school representatives from the Catholic University of America.

April Outreach



Universities

- April 3 | Virginia Tech (WAAC)
- April 4 | South Dakota State University
- April 5 | North Dakota State University
- April 4 | Pontifical Catholic University of Puerto Rico
- April 4 | Universidad del Turabo
- April 9 | University of Maine Augusta
- April 9 | University of Idaho
- April 9 | Washington State University
- April 10 | Spokane Community College
- April 10 | Keene State College
- April 11 | Norwich University
- April 11 | Montana State University
- April 12 | University of Massachusetts Amherst
- April 12 | University of South Florida
- April 12 | University of Florida
- April 16 | Woodbury University
- April 16 | NewSchool of Architecture & Design
- April 17 | MiraCosta College
- April 17 | Georgia Institute of Technology
- April 17 | University of Hawaii Manoa
- April 18 | Southwestern Community College
- April 18 | Kennesaw State University
- April 26 | University of Oregon
- April 27 | Portland State University

AIA Components

- April 4 | AIA South Dakota
- April 5 | AIA North Dakota
- April 10 | AIA Kansas City (Webinar)
- April 10 | AIA Orlando
- April 10 | AIA New Hampshire
- April 10 | AIA Spokane
- April 11 | AIA Tampa Bay
- April 13 | AIA Billings
- April 16 | AIA Honolulu
- April 16 | AIA San Diego
- April 17 | AIA Atlanta
- April 25 | AIA Southwestern Oregon

Conferences

- April 6 | AIAS Midwest Quad Conference
- April 6-7 | AIAS South Quad Conference
- April 6-7 | AIAS Northeast Quad Conference

General Presentations

- April 9 | Weincek + Associates Architects + Planners
- April 18 | Lihue, HI
- April 23 | WDG Architects

Information Systems

- Collaborating with Customer Relations and Council Relations on development of an electronic system to eliminate the use of Form 155.
- In preparation for ARE 4.0's sunset, upgrading systems to automatically transition ARE 4.0 candidates to ARE 5.0 after June 30. The transition will launch the first time an exam candidate accesses their Record after June 30 and will take up to one minute to process.
- Coordinating with Customer Relations to upgrade customer request tracking system.
- Promoting [Lineup™](#) at target conferences to build brand awareness. Lineup is NCARB's foray into a business development initiative, taking NCARB proprietary software to market. Lineup is designed to help organizations build better teams. NCARB staff developed this system a number of years ago for internal use to manage the committee development and appointment process.

Marketing & Communications

- Announced Black Spectacles as the first approved provider for two ARE 5.0 divisions.
- Launched the Annual Business Meeting Registration website.
- In partnership with other NCARB teams, preparing NCARB booth for A'18 Conference on Architecture.
- Released [blog feature](#) celebrating National Architecture Week (April 8-14).
- Developed content and presentations for the NCARB Board meeting; Supported NCARB and AIA leadership engagement.
- Working with the Examination Directorate, issued targeted emails to candidates regarding the impending ARE 4.0 retirement.

Upcoming Outreach



AIA Components

- May 22 | AIANY Emerging New York Architects
- May 23 | AIA Long Island

Conferences

- May 16 | IIDA Northland
- May 17-19 | Society for Design Administration EDSymposium
- May 24 | NSBAIDRD & AIA Nevada Continuing Education Seminar



@FJRS_Arq_PR

In Washington DC for 5-Presidents Meeting discussing current state and future of our discipline with colleagues from @ACSAUpdate, @AIANational, @NAABNews, @NCARB and @AIASorg

From: NCARB
To: [Jones, Alysia D \(CED\)](#)
Subject: ARE Update: What Happens on July 1
Date: Wednesday, June 13, 2018 9:45:34 AM



Dear Alysia,

The Architect Registration Examination® (ARE®) 4.0 retires in just a few weeks—here's what you should expect if you haven't finished testing by **June 30, 2018**.

Transitioning to ARE 5.0

- **If you haven't already transitioned before ARE 4.0 retires, our system will most likely transition you the first time you log in to your NCARB Record and open the Exams tab.** Any division credits that you've earned will show in your Record based on the [Transition Calculator](#), and you'll be able to schedule your first ARE 5.0 division right away.
- **If you've recently tested in ARE 4.0 and are still waiting on a score report, you will not be able to transition until your score is posted.** As soon as the score posts and you view your Exams tab, you'll either be marked as ARE complete or be transitioned to ARE 5.0 if you still have some divisions left.
- **If you have testing accommodations that include extra breaks or extended time, you will need to contact NCARB's Customer Relations team to transition.** You'll also see a message about this on your Exams tab.

Due to extremely high testing volumes, score reports may take longer to process between now and the retirement. Although candidates typically receive their results within 1-2 weeks, score reports for divisions taken between now and June 30, 2018, may take up to 3-4 weeks to post.

Not planning on testing between now and June 30? [Make the transition now!](#)

Navigating the New Exam

Not familiar with ARE 5.0? Here are two key resources to help you get used to the new exam:

- [ARE 5.0 Handbook](#)—This essential resource walks you through each

division, providing specific objectives, sample questions, suggested references, and more.

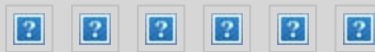
- [ARE 5.0 Demonstration Exam](#)—Want to practice navigating the new exam format? Log in to your NCARB Record to try our free demo exam.

Need Help?

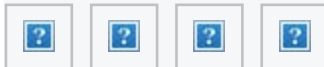
Join the [ARE 5.0 Community](#) to connect with NCARB's exam experts and your fellow candidates.

[National Council of
Architectural Registration Boards](#)

1801 K Street NW Suite 700K
Washington, DC, 20006



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Washington, DC | 20006 US

This email was sent to alysia.jones@alaska.gov.
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NCARB Celebrates First IPAL Graduates

In May, three students from the University of Florida's CityLab-Orlando IPAL option became the first to meet national requirements for licensure while earning a degree. By overlapping education, the AXP, and ARE 5.0, the innovative program aims to streamline and shorten the path to becoming an architect—without compromising the rigor needed to protect the public's safety. Moreover, CityLab's program highlights the collaborative potential between Member Boards, academia, and local firms.

[READ THE MESSAGE FROM THE CEO](#) ➤



From left: University of Florida's CityLab-Orlando IPAL graduates Phillip Lantry, Justin Jablonski, and Michael Germano.

May Highlights

Volunteer Leadership Week

With FY19 around the corner, First Vice President David L. Hoffman led a four-day training event in Washington, DC, with new Board of Directors members, committee chairs, and NCARB leadership.

[READ SENIOR OFFICE AND EXECUTIVE OFFICE OUTREACH](#) ➤

International Collaboration

Leadership from NCARB and the Federacion de Colegios de Arquitectos de la Republica Mexicana (FCARM) gathered to tend to the Tri-National Agreement, which enables U.S. architects to pursue work in Mexico.

[READ THE STRATEGIC PLAN](#) ➤

NCARB in the Press



- [Architect: Toward a History: The AIA Diversity Timeline](#)
- [Retrofit: NCARB Launches Approved Test Prep Provider Program for ARE 5.0](#)
- [Construction Specifier: NCARB initiative improves architectural exam aides](#)

Recent News



- [First IPAL Students to Earn Architecture Licenses Shortly After Graduation](#)
- [Number of U.S. Architects on the Rise](#)
- [In Memoriam: Susan May Allen](#)

Top Blog Post



- [Getting High School Students Interested in Architecture Careers](#)

Message from the CEO

Dear Colleagues,

I've repurposed below my remarks delivered at the recent convocation ceremonies for the University of Florida CityLab-Orlando program, featuring the nation's first Integrated Path to Architectural Licensure (IPAL) graduates.

Today is about personal achievement, not corporate achievement. You all made decisions: to enroll, to try something that hadn't been tried before, and to stick with it even when it felt too difficult or too discouraging. By the time I started at NCARB in 2011, the Council had slid back the start date for earning experience as far as high school graduation, allowing education and experience to fully overlap. Also, the eligibility to take the exam had been moved back so you could start the exam before you finished with your experience requirement. The logical next question: if these steps are already overlapping in two places, could all three fully overlap? I asked our incoming NCARB President Ronald Blitch, FAIA, FACHA, NCARB, who said, why can't we just try it? He ended up chairing the task force that was the incubator for this program.

The idea of overlapping steps is, for some, a radical idea. For many decades, it has been believed that you must pursue your license in a sequential fashion. You are helping us embrace a new normal in how we view qualification and comprehension to practice architecture. It's that big of a deal. We now have 21 of the 140 schools with accredited programs, with 26 programs that have been accepted for IPAL implementation and more to come.

Congratulations for choosing this school, to your school's leadership, and to your firms for the opportunities they have created. Thus, today also affirms NCARB's sustained effort to emphasize the collaborative potential between the academy and licensed practice. Your perspective, the technical skills you bring, your fresh ideas, and the ability to challenge conventional wisdom is essential to the future success of every firm in this country.

We're at a tipping point with this moment, revisiting the role of the academy, the role of firms, and the role of the licensure boards. We have a lot of hopes for you and your peers to follow. We also believe that today's achievement will argue for the relevance of licensure because it shows all the players can be agile and evolutionary.



NCARB President Emy, Past President Blitch, CEO Armstrong, Director of Experience + Education Falconer, and CityLab-Orlando School of Architecture Director Alread celebrate the first cohort of IPAL graduates.

For those discouraged about licensure because they're a part of an unrepresented group, the IPAL program can be a vehicle for creating more equity in the profession. It means that life won't get in the way because you're getting it done. We also know IPAL has become a talent retention tool: go back to graduate school, get it all done, and get a license.

There are no shortcuts; you folks are really motivated and very driven. We have heard from firms around the country that you're the kind of person they want to hire. We're excited to follow your progress in whatever direction you choose to go. Please let us know how it's going for you, and how we can make it better for those who follow. Thank you.

Best wishes,

Mike

Strategic Plan

Our goal of *facilitating licensure* was optimized with the first graduations from students participating in IPAL options in Florida and North Carolina. Concurrent compliance with the same education, experience, and examination requirements imposed on traditional path participants has led to licensure within weeks of graduation. A further indication of successful facilitation is the continued surge in Architect Registration Examination® (ARE®) completions as ARE 4.0 moves to retirement. Candidates completing their examination requirements entirely with ARE 4.0 or through the short-cut transition into ARE 5.0 are doing so in record numbers.

The augmentation of reporting to the national disciplinary database through additional NCARB engagement with its Member Boards has led to a reworking of how to best process disciplinary cases through the Professional Conduct Committee and potentially to the Board of Directors. Additionally, there has been an increase in the number of Member Boards taking advantage of NCARB's exam eligibility service as a fast-track means of getting candidates affiliated with jurisdictions and into the test centers. These developments underscore the goal of *centralizing credential data*.

Fostering collaboration, our third strategic goal, was manifested in the visit by senior leaders to Mexico as they continue to tend to the Tri-National Agreement for reciprocity between Mexico, Canada, and the United States. The importance of maintaining open and constructive dialogue, regardless of current politics, was emphasized during these meetings. At home, this goal was emphasized at the gathering of incoming committee chairs and staff liaisons as they engaged with incoming President David L. Hoffman, FAIA, NCARB, Hon. FCARM, participated in leadership training, and explored how to best execute their charges in the coming year.

Initial drafts of the refreshed plan were previewed to senior staff and senior Board leaders in preparation for a complete review by the full Board in September. Then the draft will move to a review by Member Board Chairs and Executives at their Summit in October. Work will continue until a final version is unveiled in June 2019 at the Centennial Annual Business Meeting.



President Erny and First Vice President Hoffman join leadership from FCARM in Mexico.

CEO Outreach



May

University of Florida CityLab-Orlando Convocation

Orlando, FL | May 1-3

Model Law Task Force Meeting

Charleston, SC | May 4-5

Indiana Board

Indianapolis, IN | May 8-9

FCARM and CONARC Meetings

Oaxaca, Mexico | May 17-20

Organizational Development and Office Life

- Outcomes from the “mini-retreat” of directors and assistant directors include finding opportunities to focus on assessing the best use of the Agile project management methodology, increased joint meetings to discuss emerging issues, and a commitment to strategic collaboration. A subsequent senior staff retreat incorporated those outcomes into an engagement around the refreshed strategic plan and brainstorming regarding goals for the new office space.
- The design process for the new office space is nearing completion regarding office, work station, conferencing, and other meeting space placement. Next steps will include layering in specific design elements and furniture selection. The Board of Directors voted to allocate additional funds to support LEED Gold status for the new space; current DC code positions space design at LEED Silver. The move-in date is projected for March 2019.

2018 ABM in Detroit



Founded in the 1880s, [Eastern Market](#) is the nation's largest outdoor farmers market and hosts more than 150 businesses—from locally grown produce to artisanal soaps.

Senior Officer and Executive Office Outreach

- **Volunteer Leadership Week.** Led by incoming FY19 President Hoffman, four days of activity engaged three distinct volunteer leadership groups in preparation for the fiscal year that begins July 1: a day and a half of orientation for incoming members of the FY19 Board of Directors; a full day of activities for incoming FY19 committee chairs, including introduction to the committee work to be accomplished during the year, legal training, kickoff meetings with staff committee liaisons, and round-robins with Hoffman and CEO Michael Armstrong; and one day of leadership development and consensus building around future initiatives with incoming senior officers Hoffman, Terry L. Allers, AIA, NCARB, and Robert M. Calvani, FAIA, NCARB, in partnership with the CEO.
- Also during the week, President Gregory L. Erny, FAIA, NCARB, Hon. FCARM, visited the office for a day full of engagement with all NCARB staff teams.

Collateral Engagement



NCARB/AIAS Check In

Washington, DC | May 29



During Volunteer Leadership Week, First Vice President Hoffman leads training sessions for new Board of Directors members and committee chairs.



FY19 committee chairs are introduced to the upcoming year's work.

Regulatory Update

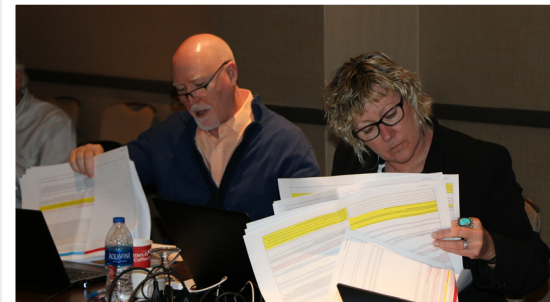
- As mentioned in recent NCARB Updates, [Senate Bill 334](#) in New Hampshire inched one step closer to being enacted. SB 334 passed the House to the Senate for concurrence. Due to various coalition efforts, SB 334 was amended by the House Committee on Executive Departments and Administration and reverted to its original language focusing exclusively on the allied health professions. Given its recent changes, the interstate compact would not pertain to the board of architects if passed.
- In Missouri, [House Bill 1710](#) has been moving through committees as an “executive oversight bill.” The purpose of this bill would be to establish an oversight body to review and approve applications from individuals licensed in other states, independent from the regulatory board. Fortunately, HB 1710 was recently amended by the Senate Committee on Fiscal Oversight and would not apply to the board of architects. Although it is not a threat to the established path to reciprocity for architects, this bill is another attempt to institute oversight of boards and could lead to other broader legislative efforts in the 2019 legislative session.
- In Louisiana, [House Bill 372](#) originally introduced as an “Occupational Board Compliance Act,” was recently amended in the Senate to overhaul the composition of the Occupational Licensing Review Commission. Due to various amendments, the bill now calls for high-level state agency officers (i.e. Secretary of State, Commissioner of Agriculture, and Commissioner of Insurance) to oversee state boards and their activities. Given the amount of occupationally focused bills in Louisiana in the 2018 session, and with the high number of licensed occupations within the state, Louisiana would be one of the few states (in addition to Mississippi and Oklahoma) to enact this level of executive oversight. NCARB will continue to monitor this legislation, and will provide support as needed by the Member Board Executive.
- Throughout the 2018 legislative session, the Council has been actively tracking and researching several bills that call for “least restrictive” regulatory changes. Legislators have claimed that if a profession must be regulated, the state licensing board should use the least restrictive form of regulation. These bills are being directly pushed by the Institute for Justice to use vague language of “least restrictive” to enact various degrees of changes. To learn more about what the Institute for Justice sees as the 10 least restrictive alternatives to occupational licensing, you can read their report [here](#). The Council is aware of the various bills within states and is proactively working to help state boards navigate proposed changes. Additionally, we are working with coalition partners on how to manage similar bills in the upcoming 2019 legislative session. For reference, the various state bills that include the “least restrictive” language are: [CO SB 193](#), [CO SB 236](#), [IA HB 4](#), [IL HB 3320](#), [LA HB 372](#), [LA HB 562](#), [LA HB 748](#), [LA SB 494](#), [MN HB 2225](#), [MO HB 2312](#), [MO SB 677](#), [MO SB 835](#), [NH HB 1685](#), [OH HB 51](#), [OH HB 289](#).

Administration

- Finalizing the FY19 budget for review and approval at the Board of Directors meeting held at the end of the Annual Business Meeting.
- Analyzing the FY18 financial projections—the current year will end with a positive bottom line due primarily to unprecedented volumes in ARE administrations. The deficit that was anticipated will not be realized.
- Recruiting to fill vacancies in three assistant director positions in the Customer Relations, Examination, and Experience + Education directorates, as well as filling an HR generalist vacancy.
- Finalizing logistics for the 2018 Detroit Annual Business Meeting.
- The Approved Test Prep Provider Committee is initiating review of test prep materials for four more divisions of ARE 5.0 from approved provider Black Spectacles. Read NCARB's [press release](#) about this new initiative.

Council Relations

- Sponsored the International Code Council's (ICC) 38th annual “Building Safety Month” campaign. In partnership with the ICC, we are able to continue efforts to raise awareness about the importance of building safety, building codes, and the partnership between state regulatory boards and the officials who maintain them.
- Hosted the first of three resolution feedback webinars. The resolutions, FAQs, and a recording of the webinar can be found on the [Member Board Community](#).
- Provided programmatic support for the FY19 Volunteer Leadership Week.
- Supported First Vice-President/President-elect Hoffman with notifying volunteers for the FY19 committee term.
- Joined the Customer Relations team for an in-person operations review and training for the New York Board of Architects executive and staff.



In May, members of the Model Law Task Force and Council Relations staff met in Charleston, South Carolina.



@randydeutsch

Looking forward to participating in the inaugural NCARB Scholars in Professional Practice program ... a new initiative to raise awareness of the importance of professional practice education.

Experience + Education

- Released two Mini-Monographs
 - [Security Planning and Design Part I: Security in the Built Environment](#)
 - [Understanding the Architect's Standard of Care](#)
- The Experience Advisory Committee is currently reviewing essays from applicants for the 2018 Think Tank. Applicants were required to complete a brief essay responding to the question: "What does licensure mean to you today, and how do you see your role as an architect evolving over the next 25 years?"

Examination

- Completed a preliminary analysis of the ARE 5.0 item bank in preparation for an upcoming multi-month pool review effort.
- The Forms Assembly Subcommittee completed their efforts for the year preparing the next iteration of exam questions to be released to candidates.
- In collaboration with Information Systems, completed final testing on the ARE 4.0 transition process that will go into effect on July 1, the day after ARE 4.0 officially retires.
- In collaboration with Marketing & Communications, released a series of final reminders to ARE 4.0 candidates outlining the steps leading up to the retirement of ARE 4.0 on June 30, 2018.



@muchcattle

Finally transitioning to @NCARB ARE 5.0. Two more exams stand between me and the official title of architect.



@NewSchoolArch

Congratulations to graduate architecture professor Mitra Kanaani for her appointment to the @NCARB Education Committee for 2018-19 term!

Information Systems

- Working with Customer Relations to upgrade the customer request tracking system.
- Developed an integration between the new phone system and NCARB's customer relationship management system (CRM), which enables a direct connection to be stored between the customer service call and the customer's Record. This functionality is a key milestone to providing NCARB with a holistic picture of the customer experience, both at the individual and aggregate levels.
- A number of MBEs recently previewed the upcoming License Verification system that will replace Form 155, which has long been a point of frustration for both boards and NCARB staff. This new system feature will allow boards to verify a newly issued license within the Transmittals system on the NCARB Member Board portal.
- NCARB's new business initiative to monetize proprietary software, Lineup™, sponsored its first booth at the Community Brands Conference in Orlando, Florida, building connections with many organizations and gaining leads to potential customers. This new system is already being used by the National Architectural Accrediting Board (NAAB) to build and manage accreditation visiting teams.
- Lineup hosted its first webinar, "Don't Create Committees, Design Them." The webinar was centered around building more effective teams, as Guillermo Ortiz de Zarate presented how an association innovated and maximized the effectiveness of its committees, actively planned diversity, improved volunteer satisfaction, and got more with less. Guillermo also presented the webinar at one of the sessions during the Xperience18 - Community Brands Conference.
- Data Scientist Katherine Matthews will be speaking on a panel at the American Society of Association Executives (ASAE) Membership Marketing and Communications Conference entitled, "The Data Scientist: Does your organization need one?"
- The staff infrastructure team has rolled out Skype for Business 2016 in an effort to get users acclimated to the new phone system, due to launch in June 2018. Skype for Business will allow users to make phone calls, hold meetings, and instant message colleagues from their workstations.

May Outreach



AIA Components

- May 22 | AIANY Emerging New York Architects
- May 23 | AIA Long Island

Conferences

- May 16 | IIDA Northland
- May 17-19 | Society for Design Administration EDSymposium
- May 24 | NSBAIDRD & AIA Nevada Continuing Education Seminar

Customer Relations

- Completed an outreach event in collaboration with Council Relations to the New York Board to review updates to the transmittal, feedback, and requirements survey processes. Introduced MBE Robert Lopez to Katrina Humphrey, the New York Board's dedicated NCARB contact.
- Collaborating with Marketing & Communications and Information Systems on a project to update telephone and incident management systems. A new feature will include customer satisfaction survey tools.

Marketing & Communications

- Developed various deliverables in preparation for NCARB's Annual Business Meeting—including branding and signage, the printed program and Guidebook app, documents related to voting and resolutions, and video assets.
- Finalized the 2018 edition of *NCARB by the Numbers*, which will be available at the NCARB Annual Business Meeting.
- Launched an updated online application for the AXP Portfolio.
- With Experience + Education, launched the 2018 Think Tank application.
- Developed a new manual for committee chairs.
- Conducted video interviews and distributed a [press release](#) announcing the first IPAL graduates.
- Conducted video interviews with Model Law Task Force members on the process of reviewing and refining this official document. The video will debut at the 2018 Annual Business Meeting.

Upcoming Outreach



Upcoming Outreach

- AIA Components
- June 26 | AIA Huron Valley

Conferences

- June 21-23 | A'18 AIA Conference on Architecture
- June 23 | Coalition of Community College Architecture Programs

From: NCARB Council Relations
To: [NCARB Council Relations](#)
Subject: Update regarding NCARB Board Elections
Date: Wednesday, June 20, 2018 11:14:14 AM

Please see an important message from Secretary Alfred Vidaurri.

Good Afternoon Member Board Members and Executives:

I write with an update regarding the NCARB Board of Directors elections. Last week, due to circumstances beyond her control, Maria Brown withdrew her nomination to serve a second term on the Board of Directors. The MBE Community has been notified of her decision and will hold nominations for this position during the MBE Breakfast at the Annual Business Meeting next week. Maria's declaration of candidacy appears in the Pre-Annual Briefing that you recently received. Please disregard this information as the MBE Community works to identify a new nominee.

The Council is extremely grateful for Maria's service to the Board of Directors, the Idaho and Oregon Architects Boards, Region 6 and the MBE Community as a whole. Maria has been a strong advocate and represented the voices and concerns of all Member Board Executives well. We all wish her well in her future endeavors.

Please feel free to contact me or Elizabeth Bern, Chair of the Member Board Executives Committee, if you have any questions.

Regards,
Alfred



National Council of Architectural Registration Boards
1801 K Street NW Suite 700K
Washington, DC 20006
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From: NCARB
To: [Jones, Alysia D \(CED\)](#)
Subject: Number of U.S. Architects on the Rise
Date: Tuesday, June 19, 2018 4:06:40 PM

NCARB



May-June 2018



News, Tools, and Tips to Support You Along the Path to Licensure

Infographic: Number of U.S. Architects Up 3 Percent



Infographic: Number of U.S. Architects Up 3 Percent

The 2018 Survey of Architectural Registration Boards reveals the number of U.S. architects is rising.



[Get to Know the Members of NCARB's Re-Think Tank](#)

Twelve recently licensed architects from around the country met for NCARB's inaugural Re-Think Tank. Get to know the members and the diverse insights they brought to the table.

[Getting High School Students Interested in Architecture Careers](#)

Wesley Livingston shares his ideas on connecting students with the community and engaging them with hands on experience.



[5 Things ARE Candidates Should Know About NCARB's ID Policy](#)

Familiarize yourself with NCARB's ID Policy for the ARE, so you don't experience any issues on test day.

[How to Make the Most of ARE 4.0's Final Months](#)

With just a few weeks left before ARE 4.0 retires on June 30, 2018, here's what you need to know about the upcoming transition.



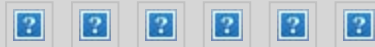
Upcoming Events

June 21-22 | [AIA Conference on Architecture](#) Booth #1847

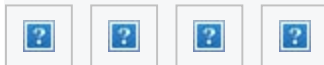
June 26 | [AIA Huron Valley](#)

[National Council of Architectural Registration Boards](#)

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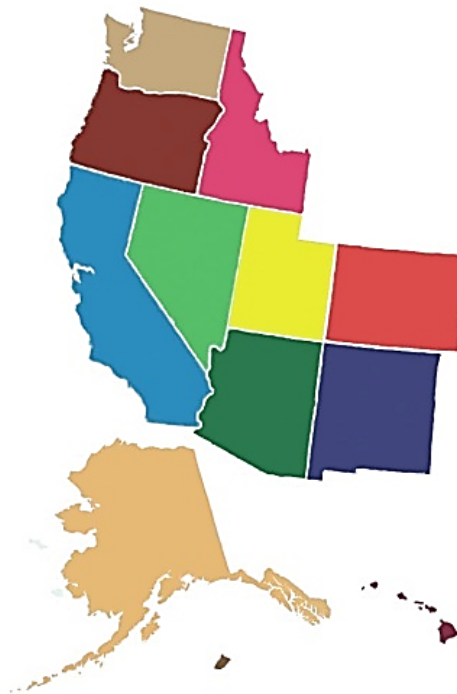
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WCARB

Western Council of
Architectural Registration Boards
REGION 6

**WCARB Region 6
2018 Regional Meeting at NCARB - Detroit, MI
June 29, 2018**



The 2018 WCARB Regional Meeting at the NCARB Annual Meeting

Westin Book Cadillac, Detroit, MI

Friday, June 29 – 12:30 PM

AGENDA

12:30 pm	Delegate Lunch and Regional Meeting	Venetian Room
1:00 pm – 1:45 pm	<ol style="list-style-type: none"> 1. Meeting Convened by Jon Baker <ul style="list-style-type: none"> • Establish Quorum • *Approval of Agenda • Introductions • *Approval of Minutes: 3/9/18 2. Regional Director's Report – Jim Oswald 3. Regional Chair's Report – Jon Baker 4. Financial Report – Jim Mickey 5. *Review and Approval of 2018-2019 WCARB Budget 	
1:45 pm -3:00 pm	<ol style="list-style-type: none"> 6. Committee Report Outs: Accomplishments, what worked and what didn't, lessons learned and considerations for the upcoming year: <ol style="list-style-type: none"> a. Bylaws & Rules Committee – Neitha Wilkey, Committee Chair b. Education & Program Committee – Jim Mickey, Committee Chair c. Strategic Planning Task Force – status report on committee work to date and what remains to be explored before completion of the plan – Jim Oswald, Committee Chair 	
3:00 pm – 3:15 pm	Break	
3:15 pm – 3:30 pm	<ol style="list-style-type: none"> 7. Discussion about proposed 2018 NCARB Resolutions 8. Call for WCARB member committee representation on next year's committee's/task forces: a) education committee; b) strategic planning task force; c) bylaws & rules 9. 2019 Regional Meeting Discussion – agenda and educational topics? 10. NCARB Visiting Team and Candidate Visits 11. Laudatories 12. New Business/Old Business 13. Other 	
4:00 pm	Adjourn	
6:00 – 7:00 pm	Regional Receptions – Regions 4 & 6	Venetian Room

**MINUTES FOR BOARD MEETING OF THE WESTERN COUNCIL OF ARCHITECTURAL
REGISTRATION BOARDS – WCARB REGION 6
Santa Fe Trail Meeting Room, Hyatt Regency Wichita, Wichita, KS**

Friday, March 9, 2018

Chairman Jon Baker called the meeting to order at 10:15 a.m.

AGENDA ITEM 1

Roll Call:

Alaska – present
Arizona – present
California – present
Colorado – present
Guam – present
Hawaii – present
Idaho – present
Nevada – present
New Mexico – present
Oregon – present
Utah – present
Washington – present

All member states and jurisdictions were present and represented at the March 2018 Regional Summit – Friday meeting.

AGENDA ITEM 2 **Introductions**

There were new members in attendance: Don Eggleston, MBM Oregon; Robert Stam, Arizona Board staff; Brian Jacobson, MBM Utah; Alysia Jones, MBE Alaska; Dale Hale, MBM Alaska.

The new members of WCARB Region 6 were warmly welcomed with a standing ovation.

AGENDA ITEM 3 **Approval of Agenda**

Motion: Ed Marley (AZ) moved to approve the agenda. Motion seconded by George Garlock (NV).

Vote: All in favor. Motion passes.

AGENDA ITEM 4 Approval of the Minutes

Motion: Mary Morissette (CO) moved to approve the minutes from the June 23, 2017 regional meeting in Boston, MA. Motion seconded by Allison McClintock (ID).

Vote: All in favor. Motion passes.

Agenda Item 5 Regional Director's Report – Jim Oschwald

Jim Oschwald gave a very detailed presentation, welcoming everyone to Wichita for the Regional Summit and giving an excellent presentation on the work of the Council.

