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5 **STATE OF ALASKA**

6
7 **DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT**
8 **DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING**
9 **BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS & LAND**
10 **SURVEYORS**

11
12 **Minutes of Meeting**
13 **May 24-26, 2006**

14
15
16
17 **Wednesday, May 24, 2006**

18
19 **Agenda Item 1 – Call to Order and Roll Call**

20
21 The Chair called the meeting to order at 1:10 p.m.

22
23 Members present and constituting a quorum of the Board were:

- 24
25
 - Kenneth Maynard, Architect, Chairperson
 - Boyd Brownfield, PE, Civil Engineer, Vice-Chair
 - Craig Fredeen, PE, Mechanical Engineer
 - Clifford Baker, PLS, Land Surveyor
 - Charles Leet, PE, Civil Engineer
 - Richard Heieren, PLS, Land Surveyor
 - Harley Hightower, Architect
 - Daniel Walsh, PE, Mining Engineer
 - Burdett Lent, LA, Landscape Architect
 - Terry Gorlick, Public Member

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34
35 Mark Morris, PE, Electrical Engineer, was not present.

36
37
38 Representing the Division of Corporations, Business and Professional Licensing were:

- 39
40
 - Ginger Morton, Executive Administrator
 - Eleanor Vinson, Licensing Examiner
 - Vern Jones, Licensing Examiner

41
42
43
44 **On a motion duly made by Heieren, seconded by Baker, and approved**
45 **unanimously, it was**

46
47 **RESOLVED to adjourn into Executive Session under the authority of AS**
48 **44.62.310 for the purpose of reviewing applicant files.**
49
50
51

1 Hearing no objection the motion passed.

2
3 The board adjourned into Executive Session at 1:15 p.m. A sign was placed on the door
4 indicating the board was in Executive Session.

5
6 The board adjourned at 6:30 p.m., to reconvene Thursday, May 25, 2006 at 8:00 a.m.

7
8 **Thursday, May 25, 2006**

9
10 The Board returned from Executive Session at 8:00 a.m.

11
12 **Agenda Item 5 – Call to Order and Roll Call**

13
14 The Chair called the meeting to order at 8:02 a.m.

15
16 Members present and constituting a quorum of the Board was:

- 17
18
 - 18 • Kenneth Maynard, Architect, Chairperson
 - 19 • Boyd Brownfield, PE, Civil Engineer, Vice-Chair
 - 20 • Craig Fredeen, PE, Mechanical Engineer
 - 21 • Clifford Baker, PLS, Land Surveyor
 - 22 • Charles Leet, PE, Civil Engineer
 - 23 • Richard Heieren, PLS, Land Surveyor
 - 24 • Harley Hightower, Architect
 - 25 • Daniel Walsh, PE, Mining Engineer
 - 26 • Burdett Lent, LA, Landscape Architect
 - 27 • Terry Gorlick, Public Member
 - 28 • Mark Morris, PE, Electrical Engineer

29
30 Representing the Division of Corporations, Business and Professional Licensing were:

- 31
32
 - 32 • Ginger Morton, Executive Administrator
 - 33 • Eleanor Vinson, Licensing Examiner
 - 34 • Vern Jones, Licensing Examiner
 - 35 • Jun Maiquis, Regulations Specialist
 - 36 • Naseer Dhaamin, Investigator

37
38 Representing the Department of Law, Attorney General's Office was:

- 39
40
 - 40 • Gayle Horetski, Assistant Attorney General

41
42 Joining portions of the meeting were the following members of the public:

- 43
44
 - 44 • Paul Whipple, Land Surveyor, representing himself
 - 45 • John Squires representing himself
 - 46 • Patrick Kalen, Land Surveyor, representing the Alaska Section of the American
 - 47 Congress on Surveying & Mapping (ACSM)
 - 48 • Chris Miller, PE, representing Design Alaska
 - 49 • Stephan Brower, representing himself
 - 50 • Bill Mendenhall, PE, representing himself
 - 51 • Jason Moore, representing himself.

1 **Agenda Item 2 – Review/Amend Agenda**

2
3 Hightower told the board that former board member Patricia Piersol, Architect, was going to be
4 serving on a committee for NCARB and wanted to know how to request a nomination for
5 Emeritus Status from the board. Maynard replied that Piersol should write a letter of request to
6 the board.

7
8 The Executive Administrator told the board she needed to know who the funded delegate would
9 be to the NCEES Annual Meeting in Anchorage in September 2006. Registration forms for the
10 meeting were handed out so that members could fill out the form and indicate what events they
11 would be attending.

12
13 **On a motion duly made by Heieren, seconded by Brownfield, and approved**
14 **unanimously, it was**

15
16 **RESOLVED to approve Fredeen as the board's funded delegate to the**
17 **NCEES Annual Meeting in September.**
18

19 Hearing no objection the motion passed.

20
21 Maynard indicated that he was not going to be able to attend the NCEES Annual Meeting and
22 that Brownfield, as Vice-Chair, would have to welcome the attendees. Maynard further stated
23 that he was still intending to write a letter to Governor Murkowski inviting him to speak at the
24 opening ceremony.

25
26 There were no changes to the agenda.

27
28 **Agenda Item 3 – Ethics Reporting**

29
30 Gorlick reported that he had a conversation with the respondent in the Memorandum of
31 Agreement (MOA), Case No. 0102-05-023, and would therefore abstain from discussing or
32 voting on the MOA.

33
34 Brownfield indicated he had talked with the division investigator on this same MOA and he
35 would also be abstaining from discussing or voting.

36
37 Fredeen indicated he also had a conflict and would not be discussing or voting on this MOA.

38
39 There were no ethics violations to report.

40
41 **Agenda Item 7 – Review/Approve Minutes**

42
43 Maynard asked if the Executive Administrator had ever received the guidelines listing penalties
44 for certain offenses from Senior Investigator, Brian Howes, that was requested at the February
45 meeting. She replied she had not and was asked to follow up on this item.

46
47 The following changes were made to the draft February 9-10, 2006 minutes:

- 48
49
 - Page 2 and Page 9 – Alaska Society of Landscape Architects was changed to
 - 50 read American Society of Landscape Architects.
 - 51 • On page 20, the new stop work order subcommittee was corrected to indicate
 - 52 Brownfield as Chair and members as Gorlick, Maynard, Fredeen and Heieren.

1 **On a motion duly made by Brownfield, seconded by Fredeen, and approved**
2 **unanimously, it was**

3
4 **RESOLVED to approve the February 2006 minutes as corrected.**

5
6 Hearing no objection the motion passed.

7
8 **Agenda Item 8 – Correspondence**

9
10 A. Paul Stull, III PE. Informational only. The Executive Administrator had previously
11 responded.

12
13 B. NCARB – Policy Regarding ARE Timing. The board discussed the National Council of
14 Architect Registration Board's (NCARB) position regarding timing of the Architect Registration
15 Exam (ARE). NCARB is proposing to allow some sections of the ARE to be taken after
16 completion of 250 IDP training units. Some sections of the ARE, yet to be determined, will only
17 be able to be taken following completion of all IDP training units. The AELS Board's position
18 has been that all IDP training units should be completed before any sections of the ARE are
19 allowed to be taken, and Maynard indicated this is still his position.

20
21 The board discussed comparing sections of the ARE with the Fundamentals of Engineering
22 (FE) examination, which candidates can sit for either while still a senior in college or just
23 graduated from college and wondered if it wouldn't be fair to allow architect candidates to sit for
24 sections of the ARE prior to completing all IDP requirements.

25
26 Hightower commented that the board should be consistent. If engineers are allowed to sit for
27 the FE right after graduation, then architects should be able to sit for certain sections of the ARE
28 when just graduated. Hightower stated he would look at the sections of the ARE and determine
29 which, if any, it would be appropriate to allow candidates to sit for prior to completing all IDP
30 training units.

31
32 Maynard explained that some of the reasoning behind allowing candidates to sit for the ARE
33 before completing IDP is that the number of persons becoming registered is decreasing
34 because candidates are going into other jobs, such as cad graphics.

35
36 Morris said he was very much opposed to allowing architect candidates to take any portion of
37 the ARE prior to completing the IDP training units. He explained the board needs to be thinking
38 of the health, safety and welfare of the public, not diminishing numbers of registered architects.
39 He further stated that the purpose of the board is public protection, not making it easier for
40 college graduates to get registered right out of college.

41
42 Maynard agreed with Morris that the board's concern is not the number of architects, but
43 protecting the public and that is the basis upon which the board should be making its decision.
44 He stated the board would need to have a position in place to take at the NCARB Annual
45 Meeting in June. This agenda item was deferred to Agenda Item 17 – New Business.

46
47 C. Municipality of Anchorage re submittal of landscape plans for the UDC. Jerry Weaver,
48 Zoning Division Administrator, for the Municipality of Anchorage wrote a letter to the board
49 inviting the board to become involved in the public process associated with the Title 21 Rewrite
50 (requiring only registered landscape architects to submit landscape plans). There was no action
51 required on the board's part.

52
53 D. Arctic Sun Engineering re: Investigation. Tom Looney, PE, wrote to the board to complain
54 about the investigative process that was followed when he was investigated for purportedly not

1 dating a stamped plan. Maynard asked the board administrator to draft a letter of apology to Mr.
2 Looney for his signature.

3
4 A discussion followed regarding the training of the board's investigators and the procedures that
5 are followed. Morris suggested we take this topic up under Item 9D, Disciplinary Action/Process
6 subgroup. He said he believes the board needs to create policies and a manual and tell the
7 investigators to follow those policies set by the board.

8
9 Maynard stated that in his opinion disciplinary enforcement is the board's most important issue
10 right now.

