

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

MISSION STATEMENT

The board's mission is to protect the public health, safety, and welfare through the regulation of the practice of architecture, engineering, land surveying, and landscape architecture by:

- ensuring that those entering these professions in this state meet minimum standards of competency, and maintain such standards during their practice; and**
- enforcing the licensure and competency requirements in a fair and uniform manner.**



Alaska Division of Corporations, Business and Professional Licensing

Virtual Meeting Code of Conduct

I understand that by participating in any virtual board meeting or event hosted by the Division of Corporations, Business and professional Licensing, **I am agreeing to the following code of conduct:**

Expected Behavior

- Because CBPL and its boards value a diversity of views and opinions, all board members, invited guests, members of the public, and division staff will be treated with respect.
- Be considerate, respectful, and collaborative with fellow participants.
- Demonstrate understanding that the board is following a business agenda and may reasonably change it to ensure meeting efficiency. Unless invited ahead of time to address the board, the chair may recognize members of the public to speak for a limited time during the public comment period.
- Recognize the chair has the authority to manage the meeting, and staff may intercede to assist, if needed.
- All participants are also subject to the laws applicable in the United States and Alaska.

Unacceptable Behavior

- Harassment, intimidation, stalking or discrimination in any form is considered unacceptable behavior and is prohibited.
- Physical, verbal or non-verbal abuse or threat of violence toward of any board member, invited guest, member of the public, division staff, or any other meeting guest/participant is prohibited.
- Disruption of any CBPL board meeting or hosted online session is prohibited.
- Examples of unacceptable behavior include:
 - Comments related to gender, gender identity or expression, age, sexual orientation, disability, physical appearance, body size, race, religion, national origin, political affiliation;
 - Inappropriate use of nudity and/or sexual images in presentations;
 - Use of music, noise, or background conversations as a disruption. While this may happen briefly or incidentally, prolonged or repeated incidents are prohibited.
 - Shouting, badgering, or continued talking over the speaker who has been recognized by the chair.

Reporting Unacceptable Behavior

If you or anyone else in the meeting is in immediate danger or threat of danger at any time, please contact local law enforcement by calling 911. All other reports should be made to a member of the senior management team.

Consequences

If the director of the division determines that a person has violated any part of this code of conduct, CBPL management in its sole discretion may take any of the following actions:

- Issue a verbal or written warning;
- Expel a participant from the meeting;
- Suspend attendance at a future meeting – both virtual and in-person;
- Prohibit attendance at any future CBPL event – both virtual and in-person;
- Report conduct to an appropriate state entity/organization;
- Report conduct to local law enforcement.

CBPL Zoom Meeting Policy/Management

1. Enabled Universal Settings – all CBPL Zoom Accounts
 - A. Schedule Meeting: Audio type (telephone & computer audio), personal meeting IDs, require password for instant meetings, **only 1 meeting can be set in an account for a given time.
 - B. In meeting settings (basic): screen sharing by host only (the host can change that if needed during the meeting), disable desktop/screen share for users
 - C. In meeting settings (advanced): Report participants to Zoom, breakout room, waiting room
2. Staff scheduling meeting:
 - A. Meeting ID – Generate automatically (keeps the ID random)
 - B. Meeting options – mute participants upon entry, enable waiting room
3. Meeting Preparation:
 - A. Staff should schedule the Zoom meeting before submitting the public notice request and include at least 1 of the Zoom call-in numbers and the meeting ID to the Division Director’s assistant for the public notice. This will allow staff to add it to the meeting in the Board meeting calendar that all CBPL employees can view so that front desk staff can provide the information to callers. Melynda can add the one-click join link to meeting invite for division staff that will be attending the meeting (division update, investigations, regulations, etc.) but it will not be shared with the public. Be sure to include the Zoom account that the meeting is listed in.
 - B. The one-click join link should only be provided to board members via OnBoard, not via email.
 - C. The public agenda should have a minimum of 2 Zoom call in numbers and the meeting ID.
 - D. Auto-replies for staff should include the Zoom call in numbers and meeting ID.
4. During the meeting:
 - A. Immediately after call to order and roll call – staff should address the audience, through the chair, “Please note that this meeting is being recorded. The audience may not participate in the meeting with the exception of public comment. If the board enters into executive session, all public attendees will be placed in the waiting room until the executive session concludes and the board returns to the record. Please note that if an attendee disrupts the meeting and does not allow the board to conduct the business scheduled on the agenda, that attendee may be removed from the meeting.”

Zoom Accounts:

PASSWORD: Cbpl2019

BoardofBarbersHairdressers@alaska.gov

boardofnursing@alaska.gov

ConstructionContractors@alaska.gov

boardofpublicaccountancy@alaska.gov

medicalboard@alaska.gov

license@alaska.gov

realestatecommission@alaska.gov



ALASKA STATE BOARD OF REGISTRATION FOR
ARCHITECTS, ENGINEERS, AND LAND SURVEYORS
TENTATIVE AGENDA

MAY 9TH, 2022 (DAY 1)

Zoom link:

<https://us02web.zoom.us/j/88213570456?pwd=amdpSTF0QnQwZGRZbWdVZWtSK09wQT09>

Teleconference: 253-215-8782

Meeting ID: 882 1357 0456 Password: 896232

Meeting Details

Meeting Start Time: 1:00 p.m.

Meeting Start Date: 5/9/2022

Meeting End Time: 5:00 p.m.

Meeting End Date: 5/11/2022

Meeting Location: SolstenXP, Inc. 406 W Fireweed Lane, Anchorage, AK

Agenda

1. 1:00 pm - Call to Order/Roll Call
2. 1:05 pm – Mission Statement
3. 1:07 pm – Virtual Meeting Code of Conduct
4. 1:09 pm - Ethics Reporting
5. 1:15 pm – Continuing Education Audit Instructions Review
6. 2:00 pm – Continuing Education Audit Documentation Review
7. 4:30 pm - Recess

Board Members:

Catherine Fritz
Architect (Chair)

Jeffrey Garness
*Civil/Environmental
Engineer (Vice Chair)*

Edward Leonetti
*Landscape Architect
(Secretary)*

Robert (Bob) Bell
Land Surveyor

Brent Cole
Public Member

Elizabeth Johnston
Electrical/Mechanical

Loren Leman
Civil Engineer

Jake Maxwell
Land Surveyor

Randall Rozier
Architect

Sterling Strait
*Civil/Structural
Engineer*

Fred Wallis
Mining Engineer



ALASKA STATE BOARD OF REGISTRATION FOR
ARCHITECTS, ENGINEERS, AND LAND SURVEYORS
TENTATIVE AGENDA

MAY 10TH, 2022 (DAY 2)

Zoom link:

<https://us02web.zoom.us/j/84789062566?pwd=RFR6WS85RUVaVINHYWQ1cFUzNXhTUT09>

Teleconference: 253-215-8782

Meeting ID: 847 8906 2566 **Password:** 920054

Board Staff:

Sara Neal
*Executive
Administrator*

Heather Noe
Licensing Examiner

**Upcoming
Meetings:**

August 16-17, 2022
November 2022

8. 9:00 am - Reconvene
9. 9:05 am - Review/Amend/Approve Agenda
10. 9:15 am - Review/Approve Minutes from February 15-16th, 2022,
Board Meeting
11. 9:30 am – 2022 Strategic Plan
 - A. Overview of Feb 2022 meeting action items
12. 9:40 am - Licensing Examiner Report
13. 9:50 am – Regulation Projects
 - A. Review Public Comments for 12AAC36.112 – Temporary
Military Spouse Registration
 1. Action - Motion
 - B. Status of 2019 Regulation Project – Update (Sara)
 - C. Regulation project - 12AAC36.185(a)7-I & 36.990 – Direct
Supervisory Control – Update - Leman & Garness
 - D. Regulation project – Article V – Continuing Education
Committee – Update - Johnston
 - E. Regulation project – 12AAC36.180 – Seals – Garness,
Johnston

1. Action - Motion
14. 10:45 am – Break
15. 11:00 am – Old Business
 - A. Annual Report – Garness
 1. Action – Motion
16. 11:30 am – Public Comment
17. 12:00 pm – Lunch
18. 1:00 pm – Old Business Cont.
 - B. Alternate Education / Equivalent Degree – Bell
19. 1:20 pm – Correspondence
 - A. Incoming
 1. Home Inspector – new home builder certificate
 - B. Outgoing
 1. “Title of Engineer” letter - Pending
 2. “Engineer” in business name letter - Pending
 3. ADEC
 4. HB61 Comments – Revised
 5. UAA/UAF Graduate Letter
20. 1:40 pm – Application Reviews with full board review as needed
21. 3:15 pm - Break
22. 3:30 pm – Committee Updates
 - A. Guidance Manual
 1. Joint Venture clarification
 2. Update By-laws – reference to Landscape Architect
 3. Definition of “design” in regulation
 4. Definition of “responsible charge” in statute
 5. Board service CEU definition
 6. Sealing Record Drawings
 - B. Continuing Education
 1. Meeting update

2. Identify NCEES, NCARB, CLARB and other states' standards for CEU number of units

C. Outreach Committee

1. 1-year outreach newsletter
2. FAQ's / Update website
3. Share investigation information w/registrants
4. Possible outreach event at UAF during August board meeting

D. Legislative Liaison Committee

1. Meeting Update
2. Statute Project

E. Investigatory Committee (Leonetti, Maxwell)

1. Clarify role of committee

23. 5:00 pm - Recess



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

MAY 11TH, 2022 (DAY 3)

Zoom link:

<https://us02web.zoom.us/j/81793588072?pwd=MXBpVXIjMDBXUVpSOVIWb2U3STRQdz09>

Teleconference: 253-215-8782

Meeting ID: 817 9358 8072 **Password:** 495229

24. 9:00 am – Reconvene
25. 9:05 am – Investigative Report
26. 9:30 am – Executive Session
27. 10:45 am – Break
28. 11:00 am – Conclude Continuing Education Review
 - A. Discuss incomplete audits - next steps
29. 11:30 am – Public Comment
30. 12:00 pm – Lunch
31. 1:00 pm -New Business
 - A. ADEC – issue of “Record Drawings” – Roy Robertson
 - B. Lemman – PP UAA Presentation
 - C. Board - list of convictions for Policy & Procedure 28
 - D. Digital Signatures
32. 2:15 pm - Break
33. 2:30 pm - Division Update
 - A. Legislative Update
 - B. Budget Update
34. 3:00 pm - National Organization Updates

- A. NCEES
 - 1. Amendment to resolution – New Mexico
- B. NCARB
 - 1. Regional meeting update
- C. CLARB
 - 1. Special meeting update
- 35. 3:15 pm – Outreach Reports
 - A. Fritz – AIA
 - B. Leman - UAA
- 36. 3:20 pm - Application Approval
- 37. 3:30 pm – Action Item Review
- 38. 3:45 pm - Calendar and Meeting Review
 - A. May 19-21 - NCEES – Western Zone
Attending – Johnston, Maxwell, Neal
 - B. June 2-5 - NCARB – ABM
Attending – Fritz, Rozier, Cole, Neal
 - C. August 16-17 – AELS Board Meeting
 - D. August 23-26 – NCEES ABM
Attending – Fritz, Johnston, Maxwell, Neal
 - E. September 21-23 – CLARB ABM
Attending – Leonetti, Neal
 - F. November Board Meeting – set dates
- 39. 4:00 pm - Board Comments
- 40. 4:15 pm - Adjourn

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

Motion & Roll Call Sheet

Made by: _____

Date: 5/10/2022 Time: _____

Seconded by: _____

MOTION: I move that it be resolved to approve the agenda for the May 9-11th, 2022, AELS board meeting.

PASSES UNANIMOUSLY? Yes___ No___

PASSES by ROLL CALL? Yes___ No___

Roll Call Vote	Yes	No	Abstain
Anderson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fritz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Garness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Johnston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leonetti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maxwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rozier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wallis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendment by: _____

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
3 BOARD OF REGISTRATION FOR ARCHITECTS,
4 ENGINEERS AND LAND
5 SURVEYORS
6

7 MINUTES OF THE MEETING
8 February 15-16th, 2022
9

10 *These are DRAFT minutes prepared by staff of the Division of Corporations, Business and*
11 *Professional Licensing. They have not been reviewed or approved by the Board.*
12

13 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62,
14 Article 6, a scheduled meeting of the Board of Registration for Architects, Engineers and
15 Land Surveyors was held in person and virtually on February 15-16th, 2022..
16

17 **1. Call to Order/Roll Call**

18 The meeting was called to order at 9:05 a.m.

19 Board members present, constituting a quorum:

20 Jennifer Anderson, PE Civil Engineer, Environmental Engineer (Secretary)

21 Bob Bell, Land Surveyor

22 Catherine Fritz, Architect (Vice Chair)

23 Jeffrey Garness, PE Civil Engineer, Environmental Engineer

24 Elizabeth Johnston, PE, Electrical Engineer, Fire Protection Engineer (Chair) – joined
25 at 9:50am

26 Loren Leman, PE, Civil Engineer

27 Ed Leonetti, PLA, Landscape Architect

28 Jake Maxwell, PLS, Land Surveyor

29 Randall Rozier, Architect
30

31 Fred Wallis, PE, Mining Engineer – Excused by chair
32

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

34 Sara Neal, Executive Administrator

35 Heather Noe, Licensing Examiner

36 Melissa Dumas, Administrative Operations Manager

37 Greg Francois, Investigator

38 Marilyn Zimmerman, Paralegal

39 Brian Suprise, Paralegal

40 Jun Maquis, Regulation Specialist
41

42 Attending from the public:

43 Roy Robertson, Jesse Escamilla, Allison Schmidt, Sterling Strait (incoming board member)
44 .

1 **2. Mission Statement –**

2 *The board’s mission is to protect the public health, safety, and welfare through the*
3 *regulation of the practice of architecture, engineering, land surveying, and landscape*
4 *architecture by:*

- 5 • *Ensuring that those entering these professions in this state meet minimum standards*
6 *of competency, and maintain such standards during their practice; and*
- 7 • *Enforcing the licensure and competency requirements in a fair and uniform manner.*

8
9 **3. Virtual Meeting Code of Conduct**

10
11 **4. Review/Amend/Approve Agenda**

12
13 **On a Motion duly made by Bob Bell, seconded by Ed Leonetti and approved**
14 **unanimously, it was RESOLVED to approve the agenda.**

15
16 **5. Review/Approve Minutes from November 15-16th, 2021 Board Meeting Edits**

17
18 **On a Motion duly made by Loren Leman, seconded by Ed Leonetti and approved**
19 **unanimously, it was RESOLVED to approve the November 15-16th, 2021 meeting minutes,**
20 **with edits as suggested.**

21
22 **6. Ethics Reporting**

23 Garness shared that he has been involved in a rewrite of a wastewater disposal regulation 18
24 AAC 72. He has made it clear that he is not speaking on behalf of the board. Leman also
25 provided testimony on the proposed regulation change for 18 AAC 72 and did say that he
26 was on the AELS board and the board would need to address some of the issues in the
27 proposed regulation change. Maxwell said that he testified on behalf of ASPLS in support of
28 HB148 2022 Coordinate System Update. Fritz spoke at an AIA conference on the topic of
29 HB 61. Concern was expressed to Director Chambers that Fritz did not make it clear that she
30 was not representing the views of the board. Fritz tried hard to be neutral during her
31 presentation which was on the concerns regarding health, safety and welfare with regard to
32 HB61. Since then, Fritz had a teleconference with AIA and was very careful to state that she
33 was not speaking on behalf of the board. Leman said that Barbara Cash, proponent of HB61,
34 had called him and he told her that the AELS board did not oppose, nor did it support HB61,
35 but if it did pass the board would have to figure out have to administer it. Bell also informed
36 the board that Cash had called him as well and had a similar conversation as Leman had with
37 her.

38 **7. Licensing Examiner Report**

39 Noe shared the number of applications that will be reviewed during the meeting and
40 compared it to what was reviewed during the February 2021 board meeting. Fritz asked for
41 that to be clarified on the report. Fritz suggested instead of comparing previous board
42 meetings to instead compare YTD information for each year. Leonetti said it would be more
43 helpful to have how many were approved and conditionally approved during a meeting and
44 then compare it to how many were licensed by the next meeting. Maxwell would appreciate
45 seeing how many are waiting to sit for the AKLS. He also said that he would like to see how

1 many land surveyors retired during this last renewal period versus how many new land
2 surveyors were licensed.

3 **9. Division Update (moved before 8. Correspondence)**

4 Melissa Dumas walked the board through both the board resources webpage and division
5 reports which shows licensing statistics. In response to the board's request to have an update
6 on HB277, Dumas shared that the division does not have an official position on it, but does
7 not think the bill will move forward. The bill proposes a \$250 late fee if a licensee does not
8 submit their renewal application 60 days before the expiration date. Garness pointed out that
9 this would decrease their time to complete their CEUs. The board will let the division
10 monitor this bill. Dumas went on to cover the 2nd quarter FY22 report. The revenue minus
11 the expenditures plus the carry forward from last year equals a surplus of \$997,000.

12
13 *10:00 am Elizabeth Johnston joined the meeting via zoom.*

14
15 Bell asked Dumas about indirect costs to which Dumas explained how they were allocated to
16 different costs. The division uses the following three methodologies to allocate costs: the
17 first being based on license count – AELS makes up 7.53%, the second is based on the
18 number of transactions made in the financial system and the third is based on personal
19 services. Bell asked if there was a way to allocate the indirect cost of time division
20 administrative staff spent on each program. Leman inquired about the late bill for legal
21 services. Dumas explained that legal billed the division in January 2022 for services
22 provided from July 2021-December of 2021 in which AELS was billed roughly \$700.
23 Leman questioned whether or not these services were worth it and wondered if there were
24 other corrective actions that could be taken that would be more effective.

25
26 **8. Correspondence**

27 **a. Incoming**

- 28 **i. Request for exemption to retake PE** - Sophia Lee is requesting an extension
29 of her five years to sit for the PE exam which expires in February 2022. She
30 has sat for the exam three times and registered to sit for it a fourth time,
31 however, no Pearson Vue testing center was available until after her application
32 expiration date.

33
34 **On a Motion duly made by Loren Leman, seconded by Ed Leonetti and approved**
35 **unanimously, it was RESOLVED to approve the PE exam extension requested by Sophia**
36 **Lee to as soon as can be scheduled.**

37
38 **10. Break**

39
40 **11. Executive Session**

41 **On a Motion duly made by Ed Leonetti, seconded by Catherine Fritz and approved**
42 **unanimously it was RESOLVED for the Alaska Board of Registration for Architects,**
43 **Engineers and Land Surveyors to enter executive session in accordance with AS 44.62.310**
44 **C. 2 and 3, and the Alaska constitutional right to privacy provisions for the purpose of**
45 **reviewing an Investigative Memo concerning retiring licenses under audit and Case No.**
46 **2021-000210.**

1 Present in room or via Zoom: AELS Board, Marilyn Zimmerman, Brian Suprise, Sara Neal &
2 Heather Noe

3 .
4 **8. Correspondence** *(Continued)*

5 **a. Incoming** *(Continued)*

6 **ii. Use of title of engineer**

7 Ron Pearson wrote a letter to board asking them to protect the title of engineer.
8 Fritz commented that it seemed to her that he was asking the title to be protected
9 in broader way than the AELS statutes and regulations allow for. What is
10 relevant to the board is that the word engineer be associated with the practice of
11 engineering as adopted in statute. If AELS does not license a certain discipline
12 of engineering, then that title is not protected by AELS. Johnston cautioned the
13 board of regulating the term engineer unless a person called themselves a
14 “professional engineer.” Leman stated that, while he did think the term
15 engineer should not be used casually, he did not think that the board should take
16 a hard stance on this issue. He suggested to encourage companies to put EIT
17 (Engineer in Training) after a person’s name. Johnston said that she would
18 consult a letter previously written by John Kerr on this subject matter and write
19 a similar letter to Mr. Pearson.

20 **iii. Using Engineer in a Business Name**

21 Jordan Hall of Civil Engineer Educators, LLC was sent a letter from business
22 licensing saying that he could not use this business name without having a
23 Certificate of Authorization. His business is an online education website in
24 which civil engineers can take courses to fulfill their continuing education
25 requirements. Fritz commented that she felt it was fine for the business to have
26 this name because “engineer” was an adjective. This business is not practicing
27 engineering based on the definition AELS uses. They would not fall under the
28 exemptions in AS 08.48.331 (9) which exempts postsecondary educational
29 institutions from needing a registration since this business would not be
30 considered an education institution. Noe pointed out that they used an NAICS
31 code that was for education. Because they did not use the NAICS code for
32 engineering, the board concurred that their business name could remain as is.
33 Johnston volunteered to respond to Mr. Hall.

34 **12. Old Business**

35 **c. Regulation project to review 12AAC 36.180 - Seals**

36 Garness wanted to put all the seals that did not have a discipline prefix on them in
37 one group. He pointed out that he did not put “Registered Professional Structural
38 Engineer” on the structural engineer stamp. Several board members said that it
39 needed to state that. Garness asked if someone who has 3D CAD capabilities
40 could make a cleaner copy of the seals. Johnston offered to redo the CAD files
41 and have them uploaded on to the AELS website. Fritz pointed out that the reason
42 it only has “Structural Engineer” is because “Professional Structural Engineer”
43 has not been defined in statute. Fritz said that until the statute is changed it has to
44 stay “Registered Structural Engineer.”
45

1 **On a Motion duly made by Jeff Garness, seconded by Loren Leman and approved**
2 **unanimously it was RESOLVED to approve the changes as edited in 12AAC 36.180 – Seals**
3

4 *Glenn Hoskinson joined the meeting to introduce herself as the new Deputy Director.*

5 **13. Public Comment** – No one attended or called in for public comment

6 **14. Lunch**

7 **12. Old Business** – *(Continued)*

8 **b. Review draft regulation for military licensure**

9 The division did a pre-review with the Department of Law to create a template to use
10 for this regulation change mandated by SB 21. Maquis made changes to this based on
11 what AELS required. Maquis noted that he had not included that this is not available
12 to land surveyors. Fritz summarized the benefit of this regulation by saying that this
13 would allow military or a military spouse applicant to not have to wait for a board
14 meeting to have their comity application reviewed and approved for temporary
15 registration. The applicant would still have to submit a completed application and
16 complete the arctic course. Leman said he would not be opposed to offering a
17 temporary license without the arctic engineering course and limiting their practice to
18 items that do not require cold regions engineering. Strait commented that the board is
19 not doing much benefit to the applicant by requiring the arctic course seeing that the
20 course can take months to find a course, register and complete the course and then
21 only requiring the Jurisprudence Questionnaire for the extension. Strait thought those
22 two requirements should be switched. Johnston pointed out that there is always a
23 course available within six months. Leman said when he took the arctic course, while
24 he did learn things, it more so showed him what he did not know. He suggested that
25 the temporary license applicant be cautioned to not practice in areas that they are not
26 qualified. Johnston pointed out that if the temporary license holder was a sole
27 practitioner there would be no one to review their work. She said that if the board
28 decided to not keep this requirement than the regulation would need to stipulate that
29 the temporary license holder could not be a sole practitioner. Fritz questioned sub
30 item four of section b that states submit verification of a current unencumbered
31 registration to practice architecture, engineering, or landscape architecture in another
32 state that was based upon education, experience and examination requirements that,
33 in the opinion of the Board were at least equivalent to the requirements of AS 08.48
34 at the time of the out of state registration. Fritz stated that this was too hard to
35 determine and that is why the architect regulations points to submitting an NCARB
36 record. Fritz suggested broadening it to say “submit verification of a current
37 unencumbered registration to practice under the terms of 36.103, 36.105, 36.108, and
38 36.109.” Johnston confirmed with Maquis that the next step would be to complete
39 the FAQ and to public notice it.
40

41 **On a Motion duly made by Loren Leman, seconded by Ed Leonetti and approved**
42 **unanimously through roll call vote it was RESOLVED to approve the new regulation**
43 **12AAC 36.112 – Temporary Military Courtesy Certificate of Registration as amended.**
44

45 Roll Call: Yeas – Anderson, Bell, Fritz, Garness, Johnston, Leman, Leonetti, Maxwell, Rozier
46 Absent for Vote: Wallis

1 Fritz proposed change to the agenda. It was discovered that one of the Senate committees is
2 taking testimony at 3:30 this afternoon on HB148 which is the bill Maxwell has been monitoring
3 and participating in. She proposed the possibility of him participating either in person or by
4 telephone.
5

6 **On a Motion duly made by Catherine Fritz, seconded by Loren Lemman and approved**
7 **unanimously it was RESOLVED to amend the agenda by adding a discussion about the**
8 **board’s position on HB148 to allow for Jake Maxwell to speak on the board’s behalf during**
9 **the Senate committee meeting on February 15th, 2022.**

10
11 Maxwell shared that HB148 amends statute that has North American datum from 1983. The
12 National Geodetic Survey (NGS) flew the project and created an updated gravity model with
13 refined horizontal and vertical locations. To put this new model into effect requires a statute
14 change. This refined coordinate system creates one zone for all of Alaska and will be used by
15 several different disciplines, but much of it starts with the survey. It is especially important right
16 now with the possibility of the infrastructure money coming within the state. NGS has already
17 supplied this at no cost. It will offer both consistent horizontal and vertical control. It will be
18 fully implemented by 2024. Fritz added that accurate data in the survey world is the basis for
19 many other disciplines and becomes the basis for many health, safety, welfare decisions,
20 therefore the AELS board would like to see the most updated information available in statute.
21 Lemman asked if there will be conversion information available on how to convert data from older
22 systems to the new system to which Maxwell replied that there would be.
23

24 **On a Motion duly made by Bob Bell, seconded by Catherine Fritz and approved**
25 **unanimously it was RESOLVED to appoint Jake Maxwell to speak on behalf of the AELS**
26 **board in support of HB148 in its current form.**

27
28 **12. Old Business (Continued)**

29 **d. Staff approval of applications 12AAC 36.010/.103/.105/.109**

30 Changing regulation to allow for staff to approve comity applications had been
31 discussed, but no motion had been done to begin a regulation project.
32

33 **On a Motion duly made by Ed Leonetti, seconded by Loren Lemman and approved**
34 **unanimously it was RESOLVED to approve a regulation project for 12AAC36.010, 36.103,**
35 **36.105, and 36.109 to give AELS staff the authority to approve comity applicants.**

36
37 Neal pointed out that the proposed 12AAC 36.010 9(j) makes it so that the only
38 applications that staff can approve are those that are submitted with an NCARB
39 certificate, NCEES record, or a CLARB council record.
40

41 **a. Status of 2019 regulation project**

42 Jun Maquis joined to give a status on the regulation project. He said that the staff
43 approval for comity applications regulation changes could be joined with this as it has
44 not been public noticed yet. Fritz volunteered to do the FAQ for it so that it could
45 be added.

