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2 **STATE OF ALASKA**  
3 **DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT**

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5 **BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS AND**  
6 **LAND SURVEYORS**

7  
8 **MINUTES OF THE MEETING**

9 **Thursday, August 3 – Friday, August 4, 2017**

10  
11 By authority of AS 08/01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled  
12 meeting of the Board of Registration for Architects, Engineers and Land Surveyors was held on Thursday,  
13 August 3 and Friday, August 4, 2017 at KPB Architects, Anchorage, Alaska.

14  
15 **Agenda Item 1 - Call to Order/Roll Call**

16 The meeting was called to order at 10:05am by Chair Dave Hale.

17  
18 **Board members present, constituting a quorum:**

19 Dave Hale PS, Surveyor  
20 Brian Hanson, PE, Civil Engineer, Mining Engineer  
21 John Kerr, PS, Surveyor  
22 Jeff Koonce, Architect  
23 Colin Maynard, PE, Civil Engineer, Structural Engineer  
24 Bill Mott, PE, Chemical Engineer, Metallurgical and Materials Engineer  
25 Luanne Urfer, Landscape Architect  
26 Fred Wallis, Mining Engineer

27  
28 The following board members arrived from the airport at 10:18 a.m.

29 Catherine Fritz, Architect  
30 Elizabeth Johnston, PE Electrical Engineer, Fire Protection Engineer  
31 Richard “Vernon” Jones, Public Member

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

34 Alysia Jones, Executive Administrator (E.A.)  
35 John Savage, Investigator  
36 Sara Chambers, Deputy Director

37  
38 **Agenda Item 2 - Review/Amend Agenda**

39 Board reviewed the agenda.

40  
41 Hanson noted there may be a fair amount of people in to talk about Item 16C on agenda for tomorrow during public comment  
42 this afternoon. He recommended the Board not take any action on that item until after the public comment period.

43  
44 **On a Motion duly made by Brian Hanson, seconded by Colin Maynard, and approved unanimously, it was**  
45 **RESOLVED to accept the agenda with amendments.**

46  
47 Urfer noted this was the first Landscape Architect vote on the Board!

48  
49  
50 **Agenda Item 3 - Ethics Reporting & Meeting Reports**

51 There were no ethic violations to report.  
52

1 Maynard mentioned he was appointed to the (NCEES) UPLG (Uniform Procedures and Legislative Guidelines) committee  
2 again and would be attending that meeting.

3  
4 Koonce noted he attended the annual NCARB meeting in Boston that was funded by NCARB.

5  
6 Hanson is on the Board of Directors for NCEES and will be doing UPLG as well.

7  
8 The Chair and Maynard mentioned Hanson will need emeritus status at the February 2018 meeting.

9  
10 Hale requested the travel summary reports be discussed under the appropriate organization under Item 15.  
11 Correspondence.

12  
13 **Agenda Item 4 - Review/Approve Minutes**

14 Maynard provided a correction to page 23 line 36 – “all together vs. all other”. A. Jones noted the incorrect year on page 1.  
15 Regular Meeting – April 24-25, 2017

16  
17 **On a Motion duly made by Maynard, seconded by Hanson, and approved unanimously, it was**  
18 **RESOLVED to approve the minutes of the April 2017 meeting.**  
19

20 **Agenda Item 5 - Investigative Report**

21 AELS investigator John Savage reports that it is “business as usual”. Savage explains his office is still dealing with turnover  
22 and he is handling coverage on other boards. Savage mentioned that one of the senior investigators would be speaking to  
23 the board momentarily to go over taking complaints for the new people on the board and Lloyd Nakano from the Fire  
24 Marshall’s office is also coming to talk with the board. Savage mentioned Nakano and his team of plan reviewers are a good  
25 resource.

26  
27 Savage said it has been busy with the municipality contacting the Investigative Unit for both clarification and with  
28 complaints. Hanson said it looks like we have closed a lot of cases and commended Savage for his efforts. Hanson also  
29 noted there is one case from 2015 that is still open. Savage indicated that following the submission of his report Case No.  
30 1629 has been closed. Hanson mentioned the rest are all less than a year old, which is good, recalling in prior years some  
31 cases went back two or three years.

32  
33 Hanson said he would ask Sara about the status of HB90, which would lump the investigations together.

34  
35 *Fritz, Johnston and R. Jones arrived. Technical issues with conference call resolved.*

36  
37 Hanson asks the board to view the board review form, included in the board packet. Savage explains the form is a nice  
38 record and refreshes your memory. Hanson said it is also nice to have if you need another discipline to review it.

39  
40 Savage turns over his presentation to Chief Investigator Al Kennedy.

41  
42 Kennedy provides an overview of complaint process. He advises all board members, new and experienced, to review the  
43 Boards and Commissions Manual. Kennedy explains their office is complaint driven. The staff check to see if it is  
44 jurisdictional and then send out a complaint packet to start the investigation. Another common starting point for an  
45 investigation is a “yes” answer on an application. Kennedy explains they need to know who is making the complaint for  
46 two reasons. (1) Someone being accused of a violating a statute or regulation has a right to face their accuser. (2) In the 40+  
47 professions regulated there is a lot of competition and we don’t want someone making a complaint just to get rid of their  
48 competition. So we want to know who is making the complaint and what the violation is.

49  
50 Kennedy warned as a member of the board, a person may want to come directly to you with a complaint and instructed the  
51 board to stop the individual and direct them to Investigator Savage, unless you want to become a witness. By directing the  
52 complaint to Savage and not getting involved, the member can then remain able to be a voting member should something  
53 come to the board. Kennedy explained following the findings, Savage will contact a board member to review the case. The  
54 reviewing board member is aware of all the documents, however the board does not receive all of the information in case it  
55 goes to court. Kennedy also explained instances of when a board member may need to recuse him/herself.

1  
2 Kennedy explained information about the investigations process is on each and every profession's website and includes  
3 flow charts and an overview of the investigations process. He mentioned for this board there is not a lot of intakes, unless  
4 it is related to a "yes" response on application. Most items go straight to a complaint.  
5

6 Kennedy reminded the board of the Open Meetings Act and cautioned reviewing board members not to discuss items with  
7 other board members outside of meetings because you want the board to maintain its integrity.  
8

9 Hale said we come across things on our own because we are working in these fields and asked at what point do we need to  
10 recuse ourselves? Kennedy instructed the board to notify investigations and added that as the one filing the complaint you  
11 will automatically not be the board reviewer. Both Maynard and Hanson noted that all licensees have a duty to report to the  
12 State, so if you come across something you have a duty to report. Kennedy mentioned the statutes are clear – if you see  
13 something, you need to report it.  
14

15 The board thanked Kennedy for speaking. A. Jones provided the board with the location of the Boards and Commissions  
16 Manual on the website.  
17

18 Johnston asked about the possibility of state of Alaska sponsored accounts for board members in the event there is a situation  
19 in which their emails need to be turned over. Hanson explained that the Division looked into state sponsored email accounts  
20 for board members two years ago, but opted not to pursue it due to high cost. He suggested Johnston ask Deputy Director  
21 Chambers when she is on the phone.  
22

23 Mark Niedhold from DOT joined the meeting telephonically.  
24

#### 25 **Agenda Item 6 - Lloyd Nakano from Fire Marshall's Office**

26 Lloyd Nakano from the Division Fire Safety, also known as the State Fire Marshall's Office introduces himself. Nakano  
27 explained that Diana Parks PCN got cut, so now he is overseeing the planning and review bureau.  
28

29 Nakano mentioned that due to high construction, the loss of positions and office relocation for Fairbanks, all plan reviews  
30 will come through Anchorage office and instead of taking two to three weeks at most, plan reviews are taking eight weeks  
31 or longer. Nakano said they were able to hire Diana Parks as a long term non-perm to handle Oil and Gas, which currently  
32 does not have a lot of projects, so she is assisting with plan reviews as well. Nakano said they will be meeting with legislators  
33 as they are receiving questions from constituents re: why reviews are taking so long.  
34

35 Koonce asked if they allowed to outsource to help alleviate the workload. Nakano explained there is no funding at this time  
36 for outsourcing. Nakano mentioned his staff is willing to do comp time, but want staff to have a balance with their family  
37 life. Nakano noted it is a difficult time and they hope to get back on track soon. He suggested if anyone has projects  
38 scheduled during high construction season to please put them in early.  
39

40 Savage mentioned the Fire Marshall's Office is our eyes and ears out in the field and are a great source for plans and have  
41 been extremely helpful. Hanson added seven to eight years ago that was not the case - we each did our own thing. Now a  
42 high number of our investigations come from Fire Marshall's Office, thanks to the plan reviewers being more aware of our  
43 rules. Hanson thanked the Fire Marshall's Office for their assistance stating it has been a really good relationship. Hanson  
44 added the more we can educate licensed professionals the better, as we are reactive board. Savage mentioned we reciprocate  
45 when we are out in the field.  
46

47 Nakano agrees we need to work as a team. He added he has been there for 12 years, but noted the recent loss of several staff  
48 members has resulted in a significant loss of knowledge and continuity, so we are relying more on outside entities for that  
49 information.  
50

51 Maynard asked if the permit fees, etc. cover operations. Nakano stated the Plan Review Bureau and Inspection Bureau is  
52 half and half, which can be an issue since some years they are low, while other years they are high.  
53

54 The Board thanked Nakano for speaking.  
55

1  
2 **Agenda Item 7 - CBPL Reports**

3 *7.A. FY 17 3<sup>rd</sup> Quarter Report:* Sara Chambers, Deputy Director of the Division of Corporations, Business and Professional  
4 Licensing reviewed the 3<sup>rd</sup> quarter revenues and expenditures. She reminded the board that what is reflected in the board  
5 packet is through March 31, 2017 and explained the 4<sup>th</sup> quarter is not finalized until the fall. Chambers stated she would do  
6 a more comprehensive report of the entire fiscal year at the November meeting.

7  
8 Chambers explained how to compare revenues between the appropriate (non-renewal vs. renewal) years. She noted travel  
9 is down quite a bit this year and how to look at the cost of board meetings. Contractual is also lower than other years.  
10 Chambers explained membership fees may be slightly higher than those of other boards, because the AELS boards regulates  
11 multiple professions, but is in line with previous years. Supplies and equipment is also lower.

12  
13 Chambers explained indirect expenses is a placeholder and charged back 1 time and will be trued up and discussed at the  
14 end of this fall.

15  
16 Chambers stated the program is running a deficit, which is standard for a non-renewal year because most revenue comes in  
17 biennially. Typically there is a surplus after renewal that is carried forward to renewal year.

18  
19 Hanson asked when the board can expect the year-end numbers. Chambers explained the schedule is printed in the Board  
20 Manual and will be available in October. Chambers explained the State is currently in a re-appropriation period, and they  
21 are closing out FY17 which takes time to closeout. Hanson noted his frustration with the delay in receiving financial  
22 information.

23  
24 Chambers acknowledges the board's frustration and explains July is for completing reconciliation, while August is closeout.

25  
26 *7.B. Fee Analysis:* Chambers explained the fee analysis spreadsheet is a tool to look at fee structure at a detailed level. She  
27 walked through the Division's proposed adjustments to streamline fees with fee analysis worksheet projected on the screen.  
28 Chambers encouraged the board to provide feedback and alternative suggestions as the group walked through the fees. The  
29 Chair asked where we want to be with the fees.

