1 2	CTATE OF ALACKA					
3	STATE OF ALASKA DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT					
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5 6	BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS AND LAND SURVEYORS					
7						
8	MINUTES OF THE MEETING					
9 10	<u> Monday, April 24 – Tuesday, April 25, 2017</u>					
11	By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a					
12	scheduled meeting of the Board of Registration for Architects, Engineers and Land Surveyors was					
13	held on Monday, April 24 and Tuesday, April 25, at the KeyBank Center, Fairbanks, Alaska.					
14	nera on Fronday, riprin 2 rana raesaay, riprin 25, at the Rey Bank Genter, ran banks, rhaska.					
15	Agenda Item 1 - Call to Order/Roll Call					
16						
17	The meeting was called to order by Chair Brian Hanson 9:51 a.m. (The meeting was initially					
18	scheduled to begin at 9:00 a.m. and was pushed back due to flight delays.)					
19						
20	Board members present, constituting a quorum:					
21						
22	Catherine Fritz, Architect					
23	Dave Hale, PS, Surveyor					
24	Brian Hanson, PE, Civil Engineer, Mining Engineer					
25	Elizabeth Johnston, PE, Electrical Engineer					
26	Richard "Vernon" Jones, Public Member					
27	John Kerr, PS, Surveyor					
28	Colin Maynard, PE, Civil Engineer					
29	Luanne Urfer, Landscape Architect					
30	Fred Wallis, Mining Engineer					
31	D. J. J. CCIV. A. J.					
32	Board member Jeff Koonce, Architect joined the meeting at 10:10					
33	Attending from the Division of Comparations Dusiness and Dusfessional Licensing work					
34	Attending from the Division of Corporations, Business and Professional Licensing were:					
35 36	Alysia Jones, Executive Administrator					
37	Sarena Hackenmiller, Licensing Examiner					
38	John Savage, Investigator					
39	Sara Chambers, Deputy Director					
40	Sara Ghambers, Deputy Director					
41	Agenda Item 2 - Review/Amend Agenda					
42	The Board reviewed the agenda and A. Jones noted the following corrections to agenda items:					
43	Item 6.B. Regulation Project Updates					
44	Item 7 G. Resignation Letter from Kathleen Schedler					
45	Item 15 D. Clarification on design professionals and installation					
46	Item 15 E. Board evaluation forms					
47						
48	On a motion duly made by Colin Maynard, seconded by Fred Wallis, and approved					
49	unanimously, it was					
50	RESOLVED to accept the agenda.					

Agenda Item 3 - Ethics Reporting

There were no ethic violations to report.

Fritz mentions that she attended the Western Region NCARB meeting with Urfer in Jersey City in March and submitted a report. The Chair attended a meeting of the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) on behalf of NCEES in March. The Oregon Board is similar to ours in that it is a large, a multi-discipline (no architects) board. However the Oregon Board meets one day every month and does a lot of work and outreach outside of the scheduled board meetings including an annual surveyor/ engineering forum. Kerr asked if the board received compensation for outreach and the Chair responded that OSBEELS has an outreach budget. The Chair added that the Board is very active in the community.

Kerr also asked if ortho-imagery was discussed at the OSBEELS meeting. The Chair explained it was a big issue for the Oregon Board right now and is an education opportunity for them.

TASK: The Chair will share OSBEELS flier on ortho-imagery with the Board.

The Chair welcomed Elizabeth Johnston, who assumes the electrical engineer seat on the Board as on March 1, 2017. (Still pending confirmation)

Elizabeth has a Master's degree in Electrical Engineering from UAF and is a registered Electrical Engineer in Alaska working for DesignAlaska. She previously served on several Institute of Electrical and Electronics Engineers (IEEE) committees and boards but wanted to give back to Alaska and decided to apply for the AELS seat.

The Board members and staff introduce themselves to Elizabeth.

Agenda Item 4 - Review/Approve Minutes

The Board reviewed the minutes of the February 8-9, 2017 meeting.

On a motion duly made by Colin Maynard, seconded by John Kerr, and approved with one abstention, it was

RESOLVED to approve the minutes of the February 2017 meeting.

Johnston abstained since she was not present at the February meeting.

Agenda Item 5 - Investigative Report

The Board's investigator, John Savage, said he is looking forward to meeting the new board members and staff at the August meeting. Savage also mentioned that Lloyd Nakano from the Fire Marshall's Office is interested in talking with the Board at the next meeting since it has been awhile since he has met face to face with the Board and Nakano would like an opportunity to meet the new Board members and staff.

Savage congratulated the Board on HB 48 passing.

Licensing Examiner Sarena Hackenmiller joined the meeting at 10:09am after proctoring the AKLS exam.

Savage said he hopes to spend more time out in the field soon and shared that one of the new investigators will be shadowing him and acting as backup for John on AELS investigations.

Savage asked the Board if there were any questions regarding his investigative report. The Board did not have any questions.

Board member Jeff Koonce joined the meeting at 10:10p.m.

The Chair asked who has met with John since the February meeting. In addition to the Chair, members Jeff Koonce and John Kerr have also met with Savage on cases since the February meeting. The Chair added that the majority of the cases tend to be related to individuals working outside the scope of their field of practice: engineers that think they are architects and vice versa. The Chair explained Savage has a form you fill out for each case that they are continuing to tweak. Savage explained the form helps keep a record of what was talked about, the agreed upon direction for him to go, etc. and asked the Board to consider adding more detail to regulations for the Board to fall back on.

 Fritz suggested that there may be an opportunity within our ongoing Guidance Manual update project to include more clarification regarding what constitutes a major infraction and what may be considered minor, along with some example and use that information to then look at updating regulations.

Savage also mentioned that he will work on spreading out the reviews as appropriate among the board rather than requesting assistance from a select few. Savage thanks the Board for their assistance and feedback with the investigations.

Agenda Item 6 - Regulation Updates

6.A. Regulation changes to 12 AAC 36.060, .061, .062, .063, .064, .065, .105, and .990

A. Jones reported the regulation updates were delivered to the Lt. Governor's Office on Friday, April 21, 2017. (*Update: Signed on 4/25/2017 and regulation updates will take effect May 25, 2017*).

Maynard asked about the version presented in the Board Packet which contained hand-written notes. A. Jones explained the hand-written notes were text edits made by Department of Law staff (Steven Weaver) that addressed some references to the regulations we were removing. By allowing their text edits, the Board could move forward with the current regulation project as intended and other updates could be part of a future regulation project. The Board reviewed the technical edits.

TASK: Chair requested a clean copy to be sent to the Board.

6.B. Regulation Update Projects:

1. Update Education Requirements for Architects - Fritz reminded the Board that NCARB implemented new education guidelines in February which involved restructuring the Broadly Experienced Architect (BEA). She explained all education is now under one umbrella, whereas previously there had been education guidelines as well as education standards. Fritz said the AELS Board follows the NCARB criteria for initial applicants, however noted inconsistencies with the alternative paths which include non-accredited degrees and non-architectural-related degrees.

related to the high cost of alternative pathways. Fritz reported that she and R. Jones met this morning to discuss updates to our regulations and believe the information provided by the NCARB model offers the AELS Board a better standard for reviewing alternative education. The other area Fritz and R. Jones plan to review is the work experience requirements. The Board discussed previous issues regarding the comparison of older education requirements to current standards and options for how to handle those types of situations. Fritz confirmed that any updates would not create a block for pathways, but to find education, experience and examination requirements that are consistent with the requirements for initial applicants. Fritz will draft suggested updates which may include an education and work experience requirements table similar to the ones we have for engineering and surveying. Fritz and R. Jones will bring their proposed updates at the August meeting.

Fritz mentioned the new criteria appears reasonable, and addresses previous concerns

Jones refers back to Item 6.A. and asks if it needs to be reposted with the edits. A. Jones and the Chair explain the text edits done by Law have been moved on to the Governor's Office and do not require any action by the Board.

 2. Use of NCEES Record in applications – The Chair did not have an update on NCEES Record, however the Board discussed the possibility of streamlining processes for applicants who are licensed elsewhere and have been practicing for a determined number of years without any disciplinary action being approved by Board staff versus having to wait for the Board to review at a quarterly meeting. The Chair mentioned there is a move right now to look at simplified paths for licensure for people who are already licensed in other jurisdictions. The Chair added that this topic will be discussed at the NCEES Western Zone meeting in mid-May. The Chair also noted those in favor of the movement recognize state specific exams/requirements such as our Arctic Course. R. Jones shared that his predecessor had asked the Board to consider allowing staff to licensee applicants who were model law, but the Board at that time was not willing to allow that. Several Board members expressed their interest in removing hurdles, but were concerned about the requirements or lack thereof in other jurisdictions and the vetting process.

Chris Miller joined via telephone at 10:36a.m. to observe. Peter Flint mentioned he was also on the phone to observe.

The Board expressed their interest in looking into the issue more and mentioned the possibility of having John Savage run checks on those that were expedited and developing standards by which to review those applications to be consistent. The Chair said he will start working on it and will have something to present at the August meeting and hopes the next chair will carry the torch.