Topics covered included:

- Region 6 Program Alignment slide which identified the following information:
 - 12 jurisdictions provide the ARE to examination candidates
 - 12 jurisdictions participate in the AXP streamline
 - 11 jurisdictions allow concurrent AXP and ARE
 - 10 jurisdictions allow alternative paths to the educational requirement
 - 10 jurisdictions mandate continuing education requirements
 - 9 jurisdictions accept the foreign architect certification path
 - 9 jurisdictions participate in the Canadian MRA
 - 5 jurisdictions require the NAAB accredited degree to meet the education requirement to take the ARE
 - 7 jurisdictions participate in the new New Zealand and Australia MRA
 - 3 jurisdictions require an NCARB certificate for reciprocal registration
 - 5 jurisdictions participate in Direct Registration
 - 5 jurisdictions accept the IPAL, which has 21 programs in 17 schools
 - 3 jurisdictions are sharing data with NCARB
- NCARB has updated its Member Board Community website to add more information to enrich and engage the member boards and its MBMs and MBEs.
- South Dakota initiated a compact agreement with several other jurisdictions to allow for reciprocity between each other without the need for an NCARB certificate. Oschwald said NCARB is very concerned because they have a robust and effective certification program. The jurisdictions that have expressed interest in the compact are MO, ND, MO, WY, and CO.
- Oschwald spoke about the Regional Director engagement calls and asked members to participate in the calls and share information and matters of interest or concern so that everyone has a voice in the Council.

AGENDA ITEM 6 Chair's/Executive Committee Report – Jon Baker

Chair Baker reported that the Executive Committee has been working on the agenda for this year's Regional Summit. Three committees were formed and met over the course of this year: a) Strategic Planning Task Force; b) Education and Program Development Committee and c) Bylaws & Rules Committee and will report out during the meeting. The Regional Leadership Committee discussed the Region 6 White Paper on the Benefits and Positive Impacts of

Regional Membership and the matter of regional relevance that was raised by the Arizona board and has asked each region to discuss the matter during their regional meetings and report back any comments or findings during the Saturday plenary session.

AGENDA ITEM 7 Financial Report – Jim Mickey

The 2017-2018 budget previously approved by the membership in June 2017 for the fiscal period of October 1, 2017 - September 30, 2018 was provided in the meeting materials for review and information purposes. Also provided in the meeting materials was a copy of last year's budget for comparison and information.

The Balance Sheet through February 26, 2018 was provided in the meeting materials for the membership. Also provided:

- The Profit and Loss statement for October 1, 2017 – February 28, 2018
- The Profit and Loss statement for the previous fiscal year of October 1, 2016 – September 30, 2017

As of February 26, 2018, total assets from both the checking and savings accounts total \$178,651.76. The region is in good financial shape.

Agenda Item 8 Discussion Regarding Proposed NCARB Resolution

Chair Baker went over the four proposed draft resolutions with the members and opened the floor up for questions.

1. Resolution 2018-01 – *NCARB Legislative Guidelines and Model Law/Model Regulations* Amendment – HSW Category Realignment

Several members felt that the proposed Health, Welfare and Safety subjects in the resolution did not necessarily fall into the category of HSW. Redefining HSW is a challenge but the proposal does not do it right. Concerns expressed that the proposed new HSW categories move more towards globalization and do not allow for more flexibility for the state boards. Chair Baker felt that NCARB used the wrong language in trying to define HSW; should amend to say CEU alignment, instead of HSW. Several members felt that specific information on HSW's is mentioned in the NCARB Bylaws and is more appropriately outlined in the Education Standard publication. There was much agreement in the region that NCARB should consider deleting HSW language entirely from the Bylaws and move to the Education Standard.

2. Resolution 2018-02 – *Certification Guidelines* Amendment – Revision to the EESA Requirement for the Education Alternative to Certification

Little comment mentioned on this proposal other than clarification requested as to whether this proposed resolution was based on the recent Canadian MRA entered into between NCARB/Jurisdictions and Canada.

3. Resolution 2018-03 – Amendment and Restatement of the *NCARB Model Rules of Conduct*

1.4 Concerns expressed whether it was appropriate for a Board to decide on professional competency based on medical and physical disabilities. Many thought the term “appropriately qualified professional” was overly broad and the more appropriate term would be “health care professional” to include therapists, etc., who are not always referred to as medical professionals.

Discussion about whether language should say “should” vs. “shall”. No consensus reached.

3.5 Much consternation articulated about the whistleblower aspect of this rule. Members who are employees of firms were concerned that they would have to potentially turn in their bosses if they heard of any wrongdoing. Members wanted clarification on how this rule is meant to work.

4.4 Members felt the language for “official” was not broad enough since many of them deal directly with building department or jurisdiction employees (serving in an official capacity). Recommend to change language to “public officials” and to add “employees” as well. Several members felt that the existing language should remain.

4.5 Concern conveyed that employee architects will be put in position to monitor “any and all” possible laws in the US or US jurisdictions of partners or firm owners or face potential discipline. This needs to be further examined and clarified.

5.3 Several members felt that the existing language in Rule 5.3 should remain as it covers the matter more appropriately than breaking up it up into other rules.

4. Resolution 2018-D – Amendment and Restatement of the *NCARB Bylaws*

Many members of Region 6 advocated that it is appropriate for each individual region to set the qualifications for its Regional Director.

Region 6 suggests that the timing of when resolutions are to be received and disseminated be aligned. As an example, proposed resolutions coming from Regions or Members Boards must have 75 days’ notice, while resolutions coming from committees only requires 30 days’ notice. Member boards were in agreement that the timing should be more, not less in order to give member board’s adequate time to meet and review the proposals and provide feedback prior to the Annual Meeting.

AGENDA ITEM 9 Region 6 Strategic Planning Exercise

Jim Oschwald, Chair of the Strategic Planning Task Force (SPTF), gave the membership an overview of Region 6 history and the development of the White Paper and discussed how Region 6 got to the point where it decided to create a Strategic Plan for Region 6. Oschwald had created a slideshow which discussed how strategic plans are developed and outlined how Region 6 would work on developing its own strategic plan. Folks were then divided up into groups to circulate around the white boards placed around the room to gather feedback on the

region's SWOT Analysis (Strengths, Weaknesses, Opportunities and Threats). Information on sticky notes was gathered for analysis and inclusion on the next steps of the Region 6 strategic plan.

Next steps, the SPTF committee will meet again to analyze the information received and continue working on the strategic plan. Oschwald will report out on the committee work at the June meeting for Region 6 in Detroit for the 2018 NCARB ABM.

AGENDA ITEM 10 WCARB Region 6 Laudatories

There was one Laudatory presented at this regional meeting for Brian Hanson, outgoing member board member for the Alaska board.

Vice Chair Ed Marley read the Laudatory for Brian Hanson of the Alaska Board:

"Whereas engineer Brian Hanson has been a member of the Alaska State Board of Registration for Architects, Engineers and Land Surveyors for eight years, serving as board chair and on multiple standing board committees, including the Investigative Advisory Committee, Guidance Manual, Budget, and Continuing Education Committees.

Whereas, Mr. Hanson is a strong proponent of licensure mobility. His analytical skills will be sincerely missed by the board and staff, particularly the investigative staff. In February 2018, Mr. Hanson attended his last AELS board meeting where his board nominated him for Emeritus Status so he could continue his work as the Western Zone Vice President for NCEES.

It is therefore resolved that we express our sincere heartfelt appreciation for the generous gift of his time, talents and insights which benefitted the public, the architectural and engineering community and his fellow Alaska board members with a standing ovation."

Read into the record on Friday, March 9, 2018.

AGENDA ITEM 11 Committee Reports

Education and Program Development Committee:

Jim Mickey, WCARB Region 6 Secretary/Treasurer and Chair of the Education and Program Development Committee presented the committee's work on a slideshow to the membership. Topics discussed at the committee level included an objective to offer educational programs that cover both regulatory and professional practice related topics.

Potential regulatory topics:

- Board Meeting
 - Public/Open Meetings Laws/Requirements
 - Robert's Rules
 - General

- How to Be a Better Board Member
 - Boardsmanship
- Enforcement cases
 - formal hearing proceedings
- Succession planning
 - Staff & Board members
- NCARB / WCARB Orientation for new board members
- Resiliency / disaster
 - Role of board
- Communicate with other like kind organizations
 - Building Departments
- Strategies to communicate with public at large
- Legislative bodies
 - Touch-points

Potential professional practice topics:

- Content from regional meeting location
- Professional Ethics
- Architectural History of places where meetings occur
- HSW qualifying type content

Mickey asked anyone if they had any questions or ideas to add to the list.

Catherine Fritz (AK) asked if this educational opportunity would be for WCARB members only. Mickey replied yes, that is the intent. If Region 6 is hosting the Regional Summit, the educational opportunities might be available to all attendees as part of the overall plenary session. Jim Oswald (NM) asked who would pay for the program in that scenario? Mickey said that WCARB would pay and if other regions participate, they would share in the cost.

Bob Calvani (NM) asked how much the budget would be? Mickey replied that it could be 10K – 15K a year or only 5K, it would depend on the program developed by the committee and approved by the members.

Jon Baker (CA) asked if WCARB was an approved AIA CEU provider. Mickey replied that WCARB was not, but could seek to obtain approved provider status from the AIA. Oswald said he felt WCARB should not need to become an approved provider; that all jurisdictions should accept the WCARB obtained continuing education units.

FARB (Federation of Associations of Regulatory Boards) and CLEAR (Council for Licensure, Enforcement and Regulation) both offer training programs that the region could look into.

Bylaws Committee:

Neitha Wilkey (WA), Chair of the Bylaws and Rules committee, reported that the committee had reviewed the existing bylaws and rules and had minor housekeeping changes to propose, but recommended the committee revisit the bylaws and the rules after the strategic plan is developed in order to incorporate any new regional objectives, committees and programs.

AGENDA ITEM 12 & 13 Discussion and Membership Input Request regarding WCARB White Paper on the Benefits and Positive Impacts of Regional Membership and the Regional Structure Relevance Analysis – Jon Baker

Jon Baker explained that the WCARB White Paper had been reviewed by the NCARB Regional Leadership Committee with the recommendation that all regions discuss the contents of the White Paper along with the idea of regional relevance and report out to the entire Summit at the Saturday plenary session.

The consensus of the members was that they agreed that regions are important and relevant to the Council and all the members. Members agreed that the White Paper was a living document that will continually be updated and improved.

The topic of sunset review was brought up. Many of the WCARB jurisdictions have to undergo a sunset review periodically, and those jurisdictions that do not currently have a sunset review want to have tools in the “toolbox” to adequately respond to a sunset review if necessary. Calvani suggested that jurisdictions use NCARB’s resources to educate legislators on the benefits of regulation. NCARB has been amassing much information to assist jurisdictions with sunset reviews and other matters.

Scott Harm (WA) asked if sunset review could be added to the WCARB continuing education training courses that will be developed because it would be helpful to his jurisdiction.

AGENDA ITEM 15 Elections: Nominations – From the Floor

Jim Mickey, (NV), Scott Harm (WA), Corey Solum (UT) and Tara Rothwell (NM) are all running for one of the three open positions on the WCARB Region 6 Executive Committee.

Motion: Joyce Noe, (HI) moved to close the nomination for the Executive Committee. Motion seconded by Jim Oswald, (NM).

Vote: All in favor. Motion passes.

Jon Baker is running for the position of Regional Director.

Motion: Joyce Noe, (HI) moved to close the nomination for the Regional Director. Motion seconded by Jim Mickey, (NV).

Vote: All in favor. Motion passes.

AGENDA ITEM 16 Nominee Speeches : Regional Director and Executive Committee

Regional Director: Jon Baker addressed the membership and thanked them for giving him the opportunity to serve on the WCARB Executive Committee as a member and currently as the Chair and asked for their support in becoming the next WCARB Regional Director.

Members: Tara Rothwell was not able to attend the meeting in person due to travel restrictions in her jurisdiction and put together a YouTube video with a short speech regarding her desire to serve the region on the WCARB Executive Committee.

Jim Mickey, Scott Harm and Corey Solum each addressed the members and discussed their backgrounds and why they wanted to serve the region via the Executive Committee.

AGENDA ITEM 17 Elections: Regional Director and Executive Committee

Jim Mickey (NV), Scott Harm (WA) and Corey Solum (UT) were elected by ballot.

Jon Baker ran for the position of Regional Director unopposed and was elected by acclamation.

AGENDA ITEM 18 Elections: Nominations for Chair, Vice-Chair and Secretary/Treasurer

Chair:

Bert Yumol (HI) nominated Ed Marley as Regional Chair.

Vice Chair:

Mary Morrisette (CO) nominated Scott Harm as Vice Chair.

Secretary/Treasurer:

Bill Snyder (NV) nominated Jim Mickey as Secretary/Treasurer.

Motion: Bill Snyder (NV) moved to close the nomination for the leadership positions of Chair, Vice Chair and Secretary/Treasurer. Motion seconded by George Garlock (NV).

Vote: All in favor. Motion passes.

AGENDA ITEM 20 Elections for Executive Officers

Ed Marley was elected Chair by acclamation, Scott Harm was elected Vice Chair by acclamation and Jim Mickey was elected Secretary/Treasurer by acclamation.

The WCARB Executive Committee for 2018-19 (effective 7/1/18) is:

Jon Baker, (CA) Regional Director
Edward Marley, (AZ) Regional Chair
Scott Harm, (WA) Vice Chair
James Mickey, (NV) Secretary/Treasurer
Sylvia Kwan, (CA) Member
Corey Solum (UT) Member

Calvani commented that he was happy to see diversity for the WCARB elections and that he hoped it would continue. Maria Brown (OR MBE) suggested that WCARB discuss adding an

MBE and possibly a public member to the WCARB Executive Committee to continue to grow leaders. Baker agreed this would be a good future topic.

AGENDA ITEMS 21 & 22: Old Business/New Business

Jon Baker encouraged all members to participate on the WCARB Executive Committee and other Region 6 committees in order to engage further within the region. He also said that service on NCARB committees is extremely rewarding and stressed how important the work of the committees are and that the Council is a volunteer driven organization.

WCARB members were urged to contemplate new programs and initiatives for the region and bring any ideas forward to the Executive Committee for consideration and discussion at a future meeting.

An open discussion about deregulation ensued. Allison McClintock asked if anyone was currently experiencing deregulation concerns. Arizona and Idaho are currently undergoing deregulation attempts by their legislatures.

Ray Vigil (NM) stated that interior designers were attempting licensure in his jurisdiction and asked if any other jurisdictions were dealing with this? Alaska responded that interior designers were also seeking registration in their jurisdiction.

ADJOURN FOR THE REMAINDER OF THE SUMMIT

The meeting was adjourned at 4:28 p.m and will reconvene at the NCARB Annual Business Meeting on June 29, 2018.

WCARB

Western Council of
Architectural Registration Boards
REGION 6

Regional Director's Report

Jim Oschwald, Regional Director

WCARB

Western Council of
Architectural Registration Boards
REGION 6

Chair/Executive Committee Report Jon Baker, WCARB Chair

WCARB

Western Council of
Architectural Registration Boards
REGION 6

Financial Report

Jim Mickey, WCARB Secretary/Treasurer

2:35 PM
06/20/18
Cash Basis

WCARB
Balance Sheet Standard
As of June 20, 2018

	<u>Jun 20, '18</u>
ASSETS	
Current Assets	
Checking/Savings	
Cash - Checking	57,736.48
Savings	<u>99,125.16</u>
Total Checking/Savings	<u>156,861.64</u>
 Total Current Assets	<u>156,861.64</u>
 TOTAL ASSETS	<u><u>156,861.64</u></u>
LIABILITIES & EQUITY	
Equity	
Retained Earnings	155,441.98
Net Income	<u>1,419.66</u>
Total Equity	<u>156,861.64</u>
 TOTAL LIABILITIES & EQU...	<u><u>156,861.64</u></u>

2:26 PM

06/20/18

Cash Basis

WCARB
Profit and Loss Standard
October 1, 2017 through June 20, 2018

	<u>Oct 1, '17 - Jun 20, ...</u>
Income	
Meeting Reimbursement	3,500.00
Interest	23.25
Annual Dues	
Alaska	4,000.00
Arizona	4,000.00
California	4,000.00
Colorado	4,000.00
Guam	4,000.00
Hawaii	4,000.00
Idaho	4,000.00
Nevada	4,000.00
New Mexico	4,000.00
Oregon	4,000.00
Utah	4,000.00
Washington	4,000.00
Total Annual Dues	<u>48,000.00</u>
Total Income	51,523.25
Expense	
Committee & Program Expense	10,095.69
Recurring Software Expense	278.84
Regional Dinner Expense	4,704.40
Bank Service Charges	50.00
Executive Committee Travel	8,471.46
Bd Member Meeting Reimburse...	1,657.10
Postage and Mailing	23.50
Executive Director's Pay	11,250.00
Executive Director's Travel	1,812.33
Meeting Costs	536.84
Office Supplies	35.50
Internet	747.72
Web Site	388.00
Total Expense	<u>40,051.38</u>
Net Income	<u><u>11,471.87</u></u>

2:28 PM
06/20/18
Cash Basis

WCARB
Profit and Loss Standard
October 2016 through September 2017

	<u>Oct '16 - Sep '17</u>
Income	
Meeting Reimbursement	7,000.00
Interest	35.67
Annual Dues	
Alaska	4,000.00
Arizona	4,000.00
California	4,000.00
Colorado	4,000.00
Guam	4,000.00
Hawaii	4,000.00
Idaho	4,000.00
Nevada	4,000.00
New Mexico	4,000.00
Oregon	4,000.00
Utah	4,000.00
Washington	4,000.00
Total Annual Dues	<u>48,000.00</u>
Total Income	55,035.67
Expense	
Recurring Software Expense	279.87
Regional Dinner Expense	10,441.20
Meeting Planning	56.95
Bank Service Charges	50.00
Executive Committee Travel	21,616.05
Bd Member Meeting Reimburse...	5,473.26
Executive Director's Pay	15,000.00
Executive Director's Travel	3,325.84
Office Supplies	14.90
Internet	996.96
Web Site	337.00
Total Expense	<u>57,592.03</u>
Net Income	<u><u>-2,556.36</u></u>

DRAFT

**WESTERN COUNCIL OF ARCHITECTURAL
REGISTRATION BOARDS**

**APPROVED BUDGET OF REVENUE AND EXPENDITURES FOR
FISCAL YEAR October 1, 2018- September 30, 2019**

BUDGETED AMOUNT

REVENUE:

Bank Interest	\$ 35.00
Annual Dues:	\$ 48,000.00

TOTAL 2018-19 REVENUE:	\$ 48,035.00
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EXPENDITURES:

Executive Committee Travel	\$ 18,000.00
Education/Program Development and R6 Committee Expenses	15,000.00
Meeting Costs	2,500.00
Regional Dinner – Nashville, March ‘19	7,000.00
Executive Director’s Pay	15,000.00
Communication, Website & Internet	2,220.00
Printing, Production & Mailing	250.00
Misc (includes annual software expense)	<u>500.00</u>

TOTAL 2018-19 EXPENDITURES:	\$ 60,470.00
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WESTERN COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS

APPROVED BUDGET OF REVENUE AND EXPENDITURES FOR FISCAL YEAR October 1, 2017- September 30, 2018

BUDGETED AMOUNT

REVENUE:

Bank Interest	\$ 35.00
Annual Dues:	\$ 48,000.00

TOTAL 2017-18 REVENUE:	\$ 48,035.00
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EXPENDITURES:

Executive Committee Travel	\$ 18,000.00
Education/Program Development and Committee Expenses	15,000.00
Meeting Costs	2,500.00
Regional Dinner – March 2018	6,500.00
Executive Director's Pay	15,000.00
Communication, Website & Internet	2,220.00
Printing, Production & Mailing	250.00
Misc (includes annual software expense)	<u>500.00</u>

TOTAL 2017-18 EXPENDITURES:	\$ 59,970.00
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WCARB

Western Council of
Architectural Registration Boards
REGION 6

Committee Reports

WCARB

Western Council of
Architectural Registration Boards
REGION 6

Proposed NCARB Resolutions



Resolutions to be Acted Upon

2018 NCARB Annual Business Meeting

May 2018

National Council of Architectural Registration Boards

1801 K Street NW, Suite 700K, Washington, DC 20006

Tel: 202/783-6500 | Fax: 202/783-0290

www.ncarb.org

Resolutions to be Acted Upon

2018 NCARB Annual Business Meeting

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Resolution 2018-01

Supported by the Council Board of Directors (14-0)

TITLE: NCARB *Legislative Guidelines and Model Law/Model Regulations* Amendment – HSW Category Realignment

SUBMITTED BY: Education Committee

WHEREAS, the Board of Directors have proposed an alignment of HSW categories with the current experience areas of the Architectural Experience Program® (AXP™) and the practice areas of the Architect Registration Examination® (ARE®); and

WHEREAS, the Education Committee of the Council has determined upon careful consideration that it is advisable and in the best interest of the Council to realign the current HSW categories for continuing education defined in 100.006 (page 25) of the *Legislative Guidelines and Model Law/Model Regulations*; and

WHEREAS, requirements for NCARB certification may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this Resolution; and

WHEREAS, prior to implementing the changes to 100.006 (page 25) of the *Legislative Guidelines and Model Law/Model Regulations*, the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that Section 100.006 (Health, Safety, and Welfare Subjects, page 25) of the *Model Regulations* be amended as follows:

“Health, Safety, and Welfare Subjects

Technical and professional subjects related to the practice of architecture that the Board deems appropriate to safeguard the public and that are within the following enumerated continuing education subject areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

~~BUILDING SYSTEMS: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection~~

~~CONSTRUCTION CONTRACT ADMINISTRATION: Contracts, Bidding, Contract Negotiations~~

~~CONSTRUCTION DOCUMENTS: Drawings, Specifications, Delivery Methods~~

~~DESIGN: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures~~

~~ENVIRONMENTAL: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation~~

~~LEGAL: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to protect Owners and Public~~

~~MATERIALS and METHODS: Construction Systems, Products, Finishes, Furnishings, Equipment~~

~~OCCUPANT COMFORT: Air Quality, Lighting, Acoustics, Ergonomics~~

~~PRE-DESIGN: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying~~

~~PRESERVATION: Historic, Reuse, Adaptation~~

PRACTICE MANAGEMENT: This category focuses on areas related to the management of architectural practice and the details of running a business.

PROJECT MANAGEMENT: This category focuses on areas related to the management of architectural projects through execution.

PROGRAMMING & ANALYSIS: This category focuses on areas related to the evaluation of project requirements, constraints, and opportunities.

PROJECT PLANNING & DESIGN: This category focuses on areas related to the preliminary design of sites and buildings.

PROJECT DEVELOPMENT & DOCUMENTATION: This category focuses on areas related to the integration and documentation of building systems, material selection, and material assemblies into a project.

CONSTRUCTION & EVALUATION: This category focuses on areas related to construction contract administration and post-occupancy evaluation of projects.”

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of the *Legislative Guidelines and Model Law/Model Regulations* remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these changes shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the changes by an absolute majority of the Council Member Boards, such changes will become effective July 1, 2018.

ADVOCATES:

- **Education Committee**

- Miguel A. Rodriguez, *Florida Member Board Member*
- Alastair Stokes, *Massachusetts recently licensed architect*
- Lori SchraderBachar, *Iowa Member Board Executive*
- Ann Marie Borys, *Educator, University of Washington Department of Architecture*
- Bobbi Jo Hepper-Olson, *North Dakota Member Board Member*
- Carole E. Pacheco, *Georgia Member Board Member*
- Caryn J. Brause, *Educator, University of Massachusetts Amherst Department of Architecture*
- Charles Robert Deese, *Montana recently licensed architect*
- Jennifer R. Arbuckle, *Vermont Member Board Member*
- Kerry Anderson, *Iowa recently licensed architect*
- Mitra Kanaani, *Educator, NewSchool of Architecture and Design*
- Patrick Ryan Barry, *Michigan Member Board Member*
- Gary Ey, *Maryland Public Board Member*
- Bayliss Ward, *Montana Member Board Member; Director, Region 5*

- **Experience Committee**

- John Patrick Rademacher, *Ohio Member Board Member*
- Erin Fox, *Oregon licensure candidate*
- Julie Hildebrand, *Texas Member Board Executive*
- Gianna Lisa Pigford, *Texas architect*
- James "JC" Clifford Rearden, *Missouri Member Board Member*
- Roch F. Manley, *Washington Member Board Member*
- Terance B. White, *Utah Member Board Member*
- James Oswald, *New Mexico Member Board Member; Director, Region 6*

- **Resiliency Workgroup**

- Allen J. Bacqué, *AIA, NCARB, Louisiana Member Board Member*
- Chris E. Brasier, *FAIA*
- Suni Dillard, *AIA, LEED AP BD+C, Massachusetts Member Board Member*
- Maria Brown, *Oregon Member Board Executive*
- Harley H. Hightower, *FAIA, NCARB, Former Alaska Member Board Member*
- John R. Klai II, *FAIA, NCARB, NCIDQ, Nevada Member Board Member*
- Joyce Noe, *FAIA, Hawaii Member Board Member*
- Jim Oswald, *NCARB, AIA, LEED AP BD+C, New Mexico Member Board Member*
- R. K. Stewart, *FAIA, NCARB, Hon. FRIAC, Hon. JIA, Hon. AIA, Former AIA President*

SPONSORS' STATEMENT OF SUPPORT:

This proposal represents an effort to align HSW categories in *Legislative Guidelines and Model Law/Model Regulations* to the core programs of the Council, experience (AXP) and examination (ARE). The current HSW categories are outdated and limiting for the breadth of topics that could be considered for HSW continuing education. While the AXP and ARE have very specific topics listed for every experience and practice area, it is proposed that these same areas be used to organize the list of acceptable HSW continuing education topics.

A new comprehensive list of acceptable HSW topics for continuing education will be added to the *Education Guidelines* to enable modifications to the list of topics as needed to keep up with current trends and evolving technologies. This new section will also expand the language in *Model Regulations* by adding specific topics associated with each HSW subject area.

Health, Safety, and Welfare Subjects and Acceptable Topics

Technical and professional subjects related to the practice of architecture that safeguard the public and that are within the following continuing education subject areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment. Acceptable HSW topics listed under each CE subject area are not all-inclusive and may span across multiple subjects.

PRACTICE MANAGEMENT: This category focuses on areas related to the management of architectural practice and the details of running a business.

Acceptable Topics

Applicable Laws and Regulations
Ethics
Insurance to Protect Owner and Public
Business Management
Risk Management
Information Management
Design for Community Needs
Supervisor Training

PROJECT MANAGEMENT: This category focuses on areas related to the management of architectural projects through execution.

Acceptable Topics

Project Delivery Methods
Contract Negotiation
Pre-Design Services
Site and Soils Analysis
Consultant Management
Project Scheduling

Quality Control (QA/QC)

Economic Assessment

Value Engineering

PROGRAMMING & ANALYSIS: This category focuses on areas related to the evaluation of project requirements, constraints, and opportunities.

Acceptable Topics

Land-Use Analysis

Programming

Site Selection

Historic Preservation

Adaptive Reuse

Codes, Regulations, and Standards

Natural Resources

Environmental Impact and Ecosystem Risk Assessment

Hazardous Materials

Resilience to Natural and Human Impacts

Life Safety

Feasibility Studies

PROJECT PLANNING & DESIGN: This category focuses on areas related to the preliminary design of sites and buildings.

Acceptable Topics

Building Systems

Urban Planning

Master Planning

Building Design

Site Design

Safety and Security Measures

Impacts, Adaptation and Mitigation of a Changing Climate

Energy Efficiency and Positive Energy Design

Sustainability

Indoor Air Quality

Ergonomics

Lighting

Acoustics

Accessibility

Construction Systems
Budget Development

PROJECT DEVELOPMENT & DOCUMENTATION: This category focuses on areas related to the integration and documentation of building systems, material selection, and material assemblies into a project.

Acceptable Topics

Construction Documents
Materials and Assemblies
Fixtures, Furnishings, & Equipment

CONSTRUCTION & EVALUATION: This category focuses on areas related to construction contract administration and post-occupancy evaluation of projects.

Acceptable Topics

Construction Contract Administration
Bidding and Negotiation
Post Occupancy Evaluation (POE)
Building Commissioning

This proposed revision:

- Aligns HSW continuing education subject areas to the experience/practice areas of AXP and ARE
- Provides a general definition for each new HSW continuing education subject area
- Eliminates a lengthy list of continuing education topics within *Model Regulations*
- Supports efforts to evolve NCARB programs and documents with the evolution of the architectural profession

REFERENCES:

- [Legislative Guidelines and Model Law/Model Regulations](#)
- [AXP experience area definitions](#)
- [ARE practice area definitions](#)

Resolution 2018-02

Supported by the Council Board of Directors (14-0)

TITLE: *Certification Guidelines* Amendment – Revision to the EESA Requirement for the Education Alternative to Certification

SUBMITTED BY: Education Committee

WHEREAS, the Board of Directors have determined that the current EESA requirement for applicants pursuing certification through the Education Alternative be optional for those who do not have an architecture-related degree and have more than 64 semester credit hours of postsecondary education; and

WHEREAS, the Education Committee of the Council has determined upon careful consideration that it is advisable and in the best interest of the Council to revise the current EESA requirement for the Education Alternative to Certification set forth in Section 2 of the *Certification Guidelines*; and

WHEREAS, requirements for NCARB certification may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this Resolution, with such changes applicable to applicants for certification in process and new applicants; and

WHEREAS, prior to implementing the changes to Section 2 of the *Certification Guidelines*, the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the alternatives for certification of an architect registered in a U.S. jurisdiction as included in Section 2.2 of the *Certification Guidelines* (page 11) be amended as follows:

“2.2 Alternatives to the Education Requirement

If you do not hold a professional degree in architecture as identified in Section 1.2, NCARB will accept either of the following:

- A. Three (3) years of continuous licensure in any U.S. jurisdiction with no disciplinary action from any jurisdiction; and Documentation of experience gained pre-licensure and/or post-licensure. The experience must be verified either by a supervisor as allowed by the NCARB Architectural Experience Program or by an architect familiar with the work of the applicant:
 - 1. Architects who hold a four-year bachelor degree in an architecture-related program awarded by a U.S. regionally accredited institution or the Canadian equivalent must document two times (2x) the experience requirement of the NCARB Architectural Experience Program.

*Bachelor Degree in an Architecture-related Program: The term refers to any baccalaureate degree in an architecture-related program from an institution with U.S. regional accreditation that is awarded after earning less than 150 semester credits or the quarter-hour equivalent. For instance, these

degrees have titles such as Bachelor of Science in Architecture, Bachelor of Science in Architectural Studies, Bachelor of Arts in Architecture, Bachelor of Environmental Design, Bachelor of Architectural Studies, etc. This list is neither all-inclusive nor exhaustive. The amount of architecturally-defined content in these programs may vary from institution to institution.

