

ALASKA AELS BOARD

June 2005

Quarterly Board Meeting

June Meeting Summary

Quarterly Board Meeting

Disciplinary Action Taken

Proposed Regulation Changes

Public Comment

Legislative Report

Subgroups

What's New

Other Updates

Applicant Files Reviewed

Regional and National Participation

Staff Reports

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AELS Quarterly Board Meeting

The Board of Registration for Architects, Engineers, and Land Surveyors (AELS) held its quarterly board meeting on June 2-3, 2005.

Board members in attendance were: Kenneth Maynard, Chair; Craig Fredeen, Vice-Chair; Kimberly Mills, Secretary; Clifford Baker, Boyd Brownfield, Robert Gilfilian, Richard Heieren, Harley Hightower, Richard Hughes, Mark Morris, and Linda Cyra-Korsgaard.

Participating by teleconference for portions of the meeting was:

Richard Urion, Director

David Brower, Department of Law

AELS Staff in attendance was:

Nancy Hemenway, Administrator;

George Weaver, Investigator.

Some highlights of the meeting:

Disciplinary action Taken

No formal action was taken, but the Board discussed follow-up on stipulated licensees, to be certain the terms of the stipulation has been met.

Proposed Regulation Changes

The Board asked to draft regulations and have them public noticed to interested parties:

- 1) Mandatory Continuing Education for Land Surveyors based on NCEES Guidelines;
- 2) Create a Landscape Architect mentoring program to enable interns to obtain work experience

under a registered landscape architect;

- 3) Change the name of the national exam for land surveyors to reflect the NCEES re-naming their examinations;
- 4) Adopt "inclusions and exclusions of the practice of surveying" in order to recognize changes made by the national organization (NCEES) to recognize GIS and Photogrammetrists, with respect to surveying
- 5) Add Geological Engineering to the list of engineering disciplines AELS licenses, as well as provide specific language to allow engineers to continue to provide this type of work so long as it is done under the scope of practice of another Alaska engineering discipline.
- 6) Adopt changes to 12 AAC 36.067 Date of Experience, allowing work experience up to the date exam scores are received to count towards experience for engineer and surveyor exams.

Regulation Changes Finalized

Regulations were signed by the Lt. Governor and became law on 6/11/2005:

- 1) Sealing Specifications to clarify current statutory requirements;
- 2) Canadian applicants can submit 2 letters of support from P.Engs or PEs instead of 24 months verified experience under a US registered engineer), and are eligible for licensure so long as they pass the PE exam, and meet arctic requirements; and
- 3) Annual adoption of the architect education standards (technical changes).

Expedited Comity Licensure

The Board adopted proposed regulation changes at its November 18-19, 2004 meeting that would allow for expedited processing. Under the proposal, comity applicants would be eligible for expedited processing if they have met national council certification and have submitted a council record. The Legislative Legal attorney reviewed the initial draft project and requested the regulations be rewritten using a checklist format.

The Board reviewed and adopted checklists for Architect and Engineer by Comity and asked staff to send the rewritten regulations to the Department of Law for final review.

Other Regulations Being Considered

The Board is considering expanding the engineering disciplines it licenses and would like feedback from licensees and professional societies. The Board adopted draft regulations to add "Geological Engineering" but is still reviewing environmental and control systems as additional engineering disciplines for licensure in Alaska.

Public Comment

Chris Miller, Design Alaska, is a registered Mechanical Engineer. He is also a registered Fire Protection Engineer in Oregon. He believes the current system for fire protection services works well in Alaska.

He spoke in support of expanding disciplines to add environmental engineering, but did not support adding control systems or geological engineering.

He spoke in opposition of raising the minimum standards to require a Master's Degree for Engineering.

He also spoke in opposition to a mandatory continuing education program favoring additional enforcement over costs associated with implementing a mandatory CE program.

Dale Nelson, Alaska Professional Design Council (APDC), and the

Alaska Society of Civil Engineers (ASCE) responded to the Board's request for expansion of engineering licenses offered in Alaska. He asked the Board to determine the direction it wants to take, and to keep the professional societies informed.