TASK: Hackenmiller offered to provide some information on application review/ approval process.

3. Licensure Pathway for Software Engineers – The Board discussed the need for a definition of software engineering. Johnston mentioned she had previously done some work on computer engineering society within IEEE.

TASK: A. Jones will provide Johnston and Maynard with a copy of the materials provided in the February 2017 Board Packet regarding software engineering.

TASK: Johnston and Maynard will provide a proposed definition for Board review at the August meeting. The Chair offered to assist as well.

Agenda Item 7 - Board Correspondence Received since February 2017

7.A. CLARB

1. Inquiry from CLARB CEP re: Status of Landscape Architect seat – Urfer mentioned there has not been a lot of communication from CLARB. A. Jones reported that she has been updating Joel regarding the status of HB 48. CLARB provided a letter of support in February.

7.B. NCARB

Fritz, Urfer and Koonce provided a summary of high points regarding NCARB activities and communications. Fritz referred the Board to Item 22 which includes her Travel Summary Report for the WCARB meeting held in Jersey City in March.

Fritz mentioned there was a lot of information regarding elections, which occur annually. One of the major items discussed at the meeting was the consolidation of the regional and national organization fees. Fritz explained that the threat of deregulation is getting serious in some states. Fritz also mentioned there was an overall sense at the meeting to modernize our methodologies to get people licensed. Urfer added that there were a lot of discussions regarding threats to the profession and overlapping services. Urfer also noted a recurring theme of the need to educate the public as to the importance of architecture and what architects do. Urfer and Fritz warned the Board that there is a person from California that is contacting Boards advocating an alternative to NCARB and NCARB is cautioning state boards to be wary if contacted. Koonce mentioned he had received the notice. Board staff noted that they had not received any notice yet.

 Fritz and Koonce mentioned there will be more information to share after the annual meeting scheduled for June. They mentioned NCARB is looking at profession as a whole and how to encourage licensure. Fritz also mentioned the NCARB Board is seeking to increase diversity on the Board.

Agenda Item 9 - Financial Report

9.A. FY17 2nd Quarter Report – Sara Chambers, Deputy of Director of Corporations, Business and Professional Licensing joined the meeting telephonically at 11:02 a.m. and explained the 2nd Quarter Schedule of Revenues and Expenditures Report for this non-renewal year. Chambers mentioned the 3rd Quarter information tentatively scheduled to be out end of April and explained the delay was due to the implementation of IRIS paired with changes in personnel that analyze this information. Chambers noted that indirect costs went up for the Board and plans to provide background and details regarding the increase at the August meeting.

9.D. Fee Analysis - The Chair asked when the Executive Administrator position was filled. A. Jones explained R. Jones retired at the end of August 2016 and the position remained vacant until A. Jones started January 9, 2017. The Board asked for projections for FY 17. Chambers explained that the department typically projects by division, not by individual program. Chambers mentioned that the Board might have a better idea of items that will impact the expenditures including anticipated travel, legal fees, and/or regulation projects. The Chair said the projected expenditures information is needed in order to appropriately adjust renewal fees in the coming fiscal year. A.Jones stated that the Fee Analysis provided in the Board Packet was from 2015 and was provided for reference only. Chambers explained the fee analysis typically comes out 6 months prior to renewal and is currently set for June 1. Chambers recommended that the Chair coordinate with Alysia and Janey, the Division Director to discuss the most effective way for the Board to provide comments given the deadline may be before the next meeting in order for any fee updates to go out well in advance of the renewal deadline. Chambers asked the Board to keep any trends, planned regulation projects,

anticipated investigations for the coming years. The Chair anticipates a modest (10-15%) reduction in fees as the Board hopes to maintain a small surplus.

Maynard added that at both the House and Senate Finance Committee hearings he was asked why the Board had such a large surplus. Maynard said the Legislature would probably be in favor of the surplus being brought down to the \$500,000 – 600,000 range. Kerr pointed out that if the Board reduces its travel budget, it will have even a great surplus. Kerr took the question to the Society of Professional Land Surveyors and said they recognized the importance of face-to-face interactions. Kerr asked if we would see changes in the Board's expenses and what those changes might be.

Koonce asked how IT and the tablets (laptops) get allocated to the individual Boards.

Chambers explained the laptops are for use by any board, so it is an indirect expense being allocated to all professional licensing board for meetings and this cost will not be solely born by AELS.

The Chair requested an update on the investigator costs as it relates to HB 90. Chambers notified the Board that the bill was moving forward out of House Finance Committee, but the bill has not made it to the House floor or the Senate yet. Chambers reported some boards are in favor of it, but most have not taken a position because they have not met since the bill was introduced. Chambers added that to-date there are no boards that officially oppose the bill. Maynard mentioned the Realtors Board submitted a letter, however Chambers stated it is the Realtors Associate and not the licensing board that is against it. AK Real Estate Commission not interested in taking a position.

Chambers asked if the Board had any questions about the bill. The Chair asked why the Board should support the bill and shared the Board's concern about losing their investigator. Chambers said based on the current analysis a fee of \$55 per renewal (biennially) would be charged to each licensee and said would all investigative/ legal expenses would be pulled out the fee setting equation and put into a separate pool divided by the number of licensee. Each licensee would pay that fee and it would act as an insurance policy, otherwise licensing fees might need to increase dramatically to cover the lawsuit or dramatic investigation that could not have foreseen.

The Chair expressed the Boards' concern that they would lose their investigator. Chambers explained the assigned investigator for the AELS Board would not change as that is in statute. The Chair asked how investigative costs would be billed.

TASK: Chambers agreed to follow up with Director Hovenden regarding how investigator's time will be billed and will communicate that information through Alysia to the Board.

 The Chair offered the scenario that based on our current number of licensees, which is approximately 6,000, HB90 would more than double the AELS Boards investigative cost while not providing any benefit. Chambers explained based upon the analysis done by Director Hovenden, each AELS would pay \$34 more per biennium.

Chambers asked the Board if there were any questions she could pass on to the Director related to HB 90. The Chair said the Board would draft a letter.

Hale expressed his concern that travel, which members think is directly beneficial to the Boards mission and is only 1/10 of the Board's budget is being cut, while the Board is being asked to

increase investigator fees. The Board expressed their frustration with the travel restrictions and

50 feel licensees are getting charged more and getting less. The Board and Chambers discussed the

memorandum regarding travel restriction waiver from John Hozey, Director of Boards and Commissions to Commissioner Hladick dated January 19, 2016 (Item 30.F.9.). Chambers explained the travel restrictions were put in place a year ago and are at the Governor's discretion. Chambers added that the AELS Board is allowed to send more people to out-of-state meetings and conferences because the national organizations (3rd party) covers the costs. In state travel is granted based upon need and any requests outside the most cost effective options are highly scrutinized. Chambers further explained that what each program spends affects everyone else as expenditures are viewed at the Division level.

The Chair commented that the Board feels like they are being asked to jump through a lot of hoops while trying to be efficient. The Chair provided the example that to cut costs and be able to meet in Fairbanks, all Anchorage Board members traveled the morning of the meeting, however, flight delays impacted the start time of the meeting as there was not a quorum at 9:00am. Several Board members also expressed their frustration at not being able to use AELS funds to purchase refreshments for an outreach event with engineering students at UAF.

Chambers recognized the importance of travel for the AELS Board, and acknowledged that as a multi-disciplinary board, missing a conference or annual meeting has the potential to cut out interaction with an entire profession and as a result the Board staff and Division have fought to justify more people attending meetings. Chambers acknowledged that there are more steps in the travel process, but the goal is still to get Board members where they need to go to successfully carry out their mission.

 Koonce asked if the Board can put together an annual travel budget for their meetings and get it approved once rather than having to request approval for each meeting. Chambers stated there is an annual report which contains proposed travel for the next year. The Division does set an annual working budget based upon the annual reports, however travel is not just a budget issue, but also a risk management issue and the Division needs to know who exactly will be traveling and when, which is not always known at the time the annual report is due. Chambers added that she is open to ideas for streamlining the travel process and is willing to take any suggestions the Board has to the Department of Administration who makes those policies. Koonce clarified that he was referring to the AELS Board meetings only and not national organization meetings. Chambers encouraged the Board to submit those requests early and those could be taken all at one time.

 Fritz said she felt that the Board did not have any input or control into the budget process and there was no method for the Board to establish budgetary goals for outreach. Fritz circled back to the discussion on HB 90 and said it feels like the Board is required to pay for things it does not need, but can't pay for the services and things that they do need. Chambers recommended that the Board use the annual report to include anticipated costs for outreach events and materials. Chambers also shared that this year the Division proposed a higher spending authority for professional licensing, which would provide some additional flexibility.

Maynard asked if the Division has ever gone for a supplemental. Chambers responded that they are going for their first supplemental now. If approved, the Division will buy updated computers and monitors for staff to address some deferred maintenance.

