

# Alaska

## Department of Community and Economic Development

### Division of Occupational Licensing

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DATE: May 17, 2004

TO: Board of Registration for Architects, Engineers, and Land Surveyors

THROUGH: Gary Veres, Chief Investigator

FROM: George Weaver & John Clark, Investigators

SUBJECT: Investigative Report for the June 3 and 4, 2004, meeting.

#### OPEN CASES

- 0100-03-2 Allegation that an architect sealed and signed plans containing electrical and mechanical engineering. (Opened 12/03/03)
- 0101-03-6 Allegation that an unlicensed person worked as an architect. (Opened 04/03/03)
- 0101-03-9 Allegation that an unlicensed person worked as an architect. (Opened 04/21/03)
- 0101-03-10 Allegation that an unlicensed person worked as an architect. (Opened 04/22/03)
- 0101-03-11 Allegation that a civil engineer worked as an architect. (Opened 04/29/03)
- 0101-03-13 Allegation that an unlicensed individual worked as an architect. (Opened 09/11/03)
- 0101-03-15 Allegation that an unlicensed person worked as an architect. (Opened 09/23/03)
- 0102-02-4 Allegation that an engineer was not competent in the design of a structure. (Opened 12/05/02)
- 0102-03-1 Allegation that a civil engineer worked outside the scope of his license. (Opened 04/04/03)
- 0102-03-4 Allegation that an engineer did not properly sight adapt design documents. (Opened 12/03/03)

- 0103-03-5 Allegation that an unlicensed person represented himself as an engineer. (Opened 12/19/03)
- 0103-04-1 Allegation that an unlicensed person worked as an engineer on a project in Alaska. (Opened 02/25/04)
- 0103-04-2 Allegation that an individual was advertising to provide engineering services. (Opened 05/14/04)
- 0104-02-1 Allegation that a licensed land surveyor is sealing and signing work without supervising the person doing the work and preparing the plats (Opened 03/26/02)
- 0104-02-4 Allegation that a land surveyor's work was below minimum professional standards on a project. (Opened November 19, 2002)
- 0104-02-5 Allegation that a land surveyor's work is below minimum professional standards. (Opened November 21, 2002)
- 0104-03-3 Allegation that a professional land surveyor was negligent regarding an as-built. (Opened 09/23/03)
- 0104-03-5 Allegation that a land surveyor improperly placed a monument causing a property line to become clouded. (Opened 11/28/03)
- 0104-04-1 Allegation that a land surveyor's work was substandard causing a potential clouding of a property line. (Opened 04/01/04)
- 0105-02-2 Allegation of land surveying by an unregistered individual. (Opened 10/29/02)
- 0105-04-1 Allegation that an unlicensed individual was representing himself to be a registered land surveyor. (Opened 05/14/04)
- 0107-03-1 Allegation that a corporation offered engineering services without being registered as an AELS corporation. (Opened 05/06/03)
- 0107-03-3 Allegation that a corporation advertised to provide engineering services without being registered as an AELS corporation. (Opened 07/15/03)
- 0107-04-1 Allegation that a corporation advertised to provide engineering services without being registered as an AELS corporation. (Opened 04/19/04)
- 0154-02-1 Applicant was denied and requested a hearing. (Opened 10/11/02)
- 0154-03-1 Applicant was denied and requested a hearing. (Opened 09/05/03)

The first four numbers of the case number indicate the profession; the professional codes are as follows:

0100	Architect	0106	Corporate Authorization
0101	Unlicensed Architect	0107	Unlicensed Corporate Authorization
0102	Engineer	0150	Architect Applicant
0103	Unlicensed Engineer	0152	Engineering Applicant
0104	Land Surveyor	0154	Land Surveyor Applicant
0105	Unlicensed Land Surveyor		

- 0154-04-1 Applicant was denied and requested a hearing. (Opened 03/10/04)
- 0154-04-2 Applicant was denied and requested a hearing. (Opened 03/10/04)