He advised the Board the APDC has formed a working group to work on issues surrounding the practice of landscape architecture. The group was formed to address areas of overlap between landscape architecture and other professions such as civil engineers. He welcomed a member of the AELS Board to participate.

Another area of mutual interest he mentioned was minimum standards of education for engineers. He indicated ASCE will formulate a position on the 'body of knowledge' issues.

He spoke in favor of mandatory CE as a condition of renewal, and a majority of ASCE supports CE, although some members strongly oppose a regulatory program.

Tim Sprout, ASPLS, spoke in opposition of licensing additional engineering disciplines as he felt the current system was adequate.

ASPLS is not opposed to the NCEES (ELSES) exam administration but he expressed concern over additional costs.

Stephen Gemmel spoke in opposition of mandatory CE. He is active in his professional society, IEEE. While the national IEEE supports mandatory CE, local members do not share the same views. He polled local members who were overwhelmingly opposed to a mandatory program. He felt it really comes down to the individual person and their motivation to learn. Those that want to learn will take on the challenges, others will take the path of least resistance. He was not able to find any evidence of demonstrated correlation between mandatory CE and competency. Roughly half the states require CE but this is not the time for the Board to embark on a mandatory program.

Legislative Report

Sunset Audit The AELS Board "sunsets" every four years. HB 35, sponsored by Rep. Kohring, passed the Legislature and was signed by the Governor on June 3, 2005. The bill extends the Board and the temporary landscape architect board member until June 30, 2009.

Other Legislative Requests:

Temporary Stop Work Orders The Board sought statutory authority for its investigator to temporarily halt projects not having the oversight of registered architect and/or engineers. The Board has found that when unlicensed practice is discovered on a large residential, commercial or public project, some owners will pay a fine for the unlicensed practice, but the work continues, jeopardizing the public safety and health.

HB 172 was introduced by Rep. Anderson, but did not get a hearing. The Board will continue to work on issues to curb unlicensed practice and to provide adequate protection to the public by ensuring expertise by design professionals on these projects.

Subgroups

Fire Protection Subgroup

In February, the Board took written and oral comments from people interested in the NCEES Policy #25. The feedback was substantial, expressing strong support for the current fire protection system in Alaska. Currently NICET level III and IV technicians provide design services as permitted by the State Fire Marshal under 13 AAC 50.35. Mechanical and Electrical Engineers provide oversight when necessary, and are involved in some, but not all projects.

The Board has concerns that existing statutes in AS 08.48 may conflict with the fire protection licensing granted by the Fire Marshal.

To address the issues, the Board Chair created a Fire Protection Subgroup. He appointed AELS members: Fredeen (Chair) and Morris, to work on issues and make recommendations for potential

statute changes that embrace the way services are currently provided.

Fredeen will ask for participants outside the AELS Board to assist and the Subgroup will make recommendations to the full Board prior to the next legislative session.

Engineering Disciplines subgroup Gilfilian, Chair, with members Hughes, Fredeen, and Morris. The subgroup is looking at expanding licensing engineers to include control systems, environmental, and geological engineering disciplines. The subgroup would revisit consideration of a “non-discipline specific” approach to engineering licensure.

The Board continues its work to recognize more specialties. One stumbling block has been how to keep the public informed about whom is qualified to provide the engineering services. Another issue is the potential for creating more overlap between the engineering professionals.

The Board asked the professional organizations for feedback to add environmental, control systems, and geological engineering as disciplines licensed in Alaska. (Current disciplines licensed in Alaska include civil, electrical, chemical, mechanical, mining, and petroleum engineering).

The feedback received so far has been mixed. Many jurisdictions offer a PE license, and the engineer works within the scope of practice of their specialty by virtue of education, exam, and experience. The Board felt it may be worthwhile to examine the pros and cons of this type of system, as it could be a way to allow people to practice their specialty (which could be tracked in the database) in Alaska. Such a system may be a way to recognize a specialty without splitting a discipline into many overlapping sub-disciplines.

Initially, at the request of geological engineering community, the Board is moving forward to public notice draft proposed regulations to add Geological Engineering as a discipline.