11 12 **Agenda Item 9 – Meet in Subgroups**

13
14 Since many board members are assigned to more than one subgroup, not all of the subgroups
15 are able to meet within the allotted time. Following are the subgroups that did or did not meet:

16
17 A. Additional Engineering Disciplines. Fredeen had nothing to report. This subgroup will not
18 meet.

19
20 B. Continuing Education. Brownfield indicated that there were things regarding the continuing
21 education for architects, engineers and landscape architects that need to be discussed.

22
23 C. Courtesy License. Chair of this subgroup, Baker, asked the Executive Administrator if she
24 could provide him with the number of out-of-state engineers that hold Alaska registrations. He
25 said he felt that there may not be a need for a courtesy license based on this number.

26
27 D. Disciplinary Process. This subgroup will meet.

28
29 E. Electronic Transmittals. This subgroup will meet.

30
31 F. Incidental Practice. This subgroup will not meet.

32
33 G. Jurisprudence Exam. Heieren asked the Executive Administrator to email to him the
34 jurisprudence exam she had prepared. This subgroup will not meet at this time.

35
36 H. Legislative Changes. Maynard stated there was not much to discuss at this time, so this
37 subgroup will not meet.

38
39 I. Site Adaptations. Hightower reported that this subgroup had met and he would be giving a
40 report the next day of the meeting.

41
42 J. Stop Work Orders. Brownfield had nothing to report.

43
44 Maynard stated that the subgroups need to work between meetings and have a report for the
45 board prior to the next meeting.

46 47 **Agenda Item 10 – Investigative Report**

48
49 Division Investigator, Naseer Dhaamin, was present at the meeting. He reported on the May
50 12, 2006 investigative report that had been provided to the board.

51
52 The board asked for a new section on the investigative report to indicate which cases were
53 awaiting decisions from the administrative law judges. The board further stated it would like the
54 report to indicate if someone has not complied with a Memorandum of Agreement. The board

1 also asked if it could get a letter from the Attorney General assigned to a case indicating the
2 status of each case that is listed under "Draft Filings Pending Attorney General Action." Finally,
3 the board asked if the report could include the status of the open cases.
4

5 Gorlick referenced the last meeting's minutes where the board had asked Dhaamin if and when
6 the board could review or audit closed cases to see if the cases are being disposed of in the
7 way the board wants. He had also asked if Dhaamin could find out if there was a way of
8 tracking frequent or similar violations so the board could determine if a statute or regulation that
9 was frequently violated might need to be changed. This is being asked so that the board can
10 maintain consistency.
11

12 Fredeen said that the board needs to work with the investigator to streamline the investigative
13 process. He said he would like to see copies of the letters that are sent when a case is closed.
14 The Executive Administrator was asked by Gorlick to provide him with a copy of the
15 investigative flow chart.
16

17 Then discussed was the upcoming NCEES Annual Meeting in Anchorage. The board would like
18 its investigators to attend the Law Enforcement seminar portion of the meeting and perhaps see
19 if the speaker could extend his stay and speak exclusively to the board and its investigators.
20

21 The board briefly spoke to Dhaamin about the complaint that had been received from Tom
22 Looney and Dhaamin told the board he had proceeded in the manner that his supervisor had
23 said was appropriate. However, he said he now knows to check for original plans with the
24 municipality before issuing a warning letter for unstamped plan on site.
25

26 When asked what Dhaamin could envision that would help the investigator he said he would like
27 to see a fine procedure set in place, especially for repeat offenders.
28

29 The Executive Administrator asked Dhaamin if the cases that had been closed were going to be
30 updated on the disciplinary worksheet that Investigator Howes had sent to her so that the AELS
31 web site's disciplinary section can be kept current. He said he would have to check with Brian
32 Howes.
33

34 Maynard said he had a real problem with the offense of "practice beyond scope" being closed
35 with just a warning letter, and that maybe this is one of the things the board should be looking
36 at.
37

38 Dhaamin told the board he would be leaving the division in July of this year. His replacement
39 will be John Savage, whose background is that of a military investigator.
40

41 Dhaamin left the meeting at 11:05 a.m.
42

43 **Agenda Item 11 – Expenditure Report** 44

45 The board reviewed the April 25, 2006 expenditure report. Most agreed it would be nice if the
46 report was in a format that could be understood.
47

48 Discussed was the lack of detail in the expense reports and the need for contractual items to be
49 broken down and itemized. Also discussed was why levied fines against registrants are not
50 credited to the board, but go into the general fund. Fredeen suggested this be something that
51 should be on our proposed legislation list, to change the law so that boards can collect their own
52 fines.
53

54 Morris stated that the board needs to decide what is most important, and focus on the things

1 that really affect the safety of the public, such as getting statutes passed that give the
2 investigators the power to stop work. He finished by saying the board needs to go to the
3 legislature with the important things to protect the public and not a lot of other legislative
4 proposals.

5
6 Maynard agreed with Morris and said the board must prioritize its efforts, especially its
7 legislative efforts.

8
9 According to Brownfield, the system is not going to change. Fines will never be allowed to go
10 anywhere but the general fund. He said it is politics and that is just the way it is.

11
12 Relative to the discussion on collecting disciplinary fines, Maynard said the board needs to get a
13 procedure in place so that it is the board making the disciplinary and subsequent fine decisions.

14
15 Returning to the expenditure report, the board agreed that the report is not in sufficient detail to
16 understand. Fredeen said that in reading the report he does not have a comfortable feeling that
17 he really knows what is going on.

18
19 Morris offered to get in touch with former board member Lance Mearig about the expenditure
20 report as Mearig had taken a serious interest in this issue when he was a board member.

21 22 **Agenda Item 14 – APEGGA Canada/Alaska Mobility Forum**

23
24 Brownfield had attended the Canada/Alaska Mobility Forum in Edmonton, Alberta in April. He
25 reported that the purpose of this is to make it easier for Canadians to become registered in
26 Alaska. He explained that prior to 2004 Alaska required Canadian engineers to sit for the
27 NCEES FE exam, even if they were licensed in Canada as P.Engs. The regulations were
28 changed in 2004 so that if a P.Eng. had been registered in Canada for five years the FE exam
29 requirement would be waived. However, the board is not willing to reduce the registration
30 requirements any further. Alaska still requires the Canadian P.Eng. to pass the NCEES PE
31 exam.

32
33 A discussion followed on the differences in licensing requirements between Canada and Alaska.

34
35 *Break for lunch at 12:00 p.m.*

36 *Reconvene at 1:25 p.m.*

37 38 **Agenda Item 12 – Public Comment**

39
40 Paul Whipple, PS was the first member of the public to address the board. He said he was
41 going to talk about the Practice of Land Surveying but since there were no letters in opposition
42 he did not need to.

43
44 Next was Pat Kalen, representing the ACSM. Kalen first talked about ELSEES taking over
45 administration of the NCEES exams. He felt that the liability risk has been overstated and hoped
46 the board would revisit the issue and discuss it further.

47
48 Kalen told the board that the surveyors' attitudes toward mandatory continuing education have
49 been very positive.

50
51 Regarding the proposed courtesy license regulation that was public noticed Kalen felt that
52 surveying should not be a part of the courtesy license. The board agreed with him.

53
54 Finally, Kalen said the "Practice of Land Surveying" proposed regulation is in conformance at

1 the national level, meaning the ACSM and the National Society of Professional Surveyors
2 (NSPS).

3
4 Gorlick asked to state for the record that the decision made by the board to turn over exam
5 administration to ELSESES was the correct decision.

6
7 The next member of the public to speak was Chris Miller, PE, Design Alaska. He first
8 addressed the issue of the NCEES' proposal to require an additional 30 post-graduate credit
9 hours for registration as an engineer and initially was against it. He said that after looking at the
10 NCEES web site he understands the NCEES' position. Miller encouraged the board to work
11 with universities to make sure the additional education is available should it become a
12 requirement.

13
14 Miller then talked about general PE registrations versus discipline specific registrations and said
15 he thinks the idea of a general PE registration makes sense because of the growing number of
16 specialties.

17
18 Miller stated there had been talk of allowing people to sit for the PE directly after graduating
19 from college, but he is not in favor of this.

20
21 Fredeen spoke to the issue of the additional 30 hours. He told Miller that there was a move
22 afoot to have ABET work those additional hours into the curriculum for a bachelor's degree.

23
24 Gorlick asked if Miller couldn't get a group of engineers together, working with the universities,
25 and offer relevant classes and programs to make up the additional 30 hours.

26
27 Miller said that this was something he had already attempted on a small scale but was met with
28 resistance from the universities. Walsh told Miller that UAF, College of Mines, has an advisory
29 board and he thought the advisory board would be very interested in Miller's input. He said he
30 could help out by finding the correct person for Miller to talk with about this.

31
32 The final public member to speak was Bill Mendenhall, PE. Mendenhall gave the board a
33 petition signed by 145 UAF engineering students requesting the board return to the previous
34 method for administering the NCEES examination, instead of turning over administration to
35 ELSESES. UAF engineering students are required to take the FE exam as a requirement for
36 graduation. Mendenhall told the board he did not think there had ever been a liability risk in
37 administering the exam. The engineering students were also objecting to the increase in the FE
38 exam fee as it causes a financial hardship.

39
40 Mendenhall expressed concern that with ELSESES administering the FE exam, UAF would not
41 know if all engineering students had taken it. The Executive Administrator told him she would
42 make sure that UAF receives a list of students that sit for the FE exam.

43
44 Mendenhall asked the board to reconsider its action in turning over administration to ELSESES.

45
46 Mendenhall then told the board that he was in favor of letting anyone that has taken the FE
47 exam sit for the PE exam. He said they could not get registered if they pass both exams, they
48 would still have to gain four years of engineering experience. His reasoning was that in college
49 students study a broad range of engineering fields, but during their work experience they may
50 concentrate on just one part of engineering and will not be able to remember all the other things
51 they learned in college. He said students should be able to take both exams while what they
52 have learned is fresh in their minds.

