

1 **STATE OF ALASKA**

2
3 **DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC**
4 **DEVELOPMENT**

5 **DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING**
6 **BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS & LAND**
7 **SURVEYORS**

8
9 **Minutes of Meeting**
10 **November 3-4, 2011**
11

12 By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, Article 6,
13 the Board of Registration for Architects, Engineers and Land Surveyors held a meeting
14 November 3-4, 2011 at 550 W. 7th Avenue, Anchorage, AK in Suite 1860.
15

16 **Thursday November 3, 2011**
17

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

20 The Chair called the meeting to order at 8:00 a.m. Roll Call.
21

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

- 24 • Harley Hightower, Architect, Chair
- 25 • Richard Heieren, Land Surveyor, Vice Chair
- 26 • Boyd Brownfield, Civil Engineer
- 27 • Clifford Baker, Land Surveyor,
- 28 • Donald Shiesl, Public Member
- 29 • Burdett Lent, Landscape Architect
- 30 • Daniel Walsh, Mining Engineer
- 31 • Craig Fredeen, Mechanical Engineer
- 32 • Richard Rearick, Architect

33 Eric Eriksen and Brian Hanson were excused from attending by the Board Chair.
34

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

- 37 • Vern Jones, Executive Administrator
- 38 • Alicia Kelly, Licensing Examiner
- 39 • John Savage, Investigator
- 40 • Susan Winton, Investigator

41
42 Members of the public in attendance for portions of the meeting were:
43

- 44 • Peter A. Giessel, P.E., representing himself.
- 45 • Colin Maynard, P.E., representing himself.
- 46 • Troy Johnson, representing himself.
- 47 • Dale Nelson, P.E., representing ASCE and APDC
- 48 • Petra Sattler-Smith, representing herself.
- 49 • Klaus Mayer, representing himself.
- 50 • Kerry Adler, Geologist, representing himself.
- 51 • Mark Lockwood, Geologist, representing himself.
- 52 • Susan G. Browne, Geologist, representing herself.

- 1 • Bob Bravnstein, Geologist, representing himself.
2

3 **Agenda Item 2 – Review/Amend Agenda**
4

5 Chair: Moved item 11a imposition of civil fine to item 5.
6

7 Jones: Advised that he has passed out several additions to the Board packet.
8

9 **On a motion duly made by Heieren, seconded by Baker and passed unanimously**
10 **it was resolved to approve the agenda as amended.**
11

12 **Agenda item 3 – Ethics reporting**

13 No ethics problems were reported.
14

15 **Agenda item 4 – Review and approve minutes from May 2011 meeting.**
16

17 There were no comments on the minutes.
18

19 **On a motion duly made by Heieren, seconded by Baker and a passed unanimously**
20 **it was resolved to approve the minutes from the August 2011 meeting as submitted.**
21

22 **Agenda item 5 – Investigative Report**
23

24 Savage: Reports that after tweaking the board report over the last couple of years they
25 suddenly went to another format and that even those in their office didn't understand. He
26 adds that they are going back to basics and next Board Meeting they will be adding features
27 use by the medical board in future reports such as the number of complaints and intake's
28 and things like that so you can see some of the things that don't make it to press. He
29 mentions that they have had manpower issues recently and have received complaints from
30 the general public, and lawmakers because of this. So now when we get a complaint or a
31 call or email I'll open an intake file so we can start capturing those things.
32

33 Lent: Asked if the one continuing education licensing action was the only one?
34

35 Savage: Advises that those cases are handled by the paralegal in Juneau. He would only
36 get involved if the falsified their renewal application.
37

38 Baker: Asks to revisit the anonymous complaint issue. He adds that just because a
39 complaint is anonymous doesn't mean it isn't a valid complaint. He cites a discussion held
40 by the NCEES Law Enforcement Committee meeting regarding a medical case in another
41 State where they didn't investigate anonymous complaints and it cost someone their life and
42 was now in the courts. A possible solution would be that after reviewing the complaint if it
43 was deemed to be valid the Board could file the complaint. He feels that not looking to
44 anonymous complaints could open the Board up to law suits.
45

46 Savage: Responds that with the Medical Board and a few others they do accept
47 anonymous complaints but with this Board, by law, we have to have a signed, written
48 complaint. He adds that they do not have the manpower now to handle all the complaints
49 and to add these that would be primarily baseless territorial type issues. He adds that if you
50 talk to those boards that investigate these types of complaints you'll find that they have 20
51 times the number of investigators than we have and that they all think that taking
52 anonymous complaints is a bad idea. He hasn't talked to one investigator that doesn't think
53 it does nothing but muddy the water. His opinion is that if someone isn't man enough to sign
54 their name to a complaint they are putting in against someone's livelihood it doesn't warrant

1 being looked at.
2
3 Jones: Reports that in response to Lent's question that there was one case of an older
4 gentleman that hadn't completed the CE and that he surrendered his licenses and that those
5 cases are handled by Karen Wilke in the Juneau office.
6
7 Walsh: Thanks John for getting back to the report format and his work for the Board in
8 general.
9
10 Savage: Mentions that Investigator Winton with the Medical Board had a lot to do with that.
11
12 Walsh: Asks about the statutory requirement for a written complaint.
13
14 Savage: Responds that the AELS Statutes require a written complaint.
15
16 Walsh: That's Statute?
17
18 Savage: It's Regulation. He brought up the issue of complaints that the AELS Board
19 doesn't investigate all complaints be it mining issues, structural issues, architectural or
20 whatever. He adds that what they need to understand is that there is a difference in
21 something not being investigated and that the outcome was not what they wanted. When a
22 complaint is made it is investigated, whether the outcome is what you hoped for is another
23 thing.
24
25 Chair: Cliff I appreciate your comments and this is another reason that we need to go to
26 these meetings so we can keep up to date on the issues. He thinks it's a good point but
27 doesn't think we will get into a Statute change just yet.
28
29 Brownfield: Doesn't know if Cliff was suggesting a regulation change. He adds that he
30 thinks there is a time when someone has to stand up and be accountable for what they've
31 said and to stymie that is totally the wrong way to go. He agrees with John that if someone
32 hasn't got the guts to stand up and say "I said that" then why even look into it.
33
34 Heieren: Asks about the case numbers being different, not having the discipline in the case
35 number?
36
37 Savage: States that this is the new program and that there is no rhyme or reason to it.
38 Maybe that's something that could be incorporated into the Board Report. He will look at
39 that.
40
41 Lent: Asks how he would find out how many cases pertain to landscape architects.
42
43 Savage: Responds that hopefully by summer they will have all the bugs worked out.
44
45 Heieren: Suggests that they could use the branch designation for engineers.
46
47 Savage: It couldn't be in the case number but maybe next to the violation.
48
49 Chair: Invites Investigator Winton to address the Board.
50
51 Winton: Introduces herself as the Senior Investigator for the Medical Board and as a Senior
52 Investigator one of her responsibilities is to share what works well for one Board with others.
53 She introduces the subject of "imposition of civil fine without censure or reprimand" as a new
54 tool for enforcement that can be a tool for all Boards. Currently a lot of the Boards struggle

1 with, and correct me if I'm wrong, basically the lowest threshold of enforcement action right
2 now is a consent agreement with a fine, reprimand, probation, possible conditions on the
3 licensure. Then the next level down is a non disciplinary letter of advisement and a lot of
4 people see that as no action at all. So Board member struggle with, we want to point out
5 that this was a violation and we want to do something about it but we don't want the penalty
6 to be disproportionate to the crime. So since it's been successful with the Medical Board we
7 are sharing it with all Boards a new level which is this civil imposition of a fine (she passes
8 out a handout). As you can see this is the law, it is already provided for in regulation and of
9 course using the centralized Statutes. I do have talking points I will give to you to your
10 administrator. Basically the imposition of civil fine would not be applicable for this Board in
11 cases of incompetence, gross negligence, or misconduct resulting in harm. What we are
12 looking at is a level of enforcement for, not the unlicensed practice which is specifically
13 provided for in your Statute under 08.48.281, 291 and 295. Those are specifically for
14 unlicensed practice and those require the element of knowing. That's when you've got
15 someone out there who knows they are supposed to be licensed and they're doing it
16 anyway. That's a serious violation. And of course it doesn't apply to situations where
17 you've got a level of gross negligence or that may result in harm because you've got specific
18 provisions in 36.320 on that same page that I handed out, you have specific provisions for
19 those more serious violations that may result in harm or design or structural defects which
20 become a public safety issue. What we're talking about here is making a level of
21 enforcement, and like is said it's already provided for in Statute but it's just a matter of using
22 this tool that is proportionate to a fine of, say, a paperwork error. I will equate it to the
23 Medical Board because we've been very successful in application matters. An application
24 matter is at the level of falsifying applications, that requires fraud, deceit or intentional
25 misrepresentation. So you all are professionals you know that that requires a knowing
26 element. They may not intend to misrepresent the Board; they have to know that they
27 provided false information, say denying a criminal history or something like that. Verses
28 making an error on an application, and we get these a lot at the Medical Board. It's an error,
29 it's a violation, we want to get their attention we don't want to just ignore it, but we don't want
30 the same level of enforcement as if they harmed a patient. You're kind of in the same boat,
31 you have a harm level to a lot of your Statutes and enforcement where you want to get their
32 attention and you want to keep the public safe, you want to keep your buildings safe, but
33 you want to address what we call minor violations or technical violations rather than just a
34 non disciplinary letter, like John said, that often looks to the outside people like you're not
35 doing anything at all, you just don't enforce those certain violations. So that's what we're
36 providing this tool for. I have, this guy will probably call me because I keep using this same
37 example. We have, since the Medical Board brought this on we've had five other Boards
38 adopt a civil imposition of fine. And this is an example of one the Medical Board imposition
39 of fines, and this poor doctor, I've been sharing this with everyone all over the State so I'm
40 expecting a phone call from him anytime. This is an example, (she passes out another
41 handout) this is what one of your clients may look like and as you can see on the document
42 that actually attached is a simple one page document. The licensee or the person signing
43 this is the subject of the investigation and they agree to it. They are actually waiving their
44 right to an administrative hearing. The key there is I know this board as well as others is
45 dealing with financial constraints. This will save you money. It's already proven saving
46 money with the Medical Board in a number of ways, not only does the AG's office not get
47 involved, there's no hearing potential and of course it cuts down on the Division time. It also
48 is a saving measure for the licensee's or the subject of the investigation. And there are a
49 number of reasons. One, I think John would tell you, most people when you get to the point
50 of a consent agreement, which is anywhere from a 10 to 20 page document with very
51 serious adverse actions on someone's license. Generally they hire an attorney, it takes
52 time, it causes stress and it costs them money. Certainly if it goes to an administrative
53 hearing it costs not only the licensee, but this Board quite a lot of money. In this situation
54 the individual voluntarily waives their right to a hearing, they admit to the basic facts of what

1 they violated and this would come to the Board because, of course, all of these enforcement
2 actions are at the Board's discretion. So, if John were to have one of these signed by the
3 Division and the licensee, he would bring it to the Board. The Board would look at it and
4 they'd say well we don't to agree to this we want a warning letter. Or, we don't agree to this,
5 we think the penalty should be more severe. Or, you can adjust the fine; our Board has
6 reduced or increased the fine on some of these matters. And then, of course, you have the
7 option of adopting it or not adopting it. So, again, it's still the Board's discretion just like a
8 consent agreement. It just gives you another tool to impose disciplinary action. Because
9 this is disciplinary action, it is public. But not rise to the level of a fine, reprimand, consent
10 agreement and the costs associated with them. Top equate this to other jurisdictions, and
11 this is where the Medical Board has been successful, a lot of jurisdictions are dealing with
12 the same thing that you folks are dealing with and the Medical Board was dealing with and
13 that is finding a level that is an appropriate penalty for the crime. We've seen other Board's
14 in other jurisdictions do this. We've seen other Board's enacting things like administrative
15 fines and such which unfortunately the only other fines we have provided for in Statute are
16 for unlicensed practice. So we can't apply them to any minor violation. Investigator Savage
17 and I, when we were looking at this, noted that one area that this Board would probably
18 apply it to is under your professional conduct. And that's under the 36.210. Some of those
19 clearly won't fit because they deal with harm or public safety matters. But number three,
20 under 210, "a registrant may perform assignment only if the registrant's associates,
21 consultants, and employees are qualified by education, training, or experience and, if
22 required, registered in the specific technical branches or fields involved;". Basically what
23 that says is if you have a situation to distinguish between unlicensed practitioners is out
24 there knowingly committing this violation and one of your licensees who perhaps has had
25 their license expired or lapsed for a couple days and they're not intending to violate, and
26 there are different levels you can apply this to.

27
28 Rearick: Asks if the only difference between this and the consent agreement is that the
29 AG's office doesn't get involved?

30
31 Winton: It's similar, but there are a couple key things. This is a civil fine without censure or
32 reprimand. Once you impose a reprimand which is 99% of the time on consent agreements.
33 That reprimand then trigger's other actions. Other Boards, other jurisdictions see that at a
34 different level. This is commonly view as equivalent as an administrative fine. Once you
35 have a reprimand it may trigger, this is again at the Board's discretion because your
36 Statutes don't require it, but it may trigger reporting to other agencies, jurisdictions and
37 National databases. The imposition of civil fine, the Board can choose that this is more of
38 an administrative action and we are not required to report it. Now, as long as you apply your
39 discipline consistently, which you're required to do by Statute, and as long as you report, or
40 not report, violations consistently then the Board's going to be in the clear nationally.

41
42 Rearick: Asks John if he would consider this in a case where the registrant doesn't have a
43 signed set of documents available?

44
45 Savage: Yes, and like Sue said, I would be bring it to you and you would be considering it
46 and it would have to be done routinely like on a corporate offense on the second offense
47 we've taken action and it's usually been through a cumbersome consent agreement. This
48 would be a perfect tool. Even if we never use this if we have it in our tool box to use in the
49 future I think it would be a good thing.

50
51 Rearick: Asks if a willful violation would not come into play but would go to another level?

52
53 Winton: If it was a willful violation that included fraud, deceit or intentional misrepresentation
54 to the Board this would not apply.

