

State of Alaska

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

*November 8-9, 2017
Board Packet*

**KPB Architects
500 L. Street, Suite 400
Anchorage, AK**

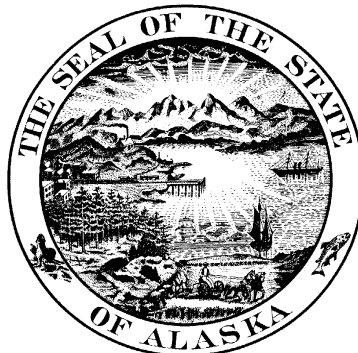


State of Alaska
***Board of Registration for Architects,
Engineers and Land Surveyors***

MISSION STATEMENT

The board adopts regulations to carry out its 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 practices meet minimum standards of competency, and maintain such standards during their practice;**
- requiring licensure to practice in the State of Alaska; and**
- enforcing both the licensure and competency requirements in a fair and uniform manner**



Bill Walker
OFFICE OF THE GOVERNOR

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ROSTER

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

NAME	APPOINTED	REAPPOINTED	EXPIRES
Fritz, Catherine (Juneau) Architect	03/01/2016		03/01/2020
Hale, Dave (Anchorage) Land Surveyor	03/01/2012	03/01/2016	03/01/2020
Hanson, Brian (Anchorage) Civil Engineer	03/01/2010	03/01/2014	03/01/2018
Johnston, Elizabeth (Fairbanks) Electrical/Mechanical Engineer	03/01/2017		03/01/2021
Jones, Richard (Juneau) Public	10/26/2016		03/01/2018
Kerr, John (Anchorage) Land Surveyor	03/01/2013	03/01/2017	03/01/2021
Koonce, Jeffrey (Anchorage) Architect	03/01/2013	03/01/2017	03/01/2021
Maynard, Colin (Anchorage) Civil Engineer	03/01/2012	03/01/2016	03/01/2020
Mott, William (Anchorage) Engineer Other Than Those Listed	05/26/2017		03/01/2020
Urfer, Luanne (Eagle River) Landscape Architect	07/01/2013	07/07/2017	03/01/2021

NAME	APPOINTED	REAPPOINTED	EXPIRES
Wallis, Fred (Healy) Mining Engineer	03/01/2016		03/01/2020

[Board Fact Sheet](#)

2017 STATE HOLIDAY CALENDAR

JANUARY

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- AELS
 - NCEES
 - NCARB
 - CLARB

State Holidays

Date	Holiday
01/01	New Year's Day (observed 01/02)
01/16	MLK Jr.'s Birthday
02/20	Presidents' Day
03/27	Seward's Day
05/29	Memorial Day
07/04	Independence Day

Holiday

State calendar maintained by the
Division of Finance,
Department of Administration
<http://doa.alaska.gov/calendars.html>
Rev. 04/08/2016

Biweekly employees please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

State Holidays

Date	Holiday
09/04	Labor Day
10/18	Alaska Day
11/11	Veterans' Day (observed 11/10)
11/23	Thanksgiving Day
12/25	Christmas Day

2018 STATE HOLIDAY CALENDAR

JANUARY

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Rev. 07/10/2017

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State Holidays

Date	Holiday
09/03	Labor Day
10/18	Alaska Day
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11/22	Thanksgiving Day
12/25	Christmas Day

AGENDA ITEM 2

**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS AND
LAND SURVEYORS**

**KPB Architects
500 L St., Suite 400, Anchorage, AK
November 8-9, 2017**

Conference call number: 1-800-315-6338 access code 51676

Wednesday, November 8th

<u>TIME</u>	<u>TOPIC</u>	<u>LEAD PERSON</u>
1. 9:00 a.m.	Call to Order/Roll Call	Chair/Exec. Admin.
2. 9:05 a.m.	Review/Amend Agenda	Chair/Board
3. 9:07 a.m.	Ethics Reporting	Chair/Board
4. 9:10 a.m.	Review/Approve Minutes Regular Meeting August 3-4, 2017	Chair/Board
5. 9:15 a.m.	Financial Report A. FY 17 4 th Quarter Financial Report B. Board Evaluation Summary Report C. Update Office of Administrative Hearing Training	Sara Chambers Exec. Admin
6. 10:30 a.m.	National Organization Meeting Reports & Correspondence A. CLARB 1. Meeting Reports a. CLARB Annual Meeting – Boise, ID b. CLARB Region 5 Virtual Meeting and Election 2. Correspondence a. FARB Elects CLARB's CEO as President b. 2018 List of Eligible Leadership Candidates B. NCARB 1. Meeting Reports a. Regional Director Engagement Call 2. Correspondence a. NCARB Update June/July 2017 b. Fast Facts July 2017 c. Alaska Board Dinner Invite from NCARB National Board of Directors d. NCARB Update August 2017 e. 2017 TriNational Confirmation f. 2017 AIAS Freedom by Design g. Board of Director's Brief h. Fast Facts September 2017 i. Special Edition Fast Facts September 2017 j. NCARB Centennial – Your State's History	

C. NCEES

1. Meeting Reports – Annual Meeting – Miami, FL
2. Correspondence
 - a. Licensure Exchange October 2017
 - b. Emeritus Status Survey

D. Outreach Reports

1. Alaska UAS Interest Group Annual Meeting & Department of Natural Resources

- | | | | |
|------------|-------------------|---|------------------------|
| 7. | 10:45 | Correspondence
A. AELS Fees Notice
B. Letter from Jesse Engineering Co.
C. Request for deadline extension for SE application under 12 AAC 36.108
D. Questions about playgrounds and Landscape Architects
E. Question RE: Record Drawings
F. ASPLS Code of Ethics | |
| 8. | 11:30 a.m. | Executive Session | Zimmerman/ Chair/Board |
| | 12:00 p.m. | Lunch | Chair/Board |
| 9. | 1:05 p.m. | Reconvene meeting/Roll Call | Chair/Exec. Admin. |
| 10. | 1:15 p.m. | Public Comment | Chair/Board |
| 11. | 2:15 p.m. | Application Review | Chair/Board |
| 12. | 5:00 p.m. | Recess for the day | |

Thursday, November 9th

13. 8:15 a.m. **Reconvene meeting/Roll Call** Chair/Exec. Admin
14. 8:20 a.m. **Old Business**
 A. Regulation Project Updates
 1. Update Education Requirements for Architects Fritz/Jones
 2. Use of NCEES Record in Applications Hanson
 B. Status Update on Guidance Manual Urfer
 D. Continued discussion on Photogrammetry
 E. Update on Use of Seals 12 AAC 36.185(c)
 F. Update on Arctic & Seismic Requirements 12 AAC 36.110
15. 9:00 a.m. **Investigative Report** John Savage
16. 9:20 a.m. **New Business**
 A. Organizational limits to responsible charge Chair/Board
 B. Review of Statutes and Regulations related to Landscape Architects
17. 9:40 a.m. **Additional Application Review (if needed)**
18. 10:40 a.m. **Committee Updates** Chair/Board

Licensure Implementation	Chair - Koonce Members- Jones, Maynard
Land Surveying Outreach	Chair – Hale Members – Urfer, Kerr

Standing Committees

Investigative Advisory Committee (rotational 2-member teams)	All Members
Licensure Mobility	Chair- Koonce Members – Wallis, Urfer
Guidance Manual	Chair – Urfer Members – Full Board
Legislative Liaison	Chair – Maynard Members – Fritz, Urfer
Emeritus Status	Chair - Maynard Members - Full Board
Budget Committee	Chair - Koonce Members – Kerr, Hanson
Continuing Education*	Chair – R.V. Jones Members -

19. 11:00 a.m. **Licensing Examiner Report** Licensing Examiner
20. 11:20 a.m. **Read Applications into Record** Executive Administrator
21. 11:30 a.m. **Review Calendar of Events/ Board Travel** Chair/Board
 A. Board Meeting Dates:
 • February 1-2, 2018 Juneau
 • May 3-4, 2018 Fairbanks
 • August 2-3, 2018 Anchorage

B. National Organization Meetings

1. NCARB/CLARB New Member Orientation, February 8-10, Washington, D.C.
2. NCARB Regional Summit, March TBD, Wichita
3. NCEES WZone April 5-7, Honolulu
4. NCARB Annual Meeting, June TBD, Detroit
5. NCEES Annual Meeting, August 15-17, Scottsdale
6. CLARB Annual Meeting, September 27-29, Toronto

- | | | | |
|-----|------------|--|-------------|
| 22. | 11:45 a.m. | Board Tasks - To Do List | Chair/Board |
| 23. | 12:00 p.m. | Board Member Comments | Chair/Board |
| 24. | 12:15 p.m. | Administrative Business <ul style="list-style-type: none">• Sign Wall Certificates• Sign Minutes• Travel receipts - Email to alysia.jones@alaska.gov office within 5 days | Chair/Board |
| 25. | 12:30 p.m. | Meeting Adjourns/ Lunch | Chair/Board |
| 26. | 2:00 p.m. | Outreach at UAA College of Engineering | Chair/Board |
| 27. | 3:00 p.m. | Outreach concludes | |



Ethics Reporting



III. Executive Branch Ethics

Service on a state board or commission is a public trust and members are expected to conduct the public's business in a way that preserves the integrity of the governmental process and avoids conflicts of interest. The Ethics Act (AS 39.52) doesn't forbid public officers from having opinions, interests, or professional pursuits outside of their service on boards or commissions, but it does require that members disclose certain matters, so that a determination can be made about whether they constitute a conflict of interest.


General Guidance


All board and commission members and staff should be familiar with the procedures outlined below. The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government. Additional information is available from the Alaska Department of Law at <http://law.alaska.gov/doclibrary/ethics.html>. Much of the information in this section of the manual is taken directly from this site.

Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, members may not:

- use their official positions to secure employment or contracts;
- accept compensation from anyone other than the State for performing official duties;
- use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
- take or withhold official action on a matter in which they or an immediate family member have a personal or financial interest;
- coerce subordinates for his/her personal or financial benefit, or
- attempt to influence the outcome of an administrative hearing by privately contacting the hearing officer.

 Terry knew that a proposal that was before the board would harm Terry's business partner. Instead of publicly disclosing the matter and requesting recusal, Terry engaged in discussions about the proposal, and voted on the proposal.

 Jack serves on a board that regulates parts of the building construction industry. Wearing a nametag that identifies him as a member of the industry board, Jack goes to a contractors' trade show and sets up a booth for his consulting business, called "Building a Future in Alaska."

Improper Gifts (AS 39.52.130)

A board or commission member may not solicit or accept a gift if it could reasonably be inferred that the gift is intended to influence the member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists

are presumed to be improper unless the giver is an immediate family member of the person receiving the gift.

A gift worth more than \$150 to a board or commission member or the member's family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board or commission.

The receipt of a gift worth less than \$150 may be prohibited if it could reasonably be inferred that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board or commission member will be advised as to the disposition of this gift.

A form for reporting gifts is available at law.alaska.gov/doclibrary/ethics.html or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.

☹️ The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.

😊 Sam buys a holiday gift every year for Jody. Jody was recently appointed to a board, but Sam has no business that is up before the board.

Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board or commission may use or disclose any information acquired through official duties if that use or disclosure could result in a financial or personal benefit to the board member (or a family member), unless that information has already been disseminated to the public.

😊 Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.

😊 Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the State Medical Board, she discloses this role to the board and continues to advise the doctors in her clinic in her capacity as a private individual, not a board member.

Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member who can affect the award or administration of a State grant, contract, lease, or loan may not apply for, or have an interest in that State grant, contract, lease, or loan. This prohibition also applies to the board member's immediate family.

A board member (or a family member) may apply for or be a party to a *competitively solicited* State grant, contract or lease, if the board member does not serve in the same administrative unit awarding or administering the grant, contract, or lease *and* so long as the board member does not take official action in the award or administration of the grant, contract, or lease.

A board member (or a family member) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the award or administration of the loan.

Board members must report to the board chair any personal or financial interest (or that of a family member) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at law.alaska.gov/doclibrary/ethics.html or from the board or commission staff.

☹ John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years but he figures that it doesn't matter when her grant application comes up before the board; he votes on the grant to his daughter, without disclosing the relationship to the board. (While voting for the grant looks worse than voting against the grant, the Ethics Act prohibits deliberating or voting on the issue regardless of what position the board member takes.)

☹ The board wants to contract out for an analysis of the board's decisions over the last ten years. Kim bids on the contract since she has been on the board for ten years and feels she could do a good job.

Improper Representation (AS 39.52.160)

A non-salaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refrains from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act. So, the member must disclose the fact of the member's involvement in the regulated matter, and abide by the board or commission's finding as to the existence of a conflict of interest.

Restriction on Employment after Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not work on any matter on which the former member had personally and substantially participated while on the board. This prohibition applies to cases, proceedings, applications, contracts, and similar matters.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.

This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive this prohibition if a determination is made that the public interest is not jeopardized.

☹️ The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.

😊 Andy takes the job, but specifies that he will have to work on another project.

Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate this chapter is prohibited.

Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

Disclosure Procedures (AS 39.52.220-250)

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act has several ethics supervisors designated by statute. The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director. This does not apply to professional licensing boards and commissions, whose staff are employees for the Department, not the board.
- The Department of Commerce, Community, and Economic Development has assigned a Special Assistant to serve as DES for staff.
- The governor is the DES for a chair. The governor has delegated the DES responsibility to the Director of Administrative Services in the Office of Governor.

What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The staff of a board or commission, as state employees, must also disclose:

- Compensated outside employment or services.

- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.

For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *"Ethics Information for Members of Boards and Commissions."* Staff should refer to the guide, *Ethics Information for Public Employees."* Both guides and disclosure forms may be found on the Department of Law's ethics website: <http://law.alaska.gov/doclibrary/ethics.html>.

How Do I Avoid Violations of the Ethics Act?

- Make timely disclosures
- Follow required procedures
- Provide all information necessary to a correct evaluation of the matter! You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.
- When in doubt, disclose and seek advice
- Follow the advice of your DES

What Are The Disclosure Procedures for Board and Commission Members?

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

Procedure for declaring actual or potential conflicts

Members must declare potential conflicts and other matters that may violate the Ethics Act on the public record and in writing to the chair. Public disclosure only takes the place of a written disclosure if the meeting is recorded, a tape or transcript of the meeting is preserved, and there is a method for identifying the declaration in the record. Boards and commissions that meet these requirements may note the exception below.

Disclosure on the public record. Members must identify actual and potential conflicts orally at the board or commission's public meeting in advance of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter. In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease, or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.
- If a member is uncertain whether participation would result in a violation of the Act,

the member should disclose the circumstances and seek a determination from the chair.

Disclosure in writing at a public meeting. In addition to an oral disclosure at a board or commission meeting, members' disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved and there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

Confidential disclosure in advance of public meeting. Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict may submit a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter. The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.
- If the chair determines that the member would violate the Ethics Act by taking official action, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting. In this manner, a member's detailed personal and financial information may be protected from public disclosure.

Determinations at the public meeting. When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- Exception: A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting,

deliberating or participating in the matter. When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

If the chair identifies a potential conflict that he or she has, the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor or to the Department of Law for a determination in advance of the board or commission meeting. If the declaration is first made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

Procedures for Other Member Disclosures

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the Department of Law's ethics website:

law.alaska.gov/doclibrary/ethics.html.

Other Disclosures. The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination to the employee.

How Are Third Party Reports of Potential Violations or Complaints Handled?

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted in writing and under oath.
- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist. The DES provides a copy of the notice to the employee or board/commission member who is the subject of the notice and may seek input from the employee or board/commission member, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee or board/commission member and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General.

for review as part of the DES' quarterly report. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee or board/commission member of the personal or financial interests giving rise to the potential violation.

- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- These matters are confidential, unless the subject waives confidentiality or the matter results in a public accusation.

What Are The Procedures for Quarterly Reports?

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law's Ethics Attorney and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

How Does A DES or Board or Commission Get Ethics Advice?

A DES or board or commission may make a written request to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides advice by phone or e-mail to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

Complaints, Hearings, and Enforcement (AS 39.52.310-370, AS 32.52.410-460)

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also

initiate complaints from information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal.

The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. An accusation may result in a hearing.

When the Personnel Board determines a board member has violated the Ethics Act, the member must refrain from voting, deliberating, or participating in the matter. The Personnel Board may order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, the Personnel Board will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

Conflict of Interest and Ex Parte Communication

A conflict of interest occurs when a board or commission member has a direct and substantial personal interest, usually a financial interest, in a matter before the board or commission. The provisions of conflict-of-interest laws are these:

- 1) A member of the board or commission should declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter;
- 2) The presiding officer should rule on a request by a member of the board or commission to be excused from a vote; and
- 3) The decision by the presiding officer on a request by a member of the board or commission to be excused from a vote may be overridden by a majority vote of the board or commission.

It is not unusual for board and commission members to have conflicts of interest. Not all conflicts involve a substantial financial interest, however. Some conflicts may only appear to be improper or have the appearance of an unfair advantage. These conflicts should be declared, so the public does not think that board and commission members are self-serving and ignoring public interest. If a board or commission member thinks he or she has a conflict, the conflict should be declared and the presiding officer should be notified to decide whether the board or commission member should vote. A conflict should only be declared when a conflict is really believed to exist, and the determination of the

declaration should be read into the public record of the meeting. A conflict should never be declared to avoid having to vote on a difficult issue.

Conflicts may arise due to improper communication with a stakeholder. “Improper communication” can be any communication with an interested party where the communication is about something on which the board has authority to act, and which comes outside of a publicly-noticed meeting. A familiar example is the contact that a member of a jury could have with people or even news stories that could bias their opinion unfairly. Sometimes it is impossible for juries in high-profile cases to avoid hearing information that is inadmissible in court, so they are sequestered in hotel rooms with no television or public contact. Board and commission members are not likely to be treated to such extremes, but they must take care not to discuss investigations before a vote takes place. This type of discussion should result in the recusal of the member from the vote on that issue.

Ex-Parte Contact

The foundation of due process is that each side in a dispute has the opportunity to be heard. If one side has the opportunity to make an argument, the other side must have the opportunity to respond. It is sometimes tempting for an applicant, licensee, or attorney to attempt to circumvent the usual application decision-making procedures, to seek information on a pending application, to discuss a pending disciplinary action, or to seek to influence an individual’s decision by directly contacting one of the board members. Such communications are called “ex parte” communications.

Ex parte communications are improper. The result of such a communication is that the board member so contacted may be unable to discuss, participate in, or vote on the application or disciplinary action.

The risk to the applicant or licensee who attempts such communication is that a board member who might have been favorably disposed to their license application or disciplinary case may not be able to participate in the decision or vote.

Ex parte communication must be disclosed. Should any individual attempt to contact you to discuss a license application or disciplinary case, please refer them to a staff member (licensing examiner, investigator, or executive administrator) for response.

Should you experience an ex parte communication, please so indicate when that issue is addressed by the board in session. Alert the chair about the contact in writing before the meeting and on the record at the beginning of the meeting so he or she can determine whether it is appropriate that you be recused from the discussion, deliberation, and vote. As the DES for the board, the chair is required to make this determination on the record.

If you are unsure about the nature and extent of the contact, please contact the board’s staff for guidance.

Another interesting conflict of interest issue that is gaining awareness is that of the potential for disproportionate influence of “active market participants” on boards. An active market participant is

defined as someone who is currently engaged in the profession that the board regulates. A 2015 United States Supreme Court decision (*North Carolina Board of Dental Examiners v. Federal Trade Commission*) resulted in a ruling that stripped the board of its immunity because it violated the Sherman Act when sending cease-and-desist letters to unlicensed teeth whiteners. The case is complex, yet under the state's current statutes, the takeaway for Alaska boards is straightforward:

- Ensure that the division's investigative standard operating procedures are followed.
- Adhere to the Administrative Procedure Act when taking action against anyone, licensed or unlicensed.
- Invite an agency attorney to be involved in policymaking that may restrict those outside the profession from engaging in business practices.
- Encourage and engage public member participation in decisionmaking.

The Alaska Open Meetings Act

Regarding meetings, we have to make sure to read the guidance fully and in context:

First, let's look at the definitions in AS 44.62.310. To whom does the Open Meetings Act apply?

AS 44.62.310(h)(1) "governmental body" means an assembly, council, board, commission, committee, or other similar body of a public entity with the authority to establish policies or make decisions for the public entity or with the authority to advise or make recommendations to the public entity; "governmental body" includes the members of a subcommittee or other subordinate unit of a governmental body if the subordinate unit consists of two or more members

The establishment of a meeting has three "ingredients": **Who** is present, **how many** are present, and **what** are they doing:

AS 44.62.310(h)(2) "meeting" means a gathering of members of a governmental body when

(A) more than three members or a majority of the members, whichever is less, are present, a matter upon which the governmental body is empowered to act is considered by the members collectively, and the governmental body has the authority to establish policies or make decisions for a public entity; or

(B) the gathering is prearranged for the purpose of considering a matter upon which the governmental body is empowered to act and the governmental body has only authority to advise or make recommendations for a public entity but has no authority to establish policies or make decisions for the public entity;

The guidance to staff in Division P&P-1 on meeting management clarifies a subcommittee as a different type of meeting. It is not a board meeting because "the membership of a subcommittee, advisory committee, working group or similar group by another name may not include a quorum of a board. Any

meeting that includes a quorum of a board is considered a board meeting and must be noticed accordingly.”

So, these types of meetings must be publicly noticed:

BOARD MEETING: If a group is gathering that IS a quorum of the board OR three or more members of a board AND is considering a matter on which they have the power to act.

SUBCOMMITTEE MEETING: If a group is gathering that is NOT a quorum of a board OR three or more members of a board AND is recognized by the board/division AND has authority to advise the board/division, AND is considering a matter for recommendation to a board.

Here’s a tool combining all of these considerations. Try it when evaluating a meeting, and see if it’s helpful:

1. **Will a quorum of a board be present?** If YES, it’s a board meeting if they are considering board business.
2. **Will three or more members of a board be present?** If YES, it’s a board meeting if they are considering board business.
3. **Is the entity recognized by the board/division?** If YES, it’s a subcommittee meeting.
4. **Does the entity have authority to advise/make recommendation to the board/division?** If YES, it’s a subcommittee meeting.

Below are some theoretical examples. As with the rest of this manual, it is intended to provide general guidance but cannot cover every situation. Please contact staff with concerns about specific situations.

- A. **The board votes to approve a working group on a potential regulation and bring it back to the next meeting. The member assigned in that motion recruits three licensees to join the working group.** YES to #3 and #4: Subcommittee meeting.
- B. **The board publicly notices a subcommittee meeting, and three board members attend.** YES to #2, #3, and #4 (and maybe #1, depending on the size of the board). It’s now a board meeting, must be adjourned and renoticed for a later date if the members wish to participate.
- C. **Two board members have coffee and talk about board business.** NO to all four. Not a meeting.
- D. **Three board members have coffee and talk about board business.** YES to #2 and maybe #1. They don’t have to go home, but they shouldn’t finish that coffee together.
- E. **Three board members have coffee and talk about the weather.** NO to all four because they are not talking about board business. So, technically it’s not a violation. However, a licensee walks into the coffee shop and sees them and posts on Facebook that there was a secret board meeting at Starbucks, files a Freedom Of Information Act inquiry, and ignites legal dispute over

a current topic. This costs the board thousands of dollars, a lot of extra time, and their reputation. Probably best that the three avoid having coffee together because of the public's reasonable perception that it is a board meeting.

- F. **Twenty disgruntled licensees get together to plan a protest of the next board meeting.** NO to all four, assuming none are board members. They can paint picket signs to their hearts' content.
- G. **Two board members email each other with general questions about upcoming item on the meeting agenda.** NO to all four. Not a meeting.
- H. **The two members in Example G decide they need more information and email the board chair.** YES to #2 and maybe #1. The chair should not respond but should ask staff to assist with providing needed information to the entire board.
- I. **One of the two board members in Example G is the Reviewing Board Member of a case that is to be decided at the meeting.** NO to all four, but since they have veered into ex parte communication, they need to cease the conversation for reasons outside the Open Meetings Act. Depending on what s/he heard, the non-reviewing board member may wish to declare a potential conflict of interest at the meeting and ask the chair for a ruling on whether the member should be allowed into the discussion and vote on the case.
- J. **A board member attends an industry association meeting and speaks on the board's behalf without prior authorization on topics the board has not voted on.** NO to all four, but the member should be counseled by the chair that this is improper and that the information provided could be inaccurate or misleading. Depending on the situation, the chair may want to write a letter to the association to clear up the matter.
- K. **The entire board attends an industry association meeting. They take great care not to sit together or huddle together in a darkened corner of the hallway.** NO to all four, and good job making sure they did not give the appearance of conducting board business.
- L. **The entire board attends an industry association meeting. They get upset about an issue raised by one of the speakers and meet together later that day in a small, empty conference room to discuss the board's position on the issue.** YES to #1 and #2. Not good judgment on their part.

There's also the question about what "prearranged" means. This brief guidance suggests that board and subcommittee members should avoid "spontaneous" discussions about their official business when these thresholds are met. A chance meeting at a social event that turns into an hour-long conversation about official business is avoidable and, by sustaining the conversation over a period of time, may not be considered by a court to be a spontaneous conversation.



August Meeting Minutes



These draft minutes were prepared by the staff of the Division of Corporations, Business and Professional Licensing. They have not yet been approved by the Board.

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

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

MINUTES OF THE MEETING

Thursday, August 3 – Friday, August 4, 2017

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

Agenda Item 1 - Call to Order/Roll Call

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

Board members present, constituting a quorum:

Dave Hale PS, Surveyor
Brian Hanson, PE, Civil Engineer, Mining Engineer
John Kerr, PS, Surveyor
Jeff Koonce, Architect
Colin Maynard, PE, Civil Engineer, Structural Engineer
Bill Mott, PE, Chemical Engineer, Metallurgical and Materials Engineer
Luanne Urfer, Landscape Architect
Fred Wallis, Mining Engineer

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

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

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

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

Agenda Item 2 - Review/Amend Agenda

Board reviewed the agenda.

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

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

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

1 **Agenda Item 3 - Ethics Reporting & Meeting Reports**

2 There were no ethic violations to report.

3
4 Maynard mentioned he was appointed to the (NCEES) UPLG (Uniform Procedures and Legislative Guidelines) committee
5 again and would be attending that meeting.

6
7 Koonce noted he attended the annual NCARB meeting in Boston that was funded by NCARB.

8
9 Hanson is on the Board of Directors for NCEES and will be doing UPLG as well.

10
11 The Chair and Maynard mentioned Hanson will need emeritus status at the February 2018 meeting.

12
13 Hale requested the travel summary reports be discussed under the appropriate organization under Item 15.
14 Correspondence.

15
16 **Agenda Item 4 - Review/Approve Minutes**

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

19
20 **On a Motion duly made by Maynard, seconded by Hanson, and approved unanimously, it was**
21 **RESOLVED to approve the minutes of the April 2017 meeting.**
22

23 **Agenda Item 5 - Investigative Report**

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

29
30 Savage said it has been busy with the municipality contacting the Investigative Unit for both clarification and with
31 complaints. Hanson said it looks like we have closed a lot of cases and commended Savage for his efforts. Hanson also
32 noted there is one case from 2015 that is still open. Savage indicated that following the submission of his report Case No.
33 1629 has been closed. Hanson mentioned the rest are all less than a year old, which is good, recalling in prior years some
34 cases went back two or three years.

35
36 Hanson said he would ask Sara about the status of HB90, which would lump the investigations together.

37
38 *Fritz, Johnston and R. Jones arrived. Technical issues with conference call resolved.*
39

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

42
43 Savage turns over his presentation to Chief Investigator Al Kennedy.

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

52
53 Kennedy warned as a member of the board, a person may want to come directly to you with a complaint and instructed the
54 board to stop the individual and direct them to Investigator Savage, unless you want to become a witness. By directing the

complaint to Savage and not getting involved, the member can then remain able to be a voting member should something come to the board. Kennedy explained following the findings, Savage will contact a board member to review the case. The reviewing board member is aware of all the documents, however the board does not receive all of the information in case it goes to court. Kennedy also explained instances of when a board member may need to recuse him/herself.

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

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

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

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

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

Mark Niedhold from DOT joined the meeting telephonically.

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

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

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

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

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

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

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

The Board thanked Nakano for speaking.

Agenda Item 7 - CBPL Reports

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

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

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

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

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

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

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

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

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

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

Chambers asked the board for input regarding the Alaska Land Surveyor (AKLS) exam fees. The contract is \$10,000 plus some additional time for staff to manage the exam, preparations and communicate with applicants. Chambers asked the board if they wanted to adjust the fee so the land surveyor applicants covered the cost or did the board wish to continue to

1 have the other professions regulated by the Board subsidize the cost. Chambers requested that a unified recommendation be
2 made on record.

3

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

6

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

13

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

17

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

21

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

25

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

30

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

36

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

39

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

43

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

47

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

49

50 The Board recessed for lunch at 12:10.

51

52 The Board reconvened at 1:17 p.m. Roll call, all present. The following individuals were present:
53 Jim Amundsen, representing Alaska Department of Transportation and Public Facilities
54 Jake Maxwell, representing Municipal Light and Power

1 Stephen Nuss, representing Anchorage Water and Waste Utility
2 Kent Kohlhasse, representing Municipality of Anchorage
3

4 The following attended telephonically:

5 David May, representing Kenai Peninsula Borough
6 Mark Niedhold, representing Alaska Department of Transportation and Public Facilities – attending on behalf of
7 Chief Engineer and DOT&PF Commissioner
8 Dennis Linnell
9 Chris Miller, representing DesignAlaska
10

11 **Agenda Item 10 - Public Comment**

12 Chair invited the public interested in testifying to do so in the order listed on the sign-in sheet.
13

14 Jim Amundson: “Hi, I’m Jim Amundson Chief of Highway Design for DOT&PF Central Region. One of my engineers
15 noticed the proposed discussions having to do with the potential additional sealing on standard design sheets that we
16 regularly include in our design plans and the sole purpose of my comment today is to advise some caution on what steps or
17 how that might proceed because we currently have standard design sheets that have been designed and stamped by a
18 professional. The engineer of record for the individual project is responsible for making sure that those plan sheets are site
19 adapted for the specific project and that is what his stamp means on the front of the plans as the engineer of record. There
20 is not a lot to be gained and a whole lot of cost to be raised if we suddenly have to start going in and have each engineer of
21 record go in and re-engineer all of the details for something that he is about to stamp. And oh, by the way there is no way
22 according to our current board rules for him to simply stamp the plan sheet that has already been stamped by another
23 engineer. Last time I checked that breaks several of your rules. My point of bringing it all up is to advise some caution
24 before we start changing some rules that have been fairly consistently applied across all 14 of the other states I’m licensed
25 in that allow for a standard typical detail that’s been engineered and stamped to be inserted into a plan set without further
26 stamping. Thank you.”
27

28 Jake Maxwell: “Good afternoon, my name is Jake Maxwell, I’m here representing ML&P, Municipal Light and Power here
29 in Anchorage. I got this email late in the day yesterday and had a chance to review it and would like to provide my input of
30 a lot of the easements that are created within Anchorage and some of the surrounding areas aren’t required to have a stamp
31 and some of the different conveyance documents. I would like to see that be a requirement and upheld. I know that is only
32 on the surveyor portion, but there are also some other designs in-house that have not been stamped and I am a proponent of
33 stamping policy.”
34

35 Johnston asked Maxwell to clarify if “in-house” meant by ML&P. Maxwell replied “Yes, correct.”
36

37 Hanson asked which email Maxwell was referencing. Maxwell explained there was an email that went out on August 2nd to
38 several individuals that provided their input about the ramifications of stamping the standard drawings.
39

40 Stephen Nuss: “My name is Stephen Nuss, I am the Engineering Division Director for the Anchorage Water and Wastewater
41 Utility. I am here today to talk a little bit about the re-sealing of standard details and standard drawings used for local,
42 municipal and state works.” Nuss read the following handout of his testimony to the AELS Board:
43

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

49
50 *As an owner, the Municipality needs to have consistency with its construction standards and materials. To ensure
51 this consistency, the Municipality developed the Municipality of Anchorage Standard Specifications (MASS). MASS
52 is the basis for which many smaller communities have modified or adopted as their own standards. MASS contains
53 specifications and standard details/ drawings which are considered a product of the Municipality and which have
54 evolved and been developed by many people over a considerable number of years. In the case of existing standard*

1 details, they have proven to be reliable through their years of use. These details are not required to be included in
2 the plan sets of our drawings, nor are they required to be signed and sealed by the responsible professional.

3
4 Only in the event of modifications from these standards for a project specific application, are the details included
5 in the plans and then sealed by the responsible professional. This is also the methodology used for modifications to
6 our standard specifications.

7
8 I believe the interpretation of state statute provided by AELS to recent email questions related to Alaska Department
9 of Transportation standard details, is incorrect and does not represent the long standing, and legal, use of these
10 details for construction works projects throughout the state of Alaska. I would further argue that engineers should
11 not be held to sealing these standard details because they themselves did not personally prepare the details, oversee
12 the preparation of the details, nor approve the documents for use. The agencies and communities promulgated these
13 standards, mandated their use by the engineer, and approved their use for a given project.

14
15 Thank you for allowing me to testify, and I hope you refine your guidance to reflect the accepted practice within
16 Alaska.

17
18 Kerr referenced the email that was first submitted by Fred Park and is the basis for these comments. Kerr read through the
19 questions regarding stamping of drawings. "For an Alaska State agency, is it legal to use drawings sealed by a professional
20 engineer on multiple projects?" makes sense for the standard drawings we are talking about.

21
22 "Use drawings sealed by a professional engineer that are from 20 to 30 years past?" Kerr asked those in attendance if, in
23 their opinion that was fine as long as they still meet the current standards. Nuss responded "If they are still relevant and to
24 standard, then yes."

25
26 Kerr continued "Use drawings sealed by a professional engineer that no longer works for the government agency," what is
27 your opinion on that?

28
29 Nuss responded "as long as the agency continues to support their reviews and they have not reached obsolescence, then
30 yes."

31
32 Kerr asked if they have a problem with a current engineer reviewing and resealing those. Nuss replied "For the given agency,
33 no. What we are trying to avoid is having to have individuals like from R&M, etc. go back through and review 200 standard
34 details and signing and stamping for the same intended use."

35
36 Johnston asked who determines if the standard details are appropriate for a particular project.

37
38 Nuss: "The engineer through the signing and stamping of the drawings that reference those details takes overall
39 responsibility for incorporation of those and only then if those details need to be modified do they include the modifications
40 within the plan." Nuss mentioned Kent will talk more about the conformance of the plans.

41
42 Amundson explained as owners of the standard drawings, they regularly review and validate they are still current or update
43 to reflect current practice.

44
45 Maynard confirmed that MASS details are not stamped by anyone, so they are not certified by anyone other than the engineer
46 that references them. However the DOT drawings have a stamp on them. Maynard asked the group if these drawings may
47 be stamped by an engineer that is deceased, retired, or otherwise no longer with the agency. The group confirmed. Maynard
48 asked if one of the details were to fail, who would be responsible – the person who originally stamped it or the engineer
49 who referenced it?

50
51 Mark Niedhold: "Again, this is Mark Niedhold, I'm the Chief of Design and Construction Standards for statewide and I am
52 here on behalf of Commissioner Luiken and Chief Engineer Lance Mearig to respond to a number of these and the answer
53 is we are in a situation where if we do have an issue because there is a public harm that results from something that the
54 department has delivered that the department - the State of Alaska - is always the primary plaintiff in a situation like that

1 and... I'm sorry – the defendant in that. A plaintiff certainly has the ability to go after the Alaska Department of
2 Transportation. The Engineer of Record on the subject project who chose to incorporate that standard drawing and
3 historically we know that the deep pocket, that the State of Alaska is, if there is a legitimate claim of harm, that something
4 violated a standard, or was inappropriate to apply in that location or that situation, that the Department – Alaska DOT and
5 the State of Alaska will be held accountable in that and that is independent of whether or not that drawing was prepared by
6 a consultant under a previous contract to Alaska DOT to develop that standard drawing, so that's a situation where that
7 person may still be an active registrant but they are no longer connected with the Department in any manner. It stands with
8 a past employee who may be an active registrant or is retired, or is deceased – the Department is still accountable under that
9 situation under current TORG practice, so I have no concern about a plaintiff's ability to go back if there was a justifiable
10 issue there. And if I may, can I hijack this and go back to the question of the seal and the process? Mr. Chairman, is that
11 permissible?"

12
13 Chair: "Yes, go ahead."

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

1 incorporated under the seal on the drawing and my question is why is that not applicable for a standard drawing? And if it
2 is not, then we look at things like the federal sign design specifications which are Federal Highway Administration's
3 drawings for what the stop sign looks like. Is it our expectation that we squirrel this down the hole and we have to have a
4 seal on the Federal Highway Administration document that identifies the detail – the standard of what the sign should be? I
5 realize that is a little bit ludicrous, but I'm trying desperately to make a point there and finally that is - on behalf of
6 Commissioner Luiken and Chief Engineer Lance Mearig and with concurrence from the City and Borough of Juneau, the
7 Municipality of Anchorage, the City of Fairbanks, the Kenai Peninsula Borough and the Matsu Borough, I urge the board
8 to allow the precedence of the last 30 years to remain in practice. So, thank you for letting me get all of that out.

9
10 Chair thanked Niedhold for his testimony.

11
12 Maynard asked what prevents the registrant from stamping the drawing at the end of the peer review and removing the
13 stamp of someone who is deceased or retired? It doesn't cost any more money.

14
15 Niedhold responded there is nothing that prohibits that and added that he is not proposing that we talk about prohibiting a
16 practice of a designer of record. He reiterated the informal peer review is an opportunity to cry "foul" at which point they
17 would go back through the formal process and rejuvenate the drawing and a new designer of record would assume
18 responsibility for that drawing.

19
20 Fritz requested some clarification on what Niedhold meant by the practice is the same in other states.

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

31
32 Hanson stated the MASS drawings aren't stamped, so whoever stamps the project is taking responsibility for those
33 standards? They are taking on the liability, all the responsibility? DOT drawings are stamped. Hanson asked Niedhold if
34 these old drawings comply with the current requirements of dated seals.

35
36 Amundsen responded that all of the ones he is familiar with have dates on the seals. Hanson added that a drawing that is
37 thirty-five years old may still be relevant. I just want to make sure in your review process that they are meeting current
38 regulations.

39
40 Niedhold added signature, seal and date are in accordance with the current regulations.

41
42 Kerr added, but per our regulations they would need to be a current registrant, which would exclude retired or deceased
43 registrants. Kerr asked if there was an estimate of the number of drawings that are by people who have severed service, are
44 retired or deceased. Niedhold said he would count and respond momentarily.

45
46 The Chair clarified that we are working within current statutes and regulations and are not trying to change anything.

47
48 Hanson mentioned from an AELS perspective, if John Doe signed the drawing in 1985 and stamped it and there is a problem
49 with that work, John Doe is on the hook. They are the registrant in responsible charge of that work whether they authorized
50 it to be constructed or not, they are taking responsibility. So from a liability perspective whether they are alive or dead,
51 retired or currently licensed they are the ones on the hook.

52
53 Niedhold responded that Alaska DOT indemnifies and holds harmless the registrants who provide this work for Alaska
54 DOT with two exceptions:

1 (1) If it is determined that the registrant is gross negligent when they did that work

2 (2) If the work was done by a consultant,

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

5
6 Maynard: "But DOT can't give them their license back."

7
8 Hanson: "There is no such indemnifications in our statutes for any of that.

9
10 Johnston: "Are you saying that none of your standard drawings are stamped by consultants then?"

11
12 Niedhold: "No, I am saying that we have a small portion of our standard drawings that were developed by consultants and
13 have consultant seals on them."

14
15 Hanson stated that is an unlimited liability whether they have an indemnification clause or not.

16
17 Chair asked if the State of Alaska is bound by their own regulations or statutes or can they deviate because they think they
18 can recover from them?

19
20 Kerr: We are absolutely bound by the state statutes.

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

31
32 Johnston expressed her concern regarding the discipline of the person who is stamping the cover sheet stating that the
33 standard drawing is applicable. She explained she is an electrical engineer and noted that many of the DOT project managers
34 she works with are not qualified to know whether that drawing is in compliance with current electrical code and defer to
35 her to identify whether there is a problem and if there is, the expectation is that she would revise the standard drawing and
36 re-stamp it. Johnston added that it the engineer of record is stamping that the standard drawing is applicable then they should
37 have responsible charge and full awareness of what they are stamping. She noted if they are not in the same discipline that
38 could be a concern.

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

practice of changing a drawing and putting a new seal on it. We're concerned about the addition of process to mandate a compulsory resealing of every one of them every time it's there.

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

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

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

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

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

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

Kohlhase: "Hello. My name is Kent Kohlhase. I am the Municipal Engineer for the Municipality of Anchorage. I've been a registered engineer since 1998 and been working in engineering at the federal and state level since the early 90s. Like my colleagues, I am here to offer commentary regarding the use of standard details, and the question posed to the Board whether such standard details need to be sealed, and resealed for each use. We became aware of this potential issue just this week. The Municipality maintains, and promulgates for use on municipal projects, M.A.S.S., the Municipality of Anchorage Standard Specifications. Many of you are likely familiar with this document. M.A.S.S. contains both specifications and standard details that are integral parts of the various specification divisions within the document. M.A.S.S. as a document (which includes the standard details) is incorporated into all municipal capital improvement projects by reference in the

contract documents. The designer of record will reference specific standard details that are applicable to that project. For example, I examined a recent set of project documents while preparing for this meeting. Then engineer reference several standard details for manhole and catch basin structures, inlet frames, lids, and expansion joints for installation of drainage structures, as well as many other elements. By incorporating the standard details into their design, our position is that the EOR has examined the situation and determined the standard detail is appropriate for the intended use. To piggyback on what Mr. Niedhold was saying, our view is that 12 AAC 36.185(e) supports that and it reads ‘The registrant, by sealing final drawings, takes responsibility for related discipline specifications included in the final drawings...’ and our position is that M.A.S.S. is embodied in this. Our standard details are clearly a component of the standard specifications, as envisioned by 12 AAC 36.185(e). Furthermore, standard details provide consistency for construction and maintenance of public infrastructure. Standard dimensions for items such as junction boxes, light poles and bases, manhole frames, storm drain inlets, and similar items reduce the number and type of replacement structures that must be stocked by MOA Street Maintenance or AWWU. This results in efficient maintenance practices and a savings of public funds.

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

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

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

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

Chair invites David May to testify.

