

AELS Board Meeting

February 8-9th, 2024

In Person:

University of Alaska Anchorage

2900 Spirit Drive / EIB Room 413

Zoom Information:

<https://us02web.zoom.us/meeting/register/tZlvd-CtqT4uGtGt8gBGXucALOFwCF5b6Nqn>

You must use the link above to register for the meeting and then you will be emailed the meeting ID and password.



Agenda Item 2

Review / Amend /
Approve Agenda

Document included

7. 10:00 am – Regulation Projects in Progress
 - A. Responsible Charge – Leman / Garness summarize
 - B. 12AAC 36.185 – Document Retention – Johnston/Garness
 - C. 12AAC 36.145 What defines an office – Johnston/Garness/Wallis
 - D. 12AAC 36.530(b) CE Military Exemption – Education Committee
 - E. Architectural Engineering – Johnston, Legislative Liaison Committee (See agenda item 19 – no regulation language drafted)
8. 10:30 am - Break
9. 10:45 am - Division Report
 - A. FY 2024 1st Quarter Update
 - B. Update on EA Salary
 - C. Update on ADEC
 - D. Update on Military & Spouse Special Licensure
10. 11:30 am – Public Comment
11. 12:00 pm – Outreach Event – Cold Regions Design Course Instructors
12. 1:30 pm – Board discussion on Cold Regions Design Course core competencies
13. 2:30 pm – Old Business
 - A. Create Policy/Reg Project on Number of References for Applications – Bell / Wallis
 - B. AELS Website – Strait / Staff
 - C. Gather DEI Data from National Organizations – Johnston / Leonetti
14. 3:00 pm – Break
15. 3:15 pm – Board Elections (Feb 2024-Feb 2025)
16. 3:35 pm – New Business
 - A. Incoming Correspondence
 1. Stephanie Cloud – CE Volunteer Hours
 2. Bill Mendenhall – DUIs – Investigative Advisory Committee
 - B. New Annual Report Template – assign to new Vice Chair
 - C. Board delegate(s) to speak on SB 73/HB 159 after March 1, 2024
17. 4:00 pm - Licensing Examiner’s Report – Johnson
 - A. Update on staff approval process – Neal
18. 4:10pm - Application Review Questions
19. 4:30 pm - Recess

Day 2

20. 9:00 am – ASCE – Architectural Engineering – Andrea Reynolds
21. 9:30 am - Architectural Engineering Board Discussion as a registered profession to see if regulation project is necessary
22. 10:15 am - Break
23. 10:30 am – Committee Reports
 - A. Investigative Advisory Committee - Leonetti
 1. Investigative Report – Kase
 2. Barrier crimes
 - B. Outreach Committee – Maxwell
 1. 2024 Newsletter
 2. Wall Certificates
 3. May 2024 outreach event
Regulators’ forum with Anchorage Building Official, State Fire Marshal, key Municipality of Anchorage (MOA) officials, and AELS Investigator.
 - C. Guidance Manual Committee - Rozier
 1. Bylaws
 2. Definition of Responsible Charge Experience and HSW
 3. Example of CE self-study structured report - Leonetti
 4. Digital signature – waiting for regulation change - Johnston
 - D. Legislative Liaison Committee – Leman
 1. Board make-up
 2. EA Salary Issue
 3. SB 73 / HB159 update - Fritz
 - E. Education Committee - Johnston
 1. On demand Cold Regions Design course – core competencies (See agenda item 12)
 2. Regulation project CE 12AAC 36.530(b) (See agenda item 7 D)
24. 12:00 pm – Lunch
25. 1:00 pm – Special Groups
 - A. Land Surveyor Subcommittee – Maxwell, Bell
 - B. ADEC Regulations Working Group – Leman, Garness
 - C. DOT Bridge / Structural Engineering Working Group – Strait / Leman

26. 1:45 pm - Review Action Item List
27. 2:00 pm – Set Committee Meeting Dates
28. 2:15 pm – Read Applicants into the Record
29. 2:30 pm – Upcoming Calendar:
 - A. February 29-March 2 – NCARB Regional Summit, Savannah, GA – Fritz/Neal
 - B. April 19th - AKLS
 - C. May 8-9th, 2024 – AELS Board Meeting
 1. FY 2025 – New Strategic Plan Actions
 2. CE Audit documentation review
 3. Sunset Process
 4. New Board Member Welcome
 - D. May 16-17th – NCEES Zones, Bozeman, MT – Johnson/Maxwell/Strait
 - E. June 13-15th – NCARB Annual Business Meeting, Chicago, IL
 - F. August 14-17th – NCEES Annual Business Meeting, Chicago, IL
 - G. August – Set dates for the August 2024 Board Meeting
 - H. September 2024 – CLARB Annual Business Meeting, Buffalo, NY
30. 2:45 pm – Board Member Comments
31. 3:30 pm – Adjourn

Agenda Item 3

General Information

- A. Mission statement
- B. Virtual Meeting Code of Conduct
- C. Strategic Plan
- D. National Organization Updates
 - 1. NCEES
 - 2. NCARB
 - 3. CLARB

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.

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 aligning with model law, including updates to statutes, regs, policies**
 - Participate in national organizations to stay abreast of issues.
- b. Prepare university students for licensure**
 - Encourage licensing preparedness in UAA & UAF Engineering and Land Surveying/Geomatics 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, and allied professions.
 - Encourage Diversity, Equity, and Inclusion thru professional practice and regulation.
- d. Provide Administrative Support**
 - Assist Department staff with reports, meeting locations, outreach program challenges, etc.
 - Collaborate with Department to answer questions from candidates and registrants.

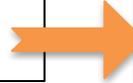
- Protect public HSW through effective statutes & regulations**
 - Analyze/update regulations to simplify and maintain Education, Experience, and Examination standards.
 - Enforce regulations with prompt, thorough investigations.
 - Update (revise) statutes to reflect current practices.
- b. Collaborate with design professionals and allied professions**
 - Listen to concerns; address through regulations and policies.
 - Interact with professional organizations on HSW matters.
 - Provide ongoing review/updates/publication of Guidance Manual.
- 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 straightforward applications without Board review.
 - Support special projects to develop knowledge base of Board's past actions.
 - Collaborate with staff to identify board training needs and opportunities.

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

2023 PLANNED ACTIONS (3.1.2023 – 2.29.2024)

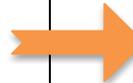
a. Support license mobility by aligning with model law, including updates to statutes, regulations, policies.



1. Review proposed changes for consistency with relevant NCARB, NCEES, and CLARB standards.
2. Support Board members' participation in national organization committees and leadership.
3. Review continue education changes for consistency with national standards.

b. Prepare university students for licensure by

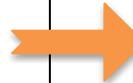
- encouraging licensing preparedness at UA (and other) engineering and land surveying/geomatics programs.
- encouraging Alaskan architecture students to become licensed in Alaska.
- encouraging Alaskan landscape architecture students to become licensed in Alaska.



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 least 1 UAA PDH Seminar series.
5. Identify Alaskan architecture and landscape architecture graduates and send congratulatory letters.

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.
- Encourage Diversity, Equity, Inclusion thru practice & regulations



1. Develop policy to guide unusual paths to licensure.
2. Develop infographic on path to licensure in Alaska
3. Develop an annual Outreach Plan in conjunction with the Board's annual report.
4. Produce at least 1 newsletter per year.
5. Reach outside AELS to analyze DEI in Alaska Design Professions; develop a DEI plan.

d. Provide Administrative Support

- Assist Department staff with reports, meeting locations, outreach program, etc.
- Collaborate with Department to answer questions from candidates and registrants.



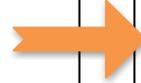
1. Utilize and organize Onboard Resource folders so they are easily accessible.
2. Identify outreach events early to work out logistical challenges.
3. Promptly respond to administrative requests for assistance from candidates and registrants.
4. Assist in writing the Annual Report and Travel Plan.

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

STRATEGIES

a. Protect public HSW through effective statutes & regulations

- Analyze/update regulations to simplify and maintain Education, Experience, Examination standards
- Enforce regulations with prompt, thorough investigations
- Update (revise) statute to reflect current practices.



2023 PLANNED ACTIONS (3.1.2023 – 2.29.2024)

1. Complete statute changes originally identified in 2019.
2. Review applicable bylaws; work with investigator to share investigation information with registrants.
3. Work with ADEC to improve regulations and policies that overlap with AELS.
4. Work with ID working Group and others regarding Interior Design Licensure (SB73)
5. Maintain regulation project spreadsheet to track progress.

b. Collaborate with design professionals & allied professions

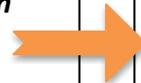
- Listen to concerns; address through regulations, policies.
- Interact with professional organizations on HSW matters.
- Provide ongoing review/update to Guidance Manual.



1. Update AELS historical information; incorporate applicable portions into Guidance Manual.
2. Invite design professionals to present to the board on current ideas and issues.

c. Maintaining Competency through Continuing Education

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



1. Complete the CE regulation changes.
2. Work with professional societies to make registrants aware of the new requirements.
3. Develop the “Structured Self Study Report” form.

d. Provide Administrative Support

- Empower staff to administer straightforward applications without Board review.
- Support special projects to develop knowledge base of Board past actions
- Collaborate with staff to identify board training needs and opportunities.



1. Complete regulation changes to empower staff to perform some level of application review/approval.
2. Complete statute changes to empower staff (See 2a1)
3. Review and update by-laws.
4. Review and update board member welcome packet.
5. Utilize Onboard resource folders to organize information
6. Assist Staff with FAQ for regulation projects.
7. Develop a template for annual committee reports.

2023 Actions

- Maintain effective Board committees & working groups (including annual review of Strategic Plan Actions)
- Review and update By-Laws
- Board training – department/infrastructure
- Should each Committee set goals/actions for the year? YES – summary report to add to the annual report
- Template for annual committee report (number of meetings, overview of topics, actions that led to regulation changes or policy changes)
- Follow the Strategic Plan! Don't add items to the workload that aren't already included in the plan!
- Make priorities –
 - Have each board member establish 2-3 preferred action items that are aligned with tasks on action items list.
 - Priority 1: Task needs to be completed w/in 30 days
 - Priority 2: Task needs to be completed before next board meeting (3 months)
 - Priority 3: Task needs to be completed within 6-12 months.



National Organizations' Updates

For current information on the national organizations please click on the following links:

- A NCEES: www.ncees.org
- B NCARB: www.ncarb.org
- C CLARB: www.clarb.org

Agenda Item 4

Consent Agenda

- A. Item 1: Meeting Minutes
 - 1. November 2023
- B. Item 2: Outgoing Correspondence
 - 1. Roger Weese – Direct Supervisory Control – Lemman/Garness
 - 2. Danh Vu – Application Requirements - Fritz

All items have documents included

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS

CONDENSED MINUTES OF THE MEETING HELD NOVEMBER 14-15TH, 2023

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

Date:	November 14-15 th , 2023
Time/Location:	November 14 th / 9am – 4:30pm / UAA EIB Room 413 November 15 th / 9am – Noon / UAA ECB Room 204
Attending:	Board Members: In Person – Catherine Fritz, Ed Leonetti, Elizabeth Johnston, Jake Maxwell, Sterling Strait, Fred Wallis / Virtual – Bob Bell, Jeff Garness, Loren Leman, Randall Rozier Board Staff: Sara Neal, Kelly Johnson Division Staff: Sylvan Robb, Glenn Saviers, Melissa Dumas, Sara Chambers, Billy Homestead, Patrick Kase, Elizabeth Leduc, Lizzie Kubitz, Alison Osborne Invited testimony: Representative Tom McKay and aide Trevor Jepsen, Lucy Campbell, Gregor Catto Public: Nov 14 th : In Person – Timothy Conrad, David Gamez, Jessica Cederberg / Virtual – Aaron Blaisdell, Leslie Daugherty, Colin Maynard, Jesse Escamilla, Nicholas Murray, Jonny Hayes, Dana Nunn, Erik Jones, Stephanie Cloud, Mary Knopf, Ben Ferry, R. Rorabaugh, Kate I., Mike Griffith, Roy Rountree, Bri Keifer, Ramona Schimscheimer, Tracy Vanairsdale, Chung Lin, Hubert Vinberg, Catherine Wilkins, Barbara Cash, Tim Whiteley, Krista Phillips, Dianne Blumer, Elizabeth Hebron, Chris Mertyl, Matthew Gallager Nov 15 th : In Person – Colin Maynard / Virtual – Aaron Blaisdell, Chris Miller, Matthew Stielstra
Absent:	Brent Cole

1. Call to Order / Roll Call / Virtual Notice

Roll Call: Bob Bell, Jeff Garness, Loren Leman, Ed Leonetti, Jake Maxwell, Elizabeth Johnston, Sterling Strait, Fred Wallis, Randall Rozier, Catherine Fritz

2. Review / Amend / Approve Agenda

Motion:
Agenda

In a Motion made by Elizabeth Johnston, seconded by Sterling Strait and approved unanimously, it was:

RESOLVED to approve the agenda for the November 14-15th, 2023, meeting as amended by adding agenda items 4B3 – Consent Agenda Outreach Report, 12B3&4 – Incoming Correspondence from CLARB and ASLA, 12D – Bylaw review, and 17B2 – Investigative Advisory Committee List of infractions.

3. General Information

- A. Mission Statement
- B. Virtual Code of Conduct
- C. Strategic Plan
- D. National Organizations

1. NCEES – see updates on www.ncees.org

- a. US/UK MRA – Lucy Campbell, British Deputy Consul General & Gregor Catto, Senior Trade Advisor
In an effort to work more closely together, both the U.S. and the UK signed the Atlantic Declaration. Due to this declaration, NCEES and its UK counterpart the Engineering Council have begun the process to develop a mutual

recognition agreement (MRA). The two organizations are working together to ensure equivalent licensing standards and best practices.

- b. Elizabeth Johnston – Running for President-Elect
- 2. NCARB – see updates on www.ncarb.org
 - a. Pathways to Practice Statement – the NCARB Board is encouraging boards to set up alternative paths to licensure. Fritz is hoping that NCARB will establish the alternative paths for the jurisdictions to use.
- 3. CLARB – see updates on www.clarb.org

4. Consent Agenda

- A. Item 1: Meeting Minutes
 - 1. August 28th meeting minutes
 - 2. May 2nd meeting minutes
- B. Item 2: Outreach Reports
 - 1. 8/2023 NCEES Annual Business Meeting – Fritz/Johnston/Maxwell
 - 2. 9/14/2023 UAA College of Engineering ABET Accreditation – Leman
 - 3. 9/14/2023 – AK ASLA Executive Board Meeting - Leonetti
 - 4. 9/15/2023 UAA College of Engineering Student Showcase – Leman
 - 5. 9/2023 CLARB Annual Business Meeting - Leonetti
- C. Item 3: Outgoing Correspondence
 - 1. 9/14/2023 – Paul Davis
RE: Engineering documents not requiring seals
 - 2. 9/14/2023 – Commissioner Anderson
RE: Removing 12AAC 36.990(44)(F)
 - 3. 9/14/2023 – Sava White
RE: 12AAC 36.145 “Regularly Employed” needs revision

Motion:
Consent Agenda

In a Motion made by Elizabeth Johnston, seconded by Ed Leonetti and approved unanimously via roll call vote, it was:

RESOLVED to approve the consent agenda Items A – C for the November 14-15th, 2023 meeting.
Yes: Bell, Fritz, Garness, Johnston, Leman, Leonetti, Maxwell, Rozier, Strait, Wallis

5. Ethics Reporting

Garness has spoken as an individual to both Mat-su assembly member Rob Yundt and Representative Donna Mears regarding the ADEC and AELS regulatory issues. Bell shared that he had emailed Trevor Jepsen, Representative Tom McKay’s aide, regarding the AELS board configuration. Fritz attending an ID working group meeting in mid-October along with Senator Claman and his aide Brianna to discuss SB73. She also presented at the Alaska AIA’s annual conference in early October regarding health, safety, and welfare in the built environment as it pertains to architects and interior designers.

6. Review Public Comments and final Board review for Regulation Projects

- A. Update Landscape Architect by Exam and Simplified Reexamination
 - B. SB 126 and Digital Signatures
- Both of these projects are going out for public notice on November 15th and will close for public comment on December 15th. Comments will be compiled by Alison after December 15th and sent to the board.

7. Regulation Projects in Progress

- A. Responsible Charge – Leman / Garness
Task – Leman/Garness/Neal – go through regulations and identify all terms meaning responsible charge and put into regulation change format. Also, the definitions for responsible charge experience in 12AAC 36.990 will be clarified.

- B. Architectural Engineering – Johnston, Legislative Liaison Committee
ASCE has offered to partner with AELS to work on this.

8. Division Report

- A. 4th Quarter Update – Melissa Dumas
There was a 6% growth in licensure from 2019-2023. Board members expressed their opinions about the travel restrictions placed upon them even though they have the funds in the budget. Director Robb explained that the division is operating under the travel restrictions placed on it by the administration. The division is allotted a certain amount to spend on travel regardless of how much money an individual program has available, and the division tries to spread that amount equitably between the programs. Robb shared that if the board has input on the budget, then spring is the best time to request budget changes from the division. Neal will add AELS budget input to the February board meeting agenda.
- B. Update on EA Salary – Sylvan
Because it needs a class study, it must get approved by the Office of Management & Budget (OMB). The request is still with OMB and the division will most likely not hear from OMB until after December 15th. OMB did not respond to Fritz’s email. The division request included how it would impact the budget.
- C. Update on ADEC – Sylvan
An explanation will be given to AELS by the Department of Law (DOL) as to how ADEC’s regulations were signed into law when AELS had been given a memo from DOL stating that these regulations were in conflict with AELS’s statutes. Robb is not certain as to how the response will be given whether it will be in person at the next board meeting or in writing.
- D. Update on Military & Spouse Special Licensure – Sylvan
The Federal bill which states that states must treat uniformed service members and their spouses’ professional licenses as valid if they are moving due to military orders took effect on January 5, 2023. A valid license is defined as one that is in good standing and has a similar scope of practice. The Governor’s bills HB85 and SB73 Universal Temporary Licensure are addressing compliance with the federal bill and will move forward during the 2024 legislative session.
- E. Board Training Webinars – Sara Chambers – this was postponed until 3:45pm
Sara Chambers gave an overview of the Meeting Management trainings she has been doing for board members. She also shared on the topics of recusal and when roll call votes are required. The state requires board minutes to reflect how each individual board member voted. Chambers suggests that boards take roll call votes on matters that are substantive such as regulations or board positions. Board members should request to be recused if they have a conflict of interest in the matter. The recusal process is as follows: the board member requests from the chair before the meeting to be recused and the chair decides if the member can be recused or not. If the chair recuses the board member, this is stated on the record before the matter is discussed and the board member is either placed in a zoom waiting room or leaves the room. If the chair needs to be recused, the board votes on it. Board members should be reading board packets before the meeting so they can identify if they have a conflict of interest or not. During the meeting if a board member realizes they need to be recused, they should ask for a 5-minute break to discuss the matter with the chair.

9. Old Business

- A. Executive Session

<p>Motion: Executive Session</p>	<p>In a Motion made by Elizabeth Johnston, seconded by Sterling Strait and approved unanimously via roll call vote and in accordance with the provisions of Alaska Statute 44.62.310 (c), it was:</p> <p><i>RESOLVED to go into executive session for the purpose of discussion regarding case 2022-000330 with the following people present: Board members Catherine Fritz, Jeff Garness, Ed Leonetti, Bob Bell, Elizabeth Johnston, Loren Leman, Jake Maxwell, Randall Rozier, Sterling Strait, and Fred Wallis / Board staff Sara Neal, Kelly Johnson, Investigators Billy Homestead and Patrick Kase / Department of Law AAG Liz Leduc</i></p>
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- B. ADEC Regulatory Changes – Leman / Garness
Leman shared the situation with an aide in the Governor’s office hoping that the Governor or the Chief of Staff would address

<p>the issues, but instead the issues were taken back to the department. ADEC is trying to make the engineer the contractor; however, this is not a task that is within the definition of engineering. Because of this, 20 engineers so far have said they will not be signing and submitting ADEC forms. Up to this point, the department has not heeded AELS's concerns. After DOL provides an explanation as to how ADEC's regulation were put into effect, Leman and Garness will review the explanation and identify a path forward for AELS.</p>	
<p>Motion: Extend ADEC Working Group</p>	<p>In a Motion made by Elizabeth Johnston, seconded by Ed Leonetti and approved unanimously, it was: <i>RESOLVED to approve extending the period of duration of the ADEC Working Group through December 31, 2024.</i></p>
<p>C. Revising 12AAC 36.145 RE: what defines an office – Johnston / Garness / Wallis The current regulation requires a designated person(s) in responsible charge for each service offered by the firm work in the “office” for a minimum of 20 hours per week. It was decided to revise this regulation and let the responsibility for who is in responsible charge and how any particular office is set up be up to the firm that has the Certificate of Authorization – see 12AAC36.135.</p>	
<p>Motion: Regulation project 12AAC 36.145</p>	<p>In a Motion made by Elizabeth Johnston, seconded by Jeff Garness and approved unanimously via roll call vote, it was: <i>RESOLVED to approve a regulation project to revise 12 AAC 36.145</i></p>
<p>D. Document retention – Johnston / Garness Johnston and Garness had Cole review the language they proposed during the August 28, 2023, meeting and he agreed with the proposal to revise 12AAC36.185 to require that documents shall be retained by registrants for the duration of the statute of repose as defined under AS 09.10.055. Deputy Director Savier suggested that AELS propose the regulation change and have the Department of Law review the change and determine if it is needed or not.</p>	
<p>Motion: Regulation project 12AAC 36.185</p>	<p>In a Motion made by Elizabeth Johnston, seconded by Ed Leonetti and approved unanimously via roll call vote, it was: <i>RESOLVED to approve a regulation project to revise 12AAC 36.185 by requiring that documents shall be retained by registrants for the duration of the statute of repose as defined under AS 09.10.055</i></p>
<p>E. Create Policy on Number of References for Applications – Bell / Wallis Bell and Wallis will look into whether or not this can be added to the Guidance Manual or if a regulation project is needed. They will bring their recommendations back to the board in February 2024 meeting.</p> <p>F. DOT Working Group – Bridge span 12 AAC 36.990 (44)(F) – Strait / Leman Strait shared the feedback he received from the working group meeting. The current regulation requires an SE for any bridge that is a total span of 200 feet or more. This applies to around 20% of the bridges in AK DOT inventory. The SE exam for bridges is not based on the seismic spec used in Alaska and is not applicable. The group’s discussion resulted in the following two possibilities: 1. Repeal 12AAC 36.990(44)(F) which makes a bridge with a total span of 200 feet or more a significant structure thus requiring a structural engineer or 2. Revise 12AAC36.990(44)(F) to make it more specific for how bridges are designed in Alaska. The Feds have a definition for “unusual bridges” which could be used as an alternate criteria for determine if a bridge is a significant structure. Leman suggested the establishment of a bridge training requirement (similar to the Cold Regions Design) which could be based on the DOTs rigorous training they use for their engineers.</p> <p>G. AELS Website – Strait / Staff – Neal had the quick tips for applications uploaded to the website.</p> <p>H. Look into MN Regulations RE: Review Investigations Process and Regulations – Leonetti – he requested direction from the board on how to proceed. It was suggested that if any board member has ideas for investigations to forward those to Leonetti so they can be discussed in the Investigative Advisory Committee.</p> <p>I. Gather DEI Data from National Organizations – Johnston / Leonetti – nothing to report</p>	
<p>10. Break</p>	
<p>11. Outreach Event – CE Presentation for the APDC & AIA Boards Elizabeth Johnston presented the CE regulation changes that went into effect on October 15, 2023. 22 people attended virtually and 3 people attended in person.</p>	

12. New Business

- A. Board Make-up – potential new house bill– Rep. McKay from district 15.
Rep. McKay was approached regarding the AELS board make-up. He worked on several scenarios that allows for each profession to keep their seats, except for the public member, but changes the disciplines of engineering seats by grouping like disciplines. It is recommended by the division to have a public member seat. Johnston requested that we look into how board members get appointed and see if the AELS board can have input in the process. Rep. McKay inquired about adding pro tem board members. He stated that he will not take this to the legislature unless the board agrees on the composition.
Fritz polled the board as what their preferences are in Rep. McKay’s scenarios:
Leonetti: In favor of 13 seats so as to keep current seats, keep public member, combine electrical, fire protection, control systems and industrial into one seat
Wallis: With big projects starting in Alaska, it is important to keep a designated mining seat. He suggested combining chemical and control systems or taking one of the land surveyor seats.
Maxwell: Keep the public member seat. Combine the environmental and agricultural with civil since many hold dual licenses. Keep the two land surveyor seats because of investigations. The community of land surveyors is small enough to where many times between the two land surveyors on the board one of them knows the surveyor under investigation which causes them to have to recuse themselves.
Johnston: Combine environment with civils, structural needs their own seat, landscape architects need a seat.
Strait: Combine environmental and agricultural combine with civil, structural has its own seat and not be combined with an architect seat, keep two seats for both architects and land surveyors, put chemical with petroleum and mining, and keep the public member seat.
Leman: Stay with 11 members. Combine chemical with petroleum and mining. Combine electrical, fire protection, control systems and industrial into one category. Sees value in having a designated structural seat and combining environmental in with civil but would like to have the state professional societies give their input. Keep the public member seat.
Garness: Need the 2 civil seats, seats need to be proportional to the regulatory, investigative, and license applications workload. Would prefer to give up the public member seat for another profession.
Rozier: Floating public member combined into other categories with the stipulation that if a registrant in one of the disciplines cannot be found, a public member can be appointed. There must be one public member in a board seat at all times. Keep the two architect seats especially for training purposes.
Bell: Surveyors are the only profession on the board that do not design so two seats are needed on the board. Board’s mission is to ensure applicants and registrants are competent so it is important that the higher registrant number professions have seats on the board so they can review applications and know if an applicant is competent. Keep it at 11 members. Keep public member seat.
Fritz – Maintain seats for engineers, architects, land surveyors, and landscape architects. Combine engineer disciplines and maybe maintain the “other” seat. Add a 12th seat for the public member who serves in an advisory capacity and does not have a vote. Supports a designated structural seat as they are different than architects. Does not prefer a 13 member board, but would not oppose it.
- B. Incoming Correspondence
 - 1. Christopher Johnston RE: Recommended change to 12 AAC 36.530(b)
He is requesting that the board look into this regulation as military orders are not always 120 consecutive days and instead are less than that with short gaps between orders. Fritz assigned the Education Committee to review his request.
 - 2. Mike Erdman – ADEC EDMS Onsite Wastewater Documentation – no discussion necessary
- C. CE Form Revision – Updated CE Reporting Forms Fritz/Neal – no discussion necessary

