

State of Alaska

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

May 9-10, 2019

Board Meeting Packet

PUBLIC VERSION

**Atwood Building, Suite 1550,
Anchorage**

**State Office Building, 9th Floor, Conference Room A
Juneau**



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.**

AELS May 9-10, 2019 Meeting

To Attend Remotely:

Zoom Meeting Link:

<https://zoom.us/j/686630394>

Dial +1. 408.638.0968 or +1 669 900 6833

Meeting ID: 686 630 394

To Attend In Person

ANC: Atwood Building, Suite 1550
550 W. 7th Street,

JNU: SOB, 9th Floor, Conference Room A
333 Willoughby Ave

Thursday, May 9th Agenda

1. Call to Order 9:00 a.m.
2. AELS Mission 9:01 a.m.
3. Review/ Amend Agenda 9:02 a.m.
4. Review/ Approve January 2019 Meeting Minutes 9:05 a.m.
5. Ethics Reporting 9:07 a.m.
6. Licensing Examiner Report 9:10 a.m.
7. Investigative Report 9:15 a.m.
8. Division Update 9:30 a.m.
 - A. FY 19 3rd Quarter Report
 - B. Fee Analysis
 - C. Division-wide Outreach to Licensees
 - D. Travel Update
9. Correspondence Sent 10:15 a.m.
 - A. Response RE: Request for Guidance on EIT vs EI
 - B. Response RE: Request for Clarification on Mentoring System
 - C. Response RE: Request to Retire License
 - D. Responses RE: Public Comment on Proposed Changes to 12 AAC 36.135, .145, .185
10. Correspondence Received 10:25 a.m.
 - A. Letter of Resignation - R.V. Jones
 - B. Request: Arctic Engineering Course Change
11. Break 10:45 a.m.
12. Discussion of Noncompliant Construction Outside Anchorage Building Safety Service Area (R. Noffsinger) 11:00 a.m.
13. Review January To Do List 11:30 a.m.
14. Lunch 11:45 a.m.
15. Public Comment 1:15 p.m.

16. Regulation Projects 2:15 p.m.
 - A. Revisit proposed changes to 12 AAC 36.135, .145, and .185
 - B. Suggested updates to 12 AAC 36.066
 - C. Suggested updates to 12 AAC 36.050(b)(1)
 - D. Suggested definitions for "progressive experience" and "mentoring program"
17. Old Business 3:00 p.m.
 - A. Disaster Planning
18. New Business 3:15 p.m.
 - A. FY 19 Annual Report
19. Application Review Preparation 4:10 p.m.
20. Recess for the day 4:30 p.m.

Friday, May 10th Agenda

21. Reconvene meeting/ Roll Call 9:00 a.m.
22. Application Review 9:01 a.m.
23. Break 10:50 a.m.
24. Continuing Education Audit Review 11:00 a.m.
25. Alaska Land Surveyor Exam Overview of Testing Process & Workshop (J. Warner) 11:30 a.m.
26. Lunch 12:00 p.m.
27. Committee Updates 1:15 p.m.
 - A. Arctic Engineering Committee
 - B. Board Outreach
 - C. Budget Committee
 - D. Continuing Education Committee
 - E. Emeritus Status Committee
 - F. Guidance Manual
 - G. Investigative Advisory Committee
 - H. Legislative Liaison Committee
 - I. Licensure Mobility Committee
28. National Organization Meeting Reports & Updates 2:00 p.m.
 - A. CLARB
 - B. NCARB
 - C. NCEES
29. Calendar Review 2:45 p.m.
30. Read Applications into the Record 3:00 p.m.
31. Board Tasks 3:15 p.m.
32. Board Member Comments 3:25 p.m.
33. Meeting Adjourns 3:30 p.m.

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

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

MINUTES OF THE MEETING
January 30-31, 2019

By authority of AS 08/01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Registration for Architects, Engineers and Land Surveyors was held on Wednesday, January 30th – Thursday, January 31st, in Juneau, Alaska.

AELS_01.30.2019_A – 00:01:15

1. Call to Order/Roll Call

The meeting was called to order at 8:03 a.m., by Vice Chair, Jeffrey Koonce.

Board members present, constituting a quorum:

Jennifer Anderson, PE, Civil Engineer, Environmental Engineer
Catherine Fritz, Architect
Dave Hale, PS, Surveyor
Elizabeth Johnston, PE, Electrical Engineer, Fire Protection Engineer
Richard “Vernon” Jones, Public Member
John Kerr, PS, Surveyor
Jeff Koonce, Architect
Bill Mott, PE, Chemical Engineer, Metallurgical and Materials Engineer
Luanne Urfer, Landscape Architect
Fred Wallis, PE, Mining Engineer

Board members excused by the Vice Chair:

Colin Maynard, PE, Civil Engineer, Structural Engineer (Chair). Maynard attempted to call in, but was unable to hear the discussion and signed off.

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

Alysia Jones, Executive Administrator (in-person)
Heather Noe, Licensing Examiner (in-person)*
John Savage, Investigator Jun Maiquis, Regulation Specialist (in-person)*

Julie Anderson, Commissioner
Sara Chambers, Division Director (in-person)*
Melissa Dumas, Admin Officer II (in-person)*
Greg Francois, Chief Investigator (telephonically)*
Jun Maiquis, Regulation Specialist (in-person)*
Marylene Wales, Accountant III
Marilyn Zimmerman, Paralegal II (in-person)*

* *Attended portions of the meeting.*

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

Brian Hanson (telephonically)
Chris Miller (telephonically)
Dana Nunn (in-person)
Mary Knopf (in-person)
Barbara Cash (telephonically)
Kelsey Davidson (telephonically)
Robert A. Perkins (in-person)

AELS_01.30.2019_A – 00:02:12

2. Review/Amend Agenda

Koonce asked the board to review the agenda. A. Jones reported that the Standard Drawing discussion scheduled for Thursday, January 31st was cancelled due to a letter received by AK DOT& PF Chief Engineer Ken Fisher, which was added as “C” under *Agenda Item 8. Correspondence Received*. A. Jones stated that the board had also received a response from DEC after the agenda and board packet had been posted (*Agenda Item 8. D.*) Kerr requested an item be added under *Agenda Item 24. New Business* to discuss certificate of authorizations as it relates to municipalities, state entities, etc.

On a Motion duly made by John Kerr, seconded by Elizabeth Johnston, and approved unanimously, it was RESOLVED to modify the agenda to add New Business item – Discussion on government entities performing AELS activities requirement to obtain or not obtain a certificate of authorization.

AELS_01.30.2019_A – 00:05:26

3. Ethics Reporting

Johnston said she attended the UAF College of Engineering Student Advisory Committee meeting last week and that the discussion had included the artic engineering course.

Urfer mentioned she has been talking with the Alaska chapter of the American Society of Landscape Architects about the proposed legislation to update the definition of the practice of landscape architecture.

4. Review/Approve November 2018 Meeting Minutes

On a Motion duly made by Elizabeth Johnston, seconded by Dave Hale and approved unanimously, it was RESOLVED to APPROVE the minutes of the November 2018 meeting.

Koonce asked the board to skip down to *Agenda Item 7. Correspondence Sent* and while they waited for Greg Francois and John Savage to join the meeting telephonically.

Due to a discrepancy in the listed start time of the meeting, Catherine Fritz arrived at 8:12 a.m.

AELS_01.30.2019_A – 00:06:39

7. Correspondence Sent

A. Letter to AKDOT&PF RE: Professional Seal Requirements – Hale asked the board if it was appropriate to resend the letter given the timing of the letter and change in commissioners. Several members indicated the other recipients had remained in their positions. Johnston said the board already provided its opinion and thought it would be perceived as aggressive to resend. She advised following up if it continues to be an issue. Kerr agreed. The board determined it was not necessary to resend the letter at this time.

AELS_01.30.2019_A – 00:11:33

B. Board Priorities – A. Jones explained Boards and Commissions requested information from each board and commission on priority areas and needs for the coming year to assist with the transition to the new administration. A. Jones said she provided a summary of the AELS board's priorities based upon the information contained in the FY18 Annual Report.

AELS_01.30.2019_A – 00:12:15

8. Correspondence Received

A. Response from UAA RE: Fundamentals of Engineering Examination – Hale reminded the board they had sent a letter to UAA encouraging them to require students to take the FE prior to graduation. The board reviewed the response from UAA and determined no additional follow up was required.

B. Request for Guidance on EIT vs. EI – Hale said the board no longer governs EITs, and stated that he did not think the board could provide any guidance on the title. A. Jones confirmed as of May 2017 the board no longer regulates FE/FS exam applicants.

AELS_01.30.2019_A – 00:13:59

Chief Investigator Greg Francois and AELS Investigator John Savage joined the meeting telephonically. Koonce welcomed Francois and Savage and invited them to speak.

AELS_01.30.2019_A – 00:14:33

5. Investigative Report

Savage announced Richard Boothby had recently been named as the new Fire Marshal. Savage provided the board with an overview of Mr. Boothby's career and said he would like to invite Boothby to an upcoming board meeting. The board agreed.

Savage said complaints have been sky rocketing lately. He also encouraged the board to approve the guidance manual as it would greatly assist him in moving forward with his work.

Savage also reminded board members to respond to his calls so that he can keep cases moving. Savage added that he tries to spread out the work load and would like to avoid over burdening those members who are more responsive to his requests for assistance. He also reminded board members to stop people from complaining to them directly and advised the board members to direct those individuals to contact him and file a complaint.

Fritz mentioned that the board did cover filing complaints and the implications of complaining to board members at their *Meet the Board* outreach event on Tuesday and planned to relay the same information at Thursday's outreach.

Savage thanked the board for getting the word out and expressed his appreciation. Savage said individuals submit an email and are confused when he follows up to confirm where to send the complaint packet. Fritz commented that based upon Savage's explanation of the process, the link on the Division website may be misleading. Savage agreed. Fritz thanked Savage for the information and indicated that she would communicate that information during tomorrow's outreach.

Savage asked the board if they had any further questions. There were no further questions. Koonce thanked Savage for his report.

TASK: Alysia will speak with John Savage and Division staff about the possibility of updating the language on the website related to filing a complaint to more accurately explain the process which involves completing a complaint packet.

Paralegal staff Marilyn Zimmerman joined the meeting.

AELS_01.30.2019_A – 00:23:01

6. Retired License Discussion with Chief Investigator

Chief Investigator Greg Francois introduced himself and said he looked forward to meeting the board in-person at a future meeting. Francois said he wanted to ask the board's position on situations where a registrant is under investigation and wishes to retire his/her license in lieu of any disciplinary action.

Savage stated that there may be instances where it does not make sense to incur the costs of conducting a full investigation on an individual who submits an application to retire his or her license. Francois explained it may become an issue if that individual then decides to go to another state to get licensed. Francois and Savage explained that the registrant's record is flagged if he or she tried to renew and/or reinstate in Alaska.

Francois asked the board if they had any problem with that process. Kerr responded that is a very good question. Fritz stated that if the investigation is not completed, they cannot assume the individual was guilty, stating that the investigation is what determines if it was or was not a valid complaint. Francois clarified that an investigation is an allegation only – nothing has been proven true at this point in time. Francois added that these are handled on a case by case basis and wanted to make sure everyone is on the same page. Francois said the reviewing board member can always request a full board review on a certain matter and reiterated that the situation is very uncommon. Francois said he believed that the process of flagging the record with an appropriate alert is sufficient and would allow the matter to be addressed if the individual attempted to reinstate or apply for licensure in the lower 48 in the future.

Johnston said people's memories fade, documents are not always retained, and expressed her concern with simply flagging the registrants record. She said a registrant might get caught and if we don't investigate because they have opted not to retain their license and then they go on to another jurisdiction, they may do it again. Johnston added that it would be a disservice to other jurisdictions and said if it is such a rare case there should be no difference in how other investigations are handled. Johnston said she did not believe we should be waiving things due to the perceived financial cost just because the person said they won't practice in Alaska anymore.

Fritz asked what is the financial impact and is the board in a position where conducting the investigations in these instances would be a problem. Fritz stated she agreed with Johnston and that the board has an obligation to complete the investigation and let the chips fall where they may. Hale said he also agreed and provided examples regarding continuing education, where they have flagged it and if they bring it out of retirement they have to complete the continuing education for both periods and that is a good solution for that case, but if it is a full on investigation you may lose a lot of information as staff and board members change, etc.

Kerr said he hasn't heard anything that he does not agree with. Kerr said it is important to know if someone is in good standing and you can't retire your license unless you are in good standing. He added that you won't know that unless you follow up on those complaints. Kerr added that the board would not be doing their due diligence if they just set those investigations aside.

A. Jones circled back to the scenario of a registrant going to another state and explained that if the individual is registered in multiple states, they may not be required to provide a license verification from Alaska. A. Jones said even in Alaska, a comity applicant is only required to submit verification of current registration in one other jurisdiction and explained it was possible for the individual to just not submit Alaska and other states would not be aware of the situation. Kerr said it is in the public's best interest as well as the person filing the complaint to have a finding on that complaint. Fritz added that if it only happens rarely there can't be too much of a cost impact.

Koonce asked how many licenses fitting this situation are being retired annually. A. Jones responded that for the October – December 2018 quarter there was 1 retired license, but that it had been in good standing at the time of retirement. A. Jones added that there are currently two requests to retire that were provided as responses to the continuing education audit. Koonce asked if they were active cases. A. Jones responded the two requests were pending the outcome of the today's discussion and the board's decision.

Fritz said based upon today's discussion, the issue pertains to both renewals and retired licenses. Fritz summarized that if a complaint was filed and the person decided not to renew or retired, that the proposal is to flag the record, but ultimately the issue is dropped and that person could move to another state or they may not even know that someone has made a complaint because their license is lapsed. Fritz said she believed the bottom line is that it is our responsibility is to follow through and complete the investigation. Hale asked Savage and Francois if there is a compelling reason not to investigate other than the fiscal consequences. Francois reiterated that these are very infrequent and recommended that they be handled on a case by case basis. He added that the reviewing board member could make a decision based upon the circumstances and they can go from there. Koonce and the board thanked Francois and Savage for their time.

Francois, Savage and Zimmerman left the meeting.

AEELS_01.30.2019_A – 00:35:35

The board returned to the prior discussion on *Agenda Items 8.B. Request for Guidance on EIT vs. EI*. Mott said he receives a lot of feedback on this topic. Mott explained that once you graduate from law school you can call yourself a lawyer, and suggested that an individual should be able to call him/herself an engineer, but not a "Professional Engineer" until he or she is licensed. Mott said there is a tendency for people to think an

“Engineer in Training” or “Engineering Intern” has not completed schooling and a perception to the public and clients that his company is putting non-degreed staff on their jobs.

Koonce stated that in architecture it used to be intern, but now it’s designer or a variety of other terms, but that you cannot call yourself an architect until you are licensed.

Mott asked what the limitations were and commented that the way the code is written you cannot present yourself as an engineer at all. Johnston mentioned the recent ruling regarding Mats Järnlström and the Oregon Board of Engineers. Fritz and Hale directed the board to look at the definitions in the AELS Statutes and Regulations. Fritz read the following excerpts from AS 08.48.341:

(7) “engineer” means a professional engineer;

(13) “practice of engineering” means professional service or creative work, the adequate performance of which requires the specialized knowledge of applied mathematics and sciences, dealing with the design of structures, machines, equipment, utilities systems, materials, processes, works, or projects, public or private; the teaching of advanced engineering courses in institutions of higher learning; the direction of or the performance of engineering surveys, consultation, investigation, evaluation, planning, and professional observation of construction of public and private structures, works, or projects and engineering review of drawings and specifications by regulatory agencies; “practice of engineering” may by regulation of the board include architectural building design of minor importance, but it does not include comprehensive architectural services;

Johnston brought up the point that there are people working for utilities that are practicing engineering, but are not required through our exemptions to be licensed. Hale responded that there is a distinction between what they are called internally (within a company) and externally (interacting/ offering services to the public).