30  
31 Chambers noted per statute the revenues must offset the expenditures, so the program must pay all of its expenses and do  
32 so through these fees because we don't get any general fund. Chambers mentioned the expectation is that programs end  
33 each year with a surplus equal the expense for that prior year. She noted it is an ambitious, but reasonable goal and added  
34 that there are variables beyond the board's control (i.e. vacant positions, large investigation, legal fees, etc.) and  
35 recommended taking an average to help normalize the amount. Hanson confirmed we want a \$500,000 cumulative surplus,  
36 and noted we are already starting with a number that is approximately \$400,000 more than where we want to be?

37  
38 Hanson mentioned the board had previously carried a deficit, so the group updated the starting expenses for 14-15 to get  
39 the ending surplus/deficit number correct. Chambers and the Board verified numbers between locations were consistent.

40  
41 Chambers explained the Division's recommendations were intended to bring revenues down because of board has a high  
42 surplus. The first proposed change was to combine the comity and exam application review fee to be more equitable as the  
43 type of application was less of a factor in how long the application review took. The main factor is the preparedness and  
44 responsiveness of the applicant and completeness of the application rather than the type (comity or exam) of application.

45  
46 Chambers asked the board for input regarding the Alaska Land Surveyor (AKLS) exam fees. The contract is \$10,000 plus  
47 some additional time for staff to manage the exam, preparations and communicate with applicants. Chambers asked the  
48 board if they wanted to adjust the fee so the land surveyor applicants covered the cost or did the board wish to continue to  
49 have the other professions regulated by the Board subsidize the cost. Chambers requested that a unified recommendation be  
50 made on record.

51  
52 Mott asked if the board had taken under consideration the number of engineers with the oil companies moving out of state.  
53 Kerr stated he did not believe there was any effort to come up with a different number.

1 Fritz posed a general question to Chambers and A.Jones about what assumptions were made to come up with the proposed  
2 changes. Chambers explained the projected units are based upon what has happened over the past two years in terms of  
3 applications, renewals, amendments, etc. and calculate what we expect to be the number to be for the next two years. The  
4 only assumption made in regards to expenses is that we adjust upward 2 percent to cover the natural cost of living, cost of  
5 doing business. Chambers reiterated that these are estimates and asked for the board's input on specific trends, such as  
6 should we anticipate more or less of a specific license type.

7  
8 Koonce asked if the board could see the license numbers from 2014. Chambers agreed to email them. The Chair reminded  
9 the board that we want to avoid wide fluctuations and encouraged the board to look at how to absorb the trends and avoid  
10 substantial changes every two years.

11  
12 Johnston asked in the light of the transition to computer-based testing (CBT), will the Alaska Land Surveyor exam change?  
13 Kerr and A. Jones explained that the Division has looked into this, but unfortunately, it is too small of an exam pool to  
14 warrant the shift to a CBT.

15  
16 Hanson asked if we are allowed to charge a new licensee more or less than a renewal. Chambers explained the initial  
17 application fee was higher and that the license fee for all professionals regulated by the AELS board is required to be equal  
18 per statute.

19  
20 Hanson mentioned the board made a concerted effort two years ago to try and ease into a small surplus to prevent a whipsaw  
21 of fees. He mentioned the board is spending about \$1.3 million a year and in 12 and 13 we were closer to \$1.5 million,  
22 however travel and indirect costs are both down substantially. Hanson commented that if we went with the Division's  
23 proposal we'd come at right about that \$500,000 surplus in two years and then we'll need to bring them up again.

24  
25 Fritz discussed smaller increments and expressed her frustration regarding where money is spent and not spent and stated  
26 the board has no control over how the money is spent. She added our licensing fees are supposed to cover our travel costs  
27 and the business we need to do and urged the board to take that into account when adjusting the fees. Fritz also added that  
28 it would have been helpful for Chambers to be able to attend in person to ensure everyone is looking at the same areas of  
29 the spreadsheet.

30  
31 The Chair stated we have two discussions. (1) We need to have a budget that covers our expenses, with a surplus and then  
32 (2) we need to look at why are we so limited in our ability to travel and do our jobs?

33  
34 Fritz suggested we look at our operating costs for the next two years first and seeing what we need. She added once we see  
35 what FY 18 looks like we can look at number of licensees, what the economy is doing and anticipate for the next two years  
36 and then adjust the fees.

37  
38 Maynard noted a correction on the spreadsheet in the next quarter. The board discussed various scenarios and input different  
39 fee amounts into the spreadsheet. The Chair suggested the board recess for lunch and revisit the fees later. A. Jones said she  
40 would email Chambers an updated version of the spreadsheet and encouraged the board to make changes.

41  
42 A. Jones offered to handle the other items under Agenda Item 7.

43  
44 The Board recessed for lunch at 12:10.

45  
46 The Board reconvened at 1:17 p.m. Roll call, all present. The following individuals were present:

47 Jim Amundsen, representing Alaska Department of Transportation and Public Facilities  
48 Jake Maxwell, representing Municipal Light and Power  
49 Stephen Nuss, representing Anchorage Water and Waste Utility  
50 Kent Kohlhase, representing Municipality of Anchorage

51  
52 The following attended telephonically:

53 David May, representing Kenai Peninsula Borough  
54 Mark Niedhold, representing Alaska Department of Transportation and Public Facilities – attending on behalf of  
55 Chief Engineer and DOT&PF Commissioner

1 Dennis Linnell  
2 Chris Miller, representing DesignAlaska  
3

#### 4 **Agenda Item 10 - Public Comment**

5 Chair invited the public interested in testifying to do so in the order listed on the sign-in sheet.  
6

7 Jim Amundson: “Hi, I’m Jim Amundson Chief of Highway Design for DOT&PF Central Region. One of my engineers  
8 noticed the proposed discussions having to do with the potential additional sealing on standard design sheets that we  
9 regularly include in our design plans and the sole purpose of my comment today is to advise some caution on what steps or  
10 how that might proceed because we currently have standard design sheets that have been designed and stamped by a  
11 professional. The engineer of record for the individual project is responsible for making sure that those plan sheets are site  
12 adapted for the specific project and that is what his stamp means on the front of the plans as the engineer of record. There  
13 is not a lot to be gained and a whole lot of cost to be raised if we suddenly have to start going in and have each engineer of  
14 record go in and re-engineer all of the details for something that he is about to stamp. And oh, by the way there is no way  
15 according to our current board rules for him to simply stamp the plan sheet that has already been stamped by another  
16 engineer. Last time I checked that breaks several of your rules. My point of bringing it all up is to advise some caution  
17 before we start changing some rules that have been fairly consistently applied across all 14 of the other states I’m licensed  
18 in that allow for a standard typical detail that’s been engineered and stamped to be inserted into a plan set without further  
19 stamping. Thank you.”  
20

21 Jake Maxwell: “Good afternoon, my name is Jake Maxwell, I’m here representing ML&P, Municipal Light and Power here  
22 in Anchorage. I got this email late in the day yesterday and had a chance to review it and would like to provide my input of  
23 a lot of the easements that are created within Anchorage and some of the surrounding areas aren’t required to have a stamp  
24 and some of the different conveyance documents. I would like to see that be a requirement and upheld. I know that is only  
25 on the surveyor portion, but there are also some other designs in-house that have not been stamped and I am a proponent of  
26 stamping policy.”  
27

28 Johnston asked Maxwell to clarify if “in-house” meant by ML&P. Maxwell replied “Yes, correct.”  
29

30 Hanson asked which email Maxwell was referencing. Maxwell explained there was an email that went out on August 2<sup>nd</sup> to  
31 several individuals that provided their input about the ramifications of stamping the standard drawings.  
32

33 Stephen Nuss: “My name is Stephen Nuss, I am the Engineering Division Director for the Anchorage Water and Wastewater  
34 Utility. I am here today to talk a little bit about the re-sealing of standard details and standard drawings used for local,  
35 municipal and state works.” Nuss read the following handout of his testimony to the AELS Board:  
36

37 *“I have over 19 years’ experience practicing civil engineering in the State of Alaska. I have worked on federal,  
38 state, tribal and local projects. The last 14 years of my experience has primarily been focused within the  
39 Municipality of Anchorage. I am currently the Engineering Division Director at the Anchorage Water and  
40 Wastewater Utility, where, with my counterpart Kent Kohlhase from Project Management & Engineering. I oversee  
41 the preparation of standard specifications and details for the Municipality of Anchorage.*

42  
43 *As an owner, the Municipality needs to have consistency with its construction standards and materials. To ensure  
44 this consistency, the Municipality developed the Municipality of Anchorage Standard Specifications (MASS). MASS  
45 is the basis for which many smaller communities have modified or adopted as their own standards. MASS contains  
46 specifications and standard details/ drawings which are considered a product of the Municipality and which have  
47 evolved and been developed by many people over a considerable number of years. In the case of existing standard  
48 details, they have proven to be reliable through their years of use. These details are not required to be included in  
49 the plan sets of our drawings, nor are they required to be signed and sealed by the responsible professional.*

50  
51 *Only in the event of modifications from these standards for a project specific application, are the details included  
52 in the plans and then sealed by the responsible professional. This is also the methodology used for modifications to  
53 our standard specifications.*  
54

1 *I believe the interpretation of state statute provided by AELS to recent email questions related to Alaska Department*  
2 *of Transportation standard details, is incorrect and does not represent the long standing, and legal, use of these*  
3 *details for construction works projects throughout the state of Alaska. I would further argue that engineers should*  
4 *not be held to sealing these standard details because they themselves did not personally prepare the details, oversee*  
5 *the preparation of the details, nor approve the documents for use. The agencies and communities promulgated these*  
6 *standards, mandated their use by the engineer, and approved their use for a given project.*

7  
8 *Thank you for allowing me to testify, and I hope you refine your guidance to reflect the accepted practice within*  
9 *Alaska.*

10  
11 Kerr referenced the email that was first submitted by Fred Park and is the basis for these comments. Kerr read through the  
12 questions regarding stamping of drawings. “For an Alaska State agency, is it legal to use drawings sealed by a professional  
13 engineer on multiple projects?” makes sense for the standard drawings we are talking about.

14  
15 “Use drawings sealed by a professional engineer that are from 20 to 30 years past?” Kerr asked those in attendance if, in  
16 their opinion that was fine as long as they still meet the current standards. Nuss responded “If they are still relevant and to  
17 standard, then yes.”

18  
19 Kerr continued “Use drawings sealed by a professional engineer that no longer works for the government agency,” what is  
20 your opinion on that?

21  
22 Nuss responded “as long as the agency continues to support their reviews and they have not reached obsolescence, then  
23 yes.”

24  
25 Kerr asked if they have a problem with a current engineer reviewing and resealing those. Nuss replied “For the given agency,  
26 no. What we are trying to avoid is having to have individuals like from R&M, etc. go back through and review 200 standard  
27 details and signing and stamping for the same intended use.”

28  
29 Johnston asked who determines if the standard details are appropriate for a particular project.

30  
31 Nuss: “The engineer through the signing and stamping of the drawings that reference those details takes overall  
32 responsibility for incorporation of those and only then if those details need to be modified do they include the modifications  
33 within the plan.” Nuss mentioned Kent will talk more about the conformance of the plans.

