



AELS August Board Meeting - DAY 2

Alaska Division of Corporations, Business and Professional Licensing
Aug 12, 2021 at 9:00 AM AKDT to Aug 12, 2021 at 4:30 PM AKDT
UAF Engineering Bldg - 4th Floor, BP Design Theater

Agenda

- 1. 9:00 am - Reconvene Meeting / Roll Call**
- 2. 9:05 am - National Organization Updates**
 - A. NCARB - Annual Meeting**
 - B. NCEES - Western Zone**
 - C. CLARB**
- 3. 9:30 am - NCARB Presentation**
- 4. 10:45 am - Break**
- 5. 10:55 am - Outreach Reports**
- 6. 11:00 am - Breakout Committee Meetings**
 - A. Outreach Committee - Garness (Chair), Wallis, Leonetti, Maxwell, Rozier (Fritz will sit in)**
 - B. Licensure Mobility Committee - Johnston (Chair), Leman (Anderson and Bell will sit in)**
- 7. 12:00 pm - Lunch**
- 8. 1:00 pm - Reconvene / Roll Call**
- 9. 1:05 pm - Committee Updates**
 - A. Investigative Advisory Committee - All**
 - B. Outreach Committee (Garness (Chair), Wallis, Leonetti, Maxwell, Rozier)**
 - i. July 14th Subcommittee Meeting Update**
 - ii. Outreach projects**
 - a. Architecture (Fritz, Rozier)**
 - b. Engineering (Anderson, Garness, Leman, Wallis, Johnston)**
 - c. Landscape Architecture (Leonetti)**
 - d. Land Surveyors (Bell, Maxwell)**
 - C. Continuing Education (Johnston (Chair), Bell, Garness, Anderson)**
 - i. Need for CEU**
 - ii. Scope for CEU for 2021**
 - iii. Revised CEU Forms for Approval**

- D. Legislative Liaison Committee (Bell, Fritz, Garness, Leman, Leonetti)**
 - i. HB61 update (Fritz)**
 - ii. HB15 (1st reading and has been moved to Labor & Commerce and Education Committees)**
- E. Guidance Manual Committee (Rozier, Maxwell, Leonetti)**
- F. Emeritus Status Committee (Wallis)**
- G. Planning and Implementation Committee (Fritz, Leonetti)**
- H. 1:30pm - Break**
- I. 1:40pm - New Business**
 - i. Interpretation of "direct supervision" with regards to independent contractors in statute 08.48.221(a)**
 - ii. Interpretation of "work of minor importance" in statute 08.48.221 (b)**
 - iii. Interpretation of 12 AAC 36.180(b)**
 - iv. CEU changes**
 - v. Licensure mobility**
- J. 3:30pm - Upcoming Meeting Dates**
 - i. NCEES Annual Meeting - August 19-20th (Anchorage)**
 - ii. CLARB Annual Meeting - September 22-24th**
 - iii. AELS November Board Meeting - Currently November 9-10th - will need to change**
 - iv. AELS February Board Meeting - February 15-16th (Juneau)**
 - v. 2022 NCARB Regional Summit - March 2022**
 - vi. AELS May Board Meeting - May 10-11th (Anchorage)**
 - vii. 2022 NCEES Western Zone Interim Meeting - May 19-20th**
- K. 3:40pm - Read Applications into the Record**
- L. 4:10pm - Board Member Comments**
- M. 4:30pm - Adjourn Meeting**

This publication is designed to provide timely updates on the actions and discussions of the NCARB Board of Directors immediately following meetings. Please remember that the information provided here may be confidential and will be indicated as such when necessary.

Executive Summary

President/Chair of the Board Alfred Vidaurri Jr., NCARB, NOMA, FAIA, convened the first meeting of the FY22 Board of Directors of the National Council of Architectural Registration Boards (NCARB) following the close of the organization’s Annual Business Meeting (ABM) in Los Angeles, California. During the brief meeting, the Board approved the FY22 committee charges and appointments, the FY22 budget, and proposed changes to the Professional Conduct Committee’s “Rules of Procedure.” In addition, Board members discussed outcomes from the ABM.

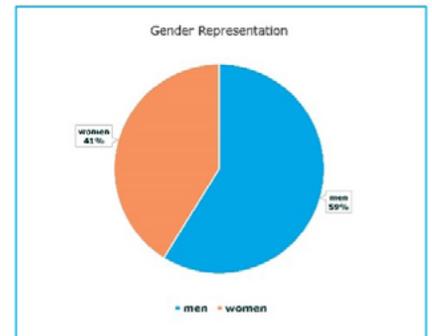
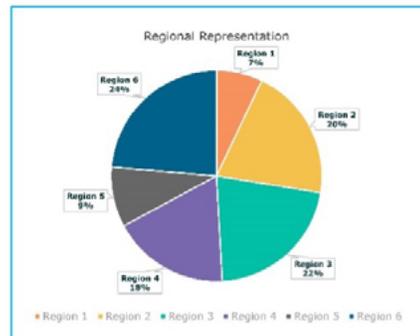
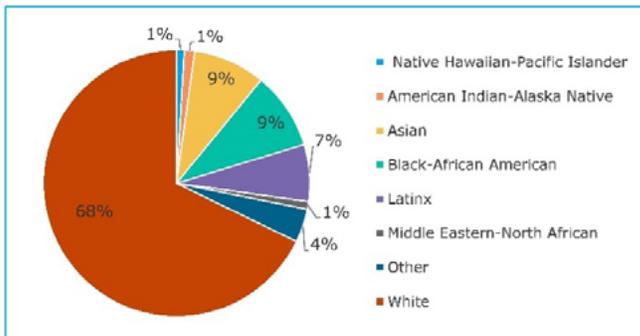
President Vidaurri welcomed three new members to the NCARB Board of Directors:

- Region 3 Director Richard H. McNeel, NCARB, AIA, LEED AP, from Jackson, Mississippi
- Region 6 Director Sylvia Kwan, FAIA, LEED AP, from San Francisco, California
- Member Board Executive Director Cathe M. Evans from Raleigh, North Carolina

New Fiscal Year

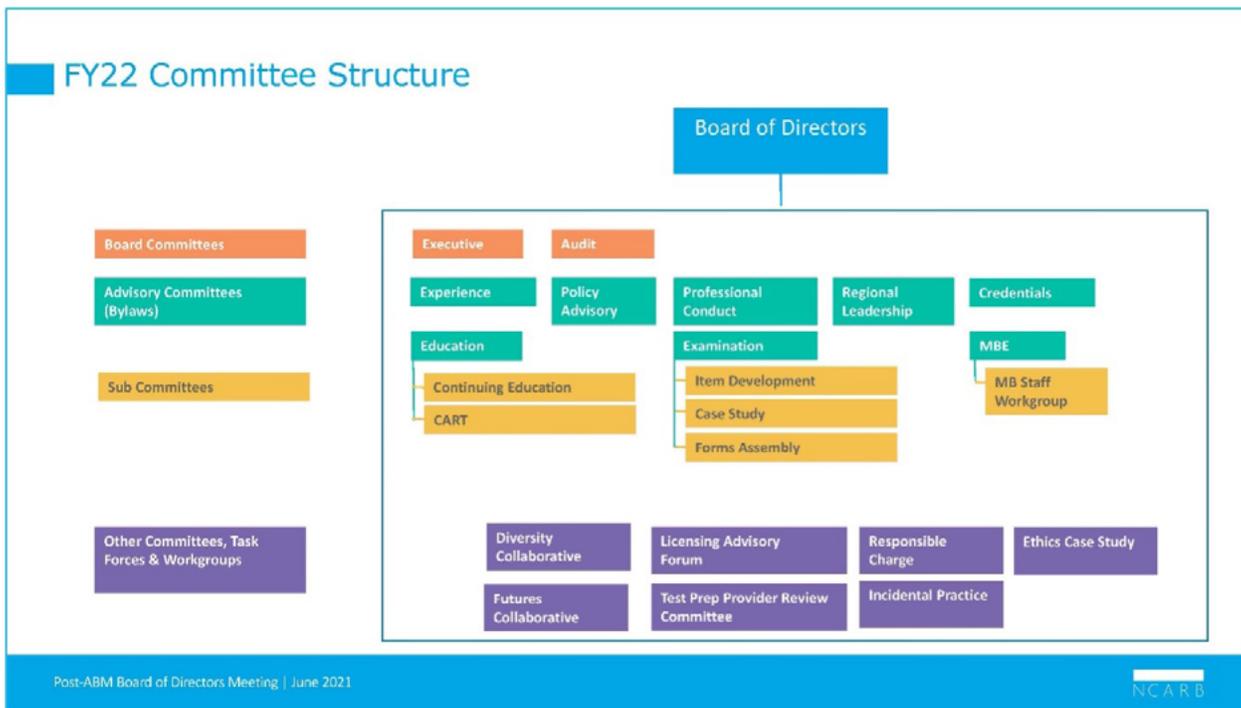
FY22 Committees

The Board approved the FY22 proposed committee structure, including volunteer appointments and committee charges, as developed by President Vidaurri for the new fiscal year beginning July 1, 2021. Vidaurri reported that his focus was to ensure diversity across the pool of volunteers and that he considered multiple factors throughout the appointment process. Thirty-two percent of appointees are from underrepresented groups. The ratio of men to women among appointees is 59:41, and there is clear diversity across regional boundaries. Thirty percent of committee chair appointments are from underrepresented populations, and the ratio of men to women is 50:50.



Other points included:

- Close to 400 applications were received/appointments made.
- All Member Board Members who applied were offered an appointment; these individuals are complemented by a cohort of non-member Certificate holders.
- Former NCARB Think Tank members continue to engage on other committees, with one former Think Tank member rising to chair this year’s Experience Committee.
- Three Member Board Executives (MBEs) will chair committees this year, marking the first time in several years that MBEs have chaired committees other than the MBE Committee. In addition to the MBE Committee, MBEs will chair the Professional Conduct Committee and the Futures Collaborative.



Vidaurri also highlighted key charges assigned for each committee this year. In addition to board and advisory committees outlined in the Council *Bylaws* and pre-existing subcommittees, special volunteer initiatives that will continue include: the Diversity and Futures Collaboratives, the Licensure Advisory Forum, the Responsible Charge and Incidental Practice Task Forces, the Ethics Case Study Work Group, and the Test Prep Provider Review Committee.

FY22 Budget

The FY22 budget, for the fiscal year beginning on July 1, 2021, was approved as presented during the Pre-ABM Board of Directors meeting. The budget includes a \$34.3 million projection for operating revenues and \$35.1 million in operating expenses. The beginning cash carry-over from the previous fiscal year is projected to absorb the projected operating revenue/expense difference plus maintain a positive year-end balance well within Board-approved guidelines.

The budget includes NCARB absorbing the cost of \$2.5 million in benefits for exam candidates and another \$4.8 million in expenditures from the Strategic Reserves for special initiatives. Funding was provided for diversity/equity/inclusion (DEI) efforts addressed at NCARB volunteer culture, as outlined by President Vidaurri in his speech during the ABM, including support for upcoming DEI listening tours with Member Board Members as well as hiring DEI and non-profit governance consultants to advise the Board.

Other important initiatives include: the planned February 2022 migration to the new exam vendor; ongoing research initiatives such as the Analysis of Practice, the *Baseline on Belonging* licensure attrition study with the National Organization of Minority Architects, and the “Beyond Boyer” assessment of the academy and practice conducted in partnership with the American Institute of Architects (AIA) and the Association of Collegiate Schools of Architecture (ACSA); customer perception studies; an international competency study; licensure candidate focus groups; upgrades to NCARB’s proprietary customer service systems; continued development of the Professional Practice digital curriculum (ProPEL) project with ACSA; increasing the inventory of continuing education materials that are free to Certificate holders; and continued investment/growth in NCARB’s data capabilities.

Other Activity

The Board of Directors approved recommended updates to the Professional Conduct Committee’s (PCC) “Rules of Procedure.” Updates included:

- Addition of language to clarify the role of the PCC to uphold the high standards of the profession and the value of the NCARB Certificate.
- Addition of a definition of discipline that matches the PCC/MBE Committee recommendation for a definition of discipline.
- Updates to clarify Member Board actions that would qualify for PCC review, including but not limited to revocation for cause other than nonpayment of fees or failure to file information; conviction of a felony or crime involving fraud or wanton disregard for the rights of others; suspension of a license; surrender of registration; or restriction on practice involving limitation on scope.
- Language to clarify items that would not qualify for PCC review, including but not limited to consent actions with no finding or agreement that law has been violated; corporate or firm registration violations; discipline related to failure to pay taxes, child support or other like civil violations; nonpayment of renewal fees; or failure to file information or meet other administrative requirement.
- Addition of language regarding abusive or hostile behavior to mirror NCARB’s policies for exam candidates in the exam conduct policies, including a review by NCARB CEO.

In other business, the Board of Directors provided feedback on the quality of the content and materials presented during the ABM, indicating general satisfaction with the event including the first-ever remote engagement of members throughout the meeting including workshops, Board elections, and resolution debate and voting.

NCARB UPDATE

MAY 2021 ISSUE

IN THIS ISSUE:

CYBERSECURITY

NCARB has a number of resources and systems in place to ensure that our data remains secure, and our dedicated volunteers recently completed an effort to develop a business continuity version of the exam.

[READ MESSAGE FROM THE CEO](#) ▶

FY22 PLANNING

NCARB's leadership worked diligently during the month of May to prepare for FY22, holding planning sessions and training for Board of Directors candidates.

[READ SENIOR LEADERSHIP ENGAGEMENT](#) ▶

PSI MIGRATION

NCARB recently shared more information about the upcoming migration to PSI with exam candidates.

[READ NCARB IN ACTION](#) ▶



President-elect Vidaurri leads an incoming senior Board leadership continuity and planning session in Washington, DC.

MESSAGE FROM THE CEO

Dear Colleagues,

We have all read in recent news reports that a new wave of concerns regarding cybersecurity is upon us. NCARB has maintained a high degree of security regarding its data storage for many years.

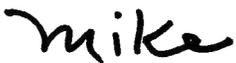
We have dedicated resources and ancillary systems engaged in continuous monitoring of incoming cyber communication—with a constant focus on best practices for organizations like NCARB. This includes training to provide state-of-the-art knowledge and tools toward protecting all the different data sets we maintain. Further, the entire NCARB staff engages in mandatory annual training on safeguards and awareness in this important arena.

Earlier this year, we finished a multiyear effort to develop a “shadow exam” that will be regularly updated and impervious to cyberattacks. This capability will assure that should the current exam be seriously compromised, the Council will be able to administer the exam within a reasonable period.

As a final note, we never store or save personal information such as credit card numbers.

Please let us know if you have any questions, comments, or concerns regarding this important issue. As we continually move toward information management as a primary focus, our obligation to each other and our stakeholders remains paramount.

Best wishes,



Michael Armstrong
Chief Executive Officer



CEO Armstrong engages with senior Board of Directors members at the NCARB office during a planning session for FY22.

CEO INTERNAL ENGAGEMENTS

PENNSYLVANIA STATE ARCHITECTS LICENSURE BOARD

May 5

NCARB TOWN HALL AND BOARD MEETING

May 12

WYOMING BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS MEETING

May 13

CEO EXTERNAL ENGAGEMENTS

SIX ARCHITECTURAL COLLATERAL EXECUTIVES MEETING

May 6

AMERICAN INSTITUTE OF ARCHITECTS (AIA) WYOMING

May 13

FEDERATION OF ASSOCIATIONS OF REGULATORY BOARDS (FARB) EXECUTIVE BOARD MEETING

May 14

INTERORGANIZATIONAL COUNCIL ON REGULATION (ICOR) CEO MONTHLY MEETING

May 14

CEO EXTERNAL ENGAGEMENTS CONT.

NATIONAL ORGANIZATION OF MINORITY ARCHITECTS (NOMA)/NCARB BASELINE ON BELONGING CHECK-IN

May 20

TEXAS SOCIETY OF ARCHITECTS OUTREACH

May 21

SIX ARCHITECTURAL COLLATERALS LEADERSHIP MEETING

MAY 28

ASIA-PACIFIC ECONOMIC COOPERATION (APEC) CENTRAL COUNCIL SPECIAL MEETING

MAY 28

SENIOR LEADERSHIP ENGAGEMENT

- **FY22 NEW BOARD OF DIRECTORS ORIENTATION**

May 5, 19, and 26

- **NCARB SENIOR BOARD LEADERSHIP CALL**

May 11 and 20

- **NCARB BOARD CALL**

May 26

- **NCARB SENIOR BOARD LEADERSHIP RETREAT**

May 27-28

- **SIX ARCHITECTURAL COLLATERALS LEADERSHIP MEETING**

May 28

- First Vice President/President-elect Alfred Vidaurri Jr., NCARB, NOMA, FAIA (of Texas) and CEO Michael Armstrong hosted the first three of five virtual onboarding sessions for several FY22 Board of Directors candidates:
 - Candidate for Member Board Executive Director Cathe M. Evans of North Carolina
 - Candidate for Director of Region 6 Sylvia Kwan, FAIA, LEED AP, of California
 - Candidate for Director of Region 3 Richard H. McNeel, AIA, NCARB, LEED AP, of Mississippi
- President-elect Vidaurri led an incoming senior Board leadership continuity and planning session in Washington, DC, with President Robert M. Calvani, FAIA, NCARB (of New Mexico); Second Vice President Bayliss Ward, NCARB, AIA (of Montana); and Treasurer Jon Alan Baker, FAIA, NCARB, LEED AP (of California).



President Calvani, First Vice President Vidaurri, and CEO Armstrong participate in a meeting of the six architectural collateral's leadership.

MAY VIRTUAL OUTREACH

K-12 PRESENTATIONS

- Roosevelt High School | May 24

UNIVERSITY PRESENTATIONS

- Columbia University | May 11
- University of Washington | May 19

UPCOMING VIRTUAL OUTREACH

UNIVERSITY PRESENTATIONS

- AIA Atlanta | June 9
- AIA Miami | June 10

AIA/PROFESSIONAL CONFERENCES

- AIA Conference on Architecture | June 17

ORGANIZATIONAL DEVELOPMENT AND OFFICE LIFE

- The staff Inclusion/Diversity/Equity/Agility (IDEA) Work Group continued its engagement with consultants to develop recommended policies and next steps regarding workplace culture under the auspices of the Organizational Health initiative.
- NCARB offices reopened as an “optional” workspace, with a more formal policy regarding remote work to be in place in time for the new school year. In-office meetings included hosting President Calvani, President-elect Vidaurri, Second Vice President Bayliss Ward, Treasurer Baker, and immediate Past President Terry L. Allers, FAIA, NCARB, Hon. FCARM, for a series of engagements.

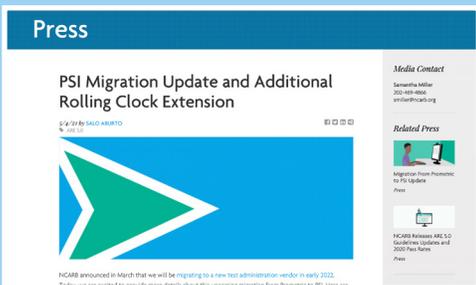
NCARB IN ACTION

KEEP UP WITH WHAT'S NEW



NCARB IN THE NEWS

- **Tech Century:** [Unique LTU program graduates Michigan's youngest licensed architect at age 23](#)
- **Architectural West:** [Construction Law: Does a Designer Need to Be Licensed?](#)
- **University of Miami:** [Student reflects on the intersection of Black culture and architecture](#)



NCARB PRESS

- [PSI Migration Update and Additional Rolling Clock Extension](#)

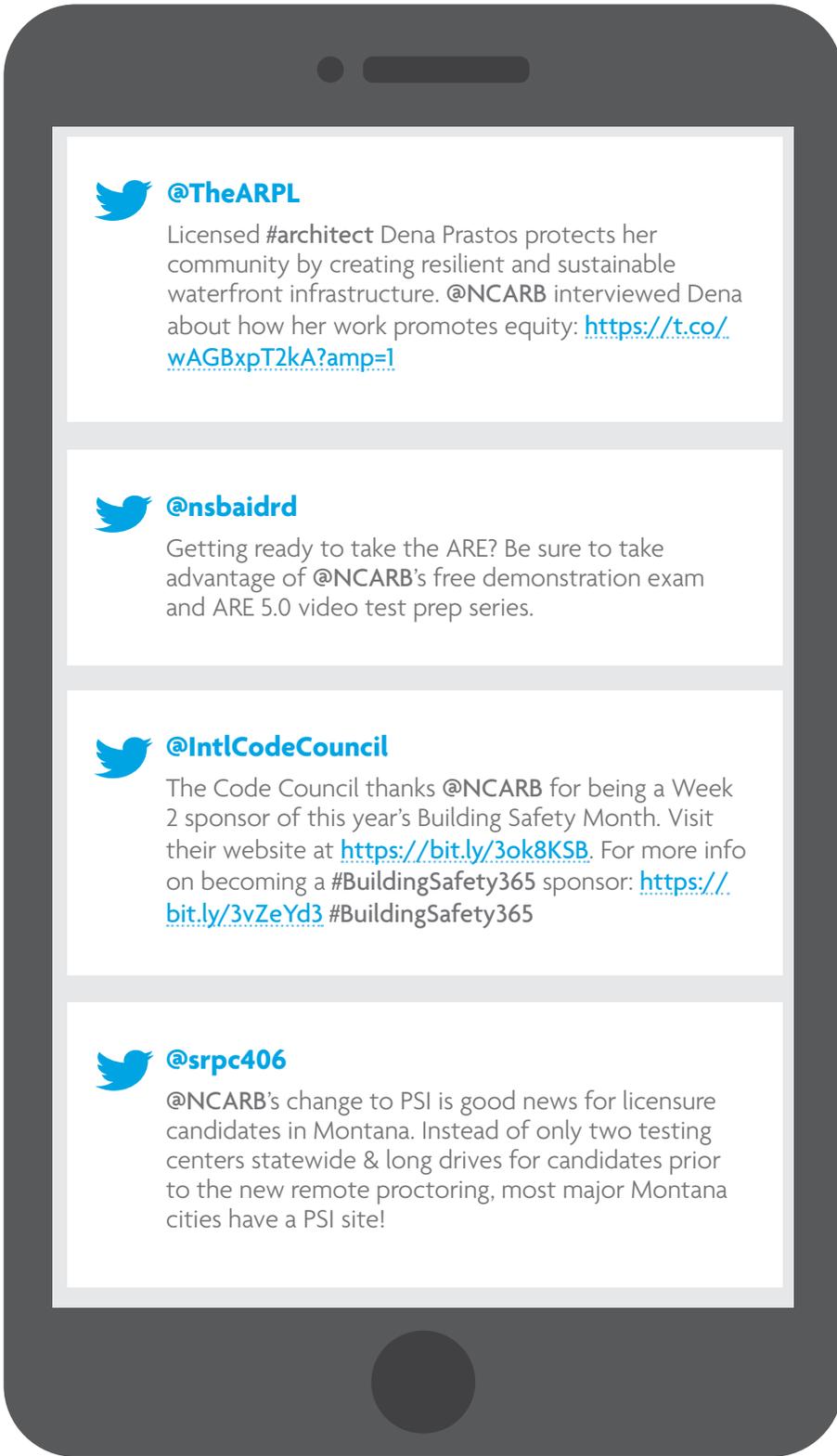


TOP BLOG POSTS

- [Get Help on the Path to Becoming an Architect with a Licensing Advisor!](#)
- [NCARB Vocabulary 101: Terms to Familiarize Yourself With](#)
- [Do's and Don'ts for Taking ARE 5.0 Online](#)

NCARB SOCIAL

THIS MONTH'S FEED



@TheARPL

Licensed #architect Dena Prastos protects her community by creating resilient and sustainable waterfront infrastructure. @NCARB interviewed Dena about how her work promotes equity: <https://t.co/wAGBxpT2kA?amp=1>



@nsbaidrd

Getting ready to take the ARE? Be sure to take advantage of @NCARB's free demonstration exam and ARE 5.0 video test prep series.



@IntlCodeCouncil

The Code Council thanks @NCARB for being a Week 2 sponsor of this year's Building Safety Month. Visit their website at <https://bit.ly/3ok8KSB>. For more info on becoming a #BuildingSafety365 sponsor: <https://bit.ly/3vZeYd3> #BuildingSafety365



@srpc406

@NCARB's change to PSI is good news for licensure candidates in Montana. Instead of only two testing centers statewide & long drives for candidates prior to the new remote proctoring, most major Montana cities have a PSI site!



@fuentesarchitecture

6 PASSES. Each sheet represents passing a single 4.5 hour long professional licensing exam. These documents serve as a constant reminder of the countless hours I studied to become licensed. Grateful for the learning experiences of the past and look forward to applying the lessons learned in my practice.

JOIN THE CONVERSATION ON SOCIAL MEDIA!



DEPARTMENT UPDATES

Learn about the projects, collaborations, initiatives, and events that NCARB's various teams have accomplished or focused on this month.

ADMINISTRATION

- Prepared revised draft of the FY22 budget, based on Board feedback since the first review in April and additional new information regarding expenses and projected revenues. The latest draft will be reviewed by the current NCARB Board immediately preceding the Annual Business Meeting (ABM). A final draft will be presented for the new FY22 Board of Directors' action at the meeting immediately following the June ABM.
- Launched the ABM registration site and prepared for all onsite logistics.
- Implemented a new human resource system to enhance ability to post jobs and effectively communicate and coordinate between applicants, hiring managers, and Human Resources staff.

COUNCIL RELATIONS

- Participated in a Council of Landscape Architectural Registration Boards (CLARB) work group discussing ways to reduce enforcement friction within the licensing process through the implementation of a uniform standard. The group discussed potential options for CLARB to present to their board of directors.
- Contributed to the Alliance for Responsible Professional Licensing's (ARPL) strategic planning discussion for the upcoming year and beyond.
- Facilitated an informal outreach discussion with members of AIA South Carolina's emerging professionals alongside NCARB Examination staff.
- Met with AIA Wyoming leadership alongside NCARB CEO Armstrong to discuss the state of the profession in Wyoming, as well as recent NCARB updates.
- Joined the Wyoming Board of Architects and Landscape Architects meeting.
- Joined the Pennsylvania State Architects Licensure Board meeting.
- Facilitated the FY22 committee appointment process with President-elect Vidaurri and Council volunteer liaisons.
- Held a "council hour" for Member Board Executives to discuss FY21 resolutions.



NCARB's Examination Department collaborates on a video call.

CUSTOMER RELATIONS

- With Council Relations, Customer Relations team members participated in a CLARB work group on uniform standards for licensure to inform the CLARB board of directors' discussions.
- Participated in joint meetings with incoming Architect Registration Examination® (ARE®) vendor PSI's Client Services and NCARB's Examination team to review documentation for proctor/candidate exam conduct policy.
- Pilot testing has begun for a candidate experience assessment designed to test the quality of the service experience for exam candidates.

EXAMINATION

- The Examination Committee continues to review potential updates to the ARE score report based on feedback from candidate focus groups. An updated score report format is anticipated as part of the migration of test delivery and administration to PSI.
- Migration efforts to PSI continue as both Information Systems development and PSI test center policy development continue. The migration effort is expected to take place during the first quarter of 2022.
- The Case Study Subcommittee completed two new case study resources per ARE division. The new case study resources will be used as part of next year's item writing efforts.
- The Examination Department continues to consult with the Nevada Board of Architects, Interior Designers and Residential Designers. Efforts to develop an updated test specification for the residential designer license have begun as the practice analysis effort has been completed.



NCARB staff attend the APEC Central Council Special Meeting.

EXPERIENCE + EDUCATION

- The Interiors Task Force identified a conceptual procedure and a probable timeline, beginning in 2024, to recommend changes to the Classification of Instructional Programs (CIP) codes regarding the qualifications and definitions of architecture and interior architecture university programs. The task force also considered edits to the current CIP codes for architecture, interior architecture, and interior design. The next revision of the CIP codes occurs in 2030.
- Selected 16 educators to receive scholarships to attend the NCARB Scholars in Professional Practice training event, to be held in August 2021.
- Engaged in the APEC Central Council Special Meeting.

INFORMATION SYSTEMS

- Finalized user experience design for future PSI exam scheduler and completed capability to look up appointments in person and online.
- Continued user experience review of the exams overview page for My NCARB redesign and reengineering.
- Successfully launched the architect renewals module for the NCARB Licensing System with North Dakota. Also, finalized prototype for landscape architects' module.
- Working with Meeting Planning and other teams to redesign business processes for NCARB meetings and events.
- Working with the Administration team to implement an improved contract management process.
- Working on solutions to support an automatic software rollout and updates for Mac users.

MARKETING & COMMUNICATIONS

- Supported the special meeting and vote on Resolution 2021-01 and assisted the Board secretary in issuing the vote announcement and updated *NCARB Bylaws* to Member Boards.
- Launched the 2021 ABM registration and continued to develop materials for the event in June.
- Released the “Resolutions to be Acted Upon” at the 2021 ABM and held the first of two webinars for members to ask questions about the resolutions.
- Released the *2021 Pre-Annual Business Meeting Briefing*. The briefing includes information on how to participate in the meeting (whether in person or virtually), an updated agenda, voting guidelines, candidate information, and recognitions of individuals who are being honored for their service or have passed away this year.
- Continued development on the *2021 NCARB by the Numbers*, which will be released to Member Boards electronically at this year’s annual meeting.
- Continued development on the next report from the *Baseline on Belonging* survey with co-sponsor NOMA. The report will focus on findings related to the examination component of licensure.

OFFICE OF THE CIO: DATA AND INNOVATION

- Guided a creative session for incoming senior NCARB Board leadership to introduce innovation frameworks and tools.
- Hosted the first “Ncubator Show & Tell” for NCARB staff to share progress made by NCARB’s “Innovators” staff teams, detailing experimentation processes and lessons learned.
- Led “Sunshine Sessions” with the E+E and Examination teams to emphasize learning and encourage experimentation.



NCARB

2021 ANNUAL BUSINESS MEETING

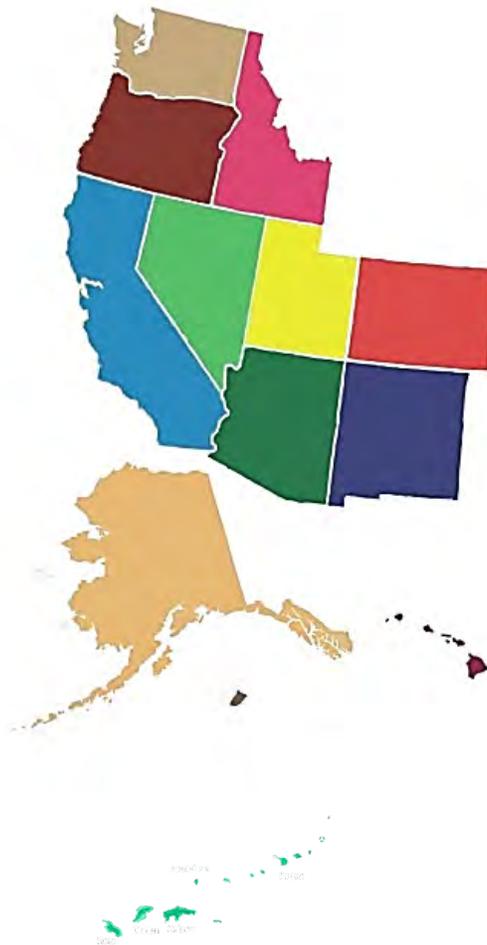
June 24-26, 2021
Los Angeles, CA | Hybrid

NCARB’s ABM will be held June 24-26, 2021, with hybrid delivery for both in-person and virtual attendees.

WCARB

Western Council of
Architectural Registration Boards
REGION 6

WCARB Region 6 2021 Regional Meeting at NCARB – Los Angeles, CA Meeting Materials



Order of Business

Please note: All agenda items are in Pacific Time (PT).

Thursday, June 24, 2021

8 a.m. – Noon **FY21 NCARB Board of Directors Meeting**

4 – 6 p.m. **First Business Session**

- California Board Welcome
- Remarks by the Past President
- Call to Order
- Opening Remarks by the President
- Recognition of Retiring MBEs and Outgoing Members
- Introduction of Past Presidents
- Keynote Presentation
- Preview of Friday/Saturday Events

6:30-8 p.m. **Welcome Reception**

Friday, June 25, 2021

7 – 9:45 a.m. **Breakfast**

10 a.m. – Noon **Second Business Session**

- Welcome and Introductions
- Remarks of the President
- Treasurer's Report
- Remarks of the CEO
- Election Procedures and Candidate Videos

Noon – 1:30 p.m. **Lunch**

1:30 – 2:30 p.m. **Workshop Session 1**

- Data and Diversity
- Designing the Future
- Development/Delivery/Disruption: The ARE Lifecycle

Please note: All agenda items are in Pacific Time (PT).

- 3 – 4 p.m.** **Workshop Session 2**
- Data and Diversity
 - Designing the Future
 - Development/Delivery/Disruption: The ARE Lifecycle
- 4:30 – 5:30 p.m.** **Workshop Session 3**
- Data and Diversity
 - Designing the Future
 - Development/Delivery/Disruption: The ARE Lifecycle

Saturday, June 26, 2021

- 7 – 9:45 a.m.** **Breakfast**
- 7 – 7:30 a.m.** **Credentials Committee Meeting**
- 7:30 – 8 a.m.** **Voting Delegates Meeting**
- 8 – 9:30 a.m.** **Regional Meetings (Optional)**
- 10 a.m. – Until Done** **Third Business Session**
- Opening Remarks
 - Remarks of the President-Elect
 - Board of Directors Elections
 - Town Hall
 - 2021 Resolutions
 - Invitation to FY22 Annual Business Meeting
- 6 – 10 p.m.** **FY21 Medalist Recognition and Evening Garden Party**

Sunday, June 27, 2021

- 10 a.m. – Noon** **FY22 NCARB Board of Directors Meeting**

The 2021 WCARB Regional Meeting at the NCARB Annual Meeting Westin Bonaventure, Los Angeles, CA

Saturday, June 26 – 8:00 AM (Pacific)

AGENDA

8:00 a.m.	Delegate Breakfast and Regional Meeting	San Diego Room, 2 nd Fl.
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8:00 a.m.	<ol style="list-style-type: none">1. Meeting Convened by Sylvia Kwan<ul style="list-style-type: none">• Establish Quorum• *Approval of Agenda• Introductions• *Approval of Minutes: 3/4-5/20212. Regional Director's Report – Ed Marley3. Regional Chair's Report – Sylvia Kwan4. Financial Report – Corey Solum5. *Review and Approval of 2021-2022 WCARB Budget6. State Reports – anything new since March 20217. Call for Volunteers for WCARB committees8. *Strategic Plan Update9. 2022 Regional Meeting Discussion – agenda and educational topics?10. NCARB Visiting Team and Candidate Visits11. New Business/Old Business12. Other	
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9:30 a.m.	Adjourn	
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6:00 pm – 10:00 pm	FY21 Medalist Recognition & Evening Garden Party	Westin Boneventure
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**MINUTES FOR BOARD MEETING OF THE WESTERN COUNCIL OF ARCHITECTURAL
REGISTRATION BOARDS – WCARB REGION 6
Virtual Meeting**

Thursday, March 4, 2021

Chairman Sylvia Kwan called the meeting to order at 12:00 noon.

AGENDA ITEM 1

Roll Call:

Alaska – present
Arizona – present
California – present
Colorado – present
Guam – absent
Hawaii – present
Idaho – present
Nevada – present
New Mexico – present
Northern Mariana Islands - present
Oregon – present
Utah – present
Washington – present

12 of the 13 member states and jurisdictions were present and represented at the March 2021 Virtual Regional Summit – Thursday meeting via Zoom. There was approximately 50 members in attendance via Zoom.

AGENDA ITEM 2 **Introductions**

There were new members in attendance: Terylle Aguada, Staff Nevada; Susan Cooley, MBM Washington; Michael Fazio, MBM Utah; Julie Pham, Staff Arizona; Robert Pearman, MBM California; Sonny Ward, MBM California; Ron Jones, MBM, CA; and John Mullin, MBM Idaho.

The new members of WCARB Region 6 were warmly welcomed to the region.

AGENDA ITEM 3 **Approval of Agenda**

Motion: Tara Rothwell (NM) moved to approve the agenda. Motion seconded by Corey Solum (UT).

Vote: All in favor. Motion passes.

AGENDA ITEM 4 Approval of the Minutes

Motion: Doug Sams (OR) moved to approve the minutes from the March 6, 2020 regional meeting in Cambridge. Motion seconded by Bert Yumol (HI).

Vote: All in favor. Motion passes.

Agenda Item 6 Regional Director's Report – Ed Marley, NCARB AIA

Ed Marley welcomed everyone to the Virtual Meeting for the 2021 Regional Summit and gave the following report on the work of the Council.

"To say that this past year has been a wild ride would be an understatement. I'm going to try to fit an entire year of Board work into my brief report. I was appointed to serve as Board liaison to the Professional Conduct Committee. Here are some of the highlights of the Board Activities covering the past year up to the 2021 January Board Meeting. In spite of having to shift to remote meetings, I am continually impressed with the agility and resiliency of our NCARB staff and the Board of Directors. They have not only maintained a high level of service but have also opened new service approaches in response to the Pandemic conditions. All while working remotely. Here's a quick summary of activities over the last year.

1. ARE Update

- a. The Pandemic caused the shutdown of all Prometric Testing Centers from March 18 to June.
- b. Updated ARE 5.0 to reduce the number of test questions and increase test time while maintaining the rigor, validity and reliability of the exam.
- c. Set new Cut Scores for all six adjusted exam divisions.
- d. Implemented an online proctored version of the exam on December 14, 2020. We are seeing about 20% participation in online proctored exams with scores similar to test center administered exams.
- e. To accommodate online proctoring a digital whiteboard was developed in the software to replace scratch paper in the testing centers and online. This new feature is required to maintain exam security. This feature was not well received by exam candidates.

2. Line-Up Software Venture

- a. Client base continues to grow. Board has authorized the next increment of funding. While there has been a slight downturn in marketing efforts this past year, future revenue projections look very strong over the next 5 years.

3. Resolutions

- a. 2021 A – Remote Meetings, a special meeting of the Member Boards will be held in May to act on this resolution to allow electronic voting.
- b. 2021 B – Certification Guidelines Education Alternative – Clarifies qualifications for eligibility.
- c. 2021 C – Certification Guidelines Foreign Alternative – Clarifies qualifications for eligibility.
- d. 2021 D – Sunset of Resolution 2000-1 – Opposition to interior design registration.
- e. 2021 E – Amendment and Restatement of NCARB Legislative Guidelines and Model Law regulations.
- f. 2021 F – Omnibus Sunset of Resolutions in Conflict with Current Council Policies – Review of previous resolutions to ensure alignment with current NCARB policies.

- g. 2021 G – Bylaws Amendment – Director Term Limits – change from three terms to two terms.
- h. 2021 H – Bylaws Amendment – NCARB Board of Directors Realignment – Combines positions of Secretary and Treasurer and eliminates the position of Second Vice President.
- i. 2021 I – Member Board Dues Reduction – Reduces dues from \$6,500 to \$1,000.

4. Collaboration with collaterals

- a. CLARB – Representatives attended the January Board Meeting. Our discussion was focused on the restructuring of their Board of Directors.
- b. CIDQ – discussion on the work of the NCARB Interiors Task Force with CIDQ representation, exam requirements mapping conducted via the Interiors Task Force, advocacy, incidental practice, CIDQ’s definition of interior design, exam rigor, and use of the title “interior architecture” by some colleges and universities to describe their interior design programs.

5. Other Business

- a. President Calvani established the Incidental Practice task force.
- b. Alliance for Responsible Professional Licensure, AIA no longer participating in ARPL.
- c. Annual Meeting – Currently proposing a hybrid format of on-site in Los Angeles as well as Zoom for those who are under travel restrictions.

6. Finances

- a. The FY21 budget performance is very strong despite the past year’s events. We took a very conservative approach to our budget in anticipation of downturns in projected revenues. Revenues have exceeded projections which allowed the Board to restore certain initiatives including the following. The Board approved disbursements from the Strategic Reserve Fund for the Analysis of Practice research project, Beyond Boyer Study, a compensation study, and consulting for NCARB’s data analytics efforts. The Board also approved disbursements from the Operating Fund for staff development, cost of living adjustments and promotions.
- b. Short Term Reserve Funds and Strategic Reserves are healthy and tracking within Board’s target balances for each fund.

7. Member Initiatives

- a. Advocacy & Outreach : CEO Mike Armstrong continues his outreach to Member Boards and to the Collateral organizations.”

Chair Kwan thanked Marley for his excellent report. Marley answered several questions posed by the members.

AGENDA ITEM 8 WCARB State Reports

Chair Kwan asked members to present their state reports.

Alaska: Fritz reported that the board was losing its MBE next week. Also the interior designers are still seeking registration in Alaska. The board will be monitoring the developments as they pertain to HB 61.

Arizona: Wyckoff told the region that Arizona Board composition was just changed to contain 5 professionals and 6 public members. However no Board members have been appointed or replaced so we are waiting in limbo for any news on Board appointments. Also, longtime MBE Melissa Cornelli is retiring at the end of the month.

California: The Board recently implemented a requirement for all new candidates for licensure to undergo a criminal background check. The Board is currently discussing its existing continuing education requirement and exploring the possibility of seeking authority to expand the topics required.

Colorado: Non-Compliance with Continuing Education requirements continue to dominate the work of the Board staff. Although there are challenges related to the requirement to provide proof the licensee has retained the material taught, actually taking the required CE (12 per year), determining what CE is HSW, and basic documentation continue to be the greater issues we are facing.

The Board has drafted a Common Practice Bulletin related to Owner Representation that outlines the laws and the definition of Architecture and Engineering as well as provides examples where Owner's Representatives may be inadvertently performing architecture or engineering. This will be distributed to industry organizations for distribution as they see fit. We anticipate the bulletin will be released in the coming weeks.

The Board recently adopted rules including:

- a. Considered items related to the use of signatures, including the addition of a definition of Signature Dynamic Technology;
- b. Several Continuing Education revisions;
- c. Retention of documents; and,
- d. Some general housekeeping items.

Guam: The Guam board was not present at this meeting.

Hawaii: The Hawaii board is working on clarifying the regulations for electronic signatures. The board is collaborating with the various counties in Hawaii to ensure coordination. The Board is presently going through the rules amendment process to license additional branches of engineering, Fire Protection engineers and Environmental engineers. Licensure in Hawaii is by discipline. The rules package also clarifies the continuing education (CE) requirements for architects. The Board requires CE only for architects upon renewal.

The Board has recently appointed 3 members to investigate and provide recommendations regarding the potential acceptance of electronic digital signatures on plans, specifications, maps, reports, surveys, descriptions, and design drawings prepared by or under the supervision of a licensed professional engineer, architect, land surveyor, or landscape architect that are to be filed with public officials.

The Board continues to discuss rule amendments to the entire chapter basically to clarify and amend language to conform with updates on the national level, such as

examination filing deadlines, computer based testing, state specific examinations, etc. The last rules amendment was in April 2013.

Idaho: Nothing new to report. It's been a quiet year.

Nevada: As a result of COVID and following Nevada Governor Sisolak's guidance, the Board office is temporarily closed to the public and board staff continues to operate in a hybrid working schedule, combining remote and on-site work weekly. Since March of 2020, all public board meetings have been held virtually via Zoom. We are anticipating holding our board meetings virtually for the rest of 2021.

The Board's annual continuing education seminar had to be held virtually last November due to COVID restrictions. The seminar was a huge success and had approximately 450 attendees, an increase in the number of attendees from previous annual in-person seminars.

The 2021 Nevada Legislative Session began on February 1st. Committee meetings are being held virtually and online, not in committee rooms. Senate and Assembly committees that deal with similar topics are meeting jointly to save time and effort. Lobbyists are not permitted in the building due to pandemic restrictions.

The Board adopted NCARB's Integrated Path to Architectural Licensure (IPAL) at its January 20, 2021 virtual board meeting. Furthermore, the University of Nevada, Las Vegas received full support of the Nevada State Board of Architecture and the Nevada American Institute of Architects for the review of an IPAL proposal for its NAAB-accredited program. If approved, Nevada will be able to offer the IPAL option to our high achieving students soon.

New Mexico: At the time of the Regional Summit, New Mexico is still in lockdown due to the Covid pandemic and things have been very quiet. The state has been very active in NCARB and WCARB leadership with their own Bob Calvani currently serving as the NCARB President, and Tara Rothwell on the WCARB Executive Board.

Northern Marianas: The board reported that not much is happening in the Northern Marianas right now – business is slow. Austerity measures are currently being implemented. Currently the vacant architects positions on the board have not been filled by the Governor.

Oregon: The Law Review Committee has proposed a number of changes to the Board's statutes, utilizing NCARB's draft Model Law as a resource. The Board will review the proposed changes and receive feedback from stakeholders. The goal is to develop a Legislative Concept for the Governor's review and approval for the 2023 Legislative Session. A committee will also evaluate the entire chapter of the Board's administrative rules.

The Board is developing the 2021-2023 biennial budget and is proposing fee increases for the first time in many years.

SB 213 - Voids certain provisions in construction agreement requiring design professional to defend or indemnify against certain claims except to extent design professional's negligence caused indemnitee's damages.