2. All other architects (whose highest level of education may be high school, associate degree, unrelated bachelor or master degree, etc.) or non-U.S. or Canadian degree, must:
 - ~~Obtain an Education Evaluation Services for Architects (EESA)* evaluation, for those who have 64 or more semester credit hours of post-secondary education to determine education deficiencies.~~
 - Submit a Certificate Portfolio. Document experience as a licensed architect to satisfy all subject areas of the NCARB Education Standard ~~identified as deficient by the EESA report~~ through a portfolio for peer review.
 - i. Architects with 64 or more semester credit hours of postsecondary education have the option to obtain an Education Evaluation Services for Architects (EESA) to identify specific subject area deficiencies to address through the Certificate Portfolio.
 - ii. The General Education subject area of the Certificate Portfolio is waived for those with a U.S. or Canadian bachelor degree or higher.

~~*Architects with less than 64 semester credit hours of postsecondary education do not require an EESA and must satisfy all education deficiencies through an education portfolio.~~

- B. Architects may obtain an Education Evaluation Services for Architects (EESA) NCARB evaluation report stating that he/she has met the *NCARB Education Standard*.

The NCARB Architectural Experience Program is described in the *AXP Guidelines*. The *NCARB Education Standard* is described in the *Education Guidelines*. These documents may be revised from time to time by NCARB.”

FURTHER RESOLVED, that these changes shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the changes by an absolute majority of the Council Member Boards, such changes will become effective July 1, 2018, and will apply to new applicants for certification through the Education Alternative.

ADVOCATES:

- **Education Committee**

- Miguel A. Rodriguez, *Florida Member Board Member*
- Alastair Stokes, *Massachusetts recently licensed architect*
- Lori SchraderBachar, *Iowa Member Board Executive*
- Ann Marie Borys, *Educator, University of Washington Department of Architecture*
- Bobbi Jo Hepper-Olson, *North Dakota Member Board Member*
- Carole E. Pacheco, *Georgia Member Board Member*
- Caryn J. Brause, *Educator, University of Massachusetts Amherst Department of Architecture*
- Charles Robert Deese, *Montana recently licensed architect*
- Jennifer R. Arbuckle, *Vermont Member Board Member*
- Kerry Anderson, *Iowa recently licensed architect*
- Mitra Kanaani, *Educator, NewSchool of Architecture and Design*
- Patrick Ryan Barry, *Michigan Member Board Member*
- Gary Ey, *Maryland Public Board Member*
- Bayliss Ward, *Montana Member Board Member; Director, Region 5*

- **National Architectural Accrediting Board**

SPONSORS' STATEMENT OF SUPPORT:

This proposal represents an effort to ensure current requirements for the Education Alternative to Certification are rational and provide the necessary rigor. The current requirement is for all Certificate Portfolio applicants who have 64 or more semester credit hours of postsecondary education to obtain an Education Evaluation Services for Architects (EESA). The proposed resolution gives applicants the option to obtain an EESA. Those who choose to obtain an EESA may eliminate the need to satisfy some subject areas of the *Education Standard* through the Certificate Portfolio. Those who choose not to obtain an EESA must satisfy all subject areas through the Certificate Portfolio.

The EESA, administered by the National Architectural Accrediting Board (NAAB), was established to assist applicants who do not have a professional degree in architecture from a NAAB- or CACB/CCCA-accredited program who wish to apply for NCARB certification. As it relates to the Education Alternative, the EESA evaluates an applicant's academic transcript in comparison with the *NCARB Education Standard*, an approximation of the requirements of the professional degree from a NAAB-accredited degree program.

The EESA report states which areas of the *NCARB Education Standard* have been satisfied and which areas (if any) are deficient. Areas of deficiency are then remedied through submission of a Certificate Portfolio. Both the EESA and Certificate Portfolio use the *NCARB Education Standard* as criteria by which to review satisfaction of the education requirement for certification.

About 20 percent of architects falling into the category of requiring an EESA have received an associate, bachelor, or master degree in completely unrelated fields. Their EESA evaluation typically leads only to a waiver of the “General Education” subject area. The EESA requirement is a time-consuming and costly effort for little to no value in these cases.

Many of the remaining 80 percent of architects requiring an EESA have completed some coursework in architecture or architecture-related programs and have also expressed interest in satisfying their education by completing all subject areas of the *Education Standard* through the Certificate Portfolio, bypassing the cost and time required to obtain an EESA.

Also included in this proposal is a waiver of General Education for all Certificate Portfolio applicants who hold a bachelor or higher degree from the U.S. or Canada. This is in direct correlation to the waiver historically given to EESA applicants by the NAAB. The rationale for which is that institutions able to grant a bachelor degree are required to have a curriculum that meets the general education standards.

This proposed resolution:

- Recognizes that the criteria used for an EESA evaluation is the same criteria used to evaluate a Certificate Portfolio: the *NCARB Education Standard*
- Allows all applicants the option of either:
 - a. Obtaining an EESA and submitting a Certificate Portfolio addressing only identified subject area deficiencies from the EESA report, or
 - b. Bypassing the EESA and submitting a Certificate Portfolio addressing ALL subject areas
- Provides an unbiased evaluation of an architect’s education
- Gives credit for General Education to those who have obtained a bachelor degree or higher
- Maintains program rigor
- Streamlines the process for those choosing to bypass the EESA
- Supports efforts to minimize program fees

REFERENCES:

- [NCARB Education Guidelines](#)
- [Certificate Portfolio Applicant Guide](#)

Resolution 2018-03

Supported by the Council Board of Directors (14-0)

TITLE: Amendment and Restatement of the *NCARB Model Rules of Conduct*

SUBMITTED BY: Council Board of Directors

WHEREAS, the Ethics Task Force of the Council has determined upon careful consideration that it is advisable to amend and restate the *NCARB Model Rules of Conduct* to ensure they remain relevant to contemporary architectural practice and to ensure the expected professional and ethical conduct of architects found in law remains focused on the protection of the health, safety, and welfare of the public.

WHEREAS, the *Rules of Conduct* may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this Resolution, with such changes applicable to applicants for certification in process and new applicants; and

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the *NCARB Rules of Conduct* are hereby amended and restated in the form attached hereto as Exhibit A.

FURTHER RESOLVED, that upon the approval of the changes by an absolute majority of the Council Member Boards, such changes will become effective July 1, 2018.

ADVOCATES:

- **Ethics Task Force**
 - Dale H. McKinney, *Past President*
 - Jenny Owen (Wilkinson), *Mississippi Member Board Executive*
 - David Whatley Hinson, *Educator, Auburn University College of Architecture, Design and Construction*
 - George Miller, *New York Member Board Member*
 - Jan Burgess
 - John Cameron Jr., *Former Public Director*
 - John Ehrig, *Florida Member Board Member*
 - Michael Norman Archer, *New York recently licensed architect*
 - Darryl R. Hamm, *Pennsylvania Member Board Member; Public Director*

SPONSORS' STATEMENT OF SUPPORT:

The Ethics Task Force was formed in 2015 by then President-elect Dennis Ward to explore opportunities to increase awareness of ethics and professional conduct within the profession and to specifically review the *NCARB Rules of Conduct* for relevance and currency. Over the

course of the past two and a half years, the task force conducted an extensive, word-by-word review of the *Rules*; the first comprehensive review conducted since its adoption by Member Boards in 1977. The task force reviewed the codes of conduct for architects from various countries/organizations around the world, as well as those of our design-related professions (interior design, landscape architecture, and engineering) and other professions regulated in the United States (accounting, psychology, and medicine).

The review resulted in several areas of proposed change, including long-overdue “housekeeping” changes; a significant reduction of the supporting commentary; rules with more than one idea were separated in two and restated in order to bring clarity; two former rules were deleted; one new rule was created to cover a new subject; and the last section of rules was reorganized and significantly overhauled to focus on signing and sealing documents. The document was also retitled as *Model Rules of Conduct* to re-emphasize that the collection of rules serves as a model for adoption and use by NCARB’s Member Boards.

Former Rule 5.1 (resident architect) was deleted as more of a condition of practice rather than an issue of professional conduct. Thoughts on this former rule will be shared with the Model Law Task Force for review and possible incorporation in their work.

Former Rule 5.3 (private gifts) was also deleted. While bribes or gifts to influence public officials or gain favor for future public work remain strictly prohibited by Rule 4.4, the task force felt that there was nothing inherently unethical with seeking favor on private projects through reduced fees or pro bono services.

New Rule 2.5 was added by the task force to highlight the significant responsibility AXP supervisors have in their relationship with and mentoring of licensure candidates. It is the task force’s opinion that the supervisor/supervisee relationship is crucial and must be free of conflicts of interest, whether perceived or fact.

And finally, Section 5 was retitled and refocused on rules related to the signing and sealing of documents. Former Rule 5.2 was inappropriately used to define responsible control and technical submissions rather than focus on the architect’s conduct in this context. While those concepts are critically important to the profession, the task force determined that the *Rules of Conduct* should focus on the conditions of signing and sealing technical submissions, not simply their definitions. The actual definitions will be shared with the Model Law Task Force for inclusion in the definitions section in support of their effort to update and revise NCARB’s *Legislative Guidelines and Model Law/Model Regulations*. With this refocusing effort, the remaining rules in Section 5 were relocated to another more appropriate section.

Throughout the effort, the Ethics Task Force maintained a laser-like focus on those rules that comprise the legal and ethical requirements of the profession in support of the protection of the public health, safety, and welfare. The Board of Directors unanimously accepted the task force’s recommended revisions and supports the passage of **Resolution 2018-C**.

REFERENCES:

- [NCARB Model Rules of Conduct](#) (a clean version of Exhibit A)
- [NCARB Rules of Conduct: 2014-2015](#) (the current *Rules of Conduct* available on ncarb.org).

MODEL RULES OF CONDUCT

FOREWORD

INTRODUCTION

GUIDING PRINCIPLES

- RULE 1

COMPETENCE
- RULE 2

CONFLICT OF INTEREST
- RULE 3

FULL DISCLOSURE
- RULE 4

COMPLIANCE WITH LAWS
- RULE 5

~~RULES OF PROFESSIONAL CONDUCT~~

SIGNING AND SEALING DOCUMENTS

FOREWORD

These *Model Rules of Conduct* are published by the National Council of Architectural Registration Boards (NCARB) as a recommended set of rules for Member Boards—the jurisdictional licensing boards—having the authority to promulgate and enforce rules of conduct applicable to those licensed in their jurisdiction.

INTRODUCTION

These rules of conduct are published by NCARB as a recommended set of rules for Member Boards having the authority to promulgate and enforce rules of conduct applicable to their registrants.

Immediately following the 1975 Annual Meeting, the Board of Directors charged the NCARB Committee on Professional Conduct with drafting a set of rules of conduct for use by Member Boards. The Committee worked on these rules over an 18-month period. Initially, the Committee searched the existing rules of several of its Member Boards. From this search, a preliminary set of rules of conduct covering a multitude of matters was prepared. The preliminary rules were finally revised to a draft set of rules in February 1976. That draft was submitted to representatives of various governmental agencies and professional organizations in March 1976. On the basis of informal comment received at that time, the rules were again revised. In November 1976, another series of hearings with governmental officials was held and further revisions were made.

Thereafter, these rules were distributed broadly with requests for comment, and in February 1977 the Committee on Professional Conduct, taking into account the comments received, revised, and redrafted the rules into their present form. The rules were approved by the Member Boards at the 1977 Annual Meeting. At the 1982 NCARB Annual Meeting one amendment to these rules of conduct was approved, adding a new Section 5.1 and renumbering subsequent items accordingly.

Certain Committee assumptions are clarified as follows:

- It is the Committee's belief that a set of rules of conduct, which will be the basis for policing and disciplining members of the profession, should be "hard-edged" rules and should not include those precatory injunctions which are often found in a list of professional obligations. For example, the Committee believes that it is an obligation of all registered architects to assist interns in their

The Foreword, Introduction, and Guiding Principles are prefatory materials that are not part of the *Model Rules of Conduct*. The changes shown here are subject to further revision by NCARB staff before the document is published. These revisions are not part of Resolution 2018-A and not subject to member voting.

development. But the Committee could not conceive of making the failure to perform that obligation the basis for revocation of registration, suspension of registration, or reprimand. Thus, the rules set forth below have all been subjected to the critical test of whether or not an architect violating any one of the rules should be subject to discipline. It is the Committee's judgment that the rules proposed are all rules for which it is appropriate to command compliance and threaten sanctions.

- The Committee views these rules as having as their objective the protection of the public and not the advancement of the interests of the profession of architecture. The Committee believes, however, the profession is advanced by requiring registration holders to act in the public interest. There are, however, various rules of conduct found in many existing state board rules which seem more directed at protecting the profession than advancing the public interest. Such a rule is the prohibition against allowing one architect to supplant another until he/she has adequate proof that the first architect has been properly discharged. Without doubt, such a rule makes the practice more civilized, more orderly, and, under some circumstances, exposes a client to less risk. On the other hand, it was frequently pointed out to the Committee that clients may often wish to verify the competence of a retained architect by engaging a second architect, and it hardly seems appropriate for governmental regulation to prevent that from occurring. Similarly, prohibitions against brokers selling architects' services, fee competition, advertising, free sketches, and the like, seem more appropriately included in professional ethical standards than in rules to be enforced by state agencies:

In protecting the public, there are two general areas of concern. First, non-architects (beginning with the client and including all other members of the construction industry) dealing with an architect should be protected against misrepresentation, fraud, and deceit. It has long been recognized as a proper function of government to protect the consumer of services from such wrongful behavior. Second, the users of a project on which the architect has worked must be protected from a building which is unsafe. This kind of protection by a governmental agency has an even longer history.

- The Committee sought to avoid burdening the architect

with standards of conduct which were unreasonable to expect. At the same time, the Committee took into account the fact that the public views the architect or, in the case of an engineering project, the engineer as the only registered professional involved in a leadership position in the construction process, and relies on the registered professional to help safeguard the public interest. Rule 3.3, derived from a similar rule found in the Alaska State Board's rules of conduct, recognizes the special responsibility of the registered architect. In this regard, the architect is not unlike the lawyer who, while enjoined to defend vigorously the position of his/her client, must under certain circumstances abandon his/her partisan effort on behalf of his/her client by virtue of his/her duty as an officer of the court to advance the cause of justice. Similarly, accountants have in recent years been compelled to insist on positions that are not in their client's interest but that are necessary in order to provide the public with full disclosure. So the architect has a fiduciary duty to his/her client, while at the same time has a supervening duty to the public.

- As has been stated above, these rules are intended to point out those areas of behavior for which an architect risks being disciplined by his/her state board. The enforcement of these rules is the subject of a paper titled "Procedural Requirements for Discipline of Architects by State Architectural Registration Boards," prepared and distributed by the Professional Conduct Committee. Enforcement, of course, raises quite special problems. State registration boards are notoriously understaffed and underfunded. Nonetheless, the Committee believes the experience of some of our Member Boards in using available resources to assist in enforcement will provide guidance to other state boards that have despaired of being able to enforce rules of conduct in the past. The paper on enforcement suggests strategies by which the state boards can police the profession and can effectively enforce these rules. The Committee, however, does not believe that an infraction of each of these rules will yield the same punishment. Obviously, any disciplinary body takes into account a multitude of mitigating circumstances. In addition, a first infraction of some of the rules would, in all likelihood, not result in disciplinary action. For example, very few responsible and honorable architects avoid negligence completely in their careers. On the other hand, the board must have the right to discipline and, if necessary, revoke the registration of an

architect with a demonstrated record of incompetence:

- The Committee struggled with the question of the necessary proximity between the act proscribed and the public interest involved. As an example, we can pick out three points on a line all leading to unsafe structures which the public clearly has an interest in preventing. The first point, for purposes of this illustration, is architects bidding against each other on the basis of fee. There is evidence that buildings constructed from the work of architects who have won the job on the basis of a low fee have more problems than buildings generally. As a second point on the line, buildings designed by architects who suffer from substantial physical or mental disabilities contain a much higher risk of defects than buildings generally. As a final point on the line, there is the architect who has been chronically negligent in his/her past projects and is likely to perform with similar negligence in the future. The Committee was compelled to ask itself whether the odds were sufficiently high in connection with the competitive bidding issue to warrant a registration board attempting to protect the public at that point on the line. A similar question was raised concerning the architect whose competence is physically or mentally impaired. In a sense, disciplining the architect after the defective building had been discovered was the least effective way of protecting the public. This kind of inquiry resulted in the Committee's deleting any reference to competitive bidding in its rules but retaining a rule concerning physical or mental disabilities on the grounds that the protection of the public required that the board have power to step in when it has evidence that such a condition exists and is likely to impair the competence of the architect. Similar inquiries were made in connection with many of the other rules set forth in this document.

In July 1975, following a directive from delegates at its Annual Business Meeting, NCARB began to develop rules on professional conduct that it could recommend to its Member Boards. The committee conducted extensive research, produced several drafts, and conducted reviews with various governmental agencies and professional organizations in March 1976 and again in November 1976. In February 1977, the committee finalized the first version of NCARB's *Model Rules of Conduct* and subsequently gained their acceptance and approval by its Member Boards at the Annual Business Meeting in June 1977.

Over a two-year period, NCARB undertook a study of the conduct rules of various jurisdictions and other learned professions, held in-depth interviews with a number of government consumer affairs officials, and carried out other research inquiries. These efforts led to the formulation of NCARB's *Model Rules of Conduct*. Their substance was drawn from the following series of considerations:

- The *Rules*, which will serve as the basis for the regulating and disciplining of architects, should be mandatory rules and should not include aspirational rules that often comprise the codes of professional associations;
- The *Rules* should have as their objective the protection of the public and not the advancement of the interests of the profession of architecture;
- The architect should not be burdened unfairly with rules and expectations that are unreasonable. The public, however, expects to find an architect in a leadership position on a construction project to protect its interests. Consequently, while the architect is primarily enjoined to serve a client's best interests, the architect also has a supervening duty to the public; and
- The *Rules* are intended to set out those areas of behavior for which an architect risks being disciplined, including suspension or revocation of the privilege to practice, by a jurisdictional licensing board.

As a result of these considerations, NCARB's *Model Rules of Conduct*, as approved and recommended to its Member Boards who have the authority to promulgate such rules, center on five areas: competence, conflict of interest, full disclosure, compliance with laws, and signing and sealing documents. Over time, NCARB's *Model Rules of Conduct* have been revised to ensure they remain relevant to contemporary practice and to ensure the expected professional and ethical conduct of architects found in law remains focused on the protection of the health, safety, and welfare of the public.

**GUIDING PRINCIPLES FOR THE DEVELOPMENT OF NCARB'S
MODEL RULES OF CONDUCT**

- A. A set of rules of conduct, which will be the basis for regulating and disciplining members of the profession, should be mandatory rules and should not include those aspirational rules that are often found in a list of obligations promoted by a professional association.
- B. The objective of these *Model Rules of Conduct* is the protection of the public health, safety, and welfare. There are two general areas of concern. First, non-architects (beginning with the client and including all other members of the construction industry) dealing with an architect should be protected against misrepresentation, fraud, and deceit. Second, the users of a project on which the architect has worked must be protected from a building which is unsafe.
- C. These *Model Rules of Conduct*, when referenced to “law,” are concerned only with violations of U.S. law and not with violations of the laws of other nations. It would be extremely difficult for a jurisdictional licensing board to obtain suitable evidence of the interpretation of foreign laws and it is not unusual for such laws to be at odds with the laws of the United States.
- D. These *Model Rules of Conduct* address the conduct of the architect irrespective of the architect's having been convicted under a criminal law. An architect is subject to discipline by the jurisdictional licensing board whether or not the architect has been convicted by a court of law.
- E. The public views the architect as the primary registered design professional involved in the planning and design of a building project and relies on the architect to help safeguard the public interest. While architects are obligated to defend vigorously the position of their clients, architects may be compelled to insist on positions that are not in their clients' interest in order to protect the health, safety, and welfare of the public.
- F. The public expects that professions will be guided by a commonly accepted standard of conduct and that architects will assume a primary role in ensuring ethical conduct by their colleagues. For example, this principle is the foundation of the requirements to report violations found in Rule 3.9. An architect's accountability

in this regard extends to the actions of parties external to their practice and to their practice colleagues. Accordingly, for the purposes of these *Model Rules of Conduct*, any architect who, alone or with others, is in charge of a firm's architectural practice will be deemed to have violated these rules if the firm has violated these rules.

- G. Architects who act as Architectural Experience Program (AXP) Supervisors of candidates for licensure play a critical role in the protection of the public and a central role in the training of future license holders. NCARB and the jurisdictional licensing boards rely on AXP Supervisors to both confirm that the expected experience has been gained and to serve as the primary "quality assurance" guarantor regarding the efficacy of the candidate's experience. Accordingly, these *Model Rules of Conduct* include several provisions intended to protect the integrity of the experience verification process and other elements of the qualifications reporting system that jurisdictional licensing boards rely on when making licensure decisions.

LITTLE HAS CHANGED IN SECTION 1. MINOR EDITS ARE PROPOSED AND SUPERFLUOUS COMMENTARY HAS BEEN ELIMINATED

RULE 1 COMPETENCE

- 1.1 In practicing architecture, an architect's primary duty is to protect the public's health, safety, and welfare. In discharging this duty, an architect shall act with reasonable care and competence, and shall apply the knowledge and skill which is ordinarily applied by architects of **in** good standing, practicing in the same locality.¹

COMMENTARY

~~Although many of the existing state board rules of conduct fail to mention standards of competence, it is clear that the public expects that incompetence will be disciplined and, where appropriate, will result in revocation of the license. Rule 1.1 sets forth the common law standard which existed in this country for 100 years or more in judging the performance of architects. While some courts have stated that an architect, like the manufacturer of goods, warrants that his/her design is fit for its intended use, this rule specifically rejects the minority standard in favor of the standard applied in the vast majority of jurisdictions that the architect need be careful but need not always be right. In an age of national television, national universities, a national registration exam, and the like, the reference to the skill and knowledge applied in the same locality may be less significant than it was in the past when there was a wide disparity across the face of the United States in the degree of skill and knowledge which an architect was expected to bring to his/her work. Nonetheless, the courts have still recognized this portion of the standard, and it is true that what may be expected of an architect in a complex urban setting may vary from what is expected in a more simple, rural environment.~~

- 1.2 In designing a project, an architect shall take into account **all** **the** applicable **federal**, state, and municipal **local** building laws and regulations. While an architect may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such laws and regulations, once having obtained such advice, an architect shall not knowingly design a project in violation of such laws and regulations.

¹ This rule is based on the common law "standard of care" that has been accepted by courts in this country for over 100 years in judging the performance of architects.

COMMENTARY

It should be noted that the rule is limited to applicable state and municipal building laws and regulations. Every major project being built in the United States is subject to a multitude of laws in addition to the applicable building laws and regulations. As to these other laws, it may be negligent of the architect to have failed to take them into account, but the rule does not make the architect specifically responsible for such other laws. Even the building laws and regulations are of sufficient complexity that the architect may be required to seek the interpretation of other professionals. The rule permits the architect to rely on the advice of such other professionals.

- 1.3 An architect shall undertake to perform professional services only when he/she **the architect**, together with those whom the architect may engage as consultants, is qualified by education, training, and experience, **has the necessary knowledge and skill** in the specific technical areas involved.

COMMENTARY

While an architect is licensed to undertake any project which falls within the definition of the practice of architecture, as a professional, the architect must understand and be limited by the limitations of his/her own capacity and knowledge. Where an architect lacks experience, the rule supposes that he/she will retain consultants who can appropriately supplement his/her own capacity. If an architect chooses to undertake a project where he/she lacks knowledge and where he/she does not seek such supplementing consultants, the architect has violated the rule.

- 1.4 No person **An architect** shall **not** be permitted to practice architecture if, in the board's **Board's** judgment, such person's **the architect's** professional competence is substantially impaired by physical or mental disabilities. **The assessment of impairment should be performed by an appropriately qualified professional.²**

²This rule empowers the Board to act preemptively in the interest of public health, safety, and welfare when the Board becomes aware of an architect's impaired competence rather than waiting until the impaired competence causes harm.

COMMENTARY

Here the state registration board is given the opportunity to revoke or suspend a license when the board has suitable evidence that the license holder's professional competence is impaired by physical or mental disabilities. Thus, the board need not wait until a building fails in order to revoke the license of an architect whose addiction to alcohol, for example, makes it impossible for that person to perform professional services with necessary care.

THE RULES IN SECTION 2 HAVE BEEN EDITED FOR CLARITY. RULE 2.5 HAS BEEN ADDED TO UNDERScore THE IMPORTANT ROLE OF THE AXP SUPERVISOR

RULE 2 CONFLICT OF INTEREST

- 2.1 An architect shall not accept compensation in connection with services from more than one party on a project (and ~~never in connection with specifying or endorsing materials or equipment~~) unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be **and waived** in writing) by all interested parties.

COMMENTARY

This rule recognizes that in some circumstances an architect may receive compensation from more than one party involved in a project but that such bifurcated loyalty is unacceptable unless all parties have understood it and accepted it.

- 2.2 ~~If an architect has any business association or direct or indirect financial interest which is substantial enough to influence his/her judgment in connection with the performance of professional services, the architect shall fully disclose in writing to his/her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.~~

COMMENTARY

Like 2.1, this rule is directed at conflicts of interest. It requires disclosure by the architect of any interest which would affect the architect's performance.

- 2.3² An architect shall not solicit or accept compensation from material or equipment suppliers in connection with **for** specifying or endorsing their products **in connection with a project**. As used herein, "compensation" shall not mean customary and reasonable business hospitality, entertainment, or product education.³

COMMENTARY

This rule appears in most of the existing state standards. It is absolute and does not provide for waiver by agreement. Customary and reasonable business hospitality, entertainment, and product education, while not furnishing a clear definition of what is and is not allowed is nevertheless well understood by state ethics laws, company policies, and tax guidelines that wish to allow what is

³Unlike Rule 2.1, this rule does not provide for waiver by agreement. Customary and reasonable business hospitality, entertainment, and product education may be determined by jurisdictional ethics laws, company policies, and tax guidelines.

Partially Moved to Rule 2.3

Formerly Rule 2.3

~~usual and appropriate in the industry in terms of dining, entertainment, and travel while ruling out lavish or excessive expenditures.~~

2.3 An architect shall not perform professional services in the face of a conflict of interest that is not fully disclosed and waived in writing by all parties. An architect has a conflict of interest when:

(a) the architect has or may acquire a financial or other interest in the project, someone participating in it, or any component of it; or

(b) the architect's judgment may be adversely affected by a relationship with another party.

2.4 ~~When~~An architect, when acting by agreement of the parties as the independent interpreter of building contract documents and ~~or as~~ the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract.⁴

COMMENTARY

~~This rule applies only when the architect is acting as the interpreter of building contract documents and the judge of contract performance. The rule recognizes that these roles are not inevitable and that there may be circumstances (for example, where the architect has an interest in the owning entity) in which the architect may appropriately decline to act in those two roles. In general, however, the rule governs the customary construction industry relationship where the architect, though paid by the owner and owing the owner his/her loyalty, is nonetheless required, in fulfilling his/her role in the typical construction industry documents, to act with impartiality.~~

2.5 An architect serving as an AXP Supervisor for a candidate for licensure shall not have, nor enter into, any relationship with the candidate that would interfere with the objectivity of the AXP Supervisor's certification of the candidate's experience.⁵

⁴~~This rule governs the construction industry relationship where the architect is to act impartially as the interpreter of building contract documents and/or the judge of contract performance, even though paid by the owner. The rule recognizes that these roles are not inevitable and that there may be circumstances (for example, where the architect has an interest in the owning entity) in which the architect may appropriately decline to act in either of these two roles.~~

⁵~~AXP Supervisors are required to balance their duty to protect the public with their role in licensure candidate development. Balancing these duties makes the AXP Supervisors' objectivity critical.~~

Formerly Part of Rule 2.2

New Rule

THE RULES IN SECTION 3 WERE REORGANIZED, WITH SEVERAL EXISTING RULES SPLIT IN TWO AND RESTATED FOR CLARITY

RULE 3 FULL DISCLOSURE

- 3.1** ~~An architect shall not make misleading, deceptive, or false statements or claims that are misleading, deceptive, or false.~~
- 3.12** An architect making public statements on architectural questions ~~matters~~ shall disclose when he/she ~~if the architect~~ is being compensated for making such statements ~~or when he/she has an economic interest in the issue.~~

COMMENTARY

~~Architects frequently and appropriately make statements on questions affecting the environment in the architect's community. As citizens and as members of a profession acutely concerned with environmental change, they doubtless have an obligation to be heard on such questions. Many architects may, however, be representing the interests of potential developers when making statements on such issues. It is consistent with the probity which the public expects from members of the architectural profession that they not be allowed under the circumstances described in the rule to disguise the fact that they are not speaking on the particular issue as an independent professional but as a professional engaged to act on behalf of a client.~~

- 3.23** An architect shall accurately represent to a prospective or existing client or employer his/her ~~not misrepresent the architect's~~ qualifications, capabilities, and experience ~~or that of the architect's firm~~ and the scope of his/her responsibility in connection with work for which he/she is claiming credit.

COMMENTARY

~~Many important projects require a team of architects to do the work. Regrettably, there has been some conflict in recent years when individual members of that team have claimed greater credit for the project than was appropriate to their work done. It should be noted that a young architect who develops his/her experience working under a more senior architect has every right to claim credit for the work which he/she did. On the other hand, the public must be protected from believing that the younger architect's role was greater than was the fact.~~

Formerly Rule 5.5

Formerly Rule 3.1

Formerly Part of Rule 3.2
[Split into Two Rules]

- 3.4** An architect shall accurately represent to a prospective or existing client or employer his/her qualifications, capabilities, experience, and **not misrepresent or overstate** the scope of his/her **the architect's** responsibility in connection with work for which he/she **the architect or the architect's firm** is claiming credit.

COMMENTARY

Many important projects require a team of architects to do the work. Regrettably, there has been some conflict in recent years when individual members of that team have claimed greater credit for the project than was appropriate to their work done. It should be noted that a young architect who develops his/her experience working under a more senior architect has every right to claim credit for the work which he/she did. On the other hand, the public must be protected from believing that the younger architect's role was greater than was the fact.

