

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

**STATE OF ALASKA
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS & LAND
SURVEYORS**

8
9
10
11
12
13
14
15
16
17

**Minutes of Meeting
November 17-18, 2005**

14 By authority of AS 08.01.070 (2) and in compliance with the provision of AS 44.62, Article 6, the
15 Board of Registration for Architects, Engineers and Land Surveyors (AELS), held a meeting at
16 the Robert B. Atwood Building, 550 West 7th, Room 1270, Anchorage, Alaska.

17
18
19

Agenda Item 1 – Call to Order and Roll Call

20 The Chair called the meeting to order at 9:00 a.m.

21
22 Members present and constituting a quorum of the Board were:

23
24 Kenneth Maynard, Architect, Chairperson
25 Clifford Baker, PLS, Land Surveyor
26 Boyd Brownfield, PE, Civil Engineer
27 Craig Fredeen, PE, Mechanical Engineer
28 Robert Gilfilian, PE, Civil Engineer
29 Richard Heieren, PLS, Land Surveyor
30 Harley Hightower, Architect
31 Richard Hughes, PE, Mining Engineer
32

33 Mark Morris, PE, Electrical Engineer was unable to attend

34
35 The temporary landscape architect and public member positions are presently vacant.

36
37 Representing the Division of Occupational Licensing were:

38
39 Ginger Morton, Executive Administrator
40 Eleanor Vinson, Licensing Examiner
41 Vern Jones, Licensing Examiner
42

43 Joining part of the meeting were the following members of the public:

44
45 Michael Schoder, PLS, Land Surveyor, 5820 Yukon Road, Anchorage, Alaska,
46 representing the Alaska Society of Professional Land Surveyors (ASPLS);
47
48 Nick Bakic, 816 Whitney Road, Anchorage, Alaska, representing ACCEL Fire Systems,
49 Inc.;
50
51 Ron Matviyak, PE, Civil Engineer, 18222 Kantishina Drive, Eagle River, Alaska,
52 representing himself;
53

1 Christopher Hughes, 2528 C Street, Suite 305, Anchorage, Alaska, representing himself;
2 and

3
4 Paul Whipple, PLS, 10142 E. 6th Avenue, Anchorage, Alaska representing himself.
5

6 **Agenda Item 2 – Review/Amend Agenda**
7

8 The following amendments were made to the Agenda:
9

- 10 • Under Item 5, Correspondence, a memo from the National Council of Examiners for
11 Engineers and Surveyors (NCEES) regarding ABET concerns with the Washington
12 Accord accreditation was added.
- 13 • Under Item 6, Meet in Subgroups, a new Subgroup H was added regarding
14 additional engineering disciplines, said subgroup to consist of Fredeen and Gilfilian.
- 15 • Under Item 21, New Business, a new Section C, Wet Signatures, was added.
- 16 • Proposed Legislative Changes was moved to a new Section D under Item 21, New
17 Business.
18

19 **Agenda Item 3 – Ethics Report**
20

21 The Chair asked if any members had any ethics disclosures to report and there were none.
22

23 **Agenda Item 4 – Review/Approve Minutes**
24

25 The Chair asked if there were any changes to the draft minutes from the August 2005 board
26 meeting. The following changes were made to the minutes:
27

- 28 • On page 3, line 45, the sentence was amended to read: "...allowing engineers to
29 practice 'willy-nilly' based on their own assessment of their professional ability."
30 (Adding the words "own assessment of.")
- 31 • On page 8, line 4, "geological surveying" was corrected to read "geological
32 engineering."
33

34 **On a motion duly made by Baker, seconded by Fredeen, and approved**
35 **unanimously it was**
36

37 **RESOLVED to adopt the minutes from the August 18-19, 2005 meeting as**
38 **amended.**
39

40 The Chair asked if there were any objections and there were none. The Chair indicated the
41 minutes were approved as amended.

1
2 **Agenda Item 5 – Correspondence**
3

4 A. International Engineering Education Digest. Informational only, no board action required.
5

6 B. ABET.

7
8 1) UAF ABET Evaluation.

9
10 Board members Hughes and Heieren had participated in the October ABET evaluation of
11 engineering programs at the University of Alaska Fairbanks. A memo outlining the evaluation
12 process was provided to the board. Hughes stated that the full ABET evaluation will be
13 completed by July 2006 by a full ABET commission vote. Both Hughes and Heieren commented
14 on how intensive, thorough, consistent and objective the evaluation process is.
15

16 ECEI Re-evaluation concerns. The board reviewed a September 2, 2005 memo from ABET
17 addressing concerns that had been voiced at the recent Member Board Administrator's meeting,
18 a September 15, 2005 memo from NCEES, and an August 15, 2005 letter from ECIE, all
19 regarding ABET's "re-evaluation" process.
20

21 Gilfilian stated that this issue is something that the board needs to take seriously and that it had
22 been discussed at the NCEES' Annual Meeting in Memphis earlier this year.
23

24 No board action was required.
25

26 2) Washington Accord Programs.

27
28 The board reviewed November 9, 2005 correspondence from NCEES regarding concerns with
29 the Washington Accord's evaluation of foreign degrees. NCEES will keep member boards
30 apprised of any further developments. No board action was required.
31

32 C. NCARB.

33 1) BEFA. The board reviewed an August 26, 2005 news release from NCARB discussing
34 the Broadly Experienced Foreign Architect (BEFA) program. No board action was
35 required.

36 2) ARE/IDP Timing. The board reviewed an October 5, 2005 letter from NCARB to all
37 member boards discussing the ARE/IDP timing. NCARB recommends that member
38 boards wait until NCARB has considered the information and makes an informed
39 position statement before making any changes to its current policy regarding timing of
40 the ARE/IDP. No board action was required.

41 On a related matter, Maynard distributed his report from attendance at the NCARB Member
42 Board Chairs' Conference in September. The purpose of the conference was to reassess
43 NCARB's Strategic Plan. Some topics addressed were board funding, reciprocity impediments,
44 consistency of continuing education, mentoring, unlicensed practice, timing of the ARE, use of
45 title, and electronic signatures.

1 D. NCEES.

2
3 1) Annual Business Meeting (8/24/05).

4
5 Informational only, no board action required. Members who had attended the annual meeting
6 distributed reports summarizing events they had attended.

7
8 Gilfilian told the board that Baker and Fredeen had given a performance at the NCEES Annual
9 Meeting to encourage attendance at the 85th Annual Meeting to be held in Anchorage in
10 September 2006. He stated that based on the performance, he feels that the meeting in
11 Anchorage will be well attended.

12
13 Gilfilian and Brownfield provided written summaries of their attendance at the Annual Meeting.
14 Gilfilian's report was regarding the Engineer's Forum and the general sessions. Brownfield's
15 report focused on the Accreditation Board for Engineering and Technology (ABET). Baker,
16 Fredeen and Heieren had also attended the Annual Meeting. Heieren briefly discussed some of
17 the classes he attended at the meeting dealing with law enforcement and ethics.

18
19 The board elected to discuss the Annual Meeting further under Item 22, NCEES Annual Meeting
20 Report.

21
22 2) Position on NAFTA.

23
24 The board reviewed correspondence from NCEES indicating its position on the proposed
25 Mutual Recognition Document (MRD) regarding surveyors. Maynard stated that an agreement
26 between the US and Mexico regarding architectural reciprocity is imminent. No board action
27 was required.

28
29 D. Denali Access System Program Advisory Committee.

30
31 The board had previously reviewed this solicitation for membership. No board members were
32 available to apply for membership. No board action was required.

33
34 Break at 10:00 a.m.

35 Reconvene at 10:10 a.m.

36
37 **Agenda Item 6 –Subgroups**

38
39 Members broke into the following subgroups for discussion:

- 40
41 • Engineering Disciplines/Incidental Practice: Maynard/Baker/Brownfield
42 • CE-Phase II/Architecture and Engineers Mandatory CE: Brownfield/Fredeeen/Heieren
43 • Electronic Transmittals: Fredeen/Gilfilian
44 • Disciplinary Action & Process/Enforcement Procedure: Hightower
45 • Fire Protection: Fredeen
46 • Additional Engineering Disciplines (Geological Engineering): Fredeen/Gilfilian/Hughes

47
48 The board met in subgroups for 30 minutes.