1
2 Heieren: Asks if this would require a regulation change?
3

4 Winton: No, just adoption by the Board. If the board chooses to add this as a tool what we
5 would recommend as a Division is, I'll use the Medical Board as an example, we build on
6 our successes and I wouldn't be here if this wasn't a success. What the Medical Board did
7 in October 2010 at that meeting is they adopted the use of a civil imposition of a fine, I mean
8 imposition of civil fine, sorry. Immediately after that Board meeting we applied the
9 imposition of civil fine without censure or reprimand to several cases. And we referenced,
10 as of this October 2010 Board meeting the Board has chosen to use this tool. Once it
11 became established as effective for certain violations then we just say now this is an
12 established penalty for these certain violations and we recognize that and set that pattern.
13 This is important for two reasons, one, you don't want your licensees to be misrepresented
14 into thinking in any way that this is retroactive. Meaning you can apply it to cases ongoing
15 as long as the appropriate disposition hasn't already been applied. So if someone has a
16 consent agreement with a fine and a reprimand, probation or what have you, three months
17 ago they can't come to the Board and say now I want this. Because theirs is a done deal
18 and you have established here at this Board meeting from here on out that you can apply it
19 to active cases or future cases. The other thing we recommend is that in addition to not
20 being retroactive that if you choose to use this that you do a motion and you adopt it as a
21 Board and that you delineate this only in cases not involving incompetence, gross
22 negligence or misconduct resulting in harm because those three specifically in your Statute
23 you have much more severe penalties already established. So you want to clarify it for the
24 possible subjects of investigation or licensees that it does not apply in these cases. So that
25 everyone's aware and that you're being complete transparent and everyone knows what this
26 tool is used for and whether or not it can apply to their situation.
27

28 Baker: Points out that this could be useful in cases where a corporation doesn't get a COA
29 because their lawyers didn't tell them they needed one but that in the case where the
30 corporation had a COA and didn't renew it he thinks that is intentional and that this option
31 shouldn't be applicable.
32

33 Savage: Repeats that they have set precedence on that issue and adds that they have
34 lesser penalties for those who are new in the State and didn't know as opposed to those
35 who have let their COA lapse.
36

37 Baker: Thinks that maybe we should be going after the attorneys since they usually are the
38 ones that set up the corporations and they are not making their client aware of all the
39 requirements.
40

41 Savage: I can assure you we will be going after any attorneys.
42

43 Winton: We go after the violator. The violator in any situation has the recourse of filing an
44 ineffective assistance claim against their attorney if their attorney is not effectively
45 representing them. That's between the violator and their attorney. And you brought an
46 interesting point sir. One additional benefit to this with the Medical Board our experience is
47 that if you, and obviously what we are talking about is the, if you will, the 95% of the
48 population. Once you correct a violation 95% of the people, John is never going to see
49 again. 5 % of the people who are repeat offenders, this is going to help for your first
50 contact, if you will. Because when the repeat offenders come before the board with
51 additional violations then if and when you go to a public hearing this Board is going to be in
52 a much stronger position because you've already given them the least possible disciplinary
53 action. You've given them their one warning shot, if you will. And when you come before
54 the Administrative Law Judge, they're going to recognize that, yes, this Board didn't just go

1 out and pluck someone out of their practice and throw the book at them. They actually tried
2 to get this person to practice within the Statutes and regulations governing this practice area
3 so it's going to put you in a much stronger position. I have one more handout and this is just
4 an example that John and I did a mock up of. Because this is just a draft document I won't
5 provide it to the public. Because it's a draft document and the Board hasn't adopted this so
6 there is no misinterpretation. This is what your imposition of civil fine without censure or
7 reprimand may look like. John and I went over this to make sure it was applicable to your
8 Statutes and Regulations and accurately reflected what you are doing. If the Board does
9 adopt it today I'd be happy to share it with the public just to be on the safe side.

10
11 Fredeen: States that if this happened to him he would want something in writing to ensure it
12 was clear that this is not a reprimand.

13
14 Winton: Points out the in the Last line of the order its self states at the bottom that is matter
15 can be resolved with a civil fine without censure or reprimand. She recommends that when
16 renewing a license if you're not sure if you should check yes to error on the side of checking
17 yes and providing this document then every Board including this one can see exactly what
18 happened.

19
20 Baker: Comments that he thinks this a very workable tool.

21
22 Chair: Any further questions? Would someone like to make a motion?

23
24 **On a motion duly made by Heieren, seconded by Brownfield and passed unanimously**
25 **it was resolve to allow the investigator for the Board to implement the "Imposition of**
26 **Civil Fine" for violations not involving incompetence, gross negligence or Fraud. The**
27 **attached sample form is to be utilized in this action. This is not to be applied**
28 **retroactively to complaints where discipline has already been applied.**

29
30 Shies: Asks for the last part to be repeated.

31
32 Heieren: Reads the portion again.

33
34 Winton: Adds that the action could be applied to open cases but not to those where
35 disciplinary action had already been taken.

36
37 Shies: Asks if the Board can adopt this without legal review?

38
39 Winton: It's the Divisions position yes we have the support of the Director. The Dept of Law
40 has looked at it after the Medical Board adopted it and they haven't voiced any concerns or
41 objections.

42
43 Chair: Makes a friendly amend to the form at the bottom where the Chair signature goes it
44 should read Board of Registration for Architects, Engineers and Land Surveyors. (He added
45 "registration for" between of and Architects.) The second accepted the friendly amendment.

46
47 Chair: All in favor? Opposed?

48
49 Savage: Comments that two of the items on the investigative report are at the AG's office
50 and that one of the AAG's has moved on and those cases are on hold at this time.

51
52 Chair: Thanks Ms. Winton for a very nice and complete presentation.

53
54 Winton: Thanks everyone and comments that she never gets coffee and donuts at her

1 Board meetings.

2
3 Attempted to call Misty Frawley for the financial report but we she wasn't in. We will try
4 again later.

5
6 Savage: Thanked the Board and left the meeting.

7
8 Chair: Wants to get started on the regulations.

9
10 **Agenda item 7 – Regulation update.**

11
12 Jones: Explains how the process should go and that the first one considered would be 7A
13 8-9 changes to 12 AAC36.185 and 12 AAC 36.990. He explains that the change to 990 is
14 the fire protection regulation. That Jun felt that it would be better place in the definitions
15 section since that was basically what it is.

16
17 Chair: Gave the Board a few minutes to read the changes.

18
19 Fredeen: Doesn't care what section it's in as long as it's there.

20
21 Brownfield: Questions the removal of the words in 36.185 "the registrant certifies on the
22 face of the documents the extent of the registrant's responsibility". If you have two people
23 signing a document how do you tell which is responsible for what?

24
25 Rearick: Indicates that the signer is taking responsibility for the things in his branch or
26 discipline.

27
28 Brownfield: Asks if that is strong enough to hold up in court?

29
30 Chair: Responds that it was removed because of a situation where someone signed all
31 documents, all disciplines as a civil engineer and then he defined his responsibility as only
32 for compliance with code and that's what we are trying to get away from. We want someone
33 or a group of architects and engineers to be responsible for everything. Maybe we could
34 add something that he defines the portion he is responsible for.

35
36 Walsh: Points out that the language that was deleted is still in Statute so it wouldn't keep
37 someone from still doing that. It's still there in 08.48.221. He then reads that portion of the
38 Statute.

39
40 Rearick: Thinks there will be a gray area. There will be some drawings it makes sense to
41 have each discipline stamp but they can only stamp that portion they are responsible for. He
42 doesn't see a problem with all the disciplines stamping that drawing but it might be hard to
43 identify what each is taking responsibility for.

44
45 Brownfield: Doesn't think we can close all loop holes. He thinks the Statute will cover it. If
46 the regulation fails you can go back to the Statute.

47
48 Chair: Notes that there is a change in item 7b to 08.48.221 and we are getting the
49 Regulation ahead of the Statute. However there is the possibility we may not get the Statute
50 changed.

51
52 Chair: Gives an example of plans that would need two stamps such as a building with
53 stairways would need an architectural stamp and structural engineer stamp. He feels it is
54 pretty obvious what was engineering and what architecture was.

1
2 Brownfield: There will always be the argument for the design of minor importance. That's an
3 issue that can't close.

4
5 Chair: We have defined that under definitions.

6
7 Walsh: Comments that there is nothing from a legal standpoint that precludes a registrant
8 from stating clearly what he is taking responsibility for.

9
10 Fredeen: Thinks the verbiage "takes responsibility for all work under the registrants seal"
11 could cause some confusion if there were two stamps on a document.

12
13 The discussion continued reaffirming previously made points.

14
15 **On a motion duly made by Baker, seconded by Rearick and passed unanimously it**
16 **was resolved to adopt 12 AAC 36.180 Seals and 12 AAC 36.990 Definitions as**
17 **presented.**

18
19 **Agenda Item 6 – Expenditure Report**

20
21 Called Misty Frawley for the expenditure report.

22
23 Walsh: Asks if the report is FY12 expenses?

24
25 Frawley: Explains that those are FY11. She didn't prepare the first quarter of FY12
26 because she is waiting for the indirect calculations from Admin Services.

27
28 Frawley: Explains that the report is FT 11 in its entirety and that the first page is the general
29 breakdown and the following pages are the detailed breakdown.

30
31 Shiesl: Asks if there is any research on what the fees should be to keep us from ending in a
32 deficit

33
34 Frawley: Explains that since renewals are every other year that the off years will show a
35 deficit. She adds that they watch this deficit to determine if a fee increase needs to happen
36 and that the fee analysis has not been completed yet but is happening now for all boards to
37 determine if a fee increase or decrease is needed.

38
39 Shiesl: Points out the 200K increase in the deficit from FY09 and FY11.

40
41 Frawley: Points out that if the deficit is increasing you will notice that some of the line items
42 are increasing. If the contractual is increasing it could be legal costs are increasing do we
43 need to increase fees or if you need to increase travel etc.

44
45 Shiesl: Responds that his concern and the Boards concern is that someone didn't increase
46 the fees and we are going to have to cut back on travel or investigations or other things.

47
48 Frawley: Our intent is to never cut services to you. That is why we increase fees to provide
49 a level of service for you and that includes travel.

50
51 Heieren: Points out that some of the numbers on the first sheet and the second don't
52 match.

53
54 Frawley: It looks like personnel services it's only a \$30 difference. Sometimes we do an

1 adjustment to an accounting record after a report is prepared. That's why I wanted to give
2 you the detailed report. This is pulled directly from our accounting software. She adds that
3 if an adjust is small she will not resent the Board Report but if it's a large one she will flag
4 and notify the examiner.

5
6 Fredeen: Advises that he has been getting questions on why our fees are going up and
7 asks for a summary of the accounting error that caused the large increase and then the
8 large decrease.

9
10 Jones: Explains that there was an error in the online renewal that put AELS fees in the
11 wrong account and put us at a deficit so the fees were raised from \$195 to \$295. Then
12 during the Legislative Audit the error was discovered and we ended up with a million dollar
13 surplus so they reduced the fees to \$125 which was excessive. According to Don, the way
14 it looks now is at the end of 2013 we will have a deficit of around \$100K. This is just a
15 modest raise and we will probably have to do another small raise in 2013.

16
17 Frawley: I can't speak for my predecessors and neither can Don. I don't know how things
18 were pulled before and cannot explain inaccuracies. I've been with the State long enough to
19 understand how to pull factual numbers from accounting. We are working closely with
20 Admin Services to ensure accuracy. I believe the entire management team on board with is
21 we want to propose to Boards is a continual adjustment on your fees. She adds that most
22 Boards would like to keep the fee steady. We will continue to try to give you a better
23 product and I want to give you the backup from our accounting software so you can see and
24 raise a flag if you see something jump.

25
26 Brownfield: Advises of a discussion he had with a senior manager in the Division regarding
27 a large deficit in one of the Boards and the options available to cover the deficit which
28 included sunset the Board or tax all other Boards to cover the deficit. He then asks if any of
29 our fees are going to bail out sister Boards because they didn't do their jobs properly.

30
31 Frawley: Absolutely not. She explains how the system works and the safeguards that
32 protect the consumer from hasty decisions by one person. That each board's fees are
33 accounted under one code specific to that Board and not intermingled with other codes.

34
35 Fredeen: Asks what the target is for carry over?

36
37 Frawley: Explains that she can't answer that question. That they use the surplus as a
38 projector and that if they see a pattern they use that to institute a decrease in fees likewise if
39 they see a deficit they know there is a problem.

40
41 Walsh: Asks about the difference revenues. He feels that the fees from personnel and
42 corporate renewals are about \$150K to \$250K and asks if the difference if from
43 applications?

44
45 Jones: Explains that the surplus plus what we were projected to bring in from renewals was
46 what was used to figure the fee increase.

47
48 Shiesl: Asks if we can see a breakdown of what the fees are?

49
50 Frawley: That would be in the miscellaneous column. Vern may be able to provide better
51 information based on the different licensing fees associated with your Board.

52
53 Chair: Any other questions? Thank you, Misty, for your report.

1 Shiesl: Mr. Chair if you can't tell where the revenue is coming from how can you set the
2 fees?

3
4 Jones: Explains that the Board doesn't have a budget, the Division has a budget and how
5 the appropriations are done and how the Division accounts for the money. A short
6 discussion followed. The Board is worried that AELS money is being spent on other Boards.
7 Jones assured them that this is not the case. All fees taken in by AELS are credited to
8 AELS and no one else has access to that money.

9
10 Back to item 7 regulation update.

11
12 Walsh: Asks how the Board should accomplish reviewing the public comment?

13
14 Chair: Maybe we should review overnight.

15
16 Jones: Notifies the Board that they have to review all the comments including those
17 received on the initial public notice even though they were reviewed at the last meeting.

18
19 Chair: We are moving 7 a. 6 and 7 to right after 15 tomorrow right after the executive
20 session.

21
22 Jones: I don't have all the comments for 7 a. 1 through 5 because the copier jammed so
23 much yesterday. John is having them copied right now.

24
25 Chair: Ok so we will move that to tomorrow also. Looks like we have a lot of homework
26 tonight.

27
28 **b. Statute changes for consideration.**

29
30 **5. AS 08.48.331 Exemptions.**

31
32 Chair: Talks about the proposed change to exemption number 9 which would add language
33 that the individual teaching the course must meet the education requirements of 12 AAC
34 36.061, 063, 064 or 068 depending on which profession the course covers. He feels that
35 there may be a problem because some of those instructors while they are licensed
36 professionals and experts in the subject they are teaching they don't meet the requirements
37 of those regulations. He uses himself as an example. He has taught the Northern Design
38 Course but doesn't have a NAAB accredited degree so doesn't meet the requirements of 12
39 AAC 36.061.

40
41 Rearick: Asks what the original intent of the exemption was and states that his perception
42 was that it was intended to allow an individual to teach without a license but not to practice
43 otherwise.

44
45 Walsh: States that his intent when he wrote the change was that it didn't seem right to him
46 that we would allow someone to teach an engineering course that didn't meet the minimum
47 requirements for a license. Most institutions require at least a masters and possibly a PhD
48 to teach engineering course in an ABET accredited institution. The issue he was trying to
49 address is that with the present language someone without an engineering degree could
50 teach an engineering course. He adds that in some cases universities depend on this
51 language to circumvent that requirement.

52
53 Baker: Points out that this exemption applies to unlicensed people. If they were licensed
54 years ago they may not meet the present day requirements but are still qualified because of

1 the experience gained after their education and may, in fact, have developed some of the
2 things now being taught.

3
4 Rearick: Agrees with Baker and explains NAAB accreditation to some extent.

5
6 Chair: Asks how this would affect the AET program since most of those instructors are
7 technicians and they are doing a good job and turning out a good product so are we going to
8 prevent that with this language?

9
10 Walsh: Asks if AS 14.48.210 is available?

11
12 Baker: Offers to go to his desk and print it during the next break.