Motion:
Regulation project
12AAC 36.530(b)

In a Motion made by Elizabeth Johnston, seconded by Fred Wallis and approved unanimously via roll call vote, it was:

RESOLVED to approve a regulation project to revise 12AAC 36.530(b)

<p>D. ASLA – Elizabeth Hebron – Board Composition – no discussion necessary</p> <p>E. CLARB – Matt Miller – Board Composition – no discussion necessary</p> <p>F. Bylaw review – Johnston inquired about the progress of the bylaw changes. The Guidance Manual Committee will review the bylaw changes made previously and report back during the February 2024 board meeting.</p>	
<p>Motion: Amend agenda</p>	<p>In a Motion made by Jake Maxwell, seconded by Elizabeth Johnston and approved unanimously via roll call vote, it was:</p> <p><i>RESOLVED to approve amending the meeting’s agenda by add Land Surveying under New Business.</i></p>
<p>G. Land Surveying Definition – review the definition and determine if a change is needed in statute, regulation, or policy. Fritz asked for Bell and Maxwell to serve on a subcommittee to review this issue.</p>	
<p>13. Public Comment</p> <p>A. Aaron Blaisdell – He is a board member with the Washington state board and has been nominated by his board for the position of Vice President for the NCEES Western Zone and is hoping for Alaska’s vote. He recently became licensed as a land surveyor in Alaska and had a positive experience with both staff and taking the exam in Idaho. He was disappointed to learn that AELS is no longer offering a wall certificate. Washington offers a free wall certificate to first time licensees. He also wanted to offer his assistance as a neighboring state professional if any board member had questions.</p> <p>B. Elizabeth Hebron – Director of Government Affairs for the American Society of Landscape Architects (ASLA) – she read a letter from ASLA in support of keeping the landscape architect seat on the AELS board in response to the draft of the bill by Rep. McKay that eliminated the landscape architect seat.</p> <p>C. Colin Maynard – He, too, agrees with keeping the landscape architect seat on the board. He plans to write a letter to Rep. McKay with his suggestions for an 11 and/or a 13 member AELS board. Maynard also wanted to report that there are 22 students in this semester of the Northern Design Course and is hoping to offer it in the spring of 2024 as well.</p>	
<p>14. Licensing Examiner’s Report</p> <p>A. Update on staff approval process It was decided that all comity applicants will be reviewed as they are submitted. If they meet the requirements of the staff approval policy, staff will review. If the applicants do not meet the requirements, a mail ballot will be created in Onboard and assigned to two reviewing board members. Those two board members will review the applications and vote whether to approve the application or not. Fritz took a straw poll to see if board members wanted to review comity applicants via Onboard: Yes: Bell, Rozier, Garness, Leman, Leonett, Wallis, Maxwell, Johnston, Strait / No: Fritz</p>	
<p>15. Application Review Questions</p> <p>A. Danh Vu – briefly discussed on November 14th and voted on during the November 15th meeting. Under 12AAC 36.103, it states that an applicant who does not readily meet the requirements can be reviewed by the board. His education has not been satisfied in his NCARB record. Nov 15th discussion – After reviewing, Rozier found that Vu is a candidate for NCARB’s alternative path for education if he completes 2X AXP. Once he has his experience verified, his education can be satisfied with NCARB.</p>	
<p>Motion: Danh Vu</p>	<p>In a Motion made by Randall Rozier, seconded by Elizabeth Johnston and approved unanimously via roll call vote, it was:</p> <p><i>RESOLVED to find Danh Vu’s application incomplete based on 12AAC36.103(a)(1).</i></p>
<p>A. Scott Garrison – CE by Comity – it is not clear whether his exam is an NCEES PE exam or Alberta’s APEGA exam and he does not have an ABET accredited degree although it is under the Washington Accord. Staff will inquire of NCEES as to what exam he took</p>	
<p>16. Break</p>	
<p>17. Committee Reports</p>	

- A. Overview of Committee Rules:
 Standing Committees: Only board members, no beginning or ending dates, sometimes named in the bylaws, must be public noticed
 Subcommittees: Only board members, specified timeframe, must be public noticed
 Working Group: Can include people not on the board (SMEs), specified timeframe, if more than 3 board members public notice is required. The recommendation is to public notice if it is a subject that is controversial and/or an issue the public would want to weigh in on.
 Johnston suggested that the b -ylaws be changed to reflect these terms. Neal will get clarification if subcommittees count as one of the three committees board member can serve on according to the bylaws.

- B. Investigative Advisory Committee – Leonetti – this committee did not meet
1. Investigative Report – Kase
 There are 10 open cases currently – 2 are in the intake stage, 6 are in the complaint stage, and 2 are under investigation. Kase is finalizing a list of cases for the last five years for precedence the investigative and the outreach committee
 2. List of Infractions – Fritz -AELS is going to work on a barrier list. Neal will check with other boards both within the division and the national organizations to see what they have as barrier crimes.

- C. Outreach Committee – Maxwell
1. 2024 Newsletter Articles
 2. February 2024 outreach event
 UAA Engineer/Land Surveyor Forum – “Path to Licensure” – Strait suggested requesting Juneau for February to meet with Rep.McKay and the division regarding AELS’s budget.
 Maxwell would like to look into offering wall certificates again. Neal will take this request to the division.

- D. Guidance Manual Committee - Rozier
1. Define HSW for Board Policies and Historical Information -Rozier presented the following definition for the board to consider:
 Health Safety and Welfare
 The protection and well-being of the general public.
 Health: Aspects of professional practice that improve the physical, emotional, and social well-being of occupants, users, and any others affected by buildings, infrastructures, and sites.
 Safety: Aspects of professional practice that protect occupants, users, and any others affected by buildings,infrastructures, or sites from harm.
 Welfare: Aspects of professional practice that enable equitable access, elevate human experience, encourage social interaction, develop the wise use of resources, and benefit the built and natural environments.

Motion: Change definition of HSW	In a Motion made by Elizabeth Johnston, seconded by Fred Wallis it was proposed to change “occupants, users, & any others” in both Health and Safety to “the public.” The motion failed via roll call vote. Yes: Johnston, Maxwell, Strait, Wallis / No: Bell, Fritz, Garness, Leman, Leonetti, Rozier
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Motion: Definition of HSW	In a Motion made by Randall Rozier, seconded by Jake Maxwell and approved unanimously via roll call vote, it was: <i>RESOLVED to approve the definition of HSW as presented in today’s meeting to be added to the Guidance Manual with a reference to the definition in Board Policies & Historical Information.</i>
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2. Completed CE Structured report for example and compile a list of possible professional and technical societies. – no example for self-study yet – Leonetti talked the board through difference examples of how to use it. Fritz suggested adding an “EXAMPLE” watermark and adding them to the website.
3. Definition of responsible charge experience for the Guidance Manual is as follows:
 This means delivering or managing work that often requires application of technical principles, resourcefulness, and originality. This may include investigations, surveys, calculations, reports, drawings, designs, specifications, construction observation, and submittal reviews; documentation, fieldwork, and directing support services; interacting with and managing team members; code and permit compliance; and public involvement. The professional-in-training may encounter project challenges, changed conditions, questions about suitability of materials, execution of field services, and

resolution of human resource and other issues that may require unique and somewhat independent decision-making. The required minimum progressive professional experience is to prepare an applicant for taking "responsible charge" as a professional architect, engineer, land surveyor, or landscape architect.

For additional guidance on how a reviewing professional may review an applicant's progressively developing responsible charge experience, a useful resource is Appendix A in NCEES Model Rules, Suggested Guidelines for Evaluating Progressive Engineering Experience, August 2023.

<p>Motion: Definition of Responsible Charge Experience</p>	<p>In a Motion made by the Guidance Manual Committee and approved unanimously via roll call vote, it was:</p> <p><i>RESOLVED to approve updating the Guidance Manual to include the responsible charge experience clarification as presented in today's meeting.</i></p>
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<p>Motion: Amend Agenda</p>	<p>In a Motion made by the Bob Bell, seconded by Elizabeth Johnston, and approved unanimously via roll call vote, it was:</p> <p><i>RESOLVED to amend the agenda by combining 19A with 17F, defer Topic 2 19(B) to the February 2024 meeting, and add item 20 -Public Comment.</i></p>
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- 2. Digital signature – waiting for regulation change that is out for public notice until Dec 15, 2023 - Johnston
- E. Legislative Liaison Committee – Leman
 - 1. EA Salary Issue
 - 2. SB 73 update - Fritz participated in a working group committee with Senator Claman and his aide. The main concern is the broad definition of the practice of interior design that is currently in the drafted bill. This can stay on the LLC's radar, but no action is required at this time.
- F. Education Committee - Johnston
 - 1. On demand Cold Regions Design course

Summary of 9/27 meeting – met with professors and deans about the possibilities of having an on demand cold regions design course. They asked for some information from the board which is under Item 19(A) on the agenda. UW mentioned having modules for specific disciplines/professions that builds on a main module for everyone.

UW Course Content

Summary of 10/27 Meeting – Rozier and Leman met with professors from the UW Cold Regions Design course regarding streamlining the course for topics that relate to the practice of the professional taking the course.

18. Recess

Day 2 – University of Alaska – ECB 204 – 9am-Noon

Roll Call: Bob Bell, Fred Wallis, Sterling Strait, Ed Leonetti, Jake Maxwell, Loren Leman, Elizabeth Johnston, Jeff Garness, Catherine Fritz / Randall Rozier joined at 9:07am

19. Working Sessions

- A. Topic 1: Cold Regions On-Demand Course
 - 1. What are the minimum/core competencies that should be required? Fritz polled each board member for what cold regions design core competency he or she thought an applicant should be competent in. Maxwell – Surveyors should exempt from needing the course. Bell – suggested having applicants interview with the board after the completing the cold regions design course to see what they learned. Bell does think surveyors should be required to take the course specific for surveyors. Wallis – the cold regions course makes for a well-rounded professional who understands the concepts of designing in the arctic. Garness – most important topic is an understanding of the seasonal nature of Alaska's construction work i.e. daylight considerations, transportation logistics, snow loads, cultural aspects, etc. Strait – The current set-up AELS has now for the Cold Regions Design course is an excessive barrier to entry to licensure. Shorten it to a one-day course to show the different aspects of designing in Alaska with the main goal of showing the applicants arctic design aspects that they do not know and would need to further their knowledge in.. Johnston suggested that arctic questions be added to the AKLS if there is a need for surveyors to have that knowledge. She agrees with Strait's recommendation to simplify the requirement. Her idea to simplify is for the board to possibly offer a video course and then have an exam that applicants must pass. Leonetti – supports an Alaska-based course. Should have an element to the

course that is multidisciplinary because of overlap in practice. The course should also cover the effects of snow removal on the built environment and site design with the shorter daylight in mind. Rozier – he supports the idea of modules. He does think that the cold regions design course is very important for AELS registrants to take. Leman – the course needs to cover how to deliver safe water, how to minimize and safely dispose wastewater and solid waste, and safety while working in the cold climate. He also is in support of modules. Fritz supports idea of all applicants taking a core class and then offering profession / discipline specific modules that will take significantly shorter time than what is offered now.

2. Should there be shared course content with specializations for different professions?
3. Understanding the differences between “on demand”, self-directed, etc.

After discussing the core competencies, Fritz presented two options:

- Refer this to the Education Committee to formulate a plan forward
The committee would take the core competencies discussed today and plan the next steps. That information would be shared with providers of the course to see if they can provide the course content described. Johnston took it as an action item for this committee. Strait and Leonetti volunteered to help the committee on this topic.
- Refer to a Subcommittee if the Education Committee is too busy.

Break

- B. Topic 2: Architectural Engineering – Deferred to February 2024 meeting
1. Who are the affected professions and how should the board engage with them?
 2. What are the pros and cons for adding this profession to the AELS board?
 3. Does this align with the right-touch regulation and AELS’s strategic plan?

20. Public Comment

Colin Maynard shared that the Northern Designs Course came about because architects did not want to have to take the engineering course, so they banded together and had their own course created which is not offered through UAA. Maynard is surprised that the other professions did not follow suit.

Chris Miller shared that everyone who is designing in Alaska needs to have the Cold Regions Design course. He would support the licensing of Architectural Engineering discipline. On the subject of the SE requirement for bridges, he stated that with special training civil engineers could possibly do the simpler bridges, but SEs should be required for more complicated bridges. The ADEC issue has been before the board for 20 years and it is frustrating that ADEC did not fix the issue in their regulations when they had the chance.

Matthew Stielstra – He is both registered civil and structural engineer in Alaska. He supports finding a pathway to licensure for architectural engineering. He has an ABET bachelor’s in architectural engineering and a master’s degree. When he applied to the AELS board he was found incomplete because his master’s degree did not count, and he was short one year inexperience. He encourages the board to at the very least accept the education toward another discipline so more experience is not required. He has gone on to sit for the NCEES Architectural Engineering Exam and is now licensed in Washington as a building systems engineer. He volunteered to answer any questions the board has regarding the curriculum for the degree and the NCEES Architectural Engineering Exam

21. Review Action Item List

<p>Motion: ASCE: Invited testimony to Feb 2024 Board meeting RE: Architectural Engineering</p>	<p>In a motion made by Elizabeth Johnston, seconded by Fred Wallis, and approved via roll call vote, it was <i>RESOLVED to APPROVE inviting ASCE architectural engineering group to the February 2024 board meeting to discuss architectural engineering.</i> Yes: Garness, Johnston, Leman, Leonetti, Rozier, Strait, Wallis No: Bell, Fritz, Maxwell</p>
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22. Read Applicants into the Record

<p>Motion: Staff Approval Applicants</p>	<p>In a motion made by Ed Leonetti, seconded by Jake Maxwell, and approved unanimously, it was <i>RESOLVED to APPROVE the following list of applicants for registration by comity that were reviewed by staff with board concurrence since the last board meeting.</i></p>
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License #	First Name	Last Name	Type of License	Decision
207620	Brian	Lindsey	Electrical	Approved - Sept
214800	David	Bell	Mechanical	Approved - Sept
215396	Bogue	Ebbrecht	Architect	Approved - Oct
215216	Craig	Jacobs	Architect	Approved - Oct
215897	Kimberly	Pavlik	Architect	Approved - Oct
213924	Michael	Pederslie	Civil	Approved - Oct
214083	Trevor	Self	Civil	Approved - Oct
213672	Alina	Novikova	Electrical	Approved - Oct
214632	Alexander	Hoeft	Fire Protection	Approved - Oct

Motion: Staff Conditional Approval Applicants	In a motion made by Ed Leonetti, seconded by Jake Maxwell, and approved unanimously, it was <i>RESOLVED to CONDITIONALLY APPROVE the following list of applicants for registration by comity that were reviewed by staff with board concurrence since the last board meeting.</i>
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License #	First Name	Last Name	Type of License	Decision
214137	Michael	Goslinga	Architect	Conditional - Sept
214607	Lindley	Givler	Civil	Conditional - Sept
215580	Derrick	Wessel	Civil	Conditional - Oct
215611	Chaim	Bernstein	Electrical	Conditional - Oct
214550	Joel	Mortenson	Electrical	Conditional - Oct
212612	Anthony	Wade	Landscape Architect	Conditional - Oct

Motion: Approved Applicants	In a motion made by Ed Leonetti, seconded by Jake Maxwell, and approved unanimously, it was <i>RESOLVED to approve the following list of applicants for registration by comity with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.</i>
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License #	First Name	Last Name	Type of License	November Decision
215228	Anthony	Radesky	Chemical	Approved
215226	Scott	Garrison	Civil	Approved
215613	Paul	Gearhart	Civil	Approved
215248	Jeremy	Payne	Civil	Approved
213624	Zachary	Rogers	Civil	Approved
215961	Anna	Vesper	Civil	Approved
215691	Yi	Zhang	Civil	Approved
213622	Daniel	Lassalle	Electrical	Approved
212944	Matthew	Madsen	Electrical	Approved
212135	David	Edward	Environmental	Approved
215269	Ida	Ottesen	Landscape Architect	Approved
215716	Craig	Goldstein	Mechanical	Approved
215209	Christopher	Siok	Mechanical	Approved
214535	Richard	Boelter	Structural	Approved
216243	Nathaniel	Levine	Structural	Approved
215775	Brian	Sayre	Structural	Approved
214413	Andrew	Wahr	Structural	Approved

Motion:	In a motion made by Ed Leonetti, seconded by Jake Maxwell, and approved unanimously, it was
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Conditionally Approved Applicants	<i>RESOLVED to conditionally approve the following list of applicants for registration by comity with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.</i>
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License #	First Name	Last Name	Type of License	November Decision
120409	Chad	Burgess	Architect	Conditional
216289	David	Hansen	Architect	Conditional
215345	Diane	Heaney-Mead	Architect	Conditional
215767	Michele	Martinez	Architect	Conditional
216115	Nathan	Adamczak	Civil	Conditional
215390	Heni	Barnes	Civil	Conditional
216281	Dustin	Campbell-Hutchinson	Civil	Conditional
216283	Nathan	Goering	Civil	Conditional
216227	McKenzie	Lallish	Civil	Conditional
216120	Shannon	LeMay	Civil	Conditional
115728	Kirsten	Loaiza	Civil	Conditional
208516	Justin	Lobdell	Civil	Conditional
216139	Laura	Manzer	Civil	Conditional
215222	Timothy	Spry	Civil	Conditional
216273	BrookeLynn	Vizzerra	Civil	Conditional
216329	John	Bell	Electrical	Conditional
213373	Blaze	Brooks	Electrical	Conditional
215205	Kamran	Kemani	Electrical	Conditional
214603	Brita	Mjos	Environmental	Conditional
192253	Colton	Jessup	Land Surveyor	Conditional
215827	Tyler	Lindquist	Land Surveyor	Conditional
135887	Leah	Buron	Landscape Architect	Conditional
216136	Nicholas	Beeker	Mechanical	Conditional
208815	Elliott	Larsen	Mechanical	Conditional
128889	Dennis	Long	Mechanical	Conditional
120547	Matthew	McGuire	Mechanical	Conditional
117086	Stephen	Ringle	Mechanical	Conditional
214349	Benjamin	Ziegman	Mining	Conditional
213453	Wade	Boman	Petroleum	Conditional

23. Upcoming Board Meetings

- A. Set committee meeting dates
 - Outreach Committee – Nov 29 – 12-1pm
 - Land Surveyor Subcommittee – Dec 6 – 12-1pm
 - Education Committee – Dec 12 – 12-1pm
 - Investigations Committee – January 18 -12-1pm
- B. February 8-9th, 2024 – Juneau is the requested location
- C. NCARB Regional Summit - February 29-March 2, 2024 – Savannah, GA – Catherine Fritz
- D. NCEES Zones – May16-17th – Bozeman, MT – Jake Maxwell, Sterling Strait, and Jeff Garness

Board Member Delegates for National Conferences	NCARB Regional Conference: Catherine Fritz and Randall Rozier NCEES Zones – Jake Maxwell, Sterling Strait, Jeff Garness / Alternate: Kelly Johnson
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- E. NCEES Annual Business Meeting – August 14-17th, 2024 – Chicago, IL
- F. Set date for the April 2024 AKLS – Set for April 19th, 2024
- G. Set date for May 2024 Board meeting – Set for May 8-9th; 2024
- H. NCARB Annual Business Meeting – June 2024 – Chicago, IL
- I. CLARB Annual Business Meeting – September 2024 – Buffalo NY

24. Board Member Comments – Board members expressed appreciation for each other’s hard work and for staff’s support. Johnston would like to have more time for open discussion which a full two-day meet would allow for. Bell thinks the board has the obligation for the health, safety, and welfare of with public with regards to land surveying with the local government and would like to approach the commissioner to discuss the matter. Rozier echoed Bell’s comments and also expressed the need to keep addressing the EA salary. Fritz encouraged the board to take action with outreach to address the issues with the local government within the next Annual Report.

25. Adjourn

Next Meeting:	February 8-9 th , 2024
Adjournment:	

From: [Board of AELS \(CED sponsored\)](#)
To: "Roger Weese"
Subject: RE: RSA Engineering - Question on Direct Supervisory Control
Date: Thursday, November 30, 2023 11:37:00 AM
Attachments: [image001.png](#)

Hello Roger – below is the response drafted by the two board members working on clarifying the definition of responsible charge:

Thank you for your thoughtful inquiry about sealing and signing engineering documents. The AELS board is aware that our use of vague and somewhat duplicative terms in statute and regulation can cause confusion and we have been working on a regulation project to fix this. The terms responsible charge, direct supervision, direct supervisory control, personal supervision, responsible control, direct control, and direct professional knowledge are found throughout our statutes, regulations and Guidance Manual. They have related meanings that depend somewhat on context. We intend to collapse most, if not all, of them into the term “responsible charge.” The Alaska Statutes definition for responsible charge is succinct, “the direct control and personal supervision of work.” We intend to expand and clarify this definition in regulation.

Although the AELS Board has not yet adopted a newer, enhanced definition of responsible charge, we have discussed this during several recent Board meetings and are close to consensus. We expect to adopt a definition very similar to this during our February 2024 Board meeting:

Responsible charge, as exercised through direct control and personal supervision of work, means 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.

We hope our intent to adopt, share and enforce this definition will help you as you consider your work opportunities and your proper function as an engineer of record.

Thank you for reaching out to the board for clarification,

Sara Neal

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



From: Roger Weese <rweese@rsa-ak.com>
Sent: Monday, November 27, 2023 7:33 PM
To: Board of AELS (CED sponsored) <aelsboard@alaska.gov>

Subject: RSA Engineering - Question on Direct Supervisory Control

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.

AELS Board,

A question came up today that could use some assistance/interpretation from your board.

We were approached by an out-of-state engineering firm who asked us if we could help them with MEP engineering on remodels of local McDonalds restaurants. This engineering firm handles remodels for McDonalds franchises across the country, including Alaska. Since this firm is most familiar with the ever-evolving design standards for McDonalds, their intent is to do the production work for the design and then send the drawings and calcs to us for review. We would then review the drawings/calcs, mark them up, ask questions, etc. and then send the markups back for correction. After they make all the corrections, they would send the CAD drawings back to us and we would do a final review and seal the drawings with our Alaska stamp. So we would be taking full responsibility for the plans but the Lower 48 firm would be doing most of the production work.

My question is related to 12 AAC 36.185.(7), which says that a registrant "*may not sign or seal drawings, documents, or other professional work for which the registrant does not have direct professional knowledge and direct supervisory control.*" Although the Lower 48 firm would be doing most of the design and production work, I'm not sure if we would be considered as having "direct professional knowledge and direct supervisory control". Aside from this contract, we would not otherwise have any other legal/professional relationship with this firm.

In doing a quick Google search on this topic, it appears that some states have different interpretations. For example, Ohio doesn't allow it at all (<https://www.beaconjournal.com/story/news/2014/01/14/ohio-outlines-requirements-for-engineers/10498098007>) but the rules in other states are not quite as clear. How does the Alaska AELS Board interpret this requirement?

As always, thanks for your help. We just want to make sure we are following the rules. Please let me know if you have any questions.

Roger Weese, P.E., RCDD

President, Principal Electrical Engineer | **RSA Engineering, Inc.**

670 W. Fireweed Ln, Suite 200 | Anchorage, Alaska 99503

T: 907.276.0521 | rweese@rsa-ak.com



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. 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
Toll free fax: 907.465.2974

November 24, 2023

Danh Vu
14362 BOURGEOIS WAY
SAN DIEGO, CA 92129

Dear Danh:

Thank you for contacting the AELS Board and requesting a full board review of your application for comity. The Board reviewed your application, including the supplementary information that you provided, in consideration of 12 AAC 36.103 and found the following:

1. You have established an NCARB Record.
2. You have provided verification of a current registration to practice architecture in Washington State.
3. You have satisfied the requirement for passing the Architectural Registration Exam (ARE).
4. You have satisfied the basic requirement for documenting experience through the AXP, however, you may need additional experience per item 5. herein.
5. Since you do not hold a NAAB accredited degree, your education requirement is not met through the standard path. However, you are eligible to consider the NCARB Alternative Education program to obtain an NCARB certificate. NCARB may require that 2 times the AXP experience be documented, and/or additional educational courses be completed to satisfy the educational requirements.

Once you hold an NCARB certificate, your application will go back to the board for review to ensure you are eligible for licensure.

Thank you for making the full board aware of your interest in registration, and I hope that we will see your completed qualifications in the future.

Sincerely,

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

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

Agenda Item 5

Ethics Reporting

Documents included

Testimony provided to House Labor & Commerce
Committee for hearing on 1/31/2023

- On behalf of the board – Fritz
- Private citizen - Johnston

My name is Catherine Fritz, and I serve as Chair of the Alaska Board of Registration for Architects, Engineers, and Land Surveyors (AELS). I am an architect by profession and I live in Juneau. I have provided personal written testimony on HB 159, which you will find in the bill's "documents" folder, but today I am speaking on behalf of the AELS Board.

Also in the bill folder, you will find a letter dated January 18, 2024 from me, as Board Chair. It outlines actions that the AELS Board took at their May 2023 meeting. There were two primary actions: 1. The Board voted to recommend against adding interior design to its responsibilities (no specific bill was included in the action). 2. The Board suggested amendments to CS-D to SB73, should the legislature choose to advance interior design and interior designer registration. While HB 159 differs from SB 73, there are many sections that are the same, and I request that you review our comments and please consider amendments accordingly.

Also, please note that the passage of SB 126 last year (which the Board thanks you very much for), changed the board make-up and solved a previous problem related to electrical and mechanical engineer seats on the Board, so Section 5 in HB 159 is no longer necessary. Sections 1 and 3 of Sectional Analysis Version B (that I believe applies to SB 73 rather than HB 159) is also inconsistent with the statute changes made last Spring.

And finally, in the Spring of 2022, the Board requested that a working group of Alaskan interior designers and architects be formed to collaboratively study interior design regulation and bring forward possible options. I have served as one of the architect members of that working group. In February 2023, a Special AELS Board meeting with the ID Working Group was held to discuss interior design regulation, and three possible regulatory models were offered. They include the HB 159 (or SB 73 or similar) model that establishes a practice act within 08.48. The other two options are much simpler: one is to recognize interior design to be exempt within 08.48, allowing interior designers to work independently as they currently do while clarifying that they are not practicing architecture and therefore, not violating statute. The other option is to establish interior designers in another section of occupational licensing statute, similar to how many other professions (for example, geologists and home inspectors) are regulated. I am glad to provide documents from the February 2023 AELS Board meeting, or provide other records of the many discussions that the AELS Board has had over these past 5+ years on this topic.