53
54 Gorlick brought it to the attention of the board that on page 14 of the February minutes the

1 figure \$50,000 should be corrected to read \$500,000.

1 **On a motion duly made by Hightower, seconded by Fredeen, and approved**
2 **unanimously, it was**

3
4 **RESOLVED to re-approve the February 2006 minutes as corrected.**

5
6 Hearing no objection the motion passed.

7
8 **Agenda Item 13 – Regulation Update/Status**

9
10 Regulations Specialist, Jun Maiquis, and Assistant Attorney General, Gayle Horetski, joined the
11 meeting by teleconference at 2:00 p.m.

12
13 Horetski began by discussing Article 4, CE for land surveyors. She said she had made changes
14 to make the regulations clearer and wanted to make sure she was correct in the board's intent.
15 She indicated she had to insert a new section, 12 AAC 36.115, to address retired status
16 registration. Discussed was making the CE requirement for the renewal period ending
17 December 31, 2007 require only 15 CE hours. All subsequent renewals will require 30 hours.

18
19 **On a motion duly made by Leet, seconded by Morris, it was**

20
21 **RESOLVED to change the continuing education requirement for land**
22 **surveyors for licensing period ending December 31, 2007 to require 15 CE**
23 **hours. All subsequent renewals will require 30 hours.**

24
25 Hearing no objection the motion passed unanimously.

26
27 Horetski indicated she would make the changes to the regulations that the board requested and
28 fax a new copy for adoption on the next day of the meeting.

29
30 Horetski then told the board that she had removed 12 AAC 36.067 Date of Experience and has
31 made it Part 2 of this regulation project. She told the board that to accomplish what the board
32 wants with this regulation project it needed to change 12 AAC 36.010, not .067.

33
34 Following a lengthy discussion the board decided it needed to conduct a roll call vote, as some
35 members wanted to withdraw making any changes to 12 AAC 36.067 Date of Experience.

36
37 **On a motion duly made by Gorlick, seconded by Walsh, it was**

38
39 **RESOLVED to remove 12 AAC 36.067 Date of Experience from the board's**
40 **regulation projects.**

41
42 A roll call vote was conducted as follows:

43
44 Baker – Abstain
45 Brownfield – No
46 Fredeen – No
47 Heieren – No
48 Hightower – No
49 Morris – No
50 Gorlick – Yes
51 Walsh – Yes
52 Leet – Yes
53 Maynard - No

1
2 By a majority the motion failed. 12 AAC 36.067 will be reviewed and rewritten by Maiquis and
3 Horetski and presented to the board at its next meeting.

4
5 Maiquis and Horetski will be teleconferenced into the meeting at 11:30 a.m. the next day of the
6 meeting.

7
8 *Break at 3:30 p.m.*

9 *Reconvene at 3:45 p.m.*

10
11 **Agenda Item 15 – WCARB Regional Meeting**

12
13 Hightower had attended the WCARB Regional Meeting in Tucson, Arizona on March 17-18,
14 2006. He had provided a written report to the board which was discussed briefly.

15
16 **Agenda Item 16 – IDP Conference**

17
18 Hightower had also attended the IDP Conference in Washington, D.C. on February 10-13, 2006
19 and provided a written report to the board, which was briefly discussed.

20
21 **Agenda Item 13 – Regulation Update/Status**

22
23 The board returned to the regulation projects.

24
25 Courtesy License: Following a discussion on courtesy licensing in the context of the Katrina
26 disaster, which Hightower discussed under his WCARB report, the board discussed whether or
27 not the board really needs a courtesy, or a Good Samaritan license.

28
29 Morris said he felt there is no need and the board should drop this proposed regulation entirely.
30 Baker and Hightower agreed with Morris that there is no need for a courtesy license.

31
32 **On a motion duly made by Heieren, seconded by Baker, it was**

33
34 **RESOLVED to adopt a new section in 12 AAC 36 to provide for courtesy**
35 **licensing.**

36
37 A roll call vote was conducted as follows:

38
39 Baker – No
40 Brownfield – No
41 Fredeen – No
42 Heieren – No
43 Hightower – No
44 Morris – No
45 Gorlick – No
46 Walsh – No
47 Leet – No
48 Maynard - No

49
50 By a unanimous vote the board decided to table a regulation change to implement a courtesy
51 license.

1 NCARB Education Standard:

2
3 Having considered public comment, if any, and any additional cost to the public:

4
5 **On a motion duly made by Baker, seconded by Gorlick, and approved**
6 **unanimously, it was**

7
8 **RESOLVED to adopt the proposed regulation 12 AAC 36.061(a)(2) NCARB**
9 **Education Standard.**

10
11 Hearing no objection, the motion passed.

12
13 Further defining "Close Proximity" for date when sealing: Gorlick had asked the board to further
14 define "close proximity" by initiating a regulation project to require the date be touching the seal.

15
16 The board discussed the events that brought about the change to require that stamps be dated
17 and why it is important, especially to the investigators, so they can determine if someone was
18 registered at the time plans were stamped.

19
20 **A motion was duly made by Gorlick, seconded by Brownfield to require a**
21 **regulation that states the date shall be within two inches of the seal.**

22
23 Following discussion, Gorlick withdrew his motion and Brownfield withdrew his second.

24
25 The board felt a regulation project was not warranted and that requiring the date within two
26 inches of the seal could be an AELS policy.

27
28 **On a motion duly made by Fredeen, seconded by Gorlick, and approved**
29 **unanimously, it was**

30
31 **RESOLVED to adopt a policy requiring that the date be within two inches of**
32 **the seal on final plans. This policy will be added to the current AELS**
33 **Policies, printed on licenses and posted on the board's web site.**

34
35 Hearing no objection, the motion passed.

36
37 Regulation Changes to implement ELSSES exam administration: The board reviewed the
38 changes to regulations required to implement ELSSES administration of the NCEES examination.

39
40 **On a motion duly made by Brownfield, seconded by Baker, and approved**
41 **unanimously, it was**

42
43 **RESOLVED to approve for public notice changes to 12 AAC 36.040, .050,**
44 **and .070 to allow for implementation of the ELSSES exam administration.**

45
46 Hearing no objection, the motion passed.

47
48 **Agenda Item 17 – New Business**

49
50 A. October Administration of AKLS. The Executive Administrator explained to the board that
51 there were a number of surveyor applicants requesting a fall administration of the AKLS exam.
52 She told them she had contacted Test, Inc., the company that writes the exam, and was told a
53 fall exam could be prepared and the cost would be \$3,000.

1
2 Heieren told the board that in previous years the exam had been administered in the spring and
3 fall, but was changed to the fall only because there were less than eight exam candidates.
4

5 **On a motion duly made by Baker, seconded by Heieren, and approved**
6 **unanimously, it was**
7

8 **RESOLVED to approve an October administration of the AKLS exam.**
9

10 Hearing no objection, the motion passed.
11

12 B. Stamp Size. The board discussed whether or not a registrant was required to have a two
13 inch stamp. The regulation does not address the size, but says the seal will be “substantially
14 similar” to that shown in the regulations, which is approximately two inches.
15

16 Following discussion the board agreed that the size of the seal is not important, what is
17 important is that it is legible.
18

19 **On a motion duly made by Leet, seconded by Hightower, and approved**
20 **unanimously, it was**
21

22 **RESOLVED that the size of a seal is predicated upon the legibility of the**
23 **registrant’s name and other information on the seal.**
24

25 Hearing no objection, the motion passed.
26

27 C. Application Review – Long Absences from Work. The board discussed the issue of
28 applicants for registration taking long absences from work that are not documented on the work
29 experience verifications.
30

31 The Executive Administrator had revised the Work Experience Verification form so that a verifier
32 of work would be required to note and subtract months from the experience for gaps in
33 employment, the time frame for which the board needed to decide. The board agreed that gaps
34 of employment of more than two continuous months should be documented on the experience
35 verification form.
36

37 **On a motion duly made by Fredeen, seconded by Heieren, and approved**
38 **unanimously, it was**
39

40 **RESOLVED to change the work experience verification form to advise**
41 **verifiers of work experience that gaps in employment of more than two**
42 **continuous months must be subtracted from the total months of work**
43 **experience being verified.**
44

45 Hearing no objection, the motion passed.
46

47 Walsh also had some suggestions for revisions to the work experience verification form that he
48 will put before the board on the next day of the meeting.
49

50 On a different topic, Hightower reminded the board that there were two outstanding issues to be
51 discussed; one was an applicant for comity registration and the second was the evaluation of an
52 “architect in training” (AIT) situation relating to the timing of the ARE.