<u>9.B. Status of laptops for application</u> – Chambers notified the Board that the laptops are available for use in Anchorage and Juneau and have already been used by one of the other boards. Chambers added that the Division will be purchasing a case at the beginning of FY18 so the laptops can travel to locations outside of Anchorage and Juneau and briefly discussed the reservation process. Kerr

asked about the cost of the laptops. Chamber explained the laptops are included under indirect costs and are owned by the Division and are available for the Boards on a first come first served basis.

Chambers left the meeting at 11:59 a.m.

The Board continued to discuss travel restrictions. Maynard argued that the State doesn't have the equipment to effectively and efficiently conduct meetings via teleconference and discussed the additional logistical requirements necessary to accommodate board members attending in three locations.

Fritz expressed her concern that no Boards have officially opposed HB 90 and requested the Board officially take a position. As a non-voting member of the board, Urfer stated for the record she does not support HB90 and does think that it serves any purpose for this Board. Maynard added that he personally sent a letter to House Finance recommending that people in the professions with the highest investigative costs cover the cost.

Agenda Item 10 - Executive Session - There were no items for the Board to discuss in Executive Session.

12:06 p.m. Adjourned for lunch.

1:13 Called to Order. Roll call, all present. Peter Giessel joined the meeting telephonically.

Agenda Item 13 - Public Comment

Peter Flint: My name is Peter Flint, I'm a professional land surveyor licensed by this Board and I am here representing myself. I am going to try to keep it short today. I was trying to prepare for this meeting, and I find – I am here to implore you to keep the website going a little smoother. We still only have Sarena listed as the contact person on the website. I was going to email her a bunch of questions, but I decided to just come down here instead. I am sure there are things in the board packets that I am not supposed to see that have to deal with investigations and stuff, but it would be really helpful for me to help prepare myself for these meetings if members of the public could see the agenda packets, like City Council meetings, you can see the whole packet that's open to the public. Other than a list of things that you guys are going to be talking about there is no background information for the public. I'd like to be able to see that.

 And also I'd like to see a link to the recordings because I was going through the minutes from the previous meeting and I got down to a point that particularly interested me as a land surveyor and then there was this discussion happening and all it said in the minutes was a long discussion followed and that's the part of the meeting that I was most interested in. So I'd like a link to who to email to who to talk to or maybe just a link to the minutes if that could be made clearer that would help us as members who are regulated by this Board to thoroughly prepare for these meetings. And I think that is all I have for today, I might have some more for tomorrow. Thank you.

Chair: Thank you for testifying. Vern do want to share some information?

R. Jones: All you need to do to get a copy of the recording is request one from Sarena or Alysia.

Hackenmiller: For now, but it is good feedback to put it up on the website.

Chair: What is the history on the board packet? We haven't normally provided that.

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Hackenmiller: I don't see why we couldn't.

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Chair: I think we have provided the agenda through the list serv.

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Hackenmiller: It's just recently become an electronic packet and I think maybe that was all it was. I think now it would be no problem.

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R. Jones: Just check that it is public record before the meeting.

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Kerr: And it's usually not completed until the very, very last minute.

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A. Jones: We were still getting information on Friday.

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Chair: Maybe we can add an item under New Business and we can talk about it a little bit then if no one has any objections. Thank you for that. Peter Giessel on the phone, it is your turn to speak if you'd like to.

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Peter Giessel: Okay thanks, I was kind of hoping that you would have already covered Item 7.F. before this but I just thought I would give you some examples. You have of course my letter, but some examples from our external website that I pulled down today. One example on one of the pages that I retrieved this morning from our external website says that Jerry DeHaas, senior discipline engineering advisor "The work of a mechanical engineer is complex, but Jerry DeHaas says that success comes in simplifying even the most complicated challenges. A Senior Discipline Advisor based out of Fairbanks. DeHaas laughs when he describes himself as 'just a mechanical engineer working from one end of the pipeline to the other'." A little further down he goes "I've done piping vibration work, pump compressor work, and facing various technical challenges that are all part of engineering," DeHaas said. "The Siemens part of it has been the most involved and challenging. But we're all different. Some people like working on washing machines. I like working on turbines." So, I mean all over our website, Alyeska Pipeline says that they do engineering. To be an exempt company per the statute you have to not advertise doing engineering. Another example on another page is about an exhibit at the museum. It said "Monica Shah, the museum's Director of Collections and Chief Conservator, reached out to Alyeska. She hoped TAPS engineers could advise on potential dismantling strategies. If the museum crew could get the pipeline display apart, they could then move the parts to large doors 19 feet away and remove it via crane.

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- "What was really difficult about it was there was no record of anybody putting it in there," said Valisa Hansen, the Alyeska Project Coordinator who led the effort to support the museum.
- 41 "What was really difficult about it was there was no record of anybody putting it in there," said
- 42 Valisa Hansen, the Alyeska Project Coordinator who led the effort to support the museum.
- 43 Hansen and Senior Engineering Director Betsy Haines visited the exhibit in late July. Up close, they
- found little room for maneuvering: the front and back ends of the pipe hovered a snug 47 inches
- and 22 inches from the ceiling, respectively.
- 46 "I didn't really see how they were going to fit a forklift in there with limited room," Hansen said.

- 1 Several colleagues suggested slicing the pipe into smaller pieces onsite, but that wasn't a good
- 2 option for the museum crew due to permitting requirements and the tools and labor they had on
- 3 hand. Hansen busted out her measuring tape and got to work.
- 4 "Overall, this project was more demolition, more of the construction side of things," Hansen said.
- 5 "The part I helped with, that's engineering looking up weight, the sizes, the specs."
- 6 That's offering engineering to the public. The museum is not Alyeska Pipeline that is an external
- 7 organization. They say in their own PR page on their external website "we did engineering for
- 8 them". I find it hard to see how they can continue to claim to be an exempt company continuing to
- 9 do this, continue to put on business cards mechanical engineer, electrical engineer, etc. as they
- 10 hand them out to people outside the organization. Do our statues mean anything? Are we going to
- enforce this or are we just going to let it slide? That is a question for you guys and I'd like some
- 12 clarify on it.

Chair: Thank you for that. So I guess I have a couple questions on that. Do you have pending complaints? A simple ves or no answer would be appropriate there.

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Giessel: No. I submitted one, it was answered as it is stated in the letter and now it's kind of in limbo where there's been an answer to the complaint, but Alyeska's legal division disagrees and I don't know where to take it from here. I'm looking for some guidance from the Board on whether this is indeed a violation in which case I can submit another complaint, or if no action is going to be taken in which case then why should I bother. I'm looking for some guidance on what the Board feels about this.

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Chair: I don't want it sound like a canned response, but we do investigate all complaints. If you feel there is a violation we will certainly investigate it. Don't feel like you are wasting our time – or the Board's time. It would be premature for us to make a decision on the phone here just listening to what you said as to whether it would be a complaint, but I would encourage you to submit a complaint if you feel there's been a violation to this statute.

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Giessel: I did submit a complaint and it came back with there are clear statutory violations, but we're not sure if we can do anything. And so, to me clear statutory violations, means clear statutory violations. So I took it to our legal department and said, hey look – clear statutory violations and they said "No they're not". So I need more clarity than the complaint response I guess.

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R. Jones: If that went to John, then John has either opened a case on it or is getting ready to. So I would think we need to just leave it with him.

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Chair: I think it has already been closed.

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Giessel: It has already been closed.

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Kerr: So, can I know anything about the case or since it's closed does it matter? It could be reopened. It may not be good to talk about this now.

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Johnston: He had a pretty extensive letter in the Board Packet.

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Maynard: I did read it. Just calling employees whatever kind of engineer, you can do that as an industrial company as long as they are working on the facilities of that company.

Giessel: Even if you're advertising their title outside the company that's okay?

Maynard: As long as you're not offering to do engineering services for somebody else, then yes.

Giessel: In the definition of offer is assume a title on a card.

Maynard: There are a number of State employees that are *engineer this* and *engineer that*. They are

not offering engineering services outside. That's perfectly legal.

Giessel: Ok, again going back to the statute. The statute says offer means to represent oneself by means of card, written communication, as an engineer.

The Board pulls up the referenced statute Sec 08.48.321 Evidence of Practice and reviews.

Giessel: reads statute Sec 08.48.321 "by verbal claim, sign, advertisement, letterhead, card, or other means represents to be an... engineer... or through the use of some other title implies that the person is an... engineer... is sufficient that's the definition of practice there.

Maynard: And are the people handing out cards licensed?

Giessel: No, many of them are not. Including the ones I had previously given to John.

Chair: I'll take this back to John and talk to him about it. And we'll provide a response to your letter.

Giessel: That would be great. Thank you.

Chair: It may be a little while before we send a response to you, but it is on our To Do list. Do you have any further comments?

Giessel: Okay, that's all I ask is that we get a little more clarity here because the statute seems to say one thing and practice seems to be something else.

Chair thanks Peter Giessel for his comments and invites Chris Miller to speak.