Thank you for the opportunity to speak today, and I send my sincere thanks to each of you for the service that you provide our state.

From: [Elizabeth Johnston](#)
To: [Neal, Sara J \(CED\)](#); [Catherine Fritz](#)
Subject: HB159
Date: Wednesday, January 31, 2024 5:58:55 PM

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.

Today as an individual I testified on HB159. Here is my statement so you know what was said. I think I read it word for word. Is there any form or other disclosure I need to make?

This is Elizabeth Johnston. I am a registered Professional Electrical & Fire Protection Engineer. I have been appointed to the State Board of Registration for Architects, Engineers, and Land Surveyors board, but my remarks today are my own and should not be interpreted as a policy, position, or consensus of the Board. I come before you to encourage you to pass HB159.

I personally agree with the following aspects of HB159:

- The bill separates and dedicates the mechanical and electrical engineer seats on the board. Last year's bill did make the change that a mechanical and electrical can now both simultaneously serve on the board but it did not create separate seats on the board for each of these distinct fields of practice. We rely on the technical knowledge of those on the board to enforce responsible practice.
- There are 744 electrical engineers
- There are 845 mechanical engineers
- That represents just shy of 25% of the total registrants under the AELS board
- Compare that to 624 Architects who have 2 seats on the board

The bill is a good bill and I only recommend 2 changes:

- The scope of practice is too lengthy. It should be simplified and brought in line with the national NCIDQ definition of practice.
- Interior designers should be excluded from provisions for license by comity as there are not adequate mobility and reciprocity systems in place.

Interior Designer's play an important role in protecting life safety in the state of Alaska. Their designs affect exiting when they design furniture systems and layouts. Their designs effect the survival of building occupants. They have expertise in understanding and applying current codes established to protect public health, safety, and welfare. They are qualified by exam, education, and experience.

Agenda Item 6

Review Public Comments and Final Board Review for Regulation Projects

- A. 12AAC36.068 - Landscape Architect by Exam
- B. 12AAC 36.040 Simplified Reexamination
- C. SB126 regulation changes
- D. 12AAC36.185 Digital Signatures

Documents included for each regulation project

12 AAC 36.068 Landscape Architect by Exam

Name	Comment	Reply Needed	Reply Assigned To
<p>Mark Ayers markayers@ayerstelecomconsulting.com</p>	<p>Hello, I'd like to understand the reason(s) and purpose for changing 12 AAC 36.608 to include licensure through practical experience. I'm particularly interested in this argument given that the path to licensure for professional engineers through practical experience has become all but impossible. It seems counter to increasing rigor on educational requirements that have been applied to professional engineer registration to offer a practical experience path in landscape architecture. I'm also concerned about the relaxation of educational requirements for any discipline. I suspect that the reason for this is due to a lack of landscape architects in the State of Alaska. My preferred path in this would be to provide temporary or limited exemptions with a requirement to eventually satisfy the existing requirements within a given time window (through completion of a degree program, etc.)</p>		
<p>Burt Bomhoff burtb@mtaonline.net</p>	<p>Sir/Madam: I've long felt the requirements for reexamination were much too stringent, unnecessarily so. The initial exam is challenging. We're governed by a code of ethics that requires competency in practice. I believe that this reexamination process was started to make it easier for Alaska professionals to achieve reciprocity with other states. So to cater to a minority of our professionals, we make it an unnecessary pain the neck for everyone else. Glad you're simplifying the process.</p>		
<p>Michael Pochop MPochop@hanson-inc.com</p>	<p>I have two comments on the Board's proposed changes to 12 AAC 36.990 Definitions, as shown in the attached document AELS-0423</p> <p style="text-align: center;">12 AAC 36.990(a) is amended by adding new paragraphs to read:</p> <p style="text-align: center;">(47) "LAAC" means the Landscape Architectural Accreditation Board;</p> <p style="text-align: center;">(48) "LARE" means the CLARB Landscape Architectural Registration</p> <p>1. The proposed new paragraph (47) should be changed to: "LAAC" means the Landscape Architecture Accreditation Council. That is the official name of the LAAC as shown at https://www.csla-aapc.ca/about-csla/accreditation-council. LAAB is already defined as the Landscape Architectural Accreditation Board in 12 AAC 36.990(a)(32). Paragraph (33) was repealed earlier this year. The definition of LAAC could be located at paragraph (33) so that it is listed right after CLARB at (31) and LAAB at (32).</p> <p>2. I suggest changing the proposed new paragraph (48) to: "LARE" means the CLARB Landscape Architect Registration Examination. That is the official name of the exam as shown at https://www.clarb.org/take-the-exam</p> <p>Thank you for the opportunity to comment and your consideration of these comments.</p>		

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

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 36.040 is repealed and readopted to read:

12 AAC 36.040. Simplified application for reexamination. An applicant who has failed the Alaska Land Surveying Examination may apply for reexamination by submitting to the board at least 45 days before the next scheduled examination

(1) a written request stating that the applicant wishes to take the next examination to be offered; and

(2) the examination fee required under 12 AAC 02.110. (Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 5/12/96, Register 138; am 7/26/97, Register 143; am 11/13/99, Register 152; am 7/22/2004, Register 171; am 10/14/2006, Register 180; am 5/11/2007, Register 182; am 7/12/2008, Register 187; am 5/4/2013, Register 206; 10/4/2015, Register 216; am ___ / ___ / _____, Register _____)

Authority: AS 08.48.091 AS 08.48.101 AS 08.48.171

12 AAC 36.068 is repealed and readopted to read:

12 AAC 36.068. Eligibility for landscape architect registration by examination. (a) To be eligible for registration by examination as a landscape architect in the state, an applicant shall submit to the board

(1) an application in compliance with 12 AAC 36.010;

(2) evidence satisfactory to the board of having successfully completed

(A) the appropriate examination requirements set out under 12 AAC

36.100;

(B) the cold regions design requirement set out under 12 AAC 36.110;

(C) not less than 24 months of responsible charge experience in the field of landscape architecture while under the responsible control of a professional landscape architect registered in the United States; and

(D) the number of years of work experience that corresponds with the applicant's education, as set out under the table of education, work experience, and exam requirements for professional landscape architects, which must include the responsible charge experience required under (C) of this paragraph.

**TABLE OF EDUCATION, WORK EXPERIENCE, AND EXAM
REQUIREMENTS FOR PROFESSIONAL LANDSCAPE
ARCHITECTS**

<u>Education</u>	<u>Work Experience</u>	<u>Exam</u>
LAAB or LAAC-accredited degree in landscape architecture	2 years	Pass the LARE
Non LAAB or LAAC-accredited degree in landscape architecture	4 years	Pass the LARE
Certificate in landscape architecture	6 years	Pass the LARE
Post-secondary degree in a subject other than landscape architecture	6 years	Pass the LARE
No post-secondary education	8 years	Pass the LARE

(b) Except as set out under (c) of this section, for an applicant's work experience to be applicable under this section, including towards a requirement under the table of education, work experience, and exam requirements for professional landscape architects, the work experience must be in the field of landscape architecture and gained

(1) while under the responsible control of a professional landscape architect registered in the United States or Canada; or

(2) as part of a mentoring program that meets the requirements set out under (d) of this section.

(c) If an applicant's work experience does not meet the requirements set out under (b) of this section, the applicant may submit to the board verification of professional work, as defined under 12 AAC 36.990(a)(18), or subprofessional work, as defined under 12 AAC 36.990(a)(22). The board may, at its discretion, credit the applicant's professional work or subprofessional work towards the applicable number of years of work experience required under the table of education, work experience, and exam requirements for professional landscape architects. The board will credit professional work or subprofessional work under this subsection based on comparability within the field of landscape architecture, up to a maximum of six years of work experience.

(d) For an applicant's work experience gained as part of a mentoring program to be applicable under (b) of this section, an applicant

(1) must have completed two years of quarterly face-to-face or videoconference meetings with a mentor; the mentor must be a professional landscape architect registered in the United States or Canada;

(2) shall submit to the board a report for each meeting with the mentor; the report for each meeting must include

(A) a description of the applicant's work experience and topics reviewed during the meeting;

(B) a statement indicating whether the work experience was

(i) responsible charge experience;

(ii) directly applicable to professional landscape architectural work experience; and

(iii) performed according to industry standards;

(C) the signature and seal of the professional landscape architect who served as the applicant's mentor; and

(D) the date on which the meeting occurred; and

(3) shall submit to the board a written statement from the professional landscape architect who served as the mentor recommending the applicant for registration under AS 08.48 and this chapter.

(e) An applicant with a degree obtained from outside of the United States shall submit

(1) a transcript of the applicant's education or, if the transcript is not in English, a translation of the transcript into English with a signed and notarized affidavit by the translator attesting to the accuracy of the translation; and

(2) an evaluation of the applicant's education; the evaluation must be completed by an agency approved by the board, unless the applicant's education was earned at a school accredited by an accreditation agency recognized by the board.

(f) Upon submission of evidence of graduation from a LAAB or LAAC-accredited curriculum in landscape architecture, an applicant for examination as a landscape architect may sit for the examination as early as can be scheduled after graduation. (Eff. 11/13/99, Register

Register _____, _____ 2024 PROFESSIONAL REGULATIONS

152; am 9/11/2004, Register 171; am 8/19/2006, Register 179; am 5/4/2013, Register 206; am 5/5/2023, Register 246; am ____/____/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

12 AAC 36.990(a) is amended by adding new paragraphs to read:

(47) “LAAC” means the Landscape Architectural Accreditation Board;

(48) “LARE” means the CLARB Landscape Architectural Registration

Examination. (Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 6/29/84, Register 90; am 8/29/87, Register 103; am 10/20/90, Register 116; am 3/16/96, Register 137; am 7/26/97, Register 143; am 8/26/98, Register 147; am 11/13/99, Register 152; am 3/9/2001, Register 157; am 1/26/2012, Register 201; am 3/11/2012, Register 201; am 10/4/2015, Register 216; am 9/9/2016, Register 219; am 5/25/2017, Register 222; am 5/5/2023, Register 246; am ____/____/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.331
AS 08.48.171 AS 08.48.191

(((Publisher: please replace the period that follows 12 AAC 36.990(a)(46) with a semicolon)))

From: [Alaska Online Public Notices](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: New Comment on Notice of Proposed Changes in the Regulations of the Alaska State Board of Registration for Architects, Engineers, and Land Surveyors
Date: Monday, November 27, 2023 8:47:57 AM

A new comment has been submitted on the public notice [Notice of Proposed Changes in the Regulations of the Alaska State Board of Registration for Architects, Engineers, and Land Surveyors](#).

Submitted:

11/27/2023 8:47:52 AM

Mark Ayers
markayers@ayerstelecomconsulting.com

Anchorage, AK, US
Anonymous User

Comment:

Hello,
I'd like to understand the reason(s) and purpose for changing 12 AAC 36.608 to include licensure through practical experience. I'm particularly interested in this argument given that the path to licensure for professional engineers through practical experience has become all but impossible. It seems counter to increasing rigor on educational requirements that have been applied to professional engineer registration to offer a practical experience path in landscape architecture. I'm also concerned about the relaxation of educational requirements for any discipline. I suspect that the reason for this is due to a lack of landscape architects in the State of Alaska. My preferred path in this would be to provide temporary or limited exemptions with a requirement to eventually satisfy the existing requirements within a given time window (through completion of a degree program, etc.)

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Burt Bomhoff](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: RE: [CBPLRegulations1] #2 Notice of Proposed Regulations (State Board of Registration for Architects, Engineers, and Land Surveyors - 12 AAC 36)
Date: Monday, November 27, 2023 12:33:18 PM

You don't often get email from burtb@mtaonline.net. [Learn why this is important](#)

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Sir/Madam:

I've long felt the requirements for reexamination were much too stringent, unnecessarily so.

The initial exam is challenging. We're governed by a code of ethics that requires competency in practice.

I believe that this reexamination process was started to make it easier for Alaska professionals to achieve reciprocity with other states. So to cater to a minority of our professionals, we make it an unnecessary pain the neck for everyone else.

Glad you're simplifying the process.

Burton M. Bomhoff, PE, RLS
Former member, Alaska Board of Registration for Engineers, Architects and Land Surveyors.

From: Regulations and Public Comment (CED sponsored) <regulationsandpubliccomment@alaska.gov>
Sent: Monday, November 27, 2023 11:39 AM
To: CBPLRegulations1 <CBPLRegulations1@list.state.ak.us>
Subject: [CBPLRegulations1] #2 Notice of Proposed Regulations (State Board of Registration for Architects, Engineers, and Land Surveyors - 12 AAC 36)

Dear Licensee,

The Alaska State Board of Registration for Architects, Engineers, and Land Surveyors proposes to update regulations relating to the reexamination process for land surveyors and registration by examination requirements for landscape architects.

Attached are copies of the public notice and draft of the proposed regulation changes. For more information, please open the attached copy of the public notice and draft of the proposed regulation changes and [Frequently Asked Questions](#) document for this project. The attached are also available on the Board's webpage, <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofArchitectsEngineersandLandSurveyors.aspx> and as an attachment on the Online Public Notice system.

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

List Name: CBPLRegulations1@list.state.ak.us
You subscribed as: burtb@mtaonline.net
Unsubscribe at: <https://list.state.ak.us/mailman/options/cbplregulations1/burtb%40mtaonline.net>

From: [Michael Pochop](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Cc: [April Becker](#); [Tony Comerio](#); [Howard Gotschall](#)
Subject: Licensee Comments on Proposed Changes AELS-0423
Date: Wednesday, November 29, 2023 4:29:25 AM
Attachments: [image002.png](#)
[AELS-0423 and Notice.pdf](#)

You don't often get email from mpochop@hanson-inc.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 morning,

I have two comments on the Board's proposed changes to 12 AAC 36.990 Definitions, as shown in the attached document AELS-0423

12 AAC 36.990(a) is amended by adding new paragraphs to read:

(47) "LAAC" means the Landscape Architectural Accreditation Board;

(48) "LARE" means the CLARB Landscape Architectural Registration

1. The proposed new paragraph (47) should be changed to: **"LAAC" means the Landscape Architecture Accreditation Council**. That is the official name of the LAAC as shown at <https://www.csla-aapc.ca/about-csla/accreditation-council>. LAAB is already defined as the Landscape Architectural Accreditation Board in 12 AAC 36.990(a)(32). Paragraph (33) was repealed earlier this year. The definition of LAAC could be located at paragraph (33) so that it is listed right after CLARB at (31) and LAAB at (32).
2. I suggest changing the proposed new paragraph (48) to: **"LARE" means the CLARB Landscape Architect Registration Examination**. That is the official name of the exam as shown at <https://www.clarb.org/take-the-exam>

Thank you for the opportunity to comment and your consideration of these comments.

Mike

Logo



Michael Pochop, P.E.* | *Vice President*

[Hanson Professional Services Inc.](#) | 1001 E 101st Terrace, Suite 120 | Kansas City, MO 64131
w 913-214-3156 | c 816-944-7779 | [Facebook](#) | [LinkedIn](#)

*AK, IA, MO, TX, WA

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

BRIEF DESCRIPTION

The State Board of Registration for Architects, Engineers, and Land Surveyors proposes to update regulations relating to the reexamination process for land surveyors and registration by examination requirements for landscape architects.

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 dealing with reexamination and registration by examination requirements, including the following:

1. **12 AAC 36.040. Simplified Application For Reexamination**, is proposed to be changed to simplify the application process for reexamination and remove references to examinations other than the Alaska Land Surveying Examination.
2. **12 AAC 36.068. Eligibility for landscape architect registration by examination**, is proposed to be changed to update submission requirements for registration by examination as a landscape architect, include pathways to eligibility for applicants with education credentials or work experience outside of those required for an accredited degree in landscape architecture, and update standards for qualifying mentoring programs.
3. **12 AAC 36.990. Definitions**, is changed to add definitions for
 - “LAAC” to mean the Landscape Architectural Accreditation Board.
 - “LARE” to mean the CLARB Landscape Architectural Registration.

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 Alison Osborne, 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/213154> and using the comment link. **The comments must be received not later than 4:30 p.m. on December 15, 2023.** The Board will not consider comments received after this deadline.

You may submit written questions relevant to the proposed action to Alison Osborne, 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 Alison Osborne at (907) 465-6826 or RegulationsAndPublicComment@alaska.gov not later than December 8, 2023 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System, by

contacting Alison Osborne at (907) 465-6826 or RegulationsAndPublicComment@alaska.gov, or at <https://www.commerce.alaska.gov/web/portals/5/pub/AELS-0423.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 may be subject to public inspection.

Statutory Authority: AS 08.01.091; AS 08.48.101; AS 08.48.171; AS 08.48.181; AS 08.48.191.

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.48.091; AS 08.48.101; AS 08.48.171; AS 08.48.181; AS 08.48.191.

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

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

DATE: November 15, 2023

/s/
Alison Osborne, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

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

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12 AAC 36.040. Simplified application for reexamination. An applicant who has failed the Alaska Land Surveying Examination may apply for reexamination by submitting to the board at least 45 days before the next scheduled examination

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Authority: AS 08.48.091 AS 08.48.101 AS 08.48.171

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36.100;

(B) the cold regions design requirement set out under 12 AAC 36.110;

(C) not less than 24 months of responsible charge experience in the field of landscape architecture while under the responsible control of a professional landscape architect registered in the United States; and

(D) the number of years of work experience that corresponds with the applicant's education, as set out under the table of education, work experience, and exam requirements for professional landscape architects, which must include the responsible charge experience required under (C) of this paragraph.

**TABLE OF EDUCATION, WORK EXPERIENCE, AND EXAM
REQUIREMENTS FOR PROFESSIONAL LANDSCAPE
ARCHITECTS**

<u>Education</u>	<u>Work Experience</u>	<u>Exam</u>
LAAB or LAAC-accredited degree in landscape architecture	2 years	Pass the LARE
Non LAAB or LAAC-accredited degree in landscape architecture	4 years	Pass the LARE
Certificate in landscape architecture	6 years	Pass the LARE
Post-secondary degree in a subject other than landscape architecture	6 years	Pass the LARE
No post-secondary education	8 years	Pass the LARE

(b) Except as set out under (c) of this section, for an applicant's work experience to be applicable under this section, including towards a requirement under the table of education, work experience, and exam requirements for professional landscape architects, the work experience must be in the field of landscape architecture and gained

(1) while under the responsible control of a professional landscape architect registered in the United States or Canada; or

(2) as part of a mentoring program that meets the requirements set out under (d) of this section.

(c) If an applicant's work experience does not meet the requirements set out under (b) of this section, the applicant may submit to the board verification of professional work, as defined under 12 AAC 36.990(a)(18), or subprofessional work, as defined under 12 AAC 36.990(a)(22). The board may, at its discretion, credit the applicant's professional work or subprofessional work towards the applicable number of years of work experience required under the table of education, work experience, and exam requirements for professional landscape architects. The board will credit professional work or subprofessional work under this subsection based on comparability within the field of landscape architecture, up to a maximum of six years of work experience.

(d) For an applicant's work experience gained as part of a mentoring program to be applicable under (b) of this section, an applicant

(1) must have completed two years of quarterly face-to-face or videoconference meetings with a mentor; the mentor must be a professional landscape architect registered in the United States or Canada;

(2) shall submit to the board a report for each meeting with the mentor; the report for each meeting must include

(A) a description of the applicant's work experience and topics reviewed during the meeting;

(B) a statement indicating whether the work experience was

(i) responsible charge experience;

(ii) directly applicable to professional landscape architectural work experience; and

(iii) performed according to industry standards;

(C) the signature and seal of the professional landscape architect who served as the applicant's mentor; and

(D) the date on which the meeting occurred; and

(3) shall submit to the board a written statement from the professional landscape architect who served as the mentor recommending the applicant for registration under AS 08.48 and this chapter.

(e) An applicant with a degree obtained from outside of the United States shall submit

(1) a transcript of the applicant's education or, if the transcript is not in English, a translation of the transcript into English with a signed and notarized affidavit by the translator attesting to the accuracy of the translation; and

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(f) Upon submission of evidence of graduation from a LAAB or LAAC-accredited curriculum in landscape architecture, an applicant for examination as a landscape architect may sit for the examination as early as can be scheduled after graduation. (Eff. 11/13/99, Register

Register _____, _____ 2024 PROFESSIONAL REGULATIONS

152; am 9/11/2004, Register 171; am 8/19/2006, Register 179; am 5/4/2013, Register 206; am 5/5/2023, Register 246; am ____/____/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

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(47) “LAAC” means the Landscape Architectural Accreditation Board;

(48) “LARE” means the CLARB Landscape Architectural Registration

Examination. (Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 6/29/84, Register 90; am 8/29/87, Register 103; am 10/20/90, Register 116; am 3/16/96, Register 137; am 7/26/97, Register 143; am 8/26/98, Register 147; am 11/13/99, Register 152; am 3/9/2001, Register 157; am 1/26/2012, Register 201; am 3/11/2012, Register 201; am 10/4/2015, Register 216; am 9/9/2016, Register 219; am 5/25/2017, Register 222; am 5/5/2023, Register 246; am ____/____/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.331
AS 08.48.171 AS 08.48.191

(((Publisher: please replace the period that follows 12 AAC 36.990(a)(46) with a semicolon)))

SB 126 & Digital Signatures

12 AAC 36.063 (b) Education for initial registration must be in the branch of engineering in which the applicant seeks registration for full credit to be given. If the education is not in the branch of engineering in which the applicant seeks registration, the board will determine the amount of credit to be given based on comparability with the branch of engineering for which the applicant has applied for registration. An applicant with a [FOREIGN] degree **obtained outside of the United States** shall submit

Name	Comment	Reply Needed	Reply Assigned To
Stephan Paliwoda paly@gci.net	RE: State of AK letter, dated 11-15-23, titled "NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS: In paragraph #2 of said letter (Entitled "12 AAC 36.063, Engineering education and work experience requirements"), at the end of that short paragraph, where the proposed new wording is shown, and which currently reads, "a degree obtained outside of the United States", I would urge that the wording be augmented, as follows (my recommended addition is shown in CAPITALS): "...a MINIMUM FOUR-YEAR COLLEGE degree obtained outside the United States".		
12 AAC 36.160. Duplicate certificate. Repealed. [A DUPLICATE CERTIFICATE WILL BE ISSUED BY THE DEPARTMENT UPON WRITTEN REQUEST AND PAYMENT OF THE DUPLICATE LICENSE FEE ESTABLISHED IN 12 AAC 02.105].			
Kevin Johnston kvnj@yahoo.com	I am passionate about my profession as a civil engineer and I am honored to be registered with the Board. In my opinion the Board should issue duplicate certificates. A certificate of any professional licensure is appropriate and validates authority to a layperson. There are legitimate reasons that a registrant would loose a certificate and the Board should issue a duplicate when requested. The Board's name includes the term "registration" generally a registration has a certificate or similar. While the wallet card is in effect a certificate, the wallet card does not project the same authority to the public as a wall certificate. I object to the proposed change of 12 AAC 36.160 Duplicate certificate. 12 AAC 36.160 proposed change should be modified to require the Board to issue duplicate certificates upon request by a registrant. I am open to further discussion in any format that is desired.	Yes	Sara Neal Replied 12/26

12 AAC 36.185 – Use of Seals (f) A registrant shall validate the seal on a document [AN ELECTRONIC IMAGE OF A SIGNATURE MAY BE USED ON THE SEAL IF THE REGISTRANT OR THE OWNER OF THE DOCUMENTS RETAINS AN ORIGINAL COPY OF THE DOCUMENTS, ACCESSIBLE FOR LATER REFERENCE,] that has either

(1) an original **handwritten** [HAND] signature over **each** [THE] seal; or

(2) **an electronic image of the original handwritten signature and a digital signature, both of which must be affixed to the document and meet the following requirements:** [SOFTWARE IN PLACE THAT WILL AUTOMATICALLY REMOVE OR MODIFY THE ELECTRONIC IMAGE OF THE SIGNATURE IF THE DOCUMENT IS MODIFIED.]

(A) the electronic image must be permanently affixed to each seal on the document directly over the seal of the registrant;

(B) the digital signature must be

(i) unique to the registrant using it;

(ii) capable of verification;

(iii) under the exclusive control of the registrant using it; and

(iv) linked to a document in such a manner that the digital signature is invalidated if the document is changed.

Name	Comment	Reply Needed	Reply Assigned To
<p>Jason Kent Jason.kent@yahoo.com</p>	<p>This email delivers my comment on the proposed regulation change to 12 AAC 36.185 Use of Seals.</p> <p>In general, I am supportive of the use of digital signatures for final documents as it currently is a good method to secure documents and assure a document being viewed is the original document sealed by the registrant. However, I do want to note that the Notice of Proposed Regulations is a little misleading, as the summary of the amendment of paragraph (f) reads it "...is proposed to update the language of the regulation giving registrants the option to use a digital signature when sealing a document." I think this is a bit misleading as the proposed language requires the application of a digital signature when sealing an electronic document. Paper copies and wet seals & signatures are still an option, of course, but I think the Board needs to be more communicative about the increased effort the amendment will require - including purchasing of third-party certificate service & software and the application of digital signatures which is no small effort for the uninitiated. Submittal of electronic documents with electronic seals & signatures is becoming more and more commonplace in this digital age. Shifting the regulation to require a more secure format - digital signatures - is, in my opinion, a wise path forward for the Board and an appropriate change in the regulation of the professions. However, more open and forthright communication - and probably education - will be needed for all registrants to achieve awareness of what the change means in practice.</p>		
<p>AJ Booker AJ.Booker@kiewit.com</p>	<p>In reviewing the proposed changes to 12 AAC 36.010 through 12 AAC 36.990 they appear to be all good changes. The majority of the changes have no impact on myself. The changes to 12 AAC 36.185 regarding the Use of Seals are good practice and welcome clarification. These changes will have no additional cost for compliance and bring forth welcome clarity on the requirements and best practices regarding the use of digital seals/signatures. Thanks you for ensuring that Alaska has efficient and effective regulations in this area.</p>		

Name	Comment	Reply Needed	Reply Assigned To
Patrick Doyle Patrick_H_Doyle@yahoo.com	Regarding 36.185(f) electronic seals, when a drawing is copied, scanned or otherwise reproduced the electronic signature becomes a static signature; Electronic verification is lost. Changes are not able to be verified without overlaying or otherwise tediously comparing submittals. A better system is when submittals are uploaded from a verified login/password become the legally binding record drawings similar to US Court CM/ECF (Case Management/Electronic Case Files) system allowing courts to maintain electronic case files and offer electronic filing online.		
Conrad Guymon, P.E. conradg@ckengineers.com	<p>The changes to 12 AAC 36.185(f)(2) and 12 AAC 36.185(f)(2)(A) are unworkable with the digital signature technology that is commercially available. The digital signature placement I use does NOT have the option to include a copy of a handwritten signature over a seal that will be invalidated if the document is changed. Only the digital signature becomes invalidated by changes.</p> <p>Applying the digital signature over the seal as a replacement for the handwritten signature would obscure the seal text. I recommend deleting the requirement for a copy of the handwritten signature over the seal and using a digital signature adjacent to the seal as evidence that the document is signed and dated. The requirements in 12 AAC 36.185(f)(2)(B) are reasonable, prudent, and match the capabilities of a digital signature.</p>		

From: [Alaska Online Public Notices](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: New Comment on Notice of Proposed Changes in the Regulations of the Alaska State Board of Registration for Architects, Engineers, and Land Surveyors
Date: Saturday, November 25, 2023 1:29:20 PM

A new comment has been submitted on the public notice [Notice of Proposed Changes in the Regulations of the Alaska State Board of Registration for Architects, Engineers, and Land Surveyors](#).

