

ALASKA AELS BOARD

August 2004

Quarterly Board Meeting

August Meeting Summary

Quarterly Board Meeting

Proposed Regulation Changes Adopted

Public Comment

Legislation

Subgroups

Disciplinary Action

What's New

Applicant Files Reviewed

Disciplinary Action

AELS Deadlines

Regional and National Participation

Staff Reports

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

PO Box 110806

Juneau, AK 99811

Phone: (907) 465-1676; 465-2540; 465-2691

Fax: (907) 465-2974

BOARD STAFF:

Nancy Hemenway

Executive Administrator

nancy_hemenway@commerce.state.ak.us

(907) 465-1676

Julie Adamson

Licensing Examiner

julie_adamson@commerce.state.ak.us

(907) 465-2540

Eleanor Vinson

Licensing Examiner

eleanor_vinson@commerce

(907) 465-2691

AELS Quarterly Board Meeting

The Board of Registration for Architects, Engineers, and Land Surveyors (AELS) held its quarterly board meeting on August 19-20, 2004 at the Kenai River Center, 514 Funny River Road, Soldotna, AK 99669.

Board members in attendance were: Donald J. Iverson, Chair; Linda Cyra-Korsgaard, Vice-Chair; Robert Gilfilian, Secretary; Clifford Baker, Boyd Brownfield, Craig Fredeen, Richard Hughes, Scott McLane, Kenneth Maynard, Kimberly Mills, and Patricia Peirsol.

AELS Staff in attendance were:

Nancy Hemenway, Executive Administrator; and Julie Adamson, Licensing Examiner.

Some highlights of the meeting:

Proposed Regulation Changes Adopted

The Board voted to adopt proposed regulation changes and to public notice to interested parties:

12 AAC 36.185 Sealing Specifications: The Board reconsidered regulations for sealing specifications. [Note: Current language is listed, any new language is underlined, language bracketed is being removed].

The draft proposed regulation reads:

(a) A registrant may
(1) not sign or seal a [PLAN] 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 [PLANS] 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 [PLANS] drawings, documents, or other professional work for which he or she does not have direct professional knowledge and direct supervisory control.

(b) If portions of [PLANS] drawings, documents, or other professional work are prepared by other registered professionals, a registrant may seal only that portion of the work for which he or she 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 inserting the date within the seal or in a close proximity to the seal.

(e) The registrant, by sealing final drawings, takes responsibility for related discipline specifications included in the final drawings, unless pursuant to AS 08.48.221, the registrant certifies on the face of the document the extent of the registrant's responsibility.

The Board considered and adopted the following changes to its Engineer by Comity regulations that would allow Canadian applicants for engineering, with five or more years of registration in Canada, to become licensed by taking the PE exam (in one of the six disciplines licensed), and by providing two letters of reference.

The proposed regulation reads:

12 AAC 36.105 (c)(2)

if the applicant has been practicing engineering as a registered engineer in the U.S. for five years or more, provide two current letters of reference from registered engineers practicing in the specific branch of engineering for which the applicant has applied [.] ; or (3) if the applicant has been practicing for five years or more as a professional engineer in Canada, with a license issued by a provincial or territorial engineering association recognized by the Canadian Council of Professional Engineering (CCPE), the applicant must

(A) provide two current letters of reference from U.S. or Canadian registered engineers, and

(B) successfully pass the examination listed in 12 AAC 36.100 (c) in the branch of engineering for which the applicant has applied.

12 AAC 36.061 Architect Education Standard 2004-2005. Technical changes were made to the current NCARB education standards – this adoption is done annually.

Department of Law finished its review:

After Department of Law review, regulations were signed by the Lt. Governor, and became final effective July 22, 2004:

12 AAC 36.040, Simplified (Landscape Architect) Application for reexamination. A change was made to ensure retake applications were processed prior to the CLARB deadline to order exams.

12 AAC 36.063, Engineering Education and Work Experience. A provision was added to the table to allow for candidates to receive credit for an ABET accredited degree not in the branch of engineering (six disciplines are licensed in Alaska), and an advanced degree (M.S. or Ph.D.) acceptable to the Board.

Still pending at the Department of Law are:

Provisions to remove portions of the tables for examinations for engineers and land surveyors that no longer apply since the date for application has passed; and for landscape architects to count certain experience towards registration (12 AAC 36.062, .063, .064, .065, and .068).