Chris Miller – Hello. Good afternoon. I came today just because I love to visit when you come to Fairbanks, I feel like it's my job as being one of the licensees you regulate. I too read the minutes and agendas every month when they come out, always looking for something that I feel that I can offer to the Board. I too struggle with not having the whole background, but I've found a way of basically asking nicely for specific items where the title is interesting to me. The more obtuse the titles are the less likely you are going to get a comment from me. So this one was, I forget how it was written in the agenda, it was something like engineers for certifications 15 C. Clarification on design professionals and instructions [15.D. Clarification on design professionals and installation]. That's a pretty obtuse agenda title. I was able to get clarifications and what I believe this is all about – which is actually near and dear to my heart is – good example an emergency generator for a hospital is required to be because it is a hospital and because of the function that it serves it is required to be certified as suitable for its seismic zone, which normally comes from the manufacture that can do that, and that is perfectly permissible for all kinds of reason, but sometimes there are provisions that allow that to be done by analysis by an engineer whose to do that. Frequently it's a very specialized person that does that analysis, but it seems logical that that person should be an Alaska

licensed engineer. I just had another one today for a water tank - giant water tank - 100,000 gallon water tank that's being provided by a manufacturer. It clearly needs to be engineered, it's not a manufactured product, it's clearly an engineered product and it's going to be delivered, but shouldn't that be done by an Alaska licensed engineer or does it fall under the manufacturer's guidelines. So I believe that was the essence of the discussion it is always a quirky one. We have had difficulty with it when we are specifying it, asking for that generator. We usually say OSHPOD which is the California seismic standard. It's a certification body. If it has OSHPOD, we call it good enough. But for things that don't fit within OSHPOD that's when you are going to get into difficulty. Who's the specialist, who's the person, is it an Alaska licensed engineer or is it a qualified engineer that's going to do it. So I understand some of the difficulties that brings and if somebody is asking for clarification about how to do that, I don't have a silver bullet, although maybe it's in the same line as

the discussion that was just being had, it's kind of an understanding and this is where it is being done, so that we can all cover the public's safety and interest. So that was my topic of today. Seismic certification – I am just making an assumption after asking the staff what that topic was about and I

don't have any other comments for today.

 R. Jones: I believe engineered products that come into the state are required to have an Alaska stamp, aren't they?

Maynard: I would think a metal tank would be no different than a pre-engineered metal building, it requires an Alaska stamp. Especially one that big.

Chair: Typically that would be done through the site adaptation for a product.

A.Jones explained the initial question was a phone call to the Board staff regarding a seismic generator that she brought to Colin.

Maynard: Yes, and for attaching a generator even at a hospital does not require a structural engineer. A civil engineer can design the anchor bolts for it. Now the structure of that hospital probably would require a structural engineer if it is over a certain size, but not the generator next door – in my opinion.

Chair: Any other comments? I don't know if that helps you?

Chris Miller: I was just trying to help you. We struggle with these manufactured products frequently. Not that a line needs to be drawn, but at least there is an understanding and we can have a discussion much to that generator can be bolted down by an electrical if they know what to do. It could be bolted down by a mechanical. Tanks, and stuff like that mechanicals clearly bolt those down all the time. It's not a jurisdictional thing, it's just is there an Alaskan involved or is it just coming in as a manufactured product.

Chair: I know as a rule of thumb the pre-engineering metal building is probably the best example of a pre-engineered product that we have a specific policy against allowing those to just be bought, engineered and erected on site without the involvement of an Alaska design professional. A 100,000 gallon tank and things of that nature, a generator if the code requires that it meets certain seismic requirements we would anticipate seeing an Alaska design professional to validate those requirements. Maybe not the design of the generator, but the attach points and any other features that might need to be taken into consideration.

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Chris Miller: Frequently this are related to the interior components and because it comes from ASCE7 and it comes from the IBC and all those things, that's where it gets pulled in, it's a reasonable understanding that that's where that comes from.

Chair: To take it a step further we would rely on the Alaska design professional that's prepared the specifications for the project to follow through with that requirement that the proper design professional is employed to meet the required code and follows Alaska statutes as well.

Maynard: This could apply to air handling units that sit on a roof. The actual box designed by manufacturer, who hopefully has the locally licensed engineer up here doing the attachment. The attachment would need to be done by a locally licensed engineer. There are other ways for them to certify their box, ICC acceptance criteria, among others.

As there is no further public comment, the Board returns to

Agenda Item 7 - Board Correspondence Received since February 2017

7.C. NCEES

<u>1. News Release – NCEES Seeks Surveying Volunteers</u> - The Chair mentions the deadline has passed for the online survey for surveyors.

<u>2. Western Zone Call for Nominations</u> - The Chair asks if anyone is running for the secretary and treasurer positions with NCEES.

<u>3. EAS Board Visitors for NCEES April Exam Administration</u> - The Chair mentions the deadline has passed for Exam visitors.

<u>4. Confirmation of Associate Memberships for Sarena & Alysia</u> - The Chair announces that Alysia and Sarena are associate members. The Chair asks if they are both considered new members and the Board discusses potential attendance at national meetings. Hackenmiller states per state policy only one staff member is allowed to attend.

5. NCEES 2022 Annual Meeting Site Selection Process – No comments.

 $\frac{7.D.\ Potential\ Partnerships-response\ to}{SHSC-Michael\ West\ from\ the\ Alaska\ Seismic\ Hazards}$ Safety Commission will be speaking with the Board later today.

 7.E. Oregon Photogrammetric and Remote Sensing Task Force (PRSTF) Info. - The Chair asks Kerr if he has an update. Kerr reported they are having an influx of people using drones to do mapping and the Oregon Board has an outreach planned to educate people. Kerr mentioned the flier that the Chair referenced earlier and he hopes to utilize the flier and any other materials they have developed for outreach in Alaska.

<u>7.F. Letter from Peter Giessel</u> - The Chair explained this agenda item is the letter from Peter Giessel that was referenced by Giessel during public comment. The Chair will follow up with our investigator John Savage regarding this issue and respond to Giessel's letter.

<u>7.G. Resignation letter from Kathleen Schedler</u> - The Board discussed the open seat on the Board following Kathleen Schedler's resignation. A.Jones shared that the Boards & Commissions Office within the Governor's Office welcomes any recommendations the Board may have.

Agenda Item 8 - Board Correspondence Sent Since February 2017

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8.A. Arctic Engineering Requirement Evaluation Letter – The Chair explained this is the letter we sent to UAA, UAF and UW and that we will review the responses under Agenda Item 14.C. The Chair encouraged everyone to review the responses and suggested that the discussion be postponed until tomorrow to allow everyone time to fully review the responses.

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8.B. Alaska State Report for NCARB Regional Summit 2017 – Hackenmiller compiled the report for the NCARB Regional Summit held in Jersey City, in March 2017.

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8.C. Number of Registered Architects – A. Jones responded to a request from NCARB to provide information regarding the number of registered architects and whether they reside in Alaska or elsewhere. (Response included above with request in Item 7.B.10)

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8.D. FOIA Requests

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1. SE Grandfathering – Hackenmiller sent out a reminder via the list serv and the individual requested examples of letters of reference. Hackenmiller added that a lot of people are confused about the process and frustrated with the change. Kerr asked if there was anything the Board needed to gear up for. A.Jones added that the individual was upset about the process and did not think that he should have to apply for a separate license, which has been a typically response seen by the staff for this process. Hackenmiller added that she put out the reminder since we are coming down to the deadline and once that is past staff will receive the brunt of it. Hackenmiller and A.Jones explained that these are included in the packet for transparency and do not require any action from the Board.

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2. Response Letter and records for FE-CBT and October PE exams. No comments.

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8.E. Welcome Email to Elizabeth Johnston -The Chair welcomed Elizabeth to the Board again.

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Agenda item 10 - Executive Session - A. Jones noted that there were no items for the Board to discuss in Executive Session at this time.

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Agenda item 14 - Old Business

34 35 36 14.A. HB 48 - The Board discussed the current status of the bill, which is waiting to be signed. The Chair thanked Colin for his leadership and to Luanne for being there to answer questions.

9.C. Update on AKLS exam piggv back - Kerr asked if the email response indicated the end of the

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Kerr pointed out that we skipped **Agenda Item 9 - Financial Report**, sub-items C. - E.

discussion. R. Jones stated that yes, there was not a large enough demand to make it worthwhile. The Chair stated that we continue to offer it in partnership with the State PLS Society. Kerr asked 41 42 for information about how the exams are administered. Hackenmiller stated that the exam is 43 administered once a year and are only ever graded in May. Hackenmiller ad that there were 13 44

examinees this year and it was administered on Friday, April 21st in Juneau and Anchorage and that she proctored the exam in Fairbanks earlier this morning. Maynard noted that the room in

Anchorage was unacceptable and a more appropriate location is needed for next year's exam.