Submitted:

11/25/2023 1:29:13 PM

Stephan C. Paliwoda
paly@gci.net

Anchorage, AK, US
Anonymous User

Comment:

RE: State of AK letter, dated 11-15-23, titled "NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS: In paragraph #2 of said letter (Entitled "12 AAC 36.063, Engineering education and work experience requirements"), at the end of that short paragraph, where the proposed new wording is shown, and which currently reads, "a degree obtained outside of the United States", I would urge that the wording be augmented, as follows (my recommended addition is shown in CAPITALS): "...a MINIMUM FOUR-YEAR COLLEGE degree obtained outside the United States".

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: jason.kent@yahoo.com
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Comment on proposed regulation 12 AAC 36.185(f)
Date: Monday, November 27, 2023 12:15:30 PM

You don't often get email from jason.kent@yahoo.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.

Hi Alison,

This email delivers my comment on the proposed regulation change to 12 AAC 36.185 Use of Seals.

In general, I am supportive of the use of digital signatures for final documents as it currently is a good method to secure documents and assure a document being viewed is the original document sealed by the registrant.

However, I do want to note that the Notice of Proposed Regulations is a little misleading, as the summary of the amendment of paragraph (f) reads it "...is proposed to update the language of the regulation giving registrants the option to use a digital signature when sealing a document." I think this is a bit misleading as the proposed language requires the application of a digital signature when sealing an electronic document. Paper copies and wet seals & signatures are still an option, of course, but I think the Board needs to be more communicative about the increased effort the amendment will require - including purchasing of third-party certificate service & software and the application of digital signatures which is no small effort for the uninitiated.

Submittal of electronic documents with electronic seals & signatures is becoming more and more commonplace in this digital age. Shifting the regulation to require a more secure format - digital signatures - is, in my opinion, a wise path forward for the Board and an appropriate change in the regulation of the professions. However, more open and forthright communication - and probably education - will be needed for all registrants to achieve awareness of what the change means in practice.

Thank you,
Jason Kent, PE #10789

From: [AJ.Booker](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Proposed changes to 12 AAC 36.010 through 12 AAC 36.990
Date: Monday, November 27, 2023 1:01:04 PM

You don't often get email from aj.booker@kiewit.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,

I received notice regarding proposed changes to Regulations of the Alaska State Board of Registration for Architects, Engineers, and Land Surveyors.

Notice found here: [Notice of Proposed Changes in the Regulations of the Alaska State Board of Registration for Architects, Engineers, and Land Surveyors - Alaska Online Public Notices](#)

In reviewing the proposed changes to 12 AAC 36.010 through 12 AAC 36.990 they appear to be all good changes. The majority of the changes have no impact on myself. The changes to 12 AAC 36.185 regarding the Use of Seals are good practice and welcome clarification. These changes will have no additional cost for compliance and bring forth welcome clarity on the requirements and best practices regarding the use of digital seals/signatures.

Thanks you for ensuring that Alaska has efficient and effective regulations in this area.

AJ



AJ BOOKER, SE, P.Eng., PE
Senior Structural Engineer, KIE

KIEWIT ENGINEERING GROUP CANADA ULC
200-10333 Southport Rd. SW | Calgary, AB T2W 3X6
(403) 370-3158
kiewit.com

From: [Alaska Online Public Notices](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: New Comment on Notice of Proposed Changes in the Regulations of the Alaska State Board of Registration for Architects, Engineers, and Land Surveyors
Date: Monday, November 27, 2023 1:57:18 PM

A new comment has been submitted on the public notice [Notice of Proposed Changes in the Regulations of the Alaska State Board of Registration for Architects, Engineers, and Land Surveyors](#).

Submitted:

11/27/2023 1:57:13 PM

Patrick Doyle
Patrick_H_Doyle@yahoo.com

Unknown location
Anonymous User

Comment:

Regarding 36.185(f) electronic seals, when a drawing is copied, scanned or otherwise reproduced the electronic signature becomes a static signature; Electronic verification is lost. Changes are not able to be verified without overlaying or otherwise tediously comparing submittals. A better system is when submittals are uploaded from a verified login/password become the legally binding record drawings similar to US Court CM/ECF (Case Management/Electronic Case Files) system allowing courts to maintain electronic case files and offer electronic filing online.

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Alaska Online Public Notices](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: New Comment on Notice of Proposed Changes to the Regulations of the Alaska State Board of Registration for Architects, Engineers, and Land Surveyors
Date: Wednesday, November 29, 2023 5:01:56 PM

A new comment has been submitted on the public notice [Notice of Proposed Changes to the Regulations of the Alaska State Board of Registration for Architects, Engineers, and Land Surveyors](#).

Submitted:

11/29/2023 5:01:50 PM

Conrad Guymon, P.E.
conradg@ckrengineers.com

Riverton, UT, US
Anonymous User

Comment:

The changes to 12 AAC 36.185(f)(2) and 12 AAC 36.185(f)(2)(A) are unworkable with the digital signature technology that is commercially available. The digital signature placement I use does NOT have the option to include a copy of a handwritten signature over a seal that will be invalidated if the document is changed. Only the digital signature becomes invalidated by changes. Applying the digital signature over the seal as a replacement for the handwritten signature would obscure the seal text. I recommend deleting the requirement for a copy of the handwritten signature over the seal and using a digital signature adjacent to the seal as evidence that the document is signed and dated. The requirements in 12 AAC 36.185(f)(2)(B) are reasonable, prudent, and match the capabilities of a digital signature.

You can review all comments on this notice by [clicking here](#).

[Alaska Online Public Notices](#)

From: [Kevin Johnston](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: 12 AAC 36.160 Duplicate certificate
Date: Tuesday, December 5, 2023 11:09:02 AM

You don't often get email from kvnj@yahoo.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.

I am passionate about my profession as a civil engineer and I am honored to be registered with the Board. In my opinion the Board should issue duplicate certificates. A certificate of any professional licensure is appropriate and validates authority to a layperson. There are legitimate reasons that a registrant would lose a certificate and the Board should issue a duplicate when requested. The Board's name includes the term "registration" generally a registration has a certificate or similar. While the wallet card is in effect a certificate, the wallet card does not project the same authority to the public as a wall certificate. I object to the proposed change of 12 AAC 36.160 Duplicate certificate. 12 AAC 36.160 proposed change should be modified to require the Board to issue duplicate certificates upon request by a registrant.

I am open to further discussion in any format that is desired.

Respectfully,
Kevin Johnston

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 update terminology in various regulations in accordance with recent statute changes, the requirements for the use of digital signatures

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 dealing with updates to various provisions by implementing statutory changes to AS 08.48 under SB 126 - Chapter 13, SLA 2023, updating the requirements for the use of digital signatures, including the following:

1. **12 AAC 36.010. Applications**, is proposed to amend the regulation and replace the term “secretary” with “administrator” to be in compliance with statute following SB 126.
2. **12 AAC 36.063. Engineering education and work experience requirements**, is proposed to update wording in conformity with the rest of chapter 36 of Title 12; “foreign degree” to be replaced by ‘a degree obtained outside of the United States”.
3. **12 AAC 36.065. Eligibility for professional land surveyor examination**, is proposed to update wording in conformity with the rest of chapter 36 of Title 12; “foreign degree” to be replaced by ‘a degree obtained outside of the United States”.
4. **12 AAC 36.068. Eligibility for landscape architect registration by examination**, amend and update the standards for registration as a landscape architect to include an eligibility pathway for applicants through practical experience.
5. **12 AAC 36.103. Architect registration by comity**, is proposed to amend the regulation and replace the term “secretary” with “administrator” to be in compliance with statute following SB 126.
6. **12 AAC 36.105. Engineer registration by comity**, is proposed to amend the regulation and replace the term “secretary” with “administrator” to be in compliance with statute following SB 126.
7. **12 AAC 36.109, Landscape architect registration by comity**, is proposed to amend the regulation and replace the term “secretary” with “administrator” to be in compliance with statute following SB 126.
8. **12 AAC 36.112. Temporary military courtesy certificate of registration**, is proposed to amend the regulation and replace the term “secretary” with “administrator” to be in compliance with statute following SB 126.
9. **12 AAC 36.135, Review of application for corporate, limited liability company, limited liability partnership, or limited partnership authorization**, is proposed to amend the regulation by adding limited partnerships to the entities regulated by the board to be in compliance with statute following SB 126.
10. **12 AAC 36.145. Architectural, engineering, or surveying offices**, is proposed to amend the regulation by adding limited partnerships to the entities regulated by the board to be in compliance with statute following SB 126.

11. **12 AAC 36.160. Duplicate certificate**, is proposed to be repealed as redundant since duplicate certificates are no longer provided by the department.
12. **12 AAC 36.165. Expired certificates**, is proposed to amend the regulation by adding limited partnerships to the entities regulated by the board to be in compliance with statute following SB 126.
13. **12 AAC 36.185. Use of seals**, is proposed to update the language of the regulation giving registrants the option to use a digital signature when sealing a document.
14. **12 AAC 36.200. Ethical standards**, is proposed to amend the regulation by adding limited partnerships to the entities regulated by the board to be in compliance with statute following SB 126.
15. **12 AAC 36.990. Definitions** is proposed to amend the regulation by adding limited partnerships to the definition of “registrant” to be in compliance with statute following SB 126.

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 Alison Osborne, 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/213157> and using the comment link. **The comments must be received not later than 4:30 p.m. on December 15, 2023.**

You may submit written questions relevant to the proposed action to Alison Osborne, 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>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Alison Osborne at (907) 465-6826 or RegulationsAndPublicComment@alaska.gov not later than December 8, 2023 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 Alison Osborne at (907) 465-6826 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/AELS-SB126.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.**

Statutory Authority: AS 08.01.050; AS 08.48.101; AS 08.48.171; AS 08.48.181; AS 08.48.191; AS 08.48.201; AS 08.48.215; AS 08.48.221; AS 08.48.241; AS 08.48.331

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.050; AS 08.48.101; AS

08.48.171; AS 08.48.181; AS 08.48.191; AS 08.48.201; AS 08.48.215; AS 08.48.221; AS 08.48.241; AS 08.48.331

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

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

DATE: November 15, 2023

/s/
Alison Osborne, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

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

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 36.010(b) is amended to read:

(b) An applicant will not be admitted to an examination or approved for registration until the applicant's qualifications are accepted by the board, the executive **administrator** [SECRETARY] of the board, or the board's designee.

The introductory language of 12 AAC 36.010(c) is amended to read:

(c) Except as provided in 12 AAC 36.060(a) **and 12 AAC 36.068(i)**, the board will approve an application for examination or for registration by comity if

...

12 AAC 36.010(d) is amended to read:

(d) Except as provided in 12 AAC 36.060(a) **and 12 AAC 36.068(i)**, the board, the executive **administrator** [SECRETARY] of the board, or the board's designee will give conditional approval of an application for examination or for registration by comity pending receipt of missing documents, payment of applicable fees for examination or registration, or other corrections to the application if the

(1) application form is substantially complete and includes the applicant's notarized signature;

(2) application fee has been paid;

(3) board, executive **administrator** [SECRETARY] of the board, or the board's designee has determined that the applicant's qualifications as listed on the application form show that the applicant meets the registration requirements in AS 08.48 and this chapter;

(4) board, executive **administrator** [SECRETARY] of the board, or the board's designee has received all supporting documents required for board review of the application, as defined in (i) of this section; and

(5) board, executive **administrator** [SECRETARY] of the board, or the board's designee has determined that any missing supporting documents and the correction of other deficiencies in the application do not require board discretion to review and approve.

12 AAC 36.010(e) is amended to read:

(e) If the board, the executive **administrator** [SECRETARY] of the board, or the board's designee gives conditional approval of an application, the board, **executive administrator**, or **the board's designee** [PERSON] will write a statement of conditional approval. **The conditional approval** [; THE] statement will identify the missing supporting documents or other corrections required to complete the application. **The department** [; DEPARTMENT] staff shall change the conditional approval to "approval" when the **department receives the** missing documents and [OTHER] corrections [ARE RECEIVED] if the documents and corrections clearly show the information required **in the statement of conditional approval. If** [BY THE BOARD, EXECUTIVE SECRETARY, OR BOARD'S DESIGNEE IN ITS STATEMENT OF

CONDITIONAL APPROVAL; IF] the [MISSING] supporting documents or corrections received **by the department require** [REQUIRED] interpretation or discretion, **the** department staff shall resubmit the application to the board for approval.

12 AAC 36.010(f) is amended to read:

(f) Except as provided in 12 AAC 36.060(a) **and 12 AAC 36.068(i), if** the board, the executive **administrator** [SECRETARY] of the board, or the board's designee **is unable to determine if the applicant meets the registration requirements in AS 08.48 and this chapter from the application form and supporting documents, the board, executive administrator, or the board's designee** will determine that **the** [AN] application is incomplete[,] and will notify the applicant [, IF THE BOARD, THE EXECUTIVE SECRETARY OF THE BOARD, OR THE BOARD'S DESIGNEE IS NOT ABLE TO DETERMINE FROM THE APPLICATION FORM AND SUPPORTING DOCUMENTS WHETHER THE APPLICANT MEETS THE REGISTRATION REQUIREMENTS IN AS 08.48 AND THIS CHAPTER].

12 AAC 36.010(j) is amended to read:

(j) The board, the executive **administrator** [SECRETARY] of the board, or the board's designee may approve an application for licensure by comity only if credentials are submitted by NCEES, NCARB, or CLARB record. (Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 6/3/89, Register 110; am 10/20/90, Register 116; am 5/12/96, Register 138; am 3/8/2001, Register 157; am 10/29/2009, Register 192; am 5/5/2023, Register 246; am ____ / ____ / _____, Register _____)

Authority: AS 08.01.050 AS 08.48.101 AS 08.48.191

AS 08.48.055

AS 08.48.171

AS 08.48.201

The introductory language of 12 AAC 36.063(b) is amended to read:

(b) Education for initial registration must be in the branch of engineering in which the applicant seeks registration for full credit to be given. If the education is not in the branch of engineering in which the applicant seeks registration, the board will determine the amount of credit to be given based on comparability with the branch of engineering for which the applicant has applied for registration. An applicant with a [FOREIGN] degree **obtained outside of the United States** shall submit

...

(Eff. 9/30/78, Register 67; am 6/29/84, Register 90; am 8/13/87, Register 103; am 6/3/89, Register 110; am 3/16/96, Register 137; am 7/26/97, Register 143; am 8/26/98, Register 147; am 11/20/99, Register 152; am 3/8/2001, Register 157; am 6/13/2003, Register 166; am 7/22/2004, Register 171; am 9/11/2004, Register 171; am 10/29/2009, Register 192; am 9/9/2016, Register 219; am 5/25/2017, Register 222; am 5/5/2023, Register 246; am ____/____/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

The introductory language of 12 AAC 36.065(e) is amended to read:

(e) An applicant with a [FOREIGN] degree **obtained outside of the United States** shall submit

...

Register _____, _____ 2024 PROFESSIONAL REGULATIONS

(Eff. 9/30/78, Register 67; am 2/22/81, Register 81; am 8/13/87, Register 103; am 6/3/89, Register 110; am 3/16/96, Register 137; am 7/26/97, Register 143; am 8/26/98, Register 147; am 11/13/99, Register 152; am 3/8/2001, Register 157; am 1/20/2002, Register 161; am 9/11/2004, Register 171; am 10/29/2009, Register 192; am 2/16/2012, Register 201; am 5/25/2017, Register 222; am 5/5/2023, Register 246; am ____/____/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

The introductory language of 12 AAC 36.068(b) is amended to read:

(b) Education for initial examination must be in the field of landscape architecture for full credit to be given. If the education is not in the field of landscape architecture, the board will determine the amount of credit to be given based on course work comparability with the field of landscape architecture as required by Landscape Architectural Accreditation Board (LAAB) for accredited programs. An applicant with a [FOREIGN] degree **obtained outside of the United States** shall submit

• • •

(Eff. 11/13/99, Register 152; am 9/11/2004, Register 171; am 8/19/2006, Register 179; am 5/4/2013, Register 206; am 5/5/2023, Register 246; am ____/____/_____, Register _____)

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

The introductory language of 12 AAC 36.103(a) is amended to read:

(a) Under AS 08.48.191(a), the board, the executive **administrator** [SECRETARY] of the board, or the board's designee may issue a certificate of registration as an architect to an applicant who

...

(Eff. 6/3/89, Register 110; am 1/1/90, Register 116; am 3/16/96, Register 137; am 7/26/97, Register 143; am 11/13/99, Register 152; am 6/13/2003, Register 166; am 7/12/2008, Register 187; am 7/25/2008, Register 187; am 3/11/2012, Register 201; am 3/28/2019, Register 229; am 5/5/2023, Register 246; am ____/____/_____, Register _____)

Authority: AS 08.01.101 AS 08.48.171 AS 08.48.191

The introductory language of 12 AAC 36.105(a) is amended to read:

(a) Under AS 08.48.191(b), the board, the executive **administrator** [SECRETARY] of the board, or the board's designee may issue an engineering certificate of registration to an applicant who

...

(Eff. 9/30/78, Register 67; am 8/13/87, Register 103; am 6/3/89, Register 110; am 10/20/90, Register 116; am 3/16/96, Register 137; am 7/26/97, Register 143; am 8/26/98, Register 147; am 11/13/99, Register 152; am 3/9/2001, Register 157; am 6/11/2005, Register 174; am 7/25/2008, Register 187; am 7/19/2009, Register 191; am 5/25/2017, Register 222; am 3/28/2019, Register 229; am 5/5/2023, Register 246; am ____/____/_____, Register _____)

Authority: AS 08.01.101 AS 08.48.181 AS 08.48.191
AS 08.48.171

The introductory language of 12 AAC 36.109(a) is amended to read:

(a) Under AS 08.48.191(d), the board, the executive **administrator** [SECRETARY] of the board, or the board's designee may issue a landscape architecture certificate of registration to

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an applicant who

...

(Eff. 11/13/99, Register 152; am 7/25/2008, Register 187; am 5/5/2023, Register 246; am
_____/_____/_____, Register _____)

Authority: AS 08.01.101 AS 08.48.181 AS 08.48.191
AS 08.48.171

The introductory language of 12 AAC 36.112(c) is amended to read:

(c) The executive **administrator** [SECRETARY] or the executive **administrator's**
[SECRETARY's] designee shall issue a temporary military courtesy certificate of registration
under AS 08.01.063

...

(Eff. 1/29/2023, Register 245; am ____/____/_____, 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

12 AAC 36.135 is amended to read:

**12 AAC 36.135. Review of application for corporate, limited liability company, [OR]
limited liability partnership, or limited partnership authorization.** An applicant who meets
the requirements established by the board in this section has demonstrated the necessary
qualifications for a certificate of authorization for corporate, limited liability company, [OR]
limited liability partnership, **or limited partnership** practice. An applicant who does not meet
the requirements on this checklist or whose responses on the application form do not clearly

show that the applicant is qualified to receive a certificate of authorization will not be issued a certificate unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.48.241 for a certificate of authorization. A certificate of authorization for corporate, limited liability company, [OR] limited liability partnership, **or limited partnership** practice will be issued to an applicant who submits

(1) a completed form for application that includes the

(A) name and address of the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership**;

(B) type of architecture, engineering, land surveying, or landscape architecture practiced by the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership**;

(C) name and current state registration number of the registrant who will be in responsible charge for the activities of the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership** in this state of each branch of practice requiring registration under AS 08.48;

(D) names of the majority stockholders of the corporation, the names of the members holding a majority interest of a limited liability company, or the names of the partners of a limited liability partnership **or limited partnership**; and

(E) signature and title of an agent authorized by the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership** to apply for corporate, limited liability company, [OR] limited liability partnership, **or limited partnership** authorization under this chapter;

(2) the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership** certification fee in 12 AAC 02.110;

(3) a certified copy of a resolution of the board of directors of the corporation, the managing members or manager of the limited liability company, or the general partners of the limited liability partnership **or limited partnership** that

(A) designates an individual or individuals with a current registration in this state as responsible for each field of practice; and

(B) provides that full authority to make all final practice decisions on behalf of the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership** for work performed by the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership** in this state is granted by the board of directors of the corporation, the managing members or manager of the limited liability company, or the general partners of a limited liability partnership **or limited partnership** to the individual designated in the resolution as responsible for the relevant field of practice; **the** [. THE] individual or individuals in responsible charge of a discipline may grant other employees, who are registered in that discipline, the authority to seal drawings on behalf of the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership; this** [. THIS] does not relieve the individual or individuals in responsible charge from responsibility for the work delegated to the other employee;

(4) a copy of the bylaws of the corporation, the articles of organization or operating agreement of the limited liability company, or the partnership agreement of the limited liability partnership **or limited partnership** showing that the corporation, limited liability

company, [OR] limited liability partnership, **or limited partnership** has complied with the requirements in AS 08.48.241(b)(1);

(5) [REPEALED 8/19/2006;

(6)] a statement of the experience of the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership** in each field of practice of architecture, engineering, land surveying, or landscape architecture during the five years before the date of application;

(6) [(7)] a certified statement on a form provided by the board, stating that each licensee designated in responsible charge for each branch of practice acknowledges and agrees to that designation by the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership**; the statement must include each responsible charge licensee's

(A) state registration number;

(B) registration expiration date;

(C) professional seal; and

(D) signature. (Eff. 10/1096, Register 140; am 11/13/99, Register 152; am

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

10/31/2019, Register 232; am 5/5/2023, Register 246; am ____/____/_____, Register

____)

Authority: AS 08.48.101 AS 08.48.241

12 AAC 36.145(c)(2) is amended to read:

(2) "entity" means a sole practitioner, partnership, corporation, limited liability company, limited liability partnership, **limited partnership**, or governmental agency.

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(Eff. 10/31/2019, Register 232; am ___ / ___ / ___, Register _____)

Authority: AS 08.48.101 AS 08.48.111 AS 08.48.221

12 AAC 36.160 is repealed:

12 AAC 36.160. Duplicate certificate. Repealed. [A DUPLICATE CERTIFICATE WILL BE ISSUED BY THE DEPARTMENT UPON WRITTEN REQUEST AND PAYMENT OF THE DUPLICATE LICENSE FEE ESTABLISHED IN 12 AAC 02.105]. (Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 8/13/87, Register 103; am 3/16/96, Register 137; repealed ___ / ___ / ___, Register _____)

12 AAC 36.165(a) is amended to read:

(a) A certificate of registration **of** [OR] corporate, limited liability company, [OR] limited liability partnership, **or limited partnership** authorization that is not renewed for a period of five years expires at the end of that period.

12 AAC 36.165(c) is amended to read:

(c) An expired certificate of corporate, limited liability company, [OR] limited liability partnership, **or limited partnership** authorization may not be reinstated. A corporation, limited liability company, [OR] limited liability partnership, **or limited partnership** whose certificate of corporate, limited liability company, [OR] limited liability partnership, **or limited partnership** authorization has expired must apply for a new certificate of corporate, limited liability company, [OR] limited liability partnership, **or limited partnership** authorization under AS 08.48.241.

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(Eff. 5/30/82, Register 82; am 3/16/96, Register 137; am 11/13/99, Register 152; am 3/9/2001, Register 157; am 1/20/2002, Register 161; am ____/____/_____, Register _____)

Authority: AS 08.01.100 AS 08.48.231 AS 08.48.241
AS 08.48.101

12 AAC 36.185(f) is amended to read:

(f) **A registrant shall validate the seal on a document** [AN ELECTRONIC IMAGE OF A SIGNATURE MAY BE USED ON THE SEAL IF THE REGISTRANT OR THE OWNER OF THE DOCUMENTS RETAINS AN ORIGINAL COPY OF THE DOCUMENTS, ACCESSIBLE FOR LATER REFERENCE,] that has either

(1) an original **handwritten** [HAND] signature over **each** [THE] seal; or

(2) **an electronic image of the original handwritten signature and a digital signature, both of which must be affixed to the document and meet the following requirements:** [SOFTWARE IN PLACE THAT WILL AUTOMATICALLY REMOVE OR MODIFY THE ELECTRONIC IMAGE OF THE SIGNATURE IF THE DOCUMENT IS MODIFIED.]

(A) the electronic image must be permanently affixed to each seal on the document directly over the seal of the registrant;

(B) the digital signature must be

(i) unique to the registrant using it;

(ii) capable of verification;

(iii) under the exclusive control of the registrant using it; and

(iv) linked to a document in such a manner that the digital signature is invalidated if the document is changed.

12 AAC 36.185(g)(4) is amended to read:

(4) the certificate of authorization number issued to the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership** to practice architecture, engineering, land surveying, or landscape architecture, if applicable.

12 AAC 36.185(h) is amended to read:

(h) On documents where multiple entities that are authorized to practice architecture, engineering, land surveying, or landscape architecture are indicated, the registrant shall clearly identify the sole proprietor, partnership, corporation, limited liability company, limited liability partnership, **limited partnership**, or other authorized entity responsible for the work.