HB 2881 - Requires Director of Department of Consumer and Business Services to impose \$15 surcharge on limited plan review for fire and life safety and to deposit proceeds of surcharge to State Treasury to credit of State Fire Marshal Fund. Proceeds of the surcharge would go toward the costs of implementing and administering the statewide Oregon Safety Assessment Program. This program evaluates the condition of buildings after an emergency and determines whether the buildings may be safely occupied.

Utah: Things are going well in Utah. Licensure numbers have been continuing to grow, reflecting a good economy. Several legislative initiatives will affect the board: HB10 – which will require a sunset review starting in 2023; and SB23 which pertains to giving the board access to investigations and standards of review for infractions.

Washington: The Washington Board conducted one in person board meeting in 2020 before the pandemic impacted operations and shifted to virtual platforms. The board was still able to conduct all regularly scheduled board meetings and also conducted one virtual rules hearing to finalize a three year process of updating rules to support legislative changes passed in 2018. The rule changes included changing the name of the experience program from the IDP to the AXP, shortened duration of AXP, elimination of the requirement for a linear path to licensure, update of the electronic/digital stamp/seal language, and minor cleanup work. The changes also reflect gender neutral language.

The Washington State Legislature has considered four licensure reform bills each of the past two years, but so far, they have not passed. It is anticipated the bills will return again in the 2022 session, and they focus on reciprocity and sunset review.

In addition to the board meeting virtually since March 2020, staff have worked remotely and will continue teleworking through June 2021.

AGENDA ITEM 5 Chair's/Executive Committee Report – Sylvia Kwan

Chair Kwan welcomed the new members. Kwan reported that the Executive Committee had met via Zoom call in November 2020 and again in January 2021 to finalize meeting details for this weekend's regional meeting.

The Strategic Plan was completed and approved in 2020. During the regional meetings tomorrow we will be asking for volunteers to sit on committees to start working the strategic plan for the region.

Since the meeting is virtual this year and the region cannot gather together for its annual regional dinner, the Executive Committee authorized a lunch voucher in the amount of \$50 per person (\$25 per day) from either GrubHub or Doordash for every member attending the regional meeting so everyone can enjoy lunch together during the regional meetings over the next two days. Sylvia said that the ExCom recognized that not everyone has access to a food delivery service, and apologized to anyone unable to participate.

Kwan told the members that longtime WCARB Region 6 Executive Director Gina Spaulding has decided to retire and will attend her last meeting in June 2021. The Executive Committee will be seeking applications for Gina's replacement after the Regional Summit.

AGENDA ITEM 9 Election Procedure Protocol

Chair Kwan told the region that since there always seems to be questions about conducting the Elections each March, the actual process was put into writing and is articulated below. This document is posted on the WCARB website under Resources.

WCARB Election Process:

The Regional Chair will designate two members from the Executive Committee and/or the general membership to serve on the Election Committee. The Election Committee oversees the elections by passing out the ballots, counting the ballots and reporting the outcome of the ballots to the membership.

There are three election types:

1. Regional Director
2. Executive Committee
3. Executive Committee Leadership

Nominations for Regional Director and Executive Committee:

Regional Director: The Chair will open the floor for nominations for candidates for the position of Regional Director. Candidates for Regional Director should receive a nomination and a second from a member of Region 6. After all the candidates for Regional Director have been nominated and seconded the Chair will close the nominations for Regional Director. (Please have the person who nominates and seconds the candidate state their name and jurisdiction for the record).

Executive Committee: The Chair will open the floor for nominations for candidates for a position on the Executive Committee. Candidates for Executive Committee should receive a nomination and a second from a member of Region 6. After all the candidates for Executive Committee have been nominated and seconded the Chair will close the nominations for the Executive Committee. (Please have the person who nominates and seconds the candidate state their name and jurisdiction for the record).

Nominee Speeches:

After the nominations for Regional Director are closed, the Chair will invite the candidate(s) to speak briefly before the membership to tell them why they want to serve the region as its Regional Director.

After the nominations for Executive Committee are closed, the Chair will invite the candidate(s) to speak briefly before the membership to tell them why they want to serve the region on its Executive Committee.

Elections:

The Election Committee will oversee the elections for the Regional Director and the Executive Committee by passing out, counting and reporting the ballot results to the membership: first the Regional Director, then the Executive Committee.

In the event there is no contested election, the Chair can call for a vote by acclamation.

Nominations for Executive Committee Leadership:

Executive Committee Leadership: After the Executive Committee is elected then the Chair will go through the nominating, speeches and election process again for the positions of Chair, Vice Chair and Secretary/Treasurer. (Please have the person who nominates and seconds the candidate state their name and jurisdiction for the record).

Nominations for Chair of the Executive Committee

The Chair will open the floor for nominations for candidates for the position of Chair. Candidates for Chair should receive a nomination and a second from a member of Region 6. After all the candidates for Chair have been nominated and seconded the Chair will close the nominations for the Chair.

Nominations for Vice Chair of the Executive Committee

The Chair will open the floor for nominations for candidates for the position of Vice Chair. Candidates for Vice Chair should receive a nomination and a second from a member of Region 6. After all the candidates for Vice Chair have been nominated and seconded the Chair will close the nominations for the Vice Chair.

Nominations for Secretary/Treasurer of the Executive Committee

The Chair will open the floor for nominations for candidates for the position of Secretary/Treasurer. Candidates for Secretary/Treasurer should receive a nomination and a second from a member of Region 6. After all the candidates for Secretary/Treasurer have been nominated and seconded the current Chair will close the nominations for the Secretary/Treasurer.

Nominee Speeches:

After the nominations for Chair, Vice Chair and Secretary/Treasurer are closed, the Chair will invite the candidate(s) for Chair to speak briefly before the membership to tell them why they want to serve the region as its Chair.

The Chair will then invite the candidate(s) for Vice Chair to speak briefly before the membership to tell them why they want to serve the region as its Vice Chair.

The Chair will then invite the candidate(s) for Secretary/Treasurer to speak briefly before the membership to tell them why they want to serve the region as its Secretary/Treasurer.

Elections:

The Election Committee will oversee the elections for the Chair, Vice Chair and Secretary/Treasurer by passing out, counting and reporting the ballot results to the membership, first the Chair, then the Vice Chair and then the Secretary/Treasurer.

In the event there is no contested election, the Chair can call for a vote by acclamation.

(This concludes the WCARB Election Process)

AGENDA ITEM 10 Elections: Nominations – From the Floor

Because she was running for the office of Regional Director, Chair Sylvia Kwan asked Executive Committee member Doug Sams to oversee and conduct the Elections this year.

Sams called for nominations from the floor for the position of Regional Director.

Mary Morrisette, MBM CO, nominated Sylvia Kwan for Regional Director, seconded by Nilza Serrano, MBM CA.

Hearing no other nominations from the floor, Sams closed the nominations for the Regional Director.

Executive Committee:

Tara Rothwell (NM) and Tian Feng (CA) are each running for one of the two open positions on the WCARB Region 6 Executive Committee.

Bob Pearman (CA) nominated Tian Feng to serve on the Executive Committee, seconded by Ron Jones (CA).

Sylvia Kwan (CA) nominated Tara Rothwell to serve on the Executive Committee, seconded by Catherine Fritz (AK).

Hearing no other nominations from the floor, Doug Sams closed the nominations for the Executive Committee.

AGENDA ITEM 11 Nominee Speeches: Regional Director and Executive Committee

Regional Director: Sylvia Kwan addressed the members and gave her reasons why she wants to continue serving the region as its regional director.

Members: Tara Rothwell and Tian Feng each addressed the members and discussed their backgrounds and why they wanted to serve the region as members of the Executive Committee.

AGENDA ITEM 18 Elections: Regional Director and Executive Committee

The Election Committee conducted the elections:

Regional Director: Sylvia Kwan (CA) was elected by acclamation.

Executive Committee: Tara Rothwell (NM) and Tian Feng (CA) were elected by acclamation.

AGENDA ITEM 19 Elections: Nominations for Chair, Vice-Chair and Secretary/Treasurer

Chair:

Mary Morrisette (CO) nominated Tara Rothwell as Regional Chair, seconded by Sylvia Kwan (CA).

Vice Chair:

Scott Harm (WA) nominated Corey Solum as Vice Chair, seconded by Tara Rothwell (NM).

Secretary/Treasurer:

Allison McClintick (ID) nominated Catherine Fritz as Secretary/Treasurer, seconded by Corey Solum (UT).

Hearing no other nominations from the floor, Doug Sams closed the nominations for the Executive Committee.

AGENDA ITEM 21 Elections for Executive Officers

Tara Rothwell was elected Chair by acclamation, Corey Solum was elected Vice Chair by acclamation and Catherine Fritz was elected Secretary/Treasurer by acclamation.

The WCARB Executive Committee for 2021-22 (effective 7/1/21) is:

Sylvia Kwan, (CA) Regional Director
Tara Rothwell, (NM) Regional Chair
Corey Solum, (UT) Vice Chair
Catherine Fritz, (AK) Secretary/Treasurer
Doug Sams, (OR) Member
Tian Feng (CA) Member

Chair Kwan thanked everyone for a productive regional meeting so far and informed everyone that the WCARB Region 6 regional meeting will continue tomorrow, March 5, 2021 at 12:30 Pacific Time.

ADJOURN FOR THE DAY

FRIDAY, March 5, 2021

Chair Kwan reconvened the virtual 2021 WCARB Regional Meeting at 12:30 Pacific time.

AGENDA ITEM 7 Review and Discussion of Proposed NCARB Resolutions

Ed Marley was in the meeting to answer the various questions posed regarding the proposed NCARB resolutions.

Catherine Fritz shared that she had concerns that the Sponsor Statement of Support language was not neutral enough on Resolution 2021-D and asked if the language could be amended to be more neutral. She said that she had submitted proposed language to amend the resolution and hadn't heard whether they had considered it. Marley said that he would check and see if her proposed language had been received by NCARB.

Resolution 2021-D: Sunset of Resolution 2000-1 (Opposition to Interior Design Licensing) This is a carryover resolution from FY20. This resolution sunsets a resolution from 2000 so that the Council can take a neutral position on interior designer licensing.

Neitha Wilkey, MBM WA, agreed that the language could be more neutral.

There were no more questions regarding the proposed NCARB resolutions that will be considered for adoption at the upcoming NCARB Annual Business Meeting which will be held in Los Angeles, CA on June 24-26, 2021.

AGENDA ITEM 17 Strategic Planning 2021 Actions – Catherine Fritz

Catherine Fritz served as the Strategic Planning Task Force Chair for the past two years. The WCARB Region 6 Strategic Plan was adopted by the Region in 2020 at the Regional Summit held in Cambridge, MA.

Fritz went through the proposed strategic plan which now incorporates the information on the slides that the regional members had identified as the SWAT analysis (strengths, weaknesses, opportunities and threats) and the proposed actions to be taken in the coming year. Catherine asked for volunteers on the proposed 2021 actions which will be assigned to various WCARB committees. See graphic of the strategic plan and actions items below. Members who volunteered during the meeting have been added to the corresponding working group and are highlighted in yellow. The Executive Committee will follow up at the June 2021 meeting to continue to get volunteers for its various committees in Region 6.

WCARB

The mission of the Western Region shall be to collaborate as a conference of Member Boards to protect the public's health, safety, and welfare by participating in the development of effective regulations and exemplary standards for the practice of architecture.

GUIDING PRINCIPLES

EDUCATE

It is essential that WCARB Board Member & Executives stay abreast of contemporary regulatory and legal issues, expand individual knowledge related to all aspects of architectural practice so as to exemplify professional continuing education and life long learning.

STRATEGIES:

- A: Create high quality education programs.
- B: Track and Influence Legal Issues.
- C: Promote lifelong learning and service.

COLLABORATE

One of WCARB's greatest strengths is its multi-faceted diversity. Sharing information and best practices among 13 jurisdictions of the region benefits all boards and members, and strengthens understanding of many unique aspects of culture, politics, ethnicity, gender, and architectural practice.

STRATEGIES:

- A: Share Best Practices between States.
- B: Collaborate with other Regions.
- C: Facilitating Reciprocity.

INFLUENCE

WCARB is committed to being an actively involved region of NCARB for the purpose of promoting Practice of Architecture through the licensing of qualified individuals. Encouraging service on committees, growing leadership, and communicating important regional issues will ensure that the region's work remains relevant and effective.

STRATEGIES:

- A) Encourage WCARB member service on WCARB & NCARB committees.
- B) Develop resolutions to improve WCARB and NCARB.
- C) Promote diversity at all levels

OBJECTIVE 1, EDUCATE: It is essential that WCARB Board members and Executives stay abreast of contemporary regulatory and legal issues, and expand individual knowledge related to all aspects of architectural practice and to exemplify professional continuing education and life-long learning.

a. Create high quality education programs.

- § Develop educational programs that increase knowledge and effectiveness of members in their roles as regulators.
- § Conduct educational programs that are well planned, informative, and relevant to increase member involvement in WCARB.
- § Provide educational programs that qualify for HSW credits to exemplify HSW standards and also be informative for members who are not registered architects.

PROPOSED 2021 ACTIONS:

1. Plan and present at least one 1 hour program for WCARB members to be delivered through video conference.
2. Begin development of a database of relevant high quality speakers for member boards to access for educational offerings in their jurisdiction.
3. Become an AIA Continuing Education provider.

ASSIGNED TO:

1. Education Committee.
2. Education Committee.
3. Executive Administrator.

b. Track and influence legal issues.

- § Stay abreast of NCARB legal briefs and legislative tracking of licensing issues and share this information with WCARB members.
- § Gather and share information from WCARB members regarding issues facing their jurisdictions.

PROPOSED 2021 ACTIONS:

1. Develop a spreadsheet to track legislative and regulatory issues.
2. Develop a place on WCARB website for regulatory and legal issues.
3. Host a forum at 2022 Regional Summit to gather and discuss regulatory hot topics.

ASSIGNED TO:

1. Task Manager (1):
 - Sian Roberts (WA) suggest Guillermo target R6 legislation and send to Executive Committee
2. Executive Director.
3. Working Group (2)
 - Sian Roberts
 - Greg Erny

c. Promote service and leadership.

- § Orient and support new members as they join WCARB so as to increase their participation and effectiveness more quickly.
- § Recruit members for leadership positions by first engaging them in committee work and special projects.

PROPOSED 2021 ACTIONS:

1. Develop a list of new members and assign mentors.
2. Develop WCARB committee roles/ responsibilities documents to broaden members' understanding of opportunities.
3. Develop a place on WCARB website for committee documents.
4. Form a Working Group to develop a new member orientation program.

ASSIGNED TO:

1. ExCom and Exec Director.
2. ExCom and Exec Director.
3. Executive Director.
4. Working Group (3):
 - Scott Harm
 - Celestia Carson

OBJECTIVE 2, COLLABORATE: One of WCARB's greatest strengths is its multi-faceted diversity. Sharing information and best practices among the 13 jurisdictions of the region benefits all boards and members, and strengthens understanding of many unique aspects of culture, politics, ethnicity, gender, and architectural practice.

a. Share Best Practices between Members.

- § Analyze the diversity of WCARB so as to better understand how to effectively collaborate among members.
- § Encourage members to share issues as they develop into statutory and regulatory changes.
- § Serve as a trusted resource for intern development, licensing, registration data and regulatory information.

PROPOSED 2021 ACTIONS:

1. *Appoint members to a Working Group to define diversity, and gather information about WCARB members' diversity.*
2. *Appoint a Task Manager to develop a format for gathering info on statutory/regulatory issues (also see OBJ 1. B.1).*
3. *Identify options for posting regulatory issues on WCARB website.*
4. *Appoint members to a Working Group to develop interest groups among WCARB members to encourage communications and sharing of activities/info.*

ASSIGNED TO:

1. *Working Group (3):*
- Erica Cedar
- **Tonie Esteban**
-
2. *Task Manager (1):*
-
3. *Executive Administrator.*
4. *Working Group (2):*
-
-

b. Collaborate with other Regions.

- § Share WCARB issues with other region leadership.
- § Learn about the issues of other regions and determine their impacts on WCARB.
- § Increase communications and rapport among members of other regions so as to better participate in national issues.

PROPOSED 2021 ACTIONS:

1. *Identify WCARB members to serve as liaisons with other regions and develop a format to report issues and activities.*

ASSIGNED TO:

1. *Working Group (5): Note: Volunteers not assigned to particular region yet:*
-Region 1: Mary Morissette
-Region 2: Scott Harm
-Region 3: Carmen Wyckoff
-Region 4: Jim Oschwald
-Region 5:

c. Facilitate Reciprocity.

- § Advocate for the elimination of impediments to reciprocity.
- § Work with NCARB staff and Model Law Committee to identify efforts being made to facilitate reciprocity/comity.

PROPOSED 2021 ACTIONS:

1. *Appoint members to a Working Group to gather data from WCARB jurisdictions to better understand the similarities and differences of licensing requirements.*

ASSIGNED TO:

1. *Exec Administrator and Working Group (2):*
- Greg Erny
- **Sian Roberts**

OBJECTIVE 3, INFLUENCE: WCARB is committed to being an actively involved region of NCARB for the purpose of promoting the practice of architecture through the licensing of qualified individuals. Encouraging service on committees, growing leadership, and communicating important regional issues will ensure that the region's work remains relevant and effective.

a. Encourage WCARB member service on WCARB & NCARB committees.

- § Increase the number of WCARB members on committees.
- § Communicate committee opportunities to members in multiple ways.

PROPOSED 2021 ACTIONS:

1. *Appoint members to a Working Group to identify, encourage, and assist WCARB members to apply for national committees.*
2. *Appoint Bylaws Committee to review current Bylaws and plan for updates, including changes recommended through these Strategic Plan Actions.*

ASSIGNED TO:

1. *Working Group (2):*
- **Sylvia Kwan**
-
2. *Bylaws Committee (3):*
- **Mark Glenn**
- **Robert Pearman**
-

b. Develop resolutions to improve WCARB and NCARB.

- § Understand and articulate the concerns of WCARB members that should be addressed through resolutions.
- § Actively participate in NCARB Policy Advisory Committee.

PROPOSED 2021 ACTIONS:

1. *Identify WCARB resolution and laudatory needs.*
2. *Work with OBJ 3.a.1 Working Group to identify WCARB member(s) to apply to serve on NCARB Policy Advisory Committee.*

ASSIGNED TO:

1. *Resolutions Committee (2):*
-
2. *Working Group OBJ 3.a.1.*

c. Promote diversity at all levels.

- § Using information learned from Objective 2a., review WCARB organization and activities to ensure that diversity is exemplified.
- § Participate in NCARB activities to increase diversity.

PROPOSED 2021 ACTIONS:

1. *Develop a self-evaluation tool of WCARB Executive Committee make-up and activities to determine responsiveness to diversity.*
2. *Using the information gained from OBJ 2. a. 1. Working Group, identify ways to reach out to diverse members within WCARB to increase inclusion.*
3. *Participate in NCARB JEDI efforts to develop specific actions to increase diversity.*

ASSIGNED TO:

1. *Executive Committee.*
2. *Working Group OBJ 2 a.1.*
3. *Working Group OBJ 3.1.1.*

AGENDA ITEM 23 NCARB Visiting Team

Bob Calvani, NCARB President, Alfred Vidaurri, NCARB 1VP, Mike Armstrong, CEO and Josh Batkin, NCARB Staff were present to answer any questions.

The Visiting Team answered questions about the proposed resolutions. There were some questions asked about Lineup and Armstrong gave a brief overview of how the product is coming along.

Chair Sylvia Kwan thanked the Visiting Team for stopping by Region 6.

AGENDA ITEM 14 Financial Report – Corey Solum, Secretary/Treasurer

Corey Solum presented the financial report to the membership:

The Balance Sheet through February 26, 2021 was provided in the meeting materials for the membership.

Also provided:

- The Profit and Loss statement for October 1, 2020 – February 26, 2021
- The Profit and Loss statement for the previous fiscal year of October 1, 2019 – September 30, 2020

As of February 26, 2021, total assets from both the checking and savings accounts total \$132,811.27.

AGENDA ITEM 15 Approval of draft budget for 2020-21

Solum explained that normally this budget would have been approved last June at the regional meeting held at the NCARB Annual Business meeting, but since Region 6 didn't have a meeting because of the pandemic, the budget was not approved. Solum asked that the budget for the current fiscal year, 2021-22 be approved by the members.

Motion: Doug Sams (OR) moved to approve the 2020-2021 budget. Motion seconded by Tian Feng (CA).

Vote: All in favor. Motion passes.

AGENDA ITEM 16 Review draft budget for 2021-22

Solum presented the draft budget for next year. He told the members that it would be subject to any amendments needed in the Region 6 Executive Director search, and would be presented to the membership for review and final approval at the next meeting in June 2021.

AGENDA ITEM 17 Review and discussion of Proposed Bylaw Amendments

Chair Kwan reviewed the two small proposed changes to the bylaws with the region. Bylaw amendments require 60 days' notice to members in order to make changes, which were previously sent in April 2020. Today's proposed bylaw amendments are being presented for a vote of approval:

The two changes proposed are:

1. Article III: Mission: add new language to new #1 and renumber existing: "1. **Provide opportunities for leadership development and training.**"
2. Article X: Committees: add new language to existing #2 so that it reads: "Resolutions **and Laudatories** Committees...."

Motion: Tara Rothwell (NM) moved to approve the proposed bylaw amendments. Motion seconded by Tian Feng (CA).

Vote: All in favor. Motion passes.

AGENDA ITEM 22 WCARB Laudatories

There were 5 laudatories to be read into the record:

1. Jeffrey Koonce, Alaska
2. Doug Sams, Oregon
3. Kristin Wells, Oregon
4. Neitha Wilkey, Washington
5. Gina Spaulding, WCARB Executive Director

Tara Rothwell read the laudatory for Jeffrey Koonce to the members of the region:

"Whereas architect Jeffrey Koonce of Alaska has served as a valued member of the Alaska State Board of Registration for Architects, Engineers and Land Surveyors for the past eight years;

Whereas Jeff has served two terms on his Board from 2013 -2021, including serving as its Chair. Jeff also served as on the NCARB Continuing Education committee and has been a thoughtful WCARB member participant for the past eight years;

Whereas as a registered architect working in Alaska, Jeff understands the value of hard work and good design, and

Whereas Jeff's active participation, lively questions and quiet humor will be dearly missed.

It is therefore resolved that we express our sincere heartfelt appreciation for the generous gift of his time, talents, and insights which benefited the public, the architectural community, WCARB, NCARB and his fellow Alaskan Board members.”

Tara read the laudatory for Neitha Wilkey:

“Whereas architect Neitha Wilkey of Washington, has served as a valued member of the Washington State Department of Licensing for the past twelve years;

Whereas Neitha has served two terms on the Board from 2009 -2021. Neitha also served as the chair of the Washington Board and served as Chair of the WCARB Bylaws committee. Neitha has participated for many years on various NCARB exam writing, grading and other committees. Her hard work and insight enriched the Washington board and the WCARB and NCARB communities.

Whereas on a personal level, Neitha is a very active community volunteer and has worked with the AIA, the Tacoma Art Museum Activities council, the Junior League of Tacoma, the Lakewood Chamber of Commerce as a member and past Chair and has been heavily involved in the Clover Park School District in many capacities.

Whereas Neitha’s wicked intellect, sense of humor, quiet insight, calm demeanor and kind nature will be dearly missed.

It is therefore resolved that we express our sincere heartfelt appreciation for the generous gift of her time, talents, and insights which benefited the public, the architectural community, WCARB, NCARB and her fellow Washington Board members.”

Tara read the laudatory for Kristin Wells:

“Whereas architect Kristin Wells of Oregon, has served as a valued member of the Oregon State Board of Architecture for the past eight years;

Whereas Kristin has served two terms on her Board from 2013 -2021. Kristin also served as the chair of the Oregon Board and has been a thoughtful WCARB member participant;

Whereas as a registered architect working in the public sector, Kristin brings a diverse perspective to her Board. Kristin led the City of Portland’s first progressive-design-build project and represented the “owner” of the project rather than directly practicing architecture. Kristin’s design-build knowledge, in addition to her experience working in the public sector, has been instrumental in her Board’s decision-making process.

In addition, Kristin provides insight on the professional challenges one faces as a female registered architect with young children.

Whereas Kristin’s active participation and sense of humor will be dearly missed.

It is therefore resolved that we express our sincere heartfelt appreciation for the generous gift of her time, talents, and insights which benefited the public, the architectural community, WCARB, NCARB and her fellow Oregon Board members.”

Tara read the laudatory for Doug Sams:

“Whereas architect Doug Sams of Oregon, has served as a valued member of the Oregon State Board of Architecture for the past eight years;

Whereas Doug has served two terms on his Board from 2013 -2021. Doug also served as the chair of the Washington Board and on various board committees;

Doug currently serves on the WCARB Executive Committee. Doug also served on the WCARB Strategic Plan Task Force as well as on the NCARB Model Law Task Force and the Futures Collaborative Committee.

Doug was involved in the development and advocacy for the Region 6 resolution, the first resolution to have been presented to the greater NCARB membership by a region. While the resolution, which focused on membership approving significant changes to the IDP program, was ultimately defeated, it did lead to a positive outcome with NCARB’s Board announcing greater review periods for proposal feedback and greater transparency of the development process.

Whereas Doug’s ability to ask the tough questions, his thoughtful participation, quiet insight and calm demeanor will be dearly missed.

It is therefore resolved that we express our sincere heartfelt appreciation for the generous gift of his time, talents, and insights which benefited the public, the architectural community, WCARB, NCARB and his fellow Oregon Board members.”

Read into the record on March 5, 2021.

Sylvia Kwan played a PowerPoint laudatory for Gina Spaulding:

Sylvia said that longtime Regional Executive Gina was retiring in June after the NCARB Business Meeting, having served as the MBE of the Nevada Board from 1988-2016, and as the WCARB Regional Executive from 2009 to 2021. Sylvia thanked Gina for her many years of dedicated service.

Gina served on many NCARB Committee Member over the years, including:

Member Board Executive Committee member, also served as the Chair
Professional Conduct Committee
Intern Development Program Committee
Governance Committee
Regional Leadership Committee
President’s Medal recipient in 2012

Gina is a lover of books and an aspiring writer. She actively volunteers her time to the elderly and loves to travel. Gina especially values the personal connections she has made over the past 33 years she has been affiliated with architecture and design in Nevada and through her work with WCARB and looks forward to continuing those relationships in the future.

Sylvia told Gina that the Executive Committee and the Region were giving her a retirement gift of a weekend in Sonoma, California at the Gaige House & Ryokan along with a dinner for two at a time of her choosing.

Gina thanked Sylvia and the Executive Committee for the generous retirement gift and said that it has been a privilege to work for WCARB for the past twelve years and she will miss the many friends she has made over the years.

AGENDA ITEMS 23 & 24: Old Business/New Business

No old business. New business: Executive Committee to follow up on Executive Director search for Region 6.

ADJOURN FOR THE REMAINDER OF THE SUMMIT

The meeting was adjourned at 2:28 p.m and will reconvene at the NCARB Annual Business Meeting in Los Angeles on June 26, 2021.

Appendix A

WCARB Meeting Virtual Format (Year of the Pandemic) Attendees March 4, 2021

ALASKA

Catherine Fritz

ARIZONA

Julie Pham
Ed Marley
Carmen Wyckoff

CALIFORNIA

Tian Feng
Pasqual Gutierrez
Ronald Jones
Sylvia Kwan
Ebony Lewis
Robert Pearman
Nilza Serrano
Sonny Ward
Laura Zuniga

COLORADO

Mary Morissette
Joyce Young

GUAM

Catherine Gutierrez

HAWAII

Brian Fujiwara
Sandra Matsushima
Marc Ventura
Bert Yumol

IDAHO

Tim Grissom
Allison McClintick

NEVADA

Nani Aguada
Kim Ciesynski
Greg Erny
Monica Harrison
Stacey Hatfield
James Mickey
William Snyder
Gina Spaulding (Region 6 Exec)

NEW MEXICO

Bob Calvani
Mark Glenn
Melarie Gonzales
Jim Oswald
Tara Rothwell
Ray Vigil

NORTHERN MARIANAS

Esther Fleming

OREGON

Erica Ceder
Jim Chaney
Don Eggleston
Tonie Esteban
Lisa Howard
Cheryl Johnson
Doug Sams

UTAH

Michael Fazio
Corey Solum

WASHINGTON

Rick Benner
Susan Cooley
Scott Harm
Sian Roberts
Rick Storvick
Neitha Wilkey

WCARB

Western Council of
Architectural Registration Boards
REGION 6

Regional Director's Report Ed Marley, Regional Director

WCARB

Western Council of
Architectural Registration Boards
REGION 6

Regional Chair's/Executive Committee Report Sylvia Kwan, Regional Chair

WCARB

Western Council of
Architectural Registration Boards
REGION 6

Financial Report

Corey Solum, Secretary/Treasurer

11:19 AM

06/15/21

Cash Basis

WCARB
Balance Sheet Standard
As of June 15, 2021

	<u>Jun 15, '21</u>
ASSETS	
Current Assets	
Checking/Savings	
Cash - Checking	39,440.81
Savings	84,189.58
Total Checking/Savings	<u>123,630.39</u>
Total Current Assets	<u>123,630.39</u>
TOTAL ASSETS	<u><u>123,630.39</u></u>
LIABILITIES & EQUITY	
Equity	
Retained Earnings	92,634.38
Net Income	30,996.01
Total Equity	<u>123,630.39</u>
TOTAL LIABILITIES & EQU...	<u><u>123,630.39</u></u>

11:22 AM

06/15/21

Cash Basis

WCARB

Profit and Loss Standard

October 1, 2020 through June 15, 2021

	<u>Oct 1, '20 - Jun 15, ...</u>
Income	
Meeting Reimbursement	1,500.00
Interest	8.75
Annual Dues	
Alaska	4,000.00
Guam	4,000.00
Hawaii	4,000.00
Total Annual Dues	<u>12,000.00</u>
Total Income	13,508.75
Expense	
Regional Dinner Expense	3,100.00
Bank Service Charges	50.00
Postage and Mailing	255.00
Executive Director's Pay	13,500.00
Internet	425.40
Recurring Software Expe...	429.77
Total Expense	<u>17,760.17</u>
Net Income	<u><u>-4,251.42</u></u>

11:24 AM

06/15/21

Cash Basis

WCARB

Profit and Loss Standard

October 2019 through September 2020

	<u>Oct '19 - Sep '20</u>
Income	
Interest	20.57
Annual Dues	
Arizona	4,000.00
California	4,000.00
Colorado	4,000.00
Idaho	4,000.00
Nevada	4,000.00
New Mexico	4,000.00
No. Marianas	4,000.00
Oregon	4,000.00
Utah	4,000.00
Washington	4,000.00
Total Annual Dues	<u>40,000.00</u>
Total Income	40,020.57
Expense	
Regional Dinner Expense	7,717.63
Bank Service Charges	50.00
Executive Committee Tra...	13,021.48
Executive Director's Pay	18,000.00
Meeting Costs	2,125.88
Internet	1,020.96
Web Site	300.00
Web Site Development	100.00
Recurring Software Expe...	286.31
Total Expense	<u>42,622.26</u>
Net Income	<u><u>-2,601.69</u></u>

WCARB

Western Council of
Architectural Registration Boards
REGION 6

Review & Approval of
2021-2022 Draft Budget
Corey Solum, Secretary/Treasurer

WESTERN COUNCIL OF ARCHITECTURAL
REGISTRATION BOARDS

DRAFT BUDGET OF REVENUE AND EXPENDITURES FOR
FISCAL YEAR October 1, 2021 - September 30, 2022

BUDGETED AMOUNT

REVENUE:

Bank Interest	\$ 20.00
Annual Dues:	\$ 52,000.00

TOTAL 2021-22 REVENUE:	\$ 52,020.00
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EXPENDITURES:

Executive Committee Travel	\$ 15,000.00
Education/Program Development and R6 Committee Expenses	10,000.00
Meeting Costs	2,500.00
Regional Dinner	4,500.00
Executive Director's Pay	20,000.00
Communication, Website & Internet	2,000.00
One-time expense: new computer/printer for new WCARB Executive	2,000.00
Printing, Production & Mailing	300.00
Misc (includes annual software expense)	<u>500.00</u>

TOTAL 2021-22 EXPENDITURES:	\$ 56,800.00
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WCARB

Western Council of
Architectural Registration Boards
REGION 6

Call for WCARB Committee Volunteers

ROSTER - WCARB Committees 2021-2022

Education/Program Committee:

1. **Corey Solum**, Chair, Utah MBM csolum@thinkaec.com
2. Tara Rothwell, New Mexico MBM trothwellclark@gmail.com
- 3.
- 4.
5. Melarie Gonzales, R6 Executive Director region6wcarb@gmail.com

Bylaws and Rules Committee:

1. **Doug Sams**, Chair, Oregon MBM, Member doug.sams@zgf.com
2. Mark Glenn, New Mexico MBM mark@moselaw.com
3. Robert Pearman, California MBM, rpearman@gmail.com
4. Melarie Gonzales, R6 Executive Director region6wcarb@gmail.com

Strategic Plan Work Groups:

Chair and Regional Staff:

1. **Catherine Fritz**, Chair, Alaska MBM fritz@gci.net
2. Melarie Gonzales, R6 Executive Director region6wcarb@gmail.com

Work Group: Host Forum to Gather/Discuss Regulatory Hot Topics @ 2022 Regional Summit (Strategic Plan Obj. 1B3)

1. Sian Roberts
2. Greg Erny

Work Group: Develop New Member Orientation Program (Strategic Plan Obj. 1C4)

1. Scott Harm
2. Celestia Carson
- 3.

Work Group: Define Diversity & Gather Info about R6 Diversity (Strategic Plan Obj. 2A1)

1. Erica Ceder
2. Tonie Esteban
- 3.

Work Group: Serve as Liaisons w/other Regions & Develop Format to Report Issues and Activities (Strategic Plan Obj. 2B1) (Regions not yet assigned)

1. Mary Morissette
2. Scott Harm
3. Carmen Wyckoff
4. Jim Oschwald
- 5.

Work Group: Gather Data from WCARB Jurisdictions to Better Understand the Similarities and Differences of Licensing Requirements (Strategic Plan Obj. 2C1)

1. Greg Erny
2. Sian Roberts

Resolutions & Laudatories Committee:

1. **Tara Rothwell**, Chair, New Mexico, MBM trothwellclark@gmail.com
2. Sian Roberts, Washington, MBM sroberts@millerhull.com
3. Melarie Gonzales, R6 Executive Director region6wcarb@gmail.com

WCARB Executive Committee (2021-2022)

1. Tara Rothwell, New Mexico, Chair trothwellclark@gmail.com
2. Corey Solum, Utah MBM, Vice Chair csolum@thinkaec.com
3. Catherine Fritz, Alaska MBM, Secretary/Treasurer fritzes@gci.net
4. Doug Sams, Oregon MBM, Member doug.sams@zgf.com
5. Tian Feng, California MBM, Member tfeng@bart.gov
6. Sylvia Kwan, California MBM, Regional Director skwan@dlrgroup.com
7. Melarie Gonzales, R6 Executive Director region6wcarb@gmail.com

WCARB

Western Council of
Architectural Registration Boards
REGION 6

Strategic Plan Update

GUIDING PRINCIPLES

EDUCATE

It is essential that WCARB Board Member & Executives stay abreast of contemporary regulatory and legal issues, expand individual knowledge related to all aspects of architectural practice so as to exemplify professional continuing education and life long learning.

STRATEGIES:

- A: Create high quality education programs.
- B: Track and Influence Legal Issues.
- C: Promote lifelong learning and service.

COLLABORATE

One of WCARB's greatest strengths is its multi-faceted diversity. Sharing information and best practices among 13 jurisdictions of the region benefits all boards and members, and strengthens understanding of many unique aspects of culture, politics, ethnicity, gender, and architectural practice.

STRATEGIES:

- A: Share Best Practices between States.
- B: Collaborate with other Regions.
- C: Facilitating Reciprocity.

INFLUENCE

WCARB is committed to being an actively involved region of NCARB for the purpose of promoting Practice of Architecture through the licensing of qualified individuals. Encouraging service on committees, growing leadership, and communicating important regional issues will ensure that the region's work remains relevant and effective.

STRATEGIES:

- A) Encourage WCARB member service on WCARB & NCARB committees.
- B) Develop resolutions to improve WCARB and NCARB.
- C) Promote diversity at all levels

OBJECTIVE 1, EDUCATE: It is essential that WCARB Board members and Executives stay abreast of contemporary regulatory and legal issues, and expand individual knowledge related to all aspects of architectural practice and to exemplify professional continuing education and life-long learning.

a. Create high quality education programs.

- § Develop educational programs that increase knowledge and effectiveness of members in their roles as regulators.
- § Conduct educational programs that are well planned, informative, and relevant to increase member involvement in WCARB.
- § Provide educational programs that qualify for HSW credits to exemplify HSW standards and also be informative for members who are not registered architects.

PROPOSED 2021 ACTIONS:

1. Plan and present at least one 1 hour program for WCARB members to be delivered through video conference.
2. Begin development of a database of relevant high quality speakers for member boards to access for educational offerings in their jurisdiction.
3. Become an AIA Continuing Education provider.

ASSIGNED TO:

1. Education Committee:
2. Education Committee.
3. Executive Administrator.

b. Track and influence legal issues.

- § Stay abreast of NCARB legal briefs and legislative tracking of licensing issues and share this information with WCARB members.
- § Gather and share information from WCARB members regarding issues facing their jurisdictions.

PROPOSED 2021 ACTIONS:

1. Develop a spreadsheet to track legislative and regulatory issues.
2. Develop a place on WCARB website for regulatory and legal issues.
3. Host a forum at 2022 Regional Summit to gather and discuss regulatory hot topics.

ASSIGNED TO:

1. Task Manager (1):
 - Sian Roberts (WA) suggest Guillermo target R6 legislation and send to Executive Committee
2. Executive Director.
3. Working Group (2)
 - Sian Roberts
 - Greg Erny

c. Promote service and leadership.

- § Orient and support new members as they join WCARB so as to increase their participation and effectiveness more quickly.
- § Recruit members for leadership positions by first engaging them in committee work and special projects.

PROPOSED 2021 ACTIONS:

1. Develop a list of new members and assign mentors.
2. Develop WCARB committee roles/ responsibilities documents to broaden members' understanding of opportunities.
3. Develop a place on WCARB website for committee documents.
4. Form a Working Group to develop a new member orientation program.

ASSIGNED TO:

1. ExCom and Exec Director.
2. ExCom and Exec Director.
3. Executive Director.
4. Working Group (3):
 - Scott Harm
 - Celestia Carson
 -

OBJECTIVE 2, COLLABORATE: One of WCARB's greatest strengths is its multi-faceted diversity. Sharing information and best practices among the 13 jurisdictions of the region benefits all boards and members, and strengthens understanding of many unique aspects of culture, politics, ethnicity, gender, and architectural practice.

a. Share Best Practices between Members.

- § Analyze the diversity of WCARB so as to better understand how to effectively collaborate among members.
- § Encourage members to share issues as they develop into statutory and regulatory changes.
- § Serve as a trusted resource for intern development, licensing, registration data and regulatory information.

PROPOSED 2021 ACTIONS:

1. *Appoint members to a Working Group to define diversity, and gather information about WCARB members' diversity.*
2. *Appoint a Task Manager to develop a format for gathering info on statutory/regulatory issues (also see OBJ 1. B.1).*
3. *Identify options for posting regulatory issues on WCARB website.*
4. *Appoint members to a Working Group to develop interest groups among WCARB members to encourage communications and sharing of activities/info.*

ASSIGNED TO:

1. Working Group (3):
 - Erica Cedar
 - Tonie Esteban
 -
2. Task Manager (1):
 -
3. Executive Administrator.
4. Working Group (2):
 -
 -

b. Collaborate with other Regions.

- § Share WCARB issues with other region leadership.
- § Learn about the issues of other regions and determine their impacts on WCARB.
- § Increase communications and rapport among members of other regions so as to better participate in national issues.

PROPOSED 2021 ACTIONS:

1. *Identify WCARB members to serve as liaisons with other regions and develop a format to report issues and activities.*

ASSIGNED TO:

1. Working Group (5): *Note: Volunteers not assigned to particular region yet:*
 - Region 1: Mary Morissette
 - Region 2: Scott Harm
 - Region 3: Carmen Wyckoff
 - Region 4: Jim Oschwald
 - Region 5:

c. Facilitate Reciprocity.

- § Advocate for the elimination of impediments to reciprocity.
- § Work with NCARB staff and Model Law Committee to identify efforts being made to facilitate reciprocity/comity.

PROPOSED 2021 ACTIONS:

1. *Appoint members to a Working Group to gather data from WCARB jurisdictions to better understand the similarities and differences of licensing requirements.*

ASSIGNED TO:

1. Exec Administrator and Working Group (2):
 - Greg Erny
 - Sian Roberts

OBJECTIVE 3, INFLUENCE: WCARB is committed to being an actively involved region of NCARB for the purpose of promoting the practice of architecture through the licensing of qualified individuals. Encouraging service on committees, growing leadership, and communicating important regional issues will ensure that the region's work remains relevant and effective.

a. Encourage WCARB member service on WCARB & NCARB committees.

- § Increase the number of WCARB members on committees.
- § Communicate committee opportunities to members in multiple ways.

PROPOSED 2021 ACTIONS:

1. *Appoint members to a Working Group to identify, encourage, and assist WCARB members to apply for national committees.*
2. *Appoint Bylaws Committee to review current Bylaws and plan for updates, including changes recommended through these Strategic Plan Actions.*

ASSIGNED TO:

1. *Working Group (2):*
 - **Sylvia Kwan**
 -
2. *Bylaws Committee (3):*
 - **Mark Glenn**
 - **Robert Pearman**
 -

b. Develop resolutions to improve WCARB and NCARB.

- § Understand and articulate the concerns of WCARB members that should be addressed through resolutions.
- § Actively participate in NCARB Policy Advisory Committee.

PROPOSED 2021 ACTIONS:

1. *Identify WCARB resolution and laudatory needs.*
2. *Work with OBJ 3.a.1 Working Group to identify WCARB member(s) to apply to serve on NCARB Policy Advisory Committee.*

ASSIGNED TO:

1. *Resolutions Committee (2):*
 -
 -
2. *Working Group OBJ 3.a.1.*

c. Promote diversity at all levels.

- § Using information learned from Objective 2a., review WCARB organization and activities to ensure that diversity is exemplified.
- § Participate in NCARB activities to increase diversity.

PROPOSED 2021 ACTIONS:

1. *Develop a self-evaluation tool of WCARB Executive Committee make-up and activities to determine responsiveness to diversity.*
2. *Using the information gained from OBJ 2. a. 1. Working Group, identify ways to reach out to diverse members within WCARB to increase inclusion.*
3. *Participate in NCARB JEDI efforts to develop specific actions to increase diversity.*

ASSIGNED TO:

1. *Executive Committee.*
2. *Working Group OBJ 2 a.1.*
3. *Working Group OBJ 3.1.1.*

In This Issue: ARE 5.0 Pass Rates by Demographics

[Overview](#)

[Timeline](#)

[Key Findings](#)

[Pass Rates Messaging](#)

[More Information](#)

This resource is intended for NCARB Member Board Members. The pass rates information contained in these talking points and the jurisdictional packets is intended for internal use only until NCARB releases national data.

Overview

In June 2021, NCARB shared the demographic breakdown of ARE 5.0 pass rates by state/territory with its jurisdictional licensing boards for the first time.

- This new data reveals significant disparities for candidates of color, women, and older candidates at a national level—particularly the Black and African American community.
- The disparate pass rates are concerning.
- An independent bias study indicated that the problem does not lie within the content of the ARE but rather, NCARB's data (including internal data analysis, audits, and survey results) suggests that pass rate disparities may be a result of disproportionate impediments faced by underrepresented groups along the path to licensure.
- NCARB is committed to continuing to search for the root causes and to making positive change.

Distribution Timeline

- June 14-18, 2021:
 - Share embargoed data and special edition of Fast Facts with Member Board Members
 - Share embargoed data with NOMA
- June 21-25, 2021:
 - Answer member questions about the data during ABM workshops
- July 2021:
 - NCARB releases individual press release on pass rates
 - Pass rates data published in *Baseline on Belonging: Examination Report*
 - Pass rates data added to *NCARB by the Numbers*

Key Findings

Thanks to enhanced data science capabilities, NCARB is now able to analyze pass rates by demographics for more than 32,700 test takers.

- The pass rates data that NCARB shared includes all exam attempts from the launch of ARE 5.0 in November 2016 through mid-December 2020.

- National findings include:
 - **White candidates are much more likely to pass than candidates of color.** The [Programming & Analysis](#) division, which focuses on evaluating a project's requirements and constraints, has the largest disparity: white candidates' pass rate is 38 percentage points higher than their Black or African American peers.
 - **Men are more likely to pass the ARE than women.** In general, men outperform women on five of the six divisions. A similar trend can be seen when factoring race and ethnicity, although Black or African American women generally outperform Black or African American men.
 - **Younger candidates have higher pass rates.** Across all six divisions, candidates between the ages of 18-29 have the highest pass rates, while candidates who are 40 or older have the lowest.
- Not all national findings are reflected at the jurisdictional level, as the candidate pool is small in certain jurisdictions.

Pass Rates Messaging

What has NCARB already done to address potential biases on the exam?