34  
35 Amundson explained as owners of the standard drawings, they regularly review and validate they are still current or update  
36 to reflect current practice.

37  
38 Maynard confirmed that MASS details are not stamped by anyone, so they are not certified by anyone other than the engineer  
39 that references them. However the DOT drawings have a stamp on them. Maynard asked the group if these drawings may  
40 be stamped by an engineer that is deceased, retired, or otherwise no longer with the agency. The group confirmed. Maynard  
41 asked if one of the details were to fail, who would be responsible – the person who originally stamped it or the engineer  
42 who referenced it?

43  
44 Mark Niedhold: “Again, this is Mark Niedhold, I’m the Chief of Design and Construction Standards for statewide and I am  
45 here on behalf of Commissioner Luiken and Chief Engineer Lance Mearig to respond to a number of these and the answer  
46 is we are in a situation where if we do have an issue because there is a public harm that results from something that the  
47 department has delivered that the department - the State of Alaska - is always the primary plaintiff in a situation like that  
48 and... I’m sorry – the defendant in that. A plaintiff certainly has the ability to go after the Alaska Department of  
49 Transportation. The Engineer of Record on the subject project who chose to incorporate that standard drawing and  
50 historically we know that the deep pocket, that the State of Alaska is, if there is a legitimate claim of harm, that something  
51 violated a standard, or was inappropriate to apply in that location or that situation, that the Department – Alaska DOT and  
52 the State of Alaska will be held accountable in that and that is independent of whether or not that drawing was prepared by  
53 a consultant under a previous contract to Alaska DOT to develop that standard drawing, so that’s a situation where that  
54 person may still be an active registrant but they are no longer connected with the Department in any manner. It stands with  
55 a past employee who may be an active registrant or is retired, or is deceased – the Department is still accountable under that

1 situation under current TORG practice, so I have no concern about a plaintiff's ability to go back if there was a justifiable  
2 issue there. And if I may, can I hijack this and go back to the question of the seal and the process? Mr. Chairman, is that  
3 permissible?"

4  
5 Chair: "Yes, go ahead."

6  
7 Niedhold: Ok. Our standard drawings are developed – we have a formal peer review process for the development of those  
8 standard drawings and that is a long standing history where those drawings are created typically in our statewide  
9 headquarters office, but sometimes in a regional office, but then they are peer reviewed by journey level registrants in all  
10 three regions. We go through a vetting process in there. When they've completed that process, then we go back and the  
11 designer of record will seal it. It's still not a valid document until it's issued by Chief Engineer's Directive – that would be  
12 Lance Mearig, a former AELS board member, so we have that initial process of peer review and I think Jim pointed out –  
13 it was a bit garbled on the phone, but the ongoing process, every one of those standard drawings is subject to an ongoing  
14 process of peer review whether that's internal in our department, or a consultant that we've hired or a third-party who  
15 proposes to use that standard drawing for their own work. Any one of those situations, anybody could raise their hand and  
16 cry foul if there is an issue, if there's a standards deviation, or something like that. And at that point, that informal peer  
17 review then changes and we go back and we start that formal process again where we go through it. So I have a high level  
18 of confidence and our commissioner and chief engineer have a high level of confidence that that process that we are  
19 addressing that and those that have a registrant – the oldest drawing from 1982 and that drawing still does not show up in a  
20 project unless it is called in by a designer of record and that process is almost exclusively that it is called up through another  
21 plan sheet with that designer of record's seal on it. So, there is a process in place there, but as we continue to use those  
22 drawings, the oldest in our inventory are a menu of drawings from 1982 it's still reviewed for validity and any problems. I  
23 guess I would say one other thing we all know that design is an iterative process and I use the mantra that the last iteration  
24 of the design process – I'm talking about horizontal construction here – but I believe, in my experience with vertical, it  
25 applies - the last iteration of the design process doesn't occur until our construction professionals, and in Alaska DOT of  
26 course, and virtually in every other situation, we have registrants who are in charge of that construction administration and  
27 in charge of that inspection process. They have that final opportunity to evaluate those and ensure it is appropriate and  
28 through that overall system that it is the right detail to be using in the situation and that opportunity to cry "foul" if it's not  
29 and start us back into that review loop. Ultimately Alaska DOT's position or our concern is that we're contemplating a  
30 change that will have a cost and I understand that that cost is not enormous if you think about it on an individual plan sheet,  
31 it's not the one-off concern that I have. Our concern is the cumulative effects of that and when we look at that cost over our  
32 program, over local municipalities' programs, that we understand that that front-end cost means that we'll have less funding  
33 available for the actual improvements that go on the ground. Those improvements that will result often times in public safety  
34 improvements, not just capacity or comfort issues, or whatever, but they are there for public safety. And if we have more  
35 than thirty years of this practice, which we do, if we don't have a demonstrated problem or risk that we're trying to address  
36 then the cost and we don't see a benefit to the change, the only thing we see is a cost and that cost with less improvements  
37 on the ground means that we have less opportunity to address public safety. That is a very big concern and as Jim noted  
38 there are other states and I've queried– we are a member of ASHTO, the Association of State Highway and Transportation  
39 Officials and I went to every one of my counterparts in region 4, which is the western/ northwest region, and I haven't  
40 received responses from everybody, but it is worth noting that the Dakotas, both North and South, Montana, Oregon,  
41 Washington, California, Arizona and Idaho have all confirmed that their current practice are consistent with Alaska DOT's  
42 practice. I'm not one to go and use the argument typically 'well, everyone else is jumping off the bridge, so why can't we,'  
43 but it is a compelling argument when we look at 30 years of practice, with I believe - without a demonstrated problem. And  
44 a practice that is consistent with many other big dogs on the street that are looking at this and that final dovetail back is that  
45 we incorporate those by a project that is sealed. We peer review them at many stages formally and informally and I think  
46 that although 12 AAC 36.185(e) is silent with respect to standard drawings, it talks about the specifications being  
47 incorporated under the seal on the drawing and my question is why is that not applicable for a standard drawing? And if it  
48 is not, then we look at things like the federal sign design specifications which are Federal Highway Administration's  
49 drawings for what the stop sign looks like. Is it our expectation that we squirrel this down the hole and we have to have a  
50 seal on the Federal Highway Administration document that identifies the detail – the standard of what the sign should be? I  
51 realize that is a little bit ludicrous, but I'm trying desperately to make a point there and finally that is - on behalf of  
52 Commissioner Luiken and Chief Engineer Lance Mearig and with concurrence from the City and Borough of Juneau, the  
53 Municipality of Anchorage, the City of Fairbanks, the Kenai Peninsula Borough and the Matsu Borough, I urge the board  
54 to allow the precedence of the last 30 years to remain in practice. So, thank you for letting me get all of that out.  
55



1 Chair thanked Niedhold for his testimony.

2  
3 Maynard asked what prevents the registrant from stamping the drawing at the end of the peer review and removing the  
4 stamp of someone who is deceased or retired? It doesn't cost any more money.

5  
6 Niedhold responded there is nothing that prohibits that and added that he is not proposing that we talk about prohibiting a  
7 practice of a designer of record. He reiterated the informal peer review is an opportunity to cry "foul" at which point they  
8 would go back through the formal process and rejuvenate the drawing and a new designer of record would assume  
9 responsibility for that drawing.

10  
11 Fritz requested some clarification on what Niedhold meant by the practice is the same in other states.

12  
13 Niedhold stated he asked his counterparts in other states "do they have standard drawings, are they sealed, and do they require  
14 a project-specific seal to incorporate those standard drawings or details on their projects?" The answer consistently was "we  
15 do not require them to be sealed individually for each project." He added that responses also indicated the standard drawings  
16 or details are incorporated in a plan set. Niedhold explained the states he previously listed incorporate standard drawings  
17 without a new project-specific seal on those drawings. He also asked the other states if they had a sunset date or formal  
18 process where they automatically go back in if a registrant (a) severs service (b) retires, or (c) is deceased. Niedhold stated  
19 that responses from 3 of the states were identical to Alaska's current practices and indicated they have on-going practice to  
20 look for problems from an engineering standpoint and when they determine there is a problem and the drawing is no longer  
21 valid due to change in standards or policy, etc. then they regenerate the drawing and the designer of record seals it.

22  
23 Hanson stated the MASS drawings aren't stamped, so whoever stamps the project is taking responsibility for those  
24 standards? They are taking on the liability, all the responsibility? DOT drawings are stamped. Hanson asked Niedhold if  
25 these old drawings comply with the current requirements of dated seals.

26  
27 Amundsen responded that all of the ones he is familiar with have dates on the seals. Hanson added that a drawing that is  
28 thirty-five years old may still be relevant. I just want to make sure in your review process that they are meeting current  
29 regulations.

30  
31 Niedhold added signature, seal and date are in accordance with the current regulations.

32  
33 Kerr added, but per our regulations they would need to be a current registrant, which would exclude retired or deceased  
34 registrants. Kerr asked if there was an estimate of the number of drawings that are by people who have severed service, are  
35 retired or deceased. Niedhold said he would count and respond momentarily.

36  
37 The Chair clarified that we are working within current statutes and regulations and are not trying to change anything.

38  
39 Hanson mentioned from an AELS perspective, if John Doe signed the drawing in 1985 and stamped it and there is a problem  
40 with that work, John Doe is on the hook. They are the registrant in responsible charge of that work whether they authorized  
41 it to be constructed or not, they are taking responsibility. So from a liability perspective whether they are alive or dead,  
42 retired or currently licensed they are the ones on the hook.

43  
44 Niedhold responded that Alaska DOT indemnifies and holds harmless the registrants who provide this work for Alaska  
45 DOT with two exceptions:

- 46 (1) If it is determined that the registrant is gross negligent when they did that work  
47 (2) If the work was done by a consultant,

48 So, that registrant regardless of status is protected by the State of Alaska unless it is determined that they were gross  
49 negligent in their duties.

50  
51 Maynard: "But DOT can't give them their license back."

52  
53 Hanson: "There is no such indemnifications in our statutes for any of that."

54  
55 Johnston: "Are you saying that none of your standard drawings are stamped by consultants then?"