12 AAC 36.185 is amended by adding a new subsection to read:

(j) The registrant or the owner of sealed documents shall retain them and keep them accessible for later reference. (Eff. 5/30/82, Register 82; am 8/29/87, Register 103; am 11/13/99, Register 152; am 6/13/2003, Register 166; am 6/11/2005, Register 174; am 7/13/2011, Register 199; am 6/18/2016, Register 218; am 9/9/2016, Register 219; am 10/31/2019, Register 232; am ____/____/_____, Register _____)

Authority: AS 08.01.101 AS 08.48.111 AS 08.48.221

12 AAC 36.200(a) is amended to read:

(a) In order to establish and maintain a high standard of integrity, skill, and practice in the professions of architecture, engineering, land surveying, and landscape architecture[,] and to safeguard the life, health, property, and welfare of the public, 12 AAC 36.200 - 12 AAC 36.245 are binding upon every individual holding a certificate of registration as an architect, engineer, land surveyor, or landscape architect, and upon all partnerships, corporations, limited liability companies, [OR] limited liability partnerships, **limited partnerships**, or other legal entities authorized to offer or perform architectural, engineering, land surveying, or landscape architectural services in this state.

(Eff. 5/23//74, Register 50; am 8/29/87, Register 103; am 11/13/99, Register 152; am 3/9/2001, Register 157; am ___ / ___ / _____, Register _____)

Authority: AS 08.01.101 AS 08.48.111

12 AAC 36.990(a)(25) is amended to read:

(25) "registrant" means an individual architect, engineer, land surveyor, landscape architect, corporation, limited liability company, [OR] limited liability partnership, **or limited partnership** registered or issued a certificate of authorization under this chapter;

(Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 6/29/84, Register 90; am 8/29/87, Register 103; am 10/20/90, Register 116; am 3/16/96, Register 137; am 7/26/97, Register 143; am 8/26/98, Register 147; am 11/13/99, Register 152; am 3/9/2001, Register 157; am 1/26/2012, Register 201; am 3/11/2012, Register 201; am 10/4/2015, Register 216; am 9/9/2016, Register 219; am 5/25/2017, Register 222; am 5/5/2023, Register 246; am ___ / ___ / _____, Register _____)

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.331
AS 08.48.171 AS 08.48.191

Agenda Item 7

Regulation Projects in Progress

- A. Responsible Charge - Leman / Garness
- B. 12AAC 36.185 Document Retention – Johnston/Garness
- C. 12AAC 36.145 What defines an office –
Johnston/Garness/Wallis
- D. 12AAC 36.530(b) CE Military Exemption – Education
Committee
- E. Architectural Engineering - Johnston / Legislative Liaison
Committee

Documents included for all but item E

Task: Revise regulations to 1) identify a term and its definition for a “professional in training” who is progressively building qualifying work experience; and 2) clarify definition of “responsible charge” and similar terms.

Sorting out terms

An 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 is doing to progressively build up qualifying work experience with increasing responsibility. We now 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 before becoming a registrant. One of our Alaska professionals who has spoken to our AELS Board often suggested using the term “responsible charge experience.” I (Loren) prefer using this term, but within its definition, identify that it needs to be progressively building in responsibility and technical application toward the day when that person can become registered and actually assume “responsible charge” as we define that for a professional. The other ad hoc committee member (Jeff) has stated his preference for using the term “progressive experience” for this period of developing work experience. We want the term and its definition to be reasonably well understood by professionals in Alaska and elsewhere who will be attesting to the work experience of applicants.

Responsible Charge Experience

This means delivering or managing work that often requires application of technical principles, resourcefulness, and originality. This may include investigations, surveys, calculations, reports, drawings, designs, specifications, construction observation, and submittal reviews; documentation, fieldwork, and directing support services; interacting with and managing team members; code and permit compliance; and public involvement. 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 may require unique and somewhat independent 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, land surveyor, or landscape architect.

If we agree that this approach makes sense, we need to make changes in 12 AAC 36.990 to use this (or a similar) definition to replace the separate definitions we now have for “responsible charge in the field” and “responsible charge in the office.” Those segregated definitions are becoming archaic with changes in project delivery, a COVID-inspired sea change in what “the office” now means, and other workplace developments.

Responsible charge, 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). Responsible charge, direct supervision, direct supervisory control, personal supervision, 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.

NCARB and NCEES took stabs at defining “responsible charge” in 2022. We have also looked at what a few other states have done. Although the two of us have agreed in part, we also differ in how we should address this. We agree that work products by others are somewhat lacking, but also agree that providing too much specificity might be counterproductive. We welcome input by others.

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 offer these ideas for consideration by the Board for a regulation project. We recognize 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

Revised on August 8, 2023

Regulation Project: Responsible Charge

12AAC 36.063

(c) The minimum work experience required for registration must include

(1) two years of responsible charge experience or the equivalent experience gained through a mentoring program, within the meaning given in 12 AAC 36.990(a) and this section; to receive full credit for responsible charge experience, an applicant must gain responsible charge experience while under the [RESPONSIBLE CONTROL] **responsible charge** of a professional engineer registered in the United States in the branch of engineering for which the applicant has applied; the board will determine the amount of credit given for responsible charge experience gained under the [RESPONSIBLE CONTROL] **responsible charge** of a professional engineer registered in the United States in another branch of engineering based on the comparability with the branch of engineering to which the applicant has applied; and

(d) To meet the mentoring requirements of this section, an applicant must complete quarterly face-to-face meetings or videoconferences with a professional engineer registered in the United States and registered in the same discipline that the applicant is applying for. One quarter of responsible charge experience will be credited for every two quarters of documented mentoring program. An applicant shall

- (1) prepare a report for each meeting on a form provided by the department, which includes
 - (A) a description of what topics were covered during the meeting;
 - (B) a statement indicating whether or not it was responsible charge [WORK] **experience** and if the work was performed according to industry standards;
 - (C) the professional engineer's seal and signature; and

12AAC 36.065

(b) "Responsible charge of professional land surveying (P.L.S.)" means work as a supervisor under the [RESPONSIBLE CONTROL] **responsible charge** of a land surveyor registered in the United States, and working in the "practice of land surveying" as described in AS 08.48.341. The remainder of the required work experience listed in (a) of this section must be derived from office or field work involving the activities listed in AS 08.48.341. Partial completion of a curriculum leading to a degree in land surveying will be considered by the board in determining applicable work experience. The board will determine the amount of credit given for responsible charge experience gained under the [RESPONSIBLE CONTROL] **responsible charge** of a professional in engineering based on applicability to professional land surveying.

12 AAC 36.185. USE OF SEALS. (a) A registrant may

- (1) not sign or seal a drawing or document dealing with professional services in which the registrant is not qualified to sign or seal by virtue of education, experience, and registration;

(2) approve and seal only design documents and surveys that are safe for public health, property, and welfare in conformity with accepted architecture, engineering, land surveying, and landscape architecture standards in Alaska;

(3) seal only final drawings, surveys, reports, and required construction documents for which the registrant is qualified to seal and for which the registrant claims responsibility;

(4) not knowingly allow the use of his or her seal by another person on a document that the registrant has neither prepared nor reviewed personally;

(5) not use the seal or a reproduction of the seal of another registrant on a document, regardless of the intended use of the document;

(6) not sign a name other than his or her own name over a seal, and may not forge the signature of the individual to whom the seal was issued by the board; and

(7) not sign or seal drawings, documents, or other professional work for which the registrant does not have [DIRECT PROFESSIONAL KNOWLEDGE AND DIRECT SUPERVISORY CONTROL].

responsible charge

(b) If portions of drawings, documents, or other professional work are prepared by other registered professionals, a registrant may seal only that portion of the work for which the registrant has [DIRECT PROFESSIONAL KNOWLEDGE AND DIRECT SUPERVISORY CONTROL] **responsible charge**

12AAC36.990

(18) ["RESPONSIBLE CHARGE OF WORK IN THE FIELD" MEANS THE DIRECTION OF WORK, THE SUCCESSFUL ACCOMPLISHMENT OF WHICH RESTED UPON THE APPLICANT, WHERE THE APPLICANT HAS TO DECIDE QUESTIONS OF METHODS OF EXECUTION AND SUITABILITY OF MATERIALS WITHOUT RELYING UPON ADVICE OR INSTRUCTIONS FROM HIS SUPERIORS AND WHERE THE APPLICANT HAS TO SUPPLY SOLUTIONS TO DEFICIENCIES IN PLANS OR HAS TO CORRECT ERRORS IN DESIGNS WITHOUT FIRST REFERRING THEM TO HIGHER AUTHORITY FOR APPROVAL, EXCEPT WHERE THE APPROVAL IS A MATTER OF FORM;]

"Responsible Charge Experience" -

means delivering or managing work that often requires application of technical principles, resourcefulness, and originality. This may include investigations, surveys, calculations, reports, drawings, designs, specifications, construction observation, and submittal reviews; documentation, fieldwork, and directing support services; interacting with and managing team members; code and permit compliance; and public involvement. The professional-in-training may encounter project challenges, changed conditions, questions about suitability of materials, execution of field services, and resolution of human resource and other issues that may require unique and somewhat independent decision-making. The required minimum progressive

professional experience is to prepare an applicant for taking "responsible charge" as a professional architect, engineer, land surveyor, or landscape architect.

(19)["RESPONSIBLE CHARGE EXPERIENCE" AS IT PERTAINS TO "WORK IN THE OFFICE" MEANS UNDERTAKING INVESTIGATIONS OR CARRYING OUT ASSIGNMENTS, THAT DEMAND RESOURCEFULNESS AND ORIGINALITY, OR MAKING PLANS, WRITING SPECIFICATIONS, AND DIRECTING DRAFTING AND COMPUTATIONS FOR THE DESIGN OF ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURE, OR LAND SURVEYING WORK WITH ONLY ROUGH SKETCHES, GENERAL INFORMATION AND FIELD MEASUREMENTS FOR REFERENCE;]

(d) For the purposes of AS 08.48.341 (21) "responsible charge" direct control and person supervision of work means that the registrant who seals the 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.

Regulation Project on 12AAC 36.185 – Document Retention

(j) Sealed documents must be retained by the registrant or the owner of the documents and accessible for later reference **for the duration of the statute of response as defined under AS09.10.055.**

Regulation Project – Definition of an Office

[12 AAC 36.145. ARCHITECTURAL, ENGINEERING, OR SURVEYING OFFICES. (A)

EACH OFFICE MAINTAINED FOR THE PREPARATION OF DRAWINGS, SPECIFICATIONS, REPORTS, OR OTHER PROFESSIONAL WORK THAT WILL REQUIRE A PROFESSIONAL SEAL MUST HAVE A REGISTRANT ASSIGNED TO, AND REGULARLY EMPLOYED IN, THAT OFFICE WHO HAS DIRECT KNOWLEDGE AND SUPERVISORY CONTROL OF THE EMPLOYEES OF THAT OFFICE.

(B) WHILE A REGISTRANT IS REQUIRED, THE OFFICE NEED NOT HAVE A REGISTRANT IN EVERY DISCIPLINE OFFERED BY THAT ENTITY. A REGISTRANT IN AN OFFICE OF THE ENTITY MAY BE IN RESPONSIBLE CHARGE OF THE WORK DONE IN ANOTHER OFFICE FOR THE DISCIPLINE IN WHICH THEY ARE REGISTERED. TO OFFER A SERVICE, AT LEAST ONE REGISTRANT LICENSED IN THAT DISCIPLINE MUST BE REGULARLY EMPLOYED BY THE ENTITY.

(C) FOR THE PURPOSES OF THIS SECTION,

(1) "REGULARLY EMPLOYED" MEANS IN THE OFFICE AT LEAST 20 HOURS PER WEEK;

(2) "ENTITY" MEANS A SOLE PRACTITIONER, PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, LIMITED LIABILITY PARTNERSHIP, OR GOVERNMENTAL AGENCY.

AUTHORITY: AS 08.48.101 AS 08.48.111 AS 08.48.221]

Task: Regulation project for 12AAC 530 (b) – put into reg change format

Incoming Correspondence

1. Christopher Johnston RE: Recommended change to 12 AAC 36.530(b)

He is requesting that the board look into this regulation as military orders are not always 120 consecutive days and instead are less than that with short gaps between orders. Fritz assigned the Education Committee to review his request.

2. Mike Erdman – ADEC EDMS Onsite Wastewater Documentation – no discussion necessary

B. CE Form Revision – Updated CE Reporting Forms Fritz/Neal – no discussion necessary

In a Motion made by Elizabeth Johnston, seconded by Fred Wallis and approved unanimously via roll call vote, it was:

RESOLVED to approve a regulation project to revise 12AAC 36.530(b)

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

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

Agenda Item 8

Break

No documents included

Agenda Item 9

Division Report

- A. FY24 Q1 Update
- B. Update on EA Salary
- C. Update on ADEC
- D. Update on Military & Spouse Special Licensure

No documents included

Agenda Item 10

Public Comment

No documents included

Agenda Item 11

Outreach Event

Cold Regions Design Course – Core Competencies

Course Instructors / University Staff

Agenda Item 13

Old Business

- A. Create Policy on Number of References for Applications – Bell / Wallis
- B. AELS Website – Strait / Staff
- C. Gather DEI Data from National Organizations – Johnston / Leonetti

Document included for Item A

SB126 removed the requirement for applicants to provide 5 references. Bell and Wallis researched what other states require to decide what the best option is for the board with regards to applicants' providing references. If the board wants to enforce the requirement of references, then the requirement must be in regulation.

Suggested regulation change if the board wants to require applicants to require references:

12AAC36.010

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

- (1) the application form is complete;
- (2) the applicable fees have been paid; [AND]
- (3) **the applicant has provided 3 references professionally registered in the profession in which the applicant is applying; and**
- (4) the board has verified, through all supporting documents, that the applicant meets the registration requirements under AS 08.48 and this chapter.

Agenda Item 14

Break

No documents included

Agenda Item 15
Board Elections
(Feb 2024-Feb 2025)

No documents included

Agenda Item 16

New Business

- A. Incoming Correspondence
 - 1. Stephanie Cloud – CE Volunteer Hours
 - 2. Bill Mendenhall – Professional Fitness Questions – Investigative Advisory Committee
- B. Annual Report Template
- C. Board Delegate(s) – speak on HB159 / SB73 after March 1, 2024.

Items A & B have documents included

From: [Neal, Sara J \(CED\)](#)
To: [Leonetti, Ed](#); [Stephanie Cloud](#)
Subject: RE: AELS new regs
Date: Wednesday, November 8, 2023 11:52:40 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Hi Stephanie –

While the board does not pre-approve courses or activities, here are some guidelines you can use to decide if you want to count those hours:

12 AAC 36.510 (g) - (g) Continuing education courses or activities are not pre-approved by the board, but must be in technical and professional subjects related to the scope of practice of the registrant.

12 AAC 36.550

(8) "qualifying course or activity"

(A) means a course or activity

(i) with a clear purpose and objective; and

(ii) that will maintain, improve, or expand the skills and knowledge relevant to the registrant's field of practice;

(B) **does not include regular duties;**

Because your volunteer hours are your regular duties, I do not think they would be accepted under a qualifying course or activity.

I do think this should be discussed with the board. The agenda has been set for the November board meeting, but I can add this as a topic of discussion for the February board meeting. If you attend the CE presentation on Tuesday, there will be a Q & A time at the end that you could ask the board to consider adding this as an option.

Kind Regards,

Sara Neal

Executive Administrator

Board of Registration for Architects, Engineers and Land Surveyors

aelsboard@alaska.gov

(907)465-2540



From: Leonetti, Ed <ed.leonetti@coffman.com>
Sent: Wednesday, November 8, 2023 10:47 AM
To: Stephanie Cloud <scloud@bettisworthnorth.com>
Cc: Neal, Sara J (CED) <sara.neal@alaska.gov>
Subject: Re: AELS new regs

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.

Hi Stephanie,

Yes, I'm on the AELS Board in the LA seat.

That is a really good question - that type of volunteer work is probably not applicable for a CEU.

Sara Neal is cc'd to this email, she is the Boards EA. She can confirm my interpretation or correct me :). If you would like we can bring this up to the board as a general topic for board interpretation. Other states do allow for this type of activity to be counted as a CEU.

Sara please let us know your thoughts -
Thanks!

Sent from my iPhone

On Nov 8, 2023, at 8:30 AM, Stephanie Cloud <scloud@bettisworthnorth.com> wrote:

Hi Ed,

You were talking about the new AELS CE regs at the end of the MASS update lunch n learn. Are you involved with AELS? I had a question – would volunteer work count? I am helping design and project manage the play yard at my kiddo's school – would this count for some CEs?

Thank you!

Stephanie Cloud | Landscape Architect
Main. 907.561.5780 | **Direct Cell.** 907.771.4585
2550 Denali Street, Suite 1300 Anchorage, AK 99503

**BETTISWORTH
NORTH**



Our Anchorage office has moved! Please be aware of our address change above.

From: [Bill Mendenhall](#)
To: [Board of AELS \(CED sponsored\)](#)
Subject: Re: Inquiry Regarding Inclusion of Misdemeanors and DWIs in Engineering License Renewal Application
Date: Saturday, December 16, 2023 4:50:15 PM
Attachments: [image001.png](#)

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

Dear Board of Architects, Engineers, and Land Surveyors:

As a dedicated professional in the field of engineering, I am reaching out to express some concerns regarding the recent inclusion of a DWI/DUI-related question on the renewal application.

While I understand the importance of maintaining professional standards, I find myself questioning the relevance of inquiring about DWI/DUI/misdemeanor incidents specifically. It appears that this question lacks a firm basis or analytical analysis to demonstrate its impact on professional duties and responsibilities. Furthermore, the response I received from the AELS Board, stating that similar questions are asked across various licensed professions, seems to lack a substantive rationale for its necessity within our specific domain.

If the Board's true concern extends to professional fitness, I suggest asking about a broader spectrum of questions to help ensure a comprehensive evaluation of an individual's suitability for professional practice. Maybe a better question for consideration, if professional fitness is in question, is: Has the applicant done anything illegal in the last two years, whether or not they have been charge or convicted? After all, just because someone has not been caught doesn't mean they have not done something illegal. Similarly, the Board might consider asking if the applicant has undergone any psychological evaluation or counseling.

I agree the above is far reaching, nor do I support the notion. However, I also think the DWI/DUI/misdemeanor question is also far reaching. So where does the Board think the limits should be regarding questions on personal issues?

That being said, my concern stems from the apparent lack of statistical support for this particular question. In my research, I have found no correlation between DWI/DUI/misdemeanor incidents and professional misconduct among registered engineers. However, I am open to understanding any data or analysis the Board may possess that justifies the inclusion of this question.

Additionally, I am curious about the processes in place if an individual answers affirmatively to the DWI/DUI/misdemeanor question. Transparency in this matter is crucial to ensure fair and informed decision-making. Without clear, established and written guidelines and procedures, the risk of arbitrary determinations looms large, potentially leading to legal challenges that could undermine the integrity of the licensing process.

I respect the Board's commitment to upholding professional standards and appreciate

the opportunity to seek clarification on this matter. As we strive for excellence in our field, it is essential that our renewal processes are grounded in data-driven decisions that truly contribute to maintaining the highest standards of professional conduct and not something that sounds good but has no merit.

Thank you for your time and consideration.

Bill Mendenhall, P.E., M.ASCE (907) 250-3509

On Tuesday, November 21, 2023 at 04:55:30 PM AKST, Board of AELS (CED sponsored) <aelsboard@alaska.gov> wrote:

Hi Bill,

Thank you for taking the time to address your concerns regarding the professional fitness questions on the renewal application. These are actually questions asked on each licensed professions' applications and renewal applications and not specific to just AELS. The initial application requires an applicant to answer "Yes" for the timeframe from when they were 18 to present day whereas the renewal application just requires a registrant to answer "Yes" if they have done something requiring a "Yes" answer within the last two years.

While one DUI might not impact a registrant's ability to practice, several in a row might indicate an issue. Because the AELS board is tasked with protecting the health, safety and welfare of the public, it is imperative that they are made aware of each registrant's professional fitness "Yes" answers, both when they apply and when they renew every two years.

If this does not address your questions adequately, please let me know and I will take this to the 2024 February board meeting for the AELS Board to provide a formal response.

Kind Regards,

Sara Neal

Executive Administrator

Board of Registration for Architects, Engineers and Land Surveyors

aelsboard@alaska.gov

(907)465-2540



From: Bill Mendenhall <billmendenhall@yahoo.com>
Sent: Friday, November 17, 2023 11:07 AM
To: Board of AELS (CED sponsored) <aelsboard@alaska.gov>
Subject: Inquiry Regarding Inclusion of Misdemeanors and DWIs in Engineering License Renewal Application

You don't often get email from billmendenhall@yahoo.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.

Dear Board Members,

I am writing to express my concerns regarding a question in the recent online engineering license renewal application, specifically related to disclosing misdemeanors and DWIs since the last application or renewal.

While I acknowledge the importance of upholding professional standards, I am puzzled by the inclusion of misdemeanors and DWIs in this context. These offenses, notably less severe than felonies, do not appear to correlate with a lapse in professional responsibility or competence. Personally, I openly admit to a DWI incident in 1987, an experience that did not compromise my professional abilities. I am aware of several engineers who have had DWIs, yet continue to excel in their field. Conversely, some engineers who arguably should have had a DWI remain unscathed. Should they volunteer information on their lack of judgment, even if it didn't compromise their engineering abilities?

I seek clarification on the justification behind including misdemeanors and DWIs in the renewal application. The abrupt cessation of the online application upon affirming "yes" to this question seems disproportionate, given the potential minimal impact on professional fitness.

Furthermore, I am keen to understand the statistical basis for incorporating such a broad question. If specific instances or data exist to support the relevance of misdemeanors and DWIs to professional engineering conduct, it would offer valuable context for licensees.

I anticipate your response and appreciate your attention to this matter.

Sincerely,

Bill Mendenhall, P.E. AELC7448



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Department of Commerce, Community
and Economic Development

Division of Corporations, Business
and Professional Licensing

Enter program name.

Annual Report

Fiscal Year 2024



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

P.O. Box 110806
Juneau, Alaska 99811-0806
Email: License@Alaska.Gov

This report is required under Alaska Statute 08.01.070(10).

**Program Name
FY 2024 Annual Report**

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Board Membership

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Accomplishments

Page x

Activities

Page x

Needs

Page x

Program Name
FY 2024 Annual Report

Board Membership (as of the Date This Report was Approved)

Date of Final Board Approval: Click or tap to enter a date.

Click or tap here to enter text. (List all board members as of the date this report was approved.)

Program Name
FY 2024 Annual Report

Accomplishments

Click or tap here to enter text. (“Accomplishments” include but are not limited to statutory or regulatory changes finalized, disciplinary matrices created, investigations conducted, public safety measures implemented, general descriptions of license actions taken for the sake of public safety, accomplishments by staff, accomplishments by board members, etc.)

Program Name
FY 2024 Annual Report

Activities

Click or tap here to enter text. (“Activities” include but are not limited to board meetings, subcommittee or workgroup meetings, attendance at conferences, public speaking events, involvement in legislative hearings, in process statute or regulation changes, etc.)

Program Name
FY 2024 Annual Report

Needs

Click or tap here to enter text. ("Needs" include but are not limited to changes to statutes, changes to regulations, trainings, board seats to be filled, executive administrator for the board, additional staff, travel to certain conferences, support, etc. Highly recommend also including the "why" for each listed need.)