May: “I appreciate the opportunity for public comment. I am speaking on behalf of the Kenai Peninsula Borough, the Purchasing and Contract Department and would like to offer the following comments. First of all we do support the DOT and their interpretation of the current use of statute. We’re concerned - many times the interpretation of statutes have contingent consequences based up whether it’s a broad or narrow interpretation of that regulation. At face value it is only logical that a new project require competent design by a license professional. The circumstances change, sites vary and clients usages are different, and codes and construction practices change, and a competent professional can foresee issues and potential problems that unskilled individuals don’t see. Broad interpretation of drawings also includes standard details that are commonly used and referenced by licensed professionals and others. If adopted this interpretation would change – this interpretation change would require a licensed professional stamp with signature and date each time a standard detail was used or referenced in any application or project. Some of the unintended consequences would include the use of standard details used by municipalities and furnished to citizens to use for compliance in construction of such items as road extensions, culvert installations, curbs, gutters, etc. Under this proposed interpretation, as I understand it, a municipality or government agency would be in violation unless a licensed professional signed and dated a referenced standard detail every time it was provided to the public. I could see that this would confuse the public, require agencies to have licensed

professionals on staff or under contract and would be a significant financial burden to comply with. Current statutes already require new projects to be designed, stamped, and signed by licensed professionals. Plans examiners and the State Fire Marshal have been authorized to ensure that any design work is performed by – any design work performed by unlicensed individuals is not permitted. This proposed interpretation change, in our opinion, is not needed. It does not improve the level of protection to the public areas of health, safety, or public welfare, it places a significant burden on the public agencies. It increases the cost to the government and the public in general. It has every appearance of protectionism regulation that benefits a narrow spectrum of individuals and firms when times are slow, but then when times become, when construction booms, this same regulation will become very onerous and hard to comply with. In conclusion I request that the current interpretation of the statute stand as is.

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

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

Hanson: “Are they stamped?”

May: “No, they are not.”

Maynard: “Then you are fine!”

Chair invites Dennis Linnell to testify.

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

Chair thanks Linnell and invites Chris Miller to testify.

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

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

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

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

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

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

1
2 The group returns to reviewing the Annual Report. A. Jones explained the presented version is a DRAFT and that the
3 webmaster and other CBPL staff will be reviewing. Kerr noted that Vern was appointed, not reappointed. Chair noted a
4 couple tense changes based upon regulations going into effect. The Chair requested all changes be emailed to A. Jones by
5 Monday, August 7th.
6

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

13 The Chair mentioned Fairbanks was a similar situation and R. Jones had issues with travel for this meeting.
14

15 Fritz asked if we can get approvals now for the year. A. Jones explained she provided the estimates for all travel in the
16 annual report and will work on getting all the travel requests as soon as possible, but mentioned that all personal deviations,
17 etc. need to be included in the initial request. Urfer mentioned CLARB is scheduled for mid-September and Johnston asked
18 about refunds when it is paid by a third party.
19

20 The Chair requested A. Jones to ask Sara who we can talk to about our travel issues. R. Jones also requested that travel for
21 board meetings be scheduled for the night before rather than the morning of. All agreed.
22

23 *7.E. Status of Vacant AELS Licensing Examiner Position:* A. Jones reported that Heather Noe, who previously worked in
24 the front desk area as our travel contact and is currently a licensing examiner for the Big Game Commercial Services Board
25 would be transitioning over to AELS starting next week. (**Note:** Due to the need for an experienced licensing examiner for
26 the Guides program, the transfer did not occur as stated on the record. The recruitment was reposted on and on September
27 11th Heather Noe officially transferred over to the AELS licensing examiner position.)
28

29 *7.F. Board Evaluation Summary Report:* A. Jones thanked those members of the board who completed the evaluation and
30 mentioned it is up to the board to decide how they want to use the evaluations and how frequently they wish to complete
31 them. She noted the intent is for it to be a self-evaluation of the board member that she then reviews and based upon the
32 comments provided, she will work with each board member individually as needed.
33

34 A. Jones reported that in regards to the meetings, everyone who responded indicated they felt the board was effective and
35 on task. The Chair asked if it was helpful. A. Jones explained a few people indicated areas where they would like some
36 assistance and that that information was very helpful and has the potential to show trends in what may help the board. Fritz
37 and the Chair requested that she distill the information down and present the findings at the November meeting.
38

39 The group discussed frequency and determined reflecting annually would be most appropriate. Fritz noted that there are
40 two levels to consider: working within the board and then the interaction between the board and the department. Fritz
41 recommended there be a mechanism for getting feedback or improving interactions between the board and the department.
42 Maynard suggested completing the survey annually at the April/May meeting in order to potentially provide material for
43 the annual report. All agreed.
44

45 **Agenda Item 11 - Application Review**

46 The Board began reviewing applications.
47

48 The Board adjourned for the day at 5:04 p.m.
49

Friday, August 4th

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

Board members present, constituting a quorum:

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

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

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

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

Alysia Jones, Executive Administrator
John Savage, Investigator

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

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

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

Agenda Item 18 - New Business

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

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

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

The Chair noted the discussion is not about the accuracy, but the validity of the map. Hanson brought up the point about active field supervision on projects versus remote overseeing by professionals. He cautioned the board not to over dictate and provided a couple examples of situations involving private companies where a land surveyor might not be required.

1 Kerr confirmed his intent is not to provide stricter regulations, but to maintain current level of oversight. The Chair explained
2 it is just a clarification of what applies to the current definition based on the new tools that are available.

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

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

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

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

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

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

Hanson asked if the act of photogrammetry itself is surveying. Kerr responded that it is not. Greider suggested that the market is fluid and will evolve. The Chair recommended the letter be broad. Kerr noted the problems surrounding this issue are not often apparent to the consumers until much later in a project and/or when a problem arises down the road. Greider reminded the board to consider things thoroughly and that before publishing anything there is always the option to hold a public forum.

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

The board returned to reviewing applications.

Agenda Item 15 - Board Correspondence Received Since April 2017

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

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

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

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

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

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

Agenda Item 16 - Board Correspondence Sent Since April 2017

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

The board shifted to new business.

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

The board then shifted to **Agenda Item 17 Old Business.**

1
2 17A. 1 – *Update Education Requirements for Architects*: Providing background to the update, R.Jones explained previously
3 the AELS board required an NCARB certificate in order to be licensed and they received complaints for applicants licensed
4 in other states. The board then revised the language to provide an alternative six or seven years ago. Fritz explained the
5 unintended consequence of this revision makes it easier for applicants to enter through comity than seek initial licensure in
6 Alaska. Fritz added there is an inequitable situation, but noted understanding of the reasoning behind the revision. Fritz
7 explained NCARB now has a much more streamlined and affordable options to applicants. Fritz explained the options:
8 Option 1 aligns education and experience with NCARB requirements, but allows (requires) AELS Board to evaluate
9 “equivalent” through the comity application process. Option 2 aligns education and experience with NCARB requirements,
10 and requires that NCARB review for “equivalent” (not the AELS Board) through issuance of the certificate.

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

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

26
27
28 **On a Motion duly made by Fritz, seconded by Koonce, and approved unanimously, it was**
29 **RESOLVED to add revisions to 12 AAC 36 .061 and .110 to the current regulation project of updating**
30 **12 AAC 36.103.**

31
32 The board dropped back to Agenda Item 15.

33
34 *15. D. Letter from Alaska Consulting Manufacturing and Engineering, LLC:*

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

49
50 **On a Motion duly made by Kerr, seconded by Maynard and approved unanimously, it was NOTED that the AELS**
51 **Board takes no exception to the Aeronautical Engineering firm ACME (maintaining a business license using**
52 **the name Alaska Consulting Manufacturing and Engineering.**

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

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

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

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

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

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

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

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

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

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

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

The board returned to Agenda Item 16.

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

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

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

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

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

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

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

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

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

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

Agenda Item 17 Old Business

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

17.A.3 - *Licensure Pathway for Software Engineers*: Johnson referred the board to the information in the packet that related to the last round of this effort spearheaded by former board member Eriksen. Johnson said it is not sufficiently defined and would need to be revised. Maynard added that he reviewed the software engineering exam was very basic. Johnston explained computer engineering involves more of hardware design, but that people with a background in computer science are not required to have the computer engineering side, and are more focused on the programming. She

1 explained the issue then becomes do you have a computer scientist that is calling themselves a software engineer or are
2 they a computer engineer with enough programming experience to say they can integrate the two. The board discussed
3 other branches of engineer that may have programming experience, and Johnston cautioned that a lot of computer
4 scientists call themselves software engineers and taking on a licensure of software engineers may open up a lot of
5 questions unless the board is very specific about when it is required. Maynard stated his understanding that the board
6 would only want to license software engineers that do software that run physical equipment, plants, controls system,
7 which is already under controls system engineering. Johnston noted that in her research and preparation she looked for
8 instances where software issues caused harm and shared her findings with the board which included wrong dosage
9 calculations, elevator operation issues and faulty automated processes in an industrial setting. Johnston mentioned there
10 were approximately 30 jurisdictions where you can take the software engineering exam and call yourself a PE. Johnston
11 reiterated that she disagrees with the position paper presented by former board member Eriksen. Maynard also indicated
12 he disagrees. The Chair asked the board if anyone was interested in further pursuing this project at this time. All agreed to
13 move on and thanked Johnston and Maynard for their research on the topic.

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

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

30 **Agenda Item 18. New Business**

31 Item 18.A. Discussed previously.

32
33
34 Item 18.B. Discussion on the Use of Seals (12 AAC 36.185(c))

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

42
43 **On a Motion duly made by Maynard, seconded by Hanson and approved unanimously, it was**

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

47
48 *18.C. 12 AAC 36.110:* Discussed previously. Maynard noted there was no mention of lateral loads. Koonce agreed to look
49 into it.

50
51 *18.D. Policy RE: NAICS Code 541360:* A. Jones explained it is a process that has been implemented with Business
52 Licensing for anyone that selects this code. AELS staff asks the company to review the flowchart and indicate where there
53 business activities fall under the practice of land surveying or not.

1 *18.E. Office of Administrative Hearing (OAH) Training:* A. Jones stated she received this letter offering training and
2 asked the board if they are interested in scheduling training at a future board meeting. A. Jones added that she included it
3 the cost in the annual report and it would be incorporated into the board meeting agenda. Kerr expressed interest in the
4 training. Fritz stated that it builds our understanding of the process and builds are reputation of being aware and less
5 vulnerable. The Chair asked A. Jones to work on scheduling the training.
6

7 *18.F. Application Review Process:* The Chair explained that he added this item to the agenda because of the amount of
8 time it takes the board to review applications during the meeting and asked the board to consider reviewing applications
9 outside of meetings. A. Jones explained there is a mail ballot process that can be used to review applications in between
10 regularly scheduled meetings, however there were need to be a conference call scheduled to have the vote on record. The
11 board recognized a change in the current process would allow for more discussion of regulation projects and other
12 pertinent issues, however the board also noted this approach would likely put an additional burden on a couple of board
13 members because of their discipline. Fritz said she would prefer to pursue the idea of allowing staff to approve some of
14 the applications that fit the standard (model law), and then only the more complicated applications would be brought to
15 the board. Fritz noted there is value of being a second review of applications outside her discipline and likes the “cross-
16 pollination”.
17

18 Kerr asked if it was possible to give out sample applications to help ensure the applications are filled out properly. R.
19 Jones said based upon his experience on the board staff he was not certain that would make a difference. A. Jones
20 reiterated that the new interactive forms contain prompts to further ensure the forms are completed correctly. R. Jones
21 added that the initial application, fees and work experience are the only items that need to come before the board, all other
22 items can be checked off by the staff. R. Jones agreed with Fritz’ suggestion of giving staff authority to approve certain
23 types of applications. Maynard noted that it came up several years ago and the board did not want to give staff that
24 authority. The Chair encouraged the board and staff to consider ways to update processes to try to reduce the amount of
25 time the board spends reviewing applications.
26

27 *18.G. New Item:* Kerr notified the board that he had been invited to speak at the UAS annual meeting in Fairbanks next
28 month. He asked if this was something the board would be willing to use outreach funds to support. The Chair said there
29 was a lot of great feedback from their presentation last year and he felt it was a great educational tool. Koonce agreed it
30 was timely with current discussions and the board’s work on photogrammetry and supported the outreach. The board
31 discussed the budget.
32

33 **On a Motion duly made by Hanson, seconded by Koonce and approved unanimously, it was**
34 **APPROVED that John Kerr attend the UAS Conference in Fairbanks, September 12-15th to represent the**
35 **AELS Board.**
36

37 **Agenda Item 19 - Executive Session**

38 There was no discussions for Executive Session.
39

40 **Agenda Item 11 - Application Review**

41 Hanson brought two applications before the board for discussion. The first application was for an FE applicant with
42 foreign degrees that were determined to not be equivalent. Hanson explained they were over on math, but they were
43 missing 3 hours in engineering, 9 hours in general education, and some elective hours that are not evaluated. B.S. Applied
44 Chemistry from Technical University of Denmark, a couple courses at a poly-technical university and then a M.S. in
45 Environmental Engineering from Technical University of Denmark. Hanson added that the applicant also provided a
46 resume that did not include any engineer work experience. Johnston asked if the Master’s was evaluated as well. Hanson
47 confirmed that all education was evaluated. Maynard noted that they are short on engineering even with the Master’s
48 degree. The board reviewed the engineering and math courses and noted several gaps. The board determined the
49 applicant’s current education would not allow him a pathway for licensure. With the recent changes in regulation
50 regarding FE applications, the board directed A. Jones to suggest the applicant withdraw his application and work directly
51 with NCEES to take the FE exam. The board requested that A. Jones also communicate to the applicant that in order to be
52 eligible for licensure in Alaska he would need additional education.
53

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

Agenda Item 22 - Committee Updates

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

Standing Committees:

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

Agenda Item 23 - Licensing Examiner Report

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

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

Agenda Item 25 - Review Calendar of Events/ Board Travel

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

Agenda Item 24 - Read Applications into Record

1 **On a Motion duly made by R. Jones, seconded by Koonce and approved unanimously, it was**
2 **RESOLVED to APPROVE the following list of applicants for registration by comity, examination, and in**
3 **additional branches of engineering with the stipulation that the information in the applicants' files will take**
4 **precedence over the information in the minutes.**
5
6
7
8
9

MARK	ANDERSON
JAYME	ANTOLIK
MARK BRUCE	BERKHEIMER
BRUCE	BERRYHILL
NORMAN	BEVERIDGE
JOHN WARNER	BULLARD
EDWARD MICHAEL	CINDAR
NOAH	ELWOOD
JESSE	ESCAMILLA
KENNETH JAMES	GARCIA
SARAH	HATFIELD
WILLIAM	HEIDEN
DILIP	KHATRI
JASON	KWIATKOWSKI
MATTHEW	LAASE
CALE	PASTOREK
NIKOLAI	PETROV
DANA J.	SVEUM
ROBERT JAMES	WASSERMAN

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

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

Conditionally Approved continued.

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

1
2

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

ROGER T.	ALWORTH
IAN	CLARKE
JEREMIAH	DOBBERPUHL
NICHOLAS	ERTEL
PAUL DOUGLAS	FRENCH
JEFFREY EDWARD	GRASSMAN
PALOMA	HAWN
AMY	HERBST
JOHN RUSSELL	HUTCHINS
CLIFTON	HYDER
PING	JIANG
SEAN	LEE
J. WALTER	LEWIS
STEVEN MORGAN	LINDHOLM
STEVEN MORGAN	LINDHOLM
BENJAMIN H.	LOEFFLER
WILLIAM	LOU
JESSE LOGAN	MOE
SHEA	MURPHY
BILL	RIEHL
AMY L.	STEINER
EDGAR A.	TINAJERO
THOMAS W.	WALLACE
DAVID	WILLIAMS
EMILY	WINFIELD
MELISSA A.	ZEIS

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

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

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

AGENDA ITEM 26. Board Tasks - To Do List

- The Chair is writing a letter to BC Hydro.
- Maynard is writing a letter to John Barry (15.G.) and letter of explanation (16.C.)
- Urfer will write a response to 15.H.
- Kerr is going to Fairbanks to represent the board and photogrammetry language for the guidance manual.
- Fritz is working with R.Jones and Koonce on the expanded the education requirements for architects' regulation project

Agenda Item 27. Board Member Comments

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

The meeting adjourned at 4:05 p.m.

DRAFT



CBPL Reports

to be provided at meeting





CLARB

Meeting Reports & Correspondence





THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

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

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2550
Fax: 907.465.2974

Travel Action Summary Report

Submit to the CBPL Travel Desk no later than seven business days after the meeting has concluded. Save a copy in your program files for the end-of-year compilation of all travel-related savings and deliverables for your program.

Board:

Dates of Business:

Person Reporting:

of Travelers: *Employees* *Board Members*

Type of Meeting:

Regular board business
Special board meeting
On-site Investigation/Inspection

Adjudication only
Subcommittee meeting
Other: **CLARB Annual Meeting**

Cost Savings

What expenses were reduced?

- 1.
- 2.
- 3.

What is the estimated savings?

Meeting Deliverables

Information gained:

Action recommended:

1. Licensure is under constant and serious attack; CLARB and NCARB are members of FARB promoting licensure of professional disciplines related to public safety

1: Encouragement of engineers to support NCEES joining FARB (under consideration at the current time)

2. Encouragement of continued licensing for young/new professionals as population demographics change; understanding of the complexity of the profession and the need for competency; how licensure supports standards; round-table discussion and workshop looking at options to implement locally

2: Share ideas with Board that apply to AK to include:

Set aside % of fees for education scholarship in design professions

Developing presentations for public building users about which profession does what as an assistance manual for the public

Build respect for professions to minimize attacks on licensure; target legislators through meetings introducing what all design professionals do

3. Identified roadblocks and impacts to potential licensees to address how to minimize those impacts; Define a simpler path to licensure; reduce friction and eliminate catch point activities; identify and analyze options strategy

3: Reduce friction by eliminating catch points

Eliminate or reduce activities that hinder the process

Licensure ceremony invite legislators

Safety related to public spaces

Develop relationships w legislators

Meet with prior to crisis or licensure challenges to dispense info

Create brochure and handout or video

Identify H/S/W issues in state/municipal-funded projects

Include all regions regulated and all disciplines

Use multiple projects throughout regional jurisdiction

Create a walking tour showing ADA safety designs etc

4. In-depth discussion of antitrust complexities; build on solid H/S/W practices for jurisdiction; multidisciplinary board under same law best option to reduce risk

4: Local AG concerns? Importance of solid, consistent licensing policy, regulations and statute:

Website link to professional societies

Disclaimer on state AELS site that link to positions not supported by the boards or AG

Review rules to Look for professionally competitive options

Enforce rules against non-licensees doing professional work

Review enforcement options and procedures

Review professional "turf" protection as part of licensure and reciprocity

Recommend Antitrust seminar board

5. Define landscape architecture as CLARB/model law defines it; complex and highly misunderstood so at high risk

5: Redefine landscape architecture as CLARB defines it; compare to other states; AZ Administrator is lawyer--requested information and example of their law

6. CEU compliance and tracking issues

6: Allow credits for APDC input/AELS/Local and National Associations; CEU credits for talking to other boards chapters etc

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ANNUAL MEETING RECAP

Thank you to everyone who joined us this year in Boise, Idaho where we focused on "thinking differently" about regulation. Member participation was at an all-time high and so was [overall meeting satisfaction](#). Members at the meeting joined in conversations about friction in the licensure process, health of the profession, and evolving leadership. Members also elected new leaders and voted to adopt the revised model law and regulations.

FRICTION ANALYSIS

CLARB kicks off year-long project to reduce friction in the licensing of landscape architects

Regulatory reform is happening, there are pressures from federal and state governments and special interest groups to eliminate unnecessary regulations that are perceived to be overly burdensome, reduce economic opportunity and are not necessary for public protection. The time has come for the regulatory community to re-think their approaches to licensure to ensure a balance between the vital role of public protection and access to practice. It's time to disrupt ourselves, or be disrupted.

Attendees participated in a three-hour workshop at this year's Annual Meeting to identify potential friction points in the licensure process, rate these points based on level of friction and impact on the Board's ability to protect the public and identify possible options for reducing or eliminating the unnecessary friction.

The session was opened by Brad Little, Lieutenant Governor of

SESSION SLIDES

If you missed the meeting or would like a refresher on the content discussed, [all session slides](#) are now available.

PHOTO GALLERY

Take a look at [photos](#) from the meeting and see how many people you recognize.

PRESIDENT'S AWARD

Four individuals were selected by 2017 President Chris Hoffman to receive the Presidential Recognition Award. Please join us in congratulating them again:

- [Temple Barry](#)
- [Chip Brown](#)
- [Elizabeth Hebron](#)
- [Rob Lopez](#)

MARK YOUR CALENDAR

2018 Annual Meeting

Idaho, who issued an executive order in May titled “[Licensing Freedom Act – Review of State Licensing Requirements](#).” In the order, Little recognizes the need for licensing to protect the public but suggests that evaluation is necessary to ensure laws and rules do not impose unnecessary barriers to practice. This reflects a balanced and fair approach to the review of licensure laws and aligns with CLARB’s strategy of rethinking regulation through evaluation, identifying and designing a frictionless experience.

Member input from the session was collected and will be used to inform the design of a research and business analysis project over the next year. Members will continue to have opportunities to be engaged in this critical conversation throughout the project. The goal is to present possible options for review and discussion at the 2018 Annual Meeting.

MODEL LAW AND REGULATIONS

CLARB members adopt revised model law and regulations

In response to the pressures on regulation, a task force made up of members, ASLA and legal counsel convened to review CLARB’s model law and regulations and make recommendations for change that would:

- Support regulation of the full scope of landscape architectural practice
- Achieve balance between public protection and access to licensure
- Reflect best practices in regulation and the evolving legal environment
- Ensure Boards have the necessary authority to execute their vital public protection role

The task force worked over the past two years to draft the new models, build consensus and present the new models to the membership for adoption. The new models are provided to Boards as a resource to strengthen laws and regulations, encourage harmonization of requirements across the membership and streamline licensure process. The [newly adopted models](#) are now available on the member’s side of the CLARB website.

EVOLVING CLARB LEADERSHIP

Members Provide Input on Proposed Board Structure

- [CLARB is going to Toronto!](#)
- September 27-29, 2018
- Reminder: Renew your passport

U.S. Travel Advisory

- For future domestic travel: [Do you have a REAL I.D. compliant license?](#)

WORKING FOR YOU

Everything CLARB does is in support of your work as a regulator to protect the public’s health, safety and welfare. Learn more about what CLARB will be focused on during the next year by reviewing our [strategy](#) and [scope of work](#). Also, see how CLARB is doing [financially](#).

CEO PODCAST

In the first ever [CLARB podcast](#), current President Christine Anderson joins our CEO, Joel Albizo, to share some thoughts about her journey to becoming a regulator and the future of regulation.

Participants at the Annual Meeting had the opportunity to hear about draft recommendations for evolving CLARB's leadership, which will be voted on by the membership at the 2018 Annual Meeting.

A task force was appointed to draft recommendations to evolve CLARB's governance structure to better equip the organization to find and retain the right leadership talent, competencies and perspectives to guide the organization through a period of accelerating change that will likely not resemble the past or present. Members provided input on the following proposed recommendations, which promote flexibility, efficiency and alignment with our future-focused orientation.

[To learn more about the recommendations, including members' feedback and the timeline of this project, please visit the CLARB website.](#)



ELECTIONS RESULTS

We are pleased to announce the results of this year's elections and introduce your [2017–2018 Board of Directors](#) and [Committee on Nominations](#).

The Board of Directors is responsible for setting organizational direction, allocating resources to achieve its goals and ensuring that progress is being made.

The Committee on Nominations is responsible for identifying and vetting candidates for leadership to ensure that the organization has the most effective, qualified individuals to lead us toward our organizational goals.

To view more, visit the Governance and Leadership [website](#).





Click [here](#) to unsubscribe or change your subscription preferences.

Council of Landscape Architectural Registration Boards (CLARB)

1840 Michael Faraday Drive, Suite 200, Reston, Virginia 20190

info@clarb.org / www.clarb.org / 571-432-0332

AGENDA ITEM 6.A.1.b.

CLARB Region 5 Virtual Meeting and Election

August 30, 2017

Cary Barret Region 5 director welcomed everyone to the meeting.

Alaska, BC, California, Hawaii, Idaho, Montana, Oregon, and Washington were in attendance. Arizona and Nevada unable to attend.

2018 Scope of Work, Christine Anderson, President-Elect

BOD works on scope throughout the previous year. The scope is comprised of member services, exams, council records, operations, strategic priorities and special projects.

Key inputs include strategic priorities based on previous year's work, membership input also important.

Allocate correct resources, also keep operations continuing

- a. continued regulation of landscape architecture in North America
- b. Creation of open dialogue and shared context for adaptation and innovation in occupational regulation
- c. Application of current and emerging communications/ sharing technologies to deliver more frictionless experiences.

Ongoing Operations, Veronica Meadows

Member Services – over next year to support members, respond to threats to licensure.

- Strengthen board/chapter relationships
- Partnering w/ profession to education policymakers, etc.

Exams

- Assess opportunities – accessibility to adapt to changes
- Risk management- security review and contingency plan
- Expand outreach to students to encourage earlier testing
- Understand student success on LARE section 1 in college

Council record

- Stabilize recent upgrades
- Refine auto renewal process

Corporate operations

- Updates database to be cloud-compatibility
- Optimize SharePoint.

Special projects

- Governance Enhancements – based on current climate recommendations to evolve CLARB's governance structure. Promote flexibility, efficiency and alignment with future. engage members, input, refine and transition
- Rethink Licensure – Feb 2017 decision to “design a simpler, more frictionless framework and complimentary process for licensure – enhanced experience, credibility and confidence of stakeholders of LA licensure. Plan to conduct research into licensure processes, analyze results and recommend...

- CLARB-ASLA licensure summit – joint pilot licensure summit with ALSA
- New member orientation pilot – 32 shared members with NCARB build culture of advocacy. Identify opportunities for new value creation for all members, reinforce collaboration, minimize burdens on shared member boards. 1.5 day joint new member training in February 2017
- Foresight capacity building – look well ahead and anticipate needs of organization. Do not have all the necessary community. Broader perspectives to look at big shifts

Finance Report, Stan Williams

Budget approved by BOD and Finance Committee. Projecting \$57k year-end surplus, focus of next year is to further support members and use reserves to work for members and stakeholders.

Year-end Forecast – slightly ahead on revenue due to exams, level on expenses.

Reserves 51% of projected 2018 year's expenses, 11:1 current assets/ liabilities, net assets 89% of total assets. Allows organization to be flexible and responsive.

Membership services: Significant increase in resources for licensure defense and member empowerment – first dues increase (3%) in 3 years.

Exams: 6% section volume increase w/ offsetting rise in delivery fees. 1.8% (\$5-10) increase to offset inflation.

Council Records: No increase to service fees.

Corporate Operations, Board expenses: Slight increase in hotel and airfare costs.

General / Administrative costs: Slight increase in CC fees, optimizing SharePoint software. Tele-presence review to see what current and future needs will be.

Budget Summary

Project to take in a modest increase. Expense 9% more than previous review mainly do the exam security review and defend licensure. \$300,000 special projects. \$64,000 shortfall, close to surplus and will be covered by our surplus to break even.

Reserve spending policy is to put investments to work. The purpose of reserves is for financial strength for agility, flexibility, contingencies, opportunities and stewardship. Spend up to 4% of long term fund's market value in support of licensure defense.

Financial Takeaways

- \$57k year-end surplus
- Focus for 2018 – service excellence and survive and thrive programs
- Introduce a reserve spending policy to support licensure defense

AGENDA ITEM 6.A.2.a.

From: Meadows, Veronica
To: [Jones, Alysia D \(CED\)](#)
Subject: <Breaking News> FARB Elects New President
Date: Wednesday, August 09, 2017 7:23:15 AM

Click [here](#) if you are having trouble viewing this message.



A message from CLARB’s President Chris Hoffman:

We have an [exciting announcement](#)—CLARB’s CEO, Joel Albizo, has recently been elected as President of the Federation of Associations of Regulatory Boards ([FARB](#)). The Board of Directors wholeheartedly supports Joel in this new, well-deserved role.

This is fantastic in many ways and provides additional momentum for CLARB by:

- 1. Indicating that CLARB is fulfilling one of its strategic intents as a leader and influencer in the regulatory environment. "FARB’s mission is to advance excellence in regulation of the professions in the interest of public protection."
- 2. Offering CLARB additional abilities to leverage our limited resources. FARB represents 21 member organizations, which represent a wide variety of professions, which in turn represent hundreds of thousands of regulated professionals.
- 3. Reinforcing that Joel is one of our best resources. This election illustrates that we have one of the most respected CEO’s in the world of non-profits and regulatory organizations.

We have often times referred to the current regulatory environment as the "Perfect Storm." I will add to this by saying that Joel is the "Perfect Captain" for FARB, at this time, to navigate a path through that storm.

Congratulations to Joel on this tremendous achievement!





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Council of Landscape Architectural Registration Boards (CLARB)
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MEMORANDUM

TO: Landscape Architect and Architect Member Board Executives

FROM: Michael Armstrong
NCARB Chief Executive Officer 
Joel Albizo
CLARB Chief Executive Officer 

DATE: August 23, 2017

SUBJECT: Announcement of a Joint NCARB & CLARB Pilot New Member Board Member and Executive Orientation

We are pleased to announce that the Council of Landscape Architectural Registration Boards (CLARB) and the National Council of Architectural Registration Boards (NCARB) are jointly organizing an orientation event for new licensing board members and executives. We intend to send an initial survey to gauge interest in this orientation later this week and wanted you to be aware of our plans before we communicated them more widely.

CLARB and NCARB are joining forces for this orientation because we share dozens of boards and board executives and we have common missions.

This first-of-its-kind orientation will provide a forum for:

- meeting and building relationships with the community of regulatory professionals,
- learning more about the roles and responsibilities of professional licensing board members and staff,
- gaining a better understanding about how to be successful in the current regulatory environment,
- and hearing about how our national associations can help new volunteers and executives succeed.

This training is a pilot program and is limited to people who have been in their board roles for one year or less. All travel/lodging/training costs will be covered by NCARB and CLARB. This Member/Executive Orientation session will take place in **Washington, DC, February 8-10, 2018**, with additional details to follow.

In the coming days, you and your board members will receive an email from us inviting you to participate in a brief survey that will help us determine the level of interest for this meeting and provide the community with an opportunity to give us feedback we will use to help refine the agenda and curriculum. Thank you in advance for your feedback.

Please feel free to reach out to Veronica Meadows with CLARB (vmeadows@clarb.org) or Josh Batkin with NCARB (jbatkin@ncarb.org) if you have any questions or suggestions about this pilot initiative.

AGENDA ITEM 6.A.2.b.

From: Elkin, Andrea
To: [Jones, Alysia D \(CED\)](#)
Subject: Action Item: Please Review Initial List of Eligible CLARB Leadership Candidates
Date: Friday, October 27, 2017 6:03:15 AM

Click [here](#) if you are having trouble viewing this message.



Now Available For Your Review: 2018 List of Eligible Leadership Candidates

As a member of CLARB, your jurisdiction has full voting rights during the Board of Directors and Committee on Nominations elections each year. By the time you see a ballot, though, most of the process is over.

The 2018 elections process begins now, with an [initial list of eligible candidates](#) which the Committee on Nominations has published for your review.

By reviewing this [initial list](#) and contacting [Andrea Elkin](#) if you have any additions or edits, you can take the first step in ensuring the best leaders represent you at CLARB. Please return any comments by Monday, November 6.

The following positions will be open during this year's elections:

- President-Elect
- Vice President
- Secretary
- Region 2 Director
- Region 4 Director
- Committee on Nominations Member (2 openings)

Full Name	Nickname	Last Name	Eligible For	Board	Region
Alomar, Richard	Richard	Alomar	BOD; Com on Nom	New York State Board for Landscape Architecture	Region 1
Baker, Kimberly J.	Kim	Baker	Com on Nom	Maine State Board for Licensing Architects, Landscape Architects and Interior Designers	Region 1
Barlow, Wilson P.	Phil	Barlow	BOD; Com on Nom	Connecticut Department of Consumer Protection	Region 1
Briggs, Cynthia	Cynthia	Briggs	Com on Nom	DC Board of Architecture and Interior Design	Region 1
Broadfield, Dawne M.	Dawne	Broadfield	Com on Nom; MBE Director	Rhode Island Board of Examiners of Landscape Architects	Region 1
Chan, Vella	Vella	Chan	BOD; Com on Nom	New York State Board for Landscape Architecture	Region 1
Crowther, Cabell	Cabell	Crowther	BOD; Com on Nom	Virginia Board for Arch., Prof. Eng., Land Surveyors, Cert. Int. Designers and Landscape Architects	Region 1
DeWan, Terrence J.	Terry	DeWan	BOD; Com on Nom	Maine State Board for Licensing Architects, Landscape Architects and Interior Designers	Region 1
Drake, Kimberly R.	Kim	Drake	BOD; Com on Nom	Massachusetts Division of Regulation of Landscape Architects	Region 1
Flower, Kendall A.	Kendall	Flower	BOD; Com on Nom		Region 1
Kirk, Charles	Charlie	Kirk	Com on Nom	New Jersey State Board of Architects	Region 1
Kocher, Terrie	Terrie	Kocher	Com on Nom	Pennsylvania State Board of Landscape Architects	Region 1
Kuzmich, Robert M.	Bob	Kuzmich	Com on Nom	Connecticut Department of Consumer Protection	Region 1
Little, Ingrid	Ingrid	Little	Com on Nom	Ontario Association of Landscape Architects	Region 1
Lopez, Robert	Rob	Lopez	Com on Nom; MBE Director	New York State Board for Landscape Architecture	Region 1
Mason, Staci	Staci	Mason	Com on Nom	DC Board of Architecture and Interior Design	Region 1
Miller, Keith R.	Keith	Miller	BOD; Com on Nom		Region 1
Morgan, David B.	David	Morgan	BOD; Com on Nom	Pennsylvania State Board of Landscape Architects	Region 1

Full Name	Nickname	Last Name	Eligible For	Board	Region
Nosbisch, Kathleen R.	Kate	Nosbisch	Com on Nom	Virginia Board for Arch., Prof. Eng., Land Surveyors, Cert. Int. Designers and Landscape Architects	Region 1
Onody, Nicholas	Nick	Onody	BOD; Com on Nom	Ontario Association of Landscape Architects	Region 1
Picatagi, Richard	Rick	Picatagi	BOD; Com on Nom	New Jersey State Board of Architects	Region 1
Pilz, Steven	Steven	Pilz	BOD; Com on Nom	Rhode Island Board of Examiners of Landscape Architects	Region 1
Rauso, Richard	Rich	Rauso	BOD; Com on Nom	Pennsylvania State Board of Landscape Architects	Region 1
Richardson, Patrice	Patrice	Richardson	Com on Nom	DC Board of Architecture and Interior Design	Region 1
Rinner, Vaughn B.	Vaughn	Rinner	BOD; Com on Nom	ASLA	Region 1
Sadlon, John M.	John	Sadlon	BOD; Com on Nom		Region 1
Schein, Christopher L.	Chris	Schein	BOD; Com on Nom	Maryland Department of Licensing & Regulation	Region 1
Scherzer, Andy	Andy	Scherzer	BOD; Com on Nom	Virginia Board for Arch., Prof. Eng., Land Surveyors, Cert. Int. Designers and Landscape Architects	Region 1
Weremchuk, Adrienne	Adrienne	Weremchuk	BOD; Com on Nom		Region 1
West, Patrick A.	Patrick	West	BOD; Com on Nom	Pennsylvania State Board of Landscape Architects	Region 1
Barker, Andrea	Andrea	Barker	Com on Nom	Minnesota Bd. of Arch., Eng., Land Surv., Land. Arch., Geoscience and Int. Des.	Region 2
Beam, Patrick J.	Patrick	Beam	BOD; Com on Nom	Ohio Landscape Architects Board	Region 2
Deeg, Mary	Mary	Deeg	BOD; Com on Nom		Region 2
Fehr, Noel	Noel	Fehr	BOD; Com on Nom	Missouri Board for Architects, Engineers, Land Surveyors & Landscape Architects	Region 2
Frost, Doreen	Doreen	Frost	Com on Nom	Minnesota Bd. of Arch., Eng., Land Surv., Land. Arch., Geoscience and Int. Des.	Region 2
Gardner, Jane A.	Jane	Gardner	Com on Nom; MBE Director	Kentucky Board of Landscape Architects	Region 2
Green, Diane	Diane	Green	Com on Nom	Illinois Department of Financial & Professional Regulation	Region 2
Gunderson, Robert J.	Bob	Gunderson	BOD; Com on Nom	Minnesota Bd. of Arch., Eng., Land Surv., Land. Arch., Geoscience and Int. Des.	Region 2

Full Name	Nickname	Last Name	Eligible For	Board	Region
Hall, Amy	Amy	Hall	Com on Nom	Indiana Professional Licensing Agency	Region 2
Hartnett, Robert N.	Bob	Hartnett	BOD; Com on Nom	Missouri Board for Architects, Engineers, Land Surveyors & Landscape Architects	Region 2
Jackson, Jerany L.	Jerany	Jackson	BOD; Com on Nom		Region 2
Kempker, Judy	Judy	Kempker	Com on Nom	Missouri Board for Architects, Engineers, Land Surveyors & Landscape Architects	Region 2
Kobe, Amy M.	Amy	Kobe	Com on Nom	Ohio Landscape Architects Board	Region 2
Long, Sherie E.	Sherie	Long	BOD; Com on Nom	Kentucky Board of Landscape Architects	Region 2
Martin, Jonathan A.	Jonathan	Martin	BOD; Com on Nom	Iowa Professional Licensing & Regulation Division	Region 2
Massie, Sue	Sue	Massie	BOD; Com on Nom	Illinois Department of Financial & Professional Regulation	Region 2
Nieman, Thomas J.	Tom	Nieman	BOD; Com on Nom	Kentucky Board of Landscape Architects	Region 2
Pitz, Marjorie	Marjorie	Pitz	BOD; Com on Nom	Minnesota Bd. of Arch., Eng., Land Surv., Land. Arch., Geoscience and Int. Des.	Region 2
Reiner, John	John	Reiner	BOD; Com on Nom	Ohio Landscape Architects Board	Region 2
Rudmann, John W.	John	Rudmann	BOD; Com on Nom	West Virginia Board of Landscape Architects	Region 2
Schmalenberger, Tim S.	Tim	Schmalenberger	BOD; Com on Nom	Ohio Landscape Architects Board	Region 2
Schmucker, Debra L.	Deb	Schmucker	BOD; Com on Nom	Indiana Professional Licensing Agency	Region 2
Shotts, Robert S.	Bob	Shotts	BOD; Com on Nom	Missouri Board for Architects, Engineers, Land Surveyors & Landscape Architects	Region 2
Simbro, Jill	Jill	Simbro	Com on Nom	Iowa Professional Licensing & Regulation Division	Region 2
Smith, Leslie H.	Les	Smith	BOD; Com on Nom	Indiana Professional Licensing Agency	Region 2
Sonnenberg, Scott E.	Scott	Sonnenberg	BOD; Com on Nom		Region 2
Styczinski, Rosheen	Rosheen	Styczinski	BOD; Com on Nom	Wisconsin Department of Safety and Professional Services	Region 2
Alley, Frank	Frank	Alley	BOD; Com on Nom	Mississippi State Board of Architecture	Region 3
Baker, Chad	Chad	Baker	BOD; Com on Nom	Georgia State Board of Landscape Architects	Region 3
Barba Nicieza, Gustavo	Gustavo	Barba Nicieza	BOD; Com on Nom	Puerto Rico Board of Examiners of Architects & Landscape Architects	Region 3
Barry, Temple	Temple	Barry	BOD; Com on Nom	Mississippi State Board of Architecture	Region 3

Full Name	Nickname	Last Name	Eligible For	Board	Region
Bates, Lawrence L.	Larry	Bates	BOD; Com on Nom	Alabama Board of Examiners of Landscape Architects	Region 3
Brown, Hugh O.	Chip	Brown	BOD; Com on Nom		Region 3
Bryant, Shana W.	Shana	Bryant	Com on Nom	Arkansas State Board of Architects, Landscape Architects, and Interior Designers	Region 3
Catalano, Jean	Jean	Catalano	BOD; Com on Nom	South Carolina Department of Labor, Licensing and Regulation	Region 3
Cothron, John	John	Cothron	Com on Nom	Tennessee State Board of Architect & Engineer Examiners	Region 3
Danos, Chad D.	Chad	Danos	BOD; Com on Nom	Louisiana Horticulture Commission	Region 3
Davis, Michael C.	Chad	Davis	BOD; Com on Nom	Texas Board of Architectural Examiners	Region 3
Delate, Joseph F.	Joe	Delate	BOD; Com on Nom	Florida Board of Landscape Architects	Region 3
Geiger, Barbara U.	Barbara	Geiger	Com on Nom	North Carolina Board of Landscape Architects	Region 3
Glasgow, Kingsley J.	Kingsley	Glasgow	Com on Nom	Arkansas State Board of Architects, Landscape Architects, and Interior Designers	Region 3
Hall, William M.	Bill	Hall	BOD; Com on Nom	Arkansas State Board of Architects, Landscape Architects, and Interior Designers	Region 3
Hildebrand, Julie	Julie	Hildebrand	Com on Nom; MBE Director	Texas Board of Architectural Examiners	Region 3
Hilt, Christine L.	Chris	Hilt	BOD; Com on Nom	North Carolina Board of Landscape Architects	Region 3
Jackson, James A.	Jim	Jackson	BOD; Com on Nom	Mississippi State Board of Architecture	Region 3
Kerns, Thomas H.	Hutch	Kerns	BOD; Com on Nom	North Carolina Board of Landscape Architects	Region 3
Kinney, Edward A.	Edward	Kinney	BOD; Com on Nom	South Carolina Department of Labor, Licensing and Regulation	Region 3
Kirk, Rebecca R.	Becky	Kirk	BOD; Com on Nom	Georgia State Board of Landscape Architects	Region 3
Kirk, Jean U.	Jean	Kirk	Com on Nom	North Carolina Board of Landscape Architects	Region 3
Kissinger, Paul D.	Paul	Kissinger	BOD; Com on Nom	Florida Board of Landscape Architects	Region 3
Kroll, Michael	Mike	Kroll	BOD; Com on Nom	Florida Board of Landscape Architects	Region 3
Mason, Charlotte	Charlotte	Mason	Com on Nom	Georgia State Board of Landscape Architects	Region 3
Mercier, Robert P.	Bob	Mercier	BOD; Com on Nom	Mississippi State Board of Architecture	Region 3

