

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

3
4 **STATE OF ALASKA**
5 **DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT**
6 **BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS AND**
7 **LAND SURVEYORS**

8
9 **MINUTES OF THE MEETING**

10 **August 2-3, 2018**

11
12 By authority of AS 08/01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled
13 meeting of the Board of Registration for Architects, Engineers and Land Surveyors was held on Thursday,
14 August 2nd and Friday, August 3rd at KPB Architects, Anchorage, Alaska.

15
16 **I. Call to Order/Roll Call**

17 The meeting was called to order at 9:00 a.m. by AELS Chair Colin Maynard.

18
19 **Board members present, constituting a quorum:**

20 Jennifer Anderson, PE, Civil Engineer, Environmental Engineer
21 Catherine Fritz, Architect
22 Dave Hale, PS, Surveyor
23 Richard “Vernon” Jones, Public Member
24 John Kerr, PS, Surveyor
25 Jeff Koonce, Architect
26 Colin Maynard, PE, Civil Engineer, Structural Engineer
27 Bill Mott, PE, Chemical Engineer, Metallurgical and Materials Engineer
28 Luanne Urfer, Landscape Architect

29
30 Board members excused by the Chair:

31 Elizabeth Johnston, PE, Electrical Engineer, Fire Protection Engineer
32 Fred Wallis, PE, Mining Engineer
33

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

35 Alysia Jones, Executive Administrator
36 John Savage, Investigator
37

38 The following members of the public attended portions of the meeting:

39 Sarena Green, IBEW (via phone)
40 Robert Auth, State of Alaska Department of Law
41 Dusty Menefee, IBEW
42 Jake Maxwell, ML&P
43 Victor Willis, ML&P
44 Mark Johnston, ML&P
45 Dee Ennis, Municipality of Anchorage (MOA) Law

1 Jake Moe, ML&P
2 Quincy Ames, MOA Law
3 Steve Schmitt, MOA Chief Surveyor
4 Gary Anderson, ML&P
5 Everett Clary, ML&P
6 Ken Fisher, State of Alaska, Department of Transportation and Public Facilities (DOT&PF)
7 Jeff Stark, State of Alaska, Department of Law
8 Mark Neidhold, State of Alaska, DOT&PF
9 Peter Giessel (via phone)

10
11 **II. Review/Amend Agenda - 9:02 a.m.**

12 Board reviewed the agenda and added Item C. SE I and SE II exam discussion under Friday, August 3rd,
13 Agenda Item VI. New Business. There were no other additions.

14
15 **III. Ethics Reporting**

16 The Chair reported that he had completed his term on the NCEES UPLG committee and was now on the
17 ACCA committee. The Chair also noted that Emeritus board member Brian Hanson was appointed to the
18 Award Committee.

19
20 Urfer stated that she had attended a licensure summit in June hosted by ASLA and CLARB.
21 Fritz, Koonce, and A. Jones stated that they had attended the NCARB Annual Meeting in June.
22 A. Jones stated that the Chair, Kerr, Anderson and herself had hosted a booth and conducted a surveying
23 activity using NCEES outreach materials at the AGC-Alaska's Safety Fair yesterday evening.

24
25 **IV. Review/Approve February 2018 Meeting Minutes**

26
27 The Chair requested changes to page 11, Outreach reports UA during Mechanical, typically speak to Civil.
28 Kerr stated he found a few typos and would provide those to A. Jones for correction.

29
30 **On a Motion duly made by Jeff Koonce, seconded by Bill Mott and approved**
31 **unanimously, it was RESOLVED to approve the minutes as amended.**

32
33 **V. Investigative Report**

34 Savage reported the Yes blocks on initial applications and renewals have finally slowed down and that the
35 new Chief Investigator is doing well. Savage noted that the Division also recently hired a new senior
36 investigator. Savage said he still has the Geologist program, but has been able to focus mostly on AELS cases.

37
38 *August_02-2018_A_00:00:01*

39 Savage commented that he had two points that he wanted to bring before the board for their
40 recommendations. Savage explained there had been some issues recently regarding electronic seals and a plan
41 reviewers' ability to determine who has done the revisions because of the lack of a wet seal. Savage said there
42 does not appear to be a checks and balances in place. Koonce asked if it was occurring in Anchorage. Savage
43 confirmed that it was and suspected it was happening elsewhere as well. Savage offered the suggestion that a
44 wet seal be required and asked the Board for suggestions. Savage added that several places think they can

1 make the changes themselves or have someone “rubber stamp” it and encouraged the board to look into the
2 issue.

3
4 Hale stated that from his perspective there is not much of a process currently. He explained different
5 reviewers appear to require different things. Hale said he submitted a plot plan a few months ago with an
6 electronic seal and it went through and then last week he submitted an As Built and it got kicked back
7 because they wanted to wet seal on it. Hale stated that he has submitted numerous plot plans and As-Built
8 drawings with electronic seals and they’ve been accepted.

9
10 Savage responded that even doing that randomly could be helpful and keep people on their toes, but
11 acknowledged that it might cause issues for registrants. Koonce said that he has never seen a policy or
12 memorandum on this issue. Hale said there is a requirement for some plot plans and As-Built to show
13 certain things, but added that that comes from the surveying group, but not everyone is submitting per the
14 checklist and it is still going through. Koonce asked if contractors are submitted random change orders.
15 Savage responded that was not certain, but guessed that might be the part of it. Hale encouraged there be a
16 more consistent process. Koonce added that it could be someone interpreting something in the field
17 differently and then there is a clarification or modification that is made is part of an inspection report, but
18 said he would not be surprised if some people were freelancing those types of things. Kerr said in his limited
19 experience with plan sets and review is that they submit and have signed a permit set which is by no means a
20 final. Kerr said you have a design set that signed and sealed that is circulating that you know is not what is
21 supposed to be built off of and there is automatically going to be revisions to that. Kerr asked if the permit
22 set should be signed. Other members responded yes. Maynard explained the Municipality will not accept it
23 unless it is stamped. Fritz and Koonce explained that the permit set can be the issued set for construction.
24 Koonce said if the owner would like, we do a conformed set of documents that takes into account all the
25 review comments and conditions and that becomes the field set. Fritz added that the building inspector
26 doesn’t want to see that set, and that they want to see the permit set. Maynard explained that you can submit
27 a revised plan set. Maynard added that reviewers have marked up a drawing and then marked it approve.
28 Several other members indicated they had seen that as well. Urfer expressed her concern with people who are
29 not even part of the design team, generally planners, who coordinate with the reviewer and then never go
30 back to the design team. Maynard said the reviewer nor the contractor should be making changes to the
31 drawings without the permission of the person who stamped that particular drawing.

32
33 *August_02-2018_B_00:00:32*

34 Savage asked if the board had any issues with him reaching out to plan reviewers, discussing the matter
35 generically and getting their input on how to address the issue. Maynard stated that there are two issues:

- 36 (1) Plan reviewers putting things on the drawings
37 (2) Contractors marking up drawings without the knowledge of the design professional of that particular
38 sheet.

39
40 The Chair stated that neither is acceptable under state law. Savage asked for clarification on reviewers that are
41 PEs. The Chair responded that unless they are putting their stamp on it, they shouldn’t be marking up that
42 drawing.

43
44 The Chair commented that the Investigative Report was not uploaded to OnBoard. A. Jones apologized and
45 stated that she was in the process of uploading the report now.

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2
3 The Chair asked if the board had any other questions for the investigator. Savage indicated he had one
4 additional topic he wanted to discuss with the board. Savage explained that PEs and Architects can do home
5 inspections under an exemption to the Home Inspector law and historically the board's stance has been that
6 they are doing home inspections and not engineering. The Chair corrected Savage stating if an architect does
7 a home inspection, they can inspect the architecture, but they cannot inspect the mechanical and electrical
8 systems unless you have a home inspection license. Savage responded per the regulation, an architect or an
9 engineer, under the exemption, can complete a home inspection and noted that many do on a daily basis. The
10 Chair said they can do home inspections under their license, but that means they have to do what their license
11 allows them to do. Fritz commented that if it is minor, it may be covered.
12

13 Koonce asked if it is in statute and Fritz responded that she was looking it up now. Savage said the
14 exemption states if you are licensed as an architect you can practice a home inspection and added that the
15 definition of home inspection was "bumper to bumper". Hale asked if they are doing to home inspections
16 without a home inspector certification. Savage responded affirmatively and added that he was not sure why
17 someone would put their architectural or engineering license in jeopardy instead of just getting a home
18 inspection certification. The Chair said we used to have a disclaimer on the website that said you can do
19 home inspections, but only within the limits of your license.

20 Savage said they can and have done complete home inspections under our laws. Savage circled back to the
21 actual complaint regarding home inspections and explained that if you, as an engineer or architect, do the
22 home inspection, you can't turn around and put on your engineer hat and do the septic for example for the
23 same owner because it is a conflict of interest. Savage asked the board for their opinion.
24

25 Koonce responded that the board would look at AS 08.18 and 12 AAC 22. Hale stated that the conflict of
26 interest might be on a case by case basis. Savage asked what would determine that. Hale responded that if you
27 indicated they replace the septic in the inspection and then turn around and offer your services to replace it
28 then that's one thing.
29

30 Savage referred the board to AS 08.18.156(3) Exemptions Related to Home Inspections. The board reviewed
31 the statute.
32

33 The Chair commented that it states you have to affix your seal, and asked how do you seal a report for
34 mechanical when you are a registered civil engineer? Savage said when he affixes his seal he is just showing
35 that he is a registered engineer or architect and exempt from needing the home inspector certification. The
36 Chair reiterated that you can only put your stamp on stuff that is within your discipline unless it is minor in
37 nature. The Chair said in his experience, when he does a home inspection, he only reviews the structure. He
38 added that he does not look at the outlets or the mechanical systems, because that is outside his area of
39 expertise. Savage said he believes eighty percent or more of the home inspections in the Fairbanks area are
40 done by engineers and architects. Savage said he doesn't understand why those individuals wouldn't get that
41 additional certification and keep this license out of the mix.
42

43 Savage said there is no board for the home inspectors to reach out too and said he tried to research the
44 history of how the exemption came about. Savage believed most of the home inspectors would like to see
45 that exemption go away. Kerr asked if there was an AG's opinion on this matter. Savage clarified that it has

1 gone through the AGs over the years many times with individuals working under the exemption. The Chair
2 said he was on the APDC Legislative Liaison committee when the exemption went through and explained
3 that it was put in there so home inspectors couldn't say it is a house, engineers and architects can't do any
4 inspections on it, because engineers and architects had done inspections forever. The Chair said is they are
5 doing a home inspection for real estate maybe they need the entire team, but there is no way a structural
6 engineer should be evaluating the entire house. Hale asked for clarification that the inspections were
7 mortgage-related. Savage confirmed and said the definition of home inspection, even at the national level are
8 not code inspections, they are non-intrusive visible inspections.

9
10 The Chair read the notice on the AELS website:

11
12 An individual who holds a valid license as a professional engineer or architect may do home
13 inspections without obtaining a home inspector license. However, they cannot use the term "home
14 inspector" in any way or advertise that they conduct home inspections.

15
16 Fritz clarified that the statement is related to the fact that the registrant cannot call him or herself a Home
17 Inspector until he/she has obtained that credential. The Chair said an architect might be able to do the whole
18 thing, but that he didn't think an engineer should do the full inspection.

19 Kerr asked if the board wanted to put something in writing regarding the Board's interpretation on this
20 exemption. Fritz asked if there was anything in the Guidance Manual. Urfer and A. Jones responded no, but
21 agreed that it should be added. Fritz stated that it would be a beneficial addition. Savage encouraged the board to
22 add something on this topic to the Guidance Manual, stating that there are a large amount of licensees doing
23 this type of work and making it a big part of their living.

24
25 The Chair suggested adding the discussion to Friday's Agenda under V. New Business. The board thanked
26 Savage for bringing it to their attention. R. Jones asked what the determination was regarding whether it was
27 conflict of interest or not. Koonce responded it needed to be looked at more closely. Fritz believed that you
28 can sign on for corrective work and that it is not a conflict of interest, but added that you can't do it on your
29 own home or anything where you have a financial interest. Fritz said there is no conflict with identifying an
30 issue and then providing solutions to fix those problems. Savage stated that as a home inspector though, you
31 can't have anything to do with the actual repair, you can only tell them what needs to be repaired. The Chair
32 stated that they get calls all the time to look at a buildings and evaluate the problems and then if there are
33 issues, then we design the fixes.