Agenda Item 17

Licensing Examiner's Report

A. Update on staff approval process – Neal

Documents included

The Alaska Board of Registrations for Architects, Engineers, and Land Surveyors
 Examiner's Report for February 8th & 9th, 2024

[20] Applications received for the [February 8th & 9th, 2024] Board Review: ([4] comity applications and [16] exam applications)

LICENSE TYPE	COMITY	EXAM	TOTAL
Agriculture Engineer	0	0	0
Architect	1	2	3
Chemical Engineer	0	0	0
Civil Engineer	2	7	9
Control Systems Engineer	0	0	0
Electrical Engineer	0	1	1
Environmental Engineer	0	1	1
Fire Protection Engineer	0	0	0
Industrial Engineer	0	0	0
Land Surveyor	0	4	4
Landscape Architect	0	0	0
Mechanical Engineer	0	1	1
Metallurgical & Materials Engineer	0	0	0
Mining & Mineral Processing Engineer	0	0	0
Naval Architect & Marine Engineer	0	0	0
Petroleum Engineer	0	0	0
Structural Engineer	1	0	1

November 2023: Submissions of NCEES/NCARB/CLARB Transmittals by Comity Applicants

NCEES	NCARB	CLARB	Conditionally Approved	Reason for Board Ballot No record/WEV different
8	3	0	1	4

December 2023: Submissions of NCEES/NCARB/CLARB Transmittals by Comity Applicants

NCEES	NCARB	CLARB	Conditionally Approved	Reason for Board Ballot No record/WEV different
2	1	0	3	2

Exam Results: Quarterly results for November 1st, 2023 – January 23, 2024

EXAM	PASS	FAIL	NO SHOW	EXAM	PASS	FAIL	NO SHOW	EXAM	PASS	FAIL	NO SHOW
FE	19	15	0	PE	12	7	0	AKLS	0	0	0
FS	3	1	0	PS	0	0	0	SE	0	0	0

Quarterly Breakdown of Application Board Reviews and Licenses Issued Guide (page 2-3):

Denied/Incomplete + Condition Approved + Board Approved = Board Reviewed Total

Board Approved + Licensed after competing CA + Licensed after Exam = Total Licensed Issued

In State Reviewed + Out of State Reviewed = Board Reviewed Total

The Alaska Board of Registrations for Architects, Engineers, and Land Surveyors
Examiner's Report for February 8th & 9th, 2024

FY24 Quarterly Breakdown of Application Board Reviews and Licenses Issued:

1st Quarter Dates: July 1st-September 30th, 2023

License Type	Board Reviewed Total	Denied/ Incomplete	Condition Approved	Board Approved	Staff CA	Staff Approved	Licensed after completing CA-Arctic, JQ, or WEV	Licensed after Exam	Total License Issued	In State reviewed	Out of State reviewed
Agriculture Engineer	0	0	0	0	0	0	0	0	0	0	0
Architect	12	0	6	1	1	4	0	0	0	3	9
Chemical Engineer	2	0	1	1	0	0	0	0	0	0	2
Civil Engineer	33	1	22	4	1	5	3-JQ/1-Arctic	1	14	19	14
Control Systems Engineer	1	0	1	0	0	0	0	0	0	0	1
Electrical Engineer	7	0	4	3	0	2	0	0	0	3	6
Environmental Engineer	0	0	0	0	0	0	0	0	0	0	0
Fire Protection Engineer	1	0	0	1	0	0	0	0	0	0	1
Industrial Engineer	0	0	0	0	0	0	0	0	0	0	0
Land Surveyor	4	0	4	0	0	0	0	0	0	2	2
Landscape Architect	0	0	0	0	0	0	0	0	0	0	0
Mechanical Engineer	9	0	7	2	0	2	0	0	1	5	6
Metallurgical & Materials Engineer	0	0	0	0	0	0	0	0	0	0	0
Mining & Mineral Processing Engineer	0	0	0	0	0	0	0	0	0	0	0
Naval Architect & Marine Engineer	1	0	0	1	0	0	0	0	0	0	1
Nuclear Engineer	0	0	0	0	0	0	0	0	0	0	0
Petroleum Engineer	3	0	3	0	0	0	0	0	0	3	0
Structural Engineer	13	0	5	7	0	1	0	0	0	3	10

2nd Quarter Dates: October 1st – December 31st, 2023

License Type	Board Reviewed Total	Denied/ Incomplete	Condition Approved	Board Approved	Staff CA	Staff Approved	Licensed after completing CA-Arctic, JQ, or WEV	Licensed after Exam	Total License Issued	In State reviewed	Out of State reviewed
Agriculture Engineer	0	0	0	0	0	0	0	0	0	0	0
Architect	12	0	4	1	1	6	0	0	8	4	8
Chemical Engineer	1	0	0	1	0	0	0	0	1	0	1
Civil Engineer	18	0	2	11	3	2	1-Arctic, 2-JQ	1	18	2	16
Control Systems Engineer	0	0	0	0	0	0	0	0	0	0	0
Electrical Engineer	9	0	3	6	0	0	0	0	6	1	8
Environmental Engineer	4	0	0	1	1	2	2-Arctic	0	5	0	4
Fire Protection Engineer	1	0	0	0	0	1		0	1	0	1
Industrial Engineer	0	0	0	0	0	0	0	0	0	0	0
Land Surveyor	0	0	0	0	0	0	0	0	0	0	0
Landscape Architect	2	0	1	1	0	0	0	1	2	0	2
Mechanical Engineer	5	0	1	2	1	1	0	0	3	0	5
Metallurgical & Materials Engineer	0	0	0	0	0	0	0	0	0	0	0
Mining & Mineral Processing Engineer	0	0	0	0	0	0	0	0	0	0	0
Naval Architect & Marine Engineer	0	0	0	0	0	0	0	0	0	0	0
Nuclear Engineer	0	0	0	0	0	0	0	0	0	0	0
Petroleum Engineer	0	0	0	0	0	0	0	0	0	0	0
Structural Engineer	6	0	0	6	0	0	0	0	6	0	6

The Alaska Board of Registrations for Architects, Engineers, and Land Surveyors
 Examiner's Report for February 8th & 9th, 2024

3rd Quarter Dates: January 1st – March 31st, 2023

License Type	Board Reviewed Total	Denied/Incomplete	Condition Approved	Board Approved	Licensed after completing CA-Arctic, JQ, or WEV	Licensed after Exam	Total License Issued	In State reviewed	Out of State reviewed
Agriculture Engineer	0	0	0	0	0	0	0	0	0
Architect	13	0	5	8	4-Arctic/1-Transcript verified	0	13	0	13
Chemical Engineer	0	0	0	0	0	0	0	0	0
Civil Engineer	38	0	20	18	4-Arctic	14	36	15	23
Control Systems Engineer	1	0	0	1	0	0	1	0	1
Electrical Engineer	6	0	2	4	2-Arctic	3	9	0	6
Environmental Engineer	1	0	1	0	0	0	0	0	1
Fire Protection Engineer	1	0	1	0	1-JQ	0	1	0	1
Industrial Engineer	0	0	0	0	0	0	0	0	0
Land Surveyor	5	1	4	0	0	0	0	5	0
Landscape Architect	2	0	2	0	1-Arctic	1	2	0	2
Mechanical Engineer	5	0	2	3	1-Arctic	2	6	1	4
Metallurgical & Materials Engineer	0	0	0	0	0	0	0	0	0
Mining & Mineral Processing Engineer	0	0	0	0	0	0	0	0	0
Naval Architect & Marine Engineer	1	0	0	1	0	0	1	0	1
Nuclear Engineer	0	0	0	0	0	0	0	0	0
Petroleum Engineer	0	0	0	0	0	0	0	0	0
Structural Engineer	6	0	3	3	1-Arctic	0	4	1	5

4th Quarter Dates: April 1st – June 30th, 2023

License Type	Board Reviewed Total	Denied/Incomplete	Condition Approved	Board Approved	Staff Approved	Licensed after completing CA-Arctic, JQ, or WEV	Licensed after Exam	Total License Issued	In State reviewed	Out of State reviewed
Agriculture Engineer	0	0	0	0	0	0	0	0	0	0
Architect	8	1	2	5	1	1-Arctic/1-JQ	0	8	0	8
Chemical Engineer	0	0	0	0	0	0	1	1	1	0
Civil Engineer	42	0	23	19	2	10-Arctic/JQ-4/1-VO FE/1-LOR	18	55	14	28
Control Systems Engineer	1	0	0	1	0	0	0	1	1	0
Electrical Engineer	17	0	8	9	0	4-Arctic/1-JQ	1	15	2	15
Environmental Engineer	3	0	0	3	0	0	0	3	1	2
Fire Protection Engineer	0	0	0	0	0	0	0	0	0	0
Industrial Engineer	0	0	0	0	0	0	0	0	0	0
Land Surveyor	1	0	1	0	0	0	7	7	0	1
Landscape Architect	1	0	1	0	0	1-JQ	0	1	0	1
Mechanical Engineer	22	0	15	7	1	5-Arctic/2-JQ/1-Ref info	1	17	8	14
Metallurgical & Materials Engineer	0	0	0	0	0	0	0	0	0	0
Mining & Mineral Processing Engineer	0	0	0	0	0	0	0	0	0	0
Naval Architect & Marine Engineer	0	0	0	0	0	0	0	0	0	0
Nuclear Engineer	0	0	0	0	0	0	0	0	0	0
Petroleum Engineer	0	0	0	0	0	0	0	0	0	0
Structural Engineer	15	1	6	8	2	5-Arctic/1-JQ	1	17	1	14

The Alaska Board of Registrations for Architects, Engineers, and Land Surveyors
 Examiner's Report for February 8th & 9th, 2024

Licenses Issued to date ending: January 23, 2024

License Type	Active
Agriculture Engineer	1
Architect	617
Chemical Engineer	108
Civil Engineer	3078
Control Systems Engineer	52
Electrical Engineer	748
Environmental Engineer	145
Fire Protection Engineer	60
Industrial Engineer	1
Land Surveyor	393
Landscape Architect	61
Mechanical Engineer	838
Metallurgical & Materials Engineer	5
Mining & Mineral Processing Engineer	40
Naval Architect & Marine Engineer	21
Nuclear Engineer	0
Petroleum Engineer	101
Structural Engineer	428

FY22 thru FY24 Professional License Statistics- (this information uses dates beginning July 1st, 2023 – January 24th, 2024 FY24)

Individual Licenses:

License Type	FY24 total License Count	FY23 Total License Count	FY22 Total License Count
Agriculture Engineer	0	0	0
Architect	14	31	25
Chemical Engineer	3	3	4
Civil Engineer	48	147	107
Control Systems Engineer	1	3	1
Electrical Engineer	18	45	22
Environmental Engineer	4	7	3
Fire Protection Engineer	2	2	6
Industrial Engineer	0	0	0
Land Surveyor	5	8	10
Landscape Architect	2	4	4
Mechanical Engineer	19	45	27
Metallurgical & Materials Engineer	0	0	0
Mining & Mineral Processing Engineer	0	1	0
Naval Architect & Marine Engineer	1	2	3
Nuclear Engineer	0	0	0
Petroleum Engineer	1	2	2
Structural Engineer	16	32	15

Firm Licenses:

License Type	FY24 Total Licensed	FY23 Total Licensed	FY22 Total Licensed
Authorized Corporation	11	20	19
Authorized Limited Liability Corporation	9	26	25
Authorized Limited Liability Partnership	0	1	0

Renewals and retired as of January 24th, 2024:

Renewals/Retired	Firm	Firm Total	Individual	Individual Total
Renewals Received before 12/31/2023	641	791	5801	6697
Renewals Received on/after 01/01/2024	22	N/A	165	N/A
Retired Registrations	N/A	N/A	113	N/A

Licenses Issued to date ending: January 24th, 2024:

License Type	Active
Authorized Corporations	484
Authorized Limited Liability Corporation	300
Authorized Limited Liability Partnership	7

Agenda Item 18

Application Review Questions

Applicant Information in Onboard Resources

Recess for day after Item 18

Day 2

Agenda Item 20 – ASCE – Architectural Engineering – Andrea Reynolds

Agenda Item 21 – Board Discussion of Architectural Engineering

Agenda Item 22 -Break

No documents included

Agenda Item 23

Committee Reports

- A. Investigative Advisory Committee – Leonetti - **Document included**
 - 1. Investigative Report – Kase – **Document included**
 - 2. Barrier Crimes
- B. Outreach Committee – Maxwell
 - 1. 2024 Newsletter
 - 2. Wall Certificates
 - 3. May 2024 outreach event
Regulators’ forum with Anchorage Building Official, State Fire Marshal, key Municipality of Anchorage officials, and AELS Investigator
- C. Guidance Manual Committee – Rozier
 - 1. Bylaws - **Document included**
 - 2. Definition of Responsible charge and HSW **Document included**
 - 3. Example of CE Self-study structured report - **Document included**
 - 4. Define responsible charge experience – **Document included**
 - 5. Digital Signatures
- D. Legislative Liaison Committee – Lemman
 - 1. Board Make-up
 - 2. EA Salary Issue
 - 3. SB73 / HB 159 Update – Fritz - **Document included**

E. Education Committee – Johnston

1. On-demand Cold Regions Design Course – (See agenda item 12)
2. Regulation project 12AAC 36.530(b) – (See agenda item 7D)

AEELS – Investigative Committee Meeting

01/18/2024

Zoom Call @ 12:00

Attendance: Brent Cole, Jake Maxwell, Patrick Case, Ed Leonetti, Kelly Johnson.

PART V Professional Fitness Questions

The following questions must be answered. "Yes" answers may not automatically result in license denial.

For each "yes" response to any question, you must provide an explanation and documentation. Use the letter of explanation form (#08-4752) appended to this application; include full details, dates, locations, type of action, organizations or parties involved, and specific circumstances. A separate letter of explanation form must be provided for each "yes" answer documented below. Documentation includes copies of court orders, charging documents, board, or license actions, etc.

When in doubt about your response, disclose and provide the required explanation and documents. Applications submitted without the required attachments will be considered incomplete and will not be processed.

The contents of licensing files are generally considered public records. If you believe that the additional information you are attaching to explain a "yes" answer should be considered confidential, state that in the attachment. A request for confidentiality may or may not be granted.

When in doubt, disclose and explain.

1. Have you been convicted of a crime or are you currently charged with committing a crime, or is any such action pending? For purposes of this question, "crime" includes a misdemeanor, felony, or a military offense, including (but not limited to) 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. Yes No
2. 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? Yes No

"Yes" Answers

If you answered "yes" to any of the above questions, you must submit signed and dated documentation explaining the specific circumstance(s) of the incident(s).

Suggested changes to Professional Fitness question #1 on AEELS application(s):

Have you been convicted of a crime or are you currently charged with committing a crime, or is any such action pending? For purposes of this question, "crime" includes a misdemeanor, felony, or a military offense **where a jail sentence could have been imposed.** ~~including (but not limited to) 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.~~

Suggestion: add the following: **Require applicants to submit a criminal history, obtained from the State.** (Basically a national background check). This has to be done by law enforcement. Can be done by FBI. Need to go to the Alaska State troopers or similar scenarios.

This is based on information gathering...and we want to have background information, to understand more about this individual to evaluate their application for licensure.

RE: Mr. Mendenhall email.

The professional fitness questions response: We aren't disqualifying anyone based on the question, these questions are more about information gathering than disqualifying applications. Simply put, it's a information gathering tool for the board.

Convicted of a crime of moral turpitude



THE STATE
of **ALASKA**

Department of Commerce, Community,
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

550 West Seventh Avenue, Suite 1500
Anchorage, AK 99501-3567
Main: 907.269.8160
Fax: 907.269.8156

MEMORANDUM

DATE: January 29, 2024
TO: Architects, Engineers, and Land Surveyors
THRU: Erika Prieksat, Chief Investigator *EP*
FROM: Patrick Kase, Investigator
RE: Investigative Report for the February 08, 2024 Meeting

The following information was compiled as an investigative report to the Board for the period of November 01, 2023 thru January 29, 2024; 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 - 8

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
ENGINEER			
2020-000410	Unprofessional conduct	Complaint	04/28/2020
2020-000411	Unprofessional conduct	Complaint	04/28/2020
2020-000840	Negligence	Investigation	05/10/2023
LAND SURVEYOR			
2023-000817	Unethical conduct	Intake	07/31/2023
2021-000675	Negligence	Complaint	10/06/2021
2023-000082	Unlicensed practice or activity	Complaint	06/28/2023
2023-000295	Incompetence	Complaint	08/11/2023
2021-000667	Unethical conduct	Investigation	12/08/2023

Closed - 4

<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
ARCHITECT				
2023-001155	License Application Problem	Closed-Intake	01/12/2024	No Action - Lack of Jurisdiction
ENGINEER				
2023-001156	License Application Problem	Closed-Intake	01/11/2024	No Action - Lack of Jurisdiction
2021-000423	Unprofessional conduct	Closed-Investigation	12/11/2023	Advisement Letter
LAND SURVEYOR				
2023-000265	Incompetence	Closed-Complaint	01/19/2024	No Action - No Violation

END OF REPORT

Guidance Manual Committee's suggested text for By-laws adoption and amendment

These By-laws may be adopted, amended or repealed by a quorum of the Board members authorized. This action is authorized only at a properly noticed and conducted meeting of the Board. Proposed text for By-laws actions must be available to Board members and the public at least 21 days in advance of the meeting where a vote will be taken.

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

GUIDANCE MANUAL

on laws governing architecture, engineering, land surveying, & landscape architecture

August 2023 Edition

MISSION

To protect the public health, safety, and welfare through the regulation of the practice of architecture, engineering, land surveying, and landscape architecture by:

- Ensuring that those entering these 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.

This manual is updated periodically. The most recent version is available on the AELS website: ProfessionalLicense.Alaska.gov/BoardofArchitectsEngineersLandSurveyors.aspx

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PURPOSE

Published by the Alaska State Board of Registration for Architects, Engineers, and Land Surveyors (AELS), the intent of this guidance manual is to provide aid to those seeking to understand the laws that govern architecture, engineering, land surveying, and landscape architecture. The intended audiences of this publication include government, building, planning, and public officials as well as architects, engineers, land surveyors, and landscape architects.

The Alaska Statutes, Regulations, Municipal Building and Zoning Codes, and Ordinances will take precedence over any conflict with information contained in this manual. Contact information for the AELS Board, State Fire Marshal's Office, and Offices of Building and Planning Officials is included in this document.

INTRODUCTION

Professional registration laws (statutes) work together with regulations, building and zoning codes, and ordinances to protect the public's health, safety, and welfare. Jurisdictions and boards, such as the AELS Board, exist to protect the public from harm created by unprofessional practice. This harm may be in the form of unsafe structures, hazardous site conditions, dangerous road design, wasted public money, or other perilous conditions. Building officials promulgate and enforce building code requirements to protect public health and safety. Planning and public safety officials enforce similar regulations.

This Guidance Manual focuses on basic information concerning the practice of architecture, engineering, land surveying, and landscape architecture. Professionals in these disciplines must complete education criteria, satisfy training standards, and pass rigorous technical and practice examinations (Alaska Statute 08.48; AELS Regulation 12 AAC 36). The scope of the services provided is broad and diverse in the built environment. The public is protected through compliance with these laws and enforcement by Alaska State Registration Officials.

Architects, engineers, land surveyors, and landscape architects are charged with safeguarding the public's health, safety, and welfare through execution of their professional responsibilities and duties. This Guidance Manual addresses professional activities found within the Alaska Statute as well as recommended minimum practices and AELS Board policies. Information found within this manual aims to address frequently asked questions without modification to any statutory requirements.

Architects, engineers, land surveyors, and landscape architects are advised to contact local building, planning, and public safety officials with regard to specific site and building regulations, ordinances, codes, permits, and to address requirements that may vary between jurisdictions.

DEFINITIONS

HEALTH, SAFETY, AND WELFARE

The protection and well-being of the general public.

Health: Aspects of professional practice that improve the physical, emotional, and social well-being of occupants, users, and any others affected by buildings, infrastructures, and sites.

Safety: Aspects of professional practice that protect occupants, users, and any others affected by buildings, infrastructures, or sites from harm.

Welfare: Aspects of professional practice that enable equitable access, elevate human experience, encourage social interaction, develop the wise use of resources, and benefit the built and natural environments

PRACTICE

Practice includes consultation, evaluation, planning, design, the preparation and filing of plans, drawings, specifications, and other contract documents, the administration of contracts pertaining to projects principally directed at the safe functional and aesthetic use, and the conservation and integration of natural and built environments.

For this section, the definition of design is referenced in 12AAC 36.990 (5). Planning and design mean the consideration and application of technical and/or aesthetic principles to provide solutions to a problem or project.

AS 08.48.341 defines architecture, engineering, land surveying and landscape architecture as follows:

(12) “practice of architecture” means professional service or creative work in the design of buildings, the teaching of advanced architectural courses in institutions of higher learning, consultation, investigation, evaluation, planning, design, and professional observation of construction of public or private buildings, works, or projects, and architectural review of drawings and specifications by regulatory agencies; “practice of architecture” may by regulation of the board include mechanical, electrical, or structural design of minor importance;

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

(14) “practice of land surveying” means the teaching of land surveying courses at an institution of higher learning, or any service or work the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant

requirements of law for adequate evidence of the act of measuring and locating land, geodetic and cadastral surveys for the location and monumentation of property boundaries, for the platting and planning of land and subdivisions of land, including the topography, alignment, and grades for streets, and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys; (see *Common Services Provided* section for additional information)

(15) “practice of landscape architecture” means professional services or creative work in site investigation, reconnaissance, research, planning, design, and preparation services related to drawings and construction documents, observation of construction, and location, arrangement, and design of incidental and necessary tangible objects and features for the purpose of

(A) preservation and enhancement of land uses and natural land features;

(B) location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways;

(C) establishing or maintaining trails, plantings, landscape irrigation, landscape lighting, and landscape grading; or

(D) generalized planning of the development of land areas in a manner that is sensitive to the area’s natural and cultural resources.

RESPONSIBLE CHARGE EXPERIENCE

(As used in 12AAC 36.010, .063, .065, .068, .105, .107, and .109)

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

For additional guidance on how a reviewing professional may review an applicant’s progressively developing responsible charge experience, a useful resource is Appendix A in NCEES Model Rules, *Suggested Guidelines for Evaluating Progressive Engineering Experience*, August 2023.

12 AAC 36.069. Standards for Registration as a Landscape Architect

In accordance with AS 08.48.331(b), and except as exempted in AS 08.48.331(a), design or creative work involving any of the following constitutes the practice of an aspect of landscape architecture that affects the public health or safety and thus requires registration as a landscape architect:

- (1) grading, clearing, or shaping of land;
- (2) landscape irrigation;
- (3) outdoor planting plans;

- (4) outdoor play apparatus;
- (5) outdoor structures.

In regards to “outdoor play apparatus,” per AS 08.48.281, another design professional may practice landscape architecture if the services being performed by the person are within the scope of practice authorized by another license that is held by the person, and it is within the registrant’s area of expertise. Historically, architects and civil engineers prepared site plans, including sites that contain playground equipment, and may design playgrounds. Regardless of whether the designer is an architect, civil engineer, or landscape architect, he or she should have the education and experience with playgrounds to be qualified to design them.

BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS AND LAND SURVEYORS

POLICIES AND HISTORICAL INFORMATION

I. HISTORY

Alaska began registering architects, engineers and land surveyors in 1949. Engineers with verified land surveyor work experience were also granted a land surveyor registration. In 1972, a new practice act was established for land surveyors. Until 1973 the practice act allowed engineers to apply for a land surveyor registration based on their practice. Alaska began registering landscape architects in 2000. Alaska expanded the registered branches of engineering to 15 in 2012.

Alaska began administering national exams as follows:

NCARB Architect Registration Examination (ARE)	1963
NCEES Fundamentals of Engineering (FE) (8 hr.)	April 1966
NCEES Principles and Practices of Engineering (PE) (8 hr)	April 1967
NCEES Fundamentals of Land Surveying (FS) (8 hr)	April 1974
NCEES Professional Land Surveying (4 hours)	April 1974
NCEES Professional Land Surveying Public Domain (3 hours)	April 1987
NCEES Professional Land Surveying (PS) (6 hours) - combined	October 1992
CLARB Landscape Architect Registration (LARE)	2000
NCEES 16-Hour Structural Exam (SE) (16 hr)	April 2011
NCEES Principles and Practices of Structural Engineering (PE)	2024

Prior to these dates for national exams by NCARB and NCEES, state exams were used in Washington, Oregon, Idaho and California. Alaska used the same 'state specific' PE and PS exams. The first engineering exam administered in Alaska was given by the University of Alaska in College (Fairbanks) in 1953. Before 1953, engineers were registered based on education and work experience.

II. GENERAL BOARD POLICIES

- A. Election of Officers - The board elects members to serve as chair, vice-chair, and secretary at the first regularly scheduled meeting of each calendar year, or as needed due to vacancies.
- B. Voting – All permanent board members, including the chair, are entitled to vote on all matters that come before the board, but a conflict of interest may cause a member to abstain. Temporary, non-voting members may not vote but otherwise may fully participate in meetings.
- C. Communications – Board members may use a ListServe or email to communicate between meetings according to Alaska's Open Meetings Act.
- D. Emeritus Status – The board may nominate outgoing and former board members for Emeritus Status when the former board member notifies the board they will be serving on a NCEES, NCARB, or CLARB committee.
- E. Investigations – The board adopted a "Board Investigative Review Committee" at its February 2006 meeting whereby two board members will meet monthly or as necessary with the board's investigator to determine merit and disposition of complaints. At the May 2012 meeting the Board adopted a policy that former Board Members could be called on for this service at the discretion of the Investigator.
- F. Date on Sealed Documents – The board adopted a policy to define "close proximity" in 12 AAC 36.185(d) as within two inches of the seal.
- G. Public notice policy – the board adopted a policy at its May 2008 meeting to explain, if warranted, for proposed changes to regulations to accompany the public notice.
- H. Corporations selling or offering to sell pre-engineered structures or parts of structures shall be considered offering professional services in the State of Alaska per AS 08.48.241 and 12 AAC 36.232 and are required to be registered as a professional corporation in the state.

III. BOARD 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 both the licensure and competency requirements in a fair and uniform manner.

*The board's definition for health, safety, and welfare is found in the Guidance Manual

IV. APPLICATION REVIEW POLICIES

A. Work Experience

1. If an applicant initially became registered in a jurisdiction that required less work experience than Alaska, passed an acceptable equivalent exam, and gained experience AFTER initial licensure that meets Alaska's current minimum requirement, the board may consider approving the application by comity.
2. To meet Alaska's requirements, exam candidates may project their anticipated work experience up to the date of the exam. The board does not project responsible charge experience.
12 AAC 36.067. DATE OF EXPERIENCE. Computation of qualifying experience for admission to the examination as an architect, engineer, land surveyor, or landscape architect is up to the date of exam.
The board may require that an applicant submit an updated employment verification or letter from present employer before the exam date.
3. Credit for engineer or land surveyor experience BEFORE obtaining a degree shall be based on work experience verifications submitted and evaluated on a case-by-case basis. Education and work experience may not be accumulated concurrently. Note: A maximum of 12 months' credit may be claimed for a calendar year (12 AAC 36.062(b), 12 AAC 36.063(e), 12 AAC 36.064(b), 12 AAC 36.065(f), 12 AAC 36.068(d)).
4. Architect by comity applicants, if initial registration was obtained in another jurisdiction after January 1, 1990, must have completed the NCARB Experience program and submit NCARB verification (12 AAC 36.103).
5. Other Work Experience Issues:
Other verified work experience or questionable experience requires a full board review and the board may require more information.

B. Examinations

1. All NCEES, CLARB, or NCARB exams are considered as acceptable to meet minimum qualifications for exam under 12 AAC 36.100 for architects, engineers, landscape architects, and land surveyors.
2. EQUIVALENT exams:
 - a. Fundamentals of Engineering: NCEES and its equivalent (Alaska offered a state specific exam prior to April 1966 when Alaska began offering the NCEES exam).
 - b. PE: NCEES and its equivalent (Alaska offered a state specific exam prior to April 1966 when Alaska began offering the NCEES national exam).PS, 6 hours: NCEES. (Texas exam is NOT acceptable.)
 - c. SE Exams:
 - 1 NCEES PE Structural Examination (formerly 16-hour NCEES Structural Examination)
 - 2 NCEES Structural II and Washington or California Structural III Examinations – passed before 2011
 - 3 NCEES Structural I and NCEES Structural II – passed before 2006
 - 4 Western States 16-hour Structural Examination – passed before 2004
3. A registrant whose registration has been lapsed for five years or more may reinstate the registration by completing the form "Reinstatement for Expired Registration", paying the current registration fee, and renewing continuing education requirements. If an applicant was originally registered in Alaska by exam before April 1967, or in another state that did not offer the national examinations, the board has the discretion to not require the applicant to take the current national examinations. The board may require retesting for registrants who have had disciplinary action. (12 AAC 36.165)
4. 12 AAC 36.105(d) is interpreted to mean a non-NCEES examination.

5. 12 AAC 36.105(b) is interpreted to mean an engineer by comity must have passed the NCEES exam in the same discipline of their application.
6. The exam referenced in 12 AAC 36.105(d)(1) must be in the same discipline for which the applicant is applying.

C. Education

1. Engineering and/or land surveying exam candidates

- a. The board shall follow the requirements for education credit as outlined in the regulations for FE (formerly the EIT), PE (except as outlined in sub-paragraph 1 below), SE, FS (was formerly the LSIT), and PS exam applicants, (12 AAC 36.062, 12 AAC 36.063, 12 AAC 36.064, 12 AAC 36.065)

- i. The following alternative ABET accredited engineering degree programs are considered equivalent to the full engineering education allowance for an ABET Accredited Degree Program in the licensed discipline as given in 12 AAC 36.063(3)(B) if the college transcript shows a minimum of 18 credit hours in 300 level or greater coursework related to the desired license discipline. In addition, the work experience verification must show involvement in the work of that discipline.