Fritz said that she always felt it was directly related to the definitions of the practice and you are doing these things that fall under the practice of engineering, or the practice of the other professions, then you can’t call yourself an engineer unless you are licensed. Hale said there have been cases where people have advertised themselves as professionals on their websites and they are not, and those websites have been shut down. Johnston reminded the board of the hot air ballooning company that had been discussed at a previous meeting and said they were allowed to have engineering in their name because the board did not regulate aeronautical engineering.

Kerr circled back to the case in Oregon and said that it would be nice to have a legal counsel at the board meetings for these types of discussion. R. Jones asked the board members if they identify themselves as an engineer or if they use the discipline. Several members responded that it depends upon the situation and that on projects, but most indicated that they specify the discipline and/or that they are a professional engineer. R. Jones then asked what would be the issue with allowing someone to use the term engineer since most distinguish themselves as a professional engineer. Several board members responded that it is against the law and indicated that the statute would need to be changed to allow that.

Fritz stated that there is a third reference in the statutes and read AS 08.48.341(17):

“professional engineer” means a person who has been legally registered as a professional engineer by the board;

The board discussed the possibility of updating the definitions. Wallis said once an individual passes the fundamentals exam he or she is considered an EIT. Fritz added that it goes back to the whole three-legged stool which is the basis for our licensure. If you call yourself an engineer, architect, etc. right out of school there is an assumption by the public that you are ready to practice.

Johnston said she is okay with individuals using the term “engineer” once they’ve completed school, but took issue with Canadian’s using “P.Eng” in Alaska and how that is confusing to the public. Johnston agreed with Fritz that clarification is required. Mott circled back to the public perception of an EIT. Fritz disagreed stating that the public likely does not understand what EIT stands for. Hale said it seems self-limiting because if you are going to utilize professional services, there is going to be a stamp involved, and a review process, and the individual working on the project has to be working for someone that can stamp it. Hale stated that it does not appear to be a problem. Mott responded that he has seen it come up numerous times. Urfer suggested EITs could include their degree on their business card. Anderson said the use of “project engineer” is prevalent with the Army Corp of Engineers, based on their organizational structure. The board discussed exemptions.

Urfer offered that it could be that it just related to the use of “engineer” within the AEELS Statutes and Regulations rather than defining the term engineer to mean a professional engineer ubiquitously.

The board reviewed the *Board Policies and Historical Information* document which contained a section on titles for interns.

Fritz suggested getting an opinion on the usage of the term engineer. Fritz said even though the Federal government is exempt from licensure, if they are using the term engineer that can be extremely confusing to the general public. Fritz said they are allowed by law to practice without licensure, but added that she is not sure they should be able to use that title. Johnston stated that Federal employees can use the term engineer if it appears in their job title. R. Jones commented that they are outside our jurisdiction, Fritz and others acknowledged and Mott add that there are lots of other organizations and companies that use the term.

Koonce asked for a volunteer to respond the request. Hale recommended the response explain the board can’t provide guidance on what to call those individuals, and provide information on what they can’t call themselves.

Urfer offered that it could be interpreted that the definition of “engineer” in the AEELS Statute is just related to the use of the term “engineer” within the AEELS Statutes and Regulations rather than defining the term engineer to mean a professional engineer ubiquitously. Several members agreed.

Hale circled back to the initial request for guidance regarding engineers in training and engineer interns, explaining that the board can only regulate what the board is authorized to regulate and advised the board not to give advice on titles it does not regulate.

AEELS_01.30.2019_A – 01:02:37

Brian Hanson joined the meeting telephonically.

Fritz stated that the response to the request for guidance is clear, but indicated that some additional input regarding titles in general may be required and recommended the board reach out to Investigator Savage for his interpretation.

TASK: A. Jones will draft a response to Ms. Doggett regarding the request for guidance on titles and submit to Fritz for review.

TASK: A. Jones will update the *Board Policies and Historical Information* document to remove *G. Titles for Interns* from *II. General Board Policies*.

Mott asked for clarification about types of engineering and use of terms that refer to engineering that the board does not regulate (i.e. software engineering, etc.) Kerr responded that if they are not doing work under the definition of “practice of engineering” or the definitions of the specific branches regulated by the board then they could use those titles.

AELS_01.30.2019_A – 01:09:34

Kerr recommended the board request assistance from the Attorney General’s Office to develop a statement regarding the use of titles that would be suitable for inclusion in the Guidance Manual. Several members agreed. While Kerr drafted the motion the board moved on to Agenda Item 8.C.

AELS_01.30.2019_A – 01:10:41

8. C. Response from AKDOT&PF RE: Standard Plans – The board reviewed the letter from Chief Engineer Kenneth Fisher indicating the department’s compliance with the board’s recommendations. Johnston stated that they had already removed outdated drawings from their website. Johnston noted that the department is tracking the costs associated with these changes and indicated that this item may come back to the board. Several members indicated they would be interested in seeing the cost information, but determined no additional follow up was necessary at this time.

8. D. Response from AKDEC RE: Potential Conflict in Regulations

Koonce provided some background on the matter explaining that it was related to record drawings and a there was some concern with the standard phrase for the conditions for issuing the record drawing. Fritz stated that they are requiring As-Builts to be stamped. Mott reiterated that they typically don’t stamp As-Builts. Fritz read an excerpt of the letter and said it appears they are asking the board’s suggestions and indicated that the board might consider recommending a regulation change. Koonce asked if there was a board the AELS board should reach out to. A. Jones responded that there is not a board and recommended working with the department’s regulation specialists. Fritz clarified that there appears to be a statute and regulation. Johnston said based upon her reading of the letter they may not want to change because they rely on that stamp as verification and to protect public health.

Fritz suggested there be something added to the contractor licensing regulations that says the contractor certify that they have built it in accordance with the design. Mott said if you are an engineer, you are stamping it to say you designed it, not that it was built that way. Koonce explained they are requiring it be stamped by a registered engineer saying it was built in accordance with the drawings. The board discussed possible options including revising the regulation to remove the seal requirement, requiring some type of certification from the

entity who constructed it, or if they are going to maintain the seal requirement, then they need to require that person be involved in the construction process. Kerr stated that the board has provided this guidance over the past eight years and recommended reviewing prior communications and directing them to consider the recommendations previously provided by the board. Several agreed.

TASK: Koonce requested A. Jones pull previous letters.

TASK: Maynard review the response letter and provide comment. Koonce will discuss w/ Maynard following the meeting.

AEELS_01.30.2019_A – 01:24:05

On a Motion duly made by John Kerr, seconded by Catherine Fritz and approved unanimously, it was RESOLVED to obtain an AG prepared summary of the Supreme Court decision on Järllström vs. the Oregon Board (OBEELS) regarding protected terms relative to Alaska Statutes and Regulations in a form suitable for inclusion in the Guidance Manual.

The board took a short break.

Board members Luanne Urfer and Jennifer Anderson were excused to meet with Senator Chris Birch about the statutory changes regarding the definition of the practice of landscape architecture.

AEELS_01.30.2019_A – 01:34:34

9. Division Update

Melissa Dumas and Marylene Wales from the Division of Corporations, Business and Professional Licensing joined the meeting to review financials with the board. Dumas explained indirect costs were divided into three buckets: statewide, departmental, and division. Dumas explained statewide indirect costs include costs such as leasing and telephone; departmental costs include IT and HR services, and division indirect costs include things like processing of payments and other administrative costs. Wales explained the breakdown of cost by actual licensees for program divided by total licensees (all programs) for the Division. Dumas further explained the difference between non-personal indirect and personal services indirect.

Dumas stated there were no surprises in regards to expenditures, but noted some travel reimbursements had not yet been added. A. Jones added that there would also be expenses for assistance the board received from Department of Law. Mott and others expressed concern with FY19 revenue. Dumas directed the board to look at the fee analysis in 2017, and explained the overall goal is to have one year of surplus. Several board members indicated their preference to keep the balance at 1 million. Dumas indicated the Legislature and/or Legislative Audit may find issue with that.

Dumas and the board discussed potential changes to travel policy. Koonce asked who to speak to about travel restrictions. Dumas recommended submitting the travel request as soon as possible and providing a strong justification for why it needs to be in person. Koonce stated at this meeting they have over 92 board packets to review and are collectively trying to learn each other's professions in order to better assist one another with reviewing applications that may not be within their profession. Koonce and the Board thanked Dumas and Wales for the report.

AEELS_01.30.2019_A – 02:03:14

11. Old Business

11. A. Review November Meeting To Do List – The board reviewed the tasks from the November 2018 meeting. A. Jones said there were a couple outstanding letters of response from the November meeting and encouraged the board members assigned to provide responses as soon as possible.

Johnston responded that she wanted to discuss the request for clarification related to pole attachments again with the full board before responding. She summarized the questions were related to pole attachments and explained initially there was some concern whether this would fall under the Pole Attachment Act, which the board had received confirmation that it did not. Johnston said there is still a question regarding the industrial exemption and how many layers down it goes. She added that there may also be variations in the response depending on the type of utility (e.g. electrical vs. water, etc.).

The board discussed several scenarios and believed two utilities sharing a trench, and/or pole was not an issue, but that if the pole attached to an individual property owner vs. another utility then a registered professional would be required. Hale asked for clarification, stating that the exemption is for the employer's business only and talked about the common practice of sharing poles. Hale reiterated that to fall under the exemption, it may not affect the public. Fritz suggested using the language from the exemption in the response. Johnston said she appreciated everyone's input and believed she could provide a response based upon this additional discussion.

TASK: Johnston will draft a response to Mr. Moe's question regarding trenches and pole attachments.

AELS_01.30.2019_A – 02:14:53

A. Jones introduced Regulation Specialist Jun Maiquis and AELS Licensing Examiner Heather Noe. The board welcomed both Maiquis and Noe to the meeting.

AELS_01.30.2019_A – 02:16:15

11. B. Regulation Projects

11. B. i. Review Comments on Proposed Changes to 12 AAC 36.135, .145, & .185

Koonce asked about the process for posting comments following the meeting. Maiquis explained the comments are all public record and the board may choose to post them. Johnston asked if they were included in the public version of the board packet already. A. Jones responded that they were not since the packet was posted prior to the closing of the comment period. Johnston suggested the board provide responses to some of the comments as there appears to be a misunderstanding regarding the proposed changes.

Koonce stated the following individuals responded to the proposed changes to 12 AAC 36.135, .145 and .185:

Ron Pearson responded on December 26, 2018.

Burton Bomhoff also responded on December 26, 2018

Stephan C. Paliwod provided comments on January 13, 2019.

Gary L. Tams responded on January 16, 2019.

Nikolas Rodes commented on January 22, 2019.

AELS_01.30.2019_A – 02:20:17

The board reviewed Mr. Pearson's statement. Hale responded that the board is mandated to protect the public, not to protect the profession. The board agreed.

The board considered Mr. Bomhoff's statement. Mott and Johnston identified a couple points of possible misunderstanding between individual professional licenses and certificate of authorizations for corporations. The board agreed the comments warranted a response.

TASK: Koonce asked A. Jones to draft responses to the public comments for Koonce to review.

Fritz offered clarification on Mr. Bomhoff's comment, stating the responsibilities of the corporation do not change or diminish the responsibility of the individual registrant in any way. Hale recommended saying requirements and responsibilities of the corporation (LLC or LLP) do not diminish the responsibilities of the individual licensee.

Kerr stated that the proposed changes were designed to help accommodate some of the address some of the improvements and changes in technology, and ability to communicate between offices. Kerr added that the intent of the update was to acknowledge and accept some of those methods.

Johnston mentioned that Mr. Bomhoff's last point was in regards to continuing education. Fritz suggested the response to the continuing education comment explain that it was not part of the proposed changes and invite him to testify on the topic during public comment periods at the quarterly meetings.

The board reviewed Mr. Paliwod's comments. Mott responded that the proposed changes do not allow a registrant to be in technical responsible charge of anything outside his/her license and expertise. Mott stated the reason for the registrant in each office was to ensure the individuals in the office are following the laws. Johnston clarified that the board's position that supervision can be done remotely and referenced the board's recent determination that virtual face-to-face meetings for the mentor program met the board's requirements.

Kerr reiterated that it does not diminish the responsibility of the registrant that is in responsible charge, despite their location. Fritz added that the proposed changes do not affect definition of responsible charge.

The board reviewed Mr. Tams comments. Kerr recommended if there is a specific issue where an individual is not in responsible charge of the work he or she is sealing then the AELS Investigator should be contacted. Hale agreed. Fritz recommended reminding Mr. Tams of his responsibility to report and suggested that section of the regulations. Kerr recommended the response also explain that there is nothing in the proposed changes that diminish the responsibility of the stamping registrant.

The board reviewed Mr. Rodes comments and discussed the possibility of confusion between individual and corporations again.

Kerr said he didn't think any of the comments uncovered anything that would change the board's language. Mott said that we aren't mandating an additional layer of supervision, just clarifying what should already be in place. The board reconfirmed their desire not to try and define office. Fritz recommended explaining that the proposed changes do not mandate an additional layer of supervision and agreed the board should not try to define the term office. She explained it is more the function and tasks of the practice, and that the board's goal is to recognize the multiple ways that technology allows the practice to be accomplished within the statutes and regulations.

Hale stated that the definition of office is so dynamic that he advised the board not get in the business of trying to define it. Several members agreed. Johnston pointed out that the current language includes the term

“office”. The board discussed the importance of *what* you are doing vs. *where* you are working. The board discussed revising 12 AAC 36.145 to remove the term “office”.

The board discussed the purpose of the Certificate of Authorization as being able to offer practice and to ensure that licensed professionals are leading the corporate activities for architecture, engineering, land surveying and landscape architecture. The board debated the relevancy of the section and what components were critical.

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R. Jones reminded the board that technology was very different when the regulations were drafted. Koonce asked if the issue is the term “office”. Hale responded that it may not be relevant and indicated that there is language in other areas of the regulations that speaks to responsible charge and asked if it matters where the work is being done. Koonce asked if changing it to place of work would resolve the issue. Several members responded it would not.

Fritz asked the board to circle back to some of the core questions. She asked if anyone thought the Certificate of Authorization was not needed. All agreed that an entity offering these services needs to be regulated to ensure they have the appropriate expertise. Fritz reminded that the goal of the proposed updates was to provide clarification based upon advancements in technology and acknowledge the way people do work has changed.

The board reviewed the proposed changes and the overall intent of the changes.

Urfer and Anderson rejoined the meeting. Koonce summarized that the current proposed changes look to repeal 12 AAC 36.185(c), where it is out of context, and create a new section to clarify the intent of that section was to have a registrant in each office to ensure compliance with laws, rather than needing a registrant of each discipline. Koonce read the following excerpt from the proposed changes to 12 AAC 36.135(3)(B):

- (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.

Hale asked if that covers it. Koonce indicated he felt it did and recommended striking 12 AAC 36.185(c) and foregoing the addition of the new section, 12 AAC 36.145. Several members expressed concerns with rubber stamping. Koonce said there is a process in place if one suspects that is happening. Johnston added that 12 AAC 36.185(g) requires the business information (certificate of authorization number, project address/location, etc.) be on the documents, which would help address the issue.

Fritz said the additions to 12 AAC 36.135(B) help reinforce the intent. Koonce reiterated that the board’s intent is to withdraw the new section (12 AAC 36.145).

Johnston asked about the clarification regarding multiple registrants of the same discipline, but that you have to have at least one. Koonce suggested 12 AAC 36.135(B)(i) implied that, but Johnston argued that the use of “individual or individuals” may be interpreted to mean sole proprietor and individuals could refer to the different disciplines.” Kerr and Fritz directed Johnston to AS 08.48.241(a)(3) which states:

(3) a designation in writing setting out the name of one or more persons holding certificates of registration under this chapter who are in responsible charge of each major branch of the architectural, engineering, land surveying, or landscape architectural activities...