1
2 **d. Staff approval of applications 12AAC 36.101/.103/.105/.109**
3

4 **On a Motion duly made by Catherine Fritz, seconded by Jeff Garness and approved**
5 **through a roll call vote it was RESOLVED to approve the changes in 12AAC36.010,**
6 **36.103, 36.105, and 36.109 to give AELS staff the authority to approve comity applicants.**
7

8 Roll Call: Yeas – Anderson, Fritz, Garness, Johnston, Leman, Leonetti, Maxwell, Rozier

9 Nays – Bell

10 Absent for vote: Wallis
11

12 When the motion was discussed, Bell asked if it should say “preliminary approval”
13 instead of “approval.” Johnston said that this regulation change was meant to defer
14 approval to staff. Fritz also added that it was only for those applicants who met the
15 national standards in their professions. Staff could not approve the application if it
16 had a “Yes” answer or if no national record (NCEES, NCARB or CLARB) was
17 submitted. Bell suggested it to say contingent on the board so that the board has a
18 final say as he was questioning whether statute would allow for staff to approval.
19 Johnston explained that legal was consulted and they advised that what would be
20 required is these regulation changes for staff to approve applications. The names of
21 the applicants that staff approved would not be read into the record as they are now,
22 but, instead, be an informational item that is within the agenda/minutes. Bell clarified
23 that the applicants would be approved by staff with no board input. Johnston said that
24 the board input would be a board-created checklist. Garness commented that this
25 would avoid the board spending time reviewing applications that met all requirements
26 that have already been reviewed by staff. Fritz pointed out that the motion says “give
27 AELS staff the authority to approve” which lets staff approve ones that are straight
28 forward, but also lets staff decide whether or not they will approve it or send it on to
29 the board. All approvals will be done under the terms of the limited scope of the
30 regulations that only comity applicants can meet. The comity applicants have to have
31 met the three national organizations’ criteria. Bell said he was uncomfortable with
32 staff giving the final approval especially if the applicant’s degree was an alternate
33 degree. Leman stated that the board would always have the ability to step in and
34 override staff or look at a specific application if there were questions or concerns.
35 Leman suggested that any applicants could be approved by staff could be uploaded to
36 Onboard and the board would have a certain amount of time to review if they wanted
37 before the applicant would be approved and licensed by staff. Maquis pointed out
38 that this proposed regulation change creates efficiency by allowing task delegation of
39 the board to staff. Maquis talked the board through the regulation change timeline.
40 The best-case scenario would be that the regulation project would be in effect by the
41 November 2022 meeting.
42

43 **e. Legal Updates**

1 i. **Legal response to “direct supervisory control”**

2 This was in response to a question asked as to whether or not a registrant could
3 have direct supervision over an independent contractor. Legal suggested that to
4 resolve the inherent difference between the language of direct knowledge and
5 direct supervisory control by starting a regulations project to amend 12AAC
6 36.185 (a)(7)-(i) to make it conform to AS08.48.221(a). First a regulations
7 project would need to be created and second a definition would need to be
8 written for direct supervision that addresses independent contractors and keep it
9 in accordance with what is in statute. Legal also offered to help AELS come up
10 with language should AELS want to start a regulation project for this. Garness
11 expressed concern in that the response from legal seemed to indicate that you do
12 not have to have direct supervisory control it just has to be within the one
13 sealing its field of practice. Fritz pointed out that legal implied a missing
14 comma and words in “*by signing the seal, certifies that the documents were*
15 *prepared by or under the registrant's direct supervision, are within the*
16 *registrant's field of practice, or constitute design work of minor importance.*” in
17 AS08.48.221(a). Legal is implying that “certifies that” is also before “are
18 withing the registrant’s field of practice.” Legal’s interpretation is that these are
19 three alternatives for the criteria to seal a document meaning you do not have to
20 have direct supervisory control. Fritz said that by stamping it the registrant is
21 providing the certification required. A registrant should not be stamping if they
22 did not do the work being supervised. The stamp is the certification that the
23 registrant has done their responsible duties. Legal’s opinion was that direct
24 supervision is not required if the work is done by the registrant, is in their field
25 of practice or is work of minor importance. So the question back to legal is if
26 there should be an “or” between “under the registrant’s direct supervision” and
27 “are within the registrant’s field of practice” or instead just have “or” apply to
28 “constitute design work of minor importance.” Bell suggested changing the
29 word “or” to an “and.” Several board members agreed that a registrant should
30 never stamp any plans without reviewing the work. Johnston referred to the
31 DOT case where standard drawings that had been done by engineers who had
32 long since died and their plans were still being used. It was concluded that the
33 current engineer review the drawings of the deceased engineer before stamping
34 them with their seal since a registrant cannot take responsible control over work
35 that they have not reviewed. Leman shared that he does not think that it matters
36 what the relationship is between the registrant and the person doing the work,
37 but what is important is that the registrants be sufficiently involved in the work.
38 He said that changing this in statute could be done with the accumulating statute
39 changes so then the regulation could be changed as well.
40

41 **On a Motion duly made by Ed Leonetti, seconded by Jake Maxwell and approved**
42 **unanimously it was RESOLVED to create a regulation project to amend 12AAC36.185**

1 **(a)(7) – i and 12AAC36.990 to conform to AS8.48.221 and to define direct supervision.**

2
3 When discussing the motion, Leman stated that he did not agree with legal’s
4 interpretation of the statute. He thinks that the first two “*prepared by or under*
5 *the registrant's direct supervision, are within the registrant's field of practice*”
6 are linked and then the or is just for “*work of minor importance.*” Garness and
7 Leman volunteered to work on this regulation project.

8 **ii. Joint Venture** – Legal responded by stating that if one of the two or more
9 entities have a certificate of authorization than the joint venture is not required
10 to get a certificate of authorization. This will be clarified in the Guidance
11 Manual by the Guidance Manual Committee.

12 **iii. Limited Partnership** – Limited Partnerships do need to be added to
13 AS08.48.241 as an entity that needs a certificate of authorization. This will
14 need to be added to the proposed statutory changes. The Legislative Liaison
15 Committee has been tasked with compiling all the proposed statutory changes
16 into one document for the board to review during the May 2022 Board meeting.
17

18 **f. Guidance Manual Committee**

19 **i. Calculation Sealing** - Page 23 - under “Sealing Professional Work” in
20 paragraph 2 took out “calculation” from “Drawings and specifications must
21 have a signed and dated seal...”

22 **ii. “Work of Minor Importance”** – Page 24 – added paragraph under “Stamping
23 and Signing of Plans” to clarify work of minor importance
24 “*When document(s) are stamped by multiple registrants for design of minor*
25 *importance, the document(s) shall identify the “work of minor importance on*
26 *the document(s) near the registrant's seal and take responsibility for all work*
27 *prepared under the registrant's seal” in compliance with 08.48.221(b).”*

28
29 **On a Motion duly made by Jeff Garness, seconded by Ed Leonetti and approved**
30 **unanimously it was RESOLVED to approve the changes in the Guidance Manual that**
31 **removes the language requiring calculations being sealed on Page 23 and the explanation**
32 **added for “work of minor importance” on Page 24 as written.**
33

34 When Johnston asked if there was discussion on the motion, Leman confirmed
35 that there is still an allowance that calculations could be sealed if registrant
36 wants to or if the client wants them sealed. The board is not saying that they
37 must.

38 **iii. Update By-Laws** – task still in process

39 **iv. Definition of “design” in regulation** - task still in process

40 **v. Definition of “responsible charge” in statute** - task still in process

41 **vi. CE Regulation 12 AAC36.520(5) – calendar year** - task still in process

42 **vii. Board service CEU definition** - task still in process
43

1 **On a Motion duly made by Jennifer Anderson, seconded by Jake Maxwell and**
2 **approved unanimously it was RESOLVED to amend the agenda by moving item 20 –**
3 **Voting on Board Officers from February 16th to February 15th so Jennifer Anderson can**
4 **participate.**

5
6 **20. Elect 2022 Board Officers**

7 Johnston asked for nominations for the upcoming chair, vice-chair, and secretary positions.
8 Bell nominated Fritz for chair and Garness for vice-chair. Johnston nominated Leonetti for
9 vice-chair. Garness nominated Leonetti for secretary.

10
11 **On a Motion duly made by Loren Leman, seconded by Jeff Garness and approved**
12 **unanimously it was RESOLVED to elect Catherine Fritz as chair.**

13
14 **On a Motion duly made by Loren Leman, seconded by Jake Maxwell and approved via**
15 **roll call vote it was RESOLVED to elect Jeff Garness as vice-chair and Ed Leonetti as**
16 **secretary.**

17
18 Officers assume their roles after the February meeting.

19
20 **15. New Business**

21 **a. Possible registrant communication platforms**

22 Garness pointed out that the Outreach Committee found that one of the biggest issues
23 it has is the inability to disseminate information out to the registrants. Information
24 such as board decisions made in board meetings or decisions made regarding a
25 disciplinary action that would be good to get out to the registrants in some sort of
26 electronic newsletter form. Johnston assigned it to the Outreach Committee to look
27 into. Garness asked if there was any funding available to pay someone to do the
28 newsletter for us. Fritz mentioned that there was a request put in for money for
29 outreach in the 2021 Annual Report. Johnston assigned it to the Outreach Committee
30 for the year with the intent of coming up with a template that could easily be
31 populated with information.

32 **b. Guidance Manual exemption**

33 There is a discrepancy between exemption AS08.48.331(a)(7) and what is written in
34 the Guidance Manual on page 5. Johnston suggested changing the Guidance Manual
35 to just refer to AS08.38.331 rather than duplicate information. Correcting this
36 information was assigned to the Guidance Manual Committee.

37 **c. 2022 Strategic Plan**

38 Fritz talked the board through the 2022 Strategic Plan that her and Leonetti worked
39 on. For each objective, there are several strategies and for the strategies there are
40 actions to go with them. Because each committee is active, those were added to the
41 strategies. After each board meeting, Fritz has been adding to each task the
42 corresponding Strategic Plan number. Anything typed in red is what has been added
43 for this year. The Strategic Plan is a high level guide for the board. The action item

1 list is tied to the Strategic Plan and the board should not be assigning tasks that are
2 not part of the Strategic Plan. Johnston suggested meeting with the new chair and
3 Neal to go over the status of each task from 2021. Fritz suggested that each
4 committee take a look at the actions that are assigned to them for the year and decide
5 which ones to work on or tasks the committee would possibly want to add.

6 **On a Motion duly made by Ed Leonetti, seconded by Jake Maxwell and approved**
7 **unanimously it was RESOLVED to adopt the 2022 Strategic Plan as presented in the**
8 **February 2022 AELS board meeting.**

9
10 Leman suggested sharing the Strategic Plan with the registrants so they can see what
11 the board is doing and possibly help with the actions the board has for the year

12
13 With it being Anderson's last board meeting, Johnston asked if she would like to have Emeritus
14 Member status. Anderson indicated that she would so a motion was made.

15
16 **On a Motion duly made by Catherine Fritz, seconded by Ed Leonetti and approved**
17 **unanimously it was RESOLVED to make Jennifer Anderson an emeritus member of the**
18 **AELS board.**

19
20 **d. Discipline Issues (ADDED)**

21 An applicant had a license action in one state and then was disciplined in another
22 state for having that license action; however, the applicant only indicated the state
23 where he received the license action in the professional fitness question's required
24 letter of explanation. Leman was asked to help with the investigation and thought a
25 non-disciplinary letter would be advisable along with, on a voluntary basis, the
26 applicant speak to a professional society on the importance of integrity, honesty, and
27 accuracy for a design professional or make a donation to a UAA or UAF scholarship
28 fund. Leman thinks of this as restorative justice where it is more than a slap on the
29 hand but less than a full legal disciplinary case. When he suggested this action to
30 staff, he received pushback so he said that he would bring it before the board to see
31 how it felt about this line of action. Johnston suggested having a non-disciplinary
32 section to the discipline matrix the board creates. Maxwell shared that at the NCEES
33 Western Zone conference in 2021, each state shared what they did for disciplinary
34 actions. Depending on the offense, some states have the registrant take the state-
35 specific exam, or retake the PS exam, or have an outreach project such as speaking to
36 a university, writing a letter to be included in the board minutes, etc. Maxwell
37 suggested reaching out to those states to see what they use for their discipline
38 matrixes. Johnston suggested adding the discipline matrix with diversionary
39 restorative justice techniques to an ad hoc committee along with barrier crimes and
40 conditions and statutes of limitations. Members will be assigned to this committee
41 during the committee assignment item #32 in tomorrow's agenda.

42 **e. Alternative ABET degrees (ADDED)**

43 The board has in its Boards Policies and Historical Information a list of alternative

1 ABET degrees. Bell had three applications he reviewed where the applicant had an
2 ABET degree but it was not listed as an alternative degree. One applicant in
3 particular had an ABET degree in energy systems which AELS does not even license
4 and was applying to sit for the civil exam. This applicant's experience had very little
5 civil engineering. Another applicant has a geological engineering degree and is
6 applying to sit for the civil exam. Her experience is almost all in mining. Even
7 though the Board Policies had geological engineering as an equivalent degree to civil,
8 Bell asked if the board wanted to reconsider its equivalent degree table since his
9 review of this applicant's degree found that it was not equivalent to a civil degree.
10 Anderson had this come up in a previous meeting during application review and she
11 referred to 12AAC36.063(a)(3) which says "*submit to the board satisfactory evidence*
12 *that the applicant's education or work experience or both are equivalent to the*
13 *requirements set out in the following applicable table of education and work*
14 *experience requirements for a professional engineering examination: (TABLE B)*"
15 Using that, Anderson had said that it is within the board's capabilities to evaluate
16 applicant's education, even if the applicant does not have an equivalent degree.
17 Because these are exam applicants, Bell is concerned that applicants want to sit for
18 civil exam and become civil engineers with degrees that do not have enough civil
19 courses in them. Johnston pointed out that in 12AAC36.063 TABLE B one option is
20 to have an ABET degree in a discipline that is not being applied for in which case an
21 applicant needs an extra year of experience. Bell stated that the applicants are having
22 their responsible charge time signed off by a civil engineer, but in one case, the
23 applicants experience is all mining. Bell questioned whether or not the board should
24 allow for alternative pathways for education and asked if the board wanted to open up
25 a pathway that allowed for applicants to possibly take on jobs they were not qualified
26 to do. Johnston and Leonetti commented that it is up to the individual registrant work
27 ethically and only take on jobs that they are qualified to do. Fritz pointed out that
28 regulations are designed to meet minimum standards and that licensure is a three-
29 legged stool. These applicants have to pass the exam. Bell replied that a person
30 could take a course on the exam and pass the exam and he is not sure if that is in the
31 best interest of the health, safety and welfare for the people of Alaska. He said it is
32 not his intention that these three applicants not sit for the exam, but does think that
33 the board should consider changing the criteria. Fritz agreed that these three
34 applicants be reviewed under the current regulations, but if changes need to be made
35 then a regulation project should be started. Bell asked if the board could tell someone
36 that they could not sit for the exam they were applying for and instead sit for the
37 exam the board felt they were qualified for. Fritz said that statute states, "*The*
38 *applicant shall submit evidence satisfactory to the board of the applicants, education,*
39 *training and experience.*" Regulation shows what is satisfactory to the board through
40 the education and experience tables. Bell said that the tables are vague and asked if
41 the board wanted to look at getting more specific by saying that an applicant has to
42 have a certain level of education to sit for a certain exam. Johnston thinks the board
43 would get pushback on that. Leonetti said that a candidate can be from a different

1 educational background and still meet and exceed the expectations of a different
2 discipline and does not think the board should limit that possibility. Johnston assigned
3 Bell with looking into what the board uses for its criteria for alternative education.
4

5 Johnston invited Anderson to speak since this was her last board meeting. Anderson thanked
6 everyone and welcomed Sterling Strait. She shared that she has learned so much during the last
7 four years. She looks forward to seeing everyone outside of board activities and encouraged the
8 board to reach out to her if they need anything. The board thanked her for her service.
9

10 **17. Application Review** (board members reviewed before meeting)

11 **18. Meeting recessed for the day.**

12 **19. Reconvened at 9:04am**

13 **Board:** Bob Bell, Catherine Fritz, Jeff Garness, Elizabeth Johnston, Loren Leman, Ed
14 Leonetti, Jake Maxwell, Randall Rozier. Excused by chair: Jennifer Anderson, Fred Wallis

15 **Division Staff:** Sara Neal, Heather Noe, Greg Francois, Marilyn Zimmerman, Patrick Kase,

16 **Public:** Senator Mia Costello, Katy McCall, Roy Robertson, Sterling Strait, Brent Cole

17 **21. Investigative Report**

18 Chief Investigator Greg Francois joined the meeting to introduce himself to the board. Kase
19 shared that he had gone to the Fire Marshall meeting and passed on that Lloyd Macanno
20 wanted to touch base with the board. The Investigative Report covered the period of
21 November 4, 2021 to February 2, 2022. There are currently 19 open cases and 23 closed
22 cases. Francois informed the board that there is no statute of limitations on these cases. Fritz
23 inquired about creating a “lessons learned” out of the investigation process that can help
24 improve AELS’s registrants’ understanding of their responsibilities which would in turn
25 lessen the investigative team’s load. Francois pointed the board to the division’s website
26 where all disciplinary actions are listed. It gives a brief synopsis of what statute or regulation
27 was violated. Garness said that the board is more looking for a summarization of a case
28 outcome that could be sent out to registrants so that the same issue that is causing violations
29 does not get repeated. Francois said that he could run statistics on all the cases that involved
30 license actions and what those license actions were. Johnston informed Francois that AELS
31 had formed an ad hoc investigative committee that would be working to create a disciplinary
32 matrix.
33

34 Senator Mia Costello and her chief of staff, Katy McCall, joined the meeting. Leman introduced
35 Senator Mia Costello who represents West Anchorage and chairs the Senate Labor and
36 Commerce Committee. Leman stated that it would be this committee that would review any
37 proposed statute change project that AELS would have introduced. Costello said that she would
38 be happy to help with that. Costello introduced her chief of staff Katie McCall. Costello serves
39 on the Engineering Advisory Council with Leman and is very interested in the “Lead the Way”
40 program that the engineering school does at Dimond High School. The board members
41 introduced themselves to Costello. Costello thanked the board for their service.
42
43

1 **22. Full Board Application Review**

2 **a. Alek Venechuk**

3 Alec applied to the AELS board to sit for the FS on 6/28/2010. He was found
4 incomplete saying he needed to complete an additional 15 semester credit hours in
5 surveying. He submitted to board staff the programs he was considering to fulfill the
6 educational requirements and was told via Vern Jones that a board member said the
7 courses were acceptable. Venechuk asked Jones on 10/5/2010 if those courses would
8 also make him eligible to sit for the PS to which Jones replied that they would be
9 acceptable to apply for the PS as well. Jones would have been using the regulations
10 saved in resources. Venechuk completed the courses and took and passed the FS in
11 2015 and nothing was said to him about the regulations changing between when he
12 applied to take the FS and when he actually took it. He completed his required
13 experience and applied to the board to sit for the PS and the AKLS in November
14 2021. He was found incomplete for the following reason, “Transcripts do not meet
15 the requirements as stated in 12 AAC 36.065(2)(h)(2).”

16 The current 36.065 regulation states that a PS application had to be submitted by
17 6/30/2014 to be under the old regulations (TABLE A in current regulations) that
18 Jones was using. Venechuk submitted his PS application 7/6/2021. Because he
19 submitted his PS application after 7/1/2014, his application would be reviewed under
20 the new regulations. It was decided to write a letter to Venechuk to inform him that
21 he needed 12 additional semester credits in the courses listed in 12 AAC
22 36.065(2)(h)(2).

23 **24. Break**

24 **25. Executive Session**

25 **On a Motion duly made by Ed Leonetti, seconded by Catherine Fritz and approved**
26 **unanimously it was RESOLVED for the Alaska Board of Registration for Architects,**
27 **Engineers and Land Surveyors to enter executive session in accordance with AS 44.6 2.310**
28 **C. 2 and 3, and the Alaska constitutional right to privacy provisions for the purpose of**
29 **reviewing Case No. 2021-000210. a CE exemption request and CLARB’s proposed Uniform**
30 **Standards**

31 Present in room or via Zoom: AELS Board, Sara Neal, Heather Noe, Marilyn Zimmerman, Brian
32 Suprise

33
34 **On a Motion duly made by Catherine Fritz, seconded by Bob Bell and approved via roll**
35 **call vote it was RESOLVED after examining the Investigative Memo in Case No. 2021-**
36 **000210, to hereby grant a CE exemption in the matter of Paul Gabbert, professional civil**
37 **engineer registration No. AELC8824.**

38 Roll Call: Yeas – Bell, Fritz, Leman, Leonetti, Maxwell, Rozier. Nays – Johnston. Recused -
39 Garness

1 **On a Motion duly made by Catherine Fritz, seconded by Jeff Garness and approved via**
2 **roll call vote it was RESOLVED to approve a continuing education extension to Thomas**
3 **McKay for CE requirements for the 2020-2021 renewal period for license AELP8148 until**
4 **June 1, 2022.**

5 Roll Call: Yeas-Fritz, Garness, Johnston, Leman, Leonetti, Maxwell, Rozier. Recused – Bell

7 **On a Motion duly made by Ed Leonetti, seconded by Jake Maxwell and approved via**
8 **roll call vote it was RESOLVED to approve professional civil engineer registration**
9 **#AELC9958 Christopher Hawe’s application to retire his license immediately.**

10 Roll Call: Yeas-Bell, Fritz, Garness, Johnston, Leman, Leonetti, Maxwell, Rozier.

12 **On a Motion duly made by Jake Maxwell, seconded by Catherine Fritz and approved**
13 **unanimously it was RESOLVED to authorize Ed Leonetti to represent the board on the**
14 **CLARB Uniform Standards.**

15
16 **26. Lunch**

17 **22. Full Board Application Review – (Continued)**

18 **b. Lori Jones**

19 Applicant submitted a Civil by Exam application. She has an ABET accredited
20 Bachelor’s in Environmental Resources Engineering and a Master’s in Civil
21 Engineering. Because she has both her bachelor’s degree and her master’s degree,
22 she thought that qualified her for option 1 in TABLE B of 12AAC36.063 which
23 would award her 5 years for education leaving her only needing three years of
24 experience. Her bachelor’s degree is not an equivalent degree for civil engineering in
25 the Board Policies handbook. Jones has written a letter asking the board to consider
26 her BS in EV degree as equivalent to a BS in CE degree. She has a total of 37
27 months of work experience verified with 25 of those months being responsible
28 charge. Leman stated that other schools have this degree but call it civil engineering
29 with a water resources emphasis. Bell felt that it should not be treated as an
30 equivalent degree since it is not listed as one and instead, she should have extra
31 experience in civil engineering.