The Board believes the process of changing a system that can affect

many professionals and the public requires careful consideration.

The Incidental Practices/Overlap subgroup did not meet between the February and June Board meetings.

The Subgroup is charged with the large task of reviewing and defining incidental practice and address overlaps between the professions it oversees.

Maynard, Chair leads the Incidental Practices subgroup, and members are Brownfield, Baker, and Cyra-Korsgaard.

The Continuing Education (CE) Brownfield, Chair, and members Fredeen, Maynard, and (newly appointed) Hightower. Brownfield recommends the Board develop a mandatory program for continuing education as a condition of license renewal. The Board will continue to solicit input from professional groups.

The Board requested draft regulations be public noticed for land surveyor mandatory Continuing Education for renewal cycle 2007. A letter will be sent to licensed land surveyors asking for specific feedback on CE.

Two additional subgroups were added:

Disciplinary Action Subgroup

Baker, Chair, with members Morris and Hightower, charged to review follow-up to disciplinary action taken.

Fire Protection Subgroup

Fredeen, Chair, and one AELS member, Morris. The Chair will select the remaining subgroup members (an industry representative and Fire Marshal representative). Subgroup will make recommendations for legislative changes to ensure the current system, which seems to work well in Alaska, is supported by statute.

What's New

Continuing Education: Land Surveyors will get a letter explaining

the Board's proposal (if adopted) to require mandatory Continuing Education to be met as a condition of renewal in 2007, and asking them for feedback.

Electronic Signature and Transmittals of Drawings:

The Board requires a “wet signature” and either a “wet date” or an AutoCAD applied date on the date the professional architect, engineer, land surveyor, or landscape architect takes responsibility for the drawings. A date within the title block will not suffice. The date must be “within or contiguous to the seal”.

Samples of the seal are posted to the Board's website at www.commerce.state.ak.us/occ/pael.htm.

Engineering Disciplines: The Board is considering if it should license additional disciplines such as control systems engineers, environmental engineers, geological engineers.

Other Updates

The Board met with the Division Director, Rick Urion and discussed support for:

- site investigations by the agency investigators;
 - training for investigators.
- The Director indicated renewal fees will likely remain the same based on preliminary expenditure reports.

The Board Chair and some members will meet with the Director between meetings to discuss any issues.

Applicant Files Reviewed

The Board reviewed 56 applicant files: the Board approved 53 applicant files for examination or comity licensure for architects, engineers, land surveyors, and landscape architects. The Board found 3 applications incomplete.

AELS Deadlines

All applications for comity and any supporting documents are due in the *Juneau office* no later than **August 1, 2005** to be considered at the next AELS meeting scheduled for

August 18-19, 2005. The meeting will be held in Anchorage at the Atwood Building, Room 1270.

October NCEES exams:

The Board's staff will oversee engineering and surveying examinations on October 28-29, 2005, in Anchorage, Fairbanks, and Juneau.

All applications for PE, PLS, FE and FLS, examinations and any supporting documents are due in the *Juneau office* no later than August 1, 2005 (must be received by the Juneau office) in order to sit for the October 28-29, 2005 NCEES exams. The deadline for NCEES exam retakes is Sept. 12 .

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Regional and National Participation

Robert Gilfilian volunteers on a national NCEES Committee on Examinations for Professional Engineers.

Linda Cyra-Korsgaard serves as a "grader" to score the LARE exams for the Council of Landscape Architectural Registration Boards (CLARB).

Kenneth Maynard, FAIA, serves on the ARE Construction Document Subcommittee.

Staff Reports

Investigator's Report

George Weaver, Occupational Licensing Investigator for the AELS Board, reported the status on the investigative cases and actions. The report is located on our website at: <http://www.commerce.state.ak.us/occ/pael21.htm>

Building Officials Manual

The Building Official's Manual is posted to the AELS Website at <http://www.commerce.state.ak.us/occ/pael.htm>. The Board considers it to be a working document, and welcomes your comments.

Interested Parties List

To sign up to receive any proposed regulations that are public noticed by the agency, please contact:
Jun Maiquis, Regulations Specialist,
Division of Occupational Licensing, Dept.