Full Name	Nickname	Last Name	Eligible For	Board	Region
Moorer, Leigh	Leigh	Moorer	Com on Nom	Alabama Board of Examiners of Landscape Architects	Region 3
Moorer, Sherri F.	Sherri	Moorer	Com on Nom	South Carolina Department of Labor, Licensing and Regulation	Region 3
Nealon, Margaret A.	Meg	Nealon	BOD; Com on Nom	North Carolina Board of Landscape Architects	Region 3
Owen, Jenny	Jenny	Owen	Com on Nom; MBE Director	Mississippi State Board of Architecture	Region 3
Parker, Blair	Blair	Parker	BOD; Com on Nom	Tennessee State Board of Architect & Engineer Examiners	Region 3
Peltier, Tina	Tina	Peltier	Com on Nom	Louisiana Horticulture Commission	Region 3
Pennock, Virginia	Virginia	Pennock	BOD; Com on Nom		Region 3
Price, Molly	Molly	Price	Com on Nom	South Carolina Department of Labor, Licensing and Regulation	Region 3
Rankins, Ansel	Ansel	Rankins	Com on Nom	Louisiana Horticulture Commission	Region 3
Saponari, Regina	Regina	Saponari	Com on Nom		Region 3
Senn, Amanda	Amanda	Senn	Com on Nom	Florida Board of Landscape Architects	Region 3
Tarkany, John A.	John	Tarkany	BOD; Com on Nom	South Carolina Department of Labor, Licensing and Regulation	Region 3
Williams, Stanley N.	Stan	Williams	BOD; Com on Nom		Region 3
Wilson, Mark A.	Mark	Wilson	BOD; Com on Nom		Region 3
Beresnak, Michael	Michael	Beresnak	BOD; Com on Nom	Alberta Association of Landscape Architects	Region 4
Bergt, Eileen	Eileen	Bergt	BOD; Com on Nom	Nebraska State Board of Landscape Architects	Region 4
Bryers, Dennis E.	Dennis	Bryers	BOD; Com on Nom	Nebraska State Board of Landscape Architects	Region 4
Cronbaugh, Emily	Emily	Cronbaugh	Com on Nom	Wyoming State Board of Architects and Landscape Architects	Region 4
Dougherty, Brian	Brian	Dougherty	BOD; Com on Nom	Oklahoma Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers	Region 4
Dyck, Mary Leigh	Mary Leigh	Dyck	Com on Nom		Region 4
Fleury, Allison M.	Allison	Fleury	BOD; Com on Nom	Wyoming State Board of Architects and Landscape Architects	Region 4

Full Name	Nickname	Last Name	Eligible For	Board	Region
Graham, Melissa	Melissa	Graham	Com on Nom		Region 4
Lais, Jean	Jean	Lais	Com on Nom; MBE Director	Nebraska State Board of Landscape Architects	Region 4
Lopez, Shelby	Shelby	Lopez	Com on Nom	Kansas Board of Technical Professions	Region 4
Patterson, Kathryn	Kathryn	Patterson	Com on Nom	South Dakota Board of Technical Professions	Region 4
Pearson, Dean J.	Dean	Pearson	BOD; Com on Nom	Colorado State Board of Landscape Architects	Region 4
Perkins, William S.	William	Perkins	BOD; Com on Nom	New Mexico Board of Landscape Architects	Region 4
Prokopchuk, Shauna	Shauna	Prokopchuk	Com on Nom		Region 4
Reade, Todd	Todd	Reade	Com on Nom	Alberta Association of Landscape Architects	Region 4
Tidwell, Enid	Enid	Tidwell	BOD; Com on Nom	New Mexico Board of Landscape Architects	Region 4
Weatherly, Randy D.	Randy	Weatherly	BOD; Com on Nom	Oklahoma Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers	Region 4
White, Ellen	Ellen	White	Com on Nom	Oklahoma Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers	Region 4
Williams, Jean	Jean	Williams	Com on Nom	Oklahoma Board of Governors of the Licensed Architects, Landscape Architects and Registered Interior Designers	Region 4
Winslow, William P.	Chip	Winslow	BOD; Com on Nom		Region 4
Young, Joyce	Joyce	Young	Com on Nom	Colorado State Board of Landscape Architects	Region 4
Antunez, Ellis L.	Ellis	Antunez	BOD; Com on Nom	Nevada State Board of Landscape Architecture	Region 5
Berger, Grace	Grace	Berger	Com on Nom		Region 5
Bowden, Andrew C.	Andy	Bowden	BOD; Com on Nom	California Landscape Architects Technical Committee	Region 5
Brady, LeRoy	LeRoy	Brady	BOD; Com on Nom		Region 5
Breckon, Jon F.	Jon	Breckon	BOD; Com on Nom	Idaho Board of Landscape Architects	Region 5
Cook, Michael A.	Mike	Cook	BOD; Com on Nom		Region 5
Cornelius, Melissa	Melissa	Cornelius	Com on Nom; MBE Director	Arizona State Board of Technical Registration	Region 5

Full Name	Nickname	Last Name	Eligible For	Board	Region
Crabill, Daren A.	Daren	Crabill	BOD; Com on Nom	Washington Board of Licensure for Landscape Architects	Region 5
Culham, Tara E.	Tara	Culham	Com on Nom	British Columbia Society of Landscape Architects	Region 5
Doerr, Dale	Dale	Doerr	BOD; Com on Nom	Nevada State Board of Landscape Architecture	Region 5
Engler, Shelly	Shelly	Engler	BOD; Com on Nom	Montana Board of Architects and Landscape Architects	Region 5
Everhart, Gregg	Gregg	Everhart	BOD; Com on Nom	Oregon State Landscape Architect Board	Region 5
Feng, Tian	Tian	Feng	BOD; Com on Nom	California Landscape Architects Technical Committee	Region 5
Figurski, James W.	Jim	Figurski	BOD; Com on Nom		Region 5
Fleming, Michelle	Michelle	Fleming	Com on Nom		Region 5
Gilmore, John J.	Jack	Gilmore	BOD; Com on Nom	Arizona State Board of Technical Registration	Region 5
Hackenmiller, Sarena	Sarena	Hackenmiller	Com on Nom		Region 5
Hall, Dawn	Dawn	Hall	Com on Nom	Idaho Board of Landscape Architects	Region 5
Jones, Alysia	Alysia	Jones	Com on Nom	Alaska Board of Registration for Architects, Engineers and Land Surveyors	Region 5
Kiest, Karen S.	Karen	Kiest	BOD; Com on Nom	Washington Board of Licensure for Landscape Architects	Region 5
Kobashigawa, James	Jimmy	Kobashigawa	Com on Nom	Hawaii Board of Professional Engineers, Architects, Surveyors & Landscape Architects	Region 5
Landregan, Stephanie V.	Stephanie	Landregan	BOD; Com on Nom		Region 5
Manley, Julia	Julia	Manley	Com on Nom	Washington Board of Licensure for Landscape Architects	Region 5
McCauley, Doug	Doug	McCauley	Com on Nom	California Landscape Architects Technical Committee	Region 5
Miller, Brianna	Brianna	Miller	Com on Nom	California Landscape Architects Technical Committee	Region 5
O'Brien, Michael	Michael	O'Brien	BOD; Com on Nom	Oregon State Landscape Architect Board	Region 5
Ogram, William A.	Fred	Ogram	BOD; Com on Nom	Idaho Board of Landscape Architects	Region 5
Peters, Deborah K.	Deb	Peters	BOD; Com on Nom	Washington Board of Licensure for Landscape Architects	Region 5

Full Name	Nickname	Last Name	Eligible For	Board	Region
Pritzl, Patrice	Patti	Pritzl	Com on Nom	Arizona State Board of Technical Registration	Region 5
Ray, Stephen G.	Steve	Ray	BOD; Com on Nom	Oregon State Landscape Architect Board	Region 5
Rebolo, Pam	Pam	Rebolo	Com on Nom	Idaho Board of Landscape Architects	Region 5
Sherry, Thomas	Tom	Sherry	BOD; Com on Nom		Region 5
Southwick, Stanton W.	Stan	Southwick	BOD; Com on Nom	Nevada State Board of Landscape Architecture	Region 5
Stam, Rob	Rob	Stam	Com on Nom	Arizona State Board of Technical Registration	Region 5
Steiner, Nathan	Nathan	Steiner	BOD; Com on Nom	Montana Board of Architects and Landscape Architects	Region 5
Taylor, David A.	David	Taylor	BOD; Com on Nom	California Landscape Architects Technical Committee	Region 5
Trauth, Patricia M.	Patricia	Trauth	BOD; Com on Nom	California Landscape Architects Technical Committee	Region 5
Truscott, Marq	Marq	Truscott	BOD; Com on Nom	California Landscape Architects Technical Committee	Region 5
Tsandes, Jamie	Jamie	Tsandes	BOD; Com on Nom	Utah Division of Occupational and Professional Licensing	Region 5
Urfer, Luanne	Luanne	Urfer	BOD; Com on Nom	Alaska Board of Registration for Architects, Engineers and Land Surveyors	Region 5
Valentine, Christine	Christine	Valentine	Com on Nom	Oregon State Landscape Architect Board	Region 5
Vaughan, Mark C.	Mark	Vaughan	BOD; Com on Nom	British Columbia Society of Landscape Architects	Region 5
Vlasic, Mark	Mark	Vlasic	BOD; Com on Nom	Utah Division of Occupational and Professional Licensing	Region 5
Wasson, Ian N.	Ian	Wasson	BOD; Com on Nom		Region 5
Zickler, Len	Len	Zickler	BOD; Com on Nom	Washington Board of Licensure for Landscape Architects	Region 5



NCARB

Meeting Reports & Correspondence



AGENDA ITEM 6.B.1.

NCARB Regional Director Engagement September 8, 2017

Purpose is an opportunity to raise any questions, concerns or hot topics.

Agenda

- Blue Sky - outcomes from annual meeting certification and eligibility? Sunset the workgroup and take the recommendations and send those out to the various committees.
- Approved Audit Committee
- Bylaw changes – mostly “clean-up”
- January 2018 Board Meeting
- Position description for leadership positions
- Demonstration of technology products
- Created a list of potential interest – states interested in using an automate license process to track candidates

4 Technology Opportunities

1. Jurisdictions – state licensing solution - database
2. Volunteer management system
3. Association management system – similar to NCARB in structure
4. Portfolio – new SME can access documents

Technology opportunities 1 & 2 are most viable. Processing licenses, renewals, capturing data, etc. at the state/ jurisdictional level. Several attendees noted the need to also track enforcement information and what the key pieces needed would be.

Hot Topics:

- Alaska asked about playgrounds. NM commented it falls under landscape architects and the majority of attendees agreed.
- Recent ruling ADA liability – owners cannot transfer responsibility to design professionals.
- Oregon is thinking of eliminating approval to sit for A.R.E. – become a direct applicant state.
- Question about interior designers in California. Currently not a state board – public protection is highest level, 2nd is private. So certification for non-profits has worked well. Reasonable alternative to starting a state board. There was a “goofy statute” that tried to add new elements defining what they could do, but did not prevail.
- Arizona mentioned two issues related to the regulatory environment. AZ had to provide a report – requirements, fees, etc. and compare themselves to all other states and show they were not more stringent than other states. The result was a thirty page treatise justifying why professions need to be regulated. AZ also mentioned they are now required to license those 200% below federal poverty guideline for free, but there was no stipulations regarding how or who will check that they qualify.

2017 Annual Business Meeting

Member Boards explored the role of reasonable regulation, brainstormed enhancements to certification, and shared creative approaches to investigating violations. [READ MORE](#)

“Our work is taking us further and increasing our capacity to stay relevant and agile. The support from our Member Boards has been strong and gratifying.”

—Message from the CEO, Page 2



June-July Highlights

A Fresh Look at Professional Practice

NCARB is launching a “Professional Practice Scholarship” program for professors to attend a three-day training institute, hosted by the Council. [READ MORE](#)

The Future of Architecture

This year, NCARB is launching a new Futures Task Force and a think tank composed of recently licensed architects. [READ MORE](#)

NCARB in the Press



- [Architecture Is Becoming More Diverse—Very Slowly](#) (Fast Company)
- [NCARB Adds More Schools to Accelerated Architecture Licensure Initiative](#) (Architectural Record)
- [NCARB: Time to Licensure Drops 9.6 Months in 2016](#) (Architect Magazine)
- [Gregory L. Erny Inaugurated as NCARB President](#) (Building Enclosure)

Recent News



- [2017 Annual Business Meeting: Going Further for the Architecture Profession](#)
- [NCARB Installs FY18 Board of Directors](#)
- [Six Awarded the NCARB President's Medal for Distinguished Service](#)
- [NCARB Launches Second Alternative Path to Certification](#)

Top Blog Posts



- [2017 Licensing Advisors Summit: Breaking Down Barriers in Architecture](#)
- [How Architects Can Create Affordable, Equitable Design for All](#)
- [ARE 4.0 Retires June 30, 2018!](#)
- [Completing the AXP Through the Portfolio Option](#)

Message from the CEO

Dear Colleagues,

Our team has emerged from the June Annual Business Meeting (ABM) with a well-stocked cupboard of ideas, initiatives, and ways to augment existing programs and services. Much of the feedback from our Member Boards reinforced the priorities of the Board of Directors as outlined in the new fiscal year budget: continued emphasis on providing support to address challenges to regulation, sharing creative approaches to addressing capacity to investigate and prosecute violations, refreshing the Strategic Plan to reflect emerging issues while not losing focus on sustaining momentum, raising awareness and engagement regarding the architecture education accreditation process, and achieving best value from NCARB certification. The absence of contested elections and resolution debates opened up our ABM to serve as a forum for training and honing of skills to best function as Member Boards and thought leaders regarding architectural regulation.

Throughout the summer we are continuing this conversation about “going further” with other key stakeholders. Taking a fresh look at how education prepares individuals for licensure, the recent Licensing Advisors Summit provided a launching pad for a new emphasis on the professional practice faculty serving as instructors on campuses around the United States. Frequently, these instructors are adjunct, full-time practitioners. A key focus of teams reviewing compliance with accreditation requirements is on the delivery of the “pro practice” curricula. Based on feedback from the pro practice faculty who serve as licensing advisors, NCARB is moving to create a scholarship program to train this community on best practices as presented by their peers. The “Professional Practice Scholarship” program will involve development of a three-day training institute to be hosted by NCARB and designed by pro practice instructors along with staff and subject matter experts. Up to 12 instructors will be given scholarships to attend a yearly training event. Going further, the role of pro practice in the context of accreditation will be the focus of an NCARB white paper, to be delivered in

continued page 3



CEO Outreach



June

NCARB Board of Directors Meetings and Annual Business Meeting

Boston, MA | June 21-24

Global Wellness Institute “Future of Wellness in the AEC Industry” Roundtable

New York, NY | June 26-27

January 2019, which will inform the 2019 NAAB Accreditation Review Conference. The white paper will be informed by a data collection effort, to be designed this fall and conducted next spring, and assessed in late-2018.

Our Board of Directors will return to the conversations that engaged our members at the ABM as it moves through its September agenda. A particular area of focus will be findings from the ABM workshop addressing best value for the Certificate, ranging from how registration processes could be streamlined to providing a menu of options for Member Boards in pairing certification with licensure. The Board will also roll up their sleeves to guide the process of refreshing our Strategic Plan as we target our 2019 Centennial ABM, where NCARB will unveil the new version.

The timely and provocative ABM keynote presentations on how to talk to legislators about reasonable regulation spurred large turnouts at the companion workshops and captured a growing concern regarding legislative efforts around the United States. To that end, NCARB is working closely with its counterparts for landscape architecture (CLARB) and engineering (NCEES) to jointly monitor activities, as well as develop strategic alliances to present the best case for how partnering with our Member Boards protects the public without creating economic impediments.

Our work is taking us further and increasing our capacity to stay relevant and agile. The support from our Member Boards has been strong and gratifying. Our recent programmatic adjustments are assisting in maintaining our focus on facilitating licensure as a benefit to our members and as a protection to the public.

Thanks for all of the helpful and constructive feedback at the ABM and as we meet around the country. A complete set of questions and answers from our Town Meeting session with President Harding and me [are available](#) in the Registration Board section of My NCARB, and highlights will appear in our Annual Report this fall.

With best wishes for a safe and enjoyable late summer,

Mike

More CEO Outreach



July

Interorganizational Council on Regulation/ICOR (NCARB, NCEES, CLARB) Mid-Year Meeting

Washington, DC | July 10

Federation of Associations of Regulatory Boards (FARB) National Policy Summit

Kansas City, MO | July 26

Licensing Advisors Summit

Chicago, IL | July 27-29

Upcoming Events

Alpine Testing Thought Leaders Exchange Summit

Washington, DC | August 7-9

AIA Hong Kong Young Architects Group

Hong Kong, China | August 28-31

Collateral Engagement



American Institute of Architects (AIA)

AIA State Government Network Meetings

St. Louis, MO | June 14-15

American Institute of Architecture Students (AIAS)

AIAS Grassroots

Washington, DC | July 6-7

Strategic Plan

- **Plan Refresh Initiative.** ABM attendees participated in three workshops to address the strengths and weaknesses of the current strategic plan, as well as brainstorm ideas on how to make the plan most representative of the evolving focus of the Council. Focus group and survey results of key stakeholders will continue to inform the drafting process, with the Board of Directors working to polish a series of drafts over the next 18 months. The final version will be unveiled at the 2019 ABM in Washington, DC.
- **Facilitate Licensure.** Participation in all NCARB programs continues to surge at near-record or record levels, with the June 30 end of the fiscal year indicating a stronger than projected upward trend line. This metric is one of several measurements indicating adherence to the Strategic Plan goal of “facilitate licensure.”
- **Foster Collaboration.** The ABM included a presentation from the American Institute of Architecture Students (AIAS) regarding NCARB’s continued support of their Freedom by Design initiative. The partnership provides NCARB funding to student chapters for materials and to the AIAS national office for strategic staffing and marketing. The partnership also sets up a feeder program to provide Member Board supervisor/mentors to student teams designing and constructing Freedom by Design projects, enabling students to earn AXP credit.



Member Boards heard updates on the AIAS Freedom by Design program at the 2017 Annual Business Meeting.



@srpc406

Have you checked out @NCARB's new website?

Redesigned for better searching & finding information.

Organizational Development and Office Life

- The new fiscal year budget funds a “business process reengineering” focus on the work of the Customer Relations Directorate. A similar effort 10 years ago led to a restructuring of the methodologies and reporting protocols used in that department, which in turn significantly improved customer satisfaction and expedited turnaround times. Ten years later, the Council desires to focus on new emerging technologies, best practices in customer service and information management, and the efficiency of the current department model.
- The FY18 budget also stands up a new task force looking at the future of practice and how evolving approaches may necessitate evolving regulatory tools, as well as a new work group addressing the Council’s position on “interior architecture” and related interior design issues.
- A second think tank is being organized to capture the voice of recently licensed architects, to be jointly staffed by a team from the Examination and Experience + Education directorates.
- Design of a data collection activity focused on the role of the professional practice faculty in architectural education will commence this fall—leading to data collection in spring 2018 and data analysis in fall 2018, before being transmitted in a white paper in early 2019. This effort is targeted for discussion at the summer 2019 Accreditation Review Conference hosted by the NAAB.
- In July, NCARB staff participated in a retreat focused on corporate and social responsibility. One session placed staff into design charrette teams to produce models for actual Freedom by Design projects, coached by AIAS leaders. A second session engaged staff with local charity “Rise Against Hunger” to produce over 10,000 meal packets of grains and dried vegetables that will be sent to communities in crisis around the world. Both activities fostered interdepartmental teamwork and taught valuable lessons regarding collaboration.

Office of the CEO

- Wearing his FARB-loaned executive hat, NCARB Senior Architect/Advisor to the CEO Stephen Nutt, FAIA, NCARB, hosted seven federations of state boards and 11 related professional societies at the Professional Licensing Summit in the NCARB office in early June. The summit’s main goal was to expand awareness of the proposed federal legislation developed by the Professional Licensing Coalition (composed of NCARB, FARB, and several other similar organizations) to shield volunteers serving on state licensing boards from lawsuits filed against the state boards. The legislation has slowly gained support from both sides of the aisle and both chambers of Congress, with introduction in the House and Senate in the coming months. Once formally introduced, the professional membership societies have offered resources to garner the support necessary to pass this important piece of legislation.



At the July All Staff Meeting, the NCARB team packed over 10,000 meal packets for Rise Against Hunger, a nonprofit that provides food to local and international areas in crisis.

Administration

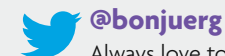
- The Board of Directors approved the FY18 budget immediately following the Annual Business Meeting. As FY17 Treasurer Terry Allers, AIA, NCARB, reported at the ABM, this budget has a planned \$1M deficit to be reconciled by utilizing reserves, which are currently at or near target goals. The deficit comes as the organization pivots to operating with the “new normal” of streamlined fees and programs coupled with the final year of dual exam delivery (ARE 4.0 and ARE 5.0) through June 30, 2018. The Board has planned over several years for this deficit by building reserve balances and will carefully monitor Council finances throughout the year.
- Delivered key planning and logistical support for the ABM in Boston, MA, and the Licensing Advisors Summit in Chicago, IL. Logistical planning for FY18 committee meetings is underway.
- Preparing for the annual financial audit.
- Recruiting for a number of open vacancies. Current openings can be viewed on [NCARB's website](#).

Council Relations

- Attended the Kentucky Board of Architects meeting to discuss the alternatives to the education requirement for certification. Subsequent to the discussion, the KY Board voted to begin the rule-making process to accept the education alternatives.
- Issued a call for state and regional reports for inclusion in the NCARB Annual Report.
- Distributed *Fast Facts*, including an ABM recap.
- Submitted comments to and attended a roundtable discussion convened by the Federal Trade Commission (FTC) regarding license portability.

Customer Relations

- Collaborating with the Information Systems, Marketing & Communication, and Administration directorates to transition to a new customer email management system.
- Coordinated with Examination, Council Relations, and Prometric during two recent Prometric system issues to keep customers and Member Boards apprised of status and resolution.
- Completed implementation of telephone upgrades that enable offsite work during emergencies. Next phase of phone upgrades will include customer service feedback surveys.
- Several Customer Relations staff attended the ABM to provide registration support and promote one-on-one Member Board staff training at the Customer Relations resource table.
- Attended the 2017 AIAS Grassroots conference in Washington, DC, to support a presentation and resource table.



Always love to see the data crunched by @NCARB. Check it out super interesting numbers on architects. www.ncarb.org/NBTN2017

Examination

- Launched the final forms of ARE 4.0 to be delivered until June 30, 2018.
- Began a 12-month countdown to ARE 4.0 retirement and launched an ongoing communication plan to assist candidates with making a successful transition.
- ARE 5.0 Forms Assembly Subcommittee completed the final assembly and review of the exam forms to be released.
- Hosted kickoff calls and began efforts for the FY18 Case Study and FY18 ARE 5.0 Item Writing subcommittees.

Experience + Education

- Held the 2017 Licensing Advisors Summit from July 27-29 in Chicago, IL.
- Released two new mini-monographs: [Seismic Mitigation Part I](#) and [Subsurface Conditions Part I](#).
- Hosted kick-off calls to begin planning for the FY18 Education Committee and Continuing Education Subcommittee.



Student advisors learn about the path to licensure at the 2017 Licensing Advisors Summit.

June - August Outreach



AIA Components

- AIA Delaware | June 20
- AIA Eastern Illinois | June 28
- AIA Chicago | June 26
- AIA Honolulu and AIA Alaska (webinar) | June 27

Conferences

- Coalition of Community College Architecture Programs | June 9-10
- AIAS Grassroots | July 6-8
- American School Counselor Association | July 8-10
- AIA Florida Convention | July 27-29
- Licensing Advisors Summit | July 27-29

Firms

- Karn Charuhas Chapman & Twohey | June 20
- LSM | August 10

Member Boards

- Kentucky Board of Architects | July 18

Webinars

- Architect Licensing Advisors: The Supervisor's Role in Certification | June 20



@DocArchitecture

Timeline to licensure is now 12.5 years ... 9.6 months sooner than in '15. Way to go, @NCARB

Information Systems

- Launched licensing advisor and community websites.

Marketing & Communications

- Developed and coordinated communications, presentations, and press announcements for the ABM.
- Released *NCARB by the Numbers* to Member Boards at the Annual Business Meeting and launched the [NBTN Data Center](#).
- Developed and coordinated communications and presentations for the Licensing Advisors Summit.
- Continued to promote the AXP Portfolio through a social media campaign.
- Welcomed Visual Designer Derek Reynolds to the team in late June. He was previously the graphic designer at the Newseum in Washington, DC.
- Welcomed Communications Intern Caroline Boucher Greer in early July. She will be with the team for the summer to gain experience in writing, editing, marketing, and other roles and responsibilities completed by the team.



FAST FACTS

2017 NCARB Annual Business Meeting Recap

First Business Session

The 2017 Annual Business Meeting of the National Council of Architectural Registration Boards (NCARB) was held June 22-24, 2017, in Boston. 2016-2017 President Kristine A. Harding, NCARB, AIA, began the meeting by reflecting on the accomplishments of the Council over the last year and encouraging the membership to continue to seek new opportunities to partner with members of the architecture community. Keynote speakers Malcolm K. Sparrow and David C. King, professors at Harvard's Kennedy School of Government, explored the importance of reasonable regulation—including techniques for building relationships with elected officials in an era when professional licensure is being questioned.

Delegates then attended workshops addressing issues such as opportunities in the new regulatory environment, investigation best practices, blue-sky perspectives on the NCARB Certificate, and navigating nonprofit investment. PowerPoint presentations for workshops can be found on the Registration Board section of My NCARB under "Annual Meeting," and full descriptions for each workshop can be found below.

Shaping NCARB's Strategy

A refresh of NCARB's strategic plan is underway, and input from the membership is essential for its validity. During this workshop, attendees shared feedback on NCARB's current strategic plan, provided insight on the dynamics impacting the regulation of the profession, and helped shape the future of NCARB's support of our Member Boards. This workshop, which built upon data from focus groups and surveys, will help shape the new plan, to be unveiled at the 2019 Centennial Celebration.

Presenters: Liz Williamson, Senior Consultant, McKinley Advisors; Megan Maher, Consultant, McKinley Advisors

Blue-sky Perspectives on Certification

This blue-sky workshop explored how the NCARB Certificate could be used to facilitate licensure in the future. Topics included expanding opportunities for Certificate holders, streamlining the certification process, and reducing barriers to reciprocal registration. Meeting attendees shared innovative perspectives on one of NCARB's key programs and practiced an engaging planning method used by the NCARB Board of Directors—a skill members can take back to their Member Board.

Presenters: Andrew McIntyre, NCARB Director, Marketing & Communications; Stephen Nutt, FAIA, NCARB, CAE, NCARB Senior Architect/Advisor to the CEO

Making Education Count

Architecture education is a critical part of becoming an architect, but keeping your board up-to-date with how education fits into the path to licensure can be difficult. In this workshop, attendees explored vital factors to consider when making licensing decisions, the value NAAB-accredited programs offer licensing boards, and how NCARB's programs build on the academic experience.

Presenters: Maria Brown, Oregon Member Board Executive; Denis Henmi, FAIA, NCARB, DLR Group; Amy Perenchio, AIA, ZGF Architects LLP; Harry M. Falconer Jr., FAIA, NCARB, NCARB Director Experience + Education

NCARB

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Investigations Best Practices

Ruling on disciplinary infractions is an important aspect of a licensing boards' work. Presenters shared key strategies for conducting investigations and inquiries, overcoming resource shortages, working with legal counsel, and managing cases.

***Presenters:** Ren Horne, Investigator, New Hampshire Office of Professional Licensure and Certification; David K. Minacci, Prosecuting Attorney, Florida Board of Architecture and Interior Design; Jill Short, Investigations and Compliance Manager, Washington State Department of Licensing*

Opportunities in the New Regulatory Environment

In this session, attendees learned about extolling the value of reasonable regulation to local legislators and identifying advocacy opportunities. The presenters also explored successful strategies already in use, proactive techniques, and best practices.

***Presenters:** Malcolm K. Sparrow, Professor of Practice of Public Management, John F. Kennedy School of Government; David C. King, Senior Lecturer in Public Policy, John F. Kennedy of Government*

Best Practices in Nonprofit Investing: Navigating Today's Challenging Landscape

Workshop participants explored best practices from the nonprofit world, including how to structure an investment policy statement, evaluate a board's risk tolerance, discover prudent investment options in the current market environment, and learn more about potential headwinds that need to be taken into consideration when allocating investment portfolios.

***Presenters:** Adam Proger, UBS Financial Services, the Sardana Group*

Second Business Session

During the second business session, Treasurer Terry L. Allers, AIA, NCARB, reported on the Council's financial well-being, and CEO Michael Armstrong reflected on the Council's impact over the past year, as well as its future. American Institute of Architecture Students (AIAS) Executive Director Nick Serfass, AIA, CAE, provided an update on NCARB's partnership with the Freedom by Design™ program, which gives architecture students the opportunity to gain real world experience while improving the accessibility of their communities. Serfass commented that "through this partnership, students are learning more about the licensure process while connecting with NCARB's Member Boards."

Third Business Session

Representatives from this year's Think Tank addressed the membership on the value of licensure and what they wanted supervisors to learn to better support licensure candidates. FY18 First Vice President/President-elect David L. Hoffman, FAIA, NCARB, introduced the five newest schools joining NCARB's Integrated Path to Architectural Licensure (IPAL) initiative:

- Boston Architectural College (B.Arch.)
- Florida International University (M.Arch.)
- New York Institute of Technology (M.Arch.)
- Southern Illinois University (M.Arch.)
- University of Massachusetts Amherst (M.Arch.)

A town meeting discussion was held to provide an opportunity for delegates to pose questions to NCARB leadership pertaining to Council services and programs.

The formal election of the FY18 Board of Directors by the membership also occurred in this session. The new Board is as follows:

- President Gregory L. Erny, FAIA, NCARB
- First Vice President/President-elect David L. Hoffman, FAIA, NCARB
- Second Vice President Terry L. Allers, AIA, NCARB
- Treasurer Robert M. Calvani, NCARB, AIA
- Secretary Alfred Vidaurri Jr., FAIA, NCARB, AICP
- Past President Kristine A. Harding, NCARB, AIA
- Director Region 1 Stephen D. Schreiber, FAIA, NCARB
- Director Region 2 Paul D. Edmeades, RA, AIA, NCARB
- Director Region 3 John E. Cardone Jr.
- Director Region 4 Stephen L. Sharp, NCARB, AIA
- Director Region 5 Bayliss Ward, NCARB, AIA
- Director Region 6 Jim Oschwald, NCARB, AIA, LEED AP BD+C
- Member Board Executive Director Maria Brown
- Public Director Darryl R. Hamm

The 2017 Annual Business Meeting closed with remarks from President-elect Greg Erny, FAIA, NCARB, who outlined his vision for FY18—particularly in regards to “interior architecture,” the role of the supervisor, approaches to the NCARB Certificate, and expanding our collaboration with collateral organizations.

Community Center Resources

Several up-to-date tools and resources on NCARB's programs and initiatives were available at this year's Community Center. Community Center resource tables provided insights into the Architectural Experience Program™ (AXP™), alternative paths to NCARB certification, and updates on the progress of the Architect Registration Examination® (ARE®) 5.0. Members received promotional materials supporting responsible regulation in architecture and the information on the NCARB development of a cloud-based licensing system.

Plenary Videos

As has become the practice over the past several years, we were pleased to be able to offer Member Board Members and Member Board Executives who were unable to attend the meeting an opportunity to view the event via webcast. If you were not able to join at that time, links to the plenary sessions can be found here:

- [Keynote presentations](#)
 - First business session (Coming soon)
 - [Second business session](#)
 - [Third business session](#)
-

Update on the Intern Title Discussion

NCARB recently released a [statement](#) addressing the AIA's recommended titles of "architectural associate" and "design professional" advising licensure candidates and their supervisors that these titles violate the law in most of our jurisdictions. In 46 U.S. jurisdictions, the use of the term "architectural associate" is prohibited, and in 26 jurisdictions, the term "design professional" may be an issue. NCARB encourages non-licensees to always check with their state board for the latest rules and regulations before using a title.

2017 ABM Survey Reminder

Your feedback is critical to the success of future Council programs! If you have not already done so, please take a moment to complete the [2017 NCARB Annual Business Meeting Survey](#). We strive to continuously improve our meetings and service to you, and your feedback is an important part of that process.

Mini State Histories

As part of NCARB's upcoming centennial celebration, we're asking each jurisdiction to fill out a brief history of your licensing board. These histories will be incorporated in the various materials developed for events in 2019, including a commemorative book. Be on the lookout for an email from Amanda Pica (apica@ncarb.org) with more information and a template for the mini history. These histories will be due December 31, 2017.

2017 Annual Business Meeting Town Meeting

The town meeting is an opportunity for the membership to pose questions to President Harding and CEO Armstrong. This year, they responded to questions about volunteer committee appointments, the content of the next Regional Summit, issues regarding non-licensees' titles, the status of the alternative paths to certification, and deregulation. Responses to all of the submitted questions have been compiled and can be found on the [Registration Board section of My NCARB](#).

NCARB

National
Council of
Architectural
Registration
Boards

August 23, 2017

Gregory L. Erny, FAIA, NCARB
President/Chair of the Board
Reno, Nevada

David L. Hoffman, FAIA, NCARB
First Vice President/President-elect
Wichita, Kansas

Terry L. Allers, AIA, NCARB
Second Vice President
Fort Dodge, Iowa

Robert M. Calvani, NCARB, AIA
Treasurer
Albuquerque, New Mexico

Alfred Vidaauri Jr., FAIA, NCARB, AICP
Secretary
Fort Worth, Texas

Kristine A. Harding, NCARB, AIA
Past President
Huntsville, Alabama

Stephen D. Schreiber, FAIA, NCARB
Director, Region 1
Amherst, Massachusetts

Paul D. Edmeades, RA, AIA, NCARB
Director, Region 2
Bel Air, Maryland

John E. Cardone Jr.
Director, Region 3
Lake Charles, Louisiana

Stephen L. Sharp, NCARB, AIA
Director, Region 4
Springfield, Ohio

Bayliss Ward, NCARB, AIA
Director, Region 5
Bozeman, Montana

Jim Oschwald, NCARB, AIA, LEED AP BD+C
Director, Region 6
Albuquerque, New Mexico

Maria Brown
Member Board Executive Director
Salem, Oregon

Darryl R. Hamm
Public Director
Harrisburg, Pennsylvania

Michael J. Armstrong
Chief Executive Officer

Dave Hale, PS
Chairman

Alaska Board of Registration for Architects, Engineers, and Land Surveyors
333 Willoughby Ave., 9th Floor
Juneau, AK 99801

Dear Dave:

The NCARB National Board of Directors will be meeting in Girdwood, Alaska from September 13-16, 2017. We appreciate the opportunity to visit your state and would like to invite you, your colleagues, and your board executive to a working dinner that would allow us to discuss the NCARB Board's focus and the future of architectural licensing in Alaska and nationally.

We are therefore pleased to invite you to join the Board for dinner on Wednesday, September 13th beginning at 6:00p.m. at the Columbia Patio at Alyeska Resort located at the 1000 Arlberg Ave, Girdwood, AK 99587.

Unfortunately, room availability is extremely limited at the hotel but if you or your colleagues need to be able to spend the night to participate in the dinner, please let us know as soon as possible and we will do our best to add you to our room block.

Please let Ilinca Ciumac, at (202) 469-4560 or iciumac@ncarb.org, know who will be able to attend by **September 5th**.

Thank you and we hope to see you next month.

Sincerely,



Gregory L. Erny, NCARB, FAIA
President and Chair of the Board

CC: Alysia D. Jones, AK Board Executive
Joshua Batkin, Director - Council Relations

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New Futures Task Force

In the year ahead, NCARB will work to explore the effect technology has on regulation and the profession.

[READ MORE](#)

August Highlights

Reinforcing Reasonable Regulation

NCARB continues to assist our Member Boards as they advocate their role to key stakeholders and the public. [READ MORE](#)

2018 Regional Summit

The upcoming Regional Summit will focus on collaborating across jurisdictional borders.

[READ MORE](#)

Council Relations Directorate

NCARB's Council Relations Directorate continues its reorganization with the addition of two assistant directors. [READ MORE](#)

NCARB in the Press



- [NCARB by the Numbers: 2016 In Review](#) (Architect Magazine)
- [Tech Memo: Career Blueprints](#) (Associations Now)
- [People Are Becoming Licensed Architects Faster \(But It Still Takes a While\)](#) (Architizer)

Recent News



- [NCARB Releases Latest Data on Architectural Education, Licensure, and Diversity](#)

“We are eager to help our Member Boards tell their story to legislatures, governors, and citizens.”

—Message from the CEO, Page 2



Top Blog Posts



- [Is the Architecture Profession Becoming More Diverse?](#)
- [What It's Like to Be a Building Code Official](#)
- [Architect Spotlight: Zachary Stoltenberg](#)
- [Build Your Community and Resume Through Freedom by Design](#)

Message from the CEO

Dear Colleagues,

A conversation a year ago with the CEO of our exam consultant, Alpine, led to a first ever “idea exchange” meeting with regulatory organizations and testing experts in August. It is clear that the rapid evolution of technology is impacting professional practice as well as the tools in the regulatory tool box. This idea exchange was timely for NCARB on several fronts: it affirmed our focus on a new Futures Task Force being launched in October, chaired by Past President Kristine Harding, NCARB, AIA; it exposed a need to better understand the ramifications of technological change on how we view the role of regulation; and it provided NCARB attendees with new contacts who could provide expert opinion and subject matter qualifications as we move forward.

This idea exchange occurred just a month after our annual mid-year summit meeting with staff counterparts from engineering/surveying (NCEES) and landscape architecture (CLARB). Everyone around the table was struck by how all three of our organizations are simultaneously standing up groups of volunteers to look at technology and how it impacts our future.

Concurrent with these conversations has been a ramping up of NCARB’s capacity to offer software program services to licensing boards, nonprofit associations, and even the for-profit sector. As our recently streamlined collection of NCARB programs sets in motion a recalibration of the NCARB budget and business model, we have conducted extensive research regarding the opportunity to monetize NCARB’s technology products. In doing so, we are following a well-traveled path embarked upon by other regulatory nonprofits ranging from organizations regulating accountants to those regulating code officials. We look forward to learning how we may be able to assist in providing greater and more cost-effective services to the public and private sectors.

continued page 3



CEO Outreach



August

Meeting With NCARB President

Reno, NV | August 17-20

The ability of licensing boards to offer more efficient service, generate valuable data, and demonstrate the impact of their efforts can provide a counterpoint to critics of the regulatory framework. Building from the presentations and discussions had in Boston last June, we are eager to help our Member Boards tell their story to legislatures, governors, and citizens. This is the other side of the debate that has been underplayed and neglected. We are hopeful that a strategic focus on the future, including how technology can be harnessed as a helper in our endeavors, will provide reinforcement to the concept of reasonable regulation as a necessary public protection role for government.

I hope your summer included time to recharge as we all move into back to school mode.

Best wishes,

Mike



@srpc406

Thanks @NCARB for the mini-monographs! I'm behind on CEH with maternity leave this year & these will come in handy for quality hours.

More CEO Outreach



Upcoming Events

UIA

Seoul, South Korea | September 1-8

Executive Committee Meeting

Girdwood, AK | September 13

Board of Directors Meeting

Girdwood, AK | September 14-17

AIA Large States Meeting

West Palm Beach, FL | September 22-23

Collateral Engagement



American Institute of Architects (AIA)

AIA Hong Kong

Hong Kong, China | August 8-31

Presentation hosted by Young Architects Committee

Association of Collegiate Schools of Architecture (ACSA)

NCARB and ACSA are discussing collaboration on a data collection exercise relating to professional practice courses and faculty.

National Architectural Accrediting Board (NAAB)

Staffing changes at the NAAB have assured no disruption in services to EESA candidates or visiting team support.

Strategic Plan

- The goal of **fostering collaboration** was addressed through a variety of venues, including meetings with licensure candidates—and their supervisors—in Hong Kong. The Regional Leadership Committee met to organize the Regional Summit to be held next March in Wichita, KS, continuing the focus on collaboration across jurisdictional boundaries. Each region was invited to host a briefing call preceding the September NCARB Board meeting, continuing the focus established last year on providing information in a timely fashion to allow for greater engagement at all levels. Our other primary strategic goals of **centralizing data** and **facilitating licensure** continue to show upward trends as we measure Member Board data sharing and a continued surge in examination delivery.

Organizational Development and Office Life

- The Council Relations Directorate continues to reorganize, installing two new assistant directors—Nefertari Carver and Marta Zaniewski—and saying goodbye to Manager Aura Kirstein. The directorate hopes to be back to full capacity by the end of the year. The realignment will better position the twin efforts of focusing on Member Board and volunteer needs and organizing alliances to mount the best argument for reasonable regulation.
- Brand ambassadors from across NCARB's directorates are preparing to launch a new internal communications platform entitled, appropriately enough, "Blue."

Office of the CEO

- The Model Law Task Force, chaired by Past President Dennis S. Ward, FAIA, NCARB, and established last year to conduct a comprehensive review of *NCARB Model Law and Model Regulation*, met in late August. The group was joined by a representative of the International Code Council to better understand how building type and construction classification might impact our work related to exceptions. The task force has identified several priorities in their running list of special research topics to continue to explore throughout the course of the year.



@liraluis

Just renewed my @NCARB Cert. Did you know NCARB (already) offers alternative path to licensure for experienced professionals?

Administration

- The audit firm of Tate & Tryon completed field work for the FY17 financial audit. The final audit report will be presented to the Board of Directors at the September meeting.
- We are actively recruiting to fill five staff vacancies, including three positions in IS (Software Engineer, Business Development Specialist, and Business Intelligence Analyst), one in Administration (Manager, Meetings & Events), and one in Experience + Education (Program Specialist). More details on these job opportunities can be found [here](#).

Council Relations

- Partnered with colleagues at the Council of Landscape Architectural Registration Boards (CLARB) to announce the upcoming orientation for new Member Board Members and Member Board Executives.
- Announced the creation of a new departmental structure that will further NCARB's mission supporting our Member Boards in the regulation of the practice of architecture.
- The Regional Leadership Committee met to begin planning for the 2018 Regional Summit.
- The Member Board Executives Committee held its first teleconference to begin addressing FY18 charges.
- The Credentials Committee held its first two conference calls to begin addressing FY18 charges.

Customer Relations

- The Customer Relations Directorate will be undergoing a significant makeover during this fiscal year to assess and reorganize processes and team structures for improved efficiencies and effectiveness. Phase one, already underway, is to transition to a proven approach for empowering staff to manage daily workflows for customer calls, emails, evaluations, transmittals, and other customer services. The Agile project management methodology, in use by all other Council teams, has proven to be a very successful approach for the Council. Phase two involves hiring an expert to conduct an operational audit on the directorate's business processes. A Request for Proposal has been released and phase two is expected to get underway in October.
- Customer Relations staff visited Prometric headquarters to gain a better understanding of the examination in support of licensure candidates.
- The Professional Conduct Committee and the Ethics Task Force each held introductory calls. These two teams will engage jointly this fall on proposed changes to the *NCARB Rules of Conduct*.



@M_H_Architects

Congrats Sean on passing another @NCARB ARE!
One more to go!

Examination

- Completed enhancements to automated reporting available from the ARE candidate management system.
- Partnered with Marketing & Communications Directorate to update automated messaging to candidates to reinforce the importance of planning for and strategically navigating the retirement of ARE 4.0.
- The ARE 5.0 Case Study Task Force completed their first round of development work and participated in a working meeting to review and refine case study resource documents.
- The ARE 5.0 Item Development Subcommittee completed item writing training and is actively working to add additional items to the ARE 5.0 item bank.



The ARE 5.0 Case Study Task Force reviews and refines case study resource documents.

Experience + Education

- The 2017 Licensing Advisors Summit brought together 273 attendees in Chicago—the highest attendance to date! Eighty-nine schools, 37 AIAS chapters, 39 states, and 10 Member Boards were represented, including 114 first-time attendees. The next summit is planned for July 2019.
- Members of the Certification Alternative Review Team (CART) attended annual training on the virtual process for reviewing portfolio submissions.