32 **On a Motion duly made by Loren Leman, seconded by Jeff Garness and approved via**
33 **roll call vote it was RESOLVED to approve Lori Jones to sit for the PE civil exam.**

34 Roll call: Yeas - Garness, Johnston, Leman, Leonetti, Maxwell. Nays – Bell, Fritz, Rozier

35 **c. Margaret Clayton**

36 Applicant is applying civil engineer by exam. She has a degree in Geological
37 Engineering which is an equivalent degree in the Board Policies Handbook to
38 civil engineering. Her experience has all been signed off on by a civil engineer.
39 In reviewing her degree, Bell did not feel like the degree is equivalent to a civil
40 degree and her experience is all geological. In Leman’s opinion her experience is
41 in a specialty that civil engineer’s supply. It is not broad experience, but it is civil
42 experience.

43 **On a Motion duly made by Loren Leman, seconded by Ed Leonetti and approved via**
44 **roll call vote it was RESOLVED to approve Margaret Clayton to sit for the PE civil exam.**

45 Roll Call: Yeas-Bell, Fritz, Garness, Johnston, Leman, Leonetti, Maxwell, Rozier.

1 **23. Statute Focus Group Update**

2 **a. Board Composition – Anderson / Maxwell / Rozier**

3 Proposed - Sec 08.48.011(b) 08.48.031. “*The board consists of two civil engineers,*
4 *two land surveyors, one mining engineer, one electrical, one [OR] mechanical*
5 *engineer, two design professionals from [ANOTHER] any branch of professions*
6 *regulated by this board not otherwise represented on the board, two architects, one*
7 *landscape architect, and one public member” Rozier pointed out that this would*
8 *increase the board by two, by adding a mechanical and one engineer from any branch*
9 *of the profession of engineering not otherwise represented on the board which would*
10 *allow for a structural engineer. Maxwell added that HB 61 would impact what the*
11 *board make-up would be. Johnston said that the language does not prevent multiple*
12 *licensed disciplines of civil engineers. Fritz was concerned about raising the number*
13 *of board members since it would flag it because of the financial impact. Garness*
14 *stated that both an electrical and mechanical seat are needed on the board. Bell*
15 *cautioned the board about putting the statute in front of the legislature for change and*
16 *said that this should only be done if the board is forced to do it because of HB61.*
17 *Johnston ended the discussion by saying that she did feel like the board was being*
18 *forced into this by a new interpretation of the existing statute that prohibits the board*
19 *from having both an electrical and a mechanical engineer on the board. Fritz asked if*
20 *there was a way to interpret 08.48.011 to allow for the possibility of an electrical and*
21 *mechanical engineer to sit on the board simultaneously. The action item was referred*
22 *to legal and the Legislative Liaison Committee.*

23 **28. Break**

24 **27. Committee Updates**

25 **a. Continuing Education Committee – Johnston, Bell, Anderson, Garness and**
26 **Leonetti**

27 Because IT made a group email list for AELS to be able to send out to all registrants,
28 the committee re-opened the survey. 1,476 people participated in the survey.
29 Johnston talked through the responses from the survey. The survey responses
30 indicated that the majority of people who responded were in favor of keeping
31 continuing education. Bell interpreted the results to say that the respondents were in
32 favor of CEs, but have less hours required and less restrictions on what type of
33 courses would be allowed. Garness suggested keeping the audit but only have it for
34 registrants who have had a disciplinary action or have had complaints regarding
35 incompetence filed against them. Leman thought that having less restrictions on the
36 type of courses that would qualify would help the process. Leonetti asked the CE
37 committee to research the number of CE hours like-size states require. Fritz tasked
38 the committee with using the survey data to review the regulations and draft
39 suggested regulation changes.

40 **On a Motion duly made by Catherine Fritz, seconded by Ed Leonetti and approved via**
41 **roll call vote it was RESOLVED to approve a regulation project on Article V**

42 Roll Call: Yeas-Bell, Fritz, Johnston, Leman, Leonetti, Maxwell, Rozier Nays: Garness

43
44 *The new public member, Brent Cole, joined the meeting via zoom and introduced himself to the*
45 *board.*

1 **b. Legislative Liaison Committee** – no update

2 Leman met with the Senate Labor and Commerce Committee and shared the mission
3 of the board as well as the agenda for this meeting. He asked the committee what can
4 be done to recruit young people into the professions this board regulates. Leman let
5 them know that the two board member candidates that will be before the committee
6 are, in the board’s opinion, fine people who will contribute to the board.

7 **c. Guidance Manual Committee** – no update

8 **d. Licensure Mobility Committee** – no update

9 **29. Outreach Reports** – in board packet, did not discuss

10 **30. Review Action Item List**

11 **a. Set date for 2022 AKLS** – April 21 – Juneau and April 22 – Anchorage

12 **b. Assign Annual Report / Travel Plan** – Vice Chair Jeff Garness

13 **31. Board Committee Assignments**

14 **Investigatory Advisory** - all of board except the public member

15 **Guidance Manual** – Randall Rozier (Chair), Loren Leman, Ed Leonetti, Jake Maxwell

16 **Legislative Liaison** – Loren Leman (Chair), Bob Bell, Jeff Garness, Elizabeth Johnston, Ed
17 Leonetti

18 **Outreach Committee** – Jake Maxwell (Chair), Randall Rozier, Sterling Strait, Fred Wallis

19 **Planning & Implementation** – Ed Leonetti (Chair), Catherine Fritz

20 **Continuing Education** – Elizabeth Johnston (Chair), Bob Bell, Jeff Garness

21 **Budget** – Jeff Garness

22 **Emeritus** – Fred Wallis

23 **Investigation Advisory Committee (ad hoc)** – Ed Leonetti, Jake Maxwell

24 **32. National Organization Updates / Upcoming Meeting Dates**

25 **a. NCARB**

26 i. 2022 NCARB Regional Summit – March 4-5th
27 Fritz and Neal will be attending

28 ii. 2022 NCARB ABM Austin, TX – June 2nd-4th

29
30 **On a Motion duly made by Catherine Fritz, seconded by Ed Leonetti and approved**
31 **unanimously it was RESOLVED to APPROVE to send Catherine Fritz, Randall Rozier,**
32 **and Brent Cole as AELS’s fully funded delegates and Executive Administrator, Sara Neal,**
33 **to the 2022 NCARB Annual Business Meeting or as designated by chair.**

34
35 **b. NCEES**

36 i. 2022 Western Zone Interim Meeting – May 19-20th

37 ii. 2022 NCEES ABM Carlsbad, CA – August 23rd-26th

38
39 **On a Motion duly made by Catherine Fritz, seconded by Ed Leonetti and approved**
40 **unanimously it was RESOLVED to APPROVE to send Catherine Fritz, Elizabeth**
41 **Johnston, and Jake Maxwell as AELS’s fully funded delegates and Executive**
42 **Administrator, Sara Neal, to the 2022 NCEES Annual Business Meeting or as designated**
43 **by chair.**

1 **c. CLARB**

- 2 i. Uniform Standard Vote – April 20th
3 ii. 2022 CLARB ABM Atlanta, GA – Sept 2022
4

5 **On a Motion duly made by Catherine Fritz, seconded by Jake Maxwell and approved**
6 **unanimously it was RESOLVED to APPROVE to send Ed Leonetti as AELS’s fully funded**
7 **delegate 2022 CLARB Annual Business Meeting or as designated by chair.**
8

9 **33. Read Applications into the Record**

10
11 **On a Motion duly made by Ed Leonetti, seconded by Loren Leman and approved**
12 **unanimously it was RESOLVED to APPROVE the following list of applicants for**
13 **registration by comity and examination with the stipulation that the information in the**
14 **applicants’ files will take precedence over the information in the minutes.**

FIRST NAME	LAST NAME	TYPE OF LICENSE	FEB DECISION
EDWARD	HANBICKI	ARCHITECT	APPROVED
Aaron	Lengyel	ARCHITECT	APPROVED
ROBERT	MILLER	ARCHITECT	APPROVED
Christopher	Rutledge	ARCHITECT	APPROVED
Allison	Schmidt	ARCHITECT	APPROVED
Jeffrey	Fasteen	CIVIL	APPROVED
VAN	FISHER	CIVIL	APPROVED
Anthony	HAFNER	CIVIL	APPROVED
ALAN	HEPNER	CIVIL	APPROVED
BRETT	MAGARAM	CIVIL	APPROVED
Jon	Miles	CIVIL	APPROVED
STUART	MITCHELL	CIVIL	APPROVED
Anthony	Parris	CIVIL	APPROVED
ANA	PLANA CASADO	CIVIL	APPROVED
ALLEN	RAMIREZ	CIVIL	APPROVED
RUSSELL	REED	CIVIL	APPROVED
MARGARET	SMITH	CIVIL	APPROVED
Jonathan	Toone	CIVIL	APPROVED
TYLER	OESTER	ENVIRONMENTAL	APPROVED
TINA	BISHOP	LANDSCAPE ARCH	APPROVED
ANDREA	KUNS	LANDSCAPE ARCH	APPROVED
SPENCER	ALBRIGHT	MECHANICAL	APPROVED

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1 **On a Motion duly made by Ed Leonetti, seconded by Catherine Fritz and approved**
2 **unanimously it was RESOLVED to CONDITIONALLY APPROVE the following list of**
3 **applicants for registration by comity and examination with the stipulation that the**
4 **information in the applicants’ files will take precedence over the information in the**
5 **minutes.**

FIRST NAME	LAST NAME	TYPE OF LICENSE	FEB DECISION
Maryanne	Bartolome	ARCHITECT	CONDITIONAL
AMY	BRAGG	ARCHITECT	CONDITIONAL
HOLLY	CHOWNING	ARCHITECT	CONDITIONAL
Jed	Prest	ARCHITECT	CONDITIONAL
MICHELLE	BARNES	CIVIL	CONDITIONAL
Christopher	Bydlon	CIVIL	CONDITIONAL
MARGARET	CLAYTON	CIVIL	CONDITIONAL
CHRIS	CRONICK	CIVIL	CONDITIONAL
LINDSAY	EVERHART	CIVIL	CONDITIONAL
TERRY	GRYTING	CIVIL	CONDITIONAL
M.R.	HASAN	CIVIL	CONDITIONAL
Joshua	Howes	CIVIL	CONDITIONAL
Derek	Hrubes	CIVIL	CONDITIONAL
BOBLOWENDE	ILBOUDO	CIVIL	CONDITIONAL
Lori	Jones	CIVIL	CONDITIONAL
Noah	Kimmes	CIVIL	CONDITIONAL
LINDSEY	KROMREY	CIVIL	CONDITIONAL
JOHN	MALABY	CIVIL	CONDITIONAL
JEFFREY	MARTT	CIVIL	CONDITIONAL
JESSE	MILLER	CIVIL	CONDITIONAL
ANDREA	MORENO	CIVIL	CONDITIONAL
TAYLOR	NUFER	CIVIL	CONDITIONAL
PEGGY	PAULUS	CIVIL	CONDITIONAL
KEEGAN	PETERS	CIVIL	CONDITIONAL
MARY-JANE	PIGGOTT	CIVIL	CONDITIONAL
Maria	Sanders	CIVIL	CONDITIONAL
SCOTT	SHERMAN	CONTROL SYSTEMS	CONDITIONAL
EDWARD	FAYDA	ELECTRICAL	CONDITIONAL
ALI	GHAMKHAR	ELECTRICAL	CONDITIONAL
PETER	LEPTUCH	ELECTRICAL	CONDITIONAL
WILLIAM	LOU	ELECTRICAL	CONDITIONAL
HALEY	MICHAEL	ENVIRONMENTAL	CONDITIONAL
Matthew	Morgan	LANDSCAPE ARCH	CONDITIONAL
TAYLOR	DOSCH	LAND SURVEYOR	CONDITIONAL
SCOTT	HOLM	LAND SURVEYOR	CONDITIONAL
ROBERT	NEUHAUS	LAND SURVEYOR	CONDITIONAL

ALEKSEY	VOLOSHIN	LAND SURVEYOR	CONDITIONAL
Kirstyn	Draper	LAND SURVEYOR	CONDITIONAL
Alex	Arneson	MECHANICAL	CONDITIONAL
ANDREW	EKLUND	MECHANICAL	CONDITIONAL
JAROD	GRICE	MECHANICAL	CONDITIONAL
PETER	LEPTUCH	MECHANICAL	CONDITIONAL
SUSAN	SLATTERY	MECHANICAL	CONDITIONAL
MATTHEW	GROFF	NAVAL ARCH & MARINE	CONDITIONAL
SEAN	NOSTE	NAVAL ARCH & MARINE	CONDITIONAL
KELLY	SONERHOLM	NAVAL ARCH & MARINE	CONDITIONAL
MATTHEW	BETSILL	STRUCTURAL	CONDITIONAL
RYAN	BONNIWELL	STRUCTURAL	CONDITIONAL
Ariel	Gonzales Basualdu	STRUCTURAL	CONDITIONAL
DANIEL	KING	STRUCTURAL	CONDITIONAL
Max	Lehman	STRUCTURAL	CONDITIONAL

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On a Motion duly made by Ed Leonetti, seconded by Catherine Fritz and approved unanimously it was RESOLVED to find the following list of applicants for registration by comity and examination INCOMPLETE with the stipulation that the information in the applicants' files will take precedence over the information in the minutes

FIRST NAME	LAST NAME	TYPE OF LICENSE	FEB DECISION
JAMES	FRYE	CIVIL	INCOMPLETE
ALEC	VENECHUK	LAND SURVEYOR	INCOMPLETE
HAYDEN	MAXWELL	MECHANICAL	INCOMPLETE

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The board took time to clarify how it was going to proceed with application reviews. It was decided to have board members each individually review the applications assigned to them and their reviewing board member partner. The two reviewing board member partners would schedule a call to compare decisions on each applicant and talk through any issues. Any applicants that their decisions did not agree would be brought to the board meeting for a full board discussion. All decisions would be read into the record at the meeting. Neal will check with the division regarding the reviewing board member partners discussing applicants via a phone call that is not on the record.

34. Board Member Comments

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Johnston was thanked for serving as chair. Cole and Strait were welcomed and thanked for being willing to serve. Leman was thanked for inviting a legislator to the meeting. Leman encouraged the board to streamline its discussion on issues and was glad that part of the legislature was introduced to the AELS board. The next time the board meets in Juneau,

1 Lemman hopes that the board will be a bit more intentional about planning more time
2 interacting with the legislators. Fritz thanked Neal and Noe for having a well-prepared
3 meeting and was glad that the virtual attendees expressed concerns about having a voice in
4 the hybrid meetings. She also encouraged the board to be thinking about outreach
5 opportunities during the May board meeting in Anchorage. She thanked Johnston for her
6 service as chair and informed the board that Johnston is running for a seat in the NCEES
7 Western Zone. Fritz also thanked the board for placing their confidence in her to be their
8 chair and looks forward to the coming year. Johnston thanked the board for helping her get
9 so many items accomplished this year. The board wished Fred Wallis a speedy and thorough
10 recovery and look forward to having him back at the next meeting.

11
12 **35. Meeting adjourned 4:45pm**

13
14
15 Respectfully submitted:

16
17
18 _____
19 Sara Neal, Executive Administrator

20 Approved:

21
22 _____
23 Elizabeth T. Johnston, PE Chair
24 Alaska Board of Registration for Architects,
25 Engineers, and Land Surveyors

26 Date: _____

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

Motion & Roll Call Sheet

Made by: _____

Date: May 10, 2022 Time: _____

Seconded by: _____

MOTION: I move that it be resolved to approve the February 15-16th, 2022, meeting minutes.

PASSES UNANIMOUSLY? Yes___ No___

PASSES by ROLL CALL? Yes___ No___

Roll Call Vote	Yes	No	Abstain
Anderson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fritz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Garness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Johnston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leonetti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maxwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rozier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wallis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendment by: _____

OBJECTIVES

1. Ensuring that those entering these professions in this state meet minimum standards of competency, and maintain such standards during their practice; and

2. Enforcing the licensure and competency requirements in a fair and uniform manner.

STRATEGIES

a. Support license mobility by following national standards

b. Prepare university students for licensure

- *Encourage licensing preparedness through UAA and UAF Engineering programs.*
- *Encourage Alaskan architecture and landscape architecture students to become licensed in Alaska*

c. Maintain an effective outreach program

- *Clarify the path to licensure for each discipline*
- *Share outreach program with license holders, licensure candidates, legislators, allied professions.*

d. Provide Administrative Support

- *Collaborate with Department to stabilize staffing and address institutional knowledge loss.*
- *Collaborate with Department to address meeting locations and outreach program challenges.*

a. Protect HSW through effective Regulations

- *Analyze and update regulations to simplify and maintain standards of the 3 Es (Education, Experience, Examination).*
- *Enforce regulations with prompt and thorough investigations.*

b. Collaborate with design professionals

- *Listen to and address regulatory concerns.*
- *Interact with professional organizations on HSW matters.*

c. Maintaining Competency through Continuing Education

- *Update CE regulations to reflect model law.*
- *Simplify CE reporting forms and licensee CE record keeping.*

d. Provide Administrative Support

- *Empower staff to administer simple applications without Board review.*
- *Modify regulations to accept NCEES application files.*
- *Increase access to legal support.*
- *Support special projects to develop knowledge base of Board past actions*

OBJECTIVE 1. Ensuring that those entering these professions in this state meet minimum standards of competency, and maintain such standards during their practice; and

STRATEGIES

a. Support license mobility by following national standards when updating statutes, regulations, and policies.

- *Maintain Licensure Mobility Committee*

2022 PLANNED ACTIONS (3.1.2022 – 2.28.2023)

1. Review proposed changes for consistency with relevant NCARB, NCEES, and CLARB standards.
2. Complete regulation change regarding military licenses.

b. Prepare university students for licensure by

- *encouraging licensing preparedness at UA (and other) engineering and land surveying/geomatics programs.*
- *encouraging Alaskan architecture students to become licensed in Alaska.*
- *encouraging Alaskan landscape architecture students to become licensed in Alaska.*

1. Send congratulatory letter to UA engineering and land surveying graduates.
2. Participate in university activities at UAA and UAF.
3. Appoint liaisons to applicable UAA and UAF Boards.
4. Present at 1 (or more) UAA weekly PDH Seminar series.
5. Identify Alaskan architecture and landscape architecture graduates and send congratulatory letters.

c. Maintain an effective outreach program

- *Assist students and candidates on their licensure path*
- *Share outreach program with license holders, licensure candidates, legislators, allied professions.*
- *Maintain Outreach Committee*
- *Encourage Diversity, Equity, and Inclusion (DEI)*

1. Develop and schedule at least 1 outreach project per discipline, per year, then complete an outreach report on each event.
2. Increase opportunities to interact with candidates and registrants. (e.g., newsletter, social media)
3. Analyze current DEI in the AELSLSA professions and develop a DEI plan

d. Provide Administrative Support

- *Collaborate with Department to support staff in developing reports, addressing meeting locations and outreach program challenges, etc.*
- *Collaborate with Department to answer questions from candidates and registrants.*

1. Utilize and organize Onboard Resource folders so they are easily accessible.
2. Identify events early to work out logistical challenges.
3. Promptly respond to administrative requests for assistance from candidates and registrants.
4. Assist in writing the Annual Report and Travel Plan.

OBJECTIVE 2. Enforcing the licensure and competency requirements in a fair and uniform manner.

STRATEGIES

a. Protect public HSW through effective statues and regulations

- Analyze/update regulations to simplify and maintain standards of the 3 Es.
- Enforce regulations with prompt and thorough investigations
- *Maintain Investigatory Advisory Committee and Legislative Liaison Committee*



2022 PLANNED ACTIONS (3.1.2022 – 2.28.2023)

1. Complete the regulation update project started in 2019.
2. Draft statue changes identified in 2019 in bill form and obtain a bill sponsor.
3. Review by-laws and work with investigator to share investigation information with registrants and improve investigator case efficiencies.
4. Develop a “lessons learned” summary with investigator and Board to increase consistency and share knowledge.

b. Collaborate with design professionals and allied professions

- Listen to and address regulatory concerns.
- *Interact with professional organizations, especially on HSW matters.*
- *Maintain Guidance Manual Committee*



1. Meet with architectural, engineering, surveying, and landscape architecture societies to listen to comments on legislature’s proposed interior design licensing bill.

c. Maintaining Competency through Continuing Education

- Update CE regulations to reflect model law.
- Simplify CE reporting and licensee CE record keeping.
- *Maintain Continuing Education Committee*



1. Study existing continuing education problems, and draft regulation changes to address.
2. Gather CE requirements and record keeping from other jurisdictions.
3. Gather CE requirements and record keeping from other Alaska boards.

d. Provide Administrative Support

- *Collaborate with staff to increase efficiencies.*
- Support special projects to develop knowledge base of Board past actions
- *Maintain Planning and Implementation Committee and Emeritus Status Committee.*
- *Collaborate with staff to identify board training needs and opportunities.*



1. Complete regulation changes that are necessary to empower staff to perform some level of application review/approval.
2. Complete statute changes to empower staff (See 2a2)
3. Complete regulation change to accept NCEES application files.
4. Review and update by-laws.
5. Review and update board member welcome packet.
6. Utilize Onboard resource folders to organize information
7. Develop overall board activity calendar.