Fritz suggested additional clarification could be provided in the guidance manual or through FAQs. Kerr asked if the board could make minor changes. Maiquis responded that small technical changes could be made without requiring the proposed changes to be re-noticed. Fritz restated 12 AAC 36.135(3)(B)(i) and asked if that language was not adequate. Mott recalled that discussions on the topic at previous meetings showed there were some companies where everyone is listed, even though they are all of the same disciplines, while other companies designate one registrant per discipline. Mott said it clarifies that you can do it either way. Several members expressed their concern with adding additional explanation.

Koonce stated that he would notify Maynard to allow him the opportunity to weigh in on the changes and if he did not receive a response by tomorrow, the board would table it until the next meeting.

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Koonce asked the board to skip ahead to *Agenda Item 12, Executive Session*.

On a Motion duly made by John Kerr, seconded by Elizabeth Johnston and passed unanimously, it was RESOLVED to go into Executive Session in accordance with AS 44.62.310(c)(3) to review disciplinary case number 2018-001009 with Heather Noe, Alysia Jones & Marilyn Zimmerman included in the session.

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AELS_01.30.2019_C – 00:00:37

The board came out of Executive Session and returned to the Agenda Item 11.B.v.

ii. 12 AAC 36.050(b)(1) - Clarify documentation requirements – A. Jones explained that this was a carryover from the November 2018 meeting, at which she had requested guidance from the board related to this regulation and current processes. A. Jones said the board confirmed current processes and Maynard had agreed to draft language that was more in alignment with the staff's process.

TASK: A. Jones will follow up with C. Maynard regarding draft language.

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iii. Terminology updates – A. Jones reported that she had not received any terms from the board members. Fritz asked for clarification. A. Jones gave the example of the ways in which responsible charge is referenced in the statutes and regulations and explained the board had previously discussed looking at that term and others that might warrant revisions. The board did not have any additional suggested terms to review and redefine at this time.

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iv. Definitions of branches of engineering – A. Jones explained the board had received a request for clarification related to the absence of the word “design” in some of the definitions of the branches of

engineering. A. Jones stated that it is in statute under the definition of the “practice of engineering”, but wanted the boards input on whether it should be included in each definition of the specific branches of engineering. Koonce stated that it is implied. Koonce suggested that it be incorporated into the terminology updates.

v. Mentoring regulations and FS language clean up

The board reviewed a request for clarification on the mentoring program requirements and suggested edits regarding outdated language referencing the fundamentals examination. Hale confirmed the references to the fundamentals of surveying examination should be cleaned up.

TASK: Hale and Kerr will draft revisions to 12 AAC 36.066 for the board to review at the May 2019 meeting.

AELS_01.30.2019_C – 00:12:48

C. Guidance Manual

Koonce recommended the manual be posted as soon as possible and then amendments can be made going forward. A. Jones explained there were a few outstanding comments/questions that she wanted the board to respond to before finalizing the document for posting on the website.

Kerr asked the board to return to ***Agenda Item 11.B.v. Mentoring regulations and FS language clean up***, specifically the question of whether the board planned to modify the language in the Board Policies regarding Titles for Interns. Hale responded that topic had already been covered under another agenda item. Mott agreed. Kerr directed the board to the *Board Policies and Historical Information*.

Mr. Hanson stated that he was available to answer any questions.

The board discussed striking Section II, G. Titles for Interns from *Board Policies and Historical Information*.

Koonce asked Hale and Kerr to look at both the mentoring program requirements and FS language. Hale asked about the previous discussion regarding titles for interns (Agenda Item 8.B.) and see why there was not a motion then to remove the content. A. Jones responded that there was a motion to get assistance from the AG’s office regarding the Oregon case regarding protected terms relative to Alaska statutes and regulations. The board explained to Mr. Hanson that they intended to seek guidance on the use of titles, but agreed that the titles of interns could be removed from the Board Policies since they were not regulated by the board.

On a Motion duly made by John Kerr, seconded by Catherine Fritz and passed unanimously, it was RESOLVED to delete general board policy “G. Title for Interns” as the AELS Board does not regulate interns.

The board returned to ***11.C. Guidance Manual***. Several members agreed to move forward with publishing the guidance manual. Fritz commented that there were still outstanding questions in the guidance manual and suggested the board address those prior to moving forward. The board discussed options for updating. Fritz suggested doing a quarterly or yearly errata as needed. Several members agreed. Urfer recommended incorporating position statements as well.

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The board walked through the guidance manual and addressed each outstanding questions/ comments.

Koonce requested the board move on to public comment and indicated they would return to the Guidance Manual afterwards.

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15. Public Comment

Brian Hanson stated that he had a general comment related the signing of drawings and stated that corporations do not sign documents, individuals do, so someone cannot sign on behalf of the corporation. Hanson also stated that the public notice he received only contained the notice and not the actual proposed changes. He added that if the board was going to go to the trouble of mailing all registrants the notice of the changes, that a copy of the proposed changes should be included. Hanson said he heard the earlier discussion regarding the mentoring program language and understood that it would be addressed at the next meeting. Hanson said that it does have an impact on people and would like a response in writing from the board about what a four year responsible charge mentoring system is. Hanson said it appears to be an additional requirement for someone using the mentor program and asked for a response before the next meeting if possible. Hanson said he was glad to hear the board was looking at cleaning up regulations and thanked the board for the opportunity to testify. Hanson added that the teleconference connection was horrible and suggested the board look into other options and/or provider for future meetings.

Koonce thanked Hanson for his testimony and invited Chris Miller to speak.

Chris Miller stated that he was able to hear Mr. Hanson just fine, but agreed that it was hard to hear all of the board members. Miller said he appreciated the board looking at the arctic engineering requirement and stated that it is an important piece of our toolkit for licensure in Alaska. Miller stated that he repeatedly sees how Alaska is unique and the importance of this course and appreciated the board's effort to keep the course relevant. Miller also commented on the continuing education discussion re: managerial content from the November 2018 meeting. Miller said it made sense that the managerial content should be related to practice. Miller said some managerial content is an important part of his role in the company, and encouraged the board to continue to make that an option.

Miller said he had a question about the November 2018 meeting minutes regarding structural engineering licenses, and that someone with an Alaska SE license would be limited to practice on significant structures only. Miller asked if that was a misinterpretation. He said based on his review of the definition of structural engineering it encompasses all things structural and indicated an individual would need to maintain at least two licenses for their entire career if that was not the case.

Miller commented on the board make-up of having a seat that is mechanical or electrical is doing a disservice to the public. Miller said they are two of the larger disciplines and are complex enough that he believed the board should have both a mechanical and an electrical engineer on the board. Miller suggested that the mining engineer seat be shifted to the "other discipline" and asked the board to keep that in mind if and when the opportunity to expand the board, or change the makeup arises. The board thanked Mr. Miller for this testimony.

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The board returned to *Agenda Item 11.C. Guidance Manual*.

On a Motion duly made by Dave Hale, seconded by Catherine Fritz and passed unanimously, it was RESOLVED publish the Guidance Manual.

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14. Application Review

AELS staff reviewed the application review process with the board members. The board began reviewing ninety-two applications for registration.

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Sara Chambers, the Division Director for Corporations, Business and Professional Licensing joined the meeting.

16. Presentation by ASID

The board welcomed Dana Nunn and Mary Knopf to the meeting. Barbara Cash and Kelsey Davidson joined the meeting telephonically.

Nunn provided an update on ASID's activities since their last presentation to the board. Nunn stated that they have met with three more professional organizations including structural engineers, building officials, and the State Fire Marshalls Office to discuss what they are doing and get feedback on what types of questions ASID should be aware of and be prepared to answer. Nunn said that their draft legislation is currently in legal review. Knopf explained that ASID was also in the process of finding a new sponsor since their previous sponsor, Kevin Meyer was now the Lt. Governor.

Knopf directed the board to the updated definition of interior design which references the IBC. Nunn passed around a supplemental document with the refined definition of interior design that modeled the language of the other professions regulated by the AELS board. Nunn read and excerpt of the draft definition:

“Practice of Interior Design” means professional service or creative work in analysis, planning and design of building interior spaces; preparation of drawings, specifications and contract documents or other technical submissions for non-structural building elements and administration of associated interior construction to enhance and protect public health, safety, and welfare within structures governed by the IBC...

Johnston asked about IEBC. Knopf and Nunn noted Johnston made a good point and stated they would add that to the definition.

Nunn explained that the information in the packet tried to address previous questions from the AELS board and other organizations that they had met with related to education, experience and examination, including organizations involved in these components. Nunn provided an overview of the exam eligibility and explained that the NCIDQ is moving towards requiring a Bachelors in order to take the exam and sun setting the Associate Degrees. Knopf also talked about CIDA, the accrediting body for interior design degree programs in the U.S. and Canada. The group reviewed the list of life safety components that were included in the NCIDQ Fundamentals Exam, NCIDQ Professional Exam, and NCIDQ Practicum.

Nunn and Knopf explained they have been finessing the definition. Koonce asked if ASID had researched what other states had done. Knopf responded that the discussions had led to the shift from “code-impacted” to using IBC and IEBC.

Fritz asked about exam eligibility analysis. Nunn explained the forty-hour degree sunset in December 2018, and the evolution is to sunset the sixty-hour degree as well. Fritz asked for clarification about the NAAB or CACB degree option and whether NAAB had an interior design degree. Nunn explained that NCIDQ will accept a NAAB or CACB and noted the difference amount of experience required to qualify for the NCIDQ. Knopf and Nunn said architects were excluded from the requirements and were able to continue to do interior design within the scope of their architect registration and expertise.

Johnston asked if the intent was for the interior designers to be regulated by the AELS board. Knopf responded that would be the ideal situation in order not to duplicate efforts. Johnston asked if the proposed legislation included a dedicated seat on the board. Nunn explained the long term goal would be to have representation on the board, but acknowledged the transition period for the landscape architect seat.

Nunn explained that unlike the other professions regulated by the board, the interior designers would like NCIDQ to continue to determine who is eligible to take the exam. Johnston asked about other Alaska-specific requirements such as the arctic engineering course. Nunn said those requirements could be part of the application process for registration. Knopf said Nunn was asked to put together a module for the Northern Design course related to interior design.

In regards to timeframe, Knopf said they are hoping to get it in during the current session. Nunn said they are going to continue to work towards that.

Johnston asked about the length of the exam. Nunn responded that it is a two full day exam and that examinees have the option to take the portions back to back or not.

Nunn indicated ASID would like to have a letter of support from the AELS Board. Koonce responded that the board would like to read the proposed legislation prior to endorsing it and recommended following up with the board at the next meeting.

Fritz asked about an explanation that distinguishes interior designer from architecture. Cash acknowledged that Fritz had asked the question previously and said it is a little more complicated because interior designers are educated, trained, etc. to do a portion of the work within the scope of architecture. Cash stated that it is not that interior designers are totally different, but that it is a specialized area that has developed over the past fifty years. Cash encouraged the board to regard interior design as a specialty rather than something different.

Fritz thanked Cash and stated that she appreciated the perspective. Fritz reiterated the importance of addressing *why* this needs to be in place and expressed her desire to see a more compelling reason as to how it addresses a public health, safety, and welfare need that is not already addressed by the professions currently regulated by the board. Knopf recalled examples the group had discussed at previous meetings regarding office furniture, furnishings, and similar aspects affecting public health and safety. Fritz asked what damages or potential harm is out there that requires interior designers to be regulated that is not currently regulated by codes, etc. Knopf believed they could come up with some distinctions. Nunn said there are a lot of activity in the area of finishes and furnishings that have errors and can be harmful to the public. Fritz suggested they provide more details related to how having interior designers can curb certain behavior, and/or minimize these risks. Nunn said often there are disclosure agreements, so there is no legal way to tell those stories.

Knopf offered the group could put together scenarios based upon what they have seen in the field. Several members encouraged Knopf and Nunn to compile scenarios to help illustrate the need. Koonce thanked Nunn and Knopf for their presentation.

Knopf, Nunn and Chambers left the meeting.

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The board returned to review applications for the remainder of the afternoon.

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

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Thursday, January 31, 2019

19. Reconvene meeting/ Roll Call

The Board reconvened at 9:00 a.m. on Thursday, January 31, 2019. Roll call, all present except Maynard, excused by Vice Chair Koonce.

Koonce reviewed the agenda with the board members and based upon meetings with legislators and travel schedules, recommended skipping ahead to Agenda Item 24. New Business, B. Anchorage Earthquake.

AELS_01.31.2019_A – 00:00:24

24. B. Anchorage Earthquake - Lessons Learned - A. Jones explained the office was inundated with calls from people registered in other states who wanted to help with the aftermath of the earthquake and said it would be helpful to have some consistent messages and information vetted by the board in the event of a future natural disaster or emergency situation. Koonce recommended calling the building department in the location of the disaster as a starting point. Koonce said FEMA met with the building department and is working on a database that indicates the damage rating for all of the buildings. Koonce said there are still a lot of buildings that need to be assessed.

Fritz asked if there is anything in regards to our licensing rules and/or that the board could have had in place that would have assisted with the response. Koonce said he would encourage the local jurisdictions to go through a training program*. Johnston said they didn't exhaust local resources and explained that Fairbanks was only contacted for a couple of projects that they had designed even though they were willing and available to help. Johnston said it appeared Anchorage area based professionals were able to meet the need. The board discussed facilitating people willing to help and how to support firms that were doing the work. Kerr proposed creating a database of professionals willing to partner with a local firm in the event of an emergency and firms having access to that information if they need additional assistance. Koonce asked about registration. Kerr stated that there would need to be an understanding that those individuals were required to work under the responsible charge of an Alaska registrant. Fritz suggested that an individual registered in another state that also had the certification Koonce had referred to related to building assessment training could be pre-vetted to some extent. A. Jones said that the Structural Engineers Association of Alaska (SEAAK) put together a list of firms that were qualified to evaluate buildings and shared that with her. Koonce agreed that the SEAAK was a great organization to reach out to.

Fritz suggested there might be two levels of response, with one being the immediate assessment of whether the building is going to fall down or not, and then there is the clean-up. R. Jones asked the surveyors if there has ever been a situation where a building moved across a property line. Kerr responded probably not and

explained that the ground would likely move along with any adjoining land. Kerr added that the values on the survey control sheets for projects before the earthquake may not be valid afterwards.

Koonce recommended having a webpage with resources and links to direct people to. A. Jones agreed that it would be helpful to have that information already in place to direct people to. Fritz recommended the board institute a committee to develop content and compile resources for a disaster response webpage. Koonce recommended continuing the dialogue at the next meeting and considering a committee at that time.

TASK: Koonce asked all board members to provide input on national disaster response and forward links to A. Jones.

Addendum: On February 4th, Koonce provided specific name of the training information: The Safety Assessment Program Training is a technical training program that includes Applied Technology Council ATC-20 Post Earthquake Safety Evaluation of Buildings and ATC-45 Safety Evaluation of Buildings after Wind Storms and Floods.

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Dr. Robert Perkins arrived. Koonce directed the board back to *Agenda Item 22* and invited Dr. Perkins to speak.

22. Presentation on UAF Arctic Engineering Course by Dr. R. Perkins - Dr. Perkins provided the board with several handouts including Arctic Engineering Rubrics, Civil Engineer Examination – Seismic Principles Test Plan January 2018, CE603 – Arctic Engineering Syllabus, CE603 Online Course weekly lesson learning goals, copy of Dean Douglas Goering's 2017 letter (and course information) to the AELS board in response to the board's periodic course review.

Perkins explained the University of Alaska Fairbanks has been offering an arctic engineering course since the 1960s and said some questions had come up regarding potential changes in direction for the course and he was interested in seeing where the board was on this topic.

Perkins stated that he had served on the board for five years in the 1980s and during his time the board got rid of the treatise option, which allowed someone who was unable to take the arctic engineering course to write a twenty page paper citing particular references.