1  
2 Niedhold: “No, I am saying that we have a small portion of our standard drawings that were developed by consultants and  
3 have consultant seals on them.”  
4

5 Hanson stated that is an unlimited liability whether they have an indemnification clause or not.  
6

7 Chair asked if the State of Alaska is bound by their own regulations or statutes or can they deviate because they think they  
8 can recover from them?  
9

10 Kerr: We are absolutely bound by the state statutes.  
11

12 Niedhold: “The department is looking, because of the silence in the regulations on this issue, to be applied under the same  
13 regulation authority for the specifications - 12 AAC 36.185(e) provides ‘The registrant, by sealing final drawings, takes  
14 responsibility for related discipline specifications included in the final drawings, unless under AS 08.48.221...’ they take  
15 the registrant by sealing those final drawings, so the drawing that incorporates the standard drawing is the final project  
16 drawing, the final drawing and that is the way we have operated under our statewide standards specifications for the same  
17 thing plus thirty years. This practice has been in place for more than 30 years and I go back to the fundamental question -  
18 do we have a demonstrated problem with this? Because there is certainly a cost. And it’s not the cost to Alaska DOT, it’s  
19 not the cost to the Board of Registration and it’s not the cost to the engineer of record who would be required to do it, but a  
20 cost to the public of the state of Alaska, the public of the municipalities.  
21

22 Johnston expressed her concern regarding the discipline of the person who is stamping the cover sheet stating that the  
23 standard drawing is applicable. She explained she is an electrical engineer and noted that many of the DOT project managers  
24 she works with are not qualified to know whether that drawing is in compliance with current electrical code and defer to  
25 her to identify whether there is a problem and if there is, the expectation is that she would revise the standard drawing and  
26 re-stamp it. Johnston added that if the engineer of record is stamping that the standard drawing is applicable then they should  
27 have responsible charge and full awareness of what they are stamping. She noted if they are not in the same discipline that  
28 could be a concern.  
29

30 Niedhold: “I am going to come back and answer that question. There are two parts - If they, we - our consultants modify a  
31 standard drawing then it becomes a project specific detail and there is no misunderstanding when you modify it, subject to  
32 the AELS regulations and statutes that that needs to be sealed. That’s part one. Part two is that we went through an exercise  
33 when Mr. Mark Morris, electrical engineer was on the Board and we addressed the issue of our drawings that include  
34 electrical. And in that dialogue Alaska DOT has modified that, if that plan sheet of record that addresses the lighting design,  
35 the signal design, the [load ???] piece that calls in that standard drawing must be dual sealed. By a civil engineer to address  
36 the lighting foundations and location of where the light goes because of the traffic operation issues, the signal heads. By an  
37 electrical engineer to address that application of electrical engineering principles and concerns on that. The question was  
38 asked and answered by this very board and the Department modified our practice in response to that. So I am not concerned  
39 that that’s occurring unless we have folks that are not complying with the requirement and to the best of my knowledge –  
40 Jim and I just had a conversation about that two days ago and we’re doing that piece. So they are relying on you, if you are  
41 the electrical engineer that’s involved with that lighting design, that piece. Absolutely, they’re relying on you and it is  
42 appropriate for you as a consultant to require some cost to say yes it’s appropriate to use this standard drawing. And if it’s  
43 not, for them to work with you to develop a project specific detail that gets there. Again, we’re not looking to prohibit the  
44 practice of changing a drawing and putting a new seal on it. We’re concerned about the addition of process to mandate a  
45 compulsory resealing of every one of them every time it’s there.  
46

47 Johnston requested some clarification on Niedhold’s response. If the standard drawing is not in the discipline of the engineer  
48 of record then co-stamped by someone who is in that discipline applicable to the standard drawing.  
49

50 Niedhold re-clarified: “No. For the lighting design sheets, the traffic design sheets – the signal system that have electrical  
51 components in them, under coordination with the board of registration we have modified our policy to require both a civil  
52 engineer and an electrical engineer seal on those plan sheets. Those plan sheets are the mechanism by which we reference  
53 and incorporate by reference the standard drawings that have electrical on them that are currently sealed by an electrical  
54 engineer or co-sealed by an electrical engineer and a civil engineer.  
55

1 Maynard: "I am not swayed by the fact that DOT has been practicing in violation of the licensing laws for 30 years and  
2 would like to continue to do so, because they don't think there has been a problem yet. If you did it like MASS where there  
3 were no stamps on your typical details and the person who was then stamping the drawings that referred to them and dates  
4 that, I would not have a problem. I have a problem with drawings that are being re-used without the licensee's knowledge,  
5 or permission and then you basically have two people responsible for that one of whom may not even know that he's  
6 responsible for it. That I have a problem with."

7  
8 Niedhold: "I'll come back to that question. Again, is that if that is the board's direction then it is not an enormous task for  
9 us to pull that seal off, it still doesn't make sense and I'm not convinced that it is in violation of our regulations, no more  
10 than the issue of the standard specifications book and in the 2015 version, we have a 2017 version now, but the 2015 version  
11 of the standard specifications had my seal on it and the statement that a registrant has not granted their permission for the  
12 use of that standard drawing – that's the fundamental – it's not the fundamental intent that's the sole intent of that standard  
13 drawing is to be a standard application, and the registrant who sealed it they were aware of that intent. That is was intended  
14 to be used in perpetuity until an issue was identified or a standard changed, to be incorporated into projects. That's the level  
15 of care - that is why we use the peer review process. I respectively with the board, the board is an essential piece of this  
16 machine to assure public safety. My statement is not to continue to violate a practice because I don't believe we were  
17 violating a practice, I believe that we were consistent with it, that we were incorporating that detail, just like we  
18 incorporate... a manhole lid on the job, where we show a manhole lid where we don't design the lid, we rely on the  
19 manufacturer's certification. Just like we incorporate a stop sign on the job where we rely on Federal Highway  
20 Administration's certification that that drawing is according to [???]. That that process is consistent with the regulation that  
21 I identified that is silent with respect to the [standard] drawing, but I believe was the intent of that regulation. And ultimately  
22 I am not saying we should do it because we've been doing it. I am saying that if we make a paradigm shift now the net  
23 effect will be to the negative in terms of public safety because the additional cost on the front end will mean less safety  
24 improvements on the street by the Department of Transportation, by the municipalities and if we do that, if we didn't have  
25 a demonstrated problem that we are going after there wasn't a risk associated with it because there is an entire system in  
26 place to mitigate that risk including the board's ability to go after us and say 'well, you should have never incorporated that  
27 drawing, so we are going to hold you accountable.' Those pieces are already in place, so, but we add process that reduces  
28 the amount of guardrail we can put out there.

29  
30 Chair thanked Niedhold for his comments and moves on to the next person scheduled to testify.

31  
32 Kerr asked Niedhold if he had a number of standard drawings by individuals no longer affiliated with DOT. Niedhold  
33 indicated there are approximately 45 out of 130 standard drawings.

34  
35 Kohlhasse: "Hello. My name is Kent Kohlhasse. I am the Municipal Engineer for the Municipality of Anchorage. I've been  
36 a registered engineer since 1998 and been working in engineering at the federal and state level since the early 90s. Like my  
37 colleagues, I am here to offer commentary regarding the use of standard details, and the question posed to the Board whether  
38 such standard details need to be sealed, and resealed for each use. We became aware of this potential issue just this week.  
39 The Municipality maintains, and promulgates for use on municipal projects, M.A.S.S., the Municipality of Anchorage  
40 Standard Specifications. Many of you are likely familiar with this document. M.A.S.S. contains both specifications and  
41 standard details that are integral parts of the various specification divisions within the document. M.A.S.S. as a document  
42 (which includes the standard details) is incorporated into all municipal capital improvement projects by reference in the  
43 contract documents. The designer of record will reference specific standard details that are applicable to that project. For  
44 example, I examined a recent set of project documents while preparing for this meeting. Then engineer reference several  
45 standard details for manhole and catch basin structures, inlet frames, lids, and expansion joints for installation of drainage  
46 structures, as well as many other elements. By incorporating the standard details into their design, our position is that the  
47 EOR has examined the situation and determined the standard detail is appropriate for the intended use. To piggyback on  
48 what Mr. Niedhold was saying, our view is that 12 AAC 36.185(e) supports that and it reads 'The registrant, by sealing final  
49 drawings, takes responsibility for related discipline specifications included in the final drawings...' and our position is that  
50 M.A.S.S. is embodied in this. Our standard details are clearly a component of the standard specifications, as envisioned by  
51 12 AAC 36.185(e). Furthermore, standard details provide consistency for construction and maintenance of public  
52 infrastructure. Standard dimensions for items such as junction boxes, light poles and bases, manhole frames, storm drain  
53 inlets, and similar items reduce the number and type of replacement structures that must be stocked by MOA Street  
54 Maintenance or AWWU. This results in efficient maintenance practices and a savings of public funds.

1 In addition to the possibility of potentially increased cost of maintaining infrastructure and replacement inventory, the simple  
2 fact is there would be a substantial increase to our design costs by requiring all standard details be sealed and resealed by  
3 the EOR/DOR for each use. Much as Mark said, I am not suggesting in any way that cost-saving should come at the expense  
4 of public safety. Our role, my role, the municipality's role is public safety is number 1, that's our position in the way we do  
5 business... but reviewing our history of successful use of standard details supports our position that our current methodology  
6 does protect the public interest. We did a quick review of M.A.S.S. this week, looking at previous versions and we have  
7 standard details that have been essentially unchanged since the early 70s, which tells us that those details work well and  
8 continue to serve their purpose. We also have a robust system of plan review, construction inspection, and maintenance  
9 observation that provides ample opportunity to improve these standard details as conditions may warrant. In many cases we  
10 don't allow deviation from those standard specifications and details, such as those associated with traffic signal cabinet  
11 wiring diagrams, is not only discouraged, but not allowed.

12  
13 The practice of using standard details is not limited to Alaska as you heard from Mr. Niedhold.

14  
15 In closing, I respectfully submit on behalf of MOA Project Management & Engineering, as well as AWW as Steve has  
16 stepped out - that the current practice regarding standard details is safe, efficient, in the best public interest, and is in  
17 conformance with the intent, spirit, and letter of the AELS regulations. Finally, as I mentioned, we became aware of this  
18 issue only this week, so our request would be that if the Board is inclined to offer an interpretation that differs from what  
19 we present that we be allowed to have more time to research and perhaps provide additional response.

20  
21 Koonce asked if the drawings and details in M.A.S.S. are stamped. Kohlhase responded "they are not". Koonce stated that  
22 the engineer who references them takes ownership. Johnston added but they aren't allowed to change. Hanson commented  
23 by listing them on the cover sheet or wherever they are taking responsibility. Koonce noted this is in compliance with 12  
24 AAC 36.185(d).

25  
26 Chair invites David May to testify.

27  
28 May: "I appreciate the opportunity for public comment. I am speaking on behalf of the Kenai Peninsula Borough, the  
29 Purchasing and Contract Department and would like to offer the following comments. First of all we do support the DOT  
30 and their interpretation of the current use of statute. We're concerned - many times the interpretation of statutes have  
31 contingent consequences based up whether it's a broad or narrow interpretation of that regulation. At face value it is only  
32 logical that a new project require competent design by a license professional. The circumstances change, sites vary and  
33 clients usages are different, and codes and construction practices change, and a competent professional can foresee issues  
34 and potential problems that unskilled individuals don't see. Broad interpretation of drawings also includes standard details  
35 that are commonly used and referenced by licensed professionals and others. If adopted this interpretation would change –  
36 this interpretation change would require a licensed professional stamp with signature and date each time a standard detail  
37 was used or referenced in any application or project. Some of the unintended consequences would include the use of standard  
38 details used by municipalities and furnished to citizens to use for compliance in construction of such items as road  
39 extensions, culvert installations, curbs, gutters, etc. Under this proposed interpretation, as I understand it, a municipality or  
40 government agency would be in violation unless a licensed professional signed and dated a referenced standard detail every  
41 time it was provided to the public. I could see that this would confuse the public, require agencies to have licensed  
42 professionals on staff or under contract and would be a significant financial burden to comply with. Current statutes already  
43 require new projects to be designed, stamped, and signed by licensed professionals. Plans examiners and the State Fire  
44 Marshal have been authorized to ensure that any design work is performed by – any design work performed by unlicensed  
45 individuals is not permitted. This proposed interpretation change, in our opinion, is not needed. It does not improve the  
46 level of protection to the public areas of health, safety, or public welfare, it places a significant burden on the public agencies.  
47 It increases the cost to the government and the public in general. It has every appearance of protectionism regulation that  
48 benefits a narrow spectrum of individuals and firms when times are slow, but then when times become, when construction  
49 booms, this same regulation will become very onerous and hard to comply with. In conclusion I request that the current  
50 interpretation of the statute stand as is.