34
35 Savage asked about potential conflicts of interest where the person is doing the inspection for the buyer and
36 also working on the house for the seller. The Chair stated that if an individual is working for two people on
37 the same project, it is the individual's responsibility to let both of them know. Hale added that if there is even
38 a perception of a conflict of interest, you should let people know. Savage asked if it makes a difference in a
39 case involving two jurisdictions (AELS and Home Inspectors). The board indicated it is based upon the
40 regulations.

41
42 Koonce asked who regulates home inspectors. A. Jones responded that there is a licensing examiner in the
43 Division who handles those certifications, but that it is a non-boarded program.

1 Fritz requested to return to previous discussion regarding seals and plan reviewers. She stated that she
2 supports the idea to talk with them about the issue, but wanted to commend the reviewer for asking
3 questions and paying attention. Fritz recommended explaining the board's position regarding wet seals may
4 not be required. Fritz also encouraged the board to give the plan reviewers lots of kudos for looking for
5 stamps. Savage stated that he gets calls when they see something that doesn't look right and he appreciates
6 that bringing it to his attention. Fritz mentioned Juneau has a really good plan reviewer and is really good
7 about raising questions when something doesn't look right.

8
9 Kerr asked if reviewers know who to call. Fritz responded no and stated that she sometimes gets calls about
10 whether things are okay or not and has directed the reviewer to the AELS Guidance Manual and regulations.
11 Kerr suggested providing AELS staff's contact information on a magnet or something so reviewers know
12 who to contact. Fritz reminded the board that they had discussed doing outreach to this audience once the
13 updated version of the Guidance Manual was available.

14
15 Savage mentioned that he has developed a good relationship with the Fire Marshall's Office through the
16 forum that they started nine years ago. Savage said he wants to remain cautious with that group because their
17 laws are not as specific as AELS' in regards to the seal. He added that the Fire Marshall's Office is just
18 looking for a design professional. Savage said he wants to continue to build that relationship.

19 Koonce asked when the new Fire Marshall would come on board. Savage anticipated the new Fire Marshall
20 would start in a couple months. Koonce asked Savage to pass along that the board would be interested in
21 hearing from the new Fire Marshall once he or she has settled in. Savage encouraged the board to have
22 continue to have someone from the Fire Marshall's office come to a board meeting and continue to build that
23 relationship.

24
25 The board thanked Savage for his report.

August 2, 2018_B_00:25:12

27 **VI. Correspondence Sent**

28 The Board reviewed all items sent following the May 2018 meeting.

29
30 ***D. Land Surveyor DOB information:*** A. Jones mentioned she had added Gwen Gervelis' review of the
31 data and reported thirty-one percent of Alaska registered land surveyors are 65 and over, Forty-one percent
32 are between 50 and 64, and only twenty-eight percent are younger than 50. Hale said he was speaking with
33 Gervelis and Stan Brown yesterday and they asked what the board was doing to promote surveying. Hale
34 explained that the board is not a marketing wing for the profession, and is focused on regulating and
35 enforcement. Hale said that he told them we promote licensure and do outreach related to that and suggested
36 they work with APLS and UAA to do that.

37
38 Mott asked if new technologies have reduced the workload. Kerr said for data gathering yes, but indicated
39 that the in-office component has grown substantially. Kerr said it is probably less man hours but that the
40 product is much more sophisticated now and doesn't believe the offset is as dramatic as one might think.
41 Hale agreed and said that now you need someone with a degree because it is so much more sophisticated and
42 there is more opportunity to harm the public if you don't know what you are doing. Hale said we need smart
43 people who are really motivated, good at math and don't mind going to remote areas from time to time and it
44 is hard to find those people. Kerr agreed stated that they need people who can work well in adverse
45 conditions, conduct legal analysis, understand statutes, be mathematically savvy, and coordinate large logistical

1 efforts in remote communities. Kerr said NCEES is actively working on the effort through outreach
2 programs to kids in elementary school and middle school, and mentioned that the board had used some of
3 NCEES outreach materials to conduct a surveying activity for youth at AGC's Safety Fair yesterday.

4 *August_2_2018_B_00:30:03*

5 ***F. Update: Stamping Requirements for AHERA projects*** - Anderson reported that she had met with Mr.
6 Ottosen and Mr. French a few weeks ago and reminded the board that they had come before the board at the
7 May 2018 meeting and requested clarification on whether hazmat drawings require stamping or not.
8 Anderson explained that Ottosen and French were looking for a framework so that they are able to
9 participate when an RFP comes out and there is a seal requirement. She said they provided a binder of
10 information for her to review, which she really appreciated. Anderson stated that they produce sample
11 locations and said there is no design associated with these drawings. Anderson mentioned that she also spoke
12 with Mr. Beardsley who is a PE and working in the same field of practice and commented that he is able to
13 stamp these types of drawings, even though a stamp may not be required. Koonce asked about the process
14 and industry standards. Anderson responded that the hazardous building materials survey and abatement
15 pieces are regulated by OSHA and EPA and these outfits are taking this data and passing it along to a
16 contractor or architect for demo. Anderson stated that in her opinion they are not producing any plans or
17 making any recommendations as to how the material is being demoed. She stated they are simply indicating
18 what hazardous materials exist and where they are located. Anderson asked the board if they thought it fit
19 within our regulations. Fritz said the hazmat person she works with is very careful not to indicate methods or
20 means and includes an "in compliance with..." Fritz says there may be a drawing indicating where and what
21 was found, but it is apparent that it is a discovery-only drawing.

22
23 Maynard asked if the drawings include information regarding what needs to be removed. Fritz and several
24 other members responded that the drawings typically only state what was found and where it is located.
25 Koonce explained that there is a bid document that comes out that takes the data and specifically indicates
26 what needs to be removed and how it needs to be removed. Fritz state that she leans towards the feeling that
27 it is not under the Board's jurisdiction. The Chair asked if anyone felt differently. The board responded no.

28
29 TASK: Anderson will draft a response to Mr. Ottosen, Mr. French and Mr. Beardsley on this item and also
30 draft language for inclusion in the guidance manual.

31
32 *August_2_2018_B_00:37:07*

33 Hale asked if the Board's responses were being incorporated into the guidance manual. A. Jones said the most
34 recent version of the manual does include language from previous response letters and that she intends to
35 continue to add items to the guidance manual on a regular basis going forward.

36
37 Kerr asked if there is a library of letters put out by the board. A. Jones said that she keeps a file of the letters
38 since she has been on staff. R. Jones stated that he did not keep them separately, but that any letters would
39 have been included in the next meeting's board packet.

40
41 Sarena Green with IBEW joined the meeting.

42 *August_2_2018_B_00:39:00*

43 ***I. Response: Certifying Condominium Plats*** - Hale said he had spoken with them yesterday regarding the
44 matter and explained what the board's issue was with the Certificate of Completion statement. DNR staff
45 indicated that they are reviewing the language and doing their own regulation project to correct the mater.

1 Hale added that he provided them with several samples of the condominium surveys that had different
2 statements on them. Hale said they plan to coordinate with the municipality on developing a statement that
3 everyone can agree on and that covers all the professionals and the public, and then they follow up with the
4 board.

5
6 *August 2, 2018_B_00:41:01*

7 **VII. Correspondence Received.**

8 **A. PE Education and Work Experience** – The Chair explained that the individual is concerned about
9 regulations that say you can't gain education and work experience concurrently.

10 The board took a short break to allow ML&P representatives to get settled.
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12

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14 *August 2, 2018_B_00:47:23*

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16 **VIII. ML&P Discussion**

17 The Chair invited the representatives from ML&P to speak. Quincy Arms with the MOA Department of Law
18 explained that there were a couple factions present at the meeting. She indicated there were several employees
19 and she was speaking on behalf of the administration. Arms asked if the board had received their memo and
20 had time to look it over. Several board members indicated that they had reviewed the memo and noted the
21 discussion points.

22
23 Mark Johnston, the General Manager of ML&P introduced himself and stated that they did not have much
24 more to add beyond the memo provided by Deputy Municipal Attorney Deitra Ennis to the board on July 19,
25 2018. Johnston acknowledged that there were several ML&P employees also in attendance and stated that
26 they may have items they may want to add, but clarified that they are not speaking on behalf of ML&P.

27
28 Arms stated that internally ML&P has taken steps to ensure that ML&P survey documents are being reviewed
29 and stamped by the Municipal Surveyor. In regards to how the exemption of utilities (AS 08.48.331(a)(10))
30 applies to MOA and respectfully requests the board get an updated opinion on whether that exemption
31 applies to ML&P and other public utilities and state agencies. Arms said they were available to answer
32 questions, but did not have anything further to add beyond the memos.

33
34 The Chair said that the 1977 AG Opinion was taken when state employees were exempt and explained that
35 they are no longer exempt. The Chair said law was changed after the 1977 opinion was issued. The Chair
36 explained that if DOT&PF issues drawings they are stamped by licensed engineers.

37
38 Dee Ennis, the Deputy Municipal Attorney introduced herself and said that they have been told very different
39 things and that DOT&PF is not stamping those documents and that it is industry practice both with the state
40 and the utilities, the other position and that's what made us look for this. Ennis stated that Arms had done
41 the legal research and even though that is an old opinion that has gone back and forth, she noted that the
42 language and issue is almost identical to the language and issue now, and encouraged the board to get an
43 updated opinion of the State's Department of Law interpreting the state statute. Ennis stated that the board's
44 position goes against industry standard, city-wide, not just the municipality, other utilities, other state agencies
45 and tremendous impact that the board may not realize.

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The Chair responded that the board is doing just that and would also be speaking with DOT&PF later in the meeting to discuss drawings that shouldn't have stamps.

Bob Auth of the AG's Office introduced himself to the board.

Ennis stated that she is concerned that the employees have a list of questions that assume the exemption does not apply. Ennis said if the exemption does apply then the questions are essentially taken care of. She clarified that Administration is not here to debate those aspects at this point in time, but indicated the staff are stuck between a rock and hard place if that is the interpretation. Ennis further specified her comment was in regards to the engineering drawings, noting that she believes MOA has internally resolved the concern related to surveying documents.

Ennis introduced Steve Schmitt, the Municipal Surveyor.

The Chair said that the industrial exemption was removed from State law in the early 1990s and two years re-installed, but the language that was inserted the exemption didn't apply to issues where the public had access. The Chair explained a scenario involving designing a power plant within a fence and there is no interaction with the public does not require a licensed engineer, however if you are designing something that interacts with the public, then you need a licensed engineer. The Chair added that there are some gray lines in between, and said the board can have their electrical engineer who is unfortunately not in attendance to provide some further clarification on what affects the public and what does not.

The Chair explained that when the legislature enacted those laws it was to add that extra layer to protect the public, so if there was interaction between the entity and the public, you needed a licensed engineer.

Koonce asked MOA representatives if they are requesting the AG to render an opinion on the list of questions. Ennis responded that the list of questions was submitted by an employee and said the request was at a higher level to determine if the exemption applies, and if it does, then those questions from the employee will need to be addressed.

Kerr asked if the 1994 memo to all engineering personnel was the model MOA was proposing to follow. Ennis stated she was unsure how that came to be, but believed someone was told the exemption did not apply and so he had responded city-wide. Ennis stated that is not their current business model. Johnston said he was recently given a copy of it and said it is not the way we have been acting because with the exemption we believe that we don't need to follow that. Johnston said if we can get an updated AG's opinion, we will look at our policies to determine if any adjustments need to be made.

Kerr asked if following the policy would not be in the public's best interest.

Johnston responded that they had not reviewed to make that determination and reiterated that it is not the way ML&P is currently doing business.

Ennis mentioned there is a cost element to it and requested the board consider that as well.