			2022 FEB
02-2022-01	Staff		30 days post me
02-2022-02	1.d. Staff		April 1?
02-2022-03	2.a. Chair/Staff		May-22
02-2022-04	1.d. Chair/Staff		May-22
02-2022-05	1.c. Leonetti		May-22
02-2022-06	1.c. Fritz		May-22
02-2022-07	1.c. Johnston		May-22
02-2022-08	2.a. Staff		May-22
02-2022-09	2.a. Staff		May-22
02-2022-10	1.b. Chair		May-22
02-2022-11	1.c. Architects		Nov-22
02-2022-12	1.c. LA		Nov-22
02-2022-13	1.c. Engineers		Nov-22
02-2022-14	1.c. Surveyors		Nov-22
02-2022-15	2.d. Guidance Manual		May-22
02-2022-16	1.c. Johnston/Maxwell		May-22
02-2022-17	1.c. Leonetti		May-22
02-2022-18	1.c. Fritz/Rozier		May-22
02-2022-19	Staff		May-22
02-2022-20	1.b. Licensure Mobility Committee		May-22
02-2022-21	1.a. Staff		May-22
02-2022-22	1.b. Johnston		May-22
02-2022-23	1.b. Johnston		May-22
02-2022-24	1.b. Johnston		May-22
02-2022-25	2.a. Garness & Leman		May-22
02-2022-26	2.a. Guidance Manual		May-22
02-2022-27	1.d. Outreach Committee		May-22
02-2022-28	Guidance Manual		May-22
02-2022-29	2.a. Bell		May-22
02-2022-30	2.d. Staff/Fritz		May-22
02-2022-31	2.a. Adhoc: Disciplinary Matrix		May-22
02-2022-32	1.b. Loren Refer to Legal/Legislative		May-22
02-2022-33	2.a. Liason Committee		May-22
02-2021-25	2.a. Outreach Committee		Aug-21

02-2022-35

Legislative Liaison Committee

May-22

Staff

Leonetti

Staff

Legislative Liaison Committee

Legislative Liaison Committee

Guidance Manual

Guidance Manual

Guidance Manual

Guidance Manual

Guidance Manual

Continuing Education

Continuing Education

Garness

3 BOARD MEETING

Draft Meeting minutes	Complete
Place travel request for May meeting (Anchorage)	Complete
Update committee assignment roster	Complete
Conduct new committee member orientation at May meeting	Ongoing
CLARB Report due (mid-year update meeting 4/7/2021)	Ongoing
NCARB Report Due (annual meeting 6/24-6/26)	Ongoing
NCEES Report Due (Western Zone Meeting)	Ongoing
Public Notice 2019 Regulation Project	Ongoing
Public Notice Military Spousal Registration Regulation Project	Complete
Send congratulatory letter to UA engineering and land surveying graduates.	Ongoing
Develop 1 outreach project and complete report. - Architecture	Ongoing
Develop 1 outreach project and complete report. - Landscape Architecture	Ongoing
Develop 1 outreach project and complete report. - Engineering	Ongoing
Develop 1 outreach project and complete report. - Surveying	Ongoing
Joint ventures require a COA change guidance manual	Complete
Attend NCEES annual meeting & create report	Ongoing
Attend CLARB annual meeting & create report	Ongoing
Attend NCARB annual meeting & create report	Ongoing
Comity Registration Applications Instructions under WEV - 2 example projects - see Nov 2020 board minutes	Ongoing
UAF offering of Arctic Engineering	Ongoing
Correspondence: Applicant requesting an extension to take PE Exam	Complete
Correspondence: Respond to "Title of Engineer" letter	Ongoing
Correspondence: Respond to "Engineer" in Business name	Ongoing
Redo Seals in autocad for 12AAC 36.180	Ongoing
Regulation Project: 12 AAC 36.185 (a)7 - (i) Define "direct supervisory control"	Ongoing
Clarify that if one or both sides of the Joint Venture have a current COA the joint venture does not need a COA	Complete
1-year outreach from committee (newsletter), determine requirements for potential help with this	Ongoing
Exemption 7 - refer to statute	Ongoing
Alternate Education/Equivalent Degree - Board Policies and 12 AAC 36.063 TABLE B	Ongoing
Submit form for Emeritus Status for Jennifer Anderson	Complete
Discipline Matrix / Barrier Crimes / Statute of Limitations	Ongoing
Letter on CE extension	Complete
Is there a way to interpret 08.48.011 to allow a mechanical and electrical to simultaneously serve on the board?	Complete
Share investigation information with registrants, including patterns of complaints so registrants can be educated.	Ongoing

Statute Project Incorporate LPs into proposed Statute updates	Ongoing
Letter RE: Joint Venture	Complete
Complete Regulation project LA direct examination approval	Complete
Add stale and abandoned application info to FAQ.	Ongoing
Update definitions in statute	Ongoing
Update exemptions in statute	Ongoing
update board by-laws, reference to Landscape Architect	Complete
CE regulation 12AAC 36.520(5) calendar year	Ongoing
Definition of "design" in regulation	Complete
Definition of "responsible charge" in statute	Ongoing
Guidance manual board service CEU definition	Ongoing
Identify other standards for CEU number of units - include other states, NCEES, NCARB and CLARB	Ongoing
Regulation project on Article V	Ongoing
Annual Report, Travel Plan	Ongoing

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

EXAMINERS REPORT FOR THE MAY 9-10TH, 2022 BOARD MEETING

Licenses Issued Since February 2022 Application Review:

LICENSE TYPE	# of Licenses Issued
AGRICULTURE ENGINEER	0
ARCHITECT	7
CHEMICAL ENGINEER	1
CIVIL ENGINEER	28
CONTROL SYSTEMS ENGINEER	0
ELECTRICAL ENGINEER	4
ENVIRONMENTAL ENGINEER	2
FIRE PROTECTION ENGINEER	0
INDUSTRIAL ENGINEER	0
LAND SURVEYOR	1
LANDSCAPE ARCHITECT	3
MECHANICAL ENGINEER	9
METALLURGICAL AND MATERIALS	0
MINING AND MINERAL PROCESSING	0
NAVAL ARCHITECT AND MARINE	1
PETROLEUM ENGINEER	0
STRUCTURAL ENGINEER	5

Applications Received for the May 9-10TH, 2022 Board Review:

LICENSE TYPE	# of Applications for Review
AGRICULTURE ENGINEER	0
ARCHITECT	6
CHEMICAL ENGINEER	2
CIVIL ENGINEER	35
CONTROL SYSTEMS ENGINEER	0
ELECTRICAL ENGINEER	9
ENVIRONMENTAL ENGINEER	3
FIRE PROTECTION ENGINEER	1
INDUSTRIAL ENGINEER	0
LAND SURVEYOR	1
LANDSCAPE ARCHITECT	0
MECHANICAL ENGINEER	9
METALLURGICAL AND MATERIALS	0
MINING AND MINERAL PROCESSING	0
NAVAL ARCHITECT AND MARINE	0
PETROLEUM ENGINEER	1
STRUCTURAL ENGINEER	4

Exam Results: January 2022-April 2022

EXAM	PASS	FAIL	NO SHOW	EXAM	PASS	FAIL	NO SHOW	EXAM	PASS	FAIL	NO SHOW
FE	42	36	0	PE	16	9	0	AKLS	0	0	0
FS	3	2	0	PS	5	0	0	SE	0	0	0

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

EXAMINERS REPORT FOR THE MAY 9-10TH, 2022 BOARD MEETING

FY2021 PROFESSIONAL LICENSE STATISTICS

INDIVIDUAL LICENSES:

LICENSE TYPE	FY21 New Issue	FY21 Total License Count	FY20 Total License Count	FY19 Total License Count
AGRICULTURE ENGINEER	0	1	1	1
ARCHITECT	29	597	606	592
CHEMICAL ENGINEER	4	123	125	122
CIVIL ENGINEER	139	3047	3037	2985
CONTROL SYSTEMS ENGINEER	2	52	51	47
ELECTRICAL ENGINEER	37	734	732	714
ENVIRONMENTAL ENGINEER	3	141	142	138
FIRE PROTECTION ENGINEER	5	54	50	46
INDUSTRIAL ENGINEER	0	1	1	1
LAND SURVEYOR	10	416	432	459
LANDSCAPE ARCHITECT	2	53	55	52
MECHANICAL ENGINEER	47	852	867	861
METALLURGICAL AND MATERIALS ENGINEER	0	5	5	4
MINING AND MINERAL PROCESSING ENGINEER	1	47	51	51
NAVAL ARCHITECT AND MARINE ENGINEER	0	19	21	22
PETROLEUM ENGINEER	3	111	114	115
STRUCTURAL ENGINEER	11	387	388	378

FIRM LICENSES:

LICENSE TYPE	FY21 New Issue	FY21 Total License Count	FY20 Total License Count	FY19 Total License Count
Authorized Corporation	24	472	519	490
Authorized Limited Liability Corporation	22	268	284	247
Authorized Limited Liability Partnership	1	6	6	6

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

EXAMINERS REPORT FOR THE MAY 9-10TH, 2022 BOARD MEETING

FY21 Quarterly Breakdown of Application Board Reviews and Licenses Issued:

LICENSE TYPE	February	Licenses Issued	May	Licenses Issued	August	Licenses Issued	November	Licenses Issued
AGRICULTURE ENGINEER	0	0	0	0	0	0	0	0
ARCHITECT	9	6	4	4	5	2	9	8
CHEMICAL ENGINEER	0	0	1	0	1	2	0	0
CIVIL ENGINEER	43	17	23	18	39	20	20	17
CONTROL SYSTEMS ENGINEER	0	0	0	0	0	0	0	0
ELECTRICAL ENGINEER	3	2	10	7	9	4	8	3
ENVIRONMENTAL ENGINEER	0	1	1	1	0	0	1	0
FIRE PROTECTION ENGINEER	0	0	1	1	4	2	0	0
INDUSTRIAL ENGINEER	0	0	0	0	0	0	0	0
LAND SURVEYOR	4	1	2	3	0	0	4	1
LANDSCAPE ARCHITECT	0	0	0	0	0	0	1	1
MECHANICAL ENGINEER	16	9	12	8	6	3	8	5
METALLURGICAL AND MATERIALS ENGINEER	0	0	0	0	0	0	0	0
MINING AND MINERAL PROCESSING ENGINEER	0	0	0	0	1	0	0	0
NAVAL ARCHITECT AND MARINE ENGINEER	0	0	0	0	0	0	0	0
PETROLEUM ENGINEER	0	0	2	0	0	0	0	0
STRUCTURAL ENGINEER	2	2	1	1	4	3	5	4

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS

BRIEF DESCRIPTION: The State Board of Registration for Architects, Engineers, and Land Surveyors proposes to establish temporary courtesy certificate of registration for an active duty military member or their spouse.

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

12 AAC 36.112. Temporary military courtesy certificate of registration, is a proposed new section that establishes temporary courtesy certificate of registration for an active duty military member or spouse of an active duty military member of the armed forces of the United States who meets the requirements of the regulations to practice architecture, engineering, or landscape architecture. The proposed regulations will allow for an expedited registration pathway for those in the military and their spouse.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/205689>, and using the comment link. **The comments must be received not later than 4:30 p.m. on April 6, 2022.** Comments received after this deadline will not be considered by the Board.

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

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov not later than March 30, 2022 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/AELS-0222.pdf>.

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

Statutory Authority: AS 08.01.062; AS 08.01.063; AS 08.48.101; AS 08.48.111; AS 08.48.171; AS 08.48.191

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062; AS 08.01.063; AS 08.48.101; AS 08.48.111; AS 08.48.171; AS 08.48.191

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

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

12 AAC 36.112. Temporary military courtesy certificate of registration. (a) The board shall issue a temporary military courtesy certificate of registration to an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice architecture, engineering, or landscape architecture who meets the requirements of AS 08.01.063 and this section within 30 days after the board receives a completed application.

(b) An applicant for a temporary military courtesy certificate of registration under this section must

(1) submit a completed application on a form provided by the department;

(2) pay the temporary license application and license fees set out under

12 AAC 02.105;

(3) submit a copy of the applicant's military identification or military dependent identification card and a copy of current active duty military orders showing assignment to a duty station in this state;

(4) submit verification of a current, unencumbered registration to practice architecture, engineering, or landscape architecture in a state, territory, or possession of the United States, the District of Columbia, or a foreign country that has met the requirements of 12 AAC 36.103, 12 AAC 36.105, or 12 AAC 36.109;

(5) submit documentation that the applicant has completed the requirements of 12 AAC 36.110; and

(6) not have been convicted of a felony or another crime that affects the

applicant's ability to practice architecture, engineering, or landscape architecture competently and safely.

(c) A temporary military courtesy certificate of registration to active duty military personnel or spouse of military personnel under this section will be issued for a period of 180 days and may be extended at the discretion of the board for an additional 180-day period by

(1) applying on a form provided by the department; and

(2) demonstrating successful completion of a jurisprudence questionnaire prepared by the board covering the provisions of AS 08.48 and this chapter.

(d) While practicing under a temporary military courtesy certificate of registration issued under this section, the holder of the temporary military courtesy certificate of registration must comply with the standards of practice set out in AS 08.48 and this chapter.

(e) The board may refuse to issue a temporary military courtesy certificate of registration for the same reasons that it may deny, suspend, or revoke a certificate of registration under AS 08.48.111. (Eff. ____/____/_____, Register _____)

Authority: AS 08.01.062 AS 08.48.101 AS 08.48.171

AS 08.01.063 AS 08.48.111 AS 08.48.191

Maiquis, Jun C (CED)

From: Neal, Sara J (CED)
Sent: Tuesday, March 8, 2022 9:08 AM
To: Regulations and Public Comment (CED sponsored)
Subject: FW: Public Notice for Proposed Changes to AELS Regulations

From: Steven Owen <steven.owen@permacold.com>
Sent: Tuesday, March 8, 2022 7:22 AM
To: Neal, Sara J (CED) <sara.neal@alaska.gov>
Subject: RE: Public Notice for Proposed Changes to AELS Regulations

You don't often get email from steven.owen@permacold.com. [Learn why this is important](#)

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sara,

I'm a Navy reservist, and I appreciate what the State of Alaska is doing by supporting members of the military, even though I can't take advantage of the benefit.

Alaska, #143287

Steven E. Owen, P.E., P.Eng.
Engineering Lead
PermaCold Engineering Inc.
2945 NE Argyle Street
Portland, Or 97211
Main: 503-249-8190, x136
Direct: 971-404-0596
Mobile: 503-329-3706

From: Neal, Sara J (CED) <sara.neal@alaska.gov>
Sent: Monday, March 7, 2022 5:54 PM
To: commerce_aels <commerce_aels@list.state.ak.us>
Subject: [commerce_aels] Public Notice for Proposed Changes to AELS Regulations

Good afternoon,

The State Board of Registration for Architects, Engineers, and Land Surveyors proposes to establish temporary military courtesy certificate of registration to an active duty military member or spouse of an active duty military member of the armed forces of the United States who meets the requirements of the regulations to practice architecture, engineering, or landscape architecture.

For more information, please open the attached copy of the public notice and draft of the proposed regulation changes.

Thank you,

Sara Neal

Executive Administrator
Board of Registration for Architects, Engineers and Land Surveyors
aelsboard@alaska.gov
(907)465-2540

List Name: commerce_aels@list.state.ak.us

You subscribed as: steven.owen@permacold.com

Unsubscribe at: https://list.state.ak.us/mailman/options/commerce_aels/steven.owen%40permacold.com

Maiquis, Jun C (CED)

From: Strait, Sterling H. <Sterling.Strait@alyeska-pipeline.com>
Sent: Wednesday, March 16, 2022 2:50 PM
To: Regulations and Public Comment (CED sponsored)
Subject: Public Comment - AELS Board - 12 AAC 36.112 Temporary Military Courtesy Certificate of Registration
Attachments: Public Comment - AELS Temp Mil Cert - Strait.3.16.22.pdf

You don't often get email from sterling.strait@alyeska-pipeline.com. [Learn why this is important](#)

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Please find attached a public comment on the following proposed regulation:

Regulation: 12 AAC 36.112 Temporary Military Courtesy Certificate of Registration

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

Thanks!

-Sterling Strait
Alyeska Engineering
(907) 787-8731

March 16, 2022

Sterling Strait, SE

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

RE: Proposed Regulation Change – Temporary Military Certificate of Registration

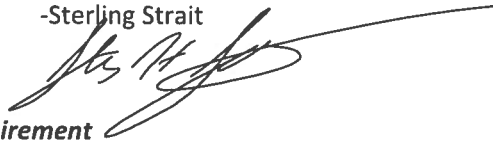
Greetings,

I am writing on my own behalf to submit a public comment on the proposed regulation change: **12 AAC 36.112 Temporary Military Courtesy Certificate of Registration.**

While I soon be joining the AELS Board, I was not part of the discussions around the development of the proposed regulations and feel it is appropriate to submit my comments in this format.

Thank you for taking the time to consider my concerns.

-Sterling Strait



Concern #1: Arctic Engineering Course Requirement

As proposed, the issuance of a *Temporary Courtesy Certificate of Registration* requires that the applicant has completed an arctic engineering course per 12 AAC 36.110. Registering and completing such a course could take upwards of 3 months depending on the available schedule of course offerings.

I believe this limitation violates the intent of these regulations by resulting in a process where obtaining a temporary certificate is not any quicker then obtaining a license through the existing comity process.

Proposed Solution:

- 1) Require applications to complete a brief 'webinar-style' course on the challenges of arctic design.

This would be a 1-2 hour course available to take online at any time. This course would provide a high-level awareness of the topics covered by a standard Arctic Engineering course. The intent would be to make the applicant aware of the pitfalls of working in our state.

- 2) The additional 180-day extension would require the completion of a full Arctic Engineering course.

If implemented, this proposal would align these regulations with the intent of providing an accelerated path to licensure while maintaining public safety through arctic engineering education.

Concern #2: Structural Engineer License

Do the proposed regulations allow for a temporary Structural Engineer license?

I think this is the case as the term 'engineering' is used generically in section (a) which could be assumed to apply to any branch of engineering.

I support the temporary licensure of Structural Engineers under these regulations.

Proposed Solution:

Modify the proposed language as follows:

12 AAC 36.112. Temporary military courtesy certificate of registration. (a) The board shall issue a temporary military courtesy certificate of registration to an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice architecture, ~~engineering, or~~ landscape architecture, ~~or any branch of professional engineering~~ who meets the requirements of AS 08.01.063 and this section within 30 days after the board receives a completed application.

This would link the proposed language to the 'professional engineer' term defined in 12 AAC 36.990(a)(17).

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

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

12 AAC 36.112. Temporary military courtesy certificate of registration. (a) The board ~~will~~ ~~shall~~ issue a temporary military courtesy certificate of registration to an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice architecture, engineering, or landscape architecture who meets the requirements of AS 08.01.063 and this section ~~not later than~~ ~~within~~ 30 days after the board receives a completed application.

(b) An applicant for a temporary military courtesy certificate of registration under this section ~~must~~

(1) ~~must~~ submit a completed application on a form provided by the department;

(2) ~~must~~ pay the temporary license application ~~fee~~ and ~~fee for temporary~~ license fees set out under 12 AAC 02.105;

(3) ~~must~~ submit a copy of

~~(A) the applicant's military identification or military dependent identification card and a copy of current active duty military orders showing assignment to a duty station in this state; or~~

~~(B) if the applicant is the spouse of an active duty military member, the applicant's spouse's current active duty military orders showing assignment to a duty station in this state;~~

(4) ~~must~~ submit verification of a current, unencumbered registration to practice architecture, engineering, or landscape architecture in a state, territory, or possession of the

United States, the District of Columbia, or a foreign country that has met the requirements of 12 AAC 36.103, 12 AAC 36.105, or 12 AAC 36.109;

(5) **must** submit documentation that the applicant has completed the requirements of 12 AAC 36.110; and

(6) **may** not have been convicted of a ~~felony or another~~ crime that affects the applicant's ability to practice architecture, engineering, or landscape architecture competently and safely, **as determined by the board**.

(c) A temporary military courtesy certificate of registration **issued to an** active duty military ~~member personnel~~ or spouse of **an active duty** military ~~member personnel~~ under this section will be issued for a period of 180 days and may be **renewed for one** ~~extended at the discretion of the board for an~~ additional 180-day period, **at the discretion of the board** by

(1) applying on a form provided by the department; and

(2) demonstrating successful completion of a jurisprudence questionnaire prepared by the board covering the provisions of AS 08.48 and this chapter.

(d) While practicing under a temporary military courtesy certificate of registration issued under this section, the holder of the temporary military courtesy certificate of registration must comply with the standards of practice set out in AS 08.48 and this chapter.

(e) The board may refuse to issue a temporary military courtesy certificate of registration for the same reasons that it may deny, suspend, or revoke a certificate of registration under AS 08.48.111. (Eff. ____/____/_____, Register _____)

Authority:	AS 08.01.062	AS 08.48.101	AS 08.48.171
	AS 08.01.063	AS 08.48.111	AS 08.48.191

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

Motion & Roll Call Sheet

Made by: _____

Date: 5/10/2022 Time: _____

Seconded by: _____

MOTION: In considering public comments received and cost to private persons, I move to adopt the proposed regulations 12 AAC 36.112 dealing with temporary military courtesy license as amended

PASSES UNANIMOUSLY? Yes ___ No ___

PASSES by ROLL CALL? Yes ___ No ___

Roll Call Vote	Yes	No	Abstain
Anderson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fritz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Garness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Johnston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leonetti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maxwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rozier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wallis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendment by: _____

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

Motion & Roll Call Sheet

Made by: _____

Date: 5/10/2022 Time: _____

Seconded by: _____

MOTION: In considering public comments received and cost to private persons, I move to adopt the proposed regulations 12 AAC 36.112 dealing with temporary military courtesy license as proposed and publicly noticed

PASSES UNANIMOUSLY? Yes ___ No ___

PASSES by ROLL CALL? Yes ___ No ___

Roll Call Vote	Yes	No	Abstain
Anderson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fritz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Garness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Johnston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leonetti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maxwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rozier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wallis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendment by: _____

Task: Revise regulations to make them consistent with statutes and clarify definition of “responsible charge” and similar terms.

Problem we are trying to solve—and approach

Our direction from the AELS Board was to start a regulation project to make the regulations at 12 AAC 36.185(a)(7) through (i) consistent with the statutes at AS 8.48.221(a) and to work on a definition for “direct supervision” and similar terms.

Harriett Dinegar in the Department of Law provided her interpretation of AS 8.48.221(a). A registrant may seal a document when:

1. The work is done by the registrant or under his/her direct supervision,
2. The work is within the registrant's field of practice, OR
3. The work is of minor importance.

She interpreted this as 1 OR 2 OR 3. While most, if not all, of our Board members bristled at her interpretation, because it is inconsistent within the context of the overall statutes, regulations, Board actions and history, and common professional practice, we acknowledge that is how it could be interpreted, even if not intended that way. Two other interpretations are:

(1 AND 2) OR 3 or 1 AND (2 OR 3).

The second option is better, and we believe this is how it is understood by registrants. However, to correct this in statute will require legislation to insert an “AND,” after the first condition, which means this must go through the Legislature and be approved by the Governor. That is a heavy lift, and we don’t suggest running a statute fix-up bill through the Legislature just for that. But if we have other statute changes we want to enact, this can be one of them.

That gets us to where we are now with the regulations and a possible regulation project that the AELS Board has already approved. The regs are slightly out of compliance with the statutes, but as the attorney acknowledges, in case of conflict, statutes win. We are not sure how important it is for us to modify the regs now so they are fully compliant with the statutes.

And so, while we probably do need a regulation project to make other fixes, we suggest that we really do not want to make the regulations consistent with the Department of Law interpretation of this part of the statutes. Rather, as we develop enough “critical mass” for a statute project, we should fix the statutes. In the meanwhile, we recognize the inconsistency and understand we likely will have an inability to enforce the regulation on this point if it becomes an issue. We are not aware that it has been or will be an issue. But because the motion from the Board was specific about a method to fix the regulations to match the statutes, if the Board agrees with us, it should pass a corrective motion at our next meeting.

Sorting out terms

The other issue we ran into as we got into this is the variety of terms that essentially mean the same thing, or something very similar. Sometimes we use the same term to identify action by both a registrant and an aspiring registrant (which we will call a professional-in-training). For example, we use the term

“responsible charge” to identify when a registrant can seal documents. But we also use that term to define work of greater responsibility that a person who has passed the first exam for his/her profession and is building up qualifying work experience. We require 24 months of “responsible charge,” which we mean to be work of greater responsibility with more creative, original thinking and management.

Because “responsible charge” connotes a level of professional responsibility that a potential registrant is hoping for, and a registrant presumably already has, we conferred with David Cox at NCEES about this. He advised that several other states have moved to using the term “progressive experience,” or something similar to identify this qualifying time for gaining experience. So we chose that term, at least as a placeholder for now, to replace “responsible charge” as applied to professionals-in-training.

Progressive Experience

Means personally delivering or managing work that often requires application of technical principles, resourcefulness, and originality. This may include investigations, surveys, calculations, permit compliance, plans, drawings, designs, specifications, construction observation, and submittal reviews; documentation, fieldwork, and directing drafting, word processing, and other support services; interacting with other team members; public involvement; and project management. The professional-in-training may encounter project challenges, changed conditions, questions about suitability of materials, execution of field services, and resolution of other issues that require unique decisionmaking. The required minimum of 24 months of progressive professional experience is to prepare an applicant for taking "responsible charge" as a professional architect, engineer, or land surveyor.

Direct supervision and similar terms.

These terms are found throughout our statutes and regulations, especially in AS 8.48.221(a) and 12 AAC 36.185 and 12 AAC 990(18) through (22) and (30). Direct supervision, direct supervisory control, personal supervision, responsible charge, responsible control, direct control, direct professional knowledge and similar terms have related meanings that depend somewhat on context. They mean the registrant who seals a document has directly participated, reviewed, observed, inspected, or managed the work sufficiently to attest to its accuracy, suitability, integrity, and conformance with professional standards normally practiced in Alaska, especially for health, safety and welfare of the public, regardless of whether the work is personally done, or is aided by an employee, subcontractor, or independent contractor.

David Cox told us that NCARB will be taking up the definition of “responsible charge” at a meeting later in 2022. NCEES expects to follow suit shortly after that. I expect that members of our AELS Board will participate in those discussions.

These are current definitions that we believe are somewhat lacking in specificity.

Responsible charge (from NCEES model law)

Direct control and supervision of engineering or surveying work.

Responsible charge (from NCARB model law)

The control over and detailed professional knowledge of the development and execution of the project, including Technical Submissions, as is ordinarily exercised by an Architect applying the required professional standard of care.

We present these findings for consideration by the Board for our regulation project. We recognize that we are both engineers, and so especially solicit input from architects, our landscape architect, and land surveyors.

Respectfully submitted,

Loren Leman, P.E.

Jeff Garness, P.E.

Ad hoc committee members

April 20, 2022



To

Board of AELS (CED sponsored)

Send

Cc

Bcc

Subject

RE: Home Inspections by Licensed Engineers

From: Ridgeline Inspections <office@ridgelinealaska.com>

Sent: Saturday, April 9, 2022 3:06 PM

To: Board of AELS (CED sponsored) <aelsboard@alaska.gov>

Subject: Home Inspections by Licensed Engineers

You don't often get email from office@ridgelinealaska.com. [Learn why this is important](#)

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, I own a Home Inspection Company and am looking at hiring a licensed engineer as an employee. I looked up the AK statutes to be sure we are doing everything properly, and have a couple questions.

