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

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**Minutes of Meeting
August 18-19, 2005**

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By authority of AS 08.01.070 (2) and in compliance with the provision of AS 44.62, Article 6, the Board of Registration for Architects, Engineers and Land Surveyors, (AELS) held a meeting at the Atwood Building, 550 West 7th, Room 1270, Anchorage, Alaska.

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Agenda Item 1 – Call to Order and Roll Call

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The Chair called the meeting to order at 9:05 a.m.

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22

Members present and constituting a quorum of the Board were:

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- Kenneth Maynard, Architect, Chairperson
- Clifford Baker, PLS, Land Surveyor
- Boyd Brownfield, PE, Civil Engineer
- Craig Fredeen, PE, Mechanical Engineer
- Robert Gilfilian, PE, Civil Engineer
- Richard Heieren, PLS, Land Surveyor
- Harley Hightower, Architect
- Richard Hughes, PE, Mining Engineer
- Mark Morris, PE, Electrical Engineer

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34

The temporary landscape architect and public member positions are presently vacant.

35
36

Representing the Division of Occupational Licensing were:

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- Ginger Morton, Executive Administrator
- Eleanor Vinson, Licensing Examiner
- John Clark, Division Investigator

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42

George Weaver, Division Investigator

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44

Joining part of the meeting were the following members of the public:

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47

- Dale Nelson, 409 W. 12th Avenue, Anchorage, Alaska, representing the Alaska Professional Design Council (APDC) and the Alaska Society of Civil Engineers (ASCE),

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- Carol Olson, Deputy Fire Marshal, 5700 E Tudor Rd, Anchorage, Alaska, representing the State Fire Marshal's office;

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- Don Pamplin, 1436 Harrison Ave., Blaine, Washington, representing the National Fire Sprinkler Association, Inc. (NFSA);

1 Nick Bakic, 816 Whitney Road, Anchorage, Alaska, representing ACCEL Fire Systems,
2 Inc.;

3
4 Ken Buettner, 5601 Silverado Way, Anchorage, Alaska, representing Yukon Fire;

5
6 Jeffrey Wilcheck, 10641 Concord Hill Circle, Anchorage, Alaska, representing Chinook
7 Fire Protection; and

8
9 JoAnn Neumaier, 5135 Huffman Road, Anchorage, Alaska.

10
11 **Agenda Item 2 – Review/Amend Agenda**

12
13 The following amendments were made to the Agenda:

- 14
15 • Under Item 17, Telephonic Meeting with AAG David Brower, a discussion was added
16 regarding removing the word “land” from references to the land surveying
17 examinations in regulations.
18 • Under Item 19, New Business, add NCEES Western Zone Minutes and Maynard’s
19 NCARB report.
20

21 **Agenda Item 3 – Ethics Report**

22
23 The Chair asked if any members had any ethics disclosures to report.

24
25 Baker indicated that there has been a lawsuit filed against his professional integrity. Maynard
26 stated it might be charges against his surveying competence, but not his integrity. The board
27 did not feel this constituted an ethics violation.
28

29 Hightower told the board that he had received his professional license based on experience and
30 wondered if there would be bias on his part when discussing the issue of requiring five-year
31 degrees for licensure, as the NCEES is promoting. Maynard indicated he did not view this as a
32 problem, and the remaining board members concurred.
33

34 Heieren related that he had talked with AAG Brower and Brower confirmed there is no ethical
35 violation associated with Heieren’s appointment as a director of the board for the Alaska Society
36 of Professional Land Surveyors (ASPLS).
37

38 **Agenda Item 4 – Review/Approve Minutes**

39
40 The Chair asked if there were any changes to the draft minutes from the June 2-3, 2005 board
41 meeting.
42

43 **On a motion duly made by Heieren, seconded by Gilfilian, and approved unanimously it
44 was**

45 **RESOLVED to adopt the minutes from the June 2-3, 2005 meeting as written.**
46

47 The Chair asked if there were any objections and there were none. The Chair indicated the
48 minutes were approved as written.
49

50 The board held a short discussion on the length and content of the minutes. Most board
51 members indicated a preference that the minutes be shortened to include motions, action items,
52 etc., and not lengthy discussions.
53

1
2 Maynard then requested that the Executive Administrator distribute draft minutes and the
3 accompanying task list to the board within three weeks following a board meeting so that the
4 members have time to complete the tasks assigned to them.

5
6 **Agenda Item 5 – Correspondence**

- 7
8 A. WCARB: Dues Structure. Following a short discussion the board elected to leave the dues
9 structure as it currently is: \$6500, which allows reimbursement of general travel expenses,
10 excluding registration fees, for one Board Member and one Member Board Executive to
11 attend the NCARB and WCARB annual meetings.
12
13 B. Bloomfield & Associates: Letter to NCARB. Informational only, no board action required.
14
15 C. Office of Administrative Hearings: New Laws. Following a discussion of the new laws
16 effective July 1, 2005, the board had several unanswered questions and asked the
17 Executive Administrator to set up a meeting with Terry Thurbon, Chief Administrative Law
18 Judge; said meeting to be attended by the Executive Administrator and Mark Morris.
19
20 D. NCEES: National Pass Rates. Informational only, no board action required.
21
22 E. CLARB: Nominees for CLARB Office/Resolutions. Informational only, no board action
23 required.
24
25 F. ABET: Letter to Board Chair re ECEI. Information only, no board action required.
26
27 G. APDC: Expansion of Engineering Disciplines. The board reviewed correspondence from
28 Shawn Florio, P.E., President of the Alaska Professional Design Council (APDC). In this
29 correspondence, APDC strongly encourages the AELS Board to work toward licensing
30 “Professional Engineers,” and to not expand the engineering disciplines. Gilfilian indicated
31 the Engineering Disciplines Subgroup would consider this correspondence and incorporate
32 it into its report back to the board later in the meeting.
33
34 H. NCEES: Council Record for Comity Licensure. After review, the board requested the
35 Executive Administrator respond to NCEES indicating that Alaska will not be requiring a
36 Council Record for comity licensure.
37

38 **Agenda Item 6 –Subgroups**

39
40 Baker handed out a spreadsheet summarizing the overlap of various types of practice. He
41 pointed out that the engineering disciplines and incidental practice subgroups were starting to
42 cross over and suggested the two work together.
43

44 With regard to engineering disciplines, Maynard stated that the board would not be protecting
45 the public by having only a Professional Engineering license and then allowing engineers to
46 practice “willy-nilly” based on their own assessment of professional ability.
47

48 Gilfilian responded that this would be discussed when they broke into subgroups, but that there
49 is a lot of support out there for a general engineering license and that it is not as big a problem
50 in other states as one might expect.
51

52 Baker commented that rather than studying the overlap of engineering disciplines, the board
53 should be looking at the overlap of the professions of surveying, architecture, engineering and
54 landscape architecture. He then stated that architects and surveyors already practice under a

1 general license because there are many different types of surveying and architecture, but those
2 professions are not broken into disciplines, as is engineering.

3
4 Before meeting in subgroups Maynard told the board that the subgroups needs to set timelines,
5 otherwise discussion could just go on and on, and action needs to be taken. On this topic he
6 offered that the subgroup on continuing education was just about “put to bed.” However,
7 Brownfield noted that the board needed to take action on this topic.

8
9 Also regarding subcommittees, Brownfield commented that all the members in the subgroups
10 need to participate and not just have one person do all the work and have the others in the
11 subgroup simply weigh in.

12
13 Brownfield referred the board to his June 2, 2005 subcommittee final report regarding
14 continuing education. After discussion the board agreed it should move on to phase #2, which
15 is directing a new subgroup to prepare proposed regulations for mandatory continuing
16 education for architects and engineers.

17
18 Baker asked to be removed from the disciplinary action and process subgroup, and Hightower
19 was asked to take his place.

20
21 Fredeen indicated he had nothing to report on electronic transmittals and signatures.

22
23 The board met in subgroups for 30 minutes.

24
25 **Agenda Item 7- Investigator Report – John Clark/George Weaver**

26
27 Investigator John Clark introduced himself for the benefit of new members whom had not yet
28 met him. He explained that he has been the board’s investigator for approximately 10 years.
29 He stated that the board also has a second assigned part-time investigator, George Weaver.

30
31 Clark then turned to the investigative report dated August 4, 2005. He explained that more
32 cases should have been closed, and that about 14 of the cases on the report will be closed by
33 the end of the next week.