49
50 **Agenda Item 7- Investigative Report – John Clark/Naseer Dhaamin**

51
52 Investigator Naseer Dhaamin introduced himself to the board. Dhaamin is now a full time
53 investigator for the board and John Clark is now a part-time investigator for the board. Clark

1 explained that former board investigator George Weaver is now working for different boards.

2
3 The board reviewed the November 3, 2005 investigative report.

4
5 Clark reported that approximately 30 cases had been closed with warning/advisory letters. He
6 explained that these cases were opened when a registrant failed to include the date when
7 sealing a drawing or when using an electronic signature on original drawings. These cases had
8 been closed by coordination with an AELS board member. He continued by telling the board he
9 would continue to close these types of cases with a warning letter, however, if there is a second
10 offense it could result in a licensing action.

11
12 Clark continued by telling the board there are some old cases that he is not going to be able to
13 proceed with. He indicated he would meet with one of the board members to discuss closing
14 the cases. Clark explained that the division does not have the time or staff to handle all these
15 cases and neither does the Attorney General's Office. He explained that lack of cooperation
16 from building officials and the inability to stop work makes it difficult to proceed with cases.

17
18 The board and Clark then discussed, as an example, an old office building that had been
19 remodeled into a hotel in Kenai. There were no engineers or architects involved with the
20 remodel, which included a new roof. Clark told the board that the Kenai building officials have
21 told him he has no authority to conduct inspections in Kenai. Clark reiterated that because he
22 does not have authority to issue stop work orders, there is nothing he can do. Clark told the
23 board that the case is now so old even if it did proceed to litigation, the court would throw it out.
24 Maynard suggested that the board should write a letter to the Kenai Building Officials and force
25 the issue.

26
27 Maynard stated that he is very troubled by the number of open cases. He said he believes the
28 board needs to develop an enforcement system that enables cases to be completed in a timely
29 manner. Maynard requested the issue of enforcement be added to the board's list of proposed
30 legislative changes. Again, Clark requested the board pursue legislative changes to give the
31 investigator authority to issue stop work orders. Clark also told the board that there is no statute
32 that states a building must be designed by a design professional unless exempt under AS
33 08.48.331. Brownfield stated that if that is what the problem is, then the board needs to take
34 the necessary steps to fix the problem.

35
36 Clark asked if the board had any questions for him about the Investigative Report.

37
38 Gilfilian asked Clark if he was able to talk about or give a status report on a recent hearing that
39 had taken place. Recognizing that Gilfilian was referring to the Tauriainen hearing, Clark
40 indicated that a decision has not yet been issued.

41
42 Mike Schoder, ASPLS, asked if there is a method of making information available to the public
43 so the public would know if a registrant is or is not in compliance after a licensing action. Clark
44 told Mr. Schoder that there is presently no means by which to do this. The Investigative Report
45 is placed on the board's web page, but this does not show if someone is or is not in compliance.
46 The feasibility of a newsletter was briefly discussed. Also discussed was whether or not there
47 could be a way for this information to appear on line when conducting a licensee search.
48 Maynard asked if the investigator could expand the investigative report to include a page
49 showing the cases that have been satisfied. Clark indicated with his supervisor's approval he
50 could append the investigative report with statements indicating which registrants have or have
51 not satisfied the conditions of a licensing action. This could ultimately be posted on the board's
52 web page along with the investigative report.

53
54 Maynard stated that he believes the board needs to be more involved in the enforcement

1 process and the majority agreed.

2
3 **Agenda Item 8 – Review/Revise/Adopt FY 05 Annual Report**

4
5 The board reviewed the FY 05 Annual Report prepared by the Executive Administrator and
6 Licensing Examiner.

7
8 The Legislative Recommendations were amended to read as follows:

- 9
10 1. The board will be seeking statutory language requiring all new or renovated buildings,
11 structures and systems not specifically exempt under AS 08.48.331 constructed in Alaska
12 are designed by registered Alaska architects, engineers and landscape architects.
13
14 2. The board wishes to pursue legislation to allow its investigators to issue temporary stop
15 work orders for unlicensed activity on construction projects.
16
17 3. In AS 08.48.331, the board will be seeking legislation to exempt fire protection technicians
18 permitted through NICET from registration in Alaska.
19
20 4. The board will be proposing statutory changes to change the name of the board to “Board of
21 Registration for Architects, Engineers and Surveyors,” deleting the word
22
23 5. “land” preceding “surveyors.” This is being proposed in recognition that the profession of
24 surveying encompasses more than only land.
25

26 Not yet a legislative recommendation but still a work in progress, is statutory language to require
27 that residences over a certain height or exceeding a certain square footage be designed by
28 registered design professionals. This will be discussed again at the February 2006 meeting.
29

30 The board deleted the legislative recommendation providing for substitution of geological,
31 petroleum or chemical engineers for the mining engineering position on the board.
32

33 The Executive Administrator indicated she would discuss the legislative recommendations with
34 Rick Urion, Division Director, to ascertain which recommendations the division will support.
35

36 The board also reviewed its Goals and Objectives in the Annual Report.
37

38 **Agenda Item 19 – Emeritus Status**

39
40 The board next addressed Emeritus Status out of order.

41
42 The Executive Administrator told the board that she had written to the current emeritus board
43 members asking what committees they were serving on for which they needed to be held in
44 emeritus status. Letters were written to Lance Mearig, Patrick Kalen and Dr. Robert Miller.
45 Lance Mearig was the only one to respond, indicating he was currently serving on NCEES’
46 Uniform Procedures and Legislative Guidelines (UPLG) Committee. Having not heard from the
47 other emeritus members, the board will remove Kalen and Miller from emeritus status.
48

49 The Executive Administrator volunteered to contact NCEES to find out if Miller or Kalen were
50 serving on any committees for which they need emeritus status.
51

52 **On a motion duly made by Heieren, seconded by Fredeen with a friendly**
53 **amendment, it was**
54

1 **RESOLVED that, based on contact received, all emeritus status, implied or given,**
2 **be withdrawn from any individual who has not requested or stated the need. The request**
3
4 **must be written and include verification from NCEES or another national organization,**
5 **that the person requesting emeritus status is serving on a committee of that**
6 **organization. Emeritus status members will be reviewed and approved yearly.**

7
8 Hearing no objection, the motion passed.

9
10 Brownfield commented that the board's position on emeritus status should become a part of the
11 board's policies.

12
13 Break for lunch at 12:00 p.m.
14 Reconvene at 1:05 p.m.

15
16 **Agenda Item 9 – Public Comment**

17
18 Present for public comment were Michael Schoder, representing the ASPLS, Christopher
19 Hughes, and Paul Whipple, PS.

20
21 Schoder introduced himself as the President of the ASPLS. First he commented that it is
22 difficult for the Society to provide written comment to proposed regulations during the 30-days
23 allowed, and wondered if the time for comment could be extended.

24
25 Schoder first addressed the proposed regulation regarding the practice of land surveying, 12
26 AAC 36.111. He said because the regulation is boilerplate NCEES the definition of land
27 surveying is not clear. He also said that this proposed regulation will have a wide effect on
28 public members and feels it was not adequately public noticed. He said his opinion is that
29 NCEES meant this as a guideline for boards and that the board should have specific language
30 defining land surveying, especially in the context of enforcement.

31
32 Schoder stated that the ASPLS' goal by promoting continuing education (CE) is to improve
33 registrants, not lose licenses.

34
35 Next Schoder addressed the regulations regarding CE that had been public noticed. The
36 ASPLS had provided comment on the CE regulation by providing its own proposed regulations,
37 which was an edited version of what the board had public noticed.

38
39 The board's proposed CE regulations had a requirement for one professional development hour
40 (PDH) units in professional ethics. Schoder stated that one hour of ethics would not accomplish
41 anything. He said the general feeling among surveyors is that mandating CE cover specific
42 subject areas is counterproductive, and it should be in the surveyor's discretion to choose
43 subject areas of CE.

44
45 Schoder then spoke regarding the hours of credit given for professional organizations, which, he
46 said, is unbalanced for what they do. He suggested that the board consider giving credit to
47 registrants that serve on the Board of Registration by giving eight hours for being an officer and
48 four hours for a committee membership.

49
50 Schoder furthered his comments on CE by telling the board there is no clear grace period if a
51 registrant is not in compliance with CE requirements for renewal. He stated there should be an
52 automatic six-month period of time in which to earn the balance of the required CE so that a
53 registrant will not lose their registration and thus their livelihood.