- 3.35** If, in the course of an architect's work on a project, **an the** architect becomes aware of a decision **taken made** by his/her **the architect's** employer or client, against the architect's advice, which violates applicable **federal**, state, or municipal **local** building laws and regulations and which will, in the architect's judgment, materially and adversely affect the **health and** safety, and **welfare of** the public, of the finished project, the architect shall:⁶

- (i) **(a)** report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations, **refuse to consent to the decision**, and
- (ii) **(b)** refuse to consent to the decision, and **report the decision to the** local building inspector or other public **official charged with enforcement of the** applicable state or municipal **building laws and regulations**, and
- (iii) **(c)** in circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his/her **the architect's** objection, terminate his/her **the provision of** services with reference to the project unless the architect is able to cause the matter to be resolved by other means.

⁶*In the circumstances described, the architect is compelled to report the matter to the appropriate building official even though to do so may adversely affect the client's interests. The rule specifically intends to exclude matters of safety during the course of construction that are the obligation of the contractor.*

Formerly Part of Rule 3.2
[Split into Two Rules]

Formerly Rule 3.3

In the case of a termination in accordance with Clause (iii), the architect shall have no liability to his/her client or employer on account of such termination.

COMMENTARY

This rule holds the architect to the same standard of independence which has been applied to lawyers and accountants. In the circumstances described, the architect is compelled to report the matter to a public official even though to do so may substantially harm the architect's Note that the circumstances are violations of building laws which adversely affect the safety of the finished project. While a proposed technical violation of building laws (e.g., a violation which does not affect the public safety) will cause a responsible architect to take action to oppose its implementation, the Committee specifically does not make such a proposed violation trigger the provisions of this rule. The rule specifically intends to exclude safety problems during the course of construction which are traditionally the obligation of the contractor. There is no intent here to create a liability for the architect in this area. Clause (iii) gives the architect the obligation to terminate his/her services if he/she has clearly lost professional control. The standard is that the architect reasonably believes that other such decisions will be taken notwithstanding his/her objection. The rule goes on to provide that the architect shall not be liable for a termination made pursuant to Clause (iii). Such an exemption from contract liability is necessary if the architect is to be free to refuse to participate on a project in which such decisions are being made.

- 3.46** An architect shall not deliberately make a false statement or fail deliberately to disclose accurately and completely a material fact lawfully requested **by the Board** in connection with **the architect's** his/her application for **licensure** registration or renewal.

COMMENTARY

The registration board which grants registration or renews registration on the basis of a misrepresentation by the applicant must have the power to revoke that registration.

Formerly Rule 3.4

- ~~3.5 An architect shall not assist the application for registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.~~
- ~~3.7 An architect possessing knowledge of an applicant's qualifications for registration shall cooperate with the applicant, the Board and/ or NCARB by responding appropriately regarding those qualifications when requested to do so. An architect shall provide timely verification of employment and/or experience earned by an applicant under his or her supervision if there is reasonable assurance that the facts to be verified are accurate. An architect shall not knowingly sign any verification document related to licensure that contains false or misleading information and shall not assist in the application for licensure of a person known by the architect to be unqualified.~~
- 3.8 An architect possessing knowledge of an licensure candidate's applicant's qualifications for licensure registration shall cooperate with the candidate applicant, the Board, and/ or NCARB by responding appropriately and in a timely manner regarding those qualifications. ~~when requested to do so.~~ An architect shall provide timely verification of employment and/or experience earned by an applicant under his or her supervision if there is reasonable assurance that the facts to be verified are accurate. An architect shall not knowingly sign any verification document that contains false or misleading information.
- 3.9 An architect possessing knowledge of a violation of these rules jurisdiction's laws or rules governing the practice of architecture by another architect shall report such knowledge to the Board. It is the professional duty of the architect to do so.

Moved to Rule 3.7

Partially Moved to Rule 3.8

Formerly Part of Rule 3.7
[Split into Two Rules]

Formerly Rule 3.6

RULE 4 COMPLIANCE WITH LAWS

- 4.1 An architect shall not, in the conduct of his/her architectural practice, knowingly violate any state or federal criminal the law of the United States or any U.S. jurisdiction that in any material way relates to the conduct of the architect's practice.

COMMENTARY

This rule is concerned with the violation of a state or federal criminal law while in the conduct of the registrant's professional practice. Thus, it does not cover criminal conduct entirely unrelated to the registrant's architectural practice. It is intended, however, that rule 5.4 will cover reprehensible conduct on the part of the architect not embraced by rule 4.1. At present, there are several ways in which Member Boards have dealt with this sort of rule. Some have disregarded the requirement that the conduct be related to professional practice and have provided for discipline whenever the architect engages in a crime involving "moral turpitude."

The Committee declined the use of that phrase, as its meaning is by no means clearly or uniformly understood. Some Member Boards discipline for felony crimes and not for misdemeanor crimes. While the distinction between the two was once the distinction between serious crimes and technical crimes that distinction has been blurred in recent years. Accordingly, the Committee specifies crimes in the course of the architect's professional practice, and, under 5.4, gives to the Member Board discretion to deal with other reprehensible conduct. Note that the rule is concerned only with violations of state or federal criminal law. The Committee specifically decided against the inclusion of violations of the laws of other nations. Not only is it extremely difficult for a Member Board to obtain suitable evidence of the interpretation of foreign laws, it is not unusual for such laws to be at odds with the laws, or, at least, the policy of the United States. For example, the failure to follow the dictates of the "anti-Israel boycott" laws found in most Arab jurisdictions is a crime under the laws of most of those jurisdictions; while the anti-Israel boycott is contrary to the policy of the government of the United States and following its dictates is illegal under the laws of the United States.

- 4.2 An architect shall not engage in conduct involving fraud or deliberate wanton disregard of the rights of others.

THE EDITS TO THE RULES IN SECTION 4 INCLUDE MINOR EDITS AND THE ELIMINATION OF EXCESSIVE COMMENTARY

Formerly Rule 5.4

- 4.3 An architect shall comply with the ~~registration~~licensing laws and regulations governing his/her~~the architect's~~ professional practice in any U.S. jurisdiction. An architect may be subject to disciplinary action if, ~~based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction;~~ the architect is disciplined in any other U.S. jurisdiction.

COMMENTARY

Here, again, for the reasons set out under 4.1, the Committee chose to limit this rule to United States jurisdictions.

- 4.4 An architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing ~~an~~the official's judgment in connection with a prospective or existing project in which the architect is interested.

COMMENTARY

Rule 2 tracks a typical bribe statute. It is covered by the general language of 4.1, but it was the Committee's view that 4.2 should be explicitly set out in the rules of conduct. Note that all of the rules under this section look to the conduct of the architect and not to whether or not the architect has actually been convicted under a criminal law. An architect who bribes a public official is subject to discipline by the state registration board, whether or not the architect has been convicted under the state criminal procedure.

- 4.45 An employer engaged in the practice of architecture shall ~~not have been found by a court or an administrative tribunal to have violated any applicable federal or state law~~the law of the United States or any U.S. jurisdiction protecting the rights of persons working for the employer with respect to fair labor standards or with respect to maintaining a workplace free of , such as those pertaining to harassment, discrimination. ~~[States may choose instead to make specific reference to the "Federal Fair Labor Standards Act of 1938, as amended" and the "Equal Employment Opportunity Act of 1972, as amended" and to state laws of similar scope.],~~ and unfair compensation, shall be subject to discipline. For purposes of this rule, any registered architect employed by a firm engaged in the practice of architecture who is in charge of the firm's architectural practice, either alone or with other architects, shall be deemed to have violated this rule if the firm has violated this rule.

Formerly Rule 4.2

Formerly Rule 4.4

SECTION 5 HAS BEEN SIGNIFICANTLY MODIFIED. TWO RULES HAVE BEEN DELETED; TWO RULES HAVE BEEN MOVED TO OTHER SECTIONS; AND, THE REMAINING RULES HAVE BEEN REFOCUSSED ON SIGNING AND SEALING DOCUMENTS

RULE 5 **~~RULES OF PROFESSIONAL CONDUCT~~SIGNING AND SEALING DOCUMENTS**

~~5.1 Each office engaged in the practice of architecture shall have an architect resident and regularly employed in that office.~~

5.1 An architect shall sign and seal only those technical submissions that were prepared under the architect's responsible control except as noted in rule 5.2 and 5.3.

~~5.2 An architect may sign and seal technical submissions only if the technical submissions were:~~

- ~~(i) prepared by the architect;~~
- ~~(ii) prepared by persons under the architect's responsible control;~~
- ~~(iii) prepared by another architect registered in the same jurisdiction if the signing and sealing architect has reviewed the other architect's work and either has coordinated the preparation of the work or has integrated the work into his/her own technical submissions; or~~
- ~~(iv) prepared by another architect registered in any United States jurisdiction and holding the certification issued by the National Council of Architectural Registration Board if~~
 - ~~(a) the signing and sealing architect has reviewed the other architect's work and has integrated the work into his/her own technical submissions and~~
 - ~~(b) the other architect's technical submissions are prototypical building documents.~~

~~— An architect may also sign and seal drawings, specifications, or other work which is not required by law to be prepared by an architect if the architect has reviewed such work and has integrated it into his/her own technical submissions.~~

~~— "Responsible control" shall be that amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by a registered architect applying the required professional standard of care, including but not limited to an architect's integration of information~~

Former Rule 5.1 Was Deleted and Referred to Model Law Task Force

Formerly Part of Rule 5.2 [Split Into 3 Rules]

from manufacturers, suppliers, installers, the architect's consultants, owners, contractors, or other sources the architect reasonably trusts that is incidental to and intended to be incorporated into the architect's technical submissions if the architect has coordinated and reviewed such information. Other review, or review and correction, of technical submissions after they have been prepared by others does not constitute the exercise of responsible control because the reviewer has neither control over nor detailed professional knowledge of the content of such submissions throughout their preparation:

- Any registered architect signing or sealing technical submissions not prepared by that architect but prepared under the architect's responsible control by persons not regularly employed in the office where the architect is resident, shall maintain and make available to the board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the architect's control over and detailed knowledge of such technical submissions throughout their preparation. Any registered architect signing or sealing technical submissions integrating the work of another architect into the registered architect's own work as permitted under clauses (iii) or (iv) above shall maintain and make available to the board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the registered architect's review of and integration of the work of such other architect's work into his/her own technical submissions, and that such review and integration met the required professional standard of care:

COMMENTARY

This provision reflects current practice by which the architect's final construction documents may comprise the work of other architects as well as that of the architect who signs and seals professional submissions. The architect is permitted to apply his/her seal to work over which the architect has both control and detailed professional knowledge, and also to work prepared under the direct supervision of another architect whom he/she employs when the architect has both coordinated and reviewed the work.

5.2 An architect of record may sign and seal technical submissions not required by law to be prepared by an architect including information supplied by manufacturers, suppliers, installers, contractors, or from the architect of record's consultants, when that information is intended to be incorporated into the architect of record's technical submissions and the architect of record has reviewed such information and can reasonably trust its accuracy.

Formerly Part of Rule 5.2
[Split Into 3 Rules]

5.3 An architect of record may sign and seal prototypical building documents prepared by an architect licensed in any U.S. jurisdiction, but only if the architect of record determines that such documents are in compliance with the requirements of the project's jurisdiction and incorporates them into the architect of record's own technical submissions.

Formerly Part of Rule 5.2
[Split Into 3 Rules]

~~5.3 An architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.~~

Former Rule 5.3 Was Deleted

COMMENTARY

~~This provision refers to "private bribes" (which are ordinarily not criminal in nature) and the unseemly conduct of using gifts to obtain work. Note that the rule realistically excludes reasonable entertainment and hospitality and other gifts of nominal value.~~

~~5.4 An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.~~

Moved to Rule 4.2

COMMENTARY

~~Violations of this rule may involve criminal conduct not covered by 4.1, or other reprehensible conduct which the board believes should warrant discipline. A state board must, in any disciplinary matter, be able to point to a specific rule which has been violated. An architect who is continuously involved in nighttime burglaries (no connection to his/her daytime professional practice) is not covered by 4.1 (crimes committed "in the conduct of his/her architectural practice"). Serious misconduct, even though not related to professional practice, may well be grounds for discipline. Lawyers commenting on the rules had little trouble with the standard set in 5.4;~~

~~it applies to conduct which would be characterized as wicked, as opposed to minor breaches of the law. While each board must “flesh out” the rule, murder, rape, arson, burglary, extortion, grand larceny, and the like would be conduct subject to the rule, while disorderly conduct, traffic violations, tax violations, and the like would not be considered subject to the rule.~~

~~5.5 An architect shall not make misleading, deceptive, or false statements or claims.~~

COMMENTARY

~~An architect who fails to accurately and completely disclose information, even when not related to the practice of architecture, may be subject to disciplinary actions if the board concludes that the failure was serious and material.~~

Moved to Rule 3.1

Resolution 2018-04

Supported by the Council Board of Directors (14-0)

TITLE: Amendment and Restatement of the *NCARB Bylaws*

SUBMITTED BY: Council Board of Directors

WHEREAS, the Board of Directors of the Council has determined upon careful consideration that it is advisable and in the best interests of the Council to amend and restate the *NCARB Bylaws*; and

WHEREAS, pursuant to Article XV of the *NCARB Bylaws*, the *Bylaws* may only be amended at a special meeting or the Annual Business Meeting of the Council by resolution approved by the affirmative vote of not less than two-thirds of the Member Boards (36 votes).

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the Amended and Restated *NCARB Bylaws* are adopted in the form attached hereto as Exhibit B.

FURTHER RESOLVED, that upon the approval of the changes by an affirmative vote of two-thirds of the Council Member Boards, such changes will become effective July 1, 2018.

ADVOCATES:

- **Board of Directors**
 - Gregory L. Erny, *President/Chair of the Board*
 - David L. Hoffman, *First Vice President/President-elect*
 - Terry L. Allers, *Second Vice President*
 - Robert M. Calvani, *Treasurer*
 - Alfred Vidaurri Jr., *Secretary*
 - Kristine Annexstad Harding, *Past President*
 - Stephen D. Schreiber, *Director, Region 1*
 - Paul D. Edmeades, *Director, Region 2*
 - John E. Cardone Jr., *Director, Region 3*
 - Stephen L. Sharp, *Director, Region 4*
 - Bayliss Ward, *Director, Region 5*
 - Jim Oschwald, *Director, Region 6*
 - Maria Brown, *Member Board Executive Director*
 - Darryl R. Hamm, *Public Director*

SPONSORS' STATEMENT OF SUPPORT:

The Board of Directors have undertaken a holistic review of the *NCARB Bylaws* and propose this omnibus resolution to remove outdated, inconsistent or redundant language; apply consistent treatment where possible; ensure conformance with current Iowa law; and improve overall clarity of the *Bylaws*. The edits can generally be classified in one of the following categories:

Housekeeping. These edits include reformatted lists, updated cross references, consolidated and clarified text, enhanced definitions, removal of anachronistic language, and updated “Annual Meeting” to “Annual Business Meeting.”

Board of Directors. These edits are mostly found within Articles VII, VIII, and XII and include updates and clarifications to qualifications, nomination and election procedures, and roles and responsibilities. These changes bring consistency to the nomination and elections process and to the language used across all Board positions as well as ensure conformance with Iowa laws.

Committees. Edits for this category occur in Articles VII and XII and include consolidating all committee references into Article XII, adding language defining “Board Committees” and “Advisory Committees,” and updating some committee definitions to align with current practices.

Annual Business Meeting. Edits proposed in this category add definitions and rights of “Delegates” and “Voting Delegates” in Article II and Article V.

To facilitate review of the proposed edits, the intent behind each proposed change has been provided in explanatory notes in the purple sidebars on each page.

REFERENCES:

- [NCARB Bylaws: Proposed Update](#) (a clean version of Exhibit B)
- [NCARB Bylaws](#) (the current *NCARB Bylaws* available on ncarb.org).

Adopted June 23, 1979, Cambridge, MA. Amended June 27, 1981, Maui, HI; June 26, 1982, Minneapolis, MN; June 25, 1983, Philadelphia, PA; June 30, 1984, Portland, OR; June 29, 1985, San Antonio, TX; June 28, 1986, Atlanta, GA; June 27, 1987, Seattle, WA; June 29, 1988, Chicago, IL; June 28, 1989, Boston, MA; June 30, 1990, Washington, DC; June 29, 1991, Denver, CO; June 27, 1992, San Francisco, CA; June 26, 1993, Kansas City, MO; June 25, 1994, Dearborn, MI; June 24, 1995, New Orleans, LA; June 29, 1996, Baltimore, MD; June 28, 1997, Minneapolis, MN; June 27, 1998, San Diego, CA; June 26, 1999, Charleston, SC; June 17, 2000, Chicago, IL; June 23, 2001, Seattle, WA; June 29, 2002, Boston, MA; June 28, 2003, San Antonio, TX; June 26, 2004, Portland, OR; June 25, 2005, Miami, FL; June 24, 2006, Cincinnati, OH; June 23, 2007, Denver, CO; June 28, 2008, Pittsburgh, PA; June 26, 2010, San Francisco, CA; June 25, 2011, Washington, DC; June 23, 2012, Minneapolis, MN; June 22, 2013, San Diego, CA; June 21, 2014, Philadelphia, PA; June 20, 2015, New Orleans, LA; June 18, 2016, Seattle, WA; June 30, 2018, Detroit, MI (Proposed).

ARTICLE I—NAME

The name of this organization shall be the National Council of Architectural Registration Boards.

ARTICLE II—DEFINITIONS

The following terms shall have the following meanings when used in these Bylaws:

- A. “~~Council~~“Advisory Committee” shall mean any committee not having and exercising the authority of the Board of Directors;
- B. “Board Committee” shall mean a committee which is comprised solely of two or more Directors and shall have and exercise the authority of the Board of Directors, to the extent authorized by the Board of Directors and permitted by law;
- A.C. “Board of Directors” shall mean the Board of Directors of the National Council of Architectural Registration Boards;
- D. “Committee” shall mean a Board Committee or an Advisory Committee;
- E. “Council” shall mean the National Council of Architectural Registration Boards;
- F. “Council Record” shall mean a record of the education, training, examination, practice, and character of an individual member of the architectural profession;

EXPLANATORY NOTES

ARTICLE II – DEFINITIONS

The expanded Definitions

- Add clarity to terms used throughout the Bylaws; and,
- Streamline Bylaws by removing explanatory text within the Bylaws.

- G. “Delegate” shall mean any member of a Member Board in attendance at an Annual Business Meeting or any special meeting of the Council as a representative of such Member Board;
- H. “Director” shall mean a member of the Board of Directors;
- I. “Elected Officer” shall mean any of the President/Chair of the Board, the First Vice President/President-Elect, the Second Vice President, the Treasurer, and the Secretary;
- J. “Examination” shall mean the Architect Registration Examination® prepared by the Council;
- K. “Executive Director” shall mean a person holding such title at a Member Board or having a comparable position as the primary administrator responsible for overseeing the activities of the Member Board;
- B.L. “Jurisdiction” shall mean any political subdivision of the United States, including any State, commonwealth, territory, dependency, and the District of Columbia, which has a law regulating the practice of architecture;
- €M. “Member Board” is a member of the Council in good standing and shall mean the body legally authorized by a Jurisdiction to certify that an applicant for rRegistration as an architect is qualified;
- N. “Public Director” shall mean the individual serving as the Public Director (as that term is described in Article VII of these bylaws) on the Board of Directors.
- O. “Public Member” shall mean a member of a Member Board who does not hold or have a license in a discipline regulated by such Member Board or in a related design profession.
- P. “Regional Chair” shall mean the chairperson of a Region, as such term is described in Article VI of these Bylaws;
- Q. “Regional Director” shall mean a Director who was nominated to serve on the Board of Directors by a Region;
- R. “Registration” shall mean licensure as an architect by the body legally authorized by a Jurisdiction to grant such licensure.

EXPLANATORY NOTES

ARTICLE II – DEFINITIONS (cont.)

S. “Voting Delegate” shall mean a Delegate who is authorized to vote on behalf of a Member Board, as evidenced by a letter of credentials provided by the applicable Member Board.

ARTICLE III—PURPOSE

The purpose of the Council shall be to work together as a council of Member Boards to safeguard the health, safety, and welfare of the public and to assist Member Boards in carrying out their duties. Pursuant thereto, the Council shall develop and recommend standards to be required of an applicant for architectural ~~r~~Registration; develop and recommend standards regulating the practice of architecture; provide a process for certifying to Member Boards the qualifications of an architect for ~~r~~Registration; and represent the interests of Member Boards before public and private agencies, provided that the Council shall not purport to represent the interest of a specific Member Board without that Member Board’s approval.

ARTICLE IV—MEMBERSHIP

SECTION 1. Members. The membership of the Council shall be the ~~legally constituted Jurisdiction~~ Member Boards ~~in good standing~~. Membership in the Council shall be attained through acceptance by the ~~Council~~ Board of Directors. Application shall be made upon forms furnished by the Council. Every Member Board shall annually provide the Council with the names and addresses of its members, a copy of its law relating to the ~~r~~Registration and practice of architecture, a copy of its rules or regulations administering such law, and a roster of all persons registered by the Member Board, and shall pay the annual membership dues. All Member Boards ~~in good standing~~ shall have equal rights.

SECTION 2. Removal. If, after written notification from the ~~Council~~ Board of Directors, a Member Board shall ~~(i):~~

- A. ~~fail to pay its dues or other financial obligations to the Council or to its Region, or (ii) shall~~
- B. ~~persistently refuse~~ rRegistration or otherwise fail to register architects holding the Council Certificate for the reason that such architects are not the residents of the Member Board’s jurisdiction, or ~~(iii) shall~~
- C. ~~fail to administer the Architect Registration Examination prepared by the Council to all its applicants (other than applicants of whom it does not require a written examination) for~~ rRegistration,

EXPLANATORY NOTES

ARTICLE IV – MEMBERSHIP

Section 1. Members

- Proposed edits conform to expanded Definitions in Article II, streamlining this Section.

Section 2. Removal

- Proposed edits for housekeeping and clarity.

then, the Council Board of Directors may recommend to the Council that such Member Board be removed from membership in the Council. ~~Upon~~ Following such recommendation, such Member Board may be removed from membership in the Council may determine by the affirmative vote of not less than two-thirds of all Member Boards; to remove such Member Board or, with respect to non-payment of dues or other financial obligations, waive or modify the Member Board's obligation to pay such amounts due to the Council.

SECTION 3. Reinstatement. A Jurisdiction that has been removed from membership in the Council for reasons of non-payment of dues or other financial obligations shall be automatically reinstated as a mMember Board in the Council ~~by a vote of two-thirds of all Member Boards;~~

A. following payment of all financial obligations of membership had the Jurisdiction not been removed (or such lesser amount approved unless, by such a vote of two-thirds of all Member Boards), such financial obligations shall be modified or waived, and

B. upon being in compliance with all other membership requirements of Article IV, Sections 1 and 2; A Member Board that was removed from the Council for reasons other than failure to pay dues or other financial obligations shall only be reinstated upon the affirmative vote of two-thirds of all Member Boards.

ARTICLE V—MEETINGS

SECTION 1. Annual Business Meeting. The Council shall hold an Annual Business Meeting at a time and place as determined by the Council Board of Directors. Notice of all Annual Business Meetings shall be sent to the chair or equivalent presiding officer and to the Member Board Executive of each Member Board not less than 90 days prior to each such meeting.

SECTION 2. Special Meetings. Special business meetings of the Council may be called by the President/Chair of the Board, with the approval of the Council Board of Directors, or by a majority of the Member Boards. The Bylaws provisions which govern notice for, and the procedures and conduct of business of, the Annual Business Meeting shall apply to Special Meetings.

SECTION 3. Delegates and Credentials. Each Member Board shall be entitled to be represented at Annual Business

EXPLANATORY NOTES

ARTICLE IV – MEMBERSHIP

(cont.)

Section 3. Reinstatement

- Allow for the Membership to waive or reduce outstanding financial obligations of a jurisdiction rather than removal from membership;
- Provide for automatic reinstatement of membership upon satisfaction of outstanding financial obligations; and
- Compliance with non-financial requirements will be determined by the Board of Directors for communication to the membership. Requires vote of membership to reinstate.
- Other housekeeping edits.

ARTICLE V – MEETINGS

Section 1. Annual Business Meeting

- Proposed housekeeping edits.

Section 2. Special Meetings

- Proposed housekeeping edits.

Section 3. Delegates and Credentials

- Proposed housekeeping edits;
- Clarify that multiple Delegates per Member Board may attend the Annual Business Meeting and special meetings, as defined in Section 2, above;
- Implement the use of the term "Voting Delegate," as defined in Article II; and,

Meetings and special meetings of the Council by one or more official Delegates who shall be members of that Member Board.

~~A delegate attending the~~ Notwithstanding a Member Board's total number of Delegates, each Member Board shall be represented at each Annual Business Meeting ~~or any~~ and Special Meeting of the Council by one Voting Delegate, who ~~is~~ shall be entitled to cast the vote of its Member Board and who shall be identified as the Voting Delegate by a letter of credentials from the ~~delegate's~~ applicable Member Board, ~~which voting delegate the~~. A Member Board may change by its Voting Delegate from time to time by issuing a subsequent letter of credentials. ~~A Member Board may be represented by as many delegates as attend, but only one vote may be cast for each Member Board by its delegates~~ to the Council. Each Voting Delegate shall have an equal vote on all matters on which all Member Boards are entitled to vote.

SECTION 4. Quorum. A quorum for the transaction of business at the Annual Business Meeting of the Council shall be ~~one or more~~ Voting ~~d~~Delegates representing a majority of the Member Boards.

SECTION 5. Resolutions and Other Motions. Resolutions are the substantive matters placed on the agenda for a meeting of the Council in accordance with this Section. All resolutions to be considered at any meeting of the Council, except those submitted by the Council Board of Directors, those submitted by Select Committees and those of the laudatory type, shall be submitted to the Regional Leadership Committee not later than 75 days prior to the day at the Annual Business ~~m~~Meeting at which the resolution is to be considered. The Regional Leadership Committee shall review each resolution submitted by Regions and Member Boards for conformity with the Council Bylaws and may recommend to the author of any resolution such changes as are deemed advisable for the purpose of clarity and to avoid duplication. All resolutions shall, insofar as practicable without altering or confusing the intent of the resolution, avoid invective or argument; but the proponent of a resolution may, when submitting the resolution to the Regional Leadership Committee, include a brief summary of the argument in support of the resolution, which summary shall be published with the publication of the resolution. The Council shall distribute all resolutions, except laudatory resolutions, to the Member Boards not less than

EXPLANATORY NOTES

ARTICLE V – MEETINGS

(cont.)

- Clarify the role and appointment process of the Voting Delegate.

Section 4. Quorum

- Clarify that only a Voting Delegate is required for purposes of identifying that a quorum is present.

Section 5. Resolutions and Other Motions

- Proposed housekeeping edits; and,
- Clarify that the 75-day time period is determined with respect to the day on which the resolution will be voted, rather than the first day of the Annual Business Meeting.

30 days prior to the meeting at which the resolution is to be considered. If the Board of Directors discloses its position to the Council, the vote of the Board of Directors shall be disclosed at the same time.

Only Member Boards, Regions, Select Committees, and the Council Board of Directors may offer resolutions to be presented at any meeting of the Council, or amendments to resolutions so presented. All other motions permitted under Robert's Rules of Order Newly Revised may be made by any ~~d~~Delegate or ~~Council Officer~~ or Director.

SECTION 6. Voting. The affirmative vote of two-thirds of all Member Boards is required to pass any amendment to these Bylaws ~~or, to remove any Member Board from membership in the Council,~~ or as provided in Article IV, Section 3. The affirmative vote of a majority of all Member Boards is required to pass any other resolution. Except as otherwise specified in ~~Article VIII, Section 4, with regard to the election of Officers~~ these Bylaws, voting upon all other issues shall require the quantum of vote set forth in Robert's Rules of Order Newly Revised.

Except as expressly permitted by these Bylaws, ~~t~~There shall be no voting by proxy.

SECTION 7. Order of Business. An agenda outlining the order of business shall be prepared for all Council meetings. The agenda shall be prepared under the direction of the ~~Council~~ Board of Directors ~~and printed and sent by the Secretary to all Member Boards at least 30 days before the date set for a particular meeting.~~

SECTION 8. Rules of Order. The Council shall be governed by Robert's Rules of Order Newly Revised when not in conflict with: first, applicable laws, then, the Articles of Incorporation, and lastly the Bylaws of the Council.

SECTION 9. Advisory Votes by Letter or Electronic Ballot. The ~~Council~~ Board of Directors may from time to time submit any issue or question to the Member Boards for an advisory vote by letter or electronic ballot, provided the subject matter and the ballot shall have been officially submitted in writing to the Member Boards at least 60 days prior to a date therein set for final receipt of ballots. Only ballots returned in the prescribed time will be counted.

SECTION 10. Other Participants. Council ~~Officers and~~

EXPLANATORY NOTES

ARTICLE V – MEETINGS (cont.)

Section 6. Voting

- Proposed housekeeping edits.
- The last sentence acknowledges that Voting Delegates are proxies for the Member Boards, but no other proxy voting (such as by a Voting Delegate selecting a proxy for him or herself) shall be permitted.

Directors, Delegates, Member Board Executives or Attorneys when designated by their Member Boards, persons designated by the Board of Directors, and persons designated by the Presiding Officer shall have the privilege of the floor at Council meetings and may take part in the discussions and perform all functions of the ~~d~~Delegates except to vote, or, except as provided in Article V, Section 5, with respect to ~~Officers and~~ Directors, to initiate action.

SECTION 11. International Agreements. All written international and/or foreign agreements entered into by the Council shall be subject to ratification by majority vote of the members at an Annual Business Meeting.

ARTICLE VI—REGIONS

SECTION 1. Purpose. In order to foster closer communication between Member Boards and the Council, as well as among Member Boards, and further to foster the development of future leaders and assist the Council in achieving its stated purpose, six geographical Regions comprising, in the aggregate, all the Member Boards are hereby established. Each Member Board shall be required to be a member of its Region.

SECTION 2. Membership. The membership of the Regions is established as follows:

REGION 1—New England: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

REGION 2—Middle-Atlantic: Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia.

REGION 3—Southern: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Texas, Virgin Islands.

REGION 4—Mid-Central: Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin.

REGION 5—Central States: Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Wyoming.