51  
52 Hanson: Does KPB (Kenai Peninsula Borough) have standard drawings and standard specifications?

53  
54 May: "KPB has standard drawings dealing with the road profile, requirements for road construction, for driveway  
55 approaches, for culvert installation that are often used."

1  
2 Hanson: “Are they stamped?”

3  
4 May: “No, they are not.”

5  
6 Maynard: “Then you are fine!”

7  
8 Chair invites Dennis Linnell to testify.

9  
10 Linnell: “Yes, thank you. I am commenting on the same issue here and my thoughts are that standard drawings are a product  
11 of the government entity that produces them and that that government entity should be responsible for them, not a private  
12 consultant. These standard drawings often contain maintenance preferences and/or material preferences of that particular  
13 government entity. I believe that they are used with the engineer that stamped those, with their full approval and permission  
14 when they are used and the normal site adaptation. I do believe that what we are doing currently is in the best interest of the  
15 public and that it would cost – that there would be a public cost to do otherwise. I think allowing the government entities to  
16 reuse standard drawings will continue to protect the health, safety, property, and welfare of the public. I think the current  
17 code does not allow such read of standard and I think you guys should be working on revising the code to allow that practice.  
18 Thank you.”

19  
20 Chair thanks Linnell and invites Chris Miller to testify.

21  
22 Miller: “I choose not to talk about the standard details. But I would say thank you to the board. This has been a great  
23 interactive meeting, I love to see everyone participate and I can only say for myself that I really loved having the board  
24 packet available for my review it caused me to have several discussions in my office and individually with registrants about  
25 various topics that were clearly called out in the board packet. I made a whole list – I have a whole post it note full of things  
26 that stopped me that were interesting in that board packet, so thank you for that and we’ll continue to participate.”

27  
28 Chair: Thanked everyone in the room and on the phone for participating.

29  
30 Hanson asked Fritz if CBJs drawings are stamped and she responded that she believed so.

31  
32 The Board returned to discussing Agenda Item 7. CBPL Reports.

33  
34 *7.C. Annual Reports:* Maynard commented that the report looked good. Kerr asked if we were going back to the fee analysis.  
35 The group briefly discussed aiming towards a revenue neutral point and decided to consider it overnight and discuss Item  
36 7.B. again tomorrow.

37  
38 A.Jones reminded the group that a decision regarding subsidizing the AKLS is also needed. The Chair stated we should  
39 absolutely continue to subsidize it. The group discussed the fees associated with professional land surveyor registration.  
40 Hanson noted there has been a history of subsidizing among the license types (renewals, initial, FEs, etc.).

41  
42 The group returns to reviewing the Annual Report. A. Jones explained the presented version is a DRAFT and that the  
43 webmaster and other CBPL staff will be reviewing. Kerr noted that Vern was appointed, not reappointed. Chair noted a  
44 couple tense changes based upon regulations going into effect. The Chair requested all changes be emailed to A. Jones by  
45 Monday, August 7<sup>th</sup>.

46  
47 *7.D. Updated Travel Forms:* A.Jones explained the new travel forms will not impact the board per se, but wanted the group  
48 to be aware that travel is centralized and will be done by Shared Services. She explained receipts are still submitted as they  
49 have been in the past and board members should not be booking their own travel. Koonce mentioned if he had been able to  
50 book his flight earlier for the NCARB conference it would have saved several hundred dollars, and by the time he was  
51 approved by the State, the ticket price was more than what the State would cover. Koonce added that the availability of seats  
52 was also an issue.

53 The Chair mentioned Fairbanks was a similar situation and R. Jones had issues with travel for this meeting.  
54

1 Fritz asked if we can get approvals now for the year. A. Jones explained she provided the estimates for all travel in the  
2 annual report and will work on getting all the travel requests as soon as possible, but mentioned that all personal deviations,  
3 etc. need to be included in the initial request. Urfer mentioned CLARB is scheduled for mid-September and Johnston asked  
4 about refunds when it is paid by a third party.  
5

6 The Chair requested A. Jones to ask Sara who we can talk to about our travel issues. R.Jones also requested that travel for  
7 board meetings be scheduled for the night before rather than the morning of. All agreed.  
8

9 *7.E. Status of Vacant AELS Licensing Examiner Position:* A. Jones reported that Heather Noe, who previously worked in  
10 the front desk area as our travel contact and is currently a licensing examiner for the Big Game Commercial Services Board  
11 would be transitioning over to AELS starting next week. (**Note:** Due to the need for an experienced licensing examiner for  
12 the Guides program, the transfer did not occur as stated on the record. The recruitment was reposted on and on September  
13 11<sup>th</sup> Heather Noe officially transferred over to the AELS licensing examiner position.)  
14

15 *7.F. Board Evaluation Summary Report:* A. Jones thanked those members of the board who completed the evaluation and  
16 mentioned it is up to the board to decide how they want to use the evaluations and how frequently they wish to complete  
17 them. She noted the intent is for it to be a self-evaluation of the board member that she then reviews and based upon the  
18 comments provided, she will work with each board member individually as needed.  
19

20 A.Jones reported that in regards to the meetings, everyone who responded indicated they felt the board was effective and  
21 on task. The Chair asked if it was helpful. A. Jones explained a few people indicated areas where they would like some  
22 assistance and that that information was very helpful and has the potential to show trends in what may help the board. Fritz  
23 and the Chair requested that she distill the information down and present the findings at the November meeting.  
24

25 The group discussed frequency and determined reflecting annually would be most appropriate. Fritz noted that there are  
26 two levels to consider: working within the board and then the interaction between the board and the department. Fritz  
27 recommended there be a mechanism for getting feedback or improving interactions between the board and the department.  
28 Maynard suggested completing the survey annually at the April/May meeting in order to potentially provide material for  
29 the annual report. All agreed.  
30

### 31 **Agenda Item 11 - Application Review**

32 The Board began reviewing applications.  
33

34 The Board adjourned for the day at 5:04 p.m.  
35

Friday, August 4<sup>th</sup>

The Chair called the meeting to order at 8:00a.m.

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

Catherine Fritz, Architect  
Dave Hale PS, Surveyor  
Brian Hanson, PE, Civil Engineer, Mining Engineer  
Richard “Vernon” Jones, Public Member  
John Kerr, PS, Surveyor  
Jeff Koonce, Architect  
Colin Maynard, PE, Civil Engineer  
Bill Mott, PE, Chemical Engineer, Metallurgical and Materials Engineer  
Fred Wallis, Mining Engineer

The following board members arrived at 8:05 a.m.

Elizabeth Johnston, PE Electrical Engineer, Fire Protection Engineer  
Luanne Urfer, Landscape Architect

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

Alysia Jones, Executive Administrator  
John Savage, Investigator

Members of the Public and invited guests in attendance for portions of the meeting were:

Jim Amundsen, representing Alaska DOT&PF  
Megyn Greider, Department of Law

The board resumed reviewing applications until 10:30 a.m. at which time they transitioned to Agenda Item 18.A. to discuss photogrammetry with Assistant Attorney General Megyn Greider.

**Agenda Item 18 - New Business**

*18.A Discussion on Photogrammetry:* John Kerr provided some background to the discussion. He mentioned Investigator Savage has received a lot of complaints regarding the use of drones by unlicensed individuals for mapping. Kerr added that is an issue being discussed by various government agencies at the state and local levels. Kerr directed the board to statute Sec. 08.48.341 (14), the definition of “practice of land surveying” which includes the term “topographic mapping”. Kerr explained several organizations as well as individuals do not feel it applies to them. Kerr, through CBPL, requested assistance from the Attorney General’s Office for guidance on how to clarify the regulation and resolve the current issue.

Kerr mentioned the board has adopted a flowchart, currently in the draft guidance manual, to assist others in determining if an activity falls under AS 08.48.341 definition of land surveying, however he feels additional clarification is needed.

The board discussed general planning and where that falls in regards to the definition. Maynard and Urfer provided several examples involving the use of drones to get a general idea of the area. Kerr said it depends on the activity and what that information is for. He added if the information was being used to take measurements then it would fall under the definition and require a surveyor. Several board members disagreed, stating engineers and landscape architects develop conceptual unstamped drawings as a planning tool. The board also discussed how it protects the public. Some argued that if historically mapping with measurements came from a land surveying firm because they were the only ones that had the equipment, and now others have that equipment, but that doesn’t mean less skill or knowledge is required. Knowledge of the sources of error, how to correct or mitigate those errors is still necessary. Mott asked where to draw the line in regards of accuracy.

The Chair noted the discussion is not about the accuracy, but the validity of the map. Hanson brought up the point about active field supervision on projects versus remote overseeing by professionals. He cautioned the board not to over dictate and provided a couple examples of situations involving private companies where a land surveyor might not be required. Kerr confirmed his intent is not to provide stricter regulations, but to maintain current level of oversight. The Chair explained it is just a clarification of what applies to the current definition based on the new tools that are available.

1  
2 The Chair invited Megyn Greider to join the discussion. Greider introduced herself stating she works in the commercial  
3 section, representing boards in both advocacy and advisory roles and works with the regulatory commission. Greider added  
4 that due to budget changes she has also taken over the anti-trust case load.