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2
3 Kerr asked what has transpired in regards to addressing the surveying document issue. Schmitt – now in
4 compliance with sealing final documents related to land surveying.
5

6 Schmitt said the Kerr and Hale brought to his attention that the state statute requires signatures on survey
7 documents and also received a letter from the AELS board. Schmitt explained that Municipal process on
8 easement documents that require a land surveyor to produce which means they require a parcel sketch and
9 legal description are being sealed by a professional land surveyor. Schmitt added that temporary construction
10 easements and temporary construction permits are not because they are temporary. Schmitt said based upon
11 his interpretation of the statutes and the board’s letter he is in conformance with easement documents.
12 Schmitt clarified that he was not talking about survey plats and records of survey, stating that those are
13 separate and covered under municipal code and state statute and those are always sealed by a professional
14 land surveyor. Schmitt said that he has four consultants under contract, all of which are professionals and
15 signing and sealing their work.
16

17 Kerr asked if ML&P’s surveyor is signing and sealing the work that they do. Schmitt responded that ML&P’s
18 surveyor is not and explained that ML&P is a municipal entity and their work is reviewed by Schmitt and his
19 staff, accepted and then signed by him as the Municipal Surveyor.
20

21 Kerr stated that in AELS statutes responsible charge is defined as “being in direct control and supervision of
22 work” and said you can’t seal work that you are not in direct control and supervision of. Schmitt ask if it was
23 a question of proximity. Kerr responded no and reiterated that it is a question of direct control and
24 supervision of the work. Schmitt said that he is not following Mr. Maxwell around and that type of practice is
25 not industry standard. Kerr said Mr. Maxwell should be sealing that work and cited Alaska Statutes
26 08.48.341(20). Schmitt responded that is a question for the utility and indicated that there may need to be a
27 discussion with ML&P and possibly change staff around if that is the board’s direction.
28

29 Fritz clarified that the definition for responsible charge used when you are in-training is the same as in
30 practice. Fritz said it is not intended that you would just sign off on someone. Schmitt clarified that was not
31 his point and said he did not believe that he needs to follow another licensed surveyor around. Fritz agreed.
32 Schmitt said his point is that the principal surveyor that is signing off is not going to run around “bird-
33 dogging” multiple crews. Kerr explained that he does not need to be on site, but that he needs to have that
34 control by communicating with those crews, understand what they are doing, and guide their actions when
35 they have questions. The principal surveyor needs to be in charge rather than just checking in. Schmitt
36 responded that it appears to be a process issue with the utility and something we can deal with internally.
37

38 The Chair asked Schmitt if there is an issue with the submission does he send it back. Schmitt indicated that
39 he does send it back to be corrected.
40

41 The Chair said that the board would obtain an updated opinion from their AG and share it with MOA/
42 ML&P.
43

44 Green asked if the board had a recommendation on how the utilities should proceed in the interim until the
45 AG’s opinion is provided on whether or not they need to change their internal processes. Green said that she

1 wants to make sure that their employees are not going to run the risk of not getting their PEs, or be harmed
2 in some way.

3
4 The Chair said that his recommendation is that if the public has access to it that you have it designed by a
5 licensed professional engineer. Green asked what the board would consider a right-a-way because it is not
6 public access, but it is on public lands. The Chair said if the public is accessing it on a regular basis (e.g.
7 backyards) then that would fall under the requirement of having a licensed professional engineer, but more
8 remote right-of-ways may not.

9
10 A. Jones stated that she had received and included in the addendum correspondence expressing a concern of
11 retroactive prosecution and asked the board to address that. The Chair said we are not actively looking for
12 cases and explained the board will not pursue something unless there is a complaint.

13
14 Jake Moe introduced himself as an electrical engineer for ML&P and asked if someone produced a design
15 that should have had a stamp, but didn't who is in responsible charge and/or who is liable? Is it the person
16 who signed it, is it the supervisor that doesn't have a PE, is it the company? The Chair said it would likely be
17 all 3 because they are practicing engineering without a license.

18
19 Jake Maxwell introduced himself as a land surveyor with ML&P and explained that he had sent some of the
20 correspondence between the board and ML&P that states the requirements for the engineering and surveying
21 seals. Maxwell noted that it appears the Board's opinion in 1993-1994 required professional engineers and
22 surveyors to be employed by a utility. Maxwell added in follow up to the supervision he received from
23 Schmitt was on the easement document, but day to day operations are still at ML&P. Maxwell asked if these
24 letters are still in place.

25
26
27 *August 2, 2018_B_01:12:08*

28 Kerr stated that he believed the exemption changed and changed back since those letters. The Chair said
29 repeal and reinstatement of the exemption occurred prior to the date (circa 1990) of the letters Mr. Maxwell
30 provided. The Chair said that no one in the design community knew how it had gotten taken out and worked
31 with the utilities and the oil companies to work out language that would define when a license would be
32 required and after two years, and similar language went back in except for the public safety aspect.

33
34 The Chair responded to Maxwell directly saying that it would be appropriate for him to stamp the work since
35 he is a licensed professional surveyor, except for the Municipality wants it to work that way and stated that is
36 an internal mechanism of how they operate. The Chair said if Schmitt is in responsible charge of the work, he
37 needs to direct the work, know what you are doing and be satisfied with the product when it is done. The
38 Chair said if they wanted to give you the power to sign them, they could because you are a licensed
39 professional. Kerr told Schmitt that unless there is an incentive for him to seal the work, he is jeopardizing his
40 license by signing work that you may not have direct control and supervision of.

41
42 Schmitt said it is simply an internal process that needs to be modified and indicated that adjusting the process
43 would not be a problem.

44

1 Moe asked if the 1994 memo were enacted by ML&P, would the Board approve that. The Chair responded
2 that they don't approve processes. Moe asked if they would be okay with it. The Chair responded if it meets
3 state laws & regulations and stated that he believed it was in the right direction. Kerr agreed that the intent
4 was in the right direction.

5
6 Arms said it was drafted when the exemption was not in place and stated that she believed the process should
7 be different as the exemption has been reinstated.

8
9 Hale said the regulations are public-centric and suggested that when they review processes that they keep that
10 in mind. Hale explained that the board's goal is to protect the public with these statutes and regulations and
11 the board is trying to uphold the law.

12
13 The Chair thanked everyone for coming. The board took a short break.

14
15 TASK: The board will follow up with ML&P following receipt on an opinion from the AG's office.

16
17 *August_2_2018_B_01:24:50*

18 ***X. Standard Drawings Discussion***

19 Ken Fisher, Chief Engineer at DOT&PF introduced himself and thanked the board for the opportunity to
20 appear before the board to respond to issues raised by the board had regarding the use of standard drawings
21 in the State of Alaska.

22
23 Fisher explained that they have explored three concerns:

- 24 1. Current practice of utilizing standard drawings consistent with state law, meeting all regulatory
25 requirements and providing protection for the public
- 26 2. Is responsibility maintained in this process?
- 27 3. Is the current practice of using standard drawings in the best interest of the public?

28
29 Fisher said that he believes their current practices are consistent with state laws and is in the best interest of
30 the public. Fisher then introduced Jeff Stark, representing the State of Alaska's Attorney General's Office and
31 Mark Neidhold, Chief of Design and Standards for Construction and explained that they were here to expand
32 on those three areas.

33
34 Stark introduced himself, stating that he is an Assistant Attorney General working primarily with DOT&PF
35 and explained that Mr. Neidhold had alerted him of these issues. Stark stated that he had written a letter to
36 Mr. Neidhold addressing the legality of using standard drawings on July 20th. Stark apologized for his
37 incorrect citation of the AELS statutes. Stark explain to the board that he had been asked to look at whether
38 DOT's practice of using standard drawings is consistent with AELS Statutes and Regulations. Stark said that
39 his assumption was that DOT&PF had a number of drawings that were prepared by a licensed engineer, and
40 stamped by that engineer and the specific task for that engineer was to create a component that would be
41 used in future projects unaltered. Stark said these would be used repeatedly and provided the example of
42 terminals for guardrails. Stark noted that some standard details may have limitations on circumstances, and
43 that information is specified on the drawings. Stark explained the project engineer goes through the drawings,
44 selects which components are suitable and incorporates them into the plan set. Stark stated that the stamp of
45 the original designer of that component remains on the drawing, and the engineer for the project stamps the

1 remaining drawings of the plan set. Stark said in the end, you have a situation where multiple engineers have
2 been involved in the plan and each component that was designed by a particular engineer is clear and
3 incorporation of the standard drawings is made by an engineer who has the expertise and is qualified to
4 determine whether that is an appropriate component for that particular project.
5

6 Stark stated that in terms of looking at whether this is allowed under AELS Statutes and Regulations, neither
7 address the use of standard drawings specifically. Stark explained that he looked at three things.

- 8 1. What it is that the legislature and the board may have been contemplating when they drafted its
9 statutes and regulations
- 10 2. What principles are behind that
- 11 3. How they ought to apply to this situation
12

13 Stark explained that he first looks at the language and said he did not see anything that prohibits this practice
14 and in fact it appears to be consistent with the language with multiple engineers being involved in a complex
15 project. Stark mentioned that he also looked at processes in other states and if they are using standard
16 drawings. Stark said that Neidhold had contacted a number of transportation departments throughout the
17 country and confirmed their processes were very similar to Alaska DOT&PF and that they were also working
18 under a regulatory regime. Stark indicated that provided a certain amount of comfort when looking at the
19 board's goal of protecting the safety of the public and ensuring these projects are designed in a way that the
20 public are protected from harm. Stark indicated that knowing other states are comfortable with the practice
21 leads him to believe that it is likely those practices are permitted in Alaska.
22

23 Stark said he also looked at what are the benefits and what are the harms of this practice. Stark explained that
24 DOT&PF very limited funds compared to real need for designing, building and rebuilding roadways, and
25 needs to allocate those funds in a way that benefits the public the most. Stark added that safety is a huge part
26 of that and explained that once you have had a licensed and qualified engineer design a standard detail, to
27 have an engineer re-evaluated each time doesn't seem to have a lot of incremental value to the public as
28 opposed to directing resources to closer evaluation of other aspects of that project or building additional
29 projects that directly impact the safety of the traveler and public. Stark noted the one drawback of the current
30 process is that it does not provide you with an opportunity to confirm drawings are current. Stark said it was
31 his understanding that some of DOT&PF's drawings were not current and added that DOT&PF agrees that
32 this is a legitimate problem. Stark said they have identified that is a weakness and are committed to addressing
33 the issue and periodically re-evaluating the drawings to ensure they are up to code. Stark said that is a much
34 more economical way of addressing the issue and he believes it is an adequate way for DOT&PF to address
35 the issue and allow DOT&PF to allocate its resources in a better way to benefit the public.
36

37 Stark said everything he sees indicates that DOT&PF's practice is permissible by AELS statutes and
38 regulations. Stark said that he was not exactly sure what the board's concerns were and said he was welcome
39 to address any concerns they had.
40

41 The Chair explained the board's concern was not with use of standard drawings, but that fact that they have a
42 stamp on them. The Chair stated that it is not a final drawing so it should not have a stamp on it. Stark ask if
43 DOT&PF took the stamp off the drawing then it would be okay. The Chair confirmed that had been the
44 board's request a year ago. Fritz explained that they can be signed in the title block by someone who is an
45 engineer, but just don't stamp them. Fritz explained that when the standard drawings are used, the

1 responsibility goes to the person who stamped the drawing sets that were used for construction. Stark
2 indicated that he understood the board's concern regarding responsibility and said when DOT&PF does a
3 project it will be done responsibly and that DOT&PF's responsibility is more than any individual could do.
4 Stark explained that if there is an unsafe component that gets incorporated into one of DOT&PF's projects
5 and it results in someone being injured or killed, the individual will not get sued, but rather DOT&PF is
6 responsible. Stark stated that he believes DOT&PF's concern with putting it in unstamped is that it places
7 responsibility on an engineer that is qualified broadly to determine the detail is appropriate for the particular
8 project, but some of the details of the component might not be within their area of expertise and you are
9 asking them to sign something that is outside their area of expertise or work with someone who has that
10 knowledge to assist them in making that determination.

11
12 Neidhold recalled speaking to that point at the February 2018 and explained that under the professional code
13 of ethics he is limited to practicing within his areas of expertise and experience, even though his discipline of
14 civil engineering is very broad. Neidhold stated that DOT&PF's practice with standard drawings bridges the
15 gap for the engineer in responsible charge of project. Neidhold stated that he is allowed by his area of
16 expertise to look at the project as a whole, but indicated that some of the standard details are not within his
17 "wheelhouse" and explained that in those instances he relies on another registrant with expertise in those
18 areas. Neidhold said part of that practice is related to cost-effectiveness, but noted that another piece is
19 insurance that the registrant who designed the details of that element is taking responsibility of that element.
20 Neidhold explained as the owner of that drawing, the State of Alaska is accepting responsibility. Neidhold
21 added that his recollection from the initial discussion at the August 2017 meeting was that some entities
22 besides DOT&PF were using sealed drawings. Neidhold explained DOT&PF's process is intended to insure
23 the element is designed by the appropriate registrant and in compliance with our professional code of
24 conduct.