DRAFT ACCUSATIONS PENDING ATTORNEY GENERAL REVIEW

- 0104-96-1 Allegation that a registered land surveyor's work was below the minimum professional standards for a land surveyor. (Referred 08/21/98)
- 0104-98-2 Allegation that a registered land surveyor did not provide services in a timely manner. (Referred 08/21/98/)

LICENSING ACTION TAKEN

- 0100-02-5 Richard S. Cobb, Professional Architect License 6213, was formerly licensed under the name Frederick E. Lepley. Lepley (Cobb) was convicted of sexual abuse of a minor and was ordered committed to the care and custody of the Commissioner of the Department of Corrections for eight years with credit for time served. While confined Lepley (Cobb) allowed his architectural license to lapse. On December 11, 1992, Lepley completed a renewal application and checked the “No” block for the question reading “Have you been convicted of a violation of a U.S. or state statute, excluding minor traffic violations, since your last renewal. On December 11, 1992, Lepley (Cobb) was still in prison serving time for the above conviction. Subsequent to being released from confinement Lepley legally changed his name to Richard S. Cobb. Further, Cobb advertised as a professional engineer without being registered as a professional engineer in Alaska. The State of Alabama also revoked Cobb’s EIT license as Cobb was not truthful on his application in that jurisdiction. Cobb entered into a Memorandum of Agreement to pay a \$4,000 fine, attend an ethics course and received a reprimand from the Board. During the February meeting the Board voted to accept the memorandum of agreement. (Closed 02/23/04)
  
- 0104-01-2 Allegation that Michael A. Swan, Professional Land Surveyor license 6940, was performing land surveyor work below the minimum professional standards for a land surveyor working in Alaska. Investigation substantiated the allegation. Swan subsequently entered into a Memorandum of Agreement to attend and successfully complete three courses of higher education, to take an ethics course, to not set any property line monuments, to not file any documents or plat affecting property lines that require a boundary survey, and that subsequent to completing the educational requirements that he will hire a Professional Land Surveyor to review the next 25 plats he files with the State Recorder’s Office that either affect property lines or reflect monuments set that effect property lines. Swan was also reprimanded by the Board for

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working below the minimum professional standards of a land surveyor working in Alaska. During the February meeting the Board voted to accept the memorandum of agreement. (Closed 02/23/04)

### CEASE AND DESIST ORDERS ISSUED

- 0101-02-7 During a site visit it was determined that Ricky Vann, a General Contractor, made architectural decisions in the process of constructing the building. No architect was involved in the design of the building. A cease and desist order was sent to Vann, who has requested a hearing on the matter. Vann subsequently withdrew his request for a hearing and the cease and desist order became final. (Closed 02/09/04)
- 0101-03-8 Allegation that Mike Tauriainen, a Civil Engineer, worked as an architect on by doing the architectural design for a new building. Investigation established that Tauriainen did architectural work in the process of doing the design work for the project. A cease and desist order was sent to Tauriainen, who has requested a hearing on the matter. (Opened 04/08/03)
- 0101-03-14 Allegation that Manford Rudisel, a Professional Architect registered in the State of Alaska, worked outside the scope of education, training and licensure by doing engineering design work on a commercial building. Investigation established that Rudisel did engineering design work in the process of doing the design work for the project. A cease and desist order was sent to Rudisel, who has requested a hearing on the matter. The issue went to a hearing and the Hearing Officer upheld the cease and desist order, which became permanent. The Commissioner approved and signed the decision. (Closed 04/17/04)
- 0102-03-3 Allegation that Mike Tauriainen, a Civil Engineer, worked outside the scope of education, training and licensure by doing architectural design work on a building. Investigation established that Tauriainen's design work exceeded the scope of his license as a civil engineer. A cease and desist order was sent to Tauriainen, who has requested a hearing on the matter. (Opened 04/08/03)
- 0103-02-8 During a site visit it was determined that Terry Stone, an Electrical Administrator, made electrical engineering decisions in the process of constructing the building. No electrical engineer was involved in the design of the building. A cease and desist order was sent to Stone, who has requested a hearing on the matter. Stone subsequently withdrew his request for a hearing and the cease and desist order became permanent. (Closed 02/09/04)