1 In conclusion, Schoder told the board the ASPLS looked forward to working with the board on
2 these regulations and he urged the board to adopt the regulations the ASPLS had provided.
3

4 **Agenda Item 20(C) - Mortgage Location Survey Standards**
5

6 Schoder informed the board that on November 10, 2005 the ASPLS had adopted revisions to its
7 survey standards. The standards are on the ASPLS web site and he will provide a copy to the
8 board.
9

10 Back to CE, Maynard stated that he had thought the board was going to embrace the ASPLS'
11 proposed regulations that were developed in May 2001 and was somewhat confused as to why
12 that had not been done. Maynard stated his agreement with Schoder that one-hour of ethics
13 would serve no purpose. He suggested that perhaps the board should consider giving a test on
14 the board's statutes and regulations. Maynard also pointed out that there is a misconception
15 that one must attend a class to earn CE, but that CE can be earned on the Internet, by video,
16 etc.
17

18 The next person present for public comment was Christopher Hughes. The board had reviewed
19 and found incomplete Hughes' application for the PE exam at the August 2005 meeting.
20 Hughes had subsequently written the board with additional information and asked for a re-
21 review of his application. He indicated he would be available to answer any questions the board
22 may have and provided a contact telephone number. Re-review of his application will take
23 place later in the afternoon in executive session.
24

25 The final person present for public comment was Paul Whipple. Whipple introduced himself to
26 the board as a registered land surveyor.
27

28 Whipple spoke to the board regarding the proposed regulations that had been public noticed
29 regarding the practice of land surveying. He explained to the board that people who would be
30 affected by this regulation change, specifically people that do GIS mapping and
31 photogrammetry, had not received notice of it. Maynard explained that the regulations had
32 been public noticed in the major newspapers and through the State's on line public notice
33 system.
34

35 Based on Whipple's comments the board decided to re-public notice the regulations regarding
36 the practice of land surveying with an effort to reach those who will be affected by the change.
37 The Executive Administrator asked Whipple if he would provide her with names to be included
38 in the public notice mailout.
39

40 Whipple then spoke to the regulations on continuing education. He said, contrary to the ASPLS,
41 he believes there should be coursework in ethics required. Whipple said he frequently
42 encounters surveyors whose primary goal appears to be to protect their clients instead of
43 protecting the public. He also stated he believes there should be coursework required in survey
44 standards. Whipple said he believes the regulations should more clearly define authoring
45 papers or articles and suggested adding the words "professional journals and publications."
46 Whipple also suggested that the board look at requiring courses taken over the Internet or at
47 various conferences (i.e., PowerPoint presentations) be accompanied by written text.
48

49 In conclusion, Whipple stated the board should make earning CE as easy as possible. He said
50 the board should let registrants get the CE in any format they want; however it is easiest and
51 most comfortable for them.
52

53 Public comment concluded at 1:40 p.m.

1 **Agenda Item 10 – Regulation Update**

2
3 A. To be Considered for Adoption

- 4
5 • 12 AAC 36.111 Practice of Land Surveying:

6
7 This proposed regulation was not adopted. As discussed previously, this proposed regulation
8 amendment will be re-public noticed in an attempt to reach individuals that will be affected by it.
9

10 Baker stated that the board needs to address grandfathering for those persons already
11 practicing GIS and photogrammetry. Baker also suggested that the board allow 60 days for
12 public comment on this proposed regulation.
13

14 **The following motion was duly made by Baker, seconded by Heieren**

15
16 **RESOLVED to get information out through professional services, find contacts by**
17 **using the yellow pages and include grandfathering for those already practicing in the**
18 **field.**

19
20 Following discussion Heieren withdrew his second to the motion, as he was uncomfortable
21 with the grandfathering issue and the motion failed.
22

- 23 • New Article 4: CE for Land Surveyors (12 AAC 36.400 - .455):

24
25 **The following motion was duly made by Heieren, seconded by Baker**

26
27 **RESOLVED to adopt the ASPLS’ standards for surveyor continuing education.**

28
29 Following a short discussion, Heieren withdrew his motion and the motion failed.
30

31 **The following motion was duly made by Heieren, seconded by Baker**

32
33 **RESOLVED to adopt the substituted continuing education regulations as**
34 **presented by the ASPLS.**

35
36 Gilfilian expressed concern because the regulations presented by the ASPLS were substantially
37 different from what had been public noticed. The Executive Administrator pointed out that she
38 had discussed this with the division’s Regulations Specialist, Jun Maiquis, and had been
39 assured the regulations would not need to be re-public noticed.
40

41 The board elected to discuss the other regulation projects and return to continuing education for
42 surveyors last. Heieren withdrew his motion and Baker withdrew his second.
43

44 B. To be Considered for New Regulation Projects:

- 45
46 • 12 AAC 36.100(d)(1) – Changing Name of National Examinations

47
48 **On a motion duly made by Baker and seconded by Gilfilian, it was**

49
50 **RESOLVED to approve for public notice regulations changing reference to the**
51 **names of the National Examinations from “Fundamentals of Land Surveying” to**
52 **“Fundamentals of Surveying” and change “Professional Land Surveying” to**
53 **“Professional Surveying.”**

1
2 Hearing no objection, the motion passed unanimously.
3

- 4 • 12 AAC 36.061(a)(2) – Adopting 2005-2006 NCARB Education Standards

5
6 **On a motion duly made by Brownfield and seconded by Gilfilian, it was**

7
8 **RESOLVED to approve for public notice adopting the 2005-2006 NCARB Education**
9 **Standards.**

10
11 Hearing no objections, the motion passed unanimously.
12

13 The board then returned to its discussion of 12 AAC 36.111, Practice of Land Surveying.
14

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

16
17 **RESOLVED to approve regulation 12 AAC 36.111 for re- public notice and attempt**
18 **to reach individuals who will be affected by the change; and to allow 60 days for**
19 **public comment.**

20
21 The board discussed the issue of grandfathering again, but decided to just move forward
22 with re-public noticing the regulation in order to receive comment before addressing the
23 grandfathering issue.
24

25 Heieren stated that he is not prepared to move forward on this without addressing the
26 grandfathering issue.
27

28 Hearing no objections, the motion passed.
29

30 The board then returned to its discussion of proposed regulations to be adopted under Agenda
31 Item 10(A).
32

- 33 • 12 AAC 36.068 – Landscape Architect Mentoring

34
35 Having considered public comment and any additional cost to the public:
36

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

39
40 **RESOLVED to adopt 12 AAC 36.068, Landscape Architect Mentoring.**

- 41 • 12 AAC 36.067, Dates of Experience (Engineers/Surveyors)

42
43
44 Having considered public comment and any additional cost to the public:
45

46 **On a motion duly made by Gilfilian, seconded by Fredeen and approved unanimously,**
47 **it was**

48
49 **RESOLVED to adopt 12 AAC 36.067, Dates of Experience.**

- 50 • 12 AAC 36.135, Repeal Requirement for Certificate from Corporations:
- 51

1 Having considered public comment and any additional cost to the public:

2
3 **On a motion duly made by Baker, seconded by Hightower and approved**
4 **unanimously, it was**

5
6 **RESOLVED to adopt 12 AAC 36.135, repealing the requirement that firms applying**
7 **for a Certificate of Authority provide the division with a certificate from the Corporations**
8 **Section, as staff can obtain this information free of charge from its division database.**

- 9
10 • 12 AAC 36.990 - .910, Geological Engineering:

11
12 The board did not adopt including geological engineering as a recognized discipline of
13 engineering because of the lack of response from the public and the cost impact of having to
14 purchase an examination, as NCEES does not have a geological engineering examination.

15
16 The board turned its attention back to the continuing education regulations. A lengthy
17 discussion followed on whether or not the board should re-public notice the proposed changes
18 incorporating a large portion of the comments provided by the ASPLS. Also discussed was the
19 ethics requirement, the random audit conducted by the division and the length of time allowed
20 for registrants to come into compliance. Maynard said he would have a difficult time accepting
21 the six-month time period to allow registrants to come into compliance on their CE. Schoder and
22 Heieren were adamant about wanting the board to move forward and adopt the regulations at
23 this meeting. The board decided to go through the regulations that were public noticed and the
24 comments provided by the ASPLS line by line. Brownfield stated that the regulations are not a
25 finished product and they should be re-public noticed. Baker and Gilfilian both felt it was time to
26 move forward now on adopting these regulations.