34
35 Case No. 012-0303: Clark explained that this was a Cease and Desist against Mike Tauriainen,
36 a Civil Engineer who worked outside the scope of his education and training by doing
37 architectural design work on a building. He told the board the matter was set for hearing on
38 August 22, 2005, and that George Weaver is the investigator assigned to the case.

39
40 Case No. 0105-02-2 Draft Filings Pending Attorney General Action:

41
42 This is a case where an individual refused the Memorandum of Agreement (MOA) and Clark
43 explained that he had gone ahead and sent the information to the Attorney General’s Office
44 where an Accusation will be initiated. Once this is done the case will be cleared up in the next
45 board report. Clark further explained that once a case is given to the AG’s Office the
46 investigators have no further control. He told the board that the AG’s office, in response to his
47 inquiries, has told him this case is on their list of things to do.

48
49 Clark stated that there are only two assigned AAG’s to work with 16 investigators and 36
50 boards, so they do have a high workload.

51
52 Clark asked if the board had any questions for him.

53
54 Brownfield asked why the investigators call on board members for opinions without explaining

1 what the case is, and wondered if there was a better way to handle investigative cases. He said
2 he feels he is being asked to make judgments without information and that the system is flawed.

3
4 Maynard explained that the investigators are bound by AELS' statutes and regulations.

5
6 Clark explained to the board that the investigators cannot discuss anything that does not appear
7 on the investigative report unless it is a licensing action. In those cases the name of the
8 licensee will appear on the report and the circumstances of the action. Clark explained that
9 there have been Attorney General Opinions that require investigations be handled in this matter.

10 If the board knows too much about a particular case, and it should go to an administrative
11 hearing, the board would be unable to sit in a quasi-judicial setting, as it would have too much
12 knowledge of the case. He said it goes back to ex parte communication and that the board
13 cannot make an independent judgment if it already has knowledge of all the facts in the case.

14
15 Morris asked Clark if there was anything the board could do to aid him in his investigative work.

16
17 Clark responded that he would like to see a statute that states, unless specifically exempt under
18 AS 08.48.331, that a building must be designed by a person registered as a design professional
19 in Alaska. He would also like to see a law that would give the investigators authority to issue a
20 stop work order when this situation is encountered. Clark told the board that there had been
21 proposed legislation for the stop work order during the last legislative session.

22
23 The board asked the Executive Administrator to resurrect the proposed legislation, and that the
24 board should try to get this before the legislature during the next session. Clark indicated he
25 would forward language requiring the use of registered design professionals in construction to
26 the Executive Administrator. This item is to be placed on the November meeting agenda.

27
28 Hightower asked if the board was sure there was no enforcement of the requirement that
29 buildings have registered design professions, and Deputy Fire Marshal Olson indicated that the
30 Fire Marshal's Office has authority and does try to issue and enforce stop work orders.

31
32 Maynard, Brownfield and Morris indicated they would form a subgroup to pursue the legislative
33 changes suggested by Clark. Maynard felt it important that Director Urion, the Fire Marshal's
34 Office and the APDC all be on board in this effort.

35
36 Before concluding the investigative report, Maynard told Clark he was somewhat troubled by the
37 number of old, still open cases. He said he would like to see a backlog of not more than two
38 years. Clark said that the investigators simply do not have the time to handle all the cases, and
39 most of them are closed with just a letter. He told the board that his supervisor had addressed
40 this issue with him and they would be closing the older cases with just a letter. In addition,
41 Director Urion had issued a memorandum indicating that cases over a year old with no activity
42 should be closed.

43
44 Maynard expressed concern with this; saying that the severity of the case, not the date, should
45 determine whether or not it is closed without action. Clark did say that if he believes a case has
46 merit and should not be closed, the division would back him and see the case through to
47 conclusion.

48
49 The board and Clark had a short discussion on the Tauriainen hearing set for Monday, August
50 22, 2005.

51
52 The board thanked Clark and Weaver for their investigative report.

1 **Agenda Item 8 – General Discussion with Building Official and Deputy Fire Marshal**

2
3 Building Official Ron Thompson was invited but was not in attendance.

4
5 The board welcomed Deputy Fire Marshall, Carol Olson.

6
7 Olson said she had not been asked to bring anything forward but would like to discuss the
8 NICET. She said she understood a task force was being formed for a NICET committee, and
9 she would like to be a part of that committee (fire protection legislation task group). The board
10 asked Olson for her opinion on the make up of that task force, and she suggested someone
11 from the Fire Marshal’s Office and someone from each discipline licensed by the AELS Board.

12
13 A discussion was held on whether this task force should be a group of individuals outside the
14 AELS Board, whereas the fire protection subgroup was a subcommittee of board members only.
15 The purpose of the task force would be to look at statutes and regulations regarding NICET
16 technicians and what loopholes the other disciplines/groups want closed.

17
18 Olson expressed her interest in serving on the board in the vacant public member position. The
19 Executive Administrator was asked to provide her with contact information for Board and
20 Commissions.

21
22 Baker asked Olson how the Fire Marshal’s Office would feel about Clark and/or Weaver being
23 able to issue stop works orders, and she said she thinks it is a good idea.

24
25 Don Pamplin, NFSA, indicated he would also like to be included in the NICET task group.

26
27 **Agenda Item 10 – Regulation Update**

28
29 The board was ahead of schedule so moved to Agenda Item 10.

30
31 Jun Maiquis, Regulations Specialist, joined the meeting by teleconference at 11:15 a.m.

32
33 Maiquis told the board that the regulation projects before them had been approved for public
34 notice but, in fact, had not been public noticed, and was being brought back to the board at the
35 request of the Assistant Attorney General Gayle Horetski.

36
37 E. 12 AAC 36.064. Eligibility for fundamentals of [LAND] surveying examination and 12 AAC
38 36.065. Eligibility for professional [LAND] surveyor examination.

39
40 First the board discussed with Maiquis why the word “land” cannot be removed from 12 AAC
41 36.064 and 12 AAC 36.065. There had been a proposed regulation to remove the word “land”
42 because the National Council of Examiners for Engineering and Surveying (NCEES) was
43 changing the name of its national examinations to remove the word “land” from the surveying
44 examinations.

45
46 Gayle Horetski, the Assistant Attorney General assigned to work on these regulations, had
47 advised Maiquis that removing the word “land” from 12 AAC 36.064 and .065 could not be done
48 without a statute change. Horetski had told Maiquis, however, that 12 AAC 36.100(d)(1),
49 Content of Examination, could reflect the change in the name of the national exams.

50
51 Baker explained that it is not just a matter of removing the word “land” from surveying,
52 but actually changing the name of surveyors from “land surveyors” to “surveyors” to
53 encompass all types of surveying, as the profession has evolved to include other types
54 of surveying.

1
2 The Executive Administrator and Maiquis were asked to bring to the next meeting an
3 explanation from Horetski on this matter.
4

5 Heieren commented that the name of the board would also need changing to remove the word
6 "land" from the surveying title, and anywhere else it appears in statute. The board indicated it
7 would be pursuing legislation to make this change during the next legislative session.
8

9 A. .111 Inclusion/Exclusion of Surveying. Baker stated that he thought this regulation project
10 had to do with a list that former board member McLane had put together to address
11 photogrammatrists.
12

13 B. New Article 4: CE for Land Surveyors. Baker indicated that the general body of licensed
14 surveyors is in favor of continuing education (CE). Horetski had made the suggestion to
15 Maiquis that the title for the new Article 4 be changed from "Continuing Education" to
16 "Continuing Education for Land Surveyors." Following a brief discussion, the board also
17 agreed with this change.
18

19 C. .068 Landscape Architect Mentoring. Maiquis told the board that Horetski had suggested
20 changing the language to read "...must successfully complete a mentoring program..." in
21 place of "...mentoring system...". Maynard agreed.
22

23 D. .067 Date of Experience (Engineers/Surveyors).
24

25 F. .990 & .910 Geological Engineering/Scope of Practice. Gilfilian noted that a new section
26 (17)(g) is required under 12 AAC 36.990, Definitions, to include geological engineering.
27

28 **On a motion duly made by Baker, seconded by Heieren, and approved unanimously, it
29 was**
30

31 **RESOLVED to approve the following proposed regulations for public notice:**
32

- 33 • **12 AAC 36.067. DATE OF EXPERIENCE**, adding the sentence: "The applicant
34 can be approved for an examination if the computation of qualifying work
35 experience is within 60 days of the amount needed for registration but proof of
36 verification of the remaining experience must be received from the applicant's
37 supervisor prior to the license being issued."
38
- 39 • **12 AAC 36.068(c)**, which adds the language "...or the applicant must
40 successfully complete a mentoring program as defined in this section."
41
- 42 • **A new section 12 AAC 36.068(f)(1)-(3)**, which defines the mentoring program
43 referenced in 12 AAC 36.068(c).
44
- 45 • **A new section 12 AAC 36.111. Practice of land surveying**.
46
- 47 • **A new Article 4, Continuing Education for Land Surveyors**, which includes 12
48 AAC 36.400 - .455 setting out the purpose of continuing education (CE), CE
49 requirements, criteria, units, computation of credits, exemptions, comity/out-
50 of-jurisdiction resident, report of CE, record keeping, audit and review of
51 records, reinstatement and forms.
52
- 53 • **A new section 12 AAC 36.910 to add geological engineering**.