The Certification Alternatives Review Team participates in annual training.

August-September Outreach

AIA Components

- AIA Baltimore | September 6
- AIA Champaign | September 28
- AIA Milwaukee | September 28

Conferences

- AIA Wyoming Fall Conference | September 21-23
- Boston Architecture/Design College Fair | September 23

Firms

- LSM | August 10
- Flad Architects | September 19

Universities

- The Catholic University of America | September 18
- Massachusetts Institute of Technology | September 22
- California Polytechnic University, San Luis Obispo | September 27
- University of Memphis | September 27
- University of Illinois Urbana-Champaign | September 28
- University of Wisconsin Milwaukee | September 29
- Washington University | September 29

Information Systems

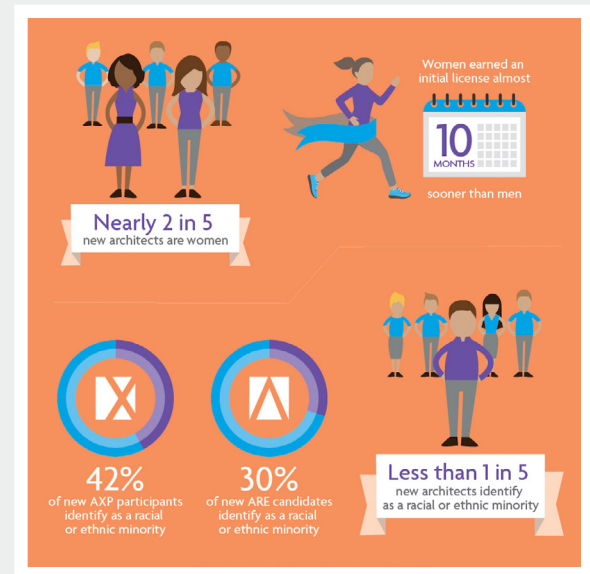
- In collaboration with the other directorates, enhanced our Member Boards' transmittal system by adding a new Member Transmittal Feedback option to the Member Board Executive (MBE) registration page. This new feature allows MBEs and members of board staff to immediately contact an NCARB Customer Relations manager when there is an issue with a Record that needs to be resolved.



NCARB's Information Systems Directorate and senior staff participate in a Lean innovation bootcamp.

Marketing & Communications

- Partnered with Experience + Education to develop training videos for the Certification Alternative Review Team (CART).
- Began development of the FY17 Annual Report.
- Released [ARE 5.0 pass rates](#).
- Worked with the Examination Directorate to develop the ARE 4.0 retirement communications plan.
- Promoted the AXP Portfolio through Google Adwords.



@AIANational

.@NCARB's "By the Numbers" report revealed that diversity in the architectural profession is gradually increasing: <http://bit.ly/2xtRTki>



@ChrisBlahCookie

The #ARE5 pass rates are out! goo.gl/c1n19B

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October 3, 2017

Dave Hale, Chair

Alaska Board of Registration for Architects, Engineers, and Land Surveyors
P.O. Box 110806
Juneau, AK 99811

Dear Dave Hale:

In February 2014, NCARB announced the long-anticipated implementation of the *Tri-National Mutual Recognition Agreement for International Practice* (known as “the Agreement”). Your Board has previously indicated on the NCARB annual licensing requirements survey that this Agreement has been accepted for purposes of providing reciprocal licensure in your jurisdiction. With this letter, we are writing to ask you to verify that acceptance is still valid by signing the enclosed *Letter of Undertaking*.

Development, pilot testing, and implementation of the Tri-National Mutual Recognition Agreement was a long and rigorous process supported by volunteers, leadership, and staff from all three countries. The underlying goal has always been to ensure that the qualifications of those U.S., Canadian, and Mexican architects interested in pursuing licensure across our borders are thoroughly vetted.

For background purposes, in the mid-1990s, the leaders and regulators of the architecture profession in Canada, Mexico, and the United States joined together to explore ways to facilitate the mutual recognition of licensure credentials among all three countries. Following many years of negotiations, the *Tri-National Mutual Recognition Agreement for International Practice* and its *Implementation Mechanisms* were signed by the leadership of the Council in October 2005 and ratified by our Member Boards at the Annual Meeting in June 2006. That vote positioned the Council to work in tandem with representatives of Canada and Mexico and proceed with the implementation of the Agreement.

The terms of the Tri-National Agreement are closely aligned with those of the former Broadly Experienced Foreign Architect (BEFA) path, which served as its model. The Agreement requires four basic components:

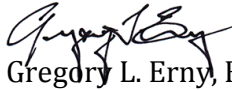
1. a recognized degree in architecture leading to licensure in the home country,
2. 10 years of comprehensive post-licensure experience in the home country, 2 years of which must be in responsible control,
3. the submission of a dossier documenting project-specific experience related to specific core competencies (see attached), and
4. an in-person interview before a panel of peers conducted in the language of the host country.

Prior to being eligible, Mexican applicants must first complete an extensive in-country evaluation and certification process conducted by their local *colegio* and the Consejo Nacional de Registro de Certificación (CONARC).

Similar to the process we are following with the Canada and Australia/New Zealand arrangements, we respectfully request that you document your Board's acceptance of the Tri-National MRA that recognizes the NCARB Certificate for reciprocal licensure issued to architects who have successfully completed the rigorous evaluation process by signing the enclosed *Letter of Undertaking*.

Should you wish further explanation or discussion, please feel free to contact Stephen Nutt, Senior Architect/Advisor to the CEO at snutt@ncarb.org.

Thank you for your support,



Gregory L. Erny, FAIA, NCARB
President / Chair of the Board



Michael J. Armstrong
Chief Executive Officer

Attachments: Letter of Undertaking
Tri-National Competencies

CC: Alysia Jones
Board Executive

Letter of Undertaking

with respect to the

TRI-NATIONAL MUTUAL RECOGNITION AGREEMENT FOR INTERNATIONAL PRACTICE

between the

NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS

and the

CANADIAN ARCHITECTURAL LICENSING AUTHORITIES

and the

CONSEJO NACIONAL de REGISTRO de CERTIFICACION

The National Council of Architectural Registration Boards (NCARB)

representing the architectural registration boards of the 50 United States,
the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

AND

The Canadian Architectural Licensing Authorities (CALA)

representing the architectural licensing boards of the 11 provinces and territories of Canada.

AND

The Consejo Nacional de Registro de Certification (CONARC)

representing the registered and certified architects of Mexico.

WHEREAS, NCARB, CALA, and CONARC have agreed to and signed the Tri-National Mutual Recognition Agreement for International Practice (Agreement) dated October 7, 2005 and implemented February 2014, ratified by the architectural licensing/registration authorities of the United States, Canada, and Mexico.

NOW THEREFORE, this *Letter of Undertaking* shall be signed, without modification, by each individual registration board wishing to participate in the Agreement.

The undersigned registration board, having the authority to license/register persons as Architects within its jurisdiction, wishes to become a signatory to the Agreement by virtue of this *Letter of Undertaking*. In doing so, the registration board agrees to and acknowledges the following:

1. The terms used in this *Letter of Undertaking* shall have the same meaning as defined in the Agreement between NCARB, CALA, and CONARC.
2. The undersigned individual has the authority to sign on behalf of the registration board.

Letter of Undertaking

MRA between NCARB, CALA, and CONARC

3. The undersigned registration board will not impose any additional education, experience, or examination requirements, or require the applicant to provide education transcripts, experience verifications, examination scores, or government identification numbers (including, but not limited to, Social Security Numbers or social insurance numbers). However, the host registration board may impose familiarity with local laws and other local requirements that also apply to all domestic applicants seeking reciprocal licensure.
4. In keeping with the above, the undersigned registration board agrees that it will accept for licensure/registration to practice architecture in its jurisdiction a licensed/registered architect who holds a valid and current NCARB Certificate that has been issued in accordance with the Agreement and satisfies all conditions outlined within the Agreement.

IN WITNESS WHEREOF, the registration board named below has caused the duly authorized person, on its behalf, to execute and deliver this *Letter of Undertaking*.

Entered into on _____, 20____.

By: _____
Name of State Registration Board

Name of duly authorized individual and title

Signature

TRI-NATIONAL COMPETENCIES

A qualified applicant seeking reciprocity through the *Tri-National Mutual Recognition Agreement for International Practice* is required to prepare a dossier of work that demonstrates the following professional competencies.

A. An Architect in responsible control must be competent to create architectural designs that:

1. Demonstrate an understanding of the relationship between people and buildings, and between buildings and their environment, and the need to relate buildings and the spaces between them to human needs and scale;
2. Respond to environmental concerns and address sustainability issues;
3. Show skill in land-use planning and planning process;
4. Take account of cultural and social factors.

B. An Architect in responsible control must be competent to translate a design concept into built form and be able to:

1. Investigate and interpret design objectives and relevant issues and prepare the brief for a design project;
2. Advise on project evaluations, feasibility studies and programs;
3. Evaluate and determine structural, constructional and engineering elements of a building and integrate the advice and design of specialist disciplines into a building project;
4. Assess the physical influences on buildings and the technologies associated with providing internal conditions of comfort and protection against the climate, and coordinate and integrate services systems to control them;
5. Meet building users' requirements within the constraints imposed by cost factors and building regulations;
6. Provide advice on issues of construction, procurement and contract administration;
7. Generate the documentation and information needed to translate a design concept into a building;
8. Manage the procurement of buildings, administer contractual arrangements and monitor their construction.

C. An Architect in responsible control must be competent in the practice of architecture and:

1. Observe legal and regulatory obligations related to the planning and construction of buildings;
2. Have adequate knowledge of the industries, organizations and procedures involved in the management and realization of a design project as a building;
3. Observe the standards of conduct expected of a professional;
4. Maintain competence in relevant aspects of the practice of architecture.

NCARB

National
Council of
Architectural
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October 5, 2017

Volunteer With Your Local AIAS Freedom by Design Chapter

Dear Colleagues,

In 2016, NCARB and the American Institute of Architecture Students (AIAS) began an initiative to connect state Member Boards with their local AIAS Freedom by Design program. The first year of the program resulted in greater Member Board engagement and increased grants to support local Freedom by Design chapters. Those of you who had the opportunity to attend our Annual Business Meeting have heard the success stories and learned how this program provides a fun, exciting opportunity for mentors while exposing students to real-world design challenges.

In the coming weeks, we will begin to connect local participating AIAS chapters with Member Board Members like you who can offer mentorship and support. Many student chapters begin their planning and design efforts during the fall, so this is a great time to engage. Some chapters may wait to begin efforts until the spring; regardless, we will reach out to you as soon as we hear of a project opportunity in your jurisdiction.

Developed by the AIAS, the Freedom by Design volunteer-based program empowers architecture students to improve the safety and accessibility of homes, community spaces, and playgrounds through sensitive design. Additionally, students who participate in Freedom by Design can use their experience to earn credit for the Architectural Experience Program™ (AXP™).

Together, we can help prepare the next generation of architects for real-world practice while giving back to the community.

Regards,



Michael Armstrong
NCARB CEO



Nick Serfass, AIA, CAE
AIAS Executive Director

... protects the public health, safety, and welfare by leading the regulation of the practice of architecture through the development and application of standards for licensure and credentialing of architects.

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

President Gregory L. Erny, FAIA, NCARB, presided at the Board of Directors meeting held September 14–16, 2017. Focusing on vision, strategy, and fiduciary responsibility, the Board of Directors conducted three blue-sky sessions and participated in training on Board roles and responsibilities with legal counsel and the Board's strategic planning consultant. The Board reviewed the status of the Council's software product business development initiative, took action on the FY18 financial audit, debated proposed housekeeping edits to the *NCARB Bylaws* and reviewed new position descriptions for volunteer leadership positions.

Additionally, President Erny reported to the Board on recent and upcoming engagements with international and collateral organizations, while CEO Michael J. Armstrong presented current program and customer metrics and an overview of FY18 objectives. The Board also heard jurisdictional news from the regional, Member Board Executive (MBE), and public directors and received updates on initial forays into FY18 committee work from committee liaisons.

Board Roles & Responsibilities

President Erny opened the Board meeting with an overview of the previous day's work by the Executive Committee. In addition to studying key financial activity for the first two months of the fiscal year, the Executive Committee conducted a review of two of the Council's financial policies, heard a request from a Member Board, and discussed future goals that will inform long-range financial planning efforts. This activity will inform Board discussion in January.

Erny then introduced Jeff Tenenbaum of Venable LLP, legal counsel for NCARB, and Jay Younger of McKinley Advisors, strategic planning consultant to the Board. Tenenbaum and Younger engaged the Board in lively conversation

about the legal responsibilities of boards and the characteristics of high-performing boards. Younger, whose firm is facilitating the Council's efforts to update the strategic plan, then briefed the Board on initial high-level feedback from membership and licensing advisor focus groups. Next steps include surveys of customers and staff, and engagement of a Strategic Focus Group appointed by President Erny. All research results will be provided to the Board of Directors prior to the Board's January 2018 strategic planning exercises.

Blue-Sky

President Erny identified three blue-sky topics for this Board meeting:

- **Perspectives on the Certificate**—Understanding member feedback from the Annual Business Meeting workshop and next steps.
- **Explore New Credentials**—Considering whether NCARB should begin strategic investigations into greater credentialing within the profession.
- **Welfare/Well-being**—Learning that other organizations are having this discussion, the Board examined the meaning of welfare versus well-being.

Perspectives on the Certificate

During the Perspectives on the Certificate session, NCARB Marketing & Communications Director Andrew McIntyre provided the Board with member-identified opportunities and challenges for three questions that were put before the membership at a workshop during the June 2017 Annual Business Meeting in Boston:

- What if NCARB expanded our Direct Registration option as an enhanced service to Member Boards?
- What if NCARB created exam eligibilities directly for licensure candidates without connection to a Member Board?

- What if NCARB issued the Certificate for initial licensure at completion of education, experience, and examination?

The member input was gathered during five workshop sessions titled “Blue-sky Perspectives on Certification.” As discussions during this blue-sky session were in direct response to the member input, the outcomes from the Board’s discussions at the September 2017 Board meeting have been shared with the membership in a letter from President Erny dated September 25, 2017. A copy of the letter can be found in the [Registration Board section of My NCARB](#)—select “attachments” at the link to view the letter.

Explore New Credentials

In response to questions from members and other stakeholders, the Board held an initial conversation about whether there is a need for additional credentialing—either pre- or post-licensure—within the profession. NCARB Examination Director Jared Zurn, AIA, NCARB, facilitated Board exercises to explore how the current regulatory environment impacts licensure and credentialing models and whether the current model protects the public and the consumer at all levels. Discussion ensued around the role of the marketplace, educating the public, professional ethics, and paraprofessional credentials in other professions. No conclusions were reached in this initial conversation.

Welfare/Well-being

President Erny kicked off this final blue-sky topic and invited CEO Armstrong to provide an introduction to the session. Armstrong informed the Board that discussions of utilizing the term “well-being” rather than “welfare” are happening in many other organizations. He explained that this blue-sky session was not about changes to laws, rules, or regulations. The purpose of the session was to begin to understand the Board’s philosophy in light of upcoming discussions related to refreshing the Strategic Plan. Facilitated by Zurn, the Board engaged in group discussion and break-out activities on the meaning of welfare and well-being. At the conclusion of the session, the Board agreed to further discuss this topic at a future Board meeting.

Other Activities

Past President Kristine A. Harding, NCARB, AIA, presented for Board consideration draft descriptions of the roles and responsibilities for each position on the Board of Directors and for committee chairs. Harding explained that these position descriptions are intended to provide future leaders with clarity of expectations for each role. The Board supported the release of these position descriptions.

The Board voted to accept the FY17 audited financial statements. Treasurer Robert M. Calvani, NCARB, AIA, reported that the Audit Committee met with Christian Spencer, partner in the independent audit firm of Tate & Tryon, to review the results of the financial audit, in which the Council again received a clean, or “unqualified” opinion. Calvani also reported that this had been the fifth year that Spencer served as the partner on the audit. Noting that Board policy requires selection of a new partner after five years, the committee selected Doug Boedeker, also of Tate & Tryon, as the partner for the FY18 financial audit.

The Board of Directors previewed proposed housekeeping edits to the *NCARB Bylaws* and provided direction for additional edits necessary for greater clarity within the *Bylaws*. The focus of the discussions centered on reconciling actual common practice with *Bylaws* language that is outdated or otherwise not reflective of current capacity. Council staff and legal counsel will draft proposed resolutions for early release within the next 60 days to Member Boards, which will be simultaneously released to appropriate committees for review and feedback. The early release is designed to assure adequate opportunities for discussion and clarification in advance of larger gatherings such as the December Committee Summit and March Regional Summit.

Reports

President's Report

Erny reported that he and Armstrong, along with First Vice President/President-elect David Hoffman, FAIA, NCARB, and Sr. Architect/Advisor to the CEO Stephen Nutt, FAIA, NCARB, joined the American Institute of Architects (AIA) delegation to the International Union of Architects (UIA) triennial meeting in Seoul, South Korea. Erny reported very rich interactions with architects around the world, raising awareness of NCARB. Of particular note was time spent with the commonwealths of Great Britain, where future mutual recognition possibilities may be possible. He reported that a meeting is scheduled with the Architects Registration Board of the United Kingdom in October. A meeting with the Council's Canadian counterpart is also scheduled to take place in Baltimore, Maryland, in November.

In collateral news, Erny provided an update on the status of the National Architectural Accrediting Board's (NAAB) repositioning efforts, including a call with NCARB nominees to the NAAB board of directors and meeting with NAAB leaders while at the UIA meeting. He reported that the staff transitions at the NAAB have been finalized, with continued delivery of ongoing support to accreditation team visits and customer issues regarding the EESA evaluation—the two primary deliverables for NCARB, its Member Boards, and customers. It is projected that NAAB reorganization efforts will result in a net decrease in annual funding from NCARB and the other collaterals. He noted that the Board of Directors will engage with leadership from the Association of Collegiate Schools of Architecture (ACSA) following Committee Summit in December 2017, and with the NAAB leadership at the January 2018 Board of Directors meeting. The American Institute of Architecture Students (AIAS) leadership will attend the April 2018 Board meeting.

Earlier this summer, Erny spoke at the AIAS Grassroots conference in Washington, DC, and coupled that visit with an opportunity to engage with individual staff teams in the Council office. Also in July, he attended the Licensing Advisor Summit in Chicago, where he engaged in special breakout meetings with student advisors and with pro-practice faculty.

Treasurer's Report

Calvani reviewed highlights from the FY17 year-end financial statements, noting that income had exceeded expenses by \$2.36 million. Half of the surplus came from earnings on the Council's investment portfolio. The remainder of additional revenues resulted from increased retention of candidates in the licensure pipeline and high demand for the Architect Registration Examination® (ARE®) due to the June 30, 2018, retirement of ARE 4.0.

He also provided a report on financial activities for July 2017, the first month of FY18. Calvani reminded the Board that the FY18 budget includes a one million dollar deficit. Armstrong supplemented Calvani's report with recent information on activities in August 2017. Outcomes from July and August indicate stronger than projected test activity and licensure candidate Record renewals, along with expected retention of licensees and other Certificate holders. Going forward, the Board will be provided with additional deficit monitoring data to measure key indicators against historic and projected performance. Early data after two months indicates net performance is ahead of projected revenue and may lead to a reduced deficit; however, sufficient uncertainty and 10 months of additional reporting will impact any further projections.

Director Reports

Reports by the regional, MBE, and public directors spotlighted the following jurisdictional news: high level of turn-over in some jurisdictional boards; challenges in addressing illegal practice violations; new education grants or funding being provided by Member Boards; addressing issues from hurricanes Harvey and Irma; upcoming education conferences; rules changes and legislative session actions; and primary source verification.

CEO Report

In a look back at the close of fiscal year 2017, CEO Armstrong provided key metrics to the Board of Directors:

- Over 10,000 people attended either an in-person event or a live webinar in FY17 outreach activities.
- 20,937 candidates attempted at least one division of the ARE.
- A record 4,645 candidates completed their final division of the ARE.
- More than 5,500 candidates have transitioned to ARE 5.0.
- Nearly 800 candidates have passed the exam by taking a combination of 4.0 and 5.0 divisions.
- NCARB has been featured in over 100 blog and news articles since the June 2017 Annual Business Meeting.
- One-third of attendees to the June 2017 Annual Business Meeting responded to a survey to provide feedback on the experience. Key findings include:
 - ◊ One hundred percent of the respondents found the plenary and workshop sessions with the keynote speakers to be informative and relevant.
 - ◊ Over 90 percent of respondents also ranked the other workshops as informative.
 - ◊ Respondents enjoyed the interactive nature of this year's workshop sessions.
- ◊ Many expressed appreciation for the unique experience of the blue-sky workshop.
- ◊ Ninety percent of respondents who visited a Community Center table ranked the experience as valuable.

Armstrong also reported that NCARB hosted a record 247 attendees at the 2017 Licensing Advisor Summit held in Chicago in July. Attendees included 99 educator advisors from 89 schools, 61 firm advisors, 39 each of student and AIA component advisors, and 10 Member Board advisors. The Licensing Advisor Summit is moving to an every-other-year cycle, with the next summit scheduled for 2019.

Armstrong highlighted key projects underway for FY18. These include:

- Marketing campaign on the June 30, 2018, retirement of ARE 4.0.
- Resource development for Architectural Experience Program™ (AXP™) supervisors.
- System enhancements to the Member Board portal and the disciplinary database.
- New volunteer initiatives that will be supported by staff include the Futures Task Force, the Interior Architecture Workgroup, the Centennial Advisory Task Force, and the Strategic Focus Group.
- Engagement with external organizations include partnerships with:
 - ◊ ACSA on a data-collection research project to gain insights from the professional practice community.
 - ◊ The AIAS on the Freedom by Design initiative.
 - ◊ The Council of Landscape Architectural Registration Boards (CLARB) on a joint training program for new Member Board Members and Member Board Executives.
 - ◊ Continued conversation with the International Code Council (ICC).

- Revising the Integrated Path to Architectural Licensure (IPAL) school application process to be now available year-round.
- Data collection regarding the role of professional practice courses in architectural education, and the development of a training academy for professional practice faculty.
- Staff organizational efforts to support the new Recently Licensed Architect Think Tank, set for recruitment in early 2018 and a first meeting in spring 2018.
- Research and drafting activity for the Centennial history book and exhibit projects.
- Ongoing coalition-building and support for informing elected officials on the merits of reasonable regulation.

McIntyre presented an overview to the Board on the Council's marketing and communications strategies. Armstrong and McIntyre then engaged the Board in a conversation to capture Board members' viewpoints and feedback.

CEO Armstrong and Chief Information & Innovation Officer Guillermo Ortiz de Zárate briefed the Board on the business development opportunity to license the Council's proprietary technology.

The board viewed samples of the four potential products and approved continued development of this new business strategy.

Committee Reports


MBE Director Maria Brown and Region 6 Director Jim Oschwald, NCARB, AIA, LEED AP BD+C—FY18 and FY17 BOD Liaisons, respectively, to the Resiliency Work Group—presented recommendations from the work group relative to future efforts by other Council committees on resiliency. The Resiliency Work Group will complete their work at the end of 2017.

Committee liaisons provided verbal reports to the Board of Directors on other committee activities. Work is underway by almost all committees. Several committees expect to provide resolution drafts to the Board. Along with the Resiliency Work Group, the Ethics Task Force will sunset this year and provide an update including proposed next steps at the December Committee Summit.

Full minutes of BOD meetings can be found in My NCARB under your Member Resources tab.

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Joint Statement for U.S. House of Representatives Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law

On September 12, the U.S. House of Representatives Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law held a hearing on [Occupational Licensing: Regulation and Competition](#) . The subcommittee heard testimony regarding the impact of occupational licensing on competition from:

- Maureen Ohlhausen, Acting Chairman of the Federal Trade Commission
- Robert Johnson, Attorney for the Institute for Justice
- Sarah Allen, Senior Assistant Attorney General for the Office of the Attorney General of the Commonwealth of Virginia
- Rebecca Allensworth, Professor of Law at Vanderbilt Law School

Prior to the hearing, NCARB signed a joint statement with other associations and organizations representing state professional licensing boards. Through the statement, the group urged the subcommittee to consider the unique role of state licensing boards in the system of state government, as well as their mission to protect the public from harm. State licensing boards encourage trust between the public and the profession by enforcing standards of practice. This ensures that qualified professionals act for the benefit of the consumer rather than at the consumer's expense. In addition, cooperative efforts among licensing boards—such as mutual recognition agreements, reciprocity, and alternative means of satisfying licensure standards—encourage licensure. The work of state licensing boards protects the public health, safety, and welfare while facilitating and encouraging practice by qualified individuals.

The decision in the *North Carolina State Board of Dental Examiners v. Federal Trade Commission* case required licensing boards comprised mostly of active market participants to be “actively supervised” by a state entity to receive immunity from federal antitrust

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the health, safety, and
welfare of the public.*

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law. However, the decision and subsequent FTC guidance do not clearly indicate what constitutes active supervision, simply calling for another layer of bureaucratic review. Similarly, the active supervision proposed under the [Restoring Board Immunity Act](#) (RBI) disregards state constitutional authority and has the potential to create a less efficient regulatory process. A more attractive approach than creating immunity for state boards is creating a means to shield these boards and their staff from damage awards, which could be done by removing treble damages from the available solutions for actions brought against state regulatory boards. Limiting the available recourse options to injunctive relief will ensure that antitrust laws are not used to bring frivolous claims against state licensing boards.

A copy of the joint statement can be found on the [Registration Board Section of My NCARB](#).

Tri-National Mutual Recognition Agreement for International Practice Letter of Undertaking Request

In February 2014, the Council implemented the [Tri-National Mutual Recognition Agreement for International Practice](#). This agreement was developed by the leaders and regulators of architecture in Canada, Mexico, and the United States to facilitate the mutual recognition of licensure credentials across all three countries. Following many years of negotiation, the agreement was signed by the leadership of the Council in October 2005 and ratified by our Member Boards at the Annual Business Meeting in June 2006.

NCARB President Gregory L. Erny, FAIA, NCARB, and CEO Mike Armstrong have reached out to Member Boards requesting they sign a [Letter of Undertaking](#). Further details can be found in the “[Agreements](#)” folder in the Registration Board Section of My NCARB. Please reach out to Council Relations at council-relations@ncarb.org for further explanation or discussion.




The ARE 4.0 Retirement Plan

ARE 4.0 will not be offered after June 30, 2018. With less than one year until 4.0's retirement, we have developed a communications initiative planned over the next 10 months to ensure licensure candidates understand their options. A recent [special edition of Fast Facts](#) included a breakdown of NCARB's messaging plan, resources available to candidates, and information Member Boards can share with candidates. Check your inbox for this special edition of Fast Facts.

“Architect” Convicted of Unlicensed Practice in New York

Unlicensed practice is a concern for architectural licensing boards, architects, and the safety of the public. Due to the work of two state boards, a violator recently plead guilty to grand larceny, forgery, and other charges related to practicing without a license.

Paul J. Newman built a career as an award-winning architect in New York, but had not taken the steps to become licensed in the state. Using a license number he found online and a fake rubber stamp, he completed projects and collected fees from 2010-2015 in the state of New York. Newman’s fraud was eventually unraveled by a complaint to the Florida Board of Architecture and Interior Design regarding work he failed to complete. After an initial investigation, the board determined he was practicing without a license, fined him, and referred him to the New York Board of Architecture for disciplinary action. Following a criminal trial, he was found guilty on six counts and sentenced to two and one-third to seven years in prison.

The swift work of the Florida Board and the cooperation of the New York Board led to the successful prosecution of an unlicensed practitioner. The NCARB Disciplinary Database is designed with this purpose in mind: to create a repository of licensee derogatory information accessible by all Member Boards. To learn how your board can take advantage of the database, please contact the Council Relations team at council-relations@ncarb.org .

The complete story can be found in [The New York Times](#) .

New Disciplinary Database Outreach Plan

NCARB is pleased to announce an extended service for the disciplinary database that will add transparency between our Member Boards and provide more accurate, reliable data about adverse actions licensing boards have taken against architects and licensure candidates.

As a value-added service, NCARB will update the disciplinary database on your behalf if you do not have sufficient resources to do so. An NCARB Customer Relations professional will contact your selected staff person shortly after your board meetings to obtain a list of architects that have received professional conduct violations.

The disciplinary database is a great resource to our Member Boards. It is designed to assist boards in the process of evaluating candidates for initial and reciprocal licensure. This service will provide a mechanism to report disciplinary actions, as well as enhance the data you will be able to obtain from other jurisdictions. The more comprehensive this database is, the more beneficial it is for everyone.

The benefits of participating in the disciplinary database include:

- Boards will have immediate access to disciplinary actions imposed nationally.
- Applicants' past disciplinary record(s) can be verified prior to licensure.
- Boards can monitor and verify if an architect continues violations in other jurisdictions.

Ultimately, this service will minimize inconsistencies and improve decision-making for our Member Boards. Feel free to contact the Council Relations team at council-relations@ncarb.org with any other questions.

New Member Transmittal Feedback Feature

This month, we added a new Member Transmittal Feedback feature to your registration page. This new feedback option allows you, your fellow members, and staff to immediately contact an NCARB Customer Relations manager when there is an issue with a Record that needs to be resolved. Earlier this month, Member Board Executives Committee Chair Elizabeth Bern distributed a message with step-by-step instructions on using this feature to the Member Board Executive Community.

This feature will allow NCARB to continue to improve its processes, and we hope it provides increased efficiency to you and your staff as you accept and review transmittals from NCARB's Customer Relations team. Feel free to contact the Council Relations team at council-relations@ncarb.org with any questions about the transmittal feedback feature.

New Member Board Member and Executive Survey—LAST CHANCE

NCARB and the Council of Landscape Architectural Registration Boards (CLARB) are jointly organizing an orientation event for new licensing board members and executives. This orientation session is intended for those who have served in their current board role for one year or less and will take place February 8-10, 2018, in Washington, DC.

We are inviting you to complete a brief survey to help us gauge the level of interest in this event and allow everyone to provide input into the content of the training. Please complete the [survey](#) by Wed., October 4, and contact the Council Relations staff at council-relations@ncarb.org with any questions about the orientation or survey. Thank you in advance for your input.



FARB Forum

The 42nd Annual FARB Forum will be held January 25-28, 2018, at the Loews Coronado Bay in Coronado, CA. The forum brings together experts from across the country to discuss the latest trends in professional regulation. Attendees include testing experts, individual board members from state and provincial regulatory boards, executive directors, related staff, investigators, assistant attorneys general, and private legal counsel. The FARB Forum is educationally driven; it includes sessions that inform attendees about recent regulatory and examination issues and encourage collaboration among regulatory boards to assist them in fulfilling their responsibilities.

Visit the [FARB website](#) for further details about the forum agenda, registration, and lodging.

Centennial Mini-State History Reminder

As part of NCARB's upcoming centennial celebration, we're asking each jurisdiction to fill out a brief history of your licensing board. These histories will be incorporated in the various materials developed for events in 2019, including a commemorative book. Marketing & Communications Assistant Director Amanda Pica sent MBEs a template in July. If you have any questions about the history template, please reach out to Amanda (apica@ncarb.org). These histories are due **December 31, 2017**.

Welcome New Member Board Members and Executives

We'd like to introduce the following new Member Board Member:

- **Jason Steffins, Montana:** Jason joined the Montana Board of Architects and Landscape Architects in August.
-

Upcoming Meetings

As you plan for the year ahead, make sure to mark your calendar for the upcoming FY18 meetings:

- **Committee Summit:** December 1 – 2, 2017, in Louisville, KY
- **MBE Workshop:** March 8, 2018, in Wichita, KS
- **Regional Summit:** March 9-10, 2018, in Wichita, KS
- **2018 Annual Business Meeting:** June 28-30, 2018, in Detroit, MI

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ARE 4.0 retires on June 30, 2018

The retirement of ARE 4.0 is less than one year away. To prepare candidates, NCARB has several communications initiatives planned over the next 10 months.

ARE 4.0 Candidate Audiences

As of early September, there were over 36,500 candidates in NCARB's system with ARE 4.0 eligibilities. Over the next several months, we will be sending targeted messaging to four groups:

Testing Strategically

Approximately 1,500 candidates are in a position to strategically transition to ARE 5.0. These candidates have passed Construction Documents & Services (CDS); Programming, Planning & Practice (PPP); and possibly Site Planning & Design (SPD) and could self-transition to ARE 5.0 today. By transitioning to ARE 5.0, these candidates could complete the exam in fewer divisions than if they stay in ARE 4.0—saving them time and money.

Testing in ARE 4.0

There are approximately 10,000 candidates with passed ARE 4.0 divisions. These candidates should take advantage of transition resources like the [calculator](#) to determine their best path forward. For some of these candidates, it may be best if they complete the exam in ARE 4.0.

No Passed or Scheduled Exams

Approximately 25,000 candidates with an NCARB Record have not passed or scheduled any ARE 4.0 divisions. We are encouraging these candidates to transition to ARE 5.0.

Inactive Testers

Approximately 11,700 candidates have not tested since before 2013. If any of these candidates are interested in completing the ARE, they should call NCARB to help determine the best path forward. These candidates do not have an NCARB Record and some of them date back to the paper-and-pencil exam.

*Celebrating over
90 years of protecting
the health, safety, and
welfare of the public.*

1801 K Street, NW
Suite 700K
Washington, DC 20006
202/783-6500

WWW.NCARB.ORG

Important Messages for ARE 4.0 Candidates

Anyone currently testing in ARE 4.0 should be aware of the following key points:

The last day to take an ARE 4.0 division in a test center is June 30, 2018.

Candidates who have not completed ARE 4.0 by this date will need to complete ARE 5.0 to satisfy the examination requirement for licensure.

Now is the time to make a plan to finish the exam if you are currently testing in ARE 4.0.

There are several resources available on [NCARB.org](https://www.ncarb.org) to help candidates make their plan. NCARB's Customer Relations team is also available to help candidates understand their individual testing options and make a plan.

Your rolling clock will not change if you transition to ARE 5.0.

Candidates must still complete the test within five years of their first pass—whether through ARE 4.0, ARE 5.0, or a combination of both. Expiring ARE 4.0 divisions could impact the credits received in ARE 5.0 when transitioning.

Prometric test centers fill up fast, so candidates will need to plan ahead when scheduling their remaining divisions in ARE 4.0.

When the exam transitioned to ARE 3.1 to ARE 4.0, candidates encountered difficulty finding test appointments in the final months before the exam retired. If candidates plan on testing in May and June, they should book these appointments as soon as possible.

The ARE retake policy will remain the same. Candidates must wait 60 days before they can retake a division of the ARE, and can only take a division three times within 12 months.

This means if a candidate has taken a division of ARE 4.0 since the end of June this year, they will only have two more opportunities to take that division between now and the retirement of ARE 4.0. They will also need to take their second attempt before April 30, 2018, to have the option of one more retake before ARE 4.0 retires.

Communications Plan

How You Can Help Spread the Word

We would like your help reminding candidates about the upcoming retirement of ARE 4.0. If you plan on sending communications pieces to candidates in your jurisdiction, please feel free to share any of the information you receive from NCARB. We want to make sure everyone with active eligibilities in ARE 4.0 is ready and in the best position possible for the change come July 1, 2018.

If you have any questions or would like additional resources, please contact communications@ncarb.org.

Here is a high-level breakdown of NCARB's plan to remind candidates about the ARE 4.0's impending retirement and how to transition if needed:

Fall 2017

- In September, NCARB will be mailing a postcard to all ARE 4.0 candidates reminding them about the 2018 retirement date.
- Targeted emails to the different ARE 4.0 candidate audiences will be sent in October and December encouraging candidates to make their plan to finish the exam.
- NCARB will host an NCARB Live webinar in November to answer candidate questions.
- Reminders for supervisors and NCARB Certificate holders who may have ARE 4.0 candidates will be included in *National Architect* and *Supervisor Updates*.

Winter 2018

- In January, a second postcard will be mailed to candidates still testing in ARE 4.0 reminding them of the deadline to finish the exam or transition to ARE 5.0.
- NCARB will host an NCARB Live in February to answer candidate questions.
- Additional targeted emails will be sent to candidates.
- Reminders for supervisors and NCARB Certificate holders who may have ARE 4.0 candidates will be included in *National Architect* and *Supervisor Updates*.

Spring 2017

- Targeted emails will be sent in March and April. After April 30, candidates will no longer have the option to retake ARE 4.0 divisions due to the 60-day waiting period.
- In May, the message will switch focus to what will happen after June 30.
- Member Boards will hear a final update on the status of candidates still in ARE 4.0 at the Annual Business Meeting in June.
- Information for what will happen after June 30 will be available for supervisors and NCARB Certificate holders in *National Architect* and *Supervisor Updates*.

In addition to the messages above, NCARB will remind candidates about the retirement and transition information in its regular outreach at AIA component presentations and conferences. There will also be regular posts on NCARB's blog and social media channels.

Resources for ARE 4.0 Candidates

Whether candidates decide to finish in ARE 4.0 or transition to ARE 5.0, NCARB has created several resources to help them reach their goal of passing the exam.


NCARB Blog

[ARE 4.0 Blog Posts](#) 


[ARE 5.0 Blog Posts](#) 

Finishing in ARE 4.0


ARE 4.0 Community

The [ARE 4.0 Community](#)  is a space for candidates to come together and ask questions, share best practices, and interact with experts.

ARE 4.0 Exam Guides


The [free exam guides](#)  include overviews of each division, sample vignettes, and suggested references for additional study resources.

ARE 4.0 Prep Video Series


This [prep video series](#)  dives into each of the ARE 4.0 divisions, with separate videos for the multiple-choice sections and each of the vignettes.

Transition Resources


ARE Transition Calculator

See how ARE 4.0 divisions will transfer to the new exam and create your personalized testing strategy with the [Transition Calculator](#) .


ARE 5.0 Community


The [ARE 5.0 Community](#)  is a space for candidates to come together and ask questions, share best practices, and interact with experts. The community includes articles about transitioning to 5.0 and introductions to each of the divisions.

ARE 5.0 Handbook

The [ARE 5.0 Handbook](#)  is the go-to resource for understanding ARE 5.0, providing a breakdown of each exam division, sample questions, suggested study resources, and more.

ARE Demo Exam

Use the [ARE 5.0 Demonstration Exam](#) —accessible via your NCARB Record—to practice navigating the exam interface.

For more information on how the transition will work, visit the [transition section](#)  of the NCARB website.

AGENDA ITEM 6.B.2.j.

From: Pica, Amanda
To: [Pica, Amanda](#)
Subject: Reminder: NCARB Centennial - Your State's History
Date: Monday, October 16, 2017 8:00:35 AM
Attachments: [StateTemplate-Blank.docx](#)
[StateTemplate-Kansas-v2.docx](#)
[StateTemplate-NorthCarolina.docx](#)
Importance: High

Dear Member Board Executives,

In 2019, NCARB will be celebrating its centennial. To celebrate the milestone, the Council would like your help compiling a brief overview of your board's history to include in the various materials we develop—including a commemorative book that will be distributed at the 2019 Annual Business Meeting. NCARB exists because of you—and your history is an important part of the NCARB story.

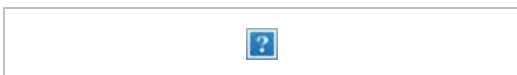
A template has been developed to guide you in terms of the information we are looking to highlight from each board. This includes notable leaders from your jurisdiction and a brief timeline of the main components of licensure. Two examples have been provided for your reference.

In addition, if you have any **pictures** of your board through the years or other **significant documents** that you would be willing to share with us, we would love to receive a copy to help provide visual context to our shared history.

The deadline for this information is **December 31, 2017**. If you have any questions, please contact me at apica@ncarb.org or 202-879-0533.

Sincerely,

Amanda Pica
Assistant Director, Marketing & Communications



National Council of Architectural Registration Boards

1801 K Street NW Suite 700K
Washington, DC 20006
Direct: 202/879-0533
Customer Service: 202/879-0520

Connect with us: www.ncarb.org
[Twitter](#) | [Facebook](#) | [LinkedIn](#)

-NCARB Disclaimer-

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NCARB Centennial: State Mini-History

In 2019, NCARB will celebrate its centennial. As part of our preparation efforts, we are asking Member Boards to provide some historical information about their board. Information will be incorporated in the various materials developed for events in 2019.

If you have any pictures or other materials you would be willing share with NCARB to include in its Centennial materials (book, website, exhibit), please send them to Amanda Pica at apica@ncarb.org. **Deadline: December 31, 2017**

[State]

Please fill in the sections below.

Regulation Passed:

Joined NCARB:

Region (and year joined):

Notable People:

(Notable leaders from your state that had an impact on architectural regulation.)

NCARB Presidents:

Additional Members of the NCARB Board of Directors:

Other:

- **First Chairman/President:**
- **First Board Members:**
- **First License Issued:**
- **Other Notable Firsts:**
- **NCARB President Medalists:**

The Components of Licensure

Education:

(Timeline or tidbits related to education requirements for licensure)

Experience:

(Timeline or tidbits related to experience requirements for licensure)

Examination:

AGENDA ITEM 6.B.2.j.

(Timeline or tidbits related to examination requirements for licensure)

Misc.

(Are we missing any noteworthy historical events or developments for your board? Or is there any additional information you would like to share for your centennial profile?)

Optional Information:

What are the THREE most important facts or stories that we should know about your chapter. Examples: a critical battle with state legislators; a major shift in chapter priorities; involvement in a sticky public issue (local, state or national); a good story about a chapter member--past or present.

1)

2)

3)

If we have additional questions, who should we contact?

Name:

Email:

Phone:

AGENDA ITEM 6.B.2.j.

NCARB Centennial: State Mini-History

In 2019, NCARB will celebrate its centennial. As part of our preparation efforts, we are asking Member Boards to provide some historical information about their board. Information will be incorporated in the various materials developed for events in 2019.

If you have any pictures or other materials you would be willing share with NCARB to include in its Centennial materials (book, website, exhibit), please send them to Amanda Pica at apica@ncarb.org. **Deadline: December 31, 2017**

Kansas

Please fill in the sections below.

Regulation Passed: 1949

First meeting of The Kansas State Registration and Examining Board of Architects was June 1, 1949 at 2 pm.

After a short discussion in regard to the wording of the law, a temporary chairman was appointed. Nominations were opened for chairman of the board, Mr. Wolfenberger nominated Mr. Griest, and Mr. Williamson nominated Mr. Shaver. The tabulation of votes were:

Griest 2

Shaver 2

The vote was two and two and a decision was made by flipping a coin. Mr. Shaver was elected.

In 1976, K.S.A. 74-7001 was established by the Kansas Legislature to create the Board of Technical Professions by combining the Engineering Examiners Registration Board, the Architects Registration Board, and the Landscape Architects Registration Board. Geologists were added in 2000.

The impetus to combine the Boards was primarily driven by State Government consolidating administrative activities. The first meeting to discuss the combined operation of the Boards of Engineering, Architecture and Landscape Architecture was June of 1970. They met again in April of 1972, at which time it was agreed that the Kansas Engineering Society would present a proposed bill to the Legislature in the 1973 session.