27
28 **On a motion by Fredeen, and a second by Baker with a friendly amendment, it was**

29
30 **RESOLVED to require that of the total number of continuing education hours**
31 **required, four of those hours must be in professional ethics.**

32
33 Hearing no objection, the motion passed.

34
35 **A motion was made by Heieren and seconded by Brownfield to amend 12 AAC**
36 **36.405(b)(6) as drafted by the ASPLS to read, “(6) authoring published papers, articles, or**
37 **books, relevant to the field of practice” (adding the language “relevant to the field of**
38 **practice”).**

39
40 Following discussion Heieren withdrew his motion.

41
42 The board changed all references to the “board of registration” to the “board” throughout the
43 regulations. The board also removed all references to “patents”. Under 12 AAC 36.415(6)
44 language was added to read “...up to 10 professional development hours”, adding the words “up
45 to”. 12 AAC 36.445(d) of the ASPLS’ proposed regulations was removed because of the
46 division’s random audit policies.

47
48 **On a motion duly made by Fredeen, seconded by Baker, it was**

49
50 **RESOLVED to allow registrants up to six months to come into compliance with**
51 **the continuing education requirements.**

52
53 A lengthy conversation on this issue ensued, however, hearing no objection, the motion passed.

1
2 Having considered public comment and any additional cost to the public:
3

4 **On a motion duly made by Gilfilian, seconded by Heieren, it was**
5

6 **RESOLVED to adopt the continuing education regulations in Article 4, 12 AAC**
7 **36.400 - .455 as presented by the ASPLS with amendments made by discussion and**
8 **motions as stated on the record.**
9

10 A roll call vote was conducted as follows:
11

12 Maynard – Yes
13 Baker – Yes
14 Brownfield – Yes
15 Fredeen – No
16 Gilfilian – Yes
17 Heieren – Yes
18 Hightower – Yes
19

20 By a majority vote the motion passed. The regulations for surveyor continuing education as
21 adopted by the board are appended to these minutes. (12 AAC 36.400 - .455)
22

23 The board asked the Executive Director to write letters of thank you to members of the public
24 that commented on the proposed continuing education regulations.
25

26 Break at 3:25 p.m.
27 Reconvene at 3:35 p.m.
28

29 **Agenda Item 11 – Application Review**
30

31 **On a motion made by Baker, seconded by Gilfilian, and adopted unanimously, it**
32 **was**
33

34 **RESOLVED to adjourn into Executive Session for the purpose of reviewing**
35 **applicant files.**
36

37 The board adjourned into Executive Session at 3:40 p.m. A sign was placed on the door
38 indicating the board was now in Executive Session.
39

40 The board recessed at 7:00 p.m. until 8:00 a.m. on Friday, November 18.
41

42 **Friday, November 18, 2005**
43

44 **Agenda Item 12 – Reconvene Meeting/Roll Call**
45

46 The Chair called the meeting to order at 8:05 a.m.
47

48 Members present and constituting a quorum of the Board were:
49

50 Kenneth Maynard, Architect, Chairperson
51 Clifford Baker, PLS, Land Surveyor
52 Boyd Brownfield, PE, Civil Engineer
53 Craig Fredeen, PE, Mechanical Engineer

1 Richard Heieren, PLS, Land Surveyor
2 Harley Hightower, Architect
3 Richard Hughes, PE, Mining Engineer
4

5 Mark Morris, PE, Electrical Engineer was unable to attend.
6 Robert Gilfilian, PE, Civil Engineer was unable to attend the second day of the meeting.
7

8 The temporary landscape architect and public member positions are presently vacant.
9

10 Representing the Division of Corporations, Business and Professional Licensing were:
11

12 Ginger Morton, Executive Administrator
13 Eleanor Vinson, Licensing Examiner
14 Vern Jones, Licensing Examiner
15

16 Joining part of the meeting was the following member of the public:
17

18 Michael Schoder, PLS, Land Surveyor, 5820 Yukon Road, Anchorage, Alaska,
19 representing the Alaska Society of Professional Land Surveyors (ASPLS);
20

21 **Agenda Item 13 – Executive Session to Complete Application Review**
22

23 Application review had been completed so it was not necessary to adjourn into Executive
24 Session.
25

26 **Agenda Item 14 – Subgroup Reports**
27

28 A. Engineering Disciplines. Maynard stated he had nothing to report.
29

30 Incidental Practice. Brownfield stated he had nothing to report.
31

32 B. CE-Phase II. Brownfield handed out his report entitled “Continuing Education
33 Subcommittee Phase #2 Status Report” for the board to review. He indicated he had
34 mistakenly not included landscape architects in his report. Brownfield reported it is this
35 subcommittee’s goal to have draft proposed regulations for the board to review at the May
36 2006 meeting. He told the board another status report would be provided at the February
37 2006 meeting.
38

39 Maynard stated again that it is important to let registrants know that continuing education
40 can be earned in settings other than the classroom.
41

42 C. Electronic Transmittals. Fredeen discussed a letter the board had received from registrant
43 Jeffrey Koonce regarding electronic transmittals. Fredeen said he would draft a response to
44 the letter for the board to review letting Mr. Koonce know that he was correct that he could
45 use electronic signatures on copies of drawings, but that the original drawing must have a
46 “wet” signature. Mr. Koonce pointed out that there was misleading information on the
47 board’s web site. The Executive Administrator was asked to change the wording on the web
48 from “Electronic signatures are not allowed on *final* drawings” to “Electronic signatures are
49 not allowed on *original* drawings.”
50

51 Fredeen asked if a regulation project should be initiated on the electronic transmittal issue
52 and the board responded yes.
53

54 D. Disciplinary Action/Process. Hightower said all he has done to date is meet with

1 Investigator John Clark to discuss the process for closing cases. He said he too is troubled
2 that cases are being closed with no disciplinary action being taken because of the lack of
3 resources. With regard to requiring design professional on new structures, Hightower said
4 that the board adopts the International Building Code and that is where perhaps that
5 requirement could be found.
6

7 Maynard stated that the board would like to have a flow chart of the investigative process,
8 and the Executive Administrator said she would try to find one from the division's
9 investigative offices.
10

11 Hightower told the board he really was not sure where to begin on this assignment, but
12 would meet with Baker to find out what he should be doing.
13

14 The board then had a lengthy discussion regarding the involvement of a board member
15 when a complaint is initiated and whether or not that member would then have to recuse
16 himself from any action or determination should the case go to hearing. There was some
17 discussion of peer review. All members agreed that enforcement should be a major role of
18 the board. The board expressed frustration at the lack of information they are provided with
19 when working with the investigator to determine whether or not to pursue a complaint. The
20 board wondered if it would be possible for one member to be told the basis of a complaint in
21 detail and then recuse himself/herself from any action on the case. Fredeen stated that this
22 is how many other state boards do it.
23

24 Brownfield told the board that the ASCE had just come out with a new Code of Ethics and
25 he would email it to all board members.
26

27 Heieren commented that he had attended some excellent law enforcement courses at the
28 NCEES Annual Meeting. He stated that some boards spend half their time on disciplinary
29 and enforcement issues, and that is where this board's role should be.
30

31 E. Fire Protection. Fredeen stated that this original issue on NICET fire protection technicians
32 had been put to bed. He said he needed to meet with the State Fire Marshall and arrange
33 to get her involved with the group. He also said he needed to meet with Nick Bakic to set up
34 a time line and have some meetings to see what needs to be addressed during the next
35 legislative session.
36

37 F. Proposed Legislative Changes. There was nothing further to report on this issue.
38

39 G. Courtesy/Temporary License. Maynard commented that he would rather have this called a
40 Good Samaritan Law. He also stated that this is something NCARB is considering doing.
41 The board will review the draft courtesy license regulations later in the meeting.
42

43 **Agenda Item 15 – Expenditure Report**

44

45 Rick Urion, Director, Jennifer Strickler, Chief, and Kathy Taylor, Accounting Technician for the
46 division joined the meeting at 8:45 a.m. by teleconference. Board member Gilfilian was also
47 present by teleconference.
48

49 Maynard began the discussion by stating that the board had been receiving many complaints
50 about the increase in the registration fees. Maynard asked Strickler if she would walk the board
51 through the detailed expense/revenue report she had provided earlier.
52

53 Strickler started by telling the board that she had provided them with FY 04 and FY 05
54 documents. She told them that the numbers they were looking at were the actuals as reported

1 in the state accounting system.