1 Hightower told the board that when he was taking the ARE he was considered an architect in
2 training and was allowed to take four parts of the old seven-part ARE. He said today's ARE is a
3 nine-part exam and he has tried to compare the two.
4

5 Hightower explained that in comparing the two for the AIT he included Building Technology,
6 Materials & Methods, Mechanical & Electrical Systems, Lateral Forces and General Structures.
7 For the professional exam, or ARE, the parts would be Predesign, Site Planning, Building
8 Planning and one that does not fall into either category, Construction Documents.
9

10 Maynard stated that he would not include Building Technology in the AIT, and Hightower stated
11 he wasn't sure either; he was trying to equate it to the exam he took 30 years ago. Hightower
12 told the board the sections he had taken for the AIT and the professional exams are somewhat
13 different than what the ARE is today.
14

15 Hightower and Maynard will continue to study this issue and make recommendations to the
16 board.
17

18 **On a motion duly made by Leet, seconded by Fredeen, and approved**
19 **unanimously, it was**
20

21 **RESOLVED to adjourn into Executive Session under the authority of AS**
22 **44.62.310 for the purpose of re-reviewing an applicant file.**
23

24 Hearing no objection the motion passed.
25

26 The board adjourned into Executive Session at 5:20 p.m.
27

28 The board adjourned at 5:50 p.m., to reconvene Friday, May 26 at 8:00 a.m.
29

30 **Friday, May 26, 2006**
31

32 The Board returned from Executive Session at 8:00 a.m.
33

34 **Agenda Item 18 – Call to Order and Roll Call**
35

36 The Chair called the meeting to order at 8:04 a.m.
37

38 Members present and constituting a quorum of the Board were:
39

- 40 • Kenneth Maynard, Architect, Chairperson
- 41 • Boyd Brownfield, PE, Civil Engineer, Vice-Chair
- 42 • Craig Fredeen, PE, Mechanical Engineer
- 43 • Clifford Baker, PLS, Land Surveyor
- 44 • Charles Leet, PE, Civil Engineer
- 45 • Richard Heieren, PLS, Land Surveyor
- 46 • Harley Hightower, Architect
- 47 • Daniel Walsh, PE, Mining Engineer
- 48 • Burdett Lent, LA, Landscape Architect
- 49 • Terry Gorlick, Public Member
- 50 • Mark Morris, PE, Electrical Engineer
- 51

1 Representing the Division of Corporations, Business and Professional Licensing was:

- 2
- 3 • Ginger Morton, Executive Administrator
- 4 • Eleanor Vinson, Licensing Examiner
- 5 • Vern Jones, Licensing Examiner
- 6 • Jun Maiquis, Regulations Specialist
- 7 • Rick Urion, Director (by teleconference)
- 8 • John Clark, Investigator (by teleconference)
- 9

10 Representing the Department of Law, Attorney General's Office was:

- 11
- 12 • Gayle Horetski, Assistant Attorney General
- 13 • David Brower, Assistant Attorney General
- 14

15 Representing the Office of Administrative Hearings (OAH) was:

- 16
- 17 • David Stebing, Administrative Law Judge
- 18

19 Joining portions of the meeting were the following members of the public:

- 20
- 21 • John Squires representing himself
- 22 • Patrick Kalen, Land Surveyor, representing the ACSM and the ASPLS
- 23 • Randy Johnson representing the Fairbanks North Star Borough
- 24

25 **Agenda Item 19 – Subgroup Reports**

26

27 A. Additional Engineering Disciplines. Fredeen said the board had seen the dark side of

28 general licensure when reviewing applications and this is something the board should be

29 keeping in mind. He was referring to an applicant from a non-discipline specific state that was

30 practicing several disciplines of engineering.

31

32 Maynard commented that if the board adopts a general PE license it will have to have policies in

33 place to prevent registrants from practicing outside their area of expertise.

34

35 Morris agreed. He said a registrant should only be able to practice in the discipline of the PE

36 exam that was passed, and that if the board went to a general PE registration, perhaps that

37 discipline could be printed on the license.

38

39 Brownfield felt that if a change is going to be made, there should be an expectation that things

40 will improve. He said he sees no advantage in moving to a general license and thinks the way

41 things are now is perfectly suitable. He further stated that he does not think we need to add

42 new engineering disciplines either.

43

44 Fredeen explained that the advantage to a general PE license is that people are coming up with

45 new degrees that do not fit anything we have. He cited as an example an applicant that was a

46 fire protection engineer and the board approved him for a mechanical engineer registration. He

47 said this PE can now do HVAC, even though he has no training.

48

49 Leet told the board he thinks it needs to stay focused on the important issues it has to deal with

50 and he views this issue as a low priority issue. He also said a general PE registration could be

51 problematic for the investigator because if he looking at plans where the stamp just says "PE",

52 he is not going to know what kind of engineering this PE is supposed to be practicing.

1 B. Continuing Education. Brownfield told the board he had sent copies of the draft CE
2 regulations for architects, engineers and landscape architects to the professional groups'
3 officers, about 12 people, and had received comments from about nine societies. He said that
4 based on the changes that were made to the CE regulations for surveyors by Horetski and
5 Maiquis he needs to regroup and incorporate those changes into these regulations. He asked
6 that the CE regulations for surveyors be emailed to him.

7
8 Maynard suggested that Brownfield go back and edit his draft CE regulations in light of
9 comments received, disseminate it to the members and present a draft at the next meeting for
10 the board to approve for public notice.

11
12 Morris suggested the subgroup work on it by email and ask the Assistant Attorney General to
13 review it before the next meeting.

14
15 Lent commented that he had canvassed the boards that have CE and that the regulations that
16 have been drafted are pretty close to tracking those of other boards. He further stated that
17 according to ASLA there is not very much CE out there yet dealing with health, safety and
18 welfare.

19
20 A discussion was also held on how to get the information out to registrants so they will know
21 what CE will automatically be approved by the board. The Executive Administrator said this
22 information could be posted on the board's web site. The board asked the Executive
23 Administrator to do some research to find on-line CE related to health, safety & welfare.

24
25 Briefly discussed was dual licensure and how much CE should be earned for each discipline a
26 registrant is licensed in.

27
28 Fredeen read a portion of the comments from Steven Borell, PE. Fredeen thought his
29 suggestion to add the language "...and promote the health, safety and welfare of the state's
30 general public" was excellent language.

31
32 C. Courtesy License. Baker stated that he felt this is a moot issue because most of the board
33 agrees that the current registrants could handle any emergencies that may arise. The board
34 agreed to dissolve the courtesy license subcommittee.

35
36 D. Disciplinary Action/Process. Maynard told the board that he and Craig had met with
37 Investigator Dhaamin on two occasions since the last meeting to review charges. Maynard said
38 that in his mind he still believes the investigative process is a problem.

39
40 The board reviewed the documents Gorlick and Lent had developed dealing with the complaint
41 procedure and offenses and related fines. Gorlick gave a general overview of the documents.

42
43 Maynard commented that he believes the investigators are making decisions that should be the
44 board's decisions.

45
46 The board asked the Executive Administrator to seek permission for the board's investigators to
47 attend the Law Enforcement Seminar at the upcoming NCEES Annual Meeting in Anchorage,
48 and additionally, to find out if the instructor of the seminar would be available to spend an extra
49 day in Anchorage to meet with the board and its investigators.

50
51 It was decided that the board would not move forward with any procedures or processes until it
52 had attended the Law Enforcement Seminar.

53
54 Gorlick asked the board to review the documents provided and email suggestions to him.

1 Maynard thanked Gorlick and Lent for their hard work on this subcommittee.

2
3 E. Electronic Signatures. Fredeen said this is a low priority issue and it is mostly for the
4 protection of the registrant. He said he would recommend this as a board policy and not a
5 regulation project.

6
7 Baker stated that this goes back to the Municipality of Anchorage giving stamped as-builts to
8 property owners and telling them to draw what they want on the as-built and the municipality will
9 approve it. He said Anchorage is encouraging this and it is a violation and is fraud. He told the
10 board the surveyors have brought this to the attention of the board numerous times.

11
12 Maynard asked Fredeen to have a recommendation for the next meeting.

13
14 F. Incidental Practice. Maynard said he didn't realize what a difficult task this was going to be.
15 He said there is some very good verbiage on incidental engineering practice, but could not
16 recall the source. He stated there is good language identifying engineering versus surveying,
17 but his concern is with architecture. He said a number of the states have recommended that the
18 board not even try to define incidental practice.

19
20 Maynard plans to pursue incidental practice and will hopefully have a recommendation soon.

21
22 G. Jurisprudence Exam. Heieren commented that the board may not have statutory authority
23 to require a jurisprudence exam.

24
25 The board discussed perhaps posting the exam on the board's web site and allowing CE credit
26 for completing it. He said he would like to see at least three tests developed. Heieren
27 requested each member to send him five questions so he would have a catalog of questions.
28 He also requested the Executive Administrator to email him the exam she had prepared.
29 Heieren said he would present his questions for the board's review at the next meeting for
30 adoption to be placed on the board's web site. Heieren stated he believes this should not be
31 mandatory, but just an option for earning continuing education.

32
33 Morris commented that he thinks the board should consider adding language to the legislative
34 changes that it will be requesting giving the board authority to requiring passing a jurisprudence
35 exam prior to being registered. Heieren explained that surveyors are required to pass the
36 Alaska specific surveying exam (AKLS), which is a jurisprudence exam, prior to registration.
37 Heieren further stated that he felt the less laws passed by the legislature the better, so this
38 should not be included in the board's proposed legislative changes.

39
40 H. Legislative Changes. Morris explained to the board he thought it important to have two
41 separate bills to put before the legislature. One as a "housekeeping" bill for the small issues
42 that legislators should have no problem with passing, as the six items listed in the board packet,
43 and a second bill for a stop work order.

44
45 Morris asked for input from the other members before the next meeting to give him a starting
46 point for drafting bill language and then the board can discuss which legislators it should ask for
47 help.

48
49 I. Site Adaptations/Alterations. Hightower told the board there were really two issues here.
50 One is site adaptation, for example a McDonalds, and he said he felt that issue is covered fairly
51 well. Hightower said the other issue the board is concerned with is what DOTPF was
52 concerned with, which is contractors altering and making field changes. Hightower initially
53 thought this was an administrative problem for DOTPF they should take care of. He then said
54 that in reviewing the

1 regulation he thinks it is not that vague and is sufficient. He read the relevant regulations and
2 said that when drawings are altered that is practicing without the proper registration.

3
4 Maynard said he thought DOTPF's concern was that drawings were being altered without the
5 permission of the owner. He said that should be controlled by the owner of the drawings, and
6 does not need to be further addressed in regulation.

7
8 The board agreed that its present regulation is sufficient. Hightower indicated he would respond
9 to the letter from DOTPF and copy the board for input before he mails it.