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Perkins said he believes CE603 Arctic Engineering is the gold standard. Perkins says it a three credit course that includes homework, contact hours and a paper. Perkins said anyone that passes this courses knows at least the minimum standard. Perkins said they have offered a videoconferencing option that is just an extension of the actual classroom course offering. Perkins added that they have also experimented with a web-based version, which included weekly deadlines. Perkins said the majority of the students dropped out of the online course and directed the board to the handout showing the learning goals from the weekly lessons. Perkins explained the online version is no longer active due to low enrollment.

Perkins said CE603 is offered twice a year. He explained that some students stopped taking it through UAF, because UAA offered an undergraduate level course online. Perkins explained the cost difference between the undergraduate and graduate level courses and that practicing engineers tend to take the “Essentials” course, (a short-course) offered by UAA, rather than the semester long, graduate level CE603 course. Perkins also noted that the University of Washington offers a course that is held over a long weekend and speculated that offering would likely appeal to those located in the Lower 48. The Civil and Environmental Engineering Advisory Board wants the college to continue offering a high value course, such as CE603, but recognizes there are alternatives that may not include the same level of academic rigor, but still cover the minimum content required for registration. Perkins said the Advisory Board has been exploring some options including making CE603 and undergraduate level course. Perkins said there is no reason UAF couldn’t offer an “Essentials” course, and asked for the board for their opinion on what the minimum criteria would be.

Koonce asked about the number of hours it takes to achieve the credit. Perkins said the UAF course is currently forty-five hours of classroom contact hours. Perkins stated there is a difference between listening and learning, and acknowledged the importance of homework to reinforce the content. Perkins noted a difference in hours between the UAF and UAA course offerings. Koonce asked how forty hours were accomplished in the short course. Anderson explained it is a concentrated, five day class and that homework assignments are included in that count, but it does meet for forty hours. Perkins said they want to offer what is needed and are looking for guidance from the board.

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Hale asked about course content between the different universities. Anderson directed the board and Dr. Perkins to the spreadsheet she created that outlined the topics covered and duration for the course offerings at UAA and UW. Hale asked what the purpose of having a gold standard course was if people are going south because it is cheaper. Dr. Perkins responded that the gold standard is for academic purposes, and explained UAF has graduate programs in civil engineering and students specializing in arctic engineering. Dr. Perkins added that they would continue to offer the course, but may limit it to once a year.

Dr. Perkins offered a couple options to address the need to minimal competency in arctic engineering, including a booklet and take-home exam, online course/exam, or proctored exam, and offer prep courses. Dr. Perkins shared a rubric for arctic engineering that he had developed from past and current course syllabus and input from other faculty members and the Advisory board. Dr. Perkins welcomed the boards input.

Hale said there is value in matching the course content offered at other universities. Koonce agreed and asked why all of the courses are approved if they are not equivalent. Johnston clarified that it is not a question of equivalency, but meeting a minimum standard at this point.

Fritz said the board has the authority to set those minimum standards of competency for arctic engineering to protect the public health, safety, and welfare. Hale said if there is going to be a standard, then there should be a similar option at each location in order to be competitive. Mott asked whether the board needs to pull the minimum standard up. Koonce stated that he was in favor of raising the bar to ensure public health, safety and welfare. Johnston added that those who took the short course don’t retain the information and provided some examples related to grounding and lightening protection in Alaska. Kerr said this is required for all engineers, so you can’t have a super high standard because not all of them are going to deal with all of the issues listed in the rubric. Johnston and Mott disagreed noting the value of learning all the information even

though it did not directly relate to their specific disciplines. Kerr said a graduate level course is great to have, but suggested that it not be the minimum standard. The board discussed establishing a criteria and/or baseline rubric for the minimum standard. Fritz added that there other critical part is that it be multi-disciplinary. Fritz said there is now a northern design course offered through UAA and added that landscape architects are also required to meet this course. She suggested that there be a northern design and construction course. Fritz added that if the universities wanted to do more, such as with the graduate level arctic engineering course at UAF, that is fantastic, but there needs to be a baseline, common, multi-disciplinary applicable, minimum curriculum. Several board members agreed. Fritz said the mode of delivery was a separate, but related issue and recommended establishing a baseline first and then determining the most appropriate methods to deliver it. Johnston agreed with Fritz that it should be more cross-disciplinary, but suggested delivery is a factor and that the course needs to have rigor and the method of delivery needs to be one that promotes retention of information.

Anderson stated that UAA has both undergraduate and graduate courses for arctic engineering and northern design, but the syllabus is exactly the same. Dr. Perkins explained universities will often “stack” a class and have both undergrad and graduate level students and that there is something extra, such as an additional paper for the graduate level students.

Perkins asked Fritz is there should be separate courses for architects and engineers. Fritz suggested it not be split out and to focus on cross-training and awareness of other disciplines, and be relevant to the various professions of the board. Kerr stated that the goal is to make sure these professionals are aware of the potential issues and know when to see someone else. Kerr said in that sense, the northern design course makes sense. Kerr thanked Dr. Perkins for the rubric, stating it is an excellent resource and potential framework for moving forward.

Johnston said she likes the idea of a broader course and asked what would happen with the arctic engineering course, and would it then become non-compliant. Koonce asked if it might be possible to have both courses be compliant. Fritz said the minimum standard for satisfying the requirements of this board should not be in the framework of a highly technical course such as CE603. Dr. Perkins explained the current offering does include a presentation by an electrical engineer and hydrologist and indicated that it was possible to have an architect incorporated into the course as well.

Koonce suggested adding daylighting to the rubric and mention acoustical engineering has been a large topic of discussion. Fritz commented that the rubric was great and that all the pieces are here. She said how much emphasis and how they can be combined is the whole point. Fritz said you can't talk about construction in this environment without covering other topics.

Urfer asked if anyone else on the board had taken the Northern Design course. Urfer said she really liked how it looked at all the other disciplines and said it was the first time she had seen a course that recognized there are multiple professions in the design process. Urfer said she was surprised how much of the information had a lot of value and has been applicable in her work. Urfer noted to overlap was very beneficial. Fritz said there are ways to take that and within that course any instructor brings expertise. Fritz recommended the course include guest lecturers and/or require students talk to a professional outside their profession to obtain that broader view. Fritz also suggested that there could be an assignment that allows students to focus more in depth in an area that pertains to their particular area of study and/or discipline.

Johnston asked about contact hours and whether the board intended to administered the exam. Several members responded that they would still defer to the education professionals on how to administer the content appropriately. Koonce recommended a committee be formed to come up with a minimum standard.

Kerr asked Dr. Perkins how the rubric came to be. Dr. Perkins said he reviewed past and current syllabi, added items from his own experience, and then distributed to colleagues for comments. Dr. Perkins asked Fritz to provide recommendations regarding potential architectural topics.

Mott commented that his experience with the arctic course was greatly affected by the personal experiences of the instructor and indicated the importance of the instructor having first-hand knowledge. Koonce suggested utilizing case studies to outline for the course and apply those elements within the case studies. Fritz recommended not getting so specific and leaving delivery methods up to the academics.

The board discussed establishing a committee and what the timeline would look like. Several recommended there be a transition period since all courses were re-evaluated and approved in 2017. Johnston suggested soliciting input from current and future registrants as part of the process. Perkins asked the board if they want to go broad or pick a few key areas and go deep. The board agreed that is a great question for the committee to discuss. Perkins thanked the board for the opportunity to speak and said he would do what he can to support the board's efforts on this topic. The board thanked Dr. Perkins.

TASK: A. Jones will provide the board with electronic versions of Dr. Perkins' handouts.

Johnston added that one of the issues that was not covered in the discussion is staffing. Johnston stated that a lot of the faculty that teaches the arctic engineering courses are retiring and added that this is an opportune time to be reviewing the criteria and discussing the future of the course and requirement.

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Koonce requested the board to move on to Committee Updates, Election of Officers, and New Business before some of the members needed to leave. The board reviewed the agenda and discussed priorities.

Koonce established a northern design/ arctic engineering committee to the AELS board committees and appointed Johnston, Fritz, Maynard and Anderson to the committee. Koonce asked the committee to review the regulation and current requirements and then work on coming up with a minimum standard.

Fritz read aloud 12 ACC 36.110(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.

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25. Committee Updates

Investigative Advisory Committee – Koonce reiterated the importance of being responsive to requests for assistance from Investigator Savage to keep cases moving forward.

Licensure Mobility – There were no updates for this committee.

Board Outreach – Koonce explained the board had scheduled two outreach activities in conjunction with this meeting. Fritz and Mott reported that the discussion at Haight & Associates was small but very worthwhile. Fritz invited the board members to participate in the session later this afternoon at Jensen Yorba Lott Architects.

Guidance Manual – Koonce thanked Urfer for her hard work on overseeing the updates and extended his appreciation to everyone for the review and feedback.

Legislative Liaison Committee –Urfer and Anderson met with Senator Chris Birch yesterday who expressed his support for the proposed updates to the definition of the practice of landscape architecture. Anderson stated that she and Urfer also stopped by Representative Colleen Sullivan-Leonard’s office. Anderson explained that Senator Birch had suggested they check with her since she was preparing to get on the House Labor and Commerce Committee, but she was out sick. Anderson said they also stopped by Senator Lora Reinbold’s office. Fritz asked about next steps. Anderson said they plan to put together some additional information, including comprehensive language and justification for cleaning up the statute and submit it to Senator Birch. Fritz recommended that Anderson be added to the Legislative Liaison Committee. Anderson accepted the committee appointment.

Mott left the meeting to meet with Senator Mike Shower.

Emeritus Status – There were no changes to emeritus status members.

Budget – Koonce referenced the financial report provided during the Division update. There were no additional comments.

Continuing Education – Koonce reported that continuing education would be discussed next under *Agenda Item 24 A*.

Koonce also mentioned the newly created committee regarding northern design and arctic engineering. Fritz asked if the board wanted to create a committee related to the discussion of disaster planning. Koonce suggested holding off on that committee because he wanted to gather some additional data and revisit the topic at the next meeting. Johnston asked if it would be appropriate to assign that task to the licensure mobility committee. Koonce again suggested revisiting the topic at the next meeting.

AEELS_01.31.2019_B – 01:09:48

24. A. Continuing Education - A. Jones explained R. Jones and her had developed a follow up letter to request additional information. A. Jones reported that it was useful, but welcomed any additional suggestions from the board. Johnston expressed her concern with description of the subject matter. Koonce responded that the language comes directly from the regulations.

R. Jones said he was working on revising the initial letter that goes out to registrants who are selected for audit. R. Jones commented that there are some big issues with continuing education, including timing of the notification. R. Jones explained that the first couple audits, the board reviewed all continuing education

submissions and that the board later asked him to take over review. He added that if he had any questions or concerns he would still bring those audits to the board. R. Jones said the policy of giving them sixty days to redo courses that did not meet the criteria was a board policy and that he recently found out that was not in compliance with centralized regulations and Division's policies. R. Jones urged the board to consider updating the language and/or come up with some further guidelines to clarify the requirements.

Fritz asked for clarification about the sixty days and asked if the board could add language within AELS regulations that would allow for a grace period. She added that there are a lot of inconsistencies within the current language and recommended the board consider some changes to address the vagueness. Several members agreed. R. Jones mentioned the board could consider requiring twelve professional development hours per year versus twenty-four per licensing period. Mott said he liked the flexibility of having two years to complete the requirement. Koonce asked the board if they felt all twenty-four hours needed to be health, safety, and welfare, or if only a portion needed to fall under that category. R. Jones noted that some jurisdictions require a certain portion of the hours be ethics. Mott said he liked the technical requirement and said there is enough changing in the professions that twenty four hours is not a lot to ask to remain current and aware of technical advances. Wallis said some engineers need management courses and the ability to count the managerial content towards their continuing education is extremely worthwhile for those individuals and their employees. Kerr agreed and offered that those courses do protect the public noting that a lot of issues stem from poorly managed projects. Fritz recommended the board task the Continuing Education Committee with actively look at the overall intent of the requirements and identifying issues, utilizing R. Jones' knowledge and experience evaluating submissions over the years. Kerr agreed with Fritz. Fritz offered to work w/ R. Jones and A. Jones to catalogue issues and suggested having a work session at the next meeting. Mott added one of the goals should be to determine, as a board, a clearer framework for what is acceptable. R. Jones added that every time the board changes, the opinion of what is acceptable changes.

TASK: Fritz will assist R. Jones and A. Jones with documenting continuing education issues.

AELS_01.31.2019_B – 01:20:27

Marilyn Zimmerman rejoined the meeting and provided a table of disciplinary actions since 2016 that showed registration surrenders as a result of failed continuing education audits. Zimmerman walked through the most recent actions and explained the formula for determining the fine is based upon the number of professional development hours the registrant is deficient. Zimmerman confirmed that the regulations related to continuing education audits were in centralized regulations and apply to all programs. R. Jones asked if it was possible to add language to the regulations to allow for a grace period. Zimmerman responded that the board should be able to do that and indicated there are other programs that have that type of language. Koonce asked if it could be done administratively through policy, or if it had to be a regulation project. Zimmerman recommended it be done through regulation, but stated there were likely some steps they could do administratively. Zimmerman said other programs have an option on their renewal form for those that completed the continuing education requirement after the end of the licensing period. Koonce asked if she could share that language.

TASK: Zimmerman will provide examples of language used by other programs regarding completion of continuing education requirements after the deadline.

A. Jones stated that staff are still receiving renewal applications for the 2018-2019 licensing period, and currently there is no option for them to select on the form. A. Jones indicated that she intends to update the form for the upcoming licensing period and include an option for those who complete their continuing education after the deadline. Zimmerman asked if they are required to submit documentation. AELS staff explained that if they are flagged for audit, yes, but otherwise, staff is relying on the statement the registrant signs attesting that the information on the form is true, etc. R. Jones suggested that anyone who renews after the deadline should be required to submit documentation. Johnston added that they should also have to do a mandatory audit going forward because they didn't manage their CEUs well. Zimmerman pointed out that would be considered a license action. Mott asked how many jurisdictions have a continuing education requirement. Several board members responded that most jurisdictions have some type of requirement. The board discussed possible ways to address the issue of registrants who allow their registrations to lapse until there is a project in Alaska. Urfer asked about the possibility of implementing a fine for failure to complete continuing education within the appropriate licensing period. The board and staff discussed reinstatement requirements and process, acknowledging that registrants may take time away from the profession for a variety of reasons.

TASK: R. Jones requested A. Jones query reinstatement requirements for other programs.

Zimmerman stated that some programs are more stringent than others and require a licensee to go through a reinstatement process even if it was lapsed for only 30 days.

AELS_01.31.2019_B – 01:39:29

On a Motion duly made by John Kerr, seconded by Elizabeth Johnston and passed unanimously, it was RESOLVED to accept the consent agreement reviewed by the board for case 2018-001009.

The board discussed postponing discussion of *Agenda Item 24.C.* regarding certificate of authorizations requirements for municipalities and other entities to the next meeting. Kerr stated that he would like to gather some information for the board on how municipalities are formed so there is a basic understanding going into the discussion.

TASK: Kerr will compile information on municipalities for the May meeting.

AELS_01.31.2019_B – 01:41:54

26. Election of Officers

By acclamation Jeff Koonce was named Chair, Elizabeth Johnston Vice Chair, and John Kerr as secretary. Koonce stated that the officer appointments would take affect at the August meeting.

AELS_01.31.2019_B – 01:43:27

27. Calendar Review

A. May 2019 Meeting Dates -The Board discussed location and possible dates for the next board meeting. A. Jones stated that travel restrictions were likely to increase and suggested the board consider videoconferencing. Koonce expressed his concern with not having all the board members and staff present at the next meeting. Fritz proposed asking for Anchorage instead of Fairbanks to acknowledge the financial situation.

