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

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12 **Minutes of Meeting**  
13 **November 16-17, 2006**  
14

15  
16  
17  
18 **Thursday, November 16, 2006**  
19

20  
21 **Agenda Item 1 – Call to Order and Roll Call**  
22

23 The Chair called the meeting to order at 9:00 a.m.  
24

25 Members present and constituting a quorum of the Board were:  
26

- 27
- 28 • Kenneth Maynard, Architect, Chairperson
  - 29 • Boyd Brownfield, PE, Civil Engineer, Vice-Chair
  - 30 • Craig Fredeen, PE, Mechanical Engineer
  - 31 • Clifford Baker, PLS, Land Surveyor
  - 32 • Charles Leet, PE, Civil Engineer
  - 33 • Richard Heieren, PLS, Land Surveyor
  - 34 • Harley Hightower, Architect
  - 35 • Burdett Lent, LA, Landscape Architect
  - 36 • Terry Gorlick, Public Member
  - 37 • Daniel Walsh, PE, Mining Engineer

38 Mark Morris, PE, Electrical Engineer, was unable to attend.  
39

40 Representing the Division of Corporations, Business and Professional Licensing were:  
41

- 42
- 43 • Ginger Morton, Executive Administrator
  - 44 • Vern Jones, Licensing Examiner
  - 45 • Naseer Dhaamin, Investigator
  - 46 • John Savage, Investigator
  - 47 • Jun Maiquis, Regulations Specialist
- 48  
49

50 Present for portions of the meeting from the State of Alaska, Department of Law, Attorney  
51 General's Office was:

- Gayle Horetski, Assistant Attorney General

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

- Michael Schoder, Land Surveyor, representing the United States Department of the Interior (USDI) and the Bureau of Land Management (BLM)
- Dale Nelson, PE, representing the Alaska Professional Design Council (APDC) and the Alaska Society of Civil Engineers (ASCE)

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

The following additions were made to the agenda:

- Under Agenda Item 10, regulations, repealing 12 AAC 36.111 was added
- Two items of board correspondence were added under Agenda Item 5: ABET correspondence and correspondence from William Mendenhall, P.E., L.S.

## **Agenda Item 3 – Ethics Reporting**

There were no ethical conflicts to report.

## **Agenda Item 4 – Review/Approve Minutes**

The following changes were made to the draft August 17-18, 2006 minutes:

- Page 1, line 28 – change “was” to “were”
- Page 1, line 43 – change “was” to “were”
- Page 2, line 21 – change sentence to read “There were no ethical conflicts to report.”
- Page 1, line 32 – add the sentence, “Hearing no objection the motion passed.”
- Page 13, line 21 – insert “exam” following “jurisprudence.”
- Page 13, line 26 – change the word “require” to “permit.”
- Page 14, line 35 – correct the spelling of NCEES.

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

**RESOLVED to approve the August 17-18, 2006 minutes as corrected.**

Hearing no objection the motion passed unanimously.

## **Agenda Item 5 – Correspondence**

A. Bob Bell, PE, PS (re CE for engineers). Engineer and Land Surveyor, Bob Bell, wrote to the board on August 25, 2006 asking it to reconsider implementing continuing education (CE) as a requirement for registration renewal. His concern is the potential cost to employers in lost work time and the cost of earning the CE itself, and because he does not believe that CE is necessary. He further suggested that the board implement a grandfather clause to relieve registrants with over a certain number of years of registration from meeting the CE requirements.

Gorlick then suggested that the board pre-approve CE. Gorlick volunteered to chair a subcommittee to review and approve CE courses.