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- **A new section 12 AAC 36.990(a)(34) defining geological engineering.**
 - **A new section 12 AAC 36.990(17)(g) listing “geological engineering” as a recognized branch of engineering.**
 - **Repeal 12 AAC 36.135(5) which requires applicants for certificates of authority to provide a certificate issued by the division of banking, securities and corporations showing the firm is registered in the state, as staff can obtain this information internally at no cost.**

12 **Proposed changes to 12 AAC 36.064 - .065 to change the name of the professional**
13 **land surveying exams by deleting the language “land” was not approved.**

14
15 The Chair asked if there were any objections and there were none

16
17 Maynard asked that the APDC and the Alaska Society of Professional Land Surveyors (ASPLS)
18 be added to the AELS interested parties’ list and be sent a copy of the regulations being public
19 noticed. Heieren also wanted to make sure that all surveyors will be sent a copy of the
20 proposed regulations, and that Maiquis had received a list of the geological engineers, so that
21 they too would receive the proposed regulations. One additional name was added to the
22 interested parties’ list; the Alaska Miner’s Association.

23
24 Maiquis suggested, and the board agreed, to amend 12 AAC 36.100(d)(1) to change the name
25 of the land surveying examination to “The NCEES Principles and Practices of Surveying”,
26 deleting the word “land.”

27
28 The teleconference meeting with Maiquis concluded at 11 45 a.m.

29
30 Mortgage Location Surveys.

31
32 Heieren reported that the Nebraska Board, an autonomous board, had adopted standards by
33 reference from the Nebraska State Society. He said he would not be comfortable putting
34 standards into AELS’ regulations and he would like to see that deferred to the surveyors’ state
35 society. Baker and Gilfilian agreed, saying that the AELS’ regulations are not the place for the
36 standards to be addressed. Gilfilian stated that perhaps they could be in the regulations of
37 DNR, or in Title 34 as previously discussed, but somewhere more appropriate than the board’s
38 regulations. Baker indicated the AELS board could adopt by reference the ASPLS standards.

39
40 Gilfilian gave a brief history of the mortgage surveys by telling the board that there had been
41 many complaints to the legislature, and there was a threat that if the board did not create the
42 standards, then the legislature would. Gilfilian said he would prefer the board come up with the
43 standards instead of the legislature.

44
45 Morris told the board that in the electrical design profession, all electrical design work has to be
46 done per the National Electrical Code and Alaska has the standards under the Fire Marshal’s
47 statutes. He agreed with the other members that it would be best if the standards were under
48 laws other than those of the AELS Board.

49
50 Baker concluded the discussion by telling the board that the ASPLS Board of Directors was
51 meeting in the next couple of days, and suggested that the board defer on this item until the
52 results of that meeting are known. This topic will be discussed again at the November board
53 meeting.

1
2 The Chair asked to break for lunch and to reconvene for public comment.

3
4 Break for lunch at 11:55 a.m.

5 Reconvene at 1:15 p.m.

6
7 **Agenda Item 9- Public Comment**

8
9 The Chair asked for the names of the public members for the record.

10
11 Nick Bakic, representing Accell Fire Systems.

12 Don Pamplin, Regional Manager, National Fire Sprinkler Association.

13 Jeffrey Wilcheck, representing Chinook Fire Protection.

14 Ken Buettner, representing Yukon Fire Protection Services, Inc.

15 Dale Nelson, representing the APDC.

16 Carol Olson, Deputy Fire Marshal.

17 Pat Kalen, former AELS board member.

18 JoAnne Neumaier.

19
20 Wilcheck gave a brief background of NICET. He told the board that with his NICET certification,
21 he has over 24 years experience in this business, beginning with design and now management.
22 He is in favor of mandatory continuing education.

23 Pamplin stated that the NFSA has been a provider of continuing education for over 25 years.

24
25
26 Fredeen felt that there should be broad representation on the NICET task force/committee. He
27 said he had talked earlier with Carol Olson and had asked her to provide a list of interested
28 persons from the Fire Marshal's Office. Fredeen said that his initial thought was to keep the
29 committee small, i.e., a couple engineers, a couple contractors, a couple state representatives
30 and someone from the Fire Marshal's Office.

31
32 Pamplin spoke in favor of the NICET committee/task force being formed.

33
34 A discussion was held on whether this task force should be a group of individuals outside the
35 AELS Board, whereas the fire protection subgroup was a subcommittee of board members only.
36 The purpose of the task force would be to look at statutes and regulations regarding NICET
37 technicians and what loopholes the other disciplines/groups want closed.

38
39 Maynard asked Fredeen to give a brief background on the fire protection issue.

40
41 Fredeen explained that what started all this was that NCEES put out Policy 25 that basically
42 said NCEES recommends that every fire protection system should have oversight by an
43 engineer and be designed by an engineer. The policy said every project, and there are a lot of
44 residential and work in the bush that engineers are not involved in. Fredeen said that the way
45 the system currently works, which everyone seems to be happy with, is that NICET technicians,
46 by state law, are allowed to do design work. Continuing, he said that there is a conflict because
47 there is a section of the state law that talks about NICET certification, which is in conflict with
48 AELS statutes, which state that if it is design work it is engineering.

49
50 Gilfilian concluded the discussion by saying that the board needs to get the committee going
51 and get some answers regarding the conflict in statute from AAG Brower.

52
53 The public members thanked the board and left the meeting at 1:30 p.m.

1 Another public member, JoAnne Neumaier, joined the meeting at 1:40 p.m. She indicated she
2 was from Municipal Light & Power/Institute of Electrical and Electronics Engineers, Inc. (IEEE),
3 but was not speaking for any entity at this meeting.
4

5 Neumaier spoke to the board about continuing education (CE) for engineers. She said she
6 would like to see some measure that would encourage engineers to become more active in
7 professional organizations and receive CE credit for serving on subcommittees. She said that
8 most engineers are not against mandatory CE, but that people are concerned about the
9 availability of CE courses, especially in the bush and smaller communities. The board and
10 Neumaier discussed mentorship among electrical engineers. They also discussed various
11 companies providing continuing education in-house. Morris encouraged Neumaier to talk to
12 IEEE and have IEEE let the board know what ideas they have for continuing education.
13

14 Maynard explained to Neumaier that the last two legislative audits recommended that the board
15 institute mandatory continuing education, and that if the board did not, the legislature would.
16

17 Morris told Neumaier that many engineers voluntarily earn CE and that the board wants to make
18 sure that when it sets the requirements for CE, that those requirements work with what
19 engineers are already doing so that the CE workload is not doubled. Morris said that if
20 Neumaier could have the members of IEEE look at how they currently do their CE, write that
21 down, and as a group put together a list of the CE they are already doing, it would help the
22 board in setting the CE requirements.
23

24 Neumaier left the meeting at 1:50 p.m.
25

26 Brownfield spoke to the board of the advantages of having Carol Olson, Deputy Fire Marshall,
27 appointed to the public member vacancy on the board. The members agreed, based on Olson's
28 background and experience, that she would be an asset to the board. The board also
29 discussed the advantages of having an attorney on the board.
30

31 Fredeen told the board that former Executive Administrator, Nancy Hemenway, was not going to
32 pursue the public member vacancy on the board.
33

34 **Agenda Item 11 – Application Review**

35
36 **On a motion duly made by Gilfilian, seconded by Brownfield and approved unanimously,**
37 **it was**

38
39 **RESOLVED to adjourn into executive session for the purpose of reviewing**
40 **applicant files.**
41

42 The Board adjourned into executive session at 2:00 p.m.
43

44 A sign was placed on the door indicating that the board was now in Executive Session.
45

46 The board recessed at 6:30 p.m. until 8:00 a.m. Friday, August 19, 2005.
47

48 **Friday, August 19, 2005**

49 **Agenda Item 12 – Reconvene Meeting/Roll Call**

50
51
52 The Chair called the meeting to order at 8:00 a.m.
53

1 Members present and constituting a quorum of the board were:

2
3 Kenneth Maynard, Architect, Chairperson
4 Clifford Baker, PLS, Land Surveyor
5 Boyd Brownfield, PE, Civil Engineer
6 Craig Fredeen, PE, Mechanical Engineer
7 Robert Gilfilian, PE, Civil Engineer
8 Richard Heieren, PLS, Land Surveyor
9 Harley Hightower, Architect
10 Richard Hughes, PE, Mining Engineer
11 Mark Morris, PE, Electrical Engineer

12
13 The temporary landscape architect and public member positions are presently vacant.