2
3
4 She explained that at the end of FY 03 the board had a credit of \$66,100, but since then
5 expenses incurred during FY 04-05 depleted the credit, leaving a deficit of \$159,000 at the start
6 of FY 06. Strickler told the board the division could have increased the fees by only \$50 this
7 biennium, and then again another \$50 for the subsequent biennium, but the division had
8 decided it best to increase by full \$100 at this time.

9
10 The report provided, listed in detail, the year-to-date actuals and encumbered for personal
11 services, travel, contractual services, expert witnesses and supplies. Also included was a
12 detailed AELS payroll/expense report and to which profession governed by AELS
13 payroll/expenses were billed.

14
15 To further identify some of the major expenses of contractual services for FY 05, pages were
16 attached showing vendors by account codes. Some of the major expenses are billings from the
17 Attorney General's Office, dues paid to national organizations, examination expenses and
18 payments to Test, Inc. for the AKLS exam. Legal bills from the AG's office were attached, but
19 with a disclaimer as these are confidential documents.

20
21 Strickler stated that the bottom line is that the board has a deficit that must be made up with a
22 fee increase in order to keep the board self-sustaining.

23
24 The board asked if this detailed report could be provided to registrants that have asked for it.
25 Strickler said it could be provided, but without the legal bills portion, which is confidential.

26
27 Fredeen asked if the board could be provided the report entitled AR YTD Actuals &
28 Encumbered at each meeting with the expenditure report. Strickler responded this could be
29 provided.

30
31 The board then began its discussion with Director Rick Urion. The first item addressed was by
32 Maynard, who stated the board's concern with enforcement issues, and the number of cases
33 presently open, many of which are years old. Brownfield stated that many of these older cases
34 are in the legal arena so the lawyers needed to get busy to resolve them. Urion said this was a
35 good point, and that he did not know why there were so many unresolved cases.

36
37 Urion then asked the board if they wanted to talk about the application issues. Urion had written
38 a letter of concern to the board about the inconsistencies of awarding work experience and the
39 issue of a former board member receiving what was perceived to be preferential treatment in
40 being approved to sit for the PE exam.

41
42 First addressed was the letter written to Urion by Christopher Hughes in which Hughes was
43 given no work experience credit for two work verifications signed off on by PEs. Brownfield had
44 reviewed Hughes' application and told Urion that the board has to take the experience
45 verifications at face value and make its determination on what the experience verifications state
46 the type of work performed was. In the instant case, the experience verifications used words
47 such as "physics" and "science" and not "engineering." The board explained that this issue has
48 been resolved with Hughes and he will be approved to sit for the PE exam upon receipt of
49 amended experience verifications.

50
51 Urion and the board briefly discussed why applicants must gain experience prior to taking the
52 licensing examinations instead of being allowed to sit for the examinations first.

53
54 Next, Gilfilian talked about the former board member that had appeared to receive preferential

1 treatment in his application for the PE exam. Gilfilian is the only current board member who
2 was sitting on the board at the time of this application. Gilfilian explained that at the time this
3 application was reviewed the board took extra time and effort to make certain things were done
4 appropriately, and in his mind there was no special treatment for this applicant. He indicated
5 that this applicant's request for a FE waiver was denied, but he was approved for the PE exam.
6

7 Maynard then told Urion that one of the legislative recommendations the board would have for
8 the upcoming session would be to reintroduce legislation to give the board's investigator
9 authority to issue stop work orders.

10
11 Before concluding, Urion agreed to meet with Maynard and Brownfield while in Anchorage next
12 week to discuss the board's legislative recommendations.

13
14 Also, in light of Hughes' resignation from the board, Urion thanked him for his service.

15
16 The discussion concluded at 9:25 a.m. Gilfilian also left the telephonic meeting at this time.
17

18 **Agenda Item 17 – Meet with AAG Brower (Tel)**

19
20 Assistant Attorney General David Brower joined the meeting by teleconference at 9:30 a.m.

21
22 A. AS 08.48.331, Exemption for NICET Fire Protection Technicians.

23 B. AAG NICET Memo re Statute Conflicts
24

25 Brower explained to the board that there is no conflict in the statutes on this issue. However, he
26 stated it would be best to have a specific registration exemption for NICET technicians in AS
27 08.48.331. Brower had provided suggested language for this exemption, and this will be one of
28 the board's legislative projects for the upcoming legislative session.
29

30 C. Bruce Anders Memo to DNR Re Licensure for Consulting Engineers. The board had
31 requested Brower to review AAG Anders' memo on this issue to see if he agreed. Hughes told
32 Brower that DNR needed clarity on this issue. Brower stated his opinion that it is perfectly
33 alright for a consultant to provide DNR with opinions or analyses on geotechnical aspects of
34 mining projects without being registered as a professional engineer in the state. Brower
35 indicated he would meet with Anders and write an opinion to the board clarifying this issue.
36

37 D. Retired Status. Following a lengthy discussion the board and Brower agreed that if a civil
38 engineer had been grandfathered in as a land surveyor and then put his registration into retired
39 status for greater than five years, he/she would be required to take the PS examination before
40 being entitled to reactive his/her land surveyor registration.
41

42 Fredeen stated this issue would need to be addressed because of continuing education.
43

44 E. Stutzman – Registration Number on Monuments. This question arose as a result of an
45 Alaska registered land surveyor who had recently passed away. He had made a request that
46 his registration number be used on monumentation placed by his corporation. The board was
47 uncertain of the appropriateness of this and asked for Brower's opinion.
48

49 A discussion followed between the board's surveyors and Brower regarding what is actually on
50 a monument. Heieren stated that two numbers on a monument is not out of the question. He
51 said that monuments are numbered for tracking purposes. Brownfield commented that statute
52 requires certain information to be on a monument, however it does not address extraneous
53 information, so why couldn't a second registration number appear on the monument. Heieren
54 agreed with Brownfield. Brower had no further comments on this issue.

1
2 Fredeen told the board there was one additional item that Gilfilian had requested be addressed
3 with Brower and that was language requiring when a building is required to have a design
4 professional's stamp. Fredeen said that Gilfilian felt that under AS 08.48.331(a)(6)(C), this
5 exemption is the law that requires buildings not under this exemption to have a professional's
6 stamp. Fredeen continued by telling Brower that Investigator Clark had told the board this
7 language had previously not held up in court. Brower said that there had been a Superior Court
8 decision saying this law is good enough. He said he would look into it further and get back to
9 the board.

10
11 The board thanked Brower for his time.

12
13 **Agenda Item 18 – View Ethics Video.** The board viewed a short 20-minute video on Ethics
14 provided by the division.

15
16 Break at 10:50 a.m.

17 Reconvene at 10:55 a.m.

18
19 **Agenda Item 19 – Emeritus Status.** This item had been discussed previously.

20
21 **Agenda Item 20 – Old Business**

22
23 C. Mortgage Location Survey Standards. Schoder told the board the ASPLS had adopted
24 revisions to its August 2004 standards at its November 2005 meeting. He provided a copy to
25 the board. The board asked the Executive Administrator to scan and email the standards to all
26 board members.

27
28 A. Fire Protection Subgroup. There was nothing to report on this issue that had not already
29 been addressed.

30
31 B. Review Possible Statute Change for Larger than 3 Stories for Mechanical/Electrical.
32 Hightower indicated that he needed to talk to Ron Thompson about this issue. Hightower then
33 authored a question for the Executive Administrator to send out on the national list serve asking
34 other states what their size requirements are for requiring design professionals.

35
36 **Agenda Item 21 – New Business**

37
38 A. Board Training. The board reviewed the materials that had been provided regarding board
39 training. The board concluded that what it really needs is training in enforcement and
40 liability issues.

41
42 B. Mandatory Jurisprudence Exam. The board reviewed the two sample jurisprudence exams
43 that had been provided. There followed a discussion on how this examination would be
44 delivered and how it would be scored. Fredeen suggested that we get input from the
45 board's investigator when determining questions. The Executive Administrator was asked to
46 come up with questions for the board's review at the next meeting and she agreed to do so.

47
48 Electronic signatures and legislative recommendations had previously been discussed.

49
50 On an unrelated matter, the board asked the Executive Administrator to see if the investigative
51 division had a flow chart on the investigative process. Also discussed was a suggestion to work
52 on proposed language for assessing different fine amounts for different disciplinary actions.