1. Can he perform new construction inspections without additional certifications? For home inspectors this is a separate licensing. That is a good question – I will have to pass this question by the board.
2. I heard that he can perform and certify well/septic tests also, is this correct? Only if that falls under the definition of whatever discipline of engineer this person is [12AAC 36.990 AELS Statutes and Regulations](#).
3. It says on the website (<https://www.commerce.alaska.gov/web/cbpl/professionallicensing/boardofarchitectsengineersandlandsurveyors.aspx>) that an engineer cannot use the term "home inspector" in any way. In our reports we often make recommendations such as "The Inspector recommends further evaluation by a qualified contractor." Would this be acceptable language for him to use in a report, or would he need to avoid the word "inspector" completely? I will check with the board on this one as well, but I think the report will need to say "the engineer" or "the engineer who inspected"
4. Also, on that website it refers to AS 08.18.153 in talking about the use of the term "home inspector" by engineers/architects. However, I looked up this statute and could not find it. There is AS 08.18.152 and AS 08.18.154, but no AS 08.18.153. Does it exist, and if so could you tell me where to find it so I know what it says? Well – you found a misprint – I apologize – it should be 08.18.053. I will get that changed on the AELS website

Thank you for your help!

--
Ben and Indigo Crowley
Ridgeline Inspections LLC
907-795-6212
www.ridgelinealaska.com
www.facebook.com/ridgelinealaska

Follow up: Home Inspection Exemption Discussion

At the August 2018 meeting, Investigator Savage brought an item to the board regarding home inspections and the exemption in the Home Inspectors Statutes (AS 08.18) that allows architects and engineers to perform home inspections. The board requested the language on the AELS website regarding home inspections be updated to include the following statement:

“A licensed design professional may only do inspections in accordance with their license.”

In discussing the request and reviewing the Home Inspector Statutes with Deputy Director Sara Chambers, it was determined home inspections are outside the AELS board’s jurisdiction and there is nothing in the AELS Statutes and Regulations regarding home inspections that give the board the authority to add the above statement to the website. If the board is still interested in adjusting the home inspection language on the AELS homepage, the board would need to update the AELS Statutes and Regulations to address home inspections.

For reference, I’ve included an excerpt of the meeting minutes and board’s request to update the language on the AELS website on the subsequent pages. Additionally, I’ve include a copy of Sec. 08.18.156 of the Home Inspector Statutes, which defines Exemptions. **Please note:** Several items include language that indicates the exempted is only performing duties that are within the scope of that license, registration, certification, etc. However, this caveat is not included on Sec. 08.18.156(a)(3 or 4).

Sec. 08.18.156. Exemptions related to home inspections. (a) *Notwithstanding other provisions of this chapter, an individual who inspects a home is not required to be registered under this chapter as a home inspector or associate home inspector if the individual is*

(1) employed by the federal or state government, a political subdivision of the state, a regional housing authority created under AS 18.55.996(b), or a municipality or unincorporated community and the employee is performing only duties that are within the employee's official duties;

(2) performing a home inspection only with respect to property that is the individual's residence or in which the individual has a financial interest;

(3) registered as an engineer or architect under AS 08.48, prepares a written report after the inspection, affixes the individual's seal to the home inspection report, signs and dates the report, and puts the individual's registration number on the report;

(4) engaged as an engineer in training or architect in training who works for and is supervised by a person described in (3) of this subsection and the person described in (3) of this subsection affixes the person's seal to the home inspection report, signs and dates the report, and puts the person's registration number on the report;

(5) licensed as a pesticide applicator by the Department of Environmental Conservation and is performing only activities within the scope of that license;

(6) registered as a general contractor with a residential contractor endorsement under this chapter and is performing only activities within the scope of that registration;

(7) certified as any type of real estate appraiser under AS 08.87 and is performing only activities that are authorized under that certification; or

(8) only determining whether a building complies with the thermal and lighting energy standards required by AS 46.11.040.

(b) Notwithstanding the definition of "home inspection" in AS 08.18.171(8), an individual is not considered to be doing a home inspection for purposes of this chapter if the individual

(1) is in the business of repairing, maintaining, or installing any of the systems or components listed in AS 08.18.171(8); and

1
2
3 The Chair asked if the board had any other questions for the investigator. Savage indicated he had one
4 additional topic he wanted to discuss with the board. Savage explained that PEs and Architects can do home
5 inspections under an exemption to the Home Inspector law and historically the board's stance has been that
6 they are doing home inspections and not engineering. The Chair corrected Savage stating if an architect does
7 a home inspection, they can inspect the architecture, but they cannot inspect the mechanical and electrical
8 systems unless you have a home inspection license. Savage responded per the regulation, an architect or an
9 engineer, under the exemption, can complete a home inspection and noted that many do on a daily basis. The
10 Chair said they can do home inspections under their license, but that means they have to do what their license
11 allows them to do. Fritz commented that if it is minor, it may be covered.
12

13 Koonce asked if it is in statute and Fritz responded that she was looking it up now. Savage said the
14 exemption states if you are licensed as an architect you can practice a home inspection and added that the
15 definition of home inspection was "bumper to bumper". Hale asked if they are doing to home inspections
16 without a home inspector certification. Savage responded affirmatively and added that he was not sure why
17 someone would put their architectural or engineering license in jeopardy instead of just getting a home
18 inspection certification. The Chair said we used to have a disclaimer on the website that said you can do
19 home inspections, but only within the limits of your license.

20 Savage said they can and have done complete home inspections under our laws. Savage circled back to the
21 actual complaint regarding home inspections and explained that if you, as an engineer or architect, do the
22 home inspection, you can't turn around and put on your engineer hat and do the septic for example for the
23 same owner because it is a conflict of interest. Savage asked the board for their opinion.
24

25 Koonce responded that the board would look at AS 08.18 and 12 AAC 22. Hale stated that the conflict of
26 interest might be on a case by case basis. Savage asked what would determine that. Hale responded that if you
27 indicated they replace the septic in the inspection and then turn around and offer your services to replace it
28 then that's one thing.
29

30 Savage referred the board to AS 08.18.156(3) Exemptions Related to Home Inspections. The board reviewed
31 the statute.
32

33 The Chair commented that it states you have to affix your seal, and asked how do you seal a report for
34 mechanical when you are a registered civil engineer? Savage said when he affixes his seal he is just showing
35 that he is a registered engineer or architect and exempt from needing the home inspector certification. The
36 Chair reiterated that you can only put your stamp on stuff that is within your discipline unless it is minor in
37 nature. The Chair said in his experience, when he does a home inspection, he only reviews the structure. He
38 added that he does not look at the outlets or the mechanical systems, because that is outside his area of
39 expertise. Savage said he believes eighty percent or more of the home inspections in the Fairbanks area are
40 done by engineers and architects. Savage said he doesn't understand why those individuals wouldn't get that
41 additional certification and keep this license out of the mix.
42

43 Savage said there is no board for the home inspectors to reach out too and said he tried to research the
44 history of how the exemption came about. Savage believed most of the home inspectors would like to see
45 that exemption go away. Kerr asked if there was an AG's opinion on this matter. Savage clarified that it has

1 gone through the AGs over the years many times with individuals working under the exemption. The Chair
2 said he was on the APDC Legislative Liaison committee when the exemption went through and explained
3 that it was put in there so home inspectors couldn't say it is a house, engineers and architects can't do any
4 inspections on it, because engineers and architects had done inspections forever. The Chair said is they are
5 doing a home inspection for real estate maybe they need the entire team, but there is no way a structural
6 engineer should be evaluating the entire house. Hale asked for clarification that the inspections were
7 mortgage-related. Savage confirmed and said the definition of home inspection, even at the national level are
8 not code inspections, they are non-intrusive visible inspections.

9
10 The Chair read the notice on the AELS website:

11
12 An individual who holds a valid license as a professional engineer or architect may do home
13 inspections without obtaining a home inspector license. However, they cannot use the term "home
14 inspector" in any way or advertise that they conduct home inspections.

15
16 Fritz clarified that the statement is related to the fact that the registrant cannot call him or herself a Home
17 Inspector until he/she has obtained that credential. The Chair said an architect might be able to do the whole
18 thing, but that he didn't think an engineer should do the full inspection.

19 Kerr asked if the board wanted to put something in writing regarding the Board's interpretation on this
20 exemption. Fritz asked if there was anything in the Guidance Manual. Urfer and A. Jones responded no, but
21 agreed that it should be added. Fritz stated that it would be a beneficial addition. Savage encouraged the board to
22 add something on this topic to the Guidance Manual, stating that there are a large amount of licensees doing
23 this type of work and making it a big part of their living.

24
25 The Chair suggested adding the discussion to Friday's Agenda under V. New Business. The board thanked
26 Savage for bringing it to their attention. R. Jones asked what the determination was regarding whether it was
27 conflict of interest or not. Koonce responded it needed to be looked at more closely. Fritz believed that you
28 can sign on for corrective work and that it is not a conflict of interest, but added that you can't do it on your
29 own home or anything where you have a financial interest. Fritz said there is no conflict with identifying an
30 issue and then providing solutions to fix those problems. Savage stated that as a home inspector though, you
31 can't have anything to do with the actual repair, you can only tell them what needs to be repaired. The Chair
32 stated that they get calls all the time to look at a buildings and evaluate the problems and then if there are
33 issues, then we design the fixes.

34
35 Savage asked about potential conflicts of interest where the person is doing the inspection for the buyer and
36 also working on the house for the seller. The Chair stated that if an individual is working for two people on
37 the same project, it is the individual's responsibility to let both of them know. Hale added that if there is even
38 a perception of a conflict of interest, you should let people know. Savage asked if it makes a difference in a
39 case involving two jurisdictions (AELS and Home Inspectors). The board indicated it is based upon the
40 regulations.

41
42 Koonce asked who regulates home inspectors. A. Jones responded that there is a licensing examiner in the
43 Division who handles those certifications, but that it is a non-boarded program.

1 change previously. The board discussed changing the name to State Board of Registration of Design
2 Professionals. Urfer commented that new landscape architects or those seeking registration by comity don't
3 know where to go, because they do not see landscape architects listed on the website. The Chair suggested
4 the board consider a general term such as "design professionals" rather than adding another profession to the
5 name, noting the possibility that interior designers could be added to the board. Kerr stated that he was
6 against using the term "design professional" as it was only a small portion of the geo-spatial world. Several
7 other members agreed. Fritz said she had hoped that there was a way to incorporate the landscape architects
8 that did not require a statutory change. The board determined not to pursue a statute change to revise the
9 official name of the board.

10
11 *August_3_2018_A_03:21:45*

12 **B. Effect of 6-digit registration numbers on survey caps** – Kerr explained that the newer license numbers
13 are associated with the Division's database number and there is no correlation between the number and the
14 number of registrants in the professions regulated by the board. Kerr suggested there be another field in the
15 database that has the license number of the AELS person. Kerr stated that he can tell a lot of information
16 from a traditional license number, including how long ago the person was licensed, what regulations were in
17 effect. R. Jones asked what difference it makes when a registrant was licensed. Kerr explained that there was
18 different knowledge during different periods and you used to be able to tell a lot about the knowledge of the
19 person who did that work. Hale mentioned the length of the number relative to the size of the stamp being
20 an issue. R. Jones provided some background on the process for developing the new system and indicated
21 that it was unlikely the board could change the numbering system. Kerr commented that he did not like that
22 someone who takes longer to complete the process has a lower number than someone who completes the
23 process in less time and is issued their license first. Kerr reiterated that there was information that he found
24 useful in understanding who you are working with that he believes is lost with the new system.

25
26 The Chair mentioned that there is a lot of confusion regarding numbers that are alpha-numeric. Several
27 members agreed and discussed ways to inform registrants when the alpha characters are needed.

28
29 The board discussed potential issues of having a different record number for the Division that is separate
30 from the registration number.

31
32 *August_3_2018_A_03:34:37*

33 **C. Structural Exam** – The Chair commented that he had forgotten the board had included language
34 regarding the SE I and SE II exams in the regulation updates to 12 AAC 36. 105, so this discussion was no
35 longer needed.

36
37 *August_3_2018_A_03:35:18*

38 **D. Home Inspections by Design Professionals** – Koonce remarked that the board had discussed putting
39 language on the website and guidance manual regarding this topic yesterday. The Chair reiterated that a
40 design professional doing the home inspection should stay within their area of expertise/ registration. Hale
41 added that if the registrant obtains the additional Home Inspector certification, then they could do the entire
42 inspection. The board reviewed the current language on the website and discussed potential edits.

43
44 **TASK:** The Chair requested that all board members review the website and be prepared to walk through it at
45 the November meeting to identify potential updates.

1
2 TASK: A. Jones will update Home Inspector information on the website to include “licensed design
3 professional may only do inspections in accordance with their license.” And insert a title for the information
4 after the home inspection section.
5

6 *August_3_2018_A_03:42:41*

7 **VI. Division Update**

8 **A. Quarterly Report Update** –The board skipped this item because they had reviewed the 3rd Quarter report
9 at the May meeting and the 4th Quarter report was not yet available.
10

11 **B. Annual Report** – A. Jones explained that the Board needs to approve the Annual Report and that she
12 would be adjusting her processes so the board can review and approve the report at the May meetings going
13 forward. A. Jones notified the board that the only addition to the current version was to the Regulation
14 Recommendations Proposed Legislation for FY 2019 section.
15

16 **On a Motion duly made by Catherine Fritz, seconded by Jeff Koonce, and passed**
17 **unanimously, it was RESOLVED to approve the FY 18 Annual Report as presented.**
18

19 *August_3_2018_A_03:48:35*

20 **C. Board Evaluations Summary** – The board reviewed the summary. Hale commented that during his year
21 as Chair, he noticed that it was very difficult to run an effective meeting when members are not prepared.
22 Hale also pointed out the delay in providing responses to individuals. The board agreed to be timelier in
23 providing responses. The Chair and several members indicated A. Jones’ assistance with drafting the response
24 letters and sending reminders was helpful.
25

26 Hale recommended that the board be notified of any hot topics that need to be reviewed well in advance of
27 the meeting. Koonce suggested a sending out a brief with hot topics. A. Jones said she tried to highlight the
28 key discussions for this meeting in her email notice that the board packet was available on OnBoard and
29 added that she will provide information for hot topics earlier, whenever possible.
30

31 The board discussed moving the board evaluations task to the February meeting in order for comments to be
32 incorporated into the Annual Report.
33

34 The Chair suggested moving the deadline for agenda items to the same as the application deadline, 30 days
35 prior. The Chair added that it is unrealistic to expect board members to review 300 page addendums days
36 before the meeting, in addition to reviewing the original board packet. Several members agreed.
37

38 TASK: A. Jones will updated the deadline for the agenda to 30 days prior to the meeting and will provide
39 board packet materials three weeks prior to the board meeting.
40

41 *August_3_2018_A_03:59:11*

42 **VII. Committee Updates:**

43 **Investigative Advisory Committee** – The Chair asked if members had been assisting Savage with case
44 reviews. Several members responded affirmatively.
45

1 Kerr commented that there appeared to be quite a bit of activity. Savage said this used to be his catch up
2 time, but that has not been the case this year. Savage added that he is no longer being asked to assist with
3 other programs and believes he'll be able to conduct more site visits and catch up soon.

4
5 Kerr asked Savage if he had any recommendations related to outreach based upon the issues he has seen
6 recently. Savage responded that any outreach is helpful. Savage recommended the board reach out to home
7 builder associations, noting an increase in members getting involved in commercial work. Savage suggested
8 board members and/or staff attend meetings in order to educate them beforehand and mentioned that it
9 would have a positive impact on "street work". Savage said the Fire Marshall's Forum as another good
10 outreach opportunity, along with any outreach to the deferred jurisdictions.

11
12 Savage reported that the Investigative unit is nearly fully staffed and that he has been assisting with training
13 some of the new staff. The Chair said there were questions at the AIA meeting about outreach to the Fire
14 Marshall's office and he had responded that the AELS Investigator does a lot. The Chair said one issue that
15 came up at the AIA meeting was related to a plat plan being marked up and then turned in again. The Chair
16 explained that was illegal, and said several attendees were surprised. The Chair recommended Savage speak to
17 the planning department. Hale said they are accepting plot plans that haven't been surveyed and clarified that
18 it is not the planning department, but the Development Services Department. Hale said he talked to the
19 Director as a surveyor because there was an issue with the ZBEA (Zoning Board of Examiners and Appeals).
20 Hale explained ZBEA only deals with variances related to buildings and encroachments. The Chair suggested
21 Savage reach out to the Development Services Department.

22
23 Savage added that the city was accepting plans that were sealed, but there was a disclaimer that they don't
24 accept responsibility for anything in the drawings. Savage stated the issue had been straightened out. The
25 Chair noted that several attendees at the AIA meeting did not know about the corporate authorization
26 information being required on the title block, or a registrants' duty to turn someone in if they see someone
27 doing something they shouldn't be doing. Johnston requested a copy of the presentation the Chair gave at the
28 AIA meeting.

29
30 TASK: AJ will send the AIA presentation to board, once it is provided by the Chair.

31
32 The board returned to the Investigative Report. The Chair commented on the number of cases since the last
33 meeting and the timeliness of their being closed. Savage explained that numbers are assigned once all required
34 documentation is received.

35
36 The board thanked Savage for the report.

37
38 *AEELS_11.01.2018_A: 00:19:01*

39 ***V. A. Home Inspection***

40 The Chair directed the board to the Deputy Director's comment that the Board cannot add the statement "A
41 licensed design professional may only do inspections in accordance with their license," to the website. The
42 Chair explained the exemption in the Home Inspector Statutes and Regulations was not intended to allow any
43 architect or engineer to do an entire home inspection, but make sure they could continue to do what they
44 were doing if it was at a house.

1 Savage said architects and engineers have been exempt from the home inspector laws for the past 14 years or
2 more and advised the board to get an opinion from the Attorney General's (AG) Office if they wished to
3 pursue it further. A. Jones said the board would need to update the AELS statutes and regulations to directly
4 address home inspections. Kerr referred the board to 08.48.221 Seals and stated that the board has the
5 authority to regulate the use of the seal whether it is in a home inspection or anywhere else. Johnston asked
6 for clarification on whether the home inspection report was actually sealed by the architect or engineer. Kerr
7 and the Chair confirmed the report must be sealed, signed and dated per Sec. 08.18.

8
9 Savage asked the board if there was anything in the AELS statutes and regulations that indicated they cannot
10 do home inspections. The board discussed current enforcement practices related to this issue. Savage again
11 recommended the Board obtain an AG's opinion. The Chair said he was there when the language was
12 adopted and said the intent was to allow people who were licensed to continue to do that kind of work. Kerr
13 directed the board back to Sec. 08.48.221(a) Seals and read the following excerpt:

14
15 "The registrant, by affixing the registrant's seal to final drawings, specifications, surveys, plats, plates,
16 reports, or similar documents, and by signing the seal, certifies that the documents were prepared by
17 or under the registrant's direct supervision, are within the registrant's field of practice, or constitute
18 design work of minor importance."
19

20 Kerr explained that if you are expecting a home heating system and you are a structural engineer you are not
21 practicing in your area of expertise. Mott asked the board if there was a sense of the magnitude of the issue.
22 Savage suggested it would be a huge issue and said there are a number of architects and engineers that make a
23 living off of doing home inspections.

24
25 The Chair reiterated that licensees need to be working in the area of their expertise. Johnston said she
26 routinely sees civil engineer home inspections providing electrical inspections and added that they are trained
27 to do that through their home inspection training, not within the purview of their civil engineering license.
28 A. Jones direct the board members to the language in 08.18.156 that indicates parameters for some of the
29 other exemptions, but that the language (e.g. "within the scope of that license") is not included for Sec.
30 08.18.156(3).

31
32 Koonce stated that it is a house, which is exempt from AELS statutes and regulations (Sec. 08.48.331 (a)(6)).
33 Kerr explained that an architect or engineer can obtain a home inspector license, or if they choose not to do
34 that, they need to seal the report. Koonce stated that an architect can build a brand new home and that is not
35 regulated by the AELS board, so why can't someone with those same credentials inspect it?

36 Kerr responded that the home inspectors' statutes require the report to be sealed. Several members explained
37 that if the architect or engineer did not seal the home inspection report as required by Sec. 08.18.156, then
38 that individual would be in violation of the home inspector laws. Koonce asked who regulates the home
39 inspectors. Several members responded that it is a non-boarded program within the Division.

40
41 The board discussed the home inspector certification process and pursuing the certification rather than using
42 their architect or engineer seal. Savage requested the board provide a position letter that the AELS staff can
43 bring to the Division Director, Chief Investigator, and AG's Office for comment.

44
45 Admin Officer Melissa Dumas and Accountant III Marylene Wales joined the call.

1
2 Johnston asked the board to look at Sec.08.18.156(4), which mentioned engineer and architects in training.
3 The board reviewed it and determined that since the report was still signed by the registered engineer or
4 architect reference in item (3), updates to item (4) were not required.

5
6 Kerr recommended adding “in accordance with 08.48...” to Sec. 08.18.156, but recognized it would require a
7 statute change.

8
9 The Chair responded that there are statutes (Sec. 08.48) regarding seals and the Home Inspector Statutes
10 (08.18) do not change that. The board agreed to draft a position letter as Savage suggested.

11
12 *AELS_11.01.2018_A: 00:33:05*

13 **VI. Division Update:**

14 The Chair invited Dumas to speak. Dumas walked through the fourth quarter report with the board. She said
15 everything is trending as expected given the reduction of fees and expenditures appear consistent. Dumas
16 noted the expected deficits in non-renewal years and a surplus during renewal years.

17
18 Dumas explained the department as a whole only gets \$50,000 in allowable 3rd party reimbursement per year.
19 Koonce asked about the \$50,000 cap on third party reimbursement. Dumas explained that was a legislative
20 decision and said the AELS program is seeing the majority of that currently. Kerr asked about the rationale of
21 the cap. Dumas responded that she did not want to speculate and offered to look into it more if the board
22 wanted additional information.

23
24 Dumas and the board talked about membership fees for national organizations and the benefits and services
25 the board receives through membership.

26
27 Maynard commented that he was surprised that the licensing revenue was so low, given the small adjustment
28 in fees.

29
30 The board thanked Dumas for the report and returned to *Agenda Item V.A. Follow up: Home Inspection*
31 *Exemption Discussion*. The Chair stated that he would draft a letter tonight for the board to review during
32 tomorrow’s meeting.

33
34 *AELS_11.01.2018_A: 00:43:40*

35 **V. B. Background Checks**

36 A. Jones explained she did some research based upon Kerr’s question following a law enforcement session at
37 the NCEES Annual Meeting. A. Jones said she reached out to other jurisdictions for information regarding
38 how many jurisdictions do background checks and provided the board with a breakdown of the information.
39 Savage added that the jurisdictions that are doing checks are much larger organizations and have a lot more
40 staff and capacity to conduct these background checks. Savage said they do run background checks if
41 someone answers “Yes” to the general information questions on their applications and are in contact with
42 other jurisdictions. Kerr asked if licensing staff could handle it. Savage responded that there is a lot of liability
43 and indicated that only investigative staff would likely be provided access to those sorts of programs. Kerr
44 thanked A. Jones for the thorough response.



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

BOARD OF REGISTRATION FOR ARCHITECTS,
ENGINEERS, AND LAND SURVEYORS

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

February 24, 2022

Alaska Department of Environmental Conservation
Commissioner Jason Brune
P.O. Box 111800
Juneau, AK 99811

Dear Mr. Brune:

Upon reviewing the proposed revisions to 18-AAC-72 (Wastewater Disposal), currently out for public comment, there are provisions related to the role of “Certified septic system installers,” regarding commercial septic systems, that appear to conflict with AELS statutes specific to the authorized practice of engineering. It is arguable that AELS Statute 08.48.331 does not provide an exemption that would allow “certified installers” to prepare waiver reports, interpret percolation test data, or perform design services associated with any commercial septic systems, regardless of size. To ensure that 18-AAC-72 does not conflict with AELS statutes and/or regulations we encourage you to review AS 08.48.331 (exemptions) and 12-AAC-36. One solution may be for the legislature to add an exemption to AS.08.48.331 that would allow for “certified installers” to design “small commercial septic systems” (up to 1500 gpd). Another possibility ADEC should investigate as a means for reducing the cost of commercial septic system installations would be to see if there is a statutory path (via AELS Statute 08.48.331(7)) for “specialty contractors” to install and document the installation of commercial septic systems that are designed by engineers. Although this would not provide as much latitude for Certified Installers as called for in the proposed regulation, it would still provide a cost savings for the residents of Alaska.

If you would like an opportunity to speak with the AELS board, we can add it as an agenda item for our next scheduled board meeting on May 10-11th, 2022. If you would like to discuss this subject matter sooner, please contact Executive Administrator, Sara Neal, at (907)465-2540 or sara.neal@alaska.gov to arrange for a special meeting.