<u>Discipline</u>	<u>ABET degree program</u>	<u>Alternative ABET engineering degree program</u>
Agricultural (AG)	Agricultural Engineering	Civil Engineering
Chemical (EC)	Chemical Engineering	-
Civil (CE)	Civil Engineering	Construction Engineering, Geological Engineering, Mining Engineering, Architectural Engineering
Control Sys (CS)	-	Architectural Engineering, Electrical Engineering, Mechanical Engineering
Electrical (EE)	Electrical Engineering	Architectural Engineering
Environmental (EV)	Environmental Engineering	Civil Engineering
Fire Protection (FP)	Fire Protection Engineering	Architectural Engineering, Electrical Engineering, Mechanical Engineering
Industrial (IN)	Industrial Engineering	-
Mechanical (ME)	Mechanical Engineering	Architectural Engineering
Metallurgical and Materials (MM)	Metallurgical Engineering	-
Mining and Mineral Processing (EM)	Mining & Mineral Processing Engineer	Civil Engineering, Geological Engineering
Naval Architecture and Marine (NM)	Naval Architecture & Marine Engineering	-
Nuclear (NU)	Nuclear Engineering	-
Petroleum (EP)	Petroleum Engineering	-
Structural (SE)	-	Architectural Engineering, Civil Engineering

- b. If degree was earned over a period of more than four years, and the applicant was working at the same time, the board will review the transcripts, comparing work experience verifications and assign calendar years/months for education credits and work experience gained while in college. (12 AAC 36.063(e))
- c. If a person worked full time and attended college simultaneously and obtained a degree after six years, the board will not give the applicant any work experience credit beyond two years.
- d. In 12 AAC 36.064 and .065, coursework in land surveying – no degree (minimum of two years credit hours), means 30 credit hours of core surveying courses and 30 credit hours of professional development courses.
- e. If a person applies for the Fundamentals of Land Surveying Examination before July 1, 2014 and meets 75% of the requirements of one of the Classifications listed under “12 AAC 36.064.(2)(A) – Table A of Education and Work Experience Requirements for Fundamentals of Land Surveying Examination” that person will be

considered in the system and allowed to use “12 AAC 36.065.(2)(A) – Table A of Education and Work Experience Requirements for Professional Land Surveyors” for a period up to five years beyond July 1, 2014.

2. Architectural Exam Candidates

First time architectural registrants applying to take the exam for registration in Alaska shall have an NAAB degree or meet NCARB alternative education standards. Documentation of alternative standards shall be as recommended and accepted by NCARB (per the current NCARB Education standard publication) (12 AAC 36.060)

D. Cold Regions Design

Cold Regions Design courses are approved by the Board.

The following are approved courses:

1. University of Washington: Cold Regions Engineering Short Course.
2. University of Alaska Anchorage:
 - i. UAA Arctic Engineering - CE A603 (semester web-based course)
 - ii. UAA Arctic Engineering – ES AC030 (web-based short course)
 - iii. UAA Northern Design Course – ES A411 (semester course)
UAA Arctic Engineering – CE A403 (semester web-based course)
 - v. UAA Introduction to Arctic Engineering – ES AC031 (short course)
3. University of Alaska Fairbanks:
 - i. UAF Arctic Engineering - CE 603 (semester course).
 - ii. UAF Arctic Engineering - CE 603 (web-based semester course).

E. Council Records

1. Applicants for architect registration by comity may submit a completed NCARB Council Certificate with the application. (12 AAC 36.103)
2. Engineer applicants may submit a council record issued by the National Council of Examiners for Engineers and Surveyors (NCEES) to verify qualifications. (12 AAC 36.105)
3. Intern architects who apply to sit for the Architect Registration Examination (ARE) in Alaska must submit an “NCARB Council Record in Support of Application for Examination”. This council record must include verification of a NAAB degree or compliance with NCARB's education standard (per the current publication). (12 AAC 36.060)
4. An architectural associate may qualify for early testing if they submit a Record Summary to support ARE Eligibility.

F. Continuing Education

Staff is authorized to approve continuing education audits where there is no question that the criteria in the regulation have been met. Where a question exists, the audit will be brought to the Board for review. 08-4052 (Rev 03/14/19)



THE STATE
of

ALASKA

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

Board of Registration for Architects, Engineers and Land Surveyors

PO Box 110806, Juneau, AK 99811

Phone: (907) 465-2550

Email: AELSBoard@Alaska.Gov

Website: ProfessionalLicense.Alaska.Gov/BoardOfArchitectsEngineersAndLandSurveyors

Continuing Education Structured Report

Licensees must complete continuing education (CE). 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 a licensee to show they obtained the CE for (e.g. publishing, teaching, presenting, active participation in professional and technical societies, in-house programs, patents, outreach activities, and structured self-study) The CE Structured Report must be maintained by the licensee as required by AAC 36.500.

Full Legal Name:	Joe Helmsworth	License Number:	004618
Select One:	<input type="checkbox"/> Teaching/Presenting <input type="checkbox"/> Publishing <input checked="" type="checkbox"/> Self-Study (Structured) <input type="checkbox"/> Society Participation* <input type="checkbox"/> Patents* <input type="checkbox"/> Outreach Activities <input type="checkbox"/> In-House Programs*		
Location:	Anchorage AK	Date:	03/24/24
Activity Title:	Researched new technology for pumps	Hours:	1

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

1. Description of content:

Reviewed current trends in pump design for remote water systems.

2. How did this increase or update knowledge of technical and professional subjects related to the scope of practice of the licensee?

Learned how pump selection for rural Alaska service impacts maintenance, operating costs and system down time.

3. Sponsor/Publisher/Provider name and contact information, as applicable:

National Association of Pumps, Hoses and Gaskets publication

Signature

I attest that the above is a true and accurate accounting of the continuing education activity I have completed.

Licensee Signature:		Date Signed:	
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AELS Board Legislative Liaison Meeting notes

Scheduled for 12:00 noon-1:00 pm, January 9, 2024

Zoom meeting called to order by Chairman Loren Leman at 12:00 noon. Present on-line were members Loren Leman, Catherine Fritz, Bob Bell, Elizabeth Johnston, and Jeff Garness; plus Executive Administrator Sara Neal. Ed Leonetti absent.

Draft agenda prepared by Loren Leman and Sara Neal approved without objection, and followed.

1. Architectural Engineering regs—Elizabeth is taking lead on this one. Will discuss again at Feb. Board meeting. Elizabeth forwarded the contact information for ASCE/AEI contacts to Sara during the meeting. Sara will follow-up with inviting them to speak at the February 8-9th meeting.
2. Board make-up—we agree that something should be done, but so far do not have concurrence on what. Rep. McKay is holding his draft bill and is waiting for direction from the Board. Loren has a call in to his staff, Trevor Jepsen, on January 8, awaiting response. Leman is waiting for status update from McKay's office. Bob met with Representative McKay and Trevor – they told him the bill will not move ahead without unanimous approval from the Board.
3. SB 73—update from Catherine? The Board has offered an opinion that it is not very excited about the legislation. Is there a desire for other response from the Board now? A provision of the bill is a change to the make-up of the Board. Will this bill move? Probably in the Senate. The AELS board voted during the May 2023 board meeting to approve all recommended modifications to SB73 CS D and forward the modifications to the Senate Labor and Commerce Committee as soon as possible, but a motion to approve adding the profession of interior design to the AELS board failed with a 4 (Yes) to 5(No) vote. During the upcoming February board meeting new spokespersons on this bill will need to be designated and the new chair will need to be brought up to speed. Over the summer Catherine sent a letter to Senate Finance Committee (see August board meeting packet) because it is the next committee of referral– ID working group met once – Architects identified problem areas in bill as written. Sen. Claman took questions AELS had and had DOL review it. DOL said that the definition of practice of registered interior designer is up to the AELS board to define. So far Sen. Claman has made no changes to the bill in response to AELS' suggestions made in May 2023.
4. EA salary—Frustrating that this has become so difficult. It is moving (too) slowly administratively; however, we do not have an obvious vehicle for a statutory change. Doing this as a stand-alone bill probably is a non-starter. The approval for a salary study is still with OMB. It possibly could be added to another bill if there were one addressing EA salaries – possible, but not likely. Fritz suggested tagging it onto Sunset Legislation in 2025 if the issue has not been solved before then.
5. DEC issues—Loren & Jeff met with AG Treg Taylor. AG communicated with DEC Commissioner Emma and Governor's special assistant Lee Cruise. We are promised 1) change to the wording on the DEC electronic submittal form (that's good, but we haven't seen the proposed new language). Up to 20 Alaska engineers have indicated they will not use the electronic submittal form until the offending language is removed or changed; 2) the AG has asked us to identify those parts of the new regs that add work or make things more restrictive than they were previously. Jeff is taking the lead on working with the engineering community in identifying

these (for example, identifying potential sources of contamination greater than 100 feet from a private well); 3) the new regs allow for a certified installer to design and install a wastewater system for small commercial dischargers of domestic waste (less than 1500 gpd). The AELS Board considers this work, which may include interpretation of percolation tests and application for waivers, to be engineering, required to be under the responsible charge of (and sealed by) a PE. AG Taylor reported back that DEC is dug-in on this one. If DEC's position is maintained, there is conflict in regulations. One solution is for DEC to seek an exemption in statute (AELS-08.48.331)).

Director Robb responded this morning her assistance in setting up a possible meeting w/DEC Commissioner: "An update on the DEC situation. Micaela (Deputy Commissioner for CED) was going to reach out to Stacie Kraly who is the head of the Civil Division at Law. I'll let you know what she learns." Bob Bell asked if Jeff and Loren had brought up the issue of a non-surveyor removing property lines for a replat. They answered, "No." Bob and Jake Maxwell are to work on this for possible communication with local governments (for example, Ketchikan Gateway Borough).

6. Responsible charge—the ad hoc working group (Jeff and Loren) proposed definitional language for responsible charge, direct control, personal supervision and related terms and is asking Department of Law to review these to see if they fit within statute (we believe they do). We are not proposing a statute change as a stand-alone bill, but want Board members to be aware of this.
7. Approval of funds for rotating Board meetings. We want to return to the historical precedent of meeting in Anchorage twice per year, Juneau in February, and Fairbanks once per year. DCCED administration is denying approval for this because of increased travel costs. We believe improved access to registrants, students, and professionals-in-training who may be applicants in the near future is more important than the few thousands of dollars that might be saved. Do we want to take this up with the Legislature to get legislative intent inserted into the budget bills? The AELS Board more than pays for costs associated with the Board through registration fees, but the way money is accounted for by the Division makes this look like a budget increase. In our opinion it is false frugality. We aren't getting anywhere with Division and Department leadership. Do we want to elevate it, or does that unnecessarily create conflict and attention we don't want?

Catherine Fritz moved, seconded by Elizabeth Johnston and approved without objection to bring a resolution to the Board dealing with this issue for a vote during the February 8-9, 2024 board meeting. Committee members and Sara will draft this within the next two weeks so it can get into the Board meeting packet.

Notes prepared by Loren Leman, Committee chairman
with additional notes by Sara Neal.

January 9, 2024

Status of SB 73 and HB 159, interior design bills
Prepared by Catherine Fritz
1.30.24

The Interior Design Working Group met with Senator Claman on October 19, 2023 and January 15, 2024 for the purpose of making continued changes to SB 73 to address the architects' concerns. Senator Claman was not open to making further changes to the bill.

HB 159, originally a companion bill to SB 73 that was introduced in April 2023 currently resides in the House Labor & Commerce Committee. Since changes were made to SB 73 last May, the two bills are no longer the same. HB 159 has been scheduled (and re-scheduled) for hearing 5 times since January 22, 2024.

I forwarded the Board's May 2023 actions to both the Senate Finance Committee, and the House Labor and Commerce Committee. While the Board has not made specific comments on HB 159, it is substantively the same as SB 73 – the profession of interior design would be added to the AELS Board, and interior designers would need to be registered to perform services that are determined by the AELS Board to affect the public Health, Safety, and Welfare.



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. 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: 907.465.2550
Toll free fax: 907.465.2974

January 18, 2024

The Honorable Jesse Sumner, Chair
House Labor & Commerce Committee
Alaska State Capitol, Room 421
Juneau, Alaska 99801
Sent via email to House.Labor.And.Commerce@akleg.gov

Re: House Bill 159, "An Act relating to registered interior designers and interior design"

Dear Chair Sumner,

I am writing to update the House Labor and Commerce Committee on actions by the Board of Registration of Architects, Engineers, and Land Surveyors (AELS) related to the regulation of interior design and interior designers. At our May 2023 meeting, AELS took the following actions:

1. The Board does not recommend adding the profession of interior design to 08.48 (AELS Board).
2. If SB 73 is advanced by the legislature, the AELS Board offers the following recommendations to CS-D:
 - Remove all references in the bill to AELS Board make up (Section 1, 2, 3 and 38).
 - Remove item (15) of Section 27.
 - In Section 30, delete (B) and revise (D) to meet the following: *"review of drawings and specifications of interior spaces made by regulatory agencies."*
 - In Section 37, revise to read as follows: *"Sec 37. TRANSITION: CURRENT INTERIOR DESIGNERS. Notwithstanding this Act, a person working as an interior designer before the effective date of this Act may continue to practice interior design in the state until 90 days after the effective date of regulations established in 12 AAC 36 or 2 years after the effective date of this Act, whichever comes first, at which time they must register if they wish to practice registered interior design as described in AS 08.48.341."*

When House Bill 159, "An Act relating to registered interior designers and interior design..." was introduced last April, it was a companion bill to Senate Bill 73. During the final weeks of last session, SB 73 was amended while no action was taken on HB 159. AELS has not yet reviewed HB 159 to recommend amendments, although some of the bullets above are the same in each bill.

The AELS Board has discussed the topic of interior design regulation at length for more than 3 years and held 2 special meetings on SB 73 during the 2023 legislative session. We have also raised concerns through written and verbal testimony during hearings on both SB73 and its predecessor bill from the 32nd Alaska Legislature, HB 61. While opinions of individual AELS Board members vary, the majority does not support adding the new profession of interior design to AS 08.48, the statute that authorizes the AELS Board. Discussion encouraged interior design to be regulated under a different framework if regulation is needed or desired.

We appreciate being allowed to engage in discussion about this legislation that, if approved, will add to the Board's responsibilities. Please contact me if you would like more detailed information.

Sincerely,

A handwritten signature in black ink that reads "Catherine Fritz". The signature is written in a cursive, flowing style.

Catherine Fritz, Architect
AELS Board Chair

Agenda Item 24

Lunch

Agenda Item 25

Special Groups

- A. Land Surveyor Subcommittee – Maxwell/Bell
 - 1. HB221 - **Document included**
- B. ADEC Regulations Working Group – Leman/Garness
Documents included
- C. DOT Bridge / Structural Engineering Working Group – Strait / Leman

HOUSE BILL NO. 221

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE CARRICK

Introduced: 1/8/24

Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to subdivision of unplatted land in second class boroughs; and**
2 **providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 29.35.210(b) is amended to read:

5 (b) A second class borough may by ordinance exercise the following powers
6 on an areawide basis:

7 (1) provide transportation systems;

8 (2) license, impound, and dispose of animals;

9 (3) provide air pollution control under AS 46.14.400;

10 (4) provide water pollution control;

11 (5) license day care facilities;

12 (6) establish an energy and resilience improvement assessment
13 program under AS 29.55.100 - 29.55.165;

14 **(7) establish an exemption process to permit the owner of land**

1 **located in a subdivision to file or record in a public recorder's office a plat, or**
 2 **other document depicting subdivided land, that has not been approved by the**
 3 **platting authority.**

4 * **Sec. 2.** AS 29.40.180(a) is amended to read:

5 (a) The owner of land located in a subdivision may not transfer, sell, offer to
 6 sell, or enter into a contract to sell land in a subdivision before a plat of the
 7 subdivision has been prepared, approved, filed, and recorded in accordance with this
 8 chapter. A person may not file or record **in a public recorder's office** a plat or other
 9 document depicting subdivided land [IN A PUBLIC RECORDER'S OFFICE] unless
 10 the plat or document

11 **(1) has been approved by the platting authority; or**

12 **(2) meets the requirements of an exemption process established**
 13 **under AS 29.35.210(b)(7) by the borough in which the land is located.**

14 * **Sec. 3.** AS 40.15.070(a) is amended to read:

15 (a) If land proposed to be subdivided or dedicated is situated within a
 16 municipality that has the power of land use regulation and that is exercising platting
 17 authority, the proposed subdivision or dedication shall be submitted to the municipal
 18 platting authority for approval. **Except as provided in AS 29.40.180(a)(2), a** [A]
 19 subdivision may not be filed and recorded until it is approved by the platting authority.

20 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).

From: [Loren Leman](#)
To: [Taylor, Treg R \(LAW\)](#)
Cc: [Neal, Sara J \(CED\)](#); [Jeff Garness](#)
Subject: Comments about new 18AAC72 by DEC
Date: Wednesday, January 31, 2024 12:59:14 AM
Attachments: [Wastewater Regulation concerns, final 1.30.24.pdf](#)

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Treg,

When Jeff Garness and I met with you on December 8, 2023, we talked about areas of conflict between the Department of Environmental Conservation and the Board of Registration for Architects, Engineers & Land Surveyors (AELS Board), on which he and I both sit.

One of our topics was the recent adoption of revised Wastewater Disposal Regulations in 18AAC72. We told you that while much of the revision was commendable, we are disappointed in the final product primarily because DEC staff largely ignored the considerable constructive inputs from the engineering community. We also told you that in several areas DEC actually increased the work scope, challenges and costs a homeowner or developer will have to invest in engineering, equipment, and construction. Rather than simplify things, they actually made some things more complex. I am quite confident that is not the direction they were given by Governor Dunleavy.

You followed up with me and asked that we identify examples for how work became more complex and more expensive, rather than easier and less costly. Jeff Garness is the primary author of the attached memo. He is one of the most experienced civil/environmental engineers in Alaska who works in on-site wastewater treatment and disposal. I too have a considerable background in wastewater collection, treatment and disposal. I discussed many of the points in the memo with Jeff, reviewed and edited it, and concur with our findings and recommendations. The memo lists many of the grievances we have ourselves and have heard from others about the new regulations, especially for the changes that increase scope and costs.

We believe there is a constructive solution for fixing the regulations, but it will take a commitment from DEC management and staff to really listen to its regulated public and respond appropriately with changes to make the regulations more workable. A working group of highly talented and experienced engineers was convened during early stages of the regulation project, but it is my understanding that in the end they were largely ignored.

We don't believe that makes for good government and hope that your considerable interest in this topic and generous granting of time to meet and listen to us will encourage Governor Dunleavy and Commissioner Pokon to really get involved and lead a project team to fix what many of us in the profession believe is a flawed product.

I listened carefully to Governor Dunleavy's State of the State speech

this evening. He presented a compelling story of why we need to focus on creating opportunities to make Alaska a better place to live, work, educate our children and grandchildren, and play. I am grateful for my 4-year appointment by the Governor to the AELS Board. It is a team of highly principled and talented professionals that is serving the State of Alaska and our four regulated professions well. The Board shares our expressed concerns and wants to be part of the solution--not the problem.

Sincerely,

Loren Leman, P.E.
Member, AELS Board

Comments by AELS Board members about 18 AAC 72 revisions

During the public comment period in March 2022 about proposed changes, or lack of changes, to 18 AAC 72 Wastewater Disposal Regulations, numerous concerns were submitted to ADEC. The Department posted them at <https://water.alaskadec.commentinput.com/comment/extra?id=rtFfj>. Many comments were not addressed or resolved in the final version adopted on October 1, 2023. Changes to the regulations were significant and many of them, particularly the reorganization, were necessary. However, in our opinion, ADEC missed a good opportunity to really fix the regulations. Many troublespots remain.

A regulatory change of this magnitude should have fixed most, if not all, of the identified problems to minimize arbitrary design reviews and reduce unnecessary costs to Alaskans. Unfortunately, much of the problematic language in the old regulation was carried forward into the new version. And in our opinion the new regulations unnecessarily expand the role of government beyond what is needed to support the Department's mission for protecting public health, safety and welfare and likewise the environment.

Concurrently with revisions to the Wastewater Disposal Regulations, ADEC made changes to its Drinking Water Regulations in 18 AAC 80. Where these changes affect the new Wastewater Disposal Regulations, we have commented on them as well.

These are many of our concerns:

1. In the 2012 version of 18 AAC 80 a private water system was defined as a potable water system serving **one single-family residence or a duplex**. In the 2017 version the definition was changed to "a potable water system that is not a public water system." A public water system serves more than 25 people per day for more than 60 days per year. Private wells have, in practice, been unregulated by ADEC since at least 2005, and possibly earlier. The new version of 18 AAC 72, in paragraph 72.005, **increases the scope** to regulate the "minimum separation distance requirements and construction standards for **private water systems**." ADEC's decision to regulate private water systems in the Wastewater Disposal Regulations is problematic. Regulation of private water systems will lead to increased consumer costs for design, installation, construction, and operation—and it will increase costs to the Department. What compelling reason did it have for this expansion?
2. Regulation of private water systems should not be located in the Wastewater Disposal regulations. It will not be obvious to anyone searching for regulations about private water systems that they should be looking under Wastewater Disposal.
3. 72.015(b) says that a person may not install, modify, or repair a wastewater collection or disposal system utilizing wood components in contact with wastewater. There are many, perhaps hundreds, of log cribs in use in the Municipality of Anchorage alone. The installations were compliant with regulations at the time of construction. The new language will cause economic harm to many Alaskans by forcing them to replace log cribs that are fully functional, even though they do not threaten public health, safety and welfare.
4. 72.100: It appears that one of the intents of this paragraph is to regulate separation distances between a private well and stormwater collection components by using the term **sewer line** rather than a "private sewer line" or "community sewer line" and changing the definition of the term "**cleanout**." The Municipality of Anchorage

Onsite Department has never considered a stormwater collection system to be a potential source of contamination for private wells. This change has the potential to significantly limit development of properties and increase regulatory costs for waivers and plan reviews for private wells located within this separation distance. The previous drinking water regulations did not have a regulated separation distance between a well (public or private) and stormwater collection system components. Changes to 18 AAC 80, Table A (also effective 10/1/23) clearly establish regulated separation distances between wells (public) and “sewer lines,” and “drains” (piping below grade within the building envelope). The list of potential sources of contamination used in the past to perform source water assessments makes no reference to stormwater collection system components, and the list is very comprehensive. The required separation distances are more restrictive than necessary. For example, ADEC requires **200 feet** between stormwater collection system components (sewer line, manhole, cleanout) and public wells; however, other states, like New York, and Texas appear to require a separation distance of only **50 feet**. This will restrict the development of public and private land in Alaska.

5. 72.515 (4)(B) – The criteria for establishing when a nitrate analysis is required should not be based solely on daily flow. The paragraph should instead address mass loading (for example, pounds per year of Total Nitrogen discharged per acre, or some similar measurement) that could trigger a nitrate study. The language here leads to unnecessary nitrate studies and an unjustifiable cost to Alaskans to pay for engineering services, monitoring wells, and aquifer studies. And in some cases, it will continue to result in a waste of ADEC’s limited plan review resources.
6. 72.515 (4)(B) – Seasonal operation of a facility may affect impact from nitrogen loading. Facilities that discharge only during summer may have a reduced impact. Designers should be able to calculate annual nitrogen mass loading and perhaps show that the proposed discharge will not reach the threshold required to trigger a Nitrate impact analysis.
7. 72.515 (4)(B) and 72.615(c)(6) – Drainfields that receive effluent from what many in the marketplace call “Advanced Wastewater Treatment Systems” (AWWTS), which actually are secondary treatment systems, receive significantly lower Total Nitrogen loading than from conventional septic tank effluent (primary treatment). These systems should be able to discharge a larger volume of effluent before triggering a Nitrate impact analysis.
8. 72.515 (4)(B) - The regulations should waive the Nitrate analysis requirement if the aquifer of concern is confined (protected). The Nitrate analysis could also be waived in many cases if the facility is rural, and the aquifer is not used as a source for potable water. In many cases the local source for potable water is a surface water, and so projecting the nitrate impact on the aquifer may be moot.
9. 72.515 (5) has the potential to create an arbitrary and open-ended list of reviewer requirements that can cause an unreasonable cost to Alaskans.
10. 72.520 (c) is unnecessarily restrictive – The Municipality of Anchorage has a Steep Slope code provision that allows for trench-type drainfields to be installed on slopes as steep as 45%. It was modeled after the State of Idaho code. If the State of Alaska were to incorporate such a provision it would allow for the development of more properties and provide a cost-benefit to Alaskans with no environmental harm.