14
15 Representing the Division of Occupational Licensing were:

16
17 Ginger Morton, Executive Administrator
18 Eleanor Vinson, Licensing Examiner

19
20 Joining a portion of the meeting by teleconference:

21
22 David Brower, Assistant Attorney General, Department of Law
23 Jennifer Strickler, Chief, Occupational Licensing
24 Kathy Taylor, Accounting Technician II, Occupational Licensing
25 Rick Urion, Director, Occupational Licensing

26
27 Public members attending a portion of the meeting were:

28
29 Don Pamplin, National Fire Sprinkler Association
30 Jeffrey Wilcheck, Chinook Fire Protection
31 Ken Buettner, Yukon Fire
32 Nick Bakic, Accel Fire
33 Patrick Kalen, ACSM

34
35 The board remained in Executive Session until 8:20 a.m. to complete the review of applicant
36 files.

37
38 **Agenda Item 14 – Subgroup Reports**

39
40 A. Engineering Disciplines

41
42 Gilfilian reported for the engineering disciplines subgroup, which subgroup is comprised of
43 himself, Hightower, Hughes, Morris and Fredeen.

44
45 Gilfilian stated his subgroup had discussed geological, control systems and environmental
46 engineering disciplines.

47
48 Regarding geological, he reminded the board that that engineering discipline was moving
49 forward as the board had approved proposed regulation changes for public notice to include
50 geological engineering as another discipline of engineering the board would register.

51

1 He told the board that his subgroup discussed control systems and environmental and
2 determined it best to put registering those disciplines on hold given the input that had been
3 received from APDC and others. He said that as a result of input received the board should
4 look cautiously at general licensure and do its homework before moving forward. Since he will
5 be attending the NCEES meeting in Memphis, he indicated he would want to get information
6 from other member boards on this topic

7
8 Gilfilian said the main issues regarding general licensure are enforcement, examination,
9 administrative costs, board make-up, and how the public would know the engineer they are
10 hiring is qualified to do a particular type of engineering. He further stated that it would entail a
11 complete rewrite of the board's statutes and regulations. He said it would be helpful to have
12 other states that have gone through this process. The research and publication of a white
13 paper relative to the subject of going from discipline specific to general licensure should be
14 undertaken. This paper would address all the pros and cons of the process and results of
15 implementation.

16
17 Maynard asked the Executive Administrator to conduct a listserve of other states to find out how
18 states monitor general licensure and what they do if an engineer practices beyond his/her
19 expertise and how does the board determine that. Maynard also asked the Executive
20 Administrator to poll other states to find if any states have changed from discipline specific
21 licensing to a general license, and what were some of the issues involved.

22
23 Heieren volunteered that changing from multi-discipline to general licensure would be a very
24 lengthy process, possibly exceeding the tenure of the present board. Based on the input
25 received the subgroup believes it is necessary to move forward with geological engineering.

26
27 Gilfilian reiterated that the subgroup feels it best to put the environmental and control systems
28 engineering disciplines on hold until the board explores the general license.

29 30 B. Incidental Practice

31
32 Maynard indicated this committee intends to continue to review the incidental overlap. He
33 assigned the following board members to look at specific overlaps: Baker will look at the overlap
34 between land surveying/engineering and surveying/landscape architecture. Brownfield and
35 Maynard will look at the overlap between architecture/engineering and engineering/landscape
36 architecture. In addition, Maynard will look at the overlap between architecture/landscape
37 architecture.

38
39 Maynard indicated that at the next meeting reports on these overlaps would be provided.

40
41 Dale Nelson, APDC, indicated that the APDC also has a committee working on the overlap of
42 landscape architecture. He said the committee had already met once and would be meeting
43 again soon. Maynard told Nelson the board would be interested in seeing the APDC's report on
44 the overlap.

45 46 C. Continuing Education

47
48 Brownfield reported for the continuing education subgroup. He had prepared a subcommittee
49 final report for distribution to the board members, which he said was basically the same as the
50 June 2, 2005 report with some minor changes. He directed the board to turn to page six of the
51 report to read the subgroup's conclusions and the recommendations on page six and seven.

52
53 Gilfilian asked for clarification on recommendation number 4, which appears to not include
54 continuing education for landscape architects.

1
2 A discussion followed as to whether or not continuing education should be required for
3 landscape architects because the profession holds a temporary, non-voting position on the
4 board. The board concluded that all professions, including landscape architects, should be
5 required to earn continuing education. As a result, recommendation number four on page
6 seven will be deleted.

7
8 **On a motion duly made made by Heieren, seconded by Gilfilian and approved**
9 **unanimously, it was**

10
11 **RESOLVED to adopt the June 2, 2005 continuing education subcommittee’s final**
12 **report.**

13
14 The chair called for discussion.

15
16 Gilfilian said he would like to make an amendment to remove item number five under
17 “conclusions” and item number four under “recommendations”.

18
19 Fredeen also suggested an amendment to revise the second paragraph on page four of the
20 report to read: “Their comments were along the lines of questions and concerns regarding the
21 details of an Alaskan program,” removing the language “...not particularly against CE but
22 more...”

23
24 Hearing no objections to the amendments, the motion passed unanimously with the two
25 amendments.

26
27 The board decided to move forward with recommendation number two, which is proceeding with
28 phase #2, directing a new subgroup to prepare draft proposed regulation regarding a state
29 sanctioned mandatory continuing education program for architects, engineers and landscape
30 architects.

31
32 D. Electronic Transmittals and Signatures

33
34 Fredeen indicated this subgroup had nothing to report

35
36 E. Disciplinary Action and Processes

37
38 Baker had excused himself from this subgroup, and Hightower was to now be the lead.

39
40 Hightower reported this subgroup did not yet have anything to report.

41
42 **Agenda Item 15 – Budget Summary Report**

43
44 The board chose to defer this agenda item until 2:30 p.m., at which time the budget report could
45 be discussed with Jennifer Strickler, Administrative Manager of Occupational Licensing.

46
47 The board decided to move ahead to item 18, Old Business.

48
49 **Agenda Item 18 – Old Business**

50
51 A. Fire Protection Subgroup

52
53 Fredeen stated he would like to wait on this item until after the discussion with AAG Brower.
54

1 B. Continuing Education

2
3 Brownfield said he had nothing more to report on this.

4
5 C. Temporary License

6
7 Gilfilian indicated he needed more time for this discussion than was presently available to him,
8 so the board will come back to this item later in the meeting.

9
10 Break at 8:55 a.m.

11 Reconvene at 9:00 a.m.

12
13 **Agenda Item 16 – Meet with Director Urion Telephonically**

14
15 A call was made to Director Urion, but he was unavailable, so will be called again at 11:00 a.m.

16
17 **Agenda Item 18 – Old Business Con't**

18
19 C. Temporary License

20
21 Gilfilian handed out draft regulations for implementing a temporary/courtesy license for non-
22 resident professionals for limited purposes, such as natural disasters or emergencies. He
23 explained that AS 08.01.062 gives the board authority to issue courtesy licenses.

24
25 Gilfilian drew the board's attention to page two, which speaks to the length of time the courtesy
26 license would be valid and to section (f) of the draft, which lists the purposes the board will
27 recognize. He expanded on the limited purposes acceptable to the board to include expert
28 witnesses. Gilfilian indicated verbiage would need to be created for expert testimony and any
29 other purposes the board would accept.

30
31 Heieren wondered what would happen under section (a)(3) if an applicant for registration has
32 moved to the state and is in the process of being issued a license and the need arises for a
33 courtesy license. Gilfilian stated that issues such as that scenario would need to be discussed
34 and considered, and the subgroup could do that.