B. AKLS Exam Date/Locations – A. Jones provided data regarding potential examinees and proposed offering the AKLS in Anchorage and Juneau. A. Jones added that the AKLS exam workshop, during which the exams are reviewed, is scheduled for May 10th. R. Jones said the exam was traditionally scheduled in conjunction with the NCEES PS exam. A. Jones responded that the PS exam is now computer based and offered year round. Kerr recommended scheduling the AKLS exam around the Alaska Land Surveying Conference which is scheduled for mid-February. The board determined it was too short of notice for this year, but that it might be a possibility for next year.

Kerr offered to proctor the exam in Anchorage and will work with staff to determine an appropriate date and location following the meeting. Staff will proctor the exam in Juneau.

TASK: A. Jones will follow up with Kerr to confirm dates and location for the AKLS exam in Anchorage.

Addendum: On February 5, 2019. The following dates and locations for the AKLS exam were confirmed: The AKLS exam will be offered on Friday, April 19th in the State Office Building in Juneau, and Monday, April 22, at the BP Energy Center in Anchorage.

C. NCEES Western Zone Meeting – The board discussed attendance. Kerr indicated he would like to attend in order to participate in the discussions regarding the public land survey module of the PS exam. Johnston expressed her interest to attend the annual meeting in August. Anderson also plans to attend the annual meeting. A. Jones confirmed that Anderson will still qualify to attend under the “First Time Attendee” funding, which is separate from the funded delegates.

The board determined the following board members would attend the regional meeting in May as funded delegates: Colin Maynard, Bill Mott and John Kerr. A. Jones will also attend under the new funding designated for member board administrators.

AELS_01.31.2019_B – 01:58:58

Koonce requested the board discuss an application for structural engineer by exam. Wallis explained the applicant was short progressive experience and the applicant was requesting the board waive the requirement. A. Jones stated that the board can project total work experience up to the date of the exam (April 5, 2019), but may not project responsible charge experience. The board discussed whether progressive experience was responsible charge or not. Johnston stated that the regulation does not specify. Fritz commented that the projected date of licensure is totally arbitrary. Koonce said the board needs the verification of experience. Kerr stated that the board may require they provide an updated verification form. The board reviewed the timeline for the applicants projected date of completion of the work experience requirements and determined it would be after the date of the exam.

Koonce recommended the term “progressive experience” be added to the terminology updates. Johnston questioned if that was the most appropriate action. A. Jones explained it would be a regulation update to add the definition.

AELS_01.31.2019_B – 02:08:33

R. Jones asked if the rule for projecting experience was in regulation or a board policy. A. Jones responded that projecting experience up to the date of exam is in regulation and stated that the board policy has been to only project total work experience, not responsible charge.

R. Jones suggested the board adopt a policy to only project up to the date of the upcoming exam and provided the following example: At the February meeting, the board can project up to the April exam. Kerr agreed.

AELS_01.31.2019_B – 02:09:16

On a motion duly made by Elizabeth Johnston, seconded by Luanne Urfer and passed unanimously, it was RESOLVED to start a regulation project to update and/or clarify the term “progressive structural experience”.

Board members Fred Wallis, Elizabeth Johnston and Dave Hale left the meeting to head to the airport at 11:30 a.m. Mott stated that he had a meeting with Senator Mike Shower at 1:00 p.m. Urfer stated that she had already received a response from Senator Birch’s office thanking her and Anderson for yesterday’s meeting. Anderson commented that the Senator had been very responsive.

AELS_01.31.2019_B – 02:14:55

The board recessed for lunch.

AELS_01.31.2019_C – 00:00:18

The Board reconvened at 12:15 p.m. on Thursday, January 31, 2019. Roll call, the following board members were present: Anderson, Fritz, R. Jones, Kerr, Koonce, Mott, and Urfer. The following board members were excused by Vice Chair Koonce: Maynard, Hale, Johnston, and Wallis.

The Board continuing to review applications and continuing education audit responses.

AELS_01.31.2019_C – 00:37:22

Urfer asked if the board could write a letter to Dale Nelson’s family, given is frequent presence at AELS board meetings and work with the Alaska Professional Design Council. Several members agreed and Kerr volunteered to draft a letter.

TASK: Kerr draft letter to the family of Dale Nelson.

Mott was excused to meet with Senator Mike Shower.

AELS_01.31.2019_C – 00:39:32

28. National Organization Updates

A. CLARB – Urfer suggested the board also write a letter to the family of Randy Weatherly, President of CLARB who passed away unexpectedly in December to acknowledge his service to the profession.

Urfer reported that there has been a big push for member board members to volunteer and become more involved with CLARB. A. Jones added that CLARB staff reached out to all of the member boards to update each jurisdiction’s information. A. Jones said she met telephonically with Missy Sutton from CLARB and they walked through the updates and discussed ways to clarify Alaska’s requirements, including the mentor program option for landscape architects. A. Jones added that CLARB recently sent a notice out regarding proposed legislation that would negatively affect landscape architecture in four other jurisdictions. A. Jones said CLARB also conducted a survey regarding licensure for military members and spouses and encouraged

the board to be aware of the topic. R. Jones said the AELS board does consider military experience. A. Jones clarified that discussions she was aware of are geared towards expediting licensure or offering temporary licensure for military members and/or their spouses.

Koonce added that the topic came up during the recent Region 6 Pre-Board of Directors teleconference. R. Jones proposed allowing military personnel and/ or their spouse to be temporarily issued a license by staff, provided they submit documentation that they met the board's requirements, pending final approval at the next board meeting, or develop a temporary license. Fritz responded that it would require a statutory change. Koonce recommended talking with Jim Oshwald of the New Mexico board at the upcoming WCARB meeting. Kerr said he did not see the need for it since anyone who comes up to Alaska would be working with other Alaska registrants. Fritz recommended contacting military families in Alaska with backgrounds in the professions regulated by the board to see if it was even an issue. The board circled back to their mission and agreed the board's purpose it is not for the convenience of the profession, but to regulate for safety and protection of the public.

AELS_01.31.2019_C – 00:52:14

B. NCARB – Koonce mentioned he and A. Jones had participated in the Region 6 (WCARB) Pre-Board of Director's teleconference. Koonce said he passed on complaints he'd received from A.R.E. examinees regarding pauses or hiccups during the exam that were creating stress for examinees. A. Jones said NCARB staff developed some talking points regarding military and military-spouse licensure.

Koonce also mentioned the disciplinary database. A. Jones stated that NCARB staff worked with her and Marilyn Zimmerman to update the database. A. Jones added that the Member Board Executive Committee had been tasked with reviewing feedback from transmittal records and offered some suggestions regarding categorization of feedback messages and will be doing quarterly reviews of the feedback reports.

Fritz mentioned the NCARB Regional Summit meeting coming up in March. Fritz, R. Jones and A. Jones plan to attend pending travel approval.

Fritz provided an update on the regional strategic plan and said she hopes it will be ready for the region to act on at the upcoming meeting. A. Jones asked about coordination between the regional strategic plan and NCARB strategic plan. Fritz explained the initial goal was to have it complete prior to the national one, but the process has taken longer than anticipated.

AELS_01.31.2019_C – 01:03:13

C. NCEES – A. Jones mentioned NCEES had sent out a news release from NTSB regarding a gas explosion and that there has been some discussions regarding exemptions on Basecamp following the incident. She also mentioned the Professional Surveying Exam Task Force sent out a survey requesting information on state specific exams. A. Jones reported that the AKLS test specifications are checked annually and updates are made as needed to be in compliance with statutes and regulations. She said the AKLS exam is also compared against NCEES PS exam blueprint annually as well. A. Jones provided an update on the transition of NCEES exams to computer-based tests.

AELS_01.31.2019_C – 01:10:07

29. Licensing Examiner's Report – Noe walked through the Licensing Examiner's Report noting that there were a total of ninety-two applications, rather than the seventy noted on the report due to processing of applications between the date of the report and date of the meeting. Noe also reported on the number of renewals, reinstatements, exam pass/fail rates, and license verifications.

AELS_01.31.2019_C – 01:16:15

Agenda Item 31. Board Tasks & Assignments - A. Jones reviewed the tasks and assignments from the meeting and explained that a list of tasks would be provided following the meeting, along with a draft version of the minutes.

AELS_01.31.2019_C – 01:26:21

Mott rejoined the meeting.

AELS_01.31.2019_C – 01:30:27

30. Read Applications into the Record

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

FIRST NAME	LAST NAME	COMITY/EXAM	TYPE OF LICENSE	JAN. Decision
MICHAEL	ABBAS	COMITY	STRUCTURAL	APPROVED
ALEXANDER	BABEL	COMITY	STRUCTURAL	APPROVED
JONATHAN	BREWER	COMITY	MECHANICAL	APPROVED
TIMOTHY	CASEY	COMITY	ARCHITECT	APPROVED
DAVE	COSTELLO	COMITY	MECHANICAL	APPROVED
MICHAEL	DUKES	COMITY	CIVIL	APPROVED
MICHAEL	FROLOV	EXAM	CIVIL	APPROVED
WILLIAM	GUEVREMONT	COMITY	ARCHITECT	APPROVED
BRENDAN	HARKINS	COMITY	CIVIL	APPROVED
RIAN	JOHNSON	COMITY	STRUCTURAL	APPROVED
PATRICK	KERR	COMITY	CIVIL	APPROVED
JOHN	LIU	COMITY	CIVIL	APPROVED
MILIND	MALICKAR	COMITY	ELECTRICAL	APPROVED
BRANDON	MARZLEY	COMITY	MECHANICAL	APPROVED
AARON	RODEBAUGH	COMITY	ARCHITECT	APPROVED
NICKOLAS	RODES	COMITY	FIRE PROTECTION	APPROVED
DENNIS	RUGG	COMITY	CIVIL	APPROVED
JEREMY	SALMON	COMITY	STRUCTURAL	APPROVED
JUSTIN	SCANIO	COMITY	ARCHITECT	APPROVED
RONALD	SCHNEIDER	COMITY	STRUCTURAL	APPROVED
ERIC	SHADLE	COMITY	MECHANICAL	APPROVED

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

FIRST NAME	LAST NAME	COMITY/EXAM	TYPE OF LICENSE	JAN. Decision
KYLE	ALBERT	EXAM	CIVIL	CONDITIONALLY APPROVED
IAN	BARTONICO	COMITY	MECHANICAL	CONDITIONALLY APPROVED
CHARLES	BOHART	EXAM	CIVIL	CONDITIONALLY APPROVED
DAVID	BROCK	EXAM	LAND SURVEYOR	CONDITIONALLY APPROVED
CHRISTOPHER	CAMPFIELD	COMITY	ELECTRICAL	CONDITIONALLY APPROVED
JONATHAN	CAPUA	EXAM	CIVIL	CONDITIONALLY APPROVED
LARRY	CHRISTIANSEN	COMITY	STRUCTURAL	CONDITIONALLY APPROVED
NICHOLAS	CHROMONSKI	EXAM	STRUCTURAL	CONDITIONALLY APPROVED
PHILLIP	CLIFTON	EXAM	MECHANICAL	CONDITIONALLY APPROVED
WILLIAM	COBB	COMITY	MECHANICAL	CONDITIONALLY APPROVED
JASON	COCHRAN	COMITY	CIVIL	CONDITIONALLY APPROVED
PATRICK	COLLINS	EXAM	ELECTRICAL	CONDITIONALLY APPROVED
JOHN	COMBS	EXAM	LAND SURVEYOR	CONDITIONALLY APPROVED
HANNA	COUNTER	EXAM	CIVIL	CONDITIONALLY APPROVED
ELAN	EDGERLY	EXAM	MECHANICAL	CONDITIONALLY APPROVED
ADRIAN	FRANKS	COMITY	ELECTRICAL	CONDITIONALLY APPROVED
NATHAN	GEARY	EXAM	CIVIL	CONDITIONALLY APPROVED
MICHAEL	GONZALES-SMITH	EXAM	ELECTRICAL	CONDITIONALLY APPROVED
BRITTANY	HIPPE	EXAM	CIVIL	CONDITIONALLY APPROVED
THOMAS	HUGHES	EXAM	CIVIL	CONDITIONALLY APPROVED
PETER	JACKSON	EXAM	CIVIL	CONDITIONALLY APPROVED
AMIR	JAMSHIDI	COMITY	CIVIL	CONDITIONALLY APPROVED
JARED	JANSSSEN	EXAM	ELECTRICAL	CONDITIONALLY APPROVED
MELINDA	KEMP	EXAM	CIVIL	CONDITIONALLY APPROVED
THOMAS	KLINGENSMITH	COMITY	ELECTRICAL	CONDITIONALLY APPROVED
BRIAN	KNIGHT	COMITY	CIVIL	CONDITIONALLY APPROVED
INGRID	KOODA	EXAM	MECHANICAL	CONDITIONALLY APPROVED
PETR	KOSMIN	EXAM	CIVIL	CONDITIONALLY APPROVED
ROBERT	KUBICEK	COMITY	ARCHITECT	CONDITIONALLY APPROVED
KEVIN	LANE	COMITY	LAND SURVEYOR	CONDITIONALLY APPROVED
DAVID	LAVENHAGEN	COMITY	CIVIL	CONDITIONALLY APPROVED
SEAN	LEE	EXAM	CIVIL	CONDITIONALLY APPROVED
WERNER	MACEDO	EXAM	LAND SURVEYOR	CONDITIONALLY APPROVED
JEROME	MADDEN III	COMITY	CIVIL	CONDITIONALLY APPROVED
JORDAN	MARTIN	EXAM	ELECTRICAL	CONDITIONALLY APPROVED
DONALD	MCCAMMON	COMITY	CIVIL	CONDITIONALLY APPROVED
BREILLE	MIGUEL	EXAM	CIVIL	CONDITIONALLY APPROVED

DAVID	MOEHL	COMITY	LAND SURVEYOR	CONDITIONALLY APPROVED
JAMES	MONTROSS	COMITY	ELECTRICAL	CONDITIONALLY APPROVED
LAUREN	OLIVER	EXAM	CIVIL	CONDITIONALLY APPROVED
WILLIAM	OVIATT	COMITY	CIVIL	CONDITIONALLY APPROVED
ADAM	PICKETT	COMITY	ARCHITECT	CONDITIONALLY APPROVED
LAURA	READ	EXAM	ARCHITECT	CONDITIONALLY APPROVED
KEVIN	ROBAR	EXAM	LAND SURVEYOR	CONDITIONALLY APPROVED
ELLIOT	SMITH	EXAM	CIVIL	CONDITIONALLY APPROVED
KIMBERLY	STAHELI	COMITY	CIVIL	CONDITIONALLY APPROVED
PAUL	STULL	COMITY	ENVIRONMENTAL	CONDITIONALLY APPROVED
EILEEN	TAUSCH	COMITY	ELECTRICAL	CONDITIONALLY APPROVED
EILEEN	TAUSCH	COMITY	NAVAL ARCH AND MARINE ENG.	CONDITIONALLY APPROVED
MICHAEL	TRACY	COMITY	ELECTRICAL	CONDITIONALLY APPROVED
DALE	ULMER	COMITY	ARCHITECT	CONDITIONALLY APPROVED
VINCENT	VALENTI	COMITY	CIVIL	CONDITIONALLY APPROVED
CELINE	VAN BREUKELEN	EXAM	CIVIL	CONDITIONALLY APPROVED
RAVI	VASU	COMITY	CIVIL	CONDITIONALLY APPROVED
JACLYN	WANDER	EXAM	CIVIL	CONDITIONALLY APPROVED
JOSEPH	ZYCH	EXAM	LAND SURVEYOR	CONDITIONALLY APPROVED

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

FIRST NAME	LAST NAME	COMITY/EXAM	TYPE OF LICENSE	JAN. Decision
ELDRICK	ALEXANDER	COMITY	ARCHITECT	INCOMPLETE
JAKE	ALWARD	EXAM	CIVIL	INCOMPLETE
PATRICK	BRANDON	EXAM	STRUCTURAL	INCOMPLETE
ARIAN	CALA	COMITY	ELECTRICAL	INCOMPLETE
GARY	CLOWER	COMITY	CIVIL	INCOMPLETE
HENRY	COLE	EXAM	CIVIL	INCOMPLETE
AL	DOWNES	COMITY	ELECTRICAL	INCOMPLETE
PETER	GEISSLER	COMITY	LAND SURVEYOR	INCOMPLETE
TAYLOR	KEEGAN	EXAM	LANDSCAPE ARCHITECT	INCOMPLETE
REBECCA	KLOSTER	EXAM	CIVIL	INCOMPLETE
JAMES	KREUTER	COMITY	MECHANICAL	INCOMPLETE
JACOB	MINTURN	EXAM	CIVIL	INCOMPLETE
LEVI	OVERBECK	EXAM	CIVIL	INCOMPLETE
DUSTIN	RICHMOND	EXAM	CIVIL	INCOMPLETE
ADAM	SCHILLING	EXAM	ARCHITECT	INCOMPLETE

Addendum: After the meeting, applications for the following individuals were determined to be conditionally approved rather than incomplete as noted on record: Taylor Keegan, Rebecca Kloster, and Levi Overbeck.