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9.D. Fee Analysis – The Chair asked if the example fee schedule provided reflects what was actually set. The Board discussed why they were so low in FY 2015 and determined that it was related to the licensing examiner position being vacant for approximately 5 months. The Chair stated that the fees

were set correctly to maintain a small surplus and that he anticipates a slight reduction (10-15%) with the upcoming fee analysis. The Board discussed honing in on a "sweet spot" for fees and the potential impact of HB 90. A.Jones said a response may be required prior to the August meeting and she would work with the Division Director and the Chair to ensure the Board has time to review and provide comments.

Fritz asked about the timeline for the annual report. A.Jones explained the deadline for the annual report is July 1^{st} .

R.Jones said he believed that the money for HB 90 would be a separate line item and that is should not affect our budget. The Board considered how investigative costs would be handled and how HB 90 would potentially affect the fee schedule and revenues. Maynard expressed his concern about the larger boards paying for the smaller boards.

2:25 Break

2:35 Back on record.

The Board discusses **Agenda Item 14.B. - HB 90** in conjunction with **Agenda item 9.D. Fee Analysis**.

On a motion duly made by Catherine Fritz, seconded by Colin Maynard, and approved unanimously, it was

RESOLVED that the AELS Board opposes HB90, as it increases costs to licensees without providing new or additional services.

Johnston asked about our Legislative Liaison and pointed out that the Standing Committee needs a Chair.

 Maynard said ADPC recently discovered that HB-90 is moving and is taking a position. Liaison can write a letter for the Chair to send. Kerr asked if the motion included any action for the Board. The Chair suggested that the Legislative Liaison Committee write a letter for the Chair to send. The Board agreed and noted the letter as a work item for Legislative Liaison Committee.

Kerr requested that we return to **Agenda Item 9.E. – Funds for Outreach Events**

A.Jones stated that refreshments may not be considered appropriate, however printing of brochures would be. A.Jones added that the Board could partner with other organizations to sponsor the refreshments. The Chair explained the Board needs to plan ahead if it is interested in doing similar outreach events to the one planned for UAF on Tuesday, April 25th.

Maynard asked if we can do a memo to establish a budget of \$500 to \$1000 to sponsor events and state the money will be spent at the discretion of the Chair and at least one other member. The Chair stated we do not have spending authority, but there is nothing wrong with asking for it in our budget.

R.Jones warned that the Board might run into issues given the change in spending policies as they relate to covering the cost of refreshments. R.Jones stated that previously the State provided coffee

and tea for board meetings, but not food and now with the new policies even coffee is not allowed, so whatever the Board puts together will still need to be approved by the State.

Kerr questioned whether some of the policies were in contradiction to statutes and regulations. Hale reminded Kerr that the State still needs to pay. Johnston mentioned there needs to be a mechanism for the Board to use funds for various outreach activities including presentations, hosting a booth, etc. and whether or not food is involved is not the main point.

Maynard agreed that there are a lot of other ways we can do outreach. Maynard mentioned UAA has a senior design course that he does a 1 hour lecture for every year. He encouraged that other Board members do similar presentations for their respective disciplines.

R. Jones suggested that the Board include any outreach activities in the annual report and recommended that any outreach we do at UAF, should also be done at UAA. The Board discussed whether outreach should be done at UAS as well. Fritz suggested the Board put together an outreach committee and look at what topics we should address. Fritz noted continuing education.

Several board members mentioned they do give presentations and Johnston recommended a list of what the Board members already do. Kerr said he believed the outreach budget could be used for small travel expenses, conference admission fees and/or booth or table reservation fees, etc.

Hackenmiller recommend that the Board plan the UAA outreach for November rather than August in order to reach the students while school is in session. Hackenmiller also noted that November will be a good time to connect with the seniors and remind them about the new process for registering for the FE/FS exams.

Johnston recommended that the motion include a statement regarding how the money is approved for use so that board members who want to conduct outreach do not need to wait until the next Board meeting and make a motion.

Fritz said the Board will still need to seek approval from the State to use the funds, but the motion shows the State that this is important to the Board.

R.Jones suggested adding more details about what items would be covered. Hale and Johnston stated that specifying how the money would be used has the potential to limit the Board's use of the fund.

Kerr recommended that the Board just get the line item on the budget first and then take any additional steps as needed.

On a motion duly made by John Kerr, seconded by Colin Maynard, and approved unanimously, it was

RESOLVED to add budget item "outreach" with an initial budget of \$1000.00 per year to be spent facilitating communication about Board activities, rules, laws, etc.

Board returns to **Agenda Item14 - Old Business**

14.C. Arctic Engineering Requirement Evaluation Responses – The Chair asked the other members

49 to review the material tonight and be prepared to talk about it on Tuesday. (Note: The Board

adjourned on Tuesday without revising this agenda item. The Chair sent an email on Wednesday, April 26 requesting that each Board member email him directly with comments by May 3rd.)

14.D. Updates to Guidance Manual

1. Adding Ortho-graphic imagery document – Hale reminded the Board that Kerr had updated the version discussed at the February meeting. A.Jones confirmed that the version in the April Board Packet was the most recent version. The Board discussed whether items in the Guidance Manual were board policy. Hale said it provides direction for future board members on how we interpreted things and provide direction. Maynard added that the Guidance Manual is also intended to be used by building officials and state agencies. Urfer recommended editing the purpose to include a broader audience. Hale asked if the Land Surveyor flow chart had been added.

TASK: A.Jones will add the Ortho-graphic imagery document AND the Land Surveyor flow chart.

<u>2. Additions and suggestions from New York's Guidance Manual</u> – Urfer updated the Board on her request for this information. Urfer plans to ask CLARB for the contact information of the NY CLARB member to obtain a copy of their guidance manual.

 The Board looked at the guidance manual and The Chair explained items that are an interpretation of statutes and regulations should be included in the Board Policy because it may not be clear in the statutes and regulations. The Chair suggested that if it is not something that everyone can clearly interpret then it should be added to the Board Policy as well as the Guidance Manual. Urfer suggested adding verbiage about the Board Policy to the purpose section of the Guidance Manual.

R. Jones explained the initial audience for the Guidance Manual was building officials. Hackenmiller added that the Board Policy document is more an interpretation of the regulations. Kerr asked if these two documents could/ should be combined. The Chair argued that they should remain separate because there is certain items that the board feels very strongly about that is not necessarily of interest to the general public. The Board discussed the content of each document and potential updates, including reorganization of FAQs by topic, adding an FAQ regarding when a land surveyor is required in the preparation of ortho-graphic photos, statement regarding the use of UAVs. Hale and Kerr discussed adding information about surveying tools. The Chair mentioned adding the flier from Oregon as well. The Chair reminded the Board that we should not be attacking the tool, but providing guidance related to the practice.

Fritz suggested once revisions to the Guidance Manual are complete that the Board distribute copies to building officials, home buildings associations, and fire marshal offices, or at least send a letter with a link to the Guidance Manual to make people more aware that this document exists.

14.E Changes to 12 AAC 36.100 – A.Jones explained that this was part of the overall regulation updates discussion that took place at the February meeting and was included on the agenda since it had been tabled at the February meeting. The Chair added that it is added to the regulation review project and use of the NCEES record discussion.

<u>14.F Update on EBAS Ethics test for disciplinary action</u> – A.Jones stated this was also a carry-over from last meeting and the Chair was going to check with Colorado who is currently utilizing this test. A.Jones added that the staff received a notice from Nettleman Land Surveyors regarding an online ethics course for land surveyors.

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4	The Chair noted that Agenda item 14.G Use of NCEES Record and Agenda item - 14.H.						
5	Regulation Review are on hold until current regulation update is complete.						
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7	Agenda item 16 - Michael West, ASHSC Chair, Presentation - A.Jones informed the Board that						
8	Michael West was unable to join the Board and would try to reschedule for the August meeting.						
9							
10	Agenda item 17 - Application Review						
11	The Board began reviewing applications at 3:28 p.m. A total of 61 applications for registration						
12	including:						
13	• 38 by comity						
14	15 by examination						
15	6 by grandfathering						

TASK: The Chair will check with the Colorado Board to see why they are using it and if it was a good

The Board adjourned for the day at 5:14 p.m.

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Tuesday, April 25, 2017

8:59 a.m. Board reconvened. Roll Call all present except Johnston.

The Board continued with

Agenda item 17 - Application Review

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The Chair presented an application to the Board for discussion. The Chair summarized the applicant's situation stating he applied to the AELS Board four years ago and checked "yes" for disciplinary action. His case was settled on January 6th and resulted in the applicant having to pass the California Laws & Board Rules examination, take an ethics course, take some college courses, is on probation for two and a half years, and is required to submit reports as the California Board requires. The Chair explained the applicant has waited four years and is now applying to be licensed here. The Chair opened the discussion up to the Board.

Maynard noted that the applicant has made some fairly major structural mistakes and has issues completing projects. Maynard stated that until he has cleared his probation and is in good standing, he is not interested in licensing this applicant up here.

Fritz asked if the examples of mistakes were in California and not in Alaska. Maynard and the Chair confirmed.