10
11 Morris explained that it is common for contractors to change stamped plans and there is nothing
12 done about it. He stated that he believes the answer is to push forward with the stop work order

13
14 J. Stop Work Orders. Brownfield said he did not have much to report on this yet. He told the
15 board he would like to work to get a bill before the legislature, but had not worked on it yet.

16
17 The board briefly discussed the language that gives the fire marshal authority to stop work and
18 the procedure the board should try to put in place once a stop work order has been issued.

19
20 Brownfield expressed his opinion that the board should work with the division for stop work
21 authority so that when a bill is presented to the legislature the board and the division are
22 working hand in hand.

23
24 *Break at 10:00 a.m.*

25 *Reconvene at 10:10 a.m.*

26
27 **Agenda Item 20 – Old Business**

28
29 Pat Kalen asked if he could address the board on behalf of the ASPLS and ACSM. He told the
30 board that the surveyors were pleased with the adoption of continuing education for surveyors'
31 regulations and with the work the board was doing in general. He also told the board that the
32 Alaska Professional Design Council (APDC) will be available to help with legislative changes
33 the board may have.

34
35 A. Building Officials' Manual. Director Rick Urion was scheduled to join the meeting by
36 teleconference at 10:00 a.m.; however he was not yet available. Maynard informed the other
37 members that Director Urion wanted to talk to the board about the fire marshal stopping work
38 because it was determined that the plans required the stamp of an architect and only had an
39 engineer stamp. He told the board that Director Urion believes that is a determination that
40 should be made by the board, not the fire marshal. It was discussed that the board does not
41 have stop work authority, so it should let the fire marshal issue stop work orders if drawings are
42 believed to have an incorrect stamp. Also discussed was inviting the fire marshal to future
43 meetings in the hope of building a good work relationship.

44
45 Fredeen stated that he did not think the board should require the state fire marshal to prosecute
46 somebody because they have violated the board's regulations. He said if the fire marshal thinks
47 plans may be incorrectly stamped then the board's investigator should be contacted to verify
48 that and if the investigator agrees then the stop work order could be issued.

49
50 Morris gave his opinion that the fire marshal and board need to work together. He said the
51 board needs to build a relationship with the fire marshal so that if the fire marshal thinks plans
52 are incorrectly sealed, before issuing a stop work order, the fire marshal would contact two
53 board members for confirmation of the incorrectly stamped plans.

1 B. Board Position on 30+ Additional Hours Engineering Education.

2
3 Fredeen explained that over the years an ABET engineering degree had dropped from around
4 150 hours to 128 hours. The board agreed that this is an ABET problem and ABET needs to be
5 the one that makes sure engineers are properly educated with an ABET accredited degree. He
6 further explained that it was the view of the AELS Board a year ago that requiring an additional
7 30 credit hours beyond the ABET accredited degree would put an undue hardship on the
8 candidates who would be trying to work full time and earn 30 additional credit hours.

9
10 Fredeen said that he had hoped to put forth a motion at the NCEES Western Zone Meeting, and
11 then the Annual Meeting charging ABET with increasing the number of credit hours needed for
12 all ABET accredited engineering degrees.

13
14 A. Building Officials' Manual. Rick Urion joined the meeting by teleconference at 11:00
15 a.m. Urion wanted to discuss the Building Official's Manual with the board.

16
17 Urion began by relating to the board a recent matter in Fairbanks where the permitting process
18 had been stopped because the fire marshal determined that the plans needed an architect
19 stamp and only had an engineer stamp. He said he believes the fire marshal's job is public
20 safety and who signs the plans is sort of a turf battle between architects and engineers. He
21 stated the person who signed the plans should be the one punished, not the customer. He said
22 this matter is a licensing issue, not a public safety issue.

23
24 Maynard said it was his personal position, but he disagreed with Urion and that it is a public
25 safety issue. Maynard explained that in his view the fire marshal is the umbrella organization not
26 covered by a city or borough and he sees no reason why the fire marshal should not have the
27 same authority as a building official.

28
29 Gorlick expressed his opinion that it is the responsibility of the customer to make sure the right
30 discipline has stamped plans, and there are statutes and regulations to protect the customer or
31 public. He said the fire marshal has the ultimate say in building occupancy code.

32
33 Urion agreed that the fire marshal has control over the codes but he does not have control over
34 the architects and engineers. He asked the board how it could expect the fire marshal to make
35 the determination of what kind of stamp is required on plans, when the board itself cannot
36 decide.

37
38 Maynard disagreed with Urion, stating that generally speaking the board did agree.

39
40 Gorlick said he had taken it upon himself, with the board chair's ok, to contact the fire marshal
41 to better understand the entire process and would bring a report back to the board.

42
43 Brownfield explained that the board does not have the stop work authority that the fire marshal
44 has and that the board wants to work with the fire marshal.

45
46 Urion said the process should be that the fire marshal be looking only for a professional stamp
47 on plans and if it is thought the plans are stamped by the wrong discipline the fire marshal
48 should contact the division investigators to investigate the matter.

49
50 Morris concluded the discussion by thanking Urion for talking to the board and telling him he
51 thinks the majority of the board agrees that something with the system is not quite right. He told
52 Urion the board is trying to streamline its investigative process and this needs to be a part of it.

1 **On a motion duly made by Hightower, seconded by Leet, and approved**
2 **unanimously, it was**

3
4 **RESOLVED to adjourn into Executive Session under the authority of AS**
5 **44.62.310 for the purpose of discussing a Memorandum of Agreement in**
6 **Case No.0102-05-023.**

7
8 Hearing no objection the motion passed.

9
10 The board adjourned into Executive Session at 11:20 p.m.

11
12 The board returned from Executive Session at 11:42 a.m.

13
14 **Agenda Item 13 – Regulation Update/Status**

15
16 The board returned to the regulation projects. Assistant Attorney General, Gayle Horetski, and
17 Regulations Specialist, Jun Maiquis joined the meeting by teleconference at 11:45 a.m.

18
19 Having considered public comment, if any, and any additional cost to the public:

20
21 **On a motion duly made by Heieren, seconded by Brownfield, and approved**
22 **unanimously, it was**

23
24 **RESOLVED to adopt the following regulations as amended:**

- 25
26
 - 27 • 12 AAC 36.068 - regarding landscape architect registration by exam
 - 28 • 12 AAC 36.100(d)(1) - changing the name of the land surveyor exam
 - 29 • 12 AAC 36.111- practice of land surveying
 - 30 • 12 AAC 36.115(b) - regarding retired status registration
 - 31 • 12 AAC 36.135 – repealing the requirement for a certificate from
 - 32 • 12 AAC 36.400-450 – continuing education for surveyors

33
34
35 Hearing no objection, the motion passed. The adopted regulations will be appended to these
36 minutes.

37
38 **On a motion duly made by Heieren, seconded by Leet, and approved**
39 **unanimously, it was**

40
41 **RESOLVED to accept and have the board chair sign the Memorandum of**
42 **Agreement in case # 0102-05-023, Steven R. Pannone.**

43
44 Brownfield, Fredeen and Gorlick abstained from voting.

45
46 Hearing no objection, the motion passed.

47
48 *Break for lunch at 12:10 p.m.*
49 *Return from break at 1:17 p.m.*

1 **Agenda Item 23 – ALJ Decision in OAH # 05-0198-AEL**

2
3 Administrative Law Judge (ALJ), David Stebing, joined the meeting at 1:17 p.m. to advise the
4 board procedurally in this matter.

5
6 **On a motion duly made by Leet, seconded by Walsh, and approved unanimously,**
7 **it was**

8
9 **RESOLVED to adjourn into Executive Session under the authority of AS**
10 **44.62.310 for the purpose of discussing the proposed Administrative Law**
11 **Judge's decision in OAH Case # 05-0198-AEL.**
12

13 The board adjourned into Executive Session at 1:18 p.m.

14
15 The board returned from Executive Session at 2:00 p.m.

16
17 *Break at 2:05 p.m.*

18 *Return from break at 2:15 p.m.*
19

20 **Agenda Item 23 – Meet with AAG Brower**

21
22 Assistant Attorney General David Brower joined the meeting by teleconference at 2:16 p.m.

23
24 A. Squires' Proposed Decision and Order. The board elected to allow John Squires to
25 address the board for ten minutes and explain why he believes he should be granted a waiver of
26 the Fundamentals of Engineering Examination. The board will then allow Brower to speak for
27 10 minutes, and finally Squires for a final five minutes before it makes a decision on the ALJ
28 proposed decision.

29
30 Squires told the board he had not been able to get third-party verifications to document 20 years
31 of engineering experience because a lot of the people had died or moved away. He had
32 provided what verifications he could and his own affidavit of work experience. He told the board
33 he has already passed the professional exam and if he has to go back and take the
34 fundamentals exam he will have to go to school for two years. He told the board he knows he is
35 qualified to be a registered engineer. He said the board's own attorney referred to him as an
36 expert in his field.

37
38 Squires discussed the meaning of the word "verification" as he does not believe that necessarily
39 means third-party verification and that his affidavit should be considered verification.

40
41 He talked about attending a top graduate school and the fact that he did research for the
42 university in lieu of paying for courses. He said he has proven himself in the field, in the
43 classroom and is a competent engineer.

44
45 Brower then addressed the board. First he thanked Ms. Morton for informing the board that
46 there should be no ex parte communication between the parties, such as when Squires and his
47 attorney attended the February 2006 board meeting without his knowledge.

48
49 Brower said he really did not have a lot to add other than what he has written in his proposed
50 agency finding. He also said that Squires was only reiterating what he had already told the
51 board. He said an applicant for an FE waiver must document 20 years of professional
52 experience and if the board thinks Squires has done that, then it should grant the waiver. He
53 said there is a requirement for the applicant to verify 20 years of professional work, so that is
54 what an applicant must do. He said he did not recall referring to Squires as an expert in his

1 field.