53
54 Maynard indicated he was going to get information from the investigator on the hotel being

1 renovated in Kenai and write a letter to the State Fire Marshall, with a carbon copy to the Kenai
2 Building Officials.

3
4
5 Break for lunch at 12:00 p.m.
6 Reconvene at 1:00 p.m.

7
8 **Agenda Item 22 – NCEES Annual Meeting Report**
9

10 Members that had attended the NCEES Annual Meeting provided reports to the other members.
11 Heieren said that he had made some good contacts as far as networking with other states.
12 Fredeen discussed the enforcement information he had been given by NCEES. Fredeen also
13 discussed how other jurisdictions find violations. A question arose on what construction
14 documents are public, or if not, how can they be made public. Hightower will be meeting with
15 Ron Thompson and he will ask him this question.

16
17 **Agenda Item 23 – NCARB Member Chair Conference.** Maynard had previously handed out
18 his report from attendance at this meeting.
19

20 **Agenda Item 24 – Meeting with Administrative Law Judge.** Morris and the Executive
21 Administrator had met with Terry Thurbon, Chief Administrative Law Judge, regarding the new
22 Office of Administrative Hearings. A report and flowchart were provided which detailed the
23 changes and time lines in the administrative hearing process.
24

25 **Agenda Item 25 – Checklist: Landscape Architect by Comity.** The original intent of this and
26 the other checklists had been to allow board staff to approve applicants for registration by
27 comity. The board later learned from the AG's Office that staff cannot approve comity
28 applicants. However, the board asked staff to begin using the checklists for registration by
29 comity, as it would save the board time in reviewing each item in an applicant's file.
30

31 The board requested staff to begin using the checklists that had been developed for all comity
32 applicants; i.e., model law engineers, architects with an NCARB Council Record, and landscape
33 architects with a CLARB Council Record. Staff indicated it would do so.
34

35 **Agenda Item 26 – Examiner's Report.** The board reviewed the examiner's report that showed
36 there had been 39 registrations issued since the August 2005 meeting; 35 by comity and four by
37 examination.
38

39 **Agenda Item 27 – Goals and Objectives.** The board reviewed its FY 06 Goals and Objective,
40 and made no changes.
41

42 **Agenda Item 18(G) – Courtesy/Temporary License.**
43

44 The board reviewed the proposed regulations and the checklist developed for courtesy
45 licensing. After lengthy discussions, the board decided that a courtesy license could be issued
46 for a period of 180 days and there would be no limit to the number of courtesy licenses a
47 registrant could apply for. The board also removed the requirement for submitting an
48 application 30 days prior to the event for which the license would be needed.
49

50 **On a motion duly made by Brownfield, seconded by Hughes, it was**

51
52 **MOVED to approve a motion changing the length of time for which a courtesy**
53 **license is issued from 180 days to 90 days.**

1
2 A roll call vote was conducted as follows:

- 3
4 Maynard – Yes
5 Baker – Abstain
6 Brownfield – Yes
7 Fredeen – No
8 Heieren – No
9 Hightower – Abstain
10 Hughes – No.

11
12 There was not a majority vote, so the motion failed.

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

15
16 **RESOLVED to approve the motion to public notice proposed regulations for a**
17 **courtesy/temporary license with the recommended changes as stated on the record,**
18 **keeping the time for issuance of the license at 180 days.**

19
20 Hearing no objection, the motion passed.

21
22 **Senior Investigator, Brian Howes**. An unscheduled appearance, by request of the board, was
23 made by the division's Senior Investigator, Brian Howes, at 1:22 p.m. Howes passed out to the
24 board a flow chart of the investigative process.

25
26 When asked why there was no time line in the flow chart, Howes responded that priorities are
27 established according to public safety. For example, an applicant for registration would be
28 deemed less of a priority, as they are not licensed and practicing.

29
30 A long discussion was held with Howes about having one board member sit down with the
31 board's investigator each month and determine which cases should be followed through with
32 and which cases should be abandoned. Then, if necessary, that member could recuse himself
33 from any decisions in the cases followed through with. Howes indicated that the medical and
34 dental boards have an Ad Hoc committee, which does just this, and some boards have a
35 peer/professional review. Heieren commented that he would like to see higher board
36 involvement in the beginning stages of an investigation.

37
38 Maynard said he would talk to Investigator Clark about the board forming an Ad Hoc Committee
39 to review complaints monthly and determine those with merit that should be pursued.

40
41 **Agenda Item 28 - Read Applications into the Record**

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

45
46 **RESOLVED to APPROVE the following list of applications for comity and**
47 **examination as read, with the stipulation that the information in the applicant files**
48 **will take precedence over the information in the minutes:**

49

1 The Licensing Examiner read the following applications into the record.

2

3

APPLICATIONS FOR REGISTRATION BY EXAMINATION AND COMITY			
NOVEMBER 17-18, 2005			
NAME	DISCIPLINE	COMITY/ EXAM	BOARD ACTION
1) Abel, Jason T.	PE-Civil	Comity	Conditionally approved pending payment of fees.
2) Anderson, Charles	Landscape Architect	Comity	Conditionally approved pending payment of fees.
3) Anderson, Jon	Architect	Comity	Conditionally approved pending Arctic Course, references payment of fees
4) Anderson, Glenn	Architect	Comity	Conditionally approved pending favorable investigator's report and payment of fees.
5) Bailey, Sharon Leigh	PE-Civil	Comity	Conditionally approved pending payment of fees.
6) Basaraba, Leonard	PE-Civil	Comity	Conditionally approved pending payment of fees.
7) Beckerle, Timothy	PE-Civil	Comity	Conditionally approved pending verification of education & payment of fees
8) Boggess, Jay S.	PE-Electrical	Comity	Conditionally approved pending payment of fees & verification of current license & PE exam & five references
9) Bowker, Steven S.	PE-Civil	Comity	Conditionally approved pending payment of fees.
10) Boyle, Scott	PE-Mechanical	Exam	Conditionally approved pending payment of fees.
11) Bray II, Kenneth	Land Surveyor	Exam	Approved to take AKLS and Conditionally approved for comity pending passing AKLS & payment of fees
12) Brown, Mark	Land Surveyor	Exam	Conditionally approved for PLS and AKLS pending payment of fees
13) Carlson, Sean H.	Architect	Comity	Conditionally approved pending Arctic Course & fees
14) Crowther, Scott	FLS	Exam	Approved
15) Findley, Alan	PE-Civil	Comity	Conditionally approved pending payment of fees
16) Fleener, Brian	Architect	Comity	Conditionally approved pending payment of fees.

17) Fulton, Thomas	PE-Electrical	Comity	Conditionally approved pending payment of fees.
18) Gould, Stephanie	PE-Civil	Exam	Conditionally approved pending payment of fees.
19) Granata, Salvatore	PE-Civil	Comity	Conditionally approved pending Arctic Course & fees
20) Gray, Alan	PE-Mechanical	Comity	Approved pending payment of fees
21) Griswold, William	PE-Civil	Comity	Conditionally approved pending payment of fees
22) Guenther, Dennis	PE-Mechanical	Comity	Conditionally approved pending Arctic Course & fees
23) Hackney, Todd	PE-Electrical	Exam	Conditionally approved pending payment of fees
24) Harriot, James	PE-Civil	Comity	Approved pending payment of fees
25) Howorth, John	PE-Civil	Comity	Conditionally approved pending payment of fees
26) Hughes, Christopher	PE-Civil	Exam	NO ACTION
27) Baumann, Dominic	FE	Exam	Approved
28) Dinakaran, Satish	FE	Exam	Approved
29) Knorr, Kristina	FE	Exam	Approved
30) Zhao, Yuanyuan	FE	Exam	Approved
31) Kolankaya, Savas	PE-Civil	Comity	Conditionally approved pending Arctic Course & payment of fees
32) Kushner, Steven	Architect	Exam	Conditionally approved pending payment of fees.
33) Kushnick, Steven	PE-Mechanical	Comity	Approved pending payment of fees
34) Kwan, John C.	PE-Mechanical	Comity	Approved pending payment of fees
35) Lewis, Stephen	PE-Civil	Comity	Conditionally approved pending payment of fees.
36) Manhire, Suzanne E.	ARE-Exam	Exam	Conditionally approved pending payment of fees.
37) Marquez, Samuel	PE-Electrical	Comity	Conditionally approved pending Arctic Course & verification of education & payment of fees
38) Martin, Oona	Landscape Architect	Exam	Conditionally approved pending payment of fees.
39) McGinnis, Danniell W.	PE-Civil	Comity	Conditionally approved pending payment of fees.
40) McKnight, Joseph	PE-Civil	Comity	Conditionally approved pending Arctic Course & payment of fees
41) Metzler, John	PE-Electrical	Comity	Conditionally approved pending Arctic Course & payment of fees
42) Miller, Cathy	PE-Mechanical	Comity	Conditionally approved pending payment of fees.
43) Mitchell, Kevin	PE-Mechanical	Exam	Conditionally approved pending Arctic Course & payment of fees