One additional proposed regulation change would allow credit for advanced degrees for landscape architect applicants in 12 AAC 36.068. This allowance is consistent with the credit for advanced engineering or land surveying degrees.

Still being drafted and not yet adopted are:

The Executive Administrator will develop draft regulations for the Board to consider at its November 18-19, 2004 meeting:

12 AAC 36.105, 107: Engineers and Architects by Comity. The Board is recommending expedited processing for Engineers holding an NCEES Council Record stamped “Model Law Engineer”, Land Surveyors holding an NCEES Council Record stamped “Model Law Land Surveyor”, and for Architects holding a “Blue Book”

NCARB Council Record Certificate. The Board asked its Executive Administrator to draft regulations to allow staff to issue licenses to the applications certified by NCARB and NCEES, to be considered at its November 2004 meeting.

Public Comment

No public comment was taken.

Legislative Requests

A bill passed last legislature (HB 252 (Rep. McGuire) that contains provisions for Continuing Education (CE), Term Limits, and partially exempt Executive Administrator.

Th bill passed the Legislature in May, was signed by the Governor, and becomes effective on 9/14/04.

The bill gives the Board the statutory authority to develop a mandatory CE program. The model the Board is considering for the CE regulatory program is based on the NCEES recommended guidelines for CE. The Board will look at CE at its November 2004 meeting.

Partial terms of less than two years would not count towards Board member Term Limits (two terms, 4 years each).

The bill provides statutory authority for the Board's administrator as a partially exempt employee (reclassified as supervisory last year).

Specialty Contractors The Board continues to have concerns about the current exemption under AS 08.48.331 (7) for specialty contractors. The Board's Investigator reports that some specialty contractors perform unlawful design work under the auspices of the specialty contractor exemption. A provision in the bill would have made clear that design work must be done under a registered professional (AELS).

Last Legislature, two bills were introduced (HB 268 (McGuire)/SB 206 (Seekins), but both bills died. The Board will pursue this legislative request again in its Annual Report to the Legislature.

Subgroups

The AELS Board met in three informal subgroups **Engineering Disciplines, Incidental Practices, and Host**

09/10/04

Committee- Western Zone. The subgroups reported back to the Board. The Engineering Disciplines subgroup recommended regulation changes for Canadian Comity licensure.

Engineering Disciplines subgroup is led by Gilfilian (Chair), and members are Iverson, Hughes, Fredeen, and McLane.

The Incidental Practices subgroup will gather information from other jurisdictions and will work on identifying incidental practice of minor importance (architects/engineers); landscape architectural work and any overlaps between landscape architecture and other design professions; and land surveyor and engineering functions within subdivisions.

The Incidental Practices subgroup is led by Maynard, Chair, and members are Brownfield, Baker, and Cyra-Korsgaard.

The Western Zone Host Subgroup met and discussed the 2005 Western Zone meeting. The subgroup is led by Mills, Chair, and members are Peirsol, Iverson, Brownfield, and Fredeen, with assistance from former Board members Miller and Kalen.

The Subgroup on Continuing Education is considering draft regulations for continuing education and will also report to the full Board at the November 18-19, 2004 meeting.

What's New

AELS Forum at the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) meeting on September 16, 2004, at 5:30 p.m. - 8 p.m., to be held at the Sourdough Mining Company, at 5200 Juneau St., Anchorage, AK (reception 5:30 to 6:00 p.m., followed by the dinner and program). Cost of the dinner is \$20. The purpose of the forum is to discuss issues informally. For more information contact Craig Fredeen at 339-5325; or RSVP to cfredeen@ascg.com by 9/14/04.

Landscape Architect Registration Exam (LARE):

Candidates must apply directly with CLARB to take the multiple-choice sections of the LARE exam, (A,B, and D) offered as computer administered exams in March.

Candidates should contact CLARB (clarb.org) for application deadlines. CLARB candidates do not need to submit their qualifications but need to agree to the affidavit, which indicates that they meet the requirements to sit for the computer-administered sections. Multiple-choice sections will be given at LaserGrade testing locations and there are currently 8 centers in Alaska.

More information is posted to our website at the URL:

http://www.dced.state.ak.us/occe/pub/ExamSchedule_LARE.pdf

Architect by Comity licensure: The Board will consider an alternative to the NCARB Council "Blue Book" Certificate at its November 18-19, 2004 meeting. The education requirements are not expected to change and are listed in 12 AAC 36.061 (a) (1), and candidates initially licensed after January 1, 1990, must have completed IDP to satisfy the experience requirement.