25 *August 2, 2018 01:45:03*

26 Mott said if you aren't familiar with the technical details of a standard detail, how can you be sure that you are
27 incorporating it effectively? Neidhold gave an example of electrical engineer specifies a particular switch on a
28 wall, but did not design that element, but they are responsible for incorporating it and how it gets hooked up
29 and rely on UL certification and the manufacturer's certification. Neidhold also offered the example of a
30 structural engineer that looks at the connections and may have designed the fastener, but they rely on the
31 ASTM designation for the fastener. Neidhold acknowledged that they are not exactly the same, but noted
32 there are some similarities. Neidhold added that they do modify their standard drawings, but in those
33 situations it is no longer a standard drawing and the engineer of record works with the appropriate engineer
34 and do a project specific for that detail for that project and it is sealed by a new registrant and assumes
35 responsible charge for that detail.

36
37 Kerr stated that he has worked with DOT&PF plan sets extensively and believes the practice of using
38 standard drawings is in harmony with the goals of the law and that hopefully DOT&PF is bringing in the
39 greatest expertise you can to design that component and introducing cost savings. Kerr noted the area that
40 caused concern for him were standard drawings that were sealed by someone who was deceased, retired, or
41 otherwise unavailable. He explained the importance of a registrant being able to contact the designer of a
42 standard detail to get confirmation on the appropriateness of a particular application. Kerr said he thinks they
43 can be final drawings in the sense that they are final for that component and believes DOT&PF is mostly on
44 task with the exception of that one element.

45

1 Neidhold responded that DOT&PF heard that and deferred to Fisher to respond to that point.
2 Fisher stated that he had reviewed the minutes of past discussions on this topic and that item also stood out
3 for him and that he has directed Neidhold to conduct periodic review for that exact reason. Fisher also
4 commented on the point regarding responsibility and reiterated that ultimately the State of Alaska is
5 responsible.
6

7 Kerr said if there is a current registrant then it is almost self-updating in that someone is responsible, not
8 necessarily from a liability standpoint, but from an ownership perspective.
9

10 Fritz commented that there is nothing wrong with having multiple engineers stamp different drawings in a set
11 and noted that architects do it all the time. She suggested DOT&PF consider having an engineer on the
12 project take responsibility of those specific details for a particular project and stamp those details while the
13 engineer that is in charge of more of the general project stamp the other drawings. Fritz said another option
14 would be to use a standard detail by reference and it becomes the responsibility of the person who stamps the
15 plan set it to ensure that the standard detail is appropriate for that particular project.
16

17 Fritz also responded to the example of the light switch, stating when an electrical engineer specifies a
18 particular light switch they want to use that light switch product itself is not stamped by someone and the
19 engineer is relying on standard details from UL, standard listings, standard products they are not stamped.
20 Fritz suggested they consider removing the stamp because it is an industry standard.
21

22 Mott added if you are an EE and you are stamping a design that includes that switch, you are controlling
23 everything that goes into that switch. Mott said when an engineer is putting a standard light fixture in on a
24 highway, it is up to the person selecting that detail to consider all the impacts to it such as soil condition,
25 freeze-thaw cycle, etc. Mott said someone has to take that responsibility and tie that detail to back in to say
26 that it is appropriate for that particular project and indicated that it can't be the person who designed it
27 originally because he can't define all the parameters that could impact it in every case. Mott said that the
28 responsibility really needs to reside with the person selecting it.
29

30 Neidhold clarified that the sheet where DOT&PF incorporate those drawings is sealed by an Alaska
31 registrant. He indicated that his reference to the light switch was to draw a parallel and stated that he is well
32 aware the light switch does not have a professional engineer seal on it. Neidhold said the light switch gets
33 incorporated in multiple projects and the registrant who does that relies on that external certification.
34 Neidhold commented that AELS regulations state that those drawings be sealed. Neidhold said DOT&PF
35 relies on that third party, but ultimately the decision to include a standard detail rests with the designer of
36 record who seals the drawing or the specification that incorporates it. Neidhold responded to Fritz's first
37 option stating that is precisely what DOT&PF. Fritz clarified that it is not the same as what DOT&PF is
38 doing. Fritz explained that the engineer has to be in responsible charge of the specific drawing and detail
39 being used for the specific project, not that it can come off the shelf of someone who used to work for
40 DOT&PF. Fritz stated that is has to be relevant today. Fritz said multiple engineers can stamp that set but
41 they need to be aligned to the specific project.
42

43 Neidhold responded that from DOT&PF and LAW's perspective that is what they are doing. Neidhold
44 stated that it is not uncommon for them to have plan sets with multiple registrants on them and commented
45 that they also have standard drawings with multiple registrants on them for those very reasons. Neidhold

1 added that there comes a point when the designer of record who incorporates a standard detail may not have
2 the expertise required by the board to make the determination. Mott asked how that individual knows they
3 are selecting the appropriate detail. Neidhold responded that the registrant relies on the data and their analysis
4 of that information to determine if it meets the criteria for that project.
5

6 The Chair asked if they ever hand out the standard detail to a contractor and say “Go build this,” without it
7 being part of a drawing set. Neidhold responded that in his tenure of over thirty years with the department he
8 is not aware of an instance where that occurred. The Chair commented that it is not a final document then.
9 The Chair asked if it is always part of a set of drawings that is stamped by somebody else, who is taking
10 responsibility for those details. Neidhold responded that DOT&PF incorporates those drawings into a set
11 and the engineer of record is taking responsibility for the incorporation of those details.
12

13 The Chair asked if a contractor has a question about a project and that particular detail does he call the
14 engineer who stamped the list or does he call the engineer who stamped that drawing? Neidhold explained
15 that the contractual relationship is that he contacts the Project Engineer who is the single point of contact for
16 DOT&PF and the Project Engineer would then go to the engineer of record who is responsible for the
17 project and depending upon the detail and questions it could drill down.
18

19 Fisher stated that a contractor called this week about a temporary bridge construction project on Seward
20 Highway. Fisher explained the contractor called the project manager, who then called Fisher in the Bridge
21 section and he reviewed temporary bridge specs together with the contractor.
22

23 The Chair expressed his concern regarding that process given that percent of DOT&PF’s standard drawings
24 are sealed by registrants with lapsed or retired licenses. The Chair said he went through all of DOT&PF’s
25 standard details this weekend and identified that fifty-six percent of the engineers do not have an active
26 registration in Alaska. Neidhold said in those situations then we are going back and modify or update that
27 drawing. Neidhold stated that they have eight identified right now. The Chair handed Fisher a hard copy of
28 the list he had created.
29

30 The Chair stated that these individuals are not licensed and can’t have a drawing with their stamp on them.
31 There was some discussion regarding record drawings and the validity of those seals. Stark stated the
32 individual was active when the standard detail was developed. Koonce clarified that they can’t be used on new
33 projects. Fisher said they will take a look at these. The Chair responded that they could solve it by taking the
34 seal off and suggested they follow Oregon’s practice which is to include a report stamped by the engineer
35 explaining how they incorporated the detail and includes the standard drawing in the plans set, but the
36 standard drawing is not stamped. The Chair said whoever references that detail is taking responsibility for that
37 detail being used in that project.
38

39 Stark said he understands what the Chair is saying, but indicated that is not what the regulations say. Stark
40 said the regulations talk about stamping the drawing and that an engineering nearing the end of his or her
41 career may stamp a drawing that won’t be built until after they have retired and said there is nothing in the
42 AELS regulations that prohibit that. The Chair responded that current projects are going out with standard
43 details that are stamped by people who have lapsed licenses and that is not permissible. The Chair added that
44 they are supposed to be stamped and dated since 2002-2003. Stark responded that they are putting out
45 components that were designed by people who were licensed at the time the drawing was done. The Chair

1 argued that they were not licensed when they project goes out. Stark stated that the project for the designer
2 was to design the component not the overall project. Fritz said they should not be used on a current project.
3 The Chair noted that some of the standard drawings date back to 1982 and indicated that the likely did not
4 meet current standards because they all have changes on them with other people's initials. Stark said that is
5 the issue that has been identified and is on DOT&PF's radar and intends to address.

6
7 The Chair reiterated that the person incorporating those standard details is "buying" those standard details
8 and if there is a problem and that detail is not the appropriate one for that project then that individual is
9 going to lose his license as well as get sued along with the State of Alaska. The Chair noted that if it is an
10 inappropriate detail that is beyond the standard of care then he will lose his license, so the engineer better be
11 making sure that those details are appropriate and not just taking the word of an engineer who retired several
12 years ago.

13
14 Neidhold responded that he believes they are saying the same thing. The registrant seals the sheet that
15 incorporates those drawings and it taking responsible charge. Mott responded that the board had also heard
16 that the engineer of record for a project may not be competent in the area. Neidhold mentioned the light
17 switch example again and how the engineer is relying on the third party. Mott explained the difference is that
18 an engineer controls everything that goes in to that light switch, but an engineer incorporating a standard
19 detail does not control everything that impacts it and needs to be competent to call out those details.
20 Neidhold responded that he is telling the board DOT&PF's designers of record are competent to call out
21 those details.

22
23 Fisher thanked the board for the list and said that DOT&PF's does not want outdated drawings and it is now
24 on both his and Neidhold's radar and indicated they would review the information provided by the Chair and
25 communicate their expectation to refresh them.

26
27 The board discussed the examples from other states that were provided one of which included a disclaimer
28 and another in which a report was stamped but not the standard drawings themselves. Fritz said the Juneau's
29 standard details do not have a stamp on them, but include the Director's signature acknowledging when and
30 who prepared it. Fritz commented that when one of the city's standard drawings is used the designer of
31 record for the project reviews it and determines if it is applicable and takes responsibility for it.

32
33 Neidhold reiterated that in all of his testimonies he has not indicated that everyone does it like DOT&PF, but
34 that there are some similarities. Neidhold said he intentionally included an example where the report
35 referencing the standard drawing is sealed because it is substantially similar to DOT&PF's process. The Chair
36 responded that example would meet our standards.

37
38 Neidhold expressed his appreciation to the board members for volunteering and serving on the board and for
39 their efforts to stand up Alaska engineers for the good of the public and to minimize public risk. Neidhold
40 said DOT&PF has done the analysis and if we make this change where a different level of analysis is required
41 on each project the net effect will be a reduction in safety for the public in the State of Alaska. Neidhold
42 stated that DOT&PF incorporates safety components in projects and if we expend more funds to correct a
43 perceived not a demonstrated issue then we have less funds to address safety components for Alaskans.

1 Urfer circled back to one of Starks earlier comments and asked about responsibility for a design flaw and if
2 there is language in their contracts that addresses that. Stark said DOT&PF frequently get sued in situations
3 where the claim is that the roadway was improperly designed. Stark added that they seldom agree with that,
4 but that if in fact there was a flaw in the design and someone was injured it is not a matter of contract,
5 DOT&PF would get sued. Stark said theoretically the designer could get drawn in, but indicated that he had
6 never seen it.

7
8 The Chair stated that he believes the majority of the engineers of record are looking at the standard details
9 and not taking them at face value and believed DOT&PF's expenses would not go up.

10

11 The Chair asked to go off topic and ask an unrelated question. The Chair asked Fisher and Neidhold if they
12 design a road or bridge project in-house do they stamp those drawings. Fisher and Neidhold responded
13 affirmatively. The Chair said that the city had told the board DOT&PF doesn't because of an AG's opinion
14 provided back in 1978 that said you didn't have to. Neidhold said they may be looking at federal lands or
15 forestry. The Chair said he did not think that was the case. Neidhold added that it is very important to
16 DOT&F that there is a seal on those drawings and explained that the sheets that are not sealed are typically
17 traffic control plans because they are a working drawing and soil erosion control plans because they are
18 intended to be modified in the field.

19

20 Neidhold backed up to Urfer's question regarding contracts with consultants. Neidhold stated that they do
21 require errors in omission insurance from consultants, but noted that in the thirty years he has been with
22 DOT&PF, he knows of no event where we had a personal injury lawsuit against the State of Alaska and that
23 lawsuit was redirected to a consultant registrant.