Koonce asked if we require applicant to be in good standing. Hale noted the regulations specify verification of practice and current registration. The Chair stated that he has no disciplinary action pending, but that he is on probation. Kerr mentioned good reputation and character are in regulations. R.Jones suggested the applicant resubmit his application after he successfully completes his probation period. Fritz asked if we have a published code of ethics or code of conduct. The Board reviewed 12 AAC 36.200 and .210 professional conduct regulations to determine the Board's authority to grant or deny based upon whether an applicant is in "good standing".

The Chair made the argument that he should be licensed, stating that it happened a long time ago. The Board previously told him to wait and reapply once the disciplinary action was settled and that is what he has done. The Chair stated the Board has already penalized him by making him wait until the case was settled. The Chair suggested it is a situation of double jeopardy, where the Board would be taking someone else's action and using it to deny licensure.

R. Jones asked what license the applicant is applying for. The Chair stated the applicant is applying for Civil. Hackenmiller added that he is also interested in applying for Structural.

 The Chair recommended that the Board grant licensure and added that the Board has the authority to put stipulations on that license. Maynard noted that they were siting his projects as "incompetent work" "lying to clients" "not doing work he said he would". Maynard said "this is not someone we want practicing in Alaska unless he straightens up his act".

The Board discussed the applicants two and half year probation which started in January. However the Chair argued that the applicant's probation started four years ago while this was going on and there have been no additional violations. Maynard added that there violations related to two or three projects.

Fritz clarified that the Board was not aware of the probation four years ago when the application was initially reviewed. The Board only knew there was disciplinary action because the applicant responded truthfully to the disciplinary action section of the application.

R.Jones asked if there were any damages or injuries. Maynard stated that the applicant had to pay the owner \$3,100, but no one was hurt.

 Kerr asked why we would invite someone that has repeated problems being honest and problems with competency to practice in Alaska. Fritz argued that we are not inviting, but the applicant has a right to practice in the State of Alaska if he meets certain criteria. Fritz asks if he has paid his debt through the California Board's judgement. Fritz stated that she is inclined to allow the license with stipulations and/or a probation that may be stricter than California's to ensure his work in Alaska is looked over by somebody, but adds that if his work needs to be looked over, then why should he have a license. Fritz added that she would only support licensure of this individual if there were tight controls or stipulations attached.

Koonce asked if he is practicing now. The Chair confirmed that the applicant is currently practicing.

The Board discussed whether or not licensing this individual with the stipulations would require more work for the investigator and use additional state resources to monitor and continued to review the regulations. Hale referenced 12 AAC 36.210 Professional Conduct (a)(1) and stated that the individual is not "protecting the safety, health, property and welfare of the public..." Fritz quoted from 12 AAC 36.200 (c) stating "A registrant may not practice architecture, engineering, land surveying, or landscape architecture if the registrant's professional competence is substantially impaired." Hale added that it is not our job to prevent people from licensure, but to protect the public and if we feel he is a threat to the public then we should not license him.

Urfer restates 12 AAC 36.210 Professional Conduct (a)(1) and believes the applicant is in violation of this.

R.Jones asked how long he had been practicing when he made the mistakes. The Chair and Maynard responded at least twenty years. Fritz reiterated that he was *caught*, implying there the possible existence of prior violations that had gone unnoticed.

Hale asked if the Alaska Board had faced any similar situations putting a registrant on probation. The Chair described a previous case that involved an individual with multiple DUIs. The Board at that time decided not to license the individual. It was appealed and the Board ended up issuing a probationary license with stipulations that if he got any DUIs within a certain period of time, then his license would be revoked. Hale argued that is more of a moral issue versus the case before the Board now that involves performing below their professional competency.

Johnston arrived at 9:31 a.m.

Hale posed the question of how would we treat someone if our state if the case had been in Alaska. The Board discussed that the individuals probation is state specific, meaning if he works outside of California after six months, then he still owes California two years. The Board discussed offering a license with stipulations and appeared to be in favor on licensing only if stipulations were attached to the licensure and what that would entail in terms of State resources. The Board discussed how the Department of Law would need to be involved in writing the stipulations and how those costs would be covered.

1 Fritz directed the rest of the Board to 12 AAC 36.320 Disciplinary Guidelines (g) and read "The

2 board may impose a disciplinary sanction if, after registration in this state, the registrant has had a

3 disciplinary action taken with respect to a license, registration, or certificate to practice

4 engineering, architecture, land surveying or landscape architecture in another state or territory of

5 the United States, or a province or territory of Canada, unless such action was caused by the failure

6 of the registrant to pay fees to that state, territory, or providence."

R. Jones asked if we required peer review, would the Board have to pay for that review. The Chair responded saying no, the individual would need to hire an engineer and cover the cost.

The Chair asked the Board to first determine whether the applicant was complete before moving any further. Hale suggested that we not monitor the individual and allow him to come back after he has completed his probation.

Koonce asked if he is licensed in any other states other than California. The Chair checked his file and noted he is licensed in California and Colorado. The Chair stated the application was incomplete since he is missing the arctic course and the JPQ (jurisprudence questionnaire). The Chair added that he would like to contact the California Board and Colorado Board to discuss the matter with each of them. The Chair stated that the application is still incomplete and the letters of reference do not provide enough information about the applicant's actual work. Hackenmiller added that he did submit projects since he was applying for structural as well, but completed the wrong form. Hackenmiller also noted that three out of the five references provided all work in the same office so it would be easy to contact them.

The Chair stated he would get a hold of his contacts at the California Board and Colorado Board and suggested that the application needs to come back before the Board once it is complete.

R. Jones recused himself since he is familiar with the file and discussed it with John Savage previously.

The Chair marked the application incomplete noting the arctic course, JPQ and additional investigation.

Agenda item 15 - New Business

<u>15.A. Vacant Board Seat</u> – A.Jones explained that the chart provided in the Board Packet shows the breakdown of licensees if the Board wished to use this information to determine what type of engineer they wanted to pursue for the open seat. A.Jones stated the Boards & Commissions Office welcome the Board's input. The Board agreed that based upon the licensees mechanical makes the most sense.

Hale asked if we had a list of interested individuals. Hackenmiller mentioned we could send a notice out via the list serv to notify subscribers of the opening and include that the most recent incumbent was a mechanical engineer.

TASK: Alysia will ask the Boards & Commissions Office if they have a list of interested persons and/or list of current applicants and will put out a notice on the list serv.

TASK: Sarena – send JQ to Board for revision of questions. Check minutes to see what not required for land surveyors.

<u>15.B. PP35 – Travel Restrictions</u> – A. Jones stated this was included as a reminder of travel restrictions and recommended that we cover it later with the other travel information (agenda items 30.F.).

15.C. Form Updates

1. – Alaska Jurisprudence Questionnaire – A.Jones explained that the staff have been working with Mike Gorman, the publication specialist on updating AELS forms and that the JQ is now interactive, meaning individuals can complete the questionnaire and receive the results in real time. A.Jones encouraged the Board members to test the "Admin version" provided in the Board packet. A.Jones explained individuals can select a "Grade Me" button which will review the questionnaire and let the person know whether they passed and if applicable which responses were incorrect. A.Jones added that Gorman added a "Retest" feature, which will clear the selected responses, so that an individual can retake the test right away if they so choose. A.Jones noted individuals only need to submit the questionnaire once they pass, which save the staff a lot of time and the updated form requires the name and contact information be filled in before the person can submit the form. Hackenmiller added that she is very excited about this update.

Hackenmiller and A.Jones asked the Board to review the questions and provide feedback and/or additional revisions to the suggested edits. After a brief review, the Board determined that it had been several years since they had thoroughly reviewed the questions and decided to take a close look at the questions and suggest updates.

Koonce advised that we limit the number of true false questions as multiple choice are a better check of people's understanding of the concepts and offered to work rewording number 3.

Jones explained that it is an open-book questionnaire to get people to look at our regulations. Hackenmiller agreed stating that applicants often state the regulation and argue points on specific questions. The Board started to discuss specific edits.

The Chair asked the Board not to discuss specific edits during the meeting and asked Hackenmiller to email the Board a list of the questions that are most commonly answered incorrectly.

TASK: Hackenmiller will email the Board the questions people typically miss.

Kerr asked if the questions are equally applicable to land surveyors. Hackenmiller explained that land surveyors are not required to complete the JQ. Hackenmiller offered to do some research in the minutes and see why the Board decided the requirement did not apply to land surveyors.

R. Jones asked how the repealing of the regulations related to the FE and FS will affect verifications. Hackenmiller explained that she can easily pull that information from the NCEES website.

<u>2 - Application Forms</u> - Hackenmiller explained that she has been working with Mike Gorman and that they are in the process of updating the application forms. Hackenmiller said they started with Engineer by Comity application since it was the most complex and then used that as a basis for the other applications. Hackenmiller noted that the applications are split out by field of practice and explained these forms will be interactive as well and there are some will address some of the common issues she encounters, including forgetting to include discipline, how name appears on certificate, etc. Hackenmiller added that the application forms for architects and landscape architects will also be updated. Hackenmiller encouraged the Board to review the work experience verification form in particular and consider if any changes are desired.