5 Greider explained anti-trust can be very intimidating area and provided a worksheet for use in their discussion of the current  
6 issue surrounding the definition of land surveying. The Chair asked about the effect of the board's decision and DOL's  
7 stance. Greider explained that she cannot choose for the board, however the AGs office can provide advice and tools based  
8 on case law and experience, but that the board is responsible for making a decision that it is expert driven. Greider explained  
9 the process of identifying an issue and the questions the board needs to consider in defense of the change to address the  
10 issue. She discussed the options available to the board. Greider encouraged the board to consider whether any proposed  
11 changes would have an effect on the competitive market including cost, other associated risks as well as the effect on third  
12 parties.  
13

14 Fritz noted that the tradition of the professions have not changed, and questioned the appropriateness of the suggested  
15 methods for analyzing this issue. She noted the practice is already there, and that technology has changed the opportunities  
16 to do that practice. Greider and the board discussed the presence of consumer confusion based upon how the use of the new  
17 technology affects or does not affect the practice. The Chair restated that we are looking at what applies to the current  
18 definition of land surveying. The board discussed planning and the process of making a map. Kerr reiterated the discussion  
19 is focused on the activities associated with platting. Fritz expressed her concern of incorporating specific tools into  
20 regulation and how it may be problematic. She recommended incorporating it into policy or the guidance manual versus  
21 regulation. Hanson agreed noting that if we make this change then we are regulating technology. Maynard recommended  
22 the board work with ASLA and/or APDC to educate agencies to ensure compliance with our current regulations. Kerr  
23 explained that has been his approach. Johnston asked about Oregon's approach. Kerr stated Oregon now has a separate  
24 photogrammeter license and has spent a lot of time and energy trying to educate people. The Chair reiterated that we are  
25 not changing any regulations, but adding a clarification. Several board members expressed their feeling that is a change in  
26 regulation. Kerr noted the difficulties of solely addressing through education. The Chair recommended including the  
27 information in the revised guidance manual and adding it to board policies. Savage noted that education is going on and  
28 noted that at this point it is not defensible if we want to move towards investigations. Hanson felt the statutes and regulations  
29 are very clear regarding the practice and that education is the best approach.  
30

31 Koonce asked if other regulatory boards have addressed this. Kerr responded that other boards are working on it and that it  
32 will be a topic of discussion at the annual NCEES meeting later this month. Hanson compared this to the pre-manufactured  
33 buildings issue a few years ago. R.Jones agreed the information should be incorporated into the guidance manual and board  
34 policies and suggested an article in the APDC newsletter as an additional route of outreach. He added it is not the technology,  
35 it is the product and if it meets the criteria in our regulations then it needs to be done by a licensed surveyor. Fritz noted that  
36 the word "planning" is found within the definition of practice for all professions regulated by the board, so clarification of  
37 what is within the purview of the other professions is still needed as a starting point for building a defensive case if that is  
38 necessary in the future.  
39

40 TASK - The Chair asked Kerr to draft a stand-alone document of clarification suitable for inclusion in the guidance manual  
41 as well as distribution. Kerr agreed to develop a draft for the board to review. Greider cautioned the board about sending  
42 out a letter and advised them to utilize the handout she provided and asked for clarification on how the board perceives to  
43 use that letter and warned against it having a direct impact on consumer choices. She stated that the board needs to build a  
44 record of consumers they have interviewed about this issue, complaints received, and any harms that may have already  
45 occurred, etc. before a letter is issued. The Chair indicated the letter would not be cease and desist letters, but rather a  
46 statement of the board's position on the definition of land surveying and what it applies to.  
47

48 Hanson explained the guidance manual is statute and regulation explanations and policy is how we interpret something so  
49 that it stays consistent throughout the years. Greider reminded the board that written policies and guidance are that the  
50 informative, not compelling authority.  
51

52 Hanson asked if the act of photogrammetry itself is surveying. Kerr responded that it is not. Greider suggested that the  
53 market is fluid and will evolve. The Chair recommended the letter be broad. Kerr noted the problems surrounding this issue  
54 are not often apparent to the consumers until much later in a project and/or when a problem arises down the road. Greider



1 reminded the board to consider things thoroughly and that before publishing anything there is always the option to hold a  
2 public forum.

3  
4 The board thanked Ms. Greider for speaking with the board.

5  
6 The board returned to reviewing applications.

7  
8 **Agenda Item 15 - Board Correspondence Received Since April 2017**

9 The Chair asked the respective board members to summarize meeting reports and correspondence from the national  
10 organizations.

11  
12 *A. Jones stepped out to obtain some information related to applicant reviews from the Anchorage CBPL office.*

13  
14 Urfer summarized CLARB correspondence and activities. She mentioned she had participated in a number of CLARB  
15 conference calls in preparation for the upcoming annual meeting. Urfer noted the major items were potential changes to the  
16 model law again and deregulation in other states. A. Jones added that they are conducting monthly webinars on various  
17 topics.

18  
19 Koonce summarized NCARB correspondence and activities. He noted that he, along with Catherine and Vern attended the  
20 NCARB annual meeting in Boston, the elections were uncontested and there were no resolutions on the table or contentious  
21 issues at this time. Koonce mentioned there were some interesting sessions on regulations, how to be responsive to  
22 registrants, and to how to deal with various issues. Between the three attending board members all sessions were attended.  
23 Fritz added NCARB continues to provide good public information to keep people informed of changes and they announced  
24 their second alternative path, which will be discussed later in the agenda under Agenda Item 17.A. Regulation Updates.

25  
26 Hanson summarized NCEES correspondence and activities. He mentioned there was a request to update our board profile  
27 based on some changes on the NCEES website. Hanson mentioned there are several motions coming up at the annual  
28 meeting later this month including the change in the treasurer election, education requirements for engineers and changes  
29 to continuing education. Hanson said the Western Zone has endorsed a resolution that would change the voting structure  
30 for combined boards. He explained several states have separate boards for engineers and land surveyors, however 41  
31 member boards are combined. The resolution would give each field of practice a vote. Hanson mentioned there is a  
32 discussion with this resolution regarding fee changes, however that this was not part of the current resolution. (*Addendum*  
33 *Resolution did not pass 8/25/2017*). The board discussed R. Jones attending the land surveyor sessions since neither Hale  
34 nor Kerr are able to attend.

35  
36 The Chair skipped down to Agenda Item 16 and mentioned the board would address items 15D-H, once A. Jones returned.

37  
38 **Agenda Item 16 - Board Correspondence Sent Since April 2017**

39 The board discussed the response letters to the universities offering arctic engineering courses. The universities had been  
40 asked to submit documentation to the board to review and confirm courses still met the board's requirements. It was  
41 determined all offered courses still provide the necessary training to practice a design discipline in an arctic environment.  
42 The Chair signed the letters and A. Jones will mail the letters upon her return to the office.

43  
44 The board shifted to new business.

45  
46 *18.C. Arctic & Seismic Requirements (12 AAC 36.110):* Fritz noted that we need to review and verify the information is up  
47 to date. The board reviewed 12 AAC 36.110(b) and agreed based upon updates to ARE 5.0 that (b) is outdated.

48  
49  
50  
51 The board then shifted to **Agenda Item 17 Old Business.**

52  
53 *17A. 1 – Update Education Requirements for Architects:* Providing background to the update, R.Jones explained previously  
54 the AELS board required an NCARB certificate in order to be licensed and they received complaints for applicants licensed  
55 in other states. The board then revised the language to provide an alternative six or seven years ago. Fritz explained the

1 unintended consequence of this revision makes it easier for applicants to enter through comity than seek initial licensure in  
2 Alaska. Fritz added there is an inequitable situation, but noted understanding of the reasoning behind the revision. Fritz  
3 explained NCARB now has a much more streamlined and affordable options to applicants. Fritz explained the options:  
4 Option 1 aligns education and experience with NCARB requirements, but allows (requires) AELS Board to evaluate  
5 “equivalent” through the comity application process. Option 2 aligns education and experience with NCARB requirements,  
6 and requires that NCARB review for “equivalent” (not the AELS Board) through issuance of the certificate.

7  
8 Koonce asked about the process for engineer applicants in an effort to be consistent as possible. Hanson explained the use  
9 of the education and work experience table in the AELS regulations and the work experience verification forms/ mentoring  
10 forms. Fritz noted in the draft regulations it states “two times AXP” and does not outline the six categories. The board  
11 discussed the options and process. Koonce mentioned that the NCARB record should not be a road block for licensure  
12 mobility. Fritz mentioned that the benefit of having NCARB keep your record, vs. the State, then we are keeping track of  
13 what they’ve done.

14  
15 R. Jones stated that he had a problem with requiring an outside entity verifying everything. He explained option 1 requires  
16 those that work with the applicant to verify their experience, which is then reviewed by the board. Fritz noted there is still  
17 an inequity as we require initial applicants to have an NCARB. Fritz argued that for legal equivalency and consistency that  
18 we use the NCARB record. Hansen noted that even when a record is submitted that the board still reviews and verifies the  
19 education, exams, and experience. The board discussed the options in regards to licensure mobility and encouraged Fritz to  
20 make a motion to update the current regulation project to revise the language in .061, .103 and .110. Koonce agreed to assist  
21 Fritz and R. Jones with the project.

22  
23  
24 **On a Motion duly made by Fritz, seconded by Koonce, and approved unanimously, it was**  
25 **RESOLVED to add revisions to 12 AAC 36 .061 and .110 to the current regulation project of updating**  
26 **12 AAC 36.103.**

27  
28 The board dropped back to Agenda Item 15.

29  
30 *15. D. Letter from Alaska Consulting Manufacturing and Engineering, LLC:*

31 A.Jones explained the Alaska Consulting Manufacturing and Engineering, LLC has “engineering” in their name and is a  
32 requesting an exemption from Sec. 08.48.321, due to the use of the word engineering is a protected term. She explained one  
33 of the owners is an aerospace engineer and they work with hot air balloons. The Chair asked if anybody had concerns with  
34 this item. Hanson noted they have engineering in the title of their company, they offer engineering services, but it is not  
35 clear from the title what type of services they offer, and felt they should change their name. Fritz agreed. The Chair asked  
36 the board to consider the time the company has used the name. Johnston and Hanson mentioned the company could be  
37 grandfathered in since the NAICS Codes used did not require a professional license at that time. R. Jones noted that we  
38 don’t regulate aerospace engineering and he explained they have granted an exemption to marine engineers and did not see  
39 a problem with grandfathering the company. Johnston reiterated that the AELS board does not regulate aerospace  
40 engineering. The board discussed how this would be handled going forward with a new business. The board noted that they  
41 would encourage a company to select another name if they do not have a licensed engineer on staff. Kerr referenced  
42 AS08.48.321 and stated that it applies to those offering engineering services, which this company is not doing per our  
43 definitions. Mott added that their title implies they are. Urfer pulled up their business license information and noted that  
44 they are listed under scientific and technical consulting services and computer systems design services.

45  
46 **On a Motion duly made by Kerr, seconded by Maynard and approved unanimously, it was NOTED that the AELS**  
47 **Board takes no exception to the Aeronautical Engineering firm ACME (maintaining a business license using**  
48 **the name Alaska Consulting Manufacturing and Engineering.**

49  
50  
51 *15.E. Letter from BC Hydro:* The board discussed the industrial exemption Sec. 08.48.331(a)(10) which states “an officer  
52 or an employee of an individual, firm, partnership, utility, corporation, limited liability company, or limited liability  
53 partnership, who practices engineering architecture, land surveying or landscape architecture involved in the operation of  
54 the employer’s business only, and further provided that neither the employee nor the employer offers engineering,

1 architecture, land surveying, or landscape architecture services to the public;...” and whether BC Hydro falls under this  
2 exemption.

3  
4 Kerr asked about power line equipment. Maynard noted it still falls under the exemption and mentioned BC Hydro would  
5 likely argue that they own the stuff and that their engineers should be able to work on it. He added that it is a gray area,  
6 but they are only working on their utilities.

7  
8 Hanson asked how this issue came about. A. Jones explained that additional maintenance work that needs to be done, so  
9 they contacted us to ensure they were in compliance. Hanson explained there is a similar situation where a company is providing  
10 an engineer to another company and the company providing an engineer is not licensed. It is a temporary employment agency where  
11 the individual is licensed. He added that most cases people and the company are licensed. Maynard stated their subsidiary could hire  
12 their own people and we couldn't do anything about it because they would be employees of that company. Maynard mentioned  
13 nothing says Tongass has to have all of its employees in Hyder and it sounds like they have been operating like this for a while and I  
14 haven't heard any issues. Maynard added they wouldn't want BC Hydro offering engineering services to Chugach Electric, but that he  
15 did not see an issue with them doing the work for their own company. Kerr equated it to a parent/ child relationship.