24

25 Kerr commented that one of the main issues that it is making it difficult to resolve this conversation is the
26 definition of "Final Drawings". Kerr referred the group to the guardrail detail from Washington State that
27 was included in the board packet. Kerr said that he would consider it a final drawing, adding that someone
28 could revise it, but that didn't mean it wasn't a final drawing. Kerr asked Fisher and Neidhold if they had
29 assessed the term "final drawing" and how it applies.

30

31 Stark responded that the point he was trying to make earlier was standard drawings are final drawings that is
32 stamped by the engineer who drew it and that is in compliance with the Alaska statutes and regulations. Stark
33 added that there is nothing in the regulations that suggests that project can't be built just because the engineer
34 who stamped it retired or deceased. Kerr stated that is not in harmony with the intent of the law.

35

36 Stark said DOT&PF is going to be responsible for it if a question comes up and has a tremendous amount of
37 engineering resources internally and has access to more if necessary. Stark said if a question did come up, a
38 component engineer will address it.

39

40 Kerr indicated that the position the board takes on this will also apply to organizations that don't have that
41 immense body of knowledge and depth of resources and requested they consider that perspective as well.

42

43 Maynard stated that he has a problem with the guardrail drawing from Washington being a final drawing
44 because of the disclaimer on the first page and read the disclaimer to the group.

1 Stark commented that was just a disclaimer of warranty and said if they are putting that out for others to use,
2 they are not going to take responsibility for that. Maynard asked why it should be stamped then. Stark stated
3 there is a difference between using it internally versus letting anyone use it.

4
5 Fritz said there is an importance difference between designing a standard detail and using it on a specific
6 project and indicated that is where the disconnect lies. Fritz said a standard detail drawing may be done in
7 accordance with the law, but explained that the minute it is pulled from the shelf and gets incorporated into
8 something else there is a distinction. Fritz said it is okay if the standard drawing is stamped, *IF* the person
9 who stamped it is assessing the appropriateness of the application of the detail in that specific project.

10
11 Kerr commented the WA guardrail example does provide enough information regarding limitations. Fritz
12 said she believes the key issue is who is taking responsibility for the specific application. Fritz comments that
13 it is crazy for a registrant to put their stamp on a drawing that goes out to the public for anyone to use
14 because there is a level of legal responsibility and professional ethical responsibility.

15
16 Maynard gave an example of someone providing the guardrail drawing to a contractor for a new subdivision
17 without the registrant who stamped its knowledge. Maynard said if there is a problem with it that could be an
18 issue.

19
20 Neidhold said when DOT&PF incorporates a standard drawing into a plan set, DOT&PF is assuming
21 responsibility for it. Fritz asked why it needs a stamp then. Neidhold said there are nuances where the general
22 designer of record for a particular project doesn't meet the board's professional code of conduct
23 requirements for depth of knowledge to understand every element. Neidhold said the designer of record has
24 have the knowledge to determine their conditions meet that element designer of record's intent and they
25 assume responsibility for that. Neidhold reiterated that DOT&PF does not hand out a standard drawing and
26 say building it according to the standard drawing. Neidhold explained that they give out a project that
27 incorporates the standard drawing that is sealed by a registrant. Neidhold said that is what DOT&PF uses as
28 their contract document. Neidhold said that a developer who chooses to do otherwise is in violation of the
29 regulations.

30
31 Kerr stated that if a member of the public is injured the engineer of record could easily get drug into the
32 whole issue. Neidhold explained the registrants sealing the standard drawings did so with the intent that they
33 would be used on multiple projects and include a spectrum of constraints that narrow the scope of
34 application.

35
36 Fritz noted that another key issue is the concept of incorporation. Fritz explained that incorporating the work
37 of another licensed engineer is equivalent to the definition of responsible charge in statute. Neidhold returned
38 to the example of the light switch and said that he would find it outstanding that the typical registrant that
39 specified that switch would have the full depth of knowledge of all the metallurgy that goes into that switch.
40 Neidhold said they rely on an external reference and internal processes so there is enough understanding that
41 the specified light switch is appropriate for the application. Fritz reiterated that the issue is that the standard
42 detail is stamped. Neidhold said that they have to have that the registrant sealing that final standard drawing.
43 Several board members disagreed. Maynard suggested that they stamp the report that is attached to the
44 drawing. Maynard circled back to the point that several of the details are outdated. Neidhold responded that
45 the Chief Engineer had already addressed that concern and explained that DOT&PF would be doing periodic

1 reviews to resolve the issue going forward. Neidhold commented that the AG (Stark) already weighed in on
2 the matter of a drawing sealed by a retired or deceased registrant. All agreed that there was still some
3 disagreement on that piece.

4
5 Maynard said that once the registrant's license expires, his stamp is no longer good. Neidhold said that he
6 already sealed the drawing. The board discussed the use of standard details are only valid as long as the
7 registrant is actively registered.

8
9 Stark clarified that the board's position was that it can't be used at all. Maynard confirmed, stating that it is no
10 longer a valid stamp once the registration has expired. Fritz said it was valid when it was designed, but if you
11 want to use it for something it needs to be stamped by someone with a valid license.

12
13 Neidhold confirmed that Fritz said it was valid when it was designed. Fritz responded affirmatively. Neidhold
14 said that we are going to go back and ensure that it is still valid and code compliant, but reiterated that what
15 the board is proposing would have a significant cost. Neidhold said to go back and do that on every single
16 project would reduce the safety to Alaskans. Fritz commented that the cost issue had been discussed
17 previously and asked if the cost had actually been analyzed for taking the stamp off. Fritz added that the
18 person considering using the drawing is already reviewing it because of the liability associated with
19 incorporating them into their plan set.

20
21 Fritz asked if the cost had really been analyzed if the stamps were taken off, then that detail would be the full
22 responsibility of the person who is already reviewing and deciding if it is appropriate to the set.

23
24 Fisher said he believed the group was in agreement regarding outdated drawings and stated that DOT&PF
25 will address that. Fisher explained he was having trouble understanding when a drawing was no longer valid
26 based upon the Chair's previous comment. The Chair explained if the drawings were designed for a particular
27 project then it would still be valid and gave the example of designing a school and then the designer dies. The
28 Chair stated if someone then wanted to use that school plan on another site, it would need to be re-stamped.
29 The Chair explained that you have to have someone who can take responsibility for the drawing and who can
30 answer the questions. Kerr stated that you have teams of engineers working on projects and said if one
31 individual died it could be fairly easy to have the set re-stamped by another qualified member of the team.
32 Fritz said in her opinion there are two fundamental issues (1) direct responsible charge of whatever was
33 designed that is project specific. Fritz said if standard details are one level, but once you start applying it to a
34 specific project, someone needs to take responsible charge of that and indicated that it could be one person
35 or multiple people with one taking responsibility of the detail and the other the overall project. Stark stated
36 that is what DOT&PF is doing. Fritz and other board members disagreed, and again recommended taking
37 the stamp off of the standard drawings and allowing that other engineer to take responsibility for the specific
38 application of the detail. The board discussed determining if a detail meets the criteria for a particular
39 application and ensuring it is valid for that situation. Kerr said you get more expertise from a standard
40 drawing when it is sealed by someone that has that depth of knowledge. Neidhold responded that is exactly
41 our process. Mott reiterated that someone has to say that it is appropriate for a particular application and take
42 that responsibility. Kerr responded that the individual who looks at all the elements and standard design and
43 if they are unsure they contact the appropriate design professional to assess. The Chair said the person who
44 stamped the detail though is not involved in the project at all. Kerr said the designer has included limitations
45 and other information on the detail to help the designer of record for a particular project make that

1 determination. Neidhold said Kerr is spot on. Kerr said companies will need to expand their staff and
2 expertise if the stamps on the standard drawings are removed. The Chair reiterated that regardless of a stamp
3 or not, an engineer is going to review it for appropriateness. Neidhold disagreed saying many engineers do
4 rely on that stamp of the engineer with the expertise for that detail. Neidhold added that he queried other
5 states and that is their process as well.

6
7 Fisher said they will refresh anything that is outdated, but indicated he still needs to wrap his head around the
8 foundational issue of handling situations when a registrant is deceased and the statutory/ regulatory part of
9 that and indicated he would invest time to understand that aspect.

10
11 Neidhold thanked the board for their time and patience. The board thanked Fisher, Stark and Neidhold for
12 speaking with the board and continuing the discussion.

13
14 TASK: The Chair will draft a follow up letter to DOT&PF that clarifies when a stamp is no longer valid.

15
16 The board recessed for lunch at 12:10 p.m.

17 *August_2_2018_C_00:00:01*

18 The board reconvene at 1:28 p.m.

19
20 Peter Giessel joined the meeting telephonically.

21
22 **XI. Old Business**

23 **A. May To Do List** – The board reviewed the “In Progress” items on the May To Do List.

24
25 *August_2_2018_C_00:07:18*

26
27 **XIV. Public comment**

28 The Chair invited Peter Giessel to speak. Giessel explained that he was calling to check on the status of the
29 board’s response to his April 2017 letter. The board apologized for the delay and promised to respond in the
30 next week.

31
32 TASK: The Chair will provide a response to Mr. Giessel.

33
34 *August_2_2018_C_00:08:17*

35
36 The board returned to XI. Old Business, B. Regulation Project Updates. A. Jones reminded the board that
37 they had made motions at the May meeting to public notice the proposed updates to 12 AAC 36.060, .061,
38 .103 and .110 and 12 AAC 36.105 (Agenda Items XI.B.1 and 2). The board walked through each of the
39 regulations to confirm the wording was what they intended. Koonce asked about the inclusion of NCARB’s
40 contact information in the editor’s note, especially since their offices would be moving in the coming year. A.
41 Jones responded that she would follow up with Jun Maiquis, the regulation specialist on how to handle that.
42 Kerr recommended including the website only. Fritz noted that the references to Green Covers and Blue
43 Covers under 12 AAC 36.061 could be removed.

1 TASK: Koonce will provide A. Jones with a mark up of 12 AAC 36.061 containing the additional
2 information to be removed.

3
4 Urfer recommended including the contact information for the national organizations in the guidance manual.
5

6 *August_2_2018_C_00:14:15*

7 **On a Motion duly made by Catherine Fritz, seconded by Luanne Urfer and approved**
8 **unanimously, it was RESOLVED to send to public comment as amended, revisions to the 12 AAC**
9 **36.060, .061, .103 and .110.**

10
11 *August_2_2018_C_00:16:14*

12
13 *XI.B.2. 12 AAC 36.105* – The Chair explained the updates were to add “or at least equivalent to current
14 requirements” to address the nine disciplines that did not have any requirements prior to 2012. The Chair said
15 there were also some updated to the structural engineer by comity language.
16

17 **On a Motion duly made by Jeff Koonce, seconded by Bill Mott and approved unanimously, it**
18 **was RESOLVED to accept and send to legal for review and public notice 12 AAC 36.105.**

19
20 *August_2_2018_C_00:20:35*

21
22 *XI.B.3. 12 AAC 36.185* – The Chair explained that this regulation project included revisions to the language
23 regarding the requirement to have a regularly employed registrant in each office and who is authorized to seal
24 on behalf of a corporation. The Chair commented that this project still required some work before moving
25 forward.
26

27 TASK: The Chair and Johnston will work on it for the next meeting. Mott will provide a secondary review of
28 their proposed updates prior to November meeting.
29

30 R. Jones asked if the delegation has to be in writing or if it was a corporate decision. The Chair said
31 discussions at previous meetings indicated the board believed that it was legitimate under the current language
32 for the corporation to make that determination.
33

34 Kerr asked about branch offices and whether or not it was permissible for the registrant to be of a different
35 discipline and/or profession. The Chair stated that it was permissible for other staff to work in another
36 discipline/ profession because the registrant can provide oversight in regards to regulations, while the
37 registrant that is in the main office is overseeing their work on a particular project and stamping those
38 drawings. The Chair commented that it would be too onerous to try and have a licensee of every discipline in
39 each office.
40

41 Hale mentioned the scenario presented earlier during the discussion with ML&P and the Municipality of
42 Anchorage as an example of having a registrant in the office, but the chief surveyor is in responsible charge.
43

1 Kerr asked for clarification on what the obligation of the registrant in the satellite office. The Chair confirmed
2 that it was compliance with the AEELS statutes and regulations. Kerr recommended the board spell out the
3 role of that registrant.