REGION 6—Western: Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Nevada, New Mexico, Oregon, Utah, Washington.

EXPLANATORY NOTES

ARTICLE VII — THE COUNCIL BOARD OF DIRECTORS

SECTION 1. ~~Membership.~~ The Council Board of Directors shall ~~comprise~~ be comprised of the Elected Officers of the Council as designated in Section 1 of Article VIII, one Regional Director elected from each Region, the immediate Past President, one Member Board Executive Director, and one Public Director elected as provided in this Article VII.

SECTION 2. Qualifications and Limitations. The qualifications for serving as a Director shall be as set forth in this Article VII, Section 2, and no entity responsible for nominating any Director shall impose any qualification not set forth herein.

A. A candidate for election as a Regional ~~to any~~ Director ~~or Officer~~ position shall (i), at the time such person is nominated:

(i) be a citizen of the United States; and (ii);

(ii) have served at least two (2) years as a member of a Member Board; or, in the case of a candidate for the position of Member Board Executive Director, have served at least two (2) years as an Executive Director;

(iii) be a current member of a Member Board within the Region or; be a past member of such a Member Board whose service as a member ended no more than one year before nomination; or the Chair; be an officer of the a Region; or the; be an incumbent Regional Director (iii) have served at least two years as a member of a Member Board, and (iv); or, in the case of a candidate for the Member Board Executive Director, be a current Executive Director; and,

(iv) in the case of architect-candidates who are architects, hold an active NCARB Certificate; ~~in every case at the time he or she is nominated by the Region*.In.~~

B. With respect to candidates for a Regional Director position, all qualifications relating to current or past membership in a Member Board or Region must be within the Region from which the case of candidate is nominated.

C. If a Member Board regulates ~~es~~ professions in addition to the profession of architecture, the candidate will

EXPLANATORY NOTES

ARTICLES VII and VIII

Significant revisions proposed for these two Articles to:

- Article VII:
 - Clarify that the NCARB Bylaws establish qualifications for members of the NCARB Board of Directors;
 - Consolidate language for officers and other members of the Board into Article VII to streamline bylaws by eliminating redundant language;
 - Apply global qualifications, where possible;
- Article VIII:
 - Include only responsibilities pertaining to specific positions on the Board such as the President or Treasurer; and,
 - Apply other housekeeping edits.

ARTICLE VII – BOARD OF DIRECTORS

Section 1. Membership

- Proposed housekeeping edits; and,
- Remove references to other Articles of the Bylaws.

Section 2. Qualifications and Limitations

- Consolidate redundant qualifications language that applies to all Directors;
- Clarify qualifications that are unclearly written.
- Relocate Terms of Office/ Service to section 3.

qualify as a member or former member of a Member Board only if he or she is or was an architect-member or a public member of the architect section of the Member Board. All Directors shall serve without compensation:

A candidate for election as the Member Board Executive Director shall be (i) a citizen of the United States, (ii) either an executive director or hold a comparable position as the primary administrator responsible for overseeing the activities of a Member Board at the time of election, (iii) nominated by vote of a majority of the members of the Member Board Executives Committee, and (iv) such person so nominated shall be elected at the Annual Meeting. A Member Board Executive Director shall serve the same term and with the same limit on succeeding terms as apply to Regional Directors in this Article VII, Section 3, and any vacancy in the office of Member Board Executive Director shall be filled by vote of a majority of the members of the Member Board Executives Committee:

D. A candidate for election as the Public Director (i) shall be a citizen at the time of the United States, (ii) shall be serving as nomination a public or consumer member on a Member Board, and (iii) any person qualified as prescribed above may be nominated as Public Director by declaring his or her candidacy at the time election for such office begins at the Annual Meeting and shall be elected at the Annual Meeting. A Public Director shall serve the same or have served in such position no more than one (1) year prior to the time of nomination to the Board of Directors.

E. An individual shall qualify to serve as the President/Chair of the Board during the one-year period immediately following his or her term as First Vice President/President-Elect.

F. An individual shall qualify to serve as the Immediate Past President during the one-year period immediately following his or her term and with the same limit on succeeding terms as apply to Regional Directors in this Article VII, Section 3, and any vacancy in the office of Public Director shall be filled by the Council Board of Directors as President/Chair of the Board.

EXPLANATORY NOTES

ARTICLE VII – BOARD OF DIRECTORS *(cont.)*

Section 2. Qualifications and Limitations *(cont.)*

- Relocate Nomination language to Section 5; and
- Relocate Compensation language to Section 7.
- Add qualifications that define path to the roles of President/Chair of the Board and Immediate Past President.

SECTION 3. Terms of Office and Election. The terms of office of Officers and Directors shall be as provided in Section 5 of Article VIII. Regional Directors shall be nominated as provided in Section 5 of this Article and persons so nominated shall be elected at the Annual Meeting of the Council to serve The term of office of a Director shall be one year from the adjournment of said Annual Meeting the Annual Business Meeting at which he or she is elected to serve or, in the case of President/Chair of the Board and Immediate Past President, succeeds to office, until the adjournment of the next following Annual Business Meeting or until their successors are his or her successor is duly elected: and succeeds to office. No person shall serve more than three terms in succession as a Director; provided, however, that service as an Elected Officer and Immediate Past President shall not count against such limit. No incumbent shall serve for more than one term in any Elected Officer position or as Immediate Past President; provided, however, that an Elected Officer shall be eligible for reelection for the full term of office if, during the period immediately prior thereto, such Elected Officer had succeeded to or been elected to the office to fill a vacancy.

SECTION 4. ~~Removal.~~ As provided by applicable Iowa law, a Regional Director may be removed with or without cause by the Region electing such Director by a majority vote of those present and voting at a meeting duly called for such purpose; the Member Board Executive Director and the Public Director may be removed with or without cause by a majority vote of those present and voting at a meeting duly called for such purpose, respectively by the Member Board Executives Committee in the case of the Member Board Executive Director and the Council Board of Directors in the case of the Public Director; and the Past President may be removed with or without cause by appropriately amending these Bylaws at a meeting of the Member Boards duly called for such purpose. Because any Officer is a Director on account of his or her election as an Officer, any Officer removed as such Officer in accordance with these Bylaws shall cease to be a Director upon such removal.

SECTION 4. Removal.

- A. A Director may be removed with cause by a majority vote of the Member Boards at a meeting where a quorum is present, with the meeting notice stating that the purpose, or one of the purposes, of the meeting is the removal of the director.

EXPLANATORY NOTES

ARTICLE VII – BOARD OF DIRECTORS *(cont.)*

Section 3. Terms of Office

- Identify that the term of office for all Directors is one year – from the Annual Business Meeting at which the individual is elected until the next Annual Business Meeting;
- Clarify that the three-term limit does not include service as an Elected Officer; and
- Identify that an Elected Officer may only serve one year in any position unless the elected officer is completing a partial term of a predecessor – then that elected officer may be elected to serve a full term.

Section 4. Removal

- See new language on next page.
- As all directors are elected by the full membership, provides only the full membership with authority to remove a Director with or without cause.
- Authorizes Board of Directors to remove a Director – only with cause – and only upon a two-thirds vote by the Board of Directors.

- B. Director may be removed with cause by the affirmative vote of two-thirds (2/3) of the Board of Directors.

SECTION 5. Nomination and Election of Regional Directors.

- A. Directors shall be nominated as set forth below in this Section 5 of this Article VII. Notwithstanding the various methods of nomination set forth below, all Directors must be elected by a majority vote of the Member Boards at a meeting at which a quorum is present.
- B. Each Region shall select its nominee for Regional Director at a Region meeting. The nominations will be announced by the several Regions at the Annual Business Meeting of the Council.
- C. Any person qualified to serve as an Elected Officer (other than President/Chair of the Board) may be nominated by declaring his or her candidacy at the time election for such office begins at the Annual Business Meeting.
- D. The candidate for Member Board Executive Director shall be nominated by majority vote of the Member Board Executive community comprised of the Executive Director of each Member Board.
- E. Any person qualified to serve as the Public Director may be nominated by declaring his or her candidacy at the time election for such position begins at the Annual Business Meeting.

SECTION 6. Vacancies.

- A. Vacancies in the offices of Officer and Directors shall be filled as provided in Section 6 of Article VIII. A vacancy in the office of a office of any Regional Director, Member Board Executive Director, Public Director and Elected Officers other than First Vice President/President-Elect and President/Chair of the Board shall be filled by an appointee designated by and from the Region originally represented: the Board of Directors to hold office from the time of such appointment until the adjournment of the next Annual Business Meeting. Any such appointee shall meet all qualifications applicable to the vacant Director position, as determined by the Credentials Committee. Prior to making such

EXPLANATORY NOTES

ARTICLE VII – BOARD OF DIRECTORS *(cont.)*

Section 5. Nomination of Directors

- Proposed edits consolidate Nomination language for all positions into a single Section.
- 5C: revised language captures current process of nomination by MBE Community. Language in former section (2B) required nomination by MBE Committee.

Section 6. Vacancies (6A – 6C)

- Relocates language from Article VIII, Section 7;
- Identifies clear appointment/succession process for all positions on the Board of Directors.

appointments, the Board of Directors shall consider any recommendations received from the constituent group or individuals responsible for nominating such vacated Director position, as applicable.

- B. A vacancy in the office of President/Chair of the Board shall be filled by the First Vice President/President-Elect, who shall serve the remainder of the term as President/Chair of the Board and the following term during which he or she would have succeeded to the office if not for the vacancy.
- C. A vacancy in the office of First Vice President/President-Elect shall be filled by the Second Vice President, who shall hold such office of First Vice President/President-Elect until the adjournment of the next Annual Business Meeting, at which Annual Business Meeting the Member Boards shall elect both a First Vice President/President-Elect and a President/Chair of the Board, each of whom shall be subject to the qualifications applicable to candidates for First Vice President/President-Elect.
- D. A vacancy in the office of Immediate Past President shall remain vacant.
- E. Any Regional Director who moves his or her principal residence to a place outside the ~~r~~Region ~~from~~ which he or she ~~represents~~was nominated shall be deemed to have vacated the office of Regional Director, and any ~~Member Board Executive Director and/or Public Director who ceases to be eligible as provided in this Article VII, Section 2, clause (ii)~~ shall be deemed to have vacated the office of ~~Member Board Executive Director or Public Director, respectively~~his or her directorship.

SECTION 7. Duties. The affairs of the Council shall be managed under the authority and direction of the ~~Council~~ Board of Directors, who shall act by majority vote of the Directors present at a meeting at which there is a quorum, except as otherwise expressly required by these Bylaws or applicable law. It shall exercise all authority, right, and power granted to it by the laws of the State of Iowa and shall perform all duties required by the said laws and by these Bylaws, and, in accordance therewith, it shall not delegate any of the authority, rights, or power or any of the duties imposed on it by these Bylaws or otherwise, unless such delegation is specifically provided for in these Bylaws.

EXPLANATORY NOTES

ARTICLE VII – BOARD OF DIRECTORS *(cont.)*

Section 6. Vacancies (6A – 6C) *(cont.)*

- Clarifies that succession to fill a vacancy in the First Vice President/President-elect position does not automatically ascend to President/Chair of the Board in succeeding year. Elections will be needed to fill both positions.

(6D)

- Adds new language to address a vacancy in the Immediate Past President position.

(6E)

- Housekeeping edits for Regional Director position; and,
- Clarify that all positions of the Board must continue to meet the required qualifications established in Article VII, Section 2.

Section 7. Duties

- Clarify Board of Directors' default voting threshold;
- Relocate “serve without compensation” from Article VII, Section 2C; and,
- Relocate “allowances” provision from Article VIII, Section 2.

*Footnote
Eliminated. Requirement for architect Directors to have NCARB Certificate is now in full effect.

All Directors shall serve without compensation; provided, however, that nothing herein shall prohibit the Board of Directors from providing reasonable allowances from time to time to the President/Chair of the Board and to the First Vice President/President-Elect. Any such allowances shall be included in budget reports furnished to the Member Boards.

*Clauses (iii) and (iv) are effective March 1, 2017 and apply to any Regional Director or officer then in office

SECTION 8. Meetings of the Board. The Council Board of Directors may meet in any manner allowed by applicable law in regular or special meetings in order to transact business. Unless finances of the Council will not permit, the Council Board of Directors shall hold a regular meeting immediately prior to the opening of the Annual Business Meeting and a regular meeting immediately following the adjournment of the Annual Business Meeting of the Council. Special meetings may be held upon call of the President/Chair of the Board or the Executive Committee and shall be held upon written request of the majority of the Council Board of Directors. All ~~members~~Directors shall be given due notice in writing of the time and place of all meetings, although notice of any meeting may be waived in writing by any ~~members~~Director. A majority of the membership of Council Board of Directors shall constitute a quorum for the transaction of business. ~~In the event that a Regional Director is unable to attend a meeting of the Council Board of Directors, the Chair of the Region the Director represents shall have the privilege of participating in the meeting in the Director's stead.~~

~~SECTION 9. Executive Committee of the Council Board of Directors. The Executive Committee of the Council Board of Directors shall comprise the President/Chair of the Board, the First Vice President/President Elect, the Second Vice President, the Treasurer, the Secretary, and the immediate Past President. The Executive Committee shall:~~

- ~~A. —act for the Council Board of Directors between meetings only as directed by the Board;~~
- ~~B. —develop short-range and long-range goals, consistent with the mission of the Council, as the basis for planning and implementation by the Board; and~~
- ~~C. —assist the President/Chair of the Board with the~~

EXPLANATORY NOTES

ARTICLE VII – BOARD OF DIRECTORS *(cont.)*

Section 8. Meetings of the Board

- Housekeeping edits; and,
- Final sentence of Section 8 is proposed for deletion recognizing that a Regional Director who has been elected by the full Membership, does not represent a single Region. It also recognizes that all Directors have a fiduciary duty to the Council, which should be fulfilled by the Director's personal participation in Board meetings rather than by sending representatives.
- Eliminates outdated statement for Regional Chair attendance in Regional Director's stead.

Section 9. Executive Committee

- This section has been relocated to Article XII – Committees.

development of issues to be presented at the spring Regional Meetings.

- D. ~~prior to the start of the new fiscal year of the Council, review the budget for the next fiscal year for presentation to the Council Board of Directors; periodically review the budget, investments, financial policies, and financial positions of the Council and make recommendations concerning the same to the Council Board of Directors for appropriate action.~~

~~SECTION 10. Audit Committee. The Audit Committee, appointed in the same manner and with the same term as all other committees, shall consist of the Treasurer, who shall serve as the chair of the Committee, one additional Executive Committee Member, and from one to three additional members of the Board of Directors who are not members of the Executive Committee. The Audit Committee shall report to the Board and shall be responsible for overseeing the Council's financial controls and auditing, including receiving the annual audit and considering the items of internal accounting control that arise from the audit, from personnel changes and from the implementation of changes in policies that affect internal financial controls. The Audit Committee shall annually select and engage an independent auditor of the Council's financial records.~~

ARTICLE VIII—OFFICERS

SECTION 1. **Elected** Officers. The **Elected** Officers of the Council shall be the President/Chair of the Board, the First Vice President/President-Elect, the Second Vice President, the Treasurer, and the Secretary.

SECTION 2. Qualifications and Limitations. ~~To be eligible for elective office in the Council a person shall be*:~~

- A. ~~a citizen of the United States; and~~
- B. ~~at the time of election; serving either (i) as a member of the Council Board of Directors or (ii) as a member of a Member Board and, in the case of Member Boards regulating professions in addition to the profession of architecture and which is divided into professional sections, as a member of the architectural section of the Member Board. Elected Officers of the Council shall serve without compensation, provided, however, that nothing herein shall prohibit the Council Board of Directors from providing reasonable allowances~~

EXPLANATORY NOTES

ARTICLE VII – BOARD OF DIRECTORS *(cont.)*

Section 10. Audit Committee

- This section has been relocated to Article XII – Committees.

ARTICLE VIII – OFFICERS

Section 1. Elected Officers

- Edits in accordance with revised Definitions in Article II.
- All deletions in Sections 2 through 7 have been incorporated into Article VII, above.

from time to time to the President/Chair of the Board and to the First Vice President/President Elect. Any such allowances shall be included in budget reports furnished to the Member Boards.

SECTION 3. Nomination of Officers. Any person qualified as prescribed in Section 2 may be nominated for office by declaring his or her candidacy at the time election for such office begins at the Annual Meeting.

SECTION 4. Election of Officers. All elections of Officers shall be by ballot at the Annual Meeting, unless the Council shall agree to waive the provision. A majority vote of the Member Boards present and voting shall elect an Officer. If more than two candidates have been nominated, ballots shall be taken until a candidate receives such a majority vote. If there has not been such a majority vote on a ballot, the candidate receiving the least number of votes shall be eliminated prior to the next ballot.

SECTION 5. Terms of Office:

- A. — Second Vice President shall serve from the adjournment of the Annual Meeting at which such person is elected, until the adjournment of the next following Annual Meeting or until a successor is duly elected.
- B. — The First Vice President/President Elect shall serve as such from the adjournment of the Annual Meeting at which such person is so elected, until the adjournment of the next following Annual Meeting at which time such person shall assume the office of President/Chair of the Board and shall serve as such until the adjournment of the next following Annual Meeting.
- C. — The Treasurer and the Secretary shall serve from the adjournment of the Annual Meeting at which they are elected until the adjournment of the next following Annual Meeting or until their successors are elected.
- D. — No incumbent shall serve for more than one term in succession as President/Chair of the Board, First Vice President/President Elect, or Second Vice President; provided, however, that an Officer shall be eligible for reelection for the full term of office if during the period immediately prior thereto such Officer had succeeded to or been elected to the office to fill a vacancy.

EXPLANATORY NOTES

~~SECTION 6. Removal. As provided by applicable Iowa law, an Officer may be removed with or without cause by the Council Board of Directors by a majority vote of those present and voting at a meeting duly called for such purpose.~~

~~SECTION 7. Vacancies. A vacancy in the office of the President/ Chair of the Board shall be filled by the First Vice President/President Elect assuming the office. A vacancy in the office of the First Vice President/President Elect shall be filled by the Second Vice President assuming the office. A vacancy in the office of Second Vice President, Secretary, or Treasurer shall be filled by an appointee designated by the Council Board of Directors to hold office until the adjournment of the next Annual Meeting; but the balance of the unexpired term, if any, shall be filled at the Annual Meeting by nomination and election as provided in Sections 3 and 4.~~

~~SECTION 8.2. President/Chair of the Board. The President/ Chair of the Board shall be the senior eElected oO~~fficer of the Council and shall:

- A. preside at all meetings of the Council Board of Directors, the Executive Committee of the Council Board of Directors, and the Annual Business Meeting;
- B. present to the Council at the Annual Business Meeting a report of activities during the President/Chair of the Board's term of office;
- ~~C. identify individuals to serve on all committees while serving as First Vice President/President Elect and when serving as either President/Chair of the Board or First Vice President/President Elect may appoint all members of committees to serve during his or her own term of office as President/Chair of the Board subject to the approval of the Council Board of Directors;~~
- ~~D. develop charges for all Committees that will serve during his or her term as President/Chair of the Board: and, F~~following approval of the charges by the Council Board of Directors, oversee the work of all ~~eC~~ommittees in discharging their responsibilities;
- D. select all members of Committees to serve during his or her term of office as President/Chair of the Board subject to the terms of Article XII, Section 5;

EXPLANATORY NOTES

ARTICLE VIII – OFFICERS (cont.)

Section 2 (formerly Section 8)

- Proposed edits clarify the responsibilities of the President/Chair of the Board.
- Deleted clause 2(iii) – Language has been revised to 2(iv) and 2(v) plus language inserted as clause 3(iii) to differentiate the timing of responsibilities for the President/Chair of the board and the First Vice President/ President-elect with respect to committee appointments.

E. have the power to make appointments to any unfilled or vacant Committee membership during his/her term as President/Chair of the Board, subject to the approval of the Board of Directors;

EF. represent the Council Board of Directors and its policies to all external and internal constituents including to the Chief Executive Officer; and

FG. perform such other duties and powers as the Council Board of Directors may from time to time decide.

SECTION 9.3. First Vice President:/President-Elect and Second Vice President. ~~The Vice Presidents~~First Vice President/President-Elect and the Second Vice President, in order, shall, in the absence of the President/Chair of the Board, exercise the duties of and possess all the powers of the President/Chair of the Board. In addition, the First Vice President/President-Elect shall:

A. develop the Committee charges to be completed during his or her term of office as President/Chair of the Board, subject to the approval of the Board of Directors.

B. select the Chair of all Committees to serve during his/her term as President/Chair of the Board, subject to the approval of the Board of Directors; and

C. select all members of Committees to serve during his or her term of office as President/Chair of the Board, subject to the approval of the Board of Directors.

SECTION 10.4. Treasurer. The Treasurer shall ~~generally:~~

A. oversee the financial affairs of the Council and be the primary liaison of the Council Board of Directors with the person designated by the Chief Executive Officer as the chief financial officer of the Council: The Treasurer shall report to the Council Board of Directors and Annual Meeting on financial matters of the Council. The Treasurer shall perform such duties and have such powers additional to the foregoing as the Council Board of Directors may designate.;

EXPLANATORY NOTES

ARTICLE VIII – OFFICERS (cont.)

Section 3 (formerly Section 9)

- Clarify leadership succession in the event of absence of the President/Chair of the Board at a meeting; and,
- Identify the responsibilities of the First Vice President/President-Elect.

Section 4. Treasurer (formerly Section 10)

- Housekeeping edits.

- B. report to the Board of Directors and at the Annual Business Meeting on financial matters of the Council; and
- C. perform such duties and have such powers additional to the foregoing as the Board of Directors may designate.

SECTION ~~11~~5. Secretary. The Secretary shall:

- A. record or cause to be recorded all votes, consents, and the proceedings of all meetings of the Council and of the Board of Directors; and
- B. ~~The Secretary shall~~ perform such duties as the Board of Directors may designate.

Records of the Council meetings shall be open at all reasonable times to the inspection of any Member Board.

In the absence of the Secretary from any meeting of the Council or from any meeting of the Board of Directors, a temporary Secretary designated by the person presiding at the meeting shall perform the duties of the Secretary.

SECTION ~~12~~6. Chief Executive Officer. The Chief Executive Officer shall be the senior appointed officer of the Council. Such person shall be appointed by and shall serve at the pleasure of the Board of Directors, and shall have such compensation and benefits as shall be established from time to time by the ~~Council~~ Board of Directors. The Chief Executive Officer shall have general charge of the management and administration of the Council's affairs, the implementation of policies established from time to time by the ~~Council~~ Board of Directors, and such other duties and powers as the ~~Council~~ Board of Directors may from time to time determine, subject always to the ultimate authority of the ~~Council~~ Board of Directors under applicable law and these Bylaws.

SECTION ~~13~~7. Bonding. The Council's Chief Executive Officer and those in general charge of the Council's financial matters shall be bonded in an amount of not less than \$500,000. The Chief Executive Officer may decide to have others bonded in the Council. The cost of such bond shall be paid from funds of the Council.

EXPLANATORY NOTES

ARTICLE VIII – OFFICERS (cont.)

Section 5. Secretary (formerly Section 11)

- Housekeeping edits.

Section 6. Chief Executive Officer (formerly Section 12)

- Housekeeping edits.

ARTICLE IX—COUNCIL SERVICES TO MEMBERS OF THE ARCHITECTURAL PROFESSION

SECTION 1. Council Record. The Council shall, upon request of individual members of the architectural profession, secure, authenticate, and record factual data of an applicant's education, training, examination, practice, and character: for purposes of establishing a Council Record. Upon request of the applicant, this Council Record will be forwarded to any Member Board or to any foreign ~~r~~Registration authority with whom ~~NCARB~~the Council has an agreement for mutual reciprocity.

SECTION 2. Council Certification. Council Certification shall be given ~~to~~ an Architect holding a Council Record verifying that the Architect has complied with the Council standards of education, training, examination, ~~r~~Registration, and character. In addition to this verification, the Certification shall carry the recommendation of the Council that ~~r~~Registration be granted the Architect without further examination of credentials. For applicants registered as Architects in countries where formal agreements with the Council exist, the standards and procedures for Certification will be in accordance with such written agreements or as otherwise established by the Council. Architects certified by the Council shall have a Certificate incorporated in their Council Record.

SECTION 3. Annual Renewal. Council Certification shall be in effect for a period of one year. Renewal of the Council Certification shall be predicated upon the submission of an annual fee and an annual report containing such information as the Council deems appropriate. The Council Certification shall lapse if the annual fee and report are not received by the Council within such grace period as the ~~Council~~ Board of Directors may establish. A lapsed Council Certification may be reactivated by paying delinquent renewal fees, furnishing delinquent annual reports, and paying such fee for reinstatement as the ~~Council~~ Board of Directors may establish from time to time.

SECTION 4. Revocation of Certification. The Council shall revoke an Architect's Council Certification if:

- A. a Member Board has revoked (without limitation as to time) the Architect's ~~r~~Registration for a cause other than nonpayment of renewal fees or failure to file information with the Member Board; or

EXPLANATORY NOTES

ARTICLE IX – SERVICES TO MEMBERS OF THE PROFESSION

Sections 1 - 3.

- Housekeeping edits.

Section 4. Revocation of Certification

- Housekeeping edits; and,
- Simplified language in the last paragraph.

- B. facts are subsequently revealed which show that the Architect was actually ineligible for Council Certification at the time of Council Certification.

In addition, the Council may revoke an Architect's Council Certification if:

- C. a Member Board or a court makes a finding, not reversed on appeal, that the Architect has, in the conduct of his or her architectural practice, violated the law or has engaged in conduct involving wanton disregard for the rights of others; or
- D. the Architect has surrendered or allowed to lapse his or her rRegistration with the Member Board in connection with disciplinary action pending or threatened; or
- E. a Member Board has denied the Architect registration for a cause other than the failure to comply with the educational, experience, age, citizenship, or other technical qualifications for registration in such jurisdiction; or
- F. the Architect has willfully misstated a material fact in a formal submission to the Council.

The Council may reinstate a Certification previously revoked, if the cause of the revocation has been removed, corrected, or otherwise remedied.

In order to assist the Council in carrying out its responsibilities under this Section, each Member Board shall (unless prohibited by its State Law) report to the Council each case in which the Member Board has revoked or suspended an Architect's registration for cause other than nonpayment of renewal fees or failure to file information with the Member Board, or in which the Member Board or a court makes a finding, not reversed on appeal, that the Architect has, in the conduct of architectural practice, violated the laws applicable law) report to the Council the occurrence of any event that qualifies an Architect for revocation of his or her Council Certification, as described herein.

EXPLANATORY NOTES

ARTICLE X—COUNCIL SERVICES TO MEMBER BOARDS

SECTION 1. Architect Registration Examination. The Council shall prepare an ~~architect registration~~ **e**Examination for use by Member Boards. The ~~Council~~ Board of Directors shall issue, from time to time, rules respecting the administration and grading of **e**Examinations, which shall include, among other things, the schedule of charges for the use of the **e**Examinations, the date or dates on which **e**Examinations may be administered, safeguards to prevent improper disclosure of information respecting the **e**Examinations, and such other matters respecting the administration and grading of **e**Examinations as the ~~Council~~ Board **of Directors** deems appropriate. Every Member Board using the ~~Architect Registration~~ Examination shall comply strictly with the rules issued by the ~~Council~~ Board **of Directors**, unless the ~~Council~~ Board **of Directors** agrees to waive any of the rules in a particular case. If any Member Board refuses to comply with the rules applicable to its use of the **e**Examinations or, after so agreeing, fails to comply with such rules, the ~~Council~~ Board **of Directors** may withhold the **e**Examinations from such Member Board until it is satisfied that such Member Board will comply with such rules thereafter. Any Member Board which refuses ~~r~~Registration to architects holding the Council Certification for the reason that the Member Board has requirements or procedures for grading the ~~Architect Registration~~ Examination which are different from the requirements or procedures established by the Council shall be denied the use of the **e**Examinations until such policy of refusing ~~r~~Registration is revoked; but the ~~Council~~ Board **of Directors** may, with sufficient cause, waive the denial of the use of the **e**Examinations.

SECTION 2. Architectural Experience Program. The Council shall prepare a structured experience program for use by Member Boards. The Board of Directors shall issue, from time to time, updates to program rules and opportunities to remain relevant with experiences and competencies necessary for the current practice of architecture.

SECTION 3. Additional Services. Additional services may be offered as determined by the Board of Directors from time to time.

SECTION 24. Forms and Documents. In order to ensure uniformity in the reporting of an applicant's education, experience, ~~r~~Registration (if applicable), and other necessary supporting data for determining eligibility for ~~the~~ **e**Examination, Council Certification, or reciprocal ~~r~~Registration, the Council shall study and prepare forms, documents, and/or systems

EXPLANATORY NOTES**ARTICLE X – SERVICES TO MEMBER BOARDS****Sections 1, 4-6**

- Housekeeping edits.

Sections 2-3

- The AXP and flexibility to add additional services in the future were added based on regional feedback.

appropriate for use by both the Council and Member Boards.

SECTION 35. Research. The Council, through work of Committees, shall engage in research pertinent to all matters relating to legal ~~r~~Registration of architects.

SECTION 46. International Relations. The Council shall engage in the exploration and formulation of agreements with foreign countries to allow architects to practice in countries other than their own.

ARTICLE XI—FINANCES, FUNDS, ACCOUNTING, INVESTMENTS, AND RECORDS OF THE COUNCIL

SECTION 1. Dues and Fees.

- A. Annual membership dues may be changed for any period ~~after July 1, 2018~~, by resolution adopted at an Annual Business Meeting with implementation of any change to take place not less than three years after such resolution is adopted.
- B. ~~Fees~~: The fees to be charged for services to members of the architectural profession shall be established, from time to time, by an affirmative vote of not less than two-thirds of the Council Board of Directors present and voting.

SECTION 2. Operating Fund.

- A. ~~Receipts~~: All membership dues and all fees and other revenues received from any of the activities of the Council shall be placed in the operating fund of the Council. The operating fund shall be administered by the Council's chief financial officer.
- B. ~~General Budget~~: As soon as feasible following the Annual Business Meeting, the Council Board of Directors shall adopt a general budget which shall show the anticipated income and expenditures for the current year.
- C. ~~Authority to Expand and Disburse Money: No Officer,~~ No Director, Committee, or employee of the Council shall have the right, authority, or power to expend any money of the Council, to incur any liability for and in its behalf, or to make any commitment which will or may be deemed to bind the Council in any expense or financial liability, unless such expenditure, liability, or

EXPLANATORY NOTES

ARTICLE XI – FINANCES, FUNDS, ACCOUNTING, INVESTMENTS AND RECORDS OF THE COUNCIL

(cont.)