16  
17 The Chair asked the board if there was an issue with the request. Hanson noted it is an odd situation and if they were asking an outside  
18 company to do the work, then it would definitely require a license, but since it is for a company they own, it qualifies for the  
19 exemption. Kerr and Maynard agreed it is only that circumstance that qualifies them. A.Jones requested the board make a motion.

20  
21 *15.F. Question RE: AELS alpha-numeric numbers:* Staff requested guidance on how alpha-numeric numbers should be  
22 represented on stamp. The Board referenced 12 AAC 36.180 and advised that even though older numbers are technically  
23 comprised of the 4-alpha characters and then 4 to 5 numeric characters, registrants use the two-letter designations for the  
24 branch of engineering followed by the numerical characters on their seal (i.e. AELC0123 would be CE – 0123).

25  
26 *15.G. Letter & documents RE: potential changes to Title 18 of AAC for domestic wastewater disposal:* The board  
27 reviewed the materials and noted that the issue appears to be with the certified installers to performing percolation tests  
28 which would be practicing engineering without a license. Hanson noted that the municipality requires these and he has  
29 received numerous complaints. The board discussed various tests and agreed the recording of the results does not need to  
30 be performed by an engineer, but that the engineer is needed to make the judgement call based on the results of the test.

31  
32 Urfer asked if this is another education issue where an agency is requiring more than what is required?

33  
34 TASK - The Chair asked if anyone was willing to write a response letter indicating the board's position. Maynard agreed  
35 to write a response.

36  
37 *15.H. Message RE: landscape architect licensure:* Maynard explained that Sec. 08.48.281(b) includes language that  
38 allows civil engineers or architects to practice landscape architecture. Urfer noted that this is an issue that has been  
39 coming up more and more frequently as agencies are mandating landscape architects on projects. Several members noted  
40 that it is within an agency's right to require beyond the minimum standard established by the board.

41  
42 Urfer added that our practices do overlap and noted that the board should discuss that in more depth. When a registrant gets  
43 a notice from an agency that something is not accepted, they need to argue that with the agency as out statutes do allow for  
44 the registrant to continue doing work within their scope.

45  
46 TASK – The Chair asked Urfer to provide a response to the individual.

47  
48 The board returned to Agenda Item 16.

49  
50  
51  
52 *16.B. Validity of Seal on Document:* Hanson explained that a mechanical engineer prepared some construction documents  
53 and presented it to the municipality of Anchorage and the municipality said they are in violating statute because they would  
54 not accept his drawings. Hanson mentioned he had done some research and called the Assessor's Office and provided a  
55 response. He stated that he did not find any violation related to site adaptation and discussed the issue of his ME stamp on  
56 the drawings. Hanson hopes this will alleviate any future questions regarding this issue.

1  
2 *16.C. Questions RE: Use of Old Standard Drawings:* Maynard stated that following yesterday’s discussion, all agencies  
3 that commented during public testimony with the exception of Alaska DOT are doing it correctly. He explained the standard  
4 drawings should not be stamped, and that the person who is stamping the design set, by the fact that they are stamping the  
5 drawings that refer to those details is correct. Maynard said use of drawings from people who are no longer around is a  
6 direct violation of the board’s standards. He noted that most of the drawings do not require engineering, but some do and  
7 for those you cannot rely on an engineer that is not involved or possibly even aware of the project to be validating that.  
8 Maynard recommended that they remove all of the stamps and leave it up to the designer to validate those drawings/ details  
9 work for that particular project. Maynard explained that the initial question did not specify they were standard drawings,  
10 and suggested that they be re-stamped during the peer reviews.

11  
12 Johnston brought up the point regarding disciplines and ensuring the appropriate people are consulted on details that pertain  
13 to their discipline/ branch of engineering. Hanson suggested that the regulations be revised to provide additional credit.

14  
15 The board reviewed 12 AAC 36.185(e) “The registrant, by sealing final drawings, takes responsibility for related discipline  
16 specifications included in the final drawings, unless under AS 08.48.221 the registrant certifies on the face of the document  
17 the extent of the registrant’s responsibility,” and discussed whether or not a revision was needed.

18  
19 The board also reviewed 12 AAC 36.195 Site Adaptation and Field Alterations of Sealed Documents. Hanson noted that  
20 Maynard’s initial response implied re-stamping. The board recognized that given the additional information provided during  
21 public testimony and now having a better understanding of what the questions were in reference to, a revised response was  
22 required.

23  
24 The board discussed some cities have standard details that are signed “approved for use” but are not sealed and several  
25 board members provided examples of how they stamp or reference drawings.

26  
27 Slight process change. Already have to modify or take RC by invoking it. Need to clarify in the regulations. Engineer of  
28 record has responsibilities.

29  
30 Johnston encouraged that any information regarding this issue intended for the guidance manual go out for public  
31 comment.

32  
33 The Chair requested Maynard revise his response based on the comments, additional information, and board discussion.  
34 The board’s recommendation is for standard details not to be stamped and for the registrant who cites them to take  
35 responsible charge.

36  
37 TASK – Maynard will revise response and send to the board for review.

38  
39 **Agenda Item 17 Old Business**

40 *17.A.2. – Use of NCEES Record in Applications:* Hanson noted that he didn’t have anything to report, but plans to work  
41 on this following the meeting. Fritz asked if this was in relation to Sarena’s email about staff approving applicants.  
42 Hanson noted that the topics are related and there has been some discussion about staff approving applications that are  
43 model law, but we are not at that point. Hanson stated he would work on this before the November meeting.

44  
45 *17.A.3 - Licensure Pathway for Software Engineers:* Johnson referred the board to the information in the packet that  
46 related to the last round of this effort spearheaded by former board member Eriksen. Johnson said it is not sufficiently  
47 defined and would need to be revised. Maynard added that he reviewed the software engineering exam was very basic.  
48 Johnston explained computer engineering involves more of hardware design, but that people with a background in  
49 computer science are not required to have the computer engineering side, and are more focused on the programming. She  
50 explained the issue then becomes do you have a computer scientist that is calling themselves a software engineer or are  
51 they a computer engineer with enough programming experience to say they can integrate the two. The board discussed  
52 other branches of engineer that may have programming experience, and Johnston cautioned that a lot of computer  
53 scientists call themselves software engineers and taking on a licensure of software engineers may open up a lot of  
54 questions unless the board is very specific about when it is required. Maynard stated his understanding that the board  
55 would only want to license software engineers that do software that run physical equipment, plants, controls system,

1 which is already under controls system engineering. Johnston noted that in her research and preparation she looked for  
2 instances where software issues caused harm and shared her findings with the board which included wrong dosage  
3 calculations, elevator operation issues and faulty automated processes in an industrial setting. Johnston mentioned there  
4 were approximately 30 jurisdictions where you can take the software engineering exam and call yourself a PE. Johnston  
5 reiterated that she disagrees with the position paper presented by former board member Eriksen. Maynard also indicated  
6 he disagrees. The Chair asked the board if anyone was interested in further pursuing this project at this time. All agreed to  
7 move on and thanked Johnston and Maynard for their research on the topic.

8  
9 *17.B. Updates to the Guidance Manual:* - A. Jones explained that she took what was believed to be the most updated  
10 version, cleaned it up, reorganized some of the sections and added the orthophotos and orthomosaic imagery and flow  
11 chart. The Chair asked if the committee should remain to continue work on it and ensure a representative from each  
12 profession reviews it. Urfer mentioned that she has been working closely with A. Jones on the guidance manual and  
13 suggested we keep the committee for the time being. The board agreed to maintain the committee until such time as the  
14 guidance manual was ready for discipline specific updates. At that point, A. Jones will work with the individual board  
15 members to add and update the manual.

16  
17 *17.C. Updated Application Forms:* A. Jones reported she is continuing to work with the CBPL webmaster Mike Gorman  
18 to update the AELS application forms. She mentioned they are making the forms more interactive (similar to the new  
19 Jurisprudence Questionnaire) and the new forms have prompts in them so you can't forget to enter information into  
20 required fields and/or provide a response that is not valid. A. Jones explained that the new forms should minimize the  
21 number of corrects required and back and forth between staff and applicants to get a complete application. She added that  
22 the new work experience forms should also prevent common issues with incorrect calculations of months of responsible  
23 charge.

## 24 **Agenda Item 18. New Business**

25 Item 18.A. Discussed previously.

26  
27  
28 Item 18.B. Discussion on the Use of Seals (12 AAC 36.185(c))

29 Maynard mentioned the Alaska Professional Design Council is apprehensive about the information we provided a year  
30 and a half ago about a licensee in each office. Some licensees are international, etc. and they are concerned about licensee  
31 in every office. The board discussed moving this regulation to another location because it does not appear to fit among the  
32 other items included in this regulation. Maynard noted there was also some concern that it may be interpreted differently  
33 by new board members and suggested pulling it out and providing clarification. Maynard explained there needs to be at  
34 least one registrant in the office at least 50% of the time, but that a licensee of each discipline is not necessarily required.  
35 Maynard and Hanson will work on revising the regulation.

36  
37 **On a Motion duly made by Maynard, seconded by Hanson and approved unanimously, it was**

38 **RESOLVED that the board start a regulation project to remove section (c) from 12 AAC 36.185 Use of Seals**  
39 **and create a new section that expands it to incorporate the board's interpretation issued in response to the**  
40 **letter from APDC.**

41  
42 *18.C. 12 AAC 36.110:* Discussed previously. Maynard noted there was no mention of lateral loads. Koonce agreed to look  
43 into it.

44  
45 *18.D. Policy RE: NAICS Code 541360:* A. Jones explained it is a process that has been implemented with Business  
46 Licensing for anyone that selects this code. AELS staff asks the company to review the flowchart and indicate where there  
47 business activities fall under the practice of land surveying or not.

48  
49 *18.E. Office of Administrative Hearing (OAH) Training:* A. Jones stated she received this letter offering training and  
50 asked the board if they are interested in scheduling training at a future board meeting. A. Jones added that she included it  
51 the cost in the annual report and it would be incorporated into the board meeting agenda. Kerr expressed interest in the  
52 training. Fritz stated that it builds our understanding of the process and builds are reputation of being aware and less  
53 vulnerable. The Chair asked A. Jones to work on scheduling the training.

1 *18.F. Application Review Process:* The Chair explained that he added this item to the agenda because of the amount of  
2 time it takes the board to review applications during the meeting and asked the board to consider reviewing applications  
3 outside of meetings. A. Jones explained there is a mail ballot process that can be used to review applications in between  
4 regularly scheduled meetings, however there were need to be a conference call scheduled to have the vote on record. The  
5 board recognized a change in the current process would allow for more discussion of regulation projects and other  
6 pertinent issues, however the board also noted this approach would likely put an additional burden on a couple of board  
7 members because of their discipline. Fritz said she would prefer to pursue the idea of allowing staff to approve some of  
8 the applications that fit the standard (model law), and then only the more complicated applications would be brought to  
9 the board. Fritz noted there is value of being a second review of applications outside her discipline and likes the cross-  
10 pollination.

11  
12 Kerr asked if it was possible to give out sample applications to help ensure the applications are filled out properly. R.  
13 Jones said based upon his experience on the board staff he was not certain that would make a difference. A. Jones  
14 reiterated that the new interactive forms contain prompts to further ensure the forms are completed correctly. R. Jones  
15 added that the initial application, fees and work experience are the only items that need to come before the board, all other  
16 items can be checked off by the staff. R. Jones agreed with Fritz' suggestion of giving staff authority to approve certain  
17 types of applications. Maynard noted that it came up several years ago and the board did not want to give staff that  
18 authority. The Chair encouraged the board and staff to consider ways to update processes to try to reduce the amount of  
19 time the board spends reviewing applications.