- NCARB previously commissioned an independent bias study of the exam.
 - Overall, these studies revealed no consistent, underlying issues with the ARE; individual questions do not drive disparities in candidate performance. One audit flagged a handful of potentially gender-biased questions; however, further evaluation by a diverse group of recently licensed architects found no pattern of bias.
 - Findings also emphasized that the ARE is developed and evaluated in a way that minimizes unconscious biases—including assembling diverse volunteer groups to write and review exam content. Volunteers have also received consistent training on best practices for avoiding bias when writing questions; this training was enhanced following the previous study and continues today.
 - The exam follows a rigorous scientific process to ensure it is fair and legally defensible.
- In 2019, NCARB launched an internal **Fairness in Licensure** work group to study licensure programs through an EDI lens.
 - Acknowledging that specific demographic groups have varying levels of success with NCARB's programs, the group is tasked with understanding whether these disparities are due—directly or in part—to the way programs are designed and implemented.
 - The group first looked into ARE pass rates, and is currently reviewing data related to the AXP. Members continue to explore patterns of performance across education, experience, and examination to inform future changes to the licensure process.
- In 2020, NCARB and NOMA launched a joint study called [Baseline on Belonging](#) to identify barriers that disproportionately impact underrepresented groups.
 - Candidates of color face a variety of impediments on the path to licensure that may impact their ARE success, including affordability of study materials and a lack of firm support. (The Examination Report will be released this summer.)
- For the first time in NCARB history, ARE candidates have been appointed to the FY21 Examination Committee, which is responsible for recommending exam format and policy changes to the NCARB Board of Directors.

- For the past decade, NCARB has embraced a **culture of continuous improvement**.
 - In recent years, both architects and policymakers have questioned the licensure framework.
 - NCARB has turned the microscope inward, resulting in a reduction of required experience hours, a restructuring of the ARE, and launching the IPAL initiative (which allows candidates to test while in school), among many other policy changes.

Why is it important for NCARB to address equity and fairness in licensure?

- Publishing pass rates by demographics will almost certainly draw negative attention to NCARB and our programs—but data transparency is ethical and necessary, so the profession can properly support all candidates on their licensure journey.
- **Continuing to lead difficult conversations about the path to licensure is our ethical responsibility.**
- All of our data, audits, and joint survey results suggest that **pass rate disparities are also impacted by access to education and professional experiences.**
- Change at all levels and career stages is essential to ensure that diversity, equity, and inclusion in the profession continue to advance.
- NCARB cannot solve this problem alone. Addressing this issue will require coordinated efforts among all six architecture collaterals, the 55 U.S. licensing boards, the academy, and firms.

What steps will NCARB take to address pass rate disparities in the near future?

- NCARB has been actively working to understand the root cause(s) of these disparities, consider next steps, and present solutions.
- **We will continue to challenge conventional wisdom about the licensure path: NCARB has embraced a culture of evolution, and we will continue to enhance our programs—but we can always do better.**
- **New ARE practice exams:** We are developing free practice tests for all six divisions. Our goal is to launch this new suite of resources in mid-2022.
- **Independent bias audits:** NCARB is currently conducting another external audit on the ARE, this time focused on the content areas within each of the six divisions. This will enable us to gain a more nuanced understanding of performance disparities beyond overall division pass rates.
 - NCARB is committed to sharing ongoing findings with all stakeholders, in addition to findings from the previous bias audit.
- **Collect real-time feedback:** In addition to NCARB's Analysis of Practice study and Think Tank groups, NCARB will launch two new initiatives in FY22:
 - **ARE Candidate Sessions:** Focus groups conducted by external consultants, launching in FY22.
 - **Architecture Licensing Feedback:** An online, one-question form that will enable NCARB to collect qualitative data.

What role do individual jurisdictions play?

- NCARB's 55 Member Boards provide feedback and direction for the evolution of NCARB's licensure programs, including the AXP and ARE.
 - When making major changes to the AXP and ARE, NCARB seeks feedback and support of a majority of its members.
- While NCARB's national Board of Directors is responsible for approving other changes to these programs, Member Boards elect the individuals who serve on the national Board.

- In addition, candidates for the national Board must have served or be serving on one of the 55 licensing boards.
- Many of the volunteers who lead the development of NCARB's programs—including the ARE—are members of state licensing boards.

ARE Development and Defensibility

- The ARE plays a critical role in protecting the public's health, safety, and welfare in the built environment.
- It is a national exam, required by all 55 U.S. licensing boards to obtain an architectural license.
- It is the only step on the path to earning an architecture license that provides a quantitative and qualitative check of a candidate's professional competency.
- The current version is a six-part exam focusing on areas of architecture practice that affect the integrity, soundness, and health impact of a building, as well as an architect's responsibilities within firms.
 - The six divisions were developed following a Practice Analysis—a profession-wide survey that identified the key knowledge areas, skills, and tasks an architect needs to practice safely and independently .
- Although pass rates may seem low—especially for certain demographics—NCARB's staff, expert volunteers, and testing consultants continuously evaluate ARE results to ensure that the exam is fair, valid, and measures an appropriate level of competency.
- The ARE remains a valid measure of candidate competency that licensing boards can trust when evaluating applicants for licensure.
 - The performance gap seen in ARE pass rates highlight the need to address disparities earlier on the path to licensure so all candidates come to the exam armed with the same knowledge and skills.
- The ARE is developed with the assistance of testing experts (psychometricians) to ensure it follows industry best practices for examinations.
 - Items on the ARE are written and reviewed by volunteer architects from around the country to ensure they are relevant to current practice.
 - NCARB ensures that the teams of volunteers who write and review exam content are diverse—racially and ethnically, but also in terms of age, gender, geographic location, firm size, and more.
 - New items on the exam are “pre-tested” (i.e., delivered to candidates as part of their exam but unscored) to determine if they meet the standard to be included on the exam.
- Requiring the national licensing exam ensures each jurisdiction can:
 - Maintain national health, safety, and welfare standards for all architects licensed within its borders, whether initial or reciprocal (out of-state) applicants.
 - Streamline the licensure process for both initial and reciprocal applicants.
 - Uphold best practices in test development and delivery.
 - Take advantage of NCARB's large pool of diverse architects from across the country, ensuring a variety of perspectives when it comes to creating exam content.

More Information

For more information about ARE pass rates by demographics, please:

- Attend this year's [ABM workshops](#), where NCARB staff will discuss data, diversity, and the ARE.
- Contact our Council Relations team at council-relations@ncarb.org.



ARE 5.0 Pass Rates by Demographics

ALASKA

JUNE 2021



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INTRODUCTION

NCARB tracks Architect Registration Examination® (ARE®) pass rates to understand candidate performance across the exam's six divisions. A “pass rate” reflects the proportion of division attempts that scored at or above the cut score for that division. Traditionally, NCARB releases ARE pass rates annually to our members and the public.

Thanks to enhanced data science capabilities, NCARB has been able to segment and analyze pass rates by demographic information, including race and ethnicity, gender, and age.

As part of our ongoing efforts to understand and address how various requirements on the path to licensure may disproportionately affect underrepresented groups in the profession—particularly people of color—NCARB is sharing jurisdictional pass rates by demographics with our members first to allow time to understand the information and follow up with NCARB as necessary. NCARB will share national pass rates by demographics with our customers and the public in the weeks ahead.

Findings Overview

At the national level, NCARB's data reveals that white candidates are more likely to pass all six ARE divisions than candidates of color, while candidates who identify as Black or African American are the least likely to pass. In addition, men are more likely to pass than women on most ARE 5.0 divisions, with some differences seen between various races and ethnicities. And candidates between 18-29 years old are more likely to pass than those 30-39 or 40+.

Understanding the cause of these pass rate disparities and how to best address them is a key area of focus for NCARB. We will continue our collaboration with the National Organization of Minority Architects (NOMA) and work with all collaterals to address disparities in the profession. While these findings are highly concerning to NCARB, they do not necessarily signal a problem with the exam itself; rather, they highlight disparities leading up to the point of examination and underscore the importance of equal access to education and experience opportunities.

It is important to note that the ARE is the only component of the path to licensure that provides a quantitative *and* qualitative measure of a candidate's abilities compared to a national standard. As such, it is a psychometrically valid measure of the competencies a candidate has built up throughout the entire path to licensure. NCARB works closely with independent examination experts (psychometricians) to ensure that the ARE is fair and unbiased, and our diverse pool of item writers are trained in writing questions in a way that does not bias individuals with certain demographics or backgrounds. In addition, independent bias audits have shown that the individual items on the ARE exhibit no pattern of bias. For more information regarding the defensibility of the examination, please see the Pass Rates by Demographics: Talking Points on the [Member Board Community](#).

NCARB has been actively working to understand the cause of these disparities. For more information about NCARB's commitment to addressing the gap in ARE pass rates, see Next Steps.

Understanding the Data

The charts below show the pass rates by demographics for your jurisdiction compared to the national pass rate. Please keep the following in mind as you review the data:

- **The data for pass rates by demographics feature all ARE 5.0 division attempts from ARE 5.0's launch in November 2016 through December 13, 2020.** Because some demographics have very small numbers of candidates testing, the expanded time frame allows for a more statistically valid sample size compared to only showing pass rates for a given year.
- **NCARB will not share demographics data publicly if there are fewer than 30 individuals in a designated group (our threshold for a valid sample size for this data set).** However, we have shared all pass rates with you regardless of this sample size to ensure you have the most complete picture of pass rates by demographics in your jurisdiction.
- If no information is shown for a specific demographic, it is because no candidates of that demographic have tested in your jurisdiction.
- **Pass rates by demographics for your jurisdiction may not align with the national pass rate.** This is, in many cases, a result of insufficient sample size.
- The black bars on the charts represent the national pass rate for all candidates taking that division. The blue dot represents the national pass rate for all candidates from the indicated demographic.
- The tables at the end of this packet provide a detailed breakdown of the information that is shown in the charts.

Next Steps

NCARB has been actively working to understand the cause(s) of these disparities, consider next steps, and present solutions. While NCARB is seeing some progress toward improving diversity and equity along the licensure path, there is more work to be done.

- NCARB has already taken several steps to ensure the exam's fairness and validity for candidates of all backgrounds, including:
 - NCARB commissioned an independent bias audit of the exam content, which indicated that individual exam questions are not biased.
 - NCARB has worked to ensure diversity in the pool of volunteers who develop exam content, and trained those volunteers to avoid bias in content development.
 - NCARB's internal Fairness in Licensure work group is studying all NCARB programs through an EDI lens.
 - NCARB is working with NOMA to study pinch points on the path to licensure that may disproportionately impact underrepresented groups in the profession.
- NCARB will continue to challenge conventional wisdom about the licensure path as we evolve and enhance our programs.
- NCARB is currently conducting another external audit on the ARE, this time focused on the content areas within each of the six divisions. This will enable us to gain a more nuanced understanding of performance disparities beyond overall division pass rates.

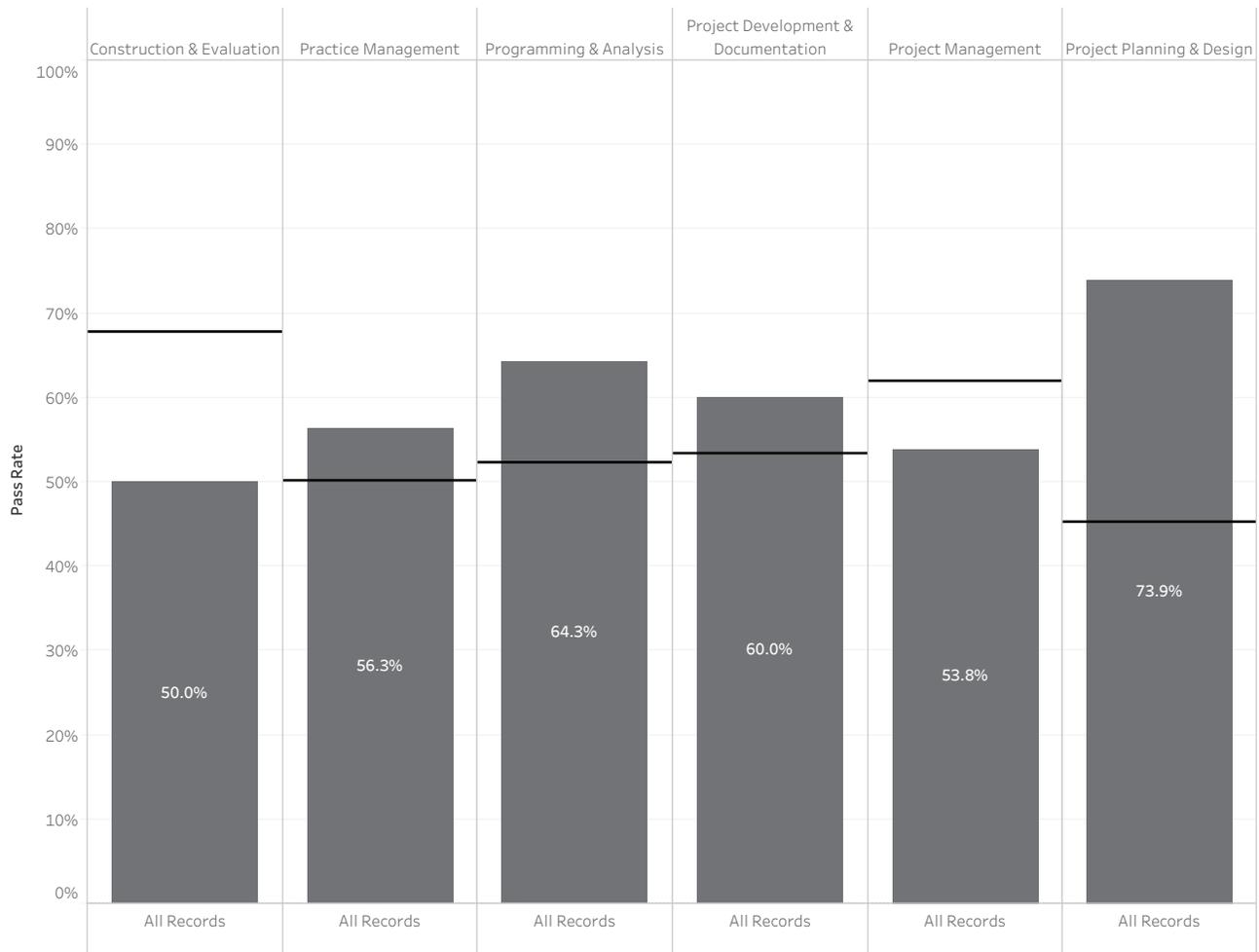
- NCARB is developing free practice tests for all six ARE 5.0 divisions, with a goal of launching these resources in mid-2022.
- In addition to NCARB's Analysis of Practice study and Think Tank groups, NCARB will launch two new initiatives in FY22 to gather candidate feedback in real-time:
 - Licensure Candidate Sessions: Focus groups conducted by external consultants, launching in FY22.
 - Architecture Licensing Feedback: An online, one-question form that will enable NCARB to collect qualitative data.

ALASKA

ARE 5.0 PASS RATES OVERALL

This chart shows each division's overall pass rate for candidates in your jurisdiction, including all division attempts from November 2016 through December 2020. The black line indicates the national pass rate for all candidates on each division.

ARE 5.0 Pass Rates Overall for Alaska

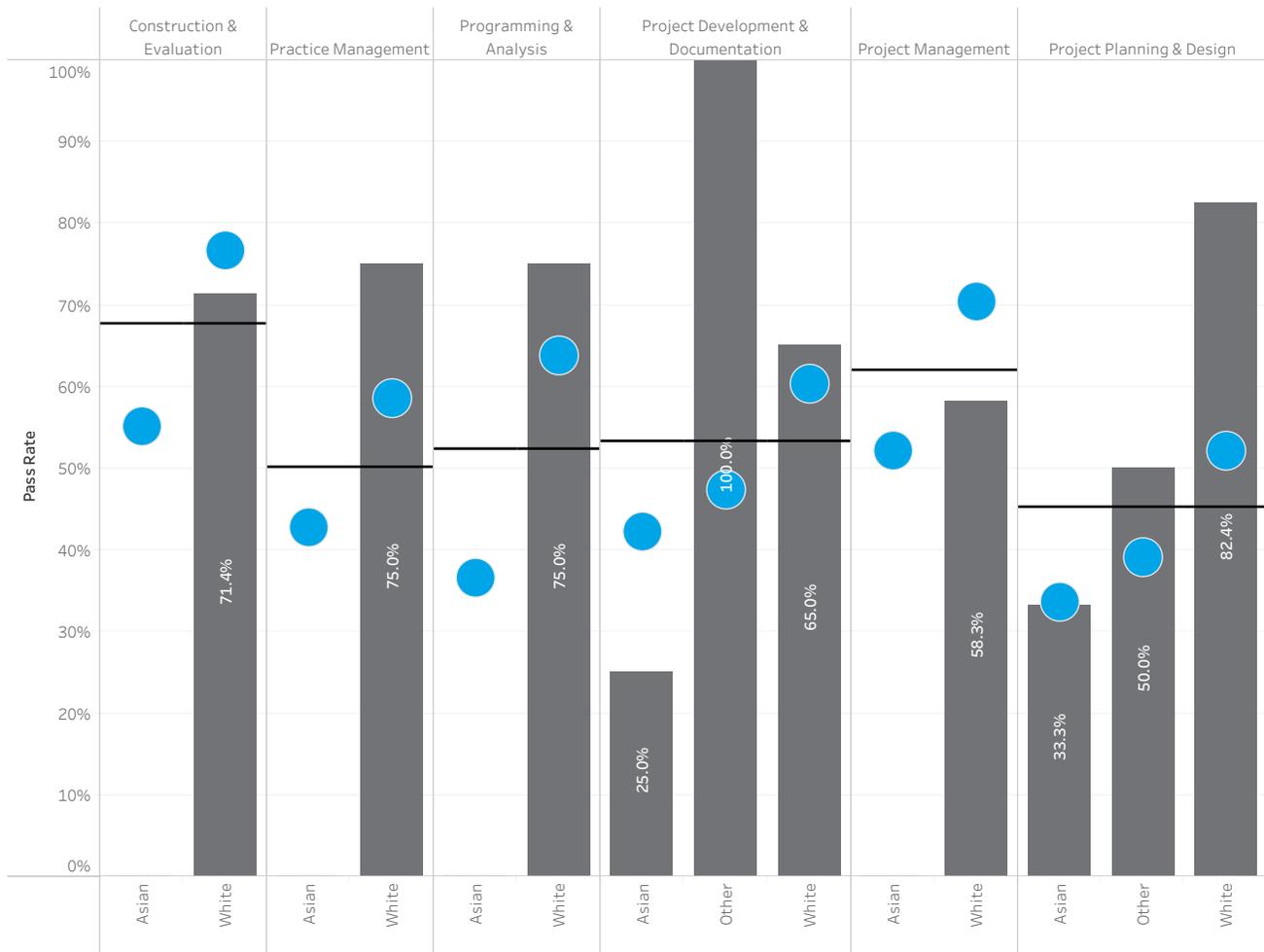


ALASKA

ARE 5.0 PASS RATES BY RACE/ETHNICITY

This chart shows each division's pass rate for candidates in your jurisdiction segmented by the candidate's race and ethnicity. The black line indicates the national pass rate for all candidates on each division. The blue dot represents the national pass rate for all candidates from the indicated demographic.

ARE 5.0 Pass Rates by Race/Ethnicity for Alaska

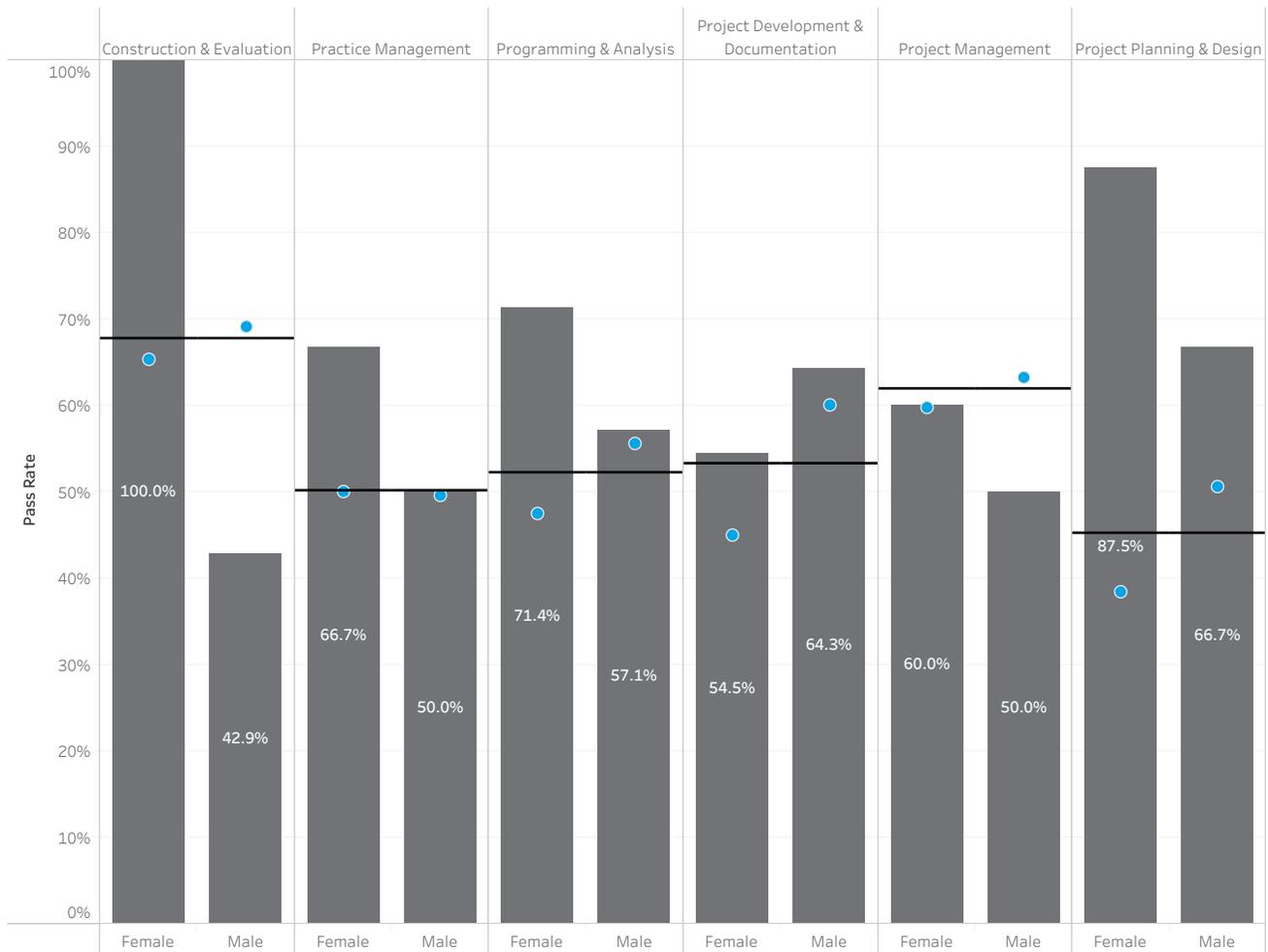


ALASKA

ARE 5.0 PASS RATES BY GENDER

This chart shows each division's pass rate for candidates in your jurisdiction segmented by the candidate's gender. The black line indicates the national pass rate for all candidates on each division. The blue dot represents the national pass rate for all candidates from the indicated demographic.

ARE 5.0 Pass Rates by Gender for Alaska

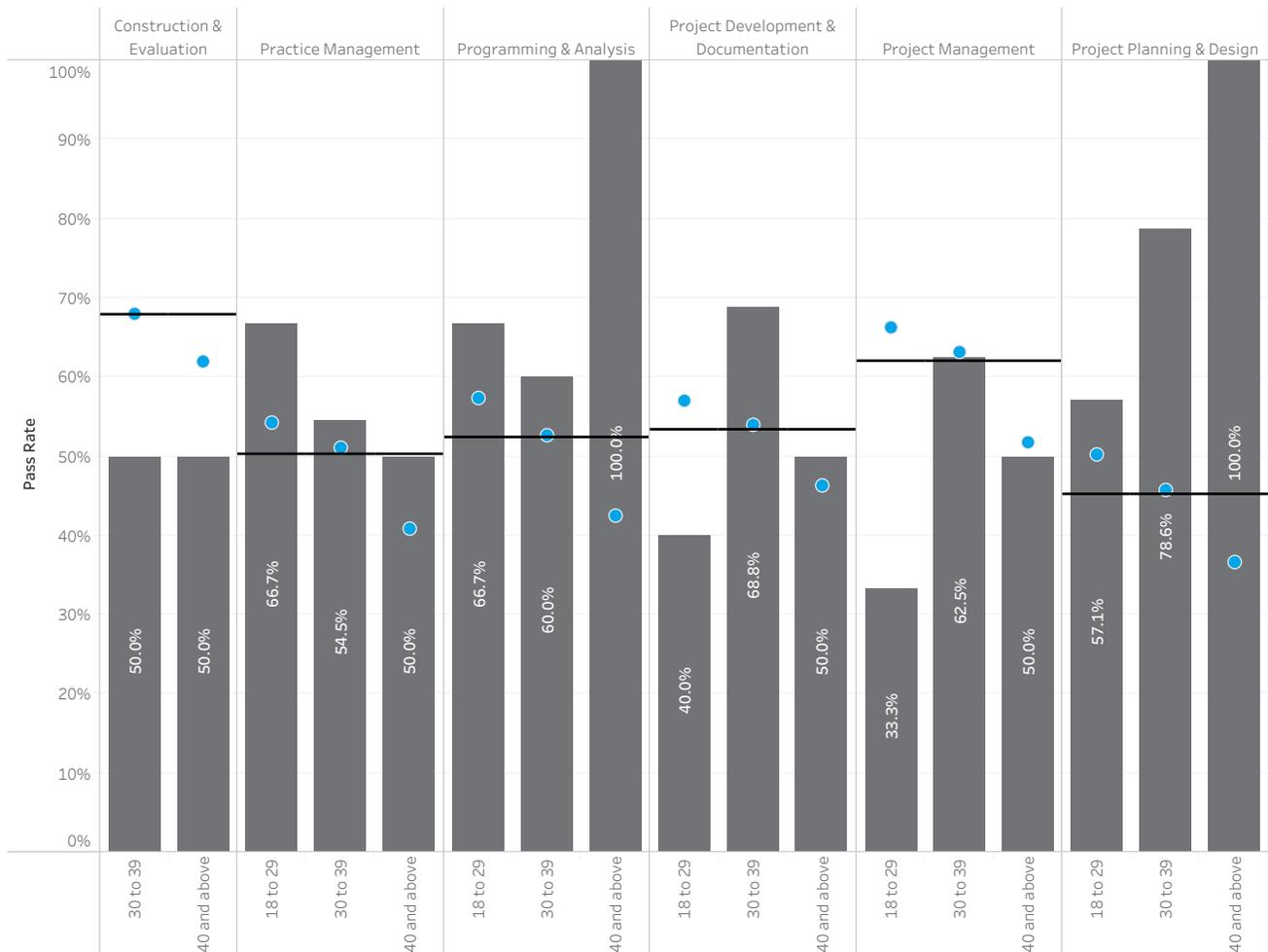


ALASKA

ARE 5.0 PASS RATES BY AGE

This chart shows each division's pass rate for candidates in your jurisdiction segmented by the candidate's age. The black line indicates the national pass rate for all candidates on each division. The blue dot represents the national pass rate for all candidates from the indicated demographic.

ARE 5.0 Pass Rates by Age for Alaska



ALASKA

ARE 5.0 PASS RATES BY DEMOGRAPHICS (DETAILED)

This table shows detailed breakdowns of each division's pass rate for candidates in your jurisdiction segmented by the candidate's race and ethnicity, gender, and age group. A black arrow indicates the pass rate for the demographic is at least 2 percentage points below the national pass rate of all candidates. A blue arrow indicates the pass rate for the demographic is at least 2 percentage points below the national pass rate for all candidates from the same demographic group.

ARE 5.0 Pass Rates for Alaska

	Construction & Evaluation	Practice Management	Programming & Analysis	Project Development & Documentation	Project Management	Project Planning & Design
All Records	50.0% -18% vs overall ▼ 10 total exams 8 total candidates	56.3% +6% vs overall 16 total exams 13 total candidates	64.3% +12% vs overall 14 total exams 11 total candidates	60.0% +70% vs overall 25 total exams 16 total candidates	53.8% -8% vs overall ▼ 13 total exams 11 total candidates	73.9% +28% vs overall 23 total exams 18 total candidates
Asian	0.0% -68% vs overall ▼ -55% vs group overall ▼ 2 total exams 1 total candidates	0.0% -50% vs overall ▼ -43% vs group overall ▼ 4 total exams 2 total candidates	0.0% -52% vs overall ▼ -37% vs group overall ▼ 2 total exams 1 total candidates	25.0% -28% vs overall ▼ -17% vs group overall ▼ 4 total exams 1 total candidates	0.0% -62% vs overall ▼ -52% vs group overall ▼ 1 total exams 1 total candidates	33.3% -12% vs overall ▼ 0% vs group overall 3 total exams 1 total candidates
Other				100.0% +47% vs overall +53% vs group overall 1 total exams 1 total candidates		50.0% +5% vs overall +11% vs group overall 2 total exams 1 total candidates
White	71.4% +4% vs overall -5% vs group overall ▼ 7 total exams 6 total candidates	75.0% +25% vs overall +16% vs group overall 12 total exams 11 total candidates	75.0% +23% vs overall +11% vs group overall 12 total exams 10 total candidates	65.0% +12% vs overall +5% vs group overall 20 total exams 14 total candidates	58.3% -4% vs overall ▼ -12% vs group overall ▼ 12 total exams 10 total candidates	82.4% +37% vs overall +30% vs group overall 17 total exams 15 total candidates
Female	100.0% +32% vs overall +35% vs group overall 2 total exams 2 total candidates	66.7% +17% vs overall +17% vs group overall 6 total exams 6 total candidates	71.4% +19% vs overall +24% vs group overall 7 total exams 5 total candidates	54.5% +1% vs overall +9% vs group overall 11 total exams 6 total candidates	60.0% -2% vs overall ▼ +0% vs group overall 5 total exams 5 total candidates	87.5% +42% vs overall +49% vs group overall 8 total exams 7 total candidates
Male	42.9% -25% vs overall ▼ -26% vs group overall ▼ 7 total exams 5 total candidates	50.0% 0% vs overall +0% vs group overall 10 total exams 7 total candidates	57.1% +5% vs overall +1% vs group overall 7 total exams 6 total candidates	64.3% +11% vs overall +4% vs group overall 14 total exams 10 total candidates	50.0% -12% vs overall ▼ -13% vs group overall ▼ 8 total exams 6 total candidates	66.7% +22% vs overall +16% vs group overall 15 total exams 11 total candidates
18 to 29		66.7% +17% vs overall +12% vs group overall 3 total exams 3 total candidates	66.7% +14% vs overall +9% vs group overall 3 total exams 3 total candidates	40.0% -13% vs overall ▼ -17% vs group overall ▼ 5 total exams 2 total candidates	33.3% -28% vs overall ▼ -33% vs group overall ▼ 3 total exams 3 total candidates	57.1% +12% vs overall +70% vs group overall 7 total exams 5 total candidates
30 to 39	50.0% -18% vs overall ▼ -18% vs group overall ▼ 8 total exams 6 total candidates	54.5% +4% vs overall +3% vs group overall 11 total exams 8 total candidates	60.0% +8% vs overall +70% vs group overall 10 total exams 7 total candidates	68.8% +15% vs overall +15% vs group overall 16 total exams 12 total candidates	62.5% +1% vs overall -1% vs group overall 8 total exams 8 total candidates	78.6% +33% vs overall +33% vs group overall 14 total exams 11 total candidates
40 and above	50.0% -18% vs overall ▼ -12% vs group overall ▼ 2 total exams 2 total candidates	50.0% 0% vs overall +9% vs group overall 2 total exams 2 total candidates	100.0% +48% vs overall +56% vs group overall 1 total exams 1 total candidates	50.0% -3% vs overall ▼ +4% vs group overall 4 total exams 2 total candidates	50.0% -12% vs overall ▼ -2% vs group overall 2 total exams 1 total candidates	100.0% +55% vs overall +63% vs group overall 2 total exams 2 total candidates



**RESOLUTION OF COOPERATION TO FACILITATE INTERSTATE LICENSURE
FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS**

- WHEREAS, The National Council of Examiners for Engineering and Surveying (NCEES) is a national organization created by state licensing boards in 1920 to facilitate professional licensing mobility and promote uniformity of the U.S. licensure processes through services for its member licensing boards and licensees; and
- WHEREAS, NCEES' members are the engineering and surveying licensure boards from all 50 states, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands; and
- WHEREAS, The mission of NCEES is to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public; and
- WHEREAS, The NCEES Model Law, Model Rules, and Manual of Policy and Position Statements are publications adopted by the membership of NCEES; and
- WHEREAS, The adopted model licensure concepts within these publications set a common standard for licensure mobility and portability among its member boards to facilitate an efficient, streamlined, expedited administrative procedure and approval process; and
- WHEREAS, Alignment of licensure processes and requirements is imperative to facilitate portability of licenses between member boards of NCEES; and
- WHEREAS, Increased licensure portability aligns with government initiatives to diversify economies and support economic growth; and
- WHEREAS, In the absence of licensure portability efforts, unnecessary barriers to licensure can remain in variable state laws, rules, administrative procedures and approval processes; and
- WHEREAS, Unnecessary barriers to licensure, whether perceived or real, could threaten the health, safety, and welfare of the public and may also perpetuate or introduce unnecessary processes that an applicant must undertake, which could become barriers to employment; and
- WHEREAS, It is recognized that some member boards may have challenges, such as staffing or obtaining authority to revise statutes and rules, which may impede streamlined processes; and
- WHEREAS, NCEES will commemorate 100 years of advancing licensure through the licensing of professional engineers and land surveyors in 2020; therefore, be it
- RESOLVED, That the following signatories agree to license a comity applicant that meets nationally recognized standards in the most expeditious manner available within jurisdiction licensing laws, rules, and mission; and furthermore, be it
- RESOLVED, That signatory boards are committed to identifying and working to remove unnecessary barriers to licensure portability and mobility which are not in the best interest of the public and not required to fulfill the mission of safeguarding the health, safety, and welfare of the public; and furthermore, be it
- RESOLVED, That signatory boards are committed to work towards revising current licensing laws, rules, and policies to allow for more streamlined approval processes for NCEES Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer applicants and other qualifying applicants; and furthermore, be it
- RESOLVED, That signatory boards are committed to minimizing or eliminating unnecessary jurisdiction-specific licensure requirements.

The undersigned hereby certifies that he/she is the duly qualified member board representative to serve as signatory of this non-binding Resolution of Cooperation in recognition of the NCEES 100th anniversary celebration.

Name of board: _____

Signature: _____

Outreach Activity Report

Board: AELS

Date & Time of Event:

7/13/2021 2:00 PM

Person Reporting:

Bob Bell

of Attendees: Employees: / Board Members:

Type of Outreach:

DISCUSS AELS BOARD CONFIGURATION

Attendees:

MIA COSTELLO, Bob Bell, Melodie (Aide to Mia)

Description of Event:

MEETING IN MY OFFICE TO DISCUSS MAKE-UP OF AELS BOARD.

OUTREACH SUBCOMMITTEE MEETING

July 14th, 2021 2-3pm

In Attendance: Garness (Chair), Wallis, Maxwell, Rozier

Meeting to discuss the following four proposed actions from the May 2021 Board meeting:

- Add to the new license letter information on the requirement for corporations, LLCs and LLPs to obtain a Certificate of Authorization, the need to obtain an Alaska business license and how to sign up for listserv.
- Frequently Asked Questions / Lessons Learned document that is broadcast over several platforms.
- Do Presentations at professional societies that would cover AELS in general terms, what AELS is currently dealing with and then the presenter could add to it as needed to make it more specific and to fill the time period given to present.
- How To Guide to stamping and sealing

Action Items from subcommittee meeting

- Letter for new licensees – Jeff Garness
- Send out presentations – Sara
Completed – sent out Onboard presentation list to committee on 7/14/2021
- Lessons Learned – Sara
Ongoing – contacted Investigations inquiring of what regulations are being violated with frequency to determine what issues need to be addressed. That sort of report would require opening up every single file to check. Have not heard back from investigations at this time.
- How to Guide for Sealing – Jake Maxwell
- Outreach presentation for engineering schools - Fred Wallis

ARTICLE 5.
**CONTINUING EDUCATION FOR PROFESSIONAL ARCHITECTS,
ENGINEERS, LAND SURVEYORS, AND LANDSCAPE ARCHITECTS.**

Section

500. Purpose of continuing education

510. Continuing education requirements

520. Computation of continuing education credit

530. Exemptions

540. Record keeping and review of records

550. Definitions

12 AAC 36.500. PURPOSE OF CONTINUING EDUCATION. The purpose of the continuing education program is to maintain a continuing level of competency and standards for professional architects, engineers, land surveyors, and landscape architects, in order to promote the public health, safety, and welfare within this state.

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.510. CONTINUING EDUCATION REQUIREMENTS. (a) Unless exempted under 12 AAC 36.530, a professional architect, engineer, land surveyor, or landscape architect must meet the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 as a condition of the renewal, reinstatement, or reactivation of the professional architect, engineer, land surveyor, or landscape architect registration.

(b) Unless exempted under 12 AAC 36.530, a professional architect, engineer, land surveyor, or landscape architect seeking renewal, reinstatement, or reactivation of a professional architect, engineer, land surveyor, or landscape architect registration shall submit, on a form provided by the department, a certification that the professional architect, engineer, land surveyor, or landscape architect has met the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550.

(c) To renew a professional architect, engineer, land surveyor, or landscape architect registration, a professional architect, engineer, land surveyor, or landscape architect must obtain 24 professional development hours during the 24 months immediately preceding that registration period.

(d) To reinstate a lapsed professional architect, engineer, land surveyor, or landscape architect registration, a professional architect, engineer, land surveyor, or landscape architect seeking reinstatement must obtain 24 professional development hours during the 24 months immediately preceding the application for reinstatement of the professional architect, engineer, land surveyor, or landscape architect registration.

(e) A professional architect, engineer, land surveyor, or landscape architect who obtains more professional development hours during a biennial registration period than needed to qualify for renewal or reinstatement of the professional architect, engineer, land surveyor, or landscape architect registration may apply up to 12 of the excess professional development hours to the continuing education requirement for the subsequent biennial period for professional architect, engineer, land surveyor, or landscape architect registration.

(f) A professional architect, engineer, land surveyor, or landscape architect holding multiple registrations in the state is required to earn the total number of professional development hours of continuing education as those required for a single registration holder. However, at least eight hours of the professional development hours must be in each registration held.

(g) Continuing education courses or activities are not pre-approved by the board, but must meet the following criteria:

(1) the subject matter must address the public's health, safety, and welfare by instructing in the proper planning and design in the area of the registrant's registration or discipline, for the construction of buildings, structures, infrastructure, or the spaces within and surrounding such facilities, preservation and enhancement of land use and natural land features, measuring and locating land for property boundaries, platting, planning and design of subdivisions, or the preparation and perpetuation of maps or record plats so that generally

- (A) risk of injury to persons or property is minimized;
- (B) the results are durable and environmentally friendly;
- (C) the results function properly in all relevant respects; or
- (D) the results enhance the general welfare of the public;

(2) the course or activity must be relevant to the practice of professional architecture, engineering, land surveying, or landscape architecture, and may include technical, ethical, or managerial content;

(3) the course or activity must be designed to maintain, improve, or expand professional architect, engineer,

land surveyor, or landscape architect skills and knowledge;

(4) each course or activity must be well organized and the content presented in a sequential manner; and

(5) the presentation must be made by persons who are well qualified in the subject by education or experience in the subject.

(h) The sponsoring organizations that provide continuing education may be an educational institution, a professional association, or a business or governmental organization. Sponsoring organization's continuing education that satisfies the requirements of this section includes the professional architect's, engineer's, land surveyor's, or landscape architect's

(1) successful completion of college courses;

(2) successful completion of continuing education courses;

(3) successful completion of short courses, tutorials, correspondence, web-based courses, and televised or videotaped courses;

(4) attending seminars, in-house workshops, or professional or technical presentations at meetings, conventions, or conferences;

(5) authoring published papers, articles, or books;

(6) serving as an officer or actively participating in a committee of professional or technical societies; and

(7) teaching or instructing the activities listed in (1) – (4) of this subsection.

(i) A professional architect, engineer, land surveyor, or landscape architect who also holds a registration as a professional architect, engineer, land surveyor, or landscape architect in another licensing jurisdiction may meet the requirements of 12 AAC 36.510 – 12 AAC 36.550 by establishing that the professional architect, engineer, land surveyor, or landscape architect has met the mandatory continuing education requirements for renewal of the professional architect, engineer, land surveyor, or landscape architect registration in the other licensing jurisdiction, if the mandatory continuing education requirements of the other jurisdiction are substantially similar to or exceed those of 12 AAC 36.510 – 12 AAC 36.550 at the time that continuing education credit is claimed.

(j) To reactivate a retired professional architect, engineer, land surveyor, or landscape architect registration, a professional architect, engineer, land surveyor, or landscape architect seeking reactivation must obtain 24 professional development hours during the 24 months immediately preceding the application for reactivation of the professional architect, engineer, land surveyor, or landscape architect registration.

Authority: AS 08.48.071 AS 08.48.101 AS 08.48.341

12 AAC 36.520. COMPUTATION OF CONTINUING EDUCATION CREDIT. (a) The board has final authority with respect to the acceptance of courses, activities, credits, professional development hour values, and other methods of earning continuing education credits. Continuing education credit is computed as follows:

(1) credit for college approved courses is based upon course credit established by the college;

(2) credit for qualifying seminars, in-house workshops, and professional or technical presentations is based on one professional development hour for each hour of attendance at the seminar, in-house workshop, or professional or technical presentation;

(3) attendance at qualifying programs presented at professional and technical society meetings, conventions, or conferences earns one professional development hour for each hour of attendance at the program;

(4) credit for published papers, articles, or books is

(A) based on one professional development hour for each hour of professional preparation of the paper, article, or book;

(B) determined by the professional architect, engineer, land surveyor or landscape architect; and

(C) subject to review and approval by the board under the standards set out in 12 AAC 36.510 – 12 AAC 36.550;

(5) credit for participating in professional and technical societies may be claimed for a year of service as an officer or in active participation in a committee of the society, based on one professional development hour for every two hours of service or participation; professional development hour credits under this paragraph are earned at the end of each full year of service or participation.

(b) The computation of credits of professional development hours is as follows:

(1) one unit of college semester credit equals 45 professional development hours;

(2) one unit of college quarter credit equals 30 professional development hours;

(3) one continuing education unit of professional architect, engineer, land surveyor, or landscape architect continuing education equals 10 professional development hours;

(4) one hour of a seminar, in-house workshop, or professional or technical presentation attended at meetings,

conventions, or conferences equals one professional development hour;

(5) one hour of initial instruction of the subject matter when teaching professional development courses, seminars, or professional or technical presentations equals two professional development hours; this provision does not apply to full-time faculty;

(6) up to 10 professional development hours per biennial registration period may be claimed for a published paper, article, or book, based on the amount of time and effort required to produce the paper, article, or book;

(7) for serving as an officer or actively participating in a committee of professional and technical societies, up to eight professional development hours per year may be claimed for each professional or technical society.

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.530. EXEMPTIONS. (a) A professional architect, engineer, land surveyor, or landscape architect is exempt from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 for the first biennial registration renewal period following initial issuance of the professional architect, engineer, land surveyor, or landscape architect registration.

(b) A professional architect, engineer, land surveyor, or landscape architect is exempt from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 for renewal of the professional architect, engineer, land surveyor, or landscape architect registration for the biennial registration period immediately following a period of service by the professional architect, engineer, land surveyor, or landscape architect on active duty in the armed forces of the United States exceeding 120 consecutive days within a 12-month period.

(c) A professional architect, engineer, land surveyor, or landscape architect who is in retired status under 12 AAC 36.115 is exempt from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 during the time the professional architect, engineer, land surveyor, or landscape architect is retired. A retired professional architect, engineer, land surveyor, or landscape architect who wishes to return to active practice as a professional architect, engineer, land surveyor, or landscape architect must meet the requirements of 12 AAC 36.115, including continuing education requirements applicable under 12 AAC 36.510(j).

(d) A professional architect, engineer, land surveyor, or landscape architect may request an exemption from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 by submitting a written request to the board that describes the reasons for the request and includes supporting documentation. If the board finds good cause, the board will grant an exemption under this subsection to a professional architect, engineer, land surveyor, or landscape architect who is experiencing a physical disability, serious illness, family emergency, or other extenuating circumstance.

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.540. RECORD KEEPING AND REVIEW OF RECORDS. (a) A professional architect, engineer, land surveyor, or landscape architect shall maintain records that may be used to verify professional development hours claimed under 12 AAC 36.510 – 12 AAC 36.550. These required records include

(1) a log showing the course or activity claimed, the sponsoring organization, the location and duration of the course or activity, the name of the speaker or instructor, and the unit of credit or number of professional development hours earned; and

(2) attendance verification records in the form of completion certifications, signed attendance receipts, receipts for the payment of tuition or fees, a copy of a list of participants signed by the speaker or instructor, or similar documents showing evidence of attendance.