Charlotte Olander was selected as Executive Secretary in April 1976 and Hal Walker was the representative from the Attorney General's office. Other persons in the Executive Secretary/Director position were: Jean Barbee, Betty Rose, Jean Boline and Mary Leigh Dyck. Shelby L. Lopez currently serves as Executive Director.

Joined NCARB: 1954

- While Kansas didn't official join NCARB until 1954, representatives from the state were present at the first meeting in 1919.

Region: Central States Conference (Region 5) (1965)

Notable People:

(Notable leaders from your state that had an impact on architectural regulation.)

NCARB Presidents:

1968-1969

Howard T. Blanchard, FAIA

Garden City, KS

1981

Dwight M. Bonham, FAIA

Wichita, KS

2019

David L. Hoffman, FAIA

Wichita, KS

Additional Members of the NCARB Board of Directors:

- 1969-71: Ken G. Miller, Hutchinson, Kansas
- 1984-85: C. James Balderson, Overland Park and Shawnee Mission, Kansas
- 2002-04: C. Stan Peterson, Topeka, Kansas

NCARB President Medalists:

- C. Stan Peterson, FAIA (2006)

Other:

- Goldwin Goldsmith, Lawrence KS: Attended the 1919 meeting.
- **First Chairman:** Charles Marshall served as the first temporary Chairman, he was the State Architect. Charles Shaver was elected first permanent chair on June 1, 1949.
- **First Board Members:** Charles Shaver, Ted Griest, Tom Williamson, Floyd Wolfenbarger, Cy Boucher

First License:

- A1 was issued to Charles Shaver on July 9, 1949.

First Female Registered:

- Arlene Tad Tinkler was issued A104 on September 24, 1949.

First Female Board Member:

- Mary Kopp was appointed as a public member to the Kansas State Board of Technical Professions in 1976
- Wendy Ornelas was the first female appointed as an architect member to the Board. Ms. Ornelas served from 2012 to 2016.

The Components of Licensure

Education:

(Timeline or tidbits related to education requirements for licensure)

July 1, 1949

Unable to locate 1949 Statutes but Board minutes indicate that a Degree in Architecture from a NAAB accredited school was the educational requirement.

Jul 1, 1978

Education requirement revised to graduation in an architectural curriculum accredited by NAAB

Experience:

(Timeline or tidbits related to experience requirements for licensure)

Unable to locate 1949 Statutes but Board minutes indicate that seven years of experience acceptable to the Board was required. The following was noted under Rules and Regulations adopted in Board minutes dated March 11, 1950.

Experience equivalent: The satisfactory completion of each year of an approved curriculum in architecture at a college of accredited standing, without graduation, shall be considered equivalent to one year of practical experience; credit for college work in courses other than architecture will be accepted on the basis of one years' experience for each two years in college.

Active experience received by the applicants prior to reaching 21 years of age, such as office boy or tracer in an architect's office will be considered as sub-professional work and can not be counted as professional experience, except as modified by the statement in regard to education.

Professional work shall include the time after the applicant was 21 years of age, during which time he has been occupied in architectural work of a higher grade and responsibility than that above defined as sub-professional work.

Teaching experience will be accepted as professional experience where the applicant has taught in an architectural school or recognized standing and has had a least a grade of assistant professor or its equivalent.

All experience records must be submitted to the Board in chronological sequence, detailing the full nature of the Architectural experience so that the Board can evaluate the accepted practice experience.

Jul 1, 1978

NAAB accredited degree + three (3) years of experience gained under the supervision of a practicing licensed architect or a specific record of at least eight (*) years of experience in a practicing architect's office

May 4, 1992

Each applicant who is a graduate of an accredited architectural curriculum shall complete the intern development program as defined in the IDP Guidelines, Intern Development Program, 1991-1992. Beginning January 1, 1994, each applicant shall provide a completed and bound record of architectural experience transmitted by the NCARB.

February 22, 1993

Prior to January 1, 1994, each applicant who is a graduate of an accredited architectural curriculum shall be required to provide a verified record of architectural experience of three years. Record of experience shall be compiled and evaluated by the NCARB.

Beginning January 1, 1994, each applicant who is a graduate of an accredited architectural curriculum shall complete the IDP Guidelines, 1991-1992. Record transmitted by NCARB.

Examination:

(Timeline or tidbits related to examination requirements for licensure)

Board minutes indicate that beginning sometime in 1953 or 1954 that the Kansas State Registration and Examining Board of Architects began offering a state exam to applicants whose qualifications of experience are found to be questionable. The exam was to be prepared by the heads of the Departments of Architecture of the two Schools of Architecture of the State of Kansas.

On January 1, 1974 regulations were revised to provide that the exam shall be the NCARB examination.

Jul 1, 1978

Satisfactory passage of an examination given by the board required by all applicants. Written examination shall be the NCARB Qualifying Examination and the Professional Examination.

Misc.

(Are we missing any noteworthy historical events or developments for your board? Or is there any additional information you would like to share for your centennial profile?)

- At NCARB's meetings in 1920, Kansas was often referenced when discussing how NCARB would work with architects from states with regulation vs. those from states without regulation as it often had a representative present even though it didn't have regulation until 1949 and didn't become an NCARB member until the 1950s.
- 1941: Attempted to pass legislation that would regulate the profession, but governor vetoed the bill.
- 1942: The Kansas Society of Architect was a "sustaining" member of the Council prior the state passing regulation.

Optional Information:

What are the THREE most important facts or stories that we should know about your chapter. Examples: a critical battle with state legislators; a major shift in chapter priorities; involvement in a sticky public issue (local, state or national); a good story about a chapter member--past or present.

1)

2)

3)

If we have additional questions, who should we contact?

Name:

Email:

Phone:



NCEES

Meeting Reports & Correspondence





THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2550
Fax: 907.465.2974

Travel Action Summary Report

Submit to the CBPL Travel Desk no later than seven business days after the meeting has concluded. Save a copy in your program files for the end-of-year compilation of all travel-related savings and deliverables for your program.

Board:	<input type="text" value="AELS"/>	Dates of Business:	<input type="text" value="August 23-26, 2017"/>
Person Reporting:	<input type="text" value="Alysia Jones"/>	# of Travelers: Employees	<input type="text" value="1"/> Board Members <input type="text" value="3*"/>
Type of Meeting:	<input type="checkbox"/> Regular board business <input type="checkbox"/> Special board meeting <input type="checkbox"/> On-site Investigation/Inspection		
	<input type="checkbox"/> Adjudication only <input type="checkbox"/> Subcommittee meeting <input checked="" type="checkbox"/> Other: NCEES Annual Meeting		

Cost Savings

What expenses were reduced?

-
-
-

What is the estimated savings?

<input type="text" value="\$1125"/>
<input type="text" value="\$7225"/>
<input type="text" value="\$1000"/>

Meeting Deliverables

Information gained:

- Better understanding of the specific threats to licensure happening in other states and what to be on the look out for
- Tips on how to advocate more effectively and go beyond and/or into more detail than "to protect the public health, safety, and welfare"
- Board make-up and the benefits of having an "education expert" and AG attend board meetings
- NCEES tools and resources: score information, records and credential services, database of disciplinary actions
- Activities of the National Society of Professional Engineers and how can the field evolve to take into account the changes in technology
- Member board members voted to pursue a PLSS exam module

Action recommended:

- Information will be shared with the entire AELS board at the November meeting for review and consideration
- Executive Administrator solicited information regarding UAV education materials and guidance manuals from other jurisdictions and will consider that information in working with board members to develop AELS' materials and update guidance manual
- Executive Administrator will work with AELS staff to ensure NCEES resources and tools are being used to the fullest potential (e.g. weekly score summary, records/ credentials evaluations, and enforcement exchange)

2017 NCEES Conference Miami, FL
Survey Sessions

I attended the online education session and the UAV session. Both were disappointing. I was expecting information on a nationwide basis but the presentations were pretty narrow.

In the online education portion I was expecting an overview of nationwide course availability. The presenter was a professor from the University of Maine and talked primarily about their program. He did a short lead in on how online courses are becoming more available but didn't provide specifics. He did surprise me by saying to save money students should get their general courses from Community College and then take the survey courses and anything else they were short on from U of Maine.

In the UAV session I was expecting a little about the problems the new technology was causing nationwide which didn't happen. The two presenters talked about the different UAV's and software their capabilities. They were like two kids in a toy store. One thing they did mention was how important it is to be properly licensed and know the FAA rules. They warned that once you get on the FAA's radar it's really hard to get off of it. They also warned that if you hire someone who is not properly licensed for UAV's and the product they provide causes problems you could be held liable as well.

Vernon

Workshop presentations can be viewed by logging into MyNCEES account and navigating to:
<https://ncees.org/resources/members/annual-meeting/2017-annual-meeting/>

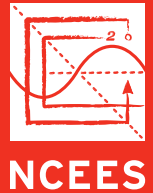
or you can try the direct links to the presentations:

<https://ncees.org/wp-content/uploads/UAVs-in-the-surveying-profession-How-do-we-regulate.pdf>

<https://ncees.org/wp-content/uploads/Toward-a-national-center-for-online-surveying-education.pdf>

Licensure EXCHANGE

OCTOBER 2017
Volume 21, Issue 5



FEATURE STORY

DELEGATES DEBATE THE ISSUES AT NCEES ANNUAL MEETING

Key actions include authorizing development
of new PS depth modules

DELEGATES ATTENDING THE 96TH NCEES ANNUAL meeting addressed a range of issues related to the organization and to engineering and surveying licensure. The following summarizes key actions taken at the August 23–26 meeting in Miami Beach, Florida. Full details of the meeting will be included in the official minutes, which will be published later this year.

NCEES member licensing boards passed a motion to authorize the development of one or more depth modules to supplement the Principles and Practice of Surveying (PS) exam. The proposed modules would relate to the U.S. Public Land Survey System (PLSS) and/or the Metes and Bounds survey system.

The PS exam is used for licensing of professional surveyors across the United States. Currently, it has no depth modules, although most individual jurisdictions require separate state-specific exams.

“This is a long-term project to ensure that our exams continue to meet the needs of professional surveying licensure,” NCEES Chief Executive Officer Jerry Carter explained. “We plan to study the structure of the PS exam in the coming year and determine the best path forward.”



Delegates prepare to begin the business sessions of the 2017 NCEES annual meeting. Two-hundred eighteen delegates, representing 69 licensing boards, attended the meeting in Miami Beach, Florida.

NCEES President Patrick Tami, P.L.S., has commissioned a task force to work on the issue in the year ahead. The Surveying Exam Module Task Force will evaluate the PS exam specifications to determine if they sufficiently cover the proposed PLSS- and Metes and Bounds-related content. It will examine current methods of testing PLSS and Metes and Bounds content on state-specific exams. It will also evaluate the need for restructuring surveying licensing exams in terms of impacts on mobility and safeguarding the public, as well as the exam volumes that would be required to sustain psychometric viability and economic feasibility.

Addition to Position Statement 35

Among other actions taken at the annual meeting, delegates voted to amend Position Statement 35, Future Education Requirements for Engineering Licensure. The new language adds a practice-oriented pathway to meet future requirements for licensure as a professional engineer,

continued on page 2

ANNUAL MEETING

continued from cover

providing an alternative pathway to licensure without relying solely on academic institutions.

NCEES initially adopted the position statement in 2015. The organization has continued to explore educational pathways for candidates for licensure as professional engineers to develop the body of knowledge needed for entry into the profession.

"This position statement guides NCEES efforts to engage with the many stakeholders on this complex issue and ensure that licensing standards continue to protect the public in the future," CEO Carter explained. "Ultimately, each U.S. state and territory will decide individually whether to amend its licensing requirements, but the member boards of NCEES continue to work together to fully consider these issues," he said.

The full text of NCEES Position Statement 35, Future Education Requirements for Engineering Licensure is available online at ncees.org/PS35.

Combined zone meeting in 2020

The Council approved holding a combined interim meeting of the Central, Northeast, Southern, and Western zones in 2020 in an effort to explore the benefits of a single meeting over separate zone meetings. The vice presidents of each zone will work with NCEES staff to select a location for the meeting.

Structural and operational changes

Several other motions focused on the structure or operation of the organization. Delegates voted to amend the *Bylaws* to add a new NCEES membership category: International Affiliate Organization. The new International Affiliate status is available to foreign partners that have been approved to offer NCEES exams or other groups designated by NCEES.

These organizations must be located outside the United States and have a collateral and supportive position with engineering or surveying licensure. They will be entitled to representation at NCEES meetings. The organizations will not have voting privileges, but they may, on approval of the presiding officer, have the privilege of the floor. The Council will vote to accept any organizations for International Affiliate status, with a

continued on page 10

"Ultimately, each U.S. state and territory will decide individually whether to amend its licensing requirements, but the member boards of NCEES continue to work together to fully consider these issues."



Top: Members of the Puerto Rico delegation follow the debate during Friday's opening business session. Below: Member board administrators at the 2017 NCEES annual meeting join in the MBA forum discussion. Forums for engineers, surveyors, and MBAs were held Thursday and a forum for law enforcement forum was held Friday to provide opportunities for discussion of issues related to the professions.

MEMBER BOARD BRIEF



PATTY MAMOLA, P.E.

NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS
AND LAND SURVEYORS EXECUTIVE DIRECTOR

Wyoming and Nevada reach understanding on mobility

AT THIS YEAR'S NCEES ANNUAL MEETING, WE HEARD a lot about attacks on licensure. We talked about how state legislatures and governors are working to loosen and even eliminate the requirements for professional licensure. We tell ourselves that people don't understand our professions' importance, that our professions are different. Have you recently tried to get licensed in another state? It's a process. Often, the application for getting a license by comity or endorsement is the same as applying for an initial license. If the application process is the same or even more demanding than for initial licensure, then the reality is that there is no licensure by comity. We are making the comity applicant jump through the same hoops—or maybe even more—to get licensed. From the applicant's standpoint, this can be extremely frustrating. State licensing boards stand behind their laws and regulations, telling the applicant, "Sorry, but these are the rules."

At the risk of being demonized, I can understand why licensing boards are under attack. If we put ourselves in our applicants' shoes, we would see how difficult it is at times to get licensed in another state. It doesn't take much for applicant frustrations to boil over and for politicians to hear about it and take up the battle mantle. Our laws and rules are complicated, each state is unique in its licensing process, and often our administrative processes are not published.

It was frustrating comity licensing processes that led Duane (Corky) Stetson, P.E., president of the Wyoming Board of Professional Engineers and Professional Land Surveyors, to gather the Western Zone states at the 2016 NCEES annual meeting to talk about regional mobility. He believed we could do better as licensing boards. Interested states talked about a range of possibilities—facilitating mobility as simple as a driver's license or as complicated as a multistate compact similar to the medical professions. Ultimately, we agreed to keep it simple.



Wyoming board executive director Shannon Stanfill (left) and Nevada board executive director Patty Mamola, P.E., sign the memorandum of understanding on mobility for professional engineers. Nevada board chair Robert LaRiviere, P.L.S. (standing, left) and Wyoming board president Corky Stetson, P.E., also signed the document at the August 25 ceremony, which was held during a meeting of the Western Zone at the 2017 NCEES annual meeting.

At the recent NCEES annual meeting, Wyoming and Nevada signed a memorandum of understanding on mobility for professional engineers. Focusing on the applicant's perspective and identifying how the process could work, Wyoming and Nevada agreed that applicants with NCEES Model Law status applying to either state can also choose to be licensed in the other state. Each state still requires its state-specific exam for licensure and collects its respective fees.

Since most states readily accept NCEES Model Law comity applicants and will even expedite licensing for these applicants, we've heard states say, "What's the point? Why bother? It doesn't accomplish much." But if you switch to the applicant's perspective, it really makes a difference. The applicant completes just one application to be licensed in multiple states. This is a big step to expediting comity licensure. It saves time, and since time is

continued on page 9

FROM THE PRESIDENT



PATRICK J. TAMI, P.L.S.
NCEES PRESIDENT

Tami accepts presidency, outlines vision for year ahead

Patrick Tami, P.L.S., of California, accepted the office of president on August 25 at the NCEES annual meeting in Miami Beach, Florida. The following is from his inaugural speech.

I USED TWO QUOTES TO GUIDE ME AS I DEVELOPED the charges for the committees for this year.

First, in their annual foundation letter this year, Bill and Melinda Gates wrote a letter to Warren Buffett; one line that really struck me is, “The future will surprise the pessimists.”

The second came from the author Sir Terry Pratchett, who said, “Stories of imagination tend to upset those without one.”

How should we imagine the future of professional engineering and surveying licensure? What should the overarching goals of our organization be, and will they surprise the pessimist and upset those without an imagination?

Addressing challenges to licensure

I know we’ve only been working at it for 97 years, but we really need to find a way to improve licensure mobility. As many of our boards have found out firsthand, professional licensure is under serious pressure. While pressure on licensing is not new, this time it is coming from some very powerful sources, such as the White House, major federal agencies and courts, legislators, and well-funded law firms.

The National Society of Professional Engineers identified more than 23 states that have had serious threats on professional licensure; many of these threats originally included professional engineering and surveying. Our current licensure process is being viewed as an unreasonable government regulation and a substantial burden on an individual’s pursuit of an occupation or ability just to make a living.

How should we imagine the future of professional engineering and surveying licensure? What should the overarching goals of our organization be, and will they surprise the pessimist and upset those without an imagination?

We must not take for granted that engineering and surveying licensure will always be here to protect the public. There is a general lack of understanding of the value of licensure in our educational institutions, in political circles, and in the business world. This year, we will have several committees working on various aspects of mobility. I want them to embrace the words of Nelson Mandela: “It always seems impossible until it’s done.”

Increasing diversity

We live in a diverse country—one that will become even more diverse in the future—and our professions will reflect the changing demographics. NCEES recognizes the benefits of a diverse population of professional engineers and surveyors, and in the year ahead, several committees will be looking at our organizational structure to ensure we are meeting our diversity policy.

Ensuring financial security

Not-for-profit is a tax status, not a business plan. Last year, we voted as a group to lower the cost of the fundamentals exams. Originally, the motion was to be revenue neutral, but we revised it on the floor, resulting in a projected loss from operations of more than \$1 million. We have the financial reserves to accommodate this reduction in income, at least for some period



Outgoing president Daniel Turner, Ph.D., P.E., P.L.S. (left) passes the gavel to the 2017–18 NCEES president, Patrick Tami, P.L.S. Tami served as president-elect in 2016–17 and will continue to serve on the board of directors as immediate past president next year.

of time. The board of directors and Committee on Finances will be monitoring our budgets to safeguard our financial condition. We will be looking to determine if we need to make changes to the way we approve motions with significant financial impacts.

In closing, I wish I had time—and that you had an interest—in me naming all the people that I would like to thank. But please let me thank just a few.

First, I would like to thank Dr. Dan Turner, a true professional and a consummate professor. Over the past year, I have watched, listened, and taken pages of notes. He had an amazing way of leading the board of directors and this organization. I can only hope that I have learned enough this last year to do even half the job he has.

I would like to thank the outgoing members of the board of directors and the past board of directors I served with. Thank you for putting up with all my questions and with me making meetings last longer than maybe they should have. Your

insights, comments, and friendship over the past years have made me a better person and better able to take on my new role here at NCEES.

The NCEES staff does an excellent job of running the day-to-day operations of this organization. What happens here and throughout the year in our organization would not be possible without them. They have all made this a great organization. I will just say thank you to the whole staff for all you do; I very much appreciate it.

Last but not least, I want to thank all of you for the support and encouragement you have provided me. I will endeavor to do my best to lead this fine organization.

NCEES recognizes distinguished service

AT ITS 96TH ANNUAL MEETING, NCEES HONORED several individuals for their dedicated service to the organization and the engineering and surveying professions. The 2017 NCEES service award winners are

- **Dale A. Jans, P.E.**, emeritus member of the South Dakota Board of Technical Professions and NCEES past president, who received the Distinguished Service Award with Special Commendation
- **Lisa Hanni, L.S.**, emeritus member of the Minnesota State Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design, and **Richard Hayter, Ph.D., P.E.**, member of the Kansas Board of Technical Professions, who received the Distinguished Service Award
- **Raymond Jones Jr., P.E.**, of Florida, and **Harold Williamson, P.E.**, of Washington, who received the Distinguished Examination Service Award



Past President Jans addresses the crowd after accepting the NCEES Distinguished Service Award with Special Commendation. The award is the organization's highest honor.

The winners were honored at the NCEES annual meeting, held August 23–26, 2017, in Miami Beach, Florida.

Read more about the 2017 winners at ncees.org/service-award.

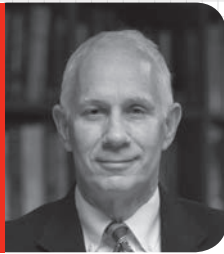
Nominations open for NCEES service awards

THE NCEES COMMITTEE ON AWARDS IS NOW ACCEPTING nominations for the following: the Distinguished Service Award, the Distinguished Service Award with Special Commendation, the Meritorious Service Award, and the Distinguished Examination Service Award. These awards will be presented at the 2018 annual meeting in Scottsdale, Arizona.

The deadline for nominations is January 31, 2018. Nomination materials have been sent to member board administrators. They are also available in the Member Resources section of ncees.org and by contacting Executive Assistant Sherrie Saunders (ssaunders@ncees.org).

Nominations for the DSA, DSA with Special Commendation, and MSA must be made by a member board. Nominations for the Distinguished Examination Service Award may be made by a member board, an exam committee, or the NCEES board of directors. The criteria for these awards are specified in Administrative Policy 12, which can be found in the *Manual of Policy and Position Statements* (available on the NCEES website under About NCEES).

HEADQUARTERS UPDATE



JERRY CARTER
NCEES CHIEF EXECUTIVE OFFICER

NCEES Records program facilitates licensure process

NCEES STAFF WORKED FOR MORE THAN TWO YEARS to combine many of our online services into one interface that now allows member boards to access exam approvals, license and exam verifications, Records and Credentials Evaluations transmittals, the Enforcement Exchange database, and member board profiles in one place. While that transition was not without difficulties, the new E3 system has made it easier for member boards to access information, and it has significantly enhanced the NCEES Record program by moving it from a system that relied on paper forms and the U.S. mail to a system that is totally electronic.

In addition to taking advantage of current technology, we have implemented new measures to ensure that the information contained in an NCEES Record is valid and pertinent. As the former executive director of the North Carolina board, I know the arduous process that member boards and their staff go through to verify that an applicant has experience that is both progressive and relevant to the practice of engineering or surveying. To ensure the quality and consistency of the information provided to member boards in a Record, NCEES has employed independent, licensed professional engineers and professional surveyors who have previously served on a member board or an NCEES exam development committee to conduct preliminary reviews of experience submitted by Record applicants. These individuals perform initial reviews of the experience as described by applicants and request additional information or explanation as needed. Once it passes this vetting, the experience is reviewed by a licensed NCEES staff member, who must also endorse the experience as both adequate and progressive before an applicant can proceed. This entire process is done at no charge to the applicant.

With these new measures in place, NCEES now offers licensure candidates the ability to document their requirements for licensure as they satisfy each requirement. Candidates can upload their educational transcripts to their MyNCEES profile, detail experience as it is gained, and then request a final

review by NCEES. Once completed, the candidate's Record can be transmitted to one of several member boards for initial licensure consideration by paying the review/transmittal fee of \$175. After obtaining initial licensure, the Record holder can request that his or her Record be transmitted to other member boards for comity consideration for a fee of \$75 for each transmittal.

This new procedure has been endorsed by many member boards and is now accepted for initial licensure application by 10 boards. For the member boards not yet taking advantage of this new option, I encourage you to contact staff of one of these boards and hear about their experience or to contact NCEES staff with any questions you may have.

NCEES is committed to using its resources to continuously develop and offer options that aid member boards in the vital job of regulating the engineering and surveying professions. When these enhancements also provide for an improved experience for licensure candidates, we are motivated to work even harder to offer new solutions and options that make the licensure process as seamless as possible.

Boards that accept NCEES Record for initial licensure

Arkansas	North Carolina
Florida engineering	Oregon
Idaho	Texas engineering
Kentucky	Utah
Nevada	Wyoming

ENFORCEMENT BEAT



JOHN GREENHALGE

OHIO STATE BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND SURVEYORS
EXECUTIVE DIRECTOR

Mobility: What are we missing?

THE MISSION OF REGULATORY BOARDS IS TO PROTECT the health, safety, and welfare of the public by establishing minimum qualifications for entry into the profession, by adopting rules defining and delineating unlawful and unethical conduct, and by establishing an effective and accountable disciplinary process for those individuals or entities that violate the laws and rules.

NCEES member boards spend a lot of time discussing mobility of licensure. In a June 2017 *Licensure Exchange* article, Lance Kinney, Ph.D., P.E., wrote that in the previous 96 issues, mobility was mentioned 66 times. I went through many of the 96 issues and could not find any mention of law enforcement as it relates to mobility. I could not find any mention of uniform investigative procedures or screening of applications in any of those articles. When we discuss mobility, we tend to focus on applicants' education, the quality of their experience, and whether they have successfully passed the NCEES fundamentals and principles and practice exams. These are important because member boards need to be able to evaluate an applicant to ensure that he or she meets the minimum qualifications to practice the profession in a manner that will protect the public. But what about the applicant's character and ethics?

Over the years, there has been one glaring omission from the discussion of mobility and our assessment of an applicant's qualifications—the applicant's ability to adhere to the regulatory board's laws and rules governing the practice of engineering or surveying in his or her jurisdiction. For the past few years, the Committee on Member Board Administrators has been studying ways to improve mobility. There has been talk of developing a matrix or scorecard to evaluate each member board's licensing requirements as compared to the NCEES *Model Law*. Why would we not do the same thing for enforcement and screening applications?

To have an effective regulatory program and true mobility of licensure across jurisdictions, the key is consistency—consistency in our requirements for licensure and consistency in how we evaluate applications for licensure.

While the *Model Law* and *Model Rules*—as well as each jurisdiction's laws and rules—cover the three pillars of education, examination, and experience, we must not forget the other equally important sections of laws and rules. The following are just as important:

- Meeting minimum standards and accepted standards of practice
- Acting ethically in one's professional duties and ensuring the public's health, safety, and welfare in the performance of one's duties
- Being of good character and acting with integrity in all matters
- Practicing within one's area of competency

To have an effective regulatory program and true mobility of licensure across jurisdictions, the key is consistency—consistency in our requirements for licensure and consistency in how we evaluate applications for licensure. While we have not completely solved the mobility question, we have made significant strides in the areas of education and examination. We have been less consistent in our enforcement programs.

To have true mobility of licensure, member boards must not just focus on education, experience, and examinations but also strive for more consistency in how we evaluate applications and investigate allegations involving violations of the registration act.

In our discussion of mobility, we talk about trusting that our sister boards have thoroughly vetted their licensees and that other member boards should issue a license based on that trust. But trust requires confidence that the sister board is adhering to the same standards and practices as your own board. We want to reduce barriers to interstate licensure, but we must be careful that we are not just passing through, or passing on, applicants without ensuring that they are acting in accordance with the laws and rules. It is important to remember that one of the requirements for designation as a Model Law Engineer or Surveyor is a record free of disciplinary actions.

Some questions I would ask my sister boards include

- Does the board effectively investigate complaints and administer appropriate disciplinary actions?
- Does the board post disciplinary actions and notify other boards of disciplinary actions?
- Does the board require its licensees to report criminal convictions each renewal period or upon initial application?
- Does the board thoroughly evaluate applications to ensure that there is no misrepresentation of facts or credentials?
- Does the board have sufficient staff and expertise to evaluate applications and investigate violations of the registration act?

Let me give you a recent example of comity applications that we have received in Ohio. A comity applicant applying for registration as a professional engineer disclosed a money laundering conviction

on his application. He provided a brief summary indicating that the charge and subsequent conviction were a misunderstanding and included little documentation. My investigative staff looked into it further and found that the applicant had been incarcerated for being a major figure in an international drug cartel.

This individual is currently licensed in other several jurisdictions—not in Ohio. Admittedly, not all criminal convictions or violations of the registration act should result in the revocation or permanent debarment of an applicant from licensure. People make mistakes, and some deserve a second chance. But we as member boards must be more consistent in investigating these matters and adjudicating them. This is why member boards must act consistently in the way they handle enforcement actions. The Committee on Law Enforcement provides many tools in the Member Resources section of the NCEES website to help member boards in this endeavor.

As we continue to discuss mobility, we must not limit the conversation to just education, examinations, and experience but include overall consistency in how member boards operate. Just as important as applicants' engineering or surveying knowledge is their ability to follow the laws and rules and act ethically in the performance of their duties and as members of society.

John Greenhalge is the executive director of the Ohio board and a member of the 2017–18 NCEES Committee on Law Enforcement.

MEMBER BOARD BRIEF

continued from page 3

money, it provides a financial savings, too. And it benefits our respective state economies. The faster we license applicants, the greater the possibility those applicants will work in our state and the sooner they will generate revenue in our state. Local economies are important to our local politicians.

By shifting our perspectives, we can affect positive changes in the licensing process, changes that benefit applicants, licensees, and our states. Wyoming and Nevada invite you to consider signing

on to the memorandum of understanding for mobility. The memorandum can be found at bit.ly/mobilityMOU.

Patty Mamola is the executive director and a past member of the Nevada board and a member of the 2017–18 NCEES Committee on Member Board Administrators. She is also a past president of NCEES.

ANNUAL MEETING

continued from page 2

majority vote required. NCEES has a similar membership category for U.S.-based engineering and surveying organizations: the Participating Organizations Liaison Council.

The Council also voted to charge a Special Committee on Bylaws to propose amendments to the *Bylaws* to require that the NCEES president be a professional engineer or surveyor and to change the treasurer's term length from two years to three. The committee will consider both of these issues in 2017–18 and is expected to present motions to formally adopt related *Bylaws* changes at the 2018 annual meeting.

Several other motions to related to NCEES operations did not pass. The Council voted against a motion to change the voting structure of the organization to give member boards that regulate both engineering and surveying two votes and boards that regulate only engineering or surveying one vote. It also voted against a motion to establish a task force to further investigate moving to a qualifications-based selection system for president, instead of rotating the presidency among the four zones.

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	Average no. copies each issue during preceding 12 months	No. copies of single issue published nearest to filing date
a. Total number of copies (net press run)	3,033	3,100
b. Paid circulation		
(1) Mailed outside-county paid subscriptions stated on PS Form 3541	0	0
(2) Mailed in-county paid subscriptions stated on PS Form 3541	0	0
(3) Paid distribution outside the mails including sales through dealers and carriers, street vendors, counter sales, and other paid distribution outside USPS	0	0
(4) Paid distribution by other classes of mail through the USPS	0	0
c. Total paid distribution (sum of 15b 1, 2, 3, 4)	0	0
d. Free or nominal rate distribution		
(1) Free or nominal rate outside-county copies included on PS Form 3541	0	0
(2) Free or nominal rate in-county copies included on PS Form 3541	2,787	2,777
(3) Free or nominal rate copies mailed at other classes through the USPS	0	0
(4) Free or nominal rate distribution outside the mail	100	150
e. Total free or nominal rate distribution (sum of 15d 1, 2, 3, 4)	2,887	2,927
f. Total distribution (sum of 15c and e)	2,887	2,927
g. Copies not distributed	146	173
h. Total (sum of 15f and g)	3,033	3,100
i. Percent paid (15c divided by 15f times 100)	0	0

I certify that all information stated above is true and complete. *Jennifer Williams*

MEMBER BOARD NEWS

Alabama

Helen Adams-Morales is a new appointee. Charles Willis is no longer a member.

Arizona

Jack Gilmore is a new appointee. Leroy Brady is no longer a member.

Arkansas

Kyle Salyer is a new appointee. Ronnie Hawkins is no longer a member.

Delaware PE

Jeremy Kalmbacher is a new appointee. Daniel Barbato is no longer a member.

District of Columbia

Roland Carter is a new appointee. Ernest Boykin Jr. and Compton Vyfhuis are no longer members.

Illinois PE

Duane Yockey is a new appointee. William Eves is no longer a member.

Iowa

Former member and past board chair Forrest Holly passed away May 22. He was a member of several NCEES committees, including chair of the 2005-06 Continuing Professional Competency Task Force. Todde Folkerts is a new appointee. Jerry Shellberg is no longer a member.

Michigan PE and PS

Brian DeBano is the new member board administrator, replacing Cheryl Pezon.

Minnesota

Dave Blume is a new appointee. James Grube is no longer a member.

Mississippi

William Mitchell is a new appointee. Richard Turner is no longer a member.

Nebraska PE

Jan Bostelman is a new appointee. Roger Helgoth is no longer a member.

New Hampshire PS

Ginny Chrisenton is a new appointee. Richard Bond is no longer a member.

South Carolina

Sam Wellborn is the new advice counsel, replacing Donnell Jennings.

Tennessee PE

Susan Maynor is no longer a member.

Wisconsin

Christina Martin is a new appointee. Matthew Janiak is no longer a member.

Emeritus

The board of directors approved the following emeritus members at its August 2017 meeting. **Oklahoma:** Robert Zahl; **Virginia:** Wiley (Bif) Johnson

UPCOMING EVENTS

October 6-7

PE Chemical Exam PAKS Meeting
Atlanta, Georgia

October 12-14

PE Mechanical Exam Meeting
Clemson, South Carolina

October 13-14

PE Industrial and Systems Exam Meeting
Clemson, South Carolina

October 20-21

PE Environmental Exam Meeting
SE Exam Meeting
Clemson, South Carolina

October 23-25

PE Naval Architecture and Marine Exam Meeting
Houston, Texas

October 27-28

NCEES Pencil-and-Paper Exam Administration

October 27-29

PE Nuclear Exam Meeting
Washington, D.C.

October 30-31

PE Software Exam Meeting
Clemson, South Carolina

November 2-4

NCEES Board of Directors Meeting
Boston, Massachusetts

November 3-4

FE Exam Meeting
Clemson, South Carolina

November 9-11

EPE Committee Meeting
Atlanta, Georgia

November 17-18

EPS Committee Meeting
San Antonio, Texas

November 30-December 2

SE Exam Scoring Workshop
Clemson, South Carolina

NCEES OUTREACH

October 26-28

Society of Women Engineers Conference, Austin, Texas

October 9-11

Society of Petroleum Engineers Annual Technical Conference and Expo,
San Antonio, Texas

Patrick J. Tami, P.L.S.
President
California

James J. Purcell, P.E.
President-Elect
New Jersey

Daniel S. Turner, Ph.D., P.E., P.L.S.
Past President
Alabama

Timothy W. Rickborn, P.E.
Treasurer
South Carolina

Maurice L. Bowersox, P.E.
Central Zone Vice President
Kansas

Paul J. Tyrell, P.E., P.L.S.
Northeast Zone Vice President
Massachusetts

Christopher P. Knotts, P.E.
Southern Zone Vice President
Louisiana

Brian R. Hanson, P.E.
Western Zone Vice President
Alaska

Jerry T. Carter
Chief Executive Officer
South Carolina

Licensure EXCHANGE

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Examiners for Engineering and Surveying

Comments or questions can be directed
to editor@ncees.org.

Jerry T. Carter, Chief Executive Officer
and Publisher

Keri B. Anderson, Manager of
Corporate Communications

Jennifer L. Williams, Senior Editor

Brittany D. Wilson, Graphic Designer

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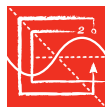
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29633



Standing (l-r): Hanson, Bowersox, and Knotts. Sitting (l-r): Rickborn, Purcell, Tami, and Turner. Not pictured: Tyrell.

NCEES installs 2017-18 board of directors

Patrick Tami, P.L.S., began his term as president at the conclusion of the NCEES annual meeting, held August 23–26 in Miami Beach, Florida. He replaces outgoing president Daniel Turner, Ph.D., P.E., P.L.S., who will remain on the board of directors as immediate past president. During the annual meeting, delegates elected James Purcell, P.E., president-elect for 2017–18 and Timothy Rickborn, P.E., treasurer for 2017–19. Also, NCEES welcomed newly commissioned Southern Zone Vice President Christopher Knotts, P.E., and Northeast Zone Vice President Paul Tyrell, P.E., P.L.S., as they began the first year of their two-year terms. Completing the board of directors are Central Zone Vice President Maurice Bowersox, P.E., and Western Zone Vice President Brian Hanson, P.E., who began the second year of their two-year terms.

AGENDA ITEM 6.C.2.b.

From: NCEES
To: [Jones, Alysia D \(CED\)](#)
Subject: Emeritus member term limit survey
Date: Wednesday, October 11, 2017 10:40:20 AM



The Advisory Committee on Council Activities (ACCA) has been charged to review *Bylaws* 3.022, Emeritus Members, and determine if a term limit should be placed on how long an individual may serve as an NCEES emeritus member.

ACCA asks you to complete the following brief survey. To ensure that ACCA receives feedback from each member board, please complete the survey by **October 20**.

[Emeritus member term limit survey](#)

[Unsubscribe](#) from future NCEES correspondence.



Outreach Reports



AGENDA ITEM 6.D.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2550
Fax: 907.465.2974

Travel Action Summary Report

Submit to the CBPL Travel Desk no later than seven business days after the meeting has concluded. Save a copy in your program files for the end-of-year compilation of all travel-related savings and deliverables for your program.

Board:	<input type="text" value="AELS"/>	Dates of Business:	<input type="text" value="9/14/2017 - 9/15/2017"/>								
Person Reporting:	<input type="text" value="John Kerr/ Alysia Jones"/>	# of Travelers: Employees	<input type="text"/>	Board Members	<input type="text" value="1"/>						
Type of Meeting:	<table border="0"><tr><td><input type="checkbox"/> Regular board business</td><td><input type="checkbox"/> Adjudication only</td></tr><tr><td><input type="checkbox"/> Special board meeting</td><td><input type="checkbox"/> Subcommittee meeting</td></tr><tr><td><input type="checkbox"/> On-site Investigation/Inspection</td><td><input checked="" type="checkbox"/> Other: Presentation at Alaska UAS Interest Group 2017 Meeting & for DNR.</td></tr></table>					<input type="checkbox"/> Regular board business	<input type="checkbox"/> Adjudication only	<input type="checkbox"/> Special board meeting	<input type="checkbox"/> Subcommittee meeting	<input type="checkbox"/> On-site Investigation/Inspection	<input checked="" type="checkbox"/> Other: Presentation at Alaska UAS Interest Group 2017 Meeting & for DNR.
<input type="checkbox"/> Regular board business	<input type="checkbox"/> Adjudication only										
<input type="checkbox"/> Special board meeting	<input type="checkbox"/> Subcommittee meeting										
<input type="checkbox"/> On-site Investigation/Inspection	<input checked="" type="checkbox"/> Other: Presentation at Alaska UAS Interest Group 2017 Meeting & for DNR.										

Cost Savings

What expenses were reduced?

-
-
-

What is the estimated savings?

\$150.00
\$384.00

Meeting Deliverables

Information gained:

Please see attached.

Action recommended:

From: John B. Kerr
To: [Dave Hale @ R&M](#)
Cc: [Jones, Alysia D \(CED\)](#)
Subject: AELS Outreach - Fairbanks: Alaska UAS Interest Group Annual Meeting and Dept of Natural Resources - Summary.
Date: Monday, September 18, 2017 11:32:38 AM

Greetings,

I gave two presentations in Fairbanks last Friday (9/15/2017) on mapping and measuring activities requiring professional licensure.

The first was at 8:45 AM at the Alaska UAS Interest Group Annual Meeting which was held at the Wedgewood Resort. This was day 3 of the meeting. Day One focused on Policy, Day Two focused on Research, and day 3 focused on commercial applications. I was the first speaker of the day. There was an audience of approximately 60-70 people. Attendees were from a broad spectrum of Unmanned Aerial Systems users, developers, and vendors. The presentation was based on a PowerPoint slide show. It lasted about 15 minutes and there were about 6-8 questions following the PowerPoint presentation which added 5-10 minutes. Questions were on topics about federal gov't exemptions, municipal exemptions – none, tax maps, a route for drone specific licensure, etc. The presentation was well received and at break one surveyor and one aerial mapper came up to me and thanked me for providing the group with that info.

The second was at 1:30 PM in the DNR large conference room at 3700 Airport Way. This meeting was at the request of Larry King, PLS, CFedS, SR/WA, DNR surveyor for leasing and conveyances. DNR has recently acquired a drone for resource inspection (such as materials sites). There were approximately 14 attendees. DNR Fairbanks has one PLS. The presentation and Q&A took about 1.5 hours. There was discussion about where mapping activities go from no-license required to license required. Types of education that would meet the education requirement was discussed. All in all interest was high. I was asked if I'd be willing to present this to DNR in Anchorage and told them I would.

Travel to/from Fairbanks was via car.

John

John Kerr, PS, CFedS
www.SurvBase.com
o. 907.338.7878
c. 907.529.5959



Correspondence



AGENDA ITEM 7.A.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

P.O. Box 110806
Juneau, AK 99811-0806
Main: 907.465.2550
Fax: 907.465.2974

August 17, 2017

Dear licensees and interested parties:

Alaska's professional licensing statutes (AS 08.01.065) require the Division of Corporations, Business and Professional Licensing (CBPL) to "annually review each fee level to determine whether the regulatory costs of each occupation are approximately equal to fee collections related to that occupation." Alaska's licensing fee statutes go on to say, "If the review indicates that an occupation's fee collections and regulatory costs are not approximately equal, the department shall calculate fee adjustments and adopt regulations...to implement the adjustments."

The division conducted a thorough fee analysis and reviewed the analysis with the State Board of Registration of Architects, Engineers, and Land Surveyors at a regular meeting on August 3, 2017. The licensing program for these professions has maintained a sizeable surplus for the past few years. The division and board considered future cost increases, potential fluctuations in legal expenses, as well as changes in the number of licensees forecasted by the board. After careful consideration of those costs, there was agreement that a reduction in license fees would be warranted, while the fee for initial application should increase to more accurately reflect the level of effort expended on their review.

The division's proposed fee amounts are enclosed and can also be found on the board's web page at <http://professionallicense.alaska.gov/BoardOfArchitectsEngineersAndLandSurveyors>.

This fee proposal is entering a public comment period. The division encourages all licensees and interested parties to comment on this proposal through the division's Regulations Specialist, whose contact information is enclosed on the public notice. After the comment period closes and the division reviews all comments received, the division may adopt the regulation as drafted, may amend a proposed fee, or may withdraw the regulations in part or in its whole.

All comments received will be reviewed and taken into consideration prior to adopting the final regulations. The final decision will result in the fee to be implemented during the next licensing renewal.

Follow the instructions enclosed to make written comments during the public comment period. Comments must be addressed to Jun Maiquis, Regulations Specialist, PO Box 110806, Juneau, AK 99811, or RegulationsAndPublicComment@alaska.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janey Hovenden".

Janey Hovenden
Director

Encl.

**NOTICE OF PROPOSED CHANGES TO OCCUPATIONAL LICENSING FEES FOR
PROFESSIONS REGULATED BY THE BOARD OF REGISTRATION FOR
ARCHITECTS, ENGINEERS, AND LAND SURVEYORS IN THE REGULATIONS OF
THE DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT**

BRIEF DESCRIPTION: The Department of Commerce, Community, and Economic Development proposes to change occupational license fees charged to architects, engineers, land surveyors, and landscape architects.