2
3 Squires concluded by telling the board the letters he supplied were the best verifications he was
4 able to get. He said his credibility is in question because he is not a PE, but he has passed the
5 PE structural exam. He asked the board to consider his affidavit and submitted letters as
6 adequate verification of his engineering experience and thanked the board for its time.

7
8 **On a motion duly made by Brownfield, seconded by Heieren, it was**

9
10 **RESOLVED that the board adopt the decision of the Administrative Law**
11 **Judge found on page 14 of the Decision and Order to deny the request for a**
12 **waiver of the Fundamentals of Engineering examination by John Squires.**
13

14 Brownfield said that while Squires may be very experienced in concrete that is a small part of
15 engineering and in his mind he has not adequately verified the 20 years of engineering
16 experience; that it just does not meet the test.

17
18 Heieren called for the vote.

19
20 A roll call vote was conducted as follows:

21
22 Baker – Yes
23 Brownfield – Yes
24 Fredeen – Yes
25 Heieren – Yes
26 Hightower – Yes
27 Morris – Abstain
28 Gorlick – Abstain
29 Walsh – Yes
30 Leet – Yes
31 Maynard - Yes

32
33 The motion carried.

34
35 B. Process for Levying Fines & Guidelines for Violations. Maynard began by telling
36 Brower that the board has been told that once the hearing officer's decision has been rendered
37 it is too late to levy a fine. Maynard asked at what stage a fine should be imposed.

38
39 Brower explained that with the new procedures from the Office of Administrative Hearings, the
40 board is allowed to increase the sanction higher than what the ALJ has recommended. He also
41 explained that a board can reject an ALJ's decision entirely and call for the record and write its
42 own decision or send the decision back to the ALJ with additional evidence,

43
44 Maynard expressed his concern that too often cases are closed with a letter from the board's
45 investigator with no input from the board.

46
47 Brower explained that Memorandums of Agreement are generally worked out by the respondent
48 in a case and the investigative staff. He said it gets "sticky" because the board makes the final
49 decision in the case, which is why they cannot get involved with the investigation. He said the
50 board could direct the investigators to take stronger action.

51
52 Gorlick asked if when cases are closed with just a letter that the board had no input on, can the
53 board then go beyond that. Brower responded that letters should not be going out from the
54 investigators closing cases without input from the board. Gorlick then asked if there was a

1 requirement written somewhere that a board member be involved in the decisions the
2 investigators are making, and Brower responded there is nothing written. He reiterated that
3 there should be board input and the board should be aware of the letters that are going out
4 regarding the professions that they regulate.

5
6 Regarding a recent decision in a case where the division's cease and desist was upheld,
7 Maynard asked the Executive Administrator to write a letter to Chief Investigator, Rick Younkins,
8 and find out why no penalties were assessed for practicing outside of scope. Brower gave the
9 opinion that in a case such as this where the cease and desist was upheld, that does not
10 necessarily have to be the end of it. He said he believed an accusation could then be filed and
11 penalties assessed.

12
13 The board thanked Brower for his time and advice.

14
15 **On a motion duly made by Fredeen, seconded by Baker, and approved**
16 **unanimously, it was**

17
18 **RESOLVED to adjourn into Executive Session under the authority of AS**
19 **44.62.310 for the purpose of discussing an application for registration by**
20 **comity.**

21
22 Hearing no objection the motion passed.

23
24 The board adjourned into Executive Session at 2:56 p.m.

25
26 The board returned from Executive Session at 3:16 p.m.

27
28 **On a motion duly made by Morris, seconded by Brownfield, it was**

29
30 **RESOLVED to deny the application for mechanical engineer by comity of**
31 **Thomas Stalcup because he passed an NCEES exam in civil engineering**
32 **and in order to qualify that exam needed to be in mechanical engineering.**
33 **He does not meet the requirements of 12 AAC 36.105(b) and he does not**
34 **qualify under 12 AAC 36.105(d) because the exam he took meets the**
35 **requirements of 12 AAC 36.100(c).**

36
37 A roll call vote was conducted as follows:

38
39 Baker – No
40 Brownfield – Yes
41 Fredeen – Yes
42 Heieren – No
43 Hightower – Yes
44 Morris – Yes
45 Gorlick – Yes
46 Leet – Yes
47 Maynard - Yes

48
49 Walsh was not present to vote.

50
51 The motion carried.

52
53 Following the discussion of 12 AAC 36.105, Morris asked if he could chair a subcommittee to

rewrite the comity regulations. Also appointed to this committee were Heieren and Brownfield.

Agenda Item 25 – Review Goals and Objectives

The board briefly reviewed the present Goals and Objectives. Realizing that many of these goals and objectives are not relevant, the Executive Administrator offered to rewrite the goals.

Agenda Item 26 – Read Applications into Record

On a motion duly made by Brownfield, seconded by Heieren, it was

RESOLVED to approve the following list of applications for comity and examination as read, with the stipulation that the information in the applicants' files will take precedence over the information in the minutes:

The Licensing Examiner read the following applications into the record as applicants are approved for professional examinations, or for registration by comity, as follows:

PROFESSIONAL APPLICATIONS FOR REGISTRATION BY EXAMINATION AND COMITY May 24 – 26, 2006			
APPLICANT	DISCIPLINE	EXAM COMITY	BOARD ACTION
1) Ballout, Mohamad H.	PE – Electrical	Comity	<i>Approved</i>
2) Berglin, Thomas John	PE – Civil	Exam	<i>Conditionally Approved pending fees</i>
3) Bronars, David	PE – Civil	Comity	<i>Approved</i>
4) Bukojemsky, Allegra	Landscape Architect	Comity	<i>Approved</i>
5) Button, Paul J.	PE – Mechanical	Comity	<i>Approved</i>
6) Coleman, Jeffrey G.	PE – Civil	Comity	<i>Approved</i>
7) Cooper, Steven Edward	PE – Civil	Exam	<i>Approved</i>
8) Corsentino, Mark	PE – Civil	Exam	<i>Approved</i>
9) Cutbirth, David C.	PE – Electrical	Comity	<i>Approved</i>
10) Daly, Todd A.	PE – Electrical	Comity	<i>Approved</i>
11) Dell'Andrea, Rodney J.	PE – Civil	Comity	<i>Approved</i>
12) Detwiler, Mark E.	PE – Civil	Comity	<i>Conditionally approved pending successful completion of Board approved Arctic Engineering course</i>
13) Dietrich, Brian Daniel	PE – Civil	Comity	<i>Conditionally approved pending successful completion of Board approved Arctic Engineering course</i>
14) Dodge, George Purinton, IV	PE – Mechanical	Exam	<i>Approved</i>
15) Fennell, Steven R.	PE – Mechanical	Comity	<i>Approved</i>
16) Fonnesbeck, Kenneth C.	PE – Civil	Comity	<i>Approved</i>
17) Frost, Chester B.	PE – Mechanical	Comity	<i>Approved</i>
18) Gerboth, Laurie L.	PE – Electrical	Comity	<i>Approved</i>
19) Gibson, Douglas Lincoln	Architect	Comity	<i>Approved</i>
20) Giorsetto, Paul	PE – Electrical	Comity	<i>Approved</i>
21) Harms, John E.	PE – Civil	Comity	<i>Conditionally approved pending successful completion of Board approved Arctic Engineering course</i>

PROFESSIONAL APPLICATIONS FOR REGISTRATION BY EXAMINATION AND COMITY
May 24 – 26, 2006

APPLICANT	DISCIPLINE	EXAM COMITY	BOARD ACTION
22) Hensley, James U.W.	FE	Exam	<i>Approved</i>
23) Hockley, Daryl E.	PE – Civil	Comity	<i>Conditionally approved pending successful completion of Board approved Arctic Engineering course</i>
24) Hostetler, Dirk E.	PE – Mechanical	Comity	<i>Conditionally approved pending successful completion of Board approved Arctic Engineering course</i>
25) Huebener, James H.	PE – Mechanical	Comity	<i>Approved</i>
26) Jeter, Hoyt David	PE – Civil	Comity	<i>Approved</i>
27) Kinney, Donald Gregory	PE – Mechanical	Exam	<i>Approved</i>
28) Liles, James R.	PE-Electrical	Comity	<i>Approved</i>
29) McDaniel, Kirt	PE-Civil	Comity	<i>Approved</i>
30) McDowell, Joshua	PE-Civil	Comity	<i>Approved</i>
31) McKean, Bruce	Architect	Comity	<i>Conditionally approved pending successful completion of Board approved Arctic Engineering course</i>
32) Mitchell, Nicole	PE-Civil	Comity	<i>Approved</i>
33) Patrick, Sean	PE-Civil	Comity	<i>Approved</i>
34) Peairs, Matthew	PE-Mechanical	Exam	<i>Approved</i>
35) Price, K. Wayne	PE-Mechanical	Comity	<i>Approved</i>
36) Raines, David	Architect	Comity	<i>Approved</i>
37) Robertson, Richard	PE-Civil	Comity	<i>Approved</i>
38) Runge, Robert II	PE-Civil	Comity	<i>Approved</i>
39) Safe, Kenneth	PE-Civil	Comity	<i>Approved</i>
40) Short, Glenn	PE-Electrical	Comity	<i>Conditionally approved pending successful completion of Board approved Arctic Engineering course</i>
41) Smith, Brenton	FS	Exam	<i>Conditionally approved pending four years work experience</i>
42) Sorenson, Roger	PE-Civil	Comity	<i>Approved</i>
43) Stevenson, Robert	PE-Mechanical	Comity	<i>Approved</i>
44) Terry, Jack	PE-Electrical	Comity	<i>Approved</i>
45) Tilbe, Mark	Landscape Architect	Comity	<i>Approved</i>
46) Tompos, Eric	PE-Civil	Comity	<i>Conditionally approved pending successful completion of Board approved Arctic Engineering course</i>
47) Trankel, Doyle	PE-Electrical	Comity	<i>Approved</i>
48) Ummer, Terrance	PE-Civil	Comity	<i>Approved</i>
49) Villnerve, Jr., Paul	PE-Mechanical	Comity	<i>Conditionally approved pending receipt of transcripts and verification of PE exam & current PE license.</i>
50) Wallis, Paul	PE-Civil	Comity	<i>Approved</i>
51) Weber, Kenton	PE-Civil	Comity	<i>Approved</i>
52) Yoshida, James	Architect	Comity	<i>Approved</i>

1 Hearing no objection the motion carried.

2
3 **On a motion duly made by Brownfield, seconded by Heieren, it was**

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

1) Charbonneau, Dwaine Alan	PE – Civil	Comity	<i>Incomplete – Needs an additional 55 months of verified work experience</i>
2) DeGraff, Paul E.	Land Surveyor	Exam	<i>Incomplete – Needs 5 mo verified work experience</i>

9
10 Hearing no objection the motion carried.