Sections 1 - 3.

- Housekeeping edits.

commitment has been properly incorporated into the budget, and the Council Board of Directors has made an appropriation to pay the same.

- D. ~~Fiscal Year~~–The Fiscal Year of the Council shall be from July 1 of one year to June 30 of the next succeeding year.

SECTION 3. Securities and Investments. In accordance with the Council Board of Directors' policies and the directions by the Board of ~~Directors~~ to the Chief Executive Officer, the Council's chief financial officer shall have charge of the investment of all funds of the Council not held in its operating fund. In accordance with such policies and such directions, such chief financial officer may sell, purchase, transfer, and convey securities and exercise all rights, by proxy or by participation, of the Council with respect to such securities, or may authorize such purchases, sales, transfers, conveyances, and the exercise of any or all of said rights.

SECTION 4. Liabilities of Officers, Directors, and Employees. No ~~Officer~~, Director, ~~officer~~, or employee of the Council shall be personally liable for any decrease of the capital, surplus, income, balance, or reserve of any fund or account resulting from his or her acts performed in good faith and within the scope of his or her authority.

SECTION 5. Disclosure of Records. Upon written request made with reasonable specificity, a Member Board shall have the right to receive from the Council with reasonable promptness copies of any Council record it may reasonably request, but excluding:

- (i) ~~A.~~ information barred from disclosure by an applicable statute;
- (ii) ~~B.~~ trade secrets;
- (iii) ~~C.~~ information disclosed to the Council in reliance upon its continued non-disclosure;
- (iv) ~~D.~~ information that, if released, would give an inappropriate advantage to a competitor or bidder with respect to a request for proposals issued or about to be issued by the Council;
- (v) ~~E.~~ personnel information, the disclosure of which would constitute an unwarranted invasion of personal privacy;

EXPLANATORY NOTES

ARTICLE XI – FINANCES, FUNDS, ACCOUNTING, INVESTMENTS AND RECORDS OF THE COUNCIL (cont.)

Sections 4 and 5.

- Housekeeping edits.

- (vi) ~~F.~~ attorney-client communications and attorney work-product materials;
- (vii) ~~G.~~ transcripts and personal information respecting Certificate applicants or holders without the permission of such applicant or holder;
- (viii) ~~H.~~ contents and results of examinations except to the extent disclosure is provided for in the contract between the Council and the Member Board together with data, methodologies, practices, plans, proposals, records of committee deliberations and other records relating to the content, administration, scoring or security of examinations; and
- (ix) ~~I.~~ information arising from investigatory cases.

Any of the excluded records that the Council has already distributed publicly shall, notwithstanding the preceding sentence, be available to any Member Board.

To the extent permitted by applicable law, Council records furnished to a Member Board shall not be distributed by the Member Board ~~to outsiders.~~ other than to members of such Member Board. The Council may charge the Member Board only reasonable costs to comply with the request. Such charges shall be itemized by the Council in an invoice to the Member Board.

ARTICLE XII—COMMITTEES

~~SECTION 1. Authorization and Appointment of Committees. Committees may be established to perform services for the Council. Except as otherwise specifically provided, all Committees shall be appointed as provided in Article VIII, Section 7 of these Bylaws and shall be under the jurisdiction of the Council Board of Directors, reporting to it when directed. Except as otherwise specifically provided, the President/Chair of the Board shall select the Chair of all Committees.~~

SECTION 1. Board Committees. The Board of Directors may, by the affirmative vote of a majority of the Directors then in office or as otherwise set forth in these Bylaws, create one or more Board Committees. Board Committees, to the extent provided in the applicable authorizing action of the Board of Directors or these Bylaws, shall have and exercise the authority of the Board of Directors in the management of the Council. A Board Committee may not, however:

EXPLANATORY NOTES

ARTICLE XII – COMMITTEES

Section 1. Board Committees

- New section to insert and define “Board Committees” and identify actions that, in accordance with Iowa law, may not be delegated to Board Committees. These changes do not substantively alter the operation of existing Board Committees, but they are intended to clarify the distinction between Board Committees, which are permitted to act on behalf of the Board of Directors, and Advisory Committees, which are not permitted to act on behalf of the Board of Directors.

- A. authorize distributions;
- B. approve or recommend to members dissolution, merger, or the sale, pledge, or transfer of all or substantially all of the Council's assets;
- C. elect, appoint, or remove directors or fill vacancies on the Board of Directors or on any Board Committees; or
- D. adopt, amend, or repeal the Council's Articles of Incorporation or Bylaws.

The designation of, and the delegation of authority to, a Board Committee shall not operate to relieve the Board of Directors, or any individual Director, of any responsibility imposed upon them by law.

SECTION 2. Executive Committee of the Board of Directors. The Executive Committee of the Board of Directors shall be a Board Committee and shall comprise the President/Chair of the Board, the First Vice President/President-Elect, the Second Vice President, the Treasurer, the Secretary, and the Immediate Past President. The Executive Committee shall:

- A. act for the Board of Directors between meetings only as directed by the Board;
- B. prior to the start of the new fiscal year of the Council, review the budget for the next fiscal year for presentation to the Board of Directors; and
- C. periodically review the budget, investments, financial policies, and financial positions of the Council and make recommendations concerning the same to the Board of Directors for appropriate action.

SECTION 3. Audit Committee. The Audit Committee, appointed in the same manner and with the same term as all other Committees, shall be a Board Committee and shall consist of the Treasurer, who shall serve as the chair of the Committee, up to one additional Executive Committee member, and from one to three additional members of the Board of Directors who are not members of the Executive Committee. The Audit Committee shall report to the Board of Directors and shall be responsible for overseeing the Council's financial controls and auditing, including receiving the annual audit and considering the items of internal accounting control that arise from the audit, from personnel changes, and from the implementation of changes in policies that affect internal financial controls.

EXPLANATORY NOTES

ARTICLE XII – COMMITTEES (cont.)

Section 2. Executive Committee

- Previously located in Article VII, has been relocated to this Article XII.

Edits made subsequent to relocation include:

- Identifying the Executive Committee as a Board Committee;
- Deleting the clause pertaining to Regional meetings as out-dated language, shown here as deleted clause (iii); and
- Segmenting the former Article VII, Section 9, clause D into two separate clauses, shown here as clauses (iv) and (v).

Section 3. Audit Committee

- Previously located in Article VII, has been relocated to this Article XII.

Edits made subsequent to relocation include:

- Identifying the Audit Committee as a Board Committee.
- Removing the requirement for – but still allowing the appointment of – an additional Executive Committee member.

The Audit Committee shall annually select and engage an independent auditor of the Council's financial records:

SECTION 4. Advisory Committees. Advisory Committees may be created by affirmative vote of a majority of the Directors present at a meeting at which there is a quorum or as set forth in these Bylaws. The Council Board of Directors may delegate to any of the Elected Officers or the Immediate Past President the authority to supervise the work of any of the Advisory Committees.

SECTION 5. Committee Membership.

In accordance with Article VIII, Section 2, the President/Chair of the Board shall select the members of all Committees subject to approval by the Board of Directors. Except as otherwise specifically provided in these Bylaws, the President/Chair of the Board shall have the power to make select the Chair of each Committee. The terms of all Committee appointments to shall be for one year, during the President/Chair of the Board's term in such capacity, except as otherwise approved by the Board of Directors. Any unfilled or vacant Committee membership. The Council Board Committee positions shall be filled in accordance with the regular procedures for appointment. The Board of Directors may at any time, by the affirmative vote of a majority of the Directors then in office, discontinue a Board Committee or Advisory Committee other than a standing Committee those established in the by these Bylaws, or (which may only be discontinued by amendment of these Bylaws), and make any changes in a Committee's personnel membership without regard to the terms of appointment of the Committee members.

SECTION 2-6. Reports of Committees. Each Committee shall report in writing annually to the Council Board of Directors, at least 60 days prior to the date of the Annual Business Meeting and shall make interim reports to the Council Board of Directors as directed.

SECTION 37. General Procedure of Committees. Every Committee shall perform in accordance with these Bylaws and with the directions of the Council Board of Directors. With the approval of the Council The provisions of these Bylaws that govern Board of Directors' meetings, action without meetings, notice and waiver of notice, and quorum and voting requirements of the Board of Directors shall apply to meetings and action of the Committees and their members as well. With the approval of the Board of Directors, every Committee may

EXPLANATORY NOTES

ARTICLE XII – COMMITTEES

(cont.)

Section 4. Advisory Committees

- New language to identify Board authority with respect to Advisory Committees, a new term added in Article II. Despite the new language of “Advisory Committee,” the concept of “Advisory Committee” and the Board’s authority to create Advisory Committees already existed under the existing Bylaws and Iowa law.

Section 5. Committee Membership

- Revised language makes minor edits to clarify the responsibilities of the President/Chair of the Board and the Board of Directors with regard to establishing committee membership and terms of service.

Section 6. Reports of Committees (formerly Section 2)

- Housekeeping edits.

Section 7. General Procedure of Committees (formerly Section 3)

- Proposed edits outline committee requirements with respect to meeting notices, quorums and voting.
- Clarifies that Advisory Committees may take no action or exercise any authority.

call and hold meetings and meet with other organizations or their representatives; provided that an Advisory Committee may not take any action to bind the Board of Directors or otherwise exercise any powers or authority of the Board of Directors, and no Committee may take any actions prohibited under Article XII, Section 1 of these Bylaws.

~~SECTION 4. Terms of Committee Appointments. The terms of Committee appointments shall be for one fiscal year except as otherwise approved by the Council Board of Directors.~~

SECTION 58. Advisory Committees. The following Advisory Committees are hereby established and may from time to time make recommendations to the Council Board of Directors for consideration, subject to the terms of these Bylaws and applicable law:

- A. Education Committee: The Education Committee shall assess and recommend updates to the Council Board of Directors with respect the Council's education and continuing education policies for use by Member Boards and the Council's relationship with the National Architectural Accrediting Board (NAAB).
- B. Experience Committee: The Experience Committee shall assess and recommend updates to the Council Board of Directors with respect to the Architectural Experience Program for use by Member Boards.
- C. Examination Committee: The Examination Committee shall assess and recommend updates to the Council Board of Directors with respect to the ~~Architect~~ Registration Examination (ARE) for use by Member Boards.
- D. ~~Procedures and Documents~~ Policy Advisory Committee: The Policy Advisory Committee shall review proposed resolutions, ~~procedures, and documents~~ and special publications, as directed by the Board of Directors, for their impact on and consistency with Council policies and programs and make recommendations on such matters to the Council Board of Directors. ~~The Committee shall assess the usefulness of special Council publications, and modify as appropriate Board of Directors.~~
- E. Professional Conduct Committee: The Professional Conduct Committee shall oversee the development, application, assessment, and adjudication of Council

EXPLANATORY NOTES

ARTICLE XII – COMMITTEES (cont.)

Former Section 4.

- Language relocated to Section 7, above.

Section 8. Permanent Advisory Committees (formerly Section 5) (cont.)

Clauses A - C

- Housekeeping edits.

Clause D

- Proposed name and description change to align with today's role of the Procedures and Documents Committee.

Clause E

- Housekeeping edits.

policies and practices relating to the professional conduct of Council Record holders and others using Council services.

- F. Member Board Executives Committee: The Member Board Executives Committee shall consider issues of concern to the jurisdictions and Member Board Executives. ~~The Committee shall nominate a Member Board Executive Director to serve on the Council Board of Directors as provided in Article VII, Section 2.~~
- G. Regional Leadership Committee: The Regional Leadership Committee shall discharge its responsibilities as described in Article V, Section 5, and consider issues of concern to the Regions. The membership of the Committee shall be the Region Chairs of each of the Regions, any person designated by the Region as the chief administrative officer of the Region, and the First Vice President/President-Elect who shall serve as Chair of the Committee.
- H. Credentials Committee: The Credentials Committee shall oversee the nomination and election process for positions on the Board of Directors, verify candidate qualifications for office, examine and verify ~~Annual Meeting~~ Voting Delegate credentials, report to the membership ~~on~~ regarding quorum at the Annual Business Meeting attendance, and tabulate and report election results to the President/Chair of the Board. Members of the Credentials Committee shall be sitting Member Board Members and/or Member Board Executives.
- I. Other: Committees, task forces, and work groups may be established from time to time by the President/Chair of the Board with the approval of the Council Board of Directors.

SECTION 6:~~9~~. Select Committees. Whenever the Council establishes by resolution a Committee, a majority of whose members are, in accordance with such resolution, to be selected by a procedure other than those set out in Section ~~7~~5 of Article ~~VIII~~ XII, such a Committee shall be deemed a Select Committee and shall have, in addition to the duties and powers set out in the resolution, the right, ~~notwithstanding~~ ~~Article V, Section 5,~~ to offer resolutions to be voted on at the Annual Business Meeting on subjects germane to the work of such Select Committee, provided such resolutions are included in the annual report of such Select Committee

EXPLANATORY NOTES

ARTICLE XII – COMMITTEES (cont.)

Section 8. Permanent Advisory Committees (formerly Section 5) (cont.)

Clause F

- Housekeeping edit; and,
- Delete role of nominating the Member Board Executive Director of the Board of Directors to align with current practice.

Clause G

- Housekeeping edits.

Clause H

- Housekeeping edits; and, enhanced committee scope.

Clause I

- Housekeeping edits.

Section 9. Select Committees (formerly Section 6)

- Housekeeping edits; and,
- New, clarifying language for Select Committees.

submitted to the Council Board of Directors in accordance with Section 26 of this Article XII. Such annual report of a Select Committee shall be distributed to the membership not later than 30 days prior to the Annual Business Meeting without revision by the Council Board of Directors. A Select Committee may be a Board Committee or an Advisory Committee, provided that the procedures and authority applicable to such Select Committee are consistent with those of a Board Committee or Advisory Committee, as applicable.

ARTICLE XIII—INDEMNIFICATION

In addition to such further indemnification as may be authorized by the Board of Directors from time to time consistent with applicable law, to the fullest extent permitted by law, including without limitation Section 504 of the Iowa Code known as the Revised Iowa Nonprofit Council Act (“RINCA”) and after the Council’s Board of Directors makes the determination that the standards of Section 504.852 of RINCA (or successor provisions) have been met for the specific proceeding at issue, any present or former Director, ~~officer,~~ or employee determined by Board of Directors to be an executive employee, or member of a Council Committee, or the estate or personal representative of any such person, made a party to any action, suit or other proceeding, civil or criminal, by reason of the fact that such person is or was serving the Council as such, or serving at the Council’s request in any other entity or with respect to the Council’s employee benefit plan, shall be indemnified by the Council against the reasonable expenses, including without limitation amounts paid by way of judgment, fine or penalty and reasonable defense costs including attorney’s fees incurred in connection with the defense of such proceeding whether or not such defense shall be successful in whole or in part, or in connection with any appeal therein, or any settlement of any such proceeding on terms approved by the Council Board of Directors. Such indemnification shall not be deemed exclusive of any other rights to which such persons may be entitled. Any other present or former employee or agent of the Council may also be indemnified with the approval of the Council Board of Directors. Expenses incurred of the character described above may, with the approval of the Council Board of Directors, be advanced to any person entitled to indemnity upon satisfaction of the requirements of Section 504.854 (or successor provisions) of RINCA. The Council shall have the power to purchase and maintain insurance on behalf of any person described above, or any other employee, volunteer or agent of the Council, against liability asserted against or incurred

EXPLANATORY NOTES

ARTICLE XIII - INDEMNIFICATION

- Housekeeping edits.

by such person on account of his or her status as such, whether or not the Council would have the power to indemnify or advance expenses to such persons.

ARTICLE XIV—SEAL

~~The Official Seal of the Council shall be used in all legal documents and on the Certification referred to in Article IX, Section 2 of these Bylaws.~~

ARTICLE XV—AMENDMENTS

These Bylaws may be amended at any special meeting or Annual **Business** Meeting of the Council by resolution submitted to the Member Boards not less than 30 days prior to the meeting at which the resolution is to be considered. An affirmative vote by not less than two-thirds of the Member Boards shall be required to secure adoption of any amendment to these Bylaws.

EXPLANATORY NOTES

ARTICLE XIV - SEAL

- Proposed deletion of Article XIV as an out-dated requirement.

ARTICLE XIV — AMENDMENTS (formerly ARTICLE XV)

- Housekeeping edits.

2018 NCARB Resolution Feedback

Region Comments with Responses from:

- Venable LLP
- NCARB Staff
- NCARB Board of Directors

The following is a compilation of comments received from the six NCARB regions after Regional Summit with responses from NCARB's legal consultant, Venable LLP, and NCARB staff for Board discussion. Final Board of Director responses/actions from the April Board of Directors meeting have also been included in this document.

Region comments are in black.

Legal counsel comments are in blue.

NCARB staff comments are in purple.

NCARB Board of Directors response and action in red.

Resolution 2018-01

NCARB Legislative Guidelines and Model Law/Model Regulations Amendment—HSW Category Realignment

Region 1

- Agrees with the edits proposed by Regions 2, 3, and 6

Region 2

- Mention was made that some would like to see sustainability addressed in more areas.
 - **Staff Response:** Education Committee Chair Mike Rodriguez worked with Harry Falconer and Jared Zurn (Resiliency Workgroup staff liaison) to update the sponsor's statement of support. Changes include additional or edited topics under Programming & Analysis and Project Planning & Design.
 - **Board of Directors Response:** Approved the revised statement of support.

Region 3

- No comments.

Region 5

- No concerns.

Region 6

- Several members felt that the proposed Health, Safety, and Welfare subjects in the resolution did not necessarily fall into the category of HSW. Redefining HSW is important but the proposal does not do it right. Concerns expressed that the proposed new HSW categories move more toward globalization and do not allow for more flexibility for the state boards.
- A comment that NCARB used the inaccurate language in trying to define "HSW Realignment"; should amend to say "CEU Realignment", since the

listing of categories are all legitimate CEU content areas, but classification as HSW would depend on the specific program.

- Several members felt that specific information on the definition of HSW is mentioned in the *NCARB Bylaws* and is more appropriately outlined in the *Education Standard* publication. Much agreement in the region that NCARB should consider deleting HSW language entirely from the *Bylaws* and move to the *Education Standard*.
 - **Staff Response:** HSW only appears in the NCARB Bylaws under “Article III – Purpose” which reads: “*The purpose of the Council shall be to work together as a council of Member Boards to safeguard the health, safety, and welfare of the public....*”
 - HSW relates to all professional practice, not just the education component of licensure; therefore, inclusion in the ***Education Standard*** does not appear to be the appropriate direction.
 - The ***Education Standard*** is the approximation of the requirements of a professional degree from a program accredited by the National Architectural Accrediting Board (NAAB). It includes general studies, professional studies, and optional studies, which together comprise a professional liberal education in architecture. It is used to when evaluating foreign degrees or degrees from non-accredited programs for NCARB certification. The standard is updated by Board action with Member Board comment period.
 - The ***Education Guidelines*** provides a general overview of the education requirement for NCARB certification and alternatives to the education requirement. In the sponsors’ statement of support, it proposes adding a new section that outlines acceptable HSW topics for continuing education. Other than the *Education Standard*, which is located in the back of the *Education Guidelines*, this document is updated as needed to reflect current internal and external processes as they change and to enhance language for clarity.
 - **Board of Directors Response:** The Board decided that general language is more appropriate for the *NCARB Legislative Guidelines and Model Law/Model Regulations*. The Board directed development of a new *Continuing Education Guidelines* to provide more specificity on the example topics and to provide better support and guidance for Member Boards. This will be a charge for the Education Committee in FY19.

Overview of Board Discussion & Action:

The sponsors' statement of support has been updated to reflect comments from Region 2. The Board of Directors voted 14-0 to move Resolution 2018-01 forward for membership consideration.

Resolution 2018-02

Certification Guidelines Amendment—Revision to the EESA Requirement for the Education Alternative to Certification

Region 1

- No comments.

Region 2

- No comments

Region 3

- No comments.

Region 3

- No comments.

Region 5

- No concerns.

Region 6

- Little comment mentioned on this proposal other than clarification requested as to whether this proposed resolution was based on the recent Canadian MRA entered into between NCARB/Jurisdictions and Canada.
 - **Staff Response:** This proposed resolution is not related to the Canadian MRA. Applicants for NCARB certification utilizing the education alternative have long challenged the purpose and validity of requiring an EESA from those who have more than 64 credit hours of higher education.

From the Sponsor's Statement of Support: About 20 percent of architects falling into the category of requiring an EESA have received an associate, bachelor, or master degree in completely unrelated fields. Their EESA evaluation typically leads only to a waiver of the "General Education" subject area. The EESA requirement is a time-consuming and costly effort for little to no value in these cases. Many of the remaining 80 percent of architects requiring an EESA have completed some coursework in architecture or architecture-related programs and have also expressed interest in satisfying their education by completing all subject areas of the Education Standard

through the Certificate Portfolio, bypassing the cost and time required to obtain an EESA.

- **Board of Directors Response:** Consensus that the staff response answers Region 6's question.

Overview of Board Discussion & Action:

The Board of Directors made no changes to the resolution as presented at 2018 Regional Summit. The Board of Directors voted 14-0 to move Resolution 2018-02 forward for membership consideration.

Resolution 2018-03

Amendment and Restatement of the *NCARB Model Rules of Conduct*

Region 1

- Agrees with the edits proposed by Regions 2, 3, and 6

Region 2

- General comments that commentary should be eliminated. Let the rules state exactly what is intended. Keep them simple and straightforward. Less is more!
 - **Legal Response:** Commentary has already been substantially removed. It is an internal NCARB decision to remove remaining commentary.
 - **NCARB Board of Directors Response:** The Board agreed to remove the commentary from the main body of the *Model Rules of Conduct*. Felt the commentary still provided value, so language will become footnotes.
- Delete Rule 1.4 altogether and allow the Standard of Care clause to cover this. Defining impairment is very dangerous and open ended.
 - **Legal Response:** The "Standard of Care" clause generally covers all of the responsibilities that are further defined in Section 1. Further, Rule 1.4 does not define impairment but states that impairment is determined by the assessment of a qualified professional.
 - **NCARB Board of Directors Response:** The Board decided not to make any changes to Rule 1.4.
- Noted a concern for Rule 1.3 as a matter of discretion that similar to 1.4 is a matter of the Standard of Care.
 - **Legal Response:** As noted above, the scope of the "Standard of Care" can cover most things implicitly that are explicitly defined in the *Rules of Conduct*.
 - **NCARB Board of Directors Response:** The Board decided not to make any changes to Rule 1.3.
- Concern was expressed that the Rules may be used as a "Standard" against which all Architects may be judged.
 - **Legal Response:** Our understanding is that the *Rules of Conduct* are specifically intended to be a standard by which all architects will be judged.
 - **NCARB Board of Directors Response:** The language is intended to be a model standard that can be adapted by jurisdictions as they see fit. The Board is not proposing to have this document govern disciplinary actions of Certificate holders; those actions will be based

on disciplinary decisions determined by a Member Board. Rather, this effort is designed to provide a guidance document for jurisdictions wishing to pursue enactment of their own Code of Conduct and to make a public statement regarding the aspirational goals of NCARB as a national organization.

Region 3

- No comments.

Region 4

- Rules of Conduct 4.2- Question is: "Who will determine this?"
 - **Staff Response:** The courts and/or the jurisdictional board.
 - **Legal Counsel Response:** Agree with staff comment. Rule 4.2 can be read to permit a finding of fraud or deliberate disregard of the rights of others by a formal court/tribunal or through findings by the jurisdiction's board.
 - **Board of Directors Response:** No additional comments.
- Rules of Conduct 4.5- The Region did not agree with the last sentence: "For purpose of this rule, any who, alone or with others, is in charge of the architectural practice, shall be deemed to have violated this rule if the employer has violated this rule. Their comments:
 - They are concerned with holding someone responsible for the actions of others when they were not involved or had no previous knowledge.
 - We do not discipline firms.
 - Can you hold an employee responsible for the actions of the firm?
 - **Legal Response:** This was based on previous Model Rule 4.4. The rule is stating that an architect "in charge of the architectural practice" at an employer found in violation of certain employer protection laws, including labor and discrimination law, is in violation of the Rules. This rule suggests that, as a manager, the architect has personal professional responsibility for violations of law by the firm. We understand, however, that there may be instances where the person "in charge" of the architecture practice is not necessarily the manager of the employer engaged in the violation. Upon NCARB's direction, we can add language to address this potential distinction. Further, note that Rule 4.5 is generally consistent with [Guiding Principle F](#) of the proposed Model Rules of Conduct.
 - **Board of Directors Response:** The Board decided to strike the last sentence of Rule 4.5. Agreed that the language was too broad.

- Rule 5- Signing and Sealing Documents- The Region had issue with 5.2 and 5.3. Their comments:
 - The architect should not be sealing anything that they did not produce.
 - **Legal Response:** Our understanding is that the inclusion of Rule 5.2 and 5.3, which are based on previous Rule 5.2, is based on common industry practice.
 - **Board of Directors Response:** No additional comments.
 - 5.2 and 5.3 are both in direct conflict with 5.1.
 - **Legal Response:** We do not read the Rules to be in direct conflict. However, based on NCARB's direction, we can add language to Rule 5.1 clarifying Rules 5.2 and 5.3 (e.g., "An architect shall sign and seal only those technical submissions..., except as noted in Rule 5.2 and 5.3.").
 - **NCARB Board of Directors Response:** The Board decided to add "except as provided in 5.2 and 5.3" to 5.1.

Region 5

- No concerns.

Region 6

- 1.4 Concerns expressed it would be inappropriate for a Board to determine professional competency based on medical and physical disabilities. All agreed that this determination must be made by a qualified individual rather than an architect. Many thought the term "appropriately qualified professional" was overly broad and the more appropriate term would be "health care professional" to include therapists, etc., who are not always referred to as medical professionals.
 - **Legal Response:** The rule requires the board to make the judgment as to whether the architect can practice based off the assessment of an "appropriately qualified professional." Therefore, the architect is not performing the evaluation of impairment, just the evaluation of the assessment conducted by a professional and its application to the practice of architecture. We believe, in most instances, the appropriately qualified professional to determine impairment will be a "health care professional". Upon NCARB's direction, we can revise the term used in Rule 1.4 to narrow the scope, if requested.
 - **NCARB Board of Directors Response:** The Board feels "health care profession" would be too narrow. The model language is intended to be broad so boards have more leeway when adapting the rules to their own jurisdictions. The Board decided not to make any changes to Rule 1.4.
- Discussion also about whether the language should say "should" vs. "shall." No consensus reached.
- 3.5 Much consternation articulated about the whistleblower aspect of this

rule. Members who are employees of firms were concerned that they would have to potentially turn in their bosses if they heard of any wrongdoing. Turning in a client might also be challenging but certainly not inappropriate. However, language that could hold a law-abiding member accountable for the wrong-doing of others was not well received. Additionally, requiring termination of a contract due to a client's wrong-doing could be contrary to the architect's contract terms regarding termination and would therefore need to be considered before compelling the architect to terminate the contract. Members wanted clarification on how this rule is meant to work.

- **Legal Response:** Rule 3.5 is designed to be a whistleblower provision. The requirements of Rule 3.5 are consistent with general professional responsibility that members are required to report clients or employers that violate law which could result in harm to health or safety of the public, especially in a profession whose primary duty is to "protect the public's health, safety, and welfare." See also [NCEES Model Rules 240.15\(A\)\(3\)](#). It is arguable that a court would not choose to enforce a contract in an action for breach pursuant to public policy since the architect was acting out of concern for HSW.
 - **NCARB Board of Directors Response:** The language is intended to be advisory to our Member Boards, and their legal counsel will interpret as appropriate. The Board decided to change the word "municipal" to "local."
- 4.4 Members felt the language for "official" was not broad enough since many of them deal directly with building department or jurisdiction employees (serving in an official capacity). Recommend changing language to "public officials" and to add "public employees" as well. Several members felt that the existing language should remain. Several members felt that the existing language in Rule 5.3 covers these matters more appropriately than breaking up it up into numerous other rules.
 - **Legal Response:** "Official" is meant to be read in the broadest sense. Upon NCARB's direction, we can revise the term or revise the rule to provide greater detail regarding the scope of application.
 - **NCARB Board of Directors Response:** The Board felt "public" would narrow the scope. Would like to keep the language broad, and allow Member Boards more flexibility to adapt and narrow if they see fit.
- 4.5 Concern conveyed that employee architects will be put in position to monitor "any and all" possible laws in the U.S. or U.S. jurisdictions of partners or firm owners or face potential discipline. The second half of this Rule does not recognize the issues facing firms with multi-jurisdictional offices. Holding the "firm" or "other owners" accountable for taking appropriate action against a violator makes sense but the current language is excessive. This needs to be further examined and clarified.
 - **Legal Response:** As discussed above, this limits responsibility to those employee architects "in charge of the architectural practice."
 - **Board of Directors Response:** The Board decided to strike the last

sentence of Rule 4.5. Agreed that the language was too broad.

- 5.3: See 4.4 above.

Overview of Board Discussion & Action:

The Board of Directors made the following edits to the resolution:

- Removed commentary from the main body of the document to footnotes.
- Changed “municipal” to “local” in in Rule 3.5
- Struck out the last sentence of Rule 4.5
- Updated Rule 5.1 to add “except as noted in Rules 5.2 and 5.3.”

The Board of Directors voted 14-0 to move Resolution 2018-03 forward with these changes for membership consideration.

Resolution 2018-04

Amendment and Restatement of the *NCARB Bylaws*

Region 1

- Agrees with the edits proposed by Regions 2, 3, and 6

Region 2

- Question was raised regarding coordination of terminologies. i.e. the Rules of Conduct changed reference of “registration” to “licensure.” Registration remains a term in the *Bylaws*.
 - **Staff Question:** Should we have a definition that registration and license are interchangeable terms for NCARB? Registration as a term has significance for the organization as it appears in our name: National Council of Architectural Registration Boards. In other documents (program guidelines) we note that registration and license are interchangeable.
 - **Legal Response:** We would not recommend adding such a broadly applicable definition to the *Bylaws*, however, a more limited definition of “Registration” may be helpful. For example, you may wish to consider adding a definition similar to the following: “‘Registration’ shall mean ‘Licensure as an architect by the body legally authorized by a Jurisdiction to grant such licensure.’”
 - Note that by adding a definition, most (but not all) uses of the word “registration” in the *Bylaws* will need to be capitalized.
 - **Board of Directors Response:** The Board decided to add legal counsel’s definition for “Registration.” The Board noted that both terms often have different meanings for each Member Board. Since there is not a common approach at the Member Board level, NCARB must use a simpler approach.