The Department of Commerce, Community, and Economic Development (Department) proposes to adopt regulation changes in Title 12, Chapter 02 of the Alaska Administrative Code including the following:

12 AAC 02.110, Board of Registration for Architects, Engineers, and Land Surveyors, is proposed to be changed to alter the application, registration, certification, renewal, and review fees for architects, engineers, land surveyors, and landscape architects.

Under AS 08.01.065, the Department must establish fee levels so that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation. The Department has reviewed the income and expenses for the occupational licensing program for the Board of Registration for Architects, Engineers, and Land Surveyors and proposes fee changes that reflect, to the extent possible, the actual costs of the activities related to the program.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Department 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/186816>, and using the comment link. **The comments must be received not later than 5:00 p.m. on September 20, 2017.** Comments received after this deadline will not be considered by the Department.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Department 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 Department may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov not later than September 13, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/AELS-Fees-2017.pdf>.

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

Statutory Authority: AS 08.01.065; AS 08.48.265

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.065; AS 08.48.265

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

DATE: 8/17/17

/s/
Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

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.

**ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))**

1. **Adopting agency:** Department of Commerce, Community, and Economic Development – Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Occupational licensing fees.
3. **Citation of regulation:** 12 AAC 02.110.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Compliance with state statute.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: \$100 increase for initial application; \$50 decrease for biennial registration/renewal; \$100 decrease for biennial certification/renewal; Eliminate \$100 review fees for applications by comity and by examination.
Another state agency: None known.
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2018 or in subsequent years.
9. **The name of the contact person for the regulation:**
Sara Chambers, Deputy Director
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-2144
E-mail: sara.chambers@alaska.gov
10. **The origin of the proposed action:** Division of Corporations, Business and Professional Licensing.
11. **Date:** 8/17/17

Prepared by: /s/
Jun Maiquis
Regulations Specialist
(907) 465-2537

Chapter 02. General Occupational Licensing Functions.

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

12 AAC 02.110 is amended to read:

12 AAC 02.110. Board of Registration for Architects, Engineers, and Land

Surveyors. (a) The following fees are established for architects, engineers, land surveyors, and landscape architects:

(1) application fee for initial registration and corporate, limited liability company, or limited liability partnership certification, **\$200** [\$100];

(2) **repealed** / / [REVIEW FEE FOR REGISTRATION BY COMITY, \$100];

(3) registration fee for all or part of the initial biennial registration period, **\$100** [\$150];

(4) biennial registration renewal fee, **\$100** [\$150];

(5) corporation, limited liability company, or limited liability partnership certification fee, for all or part of the biennial certification period, **\$300** [\$400];

(6) biennial corporation, limited liability company, or limited liability partnership certification renewal fee, **\$300** [\$400];

(7) amendment to corporate, limited liability company, or limited liability partnership certification, \$75;

(8) repealed 11/13/2014;

(9) **repealed** / / [EXAMINATION REVIEW FEE, \$100];

(10) retired status registration one-time fee, \$25.

(b) The following examination fees are established for land surveyors and landscape architects:

(1) Alaska Land Surveying Exam (AKLS), \$100;

(2) repealed 11/13/2014.

(c) Repealed 4/19/97.

(d) The examination fees established in this section are due each time an applicant applies for an examination or examination division.

(e) The following fee is established for opening a file for the retention of completed land surveyor work verification forms: \$50. (Eff. 11/20/86, Register 100; am 10/1/88, Register 107; am 5/4/90, Register 114; am 5/20/92, Register 122; am 9/5/93, Register 127; am 11/3/95, Register 136; am 4/19/97, Register 142; am 7/26/97, Register 143; am 11/29/97, Register 144; am 1/8/98, Register 145; am 11/14/99, Register 152; am 2/2/2001, Register 157; am 8/8/2003, Register 167; am 12/2/2005, Register 176; am 11/18/2006, Register 180; am 6/22/2008, Register 186; am 11/26/2009, Register 192; am 11/30/2013, Register 208; am 11/13/2014, Register 212; am 11/4/2015, Register 216; am ____/____/_____, Register _____)

Authority: AS 08.01.065 AS 08.48.265

AGENDA ITEM 7.A. Supplemental

From: Chambers, Sara C. (CED)
To: Hovenden, Janey L. (CED)
Cc: Jones, Alysia D. (CED)
Subject: AELS fee adjustment recommendation
Date: Tuesday, August 08, 2017 3:56:21 PM
Attachments: [image002.png](#)
Importance: High

Director Hovenden:

After performing a fee analysis, discussing with the board, and receiving their input according to AS 08.01.065, I recommend the following adjustments to the licensing fees for State Board of Registration of Architects, Engineers, and Land Surveyors (in yellow):

- 12 AAC 02.110. BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS.** (a) The following fees are established for architects, engineers, land surveyors, and landscape architects:
- (1) application fee for initial registration and corporate, limited liability company, or limited liability partnership certification, ~~\$100~~ **\$200**;
 - (2) review fee for registration by comity, ~~\$100~~;
 - (3) registration fee for all or part of the initial biennial registration period, ~~\$150~~ **\$100**;
 - (4) biennial registration renewal fee, ~~\$150~~ **\$100**;
 - (5) corporation, limited liability company, or limited liability partnership certification fee, for all or part of the biennial certification period, ~~\$400~~ **\$300**;
 - (6) biennial corporation, limited liability company, or limited liability partnership certification renewal fee, ~~\$400~~ **\$300**;
 - (7) amendment to corporate, limited liability company, or limited liability partnership certification, \$75;
 - (8) repealed 11/13/2014;
 - (9) ~~examination review fee, \$100~~;
 - (10) retired status registration one-time fee, \$25.
- (b) The following examination fees are established for land surveyors and landscape architects:
- (1) Alaska Land Surveying Exam (AKLS), \$100;
 - (2) repealed 11/13/2014.
- (c) Repealed 4/19/97.
- (d) The examination fees established in this section are due each time an applicant applies for an examination or examination division.
- (e) The following fee is established for opening a file for the retention of completed land surveyor work verification forms: \$50.

Board of Architects, Engineers, and Land Surveyors													
Analysis last updated: July 26, 2017													
Effective dates of proposed fees: est. Nov. 1, 2017													
Repealed with board: Aug. 3, 2017													
Fee Type	Current fee schedule			Proposed by board				Proposed by division				Adjustments	
	Current Fee	Projected Units	Projected Revenue	Fee Adjustment	Fee with Recommended Adjustment	Projected Revenue after Adjustment	% Change	Fee Adjustment	Fee with Recommended Adjustment	Projected Revenue after Adjustment	% Change	Fee Adjustment for Estimated Prorated Renewals	Projected Revenue Loss
Application Fee	100	1112	\$ 111,200	\$0	100	\$ 166,800	150%	100	\$ 100	\$ 222,400	200%		
New Architects	150	50	7,500	-50	100	5,000	67%	-50	100	5,000	67%	\$ (50)	46
Renewed Architects	150	1185	177,750	-50	100	118,500	67%	-50	100	118,500	67%		\$ (2,300)
New Land Surveyors	150	30	4,500	-50	100	3,000	67%	-50	100	3,000	67%		
Renewed Land Surveyors	150	517	77,550	-50	100	51,700	67%	-50	100	51,700	67%		
New Landscape Architects	150	8	1,200	-50	100	800	67%	-50	100	800	67%		
Renewed Landscape Architects	150	58	8,700	-50	100	5,800	67%	-50	100	5,800	67%		
New Engineers	150	486	72,900	-50	100	48,600	67%	-50	100	48,600	67%		
Renewed Engineers	150	5519	827,850	-50	100	551,900	67%	-50	100	551,900	67%		
New Retired	25	44	1,100	0	25	1,100	100%	25	1,100	1,100	100%		
Corporation Certification	400	108	43,200	-100	300	32,400	75%	-100	300	32,400	75%		
Renewed Corporate Certification	400	806	322,400	-100	300	241,800	75%	-100	300	241,800	75%	\$ (150)	219
Amendments to Corporate	75	136	10,200	0	75	10,200	100%	75	10,200	10,200	100%		
Application Reviews (Comity and Exam)	100	532	53,200	50	150	79,800	150%	-100	-	-	0%		
Land Surveyor Work File	50	0	0	0	50	0	100%	0	50	0	100%		
AKLS Exam	100	50	5,000	0	100	5,000	100%	0	100	5,000	100%		
Estimated Centralized Fees	23,067	1	23,067		23,067	23,067	100%		23,067	23,067	100%		
			\$ 1,747,307			\$ 1,345,457				\$ 1,321,257			\$ (36,150)
CALCULATIONS BASED ON CURRENT FEES													
CALCULATIONS BASED ON BOARD'S PROPOSAL													
CALCULATIONS BASED ON DIVISION'S PROPOSAL													
Revenues and Expenditures	P10216/2017 Actuals	P10216/2017 Actuals	P10216/2017 Actuals	P10216/2017 Actuals	P10216/2017 Actuals	P10216/2017 Actuals	P10216/2017 Actuals	P10216/2017 Actuals	P10216/2017 Actuals	P10216/2017 Actuals	P10216/2017 Actuals	P10216/2017 Actuals	P10216/2017 Actuals
Revenue	2,305,745	1,518,000	1,747,307	1,747,307	2,305,745	1,518,000	1,345,457	1,345,457	2,305,745	1,518,000	1,321,257	1,321,257	1,321,257
Expenses	(1,562,287)				(1,562,287)				(1,562,287)				
Adjustments													
Expenses adjusted for 2% biennial increase		(1,335,500)	(1,362,210)	(1,389,454)		(1,335,500)	(1,362,210)	(1,389,454)		(1,335,500)	(1,362,210)	(1,389,454)	(1,389,454)
Fee adjustment for pro-rated renewal		(35,150)	(35,150)	(35,150)		(35,150)	(35,150)	(35,150)		(35,150)	(35,150)	(35,150)	(35,150)
Projected Net	743,458	147,350	349,347	322,703	743,458	147,350	(51,905)	(79,147)	743,458	147,350	(76,103)	(103,247)	(103,247)
Beginning Cumulative Surplus (Deficit)		743,458	890,808	1,240,755		743,458	890,808	838,905		743,458	890,808	814,705	814,705
Ending Cumulative Surplus (Deficit)	743,458	890,808	1,240,755	1,563,459	743,458	890,808	838,905	759,759	743,458	890,808	814,705	711,359	711,359

Explanation:

- Eliminate separate review fees for applications by comity (12 AAC 02.110(a)(2)) and by exam (12 AAC 02.110(a)(9)).** This will eliminate two \$100 fees that do not accurately reflect the level of effort spent on applications. It will also streamline the application and receiving processes. (Board recommended keeping these fees but lowering to \$50; conversations that Alysia had with Dave Hale after the meeting indicate that the board may not have understood the division's proposal at the time.)
- Review fee revenue will be replaced through a \$100 increase in the general fee for initial application (12 AAC 02.110(a)(1)).** This method is actually more equitable to applicants, since staff time per application is less dependent upon comity/exam reviews and more on the preparedness, organization, and responsiveness of the applicant. Streamlining the application fee structure in this way will also reduce errors in fee payments. By implementing the changes in #1 and #2, there is no net change to the fees to file an application between the two proposals. (Board recommended a \$50 increase.)
- Reduce the license fees for individuals (12 AAC 02.110(a)(3) and (4)) by \$50** to decrease the program's substantial surplus. (Board concurs.)
- Reduce the license fees for corporations (12 AAC 02.110 (a)(5) and (6)) by \$100** to decrease the program's substantial surplus. (Board concurs.)

I proposed the following increase to the board and asked for their input. They recommended keeping the AKLS Exam fee as-is, and I endorse deferring to their wisdom:

- Increase the AKLS exam fee (12 AAC 02.110(b)(1)) from \$100 to \$250 to cover the actual exam cost.** This is more of a philosophical issue than a fiscal one: Currently, the \$100 fee covers less than half the expense of the state exam, the remainder of which is passed along to other licensees in various professions. There is nothing in statute that prevents this from happening; however, we request the board's input on whether it wishes to continue to subsidize exam fees in this way. An alternative may be to require land surveyor applicants to gain this education elsewhere and discontinue the state exam altogether.

Please let me know if you have any questions. Placing this request at the top of Jun's list will enable the renewals to move forward timely.

Sara Chambers
Deputy Director

Alaska Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, AK 99811-0806
commerce.alaska.gov/web/cbpl
Phone: (907) 465-2144
FAX: (907) 465-2974

Any guidance provided by this electronic communication is not a binding legal opinion, ruling, or interpretation that may be relied upon, but merely guidance concerning existing statutes and regulations. There may be other unique or undisclosed facts, circumstances, and information that may have changed any guidance provided in this communication.

CONFIDENTIALITY NOTICE: This communication is intended for the sole use of the individual or entity to whom it is addressed to and is covered by the Electronic Communications Privacy Act (18 USC § 2510-2521), and may contain Confidential Official Use Only Information that may be exempt from public release under the Freedom of Information Act (5 USC § 552). If you are not the intended recipient, you are prohibited from disseminating, distributing or copying any information contained in this communication.

The State of Alaska cannot guarantee the security of e-mails sent to or from a state employee outside the state e-mail system. If you are not the intended recipient or receive this communication in error, please notify the sender by reply e-mail and delete the original message and all copies from your computer.



August 21, 2017

Alysia Jones
State of Alaska
Business Licensing Section
P.O. Box 110806
Juneau, AK 99811-0806

To whom it may concern:

Please see the enclosed Problem: Business License Application regarding our application for an Alaska business license. It states that since the word "engineering" is in our name, we are required to acquire a Professional license. The requirement for a professional license is not valid due to the nature of our business. Jesse Engineering is a structural steel fabricator and does not provide any engineering services in the course of its business. Jesse Engineering uses customer supplied drawings in the fabrication of the various structures under contract. We will be shipping transfer carts to Ketchikan Shipyard. We are not responsible for the engineering or for the unloading and will have no equipment, employees, etc. in the State of Alaska.

Please contact me at (253) 922-7433 if you have any questions. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Ripka', is written over a light blue horizontal line.

James Ripka
Accounting Manager



THE STATE
of **ALASKA**

Business Licensing Section
PO Box 110806, Juneau, AK 99811-0806
Phone: (907) 465-2550 • Fax: (907) 465-2974
Email: businesslicense@alaska.gov
Website: BusinessLicense.Alaska.Gov

JESSE ENGINEERING COMPANY
PHILLIP JESSE
1840 MARINE VIEW DR
TACOMA, WA 98422

BUS

FOR DIVISION USE ONLY

Problem: Business License Application

BUSINESS LICENSE NUMBER: NEW APPLICATION

DATE: 08/11/2017

Upon review of your Alaska Business License application/renewal, it has been determined the application cannot be processed until additional information is provided. Please see the checked box(s) below and respond within 30 days.

- ☐ **MISSING FEES:** Your application was received without the appropriate business licensing fee. Please provide the appropriate fee: \$50 for one (1) year business license; \$100 for a two (2) year business license.
- ☐ **SOLE PROPRIETOR (one natural individual) DISCOUNT:** Your application requested a discounted fee however qualification information is missing. Per AS 43.70.030: for the senior discount you must be 65 years of age or older and provide your birthdate; or, for the disabled veteran discount you must provide a copy of your service connected disability letter or ID from Veteran Affairs. Partnerships, LLC, corporations and other entity types do not qualify for these discounts.
- Senior Discount — provide your birthdate:** ____ / ____ / ____
- Veteran Discount — submit a copy of your service-connected disability letter or ID from Veteran's Affairs.**
- ☐ **MISSING NAICS CODE(S):** The Primary and/or Secondary NAICS codes are required. If any of your business activities requires a professional license, then you must list those activities as your Primary and Secondary NAICS code. For additional information, go to www.BusinessLicense.Alaska.Gov and www.ProfessionalLicense.Alaska.Gov
- Provide the Primary NAICS Code:** _____ **and (if applicable), the Secondary NAICS Code:** _____
- ☐ **MISSING PROFESSIONAL LICENSE:** The NAICS code(s) you provided requires a professional license. We are not able to confirm a current professional license under this name. For information, go to: www.ProfessionalLicense.Alaska.Gov
- The NAICS Code(s) you provided:** _____
- Required Professional License:** _____
- ☐ **MISSING ALASKA ENTITY NUMBER:** We are unable to confirm your entity has a current Alaska entity number on record with the Corporations Section. For information, go to www.Corporations.Alaska.Gov
- Provide your Alaska Entity Number:** _____
- ☐ **EXPIRED LICENSE, CANNOT RENEW:** Your business license expired/lapsed more than permitted by 12 AAC 12.040(d) and cannot renew. Please submit a new business license application; any renewal fees originally submitted may be applied to a new business license application.
- ☒ **SEE PAGE 2 ON BACK.**

JESSE ENGINEERING COMPANY
PHILLIP JESSE
NEW APPLICATION

— CONTINUED FROM PAGE ONE —

☒ **OTHER REASON(S)/COMMENT(S)** for denial of business license application/renewal:

Upon review of your new business license application, we noticed that the word "engineering" is used in the business name.

Per Statutes and Regulations for Architects, Engineers, Land Surveyors, and Landscape Architects, Sec. 08.48.321. Evidence of practice. A person practices or offers to practice architecture, engineering, land surveying, or landscape architecture who

- (1) practices a branch of the profession of architecture, engineering, land surveying, or landscape architecture as defined in AS 08.48.341;
- (2) by verbal claim, sign, advertisement, letterhead, card, or other means represents to be an architect, engineer, land surveyor, or landscape architect, or through the use of some other title implies that the person is an architect, engineer, land surveyor, or landscape architect; or
- (3) holds out as able to perform or who does perform an architectural, engineering, land surveying, or landscape architectural service recognized by the professions covered by this chapter, and specified in regulations of the board, as an architectural, engineering, land surveying, or landscape architectural service.

If you feel that you are exempt from professional licensing requirement, please request "exempt" approval from Alysia Jones, Executive Administrator for AELS, contact information: alysia.jones@alaska.gov or ph# 907-465-1676.

Please respond within 30 days of the above date by returning this letter along with the requested information/fee.

Your resubmitted application/renewal will be reviewed in date order received; when it meets statutory and regulatory requirements your business license will be issued based on the date received complete and compliant. An application shall be considered abandoned if no response is received one year after the date the application was received and all fees shall be forfeited on an abandoned application unless a request for a refund is received within that same one year period.

Sincerely,



Arlene Lumbab
Arlene.Lumbab@Alaska.Gov
(907) 465-5455

AGENDA ITEM 7.C.



Coffland Engineering, PLLC

3371 Douglas Highway,
Juneau, Alaska 99801
Telephone: (907)209-2255
email: coffland007@gmail.com

September 21, 2017

State Board of Registration for Architects, Engineers, and Land Surveyors
State Office Building
333 Willoughby St. 9th Floor
P.O. Box 110806
Juneau, AK 99811-0806

Subject: New Structural Engineering License

Dear Board of Engineer, Architects, and Land Surveyors:

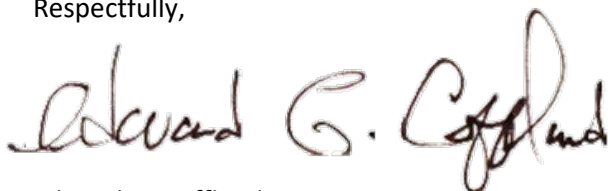
Recently, I learned there was an open period in which engineers currently registered in Alaska could apply for the new Alaska structural engineering license by grandfathering. I understand that applications were to have been submitted no later than July 31, 2017.

Unfortunately, I learned about the open application period by word of mouth after the period had expired. I now know this information was advertised in the public notice section of local newspapers, but I no longer take the local paper. In the past, I have received a letter in the mail from the State Board advising me whenever changes in the regulations are proposed or are implemented.

To date I have not received any official notification of this change. Also, I have spoken with several of my colleagues who are also currently registered Alaska engineers or retired engineers and none of them have received notification.

So, I respectfully ask you to reopen the grandfathering period and notify Alaska engineers by mail.

Respectfully,



Edward G. Coffland, PE
Alaska AELC10287

AGENDA ITEM 7.C. Supplemental. The following information is provided as reference.

Notice of Adopted Changes to the Regulations of the State Board of Registration for Architects, Engineers, and Land Surveyors

On May 6, 2016, the State Board of Registration for Architects, Engineers, and Land Surveyors adopted regulation changes in Title 12, Chapter 36 of the Alaska Administrative Code, dealing with engineering education and work experience requirements, application for registration as a structural engineer, seals, use of seals, and definitions.

The regulation changes were reviewed and approved by the Department of Law, signed and filed by the Lieutenant Governor on August 10, 2016, and will go into effect on September 9, 2016. **See attached copy of the filed version of the regulations.**

The new regulation changes will be printed in Register 219, October 2016 of the Alaska Administrative Code.

Attachments, History, Details

Attachments

[AELS-JU2015200867 \(Part 2\) Eff. 9-9-2016.pdf](#)

Revision History

Created 8/18/2016 11:41:44 AM by jcmaiquis

Details

Department:	Commerce, Community and Economic Development
Category:	Regulations
Sub-Category:	Adopted Text or Summary of Text
Location(s):	Statewide
Project/Regulation #:	JU2015200867 (Part 2)
Publish Date:	8/18/2016
Archive Date:	9/30/2016
Events/Deadlines:	Regulations Effective Date 9/9/2016 12:00am

Byron Mallott
Lieutenant Governor
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Anchorage, Alaska 99501
907.269.7460 269.0263
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Jun Maiquis
Department of Commerce, Community and Economic Development

FROM: Scott Meriwether, Office of the Lieutenant Governor 
465.4081

DATE: August 11, 2016

RE: Filed Permanent Regulations: Board of Registration for Architects, Engineers, and Land Surveyors

Regulations re: engineering education and work experience requirements, application for registration as a structural engineer, seals, use of seals, and definitions (12 AAC 36.063(a),(k); 12 AAC 36.108; 12 AAC 36.180(b),(e); 12 AAC 36.185(i); 12 AAC 36.990(a)(4),(44))

Attorney General File:	JU2015200867 (Part 2)
Regulation Filed:	August 10, 2016
Effective Date:	September 9, 2016
Print:	219, October 2016

cc with enclosures: Linda Miller, Department of Law
Micaela Fowler, Department of Commerce, Community & Economic Development
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO REGULATIONS OF THE
STATE BOARD OF REGISTRATION FOR ARCHITECTS,
ENGINEERS, AND LAND SURVEYORS

The attached seven pages of regulations, dealing with engineering education and work experience requirements, application for registration as a structural engineer, seal, use of seals, and definitions, are hereby certified to be a correct copy of the regulation changes that the State Board of Registration for Architects, Engineers, and Land Surveyors adopted at its May 5-6, 2016 meeting, under the authority of AS 08.48.101, AS 08.48.111, AS 08.48.171, AS 08.48.181, AS 08.48.191, AS 08.48.201, AS 08.48.221, AS 08.48.231, and AS 08.48.331 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the State Board of Registration for Architects, Engineers, and Land Surveyors paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 6/20/16
Juneau, Alaska



Richard V. Jones, Executive Administrator
State Board of Registration for Architects,
Engineers, and Land Surveyors

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on August 10, 2016 at 1045 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: September 9, 2016.

Register: 219, October 2016.

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

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

(a) To be eligible for a professional engineering examination other than the structural engineering examination, an applicant must

...

12 AAC 36.063 is amended by adding a new subsection to read:

(k) To be eligible for the structural engineering examination, an applicant must

(1) be currently registered ~~licensed~~ as a professional engineer in this state; and

(2) have at least two years of progressive structural experience, in addition to the eight years of education and work experience or both that are equivalent to the requirements set out in the applicable table of education and work experience requirements for a professional engineering examination in this section. (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

Register 10/29/2009, Registered 192; am 9/9/2016, Register 219)

Authority: AS 08.48.101

AS 08.48.171

AS 08.48.181

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

12 AAC 36.108. Application for registration as a structural engineer. (a) A person who holds a current certificate of registration as an engineer in the state on September 9, 2016: (fill)

~~in effective date of regulation~~) may apply under this section for a certificate of registration as a structural engineer by meeting the requirements of this section.

(b) An application for registration as a structural engineer under this section must be submitted on or before July 31, 2017, ~~(or to be determined upon adoption).~~

(c) An applicant for structural engineering registration under this section must submit

(1) a typewritten application on a form prescribed by the board, including the references required under AS 08.48.201;

(2) the application and registration fees established in 12 AAC 02.110;

(3) verification that the applicant has, within the 120 months immediately before the date of the application, at least 24 months of responsible charge experience in structural engineering;

(4) the plans or other documents required under (e) of this section; and

(5) the letters of reference required under (d) and (e) of this section.

(d) An applicant applying for structural engineering registration under this section must provide two letters of reference verifying the applicant's responsible charge experience required under (c)(3) of this section. The letters of reference must meet the requirements of (f) and (g) of this section.

(e) An applicant applying for structural engineering registration under this section must provide complete structural plans or other documents of at least two completed significant structures, ~~as defined in 12 AAC 36.990,~~ demonstrating the engineering abilities of the applicant in structural engineering. The plans or other documents must be signed, sealed, and dated, and must include necessary calculations and other applicable supporting documents. The plans or other documents must have been dated within the 120 months immediately before the date of

application for structural engineering registration under this section. The plans or other documents submitted under this subsection must be on ^(an optical) disk or thumb drive ^{and must be} accompanied by a letter of reference for each project attesting to the applicant's competence on the project. The letters of reference must meet the requirements of (f) and (g) of this section.

(f) Except as provided in (g) of this section, the letters of reference required under (d) and (e) of this section must be signed and sealed by an engineer who was registered as a professional engineer in a state, territory, or possession of the United States, the District of Columbia, or a foreign country at the time of the responsible charge experience or when the plans or other documents were signed and sealed, and either

(1) was registered as a structural engineer; or

(2) if the licensing jurisdiction did not register structural engineers during the period of the experience or when the plans or other documents were signed and sealed, designed significant structures under another professional engineering license.

(g) If an engineer provides a reference letter under (d) or (e) of this section without a seal, the applicant must provide a statement from the engineer certifying that the engineer held a current registration as an engineer during the period of experience or when the plans or other documents were signed and sealed, and the engineer's state of registration, registration number, and branch of engineering.

(h) If requested by the board, the applicant must be available for an interview with the board.

(i) The board may consult subject matter experts in the branch of engineering for which the applicant seeks registration to assist the board in evaluating the application.

(j) Nothing in this section prevents a registrant from applying under this chapter for a

certificate of registration by examination or comity in structural engineering.

(k) To remain current, an additional certificate of registration issued under this section must be renewed as provided in AS 08.48.231. (Eff. 9/9/2016, Register 219)

Authority: AS 08.48.101 AS 08.48.201 AS 08.48.231

12 AAC 36.180(b) is amended to read:

...

[SE – STRUCTURAL ENGINEER]

« Publisher: The only change to 12 AAC 36.180(b) is deletion of the last line, as shown. The rest of existing 12 AAC 36.180(b) is unchanged. »

12 AAC 36.180 is amended by adding a new subsection to read:

(e) The seal authorized for use by structural engineers is of the following design or a substantially similar electronic or digital representation of the design:



The seal must reflect the branch identification authorized by the board. This identification is to be placed below the registrant's name and preceding the registrant's number on the seal. (Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 10/20/90, Register 116; am 11/13/99, Register 152; am 1/20/2002, Register 161; am 3/11/2012, Register 201; am 9/9/2016, Register 219)

Authority: AS 08.48.101 AS 08.48.221

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

(i) Drawings, engineering surveys, reports, and construction documents regarding the structural systems of a significant structure, ~~as defined in 12 AAC 36.990~~⁹ must be sealed by a registered structural engineer. (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)

Authority: AS 08.48.101

AS 08.48.111

AS 08.48.221

12 AAC 36.990(a)(4) is amended to read:

(4) "civil engineering" means the branch of professional engineering that embraces studies and activities relating to research, design, and construction of fixed works ²
other than significant structures, for irrigation, drainage, waterpower, water supply and treatment, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, sewerage, refuse disposal, foundations, structures, and bridges, and the organizational and economic aspects of these studies and activities;

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

(44) "significant structure"³ means⁹

2; in this paragraph, "hazardous facilities" means

(A) hazardous facilities³ defined as: structure housing, supporting, or

containing sufficient quantities of toxic or explosive substance to be of danger to the safety of the public if released;

2; in this paragraph, "special occupancy structures" means

(B) special occupancy structures³ defined as:

(i) building³ and other structures whose primary occupancy is

public assembly with an occupant load greater than 300;

(ii) buildings and other structures containing ^{an} elementary school, secondary school, or day care facility with an occupant load greater than 250;

(iii) buildings and other structures containing adult education facilities, such as colleges and universities, with an occupant load greater than 500;

(iv) medical facilities with 50 or more resident, incapacitated patients;

(v) jails and detention facilities; and

(vi) all buildings or structures with an occupant load greater than 5,000;

(C) essential facilities that have a ground area of more than 4,000 square feet and are more than 20 feet in mean roof height above average ground level; ^{in this paragraph,} essential facilities ^{means} are defined as:

(i) hospitals and other medical facilities having surgery and emergency treatment areas;

(ii) fire and police stations;

(iii) tanks or other structures containing, housing, or supporting water or fire suppression material or equipment required for the protection of essential or hazardous facilities or special occupancy structures;

(iv) emergency vehicle shelters and garages;

(v) structures and equipment in emergency preparedness centers;

(vi) standby power-generating equipment for essential facilities;

(vii) structures and equipment in government communication centers and other facilities requiring emergency response;

(viii) aviation control towers, air traffic control centers, and emergency aircraft hangars; and

(ix) buildings and other structures having critical national defense functions;

(D) structures exceeding 100 feet in height above average ground level;

(E) buildings that are customarily occupied by human beings and are four stories or 45 feet or more above average ground level; and

(F) bridges having a total span of more than 200 feet and piers having a surface area greater than 10,000 square feet.

(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)

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

Maiquis, Jun C (CED)

From: Maiquis, Jun C (CED)
Sent: Friday, October 16, 2015 3:43 PM
To: 'GOV.ALLlegislators@alaska.gov'; 'l+cregs@akleg.gov'; Lieutenant Governor Byron Mallott (GOV sponsored)
Cc: Jones, Richard V (CED); Hackenmiller, Sarena E (CED); Zimmerman, Marilyn A (CED); Chambers, Sara C (CED); Hovenden, Janey L (CED); Fowler, Micaela R (CED); Parady, Fred E (CED); Hladick, Chris W (CED)
Subject: Notice of Proposed Regulations (Board of AELS)
Attachments: AELS-Notice-1015.pdf

The State Board of Registration for Architects, Engineers, and Land Surveyors proposes to update regulations by adding requirements for eligibility for the structural engineering examination, changes to the regulations relating to application for registration as a structural engineer including authorized seal and structural engineer seal on certain plans, and defining the term "significant structure".

For more information open the attached copy of the notice.

Jun Maiquis

Regulations Specialist

Division of Corporations, Business and Professional Licensing

Alaska Department of Commerce, Community, and Economic Development

PO Box 110806

Juneau, AK 99811-0806

Phone: (907) 465-2537

jun.maiquis@alaska.gov

**NOTICE OF PROPOSED CHANGES TO ENGINEERING EDUCATION AND WORK
EXPERIENCE REQUIREMENTS, APPLICATION FOR REGISTRATION AS A
STRUCTURAL ENGINEER, SEAL, USE OF SEALS, AND DEFINING THE TERM
SIGNIFICANT STRUCTURE 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 by adding requirements for eligibility for the structural engineering examination, changes to the regulations relating to application for registration as a structural engineer including authorized seal and structural engineer seal on certain plans, and defining the term significant structure.

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 engineering education and work experience requirements, application for registration as a structural engineer, seal, use of seals, and definitions, including the following:

1. **12 AAC 36.063, Engineering education and work experience requirements**, is proposed to be changed to add specific requirements for structural engineer.
2. **12 AAC 36.108, Application for registration as a structural engineer**, is a proposed new section that establishes application for registration as a structural engineer.
3. **12 AAC 36.180, Seal**, is proposed to be changed to add a structural engineer seal.
4. **12 AAC 36.185, Use of seals**, is proposed to be changed to add the requirements for a structural engineer seal on certain plans.
5. **12 AAC 36.990, Definitions**, is proposed to be changed to further define terms used in 12 AAC 36.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974, and by electronic mail at jun.maiquis@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/178698>, and using the comment link. **The comments must be received not later than 4:30 p.m. on January 12, 2016.**

Oral comments relevant to the proposed actions, including the potential costs to private persons of complying with the proposed action, may also be given at hearings to be held during the following Board meeting dates and places:

November 5, 2015 meeting at the Atwood Building, 550 W. 7th Avenue, 1st Floor, Conference Room 104, Anchorage, Alaska. **Written comments will not be accepted at the hearing.** The hearing will begin at 1:15 p.m. and will end when those who have signed up before 1:15 p.m. to give oral testimony have had the opportunity to give oral comments.

February 10, 2016 meeting at the State Office Building, 333 Willoughby Avenue, 9th Floor, Conference Room C, Juneau, Alaska. **Written comments will not be accepted at the hearing.** The hearing will begin at 1:15 p.m. and will end when those who have signed up before 1:15 p.m. to give oral testimony have had the opportunity to give oral comments.

The chair of the Board may limit each participant's length of oral testimony to a time limit, determined by the chair before the hearing begins, to allow enough time for all those present and

timely registered to give testimony. If you wish to give your comments via telephone, please call 1-800-315-6338 access code 51676.

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

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov not later than February 3, 2016 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Jun Maiquis at the address or phone number above, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/AELS-1015.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 regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.48.101; AS 08.48.111; AS 08.48.171; AS 08.48.181; AS 08.48.191; AS 08.48.201; AS 08.48.221; AS 08.48.231; AS 08.48.331

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.48.101; AS 08.48.111; AS 08.48.171; AS 08.48.181; AS 08.48.191; AS 08.48.201; AS 08.48.221; AS 08.48.231; AS 08.48.331

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

DATE: 10/16/15

/s/
Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

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.

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

11. Date: 10/16/15 Prepared by: /s/ Jun Maiquis, Regulations Specialist

**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. Complete new sections are not underlined.)

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

(a) To be eligible for a professional engineering examination **other than the structural engineering examination**, an applicant must

...

12 AAC 36.063 is amended by adding a new subsection to read:

(k) To be eligible for the structural engineering examination, an applicant must

(1) be currently licensed as a professional engineer in this state; and

(2) have at least two years of progressive structural experience, in addition to the eight years of education and work experience or both that are equivalent to the requirements set out in the applicable table of education and work experience requirements for a professional engineering examination in this section. (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, Registered 192; am ____/____/____, Register ____)

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

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

12 AAC 36.108. Application for registration as a structural engineer. (a) A person who holds a current certificate of registration as an engineer in the state on ____/____/____ (*fill in effective date of regulation*) may apply under this section for a certificate of registration as a structural engineer by meeting the requirements of this section.

(b) An application for registration as a structural engineer under this section must be submitted on or before July 31, 2017 (*or to be determined upon adoption*).

(c) An applicant for structural engineering registration under this section must submit

- (1) a typewritten application on a form prescribed by the board, including the references required under AS 08.48.201;
- (2) the application and registration fees established in 12 AAC 02.110;
- (3) verification that the applicant has, within the 120 months immediately before the date of the application, at least 24 months of responsible charge experience in structural engineering;
- (4) the plans or other documents required under (e) of this section; and
- (5) the letters of reference required under (d) and (e) of this section.

(d) An applicant applying for structural engineering registration under this section must provide two letters of reference verifying the applicant's responsible charge experience required under (c)(3) of this section. The letters of reference must meet the requirements of (f) and (g) of this section.

(e) An applicant applying for structural engineering registration under this section must provide complete structural plans or other documents of at least two completed significant structures, as defined in 12 AAC 36.990, demonstrating the engineering abilities of the applicant

in structural engineering. The plans or other documents must be signed, sealed, and dated, and must include necessary calculations and other applicable supporting documents. The plans or other documents must have been dated within the 120 months immediately before the date of application for structural engineering registration under this section. The plans or other documents submitted under this subsection must be on a disk or thumb drive accompanied by a letter of reference for each project attesting to the applicant's competence on the project. The letters of reference must meet the requirements of (f) and (g) of this section.

(f) Except as provided in (g) of this section, the letters of reference required under (d) and (e) of this section must be signed and sealed by an engineer who was registered as a professional engineer in a state, territory, or possession of the United States, the District of Columbia, or a foreign country at the time of the responsible charge experience or when the plans or other documents were signed and sealed, and either

(1) was registered as a structural engineer; or

(2) if the licensing jurisdiction did not register structural engineers during the period of the experience or when the plans or other documents were signed and sealed, designed significant structures under another professional engineering license.

(g) If an engineer provides a reference letter under (d) or (e) of this section without a seal, the applicant must provide a statement from the engineer certifying that the engineer held a current registration as an engineer during the period of experience or when the plans or other documents were signed and sealed, and the engineer's state of registration, registration number, and branch of engineering.

(h) If requested by the board, the applicant must be available for an interview with the board.

(i) The board may consult subject matter experts in the branch of engineering for which the applicant seeks registration to assist the board in evaluating the application.

(j) Nothing in this section prevents a registrant from applying under this chapter for a certificate of registration by examination or comity in structural engineering.

(k) To remain current, an additional certificate of registration issued under this section must be renewed as provided in AS 08.48.231. (Eff. ____/____/____, Register ____)

Authority: AS 08.48.101 AS 08.48.201 AS 08.48.231

12 AAC 36.180(b) is amended to read:

...

[SE – STRUCTURAL ENGINEER]

12 AAC 36.180 is amended by adding a new subsection to read:

(e) The seal authorized for use by structural engineers is of the following design or a substantially similar electronic or digital representation of the design:



The seal must reflect the branch identification authorized by the board. This identification is to be placed below the registrant's name and preceding the registrant's number on the seal. (Eff.

Register _____, _____ 2016 **PROFESSIONAL REGULATIONS**

5/23/74, Register 50; am 9/30/78, Register 67; am 10/20/90, Register 116; am 11/13/99, Register 152; am 1/20/2002, Register 161; am 3/11/2012, Register 201; am ____/____/____, Register ____)

Authority: AS 08.48.101 AS 08.48.221

12 AAC 36.185 is amended by adding new subsections to read:

(g) The registrant shall include on all documents that are required to be signed and sealed its

(1) business name, physical address, and phone number;

(2) project name or identification;

(3) project address/location; and

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

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

(i) Drawings, engineering surveys, reports, and construction documents regarding the structural systems of a significant structure, as defined in 12 AAC 36.990, must be sealed by a registered structural engineer. (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 ____/____/____, Register ____)

Authority: AS 08.48.101 AS 08.48.111 AS 08.48.221

12 AAC 36.990(a)(4) is amended to read:

(4) "civil engineering" means the branch of professional engineering that embraces studies and activities relating to research, design, and construction of fixed works other than significant structures, for irrigation, drainage, waterpower, water supply and treatment, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, sewerage, refuse disposal, foundations, structures, and bridges, and the organizational and economic aspects of these studies and activities;

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

(44) "significant structure" means:

(A) hazardous facilities, defined as: structure housing, supporting, or containing sufficient quantities of toxic or explosive substance to be of danger to the safety of the public if released;

(B) special occupancy structures, defined as:

(i) building and other structures whose primary occupancy is public assembly with an occupant load greater than 300;

(ii) buildings and other structures containing elementary school, secondary school, or day care facility with an occupant load greater than 250;

(iii) buildings and other structures containing adult education facilities, such as colleges and universities, with an occupant load greater than 500;

(iv) medical facilities with 50 or more resident, incapacitated patients;

(v) jails and detention facilities; and

(vi) all buildings or structures with an occupant load greater than 5,000;

(C) essential facilities that have a ground area of more than 4,000 square feet and are more than 20 feet in mean roof height above average ground level; essential facilities are defined as:

(i) hospitals and other medical facilities having surgery and emergency treatment areas;

(ii) fire and police stations;

(iii) tanks or other structures containing, housing, or supporting water or fire suppression material or equipment required for the protection of essential or hazardous facilities or special occupancy structures;

(iv) emergency vehicle shelters and garages;

(v) structures and equipment in emergency preparedness centers;

(vi) standby power-generating equipment for essential facilities;

(vii) structures and equipment in government communication centers and other facilities requiring emergency response;

(viii) aviation control towers, air traffic control centers, and emergency aircraft hangars; and

(ix) buildings and other structures having critical national defense functions;

(D) structures exceeding 100 feet in height above average ground level;

(E) buildings that are customarily occupied by human beings and are four

stories or 45 feet or more above average ground level; and

(F) bridges having a total span of more than 200 feet and piers having a surface area greater than 10,000 square feet.

(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 ____/____/____, 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.D. - This correspondence provides an overview of the issue and context for the following documents contained under this agenda item.

From: [Jones, Alysia D \(CED\)](#)
To: [Dave Hale](#)
Subject: Question RE: playgrounds and landscape architects
Date: Friday, September 08, 2017 8:42:00 AM
Attachments: [Playground LA correspondence.pdf](#)
Importance: High

Good morning Dave,

Please give me a call at your earliest convenience if you wish to discuss this. Below is a description of the issue and **attached is all the correspondence...**

Earlier this week I received a call from a city employee asking about playgrounds and whether or not a landscape architect was required. Today I received a call and email from a company requesting clarification of our statutes and regulations regarding playgrounds and landscape architects because they “had a proposal rejected for lack of a licensed LA, and we are in the process of protesting that decision.”

I contacted several board members **individually** including Luanne, Catherine, Jeff and Colin at Catherine’s suggestion as he was a “good resource for areas that were traditionally under the scope of other fields” and I received varying responses. I also consulted with Sara to ensure I was providing the appropriate response to the company.

The attachment contains the following:

- Email to city
- Email received by company
- Responses provided by board members based upon the information contained in the above mentioned emails
- My response to the company and their reply.

I am writing to request your guidance on how to respond to the company’s reply, particularly to points 3 and 4 as I feel these are more for the board to answer than myself. I am working with our Regulations Specialist to answer points 1 and 2.

In situations such as this, I would typically say I will bring this to the board to discuss, however given that it is a **time-sensitive matter** I am hoping you can review the information I’ve provided and provide some recommendations on how to proceed.

Thank you in advance for your assistance!

Alysia D. Jones
Executive Administrator

Alaska State Board of Registration for
Architects, Engineers and Land Surveyors
907.465.1676

[Alaska AELS Board Website](#)

AGENDA ITEM 7.D. - "Attachment referenced above"

Playgrounds & Landscape Architects Correspondence

Email to City Employee

From: Jones, Alysia D (CED)

Sent: Wednesday, September 06, 2017 8:46 AM

To: [REDACTED]

Subject: AELS information

[REDACTED]

Sorry for the delay in responding. Here are some excerpts from our statutes and regulations that you may find useful in your consideration of RFPs.

12 AAC 36.069. STANDARDS FOR REGISTRATION AS A LANDSCAPE ARCHITECT. In accordance with AS 08.48.331(b), and except as exempted in AS 08.48.331(a), design or creative work involving any of the following constitutes the practice of an aspect of landscape architecture that affects the public health or safety and thus requires registration as a landscape architect:

- (1) grading, clearing, or shaping of land;
- (2) landscape irrigation;
- (3) outdoor planting plans;
- (4) outdoor play apparatus;
- (5) outdoor structures.