(b) Records required under (a) of this section must include sufficient detail to permit verification during an audit, and must be maintained for at least four years from the date that the course or activity was completed.

(c) The board may request at any time that a professional architect, engineer, land surveyor, or landscape architect provide proof of compliance with the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550. A professional architect, engineer, land surveyor, or landscape architect must provide a copy of the records required under (a) of this section to the board no later than 30 days after receipt of a request for the records.

(d) Audits of compliance of professional architect, engineer, land surveyor, or landscape architect continuing education requirements will be conducted in accordance with 12 AAC 02.960.

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.550. DEFINITIONS. In 12 AAC 36.500 – 12 AAC 36.550, unless the context requires otherwise,

(1) “college” includes a community college and a university;

(2) “continuing education unit” means a uniform unit of measure for continuing education and training established by a nationally recognized professional or technical society acceptable to the board;

(3) “course or activity” means a unit of instruction

(A) with a clear purpose and objective to maintain, improve, or expand the skills and knowledge relevant to the practice of a professional architect, engineer, land surveyor, or landscape architect; and

(B) that meets the requirements of 12 AAC 36.510;

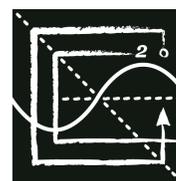
(4) “in-house workshop” means a seminar, program, or training session presented by a professional with expertise in the field of architecture, engineering, land surveying, or landscape architecture;

(5) “professional development hour” means not less than 50 minutes of instruction or presentation in a continuing education course or activity that meets the requirements of 12 AAC 36.510.

Authority: AS 08.48.101 AS 08.48.341

MODEL RULES

August 2019



NCEES

MODEL RULES

Revised August 2019

Vision

The vision of NCEES is to provide leadership in professional licensure of engineers and surveyors through excellence in uniform laws, licensing standards, and professional ethics in order to safeguard the health, safety, and welfare of the public and to shape the future of professional licensure.

Mission

The mission of NCEES is to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.

This mission is supported through its member boards, board of directors, staff, board administrators, and volunteers by:

- Providing outstanding nationally normed examinations for engineers and surveyors
- Providing uniform model laws and model rules for adoption by the member boards
- Promoting professional ethics among all engineers and surveyors
- Coordinating with domestic and international organizations to advance licensure of all engineers and surveyors



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PREFACE

Purpose of the NCEES *Model Law* and *Model Rules*

The vision of the National Council of Examiners for Engineering and Surveying (NCEES) is to provide leadership in professional licensure of engineers and surveyors through excellence in uniform laws, licensing standards, and professional ethics in order to safeguard the health, safety, and welfare of the public and to shape the future of professional licensure. The mission of NCEES is to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.

NCEES serves as an organization through which its members—the engineering and surveying licensure boards in all U.S. states and territories—can counsel and act together to better discharge their duties as individual, autonomous regulatory agencies. One of the primary ways NCEES fulfills its vision and supports its mission is by providing the *Model Laws* and *Model Rules* for adoption by its member boards.

The NCEES *Model Law* sets forth broad ideas about the regulation of engineering and surveying licensure. It is an enabling document that defines the board's powers and duties. It is designed to assist legislative counsels, legislators, and NCEES members in preparing new or amendatory legislation. Each line in the sections is numbered to facilitate use of this document as a working model.

The *Model Rules* complements the *Model Law* by providing model rules and regulations for the ways member boards can carry out the general concepts introduced and set forth in the law. While it is designed to explain broad provisions stated in the *Model Law* by offering the details from an administrative perspective, the *Model Rules*, just like a board's regulations or rulemaking process, functions only within the authority granted by the *Model Law*. The *Model Rules* is designed to assist NCEES member board members, board counsel, and board administrators in preparing and updating board rules.

The bracketed and italicized language throughout the *Model Law* and *Model Rules* indicates areas where language may need to be customized for a jurisdiction.

By vote, the majority of NCEES member boards have agreed that the language in the *Model Law* and *Model Rules* represents the gold standard for engineering and surveying licensure requirements in the United States. Revisions to the *Model Law* and *Model Rules* are decided at the NCEES annual business meeting, and any motion to amend the *Model Law* or the *Model Rules* presented at an annual business meeting by an entity other than the Committee on Uniform Procedures and Legislative Guidelines (UPLG) shall be referred to the UPLG Committee for review and revision of the language for inclusion before it is presented for Council vote at the next scheduled annual meeting.

The intent of NCEES in preparing these uniform model documents is to present its member boards with a high-level benchmark—and yet a sound and realistic guide—that will provide greater uniformity of qualifications for licensure, raise these qualifications to a higher level of accomplishment, and simplify the interstate licensure of engineers and surveyors.

210 INTRODUCTION

210.10 Introduction

The purpose of adopting rules is to safeguard the health, safety, and welfare of the public by ensuring the proper performance of the duties of the board and the regulation of its procedures, meetings, records, examinations, and the conduct thereof.

210.20 Definitions

The NCEES *Model Law*, Section 110.20, Definitions, provides definitions that also apply to these *Model Rules*.

210.25 Inclusions and Exclusions to the Practice of Surveying

A. Activities Included within the Practice of Surveying

Activities that must be accomplished by or under the responsible charge of a professional surveyor (unless specifically exempted in subsection B of this section) include, but are not limited to, the following:

1. The creation of maps or georeferenced databases representing authoritative locations for boundaries, the location of fixed works, or topography. This includes maps and georeferenced databases prepared by any person or government agency where that data is provided to the public as a surveying deliverable.
2. Original data acquisition, or the resolution of conflicts between multiple data sources, when used for the authoritative location of features within the following data themes: geodetic control, orthoimagery, elevation and hydrographic, fixed works, private and public boundaries, and cadastral information
3. Certification of positional accuracy of maps or measured survey data
4. Adjustment or authoritative interpretation of raw survey data
5. Geographic Information System (GIS)-based parcel or cadastral mapping used for authoritative boundary definition purposes wherein land title or development rights for individual parcels are, or may be, affected
6. Authoritative interpretation of maps, deeds, and other land title documents to resolve conflicting data elements
7. Acquisition of field data required to authoritatively position fixed works or cadastral data relative to geodetic control
8. Analysis, adjustment or transformation of cadastral data of the parcel layers with respect to the geodetic control layer within a GIS resulting in the affirmation of positional accuracy

B. Activities Excluded from the Practice of Surveying

A distinction must be made in the use of electronic systems between making or documenting original measurements in the creation of surveying deliverables, versus the copying, interpretation, or representation of those measurements in such systems. Further, a distinction must be made according to the intent, use, or purpose of measurements derived from electronic systems to determine an authoritative location versus the use of those measurements as a reference for planning, infrastructure management, and general information. The following items are not to be included as activities within the definition of the practice of surveying:

1. The creation of general maps
 - a. Prepared by private firms or government agencies for use as guides to motorists, boaters, aviators, or pedestrians
 - b. Prepared for publication in a gazetteer or atlas as an educational tool or reference publication

- c. Prepared for or by education institutions for use in the curriculum of any course of study
 - d. Produced by any electronic or print media firm as an illustrative guide to the geographic location of any event
 - e. Prepared by laypersons for conversational or illustrative purposes. This includes advertising material and users guides.
2. The transcription of previously georeferenced data into a GIS or LIS by manual or electronic means, and the maintenance thereof, provided the data are clearly not intended to indicate the authoritative location of property boundaries, the shape or contour of the earth, or fixed works
 3. The transcription of public record data, without modification except for graphical purposes, into a GIS- or LIS-based cadastre (tax maps and associated records) by manual or electronic means, and the maintenance of that cadastre, provided the data are clearly not intended to authoritatively represent property boundaries. This includes tax maps and zoning maps.
 4. The preparation of any document by any federal government agency that does not define real property boundaries. This includes civilian and military versions of quadrangle topographic maps, military maps, satellite imagery, and other such documents.
 5. The incorporation or use of documents or databases prepared by any federal agency into a GIS/LIS, including but not limited to federal census and demographic data, quadrangle topographic maps, and military maps
 6. Inventory maps or databases created by any organization, in either hard-copy or electronic form, of physical features, facilities, or infrastructure that are wholly contained within properties to which they have rights or for which they have management responsibility. The distribution of these maps or databases outside the organization must contain appropriate metadata describing, at a minimum, the accuracy, method of compilation, data sources and dates, and disclaimers of use clearly indicating that the data are not intended to be used as a surveying deliverable.
 7. Maps and databases depicting the distribution of natural resources or phenomena prepared by foresters, geologists, soil scientists, geophysicists, biologists, archeologists, historians, or other persons qualified to document such data
 8. Maps and georeferenced databases depicting physical features and events prepared by any government agency where the access to that data is restricted by statute. This includes georeferenced data generated by law enforcement agencies involving crime statistics and criminal activities.

210.30 Offering to Practice Engineering and Surveying

If the engineer or surveyor is licensed in another jurisdiction, the following items are not considered an offer to practice engineering or surveying:

- A. Advertisements published in print or electronic media, if professional services are not offered in jurisdictions where the engineer or surveyor is not licensed
- B. Responses to inquiries regarding requests for proposals, if there is written disclosure that the engineer/surveyor and firm are not currently licensed in the jurisdiction and the response is limited to inquiries regarding scope of project and to demonstrate interest
- C. Responses to inquiries from prospective clients, if there is written disclosure that the engineer/surveyor and firm are not currently licensed in the jurisdiction and the response is limited to inquiries regarding scope of project and to demonstrate interest
- D. Using the title/designation professional engineer, licensed engineer, P.E., professional surveyor, licensed surveyor, P.S., or other indicia of licensure in correspondence or on business cards from an office in the jurisdiction where licensure is held

Proposals may not be submitted, contracts signed, or work commenced until the engineer/surveyor and firm become licensed or authorized in the jurisdiction where the work is to be performed.

220 THE LICENSING BOARD

220.10 Board Operations

A. Meetings

1. Notices of meeting dates and times are normally given [*insert amount of time required*] in advance for all the regular meetings of the year. For special meetings, [*insert number of days*] notice must be given.
2. Place of meetings is determined in advance by members of the board.
3. All meetings are open to the public unless the meeting is closed for reasons defined by the laws of this jurisdiction.

B. Voting

All members of the board, including the chairperson, are entitled to vote and to make or to second motions. A majority vote of those present is required to pass a motion. The chairperson shall vote as a member of the board.

C. Rules of Order

The latest edition of *Roberts Rules of Order, Newly Revised* shall govern the normal proceedings of the board. Exceptions include hearings that may be disciplinary in nature.

D. Use of Forms

All applications and requests for which the board has prescribed a form must be presented on these forms.

E. Roster

A roster of all licensees and firms holding a certificate of authorization will be updated annually and shall be accessible to the public.

220.20 Adoption and Amendment of Rules and Regulations

All rules or regulations adopted, amended, or repealed by this board shall comply with the provision of the administrative procedures act of this jurisdiction [*insert chapter, title, code, jurisdiction, date*].

220.30 Fees

A. Application Fees

1. \$[*insert amount*]*—*For professional engineer and professional surveyor licensure, as provided in the NCEES *Model Law*, Section 130.20 B
2. \$[*insert amount*]*—*For engineer intern and surveyor intern certification, as provided in the NCEES *Model Law*, Section 130.20 B
3. \$[*insert amount*]*—*For firm certificate of authorization, as provided in the NCEES *Model Law*, Section 160.40 B
4. When the issuance of a certificate to an applicant is denied, the fee paid shall be retained as an application fee, as provided in the NCEES *Model Law*, Sections 130.20 C and 160.40 C. Applications received without the proper fee will be returned to the applicant.

B. Examination Fees

1. Examination fees are determined from time to time by the board in accordance with the provisions of [*insert applicable jurisdiction law*].
2. The current fees in effect may be obtained from the board.
3. Fees for manual verification of exam results are the same as those charged by NCEES.
4. The examination fees will not be returned to an applicant.

C. Roster

The fee for a copy of the *[insert annual, biennial, or other]* roster shall be determined by the board based on costs for its publication.

D. Renewal Fees

1. Renewal fees are payable before the last day of the month of *[insert month]* each year *[or other intervals]*.
2. Each licensee and firm holding a certificate of authorization will be notified by the board of the expiration date of his or her certificate of licensure or authorization and the amount of the renewal fee at least one month before the expiration date.
3. Amount of Renewal Fee—The renewal fee is set by regulation of the board in accordance with the provisions of *[insert applicable jurisdiction law]*.
4. Penalties for Late Renewal—Renewal fees in arrears are subject to a penalty for late renewal in accordance with jurisdiction law.

E. Duplicate Certificate Fees

The fee for the issuance of a duplicate certificate or enrollment document to a licensee, firm, or intern is determined by regulation of the board in accordance with the provision of *[insert applicable jurisdiction law]*.

230 CANDIDATES FOR LICENSURE

230.10 Education Requirements Approved by the Board

A. Engineering Program

The term “an engineering program of four years or more” used in Section 130.10 B.1.a of the NCEES *Model Law* is interpreted by this board to mean the following:

1. A degree from a bachelor’s or master’s engineering program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) at the time of the awarding of the degree. The board may accept the degree if accreditation is received within *[insert the prescribed time]*.
2. A degree from an engineering program not accredited by EAC/ABET but that meets the requirements of the NCEES *Engineering Education Standard*

B. Surveying Program

The following shall be considered as minimum evidence to the board that the applicant is qualified in terms of education for certification as a surveyor intern:

1. Graduation from a surveying program of four years or more accredited by EAC/ABET, the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), or the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET) at the time of awarding the degree or from a program that meets the requirements of the NCEES *Surveying Education Standard* as described in Section 130.10 C.1.a in NCEES *Model Law*. The board may accept the degree if accreditation is received within *[insert the prescribed time]*.
2. Graduation from a program related to surveying of four years or more as described in Section 130.10 C.1.b in NCEES *Model Law* is interpreted to be a bachelor’s degree including surveying courses, mathematics, and physical science.
3. Graduation from a program of four years or more as described in NCEES *Model Law* 130.10 C.1.c is interpreted to mean a program other than those defined in 1 or 2 above that is accepted by the board.

230.20 Experience

A. As a Professional Engineer¹

In evaluating experience that indicates to the board that the applicant may be competent to practice engineering, the following will be considered:

1. Experience must be progressive on engineering projects and must demonstrate an increasing quality and responsibility. Experience must be obtained in accordance with *Model Law 130.10*.
2. Only work of an engineering nature that follows graduation from a program that meets the criteria set forth in *Model Law 130.10 B.2.a(1)* is acceptable.
3. A graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure. To be eligible for experience credit, graduate degrees shall be relevant to the applicant's area of professional practice. Experience credit for a graduate degree cannot be earned concurrently with work experience credit.
4. Experience must be obtained in compliance with the licensure act.
5. Experience gained in the armed services must be of a character equivalent to that which would have been gained in the civilian sector doing similar work.
6. Experience should be gained under the supervision of a licensed professional engineer; if it is not, an explanation must be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.
7. Sales experience must demonstrate that engineering principles were required and used in gaining the experience.
8. Teaching experience must be in engineering or engineering-related courses at a junior-, senior-, or graduate-level in a college or university offering an engineering program of four years or more that is approved by the board.
9. Experience may be gained in engineering research and design projects by members of an engineering faculty where the program is approved by the board.
10. Experience may be gained in engineering research by industry or government employees.
11. Experience must have been gained by the time of the application.
12. Experience in construction must demonstrate the application of engineering principles.
13. Experience must include demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.
14. Experience must include demonstration of the application of engineering principles in the practical solution of engineering problems.
15. The board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum board requirements established by regulations for professional experience in that jurisdiction.

B. As a Professional Surveyor²

In evaluating experience that indicates to the board that the applicant may be competent to practice surveying, the following will be considered:

1. Experience must be progressive on surveying projects and must demonstrate an increasing quality and responsibility. Experience must be obtained in accordance with *Model Law 130.10*.
2. Experience must be obtained in compliance with the licensure act.

¹ Experience may be summarized as shown in Appendix A, Suggested Guidelines for Evaluating Progressive Engineering Experience. Appendix A is for reference only, and the language should not be adopted into the board rules.

² Experience may be summarized as shown in Appendix B, Suggested Guidelines for Evaluating Progressive Surveying Experience. Appendix B is for reference only, and the language should not be adopted into the board rules.

3. Experience gained in the armed services must be of a character equivalent to that which would have been gained in the civilian sector doing similar work.
4. Experience should be gained under the supervision of a licensed professional surveyor or, if not, an explanation must be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.
5. Teaching experience must be in surveying or surveying-related courses at a junior-, senior-, or graduate-level in surveying or surveying-related courses approved by the board.
6. Experience related to property conveyance and/or boundary line determination must be demonstrated.
7. Experience in the technical field aspects of the profession must be demonstrated.
8. Experience must have been gained by the time of the application.
9. Experience must include demonstration of the application of surveying principles in the practical execution of surveying tasks.
10. Experience may be gained in surveying research projects by members of a surveying faculty where the program is approved by the board.
11. Experience may be gained in surveying research by industry or government employees.
12. The board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum board requirements established by regulations for professional experience in that jurisdiction.

230.30 References

References are individuals who have personal knowledge of an applicant and are able to assess an applicant's experience, ability, character, or reputation.

- A. For licensure as a professional engineer or professional surveyor, an applicant must submit five references, three of whom shall be licensed engineers, licensed surveyors, or other individuals deemed acceptable to the board, who have personal knowledge of the applicant's engineering or surveying experience. In addition, for each employment period, individuals familiar with the applicant's experience for that period must be identified. Engineering applicants must have licensed engineer references, and surveying applicants must have licensed surveyor references.
- B. Relatives may not be used as references.
- C. No current board member shall be used as a reference.
- D. Each applicant should inform the individuals being used as references that they will be sent a reference form to complete and return.
- E. It is the responsibility of the applicant to ensure that the individuals giving the reference return a completed reference form to the board within a reasonable time. All reference materials must be complete before any board action may be taken on an application.
- F. References are considered to be confidential, nonpublic records that will not be divulged except as required by law.

230.40 Examinations

A. Classification of Engineering Examinations

This jurisdiction or its designee will provide the following examinations, prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure as a:

1. NCEES Fundamentals of Engineering (FE) examination—The examination consists of subject matters in the fundamentals of engineering. Passing this examination qualifies the examinee for certification as an engineer intern, provided the examinee has met all other requirements for certification required by these Rules.
2. NCEES Principles and Practice of Engineering (PE) examination—The examination consists of subject matters in applied engineering. Passing this examination qualifies the examinee for licensure as a professional engineer, provided the examinee has met the other requirements for licensure required by these Rules.

B. Eligibility of Applicant for Engineering Examinations

1. NCEES Fundamentals of Engineering (FE) Examination
 - a. Individuals who are in the final year of a program leading to a bachelor's degree in engineering may register with NCEES directly to take the FE examination or, if required, apply to the board for admission to the FE examination.
 - b. To be certified as an engineer intern, an application for certification may be submitted to the board upon passing the FE examination and meeting the education requirements.
2. NCEES Principles and Practice of Engineering (PE) Examination
 - a. Applicants for licensure as a professional engineer will be permitted to sit for the PE examination upon satisfactorily fulfilling all application requirements of the jurisdiction.
 - b. No applicant may sit for the PE examination until the board has established that the applicant is eligible for the examination.
 - c. Engineering doctorate degree applicants with an undergraduate degree from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) and with a doctorate degree in engineering from an institution that offers EAC/ABET-accredited undergraduate programs in the doctorate degree field of engineering and with experience that meets the qualifications defined by the board may sit for the PE examination without having taken or passed the FE examination.

C. Classification of Surveying Examinations

This jurisdiction will provide the following examinations, prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure:

1. NCEES Fundamentals of Surveying (FS) examination—The examination consists of subject matters in the fundamentals of surveying. Passing this examination qualifies the examinee for certification as a surveyor intern, provided the examinee has met all other requirements for certification required by this Act.
2. NCEES Principles and Practice of Surveying (PS) examination—The examination consists of subject matters in applied surveying, divided in separate parts as determined by the board. Passing these parts qualifies the examinee for licensure as a professional surveyor, provided the examinee has met the other requirements for licensure required by this Act.

Jurisdictions have the right to administer separate modules on jurisdiction laws and procedures for the practice of surveying.

- D. Eligibility of Applicant for Surveying Examinations
1. NCEES Fundamentals of Surveying (FS) Examination
 - a. Individuals who are in the final year of a program leading to a bachelor's degree in a surveying or surveying-related program may register with NCEES directly to take the FS examination or, if required, apply to the board for admission to the FS examination.
 - b. To be certified as a surveyor intern, an application for certification may be submitted to the board upon passing the FS examination and meeting the education and experience requirement.
 2. NCEES Principles and Practice of Surveying (PS) Examination
 - a. An applicant for licensure as a professional surveyor will not be permitted to sit for the PS examination until the FS examination has been passed.
 - b. No applicant may sit for the PS examination until the board has established that the applicant is eligible for the examination.
- E. Examination Dates and Locations
1. Examinations are offered on dates set by NCEES.
 2. Locations at which the examinations are given are designated by the board or by NCEES.
- F. Language of the Examination
- The language of the examination shall be English.
- G. Exam Preparation Materials
- The board may publish and make available exam preparation materials for all examinations that are specific to the jurisdiction. Exam preparation materials for NCEES examinations are available through NCEES.
- H. Instructions for Examinees
1. Instructions provided prior to each examination will declare an examination to be open- or closed-book. Instructions will communicate what materials are allowed in the examination room in accordance with established NCEES policy.
 2. Failure to Attend an Examination
 - a. An applicant who fails to attend an examination for which he or she has been scheduled will forfeit the fee paid for the exam, except in the case of illness, death in the family, or military deployment. Refunds, if any, will be determined based upon NCEES or jurisdictional policies.
 - b. Failure of an applicant to attend an examination for which he or she has been scheduled to attend does not count as a failure of the examination.
- I. Pencil-and-Paper Examination Offerings
1. All applicants for an NCEES pencil-and-paper examination must register with NCEES after being approved by the licensing board of their jurisdiction.
 2. A candidate failing an NCEES pencil-and-paper examination may apply to retake the examination in accordance with *[insert the rules/regulations of the licensing board]*.
 3. An applicant for an NCEES pencil-and-paper examination will be notified by the board at least *[insert number]* days before the examination date of approval to take the examination. The applicant must notify the board whether he or she plans to sit for the examination at least *[insert number]* days before the examination date.
- J. Computer-Based Examination Offerings
1. An applicant must register with NCEES to take an NCEES computer-based examination.
 2. An applicant failing an NCEES computer-based examination may be allowed to retake the examination in accordance with NCEES policy and *[insert rules/regulations of licensing board]*.

K. Examination Results

Examination results will be released in accordance with established NCEES policy.

L. Review of Examinations

There shall be no post-administration access to, or review of, NCEES examination questions. Member boards may request that NCEES manually verify an examinee's results from a pencil-and-paper examination. Such verification shall be conducted in accordance with NCEES policy.

M. Examination for Record Purposes

1. Any professional engineer licensed by this board may take for Record purposes the FE examination and/or a PE examination in a chosen discipline offered by NCEES upon payment of *[insert fee set by board regulation and/or NCEES]*.
2. Failure to pass either or both examinations will in no way affect current licensure.

230.50 Classifications and Disciplines of Engineers and Surveyors

A. Classification of Engineers

Engineering applicants shall be licensed or certified under one of the classifications as prescribed by the laws of this jurisdiction:

1. Engineer intern—by education and examination
2. Professional engineer—by education, examination, and experience, or by comity
3. Discipline professional engineer—by verification of discipline competence

B. Classification of Surveyors

Surveying applicants shall be licensed or certified under one of the classifications as prescribed by the laws of this jurisdiction.

1. Surveyor intern—by education and/or experience, and examination
2. Professional surveyor—by education, examination, and experience, or by comity (and appropriate jurisdiction-specific examination)

230.60 Applications

A. Applications Process

1. All applications made to this board must be completed on the forms prescribed and furnished by the board. Applications for licensure properly executed and issued with verification by NCEES may be accepted in lieu of the same information that is required on the form prescribed and furnished by this board.
2. To allow sufficient time for processing and for securing pencil-and-paper examinations, all applications that may require pencil-and-paper examinations must be filed with this board at least *[insert number]* days before the date set for the appropriate pencil-and-paper examinations.
3. Withholding information or providing statements that are untrue or misrepresent the facts may be cause for denial of an application or revocation of license or certification.
4. It is the responsibility of the applicant to supply correct contact information for all references and to be sure that the references are supplied as requested. If a reference fails to respond, this could delay the processing of an application either until a reply is obtained or another reference is given.
5. In relating experience, the applicant must account for all employment or work experience that has elapsed since the beginning of the employment record. If not employed or employed in other kinds of work, this should be indicated in the experience record.

B. Applicants with Degrees from Foreign Schools

1. All foreign language documentation submitted with the completed application must be accompanied by certified translations. The translation report shall be sent directly from the translation service to the board for review.
2. All applicants must be able to communicate in the language of commerce.
3. Applicants who, for political or other valid reasons, are unable to obtain their college transcript shall be processed on a case-by-case basis by the board.
4. The board may require an independent evaluation of the foreign undergraduate education of an applicant who was educated outside the United States.

C. Reconsideration of Applications

Reconsideration may be requested of an application that has been denied when the request is based on additional information and/or evidence that could affect the original decision. A reconsideration request or request for a hearing must be made within *[insert number]* days after the applicant has been notified that the decision was made to reject the original application.

D. Disposition of Applications

Applications may be approved, deferred for further information (more experience, questionable references, or other reasons), or denied.

1. Approved applications—When an application is approved by the board showing that the applicant has met all the requirements for licensure or certification required by the licensure act, the applicant shall be granted licensure or certification with notification by the board.
2. Deferred applications—Applications deferred for any reason are retained until such date as a proper remedy is presented or until *[insert deadline for responding to board's inquiry]*.
3. Denied applications—When an application is denied by the board, it is kept on file for at least one year before being destroyed.

E. Licensure by Comity

1. The board is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria to be licensed as a professional engineer or professional surveyor as defined in Section 130.10 of the *Model Law*.
2. The board administrator is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria of a Model Law Engineer or Model Law Surveyor as set forth in the *NCEES Manual of Policy and Position Statements*. If the applicant meets or exceeds these requirements, the board administrator may issue a contingent license authorizing that individual to offer or provide engineering or surveying services in this jurisdiction. A list of all engineers issued contingent licenses will be placed on the agenda of the next meeting of the board for formal approval by the board. A list of all surveyors who have been issued contingent licenses and who have passed the appropriate jurisdiction-specific examination will be placed on the agenda of the next meeting for formal approval by the board.

240 LICENSEES

240.10 Licensure

A. License Number as a Professional Engineer or Professional Surveyor

Each licensee is assigned a license number at the time licensure is granted by the board. Numbers are issued consecutively in the order in which applicants are granted licensure. The licensee will be advised of the number by the board.

B. Certificates of Licensure

The board shall issue a certificate of licensure to an applicant who has met the requirements of this jurisdiction and who has paid the application fee. The information shown on the certificate shall be in accordance with *Model Law 140.10 Certificates of Licensure, Seals*.

C. Retirement of Licensure Option

When a licensee in good standing desires to retire his or her license, he or she may do so upon application to the board. Upon meeting the requirements established by the board, a permanent identification card may be issued and the retired licensee shall receive all rights and benefits as established by the board. Upon retirement of said license, the retiree shall not practice the profession.

D. Reissuance of Certificate

When a certificate of licensure, certificate of authorization, or enrollment card is lost, destroyed, or mutilated, it will be replaced upon request by a licensee, firm, or intern in good standing who has paid a fee established by the jurisdiction.

240.15 Rules of Professional Conduct

To safeguard the health, safety, and welfare of the public and to maintain integrity and high standards of skill and practice in the engineering and surveying professions, the rules of professional conduct provided in this section shall be binding upon every licensee and on all firms authorized to offer or perform engineering or surveying services in this jurisdiction.

A. Licensee's Obligation to the Public

1. Licensees shall be cognizant that their first and foremost responsibility is to safeguard the health, safety, and welfare of the public when performing services for clients and employers.
2. Licensees shall sign and seal only those plans, surveys, and other documents that conform to accepted engineering and surveying standards and that safeguard the health, safety, and welfare of the public.
3. Licensees shall notify their employer or client and such other authority as may be appropriate when their professional judgment is overruled when the health, safety, or welfare of the public is endangered.
4. Licensees shall, to the best of their knowledge, include all relevant and pertinent information in an objective and truthful manner within all professional documents, statements, and testimony.
5. Licensees shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.
6. Licensees shall issue no statements, criticisms, or arguments on engineering and surveying matters that are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking and reveal any interest they have in the matters.
7. Licensees shall not partner, practice, or offer to practice with any person or firm that they know is engaged in fraudulent or dishonest business or professional practices.
8. Licensees who have knowledge or reason to believe that any person or firm has violated any rules or laws applying to the practice of engineering or surveying shall report it to the board, may report it to appropriate legal authorities, and shall cooperate with the board and those authorities as requested.
9. Licensees shall not knowingly provide false or incomplete information regarding an applicant in obtaining licensure.
10. Licensees shall comply with the licensing laws and rules governing their professional practice in each of the jurisdictions in which they practice.

B. Licensee's Obligation to Employer and Clients

1. Licensees shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering or surveying involved.
2. Licensees shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competence, nor to any such plan or document not prepared under their responsible charge.
3. Licensees may accept assignments and assume responsibility for coordination of an entire project if each technical segment is signed and sealed by the licensee responsible for preparation of that technical segment.
4. Licensees shall not reveal facts, data, or information obtained in a professional capacity without the prior consent of the client, employer, or public body on which they serve except as authorized or required by law or rules.
5. Licensees shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients.
6. Licensees shall disclose to their employers or clients all known or potential conflicts of interest or other circumstances that could influence or appear to influence their judgment or the quality of their professional service or engagement.
7. Licensees shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to in writing by all interested parties.
8. Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Conversely, licensees serving as members, advisors, or employees of a government body or department, who are the principals or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by said concern to the governmental body that they serve.
9. Licensees shall not use confidential information received in the course of their assignments as a means of making personal profit without the consent of the party from whom the information was obtained.

C. Licensee's Obligation to Other Licensees

1. Licensees shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in prior assignments nor the complexity of said assignments. Presentations incidental to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments.
2. Licensees shall not offer, give, solicit, or receive, either directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by public authority.
3. Licensees shall not injure or attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of other licensees, nor indiscriminately criticize other licensees' work.
4. Licensees shall make a reasonable effort to inform another licensee whose work is believed to contain a material discrepancy, error, or omission that may impact the health, safety, or welfare of the public, unless such reporting is legally prohibited.

240.20 Seal on Documents

- A. The seal and signature of the licensee and the date of signing shall be placed on all final engineering specifications, reports, drawings, plans, design information, and calculations or surveys, reports, plats, drawings, plans, and calculations whenever presented to a client or any public agency to certify that the work thereon was done by the licensee or under the responsible charge of the licensee. Working drawings or preliminary documents are not required to have a seal and signature if the working drawing or preliminary document contains a statement in large bold letters to the effect “PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION.”
- B. The seal and signature shall be placed on all original copy, tracings, or other reproducible documents so that the seal and signature will be reproduced when copies are made.
- C. When the document contains more than one sheet, the first or title page shall be sealed and signed by the licensee who was in responsible charge. Two or more licensees may affix their signatures and seals provided that a note under the seal designates the specific subject matter for which each is responsible. In addition, each sheet shall be sealed and signed by the licensee or licensees responsible for that sheet. When a firm performs the work, each sheet shall be sealed and signed by the licensee or licensees who were in responsible charge of that sheet.
- D. The seal and signature shall be placed on work only when it was under the licensee’s responsible charge. The licensee shall sign and seal only work within the licensee’s areas of competence.
- E. Plans, plats, specifications, drawings, reports, and other documents will be deemed to have been prepared under the responsible charge of a licensee only when all the following conditions have been met and documented:
1. The client requesting preparation of such plans, plats, specifications, drawings, reports, or other documents makes the request directly to the licensee, or a member or employee of the licensee’s firm;
 2. The licensee supervises the preparation of the plans, plats, specifications, drawings, reports, or other documents and has input into their preparation prior to their completion;
 3. The licensee reviews the final plans, plats, specifications, drawings, reports, or other documents; and
 4. The licensee has the authority to, and does, make any necessary and appropriate changes to the final plans, plats, specifications, drawings, reports, or other documents.
- The licensee is responsible for meeting all of the preceding requirements whether the work is being performed remotely or locally.
- F. Any revision to a document containing the seal and signature of a licensee shall be described and dated. If the revisions are not done by the original licensee, the revisions must also be signed and sealed by the licensee in responsible charge of those revisions.
- G. In circumstances where a licensee in responsible charge of the work is unavailable to complete the work, or the work is a site adaptation of a standard design plan, or the work is a design plan signed and sealed by an out-of-jurisdiction licensee, a successor licensee may take responsible charge by performing all professional services to include developing a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work. The non-professional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee’s work. The burden is on the successor licensee to show such compliance. The successor licensee shall have control of and responsibility for the work product and the signed and sealed originals of all documents.

H. When a licensee is required to seal and sign engineering/surveying documents, one of the following methods must be used:

1. Physical placement of a seal and a handwritten signature in permanent ink containing the name of the licensee
2. Digital placement of a seal and a handwritten signature in permanent ink containing the name of the licensee
3. Digital placement of a seal and a digital signature containing the name of the licensee

Drawings, reports, and documents that are signed using a digital signature must have an electronic authentication process attached to or logically associated with the electronic document. The digital signature must be

1. Unique to the individual using it
2. Capable of verification
3. Under the sole control of the individual using it
4. Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

A digital signature that uses a process approved by the board will be presumed to meet the criteria set forth in Section H above. Any hard copy printed from the transmitted electronic file shall bear the facsimile of the signature and seal and be a confirmation that the electronic file was not altered after the initial digital signing of the file. Any alterations to the file shall cause the facsimile of the signature to be voided.

240.30 Continuing Professional Competency

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of licensees.

A. Introduction

Every licensee shall meet the continuing professional competency requirements of these regulations for professional development as a condition for licensure renewal.

B. Definitions

Terms used in this section are defined as follows:

1. Professional Development Hour (PDH)—One contact hour (nominal) of instruction or presentation. The PDH is the common denominator for other units of credit.
2. Ethics/Business-Related Course or Activity—A qualifying course or activity with content areas related to (1) the awareness of ethical concerns and conflicts; (2) an enhanced familiarity with the codes of conduct; (3) an understanding of standards of practice or care; (4) project management and risk-assessment management; or (5) other similar topics aimed at maintaining, improving, or expanding the skills set and knowledge relevant to the licensee's field and methods of practice.
3. Continuing Education Unit (CEU)—Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 contact hours in an approved continuing education course.
4. College Semester/Quarter Hour—Credit for course in ABET-accredited programs or other related college course approved in accordance with subsection E of this section.
5. Course/Activity—Any qualifying course or activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee's field of practice. Regular duties are not considered qualified activities.
6. Dual Licensee—An individual who is licensed as both a professional engineer and a professional surveyor

C. Qualifying Activities

PDHs may be earned as follows:

1. Successful completion of college courses
2. Successful completion of short courses, tutorials, webinars, and distance-education courses offered for self-study, independent study, or group study and through synchronous or asynchronous delivery methods such as live, correspondence, archival, or the Internet
3. Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, conferences, or educational institutions
4. Teaching or instructing in 1 through 3 above
5. Authoring published papers, articles, books, or accepted licensing examination items
6. Active participation in professional or technical societies or in accrediting organizations
7. Patents
8. Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K-12 or higher education students

D. Units

The conversion of other units of credit to PDHs is as follows:

1. 1 semester hour 45 PDHs
 2. 1 quarter hour..... 30 PDHs
 3. 1 continuing education unit 10 PDHs
 4. 1 hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conferences 1 PDH
 5. For teaching in 1 through 4 above, apply multiple of 2*
 6. Publications
 - a. Each published peer-reviewed paper or book in the licensee's area of professional practice 10 PDHs
 - b. Each published paper or article (other than 6.a above) in the licensee's area of professional practice 5 PDHs
 7. Active participation in professional and technical society (each organization) 2 PDHs
 8. Each patent 10 PDHs
 9. 1 hour of outreach activities 1 PDH (not to exceed 3 PDHs)
- * Teaching credit is valid only for the first offering or presentation. Full-time faculty may not claim teaching credit associated with their regular duties.

E. Determination of Credit

The board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

1. Credit for college or community college approved courses will be based upon course credit established by the college.
2. Credit for qualifying seminars and workshops will be based on 1 PDH for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDHs for the actual time of each program.
3. Credit determination for activities in subsections D.6 and D.8 is the responsibility of the licensee (subject to review as required by the board).
4. Credit for activity in subsection D.7, active participation in professional and technical societies (limited to 2 PDHs per organization), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDHs are not earned until the end of each year of service is completed.

F. Recordkeeping

The licensee is responsible for maintaining records to be used to support credits claimed. Records required include, but are not limited to (1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDHs earned; and (2) attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

G. Exemptions

A licensee may be exempt from the continuing professional competency requirements for one of the following reasons:

1. New licensees by way of examination or comity shall be exempt for their first renewal period.
2. A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the PDHs required during that renewal period.
3. Licensees experiencing physical disability, illness, or other extenuating circumstances may apply for an exemption or an extension of time to obtain the credits, subject to the review and approval of the board. Supporting documentation must be furnished to the board.
4. Licensees who list their occupation as "Retired" or "Inactive" on the board-approved renewal form and who further certify that they are no longer receiving any remuneration from providing professional engineering or surveying services shall be exempt from the PDHs required.

H. Reinstatement

A licensee may bring a retired or inactive license to active status by obtaining all delinquent PDHs. However, if the total number required to become current exceeds 30, then 30 shall be the maximum number required.

I. Requirements for Renewal

To renew a license, an applicant must meet either of the following:

1. The requirements of the NCEES *CPC Standard*
2. The requirements of *[insert jurisdiction name]*

J. Dual Licensees

The number of PDHs required per year shall be as stated in the NCEES *CPC Standard*. At least one-third of the PDHs shall be obtained in each profession.

K. Certification

All renewal applications will require the certification of CPC credits as specified by the board. The licensee must supply sufficient detail and backup documentation with the renewal application, if required, or upon notification of audit.

240.40 Expirations, Renewals, and Reinstatement to Active Practice

- A. A renewal notice will be sent annually or as required by this jurisdiction by the board *[insert number of days]* prior to the license expiration date to every individual licensed under the licensure act and to every firm holding a certificate of authorization showing the expiration date of their license or certificate and the amount of the fee for renewal.
- B. The annual *[or insert other amount of time]* renewal fee is established by the board.
- C. Renewal fees must be received by the board prior to the expiration date. Fees received within one month or more after the renewal date will be assessed an additional fee established by the board.
- D. Renewal fees not paid within a period established by the board after the expiration date voids the license or certificate and will require a new application for licensure or certification in order to continue to practice engineering or surveying.

- E. A licensee or firm who supplies the board before the expiration date of his/her/its license/certificate with an affidavit that he/she/it is no longer practicing and will not practice engineering or surveying in this jurisdiction may retain his/her/its license/certificate for later use upon payment of delinquent fees.
- F. The responsibility for the timely renewal of a licensee's license rests solely with the individual licensee. The responsibility for the timely renewal of a firm's certificate rests solely with the firm's managing agent.
- G. The applicant for renewal or reinstatement may be required to demonstrate to the board that he or she has maintained the required minimum level of professional competence in a manner acceptable to the board.

250 DISCIPLINARY ACTIONS

250.10 Knowledge of Rules

All licensees and interns and all firms authorized under the provisions of the licensure act, as well as applicants, are charged with having knowledge of these Rules as well as amendments that are made known in writing to every licensee, intern, firm, and applicant.

250.20 Compliance

Professional surveyors and surveying firms shall comply with the minimum standards codified for surveys in this jurisdiction.

250.30 Disciplinary Action Procedures

A. Summons and Notice of Charges

1. In the event the investigative committee determines that a probable cause exists, the legal counsel of the board is requested to prepare a summons and notice of charges.
2. The summons and notice of charges shall be personally served or mailed to the last known address of the respondent at least 30 days before the date fixed for hearing.
3. The summons and notice of charges shall show the time, place, and nature of the hearing, a statement of legal authority and jurisdiction under which the hearing is to be held, a reference to the particular section of the licensure act and rules involved, and a short and plain statement of the matters asserted. The notice of the summons and notice of charges shall indicate that at any hearing the respondent shall have the right to appear in person or by counsel or both to cross-examine witnesses in his or her or its defense and to produce evidence and witnesses of his or her or its own defense. If the respondent fails or refuses to appear, the board may proceed to hear and determine the validity of the charges. The notice shall be in substantial compliance with the requirements of the laws of this jurisdiction.

B. Evidentiary Matters

In contested cases, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the court of common pleas shall be followed. The board shall give effect to the rules of privilege recognized by law. Objection to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, any part of the evidence may be received in written form when a hearing will be expedited and the interest of the parties involved will not be prejudiced substantially. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Any party may conduct cross-examination. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the board's specialized knowledge. Parties shall be notified either before or

during the hearing or by reference in preliminary reports or otherwise of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The board's experience, technical competence, and specialized knowledge may be utilized in the evaluation of evidence.

C. Conduct of Hearing

The conduct of the hearing and evidence submitted shall be as required by the laws of this jurisdiction.

1. At its discretion, the board may appoint an individual [*preferably an attorney or someone familiar with the laws and procedures*] to act as a hearing examiner. The hearing examiner shall preside at the hearing and shall rule on all questions of evidence and procedure.
2. In the event a hearing examiner is not appointed, the chair of the board shall preside over the hearing and shall rule on all questions of evidence and procedure with the advice of the attorney for the board.
3. The proceeding shall follow those used by a civil court in which an opening statement is made by the prosecutor and the respondent. Then evidence is presented by both sides with rebuttals. Witnesses may be examined by the prosecutor and respondent or their attorneys and by members of the board. Redirect, recross, and reexaminations are permitted. Closing statements by both the prosecutor and respondent or their attorneys are permitted.

D. Record of Hearing

The record of the hearing of the case shall include

1. All motions, intermediate ruling, and depositions
 2. Evidence received or considered
 3. Statement of matters officially noted
 4. Questions and offers of proof, objections, and rulings thereon
 5. Proposed findings and exceptions
 6. Any decision, opinion, or report by the officer presiding at the hearing
- Oral proceedings or any part thereof shall be transcribed on request of any party.

250.40 Bias

No board member shall be entitled to participate in discussion or to vote in any disciplinary action if the board member is personally biased in favor of or against the respondent.

260 MISCELLANEOUS

260.10 Severability

If any of the rules and regulations, or any part thereof, of this board promulgated under the provisions of the rule-making authority for jurisdiction agencies, are found by the courts to be invalid for any reason, it is the intention of the board that the remainder shall continue in full force and effect or it is the intention of the board that each rule and/or any portions thereof are severable.

APPENDIX A
Suggested Guidelines for Evaluating Progressive Engineering Experience

The following is a partial list of work experiences that may be useful in guiding, mentoring, and verifying acceptable experience of engineer interns and/or intern applicants. There are no correct answers to the following questions. The profile of each applicant will provide the board a basis for more specific questions.

Practical Application of Theory

1. Analysis: Of operating conditions; performance assessment; feasibility studies; constructability; value engineering; safety; environmental issues; economic issues; risk assessment; reliability; other *[list]*:

2. Design: Construction plan or specification preparation; product specifications; component selection; maintenance and social implications of final product; other *[list]*:

3. Testing: Developing or specifying testing procedures; verifying functional specifications; implementing quality control and assurance; maintenance and replacement evaluation; other *[list]*:

4. Implementation: Of engineering principles in design, construction, or research; performance of engineering cost studies; process flow and time studies; implementation of quality control and assurance; safety issues; and environmental issues; other *[list]*:

5. Systems Application: Evaluation of components of a larger system; evaluation of the reliability of system parts; design and evaluation of equipment control systems while considering ergonomics, utility, manufacturing tolerances, and operating and maintenance concerns; the engineering required to establish programs and procedures for the maintenance and management of buildings, bridges, and other types of structures where failure or improper operation would endanger the health, safety, or welfare of the public; other *[list]*:

6. Time in the Engineering Process: Difficulties of workflow; scheduling; equipment life; corrosion rates and replacement scheduling; other *[list]*:

7. Knowledge and Understanding: Codes, standards, regulations and laws that govern applicable activities; other *[list]*:

Management

Management in engineering works includes supervising staff, managing engineering projects, and managing and administering technology as it is applied in the field or in construction. It may involve:

- 1. Planning: Developing concepts, evaluating alternative methods _____
- 2. Scheduling: Preparing task breakdowns and schedules _____
- 3. Budgeting and Contracting: Cost estimating and control, contract development _____
- 4. Supervising: Organizing human resources, motivating teams, directing and coordinating project resources _____
- 5. Project Control: Complete or partial project control _____
- 6. Risk Assessment: Assessment of risk associated with the progression of the project _____

Communication Skills

- 1. Accumulates project knowledge through interpersonal communication with supervisors, clients, subordinates, or team interaction _____
- 2. Transmits project knowledge in verbal or written methods to clients, supervisors, subordinates, general public, or team members. Examples would be via meetings, written reports, public hearings and reporting of findings and suggestions, other written correspondence and/or verbal briefings. _____

Social Implications

- 1. Promotes and safeguards the health, safety, and welfare of the public as demonstrated in daily work activities _____
- 2. Demonstrates an awareness of the consequences the work performed may incur and a desire to mitigate or eliminate any potential negative impact _____
- 3. Follows a code of ethics that promotes a high degree of integrity in the practice of professional engineering _____

APPENDIX B
Suggested Guidelines for Evaluating Progressive Surveying Experience

The following is a partial list of work experiences that may be useful in guiding, mentoring, and verifying acceptable experience of surveyor interns and intern applicants. There are no correct answers to the following questions. The profile of each applicant will provide the board a basis for more specific questions.