11
12 Discussion returned to the denied application of Thomas Stalcup.

13
14 **On a motion duly made by Heieren, seconded by Leet, it was**

15
16 **RESOLVED to advise Thomas Stalcup that he could reapply for comity**
17 **registration in Alaska as a PE Civil.**
18

19 A vote was conducted as follows:

20
21 Baker – Abstain
22 Brownfield – No
23 Fredeen – No
24 Heieren – Yes
25 Hightower – Yes
26 Morris – Yes
27 Gorlick – Yes
28 Leet – Yes
29 Maynard - No
30

31 Walsh was not present to vote.

32
33 The motion carried.

34
35 **Agenda Item 27 – Review Calendar of Events**

36
37 The board briefly discussed whether or not to schedule 3-day meetings or the usual 2-day
38 meetings. It was agreed to schedule only for 2-day meetings.

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

41
42 August 17-18, 2006 – Anchorage
43 November 16-17, 2006 – Anchorage
44 February 2007 – Juneau (to be determined based on APDC's fly-in)
45 May 17-18, 2007 - Fairbanks

Agenda Item 28 – Board Member Comments, Task List, Sign Wall Certificates, Housekeeping, Collect TAs, Receipts

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

Maynard indicated he would prioritize the agenda and forward it to all members, hopefully getting the agenda down to five of the most important items. Maynard also requested that the subcommittees circulate reports prior to the meetings. If the subcommittees will do this there would only need to be one meeting of the subcommittees at the board meetings, instead of the present two.

Heieren commented that something the board needs to do more frequently is check out its web site. He said it is very well put together and has a lot of valuable information. Heieren also stated he would contact Fire Marshal, Carol Olson, and invite her to the next board meeting to discuss stop work orders.

Maynard thanked the AELS staff for their work and tolerance of the board.

Task List Assignments

Maynard

Serve as Chair on disciplinary process subgroup.
Serve as Chair on incidental practice subgroup.
Serve on legislative changes subgroup.
Serve on stop work order subgroup.
Write to Gov. Murkowski inviting him to speak at NCEES Annual Mtg.
Prioritize agenda items & forward to all members.

Morris

Serve on incidental practice subgroup.
Serve on legislative changes subgroup.
See Lance Mearig regarding division expenditure report.
Serve as Chair on subgroup to rewrite comity regulations.

Brownfield

Serve on additional engineering disciplines subgroup.
Serve as Chair on stop work orders subgroup.
Serve on disciplinary process subgroup.
Serve as Chair on continuing education.
Serve on subgroup to rewrite comity regulations.

Fredeen

Serve as Chair on additional engineering disciplines subgroup.
Serve as Chair on electronic transmittals subgroup.
Serve on site adaptations subgroup.
Serve on stop work orders subgroup.

Gorlick

Serve on additional engineering disciplines subgroup.
Serve on disciplinary process subgroup.
Contact fire marshal re stop work order procedures.
Serve on stop work orders subgroup.

Heieren

Serve on electronic transmittals subgroup.
Serve as Chair on jurisprudence exam subgroup.
Serve on stop work orders subgroup.
Serve on subgroup to rewrite comity regulations.
Invite Fire Marshal, Carol Olson, to next meeting.

Hightower

Serve on continuing education for architects and engineers subgroup.
Serve on jurisprudence exam subgroup.
Letter to DOTPF re site adaptations.

Leet

Serve on incidental practice subgroup.
Serve on electronic transmittals subgroup.

Walsh

Serve on additional engineering disciplines subgroup.
Serve on continuing education for architects/engineers subgroup.

Serve on jurisprudence exam subgroup.

Lent

Serve on incidental practice subgroup.

Serve on continuing education for architects/engineers subgroup.

Serve on disciplinary process subgroup.

Executive Administrator

Find on-line CE courses for health, safety & welfare.

Send investigative flow chart to Gorlick.

Request investigator to attend law enforcement seminar at NCEES mtg.

Email jurisprudence questions to Heieren.

Find the cost of public noticing courtesy application proposed regulations.

Travel requests for NCEES Annual Meeting.

Letter to Investigator Younkens re Rudisel decision.

Email revised surveyor regulations to Brownfield.

Rewrite Goals and Objectives

Email APDC re Fly-In date.

NCEES law enforcement – extra day for AEELS Board.

Research old cases that are still open.

Letter to Bill Mendenhall re FE exam for UAF students.

Add “date within 2 inches” to AEELS policies. Print on licenses and post on web.

Link from AEELS web site to NCEES Model Rules.

Find out if we have statutory authority to require a jurisprudence exam for initial registration.

1
2 The meeting adjourned at 4:00 p.m..
3

4 Respectfully submitted:
5

6
7
8 _____
9 Ginger Morton, Executive Administrator

10
11 Approved:
12

13
14
15 _____
16 Kenneth D. Maynard, FAIA, Chair
17 Board of Registration for Architects,
18 Engineers, and Land Surveyors
19

20
21 Date: _____

1
2 **Chapter 36. State Board of Registration for Architects,**
3 **Engineers, and Land Surveyors.**
4
5

6 12 AAC 36.068(a) is amended to read:
7

8 (a) To be eligible for the professional landscape architect examination, an applicant must
9 submit

10 (1) a complete application on a form provided by the department; and
11

12 (2) **except as provided in (c) of this section,** satisfactory evidence that the
13 applicant's education or work experience are equivalent to the requirements set out in the
14 following table of education and work experience for professional landscape architect:
15 ...
16

17 12 AAC 36.068(c) is amended to read:

18 (c) To receive full credit for work experience, an applicant must
19 **(1) gain experience while under the responsible control of a professional landscape**
20 **architect registered in the United States, or**
21 **(2) successfully complete a mentoring program that meets the requirements of**
22 **(f) – (h) of this section.**
23

24 12 AAC 36.068 is amended by adding new subsections to read:

25 (f) To meet the mentoring requirements of this section, an applicant
26 (1) who holds a 5-year LAAB accredited professional degree in landscape
27 architecture must complete three years of quarterly face-to-face meetings with a professional
28 landscape architect registered in the United States;

(2) who holds a 4-year LAAB accredited professional degree in landscape architecture must complete four years of quarterly face-to-face meetings with a professional landscape architect registered in the United States.

(g) On a form provided by the department, an applicant shall submit a report for each meeting under (f) of this section, including

(1) a description of the applicant's work experience reviewed during the meeting;

(2) a statement indicating whether or not the work experience reviewed was directly applicable to professional landscape architectural work and whether the work was performed according to industry standards; and

(3) the signature and seal of the professional landscape architect who served as the applicant's mentor.

(h) An applicant who completes a mentoring program under (f) of this section must submit a final report that includes a statement from the professional landscape architect who served as the mentor recommending the applicant for registration. (Eff. 11/13/99, Register 152; am 9/11/2004, Register 171; am ____/____/____, Register ____)

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

12 AAC 36.100(d)(1) is amended to read:

(1) the NCEES Principles and Practices of [LAND] Surveying; and
(Eff. 5/23/74, Register 50; am 6/3/89, Register 110; am 10/20/90, Register 116; am 3/16/96, Register 137; am 11/13/99, Register 152; am ____/____/____, Register ____)

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191

AS 08.48.171

Article 1 is amended by adding a new section to read:

1 **Article 1. Registration and Licensing.**

2 **Section**

3 ...

4 **111. Practice of land surveying**

5 ...

6 12 AAC 36 is amended by adding a new section to read:

7 **12 AAC 36.111. Practice of land surveying.** The “practice of land surveying” defined
8 in AS 08.48.341 includes those activities included within surveying practice in Section 210.25 of
9 the NCEES Model Rules, Revised August 2004, adopted by reference.

10 (Eff. ____/____/____, Register ____)

11 **Authority:** AS 08.48.101 AS 08.48.341

12 **Editor’s note:** The NCEES publication *Model Rules*, Revised August 2004, adopted by
13 reference in 12 AAC 36.111, may be obtained from NCEES by writing to the National Council
14 of Examiners for Engineering or Surveying at NCEES, P.O. Box 1686, (280 Seneca Creek
15 Road), Clemson, South Carolina 29633-1686 or by calling NCEES at (864) 654-6824 or at
16 NCEES’ web site at <http://www.ncees.org>.