4
5 Mott offered two examples to illustrate the spectrum of offices, where one was basically a storefront while
6 the other contained one registrant overseeing a large number of EITs and asked how to address potential
7 issues with one without precluding the other. The board discussed the difference between production work
8 vs. a storefront or presence.

9
10 Urfer commented that technology now allows for remote oversight of production work. The Chair stated
11 that his concern is someone having access to company drawings and selling those stamped drawings without
12 the knowledge of the person who stamped them. The Chair added that the registrant in the office will likely
13 have more control over what is going out of the office.

14
15 Kerr said the regulation requires someone who knows the law to be in the office and there is value in that.
16 Kerr again encouraged the board to clearly articulate what the role of the registrant in that office is.

17
18 The board discussed use of supervisory control vs. responsible charge, as well as what constituted an office.

19
20 Urfer said if you have a firm that is having drafting done by someone that is outside the firm, are they being
21 supervised, and can they do production work for you? The board considered her point.

22
23 TASK – The Chair asked the board to send any comments RE: 12 AAC 36.185 to A. Jones to pass on to the
24 committee.

25
26 The Chair clarified that the rule applies to all offices, not just corporations.

27
28 Hale asked if the board was making a distinction between temporary and permanent offices. The Chair said
29 yes, because of the language stipulating production work, not just site work that is going back to a main
30 office. Hale responded that some companies are doing some of the work on site and then finalizing back in
31 the main office. The Chair said if that is the case, then yes, they would need a registrant, but if you are just
32 collecting data then no. Fritz said she doesn't think temporary vs. permanent matters, and it is more a
33 question of the activities and if you are producing documents in that office.

34
35 The Chair said the current regulation states “for production of documents” so a site office overseeing the
36 contractor is not an office that necessarily requires a registrant.

37
38 The Chair requested the board move on and reminded everyone to pass on their comments to A. Jones.

39
40 *August_2_2018_C_00:41:11*

41
42 **XI. B.4. AS 08.48.331(b), AS 08.48.341(15), 12 AAC 36.068, 12 AAC 36.069.** – Urfer explained the
43 proposed updates were an effort to revise the definition of landscape architect to what is actually being
44 practiced, and also to make the language regarding registration more consistent with that of the other

1 professions. Urfer added that current regulations do not allow for a professor of landscape architecture to be
2 licensed in Alaska.
3

4 Kerr said the proposed language is similar to that of the other professions and therefore has all of the
5 weaknesses of those other sections. Kerr said people have a lot of trouble discerning if the commas are
6 exclusive or inclusive. Mott recommended using bullets. Urfer responded that it had come from a bulleted list
7 that is the definition of landscape architecture by CLARB.
8

9 The Chair reminded the board that it would need to go to the Legislature because it is a statute change. Urfer
10 said that she looked for a way to update the regulations, but said there is no way to do that without updating
11 the definition which is in statute.
12

13 Kerr suggested getting an AG's opinion on the presentation of the information (commas vs. bulleted lists).
14 Koonce recommended listing it out as A, B, C... to be consistent with how the statutes and regulations are
15 formatted.
16

17 The Chair suggested reformatting all of the definitions so they are consistent. Hale commented that lists need
18 to be complete and exhaustive or there may be issues with anything that was omitted. Several members
19 agreed. Hale said he was in favor of simpler definitions that offer some wiggle room. He added that the key is
20 to tie the professional services back to public safety.
21

22 The board discussed the proposed updates. Urfer explained that she tried to mirror the language between the
23 architect and engineer definitions. Kerr said the land surveyor definition also has issues. Urfer said there are a
24 lot of things that landscape architects do that are not included in the current definition. Kerr commented that
25 the NCEES model law for surveying has evolved significantly and thinks it is pretty good.
26

27 Hale commented that the proposed updates look like what we have and we already have problems with that
28 language, and asked why it should be used as a model. Urfer said that landscape architectures definition and
29 regulations are still far behind the other professions and explained this would help get it to the same level.
30

31 Hale said it is an opportunity for a model for the future and recommended striving to establish the model
32 with the updates to landscape architecture and the other professions can follow. R. Jones suggested including
33 a clause that says "includes, but is not limited to..."
34

35 The Chair recommended doing it all at once. The board discussed moving forward with the landscape
36 architecture definition vs. or of all the "practice of..." definitions. The board also discussed the possibility of
37 moving forward with the regulation updates.
38

39 TASK: A. Jones will ask the regulation specialist for a recommendation on how to proceed with this project
40 and whether or not the regulations can be updated prior to the statute.
41

42 TASK: The Chair asked the board to review the proposed language and provide feedback on whether they
43 felt the proposed regulation changes could be made under the current statute.
44

1 The Chair requested that Agenda Item XI. C. AS 08.48.055 Update and D. Guidance Manual be moved to
2 tomorrow morning so the board can begin reviewing applications (Agenda Item XV).

3
4 *August_2_2018_C_01:03:54*

5 **XV. Application Review**

6 A. Jones requested the board to provide feedback on the updated checksheet forms. A. Jones also notified
7 the board that the previous version of the application review table had been updated and split out by
8 profession and type of application (exam or comity) and asked the board to provide feedback.

9
10 The board began reviewing 83 applications for registration.

11
12 The board recessed for the day at 5:01p.m.

August_2_2018_C_03:26:55

13
14
15 **Friday, August 3, 2018**

August_3_2018_A_00:00:40

16
17 **I. Reconvene meeting/ Roll Call**

18 The meeting was called to order at 8:15 a.m. by AELS Chair Colin Maynard.

19
20 **Board members present, constituting a quorum:**

21 Jennifer Anderson, Civil Engineer, Environmental Engineer
22 Catherine Fritz, Architect
23 Dave Hale PS, Surveyor
24 Richard “Vernon” Jones, Public Member
25 John Kerr, PS, Surveyor
26 Jeff Koonce, Architect
27 Colin Maynard, PE, Civil Engineer, Structural Engineer
28 Bill Mott, PE, Chemical Engineer, Metallurgical and Materials Engineer

29
30 Board members John Kerr, PS and Luanne Urfer, LA arrived at 8:25 a.m.

31
32 Board members excused by the Chair:

33 Elizabeth Johnston, PE Electrical Engineer, Fire Protection Engineer
34 Fred Wallis, Mining Engineer

35
36 Attending from the Division of Corporations, Business, and Professional Licensing were:

37 Alysia Jones, Executive Administrator

38
39 **II. Application Review continued.**

40 The board continued to review applications for registration.

41
42 *August_3_2018_A_01:58:24*

43
44 **IV. NCEES Exam Discussion** – The Chair invited Mr. Flynn to speak. David Flynn introduced himself to
45 the board as a registered PEng in British Columbia (B.C.) and thanked them for the opportunity to speak

1 with them. He explained that he interested in becoming a registered engineer in Alaska and was here to
2 advocate for some changes to the requirements for licensure in Alaska
3
4 Flynn asked if anyone on the board had written an NCEES PE exam in the past six years. Flynn then asked
5 the board members about the format of the exam they had taken. Mott responded that he had taken both the
6 essay questions and multiple choice questions. Flynn shared some background information about himself and
7 his situation to illustrate his character and contributions to society and profession.
8
9 Flynn explained in B.C. you are not required to take the NCEES exam, and instead are interviewed by the
10 board and if they determine that you are not ready to be licensed they send you back to get more experience.
11 Flynn stated that he had been sent to get additional experience and was then able to complete the process
12 and become licensed in B.C. Flynn stated that he had written the NCEES exam four times and commented
13 that preparing for each exam is extensive and exhaustive. Flynn said that he also completed several exam prep
14 courses, but still has not been able to pass the exam. Flynn stated that repeat takers do not typically pass and
15 believes that is a flaw. He commented that in engineering if a formula had that high of a failure rate, you
16 would change the formula. Flynn stated that you don't get your results following the exam and the exams are
17 completely different each time, preventing re-takers from getting past the hurdle of examination. Flynn
18 walked through the statistics of his exam results and stated if the highest score in each category is taken from
19 each test, his average competency percentage would be seventy-five percent.
20
21 Flynn told the board that their statutes and regulations allow them to set content for exams, set minimum
22 standards for pass and directed the board to the suggestion in his letter which asked the board to set a
23 minimum in the AELS regulations rather than going with NCEES minimum standard. Flynn suggested two
24 attempts of sixty percent or better score be considered acceptable for registration.
25
26 Flynn stated that NCEES has migrated to a testing process that inhibits re-takers from learning from their
27 past mistakes and expressed his frustration with the process and asked the board and NCEES consider
28 changes to improve the chances of re-takers successfully passing the exam.
29
30 Flynn said regulations state the board *may*, not shall approve an applicant for registration and he believes the
31 NCEES exam portion of the application requirements skews his qualifications for registration. Flynn stated
32 that he was willing to re-apply and re-write the exam if that was the board's determination.
33
34 Flynn indicated that he would be willing to be part of a team to work on potential changes and furthering the
35 profession for the good of Alaska.
36
37 Fritz asked when he was registered in B.C. Flynn responded 2009 and explained that his family situation
38 keeps him in Alaska and therefore he is not able to work in B.C.
39
40 The board and Flynn discussed alternative approaches and differences between B.C. requirements and
41 Alaska's. The Chair said our statutes require the board to follow national standards and explained the process
42 for developing the exam and how the cut line is established.
43
44 The Chair asked the board to consider stretching the five year window of approval based upon confusion
45 regarding the expiration date for the board's approval.

1
2 The board thanked Flynn for speaking and expressed their appreciation for the time and effort he put into
3 preparing for this meeting and the materials he provided.
4

5 **On a Motion duly made by John Kerr, seconded by Bill Mott, and passed unanimously, it**
6 **was RESOLVED to allow David Flynn to take the PE exam one additional time under his current**
7 **application.**
8

9 TASK: A. Jones will follow up with Mr. Flynn on exam registration.

August_03_2018_A_02:47:36

10
11 The board returned to August 2nd Agenda Item XI. Old Business.
12

13 **XI.C. AS 08.48.055 Update** – A. Jones noted that she had added a response from the AGs office to this
14 item in the board packet. The Chair explained that delegating authority to staff would require a statute
15 change. Koonce explained that he envisioned a two-step process where everything is vetted, and then there is
16 a final regulatory approval. The board discussed possible processes for the applications for registration by
17 exam and by comity. Koonce suggested allowing exam registration for architects to get approved by staff and
18 then coming to the board for final approval of registration. Fritz explained the current requirements and
19 process allow applicants flexibility in when they come to the board. The Chair suggested a thorough review of
20 the regulations to determine what exactly requires review by the board. The Chair stated his desire to be able
21 to accept the MLE, but explained that NCEES would need to update their form to include 24 months of
22 responsible charge. The Chair said there may be a way to do it for the comity applicants, but reiterated the
23 need to review their requirements against Alaska's. The Chair expressed his concern about staff approving
24 and then there is an issue later on and that person should not have been licensed. Koonce stated that a board
25 member would still need to sign off. Koonce suggested reaching out to other states where staff approve
26 applications.
27

28 TASK: A. Jones will contact member board executives for each of the national organizations to get
29 information on who has authority to administratively approve applications and what their processes are. A.
30 Jones and H. Noe will identify potential applications for staff approval and also provide input on what the
31 checklist should look like by the next meeting.
32

33 Fritz recommended doing a test run with checklists and getting as much of the process in place to support for
34 the statute change in the future.
35

August_3_2018_02:57:40

36
37
38 The board backed up to August 2nd Agenda Item VII. Correspondence Receive.
39

40 **VII. A. PE Exam and Work Experience** – The Chair explained Mr. Evans' message was regarding overlap
41 between his education and work experience. The board discussed the calculation of experience and education
42 credits.
43

44 TASK: The Chair will review Mr. Evan's information for overlap and potential eligibility for the October
45 exam administration.