Region 3

- Removal of directors - Should removal of a Regional Director be accomplished by his/her region?
 - **Staff Question:** Per *Bylaws*, Directors are elected by the full body—only nominated by the Region. Is this Iowa Law or just our Bylaws?
 - **Legal Response:** Under Iowa law, the default rule is that directors elected by the members can be removed by the members with or without cause. However, Iowa law allows the default rule to be changed in the bylaws (e.g., to allow the Board to remove a director for cause).

- **Staff Question:** Is it correct that it would not be appropriate for the Region to remove because the Regional directors were voted in by the full membership?
 - **Legal Response:** Under Iowa law, NCARB could amend its bylaws to allow the Regions to remove a Regional Director, however, we would advise against it. As previously discussed, the Directors of NCARB are elected by the full membership and have fiduciary duties to NCARB overall, not to any particular Region.
- **NCARB Board of Directors Response:** The Board agreed with legal response. Separately, the Board decided to delete “or without” from Article VII, Section 4.
- Vacancies - Should a vacancy in the office of Regional Director be filled by his/her region rather than the BOD?
 - **Legal Response:** Note that the draft *Bylaws* already state that prior to filling any vacancy, the Board will consider recommendations from the constituent group responsible for nominating the vacated director position (e.g., the applicable Region).
 - **NCARB Board of Directors Response:** No additional comments.
- Services provided to member boards - Consider revising services provided by NCARB to include administration of an experience program in addition to the examination.
 - **Staff Response:** Can add Architectural Experience Program (AXP)/national experience program as a service.
 - **Proposed Addition:** Architectural Experience Program. The Council shall prepare a structured experience program for use by Member Boards. The Board of Directors shall issue, from time to time, updates to program rules and opportunities to remain relevant with experiences and competencies necessary for the current practice of architecture.
 - **Staff Question:** Should we take a closer look at this from a holistic view at a later date to make sure we have captured all appropriate services to include in the *Bylaws*?
 - **Legal Response:** We think it is OK to add AXP as a service, but we generally recommend against adding too many other services or specifics about services into the *Bylaws* (a separate policy would be more appropriate, in order to avoid needing to revise the *Bylaws* every time a service is changed). Instead, you could consider adding language indicating that additional services may be offered as determined by the Board of Directors from time to time.
 - **NCARB Board of Directors Response:** The Board decided to add the Architectural Experience Program to the *Bylaws* and an additional section that addresses the possibility of other services that says “Additional services may be offered as determined by the Board of Directors from time to time.”

- Consider adding, as a service to Member Boards, maintenance of an architect's transcript of HSW CEUs and transmittal to Member Boards for auditing purposes.
 - **Legal Response:** As noted above, we suggest that you avoid being too specific about services in the *Bylaws*, and instead consider adopting a separate policy for member services.
 - **Staff Response:** This is not yet a service NCARB currently provides. We are working on the concept.
 - **NCARB Board of Directors Response:** No additional comments.
- Why assign ExCom the authority to develop short-range and long-range goals? – Shouldn't goal setting be the responsibility of the BOD?
 - **Staff Response:** We can delete this charge.
 - **Legal Response:** You could also consider adding language to the charge such as "develop short-range and long-range goals...to supplement those developed by the Board" or "...subject to review and approval by the Board." This would allow the Executive Committee to retain the charge, but make clear that the full Board also has the right to develop goals and/or has the right to override any of the ExCom's goals.
 - **NCARB Board of Directors Response:** The Board decided to delete the charge noted from the Executive Committee section of the *Bylaws*.

Region 5

- No concerns.

Region 6

- Article V, Section 5: Region 6 suggests that the timing of when resolutions are to be received and disseminated be aligned. As an example, proposed resolutions coming from Regions or Members Boards must have 75 days' notice, while resolutions coming from committees only requires 30 days' notice. Member boards were in agreement that the timing should be more, not less in order to give member boards adequate time to meet and review the proposals and provide feedback prior to the Annual Meeting.
 - **Staff Response:** The 30-day requirement in the *Bylaws* requires the Board of Directors to release all resolutions to the membership before the Annual Business Meeting.
 - The 75-day requirement is for Member Boards or Regions to submit resolutions to the Regional Leadership Committee, which in turn reviews and forwards to the Board Directors to be released with all other resolutions 30 days prior to the Annual Business Meeting.
 - All other committees submit resolutions to the Board of Directors by January 1.
 - **Legal Response:** We have no further comments.
 - **NCARB Board of Directors Response:** No additional comments.

- Article VII, Section 2: Many members of Region 6 advocated that it is appropriate for each individual region to set the qualifications for its Regional Director. Maybe NCARB can offer general guidelines to help inform regions on the qualifications that would be beneficial.
 - **Staff Response:** While regions (and the MBE community) nominate individuals to be considered for director seats, each director is elected by the membership as a whole at the Annual Business Meeting and, once elected, serves the interests of NCARB as a whole, rather than a particular region. For this reason, qualifications for positions on the national Board should be set by the national membership through the *Bylaws*. We note, however, that the eligibility requirements are relatively broad and leave significant room for regions to nominate a director of its liking.
 - **Legal Response:** We agree with the comment above.
 - Regions determine qualifications for Regional Chairs and other officers of the Regional Boards.
 - **NCARB Board of Directors Response:** No additional comments.

Overview of Board Discussion & Action:

The Board of Directors made the following edits to the resolution:

- Article II: Added a definition for "Registration"
- Article VII, Section 4: Deleted "or without"
- Article X: Added definition of AXP and added language about additional services.
- Article XII: Deleted Section 2.ii (and changed the section to letters to match the rest of the document)

The Board of Directors voted 14-0 to move Resolution 2018-04 forward with these changes for membership consideration.

Guide to Proposing Amendments to Resolutions at the Annual Business Meeting

If a Member Board or region would like to offer an amendment to a resolution being moved forward at the Annual Business Meeting (ABM), NCARB is available to provide support in various ways including legal counsel support and coordinating distribution to all Member Boards.

Amendments Offered Prior to the Annual Business Meeting

If a Member Board or region develops an amendment to a resolution prior to arriving at the Annual Business Meeting, and you would like to share it in advance so other Member Boards can discuss it prior to arriving at the meeting:

1. Download the Resolution and Amendment template. Use this document to develop the amendment in the required format.
2. Send the proposed amendment to Josh Batkin at council-relations@ncarb.org.
3. NCARB legal counsel will review and provide feedback relative to formatting or any unintended consequences. Any proposed changes will be returned to the authoring Member Board/region, with explanation, for consideration.
4. Once finalized, NCARB can distribute the final version of the amendment to membership. This will include posting on the Member Board Community and publishing via NCARB's various membership communications channels (Fast Facts, emails, feedback webinars, etc.)
 - To include the amendment in the *Pre-Annual Business Meeting Briefing*, NCARB must receive it by **May 18, 2018**.
 - Amendments can be submitted after this date. They will be shared via all other communications channels.
5. NCARB will prepare printed copies of the amendment for distribution at the Annual Business Meeting.
 - If the authoring Member Board or region changes the amendment following electronic distribution, please send the revised amendment to Josh Batkin at council-relations@ncarb.org by **June 8, 2018**.

At the Annual Business Meeting Prior to Saturday Resolution Session

If a Member Board or region develops an amendment onsite prior to the Saturday morning resolution session and would like to make it available to membership for early discussion:

1. Submit the amendment at the registration table as soon as possible.
2. NCARB legal counsel will review and provide feedback relative to formatting or any unintended consequences. Any proposed changes will be returned to the authoring Member Board/region, with explanation, for consideration.
3. Once finalized, NCARB can provide copies of the amendment at the registration desk. Further, NCARB can share the amendment through various communications channels including email to all Members, posting on the Member Board Community and

announced through the ABM app. These various communication channels will ensure that members not in attendance at the ABM may also be made aware and engaged.

4. Authoring Member Boards/regions may inform attendees about the amendment developed during the Friday Resolution Forum. If timing permits, the printed versions can be made available for the Resolution Forum and/or Regional Meetings.
5. The amendment will be distributed for discussion during the Saturday resolution session.

Introducing an Amendment from the Floor During Saturday Resolution Session

If a Member Board or region decides to offer an amendment from the floor during the Saturday Resolution Session:

1. A delegate must go to the microphone and identify their name and Member Board or region to offer the amendment.
 - Note: Only one amendment may be considered at a time. If a delegate wishes to suggest a different amendment while one is currently being debated, the delegate may go to the microphone to state the intention, but no formal action can begin until the current amendment has fully been discussed and voted on.
2. The amendment must be seconded from the floor.
3. At this point, the session will likely go on break while the legal counsel and parliamentarian work with the authoring Member Board/region to finalize the amendment for members' consideration. This includes developing a hard-copy version for distribution to the attendees, as well as posting on the Member Board Community so that that Members participating in the Saturday session via phone or watching the live stream may be engaged.
4. Once the hard-copy has been distributed, debate will begin/resume. If needed, delegates will be given the opportunity to caucus to discuss the amendment(s).

Voting on Amendments

1. After discussion on the amendment has concluded, the first vice president/president-elect will call for a vote on the amendment. A simple majority of voting delegates present is needed to amend a resolution.
 - If the amendment passes, discussion begins on the amended resolution.
 - If the amendment fails, discussion resumes on the original resolution.
2. Additional amendments may be introduced, following the above steps.
3. After all discussion is completed, the first vice president/president-elect will call for a vote on the resolution, *original* or *as amended*, based on voting results of amendments.
4. The number of votes needed to pass a resolution are dictated by the *NCARB Bylaws*.

Questions?

If you have questions about the amendment or resolution process, please contact council-relations@ncarb.org.

From: NCARB Council Relations
Subject: Update regarding NCARB Board Elections
Date: Tuesday, June 26, 2018 5:29:11 AM
Attachments: [MBE Candidacy Letter.pdf](#)

Good Afternoon Member Board Members and Executives:

Since my last communication, we have received an update regarding the MBE Director position on the Board of Directors. Kathy Hillegas the current Executive Director of the Louisiana Board of Architects and former NCARB staff member, has declared her intention to seek the MBE Community's nomination for MBE Director.

Attached please find Ms. Hillegas' candidacy letter. The MBE Community will meet on Friday morning during the Annual Business Meeting to hear from candidates and indicate their preference on a nominee. The MBE Committee will then meet to formally nominate a candidate for MBE Director who will stand for election by the full membership on Saturday morning. The individual selected will address the membership during the 3rd business session on Saturday.

We are in the process of updating all relevant candidate information to reflect this change and updated candidate materials will be distributed in Detroit. Thank you all for your continued engagement and we look forward to seeing many of you in Detroit later this week.

Regards,
Alfred



National Council of Architectural Registration Boards
1801 K Street NW Suite 700K
Washington, DC 20006
Main Phone: 202/783-6500
Customer Service: 202/879-0520

Connect with us: www.ncarb.org
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A LOUISIANA STATE BOARD OF ARCHITECTURAL EXAMINERS

June 22, 2018

BOARD MEMBERS

Robert W. McKinney
Educator-AIA, NCARB
Board President

John Cardone, Jr.
Public Member
Board Secretary

Allen J. Bacque'
AIA, NCARB

Ronald B. Blich
FAIA, FACHA, NCARB

J. David Brinson
AIA, NCARB

Richard J. LeBlanc
AIA, NCARB

Knox H. Tumlin
AIA, NCARB, CSI

Katherine E. Hillegas
Executive Director

9625 Fenway Ave. Ste. B
Baton Rouge, LA 70809
225-925-4802
bd@lsbae.com
www.lsbae.com

Dear Member Board Executives:

Just one short year ago, the MBE community selected Maria Brown to serve as the MBE Director on the NCARB Board of Directors. During the past year, Maria has been a stellar representative of our community providing the perspective of board administrators and staff assuring that the operational impact of decisions made related to national programs and services is part of Board deliberations.

I was dismayed to read that she would be leaving her role in Oregon and thus, her role as our representative on the NCARB Board in order to focus on the most important role we all have, caring for her family.

It is with great humility, honor and the full support of the Louisiana State Board of Architectural Examiners that I announce my candidacy for Member Board Executive on the NCARB Board of Directors. While my path to this role may look very different from those who have served in the past, I believe that the knowledge I have gained as the MBE in Louisiana coupled with my experience at NCARB afford me a unique perspective to represent the community of MBE's.

As a member of the NCARB staff, my primary focus was always in supporting the Member Boards. I have served as staff liaison to many committees and task forces, including the MBE and Regional Leadership Committees, the Governance Task Force, Procedures & Documents and of course, supporting the Board of Directors. At the staff level, I took my role as the voice of the Member Boards very seriously and always worked hard to assure that that voice was part of our conversations.

I ended my tenure at NCARB as staff liaison to the Model Law Task Force and was fortunate to gain an appointment to the Task Force this past year. The work that is being done to evaluate the Model Law and Model Rules to assure that they represent the current practice of architecture is necessary and it was a natural evolution for the Council to undertake following the updating of its programs.

The MBE community has changed significantly over the past few years with the retirement of many long-serving executives. In just a few short days we will be bidding farewell to four more individuals who have served both their Boards and the Council with countless hours of their wisdom and insight. As our community continues to evolve and change, it is important that we do as those before us and forge the connections and relationships that ensures that the operational aspect of Council programs and services are a valuable part of the discussion at every level.

Letter to Member Board Executives

June 22, 2018

Page 2

The unique perspective that our community provides is a valuable one that has proven itself important and necessary since this position was established 11 years ago. As NCARB continues to evolve and turn its focus internally to strengthening support and services for Member Boards, I believe that this perspective will only grow in value.

It would be my honor and privilege to serve this community and the Council as the MBE Director on the Board.

Thank you for your consideration. I look forward to seeing you in Detroit!

Regards,

A handwritten signature in black ink, appearing to read "K. Hillman". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Kathy

This publication is designed to provide timely updates on the actions and discussions of the NCARB Board of Directors immediately following meetings. Please remember that the information provided here may be confidential and will be indicated as such when necessary.

The National Council of Architectural Registration Boards' (NCARB) FY18 Board of Directors (BOD) held its final meeting in advance of the 2018 Annual Business Meeting (ABM) this week in Detroit, Michigan. Led by President/Chair of the Board Gregory L. Erny, FAIA, NCARB, Hon. FCARM, the Board heard final reports from FY18 committees; reviewed anticipated financial outcomes for the fiscal year that ends on June 30, 2018; considered policy amendments; discussed the final draft of the FY19 budget; discussed hot topics reports from regional, public, and Member Board Executive directors; reviewed the ABM schedule; and received a brief on recent engagement activities.

Member Highlights

Directors reported the following highlights from NCARB constituencies.

- The MBE community will convene while in Detroit to nominate the MBE director candidate for the FY19 Board of Directors.
- Regions reported discussions about the resolutions to be considered at the Annual Business Meeting, with feedback reported to the Board of Directors prior to the April Board meeting for consideration.
- California and Kentucky have selected new Member Board Executives with announcements forthcoming.
- Two members of the Board of Directors reported being reappointed to their jurisdictional licensing board for a new term.

Financial Update

FY18 Treasurer Robert M. Calvani, FAIA, NCARB, reviewed the current state of the Council's finances and reserve funds. He indicated that the Council's financial position this year is very strong and that year-end projections indicate a \$1.9 million surplus in contrast to the budget forecast of a \$9 million accrual deficit.

Thirty-seven percent of the surplus (\$700 thousand) is due to market gains on the Council's investment portfolio. The remaining 63 percent (\$1.2 million) comes from higher than expected administrations of the Architect Registration Examination® (ARE®), plus increased retention of active candidates and Certificate holders. Calvani reported that the checking and savings (called "Short Term Reserves") accounts are fully funded and that \$1.75 million was added to the Strategic Reserve Fund during the year—in addition to the \$700 thousand in market gains. The current balance of the Strategic Reserve Fund is approximately \$2 million below the Board's \$21.2 million minimum target balance for the fund, which was set during the April 2018 Board meeting following an eight-month study.

Armstrong presented the final draft budget for FY19. The draft budget reflects a projected \$2.4 million positive cash balance and a \$1.5 million accrual deficit. Armstrong noted that three key factors are driving the accrual deficit for fiscal year 2019.

- An accounting requirement to record rent expense for two offices—the current office and the new office to which the Council will move in March 2019—although rent will not be due for the new office for nearly two years.
- Special, one-time expenses related to the Council's Centennial celebration. These expenses have been anticipated and the Board established a special savings account two years ago.
- The Council remains in a period of sustained growth and engagement. Examples of such growth and engagement in the coming fiscal year include development of a new system for tracking continuing education that will support NCARB Certificate holders and Member Board audit procedures, and the biennial fall conference of Member Board Chairs and Member Board Executives.

Due to some of the above factors, the projected FY19 accrual deficit has been anticipated for several years. Investment into reserves are among the steps the Board has taken to minimize the impact on the Council. The Board will vote on the final FY19 budget at the Board of Directors meeting immediately following the Annual Business Meeting.

The Board also discussed future forecasts that may include additional small accrual deficits accompanied by positive cash balances for the next three years. These future forecasts, which have also been planned for, continue to be driven by the accounting requirement for office rent, as well as adjusting to a new normal with the sunset of ARE 4.0 and consideration of a reduction in the Council's transmittal fee.

Policy Review

Secretary Alfred Vidaurri Jr., FAIA, NCARB, AICP, reviewed amendments to a proposed alcohol policy for discussion by the Board. The original draft was reviewed by the Board of Directors in April 2018 to address potential liability at the recommendation of legal counsel. Direction was given for further amendments to the policy, which will be brought before the Board at the September meeting.

In a three-year rolling review of all policies, the Board of Directors also reviewed two existing Board Policies—the *Policy for the Annual Financial Audit* and the *Financial Policies and Internal Controls*—approving minor edits to the *Financial Policies and Internal Controls*.

President's Report

President Erny provided a summary of his outreach that has taken place since the April Board meeting. He reported attending convocation ceremonies at the University of Florida architecture school's CityLab-Orlando program, which spotlighted the first three students to achieve

graduation and licensure through the Council's Integrated Path to Architectural Licensure (IPAL). Joining him at the celebration was former NCARB President Ronald B. Blich, FAIA, NCARB, CEO Mike Armstrong, and Director of Experience + Education Harry M. Falconer Jr., FAIA, NCARB.

President Erny also reported on a recent meeting with counterparts from Mexico in support of the Tri-National Agreement between the United States, Canada, and Mexico; a productive leadership meeting with AIA leaders to share current initiatives; and an engaging meeting with leadership from the five collateral architectural organizations¹ that included discussion of each organization's role in the education continuum, as well as plans for the upcoming NAAB Architectural Review Forum in 2019 featuring a historic meeting of the Boards of Directors of all five organizations to discuss the future of architectural education. In other collateral interactions, President Erny reported that he, President-elect David L. Hoffman, FAIA, NCARB, Hon. FCARM, and CEO Armstrong attended the 2018 AIA Conference on Architecture, known as A'18, in June, at which the delegation celebrated AIA Fellow designations for three Board members and other colleagues. They also met with international delegates from Nigeria and China, current presidents of several international professional societies, and visitors to the NCARB expo booth including architectural media. President Erny concluded his report by noting that he had met with all of the individual NCARB staff teams in the Council office in May for engaging exit discussions about Council activities.

Committee Outcomes

The Board of Directors heard reports on outcomes of committee charges assigned by the president and approved by the Board at the beginning of the fiscal year.

¹ The five collateral architectural organizations are: the American Institute of Architects (AIA), the American Institute of Architecture Students (AIAS), the Association of Collegiate Schools of Architecture (ACSA), the National Architectural Accrediting Board (NAAB), and the National Council of Architectural Registration Boards (NCARB).

All committees completed the Strategic Charge, generating ideas to expand awareness, appreciation, and advocacy to promote the value of licensure and greater understanding of the important role NCARB's programs play in facilitating licensure and license portability.

Other key committee activity included:

- Centennial Advisory Committee: A history book and exhibit are in development for NCARB's Centennial.
- Credentials Committee: Confirmed BOD candidate qualifications and will manage the elections process at the Annual Business Meeting, including validating the voting delegate credentials.
- Education Committee: Submitted two resolutions to the Board of Directors, which were released to all Member Boards in January and May for consideration by Member Boards at this week's Annual Business Meeting.
- Examination Committee and subcommittees: Developed, tested, and reviewed exam items; monitored the ongoing dual delivery of ARE 5.0 and ARE 4.0 leading up to the retirement of ARE 4.0 on June 30, 2018; and discussed the expanding field of artificial intelligence and potential impact on architecture and the ARE.
- Experience Advisory Committee: Drafted a bill of rights for supervisors and licensure candidates.
- Futures Task Force: Continues to refine ideas around key influences shaping the architecture profession today. Critical assumptions are being investigated.
- Interior Architecture Work Group: Identified 55 "interior architecture" degree programs focused on interior design, located in 20 states. Twenty-seven percent have no relationship with a school or college of architecture. The others often act as an undergraduate program feeding the graduate accredited M.Arch. programs. Work group efforts will continue in the coming fiscal year.
- Member Board Executives Committee: Completed 15 charges for the year. Outcomes included successful execution of the March 2018 Member Board Executives Workshop in Wichita, Kansas, and a quality assurance audit on NCARB Records transmitted for initial and reciprocal licensure. On Friday morning during the Annual Business Meeting, the committee will finalize the nomination of a new MBE director candidate for the NCARB Board of Directors.
- Model Law Task Force: Finished merging existing *Model Law* with the model developed by the Federation of Associations of Regulatory Boards (FARB), including decisions about terminology. In the coming year, the task force will focus on *Model Regulations* and integration with *Model Law*.
- Procedures & Documents Committee: Reviewed and provided feedback on all proposed resolutions including the overhaul of the *NCARB Bylaws* and the *Model Rules of Conduct*.
- Professional Conduct Committee (PCC): Reviewed and acted on 39 cases in accordance with the Board-approved PCC Rules of Procedure. The PCC caseload has increased due to several factors: the higher participation of Member Boards in sharing disciplinary data, along with the uptick in ARE delivery volume. Several cases were referred to the Board of Directors for final action during the year.
- Regional Leadership Committee: Designed and conducted the March 2018 Regional Summit.

CEO Update

CEO Armstrong reported several key statistics, including select data from the new issue of *NCARB by the Numbers*, which is set to be released to Member Boards during the Annual Business Meeting and digitally in July 2018. He also provided an update on Council operations that are furthering the strategic plan or improving business operations.

Statistical highlights included:

- A record high of 45,000 active NCARB Certificate holders was achieved in May 2018.
- IPAL initiative had first five graduates from two schools in May with over 400 now participating in the initiative and 60 already testing.
- New focus of staff outreach visits to community colleges.
- In 2017, a record number of candidates completed the Architectural Experience Program® (AXP™) and the ARE.
- In a new study of data about the path to licensure, a 10-year look-back reveals that 70 percent of those who started the path to licensure in the past 10 years have become licensed.
- Nearly 1,000 individuals were engaged at the NCARB booth during the A18 convention, setting a record for engagements at this annual event.
- Approximately 1,500 exams are scheduled to be delivered in the final three days of testing in ARE 4.0 with 600 administrations expected on June 30—the final day. Normal, nation-wide exam deliveries average 70 per day.

Armstrong also reported:

- Upcoming engagement with the AIA on continuing education initiatives, including an exchange of observers to each organization's continuing education committees.
- Plans to release a new Licensure Verification System to Member Boards later this summer which will replace the "Form 155" now used to validate licensure data. The system has been developed in partnership with the MBE Committee and feedback from the MBE Community.

• Two significant FY19 Initiatives are:

- ◊ Launching a Licensure Requirements Rules Engine that will be a "single source of truth" about licensure requirements for each Member Board. This engine will support customers, members, and staff through customer interactions and systems development.
- ◊ Developing a continuing education tracking system. While the system will be released in multiple phases, the vision for this system is one that supports needs from Record holders and Member Boards.

In closing, Armstrong outlined key events taking place during the Annual Business Meeting. Information sessions scheduled for the week include a presentation from the Model Law Task Force about the process underway to redesign the existing *Model Law*; reports on collateral partnerships with the AIAS and the ACSA; and keynote speaker Jack Uldrich, a futurist, will engage attendees on how regulators prepare to adapt to the rapidly changing technology-driven world that is impacting the profession of architecture. Workshop sessions include:

- Engagement with recently licensed architects and licensure candidates on discussions about the future of architecture and the profession of regulation.
- A session on how public input enhances the work of the Member Boards and how boards ensure that regulation is serving the public interest.
- A review of current legislative activities taking place around the country, plus tools and tips for Member Boards to engage in conversations with governors and state legislators to help policymakers make informed decisions about reasonable regulation.

Full minutes of BOD meetings can be found in the Member Board Community.



Travel Action Summary Report

Submit to the CBPL Travel Desk no later than seven business days after the meeting has concluded. Save a copy in your program files for the end-of-year compilation of all travel-related savings and deliverables for your program.

Board:	<input type="text" value="AELS"/>	Dates of Business:	<input type="text" value="June 28 - 30, 2018"/>							
Person Reporting:	<input type="text" value="Alysia Jones"/>	# of Travelers:	<i>Employees</i> <input type="text" value="1"/>	<i>Board Members</i> <input type="text" value="2"/>						
Type of Meeting:	<table><tr><td><input type="checkbox"/> Regular board business</td><td><input type="checkbox"/> Adjudication only</td></tr><tr><td><input type="checkbox"/> Special board meeting</td><td><input type="checkbox"/> Subcommittee meeting</td></tr><tr><td><input type="checkbox"/> On-site Investigation/Inspection</td><td><input checked="" type="checkbox"/> Other: NCARB Annual Meeting</td></tr></table>				<input type="checkbox"/> Regular board business	<input type="checkbox"/> Adjudication only	<input type="checkbox"/> Special board meeting	<input type="checkbox"/> Subcommittee meeting	<input type="checkbox"/> On-site Investigation/Inspection	<input checked="" type="checkbox"/> Other: NCARB Annual Meeting
<input type="checkbox"/> Regular board business	<input type="checkbox"/> Adjudication only									
<input type="checkbox"/> Special board meeting	<input type="checkbox"/> Subcommittee meeting									
<input type="checkbox"/> On-site Investigation/Inspection	<input checked="" type="checkbox"/> Other: NCARB Annual Meeting									

Cost Savings

What expenses were reduced?

-
-
-

What is the estimated savings?

<input type="text" value="\$7705.00"/>
<input type="text" value="\$1995.00"/>
<input type="text"/>

Meeting Deliverables

Information gained:

Please see attached.

Action recommended:

Please see attached.

NCARB 2018 Annual Business Meeting

NCARB held their 2018 Annual Business meeting in Detroit, Michigan on June 28-30th. The meeting was comprised of business sessions, workshops, regional meetings and opportunities to learn about and provide feedback on NCARB's up-to-date tools and resources.

Business Sessions:

During the first business session, the Board of Directors (BOD) presented highlights of FY 18:

- Successful implementation of alternative path to licensure options
- Development of tools to help boards defend regulation and licensure
- Implementation of IPAL (Integrated Path to Architectural Licensure) programs
- Fostering coalitions with other professional organizations

Additionally, the Chair of the Model Law Task Force explained the group's extensive review of NCARB's model law over the past two years to propose revisions to ensure the model law and regulations are relevant to today.

The second session included the Treasurer's Report, a review of NCARB services and departments, and an overview of the four resolutions. In his report, the Treasurer noted FY18 was the eighth year without a fee increase and that NCARB's new office space would save \$5 million over the next fifteen years. The Treasurer also explained that NCARB's surplus was a result of an unprecedented amount of certificate holders and increase in the volume of testing in A.R.E. 4.0 before the transition to A.R.E. 5.0. There are also several reserves in place to cover planned deficits in the coming years, expenses related to the upcoming centennial celebration in 2019, and any emergencies.

Chief Executive Officer Mike Armstrong outlined NCARB's services to member board members as follows:

- **Marketing & Outreach** - Assist boards in telling their story and demonstrating value of licensure to various stakeholder groups
- **Data Management** – Collection, protection, and analysis of data
- **Investigations** – Developed a comprehensive Disciplinary Database to help boards meet public protection mission
- **Advocacy** – NCARB created materials to help boards communicate the difference between professional licensure and occupational licensure. Staff work with board's to utilize data to defend licensure and rebut myths related to mobility.

Elections for the BOD were conducted during the third and final business session along with voting on the resolutions:

- The intent of the first resolution was to align the health, safety, and welfare categories with the newly established A.R.E. and A.X.P. categories.
- The second resolution provided options for Education Alternative candidates.
- The third resolution consisted of housekeeping updates of the rules of conduct.

- The fourth resolution proposed removal of outdated and inconsistent information from the bylaws.

Special Presentations

Representatives from NAAB and AIAS shared highlights about their organizations, activities, and potential opportunities for collaboration. Futurist Jack Uldrich delivered the key note presentation. Uldrich discussed rapidly changing technology and the potential of those changes to dramatically affect the practice and regulation of architecture.

Workshops

Architecture: The Horizon

Building upon the key note presentation, Mr. Uldrich led this workshop which looked at the practice of architecture and the need for architects and regulatory boards to recognize and prepare to adapt to the rapidly changing technology-driven world. In the workshop, participants examined potential game changers and looked for combinations of trends that are most likely to impact the profession and regulation in the coming years.

Educating Your Policy Makers

During this workshop, the group discussed the importance of building relationships with policymakers *before* an issue arise. Establishing and fostering relationships with policymakers will build trust and allow board members to offer expertise, provide guidance, and better assist policymakers make informed decisions. The facilitators shared experiences within their own jurisdictions and discussed ways to educate policymakers on the difference between occupational and professional licensing as well as how to advocate for reasonable regulation. Examples of ways to educate policymakers included crafting three to four simple key messages, providing actionable information on proposed changes, and inviting policymakers to board meetings. NCARB staff explained available resources and support for member board members. Support services include talking points, data/ statistical information, testimony preparation and assisting with drafting reports and developing report templates.