Hackenmiller mentioned that Mike has done a great job with the formatting and making things consistent. The Chair asked it if is going to require all fields to be filled out. Hackenmiller responded saying there are certain required fields and the forms are set up so that you cannot continue until you populate those fields.

Hale asked if we can have some of the junior staff test out the application forms and vet the content. The Board agreed this would be a good way to get feedback. The Chair recommended the staff add a DRAFT stamp to the forms before sending to the Board for testing. The Chair asked staff about the timeline for publishing the updated forms. Hackenmiller indicated the sooner the better, however noted that they still need to be vetted. Maynard asked about the inclusion of the word "seismic" in the application and the Board discussed potential updates to the regulation regarding where the term is used.

TASK: Colin, Jeff, and Catherine will review: 36.110.B. and propose updates at the August meeting.

TASK: The Chair requested that the Board provide feedback on the applications to Sarena by **May 9**.

15.C.3. Continuing education credit carry over for first time renewals – Hackenmiller explained that currently licensees have to attest to continuing education credits can carry over up to twelve and there is a space to indicate that on the form, but those on their first renewal who are exempt have no option to carry CE credits. Hackenmiller asked the Board if we can revise the form to allow registrants renewing for the first time the ability to carry over CE credits or if they see any issue with that. The Chair stated that the policy is if you have more hours than are required then you can carry over twelve, so if you need zero and you can carry over twelve just like everyone else. The Board felt the proposed revision was reasonable. Hackenmiller stated that staff would update the form accordingly.

R.Jones asked if allowing carry over defeats the whole purpose of requiring continuing education. Maynard said most people don't have a problem getting the required credits. Koonce noted AIA allows you to have two consecutive years combined only. R. Jones asked Sarena to go out to the other boards to see how many allow carry over. Maynard mentioned that the CE stats are listed by state. Hackenmiller pulled up the statistics and

 R. Jones said he might make a motion at the next meeting to do away with the carry over because of the staff time and resources in keeping track of that information. Maynard proposed getting rid of CEs all together. Johnston stated that she would oppose the motion to get rid of carry over noting it is nice to have some flexibility especially if you have multiple licenses. Kerr mentioned that businesses that previously could not get funding for CEs and are using this requirement as rationale to get funds since it is mandatory and not discretionary. Hackenmiller shared the following statistics from NCEES: Seven boards do not allow carry over, everyone else does. Eight jurisdictions don't require any CEs. All other Board's require on average 30 per biennium. The Board discussed why the AELS board requires 24 rather than 30. Maynard stated that CEs were changed to 24 because that was the requirement for architects.

<u>15.D. Clarification on design professionals and installation</u> – Maynard asked to revisit this item that Chris Miller discussed during public testimony. Hackenmiller explained that staff get questions related to this often and wanted some guidance from the Board. Maynard and Johnston explained that if it is packaged equipment that is certified by a 3rd party testing agency then no. Maynard stated that for seismic equipment you will probably need an engineer to stamp the attachment. Kerr suggested that this information be added to the Guidance Manual. Johnston also mentioned

lightening protection systems that typically have a UL sticker, but then the way in which those systems are attached to a structure can be an issue. Maynard added that the calculations for the attachment would need to be done by an Alaska licensed engineer.

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Johnston asked if there are particular items that the staff gets questions about. Both Hackenmiller and A.Jones noted that it varies widely so general guidance would be appreciated.

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TASK: Elizabeth and Colin will do some research and provide information for Guidance Manual.

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15.E. Board Evaluation Forms – A.Jones explained these forms are contained in the updated version of the Guide to Excellence in Regulation for Professional Licensing Boards and Commissions and asked the Board to consider completing the form

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Koonce said it seems cumbersome. Hale asked if it was something the members can do on their own once a year. A.Jones explained that the Division recommended it be done quarterly, but the Board could decide how they want to do it and the information could be submitted to A.Jones for compilation and analysis. Maynard suggested the Board do it after this meeting so staff has the information for the annual report. A.Jones asked the Board to complete the evaluation forms by May 12th. Koonce recommended that if we are going to do this regularly that we make it an interactive form similar to the AELS forms previously discussed. A.Jones said she would bring that suggestion back to the Division.

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10:36 a.m. Beau Bivins of AK Aerial Media joined telephonically.

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15.F. Publishing Board Packets – This item was added to the agenda following Peter Flint's testimony during Public Comment on Monday, April 24.

26 The Chair asked R.Iones to provide some background on why board packets had not previously 27 28

been posted. R.Jones explained it was likely due to the fact the packets had been hard copy until very recently (2016). R.Jones asked the Board staff to confirm that the contents of the board packet was public information prior to the meeting.

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TASK: Alysia will check with LAW to see if board packets can be posted along with the agenda prior to the meeting.

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R.Jones mentioned that information often comes in last minute. He encouraged that the Board establish a hard deadline for submission of packet materials and stick to it.

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A.Jones said a draft of the packet could be posted just as a draft of the agenda is posted, with the final version of materials being posted after the meeting concludes. Johnston suggested sending the link to the list serv.

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The Board discussed the pros and cons of having several versions vs. a board packet with addendums. A.Jones provided both options for this meeting. The Board agreed to stick to the submission deadline.

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Hackenmiller asked the Board for website suggestions. A.Jones added that she plans to review the website as well and work on updating it.

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Agenda item 21 - Special Committees

The Chair asked if any of the special committees had updates to share. The Chair said he will let the next Chair assign committee members.

The Chair asked again who has met with John since the last meeting. Koonce and Kerr had spoken with John.

The Chair mentioned updates to the Guidance Manual are on-going.

The Chair assigned Colin Maynard as Chair of the Legislative Liaison committee.

Maynard stated that we have not had any requests for Emeritus status.

Koonce stated that the Board will be working on the budget in the coming months for the annual report and adding a line item for outreach.

The Chair asked if Richard "Vernon" Jones wanted to head up the Continuing Education subcommittee. R. Jones accepted and said he would work on something for the next meeting.

Regarding AXP - Koonce mentioned that the tests are coming through however there are a few glitches that they are working on, but overall it's been very positive. Fritz added that they've been working on cut scores to the various sections and have several committees overseeing it and are providing incentives to encourage people to take the tests.

10:40 Break

10:45 Back on record.

Agenda item 22 - Election of Officers

The Chair nominated Dave Hale for Chair. Colin Maynard seconded the nomination. The Chair called for additional nominations. There were no additional nominations. All in favor.

- The Chair called for nominations for Vice Chair. Dave Hale nominated Colin Maynard for Vice Chair.
- The Chair seconded the nomination. The Chair asked if there were any additional nominations.
- There were no additional nominations. All in favor.

The Chair called for nominations for Secretary. Colin Maynard nominated Jeff Koonce for Secretary, John Kerr seconded the nomination. There were no additional nominations. All in favor.

The Chair congratulated the new officers and stated that terms take effect July 1, 2017.

Agenda item 23 - Meeting Reports

The Chair asked if there was anything to add to the meeting reports. Fritz stated the only thing to add regarding the meeting reports was how slow it is to get reimbursed for the travel. The Chair and Koonce suggested Fritz contact the Travel Office. A.Jones said the Travel Office said reimbursements are typically processed within 15 days and offered to follow up with the Travel Office and NCARB to determine what the issue is. The Board discussed procedures for submitting receipts, etc. for reimbursement. A.Jones mentioned travel forms and procedures would be covered later in the agenda.

Agenda item 24 - Board Tasks

2 The Chair ran through the To Do List from the February meeting:

- Guidance manual updates are ongoing. A.Jones to add ortho-imagery information.
- NCARB Education Requirement Regulation Project starting.
- Maynard provided a response to Matt Titus regarding the use of stamped drawings.
- Maynard drafted a letter supporting the Landscape Architect seat becoming permanent.
- Board previously discussed that economies of scale don't justify the AKLS exam being taken over by an examination company.

The Chair ran through the new tasks from this meeting:

- The Chair will draft a letter in opposition of HB 90 and submit.
- Everyone needs to review the jurisprudence questionnaire and provide comments to Sarena by May 9th.
- Koonce, Maynard and Fritz will look at 12 36.110 and provide suggested revisions at the August Board meeting.
- The Chair will contact California and Colorado regarding the previously discussed applicant.
- Johnston and Maynard will work on a definition for software engineer
- The Chair will distribute the Oregon UAV handout to the Board
- Johnston and Maynard will work on information regarding pre-packaged equipment for inclusion in the Guidance Manual.
- Kerr will provide a paragraph on UAVs for the Guidance Manual.
- Fritz asked about examples of work of minor importance that can be done by another discipline to address cross over confusion. Fritz offered to work on architectural field of practice examples. The Chair asked the other members to provide examples that pertain to their discipline. The Board discussed the following examples: Civil engineers doing electrical design for traffic once it leaves the box; mechanical engineers do a little bit of structural in their attachments and pipe hangings; architects do switch layouts.