AELS_01.31.2019_C – 01:35:48

Fritz mentioned there were a couple items that have come up over the course of the meeting that she wanted to recommend be added to the next meeting's agenda. Fritz said she thought it would be worthwhile for the board to discuss including the actual proposed language along with the notice of proposed changes and/or discuss alternatives and efficiencies to the current regulation notice process. Fritz mentioned the comment regarding the makeup of the board's seats, particularly the current understanding that the "other" seat cannot be electrical or mechanical and suggested the board get some additional information on that determination. A. Jones said the Department of Law had provided the clarification last year in 2017. Fritz acknowledged that it may require a statute change and encouraged the board to obtain additional information on the matter.

Koonce and Kerr reminded the board of the discussion regarding certificates of authorization that had been added to New Business and then postponed until the May meeting. A. Jones confirmed she would add it to the agenda.

AELS_01.31.2019_C – 01:38:55

Koonce asked if there were any additional comments or suggestions for the next meeting. R. Jones stated that he would like to make a motion.

On a motion duly made by Richard V. Jones, seconded by Catherine Fritz, and passed unanimously, it was RESOLVED to start a regulation project to modify exam regulation to clarify that the board my project up to two months of work experience except that no amount of responsible change experience may be projected and clarify the mentoring program with respect to responsible charge where applicable.

AELS_01.31.2019_C – 01:38:55

Fritz walked through the *Meet the Board* presentation. She explained the presentation included an overview of what the board does; the makeup of the board and current members; explained the board is associated with national organizations that set the standards for testing (CLARB, NCARB, and NCEES); reviewed the three-legged stool concept of licensure: education, experience, and examination; defined statute and regulation; discussed prohibited practice; and basic rules of continuing education. Fritz indicated that she would provide a final version for the board to have in their resources folder in OnBoard.

Urfer asked about responsibility of reporting. Fritz referenced 12 AAC 36.210 and explained registrants have a responsibility to report under the code of conduct. Urfer offered a scenario in which only one member of a team reported and asked if the other members of the team were equally guilty. The board determined it would be most appropriate to reach out to the AELS Investigator for a response.

AELS_01.31.2019_C – 02:00:00

32. Board Member Comments -

The board appreciated having Heather Noe (AELS Licensing Examiner) present during application review process. Noe responded that it had been very helpful to watch the process in person and be able to ask questions during application review, to improve her preparations. Kerr said he felt everything the board was

working on has merit. Urfer stated that the meeting with Senator Birch went very well and appreciated how helpful he had been. Anderson thanked staff for all their work in preparing for the meeting. Mott reported on his meeting with Senator Shower who had been impressed with the board's multi-dimensional makeup. Mott said the Senator acknowledged the board's travel concerns, but indicated it would likely continue to be a challenge. R. Jones thanked everyone for a great meeting and said he may be resigning in the near future.

The board appreciated the ability to meet in Juneau. Several members indicated the value of meeting with legislators to talk about the proposed legislation. The board members thanked Jeff Koonce for leading the meeting in Colin Maynard's absence.

Fritz thanked everyone for their time and effort. Fritz acknowledged the difficulty of coming in and out of Juneau, but expressed her disappointment that three members had to leave before the end of the meeting and asked the board to consider what message that sends. Fritz suggested the board consider restructuring the meeting to be more efficient and aligned with travel schedules. Fritz stated that if it is important to make the effort to travel to Juneau, then do it fully. Mott agreed and recommended the board discuss the meeting structure as a group.

A. Jones thanked the board for their time and effort both during and in between the meeting, and for their support during the transition to the new administration.

Koonce thanked the board members for their work and staff for their support. Koonce stated that it is a pleasure to be part of a group that is always trying to improve language and policies. Koonce said he appreciated the board's openness to consider comments of registrants and applicants in the process, and encouraged the board to continue to embrace "mentoring up".

AELS_01.31.2019_C – 02:14:33

Commerce, Community, and Economic Development Commissioner Julie Anderson and Division Director Sara Chambers joined the meeting. The board thanked Commissioner Anderson and Chambers for making time to meet with them. Commissioner Anderson said she was interested in hearing about what the board does. Anderson mentioned that when she meets with legislators she is often asked what the Department, and in particular the Division, are doing to streamline and ensure the process for licensure is efficient. Commissioner Anderson said she thinks Chambers is doing a wonderful job and is pleased to be able to say that we are doing everything we can to remove barriers and make things stay streamline.

Koonce explained that the AELS board is a multi-disciplinary board representing four different professions and is comprised of eleven board members. Koonce said the board works together on application review and teaching one another to better understand the other professions regulated by the board. Commissioner Anderson asked how frequently the board works on regulation updates. Several members responded that regulation projects are discussed quarterly. Koonce added that the board actively tries to address any outdated regulations to ensure they are current and appropriate.

Kerr explained that half of the boards in other jurisdictions that regulate similar professions are single profession boards and add that he believes that is a disadvantage. Kerr said when something comes out of the AELS board it has been vetted by four different professions and added that the multi-disciplinary makeup also prevents the board from serving the profession rather than the public.

Commissioner Anderson asked for clarification of the professions regulated by the board. Fritz said the official title of the board only includes architects, engineers, and land surveyors, but that landscape architects are also regulated by and represented on the board. Fritz explained that it would take a statute change to update the name of the board, and eventually they hope to update it.

Kerr said the commonality among the professions is that they all work on design projects, and reiterated his belief that a coordinated approach has been much more efficient than having a separate board for each profession. Kerr added that having a multi-disciplinary board often provides opportunities for regulation projects to dovetail with one another. Kerr explained one of the prices they pay is having to study up on the other professions when there is an issue that is outside a board member's profession and/or area of expertise in order to fully engage in the discussion and make an informed decision.

A. Jones explained the board has also had some opportunities to cross-train board members by having them attend conferences and meetings of the national organizations that the board belongs to. A. Jones provided examples of two of the engineers on the board attended an orientation of the National Council for Architectural Registration Boards (NCARB) and Council for Landscape Architectural Registration Boards (CLARB). A. Jones said the board members not only learned a lot about architect registration and landscape architecture registration, but also provided unique perspectives as engineers, that was appreciated by the meeting organizers and other attendees.

Commissioner Anderson asked how frequently the board meets. Several members responded quarterly.

Fritz commented that their multi-disciplinary board is kind of the envy of other board's in the country and expressed the importance of the public member seat on the board. Fritz stated that the board is constantly asking how a proposed regulation change would translate from one profession to another and commended the board for keeping its focus on whether the change is fundamentally in the best interest of the public's health, safety, and welfare. Commissioner Anderson was glad to hear that is the board's focus and that everyone was in alignment.

Koonce circled back to the importance of engaging with other jurisdictions at national meetings and opportunities to learn from colleagues. Kerr said when he first joined the board he thought engagement with the national organizations was frivolous, but said he quickly learned that it is extremely valuable, noting the chances to harvest, as well as offer, solutions. Kerr said it is extremely smart to gather members and staff from the various jurisdictions to meet and discuss issues so that no one is having to reinvent the wheel or rework the same issues. Kerr said there is an ability to see potential issues ahead of time and incorporate elements of solutions from other jurisdictions.

Commissioner Anderson acknowledged the board's concern about travel and said there will likely be some changes, but was not sure what the changes would be at this time. The board understood. Fritz thanked Commissioner Anderson and Chambers for allowing the board to meet in Juneau, especially since it is not the most cost effective location. Fritz added that the board really tried to take advantage of that by meeting with legislators to discuss proposed legislation and conducting outreach with local registrants about what the board does and why. Kerr added that they last time the board met in Juneau they coordinated with the APDC Fly In event and presented at their luncheon.

Commissioner Anderson asked the board members about the recent earthquake in Anchorage. Mott responded that he was not a structural engineer, but was aware that they have been extremely busy. The board thanked Commissioner Anderson and Chambers for attending.

The AELS January 2019 Board Meeting adjourned at 2:48 p.m.

In conjunction with the meeting, the board held two *Meet the AELS Board* events on Tuesday, January 29th at Haight & Associates Office and Thursday, January 31st at JYL Architects Office. The sessions provided informal opportunities for registrants, future professionals and interested individuals to learn about the board and its mission, discuss responsibilities of licensure, and learn about continuing education requirements. Attendees included five engineers, two architects, two engineers-in-training, and one land surveyor-in-training.

DRAFT

EXAMINERS REPORT- MAY 9-10TH, 2019

THIS REPORT IS FOR JANUARY 1ST THRU MARCH 31ST, 2019

APPLICATIONS TO BE REVIEWED: 82 Applications were prepared for board review at May 2019 mtg..

FIELDS OF PRACTICE/DISCIPLINE	COMITY	EXAM	FIELDS OF PRACTICE/DISCIPLINE	COMITY	EXAM
AGRICULTURAL	0	0	METALURGICAL & MATERIALS	0	0
CHEMICAL	3	0	MINING & MINERAL	1	1
CIVIL	24	11	NAVAL ARCHITECTURE & MARINE	0	0
CONTROL SYSTEMS	1	1	NUCLEAR	0	0
ELECTRICAL	4	2	PETROLEUM	1	1
ENVIRONMENTAL	0	1	STRUCTURAL	6	1
FIRE PROTECTION	0	0	ARCHITECT	8	1
INDUSTRIAL	0	0	LANDSCAPE ARCHITECT	2	0
MECHANICAL	7	4	LAND SURVEYOR	0	2
TOTAL				57	25

REGISTRATIONS AND RENEWALS:

REGISTRATIONS	TOTAL	REGISTRATIONS	TOTAL
ARCHITECT	8	CORPORATIONS	2
LANDSCAPE ARCHITECT	0	LIMITED LIABILITY	6
LAND SURVEYOR	2	LIMITED PARTNERSHIP	0
ENGINEERS	35		

RENEWALS/REINSTATEMENTS/RETIRED	FIRM	INDIVIDUAL
RENEWALS RECEIVED BEFORE 12/31/2017	553	5209
RENEWALS RECEIVED ON/AFTER 01/01/2017	13	97
REINSTATEMENTS RECEIVED 01/01-03/31/2019	N/A	8
RETIRED REGISTRATIONS 01/01-03/31/2019	N/A	2

EXAM RESULTS: April 2019 PE, SE and AKLS exam scores will be available in mid-May. See Additional Comments.

EXAM	PASS	FAIL	NO SHOW	EXAM	PASS	FAIL	NO SHOW	EXAM	PASS	FAIL	NO SHOW
FE	60	20	0	PE	0	0	0	AKLS	0	0	0
FS	2	1	0	PS	1	0	0	SE	0	0	0

LICENSE VERIFICATIONS:	73
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ADDITIONAL COMMENTS:

Exam Results: 71 applicants were approved to sit for the April PE exam, 2 planned to sit for the SE, and 14 LS applicants intend to for the AKLS exam.

Processing times:

- Application filed to status letter 1-2 days (Add 7-10 days for scanning/ mail processing by front desk)
- Average number of days from Complete Application to License 60
- Average days to complete Investigative Referrals 14 days

Agenda Item 9: Correspondence Sent

A. Response RE: Request for Guidance on use of EIT vs EI Title

Effective May 25, 2017, the AELS Board no longer governs EITs/EIs and therefore cannot provide guidance on the title. However, individuals who are not licensed as a Professional Engineer must avoid using one of the protected titles: Professional Engineer, Civil Engineer, Environmental Engineer, or any other of the fifteen disciplines regulated by the AELS Board.

For guidance on preferred titles, the Board suggests checking with professional societies such as the Alaska Society of Professional Engineers and Alaska Professional Design Council for guidance.

B. Response RE: Request for Clarification on Mentoring System

During Agenda Item 16.D., the Board will review a proposed definition for “mentoring program”. Based upon review of previous applications involving use of the mentoring system, the intent of the mentoring system is to offer an alternative option for gaining the required work experience. The Board acknowledges the current language implies an applicant in the mentoring system is required to complete double the amount of responsible charge experience and will be reviewing references to the mentor program in AELS regulations and proposing updates as needed.

C. Response RE: Request to Retire License

At the November 2018 and January 2019 meeting, the Board deliberated on the appropriate procedure for handling requests to retire a license in response to the Board’s audit of compliance with continuing education requirements. The Board determined any registrant that responds to the audit with such a request, will be required to sign the following statement:

I, _____ am voluntarily retiring my license #_____. I understand that, should I should I ever want to reactivate my license in accordance with Alaska Statute 08.48.215(b), I will be required to submit evidence of 24 hours of continuing education taken during the biennium of, or immediately preceding, reactivation of my license as well as evidence of 24 hours of continuing education taken during the 2016-2017 licensing period.

D. Response RE: Public Comment on Proposed Changes to 12 AAC 36.135, .145, .185

At the January 2019 meeting, the board reviewed all public comments submitted on the proposed changes to 12 AAC 36.135., .145, .185. The board noted that there appeared to be confusion on the intent of the proposed changes and explained that the requirements and responsibilities of the corporation, LLC, or LLP do not diminish the responsibility of the individual registrant. The board discussed the proposed changes extensively and ultimately determined to table the discussion. The Board will revisit the topic at the May 2019 meeting under Agenda Item 16.A.

Agenda Item 10: Correspondence Received

The board received the following correspondence since the January 2019 meeting.

10.A. Letter of Resignation

Public Member and former AELS staff member Richard “Vernon” Jones retired from the AELS Board effective March 1, 2019.

10.B. Request: Arctic Engineering Course Change

The board received a request from the University of Alaska, Fairbank’s College of Engineering & Mines to approve CE 493 Arctic Engineering course offering. This course would be offered as a “special topics” and the content would be substantially similar to the current board-approved course titled, CE 603 Arctic Engineering.

Agenda Item 16. Regulation Projects

A. Revisit Proposed Changes to 12 AAC 36.135, .145, & .185

A notice of proposed changes approved at the November 2018 meeting were sent to all AELS registrants, include corporations, LLCs, and LLPs on Friday, December 21st. The board reviewed all comments at the January 2019 meeting and further deliberated on the proposed changes. The board tabled the discussion for the May 2019 meeting.

NOTE: A copy of the notice and proposed changes are provided on the following pages, along with an excerpt of the January 2019 Meeting Minutes.

B. Suggested updates to 12 AAC 36.066

The board will review proposed changes to remove obsolete references to eligibility requirements for the fundamentals of surveying (FS) examination. As of May 25, 2017, the Board no longer governs land surveyors in training.

C. 12 AAC 36.050(b)(1) – Clarify documentation requirements

At the November 2018 meeting, staff requested guidance from the board related to this regulation and current processes. The board confirmed current processes are appropriate and plan to review proposed changes to align language with current practices.

D. Suggested definitions for “progressive experience” and “mentoring program”

The board will review proposed definitions for these terms to be added to 12 AAC 36.990 Definitions.