17
18 12 AAC 36.115(b) is amended to read:

19 (b) The board will issue an active certificate of registration to an individual who holds a
20 retired status registration if the applicant

21 (1) submits a completed application for reactivation on a form provided by the
22 department;

23 (2) pays the biennial registration renewal fees established in 12 AAC 02.110;

24 [AND]

(3) meets the continuing education requirements of 12 AAC 36.410 –

12 AAC 36.450 for one biennial registration period; and

(4) meets the requirements of 12 AAC 36.165(b), if the individual has held a retired status registration for more than five years. (Eff. 7/26/97, Register 143; am 11/13/99, Register 152; am 3/9/2001, Register 157; am ____/____/_____, Register ____)

Authority: AS 08.48.101 AS 08.48.215

12 AAC 36.135(5) is repealed:

(5) repealed ____/____/____;

...

(Eff. 10/10/96, Register 140; am 11/13/99, Register 152; am 3/8/2001, Register 157; am 3/9/2001, Register 157; am ____/____/_____, Register ____)

Authority: AS 08.48.101 AS 08.48.241

12 AAC 36 is amended by adding new sections to read:

Publisher: Please renumber existing article 4 to article 5.

Article 4. Continuing Education for Land Surveyors.

Section

400. Purpose of continuing education

410. Continuing education requirements

420. Computation of continuing education credit

430. Exemptions

440. Record keeping and review of records

450. Definitions

1 12 AAC 36.400. Purpose of continuing education. The purpose of the continuing
2 education program is to maintain a continuing level of competency of professional land
3 surveyors in Alaska. (Eff. / / , Register)

4 Authority: AS 08.48.071 AS 08.48.101
5

6 12 AAC 36.410. Continuing education requirements. (a) Unless exempted under
7 12 AAC 36.430, a professional land surveyor registrant must meet the continuing education
8 requirements of 12 AAC 36.410 – 12 AAC 36.450 as a condition of the renewal or reinstatement
9 of the professional land surveyor registration.

10 (b) Unless exempted under 12 AAC 36.430, a professional land surveyor registrant
11 seeking renewal or reinstatement of a professional land surveyor registration shall submit, on a
12 form provided by the department, a certification that the professional land surveyor registrant has
13 met the continuing education requirements of 12 AAC 36.410 – 12 AAC 36.450.

14 (c) To renew a professional land surveyor registration for the biennial registration
15 period that begins January 1, 2008, a professional land surveyor registrant must obtain 15
16 professional development hours during the 24 months immediately preceding the registration
17 period that begins January 1, 2008.

18 (d) To renew a professional land surveyor registration for a biennial registration period
19 that begins on or after January 1, 2010, a professional land surveyor registrant must obtain 30
20 professional development hours during the 24 months immediately preceding that registration
21 period.

22 (e) To reinstate a lapsed professional land surveyor registration, the professional land
23 surveyor registrant seeking reinstatement must obtain 30 professional development hours during
24 the 24 months immediately preceding the application for reinstatement of the professional land
25 surveyor registration.

1 (f) A professional land surveyor registrant who obtains more professional development
2 hours during a biennial registration period than needed to qualify for renewal or reinstatement of
3 the professional land surveyor registration may apply up to 15 of the excess professional
4 development hours to the continuing education requirement for the subsequent biennial
5 professional land surveyor registration period.

6 (g) Continuing education activities that satisfy the requirements of 12 AAC 36.410 –
7 12 AAC 36.450 include the professional land surveyor registrant's

- 8 (1) successful completion of college courses;
- 9 (2) successful completion of continuing education courses;
- 10 (3) successful completion of short courses, tutorials, correspondence, web based
11 courses, and televised or videotaped courses;
- 12 (4) presenting or attending seminars, in-house courses, workshops, or
13 professional or technical presentations made at meetings, conventions, or conferences;
- 14 (5) teaching or instructing at activities listed in (1) – (4) of this subsection;
- 15 (6) authoring published papers, articles, or books; and
- 16 (7) active participation in professional or technical societies.

17 (h) Continuing education activities are not pre-approved by the board, but must meet the
18 following criteria:

- 19 (1) the activity must be relevant to the practice of professional land surveying,
20 and may include technical, ethical, or managerial content;
- 21 (2) the activity must be designed to maintain, improve, or expand professional
22 land surveying skills and knowledge;
- 23 (3) each activity must be well organized and the content presented in a sequential
24 manner;

(4) the presentation must be made by persons who are well qualified by education or experience in the subject; and

(5) there must be a system for documentation of the professional land surveyor registrant's participation in the activity, including information required for record keeping and reporting.

(i) A professional land surveyor registrant who also holds a registration as a professional land surveyor in another licensing jurisdiction may meet the requirements of 12 AAC 36.410 – 12 AAC 36.450 by establishing that the professional land surveyor registrant has met the mandatory continuing education requirements for renewal of the professional land surveyor registration in the other licensing jurisdiction, if the mandatory continuing education requirements of the other jurisdiction are substantially similar to or exceed those of 12 AAC 36.410 – 12 AAC 36.450. (Eff. / / , Register)

Authority: AS 08.48.101

12 AAC 36.420. Computation of continuing education credit. (a) The board has final authority with respect to the acceptance of courses, credits, professional development hour values, and other methods of earning credits. Continuing education credits will be computed as follows:

(1) credit for college or community college approved courses will be based upon course credit established by the college;

(2) credit for qualifying seminars and workshops will be based on one professional development hour for each hour of attendance at the seminar or workshop;

(3) attendance at qualifying programs presented at professional and technical society meetings will earn one professional development hour for each hour of attendance at the program;

(4) the computation of credit for published papers, articles, or books is the responsibility of the professional land surveyor registrant, but is subject to review and approval by the board;

(5) credit for participating in professional and technical societies may be claimed for a year of service as an officer or in active participation in a committee of the organization; professional development hour credits are earned at the end of each full year of service.

(b) The computation of credits of professional development hours is as follows:

(1) one unit of college semester credit equals 45 professional development hours;

(2) one unit of college quarter credit equals 30 professional development hours;

(3) one unit of professional land surveyor continuing education credit equals 10 professional development hours;

(4) one hour of a course, seminar, or professional or technical presentation attended at meetings, conventions, or conferences equals one professional development hour;

(5) one hour of initial instruction of the subject matter when teaching professional development courses, seminars, or professional or technical presentations equals two professional development hours; this provision does not apply to full-time faculty;

(6) up to 10 professional development hours may be claimed for each published paper, article, or book, based on the amount of time and effort required to produce the paper, article, or book; and

(7) for active participation in professional and technical societies, up to eight professional development hours per year for each professional or technical society. (Eff. /

/ , Register)

Authority: AS 08.48.071 AS 08.48.101

1 12 AAC 36.430. Exemptions. (a) A professional land surveyor registrant is exempt
2 from the continuing education requirements of 12 AAC 36.410 – 12 AAC 36.450 for the first
3 biennial registration renewal period following initial issuance of the professional land surveyor
4 registration.

5 (b) A professional land surveyor registrant is exempt from the continuing education
6 requirements of 12 AAC 36.410 – 12 AAC 35.450 for renewal of the professional land surveyor
7 registration for the biennial registration period immediately following a period of service by the
8 professional land surveyor registrant on active duty in the armed forces of the United States
9 exceeding 120 consecutive days in a year.

10 (c) A professional land surveyor registrant who is in retired status under 12 AAC 36.115
11 is exempt from the continuing education requirements of 12 AAC 36.410 – 12 AAC 36.450
12 during the time the professional land surveyor registrant is retired. A retired professional land
13 surveyor registrant who wishes to return to the active practice of professional land surveying
14 must meet the requirements of 12 AAC 36.115.

15 (d) A professional land surveyor registrant may request an exemption from the
16 continuing education requirements of 12 AAC 36.410 – 12 AAC 36.450 by submitting a written
17 request to the board that describes the reasons for the request and includes supporting
18 documentation. For good cause shown, the board may grant an exemption under this subsection
19 to a professional land surveyor registrant who is experiencing a physical disability, serious
20 illness, family emergency, or other extenuating circumstance. (Eff. / / , Register)

21 Authority: AS 08.48.071 AS 08.48.101

22
23 12 AAC 36.440. Record keeping and review of records. (a) A professional land
24 surveyor registrant shall maintain records that may be used to verify professional development

hours claimed under 12 AAC 36.410 – 12 AAC 36.450. These required records include:

(1) a log showing the activity claimed, the sponsoring organization, the location and duration of the activity, the name of the speaker or instructor, and the unit of credit or number of professional development hours earned; and

(2) attendance verification records in the form of completion certifications, signed attendance receipts, receipts for the payment of tuition or fees, a copy of a list of participants signed by the speaker or instructor, or similar documents showing evidence of attendance.

(b) Records required under (a) of this section must include sufficient detail to permit verification during an audit, and must be maintained for at least four years from the date the activity was completed.

(c) The board may request at any time that a professional land surveyor registrant provide proof of compliance with the continuing education requirements of 12 AAC 36.410 – 12 AAC 36.450. A professional land surveyor registrant must provide a copy of the records required under (a) of this section to the board for audit verification purposes within 30 days of receipt of a request for the records.

(d) The department will audit compliance of professional land surveyor registrants with continuing education requirements in accordance with 12 AAC 02.960. (Eff. / / , Register)

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.450. Definitions. In 12 AAC 36.400 – 12 AAC 36.450

(1) “professional development hour” means not less than 50 minutes of instruction or presentation in a continuing education activity that meets the requirements of 12 AAC 36.410;

1 (2) “continuing education unit” means a uniform unit of measure for continuing
2 education and training established by a nationally recognized professional or technical society;

3 (3) “college” means a college or university accredited by a nationally recognized
4 educational accrediting body;

5 (4) “course or activity” means any course or activity with a clear purpose and
6 objective to maintain, improve, or expand the skills and knowledge relevant to the practice of
7 professional land surveying that meets the requirements of 12 AAC 36.410. (Eff. / / ,
8 Register)

9 Authority: AS 08.48.101