44) Muth, Franklen	PE-Civil	Comity	Conditionally approved pending Arctic Course, verification of PE exam & current license & payment of fees
45) Nethery, Gary	PE-Civil	Exam	Conditionally approved pending payment of fees, FE verification
46) Panlilio, Jesus V.	PE-Electrical	Comity	Conditionally approved pending verification of PE exam and payment of fees
47) Petropulos, James J.	PE-Civil	Comity	Conditionally approved pending payment of fees.
48) Pinard, Kenneth	Land Surveyor	Comity	Approved to take AKLS and Conditionally approved for comity pending passing AKLS & payment of fees
49) Pochop, Michael	PE-Civil	Comity	Conditionally approved pending payment of fees.
50) Porter, Brian D.	Architect	Exam	Conditionally approved pending payment of fees
51) Price, Krey	PE-Civil	Comity	Conditionally approved pending payment of fees.
52) Rampetsreiter, Robert	PE-Civil	Comity	Approved pending payment of fees
53) Rajan, Sundar	PE-Electrical	Comity	Conditionally approved pending Arctic Course & payment of fees
54) Rana, Dharmendra	PE-Civil	Comity	Conditionally approved pending payment of fees.
55) Rousso, Evelyn	Architect	Comity	Conditionally approved pending receipt of NCARB Council Record and payment of fees
56) Ruesch, Parke	PE-Civil	Comity	Conditionally approved pending payment of fees.
57) Slavovsky, Peter	Architect	Comity	Conditionally approved pending Arctic Course & payment of fees
58) Stockus, Raymond	PE-Electrical	Comity	Conditionally approved pending payment of fees
59) Stutzke, Jeffrey P.	PE-Civil	Comity	Conditionally approved pending payment of fees.
60) White, Erica Louise	ARE-Exam	Exam	Conditionally approved pending payment of fees
61) Wilbur, Kelli S.	PE-Chemical	Comity	Conditionally approved pending payment of fees
62) Wotto Sullivan, Lilia	ARE Exam	Exam	Conditionally approved pending payment of fees.

1 **Agenda Item 29 – Review Calendar of Events**

2
3 The board confirmed the following meeting dates and locations:

4
5 February 9-10, 2006 – Juneau
6 May 25-26, 2006 – Fairbanks
7 August 17-18, 2006 – Wasilla
8 November 16-17, 2006 – Anchorage
9

10 The board reviewed a memo drafted by the Executive Administrator showing the number of
11 registrants residing in some of Alaska’s major cities other than Anchorage, Fairbanks and
12 Juneau.

13
14 Following discussion, the board decided it would be like to hold its August 2006 meeting in
15 Wasilla.

16
17 **Agenda Item 30 – Board Member Comments, Task List, Sign Wall Certificates,**
18 **Housekeeping, Collect TAs, Receipts**

19
20 The Chair brought up the next agenda item, Board Member Comments, Task List, and
21 Housekeeping:

22
23 Maynard said he was sorry to see Hughes resign from the board and he appreciated the time he
24 served. Maynard also said he would like to see the architect continuing education move
25 forward.

26
27 Baker stated that the board was able to get through some important issues, thanks to Hughes.

28
29 Brownfield said he would miss Hughes as he was a solid member and he hopes Hughes’
30 replacement is half the member. He felt the board covered a lot at this meeting. Brownfield
31 also welcomed the new licensing examiner, Vern Jones.

32
33 Fredeen told Hughes he would miss him as a board member and hoped to see him at the
34 meeting in Fairbanks.

35
36 Heieren also said he would miss Hughes, and he feels very satisfied with the board’s progress
37 at this meeting. He said from a land surveyor’s standpoint the board did something the land
38 surveyors have been wanting for a long time. Heieren also thanked division staff.

39
40 Hightower stated also that he was pleased with the board’s progress at this meeting, except for
41 enforcement issues, as many cases are being closed with no action being taken. He also said
42 he would miss Hughes.

43
44 Hughes told the board he appreciated their comments, appreciated the division staff, and that
45 he was not going away entirely. He said he hopes to work with the Governor’s Office to replace
46 his position on the board. He said the board needs to keep the idea of a “general engineer”
47 alive

48
49 The Executive Administrator said she thought it was a good meeting, was glad regulations were
50 adopted regarding continuing education, and thanked the board for being open to her ideas.

51
52 The board then concluded its housekeeping duties.

1
2

Task List:

Maynard	Serve on Incidental Practice/Engineering Disciplines Subgroup.
	Serve on Legislative Changes Subgroup.
	Talk with Investigator Clark re Ad Hoc Committee for investigations.
	Letter to State Fire Marshall re hotel renovated in Kenai.

Baker	Serve on Incidental Practice/Engineering Disciplines Subgroup.
--------------	--

Brownfield	Serve on Legislative Changes Subgroup.
	Serve on Continuing Education Subgroup – Phase 11.
	Email ASCE Code of Ethics to Board Members.

Fredeen	Serve on Continuing Education Subgroup – Phase II.
	Serve on Electronic Transmittals and Signatures Subgroup.
	Serve on Fire Protection Subgroup.
	Serve on Additional Engineering Disciplines Subgroup.
	Draft Letter to Jeffrey Koonce re electronic transmittals.

Gilfilian	Serve on Incidental Practice/Engineering Disciplines.
	Mortgage Location Survey Standards
	Serve on Electronic Transmittals & Seals Subgroup.
	Serve on Additional Engineering Disciplines Subgroup.

Heieren	Serve on Legislative Changes Subgroup – Phase II
	Serve on CE-Phase II Architecture Mandatory CE.

1

Hightower	Research a possible statute change requiring that houses over a certain height or over a certain number of square feet be designed by professionals.
	Serve on Disciplinary Action Subgroup.
	Meet with Ron Thompson (ask if construction documents are public).

2

Morris	Serve on Legislative Changes Subgroup.
	Take the lead on implementing an open-book examination on Alaska's statutes and regulations for registration by exam and comity.

Executive Administrator	Draft response to Siekawitch's letter regarding timing of the IDP/ARE.
	Revise Annual Report.
	Send list serve to other member boards regarding size of structures requiring design professionals.
	Research business cards for board members.
	Put ASPLS survey standards on AELS web site.
	Correspond with NCEES re members currently serving on committees, thus requiring emeritus status.
	Research history of AELS Emeritus Status (authority?)
	Re-public notice Practice of Land Surveying regulations for 60 days and attempt to reach those that will be affected.
	Clarify "sealing" information on AELS web site.
	Forward detailed budget information to those requesting.
	Scan and email ASPLS standards to board members.
	Add emeritus status to board policies.
	Draft ethics questions for potential jurisprudence examination.
	Discuss legislative recommendations with director to see which ones the division will support.
	Letters to members of the public that commented on CE regs.

3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Brower	Draft memo regarding consulting engineers being hired by DNR (Anders' memo)
	Research AS 08.48.331(a)(6)(C) (exemption language).

**On a motion by Brownfield, seconded by Heieren and approved unanimously, it was
RESOLVED to adjourn the meeting at 3:10 p.m.**

There were no objections and the meeting was adjourned.