Please contact AELS board member, Jeff Garness, PE Environmental Engineer, at (907)244-9612 with any questions or concerns.

Sincerely,

Catherine Fritz
Architect, AELS Board Chair

Cc: Tonya Bear, PE

October 28, 2021

Legislative Committee Report

At our committee meeting on October 28 we agreed to recommend monitoring HB61 and if it gets scheduled for a hearing, submit testimony to House Finance Committee, the next committee of referral. In our opinion, House Labor & Commerce Committee did not do its job, but instead reported the bill from committee without addressing serious issues we raised.

The first four points in this testimony are the same as what Catherine Fritz presented previously on April 26, representing the Board. In addition, today we added a new fifth point to counter information we understand is being shared with legislators. We believe it misrepresents what the bill does.

Testimony from the Board of Registration for Architects, Engineers & Land Surveyors on HB61

We held a special meeting of the Board on April 14 to review and discuss HB61. One of our members, Catherine Fritz, subsequently testified to the House Labor & Commerce Committee, expressing our concerns. At the time we believed HB61 needed more review, discussion with the bill's supporters so we could understand its full implications and relate our concerns to legislators. We shared the first four concerns listed on this paper with the Labor & Commerce Committee, but none of these were incorporated in a bill mark-up. We believe this should have been done before the bill was reported from that committee. We have since added a fifth point to clarify what we believe is misinformation that is being shared suggesting that registration under a practice act is voluntary. In all of the other professions regulated by our Board, professional registration is required as defined in Alaska Statutes and the Alaska Administrative Code.

1. The definition of Scope of Practice is excessively broad and incorporates activities that are outside the scope of Health, Safety, and Welfare. Interior design will overlap with architectural practice, as well as incidental practice of some engineering professions. It is essential that the definition of interior design be clear to minimize confusion and reduce enforcement issues.
2. There are many passages within the bill that are not aligned with existing statutory language for other design disciplines. The Board has worked very hard to build consistency, and requests that interior design language be similarly integrated.
3. We are greatly concerned about the workload and impacts of adding a new design discipline and two members to the Board. We have had extensive turnover in staff in the past two years, both in operations and enforcement. The complexities of our multi-discipline board (with a myriad of details within each discipline) are already substantial, and we are very concerned about adding a new discipline without thoroughly understanding its impacts.
4. HB61 relies heavily on an organization called The Council for Interior Design Qualification (CIDQ) to determine the adequacy of a candidate's Education, Experience, and Examination. The Board currently has three national organizations that it relies upon to continually assess the adequacy of this 3-legged stool. Each has

robust systems in place that include writing and administering exams, developing standards for practice, and evaluating educational adequacy. CIDQ would become a fourth. Does CIDQ appropriately align with Alaska Statutes, and is it similarly rigorous and collaborative? An example of potential concern is exam eligibility. Alaska Statutes require the Board to review and approve candidates before examination. We understand that CIDQ's approval for a candidate's exam is granted without regard to the Board. Can CIDQ change this practice? We don't yet know.

5. It is important to understand that HB61 establishes licensure for selected interior designers, referred to as "commercial" in the version of the bill we reviewed, through what is known as a "practice act," requiring that, unless exempted, anyone practicing interior design would be required to comply with the education, examination, and experience defined in statute and regulation. The most common framework for regulating interior design in the U.S. is through voluntary certification (approximately 27 states) while only four jurisdictions regulate interior design through practice acts (Nevada, Louisiana, North Carolina, and the District of Columbia.) There are significant differences in regulated responsibility and authority in each state, making it difficult to compare HB 61 to the laws in other jurisdictions. If HB 61 were modified to certify interior designers through what is known as a "title act," individuals who wished to use the title Interior Designer could be recognized through a voluntary process without being charged with health, safety, and welfare responsibilities in the current AELS statute and regulations subsequently adopted by the Board. Although the AELS Board is not the body making this public policy decision, we suggest that this might be an easier "first step" by proponents of the legislation.

We recommend that the full Board consider and approve submittal of this testimony at our next meetings on November 15 and 16.

Submitted by Loren Leman, Chairman
Legislative Committee

Other members participating: Catherine Fritz, Bob Bell, Ed Leonetti

[Clarifying language added in Track Changes by Loren Leman on March 8, 2022](#)



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

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

BOARD OF REGISTRATION FOR ARCHITECTS,
ENGINEERS, AND LAND SURVEYORS

P.O. Box 110806
Juneau, Alaska 99801-0806
Main: 907.465.1676
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April 20, 2022

Dear University of Alaska Graduate:

On behalf of Alaska's Board of Registration for Architects, Engineers, and Land Surveyors, congratulations on your graduation from the University of Alaska! You have accomplished an important life milestone and are facing an exciting future as we emerge from the global pandemic. The past few years has undoubtedly created many challenges for you, but we also hope that you have learned resiliency and determination, and that critical thinking and problem solving have been part of your everyday experiences. Completing your degree is a tremendous personal accomplishment, and you should be very proud. We applaud your success as a student and encourage you to pursue your Professional Engineering or Land Surveying license. Our state needs the talents and energies of emerging professionals like you.

We wish you all the best as you celebrate this occasion. Please feel free to contact me if you have questions about the licensing path.

Warm regards,

A handwritten signature in black ink that reads "Catherine Fritz".

Catherine Fritz, Architect, and Chair
Alaska State Board of Registration for Architects, Engineers, and Land Surveyors

Architects, Engineers, Land Surveyors, and Landscape Architects

Bylaws

May 2014



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

*DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING*

BYLAWS
(Reference AS 08.48.101(a)(4))
STATE OF ALASKA
**BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS,
LAND SURVEYORS, AND LANDSCAPE ARCHITECTS**
May 2014

ARTICLE I – Purpose

The board’s mission is to protect the public health, safety, and welfare through regulation of the practice of architecture, engineering, land surveying, and landscape architecture by

1. ensuring that those entering these professions in this state meet minimum standards of competency, and maintain such standards during their practice; and
2. enforcing the licensure and competency requirements in a fair and uniform manner.

ARTICLE II – Officers

At the first meeting of each calendar year, the board shall elect or appoint from its members the following officers: chair, vice-chair, and secretary. The vice-chair shall act as chair in the chair’s absence. The secretary of the board shall act on behalf of the vice-chair in the vice-chair’s absence.

ARTICLE III – Meetings and Procedures

1. Board meetings are held as provided in AS 08.48.051.
2. Special meetings may be held as considered necessary by the board chair.
3. Public testimony at board meetings must conform to the published agenda and time limits on testimony may be established by the board chair.
4. In general, the board shall conduct its meetings under the most recent version of “Roberts Rules of Order for Small Boards.” In the exercise of the board chair’s discretion, with concurrence by the board, strict adherence to those rules may be relaxed.
5. All permanent board members, including the chair, are entitled to vote on all matters that come before the board unless a conflict of interest causes a member to be recused. The temporary, advisory

5. ~~landscape architect position may not vote, but may otherwise fully participate at board meetings. (Sec. 31, ch. 47, SLA 1998, as amended by sec. 2, ch. 46, SLA 2001; sec. 2, ch. 38, SLA 2005; and sec. 2, ch. 23, SLA 2009.)~~

6. If a former board member whose term on the state board has expired is serving on NCEES, NCARB, or CLARB committee, or as an officer of a regional or national board, at the time that the state board's membership expired, the former state board member may continue to serve on the NCEES, NCARB, or CLARB committee, or as an officer of a regional or national board, until the expiration of the former state board member's term on the NCEES, NCARB, or CLARB committee, or as an officer of the regional or national board.

7. The board chair may appoint two board members to an Investigative Advisory Committee. Those board members will meet once a month with the Division investigator assigned to the board to review complaints against licensees and make recommendations to the investigator.

ARTICLE IV – Board Historical Information

_____ Board historical information shall be maintained by the executive secretary of the board.

ARTICLE V – Conduct of Board Members

_____ All board members shall exercise good professional judgment as representatives of the board during and between meetings.

1. No board member may assert that he or she speaks on behalf of the Board unless specifically authorized to do so by the board.
2. In general, requests made by individual board members of the administration shall be made through, or by authorization of, the board.

ARTICLE VI – Board Committees

The board recognizes two types of committees: standing committees and special committees.

1. Standing committees are appointed for a definite time period to conduct specific assignments on behalf of the board. The board will provide a standing committee with instructions regarding its mission and the limits of its authority. Standing committees include
 - A. Guidance Manual Committee;
 - B. Legislative Liaison Committee;

C. ~~Investigative Advisory Committee~~; Planning and Implementation Committee

D. Budget Committee Outreach Committee

~~D.E.~~ Continuing Education Committee .

2. Special committees or ad hoc committees are appointed to conduct preliminary research, coordination, and the formulation of conclusions and recommendations regarding significant issues facing the board or specific short-term assignments. The board chair will appoint a chair of the committee and will provide the committee chair with written instructions in sufficient detail to accomplish the committee's assignment. A special committee shall prepare a schedule for the conduct of its activities, subject to approval by the board or the board chair.
3. The board chair ~~shall~~ will determine the need for and assignment of members of a committee under the following general guidelines:
 - A. Committee membership, mission, and duties will be determined by the board chair. The committee size depends upon the availability of board members and the complexity of the issue to be addressed.
 - B. Committees may be made up of one or more board members, but fewer than a quorum of the board.
 - C. As a general rule, a board member should not serve as chair of more than one committee at a time.
 - D. A board member may not serve on more than three committees at one time.
 - E. Most committee work is expected to occur between scheduled board meetings. All board members should endeavor to actively participate in their assigned committees.
 - F. At scheduled board meetings each committee will provide a progress report.
 - G. The board may
 - (i) accept the committee's conclusions and recommendations as presented;
 - (ii) accept the committee's conclusions and recommendations as altered or supplemented by the board;

- (iii) reject the committee's conclusions and recommendations and act on the issue as it considers appropriate; or
- (iv) return the issue to the committee with a request for further work by the committee.

ARTICLE VII – Alaska Statutes Governing Board

Alaska Statutes ~~which~~ that govern board membership, conduct, and activities include:

AS 08.01.030	Quorum
AS 08.48	Architects, Engineers and Land Surveyors
AS 08.48.011	Board Created
AS 08.48.051	Organization and Meetings
AS 08.48.055	Executive Secretary of the Board
AS 08.48.281	Prohibited Practice
AS 39.52	Alaska Executive Branch Ethics Act
AS 39.52.960(8)(D) and (E)	Ethics Act Definitions
AS 40.25	Public Record Disclosures
AS 44.62	Administrative Procedure Act

Can we add "calendar year of service" in reference to 12AAC36.520(a)(5) to the Guidance Manual?

The cleanest solution here is a regulations project to change "year of service" to "calendar year of service" in 12 AAC 36.520(a)(5). The Board could also choose to define a year as a calendar year in 12 AAC 36.550. This needs to be a regulations project versus a guidance document because I suspect some members of the professions regulated by this Board—perhaps people whose terms in the organizations/societies contemplated by this regulation are for a fiscal year rather than a calendar year—are going to have something to say about this and are entitled to public comment on the issue.

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

Motion & Roll Call Sheet

Made by: _____

Date: 5/10/2022 Time: _____

Seconded by: _____

MOTION: I move that it be resolved to approve the changes in the Guidance Manual that clarifies joint ventures, the definitions of design and responsible charge, and sealing record drawings.

PASSES UNANIMOUSLY? Yes___ No___

PASSES by ROLL CALL? Yes___ No___

Roll Call Vote	Yes	No	Abstain
Anderson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fritz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Garness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Johnston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leonetti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maxwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rozier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wallis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendment by: _____

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

Motion & Roll Call Sheet

Made by: _____

Date: 5/10/2022 Time: _____

Seconded by: _____

MOTION: I move that it be resolved to approve the changes made to the AELS By-Laws..

PASSES UNANIMOUSLY? Yes___ No___

PASSES by ROLL CALL? Yes___ No___

Roll Call Vote	Yes	No	Abstain
Anderson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fritz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Garness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Johnston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leonetti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maxwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rozier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wallis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendment by: _____

CE Report

The CE Committee met to discuss ideas for progress in simplifying and clarifying our Continuing Education Requirements. We also reviewed language from other jurisdictions and NCEES model rules and guidelines. (documents most discussed are attached.)

The following topics were agreed upon as some first steps. We recommend the board adopt the following changes and we will continue working on other areas.

1. Add a definition of HSW to the guidance manual-

Health, Safety, and Welfare (HSW) subjects are defined as technical and professional subjects related to the practice of architecture that the Board deems appropriate to safeguard the public. These subjects are necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment and include the following broad categories and areas:

A. Legal: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to protect Owners and Public

B. Building Systems: Structural, Mechanical, Electrical, Plumbing, Communications, Fire Protection

C. Environmental: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation

D. Occupant Comfort: Air Quality, Lighting, Acoustics, Ergonomics

E. Materials and Methods: Construction Systems, Products, Finishes, Furnishings, Equipment

F. Preservation: Historic, Reuse, Adaptation

G. Pre-Design: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying

H. Design: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures

I. Construction Documents: Drawings, Specifications, Delivery Methods

J. Construction Contract Administration: Contracts, Bidding, Contract Negotiations

This definition would need to be expanded to include subjects related to the practice of architecture, land surveying and landscape architecture as well.

2. Simply Proof of Completion & Allow Self-Study/Reporting-

- Proof of completion shall demonstrate the licensee obtained the required CEH and may be in the form of one of the following:

- A certificate of completion
- A transcript
- A report form (see the attached example from Colorado)

3. Broaden allowable CE and simplify it - We liked the NCEES definition instead of the big long list of activities.

“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.”

4. # Of Hours Required

- We recommend the board consider the number of hours required.
- Delete the requirement of 8 hours per license discipline

– Delete carryover. Justify this by making it simpler to get activities to qualify. This could reduce paperwork burdens for licenses to maintain records.

Future work for CE Subcommittee

We also discussed requiring 1 hour of ethics, allowing business and management content, and self-study but do not have specific recommendations at this time. We will continue working on the allowed activities. We discussed moving the continuing education activities to a chart in the guidance manual and simplifying the regulations significantly.



COLORADO

Department of
Regulatory Agencies

Division of Professions and Occupations

Continuing Education Structured Report | Architect

Per Statute and Board Rule, licensed architects must complete continuing education (CE) in structured activities in Health, Safety, and Welfare (HSW) subjects. Proof of obtaining the required CE is required for each activity. For CE activities that do not have a method to show how the participant obtained the CE (e.g. a certificate of completion or a transcript), a Board-approved CE Structured Report may be completed by an architect to show they obtained the CE. The CE Structured Report must be maintained by the architect in addition to any required documentation listed in the [Continuing Education Activities Chart](#).

This form cannot be utilized for proof of attendance at CE activities in the Academic Coursework, Formal Certification Program, In-house Program, or Lecture/Seminar/Workshop categories.

ARC License Number: _____ First Name: _____ Last Name: _____

Activity Information

Select ONE: Teaching/Presenting* Publishing* Self-Study (structured)

*Additional documentation required for this category if selected for audit.

Date: _____ Location: _____ HSW Hours: _____

Activity Title: _____

Description of Content and Objectives:

Sponsor/Publisher/Provider Name and Contact Information, as applicable:

Attestation

I attest that the above is a true and accurate accounting of the continuing education activity I have completed. I attest that the activity is compliant with Statute and Board Rule, including that it is a structured activity in a Health, Safety and Welfare subject.

Licensee Signature

Date

AELS Board - Outreach Committee

Agenda

- Share investigation information with registrants, including patterns of complaints so registrants can be educated
 - What resources / database do the investigation team use?
 - Can the investigator add what issues typically come up?
 - What actions are typically taken?
 - What mistakes to avoid

- Prepare FAQ document
 - <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofArchitectsEngineersandLandSurveyors/FAQs.aspx>
 - Sealing Documents – Content from guidance manual (dual stamp, work of minor importance)
 - Practice FAQ / Similar to the guidance manual
 - Website improvements / navigate topics (seek examples from other states)

- 1-year outreach from committee (newsletter), determine requirements for potential help with this
 - Is there an example of a newsletter that was prepared in the past? (Feb 2004)
 - Investigations on-going
 - Last newsletter +/- 2018-2019
 - FAQ's
 - Topic from the guidance manual for each newsletter
 - Point to board meeting minutes
 - Check out other newsletters from other states (NV, TX)
 - NCEES, CLARB, NCARB, etc.
 - Outreach reports from each BM
 - Number of new registrants by discipline
 - Regulation projects
 - In-house / outsource? BM come up with content

- Board Meeting August 16-17
 - Outreach @ UAF – Aug 29 Start of school / faculty

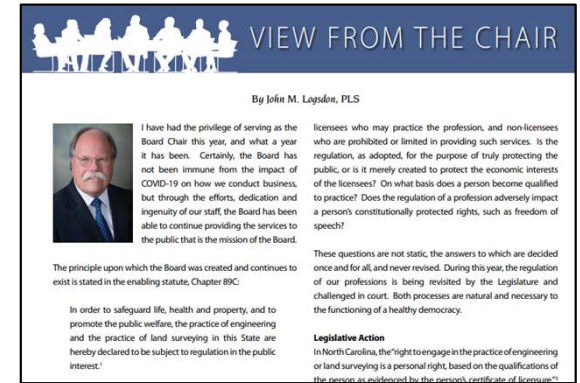
State of Industry – Board Newsletters

- Most State Boards Issue Regular Newsletter
 - Cadence ranges from quarterly to annual
 - Some mailed out, other online only
- Reviewed Offerings from NV, FL, NC, ID, & AZ
- Similar Content Found in All Newsletters
- Mix of layouts: Professional publications & MS Word



Newsletter Content

- Opening Message from Chair/Exec Director
- Technical Article of Interest
- Board Business Update (decisions, new members)
- General Licensure Info (renewals, statistics)
- Upcoming Exam Schedule/Details
- FAQs
- Education Info (University highlights)
- Disciplinary Actions



Disciplinary Action Publication

- Included in every other state’s newsletter reviewed
- Details provided included:
 - Case #
 - Registrant & License Number
 - Description of Violation
 - Reference to Reg/Statute
 - Disciplinary Action Taken
- NC : 6+ Pages of Actions(!)

NEVADA BOARD COMPLIANCE ACTIONS

February 2021 – September 2021

Compliance Case Number: 20210001

Robert Mercado, PLS 010352

Violation of NRS 625.410(5), NRS 625.340, NAC 625.425, and NAC 625.545

Date of Disciplinary Action: July 14, 2021

On September 10, 2020, Sundance Surveying, Inc was hired to provide surveying and mapping services for a vacant property located in Las Vegas. As part of the contract, Mr Mercado was to file a Record of Survey Map with the Clark County Recorder’s Office. Although the contract did not contain an anticipated date of completion, Mr Mercado informed his client that the work would only take a few weeks. Mr Mercado completed the survey on October 11, 2020, and emailed the survey map to his client on October 12, 2020. The survey map was not recorded at that time. On October 16, 2020, Mr Mercado was paid in full for his work.

Thereafter, the client made numerous attempts to contact Mr Mercado regarding the status of the recordation of the survey map, but he was unresponsive. As a result of Mr Mercado’s unresponsiveness, coupled with his failure to have the survey map recorded, a complaint was filed on January 12, 2021. When contacted by the State Board, the complainant stated that she filed the complaint in an effort to prompt Mr Mercado to record the survey map and her only objective in filing the complaint was to ensure the survey map was recorded.

On January 14, 2021, the State Board staff left a voicemail for Mr Mercado regarding the complaint. On January 19, 2021, Mr.

BOARD ACTIONS

The following summaries represent actions taken by the Board. Penalties vary depending upon the specific circumstances of each case. Space limitations preclude full reporting of all circumstances. The range of disciplinary actions includes: issuing a reprimand; suspend, refuse to renew, refuse to reinstate, or revoke the certificate of licensure; require additional education; or, as appropriate, require reexamination; or levy a civil penalty not in excess of \$5,000 for any engineer or \$2,000 for any land surveyor. Questions or requests for information concerning specific cases should be directed to David S. Tuttle, Board Counsel, at (919) 791-2000, extension 111 or via email at dstuttle@ncbels.org.

<p>CASE NO. V2017-032 William J. Payer [PE 021949 – Revoked] Braselton, GA</p> <p>VIOLATION: Failed to properly certify documents [1103(a)(3), (b) (1)(3)(5)]; failed to conduct practice in order to protect the public health, safety and welfare [0701(b)]; failed to be objective and truthful and failed to include all relevant and pertinent information in a professional report [0701(d)(1)]; failed to fully cooperate in an investigation [G.S. 89C-20]; and produced a deficient, substandard, or inaccurate report(s), failing to protect the public [0701(b)].</p> <p>BOARD ACTION: Revoked Engineering Certificate of Licensure.</p>	<p>CASE NO. V2019-030 Paul J. Toti, PLS [L-3953] Hobbsville, NC</p> <p>VIOLATION: Performed a substandard survey, failing to protect the public [0701(b)]; failed to make adequate investigation [1602(a)]; failed to accurately locate all apparent rights-of-way and/or improvements on a boundary [1604(d)(8)]; and failed to report the results of a survey in a clear and factual manner [1602(f)].</p> <p>BOARD ACTION: Reprimand.</p>
<p>CASE NO. V2017-091</p>	<p>CASE NO. V2019-042 Kevin R. Adams, [PE 017224 – Revoked] Kernersville, NC</p>

Proposal for AEELS Newsletter

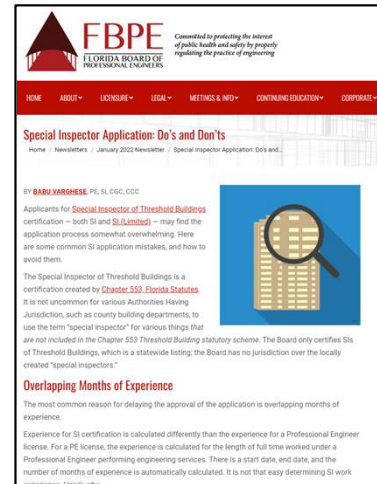
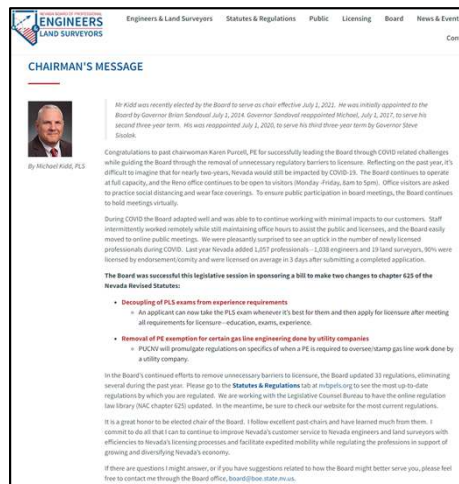
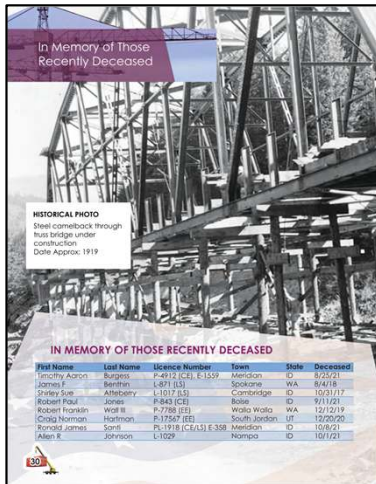
- Annual Newsletter published online each Fall
 - Standing activity at summer meeting
- Standardized Outline
 - Content from Board Members
- Questions to Answer
 - Publish Qs & As from board meetings
- Compiled by Outreach Committee
- Publish in PDF Format
 - Professional MS Word template

AEELS Annual Newsletter

- Board Chair Message
- Technical Article
- Board Business Update
- Questions Answered
- Exam Info
- Disciplinary Actions

References

State	Link	Comments
Arizona	https://btr.az.gov/newsletter	Terrible web-based format. Do not recommend
Florida	https://fbpe.org/meetings-info/publications/#newsletter-archive	Simple, non-nonsense format.
Idaho	https://ipels.idaho.gov/publications.php	Overly fancy; their publicist is out of control. To the point they feel the need to publish a text-only version alongside the print version.
Nevada	https://nvbpels.org/newsletter/	Clear, web-based format
North Carolina	https://www.ncbels.org/general-info/newsletters-articles/	Best format. I recommend using this as a go-by for our layout.