Advancing Regulation in the Public Interest

In this workshop, participants were split into groups to discuss questions related to public perception and expectations, shared and competing interests, and how boards can improve public/ consumer perception. Recommendations from this discussion were to engage public members in discussions, draft messaging specifically geared to the public, and develop public awareness through outreach efforts and communications.

The Next Generation: Shaping Our Future

Participants in this workshop discussed opportunities and challenges with architectural students and recently licensed architects. The group brainstormed ways to communicate the importance of licensure and the profession in k-12, improve equity in the profession, collaborate with AIAS, as well as considered the meaning and uses of the terms welfare and well-being. The group noted several areas of

overlap among the key topics and encouraged member board members to be more involved in promoting the profession and communicating licensure requirements and the importance of regulation to youth in their own community.

Region 6 (WCARB) Meeting

During the regional meeting, committees provided updates on the status of their charges.

- The WCARB Bylaws Committee completed a thorough review and drafted proposed changes to the bylaws. These changes will be brought before the region following the release of the WCARB strategic plan.
- The Education Program Committee presented potential topics and attendees provided input on priorities for the 2019 Regional Summit.
- The Strategic Planning Committee compiled and organized the comments from the SWOT analysis exercise conducted during the 2018 Regional Summit in March. During the regional session, participants ranked the categories within each area (strengths, weaknesses, opportunities, and threats) to assist the committee in the next step of the process, which involves putting together a heat map and completing the initial draft of the WCARB Strategic Plan.

Region 6 members also discussed the resolutions, which were voted on during the third general business session.

NCARB Community Center

Throughout the meeting, resource tables were set up to allow meeting participants an opportunity to engage with staff on the following topics: resources for AXP supervisors, updates to alternative paths, changes to A.R.E. 5.0, a new state licensing software system, disciplinary database support, potential collaboration with AIAS, revisions to the Model Law, and volunteer opportunities.

There was also a demonstration of NCARB's new online license verification tool and attendees were encouraged to provide feedback on the tool.

Action Items

- Develop a handout that is geared toward the public that explains what the board does and why it is important to the state of Alaska
- Review regulatory practices and proactively seek to enhance or change practices (*currently doing, continue to do*)
- Query record holders on a quarterly basis in order to be more aware of potential future registrants (*Consider doing similar query for other professions and developing a quick part message to reach out to the individuals and provide an overview of the board etc.*)
- Encourage board members to make age-appropriate presentations to K-12 classes on the profession of architecture, licensure requirements, and importance of regulation.
- Request correction on NCARB's IPAL map – Alaska information is incorrect.

This publication is designed to provide timely updates on the actions and discussions of the NCARB Board of Directors immediately following meetings. Please remember that the information provided here may be confidential and will be indicated as such when necessary.

President David L. Hoffman, FAIA, NCARB, Hon. FCARM, convened the first meeting of the FY19 Board of Directors of the National Council of Architectural Registration Boards (NCARB) following the organization's 99th Annual Business Meeting in Detroit, Michigan. During the brief meeting, the Board approved the FY19 budget and the FY19 committee appointments and charges. In addition, Board members engaged in a training session, discussed outcomes from the Annual Business Meeting, received an update on Centennial planning, and reviewed the upcoming meeting calendar.

New NCARB Board Members

President Hoffman welcomed four new members to the Board of Directors:

- Kenneth R. Van Tine, AIA, NCARB, LEED AP—Director of the Mid-Central Conference (Region 4)
- Ricky L. Engebretson, AIA, NCARB—Director of the Central States Conference (Region 5)
- Jon Alan Baker, FAIA, NCARB, LEED AP—Director of the Western Conference (Region 6)
- Katherine E. Hillegas—MBE Director from the Louisiana State Board of Architectural Examiners

Financial Activity

Treasurer Alfred Vidaurri Jr., FAIA, NCARB, AICP, reviewed a high-level summary of the fiscal year 2018-2019 budget, reminding the Board of details previewed in April and during the Wednesday Board meeting that preceded the Annual Business Meeting. New Board members were originally briefed on the budget during an orientation session in May. The Board approved the FY19 budget, which includes a proposed \$2.4 million positive cash balance and a \$1.5 million accrual deficit. Key items creating the accrual deficit include: the accounting requirement to record office rent on two offices, although rent will not be paid on the new office for nearly two years; anticipated one-time expenses related to

the funds previously set aside for the Council's Centennial celebrations; and continued investment in new systems and services for Member Boards and customers, such as a continuing education (CE) tracking system and a system that supports licensure verification between the Council and Member Boards.

Committee Activity

The Board approved President Hoffman's recommended committee charges and volunteer appointments for the new fiscal year. Some of the special actions committees will undertake in the coming year include:

- Review by several Architect Registration Examination® (ARE®) subcommittees of all examination questions, including an update to reflect recent model building code changes;
- Continued work by the Model Law Task Force in redesigning NCARB's *Model Law and Model Regulations*;
- Development of new *Continuing Education Guidelines* to support the recently approved resolution reconfiguring CE Health/Safety/Welfare categories into the same six "phases of practice" utilized by the Architectural Experience Program® (AXP™) and ARE;
- Evaluating the need for greater inclusion of resilience and other adaptation and mitigation knowledge and skills for addressing climate change, ecosystem decline, and other hazards in architectural education, experience and the examination; and
- Development of disciplinary case studies for continuing education courses.

Other Activity

The Board participated in a Myers-Briggs training exercise designed to provide awareness, understanding, and best utilization of the diverse personalities comprising the new Board. Such training exercises reinforce that effective communication, collaboration, and strategic thinking are driving forces of the NCARB Board of Directors' culture.

In other business, the Board of Directors provided feedback on the quality of the content and materials presented during the Annual Business Meeting, indicating general satisfaction with the plenary and workshop sessions, as well as the overall design of the meeting.

Full minutes of BOD meetings can be found in the Member Board Community.

From: [REDACTED]
To: [Jones, Alysia D \(CED\)](#)
Subject: Regional Director Up-Date
Date: Monday, July 09, 2018 5:20:03 PM
Attachments: [BODBrief-Pre ABM 2018.pdf](#)
[BODBrief-Post ABM 2018.pdf](#)

Greeting!

I enjoyed seeing most of you in Detroit last week and appreciate your confidence in electing me as your Regional Director. Now that the Annual Business Meeting and the Detroit summer heat is behind us, many of us are now finding that the heat-wave seems to have followed us home.

For those of you who joined us in Detroit and those who were unable to, you will find attached the recently prepared Board Brief which summarizes the work completed by the NCARB BOD prior to and following the ABM. I hope you find the information informative but in particular I would like to highlight a few items that I find to be of particular value to the organization and its member stakeholders:

First a few key financial indicators that illustrate our fiscal health:

- FY18 shows a projected surplus of \$1.9 million in contrast to a budget forecasting a \$900K deficit. This is mostly due to a significant increase in exam activity as well as increased retention of active candidates and certificate holders.
- FY19 budget reflects a positive cash balance of \$2.4 million.
- In the coming year NCARB will relocate to new office that will result in significant operational cost savings over the next 10 years.

Service-line enhancements to members are often discussed and recent work will likely produce some excellent results in the coming year:

- In the coming fiscal year, NCARB will move forward with development of a new system for tracking continuing education that will support NCARB Certificate holders and Member Boards.

Statistical information provided by Michael Armstrong includes some excellent validation of the work we have done together in recent years:

- IPAL initiative had first five graduates from two schools in May with over 400 now participating in the initiative and 60 already testing.
- 70 percent of those who started the path to licensure in the past 10 years have become licensed.

The BOD Briefs are attached for your reading pleasure but feel free to contact me if ever I can be of help or if you have any questions. Hope you have a terrific summer.

NCARB's Commitment to Diversity

July 2018

The National Council of Architectural Registration Boards (NCARB) Board of Directors and Chief Executive Officer endorse a sustained commitment to improving diversity among NCARB staff, volunteer committees, and the 54 licensing boards.

The path to NCARB leadership starts when a governor or other appointing authority selects an individual to serve on a jurisdictional licensing board. Licensing board service is a prerequisite for election to NCARB leadership, while service on NCARB committees draws from a broader pool at the discretion of the incoming NCARB president.

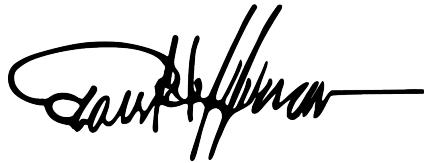
In recent years, NCARB has worked to diversify its volunteer pool to emphasize diversity of gender, race, geography, age, perspective (architect vs. non-architect), and physical ability. To do this, the volunteer pool beyond those serving on licensing boards has been enlisted to provide an expanded population with more diversity potential. This effort has also been accompanied by a more focused inclusion of public members and Member Board Executives. The expanded population includes recently certified architects, alumni from NCARB Think Tanks composed of licensure candidates and recently licensed architects, and outreach to the National Organization of Minority Architects (NOMA). We hope that many in this larger pool might be appointed to their respective jurisdictional boards. The comments in this statement are designed to reinforce and amplify the NCARB Board of Directors' Policy on Diversity, which can be found [on our website](#).

Because of the above efforts, our committee composition today is more diverse with a continued focus on preserving our momentum. Similarly, the composition of NCARB staff departments benefits from a diverse talent pool in the greater Washington, DC, area. NCARB can directly control these two areas of volunteer and staff composition.

While diversity at the licensing board level is largely controlled by governors or other appointing authorities, more can be done to influence the appointment process. We renew our request to the profession at-large, including existing licensing board members and AIA state components, to recruit and promote for consideration a more diverse pool of future licensing board members who can then run for NCARB leadership positions. And internally, we will strive to more fully utilize existing licensing board members who bring the perspective of under-represented groups.

We believe a commitment to diversity is also a commitment to access. Accordingly, our key programs have all undergone significant transformation to create a more credible licensure path that includes alternatives for meeting experience requirements and post-licensure certification. Perhaps most significantly, the Council's Integrated Path to Architectural Licensure, known as IPAL, creates an opportunity in over two dozen programs in 21 schools to complete experience and examination requirements before graduation. Access to licensure early in one's career provides a financial head start and maximizes flexibility and practice options.

There is more to be done. NCARB is justifiably proud of being the first U.S. professional architectural organization to elect a woman, and the first to elect an African American, as its presidents. Our culture is ready to embrace and encourage a refreshed pool of talent for its next century, from all places and perspectives. We encourage everyone to seek opportunities to promote the selection of diverse voices to fulfill the mission of protecting the public.



David L. Hoffman, FAIA, NCARB, Hon. FCARM
President/Chair of the Board



Michael J. Armstrong
Chief Executive Officer



NCEES

Reports & Correspondence





Travel Action Summary Report

Submit to the CBPL Travel Desk no later than seven business days after the meeting has concluded. Save a copy in your program files for the end-of-year compilation of all travel-related savings and deliverables for your program.

Board:	<input type="text" value="AELS"/>	Dates of Business:	<input type="text" value="April 6-7"/>						
Person Reporting:	<input type="text" value="David Hale & Alysia Jones"/>	# of Travelers: <i>Employees</i>	<input type="text" value="0"/> <i>Board Members</i> <input type="text" value="3"/>						
Type of Meeting:	<table><tr><td><input type="checkbox"/> Regular board business</td><td><input type="checkbox"/> Adjudication only</td></tr><tr><td><input type="checkbox"/> Special board meeting</td><td><input type="checkbox"/> Subcommittee meeting</td></tr><tr><td><input type="checkbox"/> On-site Investigation/Inspection</td><td><input checked="" type="checkbox"/> Other: NCEES Western Zone (Regional) Meeting</td></tr></table>			<input type="checkbox"/> Regular board business	<input type="checkbox"/> Adjudication only	<input type="checkbox"/> Special board meeting	<input type="checkbox"/> Subcommittee meeting	<input type="checkbox"/> On-site Investigation/Inspection	<input checked="" type="checkbox"/> Other: NCEES Western Zone (Regional) Meeting
<input type="checkbox"/> Regular board business	<input type="checkbox"/> Adjudication only								
<input type="checkbox"/> Special board meeting	<input type="checkbox"/> Subcommittee meeting								
<input type="checkbox"/> On-site Investigation/Inspection	<input checked="" type="checkbox"/> Other: NCEES Western Zone (Regional) Meeting								

Cost Savings

What expenses were reduced?

-
-
-

What is the estimated savings?

- | |
|-------------------------------------|
| <input type="text" value="\$2640"/> |
| <input type="text" value="\$1500"/> |
| <input type="text" value="\$675"/> |

Meeting Deliverables

Information gained:

See attached.

Action recommended:

- Share report with entire board at the May meeting

- Review computer-based testing PE exam implementation schedule

- Monitor and participate in future NCEES discussions on adopting and implementing PS exam modules

NCEES West Zone Meeting Honolulu Summary Report

The Western Zone NCEES meeting was held in Honolulu on April 6th and 7th to discuss business and proposed motions for the annual meeting scheduled for August in Scottsdale. Highlights of the meetings and breakout sessions are below:

General Meeting

The general meeting contained reports from the committees, officers, and task forces. The officer's reports covered their activities for the first 8 months of the fiscal year. The committee and task force reports covered rationale behind the major motions that would be presented at the Annual Meeting and allowed for questions regarding these motions. NCEES produces and implements the licensing exams for engineers and surveyors, with the exception of the state specific exams for the PS exam in each state. As such, NCEES supports uniform standards and education as well as licensure mobility. They assist each state by providing model standards that can be adopted by the individual states as they fit within each jurisdiction's statutes and regulations. NCEES also follows national trends and legal action across the nation, and provides national representation and information that keeps the individual licensing boards educated on trending licensing events.

The general meeting also included nominations of candidates, presentations by those candidates, and election of officers. Brian Robertson, PE, of Colorado was elected Zone Vice President and Scott Bishop of New Mexico, PLS, was elected as Zone Assistant Vice President. Their terms will start at the Annual Meeting in August and will last two years.

MBA Breakout Session

A key topic of discussion in the MBA breakout session was the deregulation effort in several of the western jurisdictions. In general, recent legislation was introduced to limit restrictions regarding licensure, and although engineering and surveying licensure may not be directly mentioned, the overall effect of some legislation may impact professional licensure and harm the public. NCEES is keeping close watch on national legislation regarding licensure, and has frequent updates on their website.

Another important topic was regarding member board attendance at NCEES meetings. NCEES feels that at least one member of each jurisdiction board should attend regional and national meetings, and is looking at ways to fund the travel to ensure participation by member boards. Often times, it is the board administrators that provide the continuity within the board as member's role off the board and new ones begin.

Engineering Breakout Session

The primary topic of the engineer's forum was the schedule for implementation of the Computer Based Testing PE exams over the next six years and the reasons for lengthening the schedule. We also discussed the reasoning behind the discontinuation of the Software Engineering exam and the prospects for comity for those among the 81 individuals that have passed that exam.

We also discussed the various options being explored for question types on the computer based exam, which will go beyond multiple choice and true and false. This may include fill-in-the-blank, drag-and-drop, and drawing options. NCEES is consulting with other licensing bodies, including NCARB, to see what they are using and how well they fit based on the psychometrics.

We also discussed membership on committees and how to get involved. There are 120 committee slots and were 180 volunteers for those slots. President-Elect Jim Purcell has to balance some turnover with institutional memory, so really only has 60 slots to fill. The invitations to serve will be going out at the end of May.

Survey Breakout Session

The Professional Surveyor national exam is computer based and is available upon request at testing centers throughout the nation. Approximately 800 tests are given each year with a 58% passing rate.

NCEES is interested in facilitating mobility of licensure and is studying methods to incorporate state specific exams into the nation exam database. One possibility is the creation of modules much like the architects ARE exam. The basic modules currently under consideration are a base module, a metes-and-bounds module, and a public lands land surveying module. A module could contain exam questions for hydrographic or aerial based surveying, GIS, or state regulations and statutes. With modules in place, NCEES could house and administer the exams, but the individual licensing boards could require individual modules for licensure in their jurisdictions. For example, a candidate for PS licensure in Alaska might have to take the national PS exam along with the state specific module, and if they are performing aerial surveying they would take that module as well. This will be an ongoing topic at NCEES meetings in the future.

NCEES also provides an on-line Continuing Professional Competency (CPC) registry for licensees to store continuing education credits and certificates, and provides a link so the registrant can easily transmit data to multiple states that request the information. Attendees noted that the registry currently transmits all data (to the selected BOR) for the licensee immediately upon pressing the send button. Davy McDowell, NCEES COO, stated that NCEES is working to modify that process so the registrant has the opportunity to review the data prior to transmittal.

**PRINCIPLES AND PRACTICE OF SURVEYING
CBT Exam Specifications**

Effective beginning January 1, 2019

- The PS exam is computer-based. It is closed book with an electronic reference.
- Examinees have 7 hours to complete the exam, which contains 100 questions. The 7-hour time also includes a tutorial and an optional scheduled break.
- The exam uses the U.S. Customary System (USCS) of units.
- The exam is developed with questions that will require a variety of approaches and methodologies, including design, analysis, and application.

1. Legal Principles

**Number of Questions
18–27**

- A. Principles of Evidence
 1. How to search for data and for physical evidence to evaluate data
 2. How to evaluate data
 3. Parol evidence
 4. Prescriptive rights
 5. Adverse possession
 6. Acquiescence
 7. Controlling elements
 8. Easement rights
- B. Common Law Boundary Principles
 1. Historical and current common law principles
 2. Riparian and littoral rights
 3. Sovereign rights, including both navigable waters and eminent domain
 4. Sovereign land grants
- C. Sequential and Simultaneous Conveyance Concepts
 1. Types of conveyances
 2. Junior/senior rights
 3. Record and physical evidence
- D. Legal Descriptions for Real Property Transactions
 1. Preparation and interpretation of legal descriptions
 2. Controlling elements and how they impact the description
 3. Unwritten rights and how they impact the description
 4. Encumbrances and how they impact the description
 5. Easements and how they impact the description
- E. Evidence for the Perpetuation of the U.S. PLSS

2. Professional Survey Practices

22–33

- A. Public/Private Record Sources
 - 1. Resources for private and public records
 - 2. Local public records indexing and filing system
 - 3. Local survey office records
- B. Documentation, Supervision, and Clear Communication of Field Procedures
 - 1. Field surveying techniques
 - 2. Field surveying practices
 - 3. Data collection protocols
- C. GPS/GNSS including satellite constellations, static GPS, RTK, PPP, and virtual networks
- D. Surveying Principles and Computations
 - 1. Technical computations
 - 2. Applicable software
- E. Monumentation Standards
 - 1. Applicable monumentation criteria
 - 2. Monument types
- F. Land Development Solutions
 - 1. Regulatory land development criteria
 - 2. Construction criteria
 - 3. Land development implementation procedures
- G. Survey Maps/Plats/Reports
 - 1. Technical communications by schematic, platting, and mapping processes and procedures
 - 2. Communication options
- H. GIS
 - 1. GIS spatial databases and metadata
 - 2. Datums and projections related to GIS

3. Standards and Specifications

8–12

- A. BLM Manual of Surveying Instructions
- B. ALTA/NSPS Land Title Survey Standards
 - 1. Current ALTA/NSPS Land Title Survey Standards
 - 2. State statutes regarding boundary surveys in conjunction with ALTA/NSPS Land Title Surveys
- C. FEMA Requirements
 - 1. FEMA specifications and instructions
 - 2. Horizontal and vertical datums related to FEMA flood zones
 - 3. Current FEMA elevation certificate
 - 4. FEMA Flood Insurance Study

4. Business Practices

13–19

- A. General Business Practices and Procedures
 - 1. Project planning and project management
 - 2. Deliverables
 - 3. Costs, budgets, and contracts
 - 4. Types of surveys
 - 5. Site features and conditions
 - 6. Scope of services
 - 7. Appropriate equipment and instruments
- B. Risk Management Procedures
 - 1. Safety procedures
 - 2. QA/QC methods
 - 3. Risk management in contracts
 - 4. Insurance needs and requirements
 - 5. Potential liabilities
- C. Professional Conduct
- D. Communication with Clients, Staff, Related Professions, and the Public
 - 1. Different forms of communications
 - 2. Appropriate type of communication to convey concepts
 - 3. Related professions and their impact on client needs and deliverables

5. Areas of Practice

24–36

- A. ALTA/NSPS Land Title Surveys
 - 1. Legal documents, such as deeds, easements, and agreements
 - 2. Zoning information as applied to ALTA/NSPS Land Title Surveys
 - 3. Title insurance commitment letters and policies
 - 4. Underground features as applied to ALTA/NSPS Land Title Surveys
- B. Control Networks and Geodetic Network Surveys
 - 1. Datums and reference frames relative to control networks
 - 2. Differences between local datums and geodetic datums
 - 3. Equipment appropriate for control surveys
 - 4. The Federal Geographic Data Committee Geospatial Positioning Accuracy Standards
 - 5. The National Geospatial Programs (NGP) Standards and Specifications—Digital Data Standards
- C. Construction Surveys
 - 1. Construction plan reading
 - 2. Construction calculations including slopes, grades, and plan details
 - 3. Construction techniques and activities
 - 4. Horizontal and vertical positioning relative to a plan or datum
- D. Boundary Surveys
 - 1. Physical boundary evidence
 - 2. Boundary reconciliations
 - 3. Historical measurement accuracy, equipment, and techniques
 - 4. Legal principles related to boundary surveys

- E. Route Surveys for Alignments and Utilities
 - 1. Route alignment stationing practices
 - 2. Reading and interpreting roadway and utility plans
- F. Topographic
 - 1. Topographic/planimetric mapping and control standards
 - 2. Interpretation, reconciliation, and adjustment of topographic survey data
 - 3. QA/QC procedures as applied to topographic surveys
 - 4. Ground, hydrographic, and remote sensing equipment
 - 5. The U.S. National Map Accuracy Standards as applied to topographic surveys
 - 6. Tools and techniques required to perform hydrographic, bathymetric, and remote sensing surveys
 - 7. Nomenclature related to utilities
- G. Surveys to Establish New Parcels, Lots, or Units
 - 1. Types of subdivisions
 - 2. Platting
 - 3. Condominiums and associations
 - 4. Deed restrictions and restrictive covenants
 - 5. Zoning and subdivision ordinances
- H. As-Built/Record Drawing Surveys
 - 1. As-built/record drawing calculations including slopes, grades, and plan details
 - 2. As-built/record drawing techniques and activities
 - 3. Horizontal and vertical as-built/record drawing positions relative to a plan or datum
- I. Consultation Services
 - 1. Site topography and slope for development purposes
 - 2. Site access for development purposes
 - 3. Zoning standards related to new projects
 - 4. Floodplains as related to land development



NCEES

advancing licensure for
engineers and surveyors

P.O. Box 1686 (280 Seneca Creek Rd.), Clemson, SC 29633 USA T: (864) 654-6824 NCEES.ORG

MEMO

DATE: May 7, 2018

TO: Member Board Administrators and Testing Services

FROM: Tim Miller, P.E., Director of Examination Services

RE: Notice of Future Changes to NCEES Exams and Supporting Materials

This provides Member Boards and testing services with the 1-year notice required by the NCEES *Manual of Policy and Position Statements*, Exam Development Policy (EDP) 9.

Spring 2019 Exam Changes

- **Principles and Practice of Surveying**—The PS exam has new specifications starting in January 2019. The specifications are attached and will be posted on the NCEES website July 2, 2018. To avoid confusing the examinees, please do not publish or distribute these specifications until after July 2, 2018.
- **PE Environmental**—The PE Environmental exam will have its last paper administration in October 2018. Beginning November 26, 2018, examinees will be able to register and schedule CBT appointments, which will be available year-round starting on April 1, 2019.
- **PE Software Engineering**—The PE Software Engineering exam will have its last administration in April 2019.

Fall 2018 Exam Changes

As a reminder, the following changes are in place for the Fall 2018 exam administration.

- **PE Fire Protection**—The PE Fire Protection exam has new specifications starting in October 2018. The specifications are posted on the NCEES website.
- **PE Nuclear**—The PE Nuclear exam will transition to computer-based testing in October 2018. Unlike the CBT exams transitioned to date where examinees may schedule their exam on any available day, this will be a single-day testing event similar to what we currently do with paper-based exams. The test date is October 19, 2018. Registration with NCEES for this exam began February 1, 2018. Examinees may reserve their seat at a Pearson VUE test center once they are registered with NCEES and approved by their board. Member Boards who manually approve candidates are encouraged to approve candidates as they register to allow them to reserve their seat for this single-day event as early as possible.

Fall 2018 NCEES Registration Deadlines

- **Fall 2018 Exam Dates**—The fall pencil-and-paper exams will be administered on **October 26 and 27, 2018**. The PE exams and the Vertical Forces component of the SE exam will be administered only on Friday, October 26. The Lateral Forces component of the SE exam will be administered only on Saturday, October 27.
- **Fall 2018 Registration**—Registration for the fall exams will open on **June 18, 2018**, and close for examinees at 3:00 p.m. eastern time on **August 30, 2018**. The deadline for boards/testing services to mark candidates approved and confirm shipping information is 3:00 p.m. eastern time on **September 13, 2018**. To meet the fulfillment and shipping requirements, we cannot add candidates after this time.
- **Special Accommodations**—All requests for testing accommodations must be submitted through the Eg system by the registration deadline of **August 30, 2018**. These include accommodations for ADA and religious reasons and for active military service. More information about special accommodations is posted on the NCEES website. Member boards/testing services must provide all override information for approved ADA and religious accommodations to ensure that correct information is shown on a candidate's exam authorization. Any other requests for deviations from the schedule must be submitted to Bob Whorton, P.E., Manager of Compliance and Security, at bwhorton@ncees.org.
- **Exam Shipping**—The earliest day an exam order will be delivered to a site is **October 8**. The last day an exam order will be delivered to a site is **October 22**. Inventory must be completed by **October 23**. A packing list will be included with each shipment, identifying the exam booklet serial numbers. Discrepancies between the packing list and the actual contents of the boxes should be reported to Bob Whorton at bwhorton@ncees.org as soon as they are found.

If you have any questions about these changes or require additional information, please contact me at tmiller@ncees.org.

C: NCEES Board of Directors

George Murgel, Ph.D., P.E., EPE Chair
Chris Duhamel, P.E., EPE Vice-Chair
Joe Flynn, L.S., EPS Chair
Scott Bishop, P.S., EPS Vice-Chair
Jerry Carter, Chief Executive Officer
Davy McDowell, P.E., Chief Operating Officer
Steven Matthews, Chief Technology Officer
Bob Whorton, P.E., Manager of Compliance and Security
Ashley Cheney, Manager of Exam Publications
Keri Anderson, Manager of Corporate Communications

From: [REDACTED]
To: [REDACTED]
Subject: Weekly Digest Notifications from NCEES
Date: Friday, June 22, 2018 9:56:32 AM
Attachments: [image001.png](#)
[image002.png](#)
Importance: High

You are now signed up for the NCEES weekly notifications.

One comes out on Tuesdays, and shows you how many examinees you have pending approval for each exam type. When we have registration open for the paper examinees, I realize you will likely check the approvals more frequently, but when paper registration is closed, this email is extremely helpful to show you if someone registered for a CBT exam.

The other notification goes out on Wednesdays. Again, this is more helpful for your CBT examinees, since approval is for a year and they can take the exam anytime at all during that year – there is no reason for you to have to worry about when that may be! So, this will let you know how many new results you have for each exam type. (For paper exams, of course, we will reach out to you once they are available, and have you give us the go-ahead to release to examinees.)

Below are examples of each. Let me know if you have questions.

NCEES Weekly Examinee Authorization Digest

New York

Exam Type	Examinees Awaiting Approval
FE	66
FS	2
PE CBT	2
PE Paper	336
SE	24

NCEES — Email generated 01/09/2018



NCEES CBT Result Release Weekly Summary for New York

Exam	Examinee Count
FE Environmental	1
FE Electrical and Computer	6
FS Fundamentals of Surveying	1
FE Civil	8
PS Principles and Practice of Surveying	3
FE Mechanical	3
FE Chemical	1
FE Other Disciplines	3

[Click here to see all exports](#)

280 Seneca Creek Road | Seneca, SC 29678

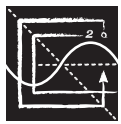

Exam Administration Services

NCEES

T: 800-250-3196

ncees.org

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NEWS RELEASE

July 2, 2018

Contact: Katy Goforth

Senior Communications Specialist

kgoforth@ncees.org

Winners of 2018 NCEES Surveying Education Award announced

University of Akron receives \$25,000 grand prize

NCEES is pleased to announce the recipients of the 2018 NCEES Surveying Education Award. This annual award recognizes surveying programs that best reflect the organization's mission to advance licensure for surveyors in order to safeguard the health, safety, and welfare of the public.

NCEES awarded the University of Akron's Surveying and Mapping program the \$25,000 grand prize. Six additional prizes were awarded to qualifying programs to assist with each program's continued efforts to promote the importance and value of surveying licensure. The award jury considered criteria such as student outcomes and involvement, outreach and recruitment, and the promotion of licensure. The award jury met June 28, 2018, in Clemson, South Carolina, to select the winners.

NCEES Surveying Education Award juror Glen Thurow, P.S, stated, "The University of Akron's three-pronged approach to program growth is to invest in technology, scholarship support, and strategic marketing. This is an excellent example of how to position an institution for the future."

The jury selected six programs to receive the following awards:

\$15,000 winners

Idaho State University

College of Technology

Surveying and Geomatics Engineering Technology program

Oregon Institute of Technology

College of Engineering, Technology, and Management

Geomatics program

University of Maine

College of Engineering

Surveying Engineering Technology program

\$10,000 winners

Central New Mexico Community College

School of Applied Technologies

Surveying Engineering program

East Tennessee State University

Department of Engineering, Engineering Technology, and Surveying

Surveying and Mapping Science program

Troy University
College of Arts and Sciences
Surveying and Geomatics Sciences program

More information about the 2019 NCEES Surveying Education Award cycle will be posted at ncees.org/surveyingaward when available.

ABOUT NCEES

The National Council of Examiners for Engineering and Surveying is a nonprofit organization made up of engineering and surveying licensing boards from all U.S. states, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. Since its founding in 1920, NCEES has been committed to advancing licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the U.S. public.

NCEES helps its member licensing boards carry out their duties to regulate the professions of engineering and surveying. It develops best-practice models for state licensure laws and regulations and promotes uniformity among the states. It develops and administers the exams used for engineering and surveying licensure throughout the country. It also provides services to help licensed engineers and surveyors practice their professions in other U.S. states and territories. For more information, please visit ncees.org.