Other Updates

The Board met with the Division Director, Rick Urion. The Board discussed and reiterated its strong support for:

- site investigations by the agency investigators (to ensure compliance to protect the public health and safety);
- ongoing travel to regional and national meetings for board members and reinstatement for travel for the Board's administrator (in order to participate in discussions and keep abreast of emerging national issues).

Applicant Files Reviewed

The board reviewed 123 files: the Board approved 117 applicant files for examination or comity licensure for architects, engineers, land surveyors, and landscape architects. They found incomplete 3

applications; approved 1 FE Waiver, denied one FE waiver; and denied one Land Surveyor by Comity.

Disciplinary Action Taken

The Board voted to adopt three Memorandums of Agreement:

Kenneth Butts, Alaska Architect license #7673, Case No. 100-03-002. Mr. Butts was performing work beyond the scope of his practice by performing mechanical and electrical engineering services. He received two prior warning letters from the AELS Board that he was exceeding the scope of his license. Mr. Butts is required to pay a civil fine in the amount of \$5,000 within 120 days, with \$2,000 suspended; and to cease and desist from working or offering to work as an engineer in the State of Alaska.

Seth Yerrington, Alaska Architect license # 2143, Case # 0100-02-994 and 0100-02-006.

Mr. Yerrington sealed drawings on four projects that were incomplete and failed to meet the minimum professional standards for an architect.

Mr. Yerrington's license is to be on probation for 1 year, with specific provisions for absences from the state that apply; he must submit to peer review and reporting requirements, and must obey all laws pertaining to the practice of architecture in this state or any other state.

Albert Bianchi, Alaska Land Surveyor license # 3141, Case No's: 0104-96-001, 0104-98-002.

Mr. Bianchi sealed plats that were below the minimum professional standards for a professional land surveyor.

Mr. Bianchi is required to voluntarily surrender his license to the Alaska Division of Occupational Licensing on January 3, 2005.

Mr. Bianchi will provide the agency a list of all land surveying contracts by July 30, 2004 and he agreed to report subsequent new contracts to the investigator.

Mr. Bianchi also agreed he will not enter into any new contracts for land surveying work that involve the setting or recording of monuments between July 15, 2004 and January 3, 2005, and he will never apply for a new land surveying license in Alaska.

AELS Deadlines

All applications for comity and any supporting documents are due in the *Juneau office* no later than **November 8, 2004** to be considered at the next AELS meeting scheduled for November 18-19, 2004 meeting. The meeting will be held at the Atwood Building, 550 W. 7th Ave., Anchorage, AK 99501.

All applications for PE, PLS, FE, FLS, and AKLS examinations and any supporting documents are due in the *Juneau office* no later than January 18th, 2004 (must be received by the Juneau office) in order to sit for the October 2004 NCEES and AKLS exams. The October NCEES exams will be held on October 29-30, 2004 in Anchorage, Fairbanks, and Juneau. The deadline for NCEES examination retakes is September 14, 2004.

Regional and National Participation

The Board will send a representative to CLARB annual meeting September 23-25, 2004 to be held in Philadelphia, PA.

Bob 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).

Patricia Peirsol serves on the NCARB Professional Development Committee.

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

Former AELS Board members serve as **emeritus members** on the following committees:

Lance Mearig, PE, serves on the NCEES Examination Policy and Procedures (EPP) Committee.

Robert Miller, Ph.D., PE, serves on the NCEES Task Force: Engineering Licensure Qualifications Task Force (ELCOG); and

Pat Kalen, PLS, serves on the NCEES Committee for Uniform Procedures and Legislative Guidelines (UP & LG) and on the Western Zone as Chair of the Nominating Committee

Staff Reports

Investigator’s Report

John Clark, 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.dced.state.ak.us/occ/pael21.htm>

Board Administrator’s Report

The AELS Executive Administrator reported on statistics of registrants and exams. Staff reports are posted to the AELS website at: <http://www.dced.state.ak.us/occ/pael21.htm>

Building Officials Manual

The Building Official’s Manual is posted to the AELS Website at <http://www.dced.state.ak.us>. The Board considers it to be a working document, anticipates ongoing changes to the Building Officials Manual, and welcomes comments.