NOTICE OF PROPOSED CHANGES RELATING TO CORPORATE AUTHORIZATIONS AND REGISTRANTS IN OFFICES IN THE REGULATIONS OF THE STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS

BRIEF DESCRIPTION: The State Board of Registration for Architects, Engineers, and Land Surveyors proposes to update regulations regarding corporate authorizations and registrants in offices.

The State Board of Registration for Architects, Engineers, and Land Surveyors (Board) proposes to adopt regulation changes in Title 12, Chapter 36 of the Alaska Administrative Code including the following:

1. **12 AAC 36.135. Review of application for corporate, limited liability company, or limited liability partnership authorization**, is proposed to clarify that there may be more than one registrant authorized for each discipline as part of a corporate authorization. Allows any employee of an authorized entity to seal documents for the corporation, if authorized by the registrant in responsible charge for the corporation, limited liability company, or limited liability partnership.
2. **12 AAC 36.145. Architectural, engineering, or surveying offices**, is a proposed new section to clarify whether there has to be an individual in each discipline in every office and whether some of the employees in that office can have technical supervision on projects by a registrant in another office.
3. **12 AAC 36.185. Use of seals**, is proposed to repeal subsection (c). The intended effect of this repeal is to establish similar language under 12 AAC 36.145.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/192449>, and using the comment link. **The comments must be received not later than 5:00 p.m. on January 22, 2019.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofArchitectsEngineersandLandSurveyors.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov not later than January 15, 2019 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/AELS-1218.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.48.101; AS 08.48.111; AS 08.48.221; AS 08.48.241

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.48.101; AS 08.48.111; AS 08.48.221; AS 08.48.241

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 12/19/18

/s/
Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION (AS 44.62.190(d))

1. **Adopting agency:** State Board of Registration for Architects, Engineers, and Land Surveyors – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Corporate authorizations and registrants in offices.
3. **Citation of regulation:** 12 AAC 36.135, 12 AAC 36.145, and 12 AAC 36.185.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations; compliance with state statute.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: None.
Another state agency: None.
A municipality: None.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2019 or in subsequent years.
9. **The name of the contact person for the regulation:**
Alysia Jones, Executive Administrator
Alaska State Board of Registration for Architects, Engineers, and Land Surveyors
Division of Corporations, Business and Professional Licensing
Telephone: (907) 465-1676
E-mail: alysia.jones@alaska.gov
10. **The origin of the proposed action:** State Board of Registration for Architects, Engineers, and Land Surveyors.
11. **Date:** 12/19/18 **Prepared by:** /s/
Jun Maiquis
Regulations Specialist
(907) 465-2537

**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. Complete new sections are not in boldface or underlined.)

12 AAC 36.135 is amended to read:

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. **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;

(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. (Eff. 10/10/96, Register 140; am 11/13/99, Register 152; am

3/8/2001, Register 157; am 3/9/2001, Register 157; am 8/19/2006, Register 179; am

____/____/____, Register _____)

Authority: AS 08.48.101 AS 08.48.241

12 AAC 36 is amended by adding a new section to read:

12 AAC 36.145. Architectural, engineering, or 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 purposes of this section,

(1) "regularly employed" means in the office at least 20 hours per week;

(2) "entity" means a sole practitioner, partnership, corporation, limited liability company, limited liability partnership, or governmental agency. (Eff. ____/____/____, Register _____)

Authority: AS 08.48.101 AS 08.48.111 AS 08.48.221

12 AAC 36.185(c) is repealed:

(c) Repealed ____/____/____ [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].

Register _____, _____ 2019 **PROFESSIONAL REGULATIONS**

(Eff. 5/30/82, Register 82; am 8/29/87, Register 103; am 11/13/99, Register 152; am 6/13/2003, Register 166; am 6/11/2005, Register 174; am 7/13/2011, Register 199; am 6/18/2016, Register 218; am 9/9/2016, Register 219; am ____/____/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.111 AS 08.48.221

11. Old Business

11. A. Review November Meeting To Do List – The board reviewed the tasks from the November 2018 meeting. A. Jones said there were a couple outstanding letters of response from the November meeting and encouraged the board members assigned to provide responses as soon as possible.

Johnston responded that she wanted to discuss the request for clarification related to pole attachments again with the full board before responding. She summarized the questions were related to pole attachments and explained initially there was some concern whether this would fall under the Pole Attachment Act, which the board had received confirmation that it did not. Johnston said there is still a question regarding the industrial exemption and how many layers down it goes. She added that there may also be variations in the response depending on the type of utility (e.g. electrical vs. water, etc.).

The board discussed several scenarios and believed two utilities sharing a trench, and/or pole was not an issue, but that if the pole attached to an individual property owner vs. another utility then a registered professional would be required. Hale asked for clarification, stating that the exemption is for the employer's business only and talked about the common practice of sharing poles. Hale reiterated that to fall under the exemption, it may not affect the public. Fritz suggested using the language from the exemption in the response. Johnston said she appreciated everyone's input and believed she could provide a response based upon this additional discussion.

TASK: Johnston will draft a response to Mr. Moe's question regarding trenches and pole attachments.

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A. Jones introduced Regulation Specialist Jun Maiquis and AELS Licensing Examiner Heather Noe. The board welcomed both Maiquis and Noe to the meeting.

AELS_01.30.2019_A – 02:16:15

11. B. Regulation Projects

11. B. i. Review Comments on Proposed Changes to 12 AAC 36.135, .145, & .185

Koonce asked about the process for posting comments following the meeting. Maiquis explained the comments are all public record and the board may choose to post them. Johnston asked if they were included in the public version of the board packet already. A. Jones responded that they were not since the packet was posted prior to the closing of the comment period. Johnston suggested the board provide responses to some of the comments as there appears to be a misunderstanding regarding the proposed changes.

Koonce stated the following individuals responded to the proposed changes to 12 AAC 36.135, .145 and .185:

Ron Pearson responded on December 26, 2018.

Burton Bomhoff also responded on December 26, 2018

Stephan C. Paliwod provided comments on January 13, 2019.

Gary L. Tams responded on January 16, 2019.

Nikolas Rodes commented on January 22, 2019.

AELS_01.30.2019_A – 02:20:17

The board reviewed Mr. Pearson's statement. Hale responded that the board is mandated to protect the public, not to protect the profession. The board agreed.

The board considered Mr. Bomhoff's statement. Mott and Johnston identified a couple points of possible misunderstanding between individual professional licenses and certificate of authorizations for corporations. The board agreed the comments warranted a response.

TASK: Koonce asked A. Jones to draft responses to the public comments for Koonce to review.

Fritz offered clarification on Mr. Bomhoff's comment, stating the responsibilities of the corporation do not change or diminish the responsibility of the individual registrant in any way. Hale recommended saying requirements and responsibilities of the corporation (LLC or LLP) do not diminish the responsibilities of the individual licensee.

Kerr stated that the proposed changes were designed to help accommodate some of the address some of the improvements and changes in technology, and ability to communicate between offices. Kerr added that the intent of the update was to acknowledge and accept some of those methods.

Johnston mentioned that Mr. Bomhoff's last point was in regards to continuing education. Fritz suggested the response to the continuing education comment explain that it was not part of the proposed changes and invite him to testify on the topic during public comment periods at the quarterly meetings.

The board reviewed Mr. Paliwod's comments. Mott responded that the proposed changes do not allow a registrant to be in technical responsible charge of anything outside his/her license and expertise. Mott stated the reason for the registrant in each office was to ensure the individuals in the office are following the laws. Johnston clarified that the board's position that supervision can be done remotely and referenced the board's recent determination that virtual face-to-face meetings for the mentor program met the board's requirements.

Kerr reiterated that it does not diminish the responsibility of the registrant that is in responsible charge, despite their location. Fritz added that the proposed changes do not affect definition of responsible charge.

The board reviewed Mr. Tams comments. Kerr recommended if there is a specific issue where an individual is not in responsible charge of the work he or she is sealing then the AELS Investigator should be contacted. Hale agreed. Fritz recommended reminding Mr. Tams of his responsibility to report and suggested that section of the regulations. Kerr recommended the response also explain that there is nothing in the proposed changes that diminish the responsibility of the stamping registrant.

The board reviewed Mr. Rodes comments and discussed the possibility of confusion between individual and corporations again.

Kerr said he didn't think any of the comments uncovered anything that would change the board's language. Mott said that we aren't mandating an additional layer of supervision, just clarifying what should already be in place. The board reconfirmed their desire not to try and define office. Fritz recommended explaining that the proposed changes do not mandate an additional layer of supervision and agreed the board should not try to define the term office. She explained it is more the function and tasks of the practice, and that the board's goal is to recognize the multiple ways that technology allows the practice to be accomplished within the statutes and regulations.

Hale stated that the definition of office is so dynamic that he advised the board not get in the business of trying to define it. Several members agreed. Johnston pointed out that the current language includes the term

“office”. The board discussed the importance of *what* you are doing vs. *where* you are working. The board discussed revising 12 AAC 36.145 to remove the term “office”.

The board discussed the purpose of the Certificate of Authorization as being able to offer practice and to ensure that licensed professionals are leading the corporate activities for architecture, engineering, land surveying and landscape architecture. The board debated the relevancy of the section and what components were critical.

AELS_01.30.2019_A -02:50:41

AELS_01.30.2019_B - 00:00:06

R. Jones reminded the board that technology was very different when the regulations were drafted. Koonce asked if the issue is the term “office”. Hale responded that it may not be relevant and indicated that there is language in other areas of the regulations that speaks to responsible charge and asked if it matters where the work is being done. Koonce asked if changing it to place of work would resolve the issue. Several members responded it would not.

Fritz asked the board to circle back to some of the core questions. She asked if anyone thought the Certificate of Authorization was not needed. All agreed that an entity offering these services needs to be regulated to ensure they have the appropriate expertise. Fritz reminded that the goal of the proposed updates was to provide clarification based upon advancements in technology and acknowledge the way people do work has changed.

The board reviewed the proposed changes and the overall intent of the changes.

Urfer and Anderson rejoined the meeting. Koonce summarized that the current proposed changes look to repeal 12 AAC 36.185(c), where it is out of context, and create a new section to clarify the intent of that section was to have a registrant in each office to ensure compliance with laws, rather than needing a registrant of each discipline. Koonce read the following excerpt from the proposed changes to 12 AAC 36.135(3)(B):

- (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.

Hale asked if that covers it. Koonce indicated he felt it did and recommended striking 12 AAC 36.185(c) and foregoing the addition of the new section, 12 AAC 36.145. Several members expressed concerns with rubber stamping. Koonce said there is a process in place if one suspects that is happening. Johnston added that 12 AAC 36.185(g) requires the business information (certificate of authorization number, project address/location, etc.) be on the documents, which would help address the issue.

Fritz said the additions to 12 AAC 36.135(B) help reinforce the intent. Koonce reiterated that the board’s intent is to withdraw the new section (12 AAC 36.145).

Johnston asked about the clarification regarding multiple registrants of the same discipline, but that you have to have at least one. Koonce suggested 12 AAC 36.135(B)(i) implied that, but Johnston argued that the use of “individual or individuals” may be interpreted to mean sole proprietor and individuals could refer to the different disciplines.” Kerr and Fritz directed Johnston to AS 08.48.241(a)(3) which states:

(3) a designation in writing setting out the name of one or more persons holding certificates of registration under this chapter who are in responsible charge of each major branch of the architectural, engineering, land surveying, or landscape architectural activities...

Fritz suggested additional clarification could be provided in the guidance manual or through FAQs. Kerr asked if the board could make minor changes. Maiquis responded that small technical changes could be made without requiring the proposed changes to be re-noticed. Fritz restated 12 AAC 36.135(3)(B)(i) and asked if that language was not adequate. Mott recalled that discussions on the topic at previous meetings showed there were some companies where everyone is listed, even though they are all of the same disciplines, while other companies designate one registrant per discipline. Mott said it clarifies that you can do it either way. Several members expressed their concern with adding additional explanation.

Koonce stated that he would notify Maynard to allow him the opportunity to weigh in on the changes and if he did not receive a response by tomorrow, the board would table it until the next meeting.

AELS_01.30.2019_B – 00:28:26

Koonce asked the board to skip ahead to *Agenda Item 12, Executive Session*.

On a Motion duly made by John Kerr, seconded by Elizabeth Johnston and passed unanimously, it was RESOLVED to go into Executive Session in accordance with AS 44.62.310(c)(3) to review disciplinary case number 2018-001009 with Heather Noe, Alysia Jones & Marilyn Zimmerman included in the session.

AELS_01.30.2019_B – 00:33:13

AELS_01.30.2019_C – 00:00:37

The board came out of Executive Session and returned to the Agenda Item 11.B.v.

ii. 12 AAC 36.050(b)(1) - Clarify documentation requirements – A. Jones explained that this was a carryover from the November 2018 meeting, at which she had requested guidance from the board related to this regulation and current processes. A. Jones said the board confirmed current processes and Maynard had agreed to draft language that was more in alignment with the staff's process.

TASK: A. Jones will follow up with C. Maynard regarding draft language.

AELS_01.30.2019_C – 00:01:37

iii. Terminology updates – A. Jones reported that she had not received any terms from the board members. Fritz asked for clarification. A. Jones gave the example of the ways in which responsible charge is referenced in the statutes and regulations and explained the board had previously discussed looking at that term and others that might warrant revisions. The board did not have any additional suggested terms to review and redefine at this time.

AELS_01.30.2019_C – 00:02:50

iv. Definitions of branches of engineering – A. Jones explained the board had received a request for clarification related to the absence of the word “design” in some of the definitions of the branches of

Agenda Item 27. Committee Updates

COMMITTEE NAME	MEMBERS	Notes
Arctic Engineering Committee	Chair: TBD Anderson, Fritz, Johnston, Maynard	Created at January 2019 meeting to review course materials and provide recommendations on criteria at May 2019 meeting.
Board Outreach	Chair: Hale Members: Full Board	
Budget Committee	Chair: Koonce Members: Kerr, Vacant	
Continuing Education	Chair: Vacant Members: Full Board	C. Fritz will make a brief presentation on Continuing Education Regulations (12 AAC 36.500-.550 and A. Jones will provide data and examples of issues from CE audit
Emeritus Status	Chair: Maynard Members: Full Board	NCARB Laudatory for former board member R.V. Jones
Guidance Manual	Chair: Urfer Members: Full Board	Review two requests for updates to the March 2019 version of the Guidance Manual regarding: <ul style="list-style-type: none"> • Signing and Sealing • Definitions of Practice
Investigative Advisory Committee	All Members	
Legislative Liaison	Chair: Maynard Members: Fritz, Urfer	Identify sponsor for proposed legislation to update AS 08.48.341(15) “practice of landscape architecture” to be more aligned with what is actually being practiced.
Licensure Mobility	Chair: Koonce Members: Wallis, Urfer	

Agenda Item 28. National Organization Meeting Reports & Updates

As a multi-disciplinary board, AELS is a member of three national nonprofit organizations, each of which is dedicated to protecting the public's health, safety, and welfare through establishing and promoting uniform laws, licensing standards, and professional ethics for the four professions regulated by the board.

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

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

Membership for each council is comprised of licensing boards across the United States, including U.S. territories.

As a member of these organizations, the AELS board actively participates in discussions that result in changes to national licensure standards, as well as model laws and rules for architects, engineers, land surveyors, and landscape architects. CLARB, NCARB and NCEES also prepare, administer, and score national examinations that are used to assess a candidate's ability to protect the public's health, safety, and welfare.

During the meeting, board members will report on updates from each of these national organizations and bring forward any items that the board needs to deliberate on.

Since the January 2019 meeting, representatives of the AELS board attended two meetings:

- **NCARB Regional Summit, March 8-9, 2019** - Board members Catherine Fritz and John Kerr, along with AELS Executive Administrator Alysia Jones attended the NCARB Regional Summit. On March 7, Ms. Jones attend the annual Member Board Executive Workshop.
- **NCEES Board Presidents' Assembly and Member Board Administrator's Meeting, February 8-9, 2019** – AELS Chair Colin Maynard and Executive Administrator Alysia Jones attended the biennial NCEES Board Presidents' Assembly and Member Board Administrator's Meeting.