Practical Application of Theory

1. Research: Easements; rights-of-way; plats; instruments of conveyance; corner information; government survey information; other pertinent surveys; other *[list]*:

2. Measurement/Location: Field measurements of topography and features; measurements to locate particular boundaries, parcels or points; level loops; GPS measurements; construction staking; other *[list]*:

3. Computation/Analysis: Traverse closure and adjustment; boundary interpretations; section computations; coordinate translations; coordinate calculations; survey accuracy; vertical curves; horizontal curves; other *[list]*:

4. Legal Principles: Legal description preparation and interpretation; corner filings; boundary determination; section corner opinions; adverse possession; easement and right-of-way preparation; other *[list]*:

5. Land Planning: Platting; zoning issues; subdivision regulations and layout; utility coordination; on-site wastewater systems and regulations; permits; other *[list]*:

6. Time in the Surveying Process: Difficulties of workflow; scheduling; equipment adjustments; construction staking coordination; other *[list]*:

7. Knowledge and Understanding: Codes, standards, regulations, and laws that govern applicable activities; other *[list]*:

Management

Management in surveying includes supervising staff, managing surveying projects, and managing and administering technology as it is applied in surveying. It may involve:

- 1. Planning: Developing concepts, planning surveying projects, evaluating alternative methods _____
- 2. Scheduling: Preparing task breakdowns and schedules _____
- 3. Budgeting and Contracting: Cost estimating and control, contract development _____
- 4. Supervising: Organizing human resources, motivating teams, directing and coordinating equipment _____
- 5. Project Control: Complete or partial project control by using and developing control tools such as network plans and Gantt charts _____
- 6. Risk Assessment: Assessment of risk associated with the progression of the project using surveying analysis and quantification methods to determine degree of risk of known hazards in proposed designs _____

Communication Skills

- 1. Accumulates project knowledge through interpersonal communication with supervisors, subordinates, clients, regulators, other surveyors or team interaction _____
- 2. Transmits project knowledge in verbal or written methods to clients, regulators, supervisors, subordinates, general public, or team members. Examples would be via meetings, written reports, other written correspondence and/or verbal briefings. _____

Social Implications

- 1. Promotes and safeguards the health, safety, and welfare of the public as demonstrated in daily work activities _____
- 2. Demonstrates an awareness of the consequences the work performed may incur and a desire to mitigate or eliminate any potential negative impact _____
- 3. Follows a code of ethics that promotes a high degree of integrity in the practice of professional surveying _____

APPENDIX C

Index for *Model Rules* with General Cross-Reference to *Model Law*

The following table is for reference only and is not intended to be all-inclusive or adopted into board law/rules. Italic font indicates summary paraphrase of paragraph contents.

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240.40 F	<i>Licensees solely responsible for timely renewal of their license and firm's managing agent solely responsible for timely renewal of firm's certificate</i>	
240.40 G	<i>Applicants for renewal or reinstatement may be asked to demonstrate they have maintained the required minimum level of professional competence</i>	
240.40 H	<i>Licensees who do not maintain active status in any jurisdiction for three years preceding requested date of reinstatement must take the PE and PS and jurisdiction-specific exams before reinstatement</i>	
SECTION 250	DISCIPLINARY ACTIONS	
Section 250.10	Knowledge of Rules	
Section 250.20	Compliance	
Section 250.30	Disciplinary Action Procedures	
250.30 A	Summons and Notice of Charges	120.60 B, 150.20 D, 160.80 D
250.30 B	Evidentiary Matters	
250.30 C	Conduct of Hearing	
250.30 D	Record of Hearing	
Section 250.40	Bias	
SECTION 260	MISCELLANEOUS	
Section 260.10	Severability	

APPENDIX D
References to Internal Sections in *Model Law*

The following table is to be used for general representative, informational purposes only.

<i>Model Rule Citation</i>	<i>Model Law Citation Referenced within Citations in Column 1</i>
210.20	110.20
220.30 A.1	130.20 B
220.30 A.2	130.20 B
220.30 A.3	160.40 B
220.30 A.4	130.20 C, 160.40 C
230.10 A	130.10 B.1.a
230.10 B.1	130.10 C.1.a
230.10 B.2	130.10 C.1.b
230.10 B.3	130.10 C.1.c
230.20 A.2	130.10 B.2.a(1)
240.10 B	140.10

APPENDIX E NCEES Publications

Publications available on ncees.org in the About NCEES section

- The NCEES **annual report** highlights the Council’s leadership, mission, initiatives, and financial activities. An interactive version of the annual report is available at ncees.org/annualreport.
- The NCEES **Bylaws** outlines the structure of the Council.
- The **Continuing Professional Competency Guidelines** provides best practices for state licensing boards that have CPC requirements for licensees.
- NCEES uses its “**Criteria for Evaluating the Administration of NCEES Examinations at Non-U.S. Sites**” when assessing whether or not to administer its exams in other countries.
- The **History of the National Council of Examiners for Engineering and Surveying, 1920–2004** provides an in-depth history of U.S. licensure and NCEES. A more recent short history of the Council is also available.
- **Licensure Exchange** is the NCEES bimonthly newsletter for the exchange of information, opinions, and ideas regarding the licensure of engineers and surveyors.
- The **Manual of Policy and Position Statements** describes Council administrative, examination, financial, and professional policies as well as the official NCEES position on licensure issues.
- The **Model Law** reflects best practices as determined by the NCEES member boards. It is a model for state practice legislation.
- The **Model Rules** provides licensure boards with guidelines for engineering and surveying licensing laws and ethics.
- When it conducts a credentials evaluation, NCEES compares the candidate’s college-level education against the NCEES **Engineering Education Standard** or the NCEES **Surveying Education Standard**. These standards reflect generally agreed-upon educational qualifications for entering the profession.
- NCEES **Squared** is the official NCEES source for engineering and surveying licensure statistics.
- The NCEES white paper “**Using the FE Exam as an Outcomes Assessment Tool**” describes in detail how engineering departments can use the FE exam to assess program outcomes.

Additional publications available on MyNCEES (Member Resources portion of the NCEES website)

- Annual meeting *Action Items and Conference Reports*
- NCEES board of directors minutes
- *Investigation and Enforcement Guidelines*
- *Investigative Training Manual*
- Zone minutes
- *Zone Meeting and Continuity Guidelines*

APPENDIX F

Model Language for Member Boards that License Structural Engineers

Model Rules 230.40 provides model language for classification of engineering exams and eligibility of applicants for engineering exams, and *Model Rules* 230.60 A provides language for types of applications. The language highlighted in gray below is being provided in this appendix to the *Model Rules* so that boards that also license structural engineers will have model language for structural engineering. Adopting similar language can help with licensure mobility among the boards that license structural engineers. The language highlighted in gray below is provided for those boards. The language that is not highlighted in gray is currently in *Model Rules* 230.40 and 230.60 A for professional engineers and is provided as a reference for where to insert the structural engineering-related language in the *Model Rules*.

Model Language to Use for Structural Engineering Licensure

230.40 Examinations

A. Classification of Engineering Examinations

This jurisdiction or its designee will provide the following examinations, prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure.

1. NCEES Fundamentals of Engineering (FE) examination—The examination consists of subject matters in the fundamentals of engineering. Passing this examination qualifies the examinee for certification as an engineer intern, provided the examinee has met all other requirements for certification required by these Rules.
2. NCEES Principles and Practice of Engineering (PE) examination—The examination consists of subject matters in applied engineering. Passing this examination qualifies the examinee for licensure as a professional engineer, provided the examinee has met the other requirements for licensure required by these Rules.
3. NCEES Structural Engineering (SE) examination—The examination shall be considered and referred to as one 16-hour examination. The SE examination consists of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate must receive acceptable results on both 8-hour components to pass the SE examination. A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a 5-year period. Receiving acceptable results on only one 8-hour component shall not be sufficient for licensure purposes. Passing this examination qualifies the examinee for licensure as a professional structural engineer, provided the examinee has met the other requirements for licensure required by these Rules.

B. Eligibility of Applicant for Engineering Examinations

1. NCEES Fundamentals of Engineering (FE) Examination
 - a. Individuals who are in the final year of a program leading to a bachelor's degree in engineering may register with NCEES directly to take the FE examination or, if required, apply to the board for admission to the FE examination.
 - b. To be certified as an engineer intern, an application for certification may be submitted to the board upon passing the FE examination and meeting the education requirements.
2. NCEES Principles and Practice of Engineering (PE) Examination
 - a. Applicants for licensure as a professional engineer will be permitted to sit for the PE examination upon satisfactorily fulfilling all application requirements of the jurisdiction.
 - b. No applicant may sit for the PE examination until the board has established that the applicant is eligible for the examination.
 - c. Engineering doctorate degree applicants with an undergraduate degree from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) and with a doctorate degree in engineering from an institution that offers EAC/ABET-accredited undergraduate programs in the doctorate degree field of engineering and with experience that meets the qualifications defined by the board may sit for the PE examination without having taken or passed the FE examination.

3. NCEES Structural Engineering (SE) Examination
 - a. Applicants for licensure as a professional structural engineer will be permitted to sit for the SE examination upon satisfactorily fulfilling all application requirements of the jurisdiction.
 - b. No applicant may sit for the SE examination until the board has established that the applicant is eligible for the examination.
 - c. Engineering doctorate degree applicants with an undergraduate degree from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) and with a doctorate degree in engineering from an institution that offers EAC/ABET-accredited undergraduate programs in the doctorate degree field of engineering and with experience that meets the qualifications defined by the board may sit for the SE examination without having taken or passed the FE examination.

230.60 Applications

E. Licensure by Comity

1. The board is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria to be licensed as a professional engineer, professional structural engineer, or professional surveyor as defined in Section 130.10 of the *Model Law*.
2. The board administrator is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria of a Model Law Engineer, Model Law Structural Engineer, or Model Law Surveyor as set forth in the *NCEES Manual of Policy and Position Statements*. If the applicant meets or exceeds these requirements, the board administrator may issue a contingent license authorizing that individual to offer or provide engineering or surveying services in this jurisdiction. A list of all engineers issued contingent licenses will be placed on the agenda of the next meeting of the board for formal approval by the board. A list of all surveyors who have been issued contingent licenses and who have passed the appropriate jurisdiction-specific examination will be placed on the agenda of the next meeting for formal approval by the board.

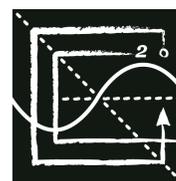


*advancing licensure for
engineers and surveyors*

P.O. Box 1686, Clemson, S.C. 29633
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CONTINUING PROFESSIONAL COMPETENCY GUIDELINES

August 2013



NCEES



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INTRODUCTION

NCEES has prepared this manual to provide guidelines for jurisdictions that have or are planning to have continuing professional competency (CPC) requirements for licensure renewal. The official position of NCEES concerning CPC is provided as follows in the NCEES *Manual of Policy and Position Statements* in Position Statement 10, Continuing Professional Competency:

NCEES endorses the establishment of uniform continuing professional competency (CPC) requirements for licensed professional engineers and surveyors to promote the health, safety, and welfare of the public by requiring licensees to remain competent within their profession and to facilitate renewal.

CPC should be focused on the advancement, extension, and improvement of the scientific knowledge and professional skills of the licensee and on the enhancement of professional ethics. CPC should be structured in a way that demonstrates compliance but also recognizes the autonomy and strong ethical standards of licensees.

Licensees are expected to meet the CPC requirements of the states in which they have been granted a license by comity, reciprocity, or endorsement. Applicants for a license by comity, reciprocity, or endorsement who are licensed in a jurisdiction without equivalent CPC requirements should not be denied a license for that reason.

Because many engineers and surveyors are licensed in multiple jurisdictions, uniformity of CPC requirements among licensing jurisdictions that mandate CPC is imperative to simplify the licensure-renewal process, to facilitate the recognition of CPC by multiple jurisdictions, and to ensure the viability of continuing professional competency. NCEES encourages licensing boards to follow the NCEES *Model Rules* as outlined in the NCEES *Continuing Professional Competency Guidelines* when adopting CPC requirements.

NCEES encourages the efforts of professional and technical societies, educational programs, and industry in the development of continuing education opportunities to enhance the competency of engineers and surveyors.

This manual was developed to assist jurisdictions in preparing rules, requirements, forms, and instructions that will establish generally accepted standards to facilitate the earning and reporting of CPC credits when relicensing. In addition, it is designed to assist jurisdictions in their dealings with licensees and suppliers of CPC activities. It is intended to assist in explaining requirements, criteria, and processes.

This manual was prepared within NCEES by its Committee on Uniform Procedures and Legislative Guidelines with assistance from the Committee on Member Board Administrators and the Continuing Professional Competency Task Force. In addition, acknowledgment and credit is due to those jurisdictions that pioneered the early adoption of CPC for surveyors and engineers. Much of their work was incorporated into this manual or influenced its direction.

SECTION 1: NCEES MODEL LAW

NCEES *Model Law* 120.60, Board Powers, authorizes CPC by stating, “The board shall have the power and authority to require a demonstration of continuing professional competency of professional engineers and professional surveyors as a condition of renewal or relicensure.”

This paragraph empowers a board to require CPC for relicensing and enables the board to specify CPC requirements that its licensees must meet. This wording does not mandate but rather permits CPC for relicensing when a board so elects. It is also highly desirable to encourage this or similar wording in the law so that the board can specify the requirements in its administrative rules. As outlined in the Introduction, comity and uniformity of requirements for CPC among jurisdictions are very desirable. This wording of a jurisdiction’s law would permit its board to effect those provisions.

SECTION 2: NCEES MODEL RULES

For each jurisdiction that adopts mandatory CPC for relicensing, the administrative rule provides the fundamental framework of the requirements its licensees must meet. As increasing numbers of jurisdictions implement CPC, the importance of uniformity of the administrative rule among jurisdictions becomes more urgent. If each jurisdiction requires a different variation of the rule, then multiple-jurisdiction licensees must keep track of what opportunities are acceptable in each jurisdiction and maintain separate logs of activities. When this is combined with the various periods of renewal among the jurisdictions (such as annual or biennial, various months in which renewal is effected, and even various months depending upon the licensee’s last name), then the requirement of keeping up with what is accepted by each jurisdiction could become a difficult and burdensome chore for multijurisdictional licensees.

NCEES therefore recommends careful consideration of the administrative rule for CPC that may be adopted and urges all jurisdictions to remain as consistent with the NCEES *Model Rules* as possible.

Model Rules, Section 240.30, Continuing Professional Competency

The continuing professional competency guidelines are set forth below for the purpose of providing consistency in those jurisdictions that adopt mandatory requirements and for those jurisdictions that wish to encourage voluntary usage. The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of professional engineers and/or professional surveyors.

A. Introduction

Every licensee shall meet the continuing professional competency requirements of these regulations for professional development as a condition for licensure renewal.

B. Definitions

Terms used in this section are defined as follows:

1. Professional Development Hour (PDH)—One contact hour (nominal) of instruction or presentation. The PDH is the common denominator for other units of credit.
2. Ethics/Business-Related Course or Activity—A qualifying course or activity with content areas related to (1) the awareness of ethical concerns and conflicts; (2) an enhanced familiarity with the codes of conduct; (3) an understanding of standards of practice or care; (4) project management and risk-assessment management; or (5) other similar topics aimed at maintaining, improving, or expanding the skills set and knowledge relevant to the licensee’s field and methods of practice.
3. Continuing Education Unit (CEU)—Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.
4. College/Unit Semester/Quarter Hour—Credit for course in ABET-approved programs or other related college course approved in accordance with subsection E of this section.
5. Course/Activity—Any qualifying course or activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee’s field of practice. Regular duties are not considered qualified activities.
6. Dual Licensee—An individual who is licensed as both a professional engineer and a professional surveyor.

C. Requirements

Every licensee is required to obtain the equivalent of 15 PDHs per annual renewal period, 30 PDHs per biennial renewal period, or 45 PDHs per triennial renewal period. These PDHs may be obtained anytime during the applicable renewal period. A minimum of 1 PDH of each 15 PDHs shall be earned by successfully completing a course or activity that has content areas that focus on (a) professional engineering or surveying ethics, or (b) improving a licensee's methods of business practice or operations or otherwise advancing professionally related skills and practices as applicable to the practice of engineering or surveying. If a licensee exceeds the annual requirement in any renewal period, a maximum of 15 PDHs may be carried forward into the subsequent renewal period. PDHs may be earned as follows:

1. Successful completion of college courses
2. Successful completion of continuing education courses
3. Successful completion of short courses/tutorials and distance-education courses offered through correspondence, television, videotapes, or the Internet
4. Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences
5. Teaching or instructing in 1 through 4 above
6. Authoring published papers, articles, books, or accepted licensing examination items
7. Active participation in professional or technical societies
8. Patents
9. Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K-12 or higher education students

D. Units

The conversion of other units of credit to PDHs is as follows:

1. 1 college or unit semester hour 45 PDHs
2. 1 college or unit quarter hour 30 PDHs
3. 1 continuing education unit 10 PDHs
4. 1 hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conferences 1 PDH
5. For teaching in 1 through 4 above, apply multiple of 2*
6. Publications
 - a. Each published peer-reviewed paper or book in the licensee's area of professional practice 10 PDHs
 - b. Each published paper or article (other than 6.a above) in the licensee's area of professional practice 5 PDHs
7. Active participation in professional and technical society (each organization) 2 PDHs
8. Each patent 10 PDHs
9. 1 hour of outreach activities 1 PDH (not to exceed 3 PDHs)

* Teaching credit is valid only for the first offering or presentation. Full-time faculty may not claim teaching credit associated with their regular duties.

E. Determination of Credit

The board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

1. Credit for college or community college approved courses will be based upon course credit established by the college.
2. Credit for qualifying seminars and workshops will be based on 1 PDH for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDHs for the actual time of each program.
3. Credit determination for activities in subsections D.6 and D.8 is the responsibility of the licensee (subject to review as required by the board).
4. Credit for activity in subsection D.7, active participation in professional and technical societies (limited to 2 PDHs per organization), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDHs are not earned until the end of each year of service is completed.

F. Recordkeeping

The licensee is responsible for maintaining records to be used to support credits claimed. Records required include, but are not limited to (1) a log showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDHs earned; and (2) attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

G. Exemptions

A licensee may be exempt from the continuing professional competency requirements for one of the following reasons:

1. New licensees by way of examination or comity shall be exempt for their first renewal period.
2. A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the PDHs required during that renewal period.
3. Licensees experiencing physical disability, illness, or other extenuating circumstances may apply for an exemption or an extension of time to obtain the credits, subject to the review and approval of the board. Supporting documentation must be furnished to the board.
4. Licensees who list their occupation as "Retired" or "Inactive" on the board-approved renewal form and who further certify that they are no longer receiving any remuneration from providing professional engineering or surveying services shall be exempt from the PDHs required. In the event such an individual elects to return to active practice of professional engineering or surveying, PDHs must be earned before returning to active practice for each year exempted, not to exceed the annual requirement for 2 years.

H. Reinstatement

A licensee may bring an inactive license to active status by obtaining all delinquent PDHs. However, if the total number required to become current exceeds 30, then 30 shall be the maximum number required.

I. Requirements for Renewal

To renew a license, an applicant must either meet the requirements of [insert jurisdiction name] or meet the requirements of the Model Continuing Professional Competency (CPC) Renewal Standard for the number of consecutive reporting periods corresponding to the CPC requirements of [insert jurisdiction name] (i.e., biennial or other). A reporting period for the Model CPC Renewal Standard is defined as January 1–December 31 of 1 calendar year.

J. Dual Licensees

The number of PDHs required shall remain 15, at least one-third of which shall be obtained in each profession.

K. Forms

All renewal applications will require the certification of CPC credits as specified by the board. The licensee must supply sufficient detail on a CPC form to permit audit verification and retain any backup documentation. The licensee must certify and sign the CPC form and submit the form, if required, with the renewal application and fee or upon notification of audit.

L. Model CPC Renewal Standard

The Model CPC Renewal Standard requires licensees to acquire 15 PDHs in each calendar year in compliance with the provisions of subsections A, B, C, D, E, and J above. Licensees meeting this standard shall document their CPC activities on the Model CPC standard reporting form.

SECTION 3: CRITERIA FOR ACTIVITIES

The law and the rules adopted in jurisdictions that have CPC requirements are the definitive documents that govern what licensees must do to meet periodic relicensing requirements. These documents, however, are succinctly written and do not cover rationale or give examples that explain and illustrate in-depth what is expected of the licensee.

Additional information is given to licensees on the standard reporting form and in instructions that accompany the form. This standard reporting form and renewal instructions appear in this document's appendix.

This section supplements these sources of information and gives a more complete explanation of the intent of the rule. This information may be useful to licensing boards considering the adoption of rules, forms, or instructions; to licensees who are attempting to meet the requirements; to suppliers or sponsors of CPC activities; and to employers of licensees considering becoming sponsors of qualifying in-house CPC activities.

Credit Criteria for All Qualifying CPC Activities

The primary purpose of licensing professional engineers and professional surveyors is to protect the public from unqualified or unethical practitioners. The requirement for CPC is also intended to protect the public by reinforcing the need for lifelong learning in order to stay current with changing technology, equipment, procedures, processes, tools, and established standards. The rule that specifies qualifying CPC activities was designed to provide flexibility in selecting among a broad range of subjects that are intended to strengthen or maintain competency in technical, managerial (business), or ethical fields.

Licensees are encouraged to select meaningful CPC activities that will be of benefit to practice in their chosen fields. The *Model Rules* provides a definition of course/activity as follows:

“Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the licensee’s field of practice. Regular duties are not considered qualified activities.”

In the remainder of this section, all references to CPC activities or credits assume that such activities or credits are qualifying as described above. Examples of typical qualifying and nonqualifying activities are listed later in this section.

Professional Development Hours

The term “professional development hour” (PDH) is defined as a contact hour (nominal) of instruction or presentation. The PDH is the common denominator for other units of credit. Experience in jurisdictions having CPC requirements reveals that a number of erroneous interpretations concerning this definition of a PDH can occur.

For example, consider a 1-day seminar that begins at 8:00 a.m. and ends at 5:00 p.m. with a 1-hour break for lunch. The *Model Rules* intends that a maximum of 8 PDHs can be earned for this seminar. But the question invariably arises, What about a morning and afternoon break of 20 minutes each? The general understanding is that short-term breaks are permissible as long as a minimum of 50 minutes of presentation/participation per hour is undertaken. If there are no breaks or if breaks of less than 10 minutes per hour are included, no additional time may be claimed. Seminar presenters may attempt to take the number of elapsed minutes (such as 8 hours times 60 minutes) and then divide by 50 to arrive at the PDHs for which the seminar is advertised. This would result in over 9 PDHs in an 8-hour period, which is not permitted. The general rule is that PDHs cannot exceed the actual contact clock hours.

The *Model Rules* is silent about how to handle fractions of hours. It is recommended that PDHs be rounded and reported to the nearest half hour and that no activity of under a half hour be accepted as qualifying for PDH credit. For example, a qualifying activity of 50 minutes would be reported as 1 PDH, and an activity of 40 minutes would be reported as a half PDH.

PDH Credit Requirements

The rule specifies that every licensee be required to obtain the equivalent of 15 PDHs per year. If a licensee exceeds the annual requirement in any renewal period, a maximum of 15 PDHs may be carried forward into the next renewal period. The question arises of whether a licensee who earns, for example, 55 PDHs in a 2-year period can carry forward 25 into the next biennial period. The answer is no. The intent of the rule is to permit a carryover of only 15 PDHs into the subsequent renewal period regardless of whether the next renewal period is 1 year or 2 years.

Continuing Education Units

The continuing education unit (CEU) is a nationally recognized and uniform unit of measure for continuing education and training. Because 1 CEU is awarded for each 10 contact hours of instruction, it logically follows that 1 CEU is equivalent to 10 PDHs. For the purpose of CPC activity for professional engineers and professional surveyors, the CEU must further meet the requirements as defined below for course/activity.

When a sponsor of qualifying CPC activities fully follows the requirements of the International Association for Continuing Education and Training (IACET) in awarding CEUs, all requirements for PDHs will be met. However, boards and licensees should be aware that some organizations advertise CEU credit without having met all of the requirements of the IACET. In addition, it is reported that, on occasion, some organizations report 1 CEU of credit for each contact hour of instruction. If this is known to be the case, action should be taken to prevent over-reporting of PDHs earned.

College/Unit Semester/Quarter Hour Credit for Courses in ABET-Approved Programs

The allowance for college/university qualifying courses is as follows:

- 1 college or unit semester hour 45 PDHs
- 1 college or unit quarter hour 30 PDHs

To qualify for this credit, a course must be offered regularly and testing with a passing grade must be required. One semester hour generally consists of 15 class meetings of 50 or 55 minutes duration. It is assumed that generally twice as much study time is required as class contact time, thus equating to 45 PDHs. Similarly, a quarter-hour qualifying course meets 10 times, and therefore 30 PDHs are allowed. Monitoring courses does not require testing, so only the actual class contact hours are allowed.

It should be noted that these college/university courses require program accreditation by ABET, Inc. (the accreditation board for engineering and technology) or other appropriate accreditation for nontechnical courses.

On occasion, educational institutions may offer a 1-day seminar and award fractional quarter-hour credit (such as half of a quarter hour). These courses do not qualify on the quarter-hour basis since they are not part of the regular curriculum of the educational institution, do not require testing, and have no provision for additional out-of-class study requirements. For courses such as this, only actual contact time should be allowed for PDH credit.

Other Courses and CPC Activities

Other qualifying courses, seminars, corporate-sponsored educational activities, programs, and activities as specified in *Model Rule 240.30 D* provide 1 PDH unit for each contact hour. It is not intended that these courses/activities be undertaken in private, such as viewing a videotaped program in one’s home, but rather be conducted in a group. A correspondence course should require the participant to show evidence of achievement and completion and/or a final graded test.

Teaching Credits

Teaching of qualifying courses, seminars, or tutorials earns PDHs for the instructor at twice that of the students. However, it is not intended that repetitive teaching of the same course will earn any credit. Teaching credit is valid only for the first offering or presentation. Full-time faculty may not claim teaching credit associated with their regular duties.

Credit for Published Papers, Articles, or Books

The author must have his or her work actually published before credit can be claimed. It is recognized that often many more hours are spent authoring a publication; however, the PDH credit is established at 10 PDHs for each peer-reviewed paper or book in the licensee’s area of professional practice and 5 PDHs for all other published papers or articles in the licensee’s area of professional practice.

Active Participation in Professional and Technical Societies

This item in the rule is intended to encourage licensees to participate fully in appropriate technical and professional societies. Contact with one’s peers at such meetings is considered one way of staying abreast of current topics, issues, technical developments, ethical situations, and learning opportunities. This is considered a vital part of CPC, and thus 2 PDHs can be earned per organization if the licensee is an officer or committee member who actively participates within the organization or committee. (Credit of 4 PDHs in one organization cannot be claimed if a licensee is both an officer and a committee member.) The technical and professional societies include engineering and surveying societies such as the American Society of Civil Engineers, IEEE-USA, and the National Society of Professional Surveyors but do not include civic or trade organizations.

Section 240.30 E.2 in the *Model Rules* states, “Credit for qualifying seminars and workshops will be based on 1 PDH for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDHs for the actual time of each program.”

This provision applies to all licensees, not just to officers or committee members. Programs must be educational in nature, relevant to the practice of engineering or surveying, and meet all requirements of qualification. Programs at technical or professional societies might be presented on topics that do not qualify or by speakers or presenters who are not well prepared. Such programs should not be claimed for PDH credit.

Patents

Credit for 10 PDHs can be claimed after a patent is issued and the inventor submits details to the board. The invention must be related to engineering or surveying professions.

Outreach Activities

To qualify for credit, the activity must focus on helping students in K–12 or higher education understand the importance of professional licensure or on discussing and promoting the surveying/engineering professions as a career choice. Credit of 1 PDH is earned for each contact hour of activity. A maximum of 3 PDHs can be claimed for outreach activities each year.

Qualifying and Nonqualifying Activities

The following examples are given to clarify further the definition of qualifying and nonqualifying activities:

Typical Qualifying Activities

- Completing or attending courses, seminars, instruction, in-house programs, or training of engineering or surveying content related to the licensee's field of practice
- Attending technical or professional society meetings when an engineering/surveying topic is presented as a principal part of the program
- Teaching a course for the first time or teaching a course previously taught if substantial time was spent in updating material
- Attending satellite down-link video courses where attendance is verified and program material meets the requirements
- Completing computer software instructional courses that relate to the improvement of one's business or profession
- Completing language courses that relate to the improvement of one's business or profession
- Completing management or ethics courses that relate to the improvement of one's business or profession
- Completing correspondence courses on an engineering/surveying topic where lessons are prepared and returned for correction and/or grading and where testing at the end of the course is required

Typical Nonqualifying Activities

- Regular employment
- Real estate licensing courses
- Personal, estate, or financial planning
- Self-study
- Personal self-improvement
- Service club meetings or activities
- Equipment demonstrations or trade show displays
- Topics not relevant to engineering or surveying professions
- Enrollment without attendance at courses, seminars, etc.
- Repetitive attendance or teaching of the same course
- Attending committee meetings or general business meetings of any organization
- Conversational language courses for personal use

Determination of Qualifying Activities

The question most frequently asked by licensees is how they can know what is acceptable to the board. Many are looking for assurance that efforts spent will qualify for PDH credit. With the broad range of opportunities for earning PDH credits, most boards have elected to widely distribute information on the requirement of what is and is not acceptable and leave it up to the licensee to ensure that the activity qualifies. This permits the widest range of opportunity to earn PDH credit. Some jurisdictions do pre-approve courses for surveyors and/or engineers; others approve sponsors of CPC activities.

Dual Licensees

The requirement of 15 PDHs per year is the same for single or dual licensees. In other words, a dual licensee is not required to obtain more than 15 PDHs because of dual licensure. However, the rule specifies that a minimum of one-third of the required PDH credits must be earned in each profession.

Recordkeeping

As stated in the *Model Rules*, the requirement to maintain adequate records is the responsibility of the licensee. Licensing boards may conduct audits of licensees for verification purposes. The *Model Rules* states that records required include, but are not limited to the following:

- “A log showing the type of activity claimed, sponsoring organization, location, duration, instructor’s or speaker’s name, and PDHs earned.” This is intended to require specific information on each CPC activity where PDH credit is claimed. For example, it is not acceptable to simply state, “Attending educational activities at ABC Company.” Specific information on each activity is required. The log permits the proper completion of the CPC activities form at the time of renewal. (See related information in Section 4.)
- “Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.” The general rule is that the licensee must have sufficient verification for credits claimed. Certainly, those activities that are of a longer duration (such as over an hour) should have verification. On occasion, it is recognized that short activities, such as a meeting of a technical or professional society, might include a 30-minute speaker and verification was not provided in the meeting. This should be an unlikely exception.

SECTION 4: STANDARD REPORTING FORM FOR CPC ACTIVITIES

For license renewals, each jurisdiction has its own time schedule, forms, and processes. Those jurisdictions that require CPC activities for relicensing generally require that information supporting the CPC activities claimed for PDH credit must also be submitted. Because each jurisdiction has its own renewal process and forms, the standardization of all parts of forms is not practicable. It is desirable, however, that the part of the form relating to CPC activities and credits be as similar as possible to facilitate the licensing of engineers and surveyors who are licensed in multiple jurisdictions. The standard reporting form is shown in the appendix.

The following are some of the features of the standard reporting form:

- Licensees can use the form as an annual log of CPC activity for their own records and as a reporting form for a particular biennial or triennial renewal period.
- Licensees indicate whether the reported activity was applicable to licensure in engineering or surveying. At the bottom of the table, licensees summarize the hours applicable to one or both of the disciplines.
- The Data Source column relates to the NCEES Registered Continuing Education Program’s standard reporting form. The data can be submitted by the provider or by the licensee.
- The types of activities listed on the back of the form follow the substance (though not the letter) of the current *Model Rules* 240.30 C, D, and E. Reporting teaching activities is slightly different from that of other activities (see Activity 5).
- The Content column provides a way to report to jurisdictions that have specific requirements (e.g., codes, rules, and ethics).
- Licensees can indicate the number of PDHs reported to meet a particular jurisdiction’s requirements. This would be less than or equal to the full number of PDHs reported.
- To meet the Model CPC Renewal Standard, licensees would indicate the number of PDHs reported to meet the specifications in the *Model Rules*. This would be less than or equal to the full number of PDHs reported.

The standard reporting form is intended to be a single, self-contained form that includes a key to the types of activities and corresponding PDH values. This form is consistent with the current *Model Rules*.

This detailed listing of activities could simplify recordkeeping and enable licensees in multiple jurisdictions to relicense without undue burden. It will require, however, that each jurisdiction that has mandatory CPC use the form as designed or at least accept this log for out-of-jurisdiction licensees.

The form is intended to give boards enough information to show that the licensee understands and is meeting the intent of the rule. The first two columns are for specific dates to be listed, not general time periods such as “all of 2013.” The next asks whether PDHs will apply to engineering or surveying activities. The fourth and fifth columns ask for the sponsoring organization and the location of the activity. Again, specific information is needed on each

activity where PDH credit is claimed. General statements such as “various seminars within ABC Company” should be considered inadequate.

The sixth column provides for the name of the instructor, and the seventh column asks if data is provider-reported (PR) or self-reported (SR). The next columns ask for the type of program, the content or subject matter, and a detailed description of the activity. The last two columns allow licensees to indicate the number of PDH credits applicable to a specific jurisdiction’s standard and those applicable to the Model CPC Renewal Standard. At the bottom of the form, licensees provide a breakdown of PDH credits applying to engineering and surveying activities.

Dual licensees would use both of these columns to demonstrate that at least one-third of the required PDH credits are earned in each profession. Of course, boards licensing only one discipline would use just one column.

SECTION 5: CONSIDERATIONS FOR LICENSING BOARDS

The laws and rules of a jurisdiction are the authoritative requirements concerning CPC. There are two other areas that are particularly challenging—qualifying for exemptions and handling of PDH credits for multijurisdiction licensees.

Model Rules 240.30 G provides exemptions from CPC requirements for those in their first renewal period; for those on temporary active duty in the armed forces of the United States for a period exceeding 120 consecutive days; for disability, illness, or other extenuating circumstances; and for retirees. For disability, illness, and other extenuating circumstances, exemption is normally permitted for one year only. The general rule is that if someone can work, then he or she should be required to meet the CPC requirements.

Another consideration is that a jurisdiction could ask that a copy of the log of PDH activities be attached to the renewal application from another jurisdiction. For this reason, the standard reporting form is included in this document’s appendix as a possible standard for jurisdictions to use.

Applicants for renewal in many jurisdictions should be aware that some jurisdictions renew annually while others renew biennially. This may require the applicant to earn PDH credits spread over two years during the biennial period in order to have more current PDHs for jurisdictions renewing annually.

The Model CPC Renewal Standard is simply 15 PDHs per calendar year and includes no carryover of PDHs from one year to the next. This strengthens CPC requirements through annual compliance. However, according to *Model Rules 240.30 I*, a licensee could always choose to meet a jurisdiction’s specific requirements, including carryover.

SECTION 6: AUDIT PROCESSES

Auditing a percentage of CPC reporting forms is strongly endorsed and encouraged. Although most licensees will attempt to meet the requirements of the rule with a good-faith effort, there is a need for auditing to verify that the law and rules are being met and to identify any communication problems between a board and its licensees.

Official audits should be conducted after each renewal period. The licensees can be selected by generating random license numbers or by other random processes. Each selected licensee is asked to furnish evidence of attendance at the listed activities. (This includes resident licensees and non-resident licensees of a particular jurisdiction.) The board would then establish its own procedures for dealing with unacceptable verifications.

Board staff can also cursorily review CPC reporting forms as they are received to look for obvious errors, and board members can review a sample to assess the quality and accuracy of returned forms.

Appendix

Continuing Professional Competency Standard Reporting Form

Name (printed): _____

CPC reporting for calendar year: _____ or Other reporting period: _____

Renewal jurisdiction: _____ P.E. or L.S. license number(s): _____

(See Notes for CPC Standard Reporting Form for explanation of reporting content.)

ACTIVITY DATES		ENG or SURV ^a	SPONSORING ORGANIZATION	ACTIVITY LOCATION (City, Jurisdiction)	INSTRUCTOR ^b	DATA SOURCE ^c	ACTIVITY			PDHs EARNED		
Start	End						Type ^d	Content ^e	Description ^f	Total ^g	Jur ^h	Model
TOTAL ENGINEERING PDHs												
TOTAL SURVEYING PDHs												

I certify that the above record is true and correct. _____
(Signature) (Date)

(If applicable): I further certify that this record meets the Model CPC Renewal Standard. _____
(Signature) (Date)

APPENDIX (CONTINUED)

Notes for CPC Standard Reporting Form

- a. Eng or Surv: Indicate if CPC activity applies to engineering (Eng) or surveying (Surv) licensing renewal.
- b. Instructor: Enter the name of the activity's instructor. For teaching or presenting activities in 1 through 4 below, a licensee may receive additional CPC credit (must be determined by each jurisdiction).
- c. Data Source: Indicate if data is provider-reported (PR) or self-reported (SR).
- d. Type of Activity: Enter the number that corresponds to the type of activity (listed below). Activities must have a clear purpose and objective to maintain, improve, or expand professional skills and knowledge relevant to the licensee's field of practice. The requirements and PDHs are taken from the NCEES Model Rules, Section 240.30 C, D, and E. Note that each jurisdiction may have additional requirements and/or unit restrictions.
 1. Successful completion of college course (activity completed when passing grade is assigned):
 - 1 college or unit semester hour = 45 PDHs
 - 1 college or unit quarter hour = 30 PDHs
 2. Successful completion of continuing education course (activity completed when certificate of successful completion is issued):
 - 1 continuing education unit = 10 PDHs
 3. Successful completion of short course/tutorial or distance-education course offered through correspondence, television, videotape, or the Internet:
 - 1 hour of activity = 1 PDH
 4. Presenting or attending qualifying seminar, in-house course, workshop, or professional or technical presentation made at meeting, convention, or conference (activity completed on day of attendance):
 - 1 hour of attendance = 1 PDH
 5. Teaching or instructing in 1 through 4 above. (Not applicable in this column—see Note b on Instructor column.)
 6. Authoring published paper, article, book, or accepted licensing examination items (activity completed on date of publication):
 - Each published peer-reviewed paper or book in the licensee's area of professional practice = 10 PDHs
 - Each published paper or article (other than above) in the licensee's area of professional practice = 5 PDHs
 7. Active participation in professional or technical society (activity completed in calendar year of service):
 - Per organization per year = 2 PDHs
 8. Each patent = 10 PDHs
 9. Active participation in educational outreach activity pertaining to professional licensure or the surveying/engineering professions which involve K-12 or higher education students (activity completed on day of participation):
 - 1 hour of outreach activity = 1 PDH (not to exceed 3 PDHs per year)
- e. Content of Activity:
 - HSW = Technical, related to protecting public health, safety, and welfare
 - E = Ethics
 - BP = Business practices
 - JS = Jurisdiction-specific content (for example, jurisdiction's rules and regulations)
- f. Description of Activity: Include detailed title, brief synopsis, provider, and learning objectives. For classes that are part of a college curriculum, include the class number.
- g. PDHs Earned, Total: Total professional development hours for this activity, rounded to the nearest half hour (before any reporting restrictions)
- h. PDHs Earned, Jur Req: Number of PDHs applicable to jurisdictional requirement
- i. PDHs Earned, Model Req: Number of PDHs applicable to Model CPC Renewal Standard

APPENDIX (CONTINUED)

Examples of right and wrong ways of filling out the CPC Standard Reporting Form:

EXAMPLE 1 (WRONG: Insufficient description, too general)

ACTIVITY DATES		ENG or SURV ^a	SPONSORING ORGANIZATION	ACTIVITY LOCATION (City, Jurisdiction)	INSTRUCTOR ^b	DATA SOURCE ^c	ACTIVITY			PDHs EARNED		
Start	End						Type ^d	Content ^e	Description ^f	Total ^g	Jur ^h	Model
3/20/07	3/20/07	Eng	Big Time Engineering Co.	Hometown, Jurisdiction		SR			Basic Supervision	6.5	6.5	

EXAMPLE 2 (CORRECT)

ACTIVITY DATES		ENG or SURV ^a	SPONSORING ORGANIZATION	ACTIVITY LOCATION (City, Jurisdiction)	INSTRUCTOR ^b	DATA SOURCE ^c	ACTIVITY			PDHs EARNED		
Start	End						Type ^d	Content ^e	Description ^f	Total ^g	Jur ^h	Model
3/20/07	3/20/07	Eng	Big Time Engineering Co.	Hometown, Jurisdiction	John Doe	SR	4	B	"Supervising the Staff" In-house seminar	6.5	6.5	



P.O. Box 1686, Clemson, SC 29633
ncees.org

Statutes and Regulations
**Architects, Engineers,
Land Surveyors, and
Landscape Architects**

October 2019



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

NOTE: The official version of the statutes in this document is printed in the Alaska Statutes, copyrighted by the State of Alaska. The official version of the regulations in this document is published in the Alaska Administrative Code, copyrighted by the State of Alaska. If any discrepancies are found between this document and the official versions, the official versions will apply.

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Division of Corporations, Business and Professional Licensing
State Board of Registration for Architects, Engineers, and Land Surveyors
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Juneau, Alaska 99811-0806
(907) 465-2540
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<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofArchitectsEngineersandLandSurveyors.aspx>

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CHAPTER 48.
ARCHITECTS, ENGINEERS, LAND SURVEYORS, AND LANDSCAPE ARCHITECTS

Article

1. **Board of Registration (§§ 08.48.011—08.48.141)**
2. **Registration and Practice (§§ 08.48.171—08.48.265)**
3. **Unlawful Acts (§§ 08.48.281—08.48.295)**
4. **General Provisions (§§ 08.48.311—08.48.351)**

ARTICLE 1.
BOARD OF REGISTRATION.

Section

11. **Board created**
21. **Appointments and terms**
31. **Qualifications**
41. **Removal of members**
51. **Organization and meetings**
55. **Executive Secretary of the Board; Investigator**
61. **Finances**
71. **Records and reports**
91. **Examinations**
101. **Regulations; bylaws; code of ethics**
111. **Power to revoke, suspend, or reissue certificate**
121. **Disciplinary action and procedure**
131. **Injunction**
141. **Legal counsel**

Sec. 08.48.011. Board created. (a) There is created the State Board of Registration for Architects, Engineers, and Land Surveyors. The board shall administer the provisions of this chapter and comply with AS 44.62 (Administrative Procedure Act).

(b) The board consists of 11 members appointed by the governor having the qualifications as set out in AS 08.48.031. The board consists of two civil engineers, two land surveyors, one mining engineer, one electrical or mechanical engineer, one engineer from another branch of the profession of engineering, two architects, one landscape architect, and one public member.

(c) Notwithstanding (b) of this section, if a mining engineer who qualifies for appointment to the board and is interested in serving on the board is not available, the governor may appoint a petroleum or chemical engineer to the seat designated for a mining engineer.

Sec. 08.48.021. Appointments and terms. (a) The governor shall give each member of the board a certificate of appointment, and the member shall file with the lieutenant governor a written oath or affirmation for faithful discharge of the member's official duty.

(b) *[Repealed, Sec. 49 ch 94 SLA 1987].*

(c) For purposes of determining appointments and terms under AS 08.01.035, notwithstanding the reference in that section relating to eligibility for reappointment after serving a full or partial term,

(1) a member who has served all of two successive terms on the board may not be reappointed to the board unless four years have elapsed since the person last served on the board; and

(2) for purposes of (1) of this subsection, a person who serves for two years or more of a four-year term is considered to have served a full term.

Sec. 08.48.031. Qualifications. Each member of the board must have been a resident in the state for three consecutive years immediately preceding appointment and, except for the public member, must be registered and have a minimum of five years of professional practice in the member's respective field.

Sec. 08.48.041. Removal of members. The governor may remove a member of the board for misconduct, incompetency, or neglect of duty.

Sec. 08.48.051. Organization and meetings. The board shall hold at least four regular meetings each year. Special meetings may be held as the bylaws of the board provide. The board shall elect or appoint annually from its members the following officers: chair, vice-chair, and secretary.

Sec. 08.48.055. Executive Secretary of the Board; Investigator. (a) The department, in consultation with the board, shall employ two persons who are not members of the board. One shall serve as the executive secretary of the

board. The other shall serve as investigator for the board. The executive secretary is the principal executive officer of the board and is in the partially exempt service under AS 39.25.120.

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

(c) The investigator employed under (a) of this section

(1) shall conduct investigations into alleged violations of this chapter and into alleged violations of regulations and orders of the board;

(2) shall, at the request of the board, conduct investigations based on complaints filed with the department or with the board; and

(3) is directly responsible and accountable to the board, except that only the department has authority to terminate the investigator's employment, and the department shall provide day-to-day and administrative supervision of the investigator.