Agenda item 28 - Examiners Report

Hackenmiller walked through the Examiner's Report, noting number of applications to be reviewed at the April 2017 meeting, registrations to date for 2017 including field of practice, FE examinees to date for 2017. Hackenmiller noted that we are still receiving renewals and a couple reinstatements. Hackenmiller reported that we had 13 AKLS examinees (*Note: The number provided on the report is 12 as one was received after the report had been compiled.*). Hackenmiller noted that typically there are 27 AKLS examinees each year, with 45% being retakes. Maynard asked about the number of renewals. Hackenmiller explained that reinstatements are for individuals whose licenses have lapse more than five years.

The Chair requested that we provide a better environment for the AKLS exam and indicated that he and other Board members may have space available that would be more suitable for the examinees. Hackenmiller added that we can be more flexible regarding the time since there is no PLS exam in the morning to schedule around and shared there was a complaint with the Anchorage examination facilities this year.

Agenda item 30 - Review of Calendar of Events/Board Travel

<u>30.A.</u> Board Meeting Dates: The Board discussed the next two upcoming Board meetings scheduled for Anchorage.

• August 3-4 2017, Anchorage – The Board confirmed these dates and Koonce offered to host at KPG Architects space if available on those dates.

- November 2-3, 2017, Anchorage
- February 7-8, 2018, Juneau (tentative)
- May 3-4, 2018 Fairbanks (tentative)

A.Jones informed the Board of the Division's new policy for Boards to rank their travel requests. The Board debated the priorities of the meetings taking into account applicant review processes and deadlines for exams and how the shift to computer-based testing will affect application deadlines. The Board noted the tendency for there to be a higher volume of applications at the February and August meetings due to the April and October exam dates. The Chair argued that more emphasis should be put on the May and November meetings as this provides applicants a chance to have their applicants reviewed and resubmit prior to the exam dates.

 Maynard offered to provide Board staff with justification for all four of the meetings, stating that the State facilities are not properly equipped to effectively host teleconferenced Board meetings and that we do not have the proper resources to coordinate the logistics of having Board members located in three locations attend.

 Fritz asked for clarification regarding how we prioritize the meetings. Hackenmiller and A. Jones explained the Division is moving towards two quarterly meetings being held in person and two meetings held via teleconference. The Board discussed how applications would be reviewed if the meeting was teleconferenced and noted that issues with having two people verify and needing a quorum to sign off.

Fritz and Koonce recommended that the Board not prioritize meetings until adequate equipment is provided to hold meetings via teleconference. Maynard will provide some information to A.Jones for the justification for in person meetings.

30.B. NCEES Western Zone Meeting - May 18-20, Denver, CO

The Chair announced the Western Zone meeting is coming up in a couple weeks. John Kerr, Colin Maynard and Alysia Jones plan to attend along with the Chair.

30.C. NCARB Annual Meeting – June 21-23, Boston, MA

Catherine Fritz, Jeff Koonce, Vern Jones and Alysia Jones will be attending, pending travel approval. Fritz shared that the itinerary is now \$166 more than what she started with. The Board discussed reimbursements and that NCARB will reimburse the full amount of the fare and asked how that works with the reimbursement going through the State Travel Office which only reimburses a certain amount when a personal deviation is involved. The Chair encouraged everyone to book their travel as soon as possible.

A.Jones asked the Board to determine who would serve as the official delegate at the 2017 NCARB Annual Business Meeting. Fritz stated that as senior architect on the Board, Jeff Koonce should be the one who is authorized to cast a ballot. The Board agreed and Brian signed the form.

30.D. NCEES Annual Meeting - August 23-25, Miami, FL

The Chair asked who wants to attend the NCEES Annual Meeting. Maynard noted that we get three funded delegates and two new members. Hale expressed that he would like to go. Kerr and R. Jones also expressed interest in attending as a new member. Wallis and Maynard are also

interested in attending. A. Jones also plans to attend as a new member. Johnston said she would be interested, but will be out of the country on travel during those dates.

30.E.CLARB Annual Meeting - September 14-16, Boise, ID

Urfer stated that she plans to attend if her term is confirmed. R. Jones explained that CLARB does not have a funded delegate program so the State has to pay and typically only one is allowed.

<u>30.F. Travel Forms and Procedures</u> – In the interest of time, the Board agreed to review the materials provided.

Agenda item 29 - Read Applications into the Record

On a motion duly made by Dave Hale, seconded by Richard "Vernon" Jones and passed unanimously, it was

 RESOLVED to APPROVE the following list of applicants for registration by comity, examination and in additional branches of engineering with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.

ADAMSON, CASEY LEE
ARTAR, KYLE M.
BECKER, GARY
BENTTI, DAVID
BURGER, DAVID A.
CARLSON, JARED
CARRILLO, AUGUST
EMSLIE, DANIEL R.
EVARD, JEREMY L.
GALLOWAY, JOSEPH
HANKS, MARILEE FAY
HENDERSON, TODD ANDREW
HOLDEN, WESLEY A.
HOLLOWAY, JAMES
HUGHES, MARK A.
KOTTER, QUINN MAC
MADDOX, RICHARD
McCALL, JOSHUA D.
OZOLIN, ELMER
PETRAY, THOMAS RICHARD
SOBHANI, SATTAR
STROHMAN, BRYAN P.
TOVREA, MARTIN LEONARD
WANG, CARL YING
YUAN, JUN

ZACHER, PAUL
ENGIDA, ENDALE
MENZIES, SCOT
PROZERALIK, MICHAEL
SKEEM, RUSSELL

The following are CONDITIONALLY APPROVED pending the completion of certain items.

THE IOHOWING ALE CONDITIONALL
AGUILAR, HUMBERTO
ANDERSON, DAVID
ANDERSON, ELIZABETH
AUTIER, VINCENT PHILIPPE
BELL, JASON
BRAZELL, CHRISTOPHER E.
BROWN, BENJAMIN
BURGESS, CHAD O.
BYNUM, JEREMY
GIZINSKI, NYCOLE MARIE
GOODE, KELVIN
KEWIN, JASON C.
LANGDON, MICHELLE
LEADON, KYLE
LECROY, JAMES
MARTIN, DEWAYNE
McFARLAND, CORLEY
MCKENNA, RICHARD
NAKHLA, MICHAEL
PHILP, MICHAEL
QUICK, MICHAEL J.
SCHILD, MICHAEL
STECKMEST, MELINDA
SWEENEY, LEISHA
WILD, LOGAN
WOODS, CHRISTIAN
ABUTRAB, ANTHONY
BRADY, JOHN

On a motion duly made by Dave Hale, seconded by Richard "Vernon" Jones and passed unanimously, it was

 RESOLVED to find the following list of applicants for registration by comity, examination and in additional branches of engineering INCOMPLETE with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.

FREEMAN, JARED *2nd review
HUPPERT, LOGAN
KHATRI, DILIP

The Chair verified that A.Jones received all of the names of the Board members interested in attending the annual meeting: Hale, Kerr, Maynard, Wallis, R. Jones and A.Jones.

Agenda item 31 - Board Member Comments

Maynard said it was a good meeting and looks forward to hearing what the UAF students ask the Board at the upcoming presentation.

Kerr welcomed Elizabeth and thought the Board made good progress and is moving forward.

A.Jones welcomed Elizabeth and thanked Fred and Stephanie for the use of the facility.

Fritz seconded that and said it was a great meeting.

R.Jones said it was an excellent location right across from the hotel.

Hale thanked everyone for the confidence for "voting" for him as Chair.

Hackenmiller thanked everyone for being so good with the application review and thanked Fred for the room. R.Jones thanked the Board staff for their preparation.

Johnston welcomed everyone to Fairbanks and thanked the Board for a good first meeting.

Urfer mentioned that during the course of the meeting she received the information on how to get in touch with the New York CLARB resource as well as two other states that have guidance manuals and is excited to follow up with that.

Koonce thanked Fred for the hospitality and welcomed Elizabeth to the Board. Koonce also thanked Sarena for streamlining the electronic application review process as he was skeptical at first, but thinks it has turned out well.

Wallis thanked everyone for coming, welcomed Elizabeth to the Board and said he looks forward to Jeff's office in August.

The Chair thanked everyone and jokes that he appreciates not having to be Chair again. The Chair says he looks forward to another year on the Board and gives a special thanks to Usibelli for providing the space and refreshments and appreciates our new member being able to attend even though she has not yet been confirmed.

- Johnston said she contacted the Division and she has permission to attend. The Board briefly discussed other seats that are currently in "limbo". Kerr explained that you serve until a replacement is found.
- 46 Board adjourned at 11:32.

Res	nec	tfulls	y sub	mitt	ed:
LUD,		Jull	JUD	HILLOU	cu.

Alysia D. Jones, Executive Administrator

Approved:

David Hale, PLS Chair

Board of Registration for Architects, Engineers, and Land Surveyors

Date: 11/8/17