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

Sec. 08.48.281

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

Sec. 08.48.341. Definitions.

(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;

(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;

If you have any additional questions please feel free to contact me.

Playgrounds & Landscape Architects Correspondence

Thank you,

Alysia D. Jones

Executive Administrator

Alaska State Board of Registration for
Architects, Engineers and Land Surveyors
907.465.1676

[Alaska AELS Board Website](#)

Playgrounds & Landscape Architects Correspondence

From: Company [REDACTED]

Sent: Thursday, September 07, 2017 8:03 AM

To: Jones, Alysia D (CED) <alysia.jones@alaska.gov>

Cc: [REDACTED]

Subject: Questions about playgrounds and Landscape Architects

Dear Ms. Jones,

I hope you can help us clarify Alaska requirements for having a licensed landscape architect in connection with designing and building a public playground.

We have read 12 AAC 36.069 and also AS 08.48.281 and are still unclear if we need an LA for a particular project.

The issue is time-sensitive, as we have had a proposal rejected for lack of a licensed LA, and we are in the process of protesting that decision.

Thank you.

Sincerely,

[REDACTED]

Dear [REDACTED],

I hope the following provides the clarification you requested regarding Alaska requirements in regards to having a licensed landscape architect designing and building a public playground.

12 AAC 36.069 indicates that “(4) outdoor play apparatus and (5) outdoor structures” fall under the practice of landscape architecture that affects the public health or safety, therefore requiring registration as a landscape architect.

12 AAC 36.069. STANDARDS FOR REGISTRATION AS A LANDSCAPE ARCHITECT.

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

- (1) grading, clearing, or shaping of land;
- (2) landscape irrigation;
- (3) outdoor planting plans;
- (4) outdoor play apparatus;
- (5) outdoor structures.

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

AS 08.48.281(b) indicates that a person holding another license, meaning not a landscape architect license, may practice landscape architecture if the services being performed by that individual are within the *scope of their license*.

Sec. 08.48.281. Prohibited practice. (a) A person may not practice or offer to practice the profession of architecture, engineering, land surveying, or landscape architecture in the state, or use in connection with the person’s name or otherwise assume or advertise a title or description tending to convey the impression that the person is an architect, an engineer, a land surveyor, or a landscape architect, unless the person has been registered under the provisions of this chapter or is a person to whom these provisions do not apply, or, in the case of a corporation, limited liability company, or limited liability partnership, unless it has been authorized under this chapter.

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

So if the services are within the scope of practice of that individual’s license then they as far as the State of Alaska is concerned they are okay.

If you require additional clarification, please feel free to contact me.

Best regards,

Alysia D. Jones
Executive Administrator

Playgrounds & Landscape Architects Correspondence

Board member responses:

I spoke with each of the board members on the telephone individually. Initially spoke with Luanne when I received the inquiry from the city (additional correspondence w/ Luanne provided below her response). When I received the email from the company, I contacted Catherine, Jeff and Colin and I provided the two above emails I had sent (to City and Company) to Jeff and Colin.

Catherine mentioned via telephone that this was an area in which she was confused as work traditionally done by architects or engineers, she was now hearing should be done by a landscape architect. She advised that I contact Colin as he was a good resource on things pertaining to what was traditionally within one field of practice and he had been involved in getting landscape architecture added.

12 AAC 36.069 clearly states that a Landscape Architect is required for “(4) outdoor play apparatus; (5) outdoor structures”. If the RFP is for A “Public Playground” then yes I would say it requires a Landscape Architect

Jeff

Jeffrey P. Koonce AIA NCARB

Principal

KPB Architects

500 L Street Suite 400 | Anchorage AK 99501

v 907.274.7443 | f 907.274.7407

From: Colin Maynard [mailto:cmaynard@bbfm.com]

Sent: Thursday, September 07, 2017 12:09 PM

To: Jones, Alysia D (CED) <alysia.jones@alaska.gov>

Subject: Re: Questions concerning playgrounds

Alyshia:

If the responder is a licensed Civil Engineer or Architect, they probably can do the design of a playground, in accordance with AS 08.48.281, instead of a landscape architect. Other disciplines or unlicensed practitioners would not be eligible.

Colin

In my phone conversation w/ Luanne on 9/5 she requested I email her the stats & regs and she would respond. Here is our email conversation in chronological order:

On Tue, Sep 5, 2017 at 9:36 AM, Jones, Alysia D (CED) <alysia.jones@alaska.gov> wrote:

Luanne,

In response to CBJ's question, here are a few excerpts from our statutes and regulations:

12 AAC 36.069. STANDARDS FOR REGISTRATION AS A LANDSCAPE ARCHITECT. In accordance with AS 08.48.331(b), and except as exempted in AS 08.48.331(a), design or creative work involving any of the following constitutes the practice of an aspect of landscape architecture that affects the public health or safety and thus requires registration as a landscape architect:

- (1) grading, clearing, or shaping of land;
- (2) landscape irrigation;
- (3) outdoor planting plans;
- (4) outdoor play apparatus;
- (5) outdoor structures.

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

Sec. 08.48.281

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

Sec. 08.48.341. Definitions.

(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;

Alysia D. Jones
Executive Administrator

Alaska State Board of Registration for
Architects, Engineers and Land Surveyors
907.465.1676
Alaska AELS Board Website

Playgrounds & Landscape Architects Correspondence

From: Luanne Urfer [mailto:luanneu@sdg-ak.com]
Sent: Thursday, September 07, 2017 12:40 PM
To: Jones, Alysia D (CED) <alysia.jones@alaska.gov>
Subject: Re: FW: Questions about playgrounds and Landscape Architects

Hi Alysia
It's been a bit crazy and I'll write you back on the other email next.

This is an easy one! According to our regulation, the design of playgrounds MUST be stamped by an **AK licensed landscape architect (or other AK licensed professional regulated by our board)**. Our regulation specifically states (as per your email!!!):

12 AAC 36.069. STANDARDS FOR REGISTRATION AS A LANDSCAPE ARCHITECT. In accordance with AS 08.48.331(b), and except as exempted in AS 08.48.331(a), design or creative work involving any of the following constitutes the practice of an aspect of landscape architecture that affects the public health or safety and thus requires registration as a landscape architect:

- (1) grading, clearing, or shaping of land;
- (2) landscape irrigation;
- (3) outdoor planting plans;
- (4) outdoor play apparatus;**
- (5) outdoor structures.

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

Sec. 08.48.281

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

Personally, if I had submitted the protest, I would rescind it.

L

Connecting People - Creating Places

Luanne Urfer PLA ASLA MA
Principal
CLARB Certified Landscape Architect

Sustainable Design Group
LANDSCAPE ARCHITECTS AND LAND PLANNERS

247 S Alaska Street | Palmer, AK 99645 | www.sdg-ak.com
Office: 907 745 3500 | Cell: 707 888 7912 | Cell: 907 795 5357 | Fax: 907 745 3909

Playgrounds & Landscape Architects Correspondence

When I received the email from the company (included above) I forwarded it to Luanne with the following message. Below is her response back to me.

On Thu, Sep 7, 2017 at 8:17 AM, Jones, Alysia D (CED) <alysia.jones@alaska.gov> wrote:

Hi Luanne,

I know you were working on sending me an email, but thought I send this your way . I don't know if this is connected to the discussion we had earlier this week.

Thanks,

Alysia

From Luanne to Alysia:

I've thought about this quite a bit and the ARCHITECT definition is what limits the ability of an architect to stamp the playground plans. CBJ can use this definition that you provided with specifically refers to BUILDINGS and NOT LAND DEVELOPMENT to reject the architect submitted plans/docs:

Sec. 08.48.341. Definitions.

(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;

No where in this description does the architecture definition of their professional work INCLUDE ANY LAND DEVELOPMENT OR LAND DESIGN.

This is a good place to start the board discussions on who can do what work, why other professions should be capable of doing LA work 20 yrs after professionally recognizing our licensure, and how the disciplines need to overlap, work together, and be respectfully supportive. Imagine that????

Can you add that discussion to the agenda for the next meeting. Perhaps it can all be part of the CLARB report and the input I requested through the local ASLA Chapter (?). I asked this subcommittee of local registered LAs to comment on the changes to the Model Law to be voted on at this meeting. We are also using the definition of landscape architecture to compare to the AK definition and I will have that input at our November meeting. I'll make sure you have updates and additional info to include in our packet.

Whew.

Connecting People - Creating Places

Luanne Urfer PLA ASLA MA

Principal

CLARB Certified Landscape Architect

Sustainable Design Group

AGENDA ITEM 7.D. Most recent communication received.

From: Michael Cohen
To: [Jones, Alysia D \(CED\)](#)
Subject: Re: Questions about playgrounds and Landscape Architects
Date: Thursday, October 12, 2017 10:09:54 AM
Attachments: [CBJ Twin Lakes RFP__protest excerpt.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)

Hello Alysia,

I would like to follow up our conversation last month about an RFP from City & Borough of Juneau and the state licensing requirements for a playground design/build project.

As you might recall, our proposal was disqualified because we had not included a registered Landscape architect. Following our protest, CBJ withdrew the RFP and have just re-issued it with some clarifications. I am attaching the relevant portion of our protest with the idea that you might find our argument/reasoning helpful.

I believe the Board might be taking up this issue at its next meeting. I hope you will be able to clarify the requirements and avoid such confusion repeating itself.

A point we did not raise in our written protest, but did note to ourselves at the time, is that the Board's name itself does not include the words "Landscape Architect."

Thank you for your assistance. Hopefully, we will *not* have to get in touch again!

Yours sincerely,
Michael Cohen

Play By Design
Ithaca, NY
PBDplaygrounds.com



Mobile: 607 280 0346

If I am unavailable, please contact:
Lee Archin
Lee@PBDplaygrounds.com
Mobile: 607 351 5160

On 9/8/17, 6:53 PM, "Jones, Alysia D (CED)" <alysia.jones@alaska.gov> wrote:

Mr. Cohen,
Please see my responses below.

Responses provided after attachment referenced above.

AGENDA ITEM 7.D. Excerpt of protest reference above.

Item two: Proposed team is without a licensed and registered landscape architect

As stated in our Notice of Intent to Protest, there is sufficient ambiguity surrounding Alaska's licensure requirements so that Play By Design should not be penalized for this omission: (1) we reasonably concluded that the licensing/registration requirements would be satisfied by our assembling a team that includes a licensed and registered engineer and licensed and registered architect; (2) pursuant to Alaska Statute Section 08.48.281, we respectfully maintain that we do not need a licensed landscape architect; and (3) the Chair of the Alaska State Board of Registration for Architects, Engineers, and Land Surveyors (AELS Board) agrees that our assessment may be correct, acknowledging that the Board itself is unable to determine definitely what is required.

Regarding the first point, from the time that we first read the RFP, we understood that our proposal needed to include "all required professional occupational licenses," but we were uncertain about precisely which occupational licenses were required. We made repeated efforts to get clarification. We sought to clarify this issue by raising the question during the July 25 Pre-Proposal Meeting. Greg responded that he understood we were unclear on this point, and he would provide guidance on this particular requirement.

On July 28, 2017, PBD called Greg to resolve our questions about licenses. Greg told us the licensing requirements would apply to *"any discipline for which project design drawings require a professional stamp issued by the State of Alaska. You are not required to submit licenses for all of the professions listed in the RFP . . . just for the team members that would be providing stamped drawings for the construction documents."* (See email, July 28, 2017, 3:07 pm)

Through a follow-up email, we sought further clarification. In his email reply, Greg told us that he expected *"the bid documents will include site/civil work, landscape design, especially where it concerns the ADA accessibility, possibly some structural design (covered picnic area) all of which require a combination of prescribed specifications and plan sheets for the contractor to follow during the build. State law does require a licensed professional to approve and place their stamp on the relevant project plan sheets. For this reason, we are asking for evidence of a team member who possesses professional registration with the State of Alaska."* (See email, July 28, 2017, 6:07 pm)

We interpreted this response to mean that we would not need a licensed and registered landscape architect. The work examples that Greg provided could best be met by a licensed engineer and licensed architect, both of whom are included on our team. Please note, we are not at all criticizing Greg's communications. On the contrary, we are extremely grateful for his assistance. We use these communications to convey our point that the licensure requirements are ambiguous.

Regarding our second point, the governing statute, Alaska Statutes 2016, Section 08.48.281, cited in the RFP, provides a very clear exception to the requirement of a licensed and registered landscape architect. Section 08.48.281 (a) states that it is unlawful for a person *"to practice the profession of architecture, engineering, land surveying, or landscape architect . . . unless the person has been registered . . ."* However, Section 08.48.281(b) goes on to state: *"Notwithstanding (a) of this section, this chapter does*

not prohibit the practice of landscape architecture by a person who is not registered to practice landscape architecture if the services being performed by the person are within the scope of practice authorized by another license that is held by the person."

We contend that the exception contained in Section 08.48.281(b) eliminates the need for our team to include a licensed and registered landscape architect. Specifically, based upon Greg's clarifications and PBD's experience, PBD believes that the professional services required for Project Playground Rebuild will fall squarely within the scope of practice of our team that includes a licensed and registered engineer and a licensed and registered architect. We do not foresee any work in the RFP that would additionally require a licensed and registered landscape architect.

Nevertheless, in a letter to PBD dated Sept 1, 2017, Greg informed us that our proposal was deemed Non-Responsive because we lacked a licensed and registered landscape architect. In support of this finding, he referred to the Alaska Administrative Code, 12 AAC 36.069. We regret that this Regulation, unlike the Statute that is cited in the licensing section of the RFP, was not brought to our attention before the RFP deadline had passed. The Regulation states, *"[D]esign 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."*

From this language, Greg extrapolated that *"[t]he State of Alaska requires a licensed and registered 'Professional Landscape Architect' to provide design of 'outdoor play apparatus.' "*

As set forth above, we respectfully maintain that this interpretation is not evident from and may even be inconsistent with the governing statute. Indeed, the Chair of the AELS Board agrees with our conclusion. By email dated September 8, 2017, Michael Cohen, PBD staff, contacted Alysia Jones, Executive Administrator, AELS Board, and posed the following questions:

1. What aspect(s), if any, of *"design or creative work...involving... outdoor play apparatus"* (quoting 12 AAC 36.069) cannot be done by a licensed engineer or a licensed architect, or a combination of both?
2. When providing design services for an outdoor playground, could a team with both a licensed engineer and a licensed architect *not* be sufficient, according to 08.48.281(b)?

Ms. Jones responded as follows:

"[P]er the AELS Chair - there may be some instances where an architect or civil engineer is qualified to perform the work, but the board as a whole has not sufficiently discussed the issue to provide a more definitive response. In general, the AELS Board maintains that if a licensee is operating within the limits of their authority and performing design work for which they are qualified, the board is amenable to it. However, an agency has the ability to require more than the minimum standard established by our statutes and regulations."

"I regret that we cannot provide a more substantive response . . . at this time. The AELS Board intends to discuss AS 08.48.281 Prohibited practice, AS 08.48.341 Definitions, and 12 AAC 36.069 Standards for Registration as a Landscape Architect at their upcoming board meeting scheduled for November 8-9, 2017. Public comment is scheduled for 1:15 p.m. on Wednesday, November 8th."

If the Chair of the AELS Board is unable to say, and may even doubt, that a licensed and registered landscape architect is required, we should not be penalized for our reasonable interpretation. It is telling that the AELS Board is taking up this very issue at its meeting in November.

In designing, project-managing, and building multiple public playgrounds in Alaska, we have never been asked for any documents to be stamped by a licensed and registered landscape architect. Rather, based on this experience, we could foresee a need for drawings stamped by a licensed and registered engineer for some site work (e.g., drainage, utilities, roadways, footpaths). Similarly, we could foresee a need for drawings stamped by a licensed and registered architect for, say, a picnic shelter. We could also foresee where an architect would be involved to ensure compliance with the ADA regarding access to the playground. We do not foresee a need for additional drawings stamped by a landscape architect.

The primary purpose of requiring licensed professionals is to ensure public safety. Based upon our experience, to ensure playground safety, we are best served by relying upon licensed and registered engineers. When it comes to public playgrounds, the public safety is protected when the structure is built with materials and methods that will withstand the expected use. Such structural requirements are specified in ASTM 1487-11, "*Standard Consumer Safety Performance Specification for Playground Equipment for Public Use*." Chapter 12 of this Standard covers structural integrity. Even a cursory reading of this section makes it very clear that the professional skills most appropriate to calculating, measuring assessing and assuring structural integrity are the skills of an engineer, not a landscape architect.

In addition to structural integrity, other key public safety concerns are best met by the playground designer, not a landscape architect. For example, public safety requires that playgrounds be designed to eliminate potential hazards such as entrapment and entanglement; ensure that there are adequate use zones around play structures; and provide adequate impact-attenuating safety surfacing. All of these aspects of playground safety fall within the playground designer's expertise and scope of work. Play By Design made clear in our proposal that we are Certified Playground Safety Inspectors, trained and qualified to understand all these safety design requirements, as well as ADA accessibility requirements, and to ensure that the new playground is designed and built in full compliance with these requirements.

For the above reasons, we contend that our proposal is fully responsive to the licensing and registration requirements of the RFP and respectfully request that you withdraw this reason for finding our proposal

Non-Responsive.

AGENDA ITEM 7.D. Previous communications

From: Michael Cohen [mailto:Michael@PBDplaygrounds.com]
Sent: Thursday, September 07, 2017 2:56 PM
To: Jones, Alysia D (CED) <alysia.jones@alaska.gov>
Cc: Lee Archin <lee@pbdplaygrounds.com>
Subject: Re: Questions about playgrounds and Landscape Architects

Dear Ms. Jones,

Thank you for your reply. I do require some further explanation and clarification.

1. When was 12 AAC 36.069 established?
12 AAC 36.069 became effective July 13, 2002.
2. Does the board maintain minutes where one can read the history of 12 AAC 36.069?
This could help us understand the Board's intent.
Yes. The board meeting minutes are accessible on the [AELS Board Meeting Agendas/Minutes webpage](#). For your reference, the earliest mention of 12 AAC 36.069 occurred at the August 2001 meeting.
3. Most importantly for our current protest, can you tell us what aspect(s), if any, of "*design or creative work...involving... outdoor play apparatus*" (quoting 12 AAC 36.069) cannot be done by a licensed engineer or a licensed architect, or a combination of both?
[See below](#).
4. When providing design services for an outdoor playground, could a team with both a licensed engineer and a licensed architect *not* be sufficient, according to 08.48.281(b)?

In regards to questions 3 & 4, per the AELS Chair - there may be some instances where an architect or civil engineer is qualified to perform the work, but the board as a whole has not sufficiently discussed the issue to provide a more definitive response. In general, the AELS Board maintains that if a licensee is operating within the limits of their authority and performing design work for which they are qualified, the board is amenable to it. However, an agency has the ability to require more than the minimum standard established by our statutes and regulations.

I regret that we cannot provide a more substantive response to questions 3 and 4 at this time. The AELS Board intends to discuss AS 08.48.281 Prohibited practice, AS 08.48.341 Definitions, and 12 AAC 36.069 Standards for Registration as a Landscape Architect at their upcoming board meeting scheduled for November 8-9, 2017. Public comment is scheduled for 1:15 p.m. on Wednesday, November 8th. If you are interested in calling in to provide comment please call 1-800-315-6338 and enter the following access code: 51676.

Thank you.

Alysia

We very much appreciate your assistance.

Regards,

Michael Cohen

Play By Design

Ithaca, NY

PBDplaygrounds.com



Mobile: 607 280 0346

If I am unavailable, please contact:

Lee Archin

Lee@PBDplaygrounds.com

Mobile: 607 351 5160

On 9/7/17, 5:34 PM, "Jones, Alysia D (CED)" <alysia.jones@alaska.gov> wrote:

Dear Mr. Cohen,

I hope the following provides the clarification you requested regarding Alaska requirements in regards to having a licensed landscape architect designing and building a public playground.

12 AAC 36.069 indicates that “(4) outdoor play apparatus and (5) outdoor structures” fall under the practice of landscape architecture that affects the public health or safety, therefore requiring registration as a landscape architect.

12 AAC 36.069. STANDARDS FOR REGISTRATION AS A LANDSCAPE ARCHITECT. In accordance with AS 08.48.331(b), and except as exempted in AS 08.48.331(a), design or creative work involving any of the following constitutes the practice of an aspect of landscape architecture that affects the public health or safety and thus requires registration as a landscape architect:

- (1) grading, clearing, or shaping of land;
- (2) landscape irrigation;
- (3) outdoor planting plans;
- (4) outdoor play apparatus;
- (5) outdoor structures.

Authority: AS 08.48.101
08.48.171 AS 08.48.191

AS 08.48.181

AS 08.48.331

AS

AS 08.48.281(b) indicates that a person holding another license, meaning not a

landscape architect license, may practice landscape architecture if the services being performed by that individual are within the *scope of their license*.

Sec. 08.48.281. Prohibited practice. (a) A person may not practice or offer to practice the profession of architecture, engineering, land surveying, or landscape architecture in the state, or use in connection with the person's name or otherwise assume or advertise a title or description tending to convey the impression that the person is an architect, an engineer, a land surveyor, or a landscape architect, unless the person has been registered under the provisions of this chapter or is a person to whom these provisions do not apply, or, in the case of a corporation, limited liability company, or limited liability partnership, unless it has been authorized under this chapter.

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

So if the services are within the scope of practice of that individual's license then they as far as the State of Alaska is concerned they are okay.

If you require additional clarification, please feel free to contact me.

Best regards,

Alysia D. Jones
Executive Administrator

Alaska State Board of Registration for
Architects, Engineers and Land Surveyors
907.465.1676
[Alaska AELS Board Website](#)

From: Michael Cohen [<mailto:Michael@PBDplaygrounds.com>]
Sent: Thursday, September 07, 2017 8:03 AM
To: Jones, Alysia D (CED) <alysia.jones@alaska.gov>
Cc: Lee Archin <lee@pbdplaygrounds.com>
Subject: Questions about playgrounds and Landscape Architects

Dear Ms. Jones,

I hope you can help us clarify Alaska requirements for having a licensed landscape architect in connection with designing and building a public playground.

We have read 12 AAC 36.069 and also AS 08.48.281 and are still unclear if we need an LA for a particular project.

The issue is time-sensitive, as we have had a proposal rejected for lack of a licensed LA, and we are in the process of protesting that decision.

Thank you.

Sincerely,

Michael Cohen

Play By Design

Ithaca, NY

PBDplaygrounds.com



Mobile: 607 280 0346

If I am unavailable, please contact:

Lee Archin

Lee@PBDplaygrounds.com

Mobile: 607 351 5160

From: Dave Hale
To: [Jones, Alysia D \(CED\)](#)
Subject: RE: Additional Info: Questions about playgrounds and Landscape Architects
Date: Friday, September 08, 2017 2:15:16 PM
Attachments: [image001.png](#)
[image002.png](#)

That seems vague enough. I'm sure it's not the response they were hoping for, but you and I can't speak for the board as a whole, so it makes sense to get some discussion going and come up with something everyone agrees on before we send out something that can be viewed as board policy or interpretation.

Thanks.
dave

Referenced response shown above.

From: Jones, Alysia D (CED) [mailto:alysia.jones@alaska.gov]
Sent: Friday, September 8, 2017 12:04 PM
To: Dave Hale <DHale@rmconsult.com>
Subject: Additional Info: Questions about playgrounds and Landscape Architects

Dave,

Attached is my DRAFT response utilizing some of your language. Please let me know if this appropriately encompasses the Board's view.

Thank you!
Alysia

From: Jones, Alysia D (CED)
Sent: Friday, September 08, 2017 10:13 AM
To: 'Dave Hale' <DHale@rmconsult.com>
Subject: RE: Additional Info: Questions about playgrounds and Landscape Architects

Perfect – thank you!

I'll draft a response and run it by you.

Alysia

From: Dave Hale [<mailto:DHale@rmconsult.com>]
Sent: Friday, September 08, 2017 9:53 AM
To: Jones, Alysia D (CED) <alysia.jones@alaska.gov>
Subject: RE: Additional Info: Questions about playgrounds and Landscape Architects

Good morning Alysia,

This sounds like an issue that the board should discuss at the next meeting to get some clarification between the statute (AS 08.48.341.definitions) and the regs (12 AAC 36.069). Fundamentally, I agree with Colin that there may be instances where an architect or civil engineer might be qualified to perform the work. By statute definition, each is able to perform structural design work of minor importance, but that still affects the public. So...the reg seems to have a much harder line than the statutes in saying that design of a play apparatus or outdoor structure requires a LA, while the statute leaves some gray area to work within.

I believe the reg came several years after the statutes, and was intended to clarify the circumstances where an LA must be used, but the reg does not preclude the interpretation of the statutes in allowing other disciplines to design within the limits of their abilities and authority (i.e. minor structures).

So, I think the answer is...it depends. If the company needs an immediate answer about what the board agrees on, they're not going to get it. It will require a board discussion and probably a memo that will become part of the Guidance Manual memorializing the interpretation of the board. Not going to happen this weekend.

My history with the board seems to suggest that if a licensee is operating within the limits of their authority designing minor structures (keeping in mind that the term "minor structures" will always be arguable), and performing design work for which they are qualified (i.e. history of designing like structures), the board is generally amenable to it. Basically, they are doing the same thing they have always done successfully and without losing their license. So, there is an argument for allowing a civil engineer or architect to perform the work as Colin says.

The second part of this is what the agency requires. The agency cannot allow work that falls under our statutes and regs to be below the minimum set by the board and the state. They can, however, require more. If they want an LA to perform the work, they can. So, if an RFP comes out that requires an LA, they should team with an LA and have them perform the work. That's not a board issue.

So....at this time, the answer should probably be that there may be some instances where an architect or civil engineer is qualified to perform the work, but that the board has not discussed it and will need time to address it during their quarterly meeting. We regret that we cannot give a more substantive answer at this time...blah, blah, ...

Helpful, or no?

dave

From: Jones, Alysia D (CED) [<mailto:alysia.jones@alaska.gov>]

Sent: Friday, September 8, 2017 9:14 AM

To: Dave Hale <DHale@rmconsult.com>

Subject: Additional Info: Questions about playgrounds and Landscape Architects

Dave,

This is the latest email I received from the company and questions 3 & 4 are the ones I am hoping to get your input on.

Thank you,

Alysia D. Jones

Executive Administrator

Alaska State Board of Registration for
Architects, Engineers and Land Surveyors
907.465.1676

[Alaska AEELS Board Website](#)

From: [REDACTED] <mailto:Michael@PBDplaygrounds.com>

Sent: Thursday, September 07, 2017 2:56 PM

To: Jones, Alysia D (CED) <alysia.jones@alaska.gov>

[REDACTED] lee@pbdplaygrounds.com

Subject: Re: Questions about playgrounds and Landscape Architects

Dear Ms. Jones,

Thank you for your reply. I do require some further explanation and clarification.

1. When was 12 AAC 36.069 established?
2. Does the board maintain minutes where one can read the history of 12 AAC 36.069? This could help us understand the Board's intent.
3. Most importantly for our current protest, can you tell us what aspect(s), if any, of "*design or creative work...involving... outdoor play apparatus*" (quoting 12 AAC 36.069) cannot be done by a licensed engineer or a licensed architect, or a combination of both?
4. When providing design services for an outdoor playground, could a team with both a licensed engineer and a licensed architect *not* be sufficient, according to 08.48.281(b)?

We very much appreciate your assistance.

Regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



On 9/7/17, 5:34 PM, "Jones, Alysia D (CED)" <alysia.jones@alaska.gov> wrote:

Dear Mr. Cohen,

I hope the following provides the clarification you requested regarding Alaska requirements in regards to having a licensed landscape architect designing and building a public playground.

12 AAC 36.069 indicates that “(4) outdoor play apparatus and (5) outdoor structures” fall under the practice of landscape architecture that affects the public health or safety, therefore requiring registration as a landscape architect.

12 AAC 36.069. STANDARDS FOR REGISTRATION AS A LANDSCAPE ARCHITECT. In accordance with AS 08.48.331(b), and except as exempted in AS 08.48.331(a), design or creative work involving any of the following constitutes the practice of an aspect of landscape architecture that affects the public health or safety and thus requires registration as a landscape architect:

- (1) grading, clearing, or shaping of land;
- (2) landscape irrigation;
- (3) outdoor planting plans;
- (4) outdoor play apparatus;
- (5) outdoor structures.

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

AS 08.48.281(b) indicates that a person holding another license, meaning not a landscape architect license, may practice landscape architecture if the services being performed by that individual are within the *scope of their license*.

Sec. 08.48.281. Prohibited practice. (a) A person may not practice or offer to practice the profession of architecture, engineering, land surveying, or landscape architecture in the state, or use in connection with the person’s name or otherwise assume or advertise a title or description tending to convey the impression that the person is an architect, an engineer, a land surveyor, or a landscape architect, unless the person has been registered under the provisions of this chapter or is a person to whom these provisions do not apply, or, in the case of a corporation, limited liability company, or limited liability partnership, unless it has been authorized under this chapter.

(b) Notwithstanding (a) of this section, this chapter does not prohibit the practice of landscape architecture by a person who is not registered to practice landscape architecture

if the services being performed by the person are within the scope of practice authorized by another license that is held by the person.

So if the services are within the scope of practice of that individuals license then they as far as the State of Alaska is concerned they are okay.

If you require additional clarification, please feel free to contact me.

Best regards,

Alysia D. Jones
Executive Administrator

Alaska State Board of Registration for
Architects, Engineers and Land Surveyors
907.465.1676
[Alaska AELS Board Website](#)

From: Michael Cohen [<mailto:Michael@PBDplaygrounds.com>]
Sent: Thursday, September 07, 2017 8:03 AM
To: Jones, Alysia D (CED) <alysia.jones@alaska.gov>
Cc: Lee Archin <lee@pbdplaygrounds.com>
Subject: Questions about playgrounds and Landscape Architects

Dear Ms. Jones,

I hope you can help us clarify Alaska requirements for having a licensed landscape architect in connection with designing and building a public playground.

We have read 12 AAC 36.069 and also AS 08.48.281 and are still unclear if we need an LA for a particular project.

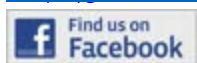
The issue is time-sensitive, as we have had a proposal rejected for lack of a licensed LA, and we are in the process of protesting that decision.

Thank you.

Sincerely,

Michael Cohen

Play By Design
Ithaca, NY
PBDplaygrounds.com



Mobile: 607 280 0346

If I am unavailable, please contact:

Lee Archin

Lee@PBDplaygrounds.com

Mobile: 607 351 5160

AGENDA ITEM 7.D. Question regarding history of issue.

From: [Jones, Alysia D \(CED\)](#)
To: ["rvinak@aol.com"](mailto:rvinak@aol.com)
Subject: RE: FW: Questions about playgrounds and Landscape Architects
Date: Monday, September 11, 2017 8:19:00 AM

Thanks Vern.

From: rvinak@aol.com [mailto:rvinak@aol.com]
Sent: Friday, September 08, 2017 8:59 PM
To: Jones, Alysia D (CED) <alysia.jones@alaska.gov>
Subject: RE: FW: Questions about playgrounds and Landscape Architects

The position of the board has been that municipalities can make their rules more stringent than the state rules but not less stringent so if a municipality wants to require a landscape architect they can however according to our regulations people that have done that before like I told you before can continue to do it but if the municipality wants to require one that's up to them

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

On Friday, September 8, 2017 Jones, Alysia D (CED) (CED) <alysia.jones@alaska.gov> wrote:

Vern,

The below email conversation is related to an issue earlier this week where an RFP was rejected by a city in Alaska because of a lack of a licensed landscape architect and the company has contacted me for clarification of our statutes and regulations.

I recall a similar question came up at the August meeting, but was wondering if you could provide a broader perspective and possibly a better response to the highlighted question below.

Thank you,

Alysia D. Jones
Executive Administrator

Alaska State Board of Registration for
Architects, Engineers and Land Surveyors
907.465.1676
[Alaska AELS Board Website](#)

From: <mailto:Michael@PBDplaygrounds.com>
Sent: Friday, September 08, 2017 3:36 PM
To: Jones, Alysia D (CED) <alysia.jones@alaska.gov>
Cc: Lee Archin <lee@pbdplaygrounds.com>
Subject: Re: Questions about playgrounds and Landscape Architects

Dear Ms. Jones,

Since 2002, when 12 AAC 36.069 became effective, can you tell me if the Board has received queries similar to our questions 3 and 4?

Yours sincerely,

[Lee@PBDplaygrounds.com](#)

██████████,
Please see my responses below.

Dear Ms. Jones,

1. When was 12 AAC 36.069 established?
12 AAC 36.069 became effective July 13, 2002.
2. Does the board maintain minutes where one can read the history of 12 AAC 36.069?
This could help us understand the Board's intent.
Yes. The board meeting minutes are accessible on the [AELS Board Meeting Agendas/Minutes webpage](#). For your reference, the earliest mention of 12 AAC 36.069 occurred at the August 2001 meeting.
3. Most importantly for our current protest, can you tell us what aspect(s), if any, of "design or creative work...involving... outdoor play apparatus" (quoting 12 AAC 36.069) cannot be done by a licensed engineer or a licensed architect, or a

AGENDA ITEM 7.D. Most recent communication

From: [Jones, Alysia D \(CED\)](#)
To: ["Michael Cohen"](#)
Subject: Follow up: Questions about playgrounds and Landscape Architects
Date: Friday, October 27, 2017 10:22:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[Nov 2017 DRAFT Agenda.pdf](#)

Hello Mr. Cohen,

Thank you for sharing an excerpt of your protest, I have included this information along with our correspondence in the Board Packet for next month's meeting.

In response to an early comment about the timing of this discussion, I wanted to let you know that similar questions have come up at the last several meetings and following our August meeting, the Landscape Architect on the board requested a review of the statute 08.48.281(b) be added to the agenda of our upcoming meeting. The recent communications we've had with you and CBJ regarding this topic are certainly timely and further confirm the need for the board to discuss this as a whole.

In regards to the Board's name, I will mention that prior to July 1st of this year, the landscape architect seat on the board had been a temporary non-voting member. Additionally, according to my predecessor, there were discussions about changing the name around the time the board began registering landscape architects in 2000, but the board decided not to change the name.

Lastly, I wanted to thank you again for contacting the board regarding this issue and providing comments. For your reference, I have attached a draft copy of the November AELS board meeting agenda, and again invite you to listen in to the discussion and participate during the public comment period. The phone number and access code for joining the meeting is included on page 1 of the agenda.

Best regards,

Alysia D. Jones
Executive Administrator

Alaska State Board of Registration for
Architects, Engineers and Land Surveyors
907.465.1676
[Alaska AELS Board Website](#)

From: Michael Cohen [mailto:Michael@PBDplaygrounds.com]
Sent: Thursday, October 12, 2017 10:09 AM
To: Jones, Alysia D (CED) <alysia.jones@alaska.gov>
Subject: Re: Questions about playgrounds and Landscape Architects

Hello Alysia,

AGENDA ITEM 7.E.

From: Clark, Christopher W
To: [Jones, Alysia D \(CED\)](#)
Subject: RE: [External] RE: Record Drawing Development Clarification
Date: Monday, October 16, 2017 9:59:52 AM

Alysia,

Thank you for following-up on this. I assume this means the drawing provided for review on September 9, 2017 via email, does not conflict with AELS Guidance Manual Page 11, item 4 even though record drawings are not site adaptation and field alteration construction documents?

I appreciate your time on this matter.

Thank you,
Chris

Christopher Clark, P.E., PMP
Civil Engineer

Alaska Native Tribal Health Consortium
Office: 907.729.3552
Fax: 907.729.4071
Email: cwclark@anthc.org

From: Jones, Alysia D (CED) [mailto:alysia.jones@alaska.gov]
Sent: Monday, October 09, 2017 2:48 PM
To: Clark, Christopher W
Subject: RE: [External] RE: Record Drawing Development Clarification

Chris,
Again, my apologies for the delay.

In [the AELS Guidance Manual](#), it states "Record drawings... do not necessarily require stamping and signing"

Additionally, there is nothing in the AELS Statutes and Regulations that specifically say record drawings cannot be stamped.

As you are aware from the responses provided previously, there is some varying opinions among the Board members. If you would like a more definitive / direct response, I would be happy to bring it to the board for discussion at the upcoming meeting scheduled for November 8-9.

Thank you,

Alysia D. Jones
Executive Administrator

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

907.465.1676

[Alaska AELS Board Website](#)

From: Clark, Christopher W [<mailto:cwclark@anthc.org>]

Sent: Thursday, September 28, 2017 2:08 PM

To: Jones, Alysia D (CED) <alysia.jones@alaska.gov>

Subject: Re: [External] RE: Record Drawing Development Clarification

Alysia,

Thank you for the update. I appreciate your exploration on the topic, and hopefully resolving the conflict.

Thank you,
Chris

Christopher Clark, P.E., PMP
Civil Engineer

ANTHC | DEHE | [Engineering Services](#)
[4500 Diplomacy Drive, Suite 320, Anchorage, AK 99508](#)
Office: [907.729.3552](tel:907.729.3552)
Fax: [907.729.4071](tel:907.729.4071)
Email: cwclark@anthc.org

On Sep 28, 2017, at 1:23 PM, Jones, Alysia D (CED) <alysia.jones@alaska.gov> wrote:

Chris,

My apologies for the delay. I followed up with the board and received similar responses to those you previously received, so I contacted our regulation specialist to discuss the process for working with another State agency to ensure regulations are not in conflict with one another.

I hope to be able to provide you with an update by early next week.

Again, my apologies for the delay. Your patience is greatly appreciated.

Alysia D. Jones
Executive Administrator

Alaska State Board of Registration for
Architects, Engineers and Land Surveyors
907.465.1676
[Alaska AELS Board Website](#)

From: Clark, Christopher W [<mailto:cwclark@anthc.org>]
Sent: Tuesday, September 12, 2017 10:36 AM
To: Jones, Alysia D (CED) <alysia.jones@alaska.gov>
Subject: RE: Record Drawing Development Clarification

Thank you Alysia.

Christopher Clark, P.E., PMP
Civil Engineer

Alaska Native Tribal Health Consortium
Office: 907.729.3552
Fax: 907.729.4071
Email: cwclark@anthc.org

From: Jones, Alysia D (CED) [<mailto:alysia.jones@alaska.gov>]
Sent: Monday, September 11, 2017 9:01 AM
To: Clark, Christopher W
Subject: [External] RE: Record Drawing Development Clarification

Good morning Chris,
Sarena no longer works on the AELS Board staff, so please consider me your point of contact going forward.

As requested, I have forwarded your email to the board and will follow up with you as soon as I hear back.

Best regards,

Alysia D. Jones
Executive Administrator

Alaska State Board of Registration for
Architects, Engineers and Land Surveyors
907.465.1676
[Alaska AELS Board Website](#)

From: Hackenmiller, Sarena E (DEC)
Sent: Monday, September 11, 2017 7:49 AM
To: Jones, Alysia D (CED) <alysia.jones@alaska.gov>
Subject: FW: Record Drawing Development Clarification

Sarena E. Hackenmiller

From: Clark, Christopher W [<mailto:cwclark@anthc.org>]
Sent: Friday, September 08, 2017 3:39 PM
To: Hackenmiller, Sarena E (DEC) <sarena.hackenmiller@alaska.gov>
Subject: RE: Record Drawing Development Clarification

Sarena,

We are still trying to figure out ways to meet ADEC Drinking Water Program regulations, while at the same time staying in compliance with AELS regulations. ADEC 18 AAC 80.210(j)(1) requires:

(j) The department will grant final approval to operate if (1) record drawings, signed and sealed by a registered engineer, are submitted during the interim approval period;

Please see the attached example document which could be used to meet ADEC regulations. I would like to make sure that by using this process, I'm not inadvertently conflicting with AELS regulations.

Would you be able to have the board review the attached example and provide comments?

Thank you,
Chris

Christopher Clark, P.E., PMP
Civil Engineer

Alaska Native Tribal Health Consortium
Office: 907.729.3552
Fax: 907.729.4071
Email: cwclark@anthc.org

From: Hackenmiller, Sarena E (CED) [<mailto:sarena.hackenmiller@alaska.gov>]
Sent: Tuesday, September 13, 2016 2:04 PM
To: Clark, Christopher W
Subject: RE: Record Drawing Development Clarification

Chris,

Please see below for the Board's response.

1. A third party can prepare record drawings but they cannot include the original engineer's stamp. Record drawings usually should not have any stamp on them at all, as they are usually prepared based on information provided by others, not the licensee. The only way that the licensee can stamp record drawings is if they, or someone under their direct supervision, is on site full time to assure that the information shown is accurate.

From a second member: I have seen record drawings with the “original stamp” on them. That proves that an Engineer designed the work originally. I have also seen them without the original stamp. I don’t believe there is any issue leaving the original stamp on as the record drawing is just reflecting what changes were made during construction.

2. Record drawings should be prepared by someone who knows what they are looking at, which usually means an architect or engineer. However, a technician could do a set of record drawings, as long as all they have is a disclaimer stamp as shown in the original email. If As-built drawings are what is wanted or needed, then an architect or engineer should do an as-built survey or be on site full time during construction.

3. Yes, if they oversee the preparation of the record drawings and are merely signing a disclaimer stamp, which I would not call a certification. In that case, they are merely stating that they have transferred the contractor's record information accurately. These are not final documents, as defined in the regulations, and should not bear any licensee's stamps.

4. No. Record drawings are just that, a record of what was built, as far as the signer knows. They should not be stamped and signed unless the engineer signing them has direct knowledge of their accuracy. Otherwise, a stamp like shown in the email should be used and any professional stamps should be removed.

Please let me know if you have further questions regarding this,

Thank you,

Sarena E. Hackenmiller

Licensing Examiner

907-465-2540

[Alaska AELS Board Website](#)

<image001.jpg>Please reply directly to this e-mail for tracking.

From: Clark, Christopher W [<mailto:cwclark@anthc.org>]

Sent: Tuesday, September 13, 2016 11:38 AM

To: Hackenmiller, Sarena E (CED)

Subject: FW: Record Drawing Development Clarification

Sarena,

I understand Vernon is no-longer at AELS? Would you be able to provide any updates on the request below?

Thank you,
Chris

Christopher Clark, P.E.
Civil Engineer

Alaska Native Tribal Health Consortium

Office: 907.729.3552

Fax: 907.729.4071

Email: cwclark@anthc.org

From: Clark, Christopher W
Sent: Tuesday, September 13, 2016 8:53 AM
To: 'Jones, Richard V (CED)'
Subject: RE: Record Drawing Development Clarification

Vernon,

Just wanted to see if you were able to provide any guidance on this request?

Thank you,
Chris

Christopher Clark, P.E.
Civil Engineer

Alaska Native Tribal Health Consortium
Office: 907.729.3552
Fax: 907.729.4071
Email: cwclark@anthc.org

From: Jones, Richard V (CED) [<mailto:richard.jones@alaska.gov>]
Sent: Friday, August 12, 2016 2:16 PM
To: Clark, Christopher W
Subject: RE: Record Drawing Development Clarification

Thanks, waiting on the Board to reply

Vernon

From: Clark, Christopher W [<mailto:cwclark@anthc.org>]
Sent: Friday, August 12, 2016 2:15 PM
To: Jones, Richard V (CED)
Subject: RE: Record Drawing Development Clarification

Vernon,

Yes, each (M, S, A, C, E) original drawing was stamped by a discipline specific professional engineer.