Respectfully submitted:

Ginger Morton, Executive Administrator

Approved:

Kenneth D. Maynard, FAIA, Chair
Board of Registration for Architects,
Engineers, and Land Surveyors

Date: _____

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

5
6 Article 4. Continuing Education for Land Surveyors

7
8 **Section**

9
10 400. Purpose of continuing education

11
12 405. Continuing education requirements

13
14 410. Criteria

15
16 415. Units

17
18 420. Computation of credits

19
20 425. Exemptions

21
22 430. Comity out-of-jurisdiction resident

23
24 435 Report of continuing education

25
26 440. Record keeping

27
28 445. Audit and review of records

29
30 450. Reinstatement

31
32 455. Forms

33
34 **12 AAC 36.400. Purpose of continuing education.** The purpose of the continuing
35 education program is to demonstrate a continuing level of competency of professional land
36 surveyors in Alaska. Unless otherwise exempted under 12 AAC 36.430, every professional land
37 surveyor licensee shall meet the continuing education requirements of these regulations as a
38 condition for registration, reinstatement or renewal. (Eff. ___/___/___ , Register)

39 Authority: AS 08.48.071 AS 08.48.101

40
41
42 **12 AAC 36.405. Continuing education requirements.** (a) As a condition for

1 registration renewal professional land surveyors are required to obtain 30 professional
2 development hours units during the biennial renewal period. At least four professional
3 development hour units shall be in professional ethics. Any licensee who completes in excess of
4 30 professional development hours units within the preceding 2 calendar years may have the
5 excess, not to exceed 15 professional development hours units, applied to the continuing
6 education requirement for the next biennium.

7 (b) continuing educational activities that satisfy the continuing education requirements shall
8 include

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

18 (c) All of the activities described in (b)(1) – (7) of this section shall be relevant to the
19 practice of a technical profession and may include technical, ethical, or managerial content.

20 (d) In this section,

21 (1) “professional development hour” means a contact hour consisting of not less than 50
22 minutes of instruction or presentation which meets the requirements of these regulations;

23 (2) “continuing education unit” means a nationally recognized and uniform unit of
24 measure for continuing education and training;

25 (3) “college, unit semester, and quarter hour” means credit for course in
26

1 accredited programs or other related college course approved in accordance with 12 AAC
2 36.415;

3 (4) “course or activity” means any qualifying course or activity with a clear
4 purpose and objective which will maintain, improve, or expand the skills and knowledge
5 relevant to the licensee’s field of practice. (Eff. // , Register)

6
7 Authority: AS 08.48.101

8
9
10 **12 AAC 36.410. Criteria.** Continuing education activities are not pre-approved by the
11 board but must meet the following criteria:

12 (1) there must be a clear purpose and objective for each activity which will
13 maintain, improve, or expand skills and knowledge obtained prior to initial licensure or to
14 develop new and relevant skills and knowledge;

15 (2) the content of each presentation must be well organized and presented in a
16 sequential manner;

17 (3) persons who are well qualified by education or experience must make the
18 presentation; and

19 (4) there must be a provision for documentation of the individual’s participation
20 in the activity, including information required for record keeping and reporting. (Eff. //
21 , Register)

22
23 Authority: AS 08.48.071 AS 08.48.101

24
25
26 **12 AAC 36.415. Units.** The conversion of units of credits to professional development
27 hour units is as follows:

28 (1) one college or unit semester hour equals 45 professional development hours;

1 (2) one college or unit quarter hour equals 30 professional development hours;
2 (3) one continuing education unit equals 10 professional development hours;
3 (4) one hour of professional development in coursework, seminars, or
4 professional or technical presentations made at meetings, conventions, or conferences equals one
5 professional development hour;

6 (5) one hour of initial course of instruction of the subject matter when teaching
7 professional development in coursework, seminars, or professional or technical presentations
8 listed in 12 AAC 36.405(b) equals two professional development hours, unless there have been
9 substantial new developments in the subject since the prior presentation, except this provision
10 does not apply to full-time faculty;

11 (6) each published paper, article, or book equals up to 10 professional development
12 hours;

13 (7) active participation in each professional and technical society equals no more than
14 eight professional development hours per year for each professional or technical society. (Eff. //
15 , Register)

16
17 Authority: AS 08.48.071 AS 08.48.101
18
19

20 **12 AAC 36.420. Computation of credits.** The board has final authority with respect to
21 acceptance of courses, credit, professional development hour value for course, and other methods
22 of earning credits as follows;

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

25 (2) credit for qualifying seminars and workshops will be based on one
26 professional development hour unit for each hour of attendance;

1 (3) attendance at qualifying programs presented at professional and/or technical
2 society meetings will earn professional development hour units for the actual time of each
3 program;

4 (4) credit determination for published papers, articles, or books is the
5 responsibility of the licensee but is subject to review and approval by the board;

6 (5) credit for participating in professional and technical societies is limited to eight
7 professional development hour per organization for service as an officer or active participation in
8 a committee of the organization. Professional development hour credits are not earned until each
9 year of service is completed. (Eff. // , Register)

10 Authority: AS 08.48.071 AS 08.48.101

11
12

13 **12 AAC 36.425. Exemptions.** A licensee may be exempt from the professional
14 development educational requirements for one of the following reasons:

15 (1) a new licensee by way of examination or comity shall be exempt for the first
16 renewal period;

17 (2) a licensee serving on temporary active duty in the armed forces of the United
18 States for a period of time exceeding 120 consecutive days in a year;

19 (3) licensees experiencing physical disability, illness, or other extenuating
20 circumstances as reviewed and approved by the board and requires supporting documentation to
21 be furnished to the board;

22 (4) licensees who list their profession as “Retired” on the registration renewal
23 form. In the event such a person elects to return to active practice, professional development
24 hours must be earned before returning to active practice for each year exempted, not to exceed
25 the requirement for two years; or

26 (5) other good cause as approved by the board. (Eff. // , Register)

1
2 Authority: AS 08.48.071 AS 08.48.101
3
4

5 **12 AAC 36.430. Comity out-of-jurisdiction resident.** The continuing education
6 requirements will be considered satisfied when a non-resident certifies to be registered in and has
7 met the mandatory continuing education requirements of their home jurisdiction. (Eff. // ,
8 Register)

9
10 Authority: AS 08.48.071 AS 08.48.101
11
12

13 **12 AAC 36.435. Report of continuing education.** A licensee seeking renewal shall
14 submit, on a form for the current renewal period, a statement that the applicant has complied
15 with the continuing education requirements of 12 AAC 36.405. (Eff. // , Register)

16 Authority: AS 08.48.071 AS 08.48.101
17

18 **12 AAC 36.440. Record keeping.** (a) A licensee is responsible for maintaining records,
19 which may be used to support units claimed and required records include, but are not limited to:

20 (1) a log showing the type(s) of activity claimed, sponsoring organization,
21 location, duration, instructor's or speaker's name and professional development hour units
22 earned; and

23 (2) attendance verification records in the form of completion certifications,
24 signed attendance receipts, paid receipts, a copy of a listing of participants signed by a person in
25 responsible charge, or other documents supporting evidence of attendance.

26
27
28 (b) except as exempted in 12 AAC 36.360, records must be maintained for a period of 4
29 years and copies must be furnished to the board for audit verification purposes within 30 days of
30 the board's request. (Eff. // , Register)

31
32 Authority: AS 08.48.071 AS 08.48.101

1
2
3 **12 AAC 36.445. Audit and review of records.** (a) The board may request at any time,

4 that a licensee provide proof of compliance with all continuing education requirements.

5 (b) The department will audit compliance of licensees with continuing education
6 requirements in accordance with 12 AAC 36.02.960.

7 (c) If a licensee fails to provide proof of compliance, or if discrepancies or deficiencies are
8 discovered, the license, at the discretion of the board, may not be renewed in accordance with
9 12 AAC 02.965. Prior to an order of non-renewal of the license by the board, the licensee will
10 be given six (6) months time to obtain up to 15 of the required professional development hours
11 of continuing education to satisfy the requirements of 12 AAC 36.405. (Eff. // , Register)

12
13 Authority: AS 08.48.071 AS 08.48.101
14
15

16 **12 AAC 36.450. Reinstatement.** To reinstate an expired or retired license, an applicant
17 must show proof of having obtained all delinquent professional development hours. However,
18 the maximum number of units required will be the number required for one biennial registration
19 renewal period as provided for in 12 AAC 36.405. (Eff. // , Register)

20
21 Authority: AS 08.48.071 AS 08.48.101
22
23

24 **12 AAC 36.455. Forms.** At the request of the department, or subject to audit under 12
25 AAC 02.960 and 12 AAC02.965, all licensees must furnish a complete summary log form of
26 professional development hours earned for renewing registration outlining professional
27 development hour units claimed. The licensee must supply sufficient detail on the form to permit
28 audit verification. (Eff. // , Register)

29
30 Authority: AS 08.48.071 AS 08.48.101