Link to 4/21/2022 House Finance Committee hearing on HB61

<http://www.akleg.gov/basis/Meeting/Detail?Meeting=HFIN%202022-04-21%2013:30:00>



MEMORANDUM

DATE: April 25, 2022
TO: Architects, Engineers, and Land Surveyors
THRU: Greg Francois, Chief Investigator *GF*
FROM: Patrick Kase, Investigator *PK*
RE: Investigative Report for the May 11, 2022 Meeting

The following information was compiled as an investigative report to the Board for the period of February 03, 2022 thru April 25, 2022; this report includes cases, complaints, and intake matters handled since the last report.

Matters opened by the Paralegals in Anchorage and Juneau, regarding continuing education audits and license action resulting from those matters are covered in this report.

OPEN - 16

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
ENGINEER			
2022-000008	Violation of licensing regulation	Intake	01/04/2022
2017-001125	Violation of licensing regulation	Complaint	10/26/2017
2018-000851	Unprofessional conduct	Complaint	07/31/2018
2020-000410	Violation of licensing regulation	Complaint	04/28/2020
2020-000411	Violation of licensing regulation	Complaint	04/28/2020
2020-000445	Incompetence	Complaint	06/16/2020
2020-000565	Fraud or misrepresentation	Complaint	06/22/2020
2021-000423	Unprofessional conduct	Complaint	05/19/2021
2021-000561	Incompetence	Complaint	07/15/2021
2020-000840	Violation of licensing regulation	Monitor	

LAND SURVEYOR

2022-000330	Unlicensed practice or activity	Intake	04/11/2022
2022-000372	Unlicensed practice or activity	Intake	04/20/2022
2020-000416	Violation of licensing regulation	Complaint	06/03/2020
2021-000459	Incompetence	Complaint	06/02/2021
2021-000667	Unethical conduct	Complaint	09/27/2021
2021-000675	Violation of licensing regulation	Complaint	10/06/2021

Closed - 8

<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
----------------------	------------------------------	---------------------------	----------------------	-----------------------

ENGINEER

2022-000263	License application problem	Closed-Intake	03/17/2022	Review Complete
2022-000272	License application problem	Closed-Intake	03/21/2022	Review Complete
2021-001293	Falsified application	Closed-Complaint	02/08/2022	No Action - No Violation
2021-000210	Continuing education	Closed-Investigation	03/22/2022	No Action - No Violation
2021-001161	Continuing education	Closed-Investigation	03/22/2022	No Action - No Violation
2022-000004	Falsified application	Closed-Investigation	03/09/2022	Advisement Letter

LAND SURVEYOR

2021-001126	Unethical conduct	Closed-Intake	03/02/2022	Incomplete Complaint
2022-000145	License application problem	Closed-Intake	02/10/2022	Review Complete

END OF REPORT

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

Motion & Roll Call Sheet

Made by: _____

Date: 5/11/2022 Time: _____

Seconded by: _____

MOTION: I call for a motion for the Alaska Board of Registration for Architects, Engineers and Land Surveyors to enter executive session in accordance with AS 44.6 2.310 C. 2 and 3, and the Alaska constitutional right to privacy provisions for the purpose of Investigations Training and to consider two CE extension requests.

PASSES UNANIMOUSLY? Yes ___ No ___

PASSES by ROLL CALL? Yes ___ No ___

Roll Call Vote	Yes	No	Abstain
Anderson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fritz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Garness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Johnston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leonetti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maxwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rozier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wallis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendment by: _____

PE REGISTRATION IN ALASKA

Loren Leman, P.E., AELS Board
University of Alaska Anchorage
CE A438 Civil Engineering Capstone
April 1, 2022 at 9:00 am in ECB 203

LEGAL BASIS

- Constitution – Article 7, HEW
- Statutes – AS 08.48
- Regulations – 12 AAC 36
- See website for the Board of Registration for Architects, Engineers, and Land Surveyors (AELS Board)
 - <https://www.commerce.alaska.gov/web/cbpl/professionallicensing/boardofarchitectsengineersandlandsurveyors.aspx>

AELS BOARD MEMBERSHIP

- 2 architects
- 2 civil engineers
- 2 land surveyors
- 1 mining engineer (or petroleum or chemical)
- 1 electrical or mechanical engineer (currently electrical)
- 1 engineer from any other discipline (currently environmental)
- 1 landscape architect
- 1 public member

MISSION & SUPPORT

- Protect the health, safety, and welfare of the public
- Ensure a minimum competency
- NOT to limit competition
- DCCED staff and funding—program receipts
- Sunset Reviews
 - Last: 2016-2017
 - Next: 2024-2025

HELPFUL RESOURCES

- Model Licensing Laws by National Council of Examiners of Engineering and Surveying (NCEES)
 - 69 Boards in 54 jurisdictions

THREE LEGGED STOOL

- Education
- Experience
- Examination

EDUCATION

- BS in Engineering, minimum
 - Preferably ABET accredited (UAA is)
- MS or Ph.D. may reduce experience, depends on BS
- Degree should be in discipline for which registration is sought
 - If not, additional experience required

ARCTIC ENGINEERING

- AELS-approved options:
 - UAA
 - CE A403 and A603 Arctic Engineering (semester, web-based)
 - ES A411 Northern Design (semester, in-class)
 - ES AC030 Fundamentals of Arctic Engineering (2 weeks, on-line)
 - Other options at UAF and UW

FE EXAMINATION

- Fundamentals of Engineering (FE)
 - Usually taken during or just after senior year
 - Apply to NCEES directly, must pass to take PE
 - Available year-round at Pearson Vue Testing Centers

Alaska also requires an open book, on-line, repeatable jurisprudence test with 25 questions

EXPERIENCE

- Should be in registration discipline
- Generally 4 years under the direction of a PE, but depends on level and nature of education,
- At least two years must be in responsible charge
 - “Responsible Charge” means resourcefulness and originality in direction and delivery of work
 - Option for four years mentorship by a PE
 - Quarterly meetings and reports by applicant and mentor

PE EXAMINATION

- Exams by NCEES
 - All are 8 hour, in 4 hour blocks
 - Most offered twice a year, some only once a year
 - Transitioning to computer-based testing
 - See NCEES.org for test criteria

STRUCTURAL ENGINEERING

- SE Registration is now post-PE
 - Get a PE (usually Civil-Structural)
 - Work for 2 more years under an SE
 - Take SE Exam (16 hours)
 - One day is vertical systems, other is lateral systems

COMITY

- Alaska recognizes registration in another political jurisdiction
- Must meet our requirements
 - Arctic engineering, jurisprudence exam, fees, references, acknowledgment of disciplinary action

REGISTRATION RENEWAL

- Renew at end of odd numbered years
- 24 professional development hours (PDHs) of Continuing Education:
 - College courses, short courses, webinars, seminars, lectures, writing articles or books, serving as an officer teaching a class or speaking at a professional society. with primary focus on health and welfare.
 - 5% of registrants are audited; disciplinary action is taken.

AELS BOARD TASKS

- Meets four times a year for two days each
- Reviews applicants for licensure by exam or comity
- Authorizes corporations to practice
- Suggests statute changes, comments on legislation
- Adopts and revises regulations
- Writes code of ethics
- Establishes continuing education requirements
- Can revoke or suspend a registration

GUARDING THE PROFESSION

- AELS follow-ups to complaints
 - Registrant's duty to report violation
 - Written, signed, and notarized
 - Complainant's ID is protected
 - Investigated, reviewed by Board, decision on action
- Typical issues:
 - Unlicensed practice
 - Work outside scope of license
 - Fraud or deceit
 - Incompetence, gross negligence, or misconduct
 - Violation of the code of ethics, statutes, or regulations
 - Functioning without corporate authorization

PROFESSIONAL DEVELOPMENT

- Get involved in professional societies or organizations:
 - Alaska Society of Professional Engineers
 - Alaska Water & Wastewater Association
 - American Society of Civil Engineers
 - American Society of Heating, Refrigeration, and Air-Conditioning Engineers
 - American Society of Mechanical Engineers
 - Associated General Contractors
 - Construction Specifications Institute
 - Institute of Electrical and Electronics Engineers
 - Institute of Transportation Engineers
 - Society of American Military Engineers
 - Society of Petroleum Engineers
 - Society of Women Engineers
 - Toastmasters

BOARDS & COMMISSIONS

- State of Alaska
 - Seismic Hazards Safety Commission
 - Water & Wastewater Works Advisory Board
 - AELS Board
- Municipality of Anchorage
 - Board of Building Examiners and Appeals
 - Geotechnical Advisory Commission
 - Planning and Zoning Commission
 - On-site Water & Wastewater Technical Review Board

COMMUNITY SERVICE

- Charitable and Service Organizations
 - Salvation Army
 - Red Cross
 - Anchorage Rescue Mission
 - Engineers Without Borders
 - Church
 - Political issues & campaigns
 - High school engineering academies
 - UAA community advisory boards
 - Junior Achievement
 - Symphony, Community Chorus, other arts
 - And many more – Check out Pick, Click, Give
- Engineering society sponsored events
 - Mathcounts
 - Engineers Week
 - Engineering Explorer Post
 - Robotics competitions

Questions or comments?

Loren Leman, P.E.

(907) 243-2000 (home/work) or 351-8683 (cell)

loren@lorenleman.com

From: [Board of AELS \(CED sponsored\)](#)
To: [Neal, Sara J \(CED\)](#)
Subject: FW: board list of convictions
Date: Thursday, March 31, 2022 1:40:47 PM

Hi Sara,

Not sure if you saw this email the day you left so I am forwarding it to you.

Heather Noe, Occupational Licensing Examiner

[Alaska State Board of Registration for Architects, Engineers, and Land Surveyors](#)

Email: heather.noe@alaska.gov

Work Phone: (907) 465-1226

Fax: 907-465-2974

From: Chambers, Sara C (CED)
Sent: Wednesday, March 30, 2022 1:29 PM
To: Carrillo, Laura N (CED) <laura.carrillo@alaska.gov>; Hoffard, Renee (CED) <renee.hoffard@alaska.gov>; Hondolero, Corissa A (CED) <cori.hondolero@alaska.gov>; Maroney, Lisa K (CED) <lisa.maroney@alaska.gov>; Derr, Lacey E (CED) <lacey.derr@alaska.gov>; Sherrell, Lisa D (CED) <lisa.sherrell@alaska.gov>; Walker Linderman, Tessa C (CED) <tessa.walker.linderman@alaska.gov>; Norberg, Natalie M (CED) <natalie.norberg@alaska.gov>; Board of Barbers Hairdressers (CED sponsored) <boardofbarbershairdressers@alaska.gov>; Board of Chiropractic Examiners (CED sponsored) <boardofchiropracticexaminers@alaska.gov>; Board of Professional Counselors (CED sponsored) <professionalcounselors@alaska.gov>; Board of Psychologists (CED sponsored) <boardofpsychologists@alaska.gov>; Board of Marital and Family Therapy (CED sponsored) <boardofmaritalandfamilytherapy@alaska.gov>; Board of Social Work Examiners (CED sponsored) <socialworkexaminers@alaska.gov>; Board of AELS (CED sponsored) <aelsboard@alaska.gov>; Board of Real Estate Appraisers (CED sponsored) <realestateappraisers@alaska.gov>; Ryals, Terry D (CED) <terry.ryals@alaska.gov>; Board of Dental Examiners (CED sponsored) <boardofdentalexaminers@alaska.gov>; Board of Massage Therapists (CED sponsored) <boardofmassagetherapists@alaska.gov>; Board of Midwives (CED sponsored) <midwives@alaska.gov>; Board of Physical and Occupational Therapy (CED sponsored) <physicalandoccupationaltherapy@alaska.gov>; Board of Veterinary Examiners (CED sponsored) <boardofveterinaryexaminers@alaska.gov>; Board of Optometry (CED sponsored) <boardofoptometry@alaska.gov>
Cc: Francois, Greg A (CED) <greg.francois@alaska.gov>; Prieksat, Erika L (CED) <erika.prieksat@alaska.gov>; Moniz, Cole A (CED) <cole.moniz@alaska.gov>; Hoskinson, Glenn A (CED) <glenn.hoskinson@alaska.gov>; Kautz, Colleen K (CED) <colleen.kautz@alaska.gov>
Subject: board list of convictions

Hi, everyone. We are looking for board/program examples of criminal activity that do not warrant investigative review. Per P&P-28, your board may create a list of activities that they do not want

considered in the application process. Specifically, the situation we are reviewing is what does not need to be disclosed at all, per the board. (For example, if someone failed to disclose the activity, we would not send it to investigations.)

Anecdotally, these tend to be aged misdemeanors or certain types of activities that do not pertain to the profession. An example might be a 20-year-old DUI or a misdemeanor assault charge for a non-health care applicant.

Please send any of these board-approved lists to me at your soonest convenience. I'll organize and circulate back to everyone as examples.

Thank you!



Sara Chambers

Division Director

Alaska Division of Corporations, Business and Professional Licensing

Department of Commerce, Community, and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

Subject	Unit(s)	P&P #	
"Yes" Answers to Professional Fitness Questions on License Applications	Professional Licensing Investigations	28	
Approvals	Signature	Date	Date Effective
Deputy Director	<small>DocuSigned by:</small>  Sharon Walsh	10/25/2021	September 2011
Chief Investigator	<small>DocuSigned by:</small>  <i>Greg Francois</i>	10/25/2021	
Revisions: September 2012, June 2016, November 2021			
Considerations:			
<p>This policy and procedure applies to all licensing programs unless otherwise codified in regulations prior to the effective date of this policy.</p> <p>All information supplied as part of an application is public information, unless it is exempted from disclosure by the Alaska Public Records Act (AS 40.25.120) or another law.</p> <p>Most documents are not legally confidential and licensing examiners should not give anyone an assurance of confidentiality related to application information without prior written instruction from the supervisor.</p> <p>In this document, "supervisor" refers to the records and licensing supervisor or the executive administrator/marine pilot coordinator/program coordinator, as these positions pertain to supervision of the licensing program.</p> <p>Authority: AS 08.01.050(a)(4); AS 08.01.070(6); AS 08.01.100(c)</p>			
Procedures:			
A. Application Forms:			
1.	<p>The examiner shall review initial licensure and renewal application forms to be sure questions regarding applicant fitness, if any, state the clearest wording of what is required. Where applicable, the text of the following two paragraphs or their variants should be used:</p> <p style="padding-left: 40px;">"[Since your last _____ license was issued:] [H]ave you [ever]been convicted of a crime or are you currently charged with committing a crime? For purposes of this question, 'crime' includes a misdemeanor, felony, or a military offense, including a conviction involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. 'Convicted' includes having been found guilty by verdict of a judge or jury, having entered a plea of guilty, nolo contendere or no contest, or having been given probation, a suspended imposition of sentence, or a fine."</p> <p style="padding-left: 40px;">"Have you had a professional license denied, revoked, suspended, or otherwise restricted, conditioned, or limited or have you surrendered a professional license, been fined, placed on probation, reprimanded, disciplined, or entered into a settlement with a licensing authority in connection with a professional license you have held in any jurisdiction including Alaska and including that of any military authorities or is any such action pending?"</p>		

	The instruction section of applications should also include a statement that answering "yes" under section ____ (state the section number on the application) may require additional time for processing.
2.	Supervisors will clarify for each program where any variations from this policy may occur within each program's statutes or regulations. Additional questions may be necessary to determine fitness to practice or other qualifications required by law.
B. Communication With Applicants:	
1.	<p>If an applicant answers "yes" to a professional fitness question on an application, the Licensing Examiner must ensure the applicant submits the following items:</p> <ul style="list-style-type: none"> a. A detailed explanation letter about the event written by the applicant; b. A copy of the <u>records issued by the court</u> showing final disposition of the charge(s); and c. If medically related, a "fitness to practice" letter from the applicant's health care provider attesting to their relationship to the issue of concern and the applicant's ability to practice. <p>Public-source documents (i.e. CourtView) are not acceptable. Other official documents that do not reflect the final disposition of the charge may not be accepted <u>in lieu of</u> court records showing final disposition. Examples of documents that do not show the final disposition include police reports, traffic citations, probation certification, plea agreements.</p> <p>If the applicant cannot obtain court records, a certified letter from the court or records personnel indicating no records were found or exists must be provided before referring to investigations. If the court refuses to provide such a letter, the applicant must provide a signed affidavit attesting that is the case.</p> <p>Examiners will use a tracking form or checklist to determine whether an application is complete.</p>
2.	If the applicant indicates that he/she has been subject to licensing action in another state, obtain a copy of the action from the applicant, as well as directly from the state licensing agency. Public-source documents or screen shots of a web page are not acceptable. Copies of <u>official</u> disposition documents posted on a state licensing board's web site are acceptable.
3.	<p>If a licensee submits an application for a higher classification of license or permit category, the applicant must provide all documentation required to complete the application process, even if the applicant previously submitted documentation to support a "yes" answer to complete the application requirements for the first license.</p> <p>A statement from the applicant indicating "See other application or license, etc." is not acceptable to fulfill the requirements of the new application.</p>
4.	Examiners <u>will not discuss</u> "yes" answers with applicants other than to request required documentation.
5.	Examiners <u>will not discuss</u> items they may be aware of, such as prior convictions not reported on the current application, and will not suggest the applicant fill out a new form or suggest the applicant alter their original application in any way other than to submit missing information. Completing incomplete areas of an application is allowed. Altering or changing information on the original application is not allowed.

6.	<p>If an application is referred to the Investigations Section, staff in the Professional Licensing Section will not discuss an investigation with the applicant, other than to let them know the application has been transferred for review by the assigned investigator.</p> <p>The applicant should be told to expect further correspondence from the Investigations Section. Examiners should not tell applicants a time frame they can expect since there are too many variables. If someone becomes demanding or upset or wishes to speak to a supervisor, give them the contact information for that program's assigned investigator.</p>
7.	<p>When the examiner has evidence that an application with a "no" answer actually should have been "yes," the examiner will forward the application to the Chief Investigator without requesting further explanation or additional documentation from the applicant. Please avoid characterizations in referral that would tend to indicate an offense has occurred before an inquiry has been conducted to determine the reason for the conflicting response.</p>

C. Processing Renewal Applications

1.	<p>If "yes" answers are present on the renewal application and the applicant is otherwise eligible for renewal, the examiner will discuss with the supervisor. Once the supervisor determines the applicant is eligible per statute and regulation to be qualified for renewal, the license will be renewed. See below for exceptions.</p>
2.	<p>If the examiner has evidence that issuing the license would result in an immediate threat to the health or safety of the public, the examiner will not issue the license but will forward it to Investigations Unit through the supervisor with an explanation.</p> <p>Concerns include convictions or pending cases that demonstrate the person is reckless or their intent is malicious. Examples <i>may</i> include misdemeanor or felony offenses within the past few years that that immediately and directly affect public safety such as homicide, manslaughter, sexual assault, kidnapping, robbery, aggravated assault, injury to a child, domestic violence.</p>
3.	<p>The supervisor may approve the application to proceed with processing of the license without further investigation under the following conditions:</p> <ol style="list-style-type: none"> a. If the "Yes" answer is the result of a licensing action taken by an Alaska licensing board/division director with no further complications occurring after the final order, or b. If the "Yes" answer had been remedied by action by the board, director or Investigations Unit during a prior licensing period, or c. If the "Yes" answer discloses a medical or psychiatric condition and the application includes a "Fitness to Practice" letter from a licensed health care practitioner that verifies they are safe to practice. The board/director will make a determination about fitness to practice in those cases where a question remains. d. If the "Yes" answer discloses an aged criminal conviction that is not a crime that may prevent licensure in accordance with the profession's statutes and regulations <u>and</u> offers a full and complete letter of explanation. For the purposes of this paragraph, "<i>aged</i>" is defined as older than seven years prior to the date of the application unless otherwise specified in a program's statutes or regulations.

	<p>e. If the "Yes" answer discloses a status offense ("AU" on court records) or a misdemeanor committed while the applicant or licensee was a juvenile and tried as a juvenile. A status offense is a noncriminal act that is considered a law violation only because of a youth's status as a minor.</p> <p>Typical status offenses include truancy, running away from home, violating curfew, underage possession and use of alcohol, underage possession and use of tobacco, and general ungovernability.</p> <p>Juvenile offenses are those matters committed while the person was under the age of eighteen (18).</p> <p>f. If the "Yes" answer discloses a misdemeanor offense, and the applicant/licensee has provided a full and complete explanation and copies of court documents, licensing supervisors have the discretion to forward the matter to the board/director without investigative review. However, questionable, concerning, or conflicting information should be forwarded for investigative review.</p> <p>g. If the licensing board or director has approved a checklist of specific criteria that have been fully disclosed in the application materials and do not require further review. The checklist may not include matters that are grounds for denial or revocation of licensure. The supervisor may delegate approval to proceed without investigative review to the licensing examiner if an application meets the checklist criteria. This delegation will be documented in the program files.</p> <p>h. Facilities/Offices:</p> <ul style="list-style-type: none"> i. If the "Yes" answer discloses a paperwork violation for facilities or offices, including untimely notifications. ii. If the "Yes" answer discloses a license action in another jurisdiction for facilities or offices and includes proof of disposition with a consent agreement, payment of fine, or other resolution which has since placed the license or registration in good standing. iii. If the "Yes" answer discloses actions or criminal history of employees for facilities or offices who are not individually regulated under AS 08 and whose work is not physically located in the state of Alaska.
4.	<p>Renewal applications forwarded to the Investigations Unit that <u>were not renewed</u> as a result of meeting the criteria set out in C.2 and C.3 above will be made a <u>high priority</u> within the investigator's caseload.</p>
<p>D. Processing Initial Applications</p>	
1.	<p>All new license applications with "yes" answers shall be forwarded to the supervisor for further review.</p> <p>The supervisor may approve the application to proceed with processing of the license without further investigation under the following conditions:</p> <ul style="list-style-type: none"> a. If the "Yes" answer is the result of a licensing action taken by an Alaska licensing board/division director with no further complications occurring after the board's order, or

	<p>b. If the "Yes" answer discloses a medical or psychiatric condition and the application includes a "Fitness to Practice" letter from a licensed health care practitioner that verifies they are safe to practice. The board/director will make a determination about fitness to practice in those cases where a question remains.</p> <p>c. If the "Yes" answer discloses an aged criminal conviction that is not a crime that may prevent licensure in accordance with the profession's statutes and regulations <u>and</u> offers a full and complete letter of explanation. For the purposes of this paragraph, "<i>aged</i>" is defined as older than seven years prior to the date of the application unless otherwise specified in a program's statutes or regulations.</p> <p>d. If the "Yes" answer discloses a status offense ("AU" on court records) or a misdemeanor committed while the applicant or licensee was a juvenile and tried as a juvenile. A status offense is a noncriminal act that is considered a law violation only because of a youth's status as a minor.</p> <p style="padding-left: 40px;">Typical status offenses include truancy, running away from home, violating curfew, underage possession and use of alcohol, underage possession and use of tobacco, and general ungovernability.</p> <p style="padding-left: 40px;">Juvenile offenses are those matters committed while the person was under the age of eighteen (18).</p> <p>e. If the "Yes" answer discloses a misdemeanor offense, and the applicant/licensee has provided a full and complete explanation and copies of court documents, licensing supervisors have the discretion to forward the matter to the board/director without investigative review. However, questionable, concerning, or conflicting information should be forwarded for investigative review.</p> <p>f. If the licensing board or director has approved a checklist of specific criteria that have been fully disclosed in the application materials and do not require further review. The checklist may not include matters that are grounds for denial or revocation of licensure. The supervisor may delegate approval to proceed without investigative review to the licensing examiner if an application meets the checklist criteria. This delegation will be documented in the program files.</p> <p>g. Facilities/Offices:</p> <ul style="list-style-type: none"> iv. If the "Yes" answer discloses a paperwork violation for facilities or offices, including untimely notifications. v. If the "Yes" answer discloses a license action in another jurisdiction for facilities or offices and includes proof of disposition with a consent agreement, payment of fine, or other resolution which has since placed the license or registration in good standing. vi. If the "Yes" answer discloses actions or criminal history of employees for facilities or offices who are not individually regulated under AS 08 and whose work is not physically located in the state of Alaska. <p>The supervisor will review the "Yes" answer application and request a review by the Investigations Section if the criteria above are not met.</p>
<p>2.</p>	<p>Investigators will determine whether the application requires board member/director review or if further steps are required to evaluate the materials presented. The examiner will not pursue this line of</p>

	questioning with the applicant but may communicate concerns about the application to the appropriate investigator.
3.	Once the application has been returned by Investigations Section, the examiner will review with the supervisor and prepare the file for board action or the decision of the division director or his/her designee, as applicable and allowed in statute or regulation.
E. Sending a Request for Review to the Investigations Section:	
1.	The Investigations Unit needs all license application documents other than transcripts and exam scores. All files must be uploaded into the CBP portal before making the request. Files for investigator review will be labeled as Kofax category "Professional Fitness Supporting Documentation." The investigator assigned to the request will be able to review all files through the CBP portal.
2.	<p>When the application is complete, the examiner shall email the supervisor with a message that identifies:</p> <ul style="list-style-type: none"> a. In the email SUBJECT line: <ul style="list-style-type: none"> 1. 3-letter Board Code (ex. CHI, DEN, MED, etc.) 2. "Yes Answer" and whether a new application or renewal 3. Applicant's Name <p>Subject line example: <u>CHI-Yes Answer-Renewal-Applicant's Name</u></p> b. In the body of the email: <ul style="list-style-type: none"> a. Name of the applicant b. License number in CBP c. Type of License being sought d. Whether the application is new or a renewal e. Whether the license has been issued f. Which question(s) were answered "yes" <p>"Red flag" the message in Outlook as High Importance if the license has not been issued and will be needed for a board meeting within the next 60 days.</p>
3.	<p>The supervisor will review the "yes" answer application and email request within 5 business days of referral from the examiner. The supervisor may approve the application to proceed with processing of the license without further investigation if the conditions in C.3. or D.1.</p> <p>If it is determined that the matter need not be referred to the Investigations Section, the supervisor will include a note or memo with the file stating "Supervisor review is sufficient per P&P-28. No further review by the Investigations Section is required. Adequate information is in the file for board or director consideration, if required."</p> <p>If these criteria are not met, the supervisor will forward the request for review to the Chief Investigator, logging the transmission in the spreadsheet located at I:\OCCLIC\PROFESSIONAL LICENSING\MANAGEMENT. This request should occur within 5 days of referral from the examiner.</p>
4.	The examiner should flag the file in the CBP Tickler as "Quality Review" and check with the supervisor if no response to the request has been received within three business days.