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ACCUSATION FILED

- 0100-02-4 Seth Yerrington, a Professional Architect, License 2142, worked as a professional architect in the design of a commercial building – a warehouse addition project. An expert witness reviewed Yerrington’s work on the project and the expert witness is of the opinion that Yerrington’s work on the project was below minimum professional standards for an architect registered in the State of Alaska. (Referred 07/17/03)
  
- 0100-02-6 Seth Yerrington, a Professional Architect, License 2142, worked as a professional architect in the design of a commercial building – an apartment building. An expert witness reviewed Yerrington’s work on the project and the expert witness is of the opinion that Yerrington’s work on the project was below minimum professional standards for an architect registered in the State of Alaska. (Referred 07/17/03)

OTHER CASES CLOSED:

- 0101-02-6 Allegation that an engineer submitted plans containing architecture to the State Fire Marshal’s Office. Investigation revealed the engineer in question submitted plans containing architectural work to the fire marshal for review. There was no architect involved in the project. The project was not pursued or built. An advisory letter was sent to the engineer. This closure was coordinated with AELS Board Member Robert Gilfilian. (Closed 04/27/04)
  
- 0102-02-5 Allegation that an engineer was negligent regarding the inspection of a residential structure. Residential structures are exempt from engineering and architecture, however, in this instance the engineer signed the report as a professional engineer. An advisory letter was sent to the engineer cautioning the engineer regarding professional responsibilities. This closure was coordinated with AELS Board Member Robert Gilfilian. (Opened 12/16/02)
  
- 0102-04-1 Another jurisdiction took action on an engineer for practicing engineering without a license in that jurisdiction. An advisory letter was sent to the engineer advising the engineer that it was the engineer’s responsibility to insure proper licensure in Alaska prior to practicing engineering. This closure was coordinated with AELS Board Member Robert Miller. (Closed 03/26/04)
  
- 0103-03-4 Allegation that an unlicensed person was listed on a business card as a professional engineer. Investigation revealed the individual worked under the supervision of a registered electrical engineer. A supervisor was responsible for having the business cards printed. An advisory letter was

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sent to the individual cautioning the individual about using the professional title until licensed. This closure was coordinated with AELS Board Member Don Iverson. (Closed 04/19/04)

0104-03-2 Allegation that a professional land surveyor was negligent regarding an as-built. Investigation revealed the land surveyor did not accurately report the setback on a mortgage survey. The land surveyor took action to obtain a variance at no expense to the owner. An advisory letter was sent to the land surveyor cautioning the land surveyor to accurately depict structures on documents. This closure was coordinated with AELS Board Member Scott McLane. (Closed 03/26/04)

0104-04-2 Another jurisdiction took action concerning a land surveyor who practiced in that jurisdiction without a license. An advisory letter was sent to the land surveyor advising the land surveyor that it was the land surveyor's responsibility to insure proper licensure in Alaska prior to working as a land surveyor. This closure was coordinated with AELS Board Member Scott McLane. (Closed 03/26/04)

0107-03-4 Allegation that a corporation was advertising in the yellow pages under the heading "Engineers – Soil". Investigation substantiated that the advertising existed, however, no evidence was found that the corporation actually engaged in any engineering activities. The corporation said the advertising was inadvertent and took steps to remove the advertising. An advisory letter was sent to the corporation. This closure was coordinated with AELS Board Member Robert Miller. (Closed 03/04/04)

0107-03-5 Allegation that a corporation offered engineering services without being registered as an AELS corporation. The corporation was contacted and became licensed. An advisory letter was sent to the corporation. This closure was coordinated with AELS Board Member Don Iverson. (Closed 03/31/04)

0107-03-6 Allegation that a corporation advertised to provide land surveying services without being registered as an AELS corporation. The corporation was contacted and became licensed. An advisory letter was sent to the corporation. This closure was coordinated with AELS Board Member Scott McLane (Closed 03/31/04)

0152-01-1 Applicant was denied and requested a hearing. The applicant was directed by the hearing officer to file a written explanation stating why the case should not be dismissed. The applicant did not respond therefore the hearing officer dismissed the case. (Closed 03/09/04)

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