13
14 Fredeen: Is worried that the language in the last sentence could prevent someone who is
15 licensed from practicing.

16
17 Walsh: Points out that this exemption is for unlicensed persons. A licensed person can do
18 whatever his license allows.

19
20 Chair: Let's take a break now.

21
22 Break: 10:05 – 10:20

23
24 Baker: Provided copies of AS 14.48.210 for everyone to review.

25
26 After a short discussion it was decided to withdraw the change to exemption 9 and go back
27 to the original language.

28
29 Walsh: Doesn't like the change to the lead in wording striking the word "Exemptions" and
30 replacing it with "Allowable practice".

31
32 After discussion it was decided to remove the change and leave the original wording.

33
34 **On a motion duly made by Fredeen, seconded by Baker and passed unanimously it**
35 **was resolved to amend the change to AS 08.48.331 paragraph 9 and the title of AS**
36 **08.48.331 back to the original language.**

37
38 Fredeen: Points out that there was a typo on exemption 13 line 6 "landscape engineer".
39 The word engineer should be removed.

40
41 **Agenda item 9 – Correspondence Sent since February 2011.**

- 42
43 a. Letter from Chair to Governor Parnell re Travel funding

44
45 Baker: Asks if there was a response?

46
47 Chair: Not yet.

- 48
49 b. E-mail to APDC news letter re anonymous complaints and the RCEP program at
50 NCEES.

51
52 No comments.

- 53
54 c. Letter to Mr. Guariglia re honorary architect license

1
2 Chair: We will talk about this later under item 16. They didn't accept our rejection.
3 (Laughter)
4

5 Jones: They wrote a letter to the Governor or the Commissioner who requested that we do
6 something so we made up a wall certificate acknowledging his contribution to the profession
7 of architecture and they were happy with that. There is a thank you note in item 16.
8

9 **d.** E-mail to Keith Mobley re prior complaint.
10

11 Jones: Explains that he was upset because he couldn't get any information on the
12 investigation. He adds that it's like John said. Someone makes a complaint and if they
13 don't get the results they wanted they think they were ignored and nothing was done. John
14 look's into every complaint and in this case it was decided that no action was warranted and
15 once that happens it is closed and not subject to public disclosure. Only situations where
16 the Board takes action are made public. So it's easy to see where someone might think no
17 one paid any attention to them or their complaint.
18

19 **Agenda item 8 – Old Business.**
20

21 **a.** Procedures for reviewing applicants for grandfathering.
22

23 Heieren: Asks to move this to after review of the public comments.
24

25 **Agenda item 9 – New Business.**
26

27 **a.** Imposition of Civil Fine – presentation by Sue Winton
28

29 Chair: Notes that this was covered earlier with Investigator Winton.
30

31 **b.** Proposal from CLARB to allow students to set for Sections A&B of the LARE
32 prior to graduation (will require a regulation project)
33

34 Lent: This is preliminary they are looking for a reaction to see if the State's are receptive.
35 I've already told them it would take a regulation change.
36

37 Chair: Asks if he feels we should proceed with a regulation change?
38

39 Lent: Answers yes and explains that studies have shown that students score higher if they
40 can take these during school.
41

42 Chair: Asks suggests that we put this on a back burner until we get the changes we are
43 presently working on done.
44

45 Baker: Asks if this is equivalent to the Fundamentals of Engineering and Surveying exams?
46 He wouldn't have a problem if they equate to the fundamentals but thinks that professional
47 part should be after graduation.
48

49 Lent: Would have to check.
50

51 Chair: Asks Lent to work on some language for that change and bring up at the next
52 meeting.
53

54 **c.** Use of the designation PLA for a licensed professional Landscape Architect.

1
2 A short discussion reveals that this shouldn't be a problem because this isn't addressed in
3 our regulations.

4
5 **d. NCEES CBT exam fees.**

6
7 Chair: Brian isn't here and he was going to speak to this.

8
9 Heieren: I can speak to it. I would like to make a motion.

10
11 **On a motion duly made by Heieren, seconded by Brownfield and passed unanimously**
12 **it was resolved to remove "written" from section 08.48.091.**

13
14 Chair: Asks if examination fees should be removed as well.

15
16 Jones: We still charge an exam fee for the AKLS so that should stay. We will need a
17 sponsor for this one too.

18
19 Baker: Asks if the administration can sponsor a change like this.

20
21 Jones: The Division generally doesn't get involved unless it's something that involves the all
22 the Boards. Usually if it only involves one Board they remain neutral.

23
24 Heieren: Adds that this is just a housekeeping thing and if it doesn't move forward it's not
25 that important.

26
27 Fredeen: Thinks we should ask the other Boards if they have that language and try to get
28 them to change theirs too. It could be done at one time all together.

29
30 Walsh: Points out that if it isn't changed someone could fail the computer based exam and
31 say the State was obligated to give them a written exam because of the wording in the
32 Statute.

33
34 **Agenda item 16 – Correspondence Received since February 2011.**

35
36 **a. Email re Brotherhood Bridge Medallions.**

37
38 Chair: This was for information only. Any comments?

39
40 **b. Email re NCEES Model Rule Change.**

41
42 Fredeen: States that one of his action items from the last board meeting was regarding
43 Commissioning as a Practice of Engineering and asks if they want to cover under this or a
44 different part of the agenda.

45
46 Chair: Let's do it now.

47
48 Fredeen: Has reviewed our regulations and notes that some items in the definition of
49 engineering are completed during the commissioning process. He then checked the
50 exemption section to see if these things if performed by a specialty contractor or someone in
51 the building trades etc. would be exempt. Nothing specifically says what a commissioning
52 agent does is exempt but I think if you took all that 3 or 4 sections of the exemptions you
53 could argue that that individual is exempt. He adds that right now according to organization
54 such as LEED the commissioning agent shouldn't be doing anything that changes a system.

1 Commissioning should just be verification of the design intent. They should be changing
2 that design that was done by a licensed engineer. They are just verifying that it was
3 installed the way the designer of record intended. He doesn't see an issue in Alaska where
4 we would require commissioning agents to be licensed as a PE. He notes that usually a
5 commissioning agent may be verifying mechanical, electrical and architectural features and
6 if we require licenses there could be some issues with going down that path.

7
8 Rearick: I agree with Craig. I don't think it's something we want to define, regulate or
9 prohibit, it's too diverse.

10
11 Chair: So we don't have to take any action on that.

12
13 **c. Letter from T&DI re APM Standards.**

14
15 Chair: Has to do with escalators and automated people movers. There was a question of
16 this being a new discipline offered in Alaska. I don't think we want to get into that do we
17 boys? (Laughter)

18
19 **d. Email re obtaining experience in new branches of engineering.**

20
21 Jones: This was a question ask by an individual who wanted to know if there is no one
22 licensed in Alaska in these new branches how are we going to get experience verified.

23
24 Heieren: Believes that someone working in a sub-discipline, for example a mechanical or
25 electrical would be able to sign off on control systems. Does that sound correct Craig?

26
27 Fredeen: I wouldn't do that. He suggests finding someone who is licensed in another state
28 or has tested in it. He also mentions getting someone out the state that is licensed to review
29 applications.

30
31 Baker: I see two issues, one grandfathering and we had the same issue when we started
32 licensing landscape architects. How did we handle that?

33
34 Jones: If you have an electrical that has been doing control systems, or a mechanical
35 depending on the systems what is the problem with them signing off on experience. Our
36 regulations say if the verification is done by someone in another discipline the Board can
37 determine the amount of credit to give.

38
39 Fredeen: The problem is see with that is if we allow electrical and mechanical to sign off on
40 control systems the fire protections applicants are going to want the same thing then you
41 have a mechanical signing off on a fire protection and suppression but they have never
42 done anything on the detection side or the life safety side. So what I'm saying is that if we
43 had an individual who has taken the NCEES exam in that discipline they know the breadth
44 of knowledge that individual needs to show to be able to get licensed. Because control
45 engineering is not just the electrical side of the wiring it has to do with valve selection, it has
46 to do with the equipment to control properly. You might have a mechanical engineer who
47 has only done valves and never the done the PLC portion of it. That would be the problem I
48 would have with having an electrical or mechanical sign off when they don't have the
49 complete education for that license. My recommendation is find someone who has taken
50 the NCEES exam and can assess the breadth of knowledge required.

51
52 Brownfield: Explains that this is something that will take time to get experienced and
53 licensed individuals into the State. It's an ethical question. You can't sign off on something
54 you're not qualified to do. Over time engineers will come in from other states.

1
2 Rearick: I agree with Bo. I don't think we should ask individuals to provide proficiency in
3 every aspect of whatever discipline they are applying for because they may have been
4 working for the last 20 years in a narrow aspect of that discipline. We are going to ask them
5 to show they have training, show they are licensed as an electrical engineer. That goes a
6 long way to showing that they have some proficiency and then show that they have been
7 working in whatever area of the field it is. We don't want to have them go through a detailed
8 analysis of their qualifications because we have already qualified them in a discipline that is
9 related. I think we should be careful not to make this too onerous and exclude people that
10 are qualified.

11
12 Heieren: Agrees with Richard and Bo.

13
14 Jones: These are questions from EIT's that want to take the control systems exam. What
15 they are asking is who can sign off on my work. So what answer do I give them? This is
16 going to come up with environmental applicants that are working for civil's and so forth.

17
18 Brownfield: Recommends they find work in the branch they want to test in and amass the
19 experience and it's up to the Board if it's enough.

20
21 Baker: Thinks that by the time the EIT's start applying for the new branches there will have
22 been enough engineers that came in by comity for them to work under and get their
23 experience.

24
25 Fredeen: Cautions that subject matter experts need to be licensed in that branch and have
26 taken that examination. He worries about unqualified people taking advantage of the
27 grandfathering option. As far as the EIT situation he feels that our present regulations allow
28 for the Board to gauge how much credit they can give for experience signed off by someone
29 licensed in another branch.

30
31 e. General Questions on applications.

32
33 Chair: This is from Don regarding guidelines for the applications, Vern do you want to speak
34 to this?

35
36 Jones: Explains that this is recommended wording for the General Fitness questions that
37 came from LAW. He adds that AELS is exempt from these requirements but he thinks we
38 should adopt them to clean up our present questions. He has attached copies that he
39 edited to fit the AELS program.

40
41 After a short review and discussion a motion was made as follows:

42
43 **On a motion duly made by Heieren, seconded by Brownfield and passed unanimously**
44 **it was resolved to amend the application forms to include the attached changes.**

45
46 Charles Guariglia Certificate of Appreciation.

47
48 f. Texas Statute change re Oil and Gas resources.

49
50 Jones: This was an agreement between Texas and Oklahoma about oil rights on pools that
51 cross state borders.

52
53 g. Email from Dale Nelson re Fly-in.

1 **h. Email string from Roman Systems Engineering**

2
3 Jones: Explains that these are from a company that has a trademarked name using the
4 word “engineering” and on being told they had to license their company as an engineering
5 company they contend that they are not doing engineering and are not going to change their
6 name because they spend tens of thousands of dollars trade marking the name so instead
7 of building in Alaska they will go to Texas or some other state that doesn’t have such
8 ridiculous laws. He thinks they should be exempt because they don’t do engineering for the
9 public they manufacture control systems.

10
11 Brownfield: Asks if it affects the HSW of the public?

12
13 Jones: He was thinking the industrial exemption should apply but I think that only applies to
14 individuals.

15
16 Chair: What does our policy say on that?

17
18 Jones: Our policy has been that if you use engineering, architecture, land surveying or
19 landscape architecture in the title of your company it indicates that you are offering that
20 service so you have to license your company in that profession.

21
22 After a short discussion it was decided that our Statute considers the use of those words in
23 the title of the company as offering the service and a COA is required and that according to
24 his emails it might be possible for him or one of his employees to become licensed and that
25 would allow the company to become licensed. The Chair asked Jones to respond to Roman
26 Systems Engineering.

27
28 **i. New York Times article re Diploma Fraud in Iraq.**

29
30 No comments.

31
32 **j. Email re method of determining Board fees.**

33
34 Rearick: Asks when renewal will be available.

35
36 Jones: All the fee increases are holding it up. Hopefully it will be available by December 5th.
37 I’ve talked to Sara about this and we both agree that fee changes should be done in June,
38 not December.

39
40 **k. Email re non ABET Engineering Technology Degrees and the FE.**

41
42 Jones: Points out that the table in the regulations does not provide for a non ABET Eng.
43 Tech degree for the FE.

44
45 Rearick: Asks if NCEES has an evaluation program for this degree?

46
47 Jones: Yes you can send any degree to NCEES evaluation service and they will evaluate it.

48
49 Fredeen: Thinks an engineering technology degree and an engineering degree are
50 divergent paths. He can’t see how they would be considered equivalent.

51
52 Rearick: Asks how a foreign degree that is not accredited would be handled?

53
54 Walsh: It would have to be found equivalent by an evaluation service or we wouldn’t accept

1 it.

2

3 Rearick: I kind of see that as the same thing. If we don't recognize it in our regulations then
4 he has to find an alternate path.

5

6 Fredeen: Even if he passed his FE we don't allow it for the PE.

7

8 After further discussion the Board decided that the Eng. Tech. degree does not qualify and
9 ask Jones to respond to the individual. His options are to submit his degree to NCEES for
10 evaluation or another possible path would be to transfer his credits to a University with an
11 ABET accredited program and see how many credits he would have to take to obtain a
12 qualifying degree.

13

14 12:00 Break for lunch.

15

16 13:00 Back on record. Continue with correspondence received.

17

18 **I. 1 – 11 NCARB.**

19

20 Chair: These are mostly for info, if anyone has any questions Richard and I will try to
21 answer. The one that will most likely get your attention is that NCARB is raising the annual
22 dues by \$500 a year from 7/2013 through 7/2017.

23

24 Rearick: Asked if we responded to the query on how many registered architects we had.

25

26 Jones: Yes, I responded to that.

27

28 Baker: Asks if this has been submitted in our budget.

29

30 Jones: It will be in the next Annual Report.

31

32 **m. WCARB minutes from 24 June 2011**

33

34 Rearick: That was mostly for the record.

35

36 **n. 1 – 8 NCEES.**

37

38 Chair: These are the NCEES memos. Does anyone have any comments?

39

40 Jones: The first one about the Washington Accord. We do not accept the Washington
41 Accord.

42

43 Heieren: Notes that Computer Based Testing (CBT) is going to be implemented in January
44 2014 for the Fundamentals of Surveying (FS) and the Fundamentals of Engineering (FE).
45 The FS Professional Activities Knowledge Study (PAKS) was completed October 11th and
46 the results are being evaluated and presented and applied. NCEES evaluates their
47 examinations on a 6 to 8 year cycle. I'm not sure when the FE will be done.

48

49 **o. NCEES Western Zone draft minutes.**

50

51 Heieren: These had already been submitted, these are just supplementary.

52

53 **p. 1 – 6 CLARB.**

54

1 Lent: Says a few words on each of the memos. He points out that CLARB has decided that
2 to encourage attendance at meetings Boards will have to have delegates present to vote.
3 He mentions that as stated earlier PLA is the abbreviation that adopted for Professional
4 Landscape Architect. The LARE will become fully computer based in the not too distant
5 future. There is a transition flow chart in the back. He offers to answer any question on the
6 remainder of the memos.

7
8 **Agenda item 12 – Public Comment.**
9

10 Chair: I don't think everyone is signed in but I'm going down the list and if you could try to
11 hold your presentation to 3 to 5 minutes and we cannot take any comments on the Statutes
12 and Regulations that have already been advertised and have a closing date, which includes
13 all other doesn't it?

14
15 Jones: Not the Statutes. The regulations have all been closed and we cannot take
16 comments on them.

17
18 Peter Giessel: Just here to observe.

19
20 Colin Maynard: Here to observe.

21
22 Troy Johnson: Here to observe.

23
24 Dale Nelson: Good afternoon my name is Dale Nelson and I'm a registered civil engineer
25 and I'm also here on behalf of the Alaska Professional Design Council (APDC) as chair of
26 the Legislative liaison committee and also here with us is Colin Maynard who I will probably
27 defer to him on a few things as I go through them. He's the past chair of the Alaska
28 Professional Design Council. And as I've normally said in the past we are a design
29 professional organization and we are here to be of assistance or to add comments both
30 ways, but you guys have got action items that are on the list for some Statute changes and
31 some Legislative and we are here to listen, I guess that's deferred to tomorrow, and to see
32 what we can do and to move those things through. So a couple of informational items are
33 that APDC's Juneau fly-in is the 8th and 9th of February next year 2012 and the Legislature
34 starts on January 17 and runs through April 15th. That's basic it the one thing we do have on
35 our agenda is Qualification Based Selection (QBS) and we are going to be working that
36 quite extensively this year. We have a draft bill all ready so that will be one that we'll be
37 working. That my comments.

38
39 Heieren: Were you here when we were going over the requirement of a Statute change
40 where we recommended dropping "written" out of the Statute on examinations?

41
42 Nelson: I don't think I was. But you know really we won't take anything until, you know what
43 you work up here at this Board. There is an APDC deadline and I'd just like to huddle a little
44 bit. We are the ones that going out and I can just put them in the News Letter so I don't lose
45 a month and then add the substance from the Board. Colin does that sound like a
46 reasonable way to do it? He's my final editor.

47
48 Jones: Asks when the deadline is?

49
50 Nelson: Now. I've pushed it off (laughter) No, it's usually before the 1st of the month and I
51 send a text message to Vicky Sterling, this is what's happening, this is what's going on and
52 meeting with you folds today and like to put some one liners in. You know nothing much
53 more than what you have here. This is what we are looking at. And if we can do that it just
54 helps getting visibility.

1
2 Maynard: Usually it's the 20th of the month for the next months News Letter.

3
4 Chair: Asks if the QBS passed a few years ago was still in effect?

5
6 Nelson: May I defer to Colin? Colin you might want to come up here so you can be closer
7 to the mic. Colin has worked the white paper on this.

8
9 Maynard: Yes the mini Brooks bill still exists in the State of Alaska so all State Agencies
10 have to use QBS for professional design services. And most of the larger municipalities do
11 as well. There are some school districts and municipalities that are requiring fees on
12 projects that are State funded and we are trying to get that stopped. Also for the non-profits
13 that are using grant money from the State. For the State money they have to use QBS.
14 This just makes sense do you want the cheapest guy designing your projects?

15
16 Chair: Ok, thank you and thank you for your comments Dale.

17
18 Kerry Adler: Ladies and gentlemen of the Board I appreciate the opportunity to speak with
19 you today. I'm a professional geologists certified in the State of Alaska. I'm licensed in the
20 State of Wyoming and Washington. I'm, more or less, getting to know a little bit more about
21 the engineering field and have quite a bit of experience in the geological aspects of things. I
22 have just a few comments to share. I understand the first and foremost objective of the
23 Board is to provide responsible implementation of the respective field of expertise for the
24 benefit of the safety of the public. As a professional geologist I share common
25 responsibilities to protect the public interest and promote benefits to my clients and
26 colleagues in the geological field. My primary field of interest is that of minerals exploration
27 and mining fields. My job would not be complete without the active interaction with
28 professionals within mining engineering and civil engineering as well as surveying fields. As
29 my expertise grows so too is my understanding of the quality information required for
30 engineers to complete their tasks. And I have developed an appreciation for the diversity of
31 the geological field and recognize the inherent differences between the application of
32 geological sciences and engineering practice and the value of good quality information
33 gathered for the benefit of engineering projects. My concern at present is one of recognition
34 and potential ramifications regarding advanced as well as experience that may qualify a
35 professional geologist to perform the duties well within the expertise that may be restricted
36 to duties classified near or within that of the engineering field. For example does one take
37 the engineering of a place mine for the sake of state permitting and do they seek licensed
38 mining engineers to sign off on a plan of operations. Well the answer to some as you
39 probably know is that it depends on the activities included in the operation. For tailings
40 disposal impoundments have certain requirements before they can be constructed. An
41 experienced mining engineer who is familiar with the process could probably recognize the
42 conditions and minimize the potential for hazardous situations. On the other hand a less
43 experienced person might consult a professional engineer for advice. Experience goes both
44 ways so for example if I take an engineer in training and if they were to log soils for surface
45 engineering purposes this person is probably very well qualified to collect the surface
46 information. This doesn't preclude a qualified person such as a geologist from collecting the
47 same information and may in some circumstances derive observations and conclusions that
48 are more pertinent for engineering problems. As the Board advances in their allocation and
49 definitions applied to the engineering and surveying fields please keep in mind that the fields
50 of engineering often cross interdisciplinary paths including those in the field of science.
51 Please consider exclusions for those who have professional experience, which provide
52 excellent quality information to solve engineering problems. I would be happy to answer any
53 questions or if you have some comments.

1 Walsh: Thanks Kerry for coming and giving the Board some background on geology and
2 engineering overlaps. It's something the Board is very interested in, thank you for your
3 thoughts.
4

5 Mark Lockwood: Hello, my name is Mark Lockwood; I'm a certified professional geologist in
6 the State of Alaska. I've been practicing geology for about 27 years here. The reason I'm
7 here today is to avail myself to any discussions that may happen in the future, or would
8 hopefully happen in the future. Having read some of the minutes of your past meetings I
9 see there some discussions and I'm aware of Dan's work on a sub-committee looking to the
10 possible inclusion of geologists within the AELS. I'm again mainly here just to see if there
11 are any questions that anybody might have. I'm also the Alaska Section President of the
12 American Institute of Professional Geologists, a group that has been around since 1963 that
13 was established to develop a code of ethics and advance the field of geology and to set up a
14 certification process for geologists. Many other States have gone down the road of licensing
15 geologists they have boards of geology. As you are aware we don't have a board of
16 geology in this State here and many other States have developed memorandums of
17 understanding laying out the various areas of overlap where geologists practice and where
18 engineers do their practice. And again I mainly just want to avail myself to those
19 discussions that may happen in the future. The ASPG has put together a website that has
20 compiled a bunch of this information, various definitions of geology in other States and some
21 of those links to the various websites in those States that have that information compiled.
22

23 Walsh: Thanks Mark for his perspective and coming in to talk with the Board. He reminds
24 everyone that he did distribute the many definitions from the various States that Mark
25 supplied to him.
26

27 Baker: Asks what his opinion on a regulatory Board to take over geologists.
28

29 Lockwood: I personally think that the development of a Board would be a good idea. I think
30 that we are not a practice State in that we, you know it's not required that we have a license
31 to practice geology and personally I believe that would be a good idea. These discussions
32 should happen throughout the geological community. Personally I think that would be a
33 good thing for the practice, for my position in the practice. Again I'm concerned at times,
34 depending on how some of these regulations are interpreted whether the work that I do
35 could be misconstrued as being something that would be engineering when it comes to site
36 assessments and collection of data regarding the conditions of the ground or fluids therein
37 and that's the concern I have.
38

39 Lent: Asks if he favors a separate Board for geologists or inclusion in the AELS Board?
40

41 Lockwood: I think the combined Board would be a reasonable to start. I know that several
42 other States have gone down that path to good effect. I know that California recently has
43 dropped their Board of Geology for economic reasons. So if possible, again you guys have
44 your appeals process all these things that are already established I think there would be a
45 lot of overlap in those areas that would be effective to combine. That's my personal opinion;
46 I can't speak for the geology community on that.
47

48 Susan Browne: Hello, I'm Susan Browne; I'm a certified professional geologist. I've been
49 practicing as a professional geologist in Alaska since 1992. I've brought a written
50 description of what I'm going to discuss. I can hand it in for your use. I am here in a very
51 cooperative perspective. I understand the complexity of your job, of the Statutes and
52 Regulations which you try to administer and I would like to again as my two predecessors
53 offer the ability to discuss and cooperate as we learn to apply the guidance that you're
54 giving us. According to the Statutes and Regulations of the architects, engineers, and land

1 surveyors section 08.02.011 describes what a professional geologist is. So I acknowledge
2 that we are team mates in the world of professional application. I propose that we work
3 together to figure out a way to apply the performance goals that we have to maintain the
4 safety of the public and to allow us to continue offering our professional services as a team
5 and as a cooperative entity. The two proposals I provide you, I'm also providing some
6 definitions that would help with establishing a very good bridge between our professions and
7 among those who are interested in applying this practically and with the intent of the best
8 maximum use for the public. My first proposal as noted in my submittal is to add
9 professional geologists and qualified persons to people who are exempted from the
10 prohibition of practicing within their areas, our areas of training and expertise, experience
11 and competency. Geologists have a broad range of expertise and to support that I have
12 brought to you the same definition that we as professional geologists have to follow from the
13 American Institute of Professional Geologists. The AIPG as revised on January 12, 1991
14 has several definitions of what geology is, what professional geological work is, what a
15 geologist is, what a professional geologist is and what the practice of geology is. I as a
16 member of the National Association adhere to these definitions and provide them to you, if
17 they help in your evaluation of how to apply your Statutes and Regulations and guidance. I
18 also refer to the Nation Association of the State Board of Geologists affectionately called
19 ASBOG. They are also very interested in making sure that we represent geologists actually,
20 precisely, accurately and for a very good broad definition of all the tasks that we provide to
21 the public. I'm submitting to you a two page brochure that they have issued called Tasks of
22 a Professional Geologist. It goes through several fields such as research methods,
23 mineralogy/petrology, geochemistry, stratigraphy, structural, paleontology, geomorphology;
24 we can all get these later, geophysics, hydrogeology, engineering geology, economic
25 geology, mining, energy resources and other related activities of qualified persons. The
26 reason I would like to provide this amount of detail is that it's probably apparent and actual
27 that there is quite a bit of overlap among the professions that you represent and the
28 professions that I speak of. So if there is an opportunity to provide cooperation among those
29 professionals I would support that. In addition I propose that if we do need to actually
30 formalize it, if we don't become a single Board that we develop a memorandum of
31 understanding among AELS, professional geologists and qualified persons in Alaska. So
32 that we can acknowledge the known overlap of professional practices and to cooperate,
33 underline, cooperate to allow the continued performance of activities that can be done by
34 your professionals, professional geologists and qualified persons with professional training,
35 expertise, experience and competency in their areas of practice. I hope to be able to assist
36 you in any other further discussion, bridge building or resolutions of actual outcomes. I wish
37 to work with you and I hope that we can build a productive, successful outcome. Thank you.
38

39 Baker: Explains our three legged stool and asks if there are any examination they have to
40 take to get their National Certification?
41

42 Browne: When I joined AIPG the criteria for getting your certification was sponsorship, and
43 8 years, a certain amount of years of experience at that time your sponsorship had to verify
44 your field experience and your educational training. The educational training had to include
45 academics. So I believe that the closest thing that I personally had to experience was my
46 academic testing, my Masters Thesis work. I believe that the AIPG now requires that to
47 continue your certification you need to provide proof of continuing education credits. So
48 there is some testing involved with that. I am aware of the complexity of trying to introduce a
49 testing scenario in a field as broad as professional geologists. I have not yet decided what
50 my personal opinion is and I do believe that if we were to talk to the professional community
51 in Alaska that the professional geologists would probably function with whatever the
52 consensus is for our other professionals. I think that the complexity of having to test
53 everywhere from an environmental assessment geologist to a petroleum engineer on the
54 North Slope to get test for them would be a very complex kind of outcome. There are some

1 tests that are available in the other practice States and as Mr. Lockwood mentioned there
2 are probably over 30 States that presently have some kind of specific formal certification
3 process. I'm not sure if those States have as diverse a range of climate, surface,
4 subsurface and practices as we experience in Alaska. But I don't think that's an
5 insurmountable problem. It's just one that's a little more complex.

6
7 Walsh: Asks about the perspective of Canadians practicing in Alaska and if the term
8 qualified person is useful for a geologist practicing in Alaska.

9
10 Browne: Mr. Walsh I think my only experience with that is two specific examples and Mr.
11 Lockwood can help me with the Statute and Regulatory Citation. The Alaska Department of
12 Environmental Conservation requires that people meet a certain threshold of expertise,
13 training and understanding for performing certain activities in the State of Alaska. So there
14 is already a very formal process for identifying that particular qualified person. The other
15 experience I have is with a co-worker who is a qualified groundwater expert and he has
16 gone through a specific threshold of testing and experience to earn that title. But I think
17 what we are referring to is if something exists in Statute, in Regulation, in a professional
18 society that's recognized by AELS that perhaps they can also practice specifically in their
19 area of expertise without having to be a partner or an employee of a professional engineer,
20 or a landscape architect, or land surveyor to meet the requirements of your regulation. I
21 think the confusion lies in that we don't have specific examples of how the overlap is in
22 conflict so that we're here to try to prevent the conflict from occurring in the future. I don't
23 want to compete and create an adversarial environment. I would rather plan for a
24 cooperative smooth application of the guidance of public safety within all the realms of our
25 practices.

26
27 Bob Braunstein: Thank you very much for the opportunity to address the Board today. My
28 name is Bob Braunstein, I'm the owner of a small environmental consulting firm in
29 Anchorage, BGES Incorporated and I would like to address specific issues associated with
30 the overlap that has been discussed a little bit between the engineers practice in the
31 environmental arena and geologists and non engineers in the practice of environmental
32 work as well. Personally I'm a member of the American Institute of Professional Geologists
33 as well. I've been a Past President of the Anchorage Section and I've also served on a
34 National Advisory Board and I've been practicing geology for more than 30 years. At my
35 office I have a person with 20 years of experience in geology and either one of us has more
36 than several thousand site assessments that we've either conducted or managed by quite a
37 bit of experience and my concern is that some of the language that I saw in your meeting
38 notes from February of this year indicated perhaps the propensity or the potential for moving
39 towards requiring, having your Board require professional engineers to be signing off on any
40 environmental assessment types of reports when again that would directly affect the
41 livelihood of my firm if something like that were to happen since we don't have PE's on our
42 staff. But as I said before we do have professional geologists with the experience to be able
43 to certainly do the work in a manner that protects the public safety. So the other option for
44 me would be to hire somebody with significantly less experience than I have myself in that
45 area who happens to have the professional engineering certification, the stamp, the
46 licensure and, you know, to oversee my work and it just doesn't make sense when you have
47 somebody who is fully capable of doing the work and experienced. That would put me on a
48 significant disadvantage in competing with other firms.

49
50 Chair: Advises thanks those who testified for their input and announced that the Board
51 would be going into executive session.

52
53 **On a motion duly made by Heieren, seconded by Walsh and passed unanimously it**
54 **was resolved to go into executive session under authority of AS 44.62.310 to review**

1 **applicant files.**

2
3 13:10 went into executive session.

4
5 16:50 back on record.

6
7 1650 – 1723 divided up the written and oral comments received on the regulation changes
8 for review. The Chair went around the table assigning blocks of comments to each Board
9 Member for review overnight. They were passed out in 10 comment blocks in the order in
10 which they were received. There was no discussion on the comments themselves just how
11 to review and report.

12
13 Heieren: Stated that he wanted to go on record that he was at a Board meeting last night
14 via conference call and someone started to speak about the regulation who knew the
15 comment period was over. He didn't listen to the conversation but did check once in a while
16 to see if he was still talking. When he finished he turned it back on and the caller asked him
17 questions to which he responded that he didn't know what he was talking about because he
18 didn't listen.

19
20 Jones: That was a phone call right?

21
22 Heieren: Yes, it was a conference call.

23
24 17:23 recessed until 8.am Friday 4 November 2011.

25
26
27 **Friday November 4, 2011**

28
29 8:02 Roll call – all present except Eric Eriksen and Brian Hanson. Both excused by the
30 Chair.

31
32 Chair: Started the day off with review of the public comments received on the regulation
33 changes. He went around the table the same way they were assigned.

34
35 Heieren: Named each commenter and summarized their comments emphasizing any
36 specific requests or suggestions that they made and whether or not they supported or
37 opposed the changes. This procedure was followed by all the other members as their turn
38 came. Since the Board also had to reconsider any comments received the first time the
39 regulations were noticed a lot of the suggestions had been incorporated in the regulations
40 before the second public notice.

41
42 Brownfield: Asks to be skipped while he organizes his material.

43
44 Fredeen: Followed the same procedure as Heieren. When he got to Nick Bakic regarding
45 fire protection engineering it was noted that several of the members had comments from him
46 as he had submitted several emails on various subjects primarily concerning fire protection
47 and NICET certified technicians. Fredeen noted that after the last public notice he got
48 together with the Fire Marshall's office and worked out verbiage that was incorporated into
49 their regulations that would protect the NICET certified Technicians. The board also
50 included a definition of design of fire detection and suppression systems which is included in
51 the regulations we are presently considering. He suggests that unless someone finds
52 something unique in one of Mr. Bakic's comments, everything has been worked out and
53 everyone is happy as far as he can tell.

1 Brownfield: Asks for one more pass while he continues to organize his comments.

2
3 Baker: Followed the same procedure as those before him. Nothing new.

4
5 Brownfield: Followed the same procedure as those before him. Nothing new.

6
7 Shiesl: Followed the same procedure as those before him. Nothing new.

8
9 Lent: Followed the same procedure as those before him. Mr. Nardini objects 12 AAC
10 36.061 and to the Boards ability to regulate architecture in general. He believes it is a
11 violation of his rights under the Constitution of the U.S. conflicts with Alaska Statutes and is
12 an abuse of authority.

13
14 Walsh: Followed the same procedure as those before him. Mr. Bledsoe felt the Board
15 should add safety engineer and points out those examinations while not NCEES exam are
16 available and that ABET accredits several safety engineer programs... Mr. Guaneli
17 questions the legality of the definitions of architecture and structural engineering. He
18 recommends that the Board define "design of minor importance".

19
20 Rearick: Followed the same procedure as those before him. Nothing new.

21
22 Chair: Followed the same procedure as those before him. Nothing new.

23
24 This concluded review of the public comments received in the first public notice which was
25 all reviewed at the February meeting. Most of the comments favored dropping architectural
26 engineering due to perceived confusion among the public and keeping the branch of
27 engineering on the stamp. There were some that felt that structural should be a separate
28 branch from civil and should require the 16 hour NCEES exam. There were some that felt
29 the regulations would cause problems for those practicing in the environmental and
30 geological fields. There were a few that favored general licensure and keeping the branch
31 off the stamp but they were in the minority by far. Some were afraid the adding the
32 additional branches would increase the workload of the Board and support and investigative
33 staff and raise fees. The Board then went through all the new comments received in the
34 supplemental public notice.

35
36 Heieren: The procedure was the same. Michael Schroeder recommends adding
37 recreational facilities to scope of practice for engineers. This is in the scope of practice for
38 landscape architecture so Heieren doesn't see a need to add it the engineers. Pete
39 Jacobsen is opposed to the grandfather procedure as it applies to civil engineers that want
40 to go structural. He believes the bar is set too low. Mike Story thinks 48 months is too
41 restrictive and should be increased to 144 months. Stafford Glashan is worried that
42 environmental engineers usually submit reports instead of stamp plans so grandfathering
43 would be close to impossible as presently written. Bruce Hutchison commends the Board
44 for including naval architecture and marine engineering and included some suggested
45 changes to our definition.

46
47 Brownfield: Willy Van Hemert questions the need for most of the additional branches. He
48 feels the cost to administration and enforcement will be significant and he disagrees with the
49 onerous requirements for grandfathering. Robert Lundell was concerned that he didn't get
50 notice of the changes until a few days before the comment period closed. He wanted to
51 know why a mail out wasn't done. Color Country Architectural Design is in support in the
52 change of 12 AAC 36.103. Scott Gruhn is worried that those structural engineers who don't
53 routinely stamp drawings will be unable to meet the grandfathering requirements even
54 though they are doing a lot of the work that is submitted to the responsible charge that

1 stamps the drawings.
2

3 Fredeen: My first on is from Robert Lundell who ask questions of Vern whether or not he
4 can continue to practice as he has been. Vernon Responded. A lot of mine were questions
5 directed to Vern. Next is Elmer Marx who is against adding the additional branches and
6 believes this is financially motivated. Next is Timothy Zinza who asks if he were to carry
7 three licenses would be required to obtain 72 PDH's every renewal period? Would he be
8 required to pay a renewal fee for each license and would he have the same number for all
9 three. The answers from Vern were: you would need 24 PDH's with a minimum of 8 PDH's
10 in each branch; yes you would have to pay a renewal fee for each license; and yes you
11 would have a different number for each license. Next was from John Weir who supports the
12 changes to the architect by comity regulation. Next is from Leslie Daugherty who had
13 concerns about someone receiving an SE license who hasn't taken the 16 hour exam and
14 also pointed out that those who got their SE license through grandfathering would not be
15 eligible for comity in other states. Next is Jason Ditsworth who also had concerns regarding
16 the grandfathering process for environmental engineers. He points out that any work would
17 be stamped by a civil. This issue has already been addressed by the Board. He is also
18 worried that his supervisor being a geologist would be a problem. Next is Fred Monrean
19 who is worried that civil engineers will no longer be able to do structural. Vern responded
20 and Mr. Monrean added that he would like to see structural by civil's defined and his
21 recommendation was a 4-story or more must have an SE stamp.
22

23 Baker: My first is Peter Giessel who is against any grandfathering. But recommends we
24 use Washington's approach if we allow it. Next is Catherine Call who agrees with the new
25 comity regulation for architects. Next is JoAnn Neumaier believes that separating out the
26 EE disciplines would be detrimental and an example of over regulation. She is afraid that if
27 a utility company want to cross train an EE to control systems they would not be able to do
28 that. Next is Johnny Mendez who is concerned about getting experience documented in
29 one of the new branches when we currently don't have anyone in the State licensed in them.
30 He is also asks how someone who is, say, a structural engineer but now works in a
31 regulatory agency reviewing plans but who doesn't stamp any plans is going to qualify for
32 grandfathering? He also is against having to pay dual fees for dual licenses. Next is Jared
33 Keyser who has some of the same issues. He provides comments from the Structural
34 Engineers Association of Alaska (SEAAK). They support keeping the two letter designation
35 on the seal. They support Scope of Practice for Engineers with the stipulation that use of
36 the SE title be more clearly defined. They have concerns that some of their members who
37 are in management roles or working for the public sector agencies or in oversight roles
38 where they are not stamping designs may not be eligible for grandfathering. They
39 recommend requiring two years of experience as a civil engineer before being eligible for
40 the SE exam. Extending to 10 years the allowable documentation for consideration for
41 grandfathering. Allowing professionals outside the direct area of expertise, who are familiar
42 with the work of a sole proprietor, to provide letters of reference. They support the separate
43 structural license and also the concept proposed in 12 AAC 36.106 but recommend
44 modifying the language to allow for all individuals currently practicing in the structural
45 engineering community whether in design, public agency, or industry roles to continue to
46 have access to both the practice and title related to structural engineer. Next is Collin Day
47 who is also concerned that, in his present supervisory role, he will not be eligible for
48 grandfathering because of his position not requiring stamping of plans. Next is Sigurd
49 Colberg with the same issue.
50

51 Shiesl: Art Johnson asks about the PDH's for dual licenses and that language be added to
52 support allowing a civil engineer to stamp plans for highway lighting systems electrically
53 downstream of the electric load center per a DOT Memo dated 10/6/2009. Next is Mike
54 Willmon of GCI network asks if NCEES is going to remove the specialty field from the EE

1 and CE exams or will EE's and CE's still be able to practice in all areas described in the
2 current regulation? He recommends allowing dual stamps such as EE/CS. He feels that
3 those currently practicing, such as an EE doing control systems, shouldn't have to apply for
4 an additional designation they should already have that right by virtue of their current
5 license. He closes by requesting an extension of the comment period to research what
6 other states are doing. Next is from Damien Stella is concerned that he will have to apply for
7 an environmental license to continue his work in water and wastewater. Next is Mike
8 Quimby is an EIT and does not see a need for these changes. He believes that any
9 problems currently present will still be present after the changes and it will increase the cost
10 to become licensed and maintain a license. Next is Jeff Koonce who supports the change to
11 the architectural registration by comity regulation. Next is Michael Dean speaking for ASPE.
12 They support the basic tenets of the proposed changes but think that 12 AAC 36.106
13 (grandfathering) is onerous and difficult to comply with. They see the need for grandfathering
14 but feel the 48 months is too restrictive and should be increased. They also ask that reports
15 and other documents that may not necessarily require a stamp be allowed to verify
16 qualifications. Next is Michael Dean with his personal comments. He feels that the
17 grandfathering requirements will be difficult, time consuming and expensive to comply with.
18 He recommends only requiring two sets of plans or drawings or two references from
19 professionals which would include any licensed professional. He also feels that
20 requirements for the SE exam should include two years of post registration experience.

21
22 Lent: First is from Dale Nelson on behalf of APDC. They have concerns regarding the
23 language in the scope of practice regulation re civil working in environmental and structural
24 fields. Would it be better for them to continue to work as a civil or get an additional license
25 in the sub-discipline? They also have concerns with the grandfathering regulation and
26 requests that the proposed changes to 12 AAC 36.103, 106, 180 205 and 990 not be
27 adopted until further clarity is added and they offer their assistance in a rewrite of those
28 regulations. Next is William Scott is afraid that people in supervisory or plan review positions
29 will not qualify for grandfathering because they do not stamp plans. Next is Gerry Brown is
30 concerned that civil engineers working for ADEC will have to obtain environmental licenses
31 because some of the things they have been doing are not listed in the civil definition such as
32 fate and transport, ambient air, emission sources, hazardous and special wastes,
33 environmental site assessments, remediation, and emergency response. He also feels that
34 these regulations will create a conflict between 08.48.281 and 12 AAC 36.232 unless they
35 become environmental engineers. He is afraid the application process will be restrictive and
36 expensive. He uses civil to environmental as an example. Environmental engineers do not
37 usually draw plans etc. How will they be able to become grandfathered? He recommends
38 that examination be the only avenue. Next is Larry Owen is opposed to allowing civil
39 engineers to grandfather to the structural license without taking the 16 hour NCEES
40 structural exam. Next is George Imbsen doesn't think that 12 AAC 36.106 is stringent
41 enough. Next is Chris Gianotti who has a number of concerns and questions. Most
42 concern 12 AAC 36.106 Grandfathering and have already been addressed. He also
43 observes that the division between civil and structural is not clear. Next is Robert Harris he
44 is opposed to the regulations as presently written. He cites 12 AAC 36.106 and feels it will
45 be expensive for someone in a small firm. He also is concerned that eventually clients will
46 require a CS or FP engineer for those plans. He also is afraid clients won't release their
47 plans for to support an applicant's registration effort. He cites the additional expense of
48 renewing two licenses every biennium. He feels that market is sufficiently served with the
49 current regulations.

50
51 Walsh: First letter is from Greg Latreille ASPE this letter is dated September 2011 and has
52 a little different perspective than the one read by Harley dated in February 2011 from Mr.
53 Latreille. This letter was cosigned by Michael Dean. They state that while they supported
54 our General Licensure Model they were less supportive of the discipline specific model.

1 They question the benefit of the new regulations. They question that the grandfathering
2 provision is onerous and costly and time consuming and that engineers that currently
3 practice broadly may have to hold multiple licenses. Next is Sandra Morris echoing the last
4 concern of the ASPE that engineers currently practicing broadly may have to hold multiple
5 licenses. She suggests additional time for the process of grandfathering. Next is Jeff
6 Putnam Fairbanks chapter ASPE. Disagrees with the current direction the Board is taking
7 and prefers general licensure over the discipline specific model. They feel that despite the
8 two public notice periods that the issue is just now becoming understood by the 5000
9 engineers in the state and that the regulations be tabled for now seeking greater clarity and
10 perhaps more input. There is a repeat letter from Latreille and Dean, I'll skip that. Next is
11 Robert Baldwin echoing both of the ASPE letters above. The regulations warrant much
12 more and much greater consideration before adoption. Very concerned about licensing sub-
13 disciplines of electrical engineering particularly fire protection and control systems
14 engineering and worrying that if those definitions go into effect the current electrical
15 definition that exists may be too narrow. They feel the proposed regulation will affect the
16 HSW of the public. Next is Adrian Slater who is worried about a civil practicing structural.
17 He feels the regulations should clearly state how he and others like him may continue to do
18 so. He thinks the grandfathering window in the regulation (4 years) is too narrow. He
19 suggests 10 to 12 years or more. He is also worried about engineers with broad practices in
20 small Alaskan communities. Next is Royce Conlon who questions the cost of the new
21 regulations re dual licensees. He is concerned about the Grandfathering clause. He feels
22 that it narrows the field instead of broadening it. He believes the best engineers are those
23 with a broad based background. Next is Bradley Fristoe he supports the letter is have
24 summarized from ASPE. He questions why the Board would go from general licensure to
25 discipline specific based on the desires of the investigative staff. He is also concerned
26 about the possible need to hold two licenses to practice civil and environmental.

27
28 Chair: Asks for a motion to adopt the regulations and he will ask for comments on each
29 one.

30
31 **On a motion duly made by Heieren, seconded by Brownfield it was**
32 **Resolved to adopt the new or changed regulations 12 AAC 36.103 Architect**
33 **Registration by Comity, 12 AAC 36.106 Registration in Additional Branches of**
34 **Engineering, 12 AAC 36.180 Seals, 12 AAC 36.205 Scope of Practice for Engineers, 12**
35 **AAC 36.990 Definitions with the insertion of the recommended changes to 12 AAC**
36 **36.990 a (40) presented by Bruce L. Hutchison on September 8th 2011 and attached**
37 **hereto dealing with the definition of Naval Architecture and Marine Engineering.**
38

39 Baker: Suggests that the Board should look at the oral public comments before discussions.
40

41 Fredeen: We were supposed to read those on our own.
42

43 Heieren: One of the reoccurring themes has been the time frame of 48 months but because
44 of the extended period we are actually looking at 72 months. The grandfathering ends on
45 December 31, 2013 so if this is implemented before the end of the year that is 24 months
46 plus the 48 months so you're actually looking at a six year window.
47

48 Fredeen: Points out that most of those letters were from the supervisory group and this isn't
49 going to help them.
50

51 Baker: Adds that some of them were working for regulatory agencies doing plan reviews.
52 He feels that a 10 year time frame is very reasonable. He also feels that those in small
53 communities would need a broader timer frame. He emphasizes that regarding the sunset
54 on the grandfathering that we need to treat all applicants alike. We shouldn't have more

1 stringent requirements for our own people that we have for comity applicants.
2
3 Walsh: Asks which of the regulations in the motion we are considering?
4
5 Chair: One through five as listed on the agenda.
6
7 Walsh: Asks which language in the comment package he was referencing in the motion?
8
9 Heieren: In his second submittal it was the minimum changes suggested.
10
11 Several Board members were confused about which version was the recommended version
12 so Heieren read the recommended version.
13
14 Baker: Asks if now would be a good time to make a motion to amend 106 (3) to 120
15 months. In other words within the last 10 years have at least 24 months of responsible
16 charge.
17
18 Rearick: I would like to make a motion.....
19
20 Chair: We have a motion on the floor.
21
22 Jones: Asks that they take them one at a time in order to avoid confusion.
23
24 Walsh: Asks why we are doing all five in one motion? We should deal with each one as a
25 separate motion. That would be much simpler.
26
27 There was a short discussion on the best way to approach this and it was decided to do
28 each regulation as a separate motion. **Heieren withdrew his motion and Baker withdrew**
29 **his amendment.**
30
31 **On a motion duly made by Heieren, seconded by Baker and passed unanimously it**
32 **was resolved to adopt as advertised 12 AAC 36.180 Seals.**
33
34 **On a motion duly made by Heieren, seconded by Brownfield and passed unanimously**
35 **it was resolved to adopt 12 AAC 36.990 Definitions as public noticed.**
36
37 Fredeen: Asks if this is the one that requires the amendment re naval architecture. He then
38 asks if everyone knows which version is the correct one.
39
40 **On a motion duly made by Fredeen, seconded by Brownfield and passed**
41 **unanimously it was resolved to amend the motion to replace the definition of naval**
42 **architecture and marine engineering noted under 12 AAC 36.990 (a) (40) with the**
43 **attached verbiage.**
44
45 Heieren: Reread the original motion.
46
47 **On a motion duly made by Rearick, seconded by Brownfield and passed unanimously**
48 **it was resolved to readopt 12 AAC 36.103 Architect Registration by Comity as**
49 **amended.**
50
51 Rearick: Makes a motion to amend
52
53 **On a motion duly made by Rearick, seconded by Baker and passed unanimously it**
54 **was resolved to amend 12 AAC 36.103 Architect Registration by Comity (b)(3), last**

1 **sentence, last word from “and” to “or”.**

2
3 He then reads the regulation with the amendment.

4
5 Chair: Notes that this change will bring it in line with the language in the engineering
6 regulation.

7
8 **On a motion duly made by Heieren, seconded by Shiesl and passed unanimously on a**
9 **roll call vote it was resolved to adopt 12 AAC 36.106 Registration in Additional**
10 **Branches of Engineering as amended.**

11
12 Chair: Discussion?

13
14 **On a motion duly made by Baker, seconded by Shiesl and passed unanimously it was**
15 **resolved to change 12 AAC 36.106 (c) (3) to read within the 120 months immediately**
16 **before the date of application at least 24 months of responsible charge experience.**

17
18 Brownfield: Asks for the motion to be reread.

19
20 Heieren: Asks for a recess.

21
22 Break 10:25 to 10:40

23
24 Fredeen: Asks if everyone has the regulation in front of them?

25
26 **On a motion duly made by Fredeen, seconded by Shiesl and passed unanimously it**
27 **was resolved to amend 12 AAC 36.106 (f) (2) to delete the verbiage “where the**
28 **verifying engineer is or was registered as a professional designer”**

29
30 Fredeen: Reads the paragraph with the change and explains that this change is to address
31 the issue of how someone, for example a structural engineer going to get someone to
32 signoff when we don't have any structural engineers registered in the State. This will allow
33 someone that practices in that branch to sign off on a letter of reference.

34
35 Heieren: Notes that the language was a bit ambiguous as noted by ASPE and he supports
36 this amendment.

37
38 Lent: Expresses his concern that as pointed out by ASPE and APDC we should take more
39 time to consider the implications and impact of taking this huge step without more time to
40 work out the details.

41
42 **On a motion duly made by Baker, seconded by Shiesl and passed unanimously it was**
43 **resolved to revise 12 AAC 36.106 (e) line 5 change to read “The plans or other**
44 **documents have been dated within the 120 months immediately before the date of**
45 **application”**

46
47 Heieren: Feels that we have vetted the regulation as well as can be and suggests we move
48 forwarded with the motion as amended.

49
50 Shiesl: Thinks the technological advances and the specialization of the disciplines the
51 public will be better served by having a better understanding of what each of these
52 disciplines can do.

53
54 Fredeen: Feels that there are still a couple issues that need to be worked out and suggests

1 that maybe replace the word plans with documents in paragraph (e). After discussion it was
2 decided to make the change throughout the regulation.

3
4 **On a motion duly made by Fredeen, seconded by Lent and passed unanimously it**
5 **was resolved to amend the verbiage in 12 AAC 36.106 to use the terminology “plans**
6 **or other documents” in place of “plans” or “plans and other documents”.**

7
8 Rearick: Asks Cliff if he brought up Jared Keyser’s letter and said that it was something that
9 we should look at in more detail and that he had some recommendations.

10
11 Baker: Reads the suggestions by Mr. Keyser. One was that the individual must be
12 licensed in the State at the time the SE regulation was adopted. He (cliff) thinks this is too
13 narrow. Number two was that a person must practice as a civil for two years after initial
14 licensure. He (Cliff) thinks that’s a good one. Three the individual must meet one of the
15 follow criteria. Be licensed as whatever branch they are applying for in another state.
16 That’s another good one. Have passed a 16 hour structural exam as determined by the
17 Board, this would be the same for like control systems, if they passed the exam in another
18 state. Change it to 10 years which we’ve addressed. Number four was the sunset. The
19 engineer must apply within one year or the end of the current biennium. I think that is
20 already covered, we give them a specific time period. My one comment that I added to that
21 is that I think that needs to address all engineers, not just Alaska engineers. I think we’ve
22 addressed most everything on here.

23
24 Rearick: Asks about the timeline on number 4 and is afraid that someone who recently
25 became a civil and wanted to be structural would be excluded by the timeline.

26
27 Fredeen: Points out that the verbiage about the 24 months responsible charge doesn’t say
28 that they had to receive that after licensure. He continues that we presently require 24
29 months prior to licensure and if that is the intent of the Board in this case that the way it is
30 written is fine. He adds that SEAAK wants us to change our tables to require two years as a
31 licensed civil engineer before becoming eligible to take the SE test. Right now they don’t
32 have to have those two years as a licensed civil engineer unless we change that verbiage
33 on the 24 months responsible charge to post licensure. He notes that the education tables
34 will have to be changed but that it could wait until after these regulations take effect.

35
36 Walsh: Observes that grandfathering is just one route. They could come in by examination,
37 by comity, there are many routes. He questions allowing civil engineers to obtain the SE
38 designation without taking the SE exam and points out that our grandfather regulation would
39 allow that and several comments received stated that that should not be allowed.

40
41 Brownfield: Contends that we are not giving anything to them, they have to prove to the
42 Board that they have the qualifications. He points out that the reason they didn’t have to
43 take the SE in the past was because you had to be a civil to do structural here. He feels
44 that unless they have the education and have been doing structural they won’t be able to
45 qualify.

46
47 Baker: Sees the grandfather regulation as something for those who have been practicing in
48 their field for many years. Those with less than two years experience should be able to
49 pass the exam without any problem. To address the subject of requiring everyone to take
50 the exam he points out that exams test the minimum qualifications and he feels that
51 someone who has been practicing something for 20 or 30 years has to have at least the
52 minimum qualifications for that branch and that taking the exam isn’t going to make any
53 more qualified.

1 Walsh: Asks if he understands correctly that a civil that has been practicing structural as a
2 civil can continue to practice structural as a civil without participating in the grandfathering.

3
4 Brownfield: Yes that is correct. But to get the SE designation they will have to grandfather
5 or take the exam. He adds that the structural part of the civil exam gives the very basics to
6 allow someone to do structural and that there is a world of difference between it and the SE
7 exam.

8
9 Rearick: Is confused about the title question. He asks if a firm's engineers are civil
10 engineers doing structural can the firm claim to be a structural engineering firm.

11
12 A discussion followed on how the title is applies to individuals and firms. The end result
13 being that and individual can practice structural and environmental engineering as a civil
14 engineer but can't call himself a structural engineer or environmental engineer unless they
15 go through the grandfather process and obtain the SE or EV license. A firm can advertise
16 as a civil engineering firm that provides structural or environmental design services but can't
17 call themselves a structural engineering firm or environmental engineering firm unless they
18 have engineers with the SE or EV license.

19
20 **On a motion duly made by Fredeen, seconded by Shiesl and passed unanimously it**
21 **was resolved to amend 12 AAC 36.106 (c) (3) to read "At least 24 month responsible**
22 **charge experienced as a licensed professional in the branch of professional**
23 **engineering that the applicant is applying for additional registration.**

24
25 Heieren: Goes back to the discussion prior to the motion and says that if a corporation, LLC
26 or LLP wants to advertise to provide structural or environmental design services they have
27 to have a licensed structural or environmental engineer on staff even though the regulations
28 says major branch.

29
30 Chair: Point of order, let's get back to the main motion.

31
32 Lent: States that even though he has voiced concerns about the environmental engineering
33 issue he supports the overall concept of adding the additional branches.

34
35 Heieren: Requests a roll call Vote.

36
37 Chair: Reads the original motion as amended.

38
39 Jones: Called the roll and all voted yes except Eriksen and Hanson who were absent.

40
41 **On a motion duly made by Heieren, seconded by Baker and passed unanimously it**
42 **was resolved to adopt 12 AAC 36.205 Scope of Practice for Engineers.**

43
44 Walsh: Notes that one of the comments was if I practice geotechnical and environmental
45 engineering will I be required to hold two registrations. The answer is no you can practice
46 as you have been.

47
48 Heieren: Clarifies that he said yes in the context that if he wanted to call himself an
49 environmental engineer he would have to obtain the license.

50
51 11:26 Break for Lunch.

52
53 12:07 back on record.

1 Chair: Let's review the comments for 12 AAC 36.064 and 36.065.

2
3 Rearick: First letter is from Ryan Rencehausen and he basically is just against the higher
4 math. However, he comments that if he was the owner of a company he would hire
5 someone with a 4 year degree over someone that didn't.

6
7 Baker: I'm looking for yes, no or wait and I can't tell which he is.

8
9 Rearick: He is supporting the 4 year degree but not the higher math.

10
11 The next one is Roger Imhoff and he is questing if we need to move forward at such a rapid
12 pace. He is questions the validity of the survey saying that it represented a small population
13 and not the majority. He feels that more discussion is necessary before reaching a
14 conclusion.

15
16 Next is from Michael Schoder and he is strongly opposed to the proposed regulations. He
17 believes the regulation change is arbitrary and discriminatory. He feels that UAA has a
18 financial stake in the outcome and their survey shouldn't be used. The people that will be
19 educating land surveyor don't have to meet the requirements for licensure. That the only
20 reason the Board is doing this is to bring us in line with some other states and the NCEES
21 Model Law. He urges us to not adopt the regulations.

22
23 Next is Gary Nelson who believes that the regulation will unfairly close the door on those
24 without the means to afford the education. He thinks more stringent testing would be a
25 more just and adequate method of obtaining qualified surveyors.

26
27 Next one is from Timothy Mullikin. He is objecting to the changes and doubting the
28 accuracy of the survey. He thinks the better way to improve thing would be to add sections
29 on boundary and legal descriptions to the State exam.

30
31 Next one is from Rick Bennett and he is in support of the new education requirements.

32
33 Next is from Mullikin Surveys and he believes it will increase the shortage of surveyors in
34 Alaska. It will be a financial hardship on prospective professionals. Three semesters of
35 calculus will dissuade many people who could be fine surveyors. The regulations are
36 unclear as to board approval of a non-ABET curriculum. He doesn't think the requirement
37 and redefinition of a surveyor is necessary.

38
39 Next is Tanana Chiefs Council. Eric Stahlke signed the letter and they strongly object to the
40 proposed regulation. They feel it will be ineffective and detrimental for strengthening the
41 profession as well as discriminatory to prospective surveyors and the Native Alaska
42 community in particular. They believe there was a conflict of interest with the UAA survey.
43 He notes that they provide training for their surveyors by licensed surveyors and UAA does
44 not require their instructors be licensed surveyors. He explains their training which requires
45 a minimum of 1000 hours each year. Their surveyors graduate after 4 years with over 4000
46 hours of actual work experience under licensed surveyors and 160 hours of university lever
47 coursework on surveying subjects. He states that UAA graduates come nowhere near this.
48 He emphasizes how computers have taken over the profession and the level of math that
49 was once required is now done by computer.

50
51 Heieren: My first letter is from Bob Keiner who went through a program of mentors he felt
52 was adequate. He urges the Board not to adopt the regulation.

53
54 Next is Eric Fuglestad who is in complete agreement with the objections voiced by Mike

1 Schoder whose letter is included. Richard Rearick has gone over that and I would only point
2 out two things that I had a problem with. One is the statement that the proposed regulations
3 being arbitrary. The definition of arbitrary is a personal whim rather than reason or system.
4 I think a national standard set by NCEES is not a whim and is in fact a system. I find the
5 use of the word discriminatory financially as groundless. Financial incentives for education
6 abound in our society. He feels that using the term discriminatory because it is a financial
7 hardship wrong.

8
9 Next is from John Pearson who is in favor of requiring a 4 year BS degree. He feels that the
10 required technical skills and knowledge cannot be obtained through academic studies or
11 work experience alone and favors a 4 year degree with 4 years of experience.

12
13 Next is Kevin Eischens. He thinks the opposition to the education requirement is that it
14 wouldn't produce a better surveyor. He think exactly the opposite would happen. In other
15 words he speaks in favor of the regulation. He feels it produces a more rounded surveyor
16 and therefore protects the public.

17
18 Next is William Preston he is in support of a 4 year degree requirement. He feels that
19 surveying is complicated and is not a trade it is in fact a profession that requires education.

20
21 Next is Stan Brown. I strongly urge you to read his letter because it gets right to the point.
22 He is strongly in favor of a 4 year degree.

23
24 Next is an exchange that I'm not going to go into in any detail between Michael Schoder and
25 Bill Hazelton a professor. To me it's a concept of he said, she said and it's sad that it's even
26 part of the record.

27
28 Brownfield: His first item was the UAA Geomatics 2010 Survey of Registered Surveyors in
29 Alaska that was about 4 or 5 pages long that is basically statistical information. Of those
30 that responded most were in favor of higher education (a 2 year or 4 year degree
31 requirement).

32
33 Next is Max Schillinger is in full support of higher education and believes that a 4 year
34 education plus experience is the most efficient way to become a PLS however, he makes
35 the point that he doesn't think that's the only way. He recommends that requirements
36 should be stricter but not narrower and make the State exam more rigorous. Make the 4
37 year degree the preferred path but not the only path. Don't exclude special cases that the
38 Board believes are fully competent.

39
40 Next is Dave Hale was licensed with a 2 year degree and feel that some type of degree
41 should be required for licensure. He has been surveying in Alaska since 1991 and has
42 noticed that there is a marked difference between college graduates and non-college
43 graduates in the field of surveying. He feels that obtaining a degree shows a higher level of
44 commitment to the profession. He is for a 4 year degree but thinks beginning with a 2 year
45 requirement and after a time moving to a 4 year degree would be the way to go. He
46 suggests maybe a certification program for those who want to work in surveying as a trade
47 instead of a profession may be a good thing.

48
49 Next is from TerraSond Ltd. Precision Geospatial Solutions. They are supporting the
50 change in regulations. They believe that the advances in technology require raising the bar
51 for recognition as a professional. The writer (Thomas Newman) believes that as technology
52 has increased the capabilities of surveyors it has simultaneously reduced the size of crews
53 and the path for persons without an education.

1 Next is Mullikin Surveys is opposed to the changes in regulations and doesn't see any real
2 reason to do so. He feels that the education availability in Alaska is such that it would keep
3 many potential surveyors from the profession because they couldn't or wouldn't move to
4 Anchorage.

5
6 Rearick: Points out that there are no architectural degrees available in Alaska but we have
7 many licensed architects. They get their education out of State.

8
9 Baker: Notes that this is the second letter from this individual so if you're counting yeas and
10 nays he doesn't get two nays.

11
12 Next is James Green who believes that a BS degree to sit for the test is good for surveying
13 and good for the public. He notes that there has been quite a change in surveying over the
14 past 10-15 years. He urges the Board to move forward with this change.

15
16 Next is Francis Corning who urges the Board to postpone these changes as they are not
17 supported by the ASPLS as written and there is no clear justification for changing the
18 existing regulation. He asks for time to allow ASPLS to provide alternatives.

19
20 Next is Ken Ayers who submitted an identical letter.

21
22 Fredeen: My first letter is from Ken Ayers representing the ASPLS. They would like to see
23 an alternative path that increases the experience requirement. This would require a Statute
24 change to remove the 8 year limitation. ASPLS is opposed to adopting the changes as
25 written.

26
27 Next is Gerald Jennings who writes in support of the 4 year degree requirement. He is a
28 hiring manager for professional and technical survey staff and has found a significant
29 difference between those that hold degrees and those that do not.

30
31 Next is from Gene LeQuire who disagrees with the degree requirement to sit for the LSIT.
32 He also disagrees with the schedule, he wants to see a 4 year window between the
33 adoption and when the new regulation takes effect.

34
35 Next is from Joseph Burch. He is asking to delay implementation of the proposed regulation
36 until 2020. His basis for that was referring back to the NCEES Model Law regarding there is
37 an 8 year transition period for Model Law 2020 which is a BS degree requirement.

38
39 Baker: Ads that in summary he thinks a 4 year degree is becoming important. He does
40 support it he just wants a longer time to implement it.

41
42 Fredeen: Next is from Richard Gray who is asking to postpone, he thinks that change is not
43 always good and when something is not flawed it is never good. He believes only some
44 surveyors would benefit from this change.

45
46 Next is Elaine Gray is in opposition to the changes and is in favor of multiple avenues to
47 licensure. The 4 year degree is only one path.

48
49 Next one is Amy Orange-Posma. This is a letter that we actually changed our tables based
50 on her input. She gave us some good feedback on a mathematics requirements, educations
51 requirements that we were considering at that meeting and also recommended that the
52 course work for board approved curriculum in land surveying without a degree verbiage on
53 the LSIT table should remain and was in favor of a 4 year degree for the PLS exam.

1 Next is from Christopher Mullikin, is this the same Mullikin? Speaks against the proposal.
2 Believes there should be some alternate paths. If the changes go into effect he hopes a
3 phase in period with sufficient leeway would be used.
4

5 Next is Mark Hall who is in support. He notes that there is a lot more to being a professional
6 surveyor than just knowing how to measure accurately.
7

8 Next one is Steve Tolan, this is the same form letter that we received a couple times
9 requesting postponement. No issue of professional competency or public protection has
10 been brought forward.
11

12 Next is Daniel Clark who has the exact same response.
13

14 Next is R Scott Sexton thinks the Board should follow the recommendation of the ASPLS
15 education committee. He recommends multiple avenues to registration.
16

17 Baker: I have Nils Degerlund. He wants a longer transition than we originally proposed,
18 which we have addressed. He wants to hold off while the ASPLS tries to change the Statute
19 saying that we can only have a maximum of 8 years. Baker notes that ASPLS has been
20 working on that Statute change for about 15 years. He wanted to reduce the math and
21 science, which we have done. He wanted to reduce the number of geomatics or surveying
22 requirements if you went the path without the 4 year degree in land surveying, which we
23 have also already addressed. So out of the 4 items he suggested, three of them we have
24 addressed in our changes.
25

26 Next is from James Sharp. He has been registered for quite some time. He favors
27 mandatory requirement of a 4 year degree.
28

29 Next is Tim Sprout wants to wait until a repeal of AS 08.48.171 which imposes an 8 year
30 limit on education and experience.
31

32 Next is Stan Sears he is against the 4 year degree requirement. He doesn't think we should
33 stress ABET so much, which we have actually taken that out. If you have a not ABET
34 degree you may actually get the same weight as if you had an ABET degree. He notes that
35 those who have been working in the field for 10 to 15 years would not qualify. Baker notes
36 that they would now apply if they get their applications in be this takes effect.
37

38 Next is Lindsey Vaughan who is not in support of the 4 year degree requirement.
39

40 Next is Pat Kalen is also against the 4 year degree requirement and he would like us to wait
41 until the Statute is changed as well. He favors a multiple path.
42

43 Next is Claud Hoffman who is also against the 4 year degree requirement.
44

45 Next we have John Copenhaver and he doesn't support the changes for the 4 year degree
46 requirement. And that is the last one and the only one that is a recent submittal since the
47 last public notice.
48

49 **On a motion duly made by Shiesl, seconded by Baker and passed unanimously on a**
50 **roll call vote it was resolved to adopt 12 AAC 36.064 Eligibility for Fundamentals of**
51 **Land Surveying examination as amended.**
52

53 Chair: Discussion?
54

1 **On a motion duly made by Heieren, seconded by Baker and passed unanimously it**
2 **was resolved to amend 12 AAC 36.064 (a) (1) to change from “an undergraduate” to**
3 **“a four year”**
4

5 Heieren: He reads both the present version and the version with the change. He adds that
6 the reason was to clarify that someone who hasn't yet graduated could sit for the LSIT which
7 would bring us more in line with the engineers.
8

9 Baker: Adds that it clarifies that it is 75% of a 4 year degree program not an undergraduate
10 program because a 2 year program is also an undergraduate program.
11

12 Chair: Any further discussion on the main motion?
13

14 Baker: I kept a tally on the comments and there were 17 outright yes there were 16 outright
15 no and I had 6 that wanted to wait and most of those wanted to extend the time period. One
16 of the issues that Mike Schoder brought up that I found was unique is that in architecture
17 and engineering you have an exemption for someone at the university to teach and not have
18 to be licensed. It does not specify that someone teaching surveying at the university can be
19 exempt. He thinks that may need to be looked at. He mentions that some of them
20 mentioned that not much is available online when actually there are a number of programs
21 that are available online and some of them are at the same rate that they charge their
22 residents.
23

24 Heieren: Feels there is a misconception that it has to be a surveying degree. A civil
25 engineering degree holder with 30 credit hours of core surveying credits would be allow to
26 set for the exam. It's related sciences and that in fact meets NCEES Model Law. They
27 don't understand that. You could have a math degree and the 30 credits of core surveying
28 and set for the exam. He notes that this Board has been evaluating this for probably 3 to 4
29 years so this isn't like a speeding train. We actually spent a year asking every registrant in
30 the State for input and I think we got that input. But with that said this isn't a popularity
31 contest we aren't supposed to be setting here counting numbers we are supposed to looking
32 out for the benefit of the people of the State of Alaska, for their health, safety and welfare.
33 We are only changing two years of experience for two years of college level courses.
34 People say there isn't a problem. You don't wait until a problem manifests itself to act. He
35 doesn't think that most people that have been practicing for years realize the depth of
36 knowledge they have acquired over time. He doesn't feel that someone without the
37 education can come in off the street at the same level.
38

39 Baker: A lot of the naysayers are not looking at it from the perspective of protecting the
40 public; they are looking at protecting their own path.
41

42 Heieren: Requests a roll call vote.
43

44 Chair: Now we move on to 12 AAC 36.065.
45

46 **On a motion duly made by Baker, seconded by Rearick and passed unanimously by a**
47 **roll call vote it was resolved to readopt 12 AAC 36.065 Eligibility for Professional**
48 **Surveyor examination as public noticed.**
49

50 Chair: Ok, we are back on the agenda, 16 R.
51

52 Heieren: Asks to make a comment on what we just voted on. It was misrepresentation that
53 the ASPLS has never, in fact, endorsed a 4 degree requirement. They've done it three times
54 at the Board level you can read that on the record and that would be the Board of Directors

1 of ASPLS.

2
3 q. Letter from Chris Kammerer re structural licensing.

4
5 Jones: This gentleman was licensed in two states using the Structural I exam and he is
6 worried that once our new regulations take effect it won't be accepted. He is also upset that
7 he presently can't get a license without taking the civil PE.

8
9 Fredeen: Points out that we haven't changed our tables, it just says exam. So he could
10 apply by comity the way our tables currently read. He is worried because NCEES no longer
11 will use the Structural I so this is something we have to consider.

12
13 Brownfield: Some would license with the Structural I and not require the Structural II.

14
15 Fredeen: If we do what SEAAK wants with our tables then he would be stuck with no path
16 to licensure in Alaska.

17
18 Baker: We don't have two levels of structural licensure. We only have one level; he would
19 need the three legs.

20
21 Fredeen: There is a window where he will be eligible. We haven't started any regulation
22 projects to date that would stop that from happening, however, that is what SEAAK would
23 like us to do. I'm sure we are going to hear more about changing those tables.

24
25 Jones: Would there be a problem with once you changed that regulation to accept the
26 Structural I and II up to this date and after that require the 16 hour exam?

27
28 Brownfield: I don't think so.

29
30 Jones: You're going to have all those engineers out there who have been licensed and
31 practicing for years.

32
33 Baker: Argues that there we don't have the 16 hour exam right now and we don't have an 8
34 hour exam so once we pass this in order to get licensed in this State by exam you have to
35 take the current NCEES exam. In order to get comity you go back to the date he was
36 originally licensed and find out what our requirements were at that time.

37
38 Fredeen: He would have to take the civil test then.

39
40 The discussion continued with the result that our comity regulation requires that applicants
41 have passed the NCEES exam in the branch they are applying for. Since we are adding
42 structural as a branch we regulate then if they passed the Structural I or II exam for their
43 license in the other jurisdiction they would be eligible for comity.

44 45 **Agenda Item 17 – Special Committees**

46 47 **General Licensure:**

48
49 Brownfield: Suggests that since he is near the end of his term on the Board that another
50 chairman be appointed and recommends Brian Hanson.

51
52 Chair: Asks if we need to keep this committee?

53
54 Brownfield: We may want to keep it until we are sure this project is completed.

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As-built and Record Drawings:

Chair: We can scratch that one off.

Incidental Practice:

Chair: Once this gets through this regulation/statute process this will be done. Unless we have to revisit number 9.

Walsh: I don't think so Harley. We may want to revisit the exemptions part with respect to a regulation the geologist pointed out in the public comment. That might be an exemption we need to add kind of like the fire protection clause.

Licensure Mobility:

Walsh: Nothing to add.

Mining Engineers/Geologists:

Walsh: It was nice to have the three Geologists give their comments yesterday. I'm looking forward to seeing those two proposals submitted eventually. I'll evaluate those and have something to report in February.

Shiesl: Asks if they have their own professional organization?

Walsh: AIPG has local chapters.

Baker: They don't have an oversight Board and it sounded like they would be interested in that whether it was this Board or another Board.

Land Surveying Education:

Baker: I would say that that's complete. They then decided to keep it until the regulations passed.

Investigative Advisory Committee:

Brownfield: We have had one or two meetings with John. We are still working and if John needs us we will meet with him.

Chair: I have had a couple things that we handled with a phone call. I meant to ask him what his relationship is with the Fire Marshalls office now that Carol is gone.

Brownfield: Reports that John says the new representative is very good and he has a good working relationship with her.

Guidance Manual:

Lent: Doesn't have anything new.

Legislative Liaison:

Chair: Eric is not here does anyone have any comments?

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Emeritus Status:

Chair: Does NCEES require anything kind of emeritus status?

Jones: They require a letter from saying this individual is recommended for emeritus status.

Chair: NCARB doesn't have that.

Baker: Advises that his term ends in March and that he is on a NCEES committee that will go at least until the Annual Meeting which is in August. So if you guys want me to continue on that committee you will probably want to send a letter to them requesting emeritus status for me.

A short discussion reveals that if you are already on a committee you don't need the letter to finish out your term on the committee.

Budget Committee:

Walsh: We are in the FY11/FY12 cycle. I think the \$25 increase; our budget will still be reasonably healthy. He asks Vern to bring the Board up to speed on the FY13 budget.

Jones: This will be going in this Legislative Session and I read an article in the paper a few days ago that said the Governor was asking Departments to submit flat budgets. He doesn't want any increase over last time.

Walsh: Don is well aware of our situation do you think he would put in any more money for us?

Jones: I don't know. It wouldn't hurt to ask. He can't say yes if you don't ask.

Walsh: Suggests that we do that and the Chair submit a letter request.

Jones: I'm sure we won't get enough to send everyone to every meeting but we should be able to have someone at each meeting.

Baker: Reminds the Board that with the number of people leaving NCEES funds one new member to each meeting.

Continuing Education:

Chair: Brian is not here.

IDP Liaison:

Chair: Reports that this is a liaison with the AIA IDP coordinator and we do have a new IDP coordinator in AIA. That's a torch I should start thinking about passing to Richard.

Agenda item 19 – Licensing Examiner Report.

Kelly: I don't have much. She lets them read it and offers to answer questions.

Agenda item 20 – meeting Reports.

1 Brownfield: Gives a short report and offers to answer questions.

2
3 Walsh: Asks if they got caught in the hurricane?

4
5 Brownfield: No most of us that changed our reservations left early Sunday morning to get
6 out ahead of it made it. Those that stayed were stuck until Thursday. All of us were ok,
7 Brian was touch and go but at the last minute he was able to get on a plane.

8
9 He then passes out a short written report on his experiences with the investigators. He
10 attended their Saturday session. For a little over three hours he listened to each
11 investigator pass on how they handle things. He found it very interesting and learned a lot,
12 but isn't sure how he can apply it here. The key issue in his mind that he got from sitting
13 there for 3 – 3 ½ hours without a break listening to them talk is that John Savage has to be
14 there. Other Board members can be there and write notes as fast as they can write but the
15 types of things they got into, and here's a list of them. For example what is meant by direct
16 supervisor or responsible charge? There was in depth discussion how each state handled
17 their field activities and remote responsible charge. Another subject, what is the true
18 meaning of health, safety and welfare? How many times have we discussed that? Their
19 discussions weren't that much different than ours. When does the applicant fall under Board
20 jurisdiction? That's something I know John and I, well, this Board has had discussion about
21 this issue. Enforcing state regulations beyond state lines, that was an interesting session
22 right there. He noted that the same few investigators did most of the talking. He feels that it
23 is a travesty that John is not there. He noted that many of them talked about what their
24 enforcement staff is doing and it hit him that we don't even have a staff of one. We have a
25 staff of about one third. John needs to communicate with those people.

26
27 He also attended the ethics session that was a very good two hour session which we had
28 before but this was an updated version. Very good session I get something out of it every
29 time I attend it. Ethics is the very foundation of our profession. We can have all the
30 regulations in the world but they are built around the individual ethics of the professional.

31
32 Heieren: Gives directs attention to his written report on the Surveyors Forum and offers to
33 answer any questions.

34
35 Several members had trouble finding it so Heieren gave a verbal report.

36
37 Heieren: We went over CBT and the PS exams. There was an overview of the PAKS for
38 the PS and FS followed by a report on TWiST (Teaching with Spatial Technology) regarding
39 possible support on a National level. We discussed the reorganization of ACSM and NSPS.
40 There is news about Light Squared and its impact on GPS. Light Squared was granted a
41 frequency by the FCC that is close enough that it could interfere with GPS. There is a
42 listserv for surveyors he talks a little about a certified technician program to provide skilled
43 workers to work with professional surveyors. The possibility of excluding engineering
44 surveys from the engineering definition was discussed.

45
46 Lent: Reports on the CLARB meeting in Chicago. He notes that attendance at CLARB
47 meetings is also being hampered by funding problems. He explains the teleconference in
48 advance of each meeting. He advised the Council of the regulations changes taking place
49 in Alaska and his concerns of the environmental engineer overlap. He emphasizes the need
50 for the Board Executive to attend. He was allowed to attend the MBE section of the meeting
51 because Vern couldn't attend. He notes that that the graphic portion of the LARE is
52 changing to CBT format. He reports on the walking tour of a downtown Chicago's
53 Millennium park. The second day they started with a discussion on the terms of success
54 study. It's a study on how long after graduation do students do the best on the exam. He

1 explains the red line review program. During the regional meetings they discussed allowing
2 students to take the LARE while still in school which would require a regulation change for
3 us. He expressed concerns about the transition to all digital formats for the LARE. He
4 mentions the welfare study that CLARB did and encourages everyone to read it. He
5 mentions that the next meeting is in February in Coral Gables Florida. He notes that CLARB
6 is not allowing those not present to vote.

7
8 **Agenda item 21 – Board travel.**

9
10 Chair: Notes that the NCARB Regional is next and that we will ask for travel for one and the
11 he would travel at his own expense. He asks if there were any questions.

12
13 Walsh: It would be nice to get the list updated.

14
15 There was a discussion on the order of preference for travel and the available funds.

16
17 **Agenda item 22 – Board tasks.**

18
19 There was a short discussion on the task list.

20
21 **Agenda item 24 – Read applications into the record.**

22
23 **On a motion duly made by Baker seconded by Heieren and passed unanimously it**
24 **was resolved to approve the following list of applicants for registration by comity and**
25 **examination with the stipulation that the information in the applicant’s files will take**
26 **precedence over the information in the minutes:**

27
28 *The subsequent terms and abbreviations will be understood to signify the following*
29 *meanings:*

30 ‘FE’: refers to the NCEES Fundamentals of Engineering Examination

31 ‘FS’: refers to the Fundamentals of Surveying Examination

32 ‘PE’: exam’: refers to the NCEES Principals and Practice of Engineering Examination

33 ‘PS’: exam: refers to the NCEES Principals and Practice of Surveying Examination

34 ‘AKLS’: refers to the Alaska Land Surveyors Examination

35 The title of ‘Professional’ is understood to precede the designation of engineer,
36 surveyor, or architect.

37 JQ refers to the Jurisprudence Questionnaire.

38 ‘Arctic course’ denotes a Board-approved arctic engineering course

39

| | | | |
|-----------------------|-----------|--------|---|
| Chapin, Amber G. | Architect | Comity | Approved |
| Hathcoat, Daryl Brent | Architect | Exam | Approved - conditional upon A.R.E. ; Arctic & JQ |
| Leach, Blair S. | Architect | Comity | Approved - conditional upon Arctic |

| | | | |
|--------------------------|----------------|--------|--|
| Johnson, Richard S. | Architect | Comity | Approved - conditional upon Arctic & JQ |
| Choromanski, Nicholas J. | Civil Engineer | Comity | Approved |
| Church, Jimmy Ray | Civil Engineer | Comity | Approved |
| Fowler, Shaunda L. | Civil Engineer | Comity | Approved |
| Harmon, Michael K. | Civil Engineer | Comity | Approved |
| Jones, Robert Dean | Civil Engineer | Comity | Approved |
| Koch, Kenneth E. | Civil Engineer | Comity | Approved |
| Kotey, Douglas Todd | Civil Engineer | Comity | Approved |
| Mettemeyer, Alan R. | Civil Engineer | Comity | Approved |
| Patterson, William David | Civil Engineer | Comity | Approved |
| Reeder, Glenn R. | Civil Engineer | Comity | Approved |
| Scott, Christopher Paul | Civil Engineer | Comity | Approved |
| Sterk, Douglas J. | Civil Engineer | Comity | Approved |
| Golden, Pamela Kay | Civil Engineer | Comity | Approved - conditional upon Arctic |
| Policicchio, Ricardo J. | Civil Engineer | Comity | Approved - conditional upon Arctic |
| Posey, Thomas A. | Civil Engineer | Comity | Approved - conditional upon Arctic |
| Weber, Martin J. | Civil Engineer | Comity | Approved - conditional upon Arctic & JQ |
| Fortunato, William Frank | Civil Engineer | Comity | Approved - conditional upon Arctic + \$5 in fees |
| Chaparro, Carlos Alberto | Civil Engineer | Comity | Approved - conditional upon JQ |
| Mirizzi, Scott A. | Civil Engineer | Comity | Approved - conditional upon JQ |
| Rogness, Paul D. | Civil Engineer | Comity | Approved - conditional upon JQ |

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|---------------------------|---------------------|--------|---|
| | | | |
| Shogren, Robert George | Civil Engineer | Comity | Approved - conditional upon JQ |
| Smeltzer, Matthew W. | Civil Engineer | Comity | Approved - conditional upon JQ |
| Unocic, Frank R. | Civil Engineer | Comity | Approved - conditional upon JQ |
| Ybarra, Stephen D. | Civil Engineer | Comity | Approved - conditional upon JQ |
| Clark, Christopher W. | Civil Engineer | Exam | Approved - conditional upon PE-Civil exam |
| Darrow, Stephanie A. | Civil Engineer | Exam | Approved - conditional upon PE-Civil; & JQ |
| Ellington, James F. | Civil Engineer | Exam | Approved - conditional upon PE-Civil; & JQ |
| Murugesan, Karthik | Civil Engineer | Exam | Approved - conditional upon PE-Civil; & JQ |
| Broadwater, Jarod Everett | Civil Engineer | Comity | Approved - conditional upon verification of exams & current registration |
| Parisek, Matthew A. | Civil Engineer | Comity | Approved - conditional upon verification of exams, registration; & JQ |
| Patton, IV, John Perry | Civil Engineer | Comity | Approved - conditional upon verification of exams, registration; & JQ |
| Cuffle, Clint Ryan | Civil Engineer | Comity | Approved - conditional upon verification of FE; current reg; Arctic & JQ |
| Anderzen, Tor JS | Civil Engineer | Comity | Approved - conditional upon verification of PE-Civil, reference, & current registration; & Arctic |
| Kammerer, Christopher M. | Civil Engineer | Comity | Approved - conditional upon verification of PE-Civil; & Arctic & JQ |
| Li, Gar | Electrical Engineer | Comity | Approved |
| Salih, Marwan M. | Electrical Engineer | Comity | Approved |
| Tierson, Jan Paul | Electrical Engineer | Comity | Approved |
| Abts, Aaron W. | Electrical | Comity | Approved - conditional upon JQ |

| | | | |
|---------------------------|---------------------|--------|--|
| | Engineer | | |
| Brandt, Michael W. | Electrical Engineer | Comity | Approved - conditional upon JQ |
| Gharajeh, Naby | Electrical Engineer | Comity | Approved - conditional upon JQ |
| Mathison, Jon Philip | Electrical Engineer | Comity | Approved - conditional upon JQ |
| Molnar, Craig L. | Electrical Engineer | Comity | Approved - conditional upon JQ |
| Caswell, Adam James | FE | Exam | Approved |
| Grabowski, David J. | FE | Exam | Approved |
| Oakland, Bryan P. | FE | Exam | Approved |
| Ward, Walter | Mechanical Engineer | Exam | Approved - conditional upon PE - Mech, & JQ |
| Lemestre, Paul Robert | Mechanical Engineer | Comity | Approved |
| Elkins, Jr., Robert B. | Mechanical Engineer | Comity | Approved - conditional upon JQ |
| Wagner, Benjamin John | Mechanical Engineer | Exam | Approved - conditional upon PE - Mech, & JQ |
| Morton Knight, Naomi Jean | Mining Engineer | Comity | Approved - conditional upon JQ |
| Lacouture, Brigitte | Mining Engineer | Exam | Approved - conditional upon PE-Mining; & JQ |
| Lee, Vernon K. | Surveyor | Comity | Approved - AKLS |
| Potridge, Wesley A. | Surveyor | Comity | Approved - conditional upon verification of NCEES exams & AKLS |

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On a motion duly made by Baker, seconded by Brownfield and passed unanimously it was resolved to find the following list of applicants for registration by comity and examination incomplete

| | | | |
|-------------------|-------------------|--------|---|
| Frame, Timothy M. | Chemical Engineer | Exam | Incomplete - needs 4 additional RC months documented by a PE Chemical; & JQ |
| Buell, Shawn C. | Civil Engineer | Comity | Incomplete - needs 17 additional months experience to meet the 72 |

| | | | |
|------------------------|---------------------|--------|---|
| | | | mos req - of which 24 months must be documented by a PE Civil; & JQ |
| Kumar, Sushil | Mechanical Engineer | Comity | Incomplete - needs work verifications completed by a supervisor |
| Hipsak, Stacy Michelle | FS | Exam | Incomplete - needs 15 months additional experience |
| Paley, Norman | Mining Engineer | Exam | Incomplete - needs 21 months additional experience for FE waiver; 1 additional PE reference; |
| Schwartz, Guy Lamont | Petroleum Engineer | Exam | Incomplete - needs FE - or, 168 months additional experience verified by PE's for waiver; & Arctic |
| Odom, William James | Civil Engineer | Exam | Incomplete - needs PE-Civil; original transcripts for transfer credit; Arctic & JQ. FE waiver is approved |
| Anthes, Joel Oliver | Electrical Engineer | Comity | Incomplete - needs 12 months additional experience |

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Agenda item 25 – Review Calendar of Events

Jones: Want to set the May meeting? Western Zone is May 17, 18 and 19. He suggests the 3rd and 4th for the AELS meeting.

Baker: Asks where the meeting will be?

Jones: Fairbanks.

The May meeting was set for May 3-4, 2012 in Fairbanks. The August meeting in Anchorage was tentatively set for August 2-3, 2012. The November meeting was put off until next meeting.

Agenda item 26 – Board member comments.

Heieren: Gives a short report on EPS exam committee for surveyors. There were 8 charges and the report speaks to all of them. He gives a brief explanation of each charge. He feels it was an excellent meeting.

Anyone wanting a copy of this EPS report can obtain one by emailing richard.jones@alaska.gov.

Brownfield: Agrees and mentions that they hammered out some very important issues. He thanks staff.

Fredeen: Hopes that some of the regulations issues are finished. He feels that the silver lining in having to re-public notice something is the stack of responses and that people are interested. He thanks staff.

Baker: Appreciates the work of the staff. He comments on one of the comments from an applicant. He feels the Board made some Major steps both in engineering and surveying.

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Shiesl: Thanks the staff and notes that the Board passed a landmark with the adoption of the regulations changes.

Lent: Complements the new Chair on his conduct of the meeting. He thanks Bo for his work on the engineering branches and Cliff for his work on the surveying and he thanks the staff.

Walsh: He missed Eric and Brian and thanks staff for their support and Don for the baked goods. He mentions that with all the new branches the next Board may have to go to a three day meeting to get through all the files.

Rearick: Feels that Brian and Eric are going to be sorry they missed the conclusion of the regulation project. They worked on it and were not here for the last vote. He notes that no regulation is perfect but he feels these are reasonable regulations. There will be challenges with these but we will work them out. He thanks staff.

Chair: Thinks this is the hardest meeting he's been to. He thanks everyone including the staff for all their hard work.

14:32 the meeting was adjourned.

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Respectfully submitted:

Richard V. Jones, Executive Administrator

Approved:

Harley H. Hightower, FAIA Chair
Board of Registration for Architects,
Engineers and Land Surveyors

Date: _____