1
2 *August_3_2018_03:02:13*
3

4 Urfer requested the board go back to August 2nd, Agenda Item XI.B.4, the regulation updates to landscape
5 architecture statutes and regulations. Urfer explained she had looked at the bullet list to see if it could be
6 folded into the current version and said she could not see a way to make it work. The Chair suggested
7 finalizing it in November in order to be prepared to find a sponsor.
8

9
10 *August_3_2018_03:04:24*

11 **XI. Guidance Manual** – A. Jones stated that she had incorporated language from several of the board’s
12 responses to questions and issues over the past year. Koonce recommended publishing the document and
13 then determining a schedule for incorporating updates going forward.
14

15 TASK: The Chair requested the board provide comments to A. Jones by August 10th and then they will
16 publish it. A. Jones will post the final version on the website.
17

18 The Board discussed printing copies as well for Savage to hand out at the Fire Marshall’s meeting. Fritz
19 suggested scheduling a meeting with the Juneau planning department in conjunction with the February
20 meeting. The Chair noted that there was a local ICC (International Code Council) organization in Anchorage
21 that has an annual meeting.
22

23 *August_3_2018_03:08:23*

24 The Chair summarized follow up tasks from yesterday’s discussions with ML&P and DOT&PF. The Chair
25 said he will respond to ML&P once the board receives an opinion from the A.G.’s office. Johnston will assist
26 with the responses to the staff’s list of questions. The Chair said he will also draft a response to DOT for the
27 board to review and provide comments on that explains why a license that is not valid (i.e. lapsed or expired,
28 or registrant is deceased or retired) cannot be used, proper procedures for modifying a detail that is stamped
29 by someone else, and updating requirements when new codes come out.
30

31 Fritz backed up to the previous discussion and noted that May is Building Safety month and suggested
32 scheduling something with the local ICC organization in conjunction with our May meeting.
33

34 TASK: The Chair said he would reach out to ICC to schedule.
35

36 *August_3_2018_03:13:58*

37 The board returned to Friday, August 3rd Friday’s agenda.
38

39 **V. New Business**

40 **A. AELSLA** – Fritz explained that she had been reviewing the annual report and noticed landscape architects
41 were not included. Fritz asked the board if they should changing the name to include landscape architects
42 now that landscape architects are a permanent part of the board. The Chair responded that it would require a
43 statute change. The board discussed the difference between the official name and what was included in the
44 title for Chapter 48 of the Statutes. R. Jones explained that the State Board of Registration for Architects,
45 Engineers, and Land Surveyors is the official name of the board and that the board had considered a name

1 change previously. The board discussed changing the name to State Board of Registration of Design
2 Professionals. Urfer commented that new landscape architects or those seeking registration by comity don't
3 know where to go, because they do not see landscape architects listed on the website. The Chair suggested
4 the board consider a general term such as "design professionals" rather than adding another profession to the
5 name, noting the possibility that interior designers could be added to the board. Kerr stated that he was
6 against using the term "design professional" as it was only a small portion of the geo-spatial world. Several
7 other members agreed. Fritz said she had hoped that there was a way to incorporate the landscape architects
8 that did not require a statutory change. The board determined not to pursue a statute change to revise the
9 official name of the board.

10
11 *August_3_2018_A_03:21:45*

12 **B. Effect of 6-digit registration numbers on survey caps** – Kerr explained that the newer license numbers
13 are associated with the Division's database number and there is no correlation between the number and the
14 number of registrants in the professions regulated by the board. Kerr suggested there be another field in the
15 database that has the license number of the AELS person. Kerr stated that he can tell a lot of information
16 from a traditional license number, including how long ago the person was licensed, what regulations were in
17 effect. R. Jones asked what difference it makes when a registrant was licensed. Kerr explained that there was
18 different knowledge during different periods and you used to be able to tell a lot about the knowledge of the
19 person who did that work. Hale mentioned the length of the number relative to the size of the stamp being
20 an issue. R. Jones provided some background on the process for developing the new system and indicated
21 that it was unlikely the board could change the numbering system. Kerr commented that he did not like that
22 someone who takes longer to complete the process has a lower number than someone who completes the
23 process in less time and is issued their license first. Kerr reiterated that there was information that he found
24 useful in understanding who you are working with that he believes is lost with the new system.

25
26 The Chair mentioned that there is a lot of confusion regarding numbers that are alpha-numeric. Several
27 members agreed and discussed ways to inform registrants when the alpha characters are needed.

28
29 The board discussed potential issues of having a different record number for the Division that is separate
30 from the registration number.

31
32 *August_3_2018_A_03:34:37*

33 **C. Structural Exam** – The Chair commented that he had forgotten the board had included language
34 regarding the SE I and SE II exams in the regulation updates to 12 AAC 36. 105, so this discussion was no
35 longer needed.

36
37 *August_3_2018_A_03:35:18*

38 **D. Home Inspections by Design Professionals** – Koonce remarked that the board had discussed putting
39 language on the website and guidance manual regarding this topic yesterday. The Chair reiterated that a
40 design professional doing the home inspection should stay within their area of expertise/ registration. Hale
41 added that if the registrant obtains the additional Home Inspector certification, then they could do the entire
42 inspection. The board reviewed the current language on the website and discussed potential edits.

43
44 **TASK:** The Chair requested that all board members review the website and be prepared to walk through it at
45 the November meeting to identify potential updates.

1
2 TASK: A. Jones will update Home Inspector information on the website to include “licensed design
3 professional may only do inspections in accordance with their license.” And insert a title for the information
4 after the home inspection section.
5

6 *August_3_2018_A_03:42:41*

7 **VI. Division Update**

8 **A. Quarterly Report Update** –The board skipped this item because they had reviewed the 3rd Quarter report
9 at the May meeting and the 4th Quarter report was not yet available.
10

11 **B. Annual Report** – A. Jones explained that the Board needs to approve the Annual Report and that she
12 would be adjusting her processes so the board can review and approve the report at the May meetings going
13 forward. A. Jones notified the board that the only addition to the current version was to the Regulation
14 Recommendations Proposed Legislation for FY 2019 section.
15

16 **On a Motion duly made by Catherine Fritz, seconded by Jeff Koonce, and passed**
17 **unanimously, it was RESOLVED to approve the FY 18 Annual Report as presented.**
18

19 *August_3_2018_A_03:48:35*

20 **C. Board Evaluations Summary** – The board reviewed the summary. Hale commented that during his year
21 as Chair, he noticed that it was very difficult to run an effective meeting when members are not prepared.
22 Hale also pointed out the delay in providing responses to individuals. The board agreed to be timelier in
23 providing responses. The Chair and several members indicated A. Jones’ assistance with drafting the response
24 letters and sending reminders was helpful.
25

26 Hale recommended that the board be notified of any hot topics that need to be reviewed well in advance of
27 the meeting. Koonce suggested a sending out a brief with hot topics. A. Jones said she tried to highlight the
28 key discussions for this meeting in her email notice that the board packet was available on OnBoard and
29 added that she will provide information for hot topics earlier, whenever possible.
30

31 The board discussed moving the board evaluations task to the February meeting in order for comments to be
32 incorporated into the Annual Report.
33

34 The Chair suggested moving the deadline for agenda items to the same as the application deadline, 30 days
35 prior. The Chair added that it is unrealistic to expect board members to review 300 page addendums days
36 before the meeting, in addition to reviewing the original board packet. Several members agreed.
37

38 TASK: A. Jones will updated the deadline for the agenda to 30 days prior to the meeting and will provide
39 board packet materials three weeks prior to the board meeting.
40

41 *August_3_2018_A_03:59:11*

42 **VII. Committee Updates:**

43 **Investigative Advisory Committee** – The Chair asked if members had been assisting Savage with case
44 reviews. Several members responded affirmatively.
45

1 **Licensure mobility** – Koonce said there were no additional mutual recognition agreements in regards to
2 architects. The Chair noted that there is no movement with Canada on MRAs for engineers.

3
4 The board took a short break.

August_3_2018_A_04:01:12

5
6 *Note: Due to a technical error, the following portion of the meeting was not recorded.*
7

8 **Board Outreach:** The board reviewed the spreadsheet of outreach opportunities Mott prepared. The Chair
9 mentioned the ASPE Anchorage chapter. Kerr commented that he had done a presentation in Matanuska-
10 Susitna Borough. Fritz suggested adding a column to list the point-of-contact. The Chair mentioned he would
11 work on scheduling a lunch presentation or seminar during the AIA Convention in October. The board also
12 discussed possible outreach with IEEE/ICEE, a presentation at the AGC Annual Conference and SAMI, a
13 safety engineering group.

14
15 **Guidance Manual:** The board had no further discussion on this topic. The Chair reminded all board
16 members to provide comments to A. Jones by next Friday, August 10.

17
18 **Legislative Liaison:** The board discussed making an effort to go and speak with legislators to educate and
19 inform them of the board's role.

20
21 **Emeritus Status:** The board asked if emeritus status was indefinite or if there was an expiration.

22
23 TASK: A. Jones will confirm whether emeritus status is indefinite or whether the board needs to re-submit.
24

25 **Budget committee** – The committee will review 4th quarter report when available.
26

27 **Continuing Ed Audit** – R. Jones explained that he had assisted A. Jones with reviewing some of the CE
28 Audit submissions. A. Jones requested the boards' review of four submissions to confirm whether or not
29 courses met requirements of 12 AAC 36.510 and for clarification on calculating on 12 AAC 36.510(f) which
30 specifies requirements for registrants with multiple licenses. The board reviewed course descriptions and
31 provided feedback to A. Jones.

32
33 A. Jones also presented two cases to the board involving individuals who had responded to the audit with a
34 request to retire their license. The board discussed the possibility of allowing the individuals to retire their
35 licenses, but including a statement requiring compliance with the 2016-2017 audit as well as meeting the
36 continuing education requirements for the current licensing period.

37
38 TASK: A. Jones will check with the Division's paralegal on the appropriate response for requests to retire
39 licenses in response to continuing education audits.
40

41 **VIII. Executive Session** – The board determined Executive Session was not needed and moved on to the
42 next item on the agenda.
43

44 **IX. Licensing Examiner's Report** – A. Jones walked through the examiner's report and noted the renewal
45 and reinstatement data the board had requested at the May meeting.

1
2
3
4
5
6
7
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X. Read Applications into the Record

On a motion duly made by Jeff Koonce seconded by Catherine Fritz and passed unanimously, it was **RESOLVED** to **APPROVE** the following list of applicants for registration by comity and by examination with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.

FIRST NAME	LAST NAME	COMITY/EXAM	TYPE OF LICENSE	Board Decision
ANDREW	ACKERMAN	COMITY	ELECTRICAL	APPROVED
BRETT	AGEE	COMITY	CIVIL	APPROVED
CYRUS	ASHRAFI	COMITY	ELECTRICAL	APPROVED
HIMANSHU	BHARTIYA	COMITY	FIRE PROTECTION	APPROVED
JENNIFER	BUTLER	COMITY	CIVIL	APPROVED
WILLIAM	BUZARD	COMITY	ARCHITECT	APPROVED
RACHEL	CAMBRE	COMITY	ELECTRICAL	APPROVED
JAMES	CASEY	COMITY	CIVIL	APPROVED
JEREMIAH	CONNER	COMITY	MECHANICAL	APPROVED
AARON	COOKE	EXAM	ARCHITECT	APPROVED
JONATHAN	CURRIER	COMITY	MECHANICAL	APPROVED
JOHN	ELDER	COMITY	STRUCTURAL	APPROVED
JOHN	ELDER	COMITY	CIVIL	APPROVED
JIL	FRAIN	COMITY	ENVIROMENTAL	APPROVED
DARIN	GRIGGS	COMITY	CIVIL	APPROVED
NASEEM	HAQQIE	COMITY	ELECTRICAL	APPROVED
			CONTROL	
JACOB	LEMMON	COMITY	SYSTEMS	APPROVED
STEVEN	LINDHOLM	COMITY	MECHANICAL	APPROVED
THOMAS	MCCASH	COMITY	ARCHITECT	APPROVED
BENJAMIN	OLTMANN	COMITY	CIVIL	APPROVED
ISABEL	RINCON	COMITY	ELECTRICAL	APPROVED
JONATHAN	SELF	COMITY	CIVIL	APPROVED
EDWARD	WELLMAN	COMITY	CIVIL	APPROVED