35
36 The Executive Administrator volunteered that she had recently been through the process of
37 developing regulations for a courtesy license for psychologists. She told the board it should
38 also consider adopting a checklist for staff to use and if the applicant meets all the requirements
39 on the checklist, the board could give authority to board staff to issue the courtesy license, as
40 time is usually of the essence. The board agreed that this would be an excellent idea. The
41 Executive Administrator was asked to develop a courtesy license checklist to bring to the
42 November meeting.

43
44 A new subgroup was formed for this item, consisting of Gilfilian, Hughes and Hightower.

45
46 D. Nondiscipline Engineering Licensure

47
48 This agenda item had been addressed earlier in the meeting.

49
50 E. Review Renewal Fitness Questions

51
52 The board reviewed the renewal fitness questions for individuals and firms from the last renewal
53 and did not recommend any changes for the December 31, 2005 renewal.

54 The board discussed whether or not a registrant who had been issued a cease and desist order

1 would be required to answer “yes” to question number 2, which asks if their professional license
2 has had any disciplinary actions against it, since a cease and desist is usually for unlicensed
3 practice, therefore would not be an action against a professional license. For example, if an
4 architect receives a cease and desist for doing engineering work, that would not be an action
5 against his architectural license.
6

7 The board also considered any information or outreach materials that might need to be included
8 with the renewal applications. Gilfilian stated he could remember something former board chair
9 Dr. Miller had mentioned, but could not recall the details. The board asked the Executive
10 Administrator to research it. At the present time the board could not think of any information
11 that would need to be included with this renewal, but would keep it on the horizon
12

13 F. Review Possible Statute Change for Larger 4 Story Buildings

14
15 On this issue, Maynard reported that Ron Thompson had expressed structural integrity
16 concerns about the height and size of houses being built. It was discussed if there should be a
17 statute change that would require a professional license to design houses over a certain height
18 or certain square footage.
19

20 Hightower said he would research this item and bring something back to the next meeting.
21

22 **Agenda Item 17 – Meet with AAG David Brower Telephonically**

23
24 Assistant Attorney General David Brower joined the meeting at 9:30 telephonically.
25

26 ASPLS Director/Heieren (Conflict?)

27
28 Brower had provided a 1993 AAG Opinion, which supported his opinion that there is no conflict
29 because of Heieren’s position with ASPLS. He did say that there could be particular issues that
30 may arise that could cause a conflict, but these would need to be handled on a case-by-case
31 basis.
32

33 Maynard stated that he thought this issue had been put to bed.
34

35 Fire Protection Engineering Issues

36
37 Brower told the board that the short answer to its question of whether or not fire protection
38 technicians are out of compliance because they do not fall under the exemptions of AS
39 08.48.331 is no. He told the board that the Department of Public Safety has the broad statutory
40 requirement to create regulations to protect the public against fire, and DPS has developed
41 those regulations in Title 13, so a specific exemption from the engineering statutes is not
42 required. He did say, however, that it would be cleaner to have a specific licensure exemption
43 for these technicians in AS 08.48.331.
44

45 Brower continued, that for the fire protection technicians, there is an extensive permitting
46 process, with various levels and various tests they have to go through. Some of the regulations
47 allow that they can design fire protection systems. He said that their permitting process makes
48 it clear that they are not engineers.
49

50 Regarding the fire protection engineers, Brower said that he was sure there were some in
51 Alaska but that they are licensed under a more general heading because they don’t have the
52 specific designation as fire protection engineers.
53
54

1 Fredeen said that what he would like to see is this information written down. He said that the fire
2 protection engineer is not as important to the board as the NICET, and are they engineering or
3 not.
4

5 Brower indicated he would write a memo reiterating what he had told the board and would also
6 write a draft statutory language under AS 08.48.331 specifically exempting fire protection
7 technicians from licensure.
8

9 On an unrelated matter, Maynard and Brownfield had been subpoenaed to testify in the
10 Tauriainen hearing and asked for Brower's advice. Brower said he would talk to the AAG
11 assigned to the case and get back to them later in the day.
12

13 Hughes had one more question for Brower. He told him that AAG Bruce Anders had called him
14 to assist with an issue the result of an investigation of unregistered engineers from other
15 jurisdictions doing mining work in Alaska. In the process of the investigation it was revealed that
16 certain department, in particular DNR, Mining, Land and Water Section, was using an
17 unlicensed engineer to do consulting work to overview permitting processes in the state.
18 Hughes said he was wondering if Anders had contacted Brower and if there had been any
19 resolution.
20

21 Brower was unfamiliar with the issue, but said he thought it sounded like something the
22 investigators for Occupational Licensing should be looking into. The board asked the Executive
23 Administrator to discuss this with the division investigators and report back at the next meeting.
24

25 The teleconference ended at 9:45 a.m.
26

27 The board discussed its need to be aware of the processes and procedures in hearings, and is
28 it appropriate for them, as board members, to be subpoenaed.
29

30 Nick Bakic, Jeff Wilcheck and Ken Buettner asked to have meeting agendas sent to them in
31 advance of the meeting. The Executive Administrator indicated she would do so and would also
32 make sure they are on the interested parties' list to receive proposed regulations.
33

34 Break at 10:00 a.m.

35 Reconvene 10:10 a.m.

36 A late application had been received and the Executive Administrator asked the board if they
37 would consider going into executive session to review it.
38

39 **On a motion by Gilfilian, seconded by Heieren and approved unanimously, it was**
40

41 **RESOLVED to adjourn into executive session for the review of one additional**
42 **application.**
43

44 The Board adjourned into executive session at 10:15 a.m.
45

46 A sign was placed on the door indicating that the Board was now in Executive Session.
47

48 The Board returned from executive session at 10:25 a.m.
49
50
51
52
53
54

1 **Agenda Item 25 - Read Applications into the Record**

2
3 **On a motion duly made by Gilfilian, seconded by Fredeen, and approved unanimously, it**
4 **was**

5
6 **RESOLVED to APPROVE the following list of applications for comity and**
7 **examination as read, with the stipulation that the information in the applicant's file**
8 **will take precedence over the information in the minutes:**

9
10
11 The Licensing Examiner read the following applications into the record.

APPLICATIONS FOR REGISTRATION BY EXAMINATION AND COMITY			
APPLICANT	DISCIPLINE	EXAM-COMITY	BOARD ACTION
1) AE Seven, LLC	Corporate License		Conditionally approved pending designated architect in responsible charge and approval from Investigator
2) Parsons, Shawn	Landscape Architect	COMITY	Conditionally approved pending fees, original application & successful completion of Arctic Engineering Course.
3) Buursma, William	Architect	COMITY	Conditionally approved, pending Arctic Course
4) Dean, David	Architect	COMITY	APPROVED
5) Stastny, Donald	Architect	COMITY	APPROVED
6) Evans, Janis	PE-Chemical	COMITY	Pending Transcripts
7) Wong, Wing	PE-Chemical	COMITY	APPROVED
8) Azouri, Habib	PE-Civil	COMITY	APPROVED
9) Burns, Joseph	PE-Civil	COMITY	APPROVED
10) Carpenter, David	PE-Civil	COMITY	APPROVED
11) Clark, Donald	PE-Civil	COMITY	APPROVED
12) Dunning, William	PE-Civil	COMITY	Conditionally approved, pending Arctic Course
13) Erichsen, John	PE-Civil	COMITY	Conditionally approved Pending Arctic, transcript, verification of PE exam and current license
14) Girard, Jonathan	PE-Civil	COMITY	Pending transcript, verification of PE exam and license
15) Joerin, Mathew	PE-Civil	COMITY	APPROVED
16) Marshik, Steven	PE-Civil	COMITY	APPROVED
17) Martineau, Paul	PE-Civil	COMITY	Conditionally approved pending passing Arctic Course and verification of passing PE exam, current PE license, licensed at least 5 yrs
18) Mathew, Rajeev	PE-Civil	COMITY	APPROVED