Sec. 08.48.061. Finances. (a) All money derived under the provisions of this chapter shall be deposited in the general fund.

(b) Each member of the board is entitled to receive per diem and travel expenses as authorized by law for other boards and commissions.

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

Sec. 08.48.071. Records and reports. (a) The following record of the board's proceedings and of all applications for registration or authorization shall be kept by the Department of Commerce, Community, and Economic Development under AS 08.01.050:

(1) the name, age, and last known address of each applicant;

(2) the date of application;

(3) the place of business of the applicant;

(4) the education, experience, and other qualifications;

(5) the type of examination required;

(6) whether or not the applicant was rejected;

(7) whether or not a certificate of registration or authorization was granted or endorsed;

(8) the date of the action of the board;

(9) other action taken by the board;

(10) other information that may be considered necessary by the board.

(b) The record of the board is prima facie evidence of the proceedings of the board, and a transcript, certified by the secretary, is admissible as evidence with the same effect as if the original were produced.

(c) *[Repealed, Sec. 6 ch 19 SLA 1998, June 28, 1998].*

(d) Board records and papers of the following class are of a confidential nature and are not public records: examination material for examinations not yet given, file records of examination problems, solutions, letters of inquiry and reference concerning applicants, board inquiry forms concerning applicants, investigation files if an investigation is still pending, and all other matters of a like confidential nature.

(e) The Department of Commerce, Community, and Economic Development shall, under AS 08.01.050, preserve the records under (a) of this section for the previous five years.

(f) The Department of Commerce, Community, and Economic Development shall assemble statistics relating to the performance of its staff and the performance of the board, including but not limited to

(1) the number of architects, engineers, land surveyors, and landscape architects registered over a five-year period;

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

(3) the number of persons making application for registration as a professional architect, engineer, land surveyor, or landscape architect over a five-year period;

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

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

Sec. 08.48.091. Examinations. Examinations shall be held at least once each year at places determined by the board. A candidate failing an examination may apply for reexamination in accordance with regulations adopted by the board.

Sec. 08.48.101. Regulations; bylaws; code of ethics. (a) The board may adopt regulations to carry out the purpose of this chapter, including regulations

(1) describing the contents of an examination;

(2) establishing the conduct of an examination;

(3) establishing a minimum score for passing an examination;

- (4) establishing bylaws governing its meetings and activities;
 - (5) publishing a code of ethics or professional conduct for those persons regulated by this chapter, including corporations, limited liability companies, and limited liability partnerships under AS 08.48.241;
 - (6) establishing continuing education requirements for persons regulated by this chapter that must be completed before a certificate may be renewed; the continuing education requirements may not exceed standards established by a national accrediting body or other recognized professional organization.
- (b) *[Repealed, Sec. 6 ch 19 SLA 1998].*

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

Sec. 08.48.121. Disciplinary action and procedure. Any person may file with the secretary of the board a charge of fraud, deceit, gross negligence, incompetence, misconduct, or violation of this chapter, a regulation adopted under it, or the code of ethics of the board. The charge, constituting an accusation under AS 44.62 (Administrative Procedure Act), shall be in writing and sworn to by the person making it. A charge may be dismissed by the board as unfounded or trivial.

Sec. 08.48.131. Injunction. The board may bring an action in the superior court to enforce compliance with this chapter or an order of the board or to enjoin a person from doing an act that violates this chapter.

Sec. 08.48.141. Legal counsel. The attorney general of the state shall act as legal advisor to the board and render legal assistance upon request of its chair.

ARTICLE 2. REGISTRATION AND PRACTICE.

Section

- 171. General requirements and qualifications for registration
- 181. Registration upon examination
- 191. Registration by comity or endorsement
- 201. Application for registration
- 211. Certificate of registration
- 215. Retired status registration
- 221. Seals
- 231. Expirations and renewals
- 241. Corporations, limited liability companies, and limited liability partnerships
- 251. Certain Partnerships
- 265. Fees

Sec. 08.48.171. General requirements and qualifications for registration. An applicant for registration as an architect, engineer, land surveyor, or landscape architect must be of good character and reputation and shall submit evidence satisfactory to the board of the applicant's education, training, and experience. However, an applicant for registration as a land surveyor may not be required to submit evidence of more than eight years of any combination of education, experience, or training.

Sec. 08.48.181. Registration upon examination. Except as provided in AS 08.48.191, for registration as a professional architect, professional engineer, professional land surveyor, or professional landscape architect, a person shall be examined in this state in accordance with the regulations of procedure and standards adopted by the board under AS 44.62 (Administrative Procedure Act). The procedure and standards shall at least meet the requirements adopted by recognized national examining councils for these professions.

Sec. 08.48.191. Registration by comity or endorsement. (a) A person holding a certificate of registration authorizing the person to practice architecture in a state, territory, or possession of the United States, the District of Columbia, or a foreign country, or holding a certificate of qualification issued by the National Council of

Architectural Registration Boards, that, in the opinion of the board, meets the requirements of this chapter, based on verified evidence, may, upon application, be registered in accordance with the regulations of the board.

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

(c) A person holding a certificate of registration authorizing the person to practice land surveying in a state, territory or possession of the United States, the District of Columbia, or a foreign country, may, upon application, be registered in accordance with the regulations of the board if the person's certificate was issued under requirements comparable to those in this state.

(d) A person holding a certificate of registration authorizing the person to practice landscape architecture in a state, territory, or possession of the United States, the District of Columbia, or a foreign country, that in the opinion of the board meets the requirements of this chapter, based on verified evidence, may upon application, be registered under the regulations of the board. A person holding a certificate of qualification issued by the Council of Landscape Architectural Registration Boards may upon application be registered under regulations of the board.

Sec. 08.48.201. Application for registration. (a) Application for registration as a professional architect, a professional engineer, a professional land surveyor, or a professional landscape architect shall

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

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

(3) contain five references, three of whom must be architects for architectural registration, engineers for engineering registration, land surveyors for land surveying registration, and landscape architects for landscape architectural registration, having personal knowledge of the applicant's architectural, engineering, land surveying, or landscape architectural education, training or experience.

(b) *[Repealed, Sec. 54 ch 37 SLA 1985].*

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

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

Sec. 08.48.215. Retired status registration. (a) On retiring from practice and payment of an appropriate one-time fee, an individual who is a registrant in good standing with the board may apply for the conversion of a certificate of registration to a retired status registration. An individual holding a retired status registration may not practice architecture, engineering, land surveying, or landscape architecture in the state. A retired status registration is valid for the life of the registration holder and does not require renewal.

(b) An individual with a retired status registration may apply for a certificate of registration. Before issuing a certificate of registration under this subsection, the board may require the applicant to meet reasonable criteria as determined under regulations of the board. The criteria may include submission of continuing education credits and reexamination requirements.

Sec. 08.48.221. Seals. (a) Each registrant may obtain a seal of the design authorized by the board, bearing the registrant's name, registration number, and the legend "Registered Professional Architect," "Registered Professional Engineer," "Registered Professional Land Surveyor," or "Registered Professional Landscape Architect," as appropriate. When a registrant issues final drawings, specifications, surveys, plats, plates, reports, or similar documents, the registrant shall stamp the documents with the seal and sign the seal. The board shall adopt regulations governing the use of seals by the registrant. An architect, engineer, land surveyor, or landscape architect may not affix or permit a seal and signature to be affixed to an instrument after the expiration of a certificate or for the purpose of aiding or abetting another person to evade or attempt to evade a provision of this chapter. The registrant, by affixing the registrant's seal to final drawings, specifications, surveys, plats, plates, reports, or similar documents, and by signing the seal, certifies that the documents were prepared by or under the registrant's direct supervision, are within the registrant's field of practice, or constitute design work of minor importance.

(b) Final drawings, specifications, surveys, plats, plates, reports, or similar documents containing the work of multiple fields of practice shall be sealed and signed by a registrant in each field of practice covered by the document. The registrant shall certify on the face of the document the extent of the registrant's responsibility for all work prepared under the registrant's seal. When certifying design work of minor importance, the registrant shall identify that work on the document near the registrant's seal and take responsibility for all work prepared under the registrant's seal.

Sec. 08.48.231. Expirations and renewals. (a) To remain valid, certificates shall be renewed in accordance with AS 08.01.100. Notice of renewal dates, given under AS 08.01.050(a)(11), shall be mailed to the registrant, corporation, limited liability company, or limited liability partnership at the registrant's, corporation's, limited liability company's, or limited liability partnership's last known address at least one month in advance of the date of the expiration of the certificate. If the certificate has been suspended or revoked, the board may take action independent of this section.

(b) The renewal of a certificate does not require reapplication if the certificate has not expired or has not been suspended or revoked.

(c) An expired certificate may be renewed under regulations adopted by the board establishing requirements for reexamination.

Sec. 08.48.241. Corporations, limited liability companies, and limited liability partnerships. (a) This chapter does not prevent a corporation, limited liability company, or limited liability partnership from offering architectural, engineering, land surveying, or landscape architectural services; however, the corporation, limited liability company, or limited liability partnership shall file with the board

(1) an application for a certificate of authorization upon a form to be prescribed by the board and containing information required to enable the board to determine whether the corporation, limited liability company, or limited liability partnership is qualified in accordance with the provisions of this chapter to offer to practice architecture, engineering, land surveying, or landscape architecture in this state;

(2) a certified copy of a resolution of the board of directors of the corporation, the managing members or manager of the limited liability company, or the general partners of a limited liability partnership designating persons holding certificates of registration under this chapter as responsible for the practice of architecture, engineering, land surveying, or landscape architecture by the corporation, limited liability company, or limited liability partnership in this state and providing that full authority to make all final architectural, engineering, land surveying, or landscape architectural decisions on behalf of the corporation, limited liability company, or limited liability partnership with respect to work performed by the corporation, limited liability company, or limited liability partnership in this state is granted by the board of directors of the corporation, the managing members or manager of the limited liability company, or the general partners of the limited liability partnership to the persons designated in the resolution; however, the filing of this resolution does not relieve the corporation, limited liability company, or limited liability partnership of any responsibility or liability imposed upon it by law or by contract;

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

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

(1) the bylaws of the corporation, the articles of organization or operating agreement of the limited liability company, or the partnership agreement of the limited liability partnership contain provisions that all architectural, engineering, land surveying, or landscape architectural decisions pertaining to architectural, engineering, land surveying, or landscape architectural activities in this state will be made by the specified architect, engineer, land surveyor, or landscape architect in responsible charge, or other registered architects, engineers, land surveyors, or landscape architects under the direction or supervision of the architect, engineer, land surveyor, or landscape architect in responsible charge;

(2) the application for certificate of authorization states the type of architecture, engineering, land surveying, or landscape architecture practiced or to be practiced by the corporation, limited liability company, or limited liability partnership;

(3) the applicant corporation, limited liability company, or limited liability partnership has the ability to provide architectural, engineering, land surveying, or landscape architectural services;

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

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

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

(c) The board may, in the exercise of its discretion, refuse to issue, or may suspend or revoke a certificate of authorization to a corporation, limited liability company, or limited liability partnership if the board finds that any of the corporation's officers, directors, or incorporators, any of the stockholders holding a majority of the stock of the corporation, any of the limited liability company's organizers, managers, or managing members, or any of the limited liability partnership's general partners has committed misconduct or malpractice, or has been found personally responsible for misconduct or malpractice under the provisions of this chapter.

(d) The certificate of authorization must specify the major branches of architecture, engineering, land surveying, or landscape architecture of which the corporation, limited liability company, or limited liability partnership has designated a person in responsible charge as provided in this section. The certificate of authorization shall be conspicuously displayed in the place of business of the corporation, limited liability company, or limited liability partnership, together with the names of persons designated as being in responsible charge of the professional activities.

(e) If a corporation, limited liability company, or limited liability partnership that is organized solely by either a group of architects, a group of engineers, a group of land surveyors, or a group of landscape architects, each holding a certificate of registration under this chapter, applies for a certificate of authorization, the board may, in its discretion, grant a certificate of authorization to the corporation, limited liability company, or limited liability partnership based on a review of the professional records of the incorporators of the corporation, organizers of the limited liability company, or partners who formed the limited liability partnership in place of the required qualifications set out in this section. If the ownership of the corporation is altered, the membership of the limited liability company is altered, or the partners of the limited liability partnership change, the corporation, limited liability company, or limited liability partnership shall apply for a revised certificate of authorization, based upon the professional records of the owners of the corporation, the members of the limited liability company, or the partners of the limited liability partnership, if exclusively architects, engineers, land surveyors, or landscape architects, or otherwise under the qualifications required by (b)(1)-(4) of this section.

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

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

(h) Drawings, specifications, designs, and reports, when issued in connection with work performed by a corporation, limited liability company, or limited liability partnership under its certificate of authorization, shall be prepared by or under the responsible charge of and shall be signed by and stamped with the official seal of a person holding a certificate of registration under this chapter.

(i) *[Repealed, Sec. 54 ch 37 SLA 1985].*

(j) In this section,

- (1) "manager" has the meaning given in AS 10.50.990;
- (2) "managing member" has the meaning given in AS 10.50.990.

Sec. 08.48.251. Certain partnerships. This chapter does not prevent the practice of architecture, engineering, land surveying, or landscape architecture by a partnership if all of the members of the partnership are architects, engineers, land surveyors, or landscape architects legally registered under this chapter. In this section, "partnership" does not include a limited liability partnership.

Sec. 08.48.265. Fees. The Department of Commerce, Community, and Economic Development shall set fees under AS 08.01.065 for examinations, registrations, certificates of authorization, and renewals of a certificate.

ARTICLE 3. UNLAWFUL ACTS.

Section

- 281. Prohibited practice**
- 291. Violations and penalties**
- 295. Civil penalty for unregistered or unauthorized practice**

Sec. 08.48.281. Prohibited practice. (a) A person may not practice or offer to practice the profession of architecture, engineering, land surveying, or landscape architecture in the state, or use in connection with the person's name or otherwise assume or advertise a title or description tending to convey the impression that the

person is an architect, an engineer, a land surveyor, or a landscape architect, unless the person has been registered under the provisions of this chapter or is a person to whom these provisions do not apply, or, in the case of a corporation, limited liability company, or limited liability partnership, unless it has been authorized under this chapter.

(b) Notwithstanding (a) of this section, this chapter does not prohibit the practice of landscape architecture by a person who is not registered to practice landscape architecture if the services being performed by the person are within the scope of practice authorized by another license that is held by the person.

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

Sec. 08.48.295. Civil penalty for unregistered or unauthorized practice. (a) In addition to any other provision of law, if a person practices or offers to practice architecture, engineering, or land surveying in the state without being registered or authorized to practice in accordance with the provisions of this chapter, the board may enter an order levying a civil penalty.

(b) A civil penalty levied under this section may not exceed \$5,000 for each offense. In levying a civil penalty, the board shall set the amount of the penalty imposed under this section after taking into account appropriate factors, including the seriousness of the violation, the economic benefit resulting from the violation, the history of violations, and other matters the board considers appropriate.

(c) Before issuing an order under this section, the board shall provide the person written notice and the opportunity to request, within 30 days of issuance of notice by the board, a hearing on the record.

(d) In connection with proceedings under (a) and (b) of this section, the board may issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the attorney general to bring an action to enforce a subpoena.

(e) A person aggrieved by the levy of a civil penalty under this section may file an appeal with the superior court for judicial review of the penalty under AS 44.62.560.

(f) If a person fails to pay a civil penalty within 30 days after entry of an order under (a) of this section, or if the order is stayed pending an appeal, within 10 days after the court enters a final judgment in favor of the board of an order appealed under (e) of this section, the board shall notify the attorney general. The attorney general may commence a civil action to recover the amount of the penalty.

(g) An action to enforce an order under this section may be combined with an action for an injunction under AS 08.48.131.

ARTICLE 4. GENERAL PROVISIONS.

Section

311. Rights not transferable

321. Evidence of practice

331. Exemptions

341. Definitions

351. Short title

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

Sec. 08.48.321. Evidence of practice. A person practices or offers to practice architecture, engineering, land surveying, or landscape architecture who

(1) practices a branch of the profession of architecture, engineering, land surveying, or landscape architecture as defined in AS 08.48.341;

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

(3) holds out as able to perform or who does perform an architectural, engineering, land surveying, or landscape architectural service recognized by the professions covered by this chapter, and specified in regulations of the board, as an architectural, engineering, land surveying, or landscape architectural service.

Sec. 08.48.331. Exemptions. (a) This chapter does not apply to

(1) a contractor performing work designed by a professional architect, engineer, or landscape architect or the supervision of the construction of the work as a supervisor or superintendent for a contractor;

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

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

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

(5) associates, consultants, or specialists retained by a registered individual, a partnership of registered individuals, a corporation, a limited liability company, or a limited liability partnership authorized to practice architecture, engineering, land surveying, or landscape architecture under this chapter, in the performance of professional services if responsible charge of the work remains with the individual, the partnership, or a designated representative of the corporation, limited liability company, or limited liability partnership;

(6) a person preparing drawings or specifications for

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

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

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

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

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

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

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

(8) a person furnishing drawings, specifications, instruments of service, or other data for alterations or repairs to a building or its grounds that do not change or affect the structural system or the safety of the building, or that do not affect the public health, safety, or welfare;

(9) a person who is employed by a postsecondary educational institution to teach engineering, architectural, or landscape architectural courses; in this paragraph, "postsecondary educational institution" has the meaning given in AS 14.48.210;

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

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

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

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

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

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

Sec. 08.48.341. Definitions. In this chapter,

(1) "architect" means a professional architect;

(2) "board" means the State Board of Registration for Architects, Engineers and Land Surveyors;

- (3) “building” means a structure used or intended for human occupancy;
- (4) “certificate of authorization” means a certificate issued by the board authorizing a corporation, a limited liability company, or a limited liability partnership to provide professional services in architecture, engineering, land surveying, or landscape architecture through individuals legally registered by the board;
- (5) “certificate of registration” means a certificate issued by the board recognizing the individual named in the certificate as meeting the requirements for registration under this chapter;
- (6) “design of minor importance” means a design that is incidental to the discipline of a registrant and is within the discipline of the registrant, but does not include comprehensive design services of any particular building type, structure, building system, engineering system, or site development;
- (7) “engineer” means a professional engineer;
- (8) “land surveyor” means a professional land surveyor;
- (9) “landscape architect” means a professional landscape architect;
- (10) “limited liability company” means an organization organized under AS 10.50 or a foreign limited liability company; in this paragraph, “foreign limited liability company” has the meaning given in AS 10.50.990;
- (11) “limited liability partnership” means a limited liability partnership or a foreign limited liability partnership, as those terms are defined in AS 32.06.995;
- (12) “practice of architecture” means professional service or creative work in the design of buildings, the teaching of advanced architectural courses in institutions of higher learning, consultation, investigation, evaluation, planning, design, and professional observation of construction of public or private buildings, works, or projects, and architectural review of drawings and specifications by regulatory agencies; “practice of architecture” may by regulation of the board include mechanical, electrical, or structural design of minor importance;
- (13) “practice of engineering” means professional service or creative work, the adequate performance of which requires the specialized knowledge of applied mathematics and sciences, dealing with the design of structures, machines, equipment, utilities systems, materials, processes, works, or projects, public or private; the teaching of advanced engineering courses in institutions of higher learning; the direction of or the performance of engineering surveys, consultation, investigation, evaluation, planning, and professional observation of construction of public and private structures, works, or projects and engineering review of drawings and specifications by regulatory agencies; “practice of engineering” may by regulation of the board include architectural building design of minor importance, but it does not include comprehensive architectural services;
- (14) “practice of land surveying” means the teaching of land surveying courses at an institution of higher learning, or any service or work the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence of the act of measuring and locating land, geodetic and cadastral surveys for the location and monumentation of property boundaries, for the platting and planning of land and subdivisions of land, including the topography, alignment, and grades for streets, and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys;
- (15) “practice of landscape architecture” means professional services or creative work in site investigation, reconnaissance, research, planning, design, and preparation services related to drawings and construction documents, observation of construction, and location, arrangement, and design of incidental and necessary tangible objects and features for the purpose of
- (A) preservation and enhancement of land uses and natural land features;
 - (B) location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways;
 - (C) establishing or maintaining trails, plantings, landscape irrigation, landscape lighting, and landscape grading; or
 - (D) generalized planning of the development of land areas in a manner that is sensitive to the area's natural and cultural resources;
- (16) “professional architect” means a person who has been legally registered as a professional architect by the board;
- (17) “professional engineer” means a person who has been legally registered as a professional engineer by the board;
- (18) “professional land surveyor” means a person who has been legally registered as a professional land surveyor by the board;
- (19) “professional landscape architect” means a person registered as a profession landscape architect by the board;
- (20) “responsible charge” means the direct control and personal supervision of work;
- (21) “shop drawing” or “field drawing” means a drawing prepared by a contractor, subcontractor, or vendor that shows how a particular aspect of the work is to be fabricated and installed and demonstrates how an aspect of the work will satisfy the requirements of the construction document, but does not include a final drawing, specification, survey, plat, plate, report, or other similar document;
- (22) “structure” means a system of materials and components that resists horizontal and vertical loads;

Sec. 08.48.351. Short title. This chapter may be cited as the Architects, Engineers, Land Surveyors, and Landscape Architects Registration Act.

CHAPTER 36.
STATE BOARD OF REGISTRATION FOR ARCHITECTS,
ENGINEERS, AND LAND SURVEYORS

Article

- 1. Registration and Licensing**
(12 AAC 36.010 – 12 AAC 36.195)
- 2. Code of Professional Conduct**
(12 AAC 36.200 – 12 AAC 36.250)
- 3. Disciplinary Guidelines**
(12 AAC 36.300 – 12 AAC 36.330)
- 4. Continuing Education for Professional Land Surveyors**
(12 AAC 36.400 – 12 AAC 36.450)
- 5. Continuing Education for Professional Architects, Engineers, Land Surveyors, and Landscape Architects** (12 AAC 36.500 – 12 AAC 36.550)
- 6. General Provisions**
(12 AAC 36.900 – 12 AAC 36.990)

ARTICLE 1.
REGISTRATION AND LICENSING.

Section

- 10. Applications**
- 20. (Repealed)**
- 30. (Repealed)**
- 40. Simplified application for reexamination**
- 50. Application deadlines**
- 55. (Repealed)**
- 60. Eligibility for architect examination and registration**
- 61. Architect education requirements**
- 62. (Repealed)**
- 63. Engineering education and work experience requirements**
- 64. (Repealed)**
- 65. Eligibility for professional land surveyor examination**
- 66. Verification of land surveyor work experience**
- 67. Date of experience**
- 68. Eligibility for landscape architect registration by examination**
- 69. Standards for registration as a landscape architect**
- 70. Postponements**
- 80. Authorization to take examination**
- 90. Waiver of fundamentals of engineering examination**
- 100. Content of examinations**
- 103. Architect registration by comity**
- 105. Engineer registration by comity**
- 106. Registration in additional branches of engineering**
- 107. Land surveyor registration by comity**
- 108. Application for registration as a structural engineer**
- 109. Landscape architect registration by comity**
- 110. Arctic requirement**
- 111. (Repeal)**
- 115. Retired status registration**
- 120. (Repealed)**
- 130. (Repealed)**
- 135. Review of application for corporate authorization**
- 140. (Repealed)**
- 145. Architectural, engineering, or surveying offices**
- 150. (Repealed)**
- 160. Duplicate certificate**
- 165. Expired certificates**
- 170. Fees**
- 180. Seal**
- 185. Use of seals**
- 190. Testing laboratory reports**

195. Site adaptation and field alterations of sealed documents

12 AAC 36.010. APPLICATIONS. (a) An application for examination or for registration by comity must be typewritten and filed with the board on a form prescribed by the board, accompanied by the application fee established in 12 AAC 02.110.

(b) An applicant will not be admitted to an examination or approved for registration until the applicant's qualifications are accepted by the board.

(c) Except as provided in 12 AAC 36.060(a), the board will approve an application for examination or for registration by comity if

- (1) the application form is complete;
- (2) the applicable fees have been paid; and
- (3) all supporting documents have been received by the board verifying that the applicant meets the registration requirements in AS 08.48 and this chapter.

(d) Except as provided in 12 AAC 36.060(a), the board will give conditional approval of an application for examination or for registration by comity pending receipt of missing documents, payment of applicable fees for examination or registration, or other corrections to the application if the

- (1) application form is substantially complete and includes the applicant's notarized signature;
- (2) application fee has been paid;
- (3) board has determined that the applicant's qualifications as listed on the application form show that the applicant meets the registration requirements in AS 08.48 and this chapter;
- (4) board has received all supporting documents required for board review of the application, as defined in (i) of this section; and
- (5) board has determined that any missing supporting documents and the correction of other deficiencies in the application do not require board discretion to review and approve.

(e) If the board gives conditional approval of an application, the board also will write a statement of conditional approval. The statement will identify the missing supporting documents or other corrections required to complete the application. Department staff shall change the conditional approval to "approval" when the missing documents and other corrections are received if the documents and corrections clearly show the information required by the board in its statement of conditional approval. If the missing supporting documents or corrections received required interpretation or discretion, department staff shall resubmit the application to the board for approval.

(f) Except as provided in 12 AAC 36.060(a), the board will determine that an application is incomplete, and will notify the applicant, if the

- (1) board is not able to determine from the application form and supporting documents whether the applicant meets the registration requirements in AS 08.48 and this chapter; or
- (2) application form does not show that the applicant meets the registration requirements in AS 08.48 and this chapter but the board determines that the applicant will likely meet the qualifications within one year.

(g) For an application determined to be incomplete under (f) of this section, department staff shall

- (1) resubmit the application to the board for review if the applicant submits to the department additional application information; and
- (2) maintain an incomplete application file for the application until it either is approved or denied by the board or is considered abandoned under 12 AAC 02.910.

(h) Except as provided in 12 AAC 36.060(a), the board will deny an application for examination or for registration by comity if the application does not meet the requirements in this section for approval, conditional approval, or a determination of incomplete application.

(i) In this section, "all supporting documents required for board review" means documentation of the applicant's education, work experience, and responsible charge experience, as required by AS 08.48 and this chapter except for

- (1) official transcripts of the applicant's education if the applicant has
 - (A) an ABET accredited B.S. degree in the major branch of engineering for which the applicant is applying for registration;
 - (B) a B.S. degree in an ABET accredited curriculum in land surveying if the applicant is applying for registration as a land surveyor; or
 - (C) a LAAB accredited professional degree in landscape architecture if the applicant is applying for registration as a landscape architect;
- (2) verification of a license or examination in another licensing jurisdiction;
- (3) verification of successful completion of coursework as required by 12 AAC 36.110.

Authority: AS 08.01.050 AS 08.48.171 AS 08.48.201
AS 08.48.101 AS 08.48.191

12 AAC 36.020. ABANDONED APPLICATIONS. Repealed 10/20/90.

12 AAC 36.030. REFUND WHEN APPLICATION WITHDRAWN. Repealed 6/3/89.

12 AAC 36.040. SIMPLIFIED APPLICATION FOR REEXAMINATION. (a) Except as provided in (c) of this section, an applicant who has failed an examination may apply for reexamination by written notice to the board, accompanied by the required examination fee, if applicable, stating that the applicant wishes to take the next examination to be offered for the profession for which the applicant has applied. The board will approve an applicant for the next applicable examination, as follows:

(1) NCEES Principles and Practices of Engineering Examination and the NCEES Principles and Practices of Surveying Examination, as follows:

(A) for the spring April examination, the filing deadline for the written notice to the board for reexamination is five days before the examination registration deadline set by NCEES;

(B) for the fall October examination, the filing deadline for the written notice to the board for reexamination is five days before the examination registration deadline set by NCEES;

(2) Alaska Land Surveying Examination (AKLS) to be held at least 45 days after receipt of the applicant's written notice;

(3) repealed 5/4/2013.

(b) Repealed 5/4/2013.

(c) An applicant may apply for reexamination under (a) of this section no more than four times within the five years after the date that the board approved the applicant's original application for examination. An applicant shall apply under 12 AAC 36.010 if the applicant has not passed the examination after five attempts or within five years after the date that the board approved the applicant's original application for examination, whichever comes first. This subsection does not apply to an applicant for reexamination for the Alaska Land Surveying (AKLS) examination.

Authority: AS 08.48.091 AS 08.48.101 AS 08.48.171

12 AAC 36.050. APPLICATION DEADLINES. (a) Except as provided in (e) and (f) of this section and in 12 AAC 36.040, before the board will review an application for examination, and at least 30 days before the meeting of the board that is immediately before the examination date, the department must receive the applicant's

(1) completed application form;

(2) application fee established in 12 AAC 02.110;

(3) all supporting documents required for board review of the application, as defined in 12 AAC 36.010(i).

(b) If the board has given conditional approval of an application for examination under 12 AAC 36.010(d), department staff may not schedule the applicant for the examination unless

(1) the department receives all missing supporting documents and other required application corrections identified by the board at least five days before the deadline for examination registration set by NCEES; and

(2) neither the documents nor the corrections must be resubmitted to the board under 12 AAC 36.010(e) because they require interpretation or discretion.

(c) To be reviewed by the board, an application for registration by comity, and all supporting documents required for board review of the application, as defined in 12 AAC 36.010(i), must be received by the department at least 30 days before the meeting of the board.

(d) If an application deadline in (a) - (c) of this section would fall upon a Saturday, Sunday, or holiday, the deadline is extended to the next business day.

(e) An application, a supporting document, or a correction is considered filed with the department on the date of receipt by the department in the Juneau office. The board will, in its discretion, accept a supporting document or a correction after the deadline set in this section upon showing of good cause.

(f) An application for registration upon examination as a professional landscape architect must be received by the department in the Juneau office at least 30 days before the quarterly meetings of the board held in February and August, respectively, in order to review the applicant's qualifications before the Landscape Architectural Registration Examination (LARE) dates in June and December.

Authority: AS 08.48.101 AS 08.48.181

12 AAC 36.055. ARCHITECT REGISTRATION BY EXAMINATION. Repealed 10/29/2009.

12 AAC 36.060. ELIGIBILITY FOR ARCHITECT EXAMINATION AND REGISTRATION. (a) To be eligible for the architect registration examination required in 12 AAC 36.100(b), an applicant must submit

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

(2) an NCARB Record.

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

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

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

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

(4) satisfy the arctic requirements of 12 AAC 36.110; and

(5) successfully pass the examinations required in 12 AAC 36.060 and 12 AAC 36.100.

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

12 AAC 36.061. ARCHITECT EDUCATION REQUIREMENTS. (a) To be eligible for registration as an architect in this state, an applicant must

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

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

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

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

(2) an NCARB Council Certificate, if the applicant is applying for registration by comity.

Authority: AS 08.48.101 AS 08.48.171

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

12 AAC 36.062. ELIGIBILITY FOR FUNDAMENTALS OF ENGINEERING EXAMINATION. Repealed 5/25/2017.

12 AAC 36.063. ENGINEERING EDUCATION AND WORK EXPERIENCE REQUIREMENTS. (a) To be eligible for a professional engineering examination other than the structural engineering examination, an applicant must

(1) have passed the fundamentals of engineering examination or had these requirements waived under 12 AAC 36.090(a);

(2) apply for examination in a branch of engineering recognized by 12 AAC 36.990(17); and

(3) submit to the board satisfactory evidence that the applicant's education or work experience or both are equivalent to the requirements set out in the following applicable table of education and work experience requirements for a professional engineering examination:

(A) for board approval of an application made on or before June 30, 2010, an applicant's education and experience must meet the requirements of Table A of this section, as follows:

**TABLE A OF EDUCATION AND WORK EXPERIENCE
REQUIREMENTS FOR PROFESSIONAL ENGINEERING EXAMINATION**

Description of Training	Equivalent Education in Years	Minimum Work Experience in Years	Total Years of Education and Work Experience
ABET accredited B.S. degree in engineering in the branch of engineering applied for listed in 12 AAC 36.990(17), and a master's or doctorate in engineering acceptable to the board	5	3	8
ABET accredited B.S. degree in engineering that is not in the branch of engineering applied for listed in 12 AAC 36.990(17), and a master's or doctorate in the branch of engineering applied for listed in 12 AAC 36.990(17) that is acceptable to the board	4	4	8
ABET accredited B.S. degree	4	4	8

in engineering in the branch of engineering applied for listed in 12 AAC 36.990(17)

ABET accredited B.S. degree in engineering technology	3	5	8
ABET accredited B.S. degree in a branch of engineering that is not the branch for which the applicant has applied	3	5	8
Master's degree in engineering acceptable to the board in the branch listed in 12 AAC 36.990(17) for which the applicant has applied or in a discipline substantially similar to the branch for which the applicant has applied	2	6	8
Doctorate degree in engineering acceptable to the board in the branch listed in 12 AAC 36.990(17) for which the applicant has applied or in a discipline substantially similar to the branch for which the applicant has applied	3	5	8
Master's or doctorate degree in engineering acceptable to the board from a school which has an ABET accredited undergraduate engineering program in the branch for which the applicant has applied	3	5	8
Non-ABET accredited B.S. degree in engineering in the branch applied for	3	6	9
Course work in ABET accredited engineering degree curriculum – no degree (course work must include a minimum of three years of credit hours in an engineering curriculum)	2	8	10

(B) for board approval of an application made on or after July 1, 2010, an applicant's education and experience must meet the requirements of Table B of this section, as follows:

**TABLE B OF EDUCATION AND WORK EXPERIENCE
REQUIREMENTS FOR PROFESSIONAL ENGINEERING EXAMINATION**

Description of Training	Equivalent Education in Years	Minimum Work Experience in Years	Total Years of Education and Work Experience
ABET accredited B.S. degree in engineering in the branch of engineering applied for listed in 12 AAC 36.990(17), and a master's or doctorate in engineering acceptable to the board	5	3	8

ABET accredited B.S. degree in engineering that is not in the branch of engineering applied for listed in 12 AAC 36.990(17), and a master's or doctorate in the branch of engineering applied for listed in 12 AAC 36.990(17) that is acceptable to the board	4	4	8
ABET accredited B.S. degree in engineering in the branch of engineering applied for listed in 12 AAC 36.990(17)	4	4	8
ABET accredited B.S. degree in engineering technology in the branch of engineering applied for listed in 12 AAC 36.990(17)	3	5	8
ABET accredited B.S. degree in a branch of engineering that is not the branch for which the applicant has applied	3	5	8
Master's degree in engineering acceptable to the board in the branch listed in 12 AAC 36.990(17) for which the applicant has applied or in a discipline substantially similar to the branch for which the applicant has applied	2	6	8
Doctorate degree in engineering acceptable to the board in the branch listed in 12 AAC 36.990(17) for which the applicant has applied or in a discipline substantially similar to the branch for which the applicant has applied	3	5	8
Master's or doctorate degree in engineering acceptable to the board from a school which has an ABET accredited undergraduate engineering program in the branch for which the applicant has applied	3	5	8
Non-ABET accredited B.S. degree in engineering in the branch applied for	3	6	9

(b) Education for initial registration must be in the branch of engineering in which the applicant seeks registration for full credit to be given. If the education is not in the branch of engineering in which the applicant seeks registration, the board will determine the amount of credit to be given based on comparability with the branch of engineering for which the applicant has applied for registration. An applicant with a foreign degree shall submit

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

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

(c) The minimum work experience required for registration must include

(1) two years of responsible charge experience or successful completion of a four-year responsible charge mentoring system, as defined in 12 AAC 36.990 and this section. To receive full credit for responsible charge experience, an applicant must gain responsible charge experience while under the responsible control of a professional engineer registered in the United States in the branch of engineering for which the applicant has applied. The board will determine the amount of credit given for responsible charge experience gained under the

responsible control of a professional engineer registered in the United States in another branch of engineering based on the comparability with the branch of engineering to which the applicant has applied;

(2) responsible charge experience or successful completion of four years of responsible charge obtained within a mentoring system will be considered for credit only if it is gained after the applicant has completed education or work experience or both that are equivalent to the requirements to be eligible for the fundamentals of engineering examination.

(d) For registration in more than one branch of professional engineering listed in 12 AAC 36.990, professional work experience used to qualify for registration in one branch of engineering will be evaluated by the board in considering an application for registration in another branch of engineering. Except as provided in (c) of this section, responsible charge or mentored experience must be entirely in the branch of engineering applied for and may not be counted as responsible charge experience in another branch of engineering or in land surveying.

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

(f) The board will accept a maximum of two years of credit for professional work experience used in securing registration in land surveying as experience in securing registration in civil or mining engineering.

(g) Work experience for initial registration must be in the branch of engineering in which the applicant seeks registration for full credit to be given. If the work experience is not in the branch of engineering in which the applicant seeks registration, the board will determine the amount of credit to be given based on comparability with the branch of engineering for which the applicant has applied for registration.

(h) The board will accept up to a maximum of two years of subprofessional work experience for up to one half of the work experience required for registration based on its meeting the definition of "subprofessional work" in 12 AAC 36.990.

(i) Notwithstanding (a) - (h) of this section, an applicant authorized by the board to take the examination before 11/20/99 may continue to qualify for the examination under 12 AAC 36.040.

(j) To meet the mentoring requirements of this section, an applicant must complete four years of quarterly face-to-face meetings with a professional engineer registered in the United States and registered in the same discipline that the applicant is applying for. An applicant shall

(1) prepare a report for each meeting on a form provided by the department, which includes

(A) a description of what topics were covered during the meeting;

(B) a statement indicating whether or not it was responsible charge work and if the work was performed according to industry standards;

(C) the professional engineer's seal and signature; and

(2) submit as a part of the final report a statement from the professional engineer, who served as the mentor, recommending the applicant for registration.

(k) To be eligible for the structural engineering examination, an applicant must

(1) be currently registered as a professional engineer in this state; and

(2) have at least two years of progressive structural experience, in addition to the eight years of education and work experience or both that are equivalent to the requirements set out in the applicable table of education and work experience requirements for a professional engineering examination in this section.

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

12 AAC 36.064. ELIGIBILITY FOR FUNDAMENTALS OF LAND SURVEYING EXAMINATION. Repealed 5/25/2017.

12 AAC 36.065. ELIGIBILITY FOR PROFESSIONAL LAND SURVEYOR EXAMINATION. (a) To be eligible for the professional land surveyor examination, an applicant must

(1) have passed the fundamentals of land surveying examination; and

(2) submit to the board satisfactory evidence that the applicant's education or work experience or both are equivalent to the requirements set out in the following applicable table of education and work experience requirements for professional land surveyors; the board will evaluate the applicant's education and work experience that meet the requirements of AS 08.48 and this chapter and give credit as appropriate:

(A) for board approval of an application made on or before June 30, 2014, an applicant's education and experience must meet the requirements of Table A of this section, as follows:

**TABLE A OF EDUCATION AND WORK EXPERIENCE
REQUIREMENTS FOR PROFESSIONAL LAND SURVEYORS**

Classification	Education Credit Allowed In Years	Work Experience Credit Allowed In Years	Responsible Charge Under P.L.S. In a Land Surveying Capacity In Years	Total Years of Education and Work Experience Required
Graduate of an ABET accredited or board approved curriculum with a B.S. degree in land surveying and a master's or doctorate degree in land surveying	5	3	3	8
Graduate of an ABET accredited or board approved land surveying curriculum 4-year course	4	4	3	8
Graduate of an ABET accredited or board approved land surveying curriculum 2-year course	2	6	3	8
Course work in board approved curriculum in land surveying – no degree (Minimum of two years credit hours)	2 - 3	5 - 6	3	8

(B) for board approval of an application made on or after July 1, 2014, an applicant's education and experience must meet the requirements of Table B of this section, as follows:

**TABLE B OF EDUCATION AND WORK EXPERIENCE
REQUIREMENTS FOR PROFESSIONAL LAND SURVEYORS**

Classification	Education Credit Allowed In Years	Work Experience Credit Allowed In Years	Responsible Charge Under R.L.S. In a Land Surveying Capacity In Years	Total Years of Education and Work Experience Required
Graduate of an ABET accredited or board approved curriculum with a B.S. degree in land surveying and a master's or doctorate degree in land surveying	5	3	3	8
Graduate of an ABET accredited land surveying curriculum 4-year course	4	4	3	8
Graduate of a board approved land surveying curriculum 4-year course	4	4	3	8

Graduate of 4-year degree with board approved courses meeting land surveying education standard under (h) of this section

2

6

3

8

(b) “Responsible charge of professional land surveying (P.L.S.)” means work as a supervisor under the responsible control of a land surveyor registered in the United States, and working in the “practice of land surveying” as described in AS 08.48.341. The remainder of the required work experience listed in (a) of this section must be derived from office or field work involving the activities listed in AS 08.48.341. Partial completion of a curriculum leading to a degree in land surveying will be considered by the board in determining applicable work experience. The board will determine the amount of credit given for responsible charge experience gained under the responsible control of a professional in engineering based on applicability to professional land surveying.

(c) The board will accept up to a maximum of two years of credit for professional work experience used in securing registration in civil or mining engineering as experience in securing registration in land surveying based on its applicability to professional land surveying.

(d) The board will accept up to a maximum of two years of subprofessional work experience for up to one half of the work experience required for registration based on its applicability to professional land surveying.

(e) An applicant with a foreign degree shall submit

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

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

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

(g) Repealed 10/29/2009.

(h) For the purpose of a four-year degree program with board approved courses under (a)(2)(B) of this section, course work must meet the following land surveying education standard:

(1) at least 12 semester credits or the equivalent must be in mathematics and basic college level science courses, which must include calculus, physics, and statistics;

(2) at least 30 semester credits or the equivalent must be in geomatics and land surveying science and design courses, which must include practical field surveying, course in rectangular survey system, and of which at least six semester credits or the equivalent must be in boundary law courses; the geomatics and land surveying course work must include the study of geographic information system (GIS), global navigation satellite systems (GNSS), error analysis and adjustment, geodesy, and map projections.

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

12 AAC 36.066. VERIFICATION OF LAND SURVEYOR WORK EXPERIENCE. (a) In support of an application for examination or registration as a land surveyor, an applicant shall arrange for verification of the work experience required for eligibility for the fundamentals of land surveying examination and required in 12 AAC 36.065 to be submitted to the board. Verification of work experience must be on a form prescribed by the board and must be completed and submitted directly to the board by the employer who is verifying the applicant’s experience.

(b) Department staff shall open a file for retention of completed work verification forms for an individual who has not yet submitted an application for examination or registration as a land surveyor if the individual

(1) submits a written request to open a work verification file; and

(2) attaches the file opening fee established in 12 AAC 02.110.

(c) Department staff shall maintain a work verification file for five years from the date that an individual completes the requirements of (b) of this section. Before the end of that five years, an individual may request that the department maintain a work verification file for an additional five years by again completing the requirements of (b) of this section.

(d) A work verification form received for an individual will be reviewed by the board or the department only after that individual submits an application for registration as a land surveyor.

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.201

Editor's note: The address to send the materials required in (b)(1) and (2) of this section is Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Board of Registration for Architects, Engineers, and Land Surveyors, P.O. Box 110806, Juneau, AK 99811-0806.

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

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

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

TABLE OF EDUCATION AND WORK EXPERIENCE REQUIREMENTS FOR PROFESSIONAL LANDSCAPE ARCHITECT

Classification	Education Credit Allowed In Years	Work Experience Credit Allowed In Years	Total Years of Education and Work Experience
LAAB accredited professional degree in landscape architecture and a master’s or doctorate degree in landscape architecture	5 - 6	2 - 3	8
LAAB accredited professional degree in landscape architecture	4 - 5	3 - 4	8
Non-LAAB accredited professional degree in landscape architecture and a master’s or doctorate degree in landscape architecture	4	4	8
Non-LAAB accredited professional degree in landscape architecture	3	5	8
Non-LAAB accredited B.S./B.A. degree in landscape architecture	1 - 3	8 - 10	10
Course work in LAAB accredited landscape architecture curriculum – no degree	1 - 3	7 - 10	10
Course work in non-LAAB accredited landscape architecture program – no degree (Minimum of one year credit hours)	1	11 - 12	12

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

- (1) a transcript of the applicant’s education and if the transcript is not in English, submit a translation into English and a signed and notarized affidavit by the translator of the accuracy of the translation; and
- (2) an evaluation of the applicant’s education from an agency approved by the board unless the applicant’s education has been earned at a school accredited by an accreditation agency recognized by the board.

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

- (1) gain experience while under the responsible control of a professional landscape architect registered in the United States, or
- (2) successfully complete a mentoring program that meets the requirements of (f) – (h) of this section.

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

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

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

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

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

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

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

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

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

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

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

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

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

(1) grading, clearing, or shaping of land;

(2) landscape irrigation;

(3) outdoor planting plans;

(4) outdoor play apparatus;

(5) outdoor structures.

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

12 AAC 36.070. POSTPONEMENTS. The board will grant up to two postponements to an applicant who is scheduled to take the Alaska Land Surveying Examination (AKLS) or Landscape Architect Registration Examination (LARE) if the applicant's request for postponement is filed with the board not later than 30 days immediately following the date of the examination. An applicant who does not appear for an examination and does not qualify for a postponement is not eligible for a refund of the examination fee and shall meet the reexamination application requirements in 12 AAC 36.040 to be scheduled for a later examination.

Authority: AS 08.48.101

12 AAC 36.080. AUTHORIZATION TO TAKE EXAMINATION. Notification of the applicant's authorization to take the examination will be made at least 30 days before the examination.