A detailed summary of each meeting is provided on the following pages.

2019 NCARB Regional Summit & Member Board Executive Workshop March 7, 8 & 9, 2019

AELS Board members Catherine Fritz and John Kerr, along with Executive Administrator Alysia Jones attended the NCARB Regional Summit March 8-9, 2019. Preceding the summit, Jones helped facilitate the annual Member Board Executive (MBE) Workshop. The following is a summary of the two events.

MBE Workshop

This one day workshop included training sessions by NCARB staff on the following topics:

- **Certification Alternatives** – Staff reviewed potential pathways to licensure for candidates that do not have a NAAB accredited degree.
- **International agreements** – Staff provided an overview of Mutual Recognition Agreements between Canada & U.S.; Australia, New Zealand and U.S.; and Canada, U.S. and Mexico, and outlined the requirements for each MRA.
- **Licensing requirements tool** – This repository contains licensure requirements data from all 55 member boards to provide candidates with a road map for the licensure process. The group discussed how the tool is used by not only candidates, but also member boards and NCARB staff and brainstormed ideas to enhance the tool to better serve the MBE community and how to explain exceptions/ alternative options to candidates.
- **Disciplinary database** – This database contains disciplinary actions imposed nationally. Staff explained the value of keeping the database current to help fellow member boards evaluate candidates for licensure and improve protection of public health, safety, and welfare across jurisdictions.

The workshop also included an architecture 101 session to provide MBEs with a better understanding of the day to day work of an architect and design project process and presentation and presentation on the quality assurance audit. This year the MBE Committee, which Jones is part of, worked closely with NCARB staff members to review feedback related to record transmittals from NCARB to jurisdiction. The Committee made recommendations to expand the feedback categories, which have proven to provide more detail to staff on the type of errors, which assists staff in determining the best approach to address those issues. In evaluating the feedback, NCARB redesigned their transmittal team and has also trained them in the record evaluation process, which occurs prior to transmittal to broaden their understanding of the entire process and their team's role. Staff reported on core service trends, explaining that both initial evaluation and certificates had increased significantly in the past year. To wrap up the workshop, attendees participated in an open forum to discuss issues and successes in their respective jurisdictions regarding legislation and advocacy, disciplinary actions and investigations, and board training.

Regional Summit

The Summit comprised of plenary sessions and individual regional meetings. In honor of the 100th anniversary of NCARB, Council President David Hoffman kicked off the meeting with a brief history of the organization, which was established at an AIA meeting in Nashville in 1919. The NCARB Board of

Directors Secretary Bayliss Ward provided an overview of resolutions and described the timeline for submitting resolutions in order to take action on them at the annual meeting in June.

During the WCARB (Region 6) meeting, Regional Director Jon Baker provided an update on NCARB Board of Directors' (BOD) activities. Baker noted that the BOD was collaborating with collateral organizations on accreditation and are looking at ways NCARB can further assist member boards through advocacy efforts and other tools. Regional secretary Cory Solem, provided a summary of the WCARB strategic planning effort and the group discussed the three core themes that came out of the analysis: collaboration, education, and influence. Solem indicated the committee plans to provide a draft of the final report to the regional members in the coming weeks. (Note: Alaska AELS Board member Catherine Fritz serves on the Strategic Planning Committee).

Another major topic of discussion was related to regional membership dues. Members discussed the possibility of amending the regional dues or adding more value to the regional meetings. The group also discussed changing billing to coincide with NCARB's dues.

Dale Atkinson, Esq. provided an excellent two-hour, educational seminar on the state of regulation and the board members role in the regulator process. Atkinson provided an overview of the regulatory environment and recommendations on how boards could improve relationships with the legislative community, including how to be an information source, engaging with other boards, separating trade from regulation. Atkinson challenged attendees to consider and communicate why government is involved in regulation and the importance of enforcement. Atkinson also suggested inviting governors and legislators to board meetings and following up with meeting minutes and/or a summary of board activities to increase understanding and communications. He also recommended reading mission statements, public notice information, and other data into the record to ensure statistical information is provided in the meeting minutes. Atkinson also provided some suggestions on best practices and language to assist boards in addressing disciplinary matters. The Alaskan attendees found this seminar very valuable and took away several ideas for implementation.

Regional members elected individuals to the WCARB Executive Committee, voted on officers, and solicited volunteers to serve on regional committees. Fritz agreed to continue service on the Strategic Planning Committee and join the Bylaws and Rules Committee. Jones volunteered to serve on the Education Committee. Representatives from each jurisdiction provided state reports and the regional members had an opportunity to talk with leadership about their concerns regarding the lack of diversity in NCARB leadership and transparency of fees.

On Saturday, attendees participated in breakout sessions with representatives from other regions to discuss hot topics and issues facing their boards. During the plenary session, each group reported out to the congregation. Common topics included concerns about diversity, incidental practice issues, consideration of technological advancements, and potential impacts of government restructuring on regulatory boards. The group also noted legislators are asking the regulatory community to evolve and

talked about ways in which NCARB can illustrate how it is evolving through, computer-based-testing, the IPAL program (integrated approach) and alternative pathways, and reduction of experience hours.

NCARB CEO Mike Armstrong indicated that NCARB is continuing to rethink its services and invited member boards to rethink if there are services that NCARB can provide to close gaps or more appropriately address a particular issues. Armstrong added that NCARB can compile data to demonstrate mobility and illustrate movement towards removing unnecessary barriers. He also announced that NCARB was putting together a Diversity Coalition with representatives from each region to look at and address the member board members' concerns regarding diversity at member board level and NCARB leadership roles.

NCARB President invited attendees to the annual meeting, scheduled for June 2019 in Washington, D.C. and announced the 2020 NCARB Regional Summit would be held in Cambridge, MA.

Action Items/ Take Aways

- Review Board Policies that affect licensure rules and consider updating regulations accordingly
- Develop and administer specific training for board chairs to review role and responsibilities
- Based upon implementation of evaluation of regional executive director, the board may wish to consider an evaluation of the executive administrator in conjunction with the self-evaluations the board conducts on an annual basis.
- Look at regulations/ policies regarding reinstatements and the potential implications/ loss of information when a firm or individual is required to reapply.
- Consider “in the past 5 years” rather than “since last renewal” as it can be ambiguous.
- Bifurcate application to split out protected information from public record thereby improving the ability to safely and quickly respond to information requests
- Challenge board to consider how it can evolve
- Review exempt structures and determine if any updates are required. For example farm houses are now used as event venues, which affects public health, safety, and welfare.

NCEES Board Presidents' Assembly & Member Board Administrators' Meeting Summary

Atlanta, Georgia

February 8 & 9, 2019

The following is a summary of the discussions and presentations from the Member Board Administrators (MBAs) Meeting held on February 8th and Board Presidents' Assembly (BPA) held on February 9th.

NCEES President opened the BPA meeting with a challenge to all member boards to consider the question "why?" and be able to answer that question in regards to their laws, rules, and processes surrounding licensure and be open to considering different perspectives instead of following the rationale of that's how it's always been done.

Financial Update – CFO Betsy Pearson updated attendees on finances, attributing the high revenue due in part to increase in examinations in decoupled jurisdictions, and examinee rescheduling fees. A copy of the financial report will be made available on NCEES E3 this week.

Exam Services – NCEES Director of Exam Services Tim Miller provided an overview of examinations, trends, and P.E. exam transition to computer-based testing. Miller noted that decoupling has created some sharp increases in the number of examinees. He described the two types of computer-based tests (Linear-on-the-fly (LOFT) and Linear, fixed-form (LFF)) and explained the format is based upon the volume and frequency of the exam. For example, the PE-Civil exams will be LOFT, while the PE-Nuclear will be LFF. Currently, there are 22 more exams left to be converted between now and the 2025 target date of CBT transition completion. All CBT exams have electronic supplied reference, which appears on the screen alongside the exam.

The timeframe for score reporting for computer-based testing, is within 10 days of the date of the exam, versus 6 weeks for paper and pencil exams. Institutes with engineering and survey programs receive subject matter reports every 6 months to assist with outcomes assessment. According to Miller, some boards meet with Deans to discuss the report, which is NOT intended for publication, but is available through NCEES E3 system. Miller noted 89% of examinees reschedule once or twice and noted there was approximately \$40,000 in expired rescheduling fees.

Surveying Exam Module Task Force – Ric Moore explained the intent of the Task Force was to reduce redundancy between national and state specific exams. Moore thanked the boards for responding to the Task Force's survey on state specific exams and indicated the group was focused on how best to protect the public through the examination process. He also stated that public lands questions had been increased from 4-5 to 6-9 in the current version of the PS exam and noted that those questions still may not meet testing minimal competency for public lands. The Task Force is scheduled to meet in early March.

MBA Committee Charges & Initiatives – The MBA Committee Chair provided an update on the committee’s charges. The committee is

- Developing an orientation/ mentoring program for new MBAs, utilizing NCEES’ orientation for new board members as a base model
- Working with NCEES Marketing and Outreach staff to raise MBA awareness of available resources including: speaker kits, youth activities, marketing materials, and in-person staff support for speaking with legislators, visiting universities, etc.
- Developing a webinar series and requested topics of interest from MBAs and member board members
- Discussed drafting a memorandum of understanding between NCEES and all member boards to review laws and rules and actively consider ways to reduce barriers as a way to increase licensure mobility
- Reviewed background of Washington Accord and the International Engineering Alliance – MBA Committee is scheduled to discuss Washington Accord and education technology degrees with the Education Committee following the BPA meeting
- Requested all MBAs complete survey regarding re-examination requirements for reinstatements in order to revise NCEES model law to more accurately reflect current processes.

During the MBA meeting, the group also discussed decoupling. Approximately, one third of the jurisdictions have or are in the process of decoupling. MBAs that had already gone through the process provided the following advice: educate legislature early and frequently, so they understand the proposed change, ensure applicants understand there may be issues with comity for applicants in the future, and allot time to update application forms accordingly. NCEES is in the process of updating records and processes with the intent to offer an option to transmit a record that could be utilized for initial registrations. The licensing state would then go in and verify licensure if/when approved.

International Initiatives – Patty Mamola provided an overview of the International Engineering Alliance, which seeks to facilitate global professional mobility. She talked about the Washington Accord, which is an international agreement between entities responsible for accrediting engineering degree programs. Established in 1989 with six members, the Accord now has 21 signatories. The Washington Accord mandates that accrediting decisions made by one member of the Accord are acceptable by the other members. Members are reviewed every 6 years to ensure accrediting criteria is still acceptable. Mamola also talked about NCEES’ International Registry of Professional Engineers (IRPE), which assists U.S. based professional engineers who are seeking recognition in countries that are members of the Asia-Pacific Economic Cooperation (APEC) or IEA, and encouraged attendees to consider ways to facilitate mobility/ portability through multilateral agreements, that have more stringent checks and balances beyond bi-lateral agreements between two states/ jurisdictions.

Member Services – The Director of Member Services, Stef Goodenow provided a report on the four departments that make up Member Services:

- **Client Services** – In 2018, they received 27,938 calls and 57,758 chats. The majority of the questions were exam related (39%), followed by records (32%), then credential evaluations (21%), and other (17%). Goodenow also announced a new, dedicated email address for board staff and members to contact NCEES.
- **Credentials Evaluations** – Staff completed a total of 2,304 credential evaluations in 2018, and 202 re-evaluations, where deficiencies were identified in the initial evaluation and the individual completed and submitted documentation of coursework to be reviewed.
- **Exam Administration** – NCEES administers exams in 86 different locations including 45 jurisdictions and 7 international sites, and hires 1,100 proctors
- **Records** – A total of 36,076 transmittals were completed in 2018, and 63,233 work experience entries were added. Goodenow explained that all work experience goes through a double review process involving licensed professionals and that timeframes are automatically calculated by NCEES system, which does not allow overlap and also requires the verifier to input the their registration information to ensure they were licensed for time period they are verifying.

At both the MBA and BPA meetings, the topic of law enforcement was framed as an important aspect to justifying why licensure is needed and several jurisdictions indicated that their legislators and other interested parties are asking if they have an active enforcement. The Enforcement Exchange is a nationwide, web-based database that allows NCEES member boards to enter disciplinary actions for their jurisdiction as well as review actions in other jurisdictions.

Continuing Professional Competency Registry – The Continuing Professional Competency Registry is a free repository for engineers and surveyors to use to house their continuing education documentation. The MBAs requested NCEES staff promote the CPC Registry and discussed ways to encourage registrants to utilize the registry. NCEES staff noted that they are looking at offering applicants the option to download the materials and then personally transmit to jurisdiction rather than just allowing them to transmit through NCEES.

Threats to Licensure – NCEES CEO David Cox stated that licensure is increasingly viewed as protection of the profession rather than of the public, and encouraged attendees to reframe. He also discussed flawed arguments for consumer choice and identified the top threats as sunset reviews, increased oversight/ weakening boards' authority, board consolidation, Executive Orders, compacts, and lack of distinction between occupational and professional licensing. Cox recommended boards develop less burdensome applications and thoroughly review laws and rules to ensure they fall within the concept of common sense / reasonable regulation. Cox stated that Victor Schinnerer & Company, Inc. (a risk management company) reported licensing requirements reduced racial wage gap 43% and gender wage gap by 36%.

NCEES BPA/MBA Meeting Summary

NCEES CEO David Cox said the National Transportation Safety Board (NTSB) asked for NCEES assistance to see how many jurisdictions require licensed professional engineer oversight/ approval of natural gas infrastructure projects or if an industrial exemption exists, following the gas explosion in Massachusetts and encouraged all jurisdictions to respond.

Public Affairs and Outreach – NCEES Director of Public Affairs Nina Norris provided updates on Engineers without Borders initiative and DiscoverE Engineers Week. Norris stated that NCEES would be donating 3 million over 3 years to EWB to develop better connections with engineering college students, professors and university staff, student chapters of professional associations. Norris commented that students and faculty were not responding to NCEES, but respond to a third party (EWB), citing a notable increase on submissions for the NCEES Engineering Award from low 20s in prior years to 92 in 2018. Norris also provided an overview of DiscoverE Engineers Week program, which began in 1951 and now includes Global Day, a month long series of webinars, Future City design competitions, and Girl day.

Lance Kinney of the Public Outreach Task Force gave an overview of the types of resources available through NCEES. Resources and outreach materials include speaker kits, short videos on licensure, engineering, and surveying, on-site support by NCEES staff members, marketing materials and K-12 activities. The group also discussed the difference between advancing licensure vs. the profession, and the role of NCEES and member boards to focus on licensure.

Additional topics covered during the MBA meeting included:

E3 system Update - NCEES staff walked through the E3 system, highlighting certain tools and resources including presentations, position statements, enforcement guidelines and the institution look-up that allows board staff to verify ABET-accredited programs within E3. NCEES staff also stressed the importance of keeping board profiles current, explaining how the information is used to provide statistical data on national trends and comparisons between jurisdictions.

Records Advisory Group – NCEES established an advisory group of MBAs from jurisdictions that are considered “heavy users” of the NCEES Record. The group met to discuss potential changes and updates to the record, including the possibility of the record replacing a state specific application form for some jurisdictions or allowing for a more simplified application form. The group is also working with NCEES staff to implement updates to the Record to allow a record holder to submit to multiple jurisdictions at one time.

In regards to the work experience verifications, NCEES staff explained that when a verifier signs off on experience, the system automatically calculates the timeframe, does not allow overlap and checks the verifier’s licensure status to ensure the verifier was licensed for the duration of the time being verified.

In the coming months, NCEES will be offering a webinar to show the NCEES Record from the applicant’s perspective and the advisory group is developing a survey for additional input on how the record could be improved to better meet each jurisdictions needs.