19)	Melton, Susan	PE-Civil	COMITY	APPROVED
20)	Patel, Anil	PE-Civil	COMITY	APPROVED
21)	Sribalaskandarajah, Kandiah	PE-Civil	COMITY	Conditionally approved, pending Arctic Course
22)	Zapel, Edwin	PE-Civil	COMITY	APPROVED
23)	Do, Cuong	PE-Electrical	COMITY	Conditionally approved, pending Arctic Course
24)	Slikas, Michael	PE-Electrical	COMITY	Conditionally approved, pending Arctic Course
25)	Vespa, Joseph	PE-Electrical	COMITY	Conditionally approved, pending Arctic Course
26)	Full, Roger	PE-Mechanical	COMITY	APPROVED
27)	Kai, Shen-Mau	PE-Mechanical	COMITY	APPROVED
28)	Kas, Richard	PE-Mechanical	COMITY	Conditionally approved pending verification of PE exam and current license and receipt of transcripts.
29)	Kushnik, Steven	PE-Mechanical	COMITY	No action-asked to submit completed application packet for review by board at next meeting
30)	Read, Andrew	PE-Mechanical	COMITY	Conditionally approved, pending Arctic Course
31)	Saleen, Travis	PE-Mechanical	COMITY	APPROVED
32)	Shiells, David	PE-Mechanical	COMITY	Conditionally approved pending receipt of transcripts
33)	Smith, Kenneth	PE-Mechanical	COMITY	APPROVED
34)	Richardson, Emily	Architect	EXAM	Conditionally approved, pending Arctic Course
35)	Bollinger, Sean	FLS	EXAM	APPROVED
36)	Vaughan, Lindsey	FLS	EXAM	APPROVED
37)	Trammel-Wade, Marc	PE-Chemical	EXAM	Conditionally approved pending verification of FE exam.
38)	Beck, Albert	PE-Civil	EXAM	APPROVED
39)	Callicot, Michael	PE-Civil	EXAM	APPROVED
40)	Corcoran, Lisa	PE-Civil	EXAM	APPROVED
41)	Folk, Angela	PE-Civil	EXAM	APPROVED
42)	Gastrock, Jennifer	PE-Civil	EXAM	APPROVED
43)	Helmericks, Derek	PE-Civil	EXAM	APPROVED
44)	Hewko, Peter	PE-Civil	EXAM	APPROVED
45)	Hopkins, Jennifer	PE-Civil	EXAM	APPROVED
46)	Larson, Blake W.	PE-Civil	EXAM	APPROVED
47)	Mahler, Kevin	PE-Civil	EXAM	APPROVED
48)	Marcum, S. Justin	PE-Civil	EXAM	APPROVED
49)	McLane, Cody	PE-Civil	EXAM	APPROVED
50)	Middleton, Karen	PE-Civil	EXAM	Conditionally approved, pending Arctic Course
51)	Pape, Barbara	PE-Civil	EXAM	APPROVED
52)	Richter, Cliff	PE-Civil	EXAM	Conditionally approved, pending

				Arctic Course
53)	Smith, Rebecca	PE-Civil	EXAM	APPROVED
54)	Spencer, David	PE-Civil	EXAM	APPROVED
55)	Spurkland, Lars	PE-Civil	EXAM	APPROVED
56)	Bozarth, Theodore	PE-Electrical	EXAM	APPROVED
57)	Burrough, Ben	PE-Electrical	EXAM	APPROVED
58)	Confer, Keith	PE-Electrical	EXAM	APPROVED
59)	Schneller, Lucas	PE-Electrical	EXAM	APPROVED
60)	Wessels, John	PE-Electrical	EXAM	Conditionally approved, pending Arctic Course
61)	Broyles, Ronald	PE-Mechanical	EXAM	Conditionally approved Pending verification on FE exam and payment of fees
62)	Hala, Scott	PE-Mechanical	EXAM	APPROVED
63)	Heusser, Kristin	PE-Mechanical	EXAM	APPROVED
64)	Kienle, Florian	PE-Mechanical	EXAM	APPROVED
65)	Krepel, Michael	PE-Mechanical	EXAM	APPROVED
66)	Matiringe, Kumbi	PE-Mechanical	EXAM	<i>APPROVED</i>
67)	McKeon, Tracy	PE-Mechanical	EXAM	<i>APPROVED</i>
68)	Billings, Jason	PE-Petroleum	EXAM	APPROVED
69)	McNerlin, Brandon	PE-Petroleum	EXAM	APPROVED
70)	Younger, Robert	PE-Petroleum	EXAM	Conditionally approved, pending Arctic Course
71)	Lancaster, Clinton	PS/AKLS	EXAM	APPROVED
72)	Mandzi, Robert	PS/AKLS	EXAM	APPROVED

APPLICATIONS FOR REGISTRATION BY EXAMINATION

FE

	APPLICANT	DISCIPLINE	EXAM	BOARD ACTION
73)	Adams, Thomas	FE	Exam	APPROVED
74)	An, Zenos	FE	Exam	APPROVED
75)	Autier, Vincent	FE	Exam	Conditionally approved pending transcript
76)	Bhupathiraju, Bharathraju	FE	Exam	APPROVED
77)	Borman, Jackie	FE	Exam	APPROVED
78)	Campbell, Earl	FE	Exam	APPROVED
79)	Choi, Soo	FE	Exam	APPROVED
80)	Cummings, Rodney	FE	Exam	APPROVED
81)	Curley, Carolyn	FE	Exam	APPROVED
82)	Dewhurst, Lindsey	FE	Exam	APPROVED
83)	Dezeeuw, Adrian	FE	Exam	APPROVED
84)	Donnelly, Quinn	FE	Exam	APPROVED
85)	Erskine, Steve	FE	Exam	APPROVED
86)	Evans, Charles	FE	Exam	APPROVED
87)	Fagnant, Daniel	FE	Exam	APPROVED
88)	Francis, Aaron	FE	Exam	APPROVED
89)	Galbraith, Leon	FE	Exam	APPROVED
90)	Gondek, Jacob	FE	Exam	APPROVED
91)	Gregory, Wesley	FE	Exam	APPROVED
92)	Jerla, Zachary	FE	Exam	APPROVED
93)	Kampen, Matthew	FE	Exam	APPROVED
94)	Kohler, Christopher	FE	Exam	APPROVED
95)	Kreofsky, Jeffrey	FE	Exam	APPROVED
96)	Krzykowski, Brian	FE	Exam	APPROVED
97)	Leetch, David	FE	Exam	APPROVED
98)	Lewis, Steven	FE	Exam	APPROVED
99)	Locke, Brandon	FE	Exam	APPROVED
100)	Lopez, Jason	FE	Exam	APPROVED
101)	Marsh, Brian	FE	Exam	APPROVED
102)	Prokop, Maria	FE	Exam	APPROVED
103)	Randall, Lucas	FE	Exam	APPROVED
104)	Samuelson, Erwin	FE	Exam	APPROVED
105)	Sanders, Joshua	FE	Exam	APPROVED
106)	Saunders, Adam	FE	Exam	APPROVED
107)	Shawcroft, Matt	FE	Exam	APPROVED
108)	Staudinger, Garret	FE	Exam	APPROVED
109)	Staudinger, Mark	FE	Exam	APPROVED
110)	Strabel, Eric	FE	Exam	APPROVED
111)	Strait, Trevor	FE	Exam	APPROVED
112)	Traylor, Helen	FE	Exam	APPROVED
113)	Viene, Erica	FE	Exam	APPROVED
114)	Walker, William	FE	Exam	APPROVED
115)	Williams, James	FE	Exam	APPROVED
116)	Yatchmeneff, Michele	FE	Exam	APPROVED
117)	Yesue, Elizabeth	FE	Exam	APPROVED
118)	Zhang, Hong	FE	Exam	APPROVED
119)	Zhang, Yu	FE	Exam	APPROVED

1
2 **On a motion duly made by Gilfilian, seconded by Baker, and approved unanimously, it**
3 **was**

4
5 **RESOLVED to find incomplete the following list of applications for comity and**
6 **examination as read, with the stipulation that the information in the applicant’s file**
7 **will take precedence over the information in the minutes:**
8

Boyle, Scott	PE-Mechanical	Exam	Incomplete: Needs to pay balance of fees and gain 3 more months of professional mechanical experience
Hughes, Christopher	PE-Civil	Exam	Incomplete: Needs 30 more months of professional civil experience

9
10 **Agenda Item 19 – New Business**

11
12 A. Elect New Secretary

13
14 **Upon the nomination of Mark Morris as secretary by Heieren, seconded by Gilfilian, and**
15 **approved unanimously, it was**

16
17 **RESOLVED to elect Mark Morris to the office of Secretary of the AELS Board.**

18
19 Morris abstained from voting.

20
21 Following was a short discussion on the duties of the Secretary.

22
23 B. List of Approved CE Courses for Land Surveyors

24
25 Heieren told the board that this is a work in progress. Heieren and Baker were not aware they
26 were on this committee until they received Maynard’s task list just the week before.

27
28 Maynard asked the Executive Director to please distribute draft minutes and a task list from the
29 meeting to the board members within three weeks following the meeting, so that they would
30 have time to work on their assigned projects.