Christopher Clark, P.E.
Civil Engineer

Alaska Native Tribal Health Consortium
Office: 907.729.3552
Fax: 907.729.4071
Email: cwclark@anthc.org

From: Jones, Richard V (CED) [<mailto:richard.jones@alaska.gov>]
Sent: Friday, August 12, 2016 1:53 PM
To: Clark, Christopher W

Subject: RE: Record Drawing Development Clarification

Did each profession or discipline stamp their portion of the drawings?

Vernon

From: Clark, Christopher W [<mailto:cwclark@anthc.org>]

Sent: Friday, August 12, 2016 1:32 PM

To: Jones, Richard V (CED)

Subject: Record Drawing Development Clarification

Richard,

I would like to receive guidance from the AELS Board with respect to record drawing development.

Project Case:

A WTP was designed by an engineering contractor (100% conformed construction documents signed/sealed/dated) and the design included architectural, civil, mechanical, structural and electrical disciplines. The project was constructed back in 2008 and needs to have record drawings developed for two purposes; (1) owner records and (2) DEC Approval to Operate (18 AAC 80).

For DEC approval, the record drawings would be intended to document sufficient information to show compliance with ADEC regulation and project specific conditions (e.g. waivers). For the Owner, the record drawings would be used to assist in O&M purposes.

The engineering contractor is no-longer involved in the project and the owner would like to develop record drawings (red-lined drawings) of the constructed facility. The record drawings would retain the original design engineers stamp/signature/date and have edits made in PDF over the original drawing clearly identifying any discrepancies and labeled with a "Record Drawing Certification" signature box (see example record drawing stamps below). The proposed drawings would not be re-sealed but would retain the original engineer's seal.

Referencing the AELS Statutes 12 AAC 36.195 which discusses adaptation and field alteration of sealed documents and includes re-sealing the documents; but does not seem to discuss standard post-construction "record drawing" development.

Questions:

These questions are intended to be broad to cover more than one project (developing standard practices). Please let me know if additional detail is warranted in-order for the AELS board to provide better guidance.

1. Within the State of Alaska AELS statutes and Code of Professional Conduct, may a third-party professional engineer (not the original design engineer) develop red-line record drawings depicting as-built information (post-construction) with a "Record Drawing Certification" stamp over-top of original design construction documents (not changing the original line-work, with red-lines clearly identified differently)?
2. Are there any restrictions/requirements of the individual who is certifying/signing the record drawings (e.g. can someone who is not a professional engineer sign the drawings)?
3. Understanding the intended use of the record drawings as described above, can a

professional engineer who is not licensed in a particular discipline sign record drawings for the other disciplines? E.g. can a civil engineer sign a record drawing stamp placed on the architectural, structural, mechanical, and electrical drawings?

4. Are record drawings considered the same as site adaptation or field altered drawings per the governing intent of the AELS statutes?

Thank you,
Chris

Christopher Clark, P.E.
Civil Engineer

ANTHC | DEHE | [Engineering Services](#)
4500 Diplomacy Drive, Suite 320, Anchorage, AK 99508
Office: 907.729.3552
Fax: 907.729.4071
Email: cwclark@anthc.org

<image002.jpg>

<image003.jpg><image004.jpg>

AGENDA ITEM 7.E. Response received from board member.

From: Brian Hanson
To: [Jones, Alysia D \(CED\)](#)
Subject: Re: Record Drawing Development Clarification
Date: Monday, September 11, 2017 6:27:43 PM

Their regulation is in conflict with our regulations. There is no need to put a pe stamp on a record drawing. It is just an asbuilt or record of what was constructed. Why would a stamp be required? They are not taking any responsibility for the design which requires a stamp.

On Sep 11, 2017, at 8:58 AM, Jones, Alysia D (CED) <alysia.jones@alaska.gov> wrote:

Good morning Brian,
By chance had Sarena previously sought your input on the ADEC Drinking Water Program regulations?

Please see her correspondence with Christopher Clark below.

Thank you,

Alysia D. Jones
Executive Administrator

Alaska State Board of Registration for
Architects, Engineers and Land Surveyors
907.465.1676
[Alaska AEELS Board Website](#)

From: Hackenmiller, Sarena E (DEC)
Sent: Monday, September 11, 2017 7:49 AM
To: Jones, Alysia D (CED) <alysia.jones@alaska.gov>
Subject: FW: Record Drawing Development Clarification

Sarena E. Hackenmiller

From: Clark, Christopher W [<mailto:cwclark@anthc.org>]
Sent: Friday, September 08, 2017 3:39 PM
To: Hackenmiller, Sarena E (DEC) <sarena.hackenmiller@alaska.gov>
Subject: RE: Record Drawing Development Clarification

Sarena,

We are still trying to figure out ways to meet ADEC Drinking Water Program regulations,



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Natural Resources

DIVISION OF MINING, LAND & WATER
Survey Section

550 West 7th Avenue, Suite 650
Anchorage, Alaska 99501-3576
Main: 907.269.8523
TDD: 907.269.8411
Fax: 907.269.8914

October 17, 2017

State of Alaska/DCCED
Division of Corporations, Business and Professional Licensing
AELS Board
P.O. Box 110806
Juneau, AK 99811-0806

Subj: ASPLS Standards of Practice Code of Ethics

Dear AELS Board:

The Department of Natural Resources Survey Section requests clarification to the ASPLS Standard of Practice Code of Ethics:

"It shall be unethical for any member to: ... 4. Accept an appointment with a client to replace another surveyor whose just financial claims remain unsettled, unless the previous surveyor fails to press a legal claim within a reasonable time."

What constitutes a *reasonable time*?

Background:

When DNR issues survey instructions to a municipal entity, for their use in obtaining survey services through a procurement process, the survey contract is between the municipal entity and surveyor. DNR is not a party to the survey contract but the survey is performed under DNR's authority and prepared to the DNR's standards and the local platting authorities standards.

There are occasions when the municipal entity and the contract surveyor conclude their survey contract before the platting process is complete, and in those cases DNR has been requested to reissue survey instructions for a new procurement process.

When this occurs, and before DNR reissues the survey instructions, DNR requests written confirmation from the parties of the first contract to confirm that they have jointly agreed to conclude their contract.

Specific Case:

Recently a situation has arisen when a survey contract has been terminated by the municipal entity, after much time and expense, and there is a question of compensation regarding extras and reimbursements from the contract surveyor. The contract was officially terminated in a letter dated April 22, 2015.

"Develop, conserve and maximize the use of Alaska's natural resources consistent with the public interest."

Under Alaska Statutes: "*Sec. 09.10.053. Contract actions to be brought in three years.*

Unless the action is commenced within three years, a person may not bring an action upon a contract or liability, express or implied, except as provided in AS 09.10.040, or as otherwise provided by law, or, except if the provisions of this section are waived by contract."

Would it be appropriate for the DNR to use the Sec. 09.10.053 for the definition of reasonable time, or does the AELS Board have a different definition of reasonable time, or is this not an ethical issue in this example.

Thank you for your assistance in this matter.

If you have any questions concerning this correspondence, please feel free to contact me at 451-2758.

Sincerely,



G. Larry King, PLS, SR/WA, CFedS
Statewide Platting Supervisor

AGENDA ITEM 7.F. Response from Chair and DNR's reply

From: Dave Hale
To: [King, Galen L \(DNR\)](#); [Jones, Alysia D \(CED\)](#); [Noe, Heather I \(CED\)](#)
Cc: [John B. Kerr](#); [Gervelis, Gwen M \(DNR\)](#)
Subject: RE: Questions to the AELS Board
Date: Tuesday, October 17, 2017 2:54:37 PM

Good afternoon Larry,

I don't believe this is an AELS Board issue. The ASPLS Code of Ethics has not been adopted by the AELS Board, only Chapter 2 of the 2013 ASPLS Standards of Practice Manual (See 12 AAC 36.250). The regulations that apply to licensees governed by the board are summarized in 12 AAC 36.210. PROFESSIONAL CONDUCT.

So, if you are looking for clarification of "reasonable time" as related to the ASPLS Code of Ethics, you would need to ask the ASPLS. The AELS Board did not create, and does not uphold the ethics codified in Chapter 1 of the ASPLS Standards of Practice Manual. I did see that you have to go back to the 1994 manual to get to the Code of Ethics, as it was not brought forward with the 2013 version. The website is currently being updated also, so it may show up on the new site when it goes live.

If you believe my view is incorrect, please let me know and we will discuss it with the entire board.

Dave Hale
Chair, AELS Board

From: King, Galen L (DNR) [mailto:larry.king@alaska.gov]
Sent: Tuesday, October 17, 2017 2:26 PM
To: Jones, Alysia D (CED) <alysia.jones@alaska.gov>; Noe, Heather I (CED) <heather.noe@alaska.gov>; Dave Hale <DHale@rmconsult.com>
Cc: John B. Kerr <John.Kerr@survbase.com>; Gervelis, Gwen M (DNR) <gwen.gervelis@alaska.gov>
Subject: Questions to the AELS Board

Alysia,

Please find attached the question that the Department of Natural Resources has for the AELS Board. Please include in the next AELS Board agenda.

Please let me know if you have any questions.



G. Larry King, PLS, SR/WA, CFedS

Alaska Dept. of Natural Resources
Mining, Land & Water - Survey Section
3700 Airport Way
Fairbanks, AK 99709-4699



TEL (907) 451-2758
FAX (907) 451-2751
larry.king@alaska.gov

From: [King, Galen L \(DNR\)](#)
To: [Dave Hale](#); [Jones, Alysia D \(CED\)](#); [Noe, Heather I \(CED\)](#)
Cc: [John B. Kerr](#); [Gervelis, Gwen M \(DNR\)](#)
Subject: RE: Questions to the AELS Board
Date: Tuesday, October 17, 2017 3:55:41 PM

Dave,

Thank you for your quick analysis. We are trying to deal with this issue appropriately yet with concern for the parties involved. We will review your statements and determine our course without additional assistance from the AELS Board.



From: Dave Hale [mailto:DHale@rmconsult.com]
Sent: Tuesday, October 17, 2017 2:53 PM
To: King, Galen L (DNR) <larry.king@alaska.gov>; Jones, Alysia D (CED) <alysia.jones@alaska.gov>; Noe, Heather I (CED) <heather.noe@alaska.gov>
Cc: John B. Kerr <John.Kerr@survbase.com>; Gervelis, Gwen M (DNR) <gwen.gervelis@alaska.gov>
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If you believe my view is incorrect, please let me know and we will discuss it with the entire board.

Dave Hale
Chair, AELS Board

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Sent: Tuesday, October 17, 2017 2:26 PM
To: Jones, Alysia D (CED) <alysia.jones@alaska.gov>; Noe, Heather I (CED) <heather.noe@alaska.gov>; Dave Hale <DHale@rmconsult.com>
Cc: John B. Kerr <John.Kerr@survbase.com>; Gervelis, Gwen M (DNR) <gwen.gervelis@alaska.gov>
Subject: Questions to the AELS Board

Alysia,

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Please include in the next AELS Board agenda.

Please let me know if you have any questions.





Old Business



AGENDA ITEM 14.A.1. Current regulations provided as reference

Alaska Board of Registration for Architects, Engineers & Land Surveyors

12 AAC 36.103. ARCHITECT REGISTRATION BY COMITY

(a) Under AS 08.48.191(a), the board may issue a certificate of registration as an architect to an applicant who

- (1) documents education and passage of the NCARB Architect Registration Examination;
- (2) documents work experience that satisfies the requirements of (b)(3) of this section;
- (3) has completed the arctic engineering and seismic requirements of 12 AAC 36.110; and
- (4) has completed a jurisprudence questionnaire prepared by the board covering the provisions of AS 08.48 and this chapter.

(b) An applicant for a certificate of registration as an architect by comity must submit

(1) an application for registration by comity in compliance with 12 AAC 36.010, including the applicable fees established in 12 AAC 02.110;

(2) verification of a current registration to practice architecture in a state, territory, or possession of the United States, the District of Columbia, or a foreign country that is based on education, experience, and examination requirements that the board determines were at least equivalent to the requirements of AS 08.48 and this chapter at the time the applicant's out-of-state registration was issued; and

(3) either

(A) verification of at least 24 months of responsible charge experience as an architect as defined under AS 08.48.341(1) or as verified by the signature and seal, except as provided in (d) of this section, by the architect who supervised the applicant and who at the time of providing the supervision, was legally registered as a professional architect in a state, territory, or possession of the United States, the District of Columbia, or a foreign country; or

(B) if the applicant has been practicing architecture as a registered architect for five years or more in a state, territory, or a possession of the United States, the District of Columbia, or a foreign country, two letters of reference verifying that experience; each letter must be signed and sealed, except as provided in (d) of this section, by an architect who is legally registered in a state, territory, or possession of the United States, the District of Columbia, or a foreign country.

(c) An applicant for a certificate of registration as an architect by comity under this section may submit a council record issued by NCARB to verify the applicant's qualifications, including

- (1) examination results;
- (2) education;
- (3) experience; and
- (4) registration in another licensing jurisdiction.

(d) If an architect who provides a work experience verification under (b)(2) of this section or a reference letter under (b)(3) of this section does not possess a seal, the applicant must provide the board a statement from that architect,

- (1) providing that architect's registration number; and
- (2) if that architect is providing a reference letter, certifying that the registration of that architect is current.

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.191

12 AAC 36.061. ARCHITECT EDUCATION REQUIREMENTS.

(a) To be eligible for registration as an architect in this state, an applicant must

(1) have a professional degree in architecture from an academic institution accredited by the National Architectural Accrediting Board (NAAB) or certified by the Canadian Architectural Certification Board (CACB) not later than two years after the degree was received;
only a bachelor of architecture or a master of architecture satisfies the requirements for a professional degree under this paragraph;
four-year pre-professional degrees in architectural studies or post-professional degrees in a related field do not satisfy the requirements for a professional degree under this paragraph; or

(2) satisfy the minimum education requirements of the NCARB Education Standard as prescribed in the NCARB publication *NCARB Education Standard, 2010* and adopted by reference.

(b) To verify compliance with (a) of this section, the board will only accept documentation from NCARB of the applicant's education credentials, and the applicant must have NCARB transmit its verification to the board by

(1) an NCARB "Council Record With Application for Jurisdiction Registration With Council Certification," commonly known as an "NCARB Green Cover IDP Council Record," if the applicant is applying for registration by examination;
or

(2) an NCARB Council Certificate, commonly known as an "NCARB Blue Book," if the applicant is applying for registration by comity.

Authority: AS 08.48.101 AS 08.48.171

12 AAC 36.110. ARCTIC AND SEISMIC REQUIREMENT

(a) An applicant for registration as an architect, engineer, or landscape architect must have successfully completed a board-approved university level course in arctic engineering or its equivalent.

(b) In addition to (a) of this section, an applicant for architectural registration by comity shall pass the NCARB examination on seismic forces unless the applicant was registered by examination in

- (1) California in 1936 or later;
- (2) Alaska, Hawaii, Idaho, Montana, Nevada, or Washington state in June 1963 or later;
- (3) Utah or Arizona in December 1963 or later;
- (4) Colorado in June 1964 or later;
- (5) Guam in June 1965 or later;
- (6) New Mexico in June 1966 or later; or
- (7) any other NCARB jurisdiction in June 1968 or later.

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191 AS 08.48.171

****DRAFT** Land Surveying Definition AELS Guidance **DRAFT****

The Alaska statutory definition of Land Surveying covers a broad range of activities that are performed in support of the platting and planning of land. Those activities generally include measurement, delineating, describing, subdividing and mapping. The actual statute is shown here:

AS Sec. 08.48.341

(7) “land surveyor” means a professional land surveyor;

(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;

The State Board of Architects, Engineers, and Land Surveyors (AELS Board) is tasked with regulating the practice of Architecture, Engineering, Land Surveying, and Landscape Architecture to ensure that the public health, safety, and welfare is not negatively impacted by these activities. The AELS Board recognizes that many of the activities regulated are highly complex and the effects of these activities may not be immediately obvious. In fact, it is often years later when problems become apparent.

AS Sec. 08.48.341 (14) attempts to define those activities in an inclusive and durable manner. The language does not discuss technology, accuracy, nor does it provide a list of products that are generated from the activity of professional land surveying. All technologies, all accuracies, and all products used/developed in the course of the described activities are included.

When performed in support of the platting or planning of land the following sample activities fall under the definition (note that this is NOT a complete list of covered activities):

- Performing topographic surveys - performed using photogrammetry, LiDAR, Structure from Motion (SfM), Global Navigation Satellite System (GNSS - which includes GPS), total station, sonar, or any other measurement method.
- Making topographic maps or contour maps or existing ground surfaces - digital or printed.
- Performing volumetric surveys - surveys used to determine volumes regardless of the measurement method (see topographic surveys).
- Mortgage/as-built surveys - these show the relationship between improvements and property boundaries.
- Using a drone (UAV/UAS) to take photos used to produce maps or other data products for the platting or planning of land.
- Taking photos to produce maps or other data products (regardless of where the camera is mounted) for the platting or planning of land.

- Collecting scan data (LiDAR) of land or improvements regardless of where the scanner is mounted for the platting or planning of land.
- Performing hydrographic surveys - measurements to determine the location of the land or improvements under the water.
- Preparing Site Plans - these may also include information that falls under the practice of engineering. Where the site plan shows both boundaries or control and civil design, the sheet must be sealed by both the land surveyor and engineer in responsible charge for their respective work.
- Preparing Survey Control Sheets - maps showing survey control to be used to place improvements.
- Publishing GIS webpages showing property lines overlaid on an aerial image.
- Establishing the elevation of a building.
- Producing elevation information for a Federal Emergency Management Agency (FEMA) Elevation certificate.
- Writing a metes and bounds legal description.
- Preparing a map showing easements or property boundaries.
- Preparing a map/plan showing the proposed improvements (limits of excavation, luminaires, storm drain improvements, etc.) and the property/right-of-way lines. Where a plan shows both boundaries or control and civil design, the sheet must be sealed by both the land surveyor and engineer in responsible charge for their respective work.
- Determining right-of-way impacts for proposed improvements.
- Creating parcel maps/exhibits for the acquisition of land.
- Creating a shore fisheries plat.
- Locating the position of wetland limits (as marked by a wetlands scientist or other qualified professional).
- Using a GNSS/GPS device to control the operation of grading machinery (machine control) for land development (buildings, parking lots, roads, etc.).

When performed where the products are used for the platting and planning of land, these activities fall under the definition of land surveying and must be performed by, or under the direct supervision of, a land surveyor licensed to practice in Alaska.

For the purposes of the statute and the mission of the AELS Board:

- The platting of land is making maps or plans of land describing the land and its features. This does not include generalized maps made to orient end users, e.g. road maps, maps showing the general location of features (such as a map for park users), maps showing the location of exits in a building.
- The planning of land is the development of drawings, documents, and models defining proposed land use, land configuration, and improvements for a specific parcel of land.

AGENDA ITEM 14.D. Supplemental - At previous meetings, the board requested to see a copy of Oregon's UAS educational brochure.

TEXT SIZE: A+ A- A • TEXT ONLY TRANSLATE ▼

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Board of Examiners for Engineering and Land Surveying

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4/3/2017

Unmanned Aircraft Systems and Land Surveying Regulation

Unmanned Aircraft Systems (UAS), such as drones, have become a tool surveying professionals utilize to increase photo mapping capabilities and improve their ability to measure the surface of the of Earth. Well suited and complementary to traditional surveying technologies, UAS devices have also allowed hobbyists and certified operators to provide surveying services to individuals and organizations unaware that these industries require professional licensure.

To help prevent individuals from engaging in illegal surveying, the Oregon Board of Examiners for Engineering and Land Surveying (OSBEELS) has developed educational materials to raise awareness around the land surveying and photogrammetry industries and requirements for professional licensure.

[Download Unmanned Aircraft Systems and Land Surveying Brochure](#)



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Agencies A to Z
Oregon Administrative Rules
Oregon Revised Statutes
Oregon - an Equal Opportunity Employer
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Land Surveying With Drones

Unmanned Aircraft Systems (UAS), such as drones, have become a tool land surveying and photogrammetric mapping professionals utilize to increase photo mapping capabilities and improve their ability to measure the surface of the Earth.

Well suited and complementary to traditional surveying technologies, UAS devices have allowed for hobbyists and certified operators to enter into the land surveying and photogrammetry industries and provide innovative services. However, when a new technology is introduced to a long-standing public service, individuals and organizations may overlook industry regulations and the necessary professional licensure to legally provide services to the public.

In this brochure the Oregon State Board of Engineering and Land Surveying (OSBEELS) aims to outline the long-standing regulations and professional licensure requirements for professional land surveying.



Useful Resources

Federal Aviation Administration – UAS
[FAA.gov/uas/](https://www.faa.gov/uas/)

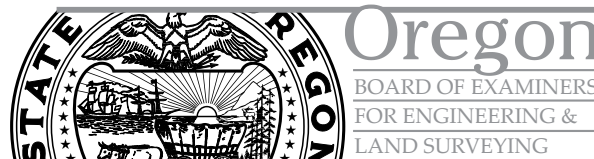
State of Oregon Dept. of Aviation
[Oregon.gov/aviation](https://www.oregon.gov/aviation)

Oregon State Board of Examiners for
Engineering and Land Surveying
[Oregon.gov/osbeels](https://www.oregon.gov/osbeels)

Oregon House Bill 4066 – Definition of an UAS
bit.ly/OHB4066

Oregon Administrative Rules 820 –
Engineering and Land Surveying
bit.ly/ORAR820

Oregon Revised Statute, Chapter 672 – Professional
Engineers; Land Surveyors; Photogrammetrist; Geologists
bit.ly/ORRS672



670 Hawthorne Avenue, SE
Suite 220
Salem, Oregon 97301

tel. 503-362-2666
email: osbeels@osbeels.org
web: www.oregon.gov/osbeels

Unmanned Aircraft Systems and Land Surveying Regulations



How the state of Oregon defines Land Surveying and Photogrammetry

The OSBEELS uses Oregon Revised Statutes (ORS) to determine how it defines land surveying and photogrammetric professions and services.

A land surveyor, professional land surveyor or registered professional land surveyor is defined as an individual who is registered and holds a valid certificate to practice surveying in the state of Oregon. In order to identify yourself or offer professional land surveying services in Oregon you must be registered with OSBEELS.

Photogrammetric mapping is defined as the process of evaluating and measuring land through the interpretation of aerial and remote sensing photographic images to determine topography, area, contours and land features.

To view additional examples of photogrammetric mapping and land surveying work as defined by the state of Oregon, refer to ORS 672.002, ORS 672.005 and ORS 672.007.

Professional Areas of Services

Land surveyors and photogrammetrists provide surveying and photogrammetry services to individuals, organizations and land owners as permitted by possessing a professional license from the state of Oregon. UAS operators providing similar photogrammetry services without the proper licensure, knowingly or unknowingly, could potentially receive fines or face further legal action. The below services are potential areas of infraction for UAS owners:

- Photogrammetric mapping
- Topographic mapping
- Volume computation
- 3D mapping
- Boundary surveys



How Licensing Protects the Public

Licensed mapping and surveying professionals adhere to certain professional and quality standards. A licensed profession ensures that an individual will provide a higher quality of work and be held accountable for how they conduct themselves. These regulations are in place to safeguard the public and ensure quality of service.

Interested in Becoming a Professionally Licensed Photogrammetrist?

UAS operators and interested individuals are encouraged to visit the OSBEELS website at [Oregon.gov/OSBEELS](https://oregon.gov/OSBEELS) to learn about the minimum requirements an applicant must meet to be considered for registration as a Professional Photogrammetrist in the state of Oregon. To be considered, applicants must hold the following qualifications:

- An approved combination of education and experience, as detailed in Oregon Administrative Rule 820-010-3010.
- Receive a passing score on the National Council of Examiners for Engineering and Land Surveying (NCEES) Fundamentals of Land Surveying examination.
- Receive a passing score on the Colonial States Boards of Surveyor Registration (CSBSR) Photogrammetry examination.

Interested in Becoming a Professionally Licensed Engineer or Land Surveyor?

- For Engineer qualifications view: OAR 820-010-1000
- For Land Surveyor qualifications view: OAR 820-010-2000



AGENDA ITEM 14.E. Current regulation provided as reference.

Alaska Board of Registration for Architects, Engineers & Land Surveyors

12 AAC 36.185. USE OF SEALS.

- (a) A registrant may
 - (1) not sign or seal a drawing or document dealing with professional services in which the registrant is not qualified to sign or seal by virtue of education, experience, and registration;
 - (2) approve and seal only design documents and surveys that are safe for public health, property, and welfare in conformity with accepted architecture, engineering, land surveying, and landscape architecture standards in Alaska;
 - (3) seal only final drawings, surveys, reports, and required construction documents for which the registrant is qualified to seal and for which the registrant claims responsibility;
 - (4) not knowingly allow the use of his or her seal by another person on a document that the registrant has neither prepared nor reviewed personally;
 - (5) not use the seal or a reproduction of the seal of another registrant on a document, regardless of the intended use of the document;
 - (6) not sign a name other than his or her own name over a seal, and may not forge the signature of the individual to whom the seal was issued by the board; and
 - (7) not sign or seal drawings, documents, or other professional work for which the registrant does not have direct professional knowledge and direct supervisory control.
- (b) If portions of drawings, documents, or other professional work are prepared by other registered professionals, a registrant may seal only that portion of the work for which the registrant has direct professional knowledge and direct supervisory control.
- (c) 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 that work.
- (d) The registrant shall include the date each time the registrant signs and seals a document by electronically or manually inserting the date within the seal or within two inches of the seal.
- (e) The registrant, by sealing final drawings, takes responsibility for related discipline specifications included in the final drawings, unless under AS 08.48.221 the registrant certifies on the face of the document the extent of the registrant's responsibility.
- (f) An electronic image of a signature may be used on the seal if the registrant or the owner of the documents retains an original copy of the documents, accessible for later reference, that has either
 - (1) an original hand signature over the seal; or
 - (2) software in place that will automatically remove or modify the electronic image of the signature if the document is modified.
- (g) The registrant shall include on all documents that are required to be signed and sealed
 - (1) its business name, physical address, and telephone number;
 - (2) the project name or identification;
 - (3) the project address or location; and
 - (4) the certificate of authorization number issued to the corporation, limited liability company, or limited liability partnership to practice architecture, engineering, land surveying, or landscape architecture, if applicable.
- (h) On documents where multiple entities that are authorized to practice architecture, engineering, land surveying, or landscape architecture are indicated, the registrant shall clearly identify the sole proprietor, partnership, corporation, limited liability company, limited liability partnership, or other authorized entity responsible for the work.
- (i) Drawings, engineering surveys, reports, and construction documents regarding the structural systems of a significant structure must be sealed by a registered structural engineer.

Authority:

AS 08.48.101

AS 08.48.111

AS 08.48.221

12 AAC 36.110. ARCTIC AND SEISMIC REQUIREMENT.

- (a) An applicant for registration as an architect, engineer, or landscape architect must have successfully completed a board-approved university level course in arctic engineering or its equivalent.
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- (1) California in 1936 or later;
 - (2) Alaska, Hawaii, Idaho, Montana, Nevada, or Washington state in June 1963 or later;
 - (3) Utah or Arizona in December 1963 or later;
 - (4) Colorado in June 1964 or later;
 - (5) Guam in June 1965 or later;
 - (6) New Mexico in June 1966 or later; or
 - (7) any other NCARB jurisdiction in June 1968 or later.

Authority:	AS 08.48.101	AS 08.48.181	AS 08.48.191
	AS 08.48.171		



Investigative Report



AGENDA ITEM 15.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

550 West Seventh Avenue, Suite 1500
Anchorage, Alaska 99501-3567
Main: 907.269.8160
Fax: 907.269.8195

MEMORANDUM

DATE: October 27, 2017
TO: Alaska State Board of Registration for Architects, Engineers and Land Surveyors
THRU: Greg Francois, Chief Investigator *GF*
FROM: John Savage, Investigator
RE: Investigative Report for the November 8-9, 2017, Meeting

The following information was compiled as an investigative report to the Board for the period of July 13, 2017 through October 27, 2017. This report includes all investigations, complaints, and intake matters handled since the last report. The Division **opened 13 matters** and **closed 10 matters**. **13 matters** remain on-going and under active investigation or are pending litigation (as indicated by italics).

Matters opened by the Paralegal in Juneau, regarding continuing education audits and license action resulting from those matters are not covered in this report.

<u>CASE #</u>	<u>OPENED</u>	<u>COMPLAINT/INVESTIGATION</u>	<u>PROFESSION</u>
2016-001300	10/26/2016	Unlicensed practice or activity	ENGINEER
2016-001384	12/02/2016	Unlicensed practice or activity	CORPORATE AUTH
2016-001387	12/05/2016	Unlicensed practice or activity	LAND SURVEYOR
2016-001389	12/05/2016	Unlicensed practice or activity	CORPORATE AUTH
2016-001391	12/06/2016	Unlicensed practice or activity	CORPORATE AUTH
2017-000084	01/27/2017	Violation of licensing regulation	ENGINEER
2017-000138	02/14/2017	Unethical conduct	ENGINEER
2017-000332	03/24/2017	Violation of licensing regulation	ARCHITECT
2017-000972	09/14/2017	Unlicensed practice or activity	ENGINEER
2017-001073	10/09/2017	Unlicensed practice or activity	ENGINEER

OPEN: TOTAL = 10 (*does not include intakes*)

INVESTIGATIVE ACTIONS CLOSED SINCE LAST MEETING

2015-001629	Closed-Investigation	No Action - No Violation
2016-000923	Closed-Investigation	Advisement Letter
2016-000933	Closed-Investigation	Advisement Letter
2016-001295	Closed-Investigation	No Action - No Violation
2017-000232	Closed-Investigation	No Action - No Violation

CLOSED TOTAL = 5 (*does not include intakes*)

INTAKES OPENED OR CLOSED **STATUS**

2017-001111	Intake
2017-001116	Intake
2017-001117	Intake
2017-000904	Closed-Intake
2017-000914	Closed-Intake
2017-000932	Closed-Intake
2017-000951	Closed-Intake
2017-001101	Closed-Intake

PROBATION CASES: TOTAL = 0

END OF REPORT



New Business



AGENDA ITEM 16.B.

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

Sec. 08.48.281. Prohibited practice

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

Sec. 08.48.331. Exemptions

(11) a person while involved in revegetation, restoration, reclamation, rehabilitation, or erosion control for disturbed land that the board determines does not affect the public health, safety, or welfare; (12) a person while maintaining or directing the placement of plant material that the board determines does not affect the public health, safety, or welfare;

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

Sec. 08.48.341. Definitions

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

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

(14) “practice of land surveying” means the teaching of land surveying courses at an institution of higher learning, or any service or work the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence of the act of measuring and locating land, geodetic and cadastral surveys for the location and monumentation of property boundaries, for the platting and planning of land and subdivisions of land, including the topography, alignment, and grades for streets, and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys;

(15) “practice of landscape architecture” means professional services or creative work, **the adequate performance of which requires the application of mathematical, physical and social-science principles** 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;

From CLARB Draft Model Law:

The practice of Landscape Architecture means the application of mathematical, physical and social-sciences principles in Landscape Architectural consultation, evaluation, planning, and design; it includes preparing, filing, and administering plans, drawings, specifications, permits, and other contract documents involving projects that direct, inform or advise on the functional use and preservation of natural and built environments.

Chapter 36, Article 1

12 AAC 36.069. STANDARDS FOR REGISTRATION AS A LANDSCAPE ARCHITECT. In accordance with AS 08.48.331(b), and except as exempted in AS 08.48.331(a), design or creative work involving any of the following constitutes the practice of an aspect of landscape architecture that affects the public health or safety and thus requires registration as a landscape architect: (1) grading, clearing, or shaping of land; (2) landscape irrigation; (3) outdoor planting plans; (4) outdoor play apparatus; (5) outdoor structures. Authority: AS 08.48.101 AS 08.48.181 AS 08.48.331 AS 08.48.171 AS 08.48.191

It's interesting that this section “Standards for Registration as a Landscape Architect” is here. The other professions do not have this section. We are the only one that calls out specific tasks in the registration and licensing chapter.

MARK---I LIKE THE BELOW FROM MASSACHUSETTS, BUT NOT SURE IT REALLY PROVIDES US ANY MORE CLOUT FOR OUR STANDARDS OF REGISTRATION AS ALREADY STATED ABOVE. FOR THE STANDARDS, PERHAPS WE SHOULD TRY TO ADD SOMETHING ABOUT DESIGN OF ‘LOW IMPACT DEVELOPMENT, GREEN INFRASTRUCTURE, OR SUSTAINABLE STORMWATER MANAGEMENT’ COULD BE TOO MUCH OF AN INFRINGEMENT INTO CIVIL THOUGH.

Massachusetts License Definition:

“Landscape architecture”, the performance of professional services, such as consultations, investigation, reconnaissance, research, planning, design, or responsible supervision, in connection with the development of land and incidental water areas where and to the extent that the dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, naturalistic and esthetic values, the settings and approaches to buildings, structures, facilities or other improvements, and natural drainage and the consideration, determination and solution of inherent problems of the land relating to erosion, wear and tear, blight or other hazards. The practice of landscape architecture shall include the location and arrangement of such tangible objects and features as are

incidental and necessary to the purposes outlined herein, but shall not include the practice of architecture, the practice of engineering or the practice of land surveying, as defined in this chapter, or the making of final land plots for official recording or approval. A registered landscape architect may, however, do such architectural, engineering and surveying work as is incidental to his work

AGENDA ITEM 16.B. Information from CLARB

Relative to the discussion this meeting concerning the continued questions about LA, this section of the info from CLARB might be worth including in the packet (directly from the approved Model Law revisions):

What Landscape Architects Do

Since the 1800s, landscape architecture has encompassed analysis, planning, design, management, and stewardship of the natural and built environment through science and design. Landscape architects create well-planned, livable communities, leading the way by creating neighborhood master plans, designing green streets, managing storm-water runoff, and planning high-utility transportation corridors. Landscape architecture includes iconic and neighborhood places, local parks, residential communities, commercial developments, and downtown streetscapes. Larger well-known examples include Central Park and the Highline in New York City, the U.S. Capitol grounds in Washington, D.C., the Oklahoma City National Memorial, and Chicago's Millennium Park.

Why Landscape Architects Must Be Licensed

The practice of landscape architecture includes keeping the public safe from hazards, protecting natural resources, and sustainably managing the natural and built environment surrounding our homes and communities. It requires a breadth of knowledge and training in many substantive areas of science, engineering, and aesthetics. The adverse risks and consequences of negligent, unqualified, unethical, or incompetent persons engaging in landscape architectural design services without the requisite education and training are significant—sometimes irreparable—economically, environmentally, and in terms of public safety, health, and welfare. At stake are hundreds of millions of dollars' worth of infrastructure and site improvements every year, and the safety of persons and property these improvements affect. Licensure of landscape architects permits consumers to manage these risks, and reduce exposure for liability from hazardous and defective design. To properly serve and protect the public these risks and consequences and the potential for harm must be minimized and prevented. The public interest is best served when qualified, licensed professionals carry out these responsibilities safely in accordance with rigorous and essential professional standards, and when other non-qualified individuals are prevented from providing such services to the public. Moreover, licensing is necessary and appropriate given landscape architecture's technical nature—and consumer/public inability to accurately and reliably assess the competence of such providers. Without regulatory standards, consumers have no mechanism to ensure they can rely on a professional to produce design and technical documentation meeting minimum standards of competence.

Section 104. Practice of Landscape Architecture. The practice of Landscape Architecture means the application of mathematical, physical and social-sciences principles in Landscape Architectural consultation, evaluation, planning, and design; it includes preparing, filing, and administering plans, drawings, specifications, permits, and other

contract documents involving projects that direct, inform or advise on the functional use and preservation of natural and built environments.

The full model law can be found here:

http://www.clarb.org/docs/default-source/access-member-resources/model-documents/2017-model-law-and-model-regulations---adopted.pdf?sfvrsn=4&_cldee=bHVhbm5lLnVyZmVyQGdtYWlsLmNvbQ%3d%3d&recipeid=contact-cdf358af7744de119555005056834df6-0498d4aff7444a419c56485ce526baf9&esid=50957589-06b5-e711-9598-0050569c00a7

AGENDA ITEM 16.B. ASLA Subcommittee

From: Luanne Urfer
To: [Jones, Alysia D \(CED\)](#)
Subject: AK ASLA SubCommittee
Date: Monday, October 23, 2017 4:22:52 PM
Attachments: [Statutes and Regulations Summary LAs.pdf](#)

Alysia

The rest of the emails are pretty scattered and related to the "meeting" call we had. I sent them the CLARB definition for LA; we were comparing to other states (included on this shared doc attached); I asked for feedback and questions while I was at the CLARB meeting. We all agreed that CLARB's definition missed some key areas of LA work (recreation, green infrastructure, LID, land planning, mitigation, etc.) which I also discussed with other representatives, CLARB staff, and board administrators at the meeting. Other board reps also had concerns about the definition (among other issues) and I spent a large amount of time talking with AZ and other states about how they handle defining what LA is in their law(s).

Meanwhile, here's the document that the subcommittee had marked up a bit. We held off until we could get clarification and/or support from the AELS/APDC Boards.
L

Connecting People – Creating Places

Luanne Urfer PLA ASLA MA
Principal
CLARB Certified Landscape Architect

Sustainable Design Group
LANDSCAPE ARCHITECTS AND LAND PLANNERS
LAND ARCHITECTURE & ENVIRONMENTAL SOLUTIONS

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Examiner's Report



AGENDA ITEM 19. Updated 10/24/2017

Examiner's Report – NOVEMBER 2017

1. Applications to be reviewed at November 2017 Board meeting:

Total: 72

Comity: 33

Exam: 16

Grandfathering: 20

(Total re-review: 3)

PE: 37 SE: 4

Land Surveying: 1

Landscape Architecture: 2

Architecture: 4

2. Registration July 20th - Sept. 30th, 2017

Total: 64

Individuals: 49

Engineering: 44

Land Surveying: 1

Landscape Architecture: 0

Architecture: 4

Corporations: 15

LLC: 6

LLP: 1

Corps: 8

3. FE/FS Examinees

Examination	Jan 1-October 24th, 2017	Pass	Fail
FE	197	149	48
FS	10	3	7

4. Oct 27th, 2017 PE Examinees – 60 registered

5. 2017 AKLS Examinees –

6. Verifications completed - 98

7. Renewals received July 20, 2017 – September 30, 2017: 4 Individuals/0 Firms

8. Reinstatements received July 20, 2017 – September 30, 2017: 1

9. Applications received (all) January 1, 2017- October 9, 2017: 478 (423 Individual/ 55 Firms)

Additional Comments:



Travel



2018 STATE HOLIDAY CALENDAR

JANUARY

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

MARCH

S	M	T	W	T	F	S
	TBA				1	2
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

APRIL

S	M	T	W	T	F	S
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

MAY

S	M	T	W	T	F	S
			1	2	3	4
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

JUNE

S	M	T	W	T	F	S
	TBA					1
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

JULY

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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

AUGUST

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SEPTEMBER

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

OCTOBER

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

NOVEMBER

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

DECEMBER

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

 - AELS
 - NCEES
 - NCARB
 - CLARB

State Holidays

Date	Holiday
01/01	New Year's Day
01/15	MLK Jr.'s Birthday
02/19	Presidents' Day
03/26	Seward's Day
05/28	Memorial Day
07/04	Independence Day

 Holiday

State calendar maintained by the
Division of Finance,
Department of Administration
<http://doa.alaska.gov/calendars.html>
Rev. 07/10/2017

Biweekly employees please refer to appropriate collective bargaining unit agreement for more information regarding holidays.



State Holidays

Date	Holiday
09/03	Labor Day
10/18	Alaska Day
11/11	Veterans' Day (observed 11/12)
11/22	Thanksgiving Day
12/25	Christmas Day



MEMORANDUM

TO: Landscape Architect and Architect Member Board Executives

FROM: Michael Armstrong
NCARB Chief Executive Officer 
Joel Albizo
CLARB Chief Executive Officer 

DATE: August 23, 2017

SUBJECT: Announcement of a Joint NCARB & CLARB Pilot New Member Board Member and Executive Orientation

We are pleased to announce that the Council of Landscape Architectural Registration Boards (CLARB) and the National Council of Architectural Registration Boards (NCARB) are jointly organizing an orientation event for new licensing board members and executives. We intend to send an initial survey to gauge interest in this orientation later this week and wanted you to be aware of our plans before we communicated them more widely.

CLARB and NCARB are joining forces for this orientation because we share dozens of boards and board executives and we have common missions.

This first-of-its-kind orientation will provide a forum for:

- meeting and building relationships with the community of regulatory professionals,
- learning more about the roles and responsibilities of professional licensing board members and staff,
- gaining a better understanding about how to be successful in the current regulatory environment,
- and hearing about how our national associations can help new volunteers and executives succeed.

This training is a pilot program and is limited to people who have been in their board roles for one year or less. All travel/lodging/training costs will be covered by NCARB and CLARB. This Member/Executive Orientation session will take place in **Washington, DC, February 8-10, 2018**, with additional details to follow.

In the coming days, you and your board members will receive an email from us inviting you to participate in a brief survey that will help us determine the level of interest for this meeting and provide the community with an opportunity to give us feedback we will use to help refine the agenda and curriculum. Thank you in advance for your feedback.

Please feel free to reach out to Veronica Meadows with CLARB (vmeadows@clarb.org) or Josh Batkin with NCARB (jbatkin@ncarb.org) if you have any questions or suggestions about this pilot initiative.

AGENDA ITEM 21.B.5.

From: [Savage, John R \(CED\)](#)
To: [Jones, Alysia D \(CED\)](#)
Subject: RE: NCEES Meetings in 2018
Date: Wednesday, October 25, 2017 11:50:23 AM

Alysia, after careful consideration I would like to advise you and the Board of my desire to attend next year's NCEES Annual Meeting in Scottsdale, AZ. I would also like to thank the Board and you in advance for your consideration. Have a Great Day, Inv Savage.

John R. Savage
Investigator
(907) 269-8176

From: Jones, Alysia D (CED)
Sent: Wednesday, October 25, 2017 9:25 AM
To: Savage, John R (CED) <john.savage@alaska.gov>
Subject: NCEES Meetings in 2018

John,

Since we will be discussing travel at the November meeting, I wanted to double check to see which meetings you were interested in going to.

The dates/locations for the NCEES meetings are:

- NCEES WesternZone Meeting – April 5-7 in Honolulu, HI
- NCEES Annual Meeting – August 15-17 in Scottsdale, AZ

I haven't gotten the dates for the NCARB meetings, but typically the regional meeting is held in mid-March and the annual meeting is in mid to late June.

Alysia D. Jones
Executive Administrator

Alaska State Board of Registration for
Architects, Engineers and Land Surveyors
907.465.1676

[Alaska AELS Board Website](#)