11. 72.530 (b)(1) – The design flow requirement of 150 gpd/bedroom for a new residential dwelling is archaic and inappropriate. Homes built after 1994 that use modern water-saving appliances are expected to generate 40-60 gallons per day per capita (gpcd) of wastewater, according to the EPA Onsite Wastewater Treatment Systems Manual, 2002, on page 3-3. We understand the State of Oregon uses 62.5 gpcd. The largest subsurface drainfield in Alaska was installed in Wasilla in the mid-1980s. Flows to it generated by a Septic Tank Effluent Pumping (STEP) system were estimated at 60 to 70 gpcd during design and this is what the system has seen in actual operation. With averages of 2.7 to 3 people per household and 2.7 to 3 bedrooms per house, this equates to 60 to 70 gpd/bedroom, slightly less than half of the flow required by the regulation. Allowing a more realistic design flow for new homes will save Alaskans money by reducing septic tank and drainfield size requirements.
12. 72.530(d)(1) – Sewer Line Slopes - To the best of our knowledge the MOA, AWWU, UPC and Ten State Standards do not restrict the slope of sewer service lines to 20%. Ten State Standards does have pipe anchoring requirements for sewer mains installed on slopes of 20-35%, 35-50%, and greater than 50%. The Standards allow installing sewer mains on slopes greater than 50%. There are likely thousands of private sewer lines installed in Anchorage at greater than 20% slope, some at more than 100% slope. The cities of Seattle and Lakehaven (near Seattle) allow slopes of 100% and 200%. ADEC makes this restrictive slope requirement without any real justification. If the collection system is transferring quantities of **sand/grit** that could contribute to pipe scouring and if internal velocities exceed 10 feet per second, perhaps mitigation could be proposed (ductile iron pipe, thicker wall plastic pipe, etc). There may be a few situations where this may be necessary for a small residential collection system handling domestic wastewater. The requirement for drop-connects to reduce pipe slopes imposes an unnecessary construction cost. We suggest they are more likely to result in a construction deficiency, instead of installing a straight run of pipe at a steeper slope, and they could become localized points of increased impact and pipe erosion.
13. 72.530 (d)(2) – The Municipality of Anchorage imposes no such restriction, and we are unaware of any adverse consequences. What is driving the slope restriction? If there is no reasonable justification, we recommend that it be removed.
14. 72.530 (e)(2). See comment 11 regarding reduced design flows.
15. 72.530 (f)(1)(B) Limit the effective drain rock depth in a trench to 12 feet. This restriction is arbitrary and may be unnecessary, potentially increasing the cost of an installation.
16. 72.530 (f)(3) – Here and elsewhere in the regulations, soil application rates for drainfields receiving effluent treated to secondary standards from AWWTS needs to be addressed. This has long been a contentious issue with ADEC reviewers because the regulation has not addressed it. The Municipality of Anchorage has codified AWWTS effluent soil application rates and has been successfully applying them for more than 20 years. The MOA has about 1000 AWWTS systems in operation and decades of data to support higher application rates. Failure to address this issue continues the practice of ADEC reviewers overriding the application rates proposed by professional engineers and arbitrarily requiring rates

- that in some cases cause property owners to install over-sized drainfields...sometimes at significant cost increases to Alaskans. NOTE: There are efforts currently underway to address the issue in the **Installer Manual**, which can be edited and modified without a change in regulation. We believe soil application rates for AWWTS effluent should be addressed in regulation.
17. 72.530 (f)(3) – Table 4 does not address dual-classified soils like GW-GM, GP-GM, GW-GC, and GP-GC. These soils can have percolation rates faster than 1 minute/inch, much like ADEC sand filter material, but contain interstitial silt/clay that negates the need for a sand filter. If a sieve analysis shows a soil to be one of these types, installation of a sand filter may be unnecessary. Many insitu sands (and imported ADEC sand) “perc” faster than 1 minute per inch, so percolation rate alone should not trigger the need for a sand filter. Revising this would reduce construction costs by eliminating the need to purchase and place an imported sand filter when encountering GP/GW soils with a dual classification.
 18. The recent revisions to 18 AAC 80, Table A are not minor and create several new separation distances. The inclusion of the term “drain” establishes a 100-foot separation distance between a public well and the building drain pipes under the concrete slab inside a building. This will make placement of a well more challenging because it will often be necessary to locate the well much further from the building. This will increase the cost of running a water service line to the building. The Uniform Plumbing Code appears to call for a separation of 50 feet, and as little as 25 feet (see UPC 2018, Table 721.1, footnote 3). The new regulation increases the cost of development and makes it more difficult to develop properties. The new term “sewer line” includes collection systems transporting stormwater, even if they carry water only during a runoff event.
 19. The latest version of the **Onsite Wastewater Systems Installation Manual** continues to prohibit the use of ASTM 3034 PVC pipe for building sewers. Ironically, they allow the use of D3034 pipe when installed downstream from the septic tank. The Uniform Plumbing Code, which is used throughout the United States, allows D3034 pipe for building sewers. The Municipality of Anchorage has allowed the installation of D3034 building sewer pipe on septic systems for decades and now it is the most commonly used pipe. ADEC will approve its use on a case-by-case basis; however, the time and effort to obtain approval unnecessarily increases the time and cost of on-site design and installation. It is long overdue for ADEC to approve D3034 pipe for building sewers. This issue has been ongoing for years with no resolution and ADEC has never been able to articulate why it prohibits use of D3034 pre-septic tank yet allows it post-septic tank.
 20. The definition of a “conventional soil absorption system” (72.990 (18)(F)) excludes mound-type drainfields. In 72.511(a) Certified Installers are restricted to conventional onsite systems. It is unclear why ADEC is prohibiting Certified Installers from designing and building mound-type drainfields for single-family homes and multi-family structures that fall within the exemptions in Alaska Statute 08.48.331. If the goal of ADEC is to expand the role of Certified Installers, and reduce installation costs, it is difficult to understand why it would place this restriction on them.

21. The latest version of the **Installation Manual** (Paragraph 2.13.2) continues to mandate that filter fabric be placed over infiltration chambers (a drain rock substitute) before backfilling. The leading manufacturer of this product, Infiltrator Water Technologies, Inc, Dennis Hallahan, PE – Technical Director, has made it clear that they do not recommend this practice. ADEC is aware of this. The manufacturer says that if the wrong fabric is placed over the chambers, it could be detrimental to their performance. The fabric mandated by ADEC does not meet the manufacturer’s specification and unnecessarily increases cost.
22. The latest version of the **Installation Manual** in Paragraph 5.5.3, mandates that all mound type drainfields use pressure distribution. While we agree pressure distribution is worth using in many situations and ensures more complete distribution throughout a drainfield, it may be unnecessary in some situations and adds cost, perhaps in excess of \$10,000 for engineering, pump vault, insulated riser, pump, float switches, control panel, electrician, excavation, installation, and site restoration.
23. It appears to us that ADEC is using its **Onsite Wastewater Systems Installation Manual** to create or change regulations without following the established public process for amending regulations.

We know that this list, while long, does not identify all of the items of concern identified by engineers and installers who have been working in this area of practice for decades. Most of the items on our list were brought to the attention of ADEC during the public comment period. We do not believe the Department’s consideration of and response to comments has been appropriate or adequate and recommend that ADEC start a new regulation project, appoint another working group, and make changes that will make the regulations far more useful.

Comments drafted by Jeff Garness, P.E.
Reviewed, edited and confirmed by Loren Leman, P.E.
Ad hoc Committee of the AELS Board
January 30, 2024

From: [Jeff Garness](#)
To: [Neal, Sara J \(CED\)](#); [Catherine Fritz](#)
Subject: FW: AELS concerns with ADEC Wastewater Disposal Regulation (18-AAC-72)
Date: Friday, December 8, 2023 12:14:02 PM
Attachments: [Exhibits for AG Taylor.pdf](#)

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From: Jeff Garness
Sent: Friday, December 8, 2023 8:54 AM
To: 'Dizon, Ninia R (LAW)' <ninia.dizon@alaska.gov>
Cc: 'Loren Leman' <loren@lorenleman.com>
Subject: AELS concerns with ADEC Wastewater Disposal Regulation (18-AAC-72)

Hello Ninia. The following is a summary of the points of discussion for today's 10:30 AM meeting with AG Taylor. I will be bringing hard copies of supporting documents.

1. The AELS board expressed concerns to ADEC in writing (see attached letter) on 2/24/22 regarding proposed changes to 18-AAC-72 (Wastewater Disposal). The AELS board expressed concern regarding the practice of ADEC "Certified Septic System Installers" preparing waiver letters, interpreting percolation test results, and performing design services associated with "Small Commercial Facilities".
2. AS 08.48.331 (Architects, Engineers, Land Surveyors, and Landscape Architects - Exemptions) does not provide an exemption that would allow unlicensed persons to design septic systems for "small commercial facilities".
3. Attached is a letter dated 10/25/2017 from the AELS Board to John Barry, PE in response to Mr. Barry's concerns associated with ADEC Certified Installers. Mr. Barry is a private sector engineer that was serving on an ADEC committee at the time.
4. In a Memorandum dated 10/17/2022 (prepared by Rebecca C Polizzotto) DOL affirmed the position of the AELS Board regarding ADEC "Certified Installers".
5. On February 22, 2023 AELS Board Member Loren Leman, PE sent an email to ADEC's Tonya Bear, PE expressing Board concerns associated with proposed 18-AAC-72 verbiage that would convey a supervisory role to engineers on a construction project that do not align with the standard practice of engineering.
6. On May 9, 2023 AELS Board Vice Chair Jeff Garness sent an email to Randy Bates (Director – Division of Water) with ADEC, again conveying concerns associated with the proposed regulatory changes to 18-AAC-72 regarding the role of "Certified Installers" and the assigning of a supervisory duty to engineers that does not align with the historical practice of engineering. In that letter Garness expressed a desire for ADEC and the AELS Board to work collaboratively to ensure ADEC regulations do not conflict with AELS Statutes and Regulations.
7. In a Bates email to Garness on May 13, 2023 it was conveyed that DEC is working with DOL on the proposed amendments.....therefore scheduling a meeting (between ADEC and

the AELS Board) would be premature.

8. On July 27, 2023 Garness requested (via email) an update from Bates. On the same day Bates conveyed to Garness (via email) that he would provide a full response once DOL has completed its review.
9. **Ten (10) days later**, on August 6, 2023, Bates sent an email to Garness (and others on the AELS Board) conveying that the amendments to 18-AAC-72 had been filed by the Lt Governor's office with an effective date of October 1, 2023.
10. ADEC failed to reach out to the AELS Board and work collaboratively to resolve our concerns with 18-AAC-72.
11. ADEC worked collaboratively with DOL.....but neither ADEC nor DOL communicated with the AELS Board regarding the statutory and regulatory concerns expressed by the AELS Board. It appears that DOL relied on ADEC to clarify what is, or is not, engineering. It also appears that DOL relied on ADEC guidance regarding the role of engineers on a construction project.
12. The recently adopted version of 18-AAC-72 is in conflict AELS statutes/regulations and the historical role of engineers.
13. See the attached Exhibits (from 18-AAC-72 and the current "Onsite Wastewater Systems Installation Manual") which address some of the AELS related concerns.
14. ADEC actions have resulted in numerous engineers refusing to submit "Record Drawings" for septic system installations through the SOA EDMS system. ADEC has indicated submission through the EDMS system is mandatory. The standoff between the engineering community and ADEC is ongoing.
15. Certified Installers are currently designing septic systems for small-commercial facilities in violation of AELS Statutes.

As has been the case since 18-AAC-72 went out for public comment, the AELS Board is available and willing to work collaboratively with DOL and ADEC to resolve the issues of concern.

Jeff Garness, PE
Loren Leman, PE
AELS Board Members

18 AAC 72.510. Sludge disposal. Repealed. (Eff. 6/30/90, Register 114; repealed 10/1/2023, Register 247)

Editor's note: This section previously addressed requirements for nondomestic wastewater only. All wastewater systems are now addressed under the same sections and application processes unless specifically stated otherwise within that section. The histories for those sections do not reflect the history of 18 AAC 72.510.

18 AAC 72.511. Conventional wastewater systems not requiring plan approval. (a) A conventional onsite wastewater system serving only a single private residence, multi-family dwelling with not more than four single-family units, or small commercial facility operated independently on a single lot with a total on lot design flow of not more than 1,500 gallons per day may be installed without prior department approval if the system is installed by a person certified under 18 AAC 72.405.

(b) A conventional onsite wastewater system that serves any combination of residential dwellings or commercial buildings owned by the same entity with a total facility-wide design flow of not more than 2,500 gallons per day may be installed without prior department approval if the system is installed by a person whose work is completed according to a registered engineer's design and the engineer supervises construction.

(c) A homeowner may install or modify a conventional onsite wastewater system that serves the homeowner's owner-occupied private residence without plan approval if, before installing a conventional onsite wastewater system, the homeowner

(1) is approved under 18 AAC 72.410; and

(2) properly classifies the onsite soils for the purposes of sizing the soil absorption system by

(A) collecting a soil sample from the soil strata in which the absorption field will be installed, and having a registered engineer or a soils laboratory perform a sieve analysis on the soils to provide a classification; or

(B) having a registered engineer visually classify the soils onsite and perform a percolation test, as required; the registered engineer must provide a soils report indicating the appropriate application rate based on the engineer's evaluation of site conditions.

(d) In addition to meeting the requirements of (a), (b), or (c) of this section, a conventional onsite wastewater system that is installed without prior department approval

(1) must meet the separation distance requirements of 18 AAC 72.520;

(2) must meet the construction requirements of 18 AAC 72.530;

CERTIFIED INSTALLER

72.405.

(ii) an open ended culvert or unlined ditch that conveys stormwater only;

(87) "sewer main" means a sewer line that is used as a common receiver of sewage from more than one sewer service line and carries wastewater to a treatment works;

(88) "sewer service line" means a pipeline or conduit that services a single service connection and carries sewage to a sewer main;

(89) "sewerage" means sewer lines, sewage pumping stations, force mains, and related structures, devices, and appliances used to carry domestic or nondomestic wastewater to a point of final treatment or disposal;

(90) "shallow trench" means a conventional soil absorption system that does not exceed five feet in width, with the absorption area calculated using the bottom area only;

(91) "slough" means a swamp, bog, or marsh, especially one that is part of an inlet or backwater;

(92) "sludge" means a solid, semisolid, or liquid waste that contains at least five percent solids by weight, and that is generated at a municipal, commercial, or industrial wastewater treatment plant, a septic tank, a water supply treatment plant, or an air pollution control facility, including similar material accumulated in and removed from a collection system, storage tank, or surface impoundment containing grit, sediment, oil, industrial liquid waste, acid, chemicals, or another similar substance;

(93) "small commercial facility"

(A) means a single commercial, institutional, or industrial building with an expected peak design flow of 500 gallons per day or less of domestic wastewater only;

(B) does not include a building or portion of a building that contains a residential dwelling;

(94) "soil absorption system"

(A) means a constructed system using soil for the treatment and disposal of effluent from a treatment process;

(B) does not include a cesspool;

(95) "springline" means the line of greatest horizontal dimension of the end cross-section of a pipe, the horizontal centerline of the pipe;

(96) "stabilization pond" means a shallow body of liquid or sludge contained in an earthen basin and designed to treat wastewater or septage sludge;

- (B) have the pump placed in a pump vault, manufactured for that purpose; and
- (C) have access to the pump, float switches, and other hardware provided through a minimum 20-inch diameter manhole riser to the ground surface;
- (3) if installed as a separate pump vault, be premanufactured as a single unit or have watertight manufactured risers extended to the ground surface with access to the pump, float switches, and other hardware provided through a minimum 24-inch diameter opening with locking lid; and
- (4) if a basement sump or lift station is located before the septic tank,
 - (A) have the minimum septic tank size, as described in (e)(2) of this section, increased by
 - (i) 250 gallons for residential dwellings and commercial facilities with not more than 18 bedrooms or 1,250 gallons per day; and
 - (ii) at least 25 percent for residential dwellings and commercial facilities not described in (i) of this subparagraph;
 - (B) be equipped with a grinder pump or a pump capable of passing two-inch solids; and
 - (C) if serving multiple structures or dwellings, other than a private residence, be equipped with at least two pumps, each of which is capable of pumping flows equal to or greater than the design flow. (Eff. 10/1/2023, Register 247)

Authority: AS 44.46.020 AS 46.03.050 AS 46.03.100
 AS 46.03.020

Editor's note: Material specifications and methods publicly identified by the department as acceptable practices for conventional wastewater systems may be obtained at a department office or on the department's website.

18 AAC 72.540. Waiver. (a) If the department determines that a waiver of a requirement of 18 AAC 72.501 - 18 AAC 72.560 will adequately protect public health, private water systems, and the environment, the department may waive or modify that requirement on a site-specific basis. The review of separation distance waivers to a public water system, or any component of one, falls under the requirements of 18 AAC 80.

(b) A request to reduce a separation distance required under 18 AAC 72.100 or 18 AAC 72.520(a) - (g) must be submitted in a report that specifies each waiver being sought. The report must

(1) be sealed by a registered engineer; the department will waive this requirement for a conventional onsite wastewater system if the department determines that

ADEC HAS GRANTED THEMSELVES AUTHORITY TO ALLOW NON-ENGINEERS TO WRITE ENGINEER REPORTS

51

EXHIBIT 2A

REPORT REQUIREMENT

(A) public health, public and private water systems, and the environment are adequately protected without this requirement;

(B) the site of the proposed system is remote from a community with access to professional engineering services; and

(C) the resulting cost of bringing a registered engineer to the site would be overly burdensome;

(2) justify the lesser distance and explain how the lesser distance does not threaten public health, public and private water systems, or the environment;

(3) describe soil classifications, groundwater conditions, surface topography, geology, and other environmental conditions that would assist the department in determining whether a lesser separation distance is protective; and

(4) include a set of plans showing

(A) the area's topography and groundwater flow direction;

(B) the location of surface water in the area;

(C) existing or potential sources of contamination in the area;

(D) existing or proposed public and private drinking water sources in the area;

and

(E) details of the existing or proposed conventional wastewater system construction that will mitigate potential contamination of surface water, groundwater, and existing or proposed private drinking water sources;

(5) if the separation distance reduction is to a private water system, provide information on the construction of the existing or proposed water system; and

(6) include other information the department determines to be necessary to assess the effect of a lesser separation distance upon public health, private water systems, and the environment.

(c) A request for modification of the construction requirements for a conventional wastewater system must include a report that specifies each variation being sought. The report must

(1) be sealed by a registered engineer;

(2) justify the waiver or modification of the specific construction requirement based on site-specific conditions relevant to the request;

18 AAC 72.510. Sludge disposal. Repealed. (Eff. 6/30/90, Register 114; repealed 10/1/2023, Register 247)

Editor's note: This section previously addressed requirements for nondomestic wastewater only. All wastewater systems are now addressed under the same sections and application processes unless specifically stated otherwise within that section. The histories for those sections do not reflect the history of 18 AAC 72.510.

18 AAC 72.511. Conventional wastewater systems not requiring plan approval. (a) A conventional onsite wastewater system serving only a single private residence, multi-family dwelling with not more than four single-family units, or small commercial facility operated independently on a single lot with a total on lot design flow of not more than 1,500 gallons per day may be installed without prior department approval if the system is installed by a person certified under 18 AAC 72.405.

(b) A conventional onsite wastewater system that serves any combination of residential dwellings or commercial buildings owned by the same entity with a total facility-wide design flow of not more than 2,500 gallons per day may be installed without prior department approval if the system is installed by a person whose work is completed according to a registered engineer's design and the engineer supervises construction.

(c) A homeowner may install or modify a conventional onsite wastewater system that serves the homeowner's owner-occupied private residence without plan approval if, before installing a conventional onsite wastewater system, the homeowner

(1) is approved under 18 AAC 72.410; and

(2) properly classifies the onsite soils for the purposes of sizing the soil absorption system by

(A) collecting a soil sample from the soil strata in which the absorption field will be installed, and having a registered engineer or a soils laboratory perform a sieve analysis on the soils to provide a classification; or

(B) having a registered engineer visually classify the soils onsite and perform a percolation test, as required; the registered engineer must provide a soils report indicating the appropriate application rate based on the engineer's evaluation of site conditions.

(d) In addition to meeting the requirements of (a), (b), or (c) of this section, a conventional onsite wastewater system that is installed without prior department approval

(1) must meet the separation distance requirements of 18 AAC 72.520;

(2) must meet the construction requirements of 18 AAC 72.530;

18 AAC 72.611. Alternative wastewater systems not requiring plan approval. (a) An alternative onsite wastewater system may be installed or modified without prior department approval if the system

(1) is one that

(A) serves a private residence, multi-family dwelling, commercial facility, or combination of those, with a total on lot-design flow of 1,500 gallons per day or less; or

(B) consists of holding tanks only and serves a temporary or mobile camp associated with mining or oil and gas development; and

(2) meets all separation distance requirements under 18 AAC 72.620;

(3) meets all construction requirements under 18 AAC 72.630;

(4) is installed according to the design and specification of a registered engineer; and

(5) the registered engineer, or a person under the responsible charge of the registered engineer, supervises construction as necessary to

(A) ensure that the system was constructed in compliance with the design; and

(B) prepare the record documents as required under 18 AAC 72.650(c).

(b) An alternative wastewater system that does not meet the requirements of (a)(1)(A) or (B) of this section or that is connected to a source of nondomestic wastewater must have prior department approval in accordance with 18 AAC 72.200 - 18 AAC 72.290 and 18 AAC 72.615. (Eff. 10/1/2023, Register 247)

Authority: AS 44.46.020 AS 46.03.050 AS 46.03.100
AS 46.03.020

18 AAC 72.615. Alternative wastewater systems requiring plan approval. (a) Plans for construction of an alternative wastewater system must include the items required under 18 AAC 72.205 and 18 AAC 72.245.

(b) For alternative wastewater systems proposing an advanced treatment unit or package plant, the submittal must include

(1) documentation that the unit and associated components have a current certification from an accredited third-party testing organization; or

(2) a monitoring and sampling plan to demonstrate that the treatment unit can successfully treat wastewater for at least one year after installation.

- (iii) a sewer main, regardless of ownership of the land on which it is installed; and
- (iv) other pumps or conduits that serve a similar function;

(B) does not include a sewer service line or private sewer line;

(13) "commissioner" means the commissioner of environmental conservation or the commissioner's designee;

(14) "community sewer line" means that portion of a collection system serving two or more

(A) private residences;

(B) mobile homes, trailer park spaces, or recreational vehicle connection points;

(C) buildings not associated with a private residence; or

(D) any combination of two or more of the structures listed in (A) - (C) of this paragraph;

(15) "construction observation" or "observing construction" means visual observation of or visually observing the quality of construction, and the equipment and materials used for construction so that the observing engineer, or a person under the observing engineer's responsible charge, has the information necessary to provide a professional opinion regarding the system's conformance to approved construction documents, AS 46.03, and this chapter;

(16) "construction supervision" or "supervising construction" means providing oversight and direction during construction such that the supervising engineer, or a person under the supervising engineer's responsible charge

(A) can validate that the system was constructed in accordance with the requirements of this chapter and conforms to department publicly identified best management practices, protective of public health, public and private water systems, and the environment; and

(B) has the information necessary to prepare accurate record documents;

(17) "conventional onsite wastewater system" means a conventional wastewater system that

(A) receives only domestic wastewater; and

(B) is located wholly on property owned by the person or entity who also has ownership of the dwellings, buildings, and structures that the system serves;

- (52) "modify" means to alter, renovate, improve, or replace a system component;
- (53) "multi-family dwelling" means a single structure housing more than two single-family units;
- (54) "nondomestic wastewater" means liquid or water-carried wastes other than domestic wastewater, including wastes resulting from
- (A) a manufacturing, food processing, or production enterprise;
 - (B) an industrial establishment;
 - (C) the development of natural resources;
 - (D) the construction of a manufacturing, production, or industrial facility; or
 - (E) stormwater runoff;
- (55) "nondomestic wastewater disposal system" means a device or structure designed to dilute, dispose, or discharge nondomestic wastewater;
- (56) "nondomestic wastewater treatment works" means a plant, device, structure, or other works designed to treat, neutralize, or stabilize nondomestic wastewater or sludges;
- (57) "nonpercolating stabilization pond" means a stabilization pond that
- (A) is designed to contain wastewater; and
 - (B) prevents subsurface leakage at a rate greater than 500 gallons per acre per day at a water depth of six feet;
- (58) "observed percolation rate" means the rate at which water will pass through a soil as measured by a person certified under 18 AAC 72.405 or a registered engineer during a percolation test conducted in accordance with standard practice or a best management practice publicly identified by the department under 18 AAC 72.070;
- (59) "observed soil texture" and "observed soil type" mean the soil texture or soil type as observed by a person certified under 18 AAC 72.405 or a registered engineer;
- (60) "observing construction" means construction observation;
- (61) "package plant"
- (A) means an alternate wastewater system that is a transportable modular treatment unit for domestic wastewater;

CERTIFIED INSTALLER

**DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**



Onsite Wastewater Systems Installation Manual
Technical Guidance and Approved Best Management Practices

First Publication

October 13, 2023

EXHIBIT 64

Construction supervision and supervising construction in the context of 18 AAC 72 and onsite wastewater systems that can be installed without prior approval means providing oversight and direction during construction such that the supervising engineer, or a person under their responsible charge, can validate that the system was constructed in accordance with the requirements of 18 AAC 72, conforms to the best management practices identified in this manual, and is protective of public health, public and private water systems, and the environment. In addition, the engineer is responsible for obtaining the information necessary to prepare accurate record documents. The department does not expect an engineer to be onsite during all construction but rather expects the engineer to conduct inspections at appropriate times to ensure the system is being constructed according to their design, prescriptive construction standards, and guidance provided in this manual. If the individual being supervised has deviated from the minimum standards or requirements, the department expects the engineer to instruct the contractor and owner that the deficiency must be corrected prior to registration of the onsite wastewater system. It is the engineer's responsibility to provide the owner with a great degree of confidence that the completed work will conform to regulatory requirements and that the contractor has implemented and maintained the integrity of the design concept of the completed project as a functioning whole.

The documentation submitted for the onsite wastewater system registration must accurately reflect what was installed and show that the system meets the regulatory requirements, or a waiver of the standard must be requested and approved by the Department. The department is not obligated to approve waivers due to the lack of oversight or insufficient instruction to the contractor or owner on how the wastewater system must be installed to meet regulatory requirements. For example, if a tarp or plastic sheeting was installed instead of the appropriate geotextile separator fabric, the department expects the engineer to instruct the owner and contractor to remove and replace it with material meeting the department's specification.

2.3 Notification and Documentation Requirements

This section applies to all onsite wastewater systems installed or modified without prior plan approval under 18 AAC 72.511 or 18 AAC 72.611. A system that does not meet all construction standards and separation distance requirements must have a waiver approved under 18 AAC 72.540 or 18 AAC 72.640, or a plan approved under 18 AAC 72.515 or 18 AAC 72.615 prior to construction.

2.3.1 Notification

An approved homeowner, certified installer, or registered engineer who plans to install or modify an onsite wastewater system without prior plan approval must notify the department at least 24 hours before beginning construction. The notification must be submitted through the Environmental Data Management System (EDMS) on the form provided by the department. The notification form must include the following information:

1. the legal description and physical address of the property including directions to the site;
2. name and email address of the person responsible for installation and documentation;
3. the scheduled date of installation or modification.

26. 1:45 pm - Review Action Item List
27. 2:00 pm – Set Committee Meeting Dates
28. 2:15 pm – Read Applicants into the Record
29. 2:30 pm – Upcoming Calendar:
 - A. February 29-March 2 – NCARB Regional Summit, Savannah, GA – Fritz/Neal
 - B. April 19th - AKLS
 - C. May 8-9th, 2024 – AELS Board Meeting
 1. FY 2025 – New Strategic Plan Actions
 2. CE Audit documentation review
 3. Sunset Process
 4. New Board Member Welcome
 - D. May 16-17th – NCEES Zones, Bozeman, MT – Johnson/Maxwell/Strait
 - E. June 13-15th – NCARB Annual Business Meeting, Chicago, IL
 - F. August 14-17th – NCEES Annual Business Meeting, Chicago, IL
 - G. August – Set dates for the August 2024 Board Meeting
 - H. September 2024 – CLARB Annual Business Meeting, Buffalo, NY
30. 2:45 pm – Board Member Comments
31. 3:30 pm – Adjourn

No documents for items 26-31