31
32 The board held a discussion on how it would determine acceptable CE.

33
34 Maynard asked if there would be an audit of CE. The Executive Administrator explained the
35 random CE audit of five percent of the licensees, and that those audited would come before the
36 board for its approval.

37
38 Baker said that he didn’t think the board wanted to get into the position of saying “yes” or “no” to
39 any particular classes. He said that under proposed regulation 12 AAC 36.410(1) it states that
40 the CE must have a clear purpose and objective for each activity that will maintain, improve,
41 expand or develop skills and knowledge, and that that pretty much covers what acceptable CE
42 will be.

43
44 Maynard said the board will, however, have authority to not accept certain classes.
45

1 There was a discussion on how CE would be approved. Maynard told the board there was a
2 gentleman from the AIA, continuing education department, that could come to a future meeting
3
4 and talk to the board about CE, at no cost to the board, and asked that this be placed on a
5 future meeting agenda.
6

7 Morris said the board needs to allow CE for a professional that has to do self-study to come up
8 to speed on a particular project they may be working on. He said he would like to see language
9 added to allow for well-documented self-education as acceptable CE.
10

11 Baker told the board he would like to propose moving forward with the way it is written now, and
12 as mentioned, this would be a foundation for use when bringing in the other disciplines for CE.
13 He said he didn't want to see different tables for the different disciplines, but one that could be
14 used for all the professions. At that time language could be added to accept self-education.
15

16 Hightower handed out a copy of New Mexico's regulations governing CE for architects so the
17 board could read the "Activities" New Mexico considers acceptable CE. Also, these regulations
18 covered a lot of the areas the board was presently discussing.
19

20 Hughes offered his opinion that accepting CE for self-education would be leaving a broad area
21 open for interpretation, and said he would have a problem with accepting that. Brownfield
22 agreed, saying that the basic concept was good, but that it could be problematic. He said that
23 these were the kind of issues the board would need to be addressing as the CE requirement is
24 implemented.
25

26 Morris suggested that perhaps the board could consider accepting a certain percentage of the
27 required CE hours in self-study or self-education. Following was a general discussion of types
28 of self-study or self-education that might be acceptable CE.
29

30 Heieren volunteered that for surveyors on a national level there is a broad library of information
31 about continuing education classes on a variety of topics. He said that the state society has a
32 concern of making sure there is available CE for surveyors once it becomes a requirement
33 beginning in 2008.
34

35 **Agenda Item 16 – Meet With Rick Urion (Telephonic)**

36
37 Rick Urion, Director of Occupational Licensing, joined the meeting telephonically at 11:00 a.m.
38

39 Renewal Fees

40
41 Maynard asked Urion if the renewal fees for licensing period January 1, 2006 through
42 December 31, 2007 were going to remain the same.
43

44 Urion said he did not have that information. He said that Jenny Strickler, formerly the
45 Administrative Manager and now the Chief of the Division would be able to answer that
46 question.
47

48 Exam Administration

49
50 Maynard brought up the engineering examinations, which are going to start being administered
51 by the National Council of Examiners for Engineering and Surveying (NCEES). He told Urion
52 that the board had concerns about the Fundamental of Engineering (FE) examination. In Alaska
53 taking the FE exam is a requirement for the UAF engineering students to graduate. The concern
54 is that if NCEES has to send people to Alaska to administer the FE exam, the cost for UAF

1 students to take the FE exam would increase. He asked Urion if he could prevail upon NCEES
2 to allow UAF to administer the FE exam to UAF students.

3
4
5 Morris told Urion that UAF has offered to administer the FE exam to UAF students. The board's
6 goal is to get more students to take the exam, and the board is concerned that if the cost of the
7 exam goes up because of NCEES' administration, the students will not want to pay the
8 increased exam fee and will not take the exam. He said the board believes it is ultimately a way
9 of getting more people registered in Alaska.

10
11 Urion asked what other states do and Baker responded that it is a fairly new policy that has just
12 started over the last couple years, so does not really know what other states do.

13
14 Maynard asked if Urion could use his weight to prevail upon NCEES to allow Alaska to provide
15 proctors, then there would not be the additional expense of sending proctors to Alaska from the
16 Lower 48.

17
18 Heieren stated that he had heard discussions in which NCEES indicated it had every intention
19 of training and using local proctors, not bringing people in from out of state. He said this could
20 be confirmed at the upcoming NCEES Annual Meeting and he would report back at the next
21 board meeting.

22
23 Urion then asked how the board felt about NCEES' recommendation to require a master's
24 degree as the minimum standard for registration. Maynard said the board does not support that
25 position. Fredeen had prepared a position paper to send to NCEES stating the board's reason
26 for not supporting this recommendation. A copy will be provided to Urion.

27
28 The teleconference with Urion concluded at 11:10 a.m.

29
30 **Agenda Item 19 – New Business (con't)**

31
32 C. NCEES Report

33
34 Gilfilian wanted to discuss any issues that may arise at the upcoming Annual Meeting so the
35 attending members would know the board's position.

36
37 A discussion was held about a presentation to be given at the Annual Meeting to promote the
38 next Annual Meeting to be held in Anchorage. Gilfilian was not going to be attending the Gala
39 Event and asked one of the other members to make a short presentation. A short video had
40 been sent to the board from the Anchorage Convention & Visitor's Bureau to show at the
41 meeting.

42
43 The Executive Administrator said she would contact the Anchorage Convention & Visitor's
44 Bureau to see if they could provide any trinkets, such as Alaska flag pins, to be handed out at
45 the meeting.

46
47 D. NCARB Report

48
49 Maynard had attended the NCARB Annual Meeting in Miami in June and handed out a report of
50 the meeting for the board's review.

51
52 Maynard told the board that NCARB is recommending as of December 31, that candidates
53 having passed all sections of the ARE are exempt from any time frames and that it does not
54 matter how long it took them to pass all sections. NCARB is then recommending that

1 candidates who started taking the ARE before December 31 have five years to complete the
2 balance of the exam section, and they will keep credit for sections passed indefinitely. Then,
3 candidates who start taking the exam after December 31 have to pass all sections within five
4 years. If all sections are not passed within five years, the sections passed outside the five-year
5 window will have to be retaken. He explained that the reasoning behind this is that the
6 profession can change so much in five years.

7
8 Maynard had attended the workshops Crime and Punishment; Civil Penalties and Emerging
9 Professional's Companion, while Hightower, who also attended the meeting, attended the
10 workshops Strategic Plan and ARE Update. These workshops were discussed briefly with the
11 board.

12
13 Morris initiated a discussion on requiring an open-book test for potential registrants to take on
14 the board's statutes and regulations. Gilfilian indicated this was already on his "to-do" list, but
15 Morris offered to take the lead. The Executive Administrator was asked to resurrect the former
16 Executive Administrator's research on this issue.

17
18 This was also discussed in the context of allowing CE credit for passing such a jurisprudence
19 exam.

20
21 Gilfilian asked to make an addition to New Business – Emeritus Status.

22 23 E. Emeritus Status

24
25 The board discussed that there is an Emeritus Status awarded to former board members in
26 order to allow them to serve on national committees, and the board wondered if there was any
27 other reason for this status. There are currently three former board members with this status.

28
29 Brownfield said he felt there should be a board policy on the emeritus status. Baker suggested
30 that a letter be sent to the three former board members holding emeritus status to find out if they
31 need to remain in this status and if so, why.

32
33 The board asked the Executive Administrator to write letters to the three former board members
34 holding emeritus status to find out why they need to retain this status. The Executive
35 Administrator was also asked to research the background of emeritus status.

36
37 The board discussed and decided the emeritus status should be limited to one year after a
38 member's tenure on the board has ended, but could be extended for good cause and upon
39 approval by the board.

40
41 **On a motion by Gilfilian, seconded by Baker and approved unanimously, it was**

42
43 **RESOLVED that emeritus status granted to former AELS Board Members be**
44 **limited to a one year period with the allowance for extensions on an annual basis**
45 **subject to board approval.**

46
47 Morris wondered what gave the board authority to have an emeritus status. He stated that
48 emeritus status should be added to AS 08.48.011 as a new section (c) to make it an official
49 status recognized by the board.

50
51 Break for lunch at 11:55 a.m.

52 Reconvene at 1:15 p.m.

53
54 F. Position Paper re Masters Degree

1
2 The board reviewed the position paper written by Fredeen stating the board's position that it
3 does not support the NCEES' recommendation that a master's level degree be required for
4 registration as an engineer.