Authority: AS 08.48.101

12 AAC 36.090. WAIVER OF FUNDAMENTALS OF ENGINEERING EXAMINATION. (a) An applicant for registration as a professional engineer by examination or comity who has not passed the fundamentals of engineering examination need not take that examination if satisfactory evidence, as verified by registered engineers, is submitted to the board documenting that applicant has at least 20 years of professional engineering experience.

(b) An applicant for registration as a professional engineer by examination or comity who is currently registered as a professional engineer in a province or territory of Canada is not required to demonstrate having passed the fundamentals of engineering examination.

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191
AS 08.48.171

12 AAC 36.100. CONTENT OF EXAMINATIONS. (a) An applicant for registration must pass the appropriate examinations designated in this section.

(b) Unless an applicant is registered by comity under AS 08.48.191(a), an applicant for architect registration must pass the NCARB Architect Registration Examination (ARE).

(c) An applicant for registration as an engineer must pass the NCEES Principles and Practices of Engineering Examination for the branch of engineering for which the applicant has applied. This subsection applies to an applicant for registration by examination and to an applicant for registration by comity.

(d) Unless an applicant is registered by comity under AS 08.48.191(c), an applicant for registration as a land surveyor must pass the professional land surveyor examination, that includes

- (1) the NCEES Principles and Practices of Surveying; and
- (2) repealed 3/16/96;
- (3) a state examination covering laws, procedures, and practices concerning land surveying in Alaska.

(e) Unless an applicant is registered by comity under AS 08.48.191(d), an applicant for registration as a landscape architect must pass the CLARB Landscape Architectural Registration Examination (LARE). The administration and grading of the examination must have been conducted in accordance with CLARB's standards in effect at the time of examination. In place of passing the CLARB registration examination, a candidate for registration must satisfy one of the following:

(1) successful completion before 1970 of a written examination in landscape architecture prepared by a CLARB member and ten years of experience in landscape architecture after licensure;

(2) successful completion between January 1, 1970 and December 31, 1975 of a written examination prepared by a CLARB member;

(3) successful completion of the British Columbia Society of Landscape Architects' written examination, five years of experience in landscape architecture after licensure and satisfaction of the education and experience requirements;

(4) successful completion of the California P.E.L.A., satisfaction of the licensure, education, and experience requirements, as well as successful completion of LARE, sections D and E, or the CLARB Reciprocity Validation Examination;

(5) for an applicant initially licensed in British Columbia or Ontario without successfully completing the LARE, satisfaction of the following:

(A) ten years of experience in landscape architecture, at least seven years of which must occur after licensure;

(B) successful completion of the CLARB Reciprocity Validation Examination.

(f) In addition to meeting the applicable requirements of this section, an applicant for registration by examination, except an applicant for registration as a land surveyor, must pass the state written jurisprudence examination covering the applicable provisions of AS 08.48 and this chapter. The applicant must obtain a passing score of at least 90 percent on the examination. The examination is an open-book examination. The department will mail the examination and study materials to the applicant. Within 30 days after mailing, the applicant must return the completed examination to the department. If the applicant returns the completed examination by mail, the department will consider the postmark date to be the return date.

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191
AS 08.48.171

12 AAC 36.103. ARCHITECT REGISTRATION BY COMITY. (a) Under AS 08.48.191(a), the board may issue a certificate of registration as an architect to an applicant who

(1) documents education and passage of the NCARB Architect Registration Examination;

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

(3) has completed the arctic engineering requirements of 12 AAC 36.110; and

(4) has completed a jurisprudence questionnaire prepared by the board covering the provisions of AS 08.48 and this chapter.

(b) An applicant for a certificate of registration as an architect by comity must submit

(1) an application for registration by comity in compliance with 12 AAC 36.010, including the applicable fees established in 12 AAC 02.110; and

(2) verification of a current registration to practice architecture in a state, territory, or possession of the United States, the District of Columbia, or a foreign country that is based on education, experience, and examination requirements that the board determines were at least equivalent to the requirements of AS 08.48 and this chapter at the time the applicant's out-of-state registration was issued;

(3) repealed 3/28/2019.

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

(1) examination results;

(2) education;

(3) experience; and

(4) registration in another licensing jurisdiction.

(d) If an architect who provides a reference letter under (e) of this section does not possess a seal, the applicant must provide the board a statement from that architect,

- (1) providing that architect's registration number; and
- (2) certifying that the registration of that architect is current.

(e) Notwithstanding (c) of this section, an applicant who received an initial certificate of registration as an architect on or before July 13, 2011 may submit two letters of reference verifying the applicant's experience as a registered architect for five years or more in a state, territory, or possession of the United States, the District of Columbia, or a foreign country instead of the NCARB council record. Each letter must be signed and sealed by an architect who is legally registered as a professional architect in a state, territory, or possession of the United States, the District of Columbia, or a foreign country.

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.191

12 AAC 36.105. ENGINEER REGISTRATION BY COMITY. (a) Under AS 08.48.191(b), the board may issue an engineering certificate of registration to an applicant who

- (1) documents education and passage of examinations that meet the requirements of (b) of this section;
- (2) documents work experience that satisfies the requirements of (c) of this section;
- (3) has completed the arctic engineering requirements of 12 AAC 36.110; and
- (4) has completed a jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.48 and this chapter.

(b) An applicant for engineering registration by comity must

(1) submit verification of current registration to practice engineering in a state, territory, or possession of the United States, the District of Columbia, or a foreign country that was based upon education, experience, and examination requirements that, in the opinion of the board, were at least equivalent to the requirements of AS 08.48 and this chapter at the time the applicant's out-of-state registration was issued or at least equivalent to current requirements; the applicant must have passed an NCEES engineering examination in the same branch of engineering that is being applied for, as required by 12 AAC 36.100(c); and

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

(c) An applicant for engineering registration by comity must

(1) have at least 24 months of responsible charge experience in the branch of professional engineering listed in 12 AAC 36.990(17) for which the applicant has applied, as verified by the signature and seal, except as provided in (g) of this section, of the engineer who has supervised the applicant and who was, at the time of providing the supervision,

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

(B) either

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

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

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

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

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

(d) Repealed 7/19/2009.

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

- (1) examination results;
- (2) education; and
- (3) registration in another licensing jurisdiction.

(f) Repealed 7/19/2009.

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

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

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

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

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

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191
AS 08.48.171

12 AAC 36.106. REGISTRATION IN ADDITIONAL BRANCHES OF ENGINEERING. (a) A person who holds a current certificate of registration as an engineer in the state on March 11, 2012 may apply under this section for certificates of registration in one or more additional branches of engineering listed in 12 AAC 36.990(a)(17) by meeting the requirements of this section.

(b) An application for an additional certificate of registration under this section must be submitted on or before December 31, 2013.

(c) An applicant for an additional certificate of registration under this section must submit

(1) a typewritten application on a form prescribed by the board, including the references required under AS 08.48.201;

(2) the application and registration fees established in 12 AAC 02.110;

(3) verification that the applicant has within the 120 months immediately before the date of the application, at least 24 months of responsible charge experience as a licensed professional in the branch of professional engineering that the applicant is applying for;

(4) the plans or other documents required under (e) of this section; and

(5) the letters of reference required under (d) and (e) of this section.

(d) An applicant applying for an additional certificate of registration under this section must provide two letters of reference verifying the applicant's responsible charge experience required under (c)(3) of this section. The letters of reference must meet the requirements of (f) and (g) of this section.

(e) An applicant applying for an additional certificate of registration under this section must provide complete plans or other documents of at least two completed projects demonstrating the engineering abilities of the applicant in the branch of engineering that the applicant is applying for. The plans or other documents must be signed, sealed, and dated, and must include necessary calculations and other applicable supporting documents. The plans or other documents must have been dated within the 120 months immediately before the date of application for an additional certificate of registration under this section. The plans or other documents submitted under this subsection must be accompanied by a letter of reference for each project attesting to the applicant's competence on the project. The letters of reference must meet the requirements of (f) and (g) of this section.

(f) Except as provided in (g) of this section, the letters of reference required under (d) and (e) of this section must be signed and sealed by an engineer who was registered as a professional engineer in a state, territory, or possession of the United States, the District of Columbia, or a foreign country at the time of the responsible charge experience or when the plans or other documents were signed and sealed, and either

(1) was registered as a professional engineer in the branch of engineering that the applicant seeks registration; or

(2) if the licensing jurisdiction did not register engineers in the specific branch during the period of the experience or when the plans or other documents were signed and sealed, practiced in the branch of engineering that the applicant is applying for.

(g) If an engineer provides a reference letter under (d) or (e) of this section without a seal, the applicant must provide a statement from the engineer certifying that the engineer held a current registration as an engineer during the period of experience or when the plans or other documents were signed and sealed, and the engineer's state of registration, registration number, and branch of engineering.

(h) If requested by the board, the applicant must be available for an interview with the board.

(i) The board may consult subject matter experts in the branch of engineering for which the applicant seeks registration to assist the board in evaluating the application.

(j) Nothing in this section prevents a registrant from applying under this chapter for a certificate of registration by examination or comity in any branch of professional engineering listed in 12 AAC 36.990(a)(17).

(k) To remain current, an additional certificate of registration issued under this section must be renewed as provided in AS 08.48.231.

Authority: AS 08.48.101 AS 08.48.201 AS 08.48.231

12 AAC 36.107. LAND SURVEYOR REGISTRATION BY COMITY. (a) Under AS 08.48.191(c), the board will, in its discretion, issue a land surveyor registration, without examination, to an applicant who

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

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

(3) has passed the state land surveyor examination identified in 12 AAC 36.100(d)(3).

(b) An applicant for land surveyor registration by comity must submit verification of current registration to practice land surveying in another licensing jurisdiction which was based upon education, experience, and

examination requirements that, in the opinion of the board, were at least comparable to the requirements of AS 08.48 and this chapter at the time the applicant's out of state registration was issued.

(c) An applicant for land surveyor registration by comity

(1) must have at least 36 months of responsible charge experience verified by a registered land surveyor who has supervised the applicant; or

(2) must, if the applicant is registered and has been practicing land surveying for five years or more, provide two current letters of reference from registered land surveyors.

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191
AS 08.48.171

12 AAC 36.108. APPLICATION FOR REGISTRATION AS A STRUCTURAL ENGINEER. (a) A person who holds a current certificate of registration as an engineer in the state on September 9, 2016 may apply under this section for a certificate of registration as a structural engineer by meeting the requirements of this section.

(b) An application for registration as a structural engineer under this section must be submitted on or before July 31, 2017.

(c) An applicant for structural engineering registration under this section must submit

(1) a typewritten application on a form prescribed by the board, including the references required under AS 08.48.201;

(2) the application and registration fees established in 12 AAC 02.110;

(3) verification that the applicant has, within the 120 months immediately before the date of the application, at least 24 months of responsible charge experience in structural engineering;

(4) the plans or other documents required under (e) of this section; and

(5) the letters of reference required under (d) and (e) of this section.

(d) An applicant applying for structural engineering registration under this section must provide two letters of reference verifying the applicant's responsible charge experience required under (c)(3) of this section. The letters of reference must meet the requirements of (f) and (g) of this section.

(e) An applicant applying for structural engineering registration under this section must provide complete structural plans or other documents of at least two completed significant structures, demonstrating the engineering abilities of the applicant in structural engineering. The plans or other documents must be signed, sealed, and dated, and must include necessary calculations and other applicable supporting documents. The plans or other documents must have been dated within the 120 months immediately before the date of application for structural engineering registration under this section. The plans or other documents submitted under this subsection must be on an optical disk or thumb drive and must be accompanied by a letter of reference for each project attesting to the applicant's competence on the project. The letters of reference must meet the requirements of (f) and (g) of this section.

(f) Except as provided in (g) of this section, the letters of reference required under (d) and (e) of this section must be signed and sealed by an engineer who was registered as a professional engineer in a state, territory, or possession of the United States, the District of Columbia, or a foreign country at the time of the responsible charge experience or when the plans or other documents were signed and sealed, and either

(1) was registered as a structural engineer; or

(2) if the licensing jurisdiction did not register structural engineers during the period of the experience or when the plans or other documents were signed and sealed, designed significant structures under another professional engineering license.

(g) If an engineer provides a reference letter under (d) or (e) of this section without a seal, the applicant must provide a statement from the engineer certifying that the engineer held a current registration as an engineer during the period of experience or when the plans or other documents were signed and sealed, and the engineer's state of registration, registration number, and branch of engineering.

(h) If requested by the board, the applicant must be available for an interview with the board.

(i) The board may consult subject matter experts in the branch of engineering for which the applicant seeks registration to assist the board in evaluating the application.

(j) Nothing in this section prevents a registrant from applying under this chapter for a certificate of registration by examination or comity in structural engineering.

(k) To remain current, an additional certificate of registration issued under this section must be renewed as provided in AS 08.48.231.

Authority: AS 08.48.101 AS 08.48.201 AS 08.48.231

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

(1) a CLARB council certificate; or

(2) verification of a current registration to practice landscape architecture in another licensing jurisdiction that was based upon CLARB certificate standards, or that was based upon education, experience, and examination

requirements that in the opinion of the board were at least equivalent to the requirements of AS 08.48 and this chapter at the time that the applicant submits an application for registration by comity.

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

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191
AS 08.48.171

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

(b) Repealed 3/28/2019.

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191
AS 08.48.171

12 AAC 36.111. PRACTICE OF LAND SURVEYING. Repealed 8/30/2007.

12 AAC 36.115. RETIRED STATUS REGISTRATION. (a) An individual holding a retired status registration under AS 08.48.215 may use the title “architect”, “engineer”, “land surveyor”, or “landscape architect”, as appropriate, but may not indicate that the individual is practicing or soliciting to practice architecture, engineering, land surveying, or landscape architecture in the state.

(b) The board will issue an active certificate of registration to an individual who holds a retired status registration if the applicant

- (1) submits a completed application for reactivation on a form provided by the department;
- (2) pays the biennial registration renewal fees established in 12 AAC 02.110;
- (3) seeking an active certificate of registration

(A) as a professional architect, engineer, or landscape architect meets at the time that application is made under this section the continuing education requirements applicable under 12 AAC 36.510(j);

(B) as a professional land surveyor meets at the time that application is made under this section the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 for one biennial registration period; and

(4) meets the requirements of 12 AAC 36.165(b), if the individual has held a retired status registration for more than five years.

Authority: AS 08.48.101 AS 08.48.215

12 AAC 36.120. EXPERIENCE CREDIT. Repealed 9/30/78.

12 AAC 36.130. DATE OF EXPERIENCE. Repealed 9.30.78

12 AAC 36.135. REVIEW OF APPLICATION FOR CORPORATE, LIMITED LIABILITY COMPANY, OR LIMITED LIABILITY PARTNERSHIP AUTHORIZATION. An applicant who meets the requirements on the checklist established by the board in this section has demonstrated the necessary qualifications for a certificate of authorization for corporate, limited liability company, or limited liability partnership practice. An applicant who does not meet the requirements on this checklist or whose responses on the application form do not clearly show that the applicant is qualified to receive a certificate of authorization will not be issued a certificate unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.48.241 for a certificate of authorization. A certificate of authorization for corporate, limited liability company, or limited liability partnership practice will be issued to an applicant who submits

- (1) a completed form for application that includes the
 - (A) name and address of the corporation, limited liability company, or limited liability partnership;
 - (B) type of architecture, engineering, land surveying, or landscape architecture practiced by the corporation, limited liability company, or limited liability partnership;
 - (C) name and current state registration number of the registrant who will be in responsible charge for the activities of the corporation, limited liability company, or limited liability partnership in this state of each branch of practice requiring registration under AS 08.48;
 - (D) names of the majority stockholders of the corporation, the names of the members holding a majority interest of a limited liability company, or the names of the partners of a limited liability partnership; and
 - (E) signature and title of an agent authorized by the corporation, limited liability company, or limited liability partnership, to apply for corporate, limited liability company, or limited liability partnership authorization under this chapter;
- (2) the corporation, limited liability company, or limited liability partnership certification fee in 12 AAC 02.110;

(3) a certified copy of a resolution of the board of directors of the corporation, the managing members or manager of the limited liability company, or the general partners of the limited liability partnership that

(A) designates an individual or individuals with a current registration in this state as responsible for each field of practice; and

(B) provides that full authority to make all final practice decisions on behalf of the corporation, limited liability company, or limited liability partnership for work performed by the corporation, limited liability company, or limited liability partnership in this state is granted by the board of directors of the corporation, the managing members or manager of the limited liability company, or the general partners of a limited liability partnership to the individual designated in the resolution as responsible for the relevant field of practice. The individual or individuals in responsible charge of a discipline may grant other employees, who are registered in that discipline, the authority to seal drawings on behalf of the corporation, limited liability company, or limited liability partnership. This does not relieve the individual or individuals in responsible charge from responsibility for the work delegated to the other employee;

(4) a copy of the bylaws of the corporation, the articles of incorporation or operating agreement of the limited liability company, or the partnership agreement of the limited liability partnership showing that the corporation, limited liability company, or limited liability partnership has complied with the requirements in AS 08.48.241(b)(1);

(5) repealed 8/19/2006;

(6) a statement of the experience of the corporation, limited liability company, or limited liability partnership in each field of practice of architecture, engineering, land surveying, or landscape architecture during the five years before the date of application;

(7) a certified statement on a form provided by the board, stating that each licensee designated in responsible charge for each branch of practice acknowledges and agrees to that designation by the corporation, limited liability company, or limited liability partnership; the statement must include each responsible charge licensee's

(A) state registration number;

(B) registration expiration date;

(C) professional seal; and

(D) signature.

Authority: AS 08.48.101 AS 08.48.241

12 AAC 36.140. ARCHITECTURAL CURRICULA APPROVED BY THE BOARD. Repealed 9/30/78.

12 AAC 36.145. ARCHITECTURAL, ENGINEERING, OR SURVEYING OFFICES. (a) Each office maintained for the preparation of drawings, specifications, reports, or other professional work that will require a professional seal must have a registrant assigned to, and regularly employed in, that office who has direct knowledge and supervisory control of the employees of that office.

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

(c) For the purposes of this section,

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

(2) "entity" means a sole practitioner, partnership, corporation, limited liability company, limited liability partnership, or governmental agency.

Authority: AS 08.48.101 AS 08.48.111 AS 08.48.221

12 AAC 36.150. ENGINEERING CURRICULA APPROVED BY THE BOARD. Repealed 9/30/78.

12 AAC 36.160. DUPLICATE CERTIFICATE. A duplicate certificate will be issued by the department upon written request and payment of the duplicate license fee established in 12 AAC 02.105.

Authority: AS 08.01.065 AS 08.48.101 AS 08.48.265

12 AAC 36.165. EXPIRED CERTIFICATES. (a) A certificate of registration or corporate, limited liability company, or limited liability partnership authorization that is not renewed for a period of five years expires at the end of that period.

(b) An expired certificate of registration may be reinstated by

(1) applying for reinstatement on a form provided by the department, paying the appropriate fee in 12 AAC 02.110, and providing verification of having passed an examination that

(A) meets the applicable requirements of 12 AAC 36.100;

(B) the applicant for registration of an expired engineer certificate took to qualify for registration in this state before April 1967; or

(C) the applicant took to qualify for registration in another licensing jurisdiction; or

(2) reapplying to the board for registration by comity as required by 12 AAC 36.103 - 12 AAC 36.109 and paying the appropriate fee.

(c) An expired certificate of corporate, limited liability company, or limited liability partnership authorization may not be reinstated. A corporation, limited liability company, or limited liability partnership whose certificate of corporate, limited liability company, or limited liability partnership authorization has expired must apply for a new certificate of corporate, limited liability company, or limited liability partnership authorization under AS 08.48.241.

(d) Repealed 1/20/2002.

(e) An applicant for reinstatement of an expired certificate of registration shall meet the requirements of 12 AAC 36.110(a) unless the applicant was originally registered in the state based on an acceptable treatise.

(f) Notwithstanding (b) of this section, the board may require an applicant for reinstatement who has been sanctioned for any of the conduct described in 12 AAC 36.320 in the ten years preceding the application for reinstatement to be re-examined under 12 AAC 36.100.

Authority: AS 08.01.100 AS 08.48.231 AS 08.48.241
AS 08.48.101

12 AAC 36.170. FEES. All fees under AS 08.48 and this chapter, including application, examination, registration, renewal, late renewal penalty, and continuing education extension period fees are established in 12 AAC 02.105 and 12 AAC 02.110.

Authority: AS 08.01.065 AS 08.48.101 AS 08.48.265
AS 08.01.100

12 AAC 36.180. SEAL. (a) The seal authorized for use by professional architects is of the following design or a substantially similar electronic or digital representation of the design.



(b) The seal authorized for use by professional engineers is of the following design or a substantially similar electronic or digital representation of the design:



The seal must reflect the branch of engineering authorized by the board. This identification is to be placed below the registrant's name and preceding the registrant's number on the seal as noted:

- AG — Agricultural engineer
- EC — Chemical engineer
- CE — Civil engineer
- CS — Control systems engineer

- EE — Electrical engineer
- EV — Environmental engineer
- FP — Fire protection engineer
- IN — Industrial engineer
- ME — Mechanical engineer
- MM — Metallurgical and Materials engineer
- EM — Mining and Mineral Processing engineer
- NM — Naval architecture and Marine engineer
- NU — Nuclear engineer
- EP — Petroleum engineer

(c) The seal authorized for use by professional land surveyors is of the following design or a substantially similar electronic or digital representation of the design:



(d) The seal authorized for use by professional landscape architects is of the following design or a substantially similar electronic or digital representation of the design:



(e) The seal authorized for use by structural engineers is of the following design or a substantially similar electronic or digital representation of the design:



The seal must reflect the branch identification authorized by the board. This identification is to be placed below the registrant's name and preceding the registrant's number on the seal.

Authority: AS 08.48.101 AS 08.48.221

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

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

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

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

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

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

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

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

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

(c) Repealed 10/31/2019.

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

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

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

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

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

(g) The registrant shall include on all documents that are required to be signed and sealed

(1) its business name, physical address, and telephone number;

(2) the project name or identification;

(3) the project address or location; and

(4) the certificate of authorization number issued to the corporation, limited liability company, or limited liability partnership to practice architecture, engineering, land surveying, or landscape architecture, if applicable.

(h) On documents where multiple entities that are authorized to practice architecture, engineering, land surveying, or landscape architecture are indicated, the registrant shall clearly identify the sole proprietor, partnership, corporation, limited liability company, limited liability partnership, or other authorized entity responsible for the work.

(i) Drawings, engineering surveys, reports, and construction documents regarding the structural systems of a significant structure must be sealed by a registered structural engineer.

Authority: AS 08.48.101 AS 08.48.111 AS 08.48.221

12 AAC 36.190. TESTING LABORATORY REPORTS. Reports issued by testing laboratories shall be prepared by or under the supervision of a registered engineer and signed or sealed by him whenever such reports go beyond the tabulation of test data (compositions of material, breaking stress, etc.) by

(1) interpreting the data to draw conclusions as to the characteristics of a civil engineering structure or parts of one;

(2) expressing engineering judgment in the form of recommendations derived from the results of the test; or

(3) performing design work in the preparation of plans, specifications and other instruments requiring registration as an engineer.

Authority: AS 08.48.101

12 AAC 36.195. SITE ADAPTATION AND FIELD ALTERATIONS OF SEALED DOCUMENTS. Except as specified in this section, a person may not alter, or contribute to the altering of, any document that has been sealed

by a registrant authorized under AS 08.48. A registrant may site adapt or field alter in this state sealed documents prepared by another registrant of the same discipline if the registrant

- (1) has written permission
 - (A) to adapt or alter the sealed documents from the registrant who sealed the original sealed documents; or
 - (B) from the legal owner of the original sealed documents; the legal owner of the original sealed documents must have written proof of ownership of the sealed documents from the registrant who sealed the documents;
- (2) reviews the sealed documents and makes all necessary revisions to bring the sealed documents into compliance with applicable codes, regulations, and job-specific requirements;
- (3) affixes to the calculations of the
 - (A) site adapted documents a sealed certification, "I certify that I have reviewed the relevant calculations for the site adapted documents in accordance with 12 AAC 36.185", or the registrant shall independently prepare and seal all calculations for site adapted documents; or
 - (B) field altered documents a sealed certification, "I certify that I have reviewed the relevant calculations for field altered documents in accordance with 12 AAC 36.185 and that the alterations will have no significant effect on other design considerations of the originally sealed documents", or the registrant shall independently prepare and seal all additional calculations for field adapted documents;
- (4) reissues the sealed documents after review with the title block and seal of the registrant performing the site adaptation, or in the case of field altered documents have provided additional sealed drawings with the title block and seal of the registrant performing the work; and
- (5) maintains professional control over the use of the site-adapted or field altered sealed documents as if they were any other original sealed documents of the registrant and maintains the sealed documents on file.

Authority: AS 08.48.101 AS 08.48.221

ARTICLE 2. CODE OF PROFESSIONAL CONDUCT.

Section

- 200. Ethical standards**
- 205. Scope of practice for engineers**
- 210. Professional conduct**
- 220. Conflict of interest**
- 225. (Repealed)**
- 230. Solicitation of employment**
- 232. Offer to practice**
- 235. Advertising**
- 240. (Repealed)**
- 245. Full disclosure**
- 250. Standards of practice for land surveyors**

12 AAC 36.200. ETHICAL STANDARDS. (a) In order to establish and maintain a high standard of integrity, skill, and practice in the professions of architecture, engineering, and land surveying, or landscape architecture, and to safeguard the life, health, property, and welfare of the public, 12 AAC 36.200 - 12 AAC 36.245 are binding upon every individual holding a certificate of registration as an architect, engineer, land surveyor, or landscape architect, and upon all partnerships, corporations, limited liability companies, or limited liability partnerships, or other legal entities authorized to offer or perform architectural, engineering, land surveying, or landscape architectural services in this state.

(b) A registrant shall act with complete integrity in professional matters.

(c) A registrant may not practice architecture, engineering, land surveying, or landscape architecture if the registrant's professional competence is substantially impaired.

Authority: AS 08.48.101 AS 08.48.111

12 AAC 36.205. SCOPE OF PRACTICE FOR ENGINEERS. A person who holds a current certificate of registration as an engineer in the state may practice in that branch or branches of engineering, as defined in 12 AAC 36.990(a), for which the engineer holds a registration, even if the engineering practice includes activities that are included in another branch of engineering defined in 12 AAC 36.990(a).

Authority: AS 08.48.101 AS 08.48.341

12 AAC 36.210. PROFESSIONAL CONDUCT. (a) A registrant

(1) must at all times recognize that a registrant's primary obligation is to protect the safety, health, property, and welfare of the public in the performance of his or her professional duties;

(2) must, if the registrant's professional judgment is overruled creating circumstances in which the safety, health, property, and welfare of the public are endangered, notify his or her employer, client, and other proper authority of the situation and possible consequences as may be appropriate;

(3) may perform assignments only if the registrant's associates, consultants, and employees are qualified by education, training, or experience and, if required, registered in the specific technical branches or fields involved;

(4) shall be completely truthful in all professional reports, statements, or testimony, and shall include in them all relevant and pertinent information known to the registrant;

(5) may not knowingly associate with, or permit the use of his or her name or firm name in a business venture by a person or firm that the registrant knows or has reason to believe is engaging in business or professional practices in a fraudulent or dishonest manner;

(6) shall inform the board if he or she has knowledge or reason to believe that another person or firm might be in violation of AS 08.48, or a regulation adopted under it, and shall cooperate with the board by furnishing all further information or assistance required;

(7) may not offer or make a payment or gift to a government official, whether elected or appointed, with the intent of influencing the official's judgment in connection with a prospective or existing project in which the registrant is interested;

(8) may not knowingly design, lay out, certify, approve, or otherwise imply or certify as suitable or fit for use a project in violation of applicable federal, state, or local laws relating to the practice of architecture, engineering, land surveying, or landscape architecture;

(9) may not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with an application for registration or renewal of a registration issued under AS 08.48;

(10) shall make every reasonable effort to provide professional services in a complete and efficient manner so as not to unduly delay a project.

(b) If, in the course of a registrant's work on a project, the registrant becomes aware of a decision made by his or her employer or client, against the registrant's advice, which violates applicable state or municipal building laws and as a result of which the finished project will, in the registrant's judgment, materially and adversely affect the safety of the public the registrant shall

(1) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws; and

(2) refuse to consent to the decision.

Authority: AS 08.48.101 AS 08.48.111

12 AAC 36.220. CONFLICT OF INTEREST. (a) A registrant

(1) shall attempt to avoid all conflicts of interest with his or her employer or client, but, if some conflict is unavoidable a registrant shall promptly inform his or her employer or client of the registrant's business association, interests, or circumstances that could influence the registrant's judgment or the quality of the registrant's service to the employer or client;

(2) may not accept financial or other compensation from more than one party for services on or pertaining to the same project, unless the circumstances are fully disclosed to and agreed to by all interested parties or their authorized agents;

(3) may not solicit or accept financial or other valuable consideration from a supplier for specifying a supplier's product, unless the registrant is the vendor or supplier of the specified product and has fully disclosed that fact to the client; and

(4) may not solicit or accept gratuities from other parties dealing with the registrant's client or employer in connection with the work for which the registrant is responsible.

(b) If a registrant is in public service as a member, advisor, or employee of a government body, the registrant may not review work previously performed by the registrant or the registrant's former private sector employer.

Authority: AS 08.48.101(a) AS 08.48.111

12 AAC 36.225. PUBLIC SERVICE. Repealed 8/29/87.

12 AAC 36.230. SOLICITATION OF EMPLOYMENT. (a) A registrant may not pay, solicit, nor offer, directly or indirectly, a bribe or commission for professional employment, except for payment of the usual commission for securing salaried position through a licensed employment agency.

(b) Deleted 11/18/83.

(c) A registrant may not falsify or permit misrepresentation of his or her associates' academic or professional qualifications. A registrant may not misrepresent or exaggerate his or her degree of responsibility in or for the subject matter of prior assignments. A registrant shall accurately represent his or her qualifications as required by 12 AAC 36.245(2).

(d) Brochures or other presentations incident to a registrant's solicitation of employment may not, with the intent and purpose of enhancing the registrant's qualifications and work, misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or the registrant's past accomplishments.

Authority: AS 08.48.101 AS 08.48.111

Editor's Note: As of Register 88, Jan. 1984, 12 AAC 36.230(b) was deleted by the regulations attorney under AS 44.62.125(b)(6) and in accordance with a Stipulation and proposed Final Judgment filed on November 18, 1983 by the Board of Architects, Engineers and Land Surveyors and the United States Department of Justice in the United States District Court for the District of Alaska in *United States v. Alaska Board of Registration for Architects, Engineers and Land Surveyors*, Civil Action No. A82-423 CIV. This Stipulation and proposed Judgment were filed because 12 AAC 36.230(b) was in violation of section 1 of the Sherman Antitrust Act [15 U.S.C. § 1 (1977)]. The proposed Final Judgment which may become final on or soon after January 16, 1984 will, also prohibit further enforcement of any ban or board policy against competitive bidding.

12 AAC 36.232. OFFER TO PRACTICE. For the purposes of AS 08.48.281, 08.48.291, 08.48.295, and 08.48.321, an "offer to practice" architecture, engineering, land surveying, or landscape architecture includes

- (1) a response to a request for proposals (RFP) that contains information that could be used to qualify as a potential provider of services;
- (2) a proposal in which a monetary value is suggested as the acceptable payment for services offered; or
- (3) an acceptance of employment for the purpose of providing service or work described in the "practice of architecture", "practice of engineering", "practice of land surveying", or "practice of landscape architecture" in AS 08.48.341

Authority: AS 08.48.101 AS 08.48.281 AS 08.48.295
AS 08.48.111 AS 08.48.291 AS 08.48.321

12 AAC 36.235. ADVERTISING. A registrant may not advertise his or her services in a deceptive or untruthful manner.

Authority: AS 08.48.101(a) AS 08.48.111

12 AAC 36.240. IMPROPER CONDUCT. Repealed 8/29/87.

12 AAC 36.245. FULL DISCLOSURE. A registrant

- (1) may not issue a statement, criticism, or argument on professional matters connected with the public interest which are inspired or paid for by an interested party, unless the registrant has prefaced the comment by disclosing the identity of the party and the existence of any pecuniary interest;
- (2) shall accurately represent to a prospective or existing client or employer his or her qualifications and scope of responsibility in connection with work for which the registrant is claiming credit; and
- (3) may not solicit or accept a professional contract from a governmental body on which a principal or officer of the registrant's organization serves as a member, except upon public disclosure of all pertinent facts and circumstances, consent of appropriate public authority, and compliance with all other applicable laws.

Authority: AS 08.48.101(a) AS 08.48.111

12 AAC 36.250. STANDARDS OF PRACTICE FOR LAND SURVEYORS. A person who holds a current certificate of registration as a land surveyor shall at a minimum perform work that meets the Alaska Society of Professional Land Surveyors, *ASPLS Standards of Practice Manual – 2013*, Chapter 2, adopted by reference.

Authority: AS 08.48.101 AS 08.48.341

Editor's note: The Alaska Society of Professional Land Surveyors, *ASPLS Standards of Practice Manual – 2013*, Chapter 2, adopted by reference in 12 AAC 36.250, may be obtained by writing to the Alaska Society of Professional Land Surveyors, P.O. Box 112835, Anchorage, AK 99511-2835; Internet address: <http://www.alaskapls.org/sop2013.html>

ARTICLE 3. DISCIPLINARY GUIDELINES.

Section

- 300. Purpose of disciplinary guidelines**
- 310. Violations**

320. Disciplinary guidelines

330. Definitions for disciplinary guidelines

12 AAC 36.300. PURPOSE OF DISCIPLINARY GUIDELINES. To ensure that the board's disciplinary policies are known and are administered consistently and fairly, the disciplinary guidelines in 12 AAC 36.310 - 12 AAC 36.330 are established.

Authority: AS 08.48.101(a) AS 08.48.111

12 AAC 36.310. VIOLATIONS. A person who, after a hearing under the Administrative Procedure Act (AS 44.62), is found to have violated a provision of AS 08.48 or this chapter, is subject to the disciplinary penalties listed in AS 08.01.075, including public notice of the violation and penalty in appropriate publications.

Authority: AS 08.48.101 AS 08.48.111

12 AAC 36.320. DISCIPLINARY GUIDELINES. (a) Nothing in this section prohibits the board from imposing greater or lesser penalties than those described, depending on the circumstances of a particular case.

(b) The board will, in its discretion, issue a public reprimand in connection with a disciplinary action taken under AS 08.48 and this chapter.

(c) The board will, in its discretion, revoke a registration or certificate in cases of

(1) gross negligence;

(2) incompetence that caused the life, health, or safety of a member of the public to be placed in jeopardy of death or injury;

(3) fraud or deceit in obtaining or attempting to obtain a registration or certificate.

(d) The board will, in its discretion, suspend a registration or certificate for up to three years, followed by probation if the board considers it appropriate in cases of

(1) incompetence that caused property to be placed in jeopardy of loss or injury;

(2) incompetence that caused the design or engineering of a project to be unusable or unsafe;

(3) incompetence that caused a land survey to be unusable; or

(4) incompetence that caused undue harm.

(e) The board, in its discretion, will suspend a registration or certificate for up to two years in cases of

(1) incompetence involving violation of AS 08.48 and 12 AAC 36; or

(2) misconduct that caused undue harm by action or nonaction.

(f) The board will, in its discretion, suspend a registration or certificate for up to one year in cases of misconduct which caused no undue harm.

(g) The board may impose a disciplinary sanction if, after registration in this state, the registrant has had a disciplinary action taken with respect to a license, registration, or certificate to practice engineering, architecture, land surveying, or landscape architecture in another state or territory of the United States, or a province or territory of Canada, unless such action was caused by the failure of the registrant to pay fees to that state, territory, or province.

(h) In a board proceeding involving a disciplinary sanction under (g) of this section, certified copies of the final findings of fact, conclusions of law, an order of the authority taking the prior disciplinary action is prima facie evidence of the disciplinary action taken and the grounds for such action.

Authority: AS 08.48.101 AS 08.48.111

12 AAC 36.330. DEFINITIONS FOR DISCIPLINARY GUIDELINES. In 12 AAC 36.320

(1) "fraud or deceit in obtaining a registration or certificate" includes

(A) giving false statements or facts or forging letters of work experience or letters of reference related to an application form or renewal notice; or

(B) intentional misrepresentation of the number of hours, months, or years of employment on an application or renewal notice;

(2) "gross negligence" means the intentional or reckless failure to perform the registrant's duties and responsibilities according to AS 08.48 or this chapter, resulting in

(A) the life, health, or safety of a member of the public being placed in jeopardy of death or injury; or

(B) a person's property being placed in jeopardy of loss or injury;

(3) "incompetence" means lacking the ability, knowledge, skills, or professional judgment to discharge the professional duties of a registrant as required by law;

(4) "misconduct" means the failure to perform a registrant's responsibilities according to AS 08.48 and this chapter, if the failure does not constitute gross negligence.

Authority: AS 08.48.101 AS 08.48.111

ARTICLE 4.
CONTINUING EDUCATION FOR PROFESSIONAL LAND SURVEYORS.

Section

- 400. (Repealed)**
- 410. (Repealed)**
- 420. (Repealed)**
- 430. (Repealed)**
- 440. (Repealed)**
- 450. (Repealed)**

12 AAC 36.400. PURPOSE OF CONTINUING EDUCATION. Repealed 7/13/2011.

12 AAC 36.410. CONTINUING EDUCATION REQUIREMENTS. Repealed 7/13/2011.

12 AAC 36.420. COMPUTATION OF CONTINUING EDUCATION CREDIT. Repealed 7/13/2011.

12 AAC 36.430. EXEMPTIONS. Repealed 7/13/2011.

12 AAC 36.440. RECORD KEEPING AND REVIEW OF RECORDS. Repealed 7/13/2011.

12 AAC 36.450. DEFINITIONS. Repealed 7/13/2011.

Editor's note: As of 7/13/2011, Register 199, the substance of former 12 AAC 36.400 – 12 AAC 36.450 appears in 12 AAC 36.500 – 12 AAC 36.550.

ARTICLE 5.
**CONTINUING EDUCATION FOR PROFESSIONAL ARCHITECTS,
ENGINEERS, LAND SURVEYORS, AND LANDSCAPE ARCHITECTS.**

Section

- 500. Purpose of continuing education**
- 510. Continuing education requirements**
- 520. Computation of continuing education credit**
- 530. Exemptions**
- 540. Record keeping and review of records**
- 550. Definitions**

12 AAC 36.500. PURPOSE OF CONTINUING EDUCATION. The purpose of the continuing education program is to maintain a continuing level of competency and standards for professional architects, engineers, land surveyors, and landscape architects, in order to promote the public health, safety, and welfare within this state.

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.510. CONTINUING EDUCATION REQUIREMENTS. (a) Unless exempted under 12 AAC 36.530, a professional architect, engineer, land surveyor, or landscape architect must meet the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 as a condition of the renewal, reinstatement, or reactivation of the professional architect, engineer, land surveyor, or landscape architect registration.

(b) Unless exempted under 12 AAC 36.530, a professional architect, engineer, land surveyor, or landscape architect seeking renewal, reinstatement, or reactivation of a professional architect, engineer, land surveyor, or landscape architect registration shall submit, on a form provided by the department, a certification that the professional architect, engineer, land surveyor, or landscape architect has met the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550.

(c) To renew a professional architect, engineer, land surveyor, or landscape architect registration, a professional architect, engineer, land surveyor, or landscape architect must obtain a minimum of 24 professional development hours during the 24 months immediately preceding that registration period.

(d) To reinstate a lapsed professional architect, engineer, land surveyor, or landscape architect registration, a professional architect, engineer, land surveyor, or landscape architect seeking reinstatement must obtain a minimum of 24 professional development hours during the 24 months immediately preceding the application for reinstatement of the professional architect, engineer, land surveyor, or landscape architect registration.

(e) A professional architect, engineer, land surveyor, or landscape architect who obtains more professional development hours during a biennial registration period than needed to qualify for renewal or reinstatement of the professional architect, engineer, land surveyor, or landscape architect registration may apply up to 12 of the excess

professional development hours to the continuing education requirement for the subsequent biennial period for professional architect, engineer, land surveyor, or landscape architect registration.

(f) A professional architect, engineer, land surveyor, or landscape architect holding multiple registrations in the state is required to earn at least the minimum number of professional development hours of continuing education as those required for a single registration holder. However, at least eight hours of the professional development hours must be in each registration held.

(g) Continuing education courses or activities are not pre-approved by the board, but must meet the following criteria:

(1) the subject matter must address the public's health, safety, and welfare by instructing in the proper planning and design in the area of the registrant's registration or discipline, for the construction of buildings, structures, infrastructure, or the spaces within and surrounding such facilities, preservation and enhancement of land use and natural land features, measuring and locating land for property boundaries, platting, planning and design of subdivisions, or the preparation and perpetuation of maps or record plats so that generally

- (A) risk of injury to persons or property is minimized;
- (B) the results are durable and environmentally friendly;
- (C) the results function properly in all relevant respects; or
- (D) the results enhance the general welfare of the public;

(2) the course or activity must be relevant to the practice of professional architecture, engineering, land surveying, or landscape architecture, and may include technical, ethical, or managerial content;

(3) the course or activity must be designed to maintain, improve, or expand professional architect, engineer, land surveyor, or landscape architect skills and knowledge;

(4) each course or activity must be well organized and the content presented in a sequential manner; and

(5) the presentation must be made by persons who are well qualified in the subject by education or experience in the subject.

(h) The sponsoring organizations that provide continuing education may be an educational institution, a professional association, or a business or governmental organization. Sponsoring organization's continuing education that satisfies the requirements of this section includes the professional architect's, engineer's, land surveyor's, or landscape architect's

(1) successful completion of college courses;

(2) successful completion of continuing education courses;

(3) successful completion of short courses, tutorials, correspondence, web-based courses, and televised or videotaped courses;

(4) attending seminars, in-house workshops, or professional or technical presentations at meetings, conventions, or conferences;

(5) authoring published papers, articles, or books;

(6) serving as an officer or actively participating in a committee of professional or technical societies; and

(7) teaching or instructing the activities listed in (1) – (4) of this subsection.

(i) A professional architect, engineer, land surveyor, or landscape architect who also holds a registration as a professional architect, engineer, land surveyor, or landscape architect in another licensing jurisdiction may meet the requirements of 12 AAC 36.510 – 12 AAC 36.550 by establishing that the professional architect, engineer, land surveyor, or landscape architect has met the mandatory continuing education requirements for renewal of the professional architect, engineer, land surveyor, or landscape architect registration in the other licensing jurisdiction, if the mandatory continuing education requirements of the other jurisdiction are substantially similar to or exceed those of 12 AAC 36.510 – 12 AAC 36.550 at the time that continuing education credit is claimed.

(j) To reactivate a retired professional architect, engineer, land surveyor, or landscape architect registration, a professional architect, engineer, land surveyor, or landscape architect seeking reactivation must obtain 24 professional development hours during the 24 months immediately preceding the application for reactivation of the professional architect, engineer, land surveyor, or landscape architect registration.

(k) If an applicant for renewal of an architect, engineer, land surveyor, or landscape architect registration fails to meet the continuing education requirements of (c) of this section on or before December 31st of the current biennium, the applicant may request an extension to complete the required professional development hours. This extension does not function as a license extension and the registrant cannot practice during this period. The applicant must

(1) submit a completed application for biennial registration renewal on a form provided by the department;

(2) pay the biennial registration renewal and continuing education extension fees established in 12 AAC 02.110;

(3) complete the required professional development hours before the first January 31st of the new biennium; and

(4) submit a continuing education audit form with documentation, acceptable to the board, showing completion of the required continuing education.

Authority: AS 08.48.071 AS 08.48.101 AS 08.48.341

12 AAC 36.520. COMPUTATION OF CONTINUING EDUCATION CREDIT. (a) The board has final authority with respect to the acceptance of courses, activities, credits, professional development hour values, and other methods of earning continuing education credits. Continuing education credit is computed as follows:

- (1) credit for college approved courses is based upon course credit established by the college;
 - (2) credit for qualifying seminars, in-house workshops, and professional or technical presentations is based on one professional development hour for each hour of attendance at the seminar, in-house workshop, or professional or technical presentation;
 - (3) attendance at qualifying programs presented at professional and technical society meetings, conventions, or conferences earns one professional development hour for each hour of attendance at the program;
 - (4) credit for published papers, articles, or books is
 - (A) based on one professional development hour for each hour of professional preparation of the paper, article, or book;
 - (B) determined by the professional architect, engineer, land surveyor or landscape architect; and
 - (C) subject to review and approval by the board under the standards set out in 12 AAC 36.510 - 12 AAC 36.550;
 - (5) credit for participating in professional and technical societies may be claimed for a year of service as an officer or in active participation in a committee of the society, based on one professional development hour for every two hours of service or participation; professional development hour credits under this paragraph are earned at the end of each full year of service or participation.
- (b) The computation of credits of professional development hours is as follows:
- (1) one unit of college semester credit equals 45 professional development hours;
 - (2) one unit of college quarter credit equals 30 professional development hours;
 - (3) one continuing education unit of professional architect, engineer, land surveyor, or landscape architect continuing education equals 10 professional development hours;
 - (4) one hour of a seminar, in-house workshop, or professional or technical presentation attended at meetings, conventions, or conferences equals one professional development hour;
 - (5) one hour of initial instruction of the subject matter when teaching professional development courses, seminars, or professional or technical presentations equals two professional development hours; this provision does not apply to full-time faculty;
 - (6) up to 10 professional development hours per biennial registration period may be claimed for a published paper, article, or book, based on the amount of time and effort required to produce the paper, article, or book;
 - (7) for serving as an officer or actively participating in a committee of professional and technical societies, up to eight professional development hours per year may be claimed for each professional or technical society.