	<p>The supervisor will check the referral spreadsheet at least weekly to ensure the matter was received, assigned, and is being worked by the investigator per section 5, below.</p>
<p>5.</p>	<p>If the application is complete with no other derogatory information found: The investigator will review and respond with an email message per section 6, below, within two weeks and no later than 30 business days. Board member review of the matter is not necessary prior to closure.</p> <p>If the application is incomplete or if the case escalates: Within 30 days, the investigator will provide the supervisor with an update and ensure the licensee is promptly contacted with a Notice of Complaint. In most situations, the investigative review will be closed within 180 days.</p>
<p>6.</p>	<p>The applicant's name will be checked against enforcement databases available to the investigators for truthfulness of the data provided. If the matter does not warrant further investigation, Investigations will notify the examiner and supervisor. Each licensing file must reflect the outcome of the enforcement review before taking further action on the application.</p> <p>Upon completion of the review, the investigator will respond as appropriate, below:</p> <ul style="list-style-type: none"> a. "Reviewed the application documentation provided by the examiner regarding (<i>input material reviewed</i>). Adequate information is in the file for board or director consideration, if required. No further review by the Investigations Unit is required. (Date/Name/Title of Investigator)." b. Notification that an investigation will be opened. (This statement is confidential.) c. In matters involving a possible violation resolved short of license action: The investigator will provide a synopsis of the resolution/ findings (via email) to each examiner & supervisor for use by the board/director for their application review. d. In matters resolved via licensing action and/or public discipline: The investigator will provide a detailed memo, which accompanies the proposed action to the board/director for their application review. It will be sent to licensing staff to become part of the board packet for deliberation, along with the disciplinary action to be acted on by the board. (Or the director, in matters pertaining to programs without a board.) <p>The investigative memo will be marked confidential and cannot become part of the permanent licensing record as it is considered deliberative process.</p> <p>Once the final action is adopted, licensing staff will receive a copy of the action along with the cover letter that is sent to the respondent, etc., to conclude the case.</p>

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

Summary of All Professional Licensing	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium	FY 20	FY 21	Biennium	FY 22 1st - 3rd QTR
	Revenue									
Revenue from License Fees	\$ 10,967,792	\$ 10,344,142	\$ 21,311,934	\$ 10,593,566	\$ 12,348,444	\$ 22,942,010	\$ 10,440,011	\$ 14,619,400	\$ 25,059,411	\$ 9,455,443
General Fund Received								411,672	411,672	1,500,000
Allowable Third Party Reimbursements	12,796	39,506	52,302	33,439	24,839	58,278	10,749	-	10,749	-
TOTAL REVENUE	\$ 10,980,588	\$ 10,383,648	\$ 21,364,236	\$ 10,627,005	\$ 12,373,283	\$ 23,000,288	\$ 10,450,760	\$ 15,031,072	\$ 25,481,832	\$ 10,955,443
Expenditures										
Non Investigation Expenditures										
1000 - Personal Services	3,221,534	2,833,296	6,054,830	3,311,573	3,505,118	6,816,691	3,523,169	3,521,086	7,044,255	2,549,280
2000 - Travel	293,821	219,832	513,653	269,357	178,153	447,510	104,189	10,070	114,259	39,965
3000 - Services	1,064,325	1,064,192	2,128,517	1,080,810	1,060,486	2,141,296	987,991	876,299	1,864,290	515,300
4000 - Commodities	13,419	9,150	22,569	13,350	9,334	22,684	5,510	2,416	7,926	5,393
5000 - Capital Outlay	-	-	-	-	-	-	50	-	50	-
Total Non-Investigation Expenditures	4,593,099	4,126,470	8,719,569	4,675,090	4,753,091	9,428,181	4,620,909	4,409,871	9,030,780	3,109,938
Investigation Expenditures										
1000-Personal Services	1,334,969	1,490,235	2,825,204	1,434,105	1,685,367	3,119,472	1,767,657	1,774,051	3,541,708	1,282,808
2000 - Travel	-	-	-	-	6,436	6,436	9,032	-	9,032	2,853
3023 - Expert Witness	39,850	35,739	75,589	31,975	17,785	49,760	23,050	38,010	61,060	31,265
3088 - Inter-Agency Legal	297,572	334,706	632,278	281,434	304,898	586,332	286,536	393,182	679,718	-
3094 - Inter-Agency Hearing/Mediation	85,582	90,926	176,508	64,444	118,441	182,885	67,422	143,460	210,882	71,276
3000 - Services other	-	-	-	-	16,625	16,625	10,546	4,510	15,056	174,859
4000 - Commodities	-	-	-	-	270	270	49	300	349	120
Total Investigation Expenditures	1,757,973	1,951,606	3,709,579	1,811,958	2,149,822	3,961,780	2,164,292	2,353,513	4,517,805	1,563,181
Total Direct Expenditures	6,351,072	6,078,076	12,429,148	6,487,048	6,902,913	13,389,961	6,785,201	6,763,384	13,548,585	4,673,120
Indirect Expenditures										
Internal Administrative Costs	2,102,454	2,194,345	4,296,799	2,315,297	2,375,261	4,690,558	2,427,082	2,325,727	4,752,809	1,744,301
Departmental Costs	946,871	1,342,387	2,289,258	1,314,295	1,399,397	2,713,692	1,033,812	1,035,688	2,069,500	776,771
Statewide Costs	325,187	485,759	810,946	530,355	538,481	1,068,836	691,585	726,799	1,418,384	545,103
Total Indirect Expenditures	3,374,512	4,022,491	7,397,003	4,159,947	4,313,139	8,473,086	4,152,479	4,088,214	8,240,693	3,066,175
TOTAL EXPENDITURES	\$ 9,725,584	\$ 10,100,567	\$ 19,826,151	\$ 10,646,995	\$ 11,216,052	\$ 21,863,047	\$ 10,937,680	\$ 10,851,598	\$ 21,789,278	\$ 7,739,295
Cumulative Surplus (Deficit)										
Beginning Cumulative Surplus (Deficit)	\$ 2,894,180	\$ 4,149,584		\$ 4,432,665	\$ 4,412,675		\$ 5,569,906	\$ 5,082,986		\$ 9,262,460
Annual Increase/(Decrease)	1,255,404	283,081		(19,990)	1,157,231		(486,920)	4,179,474		\$ 3,216,148
Ending Cumulative Surplus (Deficit)	\$ 4,149,584	\$ 4,432,665		\$ 4,412,675	5,569,906		\$ 5,082,986	9,262,460		\$ 12,478,608
Statistical Information										
Number of Licenses for Indirect calculation	74,462	88,440		88,629	85,893		84,786	93,020		-
Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065.										

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

Board of Architects, Engineers, and Land Surveyors	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium	FY 20	FY 21	Biennium	FY 22 1st - 3rd QTR
	Revenue									
Revenue from License Fees	\$ 1,312,092	\$ 201,239	\$ 1,513,331	\$ 909,305	\$ 161,305	\$ 1,070,610	\$ 932,985	\$ 146,310	\$ 1,079,295	\$ 900,140
General Fund Received							\$ -	\$ -	\$ -	\$ -
Allowable Third Party Reimbursements	6,302	13,376	19,678	13,692	10,892	24,584	\$ 4,143	\$ -	4,143	\$ -
TOTAL REVENUE	\$ 1,318,394	\$ 214,615	\$ 1,533,009	\$ 922,997	\$ 172,197	\$ 1,095,194	\$ 937,128	\$ 146,310	\$ 1,083,438	\$ 900,140
Expenditures										
Non Investigation Expenditures										
1000 - Personal Services	230,912	151,062	381,974	179,399	201,499	380,898	173,287	159,806	333,093	104,331
2000 - Travel	35,307	32,347	67,654	29,385	26,313	55,698	15,812	2,110	17,922	10,245
3000 - Services	70,609	38,839	109,448	45,487	59,467	104,954	35,084	43,162	78,246	29,335
4000 - Commodities	1,221	631	1,852	499	27	526	30	-	30	-
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	338,049	222,879	560,928	254,770	287,306	542,076	224,213	205,078	429,291	143,911
Investigation Expenditures										
1000-Personal Services	94,056	136,643	230,699	110,690	121,182	231,872	71,024	75,160	146,184	34,255
2000 - Travel	-	-	-	-	-	-	-	-	-	-
3023 - Expert Witness	-	-	-	-	-	-	-	-	-	-
3088 - Inter-Agency Legal	-	-	-	-	-	-	-	1,996	1,996	-
3094 - Inter-Agency Hearing/Mediation	-	134	134	58	-	58	-	-	-	-
3000 - Services other	-	-	-	-	670	670	208	429	637	-
4000 - Commodities	-	-	-	-	-	-	-	-	-	-
Total Investigation Expenditures	94,056	136,777	230,833	110,748	121,852	232,600	71,232	77,585	148,817	34,255
Total Direct Expenditures	432,105	359,656	791,761	365,518	409,158	774,676	295,445	282,663	578,108	178,166
Indirect Expenditures										
Internal Administrative Costs	216,777	183,444	400,221	190,072	176,749	366,821	187,122	160,058	347,180	120,044
Departmental Costs	68,567	103,670	172,237	95,712	96,635	192,347	66,632	61,722	128,354	46,292
Statewide Costs	19,550	33,286	52,836	32,420	32,978	65,398	32,186	32,250	64,436	24,188
Total Indirect Expenditures	304,894	320,400	625,294	318,204	306,362	624,566	285,940	254,030	539,970	190,524
TOTAL EXPENDITURES	\$ 736,999	\$ 680,056	\$ 1,417,055	\$ 683,722	\$ 715,520	\$ 1,399,242	\$ 581,385	\$ 536,693	\$ 1,118,078	\$ 368,690
Cumulative Surplus (Deficit)										
Beginning Cumulative Surplus (Deficit)	\$ 743,460	\$ 1,324,855		\$ 859,414	\$ 1,098,689		\$ 555,366	\$ 911,109		\$ 520,726
Annual Increase/(Decrease)	581,395	(465,441)		239,275	(543,323)		355,743	(390,383)		531,450
Ending Cumulative Surplus (Deficit)	\$ 1,324,855	\$ 859,414		\$ 1,098,689	555,366		\$ 911,109	\$ 520,726		\$ 1,052,176
Statistical Information										
Number of Licenses for Indirect calculation	8,785	7,847		8,152	7,331		7,488	7,386		
Additional information:	<ul style="list-style-type: none"> • Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses * • Most recent fee change: New fee added FY20 • Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program 									

From: karl@zianet.com
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Cc: perry.valdez@state.nm.us
Subject: New Mexico motion at WZ Interim meeting to amend NCEES Model Law subpart 130.10.B.2.b. (PE comity)
Date: Monday, April 11, 2022 7:33:30 PM
Attachments: [image001.png](#)
[Motion for NCEES Model Law Revision 2022.pdf](#)

You don't often get email from karl@zianet.com. [Learn why this is important](#)

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Hello Western Zone MBAs:

First, let me apologize for any confusion if this is a duplicate message to the one I sent to all registered WZ Interim meeting attendees. (When crafting the recipient list I was first advised by NCEES to send only to the registered attendees, but further discussions led to a change of heart.) My hope with this email is to generate local discussion prior to the meeting such that a truly meaningful discussion and hopefully vote can occur.

Let me also be clear that **I am reaching out today as the Chair of the New Mexico Board of Licensure for Professional Engineers and Professional Surveyors (NMBLPEPS)**, not in the NCEES role under which I recently sent a separate email requesting updates for your respective Boards (*thanks to four of you who already responded, BTW*). Like NCEES, NMBLPEPS has seen an imperative need to focus on license mobility. In some circumstances we have faced situations where seemingly qualified candidates are unable to gain licensure into New Mexico despite a lengthy history of regulated practice in other jurisdictions.

As licensing boards, we may not all agree on the standards for suitable *initial* entry into the profession. However, once someone has been practicing under an attentive jurisdiction for years without incident the differences between our initial barriers seem less critical to our shared goal of safeguarding life, health, and property, and to promote the public welfare.

To address this concept, NMBLPEPS adopted a new path to comity for engineers that is at the same time simple and rigorous ([NMSA 61-23-14.1.D.\(3\)](#)). The requirements are essentially: 1) to be actively licensed in a United States jurisdiction for a minimum of 10 years prior to application, 2) not have any disciplinary activity related to conduct or practice in the five years immediately preceding application, and 3) not ever have had a professional license suspended or revoked.

Many Boards are faced with political initiatives that seek to remove essentially *all* perceived "barriers to licensure". Often this takes the form of a carte blanche immediate acceptance of licensees from other jurisdictions regardless of the initial entry requirements- essentially a lowest bar approach to professional licensing. NMBLPEPS believes that the best way to counter this is to offer a credible alternative that is based in demonstrated experience and acceptable practice. As such, **NMBLPEPS will be asking for Western Zone support of a motion to amend subpart 130.10.B.2.b. (Licensure by Comity for a Professional Engineer) of the Model Law of the National Council for Examination of Engineers and Surveyors (NCEES)**. A recent motion passed by NMBLPEPS specifically including the language to be added to subpart 130.10.B.2.b. is attached for your consideration.

Those familiar with NCEES will immediately recognize that change happens slowly within the organization. This is by design and is generally appropriate given our collective responsibilities. However, we need to get the ball rolling, and if we fail to take appropriate measures soon I believe we will very likely be handed a solution by our respective political oversight bodies that will prove far less palatable.

If you have any questions regarding how this comity path has worked in New Mexico or would like to discuss any aspect of this proposal, please feel free to reach out in advance of the Western Zone meeting or speak with me at the meeting.

NMBLPEPS would greatly appreciate your support on this initiative. Thank you for your consideration.

Karl E. Tonander, P.G., P.E.

NMBLPEPS Board Chair

P.E. licensed in AZ, CO, ID, NM, OK, TX, UT, WY

P.G. licensed in AK, LA, TX, UT, WA, WY



Whereas the New Mexico Board of Professional Engineers and Professional Surveyors (NMBLPEPS) acknowledges the need to improve professional engineer licensure mobility into New Mexico and throughout the United States; and

Whereas NMBLPEPS recognizes that the licensing jurisdictions within the United States often have unique criteria that limit professional engineer mobility; and

Whereas NMBLPEPS acknowledges that licensing boards play a vital role in supervising professional registrants, and that such supervision and resultant actions taken against registrants can be used to evaluate the character and quality of a registered professional; and

Whereas NMBLPEPS took measures to remove regulatory barriers into New Mexico for Professional Engineers by adopting certain changes to its Act and Rules, and those changes have proven successful in removing barriers without increased hazard to the public we serve, now therefore be it

Resolved that NMBLPEPS will advocate for the passage of a change to subpart 130.10.B.2.b. (Licensure by Comity for a Professional Engineer) of the Model Law of the National Council for Examination of Engineers and Surveyors (NCEES) as follows:

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity as a professional engineer:

1. An individual holding a certificate of licensure to engage in the practice of engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard that provides proof of minimal competency and is comparable to the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or
2. An individual holding an active Council Record with NCEES, whose qualifications as evidenced by the Council Record meet the requirements of this Act, may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or
3. An individual holding a certificate of licensure to engage in the practice of engineering issued by the District of Columbia, another state, a territory, or a possession of the United States, may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction, if they meet all three (3) of the following criteria:
 - a) has been actively licensed for a minimum of ten (10) years contiguous immediately preceding application to this jurisdiction;
 - b) has not received any form of disciplinary action related to professional conduct or practice from any jurisdiction within the five (5) years immediately preceding application to this jurisdiction; and
 - c) has not had their professional license suspended or revoked at any time from any jurisdiction.

NCARB MEETING REPORT
Prepared by Catherine Fritz
March 10, 2022

The NCARB Regional Summit was held (hybrid) on March 4-5, 2022 in Charlotte, NC; Catherine Fritz and Sara Neal attended in person to represent Alaska. There was also a pre-summit workshop for Member Board Executives on March 3rd that Sara Neal attended.

The Regional Summit brings together all NCARB regions (Alaska is part of Region 6) and focuses on topics relevant to each region, as well as council-wide topics. Region 6 is also referred to as the Western Council of Architectural Registration Boards (WCARB). It is made up of 13 jurisdictions (11 states plus the commonwealth of the Northern Marianas and the territory of Guam). See WCARB.com for more info.

During our Region 6 meeting time, we reviewed our Strategic Plan and made updates to our Action Item Groups, received reports from all jurisdictions, reviewed our budget (which is healthy), reviewed proposed Region 6 Bylaw changes, and held elections for Region 6 Executive Committee and its officers. We also considered national candidates for the upcoming June election, and discussed proposed national resolutions that will be voted on in June. I was re-elected to a second 2-year term on the WCARB Executive Committee, and was also re-elected as Secretary. I look forward to continuing to give Alaska an active voice at the table.

There were many interesting topics and speakers, including significant discussions about Diversity, Equity, and Inclusion (DEI). NCARB is taking bold steps to deeply consider how both the organization and the profession of architecture respond to DEI. Significant study is underway to understand data from exam pass rates, completion of architectural education, and a variety of experience issues. Action based results are already apparent, and lots more are in the making. The goal is to increase participation by under-represented groups and embrace the inherent value that diverse people and types of practices offer the profession. It is an exciting time of change.

The NCARB annual conference will be held June 2-4, 2022 in Austin, TX and will offer both in-person and hybrid formats for participating.

AELS BOARD UPDATE (for AIA Leadership and Newsletter)

The Alaska AELS Licensing Board met for its regular quarterly meeting on February 15-16, 2022 in Juneau. The agenda was very full and included review of 76 applications for licensing (all disciplines). There were 6 architects approved for registration through comity, and 3 architects approved for examination. The Board extended its sincere thanks for the service of civil engineer, Jennifer Anderson who has completed her term, and welcomed new member, Sterling Strait (civil and structural engineer). The public member seat has also been filled by Brent Cole, an Anchorage attorney. Both Sterling and Brent are still in the legislative confirmation process, but expected to officially join the Board soon.

The Board reviewed its Strategic Plan and adopted new actions for 2022. There was no public testimony received during the meeting, but the Board was visited by Senator Mia Costello who expressed her support for the design professions and the work of the licensing board. Legislative Liaison Committee Chair, Loren Leman, testified at the Senate Labor & Commerce Committee, and the board authorized member Jake Maxwell (Land Surveyor) to testify at the Senate State Affairs Committee in support of HB 148 (2022 update to Alaska coordinate system), however, the bill was passed out of committee without additional testimony.

Regarding HB61 (interior design practice act), in January, the AELS Chair wrote a letter to the House Finance Committee that included the concerns raised last year, but not heard by the House Labor & Commerce Committee. The board's Legislative Liaison Committee is continuing to monitor the bill.

Survey results regarding Continuing Education (CE) were discussed. In general, there is support to maintain CE requirements, but interest in streamlining and clarifying requirements. The required audit will begin soon, and those who are audited will see a new reporting form that is expected to more clearly reflect the CE requirements that are adopted in regulation. It's good to be familiar with these regulations – you can find them at 12 AAC 36.500. Note that the AIA learning units that are identified as HSW have been fully accepted for credit. Other courses may require additional documentation to meet the regulations - Take a look!

The Board voted on new officers for 2022, and I was elected Chair. The Vice Chair position is now held by Environmental Engineer, Jeff Garness, and the new Secretary is Landscape Architect, Ed Leonetti. The next meeting will be May 10-11, 2022 in Anchorage and will also be available through teleconference. You are encouraged to review the agenda that is posted on the AELS website approximately 1 week before the meeting, and you are welcome to attend (in person or virtual) and offer testimony on both scheduled items and open topics/concerns.

As architect Board members, Randall Rozier and myself are Alaska's representatives to the National Council of Architectural Registration Boards (NCARB), whose role is to set the education, experience, and examination standards for our profession. We will be attending NCARB's annual meeting June 2-4, 2022.

Please reach out with questions and/or comments, and enjoy the growing daylight!

Catherine Fritz, AIA

Outreach Activity Report

Board: AELS

Date & Time of Event: April 1, 2022, 9 to 10 am

Person Reporting: Loren Lemman

Attendees: 25 students, 1 professor **Board Members:** 1

Type of Outreach: Presentation on AELS Board function and PE registration

Board member: Loren Lemman

Description of Event: I responded to a January 12, 2022 invitation from Scott Hamel, P.E., PhD, professor and chair of the civil engineering department at UAA, by speaking to his senior civil engineering Capstone class on the topic “PE Licensure in Alaska.” Dr. Hamel knows that I am on the AELS Board and also serve on the Community Advisory Board for the UAA College of Engineering.

To prepare I first got input from fellow Board members on appropriate material to cover, including starting with a PowerPoint presentation Colin Maynard and Elizabeth Johnston had put together for other outreaches. I did some editing to make the presentation more me—and to ensure I could land it, including a time allowance for Q&A, within the one-hour class period. I was able to do that. Sixteen students were present face-to-face in the classroom. Nine others participated by videoconference.

This was a local Anchorage event for me and did not create a cost to the State of Alaska. I expect that four years from now the Board will be reviewing applications from many of these students, so we should see a substantial return from this investment.

The PowerPoint presentation is in the OnBoard Resources folder.

Submitted by,

Loren Lemman

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

Motion & Roll Call Sheet

Made by: _____

Date: _____ Time: _____

Seconded by: _____

MOTION: I move that it be resolved to APPROVE the following list of applicants for registration by comity and examination with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.

PASSES UNANIMOUSLY? Yes ___ No ___

PASSES by ROLL CALL? Yes ___ No ___

Roll Call Vote	Yes	No	Abstain
Anderson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fritz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Garness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Johnston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leonetti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maxwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rozier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wallis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendment by: _____

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

Motion & Roll Call Sheet

Made by: _____

Date: _____ Time: _____

Seconded by: _____

MOTION: I move that it be resolved to **CONDITIONALLY APPROVE** the following list of applicants for registration by comity and examination with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.

PASSES UNANIMOUSLY? Yes___ No___

PASSES by ROLL CALL? Yes___ No___

Roll Call Vote	Yes	No	Abstain
Anderson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fritz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Garness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Johnston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leonetti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maxwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rozier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wallis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendment by: _____

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

Motion & Roll Call Sheet

Made by: _____

Date: _____ Time: _____

Seconded by: _____

MOTION: I move that it be resolved to find the following list of applicants for registration by comity and examination INCOMPLETE with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.

PASSES UNANIMOUSLY? Yes___ No___

PASSES by ROLL CALL? Yes___ No___

Roll Call Vote	Yes	No	Abstain
Anderson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fritz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Garness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Johnston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leonetti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maxwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rozier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wallis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendment by: _____

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

Motion & Roll Call Sheet

Made by: _____

Date: _____ Time: _____

Seconded by: _____

MOTION: I move to DENY the following list of applicants for registration by comity and examination with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.

PASSES UNANIMOUSLY? Yes___ No___

PASSES by ROLL CALL? Yes___ No___

Roll Call Vote	Yes	No	Abstain
Anderson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fritz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Garness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Johnston	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leonetti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maxwell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rozier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wallis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendment by: _____