20  
21 *18.G. New Item:* Kerr notified the board that he had been invited to speak at the UAS annual meeting in Fairbanks next  
22 month. He asked if this was something the board would be willing to use outreach funds to support. The Chair said there  
23 was a lot of great feedback from their presentation last year and he felt it was a great educational tool. Koonce agreed it  
24 was timely with current discussions and the board's work on photogrammetry and supported the outreach. The board  
25 discussed the budget.

26  
27 **On a Motion duly made by Hanson, seconded by Koonce and approved unanimously, it was**  
28 **APPROVED that John Kerr attend the UAS Conference in Fairbanks, September 12-15<sup>th</sup> to represent the**  
29 **AELS Board.**

30  
31 **Agenda Item 19 - Executive Session**

32 There were no discussions for Executive Session.

33  
34 **Agenda Item 11 - Application Review**

35 Hanson brought two applications before the board for discussion. The first application was for an FE applicant with  
36 foreign degrees that were determined to not be equivalent. Hanson explained they were over on math, but they were  
37 missing 3 hours in engineering, 9 hours in general education, and some elective hours that are not evaluated. B.S. Applied  
38 Chemistry from Technical University of Denmark, a couple courses at a poly-technical university and then a M.S. in  
39 Environmental Engineering from Technical University of Denmark. Hanson added that the applicant also provided a  
40 resume that did not include any engineer work experience. Johnston asked if the Master's was evaluated as well. Hanson  
41 confirmed that all education was evaluated. Maynard noted that they are short on engineering even with the Master's  
42 degree. The board reviewed the engineering and math courses and noted several gaps. The board determined the  
43 applicant's current education would not allow him a pathway for licensure. With the recent changes in regulation  
44 regarding FE applications, the board directed A. Jones to suggest the applicant withdraw his application and work directly  
45 with NCEES to take the FE exam. The board requested that A. Jones also communicate to the applicant that in order to be  
46 eligible for licensure in Alaska he would need additional education.

47  
48 Hanson presented the second application reminding the board that the application had been reviewed previously by the  
49 board and determined incomplete. He added that the applicant was under investigation. A. Jones noted the applicant had  
50 completed the arctic course, jurisprudence questionnaire and additional investigations is complete. Hanson contacted the  
51 state board and found they have no issue with licensing him. They explained he is on a very stringent plan and is  
52 following it as requested. Hanson followed up with another state in which the applicant is licensed. Based upon his  
53 discussions with the other state boards, Hanson stated he did not see any reason to deny licensure. The Chair asked if  
54 anyone has an issue on approving the applicant. No one objected.

1 **Agenda Item 22 - Committee Updates**

- 2 • Licensure Implementation: No report.  
3 • Land Surveying Outreach – In progress as previously discussed.  
4

5 **Standing Committees:**

- 6 • Investigative Advisory - No report.  
7 • Licensure Mobility - Fred Wallis joined the committee.  
8 • Guidance manual - There were no additional updates than what was previously discussed.  
9 • Legislative Liaison - Colin Maynard was appointed as the Chair. Maynard said our Sunset bill was passed.  
10 Maynard reported that HB90 was pulled by Representative Kito after Maynard and APDC complained. Rep. Kito  
11 was going to work on it in the interim. Johnston mentioned the guidance provided by Boards and Commissions  
12 and Department of Law that the “other seat” cannot be an electrical or mechanical. Johnston recommended the  
13 statute be changed to “any”. Maynard provided some background about the board and noted that the new  
14 interpretation is new and added that since the early 90s it was either an electrical or mechanical based upon who  
15 was in the specified seat.  
16 • Emeritus Status - No report.  
17 • Budget Committee – John Kerr joined the committee. Koonce noted we still have an outstanding issue regarding  
18 our fees.  
19 • Continuing Education: Urfer mentioned the ASLA group is trying to approve acceptable continuing education  
20 credits and directed the board to the email in the addendum and suggested the board have some input on it. Urfer  
21 clarified that even if approved, it doesn’t mean those are the only ones we accept or that they will necessarily be  
22 accepted by the board.  
23 • AXP Committee: The board determined this committee was no longer needed and disbanded.  
24  
25

26 **Agenda Item 23 - Licensing Examiner Report**

27 The board reviewed the report and did not have any questions.  
28

29 While A. Jones prepared to read the applicant names into the record the board discussed:  
30

31 **Agenda Item 25 - Review Calendar of Events/ Board Travel**

32 The board requested the November meeting be held in the same location, KPB Architects. The board discussed travel to  
33 the meeting and directed A. Jones to request travel for the day before.  
34

35 **Agenda Item 24 - Read Applications into Record**  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45

46 **On a Motion duly made by R. Jones, seconded by Koonce and approved unanimously, it was**

47 **RESOLVED to APPROVE the following list of applicants for registration by comity, examination, and in**  
48 **additional branches of engineering with the stipulation that the information in the applicants’ files will take**  
49 **precedence over the information in the minutes.**  
50  
51  
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MARK	ANDERSON
JAYME	ANTOLIK
MARK BRUCE	BERKHEIMER
BRUCE	BERRYHILL
NORMAN	BEVERIDGE
JOHN WARNER	BULLARD
EDWARD MICHAEL	CINDAR
NOAH	ELWOOD
JESSE	ESCAMILLA
KENNETH JAMES	GARCIA
SARAH	HATFIELD
WILLIAM	HEIDEN
DILIP	KHATRI
JASON	KWIATKOWSKI
MATTHEW	LAASE
CALE	PASTOREK
NIKOLAI	PETROV
DANA J.	SVEUM
ROBERT JAMES	WASSERMAN

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1 **On a Motion duly made by R. Jones, seconded by Hanson and approved unanimously, it was**  
2 **RESOLVED to CONDITIONALLY APPROVE the following list of applicants for registration by comity,**  
3 **examination, and in additional branches of engineering with the stipulation that the information in the**  
4 **applicants' files will take precedence over the information in the minutes.**  
5

MICHAEL	ARCHIBALD
NICHOLAS A.	BARRICK
COREY QUINN	BELLINGER
PETER	BELLINO
JOHN	BRADY
MICHAEL ROBERTS	BRUNELLE
ROBERT W.	BURDICK
DANIEL	CAMPBELL
PATRIZIA	CROFT
RICK SCOTT	CUNNINGHAM
CHARLES	DEGERLUND
KYLE	EMERY
OSAMA	FARES
ROY A.	FORSYTH
JASON	FOULK
JASON E.	FRANK
JOHN FREDERICK	FRECH
DANIEL M.	GEORGE
KEENAN	GOSLIN
COLLEEN	GOULD
GREGORY B.	HOLMAN
JACOB	HORAZDOVSKY
LOGAN	HUPPERT
MARC DANIEL	JENSEN
ANDREW JOHN	KINEL
DOUGLAS	KOTEY
JARED	LEVINGS
TOM E.	LOONEY
CHAD	LORITZ
KIRK	LOUTHAN
DUSTIN	MCCLESKEY
JAMES ALLAN	MCCURTAIN
JAMES	MCGOUGH
DEBORAH	MORALES
RICHARD B.	MURPHY
TROY	NESSET
JOHN JARO	NETARDUS
THOMAS E.	NEWBOLD
DUSTIN	NOEL
DANIEL	PARKER
TRENT	PARKS

***Conditionally Approved continued.***

GREG	PETERSON
NICHOLAS	PHELPS
DANIEL A.	PHILLIPS
KATHERINE	POTHIER
KELLY N.	PUZAK
ERIC	RODGERS
MARTIN	SANTOS GORDILLO
STEVEN	SCHAUB
CASEY THOMAS	SCHMITT
WAYLIN	SIELER
COLIN	SINGLETON
KYI THAR	SOE
ROBERT M.	SPIEWAK
DANIEL	STROMBERG
TAYLOR M.	TAIPALE
JOEL P.	TEUNE
DONALD	VAN GERVE
RORI	VAN NORTWICK
KRISTOPHER	VANLUCHENE
ERIC	VILCE
ROGER	WADE
JERRY	WEBB
COURTNEY	WILLOUGHBY
DAN	WILSON
MICHAEL	WONG
FRANK	YANG
KRISTINE	ZAJAC
JOSHUA	ZELLMER

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1 **On a Motion duly made by R. Jones, seconded by Hanson and approved unanimously, it was**  
2 **RESOLVED to find the following list of applicants for registration by comity, examination, and in**  
3 **additional branches of engineering INCOMPLETE with the stipulation that the information in the**  
4 **applicants' files will take precedence over the information in the minutes.**  
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ROGER T.	ALWORTH
IAN	CLARKE
JEREMIAH	DOBBERPUHL
NICHOLAS	ERTEL
PAUL DOUGLAS	FRENCH
JEFFREY EDWARD	GRASSMAN
PALOMA	HAWN
AMY	HERBST
JOHN RUSSELL	HUTCHINS
CLIFTON	HYDER
PING	JIANG
SEAN	LEE
J. WALTER	LEWIS
STEVEN MORGAN	LINDHOLM
STEVEN MORGAN	LINDHOLM
BENJAMIN H.	LOEFFLER
WILLIAM	LOU
JESSE LOGAN	MOE
SHEA	MURPHY
BILL	RIEHL
AMY L.	STEINER
EDGAR A.	TINAJERO
THOMAS W.	WALLACE
DAVID	WILLIAMS
EMILY	WINFIELD
MELISSA A.	ZEIS

6  
7 The board returned to the discussion of the fee analysis and reviewed the proposed fee structure.  
8

9 **On a Motion duly made by Wallis, seconded by Koonce and approved unanimously as amended, it was**  
10 **RESOLVED to recommend fees to change application fees from \$150 to \$100, and others per spreadsheet**  
11 **submitted 8/3/2017.**

12 **Amendment: Corporation certification and renewal fees be reduced from \$400 to \$300.**  
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14

15 **AGENDA ITEM 26. Board Tasks - To Do List**

- 16 • The Chair is writing a letter to BC Hydro.
- 17 • Maynard is writing a letter to John Barry (15.G.) and letter of explanation (16.C.)
- 18 • Urfer will write a response to 15.H.
- 19 • Kerr is going to Fairbanks to represent the board and photogrammetry language for the guidance manual.
- 20 • Fritz is working with R.Jones and Koonce on the expanded the education requirements for architects' regulation  
21 project  
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1 **Agenda Item 27. Board Member Comments**

2 The board members all congratulated Luanne on being a voting member and welcomed Bill Mott to the board. They  
3 thanked Koonce for the use of the space and requested staff continue to work towards improving the travel process.  
4 Overall everyone felt it was a good meeting with insightful discussions.

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6 The meeting adjourned at 4:05 p.m.

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3 *Respectfully submitted:*

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8 Alysia D. Jones, Executive Administrator

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2 *Approved:*

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6 \_\_\_\_\_  
7 David Hale, PLS Chair  
8 Board of Registration for Architects,  
9 Engineers, and Land Surveyors

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2 Date: 11/8/17  
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