5
6 **On a motion duly made by Morris, seconded by Baker and approved unanimously, it was**

7
8 **RESOLVED to adopt the position paper to the Licensure Qualifications Oversight**
9 **Group written by Craig Fredeen, adding an executive summary at the beginning of**
10 **the paper.**

11
12 There were minor changes suggested to the paper, but all members agreed they are not in
13 favor of requiring a master's degree.

14
15 Nelson stated that the Alaska Society of Civil Engineers (ASCE) and many civil engineers would
16 not agree, as they are supporting the master's degree requirement.

17
18 A friendly amendment was made to the motion to remove the first two sentences from the
19 conclusion of the position paper.

20
21 Hearing no objection, the amendment passed.

22
23 **Agenda Item 20 – Annual Report**

24
25 The board reviewed the draft annual report prepared by the Executive Administrator. The
26 narrative and proposed legislation sections had not yet been drafted.

27
28 The board asked the Executive Administrator to draft the two missing sections and forward the
29 drafts to Maynard for review.

30
31 **Agenda Item 22 – Checklist: Landscape Architect by Comity**

32
33 This agenda item will be deferred to the November 2005 meeting.

34
35 **Agenda Item 24 – Goals and Objectives**

36
37 The board reviewed the current Goals and Objectives and they were amended as follows:

- 38
39 • Under Goal #1, Objective d) – “Distributing and receiving applications electronically” was
40 deleted.
41 • Under Goal #1, Objective e) – “Pursue” was changed to “Continue”.
42 • Under Goal #2, Objective b) – “Examine Feasibility of Board autonomy” was deleted.
43 • Under Goal #3, Objective b) – “Advertise AS 08.48.295 provision for civil penalty for
44 unregistered and unauthorized practice” was deleted.
45 • Under Goal #3, Objectives d) and f) were deleted.
46 • Under Goal #3, Objective g) was changed to read – “Review Increasing Engineering
47 Disciplines”.
48 • Under Goal #3 – add a new Objective l) to read: “Review statutes and regulations regarding
49 fire protection.”
50 • Under Goal #4 and a new Objective d) to read: “Consider requiring an open book
51 examination on Alaska statutes and regulations for registration”.
52 • Under Goal #5 – delete objectives c), d) and e), and change f) to read: “Implement Phase II
53 for the CE program.”

- 1 • Under Goal #6, add a new Objective c) to read: “Communicate with interested parties on
- 2 current board issues.”
- 3 • Delete Goal #7.

4
5 The board asked the Executive Administrator to bring the ethics training video available to board
6 members to the November 2005 meeting.

7
8 Break at 2:00 p.m. to speak with Anchorage Visitor’s and Convention Center personnel.
9 Reconvene at 2:20 p.m.

10
11 **Agenda Item 15 – Budget Summary Report**

12
13 Jenny Strickler, former Administrative Manager and now Chief of Occupational Licensing, and
14 Kathy Taylor, Accounting Tech II with Occupational Licensing, joined the meeting telephonically
15 at 2:40 p.m. to discuss the budget report.

16
17 Strickler explained the differences between direct and indirect expenses: direct expenses being
18 exclusive to the AELS Board and indirect expenses being expenses shared by all boards on a
19 percentage basis.

20
21 Strickler indicated that she had not yet completed her research to determine if renewal fees
22 would remain the same or be increased. She said, however, that based on the figures she had
23 reviewed, it appeared registration fees would need to be increased approximately \$100. She
24 told the board it could either increase the fees by \$50 for this renewal period and then another
25 \$50 for the subsequent renewal period instead of increasing the full \$100 this year.

26
27 After discussion, the board decided it would be best to increase the renewal fees the full \$100 at
28 this time rather than in stages.

29
30 The board asked the Executive Administrator to draft a letter to registrants to be included with
31 the renewal application explaining the increase in registration fees.

32
33 **Agenda Item 23 – Examiner’s Report**

34
35 The Examiner’s Report for this quarter had not been completed. There will be an Examiner’s
36 Report submitted for the November 2005 meeting.

37
38 **Agenda Item 26 – Review Calendar of Events**

39
40 The board confirmed the following meeting dates and locations:

- 41 November 17-18, 2005 - Anchorage
- 42 February 9-10, 2006 – Juneau
- 43 May 25-26, 2006 – Fairbanks
- 44 August 17-18, 2006 – Anchorage
- 45 November 16-17, 2006 – Anchorage

46
47
48 A discussion followed on the feasibility of holding meetings in locations other than Anchorage,
49 Fairbanks and Juneau, considering the additional cost and the number of registrants in other
50 locations.

51
52 In this context, the board asked the Executive Administrator to query the division’s database to
53 determine how many registrants resided in cities such as Seward, Valdez, etc.

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Agenda Item 27 – Board Member Comments, Task List, Sign Wall Certificates, Housekeeping, Collect TAs, Receipts

The Chair brought up the next agenda item, Board Member Comments, Task List, and Housekeeping:

The board made general comments welcoming the new Executive Administrator, and congratulation Morris on his appointment as Board Secretary. Maynard was complimented for a well-run meeting.

Wall certificates and minutes were signed and TAs and receipts were collected.

The board signed a special certificate prepared for former Executive Administrator, Nancy Hemenway.

Task List:

Maynard	Serve on Incidental Practices/Engineering Disciplines Subgroup: architect/engineer overlap and architect/ILA overlap and provide report at November 2005 meeting.
	Review narrative and proposed legislation for Annual Report. (To be drafted and forwarded by Ginger.)
	Serve on Legislative Changes Subgroup.

Baker	Serve on Incidental Practices/Engineering Subgroup: surveyor/engineer and surveyor/LA overlap and provide report at November 2005 meeting.
	Develop a list of board approved land surveying curriculum.

Brownfield	Serve on Incidental Practices/Engineering Disciplines Subgroup: architect/engineer and engineer/LA overlap and provide report at November 2005 meeting.
	Serve on Continuing Education Subgroup – Phase 11.
	Serve on Legislative Changes Subgroup.

1

Fredeen	Serve on Continuing Education Subgroup – Phase II.
	Serve on Electronic Transmittals and Signatures Subgroup.
	Serve on Fire Protection Subgroup.

Gilfilian	Serve on Incidental Practice/Engineering Disciplines.
	Mortgage Location Survey Standards
	Serve on Electronic Transmittals & Seals Subgroup.
	Serve on Courtesy License Subgroup.

Heieren	Serve on Legislative Changes Subgroup – Phase II
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2

Hightower	Research a possible statute change requiring that houses over a certain height or over a certain number of square feet be designed by professionals.
	Serve on Disciplinary Action Subgroup, report back recommendations at November 2005 meeting
	Serve on Courtesy License Subgroup.

Hughes	Serve on Incidental Practice/Engineering Disciplines Subgroup.
	Serve on Courtesy License Subgroup.

3

4

Morris	Serve on Legislative Changes Subgroup.
	Research re: implementing an open-book examination on Alaska's statutes and regulations for registration by exam and comity

Executive Administrator	Arrange meeting with Administrative Law Judge/Morris & myself to discuss new laws re administrative hearing process.
	Correspondence to NCEES: AK will no require NCEES council records as a licensing requirement.
	Resurrect language for stop work order. Draft language requiring design profession on all buildings. (For investigator enforcement)
	Listserve re laws regarding overlap/incidental practice.
	Listserve re transition from multi-discipline to general licensure and how do states monitor general licensure.
	Listserve re any other states with Emeritus Status.
	Research history of AELS Emeritus Status (authority?)
	Draft letter to current Emeritus Status members asking them to identify the purpose for which this status needs to be maintained.
	Send a letter with renewals explaining renewal fee increase.
	Draft narrative and proposed legislative changes for Annual Report and forward to Maynard for review.
	Develop checklist for courtesy license.
	Research for information on requiring open-book jurisprudence exam for licensure by comity and examination.
	Query database to determine number of registrants in Valdez, Seward, Bethel, etc., in the context of holding meetings in different locations.

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Brower	Draft memo regarding no conflict between NICET and AELS statutes.
	Draft proposed statutory language to exempt fire protection technicians under AS 08.48.331.

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**On a motion by Baker, seconded by Morris, and approved unanimously, it was
RESOLVED to adjourn the meeting at 3:45 p.m.**

There were no objections and the meeting was adjourned.

Respectfully submitted:

Ginger Morton, Executive Administrator

Approved:

Kenneth D. Maynard, FAIA, Chair
Board of Registration for Architects,
Engineers, and Land Surveyors

Date: _____