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1 On a motion duly made by Jeff Koonce, seconded by John Kerr and passed unanimously, it was
 2 **RESOLVED** to **CONDITIONALLY APPROVE** the following list of applicants for registration by
 3 comity and by examination with the stipulation that the information in the applicants' files will take
 4 precedence over the information in the minutes.
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FIRST NAME	LAST NAME	COMITY/EXAM	TYPE OF LICENSE	Board Decision
ALMA	ABAZA	COMITY	CIVIL	CONDITIONALLY
GRACE	AMUNDSEN	EXAM	CIVIL	CONDITIONALLY
MILAUD	BAUMGARTNER	EXAM	MECHANICAL	CONDITIONALLY
FRANCISCO	BENAVIDES	COMITY	CIVIL	CONDITIONALLY
JONATHAN	BLACK	COMITY	CIVIL	CONDITIONALLY
DANIEL	BOSSE	COMITY	CIVIL	CONDITIONALLY
WILLIAM	BRACKEN	COMITY	CIVIL	CONDITIONALLY
SHAWN	COOK	COMITY	CIVIL	CONDITIONALLY
MICHAEL	COOPER	EXAM	ELECTRICAL	CONDITIONALLY
ASHLEY	DEVORE	EXAM	CIVIL	CONDITIONALLY
RYAN	DIEDIKER	COMITY	ELECTRICAL	CONDITIONALLY
CHRISTOPHER	EDEN	COMITY	ELECTRICAL	CONDITIONALLY
WILLIAM	FARISH IV	COMITY	CIVIL	CONDITIONALLY
MICHAEL	FEFELOV	EXAM	CIVIL	CONDITIONALLY
TIMOTHY	FISH	COMITY	LAND SURVEYOR	CONDITIONALLY
KEVIN	GALLAGHER	EXAM	CIVIL	CONDITIONALLY
DAVID	GARNESS	EXAM	CIVIL	CONDITIONALLY
NICHOLAS	GEORGELOS	EXAM	CIVIL	CONDITIONALLY
JOSEPH	GIBSON	COMITY	NAVAL & MARINE	CONDITIONALLY
JOSEPH	HANSON II	COMITY	MECHANICAL	CONDITIONALLY
TRAVIS	HOLMES	EXAM	CIVIL	CONDITIONALLY
JOSEPH	HORAZDOVSKY	EXAM	CIVIL	CONDITIONALLY
SOPHIA	HUFF	EXAM	CIVIL	CONDITIONALLY
MICHAEL	LEEPER	EXAM	STRUCTURAL	CONDITIONALLY
MICHAEL	LEEPER	COMITY	CIVIL	CONDITIONALLY
BENJAMIN	LLOYD	EXAM	CIVIL	CONDITIONALLY
GRANT	MATHEWS	EXAM	CIVIL	CONDITIONALLY
ELLIS	MCMAHEN	COMITY	CIVIL	CONDITIONALLY
KIL	MCNAMARA	EXAM	CIVIL	CONDITIONALLY
NEIL	MIYAOKA	EXAM	CIVIL	CONDITIONALLY
RAGHUNATH	NAIDU	COMITY	CIVIL	CONDITIONALLY
SAKE	REINDERSMA	COMITY	ARCHITECT	CONDITIONALLY
THOMAS	SANBORN	COMITY	CIVIL	CONDITIONALLY
JOHN	SERNA	EXAM	MECHANICAL	CONDITIONALLY
ZACHARY	SHIRK	COMITY	ARCHITECT	CONDITIONALLY
FRANK	SILBERER	EXAM	ELECTRICAL	CONDITIONALLY
CANDY	SIMS	EXAM	CIVIL	CONDITIONALLY

MARGARET	SLIFE	EXAM	CIVIL	CONDITIONALLY
KYLE	STANFILL	EXAM	MECHANICAL	CONDITIONALLY
PETER	STOLL	EXAM	MECHANICAL	CONDITIONALLY
ANNE	STREUFERT	COMITY	CIVIL	CONDITIONALLY
ANNE	STREUFERT	COMITY	STRUCTURAL	CONDITIONALLY
MICHAEL	SULLAWAY	COMITY	CIVIL	CONDITIONALLY
GEORGE	TAYLOR	EXAM	ELECTRICAL	CONDITIONALLY
JAMES	TIPPETT	COMITY	CIVIL	CONDITIONALLY
MARLIESE	VON HUENE	EXAM	CIVIL	CONDITIONALLY
ROBERT	WEAVER	COMITY	CIVIL	CONDITIONALLY
LILY	YORK	EXAM	ARCHITECT	CONDITIONALLY

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On a motion duly made by Jeff Koonce, seconded by Catherine Fritz and passed unanimously, it was **RESOLVED** to find the following list of applicants for registration by comity and by examination **INCOMPLETE** with the stipulation that the information in the applicants' files will take precedence over the information in the minutes.

FIRST NAME	LAST NAME	COMITY/EXAM	TYPE OF LICENSE	Board Decision
CODY	BECKES	EXAM	CIVIL	INCOMPLETE
KEVIN	CHANCEY	EXAM	ENVIROMENTAL	INCOMPLETE
NICHOLAS	CONWAY	EXAM	CIVIL	INCOMPLETE
BADREDDIN	DIAB	COMITY	CIVIL	INCOMPLETE
OLIVER	FLESHMAN	EXAM	MECHANICAL	INCOMPLETE
PATRICK	GEISSLER	COMITY	LAND SURVEYOR	INCOMPLETE
DANIEL	HERTRICH	COMITY	SE BY GPA	INCOMPLETE
KENNETH	WIDMER	EXAM	MECHANICAL	INCOMPLETE
SAMUEL	WOOLFOLK	EXAM	MECHANICAL	INCOMPLETE

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Note: The issue with the recorders was corrected.

August_3_2018_B_00:00:05

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XI. Review Calendar and National Organization Updates

A. Upcoming Board Meetings & National Conferences – The board discussed dates for the November meetings and determined it would be held November 1-2, 2018 at KPB Architects in Anchorage.

The Chair encouraged the board to prepare any potential statute changes for the November meeting in preparation of the legislative session. R. Jones asked about delegating approvals to staff. The Chair responded that additional research is required, but the board is considering delegating authority to staff to sign off on certain items. Fritz added that the board is trying to gain efficiencies and utilize resources to serve the applicant in a timelier manner and offered to help with identifying where language needed to be updated. R. Jones stated that he did not want staff to be liable. The board agreed.

1 The board discussed having the February meeting on the 6th and 7th and tentatively plan on holding the
2 meeting in Juneau due to the proposed statute change. The board also discussed scheduling a presentation
3 with APDC.

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5 The board discussed trying to get approval to have the May meeting in Fairbanks and do some code-related
6 outreach in conjunction with the meeting.

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8 *August_3_2018_B_00:09:28*

9 **B. CLARB** - Urfer said they are very concerned about attacks on licensure are trying to proactively address it.
10 Urfer stated that was the focus of the Licensure Summit she attended and said there were a lot of great ideas
11 that came out of the summit. Urfer recommended board members speaking with legislators to educate them
12 about what the board does and why it exists. She added that there was legislator at the Summit who explained
13 what may be perceived as pushback is to gain information and understanding in order to defend themselves
14 against questions they receive.

15 *August_3_2018_B_00:11:29*

16 **C. NCARB** – Koonce commented that the annual meeting held in June was very productive and was pleased
17 to see all of the revisions to the model law. Fritz agreed and mentioned there were a lot of good updates and
18 statistics from NCARB regarding the transition to A.R.E. 5.0., new alternative path for broadly experienced
19 architects, and the integrated (IPAL) program. Fritz said the Centennial will be next year in Washington, D.C.
20 Fritz added that she has been serving on the strategic planning committee for the western region and the
21 strategic plan is moving forward slowly. The Chair asked about educational offerings. Fritz explained that the
22 region was considering offering continuing education sessions during the meetings and whether it would be
23 only be for members of the region or expanded to a wider audience. Fritz indicated WCARB was also leaning
24 towards sessions being geared towards their role as a board member. The Chair said NCEES has similar
25 offerings that cover investigative issues, changes in licensure, and/or how to be an effective board member.

26
27 Urfer passed around a copy of the *Landscape Architect Licensure Handbook* she received at the Summit and stated
28 that it had a lot of great information about licensure defense issues.

29
30 A. Jones announced that she had been appointed to the NCARB Member Board Executive (MBE)
31 Committee.

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33 *August_3_2018_B_00:16:07*

34 **D. NCEES** – Kerr said there haven't been any updates from the last meeting. The Chair said he had been
35 appointed to the ACCA for the next year. A. Jones asked if Hale and Kerr were going to present on the use
36 of drones at one of the meetings. Kerr said he was not against it.

37
38 TASK: A. Jones will find out who is the appropriate point-of-contact at NCEES to discuss the possibility of
39 presenting.

40
41 Koonce asked to be excused. The Chair excused Koonce. The board thanked Koonce for the use of the
42 conference room.

43
44 Koonce left the meeting.

1 The board returned to discussing Agenda Items XI.D. The Chair stated that the only potentially contentious
 2 item he anticipated coming up at the annual meeting was related to a motion the UPLG committee made that
 3 pulls every reference to structural engineering out of the base Model Law and Rules and creates two
 4 appendices that show how to adopt law and rules to implement the model law structural engineer. The Chair
 5 explained that it is essentially another kind of PE, with some additional course requirements, rather than a
 6 post-PE model, which is what five out of the eight states that license SEs have.

7
 8 A. Jones added that there were updates to the timeline for the transition to computer-based testing. The Chair
 9 commented that some of the CBT tests will only be offered once or twice a year, whereas others will be
 10 available any time.

11
 12 The Chair suggested the board encourage UAA to apply for the surveying award. Hale responded that they
 13 have.

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 15 *August 3, 2018_B_00:23:37*

16 **XII. Board Tasks – To Do List** - The board reviewed the tasks to be completed following the meeting.

Assigned to	Description	Agenda Item Mon.Yr: A.Item
ALL	Review website and be prepared to discuss updates at the November meeting	
ALL	Review proposed updates to 12 AAC 36. 185 and provide comments	Aug 2018: XI.B.2.
ALL	Review proposed revisions to 12 AAC 36.068 and 12 AAC 36.069 and provide feedback to A. Jones on whether or not the proposed updates can be done under the current statute.	Aug 2018: XI.B.4.
ALL	Review Guidance Manual and provide comments to A. Jones	Aug 2018: XI.D.
ALL	Review AELS statutes and regulations for terms to be defined	
B. Mott	Provide secondary review of updates to 12 AAC 36.185	Aug 2018: XI.B.3.
C. Fritz	Draft wording for AS 08.48.055 to delegate authority to staff (<i>work w/ A. Jones</i>)	Aug 2018: XI.C.
C. Maynard	Review PE education and work experience for M. Evans and notify staff of eligibility	Aug 2018: VII.A.
C. Maynard	Draft response letter to ML&P once the AG's opinion has been received. <i>Note: Draft response submitted to B. Auth on 8/7/18</i>	Aug 2018: X.
C. Maynard	Draft response letter RE: DEC	Nov 2017: 7.E.
C. Maynard	Draft response letter to P. Giessel	Apr 2017: 7.F.
C. Maynard	Draft follow up letter to DOT&PF RE: Standard Drawings/ Clarify when stamp is no longer valid.	Aug 2018: X.
C. Maynard	Contact ICC organization to schedule outreach.	
E. Johnston	Assist C. Maynard with responses to ML&P staff questions based upon AG opinion <i>Note: Waiting on response from AG's Office.</i>	Aug 2018: VIII.
E. Johnston	Work w/ C. Maynard on updates to 12 AAC 36.185	Aug 2018: XI.B.3.
J. Anderson	Letter of Response RE: AHERA to Mr. Ottosen, Mr. French and Mr. Beardsley	Aug 2018: VI.F.
J. Anderson	Draft wording on AHERA for Guidance Manual	Aug 2018: VI.F.
Koonce	Provide mark up of 12 AAC 36.061 containing additional revisions	Aug 2018: XI.B.1.
L. Urfer	Continue to work on LA reg updates based upon board's feedback	Aug 2018: XI.B.4.

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The board discussed the registration number listed on the wall certificates and requested a letter be included with the wall certificate that explains the alpha-numeric characters and sealing requirements to address any confusion.

TASK: A. Jones will draft a letter of explanation to include with wall certificates for those with alpha-numeric numbers and will adjust how the registration number is listed on wall certificates going forward.

XIII. Board Member Comments – The board members thanked one another for a productive meeting. Several members noted they were looking forward to making things more efficient and smoother for applicants.

The meeting adjourned at 2:09 p.m.

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Respectfully submitted:


Alysia D. Jones, Executive Administrator

Approved:


Colin Maynard, Chair
Board of Registration for Architects, Engineers, and Land Surveyors

Date: 8/1/18