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.530. EXEMPTIONS. (a) A professional architect, engineer, land surveyor, or landscape architect is exempt from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 for the first biennial registration renewal period following initial issuance of the professional architect, engineer, land surveyor, or landscape architect registration.

(b) A professional architect, engineer, land surveyor, or landscape architect is exempt from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 for renewal of the professional architect, engineer, land surveyor, or landscape architect registration for the biennial registration period immediately following a period of service by the professional architect, engineer, land surveyor, or landscape architect on active duty in the armed forces of the United States exceeding 120 consecutive days within a 12-month period.

(c) A professional architect, engineer, land surveyor, or landscape architect who is in retired status under 12 AAC 36.115 is exempt from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 during the time the professional architect, engineer, land surveyor, or landscape architect is retired. A retired professional architect, engineer, land surveyor, or landscape architect who wishes to return to active practice as a professional architect, engineer, land surveyor, or landscape architect must meet the requirements of 12 AAC 36.115, including continuing education requirements applicable under 12 AAC 36.510(j).

(d) A professional architect, engineer, land surveyor, or landscape architect may request an exemption from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 by submitting a written request to the board that describes the reasons for the request and includes supporting documentation. If the board finds good cause, the board will grant an exemption under this subsection to a professional architect, engineer, land surveyor, or landscape architect who is experiencing a physical disability, serious illness, family emergency, or other extenuating circumstance.

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.540. RECORD KEEPING AND REVIEW OF RECORDS. (a) A professional architect, engineer, land surveyor, or landscape architect shall maintain records that may be used to verify professional development hours claimed under 12 AAC 36.510 – 12 AAC 36.550. These required records include

(1) a log showing the course or activity claimed, the sponsoring organization, the location and duration of the course or activity, the name of the speaker or instructor, and the unit of credit or number of professional development hours earned; and

(2) attendance verification records in the form of completion certifications, signed attendance receipts, receipts for the payment of tuition or fees, a copy of a list of participants signed by the speaker or instructor, or similar documents showing evidence of attendance.

(b) Records required under (a) of this section must include sufficient detail to permit verification during an audit, and must be maintained for at least four years from the date that the course or activity was completed.

(c) The board may request at any time that a professional architect, engineer, land surveyor, or landscape architect provide proof of compliance with the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550. A professional architect, engineer, land surveyor, or landscape architect must provide a copy of the records required under (a) of this section to the board no later than 30 days after receipt of a request for the records.

(d) Audits of compliance of professional architect, engineer, land surveyor, or landscape architect continuing education requirements will be conducted in accordance with 12 AAC 02.960.

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.550. DEFINITIONS. In 12 AAC 36.500 – 12 AAC 36.550, unless the context requires otherwise,

(1) “college” includes a community college and a university;

(2) “continuing education unit” means a uniform unit of measure for continuing education and training established by a nationally recognized professional or technical society acceptable to the board;

(3) “course or activity” means a unit of instruction

(A) with a clear purpose and objective to maintain, improve, or expand the skills and knowledge relevant to the practice of a professional architect, engineer, land surveyor, or landscape architect; and

(B) that meets the requirements of 12 AAC 36.510;

(4) “in-house workshop” means a seminar, program, or training session presented by a professional with expertise in the field of architecture, engineering, land surveying, or landscape architecture;

(5) “professional development hour” means not less than 50 minutes of instruction or presentation in a continuing education course or activity that meets the requirements of 12 AAC 36.510.

Authority: AS 08.48.101 AS 08.48.341

ARTICLE 6. GENERAL PROVISIONS.

Section

900. Current address

910. Board member absences

920. Board bylaws

990. Definitions

12 AAC 36.900. CURRENT ADDRESS. A registrant shall maintain a current, valid mailing address on file with the division at all times. The latest mailing address on file for an active, inactive, or lapsed registration or certificate is the appropriate address for official communications, notifications, and service of legal process.

Authority: AS 08.48.101

12 AAC 36.910. BOARD MEMBER ABSENCES. (a) The board may recommend to the governor that a member be removed from the board if that member has three or more unexcused absences from regularly scheduled board meetings in a 24-month period.

(b) Before the close of each regularly scheduled board meeting, the board will determine whether a member's absence from that meeting is excused or unexcused. An absence will be considered excused if it is pre-approved by the chair of the board or due to an emergency.

Authority: AS 08.01.020 AS 08.48.041 AS 08.48.101

12 AAC 36.920. BOARD BYLAWS. The board will conduct its meetings and activities under the bylaws established by the board in the pamphlet entitled “*Bylaws*,” dated May 2014, adopted by reference.

Authority: AS 08.48.101

Editor’s note: The pamphlet entitled “*Bylaws*” adopted by reference in 12 AAC 36.920 may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and

12 AAC 36.990. DEFINITIONS. (a) For the purposes of this chapter and AS 08.48, unless the context requires otherwise

- (1) "advanced courses" means courses in institutes of higher learning beyond the second academic year;
- (2) "board" means the State Board of Registration for Architects, Engineers, and Land Surveyors;
- (3) "chemical engineering" means the branch of professional engineering that embraces studies and activities relating to applied chemistry, both industrial and nonindustrial, concerned with chemical materials, their composition, locations, transportation, and storage; chemical and physical-chemical processes naturally occurring or artificially operated, their matter and energy changes, the conditions of temperature, concentration and media for those changes, including apparatus and analytical control; chemical products, their quality, quantity, applications, uses, and values; preparation of materials for public or industrial use, including water supply, waste abatement, and pollution control; and the organizational and economic aspects of these studies and activities;
- (4) "civil engineering" means the branch of professional engineering that embraces studies and activities relating to research, design, and construction of fixed works, other than significant structures, for irrigation, drainage, waterpower, water supply and treatment, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, sewerage, refuse disposal, foundations, structures, and bridges, and the organizational and economic aspects of these studies and activities;
- (5) "design" means the original and unique application of basic aesthetic, mathematical and physical and chemical principles to provide an acceptable solution of a problem or project;
- (6) repealed 8/26/98;
- (7) "ABET" means Accreditation Board for Engineering and Technology;
- (8) "electrical engineering" means the branch of professional engineering that embraces studies and activities relating to generation, transmission and utilization of electrical energy, fire detection and alarm systems, control systems, electronic systems, and to telecommunications systems and facilities, including the design of electrical, electronic and magnetic circuits and components, and the technical control of their operation and of the design of electrical, fire alarm gear, control, electronic and telecommunications gear, and the organizational and economic aspects of these studies and activities;
- (9) "mechanical engineering" means the branch of professional engineering that embraces studies and activities relating to the generation, transmission and utilization of energy in the thermal and mechanical form; engineering issues relating to the production of tools, machinery and their products; mechanical processes, heating, air conditioning, refrigeration, product transport, fire and smoke suppression, and plumbing; and the research, design, production, operation, control, and the organizational and economic aspects of these studies and activities;
- (10) "mining and mineral processing engineering" means the branch of professional engineering that embraces studies and activities relating to the exploration, location, and recovery of mineral commodities, and the research, design, construction, and development of structures, devices, and facilities of production, and the organizational and economic aspects related to these studies and activities;
- (11) repealed 7/26/97;
- (12) "NCARB" means the National Council of Architectural Registration Boards;
- (13) "NCEES" means the National Council of Examiners for Engineering and Surveying
- (14) "petroleum engineering" means the branch of professional engineering that embraces studies or activities relating to the exploration, location, and recovery of natural fluid hydrocarbons, and the research, design, production, operations of devices, facilities of production, and the organizational and economic aspects of these studies and activities;
- (15) repealed 9/30/78;
- (16) repealed 9/30/78;
- (17) "professional engineering" includes the branches of
 - (A) agricultural engineering;
 - (B) chemical engineering;
 - (C) civil engineering;
 - (D) control systems engineering;
 - (E) electrical engineering;
 - (F) environmental engineering;
 - (G) fire protection engineering;
 - (H) industrial engineering;
 - (I) mechanical engineering;
 - (J) metallurgical and materials engineering;
 - (K) mining and mineral processing engineering;
 - (L) naval architecture and marine engineering;
 - (M) nuclear engineering;
 - (N) petroleum engineering;
 - (O) structural engineering;

(18) "professional work" means the time the applicant has been occupied in architecture, engineering, land surveying, or landscape architecture work of higher grade and responsibility than that of subprofessional work;

(19) "responsible charge of work in the field" means the direction of work, the successful accomplishment of which rested upon the applicant, where the applicant has to decide questions of methods of execution and suitability of materials without relying upon advice or instructions from his superiors and where the applicant has to supply solutions to deficiencies in plans or has to correct errors in designs without first referring them to higher authority for approval, except where the approval is a matter of form;

(20) "responsible charge" as it pertains to "work in the office" means undertaking investigations or carrying out assignments, which demand resourcefulness and originality, or making plans, writing specifications, and directing drafting and computations for the design of architectural, engineering or land surveying work with only rough sketches, general information and field measurements for reference;

(21) "state" means the State of Alaska;

(22) "subprofessional work" means time spent working as rodman, chainman, recorder, draftsman, clerk of works, instrument man, inspector, or similar work where personal responsibility and technical knowledge are slight;

(23) "specialty contractor" means the same as in AS 08.18.171;

(24) "registration by comity" means registration by recognition of the applicant's credentials accepted by another jurisdiction;

(25) "registrant" means an individual architect, engineer, land surveyor, landscape architect, corporation, limited liability company, or limited liability partnership, registered or issued a certificate of authorization under this chapter;

(26) "A.S. degree" means an associate of science degree;

(27) "B.S. degree" means a bachelor of science degree;

(28) "M.S. degree" means a master of science degree;

(29) repealed 5/25/2017;

(30) "responsible control" means that amount of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered engineers, land surveyors, and landscape architects applying the required professional standard of care.

(31) "CLARB" means Council of Landscape Architect Registration Boards;

(32) "LAAB" means Landscape Architectural Accreditation Board;

(33) "landscape architect" means a person registered as a professional landscape architect;

(34) "agricultural engineering" means the branch of professional engineering that embraces studies and activities related to facility engineering of plant, animal, and commodity environments and structures; machinery involving power, electrical and electronic machines, controls and sensors; natural resource engineering involving soil, water and plant systems; process engineering involving food, feed, fiber, fuel products; and the organizational and economic aspects of these studies and activities;

(35) "control systems engineering" means the branch of professional engineering that embraces studies and activities relating to sensor technologies and measurement; signals and transmission, final control elements regarding valves, pressure relieving devices, and other final control elements, control systems analysis and implementation; and the organizational and economic aspects of these studies and activities;

(36) "environmental engineering" means the branch of professional engineering that embraces studies and activities relating to wastewater, storm water, potable water, and water resources; ambient air, emissions sources, and control strategies; solid, hazardous, and special waste; environmental assessments, remediation, and emergency response and applicable codes, standards, regulations, guidelines; and the organizational and economic aspects of these studies and activities;

(37) "fire protection engineering" means the branch of professional engineering that embraces studies and activities relating to fire protection analysis, fire protection management, fire science and human behavior, fire protection systems, fire building systems, and the organizational and economic aspects of these studies and activities;

(38) "industrial engineering" means the branch of professional engineering that embraces studies and activities relating to facilities engineering and planning involving facility requirements, design alternatives, material handling techniques and equipment, systems analysis and design including processes, costing and performance measurement, logistics including production planning and control, distribution and storage and warehousing methods, methods to measure work, workstation design and analysis, ergonomics and safety, quality engineering and control, and the organizational and economic aspects of these studies and activities;

(39) "metallurgical and materials engineering" means the branch of professional engineering that embraces studies and activities relating to the production of metals, metal objects, materials, testing procedures, metal processing, failure analysis procedures and the development of metal alloys, the research, design, construction, and development of devices and facilities of production, and the organizational and economic aspects of these studies and activities;

(40) "naval architecture and marine engineering" means the branch of professional engineering that embraces the studies and activities relating to the mechanics of rigid and deformable bodies, exterior loads on military, public, commercial or private vessels or marine facilities, structural designs, applications, and considerations, vibration considerations including local, vortex induced, flow induced, and global vibrations, intact and damaged hydrostatic stability, methods and procedures, dynamic stability in waves, hydrodynamics, wind and waves, hull forms and

design, marine engineering involving thermodynamics, internal fluid flow, propulsion and power generators, machine design, HVAC/refrigeration and electrical systems, materials corrosion and corrosion control, navigation and vessel control, hull outfitting, weight engineering, shipbuilding and repair engineering, rules and regulations, human factors, and safety systems, and the organizational and economic aspects of these studies and activities;

(41) "nuclear engineering" means the branch of professional engineering that embraces the studies and activities relating to nuclear power systems and science, nuclear components and systems, construction, operational regulations, emergency planning, licensing regulation, codes and standards, nuclear fuel and waste management, nuclear radiation, protection, radiation shielding, interaction of radiation with matter, nuclear criticality, kinetics, neutronics, and nuclear measurements and instruments, and the organizational and economic aspects of these studies and activities;

(42) "structural engineering" means the branch of professional engineering that embraces the studies and activities relating to the investigation, evaluation, analysis, design and construction of buildings, bridges, and other structures such as walls, columns, slabs, beams, trusses, or similar members requiring force-resisting and load bearing members and their connections, or similar members used singly or as a part of a larger structure, and the organizational and economic aspects of these studies and activities;

(43) "engineering surveys"

(A) means work performed by a professional engineer to measure and assess structures, machines, equipment, utility systems, materials, processes, and work public or private;

(B) does not include the practice of land surveying.

(44) "significant structures" means

(A) hazardous facilities; in this paragraph, "hazardous facilities" means structures housing, supporting, or containing sufficient quantities of toxic or explosive substance to be of danger to the safety of the public if released;

(B) special occupancy structures; in this paragraph, "special occupancy structures" means

(i) buildings and other structures whose primary occupancy is public assembly with an occupant load greater than 300;

(ii) buildings and other structures containing an elementary school, secondary school, or day care facility with an occupant load greater than 250;

(iii) buildings and other structures containing adult education facilities, such as colleges and universities, with an occupant load greater than 500;

(iv) medical facilities with 50 or more resident, incapacitated patients;

(v) jails and detention facilities; and

(vi) all buildings or structures with an occupant load greater than 5,000;

(C) essential facilities that have a ground area of more than 4,000 square feet and are more than 20 feet in mean roof height above average ground level; in this paragraph "essential facilities" means

(i) hospitals and other medical facilities having surgery and emergency treatment areas;

(ii) fire and police stations;

(iii) tanks or other structures containing, housing, or supporting water or fire suppression material or equipment required for the protection of essential or hazardous facilities or special occupancy structures;

(iv) emergency vehicle shelters and garages;

(v) structures and equipment in emergency preparedness centers;

(vi) standby power-generating equipment for essential facilities;

(vii) structures and equipment in government communication centers and other facilities requiring emergency response;

(viii) aviation control towers, air traffic control centers, and emergency aircraft hangars; and

(ix) buildings and other structures having critical national defense functions;

(D) structures exceeding 100 feet in height above average ground level;

(E) buildings that are customarily occupied by human beings and are four stories or 45 feet or more above average ground level; and

(F) bridges having a total span of more than 200 feet and piers having a surface area greater than 10,000 square feet;

(45) "AXP" means the Architect Experience Program administered by NCARB and constitutes the record keeping system for verifying an intern-architect's fulfillment of the education and training standards established by NCARB.

(b) For purposes of this chapter, "department" means the Department of Commerce, Community, and Economic Development.

(c) For the purposes of AS 08.48.331(a)(14), "designing fire detection or suppression systems" includes those studies and activities related to the installation, maintenance, and inspection of those systems, including the direction of or the performance of fire protection systems surveys, consultation, investigation, evaluation, planning, and observations of construction and the organizational and economic aspects of those studies and activities.

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

HOUSE BILL NO. 15

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES THOMPSON, Prax, Nelson, McCabe

Introduced: 2/18/21

Referred: Labor and Commerce, Education

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to occupational licensing; relating to temporary licenses and permits;**
2 **relating to certification of teachers; and providing for an effective date."**

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

4 *** Section 1.** AS 08.01.062 is repealed and reenacted to read:

5 **Sec. 08.01.062. Temporary licenses and permits.** (a) The department shall
6 issue to an applicant a temporary license or permit under this section to engage in an
7 occupation regulated under this chapter if

8 (1) the applicant

9 (A) is licensed or credentialed to practice the occupation in
10 another state or territory of the United States or a foreign country, territory, or
11 province that

12 (i) has requirements for a license or permit to practice
13 the occupation that are substantially equivalent to or greater than the
14 requirements for the occupation under this title; or

1 (ii) authorizes a scope of practice substantially
2 equivalent to the scope of practice of the corresponding license or
3 permit in this state;

4 (B) meets the qualifications and requirements for a license or
5 permit to practice that occupation under this title and resides in a state or
6 territory of the United States or in a foreign country, territory, or province that
7 does not license individuals to practice that occupation;

8 (C) is awaiting the results of an examination required for
9 licensure in the occupation and meets the remaining qualifications and
10 requirements for licensure in that occupation under this title; or

11 (D) meets the qualifications and requirements for a license or
12 permit to engage in that occupation under this title through military education,
13 training, and service under AS 08.01.064(a) and does not already hold a license
14 or permit to practice that occupation in another jurisdiction as a member of one
15 of the armed forces listed in AS 08.01.064(a)(2);

16 (2) at the time of the application, the applicant is not

17 (A) subject to disciplinary action related to the occupation in
18 another jurisdiction; or

19 (B) the subject of an ongoing review or disciplinary proceeding
20 by the occupation's licensing entity in that jurisdiction;

21 (3) within the 10 years immediately preceding the date of the
22 application, the applicant has not committed an act in another jurisdiction that, at the
23 time the act was committed, would have constituted grounds for the denial or
24 revocation of a license, certificate, or permit to practice that occupation under this
25 title; and

26 (4) the applicable fees are paid.

27 (b) If the department or applicable board requires that an applicant for an
28 occupational license or permit undergo a criminal history record check, an applicant
29 for a temporary license or permit for that occupation is subject to the same
30 requirement. The department may consider an application and grant a temporary
31 license or permit before obtaining a result from the criminal history record check. If

1 the department later receives criminal record information that would authorize the
2 department or a board to take disciplinary action against a temporary license or permit
3 holder, the department or board shall exercise that authority.

4 (c) A temporary license or permit issued under this section is valid for 180
5 days. An applicant may apply for one 180-day extension, which may be approved at
6 the discretion of the department.

7 (d) A temporary license or permit issued under this section for an occupation
8 regulated under this chapter allows the temporary license or permit holder to
9 temporarily practice the occupation for which the license or permit was granted,
10 within the scope designated by the department or applicable board.

11 (e) The department may extend the 180-day temporary license or permit
12 period under (c) of this section for an applicant for a temporary license or permit under
13 (a)(1)(D) of this section if the applicant shows that the required occupational training
14 period is longer than 180 days.

15 (f) The department shall issue a license or permit under this section to an
16 active duty member of the armed forces of the United States or a spouse of an active
17 duty member of the armed forces of the United States who meets the requirements of
18 this section within 30 days after the department receives the person's complete
19 application for the license or permit.

20 * **Sec. 2.** AS 08.13.175 is amended to read:

21 **Sec. 08.13.175. Temporary license.** After [A PERSON WHO MEETS THE
22 REQUIREMENTS OF AS 08.13.080(a)(1), (2), (3), (4), OR (6) IS ENTITLED TO
23 BE TEMPORARILY LICENSED AFTER] applying for examination under this
24 chapter, an [IF THE] applicant who receives a temporary license under
25 AS 08.01.062 may work only [WORKS] under the direct supervision, and within the
26 physical presence, of a person who is licensed in the area of practice for which the
27 applicant has applied for examination. [A TEMPORARY LICENSE ISSUED
28 UNDER THIS SECTION IS VALID FOR 120 DAYS AND IS NONRENEWABLE.
29 A PERSON MAY NOT RECEIVE MORE THAN ONE TEMPORARY LICENSE
30 FOR EACH AREA OF PRACTICE LICENSED UNDER THIS CHAPTER. AN
31 APPLICATION FOR A TEMPORARY LICENSE MUST BE SIGNED BY THE

1 SUPERVISING LICENSEE AND ACCOMPANIED BY THE TEMPORARY
2 LICENSE FEE REQUIRED UNDER AS 08.13.185.]

3 * **Sec. 3.** AS 08.13.190(a) is amended to read:

4 (a) A person who practices barbering, hairdressing, hair braiding, esthetics,
5 tattooing, permanent cosmetic coloring, or body piercing, or operates a shop, or
6 operates a school of barbering, hairdressing, or esthetics, or teaches in a school of
7 barbering, hairdressing, or esthetics, without a license, [TEMPORARY PERMIT,]
8 temporary license under AS 08.01.062, or student permit and who is not exempt
9 under AS 08.13.120 or 08.13.160(d) [UNDER AS 08.13.160(d)] is guilty of a class B
10 misdemeanor.

11 * **Sec. 4.** AS 08.20.180(a) is amended to read:

12 (a) An applicant for an examination, reexamination, [ISSUANCE OF A
13 TEMPORARY PERMIT UNDER AS 08.20.160, ISSUANCE OF A LOCUM
14 TENENS PERMIT UNDER AS 08.20.163,] issuance of a license by credentials under
15 AS 08.20.141, one-time issuance of a retired status license, or initial issuance or
16 renewal of an active or inactive license shall pay a fee established under
17 AS 08.01.065.

18 * **Sec. 5.** AS 08.36.100 is amended to read:

19 **Sec. 08.36.100. License required.** Except as provided in AS 08.36.238 [AND
20 08.36.254], a person may not practice, or attempt to practice, dentistry without a
21 license.

22 * **Sec. 6.** AS 08.64.279 is amended to read:

23 **Sec. 08.64.279. Interview for permits.** An applicant for an intern permit or [,]
24 a resident permit [, OR A TEMPORARY PERMIT FOR LOCUM TENENS
25 PRACTICE] may be interviewed in person by the board, a member of the board, the
26 executive secretary of the board, or a person designated for that purpose by the board.

27 * **Sec. 7.** AS 08.84.010(b) is amended to read:

28 (b) The board shall control all matters pertaining to the licensing of physical
29 therapists, physical therapy assistants, occupational therapists, and occupational
30 therapy assistants and the practice of physical therapy and the practice of occupational
31 therapy. The board shall

- 1 (1) pass upon the qualifications of applicants;
- 2 (2) provide for the examination of applicants;
- 3 (3) issue [TEMPORARY PERMITS AND] licenses to persons
- 4 qualified under this chapter;
- 5 (4) suspend, revoke, or refuse to issue or renew a license under
- 6 AS 08.84.120;
- 7 (5) keep a current register listing the name, business address, date, and
- 8 number of the license of each person who is licensed to practice under this chapter;
- 9 (6) adopt regulations under AS 44.62 (Administrative Procedure Act)
- 10 necessary to carry out the purposes of this chapter including regulations establishing
- 11 qualifications for licensure and renewal of licensure under this chapter.

12 * **Sec. 8.** AS 08.84.150 is amended to read:

13 **Sec. 08.84.150. License required; exceptions.** (a) It is unlawful for a person

14 to practice physical therapy without being licensed under this chapter unless the

15 person is

- 16 (1) a student in an accredited physical therapy program;
- 17 (2) a graduate of a foreign school of physical therapy fulfilling the
- 18 internship requirement of AS 08.84.032, and then only unless under the continuous
- 19 direction and immediate supervision of a physical therapist; or
- 20 (3) issued a **temporary** [LIMITED] permit under **AS 08.01.062**
- 21 [AS 08.84.075].

22 (b) A person may not provide services that the person describes as

23 occupational therapy without being licensed under this chapter unless the person is

- 24 (1) a student in an accredited occupational therapy program or in a
- 25 supervised field work program;
- 26 (2) a graduate of a foreign school of occupational therapy fulfilling the
- 27 internship requirement of AS 08.84.032, and then only unless under the continuous
- 28 direction and immediate supervision of an occupational therapist;
- 29 (3) an occupational therapist or occupational therapy assistant
- 30 employed by the United States government while in the discharge of official duties;
- 31 (4) granted a **temporary** [LIMITED] permit under **AS 08.01.062**

1 [AS 08.84.075];

2 (5) licensed under this title and uses occupational therapy skills in the
3 practice of the profession for which the license is issued; or

4 (6) employed as a teacher or teacher's aide by an educational
5 institution and is required to use occupational therapy skills during the course of
6 employment, if

7 (A) the occupational therapy skills are used under a program
8 implemented by the employer and developed by a licensed occupational
9 therapist;

10 (B) the employer maintains direct supervision of the person's
11 use of occupational therapy skills; and

12 (C) the person does not represent to

13 (i) be an occupational therapist or occupational therapy
14 assistant; and

15 (ii) practice occupational therapy.

16 * **Sec. 9.** AS 08.98.120(a) is amended to read:

17 (a) A person may not practice veterinary medicine, surgery, or dentistry unless
18 the person is licensed as a veterinarian under this chapter or has a temporary permit
19 issued under **AS 08.01.062** [AS 08.98.186], except that a person may perform
20 functions authorized by

21 (1) regulation of the board if the person is licensed as a veterinary
22 technician; or

23 (2) a permit issued under AS 08.02.050 if the person is employed by
24 an agency that has a permit issued under AS 08.02.050.

25 * **Sec. 10.** AS 08.98.180 is amended to read:

26 **Sec. 08.98.180. Temporary license.** A person who **is granted a temporary**
27 **license by the department under AS 08.01.062 may work only** [MEETS THE
28 REQUIREMENTS OF AS 08.98.165(a)(1), (4), AND (5) IS ENTITLED TO BE
29 TEMPORARILY LICENSED AFTER APPLYING FOR EXAMINATION IF THE
30 PERSON WORKS] under the supervision of a licensed veterinarian. [A LICENSE
31 ISSUED UNDER THIS SECTION IS VALID UNTIL THE RESULTS OF THE

1 EXAMINATIONS ARE PUBLISHED. A PERSON MAY NOT RECEIVE MORE
 2 THAN ONE TEMPORARY LICENSE. AN APPLICATION FOR A TEMPORARY
 3 LICENSE MUST BE SIGNED BY THE SUPERVISING VETERINARIAN AND
 4 ACCOMPANIED BY THE TEMPORARY LICENSE FEE REQUIRED UNDER
 5 AS 08.98.190.]

6 * **Sec. 11.** AS 14.20.015 is amended by adding a new subsection to read:

7 (g) The department shall issue a preliminary teacher certificate under this
 8 section to an active duty member of the armed forces of the United States or a spouse
 9 of an active duty member of the armed forces of the United States who meets the
 10 requirements of this section within 30 days after the department receives the person's
 11 complete application for the preliminary teacher certificate.

12 * **Sec. 12.** AS 08.01.063, 08.01.064(b), 08.01.064(c), 08.01.064(d); AS 08.11.020,
 13 08.11.025; AS 08.13.170; AS 08.15.030; AS 08.20.160, 08.20.163; AS 08.26.050;
 14 AS 08.36.254; AS 08.45.035; AS 08.63.130; AS 08.64.101(b)(2), 08.64.270, 08.64.275;
 15 AS 08.68.210; AS 08.70.130; AS 08.80.150, 08.80.155; AS 08.84.065, 08.84.075;
 16 AS 08.86.135, 08.86.166; AS 08.95.125; AS 08.98.186, 08.98.190(6), and 08.98.190(7) are
 17 repealed.

18 * **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to
 19 read:

20 TRANSITION: REGULATIONS. The Department of Commerce, Community, and
 21 Economic Development may adopt regulations necessary to implement the changes made by
 22 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
 23 before the effective date of the law implemented by the regulation.

24 * **Sec. 14.** Section 13 of this Act takes effect immediately under AS 01.10.070(c).

25 * **Sec. 15.** Except as provided in sec. 14 of this Act, this Act takes effect January 1, 2022.

Architectural Registration Boards, that, in the opinion of the board, meets the requirements of this chapter, based on verified evidence, may, upon application, be registered in accordance with the regulations of the board.

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

(c) A person holding a certificate of registration authorizing the person to practice land surveying in a state, territory or possession of the United States, the District of Columbia, or a foreign country, may, upon application, be registered in accordance with the regulations of the board if the person's certificate was issued under requirements comparable to those in this state.

(d) A person holding a certificate of registration authorizing the person to practice landscape architecture in a state, territory, or possession of the United States, the District of Columbia, or a foreign country, that in the opinion of the board meets the requirements of this chapter, based on verified evidence, may upon application, be registered under the regulations of the board. A person holding a certificate of qualification issued by the Council of Landscape Architectural Registration Boards may upon application be registered under regulations of the board.

Sec. 08.48.201. Application for registration. (a) Application for registration as a professional architect, a professional engineer, a professional land surveyor, or a professional landscape architect shall

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

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

(3) contain five references, three of whom must be architects for architectural registration, engineers for engineering registration, land surveyors for land surveying registration, and landscape architects for landscape architectural registration, having personal knowledge of the applicant's architectural, engineering, land surveying, or landscape architectural education, training or experience.

(b) *[Repealed, Sec. 54 ch 37 SLA 1985].*

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

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

Sec. 08.48.215. Retired status registration. (a) On retiring from practice and payment of an appropriate one-time fee, an individual who is a registrant in good standing with the board may apply for the conversion of a certificate of registration to a retired status registration. An individual holding a retired status registration may not practice architecture, engineering, land surveying, or landscape architecture in the state. A retired status registration is valid for the life of the registration holder and does not require renewal.

(b) An individual with a retired status registration may apply for a certificate of registration. Before issuing a certificate of registration under this subsection, the board may require the applicant to meet reasonable criteria as determined under regulations of the board. The criteria may include submission of continuing education credits and reexamination requirements.

Sec. 08.48.221. Seals. (a) Each registrant may obtain a seal of the design authorized by the board, bearing the registrant's name, registration number, and the legend "Registered Professional Architect," "Registered Professional Engineer," "Registered Professional Land Surveyor," or "Registered Professional Landscape Architect," as appropriate. When a registrant issues final drawings, specifications, surveys, plats, plates, reports, or similar documents, the registrant shall stamp the documents with the seal and sign the seal. The board shall adopt regulations governing the use of seals by the registrant. An architect, engineer, land surveyor, or landscape architect may not affix or permit a seal and signature to be affixed to an instrument after the expiration of a certificate or for the purpose of aiding or abetting another person to evade or attempt to evade a provision of this chapter. The registrant, by affixing the registrant's seal to final drawings, specifications, surveys, plats, plates, reports, or similar documents, and by signing the seal, certifies that the documents were prepared by or under the registrant's direct supervision, are within the registrant's field of practice, or constitute design work of minor importance.

(b) Final drawings, specifications, surveys, plats, plates, reports, or similar documents containing the work of multiple fields of practice shall be sealed and signed by a registrant in each field of practice covered by the document. The registrant shall certify on the face of the document the extent of the registrant's responsibility for all work prepared under the registrant's seal. When certifying design work of minor importance, the registrant shall identify that work on the document near the registrant's seal and take responsibility for all work prepared under the registrant's seal.

Hello Sara. I would like to get a board opinion regarding a question that was posed to me today.

I received a call from an engineer today that wants to know if he could hire a non-licensed “independent contractor” to do construction/engineer inspections for him and then use the data collected by the “Independent Contractor” to prepare record drawings that would be sealed/signed by the engineer. In short, the person (“independent contractor”) hired would not be licensed and would not be an employee of the engineer. My opinion is that you cannot have direct supervisory control over an “independent contractor”; therefore, you cannot seal/sign their work. With that being the case, I would argue that he cannot hire an “independent contractor” to perform the subject inspections and then sign-off on their work.

I would be interested in input from other board members.

From Fred Wallis to aelsboard@alaska.gov

I would agree with Jeff

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From Loren Leman to aelsboard@alaska.gov

I dealt with this same issue in a case in the Mat-Su Valley earlier this year. Please refer to that investigation and the resolution of it. In my opinion, a contracted person should have the same opportunities, responsibilities, and restrictions as an employee of the engineer. The conditions remain the same—the engineer must maintain direct supervisory control, review the work products, and establish the ground rules for the work. My written response earlier this year goes into more detail. Almost exactly the same conditions as this situation. You are welcome to share my opinion with other members of the Board—and I would be happy to discuss this at our Board meeting.

Loren Leman

From Bob Bell to aelsboard@alaska.gov

I am not sure whether an inspector is an independent contractor or not is relevant as to direct supervisory control. You need to have direct supervisory control no matter what in order to seal a document. Bob

From Jeff Garness to aelsboard@alaska.gov

The question for Bob is, “can you have direct supervisory control over someone that is not your employee”. I would say no.

From Bob Bell to aelsboard@alaska.gov

Jeff: I think you can have direct supervisory control over someone who is not your employee, just like to have direct supervisory control over a sub-consultant, such as a lighting designer. If you supervise the work to the extent you know it is being performed properly then you can stamp it if it is in the discipline you are licensed in.

From Jeff Garness to aelsboard@alaska.gov

Bob, I don't think an Independent Contractor can be under a registrant's direct supervisory control. See attachment.

Jeff

Bob, another thing to consider. If you were stamping/signing drawings for work that was performed by an “independent contractor” would your E/O insurance cover your company if an engineering/calculation error was made by the “independent contractor” that you claim to have supervisory control over? I highly doubt it.....because they are not your employee.

jeff

From Bob Bell to aelsboard@alaska.gov

I agree, but what does E&O insurance have to do with the statutes covering this issue?

From Jennifer Anderson to aelsboard@alaska.gov

Hi Sara,

In my opinion, if you are hiring a contractor, licensed or not, you can have direct supervisory control over their work. The onus is placed on the PE to verify and confirm the accuracy of the work and to ensure the supervision. Therefore, I don't think it matters if the work is performed by a contractor under direct supervision or a direct employee if the PE is ultimately ensuring the accuracy of the work and maintaining control.

Thanks,
Jennifer

From Jeff Garness to aelsboard@alaska.gov

Bob, I would argue that if the insurance company doesn't see you as having control/authority over the "independent contractor"to the extent that they would insure you for the errors/omissions committed by your "independent contractor"how can you claim to have supervisory authority/control over the work of the "independent contractor"? **The IRS makes it clear (see attachment) that if you have supervisory control over a person, they are not an independent contractor.....therefore, I would argue, if they are an independent contractor, you cannot have supervisory control over them. For example, is it OK for me to hire your company to design a wastewater treatment system and then for me to seal/sign the drawings. I don't think so, because I legally don't have the authority to direct your employees how to do the work, nor do I have supervisory control over them.**

Very interesting topic and good discussion.....jeff

To all participating in this discussion. I ask you to consider this.....See the attachment that addresses how the SOA (for workman's comp insurance purposes) defines "employment". See definition #8. In short, when you are hiring a self-employed "independent contractor" (perhaps a one person business) you are asserting that they are **free from control and direction in connection with the performance of their service**. This allows you to not pay workman's comp insurance for their labor. I don't know how you could then simultaneously claim to have "direct supervisory control" (as required by AELS regulation) in order to seal/sign off their work.

Jeff

From Bob Bell to aelsboard@alaska.gov

Jeff: Let's go back to the original question. It was about doing inspections not design. I agree an independent contractor could not do design work and have you stamp it. I do believe an independent contractor can do inspections under your supervision and have the data incorporated into the design process.

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32nd Legislature(2021-2022)

Alaska Statutes 2020

AS 23.20.520

files a claim during the individual's benefit year and for which no disqualification is imposed under ~~AS 23.20.360~~, 23.20.362, 23.20.375, and 23.20.378 - 23.20.387;

(23) "week" means the period of seven consecutive days which the department may by regulations prescribe.

= TITLE 23 "WORKMAN'S COMP"

Sec. 23.20.525. "Employment" defined.

(a) In this chapter, unless the context otherwise requires, "employment" means

- (1) service performed by an individual for wages or by an officer of a corporation, including service in interstate commerce;
- (2) service performed by an individual who, under (8) of this subsection, has the status of an employee;

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AS 23.20.525

credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under this chapter;

(8) service performed by an individual whether or not the common-law relationship of master and servant exists, unless and until it is shown to the satisfaction of the department that

(A) the individual has been and will continue to be free from control and direction in connection with the performance of the service, both under the individual's contract for the performance of service and in fact;

(B) the service is performed either outside the usual course of the business for which the service is performed or is performed outside of all the places of business of the enterprise for which the service is performed; and

(C) the individual is customarily engaged in an independently established trade, occupation, profession, or business of the same nature as that involved in the service performed;



Independent Contractor Defined

People such as doctors, dentists, veterinarians, lawyers, accountants, contractors, subcontractors, public stenographers, or auctioneers who are in an independent trade, business, or profession in which they offer their services to the general public are generally independent contractors. However, whether these people are independent contractors or employees depends on the facts in each case. The general rule is that an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done. The earnings of a person who is working as an independent contractor are subject to Self-Employment Tax.



If you are an independent contractor, you are self-employed. To find out what your tax obligations are, visit the [Self-Employed Tax Center](#).

You are not an independent contractor if you perform services that can be controlled by an employer (what will be done and how it will be done). This applies even if you are given freedom of action. What matters is that the employer has the legal right to control the details of how the services are performed.



If an employer-employee relationship exists (regardless of what the relationship is called), you are not an independent contractor and your earnings are generally not subject to [Self-Employment Tax](#).

However, your earnings as an employee may be subject to FICA (Social Security tax and Medicare) and income tax withholding.

For more information on determining whether you are an independent contractor or an employee, refer to the section on [Independent Contractors or Employees](#).

Page Last Reviewed or Updated: 14-Apr-2021

Related Topics

- [Independent Contractor \(Self-Employed\) or Employee?](#)

(b) Licensees must affix their seal, signature and date of signature to documents or drawings which reflect work for which the licensee has responsible charge, including revisions and addenda thereto. In the case when multiple licensees are involved, each sheet in a set of drawings shall contain the seal, signature and date of the licensee responsible. A licensee not practicing as, or through a firm shall also include contact information to include address and phone number.

(c) Regarding professional engineering, the licensee is responsible for meeting all of the following requirements to be in direct control and personal supervision of the work:

1. The licensee supervises the preparation of the plans, specifications, drawings, reports, or other documents and has input into their preparation prior to their completion and reviews the final plans, specifications, drawings, reports, or other documents prior to signing and sealing the work; and

2. The licensee has the authority to, and does, make any necessary and appropriate changes to the final plans, specifications, drawings, reports, or other documents prior to signing and sealing the work; and

3. The intent of the definition of direct control and personal supervision may be met if all provisions of the definition are met using remote electronic or communication means.

4. An engineer who signs and seals work must be capable of answering questions as to the engineering decisions made during the work on the project in sufficient detail as to leave little doubt as to the engineer's competence for the work performed. It is not necessary to defend decisions, as in an adversary situation, but only to demonstrate the engineer who is in direct control and personally supervising the work made them and possessed sufficient knowledge of the project to make them. The individual should be able to clearly define the degree of control over the work and how it was exercised, and should be able to demonstrate that the engineer was answerable within said degree of control necessary for the work done.

5. The intent of the law shall not be met if an unlicensed person independently performs engineering work, to then be reviewed, signed and sealed by a professional engineer. An unlicensed person may only be used if the professional engineer is personally directing the unlicensed person and the work is performed concurrent with the supervision.

STATE OF OKLAHOMA

Architectural Registration Boards, that, in the opinion of the board, meets the requirements of this chapter, based on verified evidence, may, upon application, be registered in accordance with the regulations of the board.

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

(c) A person holding a certificate of registration authorizing the person to practice land surveying in a state, territory or possession of the United States, the District of Columbia, or a foreign country, may, upon application, be registered in accordance with the regulations of the board if the person's certificate was issued under requirements comparable to those in this state.

(d) A person holding a certificate of registration authorizing the person to practice landscape architecture in a state, territory, or possession of the United States, the District of Columbia, or a foreign country, that in the opinion of the board meets the requirements of this chapter, based on verified evidence, may upon application, be registered under the regulations of the board. A person holding a certificate of qualification issued by the Council of Landscape Architectural Registration Boards may upon application be registered under regulations of the board.

Sec. 08.48.201. Application for registration. (a) Application for registration as a professional architect, a professional engineer, a professional land surveyor, or a professional landscape architect shall

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

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

(3) contain five references, three of whom must be architects for architectural registration, engineers for engineering registration, land surveyors for land surveying registration, and landscape architects for landscape architectural registration, having personal knowledge of the applicant's architectural, engineering, land surveying, or landscape architectural education, training or experience.

(b) *[Repealed, Sec. 54 ch 37 SLA 1985].*

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

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

Sec. 08.48.215. Retired status registration. (a) On retiring from practice and payment of an appropriate one-time fee, an individual who is a registrant in good standing with the board may apply for the conversion of a certificate of registration to a retired status registration. An individual holding a retired status registration may not practice architecture, engineering, land surveying, or landscape architecture in the state. A retired status registration is valid for the life of the registration holder and does not require renewal.

(b) An individual with a retired status registration may apply for a certificate of registration. Before issuing a certificate of registration under this subsection, the board may require the applicant to meet reasonable criteria as determined under regulations of the board. The criteria may include submission of continuing education credits and reexamination requirements.

Sec. 08.48.221. Seals. (a) Each registrant may obtain a seal of the design authorized by the board, bearing the registrant's name, registration number, and the legend "Registered Professional Architect," "Registered Professional Engineer," "Registered Professional Land Surveyor," or "Registered Professional Landscape Architect," as appropriate. When a registrant issues final drawings, specifications, surveys, plats, plates, reports, or similar documents, the registrant shall stamp the documents with the seal and sign the seal. The board shall adopt regulations governing the use of seals by the registrant. An architect, engineer, land surveyor, or landscape architect may not affix or permit a seal and signature to be affixed to an instrument after the expiration of a certificate or for the purpose of aiding or abetting another person to evade or attempt to evade a provision of this chapter. The registrant, by affixing the registrant's seal to final drawings, specifications, surveys, plats, plates, reports, or similar documents, and by signing the seal, certifies that the documents were prepared by or under the registrant's direct supervision, are within the registrant's field of practice, or constitute design work of minor importance.

(b) Final drawings, specifications, surveys, plats, plates, reports, or similar documents containing the work of multiple fields of practice shall be sealed and signed by a registrant in each field of practice covered by the document. The registrant shall certify on the face of the document the extent of the registrant's responsibility for all work prepared under the registrant's seal. When certifying design work of minor importance, the registrant shall identify that work on the document near the registrant's seal and take responsibility for all work prepared under the registrant's seal.

(2) reapplying to the board for registration by comity as required by 12 AAC 36.103 - 12 AAC 36.109 and paying the appropriate fee.

(c) An expired certificate of corporate, limited liability company, or limited liability partnership authorization may not be reinstated. A corporation, limited liability company, or limited liability partnership whose certificate of corporate, limited liability company, or limited liability partnership authorization has expired must apply for a new certificate of corporate, limited liability company, or limited liability partnership authorization under AS 08.48.241.

(d) Repealed 1/20/2002.

(e) An applicant for reinstatement of an expired certificate of registration shall meet the requirements of 12 AAC 36.110(a) unless the applicant was originally registered in the state based on an acceptable treatise.

(f) Notwithstanding (b) of this section, the board may require an applicant for reinstatement who has been sanctioned for any of the conduct described in 12 AAC 36.320 in the ten years preceding the application for reinstatement to be re-examined under 12 AAC 36.100.

Authority: AS 08.01.100 AS 08.48.231 AS 08.48.241
AS 08.48.101

12 AAC 36.170. FEES. All fees under AS 08.48 and this chapter, including application, examination, registration, renewal, late renewal penalty, and continuing education extension period fees are established in 12 AAC 02.105 and 12 AAC 02.110.

Authority: AS 08.01.065 AS 08.48.101 AS 08.48.265
AS 08.01.100

12 AAC 36.180. SEAL. (a) The seal authorized for use by professional architects is of the following design or a substantially similar electronic or digital representation of the design.



(b) The seal authorized for use by professional engineers is of the following design or a substantially similar electronic or digital representation of the design:



The seal must reflect the branch of engineering authorized by the board. This identification is to be placed below the registrant's name and preceding the registrant's number on the seal as noted:

- AG — Agricultural engineer
- EC — Chemical engineer
- CE — Civil engineer
- CS — Control systems engineer

- EE — Electrical engineer
- EV — Environmental engineer
- FP — Fire protection engineer
- IN — Industrial engineer
- ME — Mechanical engineer
- MM — Metallurgical and Materials engineer
- EM — Mining and Mineral Processing engineer
- NM — Naval architecture and Marine engineer
- NU — Nuclear engineer
- EP — Petroleum engineer

(c) The seal authorized for use by professional land surveyors is of the following design or a substantially similar electronic or digital representation of the design:



(d) The seal authorized for use by professional landscape architects is of the following design or a substantially similar electronic or digital representation of the design:



(e) The seal authorized for use by structural engineers is of the following design or a substantially similar electronic or digital representation of the design:

