

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

10 Minutes of Meeting  
11 November 19-20, 2009  
12  
13  
14  
15  
16

17 By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, Article 6,  
18 the Board of Registration for Architects, Engineers and Land Surveyors held a meeting  
19 November 19-20, 2009 at the Atwood Building 550 West 7<sup>th</sup> Avenue, Suite 1270, Anchorage  
20 Alaska.

21  
22 Thursday, November 19, 2009  
23

24 **Agenda Item 1 – Call to Order and Roll Call**  
25

26 The Chair called the meeting to order at 8:00 a.m.  
27

28 Members present and constituting a quorum of the Board were:  
29

- 30 • Richard Heieren, Land Surveyor, Chair
- 31 • Harley Hightower, Architect, Secretary
- 32 • Clifford Baker, Land Surveyor
- 33 • Donald Shiesl, Public Member
- 34 • Richard Rearick, Architect
- 35 • Eric Eriksen, Electrical Engineer
- 36 • Burdett Lent, Landscape Architect
- 37 • Daniel Walsh, Mining Engineer

38  
39 Brownfield was unable to attend. The Board chair ask the board to approve the absence of  
40 Boyd Brownfield. There were no objections.  
41

42 Craig Fredeen arrived at 8:11 and Charles Leet arrived at 8:13.  
43

44 Representing the Division of Corporations, Business and Professional Licensing were:  
45

- 46 • Vern Jones, Executive Administrator
  - 47 • John Savage, Investigator
  - 48 • Jun Maiquis, Regulations Specialist
- 49  
50  
51  
52

1  
2 Representing the Department of Law was Assistant Attorney General, Gayle Horetski.

3  
4 Members of the public in attendance for portions of the meeting were:

- 5  
6
  - 7 • John R. Jones, representing himself.
  - 8 • Petra Sattler-Smith, representing herself.
  - 9 • Klaus Mayer, representing himself.
  - 10 • Patrick Kalen, PS, representing ACSM
  - 11 • Scott Hala, PE, representing MBA
  - 12 • Nick Rodes, PE, representing himself.
  - 13 • Dale Nelson, PE, representing APDC.

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

15  
16 The following changes were made to the agenda:

- 17  
18
  - 19 • Add 7 b) Exemption requests to CE requirements.
  - 20 • Add 8 b) Report by Lent on LA by experience only.
  - 21 • Add 8 c) Muni title 21
  - 22 • Move 9 to 10:25 for review of memo from Heieren re/phone conversation w/AAG Gayle Horetski.
  - 23 • Call AAG Gayle Horetski at 10:30 to discuss bylaws regulation project.
  - 24 • Under 15 – new business - Add Board member reappointment.
  - 25 • Under 16 – add dues setting process for license renewals.
  - 26 • Under 19 – add draft travel budget for submission to Division.

27  
28 **On a motion duly made by Baker, seconded by Walsh it was**

29  
30 **RESOLVED to approve the agenda as amended.**

31  
32 Hearing no objection the motion passed unanimously.

33  
34 **Agenda Item 3 – Ethics Reporting**

35  
36 There were no ethics violations reported.

37  
38 **Agenda Item 4 – Review/Approve Minutes**

39  
40 A change was made on Page 10, Board Travel - Baker was added between Brownfield and  
41 Leet. lines 40-41:

42 Line 49 was changed to read: Walsh will write a letter to Director Lynne Smith, for Richard  
43 Heieren's signature, regarding the board's need to travel.

44  
45 **On a motion duly made by Baker, seconded by Fredeen, it was**

46  
47 **RESOLVED to approve the August 27-28, 2009 meeting minutes as amended.**

48  
49 Hearing no objection the motion passed unanimously.

50  
51 Board Chair moved to item 6 due Carol has not arrived. Yet.

1 **Agenda Item 6 – Board Correspondence Sent Since May 2009**

- 2
- 3 • Unable to locate a copy of the letter to Robert Anderson regarding denial of his
  - 4 application for registration.

5

6 Moved on to item 8 old business.

7

8 **Agenda Item 8 – Old Business**

9

10 Chair ask Hightower if he had anything regarding the Carla Williams email.

11

12 Hightower responded that the owner of the document is a contractual thing. That some

13 clients require ownership of the documents and in some cases the design professional

14 retains possession of the documents.

15

16 Rearick concurred.

17

18 Hightower continued saying the second question is how to handle the PE stamp. If someone

19 is re-using my documents I certainly don't want my stamp on it. They should take full

20 responsibility although our statute don't say that but you know the drawing could be ten

21 years old and we've gone through 3 code changes and so we shouldn't have any

22 responsibility for that.

23

24 Rearick asked if this was the lady that came in last time and we told her basically the same

25 thing, that they had to stamp drawing and be responsible for all content in those drawings.

26 She was talking about some drawings they received that were old that they received from

27 the client or whatever and they were making some changes on them. And where that

28 discussion kind of led was, well if your substantively changing them then you need to stamp

29 them and take ownership. If you are doing a component in a building you don't need to re-

30 submit drawings for the whole building, just stamp the changes made in as much as they

31 effect egress or structural or anything else. That's how we responded to her last time. We

32 did note that we were going to research that a little bit. But its almost like the question she

33 was asking didn't pertain to site adapt, it pertained to what you have to stamp.

34

35 Hightower agreed to respond to Carla regarding her questions.

36

37 Chair ask Lent if he was ready to report.

38

39 Lent recapped his request at the August meeting that the Board think about a regulation

40 project to remove the experience only method from the regulations and require formal

41 education for registration as a landscape architect. He reiterated that to date no one has

42 applied under the experience only option. He passed out a copy of the proposal.

43

44 He went on to say – that he had consulted with Alaska chapter, ASLA and they indicated

45 that they would not oppose a change in the regulations. They think it's a good idea because

46 there is a need for landscape architects to get their training in a design environment so that

47 they have some experience and exposure to design principles in a formal setting in an

48 educational institution. So from that standpoint the public is better served by having people

49 who are properly trained. When using experience only it is difficult to achieve that end. The

50 Alaska chapter ASLA is going to take it up at their next board meeting and give a formal

51 response on how they feel about this item.

52

53 Lent went on to report on the Muni title 21 code on land use and land use requirements. He

1 recapped a little on his previous report saying that originally they had a licensing  
2 requirement on landscape architecture and this did not reflect the states regulations. He  
3 went on to say that after he contacted them they included wording to bring their regulations  
4 in line with the state regulations and that they have provisional approval for the change.

5  
6 Chair notes that we have a few minutes to spare so he asked the Board to read his memo  
7 regarding a phone conversation with AAG Horetski regarding the bylaws and emails  
8 between board members.

9  
10 A discussion followed regarding the AAG's resistance to Board bylaws and the possible  
11 violation of the open meetings act by doing committee work by email between meetings.  
12 Communications between board members between meetings should go through staff.

13  
14 The AAG feels that none of the other boards have bylaws and doesn't understand why this  
15 board needs them. One problem is repeating statutes and regulations in them.

16  
17 Shiesl noted her statement about the other boards not having them and ask why do we  
18 need them. Heieren responded that the answer is continuity and that of the ten or so boards  
19 he is on this is the only one that doesn't have bylaws.

20  
21 Heieren then talked about the email problem. He reiterated that communications between  
22 board members should go through staff.

23  
24 Leet pointed out that the Alaska Municipal League recently had an orientation for new  
25 officials on what members of different governing bodies are allowed to do and not allowed to  
26 do in and out of meetings. He suggested that maybe Vern should try to get a copy of the  
27 presentation.

28  
29 Discussion continued on the open meetings act and how committees could accomplish their  
30 work.

31  
32 Chair asked Shiesl to get together with the AAG and find out specifically what she didn't like  
33 in the bylaws and then re-write them.

34  
35 **Agenda Item 5 – Investigative Report**

36  
37 The Chair invited Investigator Savage up to give his report.

38  
39 Savage asks if there were any questions on the Board Report.

40  
41 Walsh asks for a report on his attendance at Council on Licensing Enforcement and  
42 Regulations.

43  
44 John gives a report on the CLEAR course emphasizing the value of the contacts made with  
45 investigators from other jurisdictions.

46  
47 Rearick asked how much he deals with people who are interpreting incidental practice  
48 different than he interprets it.

49  
50 Savage responded that he doesn't interpret incidental practice. When he comes across a  
51 potential violation he collects all the information, drawings etc. and presents them to the  
52 Board review committee and they make the call.  
53 Hightower explains how hard it is to make the decision because of AG decisions in the past.  
54 We may feel it's a violation but why spend the money taking someone through the process

1 when the AG is going to have a different opinion. That's why we are working on these  
2 statutes and regulations to try to close that door.

3  
4 Savage adds that in a lot of cases the individual is cooperative and invites another design  
5 professional to review and stamp the questioned portion of drawings and with the AG's  
6 present case load that is usually the best way to proceed.

7  
8 Rearick notes that there has been influx of design professionals from out of state and asks if  
9 there is an increase in cases where they may think they can stamp because of what they  
10 are used to doing somewhere else.

11  
12 Savage responds that the problem is huge now because our economy hasn't been impacted  
13 like the economy in some other states. He points out the various violations he comes  
14 across, such as the individuals may be licensed but the corporation is not. They are  
15 stamping old drawings with no site adaptation or if there is, without redoing the calculations  
16 to bring them up to code. Not including letters from the original design professional, double  
17 sealing without calling out areas of responsibility, etc. He remarks that the case load is  
18 overwhelming but we are still only getting the tip of the iceberg.

19  
20 Rearick asks where the bulk of the complaints come from.

21  
22 Savage replies that they come from various sources, resident professionals, visits to the Fire  
23 Marshals office or Muni and job site visits.

24  
25 Eriksen asks if there is a way to summarize these types of things in the report.

26  
27 Rearick adds that he doesn't want to add to work load but this type of discussion is a good  
28 way to identify particular problem areas but that if the report contained a ton of detail we  
29 probably wouldn't have the time to review it all.

30  
31 Savage agrees and adds that that would take away time from working on the case load.

32  
33 Lent asks if the he has had a chance to use disciplinary guidelines and list of sanctions and  
34 if they were helpful.

35  
36 Savage responds that they are priceless. It takes out the guesswork and that they will be a  
37 great reference tool for future boards and investigators.

38  
39 Baker states that the NCEES Law Enforcement Committee that he is a member of if doing  
40 research on what states have a code of ethics for investigators and asks if Alaska has one.

41  
42 Savages' response is no.

43  
44 Baker continues – we are looking at new technologies and training coming down the pike  
45 and was wondering if you would be interested in some of those programs?

46  
47 Savage responded that he would but the board would have to go through his supervisor.

48  
49 Heieren ask how many times he has met with the investigative advisory committee.

50  
51 Savage responds quite a bit.

52  
53 Hightower adds that it was more than twice a month. Probably twice since last meeting.

54

1 Savage concurs.

2  
3 Savage says that he will stay for public comment and would also like to talk about  
4 exemptions for specialty contractors later today when the Board addresses the subj. He  
5 further states that some EA's and MA's as individuals are putting the word out that  
6 mechanical and electrical design professionals are not needed so people are starting to  
7 stretch the interpretation of that exemption and he wanted to bring that to the Boards  
8 attention.

9  
10 Hightower says actually we've got some suggested language on that. We just haven't acted  
11 on it. He then asks the Chair if this can be added to agenda item 10.

12  
13 Chair agrees to add it under incidental practice.

14  
15 Fredeen asks Savage if the EA's and MA's are under the Contractors Board.

16  
17 Savage explains that they are under their own Board but that it's not a sitting Board.

18  
19 A discussion followed about the scope of the problem and possible ways to address it.  
20 Whether through statute changes and getting the word out through the societies.

21  
22 Fredeen and Savage explained to the other Board members what an EA and MA are and  
23 what they are allowed to do.

24  
25 Chair asks Hightower to work with APDC on a statute change and Fredeen and Erickson to  
26 look at the EA and MA regulations for conflicts with BRAELS statutes and regulations.

27  
28 Fredeen asks if we can further define the statute through regulation without going through a  
29 statute change

30  
31 Chair asks Hightower to look into it.

32  
33 The discussion continued on the problem of specialty contractors, MA's and EA's and how  
34 to amend item 7 to alleviate the problem whether it be changing the wording or removing the  
35 exemption or addressing it in regulation.

36  
37 **Agenda Item 7 – Correspondence Received Since August 2009 Meeting**

- 38  
39 A. Michael Aye. Mr. Aye sent an email explaining that he does not have a copy of  
40 his transcript from Myanmar Burma and may not be able to get another because  
41 Burma is a dictatorship. Vernon will attempt to get a copy from the Ohio Board.

42  
43 Leet recommend he go to NCEES and get their Model Law.

44  
45 Baker asked if we required copies for comity applicants. And recommended we ask Ohio for  
46 copies of the transcripts.

47  
48 Jones explained our requirements and the few exceptions we allow for foreign applicants.

49  
50 Jones will try to get a certified copy of his transcripts from Ohio.

- 51  
52 B. Requests for exemption from Continuing Education.

53  
54 Jones recommend these be reviewed in executive session since many contain confidential

1 information.

2  
3 Chair let's move on to item 9 A.

4  
5 **Agenda Item 9 – Regulation Update**

6  
7 A. Second Reading proposed regulation project – 12 AAC 36.090

8  
9 Fredeen started a discussion on the project which was to change the requirements for the  
10 FE exam for comity applicants.

11  
12 Jones explained how the comity regulations read before the last change compared to now.

13  
14 Fredeen ask how hard it would be for someone to go back 20 years and get verifications for  
15 a waiver of the FE.

16  
17 Chair called for a break while that question was being considered.

18  
19 9:30 a.m. – 9:40 a.m. Break

20  
21 Discussion continued regarding the requirement for comity applicants to provide proof of  
22 having passed the FE.

23  
24 Walsh pointed out that the Canadians were not required to pass it because they had  
25 demonstrated such a high pass rate.

26  
27 Fredeen doesn't remember this being an oversight, that we willingly went down this road  
28 because we wanted to make a level playing field.

29  
30 Discussion continued recapping past changes that led to this situation.

31  
32 Chair asks if the board wants a vote on the matter and suggests that further discussion may  
33 be needed.

34  
35 Fredeen asks which way would cause the most problems, leaving it like it is or changing  
36 back to prior verbiage.

37  
38 Leet believes the regulation should be left as is. We leveled the field between instate folks  
39 and out of state folks with the exception of the Canadians.

40  
41 Baker points out that the change took away the ability of a comity applicant to be registered  
42 based on how our regulations read at the time he was originally licensed.

43  
44 Eriksen recalls that during the last meeting while reviewing applicant files they came across  
45 some specific cases that brought to our attention that this had been removed as part of the  
46 reg change and that it may not have been an intentional removal and that there was some  
47 conflict with international applicants and we were not holding people to the same standards.

48  
49 Walsh suggests that they look at the minutes and see if they can find those cases.

50  
51 Eriksen reads 12 AAC 36.090 and states that we are holding the Canadians to a lesser  
52 standard.

53  
54 Walsh points out that it was intentional because during discussions at NCEES and Western

1 Zone the Canadians had demonstrated that their university graduates had a real high pass  
2 rate, something like 95 or 99 percent.

3  
4 Chair asks Fredeen if he wants to defer further action until the next day. Fredeen concurs.

5  
6 **On a motion made by Fredeen, seconded by Walsh it was**

7  
8 **RESOLVED to table the second reading until the next day.**

9  
10 Hearing no objection the motion passed.

11  
12 Item 9a moved to 8:05 a.m. November 20<sup>th</sup>. Chair points out that reason he wanted to move  
13 to the next morning was because we would be reviewing application this afternoon and  
14 something might popup that reminds us of the situation.

15  
16 The Chair decides to put 9b off until time to call AAG Horetski.

17  
18 It was noted that 9c concerning the tables for FE/PE and FS/PS had passed and a brief  
19 discussion followed.

20  
21 Walsh explains that for engineers the change in the tables removes the possibility of  
22 applicants being licensed on course work and experience, a degree is now required.

23  
24 Baker explained that although the 2 year automatic credit for a civil engineering degree had  
25 been removed from the FS/PS tables that applicants could still get credit for course work on  
26 applicable courses they took to get their civil engineering degree.

27  
28 Chair moved back to 9 b and asked everyone to look at the bylaws. Chair points out that  
29 the Board did adopt the bylaws but that they were not in force because of the opinion of the  
30 AAG's office that they have not been referenced in regulation. He asks if anyone has any  
31 questions and notes that a high percentage of them are restatement of Statutes and  
32 Regulations and board practices that have been in use since he has been on the Board. He  
33 further states that he is inclined to rewrite them instead of giving them to the AAG for rewrite.

34  
35 Leet suggests we not even discuss until after we talk to the AAG. Chair agrees.

36  
37 **Agenda Item 10 – Special Committees/Standing Committees**

38  
39 **Special Committees**

40  
41 Chair asks if everyone got the position paper from Brownfield.

42  
43 A. General Licensure. The chair of this committee, Leet, told the board that the last  
44 time they met they decided that they needed to get a position paper out because sometimes  
45 the question comes up, why are you guys doing all this? He then introduces a first draft that  
46 should be sent to all registrants and societies to get some feedback.

47  
48 Baker explains how the project to bring in three sub disciplines evolved into general  
49 licensure and that the way this is presented in the draft is that it could take up to three years  
50 and if it doesn't go through then going back to the three specialties would take another three  
51 years he points out that it was a stop gap to get the three specialties in while the board  
52 looked at general licensure and suggests that the Board shouldn't stop looking at them.

53  
54 Jones adds that NCEES is going to stop allowing out of state proctoring of the exams in



1 October of 2010 and that we have people in Alaska taking the fire protection exam that will  
2 have to travel out of state to take the exam and suggests that this be considered.

3  
4 Fredeen suggests that the time frame should be adjusted because he knows of at least one  
5 individual that has been trying to get licensed for a long time as an environmental engineer  
6 and said he would be here today for public comment. He goes on to point out that the draft  
7 doesn't address the fact that environmental and structural are being licensed as civil and it  
8 doesn't say very clearly why adding those three licenses died in that DOT was opposed to  
9 adding structural and the biggest hurdle was the grandfathering.

10  
11 The Chair advises that there is guidance for grandfathering in NCEES Model Law. He then  
12 asks Leet to get the committee to finalize the position paper and tells the Board that if  
13 anyone has comments on the draft to submit them to Leet through Jones. The Chair would  
14 like to see it presented at the next meeting focusing on an information gathering request  
15 similar to what the surveyors did so we get feedback.

16  
17 Leet suggests that the societies be included in the mail out. Chair agrees.

18  
19 Chair asks Hightower if he wants to do as-builts and record drawings or defer to later.

20  
21 Hightower agrees to deferral.

22  
23 Chair asks to discuss specialty contractors item 10 C for ten minutes.

24  
25 Hightower refers to a handout he distributed and notes that Baker made the suggestion that  
26 the Board try to handle it in regulation instead of changing the statute but that he couldn't  
27 find an appropriate place in the regulations to put it. He refers everyone to the statement on  
28 the third page of the handout and states that he believes the original intent of the exemption  
29 was to allow specialty contractors to prepare shop drawings and other submittals without  
30 having them stamped by a licensed professional and typically those shop drawings and  
31 submittals are reviewed by the design professional prior to being incorporated in the work.  
32 He notes that a statute change will require a position paper and suggests that if he's going  
33 to work with APDC he will work one up and present it at the next meeting and get it to Jones  
34 for distribution and we can take this up at the next meeting.

35  
36 Savage suggests that he could do some research on what the original intent of that  
37 exemption was if it would help.

38  
39 Hightower agrees that it would help.

40  
41 A short discussion on exemption for fire protection engineers followed.

42  
43 Eriksen offered that most shop drawings were submitted to an engineer for review and  
44 approval.

45  
46 Rearick added that fire suppression engineers submitted drawings directly to the Fire  
47 Marshal and that submission to the engineers was so they could incorporate into their plan,  
48 not for approval.

49  
50 Lent requests that landscape architects be added as they have specialty contractors whose  
51 designs could cause problems and that they should be reviewed by a registered landscape  
52 architect.

53  
54 Moved to item 9 B and placed call to AAG Gayle Horetski.

1  
2 Chair informs AAG Horetski that he has brought the Board up to date on the conversation  
3 he had with her and asks if she has had any further thoughts on the bylaws.  
4

5 AAG Horetski introduces herself for the record and states that the bylaws are a mix of what  
6 are considered bylaws, which an organization would use to conduct their business, and  
7 summaries and sometimes direct quotes of State Statutes and Regulations that shouldn't be  
8 in the bylaws. She suggested that the board might want to separate this into two different  
9 documents, one could be bylaws and the other could be titled a summary of applicable laws  
10 for new board member training or something like that and it wouldn't have to be adopted by  
11 the board it would just be a handout for orientation or an overview to new board members.  
12

13 She went on to discuss board policies and historical information and says that if the board  
14 intends to enforce any of the policies they must be put in the regulations. She points out  
15 that there is an "Administrative Procedures Act that sets out the procedures for adopting  
16 regulations including notice to the public, comments from the public, adopted by the board,  
17 reviewed by the department of law, none of those things are present when the Board at a  
18 Board meeting just adopts a policy that the public hasn't had a chance to comment on". The  
19 important thing is that the public is not on notice that the Board is applying its regulations in  
20 a certain manner and the Board can't force the public to comply with them. She gives an  
21 example of item B 5 in the application review policies and states that if the board wants to  
22 enforce that it must be in regulation to be enforceable. "And so one, you want to do it right  
23 so that we serve the public and the licensed professionals and two, you certainly want to  
24 avoid situations where someone is denied a license, they ask for a hearing, they win, the  
25 Board loses because hasn't adopted their requirements in a proper manner and three what  
26 may be a worse situation is that some disgruntled applicant files a suit against the Board."  
27 She went on to note that it could be extremely expensive and have an impact on the fees  
28 and that if the Board loses the Board pays its own fees and the attorney fees of the plaintiff.  
29 She went on to ask what to do with the bylaws that aren't really bylaws and she strongly  
30 encouraged the Board to initiate a regulation project to cull out the policies that the board  
31 wants to be enforceable.  
32

33 The Chair points out to the AAG that this Board didn't initiate most of the policies. That they  
34 were in place before most of the present members were appointed to the Board.  
35

36 The Chair then asks if she would be able to take a look at the bylaws and highlight the ones  
37 she thinks should be removed by the next meeting and go through our policies and indicate  
38 which ones you think should be in regulation.  
39

40 AAG Horetski agrees that she could do that.  
41

42 Chair acknowledges the presence of Mr. Maiquis and asked the AAG if she could also  
43 provide a summary regarding emails between board members. He referenced a  
44 conversation with her where he got the impression that maybe emails between two  
45 members might be ok.  
46

47 AAG Horetski explains the open meetings act and the legislature's view that the public's  
48 business should be conducted in public and that the emphasis should be on conducting the  
49 public's business in public and not in private emails.  
50

51 The Chair asks if she could provide written guidance by the next meeting and she replied  
52 she would see what she could do.  
53

54 Fredeen suggested that since this has been an item of discussion since he has been on the

1 board that maybe instead of recreating the wheel that there may already be something from  
2 the AG on this.  
3  
4 AAG Horetski said she wasn't sure it existed but she would see if she could find something.  
5  
6 Rearick ask if emails could be used and then presented later in a public meeting.  
7  
8 AAG's response was "no"  
9  
10 The Chair thanked AAG Horetski for her time and input.  
11  
12 Call ended.  
13  
14 Short discussion on the AAG's comments regarding emails and public meetings.  
15  
16 Fredeen asked Jones if we had talked about this before.  
17  
18 Jones responded that she had met with the Board in Juneau last February or the year  
19 before and said pretty much the same thing she said this time.  
20  
21 The Chair stated that he sees emails as research and no decisions are made.  
22  
23 Jones cautioned that as the AAG said if someone submits a freedom of information request  
24 they would have to provide the emails.  
25  
26 The Chair states that he never puts anything in an email that he wouldn't publish in a news  
27 paper.  
28  
29 Leet offers that while decisions are not made they are starting to form.  
30  
31 Lent recaps the previous chair's procedures for committees and agrees that committees are  
32 formulating a recommendation to the Board. So there is a decision made during the  
33 committee work. He goes on to ask if the committees can't communicate with each other,  
34 how are they supposed to get their work done.  
35  
36 Eriksen offers that the fact that we are working in the interest of the public's health, safety  
37 and welfare is a function of impetus to our board.  
38  
39 Rearick adds that he doesn't know if the State has ever defined email communication and  
40 under the document she gave the Board they are offering an opinion of the AG and they say  
41 "The present practice of allowing boards and commissions to conduct routine business by  
42 mail does not violate the open meetings act. It neither constitutes a meeting nor is it  
43 motivated by an intent to circumvent the open meetings act, rather mail voting is expressly  
44 authorized by statute and it is also further sound policy by reducing administrative costs and  
45 administrative burdens." So, if conducting business by mail is ok, what is email?  
46  
47 Chair asks when she handed that out?  
48  
49 Rearick says it was at his first meeting in February in Juneau when she said that no more  
50 than two members could get together when in fact this says more than three members or a  
51 majority of the members constitutes a meeting.  
52  
53 Jones asks if we should bring this to the next meeting, Chair concurs.  
54 Rearick offers its 44..62.310.

1  
2 **On a motion duly made by Hightower, seconded by Rearick it was**

3  
4 **RESOLVED to table the adoption of 12 AAC 36.910 bylaws until the February meeting.**

5  
6 Hearing no objection the motion passed.

7  
8 Chair 10 B. As-Built/Record Drawings.

9  
10 Hightower asks everyone to look at the handout labeled 10 B and states that it has been  
11 handed out before and ask if anyone has any comments and specifically Heieren and Baker  
12 because it pertains to as built. He also points out that it's not a regulation change but just  
13 for the Guidance Manual.

14  
15 The Chair provides a quick history of this item and how legislation was introduced by a  
16 legislator out of Valdez to deal with this issue with statute and the state societies stepped up  
17 and actually drew up standards and that all of the as-built are not always called as-builts.  
18 They are called mortgage location surveys and asks if that should be included.

19  
20 Lent offers that it would be a good idea because landscape architects are often asked to  
21 provide as-built drawings.

22  
23 Baker explains that a lot of people use the terminology "as-built" interchangeable with some  
24 other terms that really aren't the same but the intention is, and these record drawings are  
25 not really an as-builts, they are a record of the change that was made at the time. He further  
26 explains that an as-built is more than a drawing it's a time stamp that shows what the  
27 conditions were at the time that as-built was done. This could change almost immediately an  
28 that as-builts have a specific purpose. He offers a couple of examples to show how an as-  
29 built becomes a time stamp.

30  
31 Hightower adds that for years they used "as-built" and then changed to "record drawing" for  
32 some of the reasons Baker pointed out.

33  
34 Leet offers that there is a legal definition.

35  
36 Rearick relates how the Muni of Anchorage creates confusion in that they require a plot plan  
37 that they call an as-built that requires a surveyor stamp. So they are asking a surveyor to  
38 stamp an as built that shows future work as well and at the end of the job the surveyor  
39 confirms what's there but in the permitting process it causes problems.

40  
41 The discussion continued for a short time with the result that this would be considered a first  
42 reading and Heieren and Baker would add to it.

43  
44 Rearick asks where the surveyors get their definition of an "as-built", if there was something  
45 published.

46  
47 The Chair answers "yes, it's the American Land Title Association in conjunction with a  
48 national organization, The American Congress on Surveying and Mapping, and its typically  
49 what you've seen as an ALTA Survey? It's actually an as-built.

50  
51 Rearick indicates it would be good to use similar language.

52  
53 Lent supports Rearick's suggestion.

1 The Chair agreed that it would be helpful to have it. "Let's go ahead and call that a first  
2 reading then between Cliff and I we will transmit to Vern what needs to go in the second  
3 reading.  
4

5 Leet notes that there are standards for an as-builts to be drawn up and that some surveyors  
6 don't necessarily follow those standards.  
7

8 Chair states that he intended to bring it up under new business then went on to relate to the  
9 Board his views regarding notifying all surveyors of the ASPLS standards and that they are  
10 available and that they are an industry standard kind of like a code and that all surveyors  
11 should be notified and that since he already said it all maybe it wouldn't be necessary to  
12 include under new business.  
13

14 Leet requested to talk about it under new business because he had more to add.  
15

16 Chair reemphasized that the way to handle it would be a mail out to all surveyors that the  
17 standard is there and should be followed  
18

### 19 C. Incidental Practice. 20

21 Hightower refers to his handout and gives a little history. He relates that some other Boards  
22 have broad requirements based on building size and occupancy and he doesn't feel this is  
23 the way to go. So, he came up with the statement in the handout and the biggest comment  
24 was regarding his statement that if its incidental to your practice and you can show by  
25 education, experience and examination that you can do that incidental practice its  
26 acceptable. The main comment received was to change "and" to "or". He continues noting  
27 that our licensing is based on those three items and goes into some examples of problems  
28 with incidental practice and doesn't feel that making that change is to way to go.  
29

30 Fredeen states that if they use the word "and", that would eliminate any incidental practice  
31 because they would have to have taken an examination and suggests that maybe change it  
32 to read "registrants must have a combination of education, experience or examination" and  
33 that having two of the three might be acceptable.  
34

35 Baker's concern is that they all have been licensed under the three legged stool to get  
36 where they are now and continuing education is now in place and brings in a lot of new  
37 technology. He goes on to relate that there are no exams involved with a lot of the  
38 continuing education. And that even though this is incidental practice it is far reaching in that  
39 it could stop licensees from practicing things in their field that they have not been tested in.  
40

41 Lent supports Hightower's position he then reads the exemption for landscape architecture  
42 in AS 08.48.281(b) and states that landscape architectural plans should be done by  
43 landscape architects.  
44

45 Leet contends that there is a gray area where the disciplines meet and gives an example of  
46 work his firm does and adds that the grey area may expand a little as you get farther from  
47 the Anchorage bowl.  
48

49 Rearick "I would contend that that little band of gray could expand dramatically". He goes  
50 on to recognize that cross over is necessary to make things work. But that it comes down to  
51 an individual's self appointed authority by their own resume. Someone coming from another  
52 state or industry where it has been over looked for years may decide that their incidental  
53 practice is a lot bigger than anyone on this Board would agree to. "I've done some  
54 research, looked at some other state policies and all the states struggle with this issue." He

1 reiterates what Hightower said earlier about some states handle it by size of building or size  
2 and type of occupancy and that he doesn't believe this is the way to go. He then provides an  
3 overview of the many codes that are constantly changing to support his opinion. He  
4 presents an example of an engineer who also has an architectural education and asks if he  
5 would be considered qualified to stamp a building plan with just his engineer stamp. "I don't  
6 think we are very clear on this". He believes the board needs to be of like mind on what  
7 incidental practice is and what the Fire Marshal's office perceives incidental practice to be.  
8 He went on to say he brought up the "and/or" but thinks that "or" may be better for the  
9 reasons Fredeen mentioned and that he is in agreement with what Hightower put down in  
10 the handout.

11  
12 Hightower responds that he believes the GPS situation could be handled with adding some  
13 verbiage similar to what is in site adapting plans that "you can seal only those documents  
14 that are in the realm of the registrants discipline" which would include GPS. So that would  
15 leave it up to the registrant to know whether he has that expertise. He adds, "I find myself in  
16 this position all the time. Legally I could design and stamp a 500 bed hospital, and  
17 admittedly I'm not qualified to do that." He adds that most know and work within their  
18 limitations but there is a small percent that don't. He mentions that he could accept the  
19 suggestion Fredeen made regarding using a combination and could accept "or". Then if the  
20 statute gets changed and a case comes before the investigator we would have the authority  
21 to ask them to show where they have those qualifications.

22  
23 A short discussion followed on whether it was ready to present to APDC.

24  
25 Hightower will wordsmith the document and pass to all through Jones.

26  
27 A discussion followed on whether it would be better to go forward as a regulation instead of  
28 a Statute.

29  
30 Hightower will provide a whitepaper to APDC.

31  
32 The discussion shifted to a memo from DOT regarding traffic lighting design.

33  
34 Erickson began the discussion by presenting background on the situation and the progress  
35 the committee has made.

36  
37 Lent added that he knew of an engineer that was concerned about the possible outcome of  
38 this.

39  
40 Leet disagreed because this pretty much drew the line at the load center which is where it  
41 should be but that the memo should have said that downstream from the load center could  
42 be stamped by an electrical or civil engineer.

43  
44 D. Licensure Mobility. The Chair asks if there is a report from this committee.

45  
46 Walsh offers that he hasn't heard from Brownfield on this and hasn't completed his report on  
47 Australian Licensure.

48  
49 The Chair asks if everyone would agree to going down and grabbing a sandwich and  
50 returning to continue the discussion during lunch.

51  
52 Baker suggests that it would be better to wait until 12:30 because the lines would be shorter.

53  
54 Chair asks if there is any further discussion on Licensure Mobility?

1  
2 E. Mining Engineers/Geologists.  
3

4 Walsh refers to a handout and reports that he had a response from Lent but hasn't heard  
5 back from Brownfield yet and that this is a new committee and some may wonder why it  
6 exists and that his handout is a background statement to answer that question. He goes on  
7 to explain that this came about because of a complaint that Canadian companies were  
8 doing business in Alaska using geologists to do work that mining engineers do in Alaska. He  
9 explains how geologists are certified in Alaska noting that all they need is certification by the  
10 national organization and they are then issued a certificate with no expiration date. He adds  
11 that he was hoping to get some input from Brownfield at this meeting concerning a letter  
12 Brownfield had prepared to the Commissioner on this subject and doesn't know if the letter  
13 was sent. "do you know Vern?"  
14

15 Jones adds that a letter was sent to the division asking for their support in placing the  
16 geologists under this board but doesn't recall if it went to the Commissioner.  
17

18 Walsh continues explaining that bringing them under this board would require a lot of leg  
19 work. It would require a definition of what geologists can do and address the overlap with  
20 mining and civil engineering. He then explains the Canadian processes and what they allow  
21 geologists to sign off on and how that is directly related to mining engineering in Alaska. He  
22 follows with Pennsylvania's definition on geology and that it would be a good base to build  
23 on for Alaska.  
24

25 The Chair asks if he feels the geologists should be brought under the purview of this Board?  
26 Are we ready to do a position paper? Do you feel there is some damage being done to the  
27 public health, safety and welfare and is there more than one case?  
28

29 Walsh responds that originally there were six complaints and that it would depend on how  
30 the board wanted to define welfare. Welfare to him contained a large economic component  
31 and the regard for future downstream environmental damage. He agrees that it is a problem  
32 but is not sure this board should take on the certification of geologists.  
33

34 Jones offers that it could be handled the same way Architects are in that the Board could  
35 accept the certification from the national organization.  
36

37 The Chair then asks if the committee is ready to offer a position paper or any conclusion.  
38

39 Walsh responded that they were not at that point yet that he had contacted the president of  
40 the Fairbanks chapter of the AIPG and he is going to provide some professional practice  
41 descriptions of what geologists do and that he (Walsh) was going to check with the national  
42 mining engineer society as well.  
43

44 Lent offers that we should have better regulation of geologists than we do.  
45

46 Walsh says the president in the Fairbanks chapter of the AIPG was going to come to the  
47 meeting in May.  
48

49 Chair asks "do you want to just hold it abeyance until that discussion is followed up at the  
50 May meeting?"  
51

52 Walsh responds fine and maybe at that point if the Board wants to give some additional  
53 direction that would be welcome.  
54

1 Chair replied "let's do that" he continued explaining that Brownfield had a computer failure  
2 and wasn't on line until a couple weeks before the meeting.

3  
4 12:12 p.m. - 12:45 p.m. Break for lunch.

5  
6 Chair ask if the Land Surveyor committee has a report or since part of this will be covered  
7 tomorrow under new business did they want to wait until then.

8  
9 F. Land Surveyor Education Committee.

10  
11 Baker reports that they would like to defer most of it but would like to bring up that Richard  
12 has passed out an article from Dave Gibson, a surveyor professor in Florida that has done  
13 quite a bit of research on this. I put together a table on the states that required a four year  
14 program. If you look the issues addressing professionalism, and four year degree verses  
15 two year degree and then no degree and the table you will pretty much see everything I  
16 could have come up with for a report at this time. He further states that there are quite a few  
17 letters that came in response to the survey that was sent out. "I think we got a pretty good  
18 response from that, I liked the way that worked out".

19  
20 Chair states that we are in an information gathering mode and that he would strongly  
21 recommend anyone interested should read the article Cliff spoke of. He goes on with a little  
22 history on surveying and the split from engineering.

23  
24 Baker adds that on line along with the article there are some court cases and that they will  
25 probably be the determining factor in the four year degree requirement.

26  
27 Chair finalizes the comments with his personal observation which brought this to his  
28 attention. He goes on to relate that he is on the examination committee at NCEES and how  
29 the cut off scores should concern the Board. He explains that before he was on the  
30 committee he considered the exam as a good bench mark on establishing someone's  
31 minimum competence. He then explains that the cut score of 70% is actually a curve, it is  
32 not 70% of the questions being answered correctly. And that the curve over the last three  
33 exams for surveyors is 53%. He continues that he has taken these exams without knowing  
34 the answers and he was hard pressed to miss one question out of eighty. He feels there is  
35 something wrong that he can't put his finger on but he believes education needs to be really  
36 pushed harder as far as the land surveyor profession is concerned. His personnel  
37 experience is that the examination is not doing the job.

38  
39 A short discussion on exam grading followed.

40  
41 **Standing Committees**

42  
43 G. Investigative Advisory Committee.

44  
45 Hightower states that he had taken notes but had forgotten to bring them.

46  
47 H. Guidance Manual.

48  
49 Lent reports that a formal report is not due so what he brought was some research and  
50 some questions. He requests that a flyer be included in the packets regarding the status of  
51 Statute and Regulations projects. He continues that the new manual is the one on hand and  
52 it will be updated in February.

53  
54 A brief discussion regarding the definition of Health, Safety and Welfare followed by a



1 discussion on the use of the phrase “best practices”.

2  
3 Chair suggest that Lent go through the normal process of accepting addendums to the  
4 manual and point them out at the next meeting and the Board can vote on them.

5  
6 Lent continues with his report. He points out that Hightower is working on stamping of 95%  
7 drawings. He then asks if anyone knows why the information on where to place the date in  
8 relation to the stamp and the statement about a wet signature is missing from the published  
9 copy. He adds that he will be adding the list of sanctions and disciplinary guidelines.

10  
11 Baker points out that the Guidance Manual is mostly for the lay person and asks why we  
12 would put the list of sanctions and disciplinary guidelines and adds that he’s not sure this is  
13 the proper place for that.

14  
15 Leet states that it was originally a Reference Manual and a good place for anyone to find  
16 something and that it may be good to show that there are stiff penalties for people that don’t  
17 do what they are supposed to do.

18  
19 The Chair responds to the question of Reference manual verses Guidance Manual that it  
20 was attorney driven. Guidance is more like the word says, guidance. Reference infers  
21 some actual regulation. He goes on to relate how other states handle it and the evolution  
22 from Building Officials Manual to Guidance manual and how it is a good source of  
23 information not only for the public but bureaucrats and professionals as well.

24  
25 Fredeen points out that the electronic signature is covered in the FAQ’s but that it wouldn’t  
26 hurt to have it in two places.

27  
28 **Agenda Item 11 – Public Comment**

29  
30 Chair – Each person will be allowed 3 minutes then we will open it to questions.

31  
32 John Jones representing himself: “I am a licensed environmental engineer in the state of  
33 Florida. I’ve been licensed about eight years and just want to talk to you today about  
34 licensing environmental engineers.” He tells the board that though he has been licensed in  
35 Florida for eight years he has been in Alaska about seven years and that he has maintained  
36 his Florida license because he can’t get licensed here. He asked when he first got here,  
37 “can I get licensed and they said well soon”. He related how he had followed meeting  
38 minutes for the seven years and finally decided he had to come and talk about it because  
39 it’s impacting his career and impacting his company because he can’t get licensed. He goes  
40 on how civil is a kind of catch all discipline and the difference between the civil and  
41 environmental examinations. He points out that there is only about a 30% over lap and the  
42 environmental items on the civil exam are mostly water topics. Things on the environmental  
43 test that are not on the civil test at all are things like air emissions, certain types of  
44 hazardous waste, ionizing radiation, industrial hygiene, epidemiology, public health and  
45 noise. These are things environmental engineers deal with frequently and are not covered  
46 in the civil engineering undergraduate curriculum or civil engineering test. This is the  
47 environmental specialty test I’m talking about. The work in Alaska is being done by  
48 biologists, geologists and environmental engineers that aren’t registered. He points out that  
49 none of the three professions are licensed and that the only licensed persons doing the work  
50 are civil engineers and that might be quite a stretch and may also be outside their discipline  
51 such as air quality or radioactivity. He tells the board that there are more significant human  
52 health impacts in environmental engineering than in some of the things we do regulate. He  
53 points out that Guam has more disciplines than Alaska and as far as he can tell Alaska has  
54 the fewest disciplines of any state that uses that method for licensure. He says that he

1 doesn't care whether the Board adds environmental or goes to general licensure but that he  
2 encourages the Board to provide a way for environmental engineers to be licensed.

3  
4 Walsh asked if he had ever considered taking the civil exam.

5  
6 Mr. Jones explained that he had never taken any classes in traffic or structural and that it  
7 would take a significant amount of work to prepare and that he would never use that  
8 knowledge because he practices in environmental.

9  
10 The Chair Thanked Mr. Jones for his views and tells him that the Board is struggling with  
11 this issue and that hopefully within the next 12 months he will see some progress one way  
12 or the other.

13  
14 Petra Sattler-Smith representing herself: Ms. Sattler-Smith explains that she has an  
15 application for review by the Board and is available to answer any questions the Board has  
16 regarding her qualifications.

17  
18 The Chair explained that we review the applications in Executive Session and that if we  
19 have any questions we will call her at the number she has provided.

20  
21 Ms. Sattler-Smith responds that she will be available.

22  
23 Patrick Kalen representing himself and the American Congress on Surveying: Mr. Kalen  
24 tells the Board he wants to make a few comments on the proposal of a four year degree for  
25 surveyors. He advises that the board will be receiving a letter from himself and the ASPLS  
26 president on this subject. He explains that to enhance the program at the University of  
27 Alaska it would help if there was a little flexibility in the experience tables in the regulation.  
28 As it stands surveyors are singled out in statute with a phrase that prohibits the Board from  
29 requiring more than 8 years experience and education combined. He contends that the  
30 requirement is a holdover from 30 years ago when the path to licensure as a land surveyor  
31 was primarily by apprenticeship. He recommends the Board move toward removing that  
32 language from statute the limits the experience requirements.

33  
34 The Chair thanks Mr. Kalen and says that the doesn't believe the Board would have any  
35 problem supporting a change to the experience requirements.

36  
37 Mr. Kalen responds that APDC is working on legislation but wanted to wait and see if they  
38 had the support of the Board before they moved forward with it.

39  
40 Scott Hala representing himself: Mr. Hala told the Board he was there to address the letter  
41 from the Chief of Engineering at DOT-PF regarding stamping of traffic signal plans. That he  
42 felt that the wording implied that the plans downstream of the load center could be signed by  
43 a civil only. He points out that even downstream of the load center electrical engineering is  
44 still required because it includes load calculations, conductor sizing, conduit sizing,  
45 grounding design, lighting design calculations and that this is definitely beyond incidental  
46 practice. He contends that there are still significant safety concerns downstream of the load  
47 center and that they should require an electrical stamp. He recommends that DOT reword  
48 the memo to say that those have to be dual signed if electrical ventures into a realm that  
49 needs to be signed by a civil, but that electrical systems need to be signed by electrical  
50 engineers.

51  
52 The Chair tells Mr. Hala that the Board had some of the same concerns and calls on Leet to  
53 explain.

1 Leet gives Mr. Hala the history of the issue and tells him that the Board is drafting a letter to  
2 in response to DOT's letter.

3  
4 Nick Rodes representing himself: Mr. Rodes addressed the announcement by NCEES that,  
5 effective with the October 2010 examinations, out of state proctoring would not be allowed.  
6 He explains the difficulties involved with traveling to another state to take an exam and asks  
7 if the Board could work out something with NCEES to allow Alaska to work out an  
8 agreement with one other Board to allow out of state proctoring for exams that Alaska  
9 doesn't offer until the board can work out the addition of additional disciplines.

10  
11 Leet asks if the ban will be instituted after the October 2010 exam or if it includes the  
12 October exam.

13  
14 Jones replies that effective with the October 2010 exam out of state proctoring will not be  
15 allowed except for military personnel.

16  
17 Fredeen states that it should be made clear that this is something that is being done by  
18 NCEES and that this Board has no control over it. He further states that he thinks it has  
19 something to do with security.

20  
21 Jones explains the NCEES position that it was originally allowed for military personnel and  
22 over time expanded to include everyone and that it became a logistical nightmare for  
23 NCEES. There were also some questions on which state had jurisdiction over cheaters.

24  
25 The Chair follows up with a little history on the cheating problem and how it came to light  
26 with the possible loss of an entire exam and a replacement cost of around two million  
27 dollars. He adds that cost and security are what's driving this and that Alaska had no input  
28 on it at all.

29  
30 A short exchange between the Board and Mr. Rodes followed regarding the number of  
31 people this effected and the Board move toward general licensure or adding additional  
32 disciplines.

33  
34 The Chair told Mr. Rodes that the board would contact NCEES and see if there was any  
35 alternative, and would follow up with him prior to the next the meeting.

36  
37 Mr. Rodes replied that the personally didn't care whether it was general licensure of adding  
38 disciplines but that people practicing engineering ought to able to be recognized as  
39 professional engineers.

40  
41 Dale Nelson representing APDC and ASCE: He informs the Board that they have three  
42 things their deck. One is qualification based selection, two is the sealed drawings and three  
43 is the specialty contractor exemptions. He notes the three white papers on each one and  
44 that their legislative fly-in is just before the next Board meeting.

45  
46 A short discussion followed regarding the fly-in.

47  
48 Mr. Nelson offers to email copies of the white papers to Jones.

49  
50 The Chair reiterates the issue of the statute limiting surveyor work experience that Mr. Kalen  
51 brought up and that it would be of interest to the Board to see some legislative effort to  
52 correct the problem.

53  
54 Mr. Nelson responds that they have been working with Mr. Kalen and are waiting for a white

1 paper from him. He also offers the APDC news letter as a method of getting information out  
2 to the public and the registrants.

3  
4 The Chair closes the public comment portion of the meeting by thanking the attendees for  
5 their comments.

6  
7 1400 – 1405 Break.

8  
9 Chair – Are we done with the committee reports?

10  
11 I. Legislative Liaison:

12  
13 Baker legislative is the last unless you had something on it.

14  
15 A short discussion followed regarding the white papers and getting them to Eriksen for  
16 review to make sure they followed what we submitted.

17  
18 J. Emeritus Status:

19  
20 Nothing to report.

21  
22 Chair asks Shiesl to follow up on the bylaws and make sure it stays on track.

23  
24 Chair suggests holding off on executive session and going to new business.

25  
26 **Agenda item 15 – New Business**

27  
28 The Chair starts with the surveyor education survey noting that he had expected more oral  
29 testimony and that out of almost 500 surveys sent out we had only received about 12  
30 replies.

31  
32 Shiesl comments that there are some statistics cited in one of the letters from a Native  
33 Corporation about the loss of surveyors through retirements and asks if this is a valid  
34 argument in not requiring additional education.

35  
36 The Chair responds that it's a good question that needs to be looked at real hard.

37  
38 Discussion followed regarding the pros and cons of the proposal and national trends  
39 regarding various professions concerning education and the expectations of students.

40  
41 **Agenda item 12 – Executive Session**

42  
43 2:15 p.m. – The Board went into Executive Session under authority of AS 44.62.310 to  
44 review applicant files.

45  
46 5:15 p. m. – The board adjourned for the day to reconvene on Friday November 20, 2009 at  
47 8:00 a.m.

48  
49 **Friday November 20, 2009**

50  
51 The Board reconvened into Executive Session at 8:00 a.m.

52 The Board returned from Executive Session at 8:20 a.m.

53  
54 The Chair called the meeting to order at 8:20 a.m.

1  
2 Members present and constituting a quorum of the Board were:

- 3  
4
- Richard Heieren, Land Surveyor, Chair
  - Harley Hightower, Architect, Secretary
  - Clifford Baker, Land Surveyor
  - Donald Shiesl, Public Member
  - Charles Leet, Civil Engineer
  - Richard Rearick, Architect
  - Craig Fredeen, Mechanical Engineer
  - Eric Eriksen, Electrical Engineer
  - Burdett Lent, Landscape Architect
  - Daniel Walsh, Mining Engineer
- 14

15 Representing the Division of Corporations, business and Professional Licensing were:

- 16
- Vernon Jones, Executive Administrator
  - John Savage, Investigator
  - Brian Howes, Chief Investigator
- 20

21 Chair introduces Mr. Howes – Mr. Howes gives the Board a brief background on himself and  
22 asks if there are any questions.

23  
24 Chair asks about the enforcement exchange and our disciplinary action data on our website  
25 and relates that it is a valuable tool to keep up to date.

26  
27 Leet asks if he has any thoughts on enforcing the as-built problem.

28  
29 Chair reminds everyone that this is a standard adopted by the professional societies but has  
30 not been adopted into regulation and asks how one would go about enforcing it.

31  
32 Savage responds that if it's not a violation of a Statute or Regulation the investigation would  
33 be a waste of time. He adds that you can make all the laws you want but you still have to  
34 decide where you want to use your resources. He points out that we have one investigator  
35 who has 9 other boards and until more are hired we do what we can.

36  
37 Mr. Howes adds that many boards adopt a policy on what their minimum enforcement of a  
38 specific violation will be.

39  
40 Discussion continued regarding how different states and different Boards handle  
41 enforcement.

42  
43 Baker explains that the NCEES enforcement committee has a number of training sessions  
44 scheduled for various meetings and asks if there are monies set aside for training.

45  
46 Mr. Howes responds this is fee based and that the current director is very training oriented  
47 and if the Board sees something that would be beneficial for Mr. Savage to present it and  
48 they would consider it. It comes down to how the Board wants to spend its money.

49  
50 Baker explains that he was referring to a general fund because some of the training might  
51 benefit other boards.

52  
53 Mr. Howes states that when something benefits more than one board they usually spread

1 the cost among all the boards.  
2  
3 The Chair ask Hightower and Rearick if the NCARB has training opportunities that would  
4 benefit our investigator.  
5  
6 Hightower responds that he doesn't know of any.  
7  
8 Rearick adds that there is a disciplinary committee but doesn't know if they offer any  
9 training.  
10  
11 The Chair adds that any money spent on training for the investigator is well spent and that  
12 maybe we should initiate a request that additional staffing be made available to this Board.  
13  
14 Chair thanks Mr. Howes for attending.  
15  
16 Baker asks to add to new business, continuing education requirements for comity  
17 applicants.  
18  
19 Chair, under new business we have Board member reappointments.  
20  
21 Walsh reminds Leet and Shiesl that their terms are ending in March.  
22  
23 Jones advises that if they want to be reappointed to send him an email and he will forward  
24 on to Boards and Commissions.  
25  
26 The Chair asks Baker if he would like discuss continuing education and comity applicants.  
27  
28 Baker states that he doesn't believe comity applicants are being held to the same standard  
29 that we hold our new applicants to. He feels that a comity applicant having been licensed in  
30 another jurisdiction prior to applying here should have to show continuing education  
31  
32 Jones explains that the requirement for continuing education is based on the date of first  
33 licensure and applies equally to comity and exam applicants.  
34  
35 Baker disagrees with this procedure. He feels that comity applicants licensed in jurisdictions  
36 that don't require CE are being allowed to come in without keeping up with advances in  
37 technology. He adds that someone applying by exam is coming out of a recent education  
38 system and recent training system and that is different than someone who has been in the  
39 field for awhile.  
40  
41 Walsh tells the Board that he has discussed this with Baker and doesn't see it as a big deal  
42 and doesn't see any HSW issues with it. He points out that we do have the arctic  
43 requirement and that is worth 24 CEU's right there.  
44  
45 The Chair adds that as far as surveyors go the AKLS should qualify for 30 too so it isn't like  
46 they are coming in without some kind of exposure to continuing education.  
47  
48 The Chair asks if there is further discussion. Hearing none he moves on to the next item.  
49  
50 The Chair explains the mail out requesting input from surveyors regarding the 2 year and 4  
51 year degree issue and states that about 15 written responses were received. He again  
52 suggests that anyone interested read the article from Dave Gibson, that it gives a good  
53 background on the surveying profession in the U.S. He further states that we are still in the  
54 information gathering stage and that he was surprised that no one showed up to testify at

1 yesterdays public comment.

2  
3 Baker interjects that Pat Kalen testified on the subject and that maybe the other Board  
4 members should have a copy of the flyer so they could see what we asked for.

5  
6 Fredeen adds that a gentleman at the APDC meeting had evidently received a lot of  
7 feedback that was against additional education.

8  
9 Baker states that we have a letter from him in the packet and adds that he has been to a few  
10 ASPLS meetings where there were intense discussions but that those against it never  
11 provided the numbers to support facts they presented. The percentages of those for it and  
12 against it and those undecided are the same as what's represented by the letters here.

13  
14 Walsh asks if they are planning to eliminate the 2 year option and going to a 4 year option  
15 on the education/experience table in the regulation.

16  
17 The Chair reminds everyone that we are still in the information gathering stage and the  
18 result should not come before you have all the information. He agrees that it is one of the  
19 considerations. He adds that in other states typically it is done in stages where the first step  
20 would be to require a 2 year degree in two years and then in 4 years require a 4 year  
21 degree.

22  
23 Baker states that he thinks the experience only route is linked to the statement that was sent  
24 out. He continues, most people agree that if someone wants to go the experience only  
25 route 8 years isn't enough but we have a statute on page three, 08.48.717 general  
26 requirements for registration which addresses everybody but they have a clause at the  
27 bottom that I think the Union got in there somehow that says, "however, an applicant for  
28 registration as a land surveyor may not be required to submit evidence of more than eight  
29 years of any combination of education, experience, or training". He adds that if we wanted to  
30 go experience and require more than 8 years we couldn't without a statute change.

31  
32 Chair asks if there are any further questions. Hearing none he moves on.

33  
34 He explains that he doesn't think the investigators understood the question Leet asked  
35 about enforcement of an industry standard that is not regulation or law. He adds that in fact  
36 the local society set the standard and he thinks there is a way to enforce it. He gives the  
37 example of a case where the investigator had given him two mortgage location surveys on  
38 the same property and asked him to evaluate them and then asked if it met industry  
39 standard. He continues by explaining that the standard was about to be set by legislation  
40 and to keep that from happening the society stepped up and established a standard that's  
41 actually in their published manual now. This may seem like its focusing on a survey thing  
42 but it is public health, safety and welfare thing, huge, literally. He then suggested that we do  
43 a mail out stating that there is a standard that was set by ASPLS and that it is an industry  
44 standard.

45  
46 He asks Jones if maybe it should be run by the AAG. Jones concurs.

47  
48 This initiated a discussion on whether or not this should be a regulation project and the pros  
49 and cons of adopting professional society standards in regulation and migrated into Building  
50 Information Model (BIM).

51  
52 Chair indicates he wants this listed under old business on the next agenda.

53  
54 The discussion continued for another 5 minutes.

1  
2 The Chair asked Rearick if he would look into BIM and report under new business at the  
3 next meeting the impact it could have on incidental practice and inter-discipline actions.  
4  
5 Chair asks if there are any other items under new business.  
6  
7 Rearick says there was an item handed out, 15 b, that had to do with a question on the IDP.  
8 He goes on to summarize a letter from an Intern that missed the 6 month deadline on his  
9 IDP and was requesting a waiver. He added that he didn't think we should start offering  
10 waivers.  
11  
12 It was decided that our regulations didn't provide for waivers of NCARBS standards.  
13  
14 Eriksen begins a discussion about Specialty Contractors with electrical and mechanical  
15 administrator licenses. He points out that after looking at the administrative codes there  
16 doesn't appear to be any mention of design mechanisms and that our exemption is the only  
17 thing that points to that.  
18  
19 Hightower adds that they are not asking for it, we are allowing it.  
20  
21 Eriksen continues, there may be a historical reason for that exemption and he remembers  
22 that Fredeen had mentioned some contractors like refrigeration where they have need for  
23 exemptions.  
24  
25 Hightower adds that Savage already has started research into the history of the exemptions.  
26  
27 Fredeen notes that we did the specialty exemption for fire protection and suppression for  
28 NICET and that in their statutes the specifically state that this person can do design work on  
29 fire suppression and fire detection systems. There is not one hint of design in this (referring  
30 to the MA/EA regulations) it just says a person with an MA, and it's all about installation and  
31 construction and possibly maintenance, but that's it.  
32  
33 Eriksen adds that its acknowledging that the person is qualified to interpret drawings and  
34 specifications that are given to them to follow through in their installation processes. It's not  
35 a license to go and redesign something or make up their own design.  
36  
37 Hightower adds that they are getting that interpretation from exemption 7, it says of design  
38 systems, and he feels that was for shop drawings and submittals and not design of complete  
39 systems without the aid of documents prepared by professionals.  
40  
41 Chair says let's move on to the expenditure report and we can come back to this.  
42  
43 **Agenda item 16 – Expenditure Report:**  
44  
45 Jones reports that he didn't make arrangements to do a teleconference with Ms. Mason so if  
46 they Board has questions they should write them down and present them at the February  
47 meeting in Juneau.  
48  
49 Lent states that he is very upset about cutting the fees in half.  
50  
51 Jones gives the Board a brief explanation of how the fee rates are regulated.  
52  
53 The Chair asks Walsh if he was going to speak to this here or under Board travel.  
54



1 Walsh points out that the Board is supposed to have input setting fees and was not  
2 consulted this time and that this would have been a good time to address the need for travel  
3 and enforcement funds.

4  
5 The Chair notes that we did provide input but that it was ignored.

6  
7 Shiesl adds that in his experience having funds go into a general pot is always a contentious  
8 issue especially during hard times when you can't get the money back.

9  
10 Walsh remarks that the input from the accountants is confusing because they tell us that the  
11 roll forward is not guaranteed, not ours to use, nothing cast in concrete but when we  
12 question the fees being cut in half they tell us, oh you have this roll forward to use.

13  
14 **On a motion duly made by Lent, seconded by Baker, it was**

15  
16 **RESOLVED to send a restatement that the AELS Board is given a chance to provide**  
17 **input on professional renewal fees in accordance with Sec 08.01.065**

18  
19 Hearing no objection the motion passed unanimously.

20  
21 9:45 a.m. – 9:55 a.m. Break

22  
23 Chair called meeting back to order and returned to item 9 a. the regulation project on 12  
24 AAC 36.090. He states that this is the second reading and ask if the Board is ready for a  
25 vote.

26  
27 Walsh restates his position that he doesn't see a need to revise the regulations at this time  
28 and if the need arises in the future we can do something at that time.

29  
30 Leet agrees and would not support the amendment.

31  
32 Fredeen states that he is in agreement also and wanted to get a vote so it wouldn't be left  
33 hanging.

34  
35 **On a motion duly made by Fredeen, seconded by Baker, it was**

36  
37 **RESOLVED as a second reading to create a regulation project to be voted on at the**  
38 **next scheduled meeting to add a new section (c) to 12 AAC 36.090: An applicant for**  
39 **registration as a professional engineer by comity who is currently registered as a**  
40 **professional engineer in a state, territory, or possession of the United States or the**  
41 **District of Columbia is not required to demonstrate having passed the Fundamentals**  
42 **of Engineering Examination.**

43  
44 The motion failed unanimously.

45  
46 Chair asks Fredeen if he wants to speak to the second part of item 9 a.

47  
48 Fredeen recounts previous methods of licensing environmental and structural engineers  
49 without requiring them to take the NCEES PE civil examination and asks that it be included  
50 in the next agenda under old business.

51  
52 Leet offers that with all the things coming in October regarding the exams and with  
53 Fredeen's item 9 addition that the Board get the licensure project moving. He proposes that  
54 the white paper needs to be out long before the February meeting so we can get the

1 feedback and get the project moving.

2  
3 Baker adds that even though no one here was on the Board when Mr. Jones first came to  
4 the Board seven years ago requesting licensure that he is really embarrassed that it's taken  
5 so long and we still don't even have an answer.

6  
7 Leet ask if a motion is needed since this is coming from a sub-committee.

8  
9 The Chair states that Brownfield has committed to have a white paper ready to distribute to  
10 registrants and asks if the board wants that to go out prior to next meeting.

11  
12 Chair decides to move on to item 17 while the motion is being drafted.

13  
14 **Agenda Item 17 – CLARB Annual Meeting**

15  
16 Lent reports on the CLARB annual meeting in Seattle attended by him and Jones. He  
17 continues with a report on the ASLA meeting that followed in Chicago.

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

20  
21 **RESOLVED to present a white paper to the public prior to the February 2010 meeting**  
22 **and that upon completion of the document that the board review it prior to being sent.**  
23 **The board will review by teleconference that has been public noticed.**

24  
25 Fredeen added a friendly amendment to add the words “regarding engineering licensure”  
26 between paper and to.

27  
28 Discussion followed.

29  
30 Fredeen added a friendly amendment to add the words “prior to December 31, 2009”  
31 between conference and that.

32  
33 Following a short discussion the Chair called for a vote.

34  
35 The motion as amended passed unanimously.

36  
37 **Agenda item 18 – Licensing Examiner Report**

38  
39 Jones gives a short report that since the exam result haven't been received yet that there  
40 hasn't been much of a change since last report. He continued with a report on the NCARB  
41 MBE meeting in Arlington.

42  
43 The Chair explains that NCEES role in examinations is to establish minimum competency.

44  
45 **Agenda Item 19 – Board Travel**

46  
47 Walsh reports that his handout is just a first cut and that he hopes to get some input from  
48 the Board. He adds that it is supposed to be an argument to Lynne Smith on why we should  
49 be allowed to travel to these meetings. Ginger had provided him with a list of current travel  
50 and expenses for the last two years and based on those costs he put together what he  
51 thought travel expenses would be in future years with a lot greater involvement of Board  
52 members. The third page is what he thought might be reasonable attendance.

53  
54 Rearick points out that while it might be informative to attend one of the other disciplines

1 meetings it is essential that the architects attend the NCARB national and regional  
2 meetings.  
3  
4 Hightower agrees with Rearick and says that while he would like to go to some of the  
5 NCEES meetings he would defer to the engineers because it is more important that they  
6 attend.  
7  
8 Leet remarks on the importance of attendance at these meetings.  
9  
10 Fredeen notes that it may be beneficial to add that on these NCEES meetings one member  
11 is paid for by NCEES.  
12  
13 A short discussion followed regarding how much travel is funded by the various  
14 organizations. Followed by a brainstorming session on reasons why it is important for the  
15 Board to have good representation at all national meeting and who will be going to the  
16 spring meetings. Members were asked to be ready at the February meeting to commit to  
17 travel for the remainder of the year.  
18  
19 **On a motion duly made by Baker, and seconded by Fredeen, it was**  
20  
21 **RESOLVED to approve the following list of applicants for registration by comity and**  
22 **examination as read, with the stipulation that the information in the applicants' files**  
23 **will take precedence over the information in the minutes:**  
24

| APPLICATIONS FOR REGISTRATION BY EXAMINATION AND COMITY |                                  |             |  |
|---|----------------------------------|-------------|--|
| BOARD READY – November 19-20, 2009                      |                                  |             |  |
| APPLICANT   | DISCIPLINE                       | EXAM-COMITY | BOARD ACTION   |
| Allen, Clifton J.                                       | Professional Civil Engineer      | Comity      | <b>Approved</b> – conditional on successful completion of the jurisprudence questionnaire.   |
| Aspray, Bruce D.  | Professional Electrical Engineer | Exam        | <b>Approved</b> – waiver of FE exam  |
| Barcus, Brian S.  | Professional Civil Engineer      | Comity      | <b>Approved</b> – conditional on passing an approved arctic engineering course.  |
| Bauer, Michael Hale                                     | Professional Architect           | Comity      | <b>Approved</b> – conditional on successful completion of the jurisprudence questionnaire.   |
| Beck, Christopher A.                                    | Professional Chemical Engineer   | Comity      | <b>Approved</b> – conditional on passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire. |
| Bischoff, Thomas Joseph                                 | Fundamentals of Engineering      | Exam        | <b>Approved</b>  |
| Blair, Robert Stephen                                   | Professional Architect           | Comity      | <b>Approved</b> – conditional on passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire. |

|                          |                                  |        |  |
|--------------------------|----------------------------------|--------|--|
| Bohl, Randy M.           | Professional Mechanical Engineer | Exam   | <b>Incomplete</b> – Apply by comity or provide 24 months responsible charge experience verified by a Mechanical engineer registered in the U. S. per 12 AAC 36.063.(c)(1)                              |
| Bowles, Gary E.          | Professional Civil Engineer      | Comity | <b>Approved</b> – conditional on receipt of transcripts, verification of license and exams passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire. |
| Bradley, Stephan A.      | Professional Chemical Engineer   | Comity | <b>Approved</b> – conditional on successful completion of the jurisprudence questionnaire.   |
| Brengle, John M.         | Professional Architect           | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire.   |
| Breslin, Kevin P., Jr.   | Professional Mechanical Engineer | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course.  |
| Bull, Steven K.          | Professional Architect           | Comity | <b>Approved</b> – conditional on successful completion of the jurisprudence questionnaire.   |
| Caguioa, Jeffrey C.      | Professional Architect           | Exam   | <b>Approved</b> – conditional on passing all divisions of the Architect Registration Examination and successful completion of the jurisprudence questionnaire.   |
| Clanton, Robert John     | Professional Land Surveyor       | Comity | <b>Approved</b> – conditional on passing the Alaska Land Surveying exam.   |
| Daguitera, Jason H.      | Fundamentals of Engineering      | Exam   | <b>Approved</b>  |
| Deak, Tamas              | Professional Architect           | Exam   | <b>Approved</b> – conditional on passing all divisions of the Architect Registration Examination and successful completion of the jurisprudence questionnaire.   |
| Dean, Jeremy Richard     | Professional Civil Engineer      | Comity | <b>Approved</b>  |
| Duevel, Bryan Jeremy     | Professional Civil Engineer      | Comity | <b>Approved</b> – conditional on receipt of verification of exams and license and successful completion of the jurisprudence questionnaire.  |
| Ellis, David Scott       | Professional Civil Engineer      | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire.   |
| EL-Mestkawy, Maged Abdel | Professional Civil               | Comity | <b>Approved</b> – conditional on passing   |

|                           |                                  |        |  |
|---------------------------|----------------------------------|--------|--|
|                           | Engineer                         |        | an approved arctic engineering course.   |
| Elrod, Nancy L.           | Professional Civil Engineer      | Comity | <b>Approved</b>  |
| Fearon, William J.        | Professional Architect           | Comity | <b>Approved</b> – conditional on successful completion of the jurisprudence questionnaire.   |
| Feigner, Karl F.          | Professional Mechanical Engineer | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire. |
| Fichot, Boris             | Professional Civil Engineer      | Comity | <b>Approved</b>  |
| Foertsch, Danielle J.     | Professional Architect           | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course   |
| Fraser, Alan W.           | Professional Electrical Engineer | Comity | <b>Approved</b> – Conditional on passing an approved arctic engineering course.  |
| Freeman, Thomas L.        | Professional Mechanical Engineer | Comity | <b>Approved</b>  |
| Funston, Craig S.         | Professional Civil Engineer      | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire. |
| Garrison, Helen R.        | Professional Electrical Engineer | Exam   | <b>Approved</b> – conditional on passing the NCEES Principles and Practice of Electrical Engineering Exam.                                   |
| Gondek, Jacob Scott       | Professional Civil Engineer      | Exam   | <b>Approved</b> – conditional on passing the NCEES Principles and Practice of Civil Engineering  |
| Grabowski, Gregory R.     | Professional Mechanical Engineer | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course.  |
| Grgich, Christopher Anton | Professional Civil Engineer      | Exam   | <b>Incomplete</b> – Verify an additional 7 months experience per 12 AAC 36.063 and successful completion of the jurisprudence questionnaire. |
| Halverson, Bart J.        | Professional Civil Engineer      | Comity | <b>Approved</b> – conditional on successful completion of the jurisprudence questionnaire.   |
| Harrington, Michael J.    | Professional Civil Engineer      | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course.  |
| Harris, Lawrence Allan    | Professional Civil Engineer      | Comity | <b>Approved</b> – conditional on successful completion of the jurisprudence questionnaire.   |

|                         |                                  |        |   |
|-------------------------|----------------------------------|--------|---|
| Hayden, John D.         | Professional Land Surveyor       | Comity | <b>Approved</b> – conditional on verification of a current license in New Hampshire, or verification of a current license in Kentucky and verification of the FS exam.                                  |
| Hopewell, Derek W.      | Professional Civil Engineer      | Comity | <b>Approved</b> – conditional on receipt of verification of exams and license, transcripts, passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire. |
| Huber, Christina Ann    | Professional Civil Engineer      | Comity | <b>Approved</b>   |
| Johnson, Geoffrey L.    | Professional Electrical Engineer | Comity | <b>Approved</b> – conditional on successful completion of the jurisprudence questionnaire.  |
| Johnson, Kevin R.       | Professional Civil Engineer      | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire.  |
| Kelts, Troy Daniel      | Professional Civil Engineer      | Comity | <b>Approved</b>   |
| Klassen, Robert Allen   | Professional Architect           | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire.  |
| Klover, Henry C.        | Professional Architect           | Comity | <b>Approved</b> – conditional on receipt of successful completion of the jurisprudence questionnaire.   |
| Kohler, Christopher E.  | Professional Civil Engineer      | Exam   | <b>Approved</b> – conditional on clearance from investigations, passing the NCEES Principles and Practice of Civil Engineering exam and successful completion of the jurisprudence questionnaire.       |
| Laos, Enrico Baffert    | Professional Electrical Engineer | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire.  |
| Lazzari, James R.       | Professional Architect           | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire.  |
| Lippis, Michael Charles | Professional Mechanical Engineer | Comity | <b>Approved</b>   |
| Marques, Salvatore Paul | Professional Civil Engineer      | Comity | <b>Approved</b> – conditional on successful completion of the jurisprudence questionnaire.  |

|                         |                                  |        |  |
|-------------------------|----------------------------------|--------|--|
| McCracken, Kenneth J.   | Professional Architect           | Comity | <b>Approved</b> – conditional on successful completion of the jurisprudence questionnaire.   |
| McMechen, William M.    | Professional Chemical Engineer   | Comity | <b>Approved</b> – conditional on verification of the PE chemical examination   |
| McMillen, Morton Dale   | Professional Civil Engineer      | Comity | <b>Approved</b> – conditional on payment of fees, passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire.  |
| Meigs, Blythe Erin      | Professional Civil Engineer      | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course.  |
| Meyer, Berry J.         | Professional Civil Engineer      | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire.   |
| Mikloshev, Jon Marshall | Professional Civil Engineer      | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire.   |
| Milacek, Mark           | Professional Electrical Engineer | Comity | <b>Approved</b>  |
| Miller, Martin P.       | Professional Architect           | Comity | <b>Approved</b> – conditional on successful completion of the jurisprudence questionnaire.   |
| Montgomery, Wayne W.    | Professional Mechanical Engineer | Comity | <b>Approved</b>  |
| Ngueguim, Bertin Djiomo | Fundamentals of Engineering      | Exam   | <b>Approved</b>  |
| Paulson, Franklin L.    | Professional Land Surveyor       | Exam   | <b>Approved</b> – conditional on passing the NCEES Principles and Practice of Surveying exam and the Alaska Land Surveying exam (AKLS)   |
| Pike, Christopher J.    | Professional Chemical Engineer   | Comity | <b>Approved</b>  |
| Popovici, Ovidiu Mihai  | Fundamentals of Engineering      | Exam   | <b>Approved</b>  |
| Randall, Lucas M.       | Professional Civil Engineer      | Exam   | <b>Approved</b> – conditional on passing the NCEES Principles and Practice of Civil Engineering examination, successful completion of the jurisprudence questionnaire and clearance by investigations. |
| Rasco, Dennis Lamar     | Professional Electrical Engineer | Comity | <b>Approved</b> - conditional on successful completion of the  |

|                             |                                  |        |   |
|-----------------------------|----------------------------------|--------|---|
|                             |                                  |        | jurisprudence questionnaire.  |
| Redington, Matthew K.       | Professional Civil Engineer      | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire.  |
| Richmond, Joseph Brady      | Professional Civil Engineer      | Comity | <b>Incomplete</b> – verify an additional 10 months experience per 12 AAC 36.063   |
| Rollins, Gregory Charles    | Professional Civil Engineer      | Comity | <b>Approved</b>   |
| Rome, Jeffrey Lee           | Professional Architect           | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire   |
| Sattler-Smith, Petra        | Professional Architect           | Comity | <b>Approved</b> – conditional on receipt of the NCARB certification and successful completion of the jurisprudence questionnaire.   |
| Scott, Christopher Paul     | Professional Civil Engineer      | Comity | <b>Incomplete</b> – verify 22 more months experience per 12 AAC 36.063(3)(A)  |
| Shewman, Julie M.           | Professional Civil Engineer      | Comity | <b>Approved</b> – conditional on successful completion of the jurisprudence questionnaire.  |
| Skinner, Alan F.            | Professional Civil Engineer      | Exam   | Approved – conditional on receipt of verification of the FE exam, passing the NCEES Principles and Practice of Civil Engineering exam and successful completion of the jurisprudence questionnaire. |
| Southerland, Robert J.      | Professional Landscape Architect | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire.  |
| Spackman, Michael E.        | Professional Landscape Architect | Comity | <b>Incomplete</b> – verify 2 more months experience per 12 AAC 36.068   |
| Spotto, Michael A.          | Professional Mechanical Engineer | Comity | <b>Incomplete</b> – Provide information per 12 AAC 36.105.  |
| Stegenga, Paul William, Sr. | Professional Architect           | Comity | Approved – conditional on passing an approved arctic engineering course and providing a third architect reference.  |
| Stewart, Cary Palmer        | Professional Civil Engineer      | Comity | <b>Approved</b>   |
| Stine, Todd A.              | Professional Architect           | Comity | <b>Approved</b>   |
| Sultan, Nels J.             | Professional Civil               | Comity | <b>Approved</b> – conditional on  |



|                              |                                  |        |  |
|------------------------------|----------------------------------|--------|--|
|                              | Engineer                         |        | successful completion of the jurisprudence questionnaire.  |
| Swartz, Larry D.             | Professional Mechanical Engineer | Comity | <b>Approved</b> – conditional on successful completion of the jurisprudence questionnaire.   |
| Thornley, John D.            | Professional Civil Engineer      | Exam   | <b>Incomplete</b> – submit verification of one additional month of experience per 12 AAC 36.063, and successful completion of the jurisprudence questionnaire.                             |
| Tiesler, Christopher Bradley | Professional Civil Engineer      | Comity | <b>Approved</b> – conditional on successful completion of the jurisprudence questionnaire.   |
| Tovey, Terri A.              | Professional Civil Engineer      | Comity | <b>Approved</b> – conditional on receipt of verification of exams and license, passing an approved arctic engineering course and successful completion of the jurisprudence questionnaire. |
| Trudeau, Julee Betty         | Professional Civil Engineer      | Comity | <b>Approved</b>  |
| Turney, Steven Craig         | Professional Architect           | Comity | <b>Approved</b> – conditional on passing an approved arctic engineering course.  |
| Van Muysen, Tom              | Professional Mechanical Engineer | Exam   | <b>Incomplete</b> – Needs and additional 17 months of work experience and needs to meet the educational requirements of 12 AAC 36.063(3)(A)  |
| Vekved, Gerald A.            | Professional Mechanical Engineer | Comity | <b>Approved</b> – conditional on verification of FE exam and successful completion of the jurisprudence questionnaire.   |
| Zhao, Yuanyuan               | Professional Civil Engineer      | Exam   | <b>Incomplete</b> – verify 15 more months engineering experience per 12 AAC 36.063(3)(A)   |

1  
2  
3  
4  
5  
6  
7  
8

Hearing no objection the motion passed unanimously.

**On a motion duly made by Baker, and Seconded by Fredeen, it was**

**RESOLVED to find the following list of applicants for registration by comity and examination incomplete:**

|                |                                  |      |  |
|----------------|----------------------------------|------|--|
| Bohl, Randy M. | Professional Mechanical Engineer | Exam | <b>Incomplete</b> – Apply by comity or provide 24 months responsible charge experience verified by a Mechanical engineer registered in |
|----------------|----------------------------------|------|--|

|                           |                                  |        |   |
|---------------------------|----------------------------------|--------|---|
|                           |                                  |        | the U. S. per 12 AAC 36.063.(c)(1)  |
| Grgich, Christopher Anton | Professional Civil Engineer      | Exam   | <b>Incomplete</b> – Verify an additional 7 months experience per 12 AAC 36.063 and successful completion of the jurisprudence questionnaire.                          |
| Richmond, Joseph Brady    | Professional Civil Engineer      | Comity | <b>Incomplete</b> – <b>verify an additional 10 months experience per 12 AAC 36.063</b>  |
| Scott, Christopher Paul   | Professional Civil Engineer      | Comity | <b>Incomplete</b> – <b>verify 22 more months experience per 12 AAC 36.063(3)(A)</b>   |
| Spackman, Michael E.      | Professional Landscape Architect | Comity | <b>Incomplete</b> – <b>verify 2 more months experience per 12 AAC 36.068</b>  |
| Spotto, Michael A.        | Professional Mechanical Engineer | Comity | <b>Incomplete</b> – <b>Provide information per 12 AAC 36.105.</b>   |
| Thornley, John D.         | Professional Civil Engineer      | Exam   | <b>Incomplete</b> – <b>submit verification of one additional month of experience per 12 AAC 36.063, and successful completion of the jurisprudence questionnaire.</b> |
| Van Muysen, Tom           | Professional Mechanical Engineer | Exam   | <b>Incomplete</b> – <b>Needs and additional 17 months of work experience and needs to meet the educational requirements of 12 AAC 36.063(3)(A)</b>                    |
| Zhao, Yuanyuan            | Professional Civil Engineer      | Exam   | <b>Incomplete</b> – <b>verify 15 more months engineering experience per 12 AAC 36.063(3)(A)</b>   |

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Hearing no objection the motion passed unanimously.

**On a motion by Baker, seconded by Leet, it was**

**RESOLVED to approved a waiver of the Fundamentals of Engineering Examination for the following applicant:**

|                  |                                  |      |                                     |
|------------------|----------------------------------|------|-------------------------------------|
| Aspray, Bruce D. | Professional Electrical Engineer | Exam | <b>Approved</b> – waiver of FE exam |
|------------------|----------------------------------|------|-------------------------------------|

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Hearing no objection the motion passed unanimously.

Chair asks Rearick if he had any comments on a phone call made earlier to an applicant.

Rearick reported that he had informed Ms. Sattler-Smith that the boards hands were tied by regulation and advised that she contact NCARB and find out what her options were.

**Agenda Item 21 – Review Calendar of Events**

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- February 11-12, 2010 – Juneau
- May 27-28, 2010 – Fairbanks
- August 5-6, 2010 – Wasilla
- November 18-19, 2010 Anchorage

Rearick points out that at last meeting we had discussed allowing an extra day for public testimony.

Baker responds that when we discussed it we were thinking about the surveyors and the 4 year, 2 year degree requirement for licensure issue and we thought that it was such a hot topic that they would be pounding on our door and we saw at this meeting that they didn't pound very hard.

Walsh begins a discussion on the wording in AS 08.48.331. Exemptions. He points out that the statutes starts out with "This chapter does not apply to" and then goes on to use number 9 as an examples of how that wording could be construed to mean that someone employed to teach at a university could do anything they want because the chapter doesn't apply to them.

Leet suggests that we ask the AAG for a comment during the Juneau meeting.

Walsh suggests that he submit a memo through Vernon.

The discussion continued recommending that verbiage be added to specify what each exemption is for.

- Agenda Item 22 – Board Member Comments**
- Sign Wall Certificates**
- Sign Minutes**
- Collect Travel Receipts**

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The meeting adjourned at 11:50 a.m.

Respectfully submitted:

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Richard V. Jones, Executive Administrator

Approved:

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Richard Heieren, PS, Chair  
Board of Registration for Architects,  
Engineers, and Land Surveyors

Date: \_\_\_\_\_