1  
2 **A motion to this effect was duly made by Gorlick**  
3

4 Hearing no second the motion died.  
5

6 Following discussion the board determined it was not going to pre-approve continuing education  
7 courses. The board also said it would not consider a grandfather clause to exempt some  
8 engineers from meeting the CE requirement.  
9

10 The board asked the Executive Administrator to respond to Mr. Bell's correspondence.  
11

12 B. Robert Perkins, PE (re foreign credentials). No further action needed.  
13

14 C. Len Neugebauer, SD Board (re NCEES meeting). The South Dakota board wrote to thank  
15 the Alaska board for the letter presented at the NCEES Annual Meeting in Anchorage regarding  
16 the 30+ additional hours issue. No action required.  
17

18 D. NCEES (nomination for awards). Following discussion the board took no action for NCEES  
19 nominations for awards.  
20

21 E. ABET Correspondence ABET letter of October 30, 2006 notifying member boards that its  
22 credentials evaluation service (ECEI) was being suspended. No board action required.  
23

24 F. November 12, 2006 letter from William Mendenhall, PE, LS. Mr. Mendenhall wrote to the  
25 board expressing his concern about getting the names of UAF students who sat for the FE  
26 exam to the graduate office in a timely manner. The Executive Administrator explained this  
27 matter had been resolved and names would be given to the graduate office the Monday  
28 following the exams.  
29

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

32 **RESOLVED to request the Executive Administrator to respond to Mr. Mendenhall's**  
33 **correspondence.**  
34

35 Hearing no objection the motion passed.  
36

37 **Agenda Item 6 – Meet in Subgroups**  
38

39 A. Additional Engineering Disciplines. There was nothing to report from this subgroup. The  
40 target date of 2007 was reiterated.  
41

42 B. Continuing Education. Brownfield had made edits to the proposed regulations requiring  
43 continuing education for architects, engineers and landscape architects.  
44

45 Gorlick again brought up appointing a subcommittee to pre-approve CE courses. Maynard  
46 stated that this should be handled through the CE subgroup's chair, Brownfield. Gorlick stated  
47 that although he was not on the CE subgroup, he would be willing to assist. Maynard said it  
48 would be desirable to have a list on the board's web site of the types of CE the board is  
49 seeking.  
50

51 Jun Maiquis, Regulations Specialist, and Gayle Horetski, Assistant Attorney General, joined the  
52 meeting by teleconference at 10:30 a.m.  
53

54 Horetski made several suggestions for revisions to the draft regulations. Also discussed was

1 the difference between the required 30 hours for surveyors and 24 hours for the other  
2 professions and that 12 AAC 36.410 will need to be amended to address dual registrations.

3  
4 Horetski and Maiquis left the meeting at 11:30 a.m.

5  
6 C. Disciplinary Process. Gorlick provided a work-in-progress disciplinary manual. He asked  
7 the other members to review it and make suggestions by email and he will have a revised draft  
8 for the next meeting.

9  
10 Fredeen reminded everyone that David Tuttle and David Evans from the North Carolina Board  
11 had offered to review the disciplinary manual and the board's regulations and statutes.

12  
13 The target date for completion of this disciplinary manual was changed to 2007.

14  
15 **Agenda Item 7 – Investigative Report**

16  
17 Division investigators Naseer Dhaamin and John Savage joined the meeting at 11:30 a.m. The  
18 board reviewed the November 3, 2006 investigative report that had been provided.

19  
20 Gorlick requested that the "open date" be included on future investigative reports.

21  
22 Heieren requested that the committee that meets with the investigators between board meetings  
23 provide a report to the whole board on those meetings.

24  
25 Expert witnesses and consultants were discussed. The division investigators told the board the  
26 division contracts with outside expert witnesses for \$150 an hour. Heieren said he would like  
27 to see a copy of the expert witness list. There was some concern by the board that outside  
28 expert witness were being used instead of using board members.

29  
30 Gorlick asked where the majority of cases were located and Dhaamin told him outside of  
31 Anchorage.

32  
33 Brownfield commented that it looked like there had been many more cases closed and this was  
34 good. Dhaamin told the board there were less open cases because the problems of registrants  
35 not dating stamped plans was diminishing.

36  
37  
38 Fredeen again asked the investigators if the board could get copies of closed letters. He  
39 suggested the letters being forwarded to the Executive Administrator and she could include  
40 them in future board meeting packets.

41  
42 Heieren said he would like the investigators to give him a half-hour presentation and walk him  
43 through a case. This was requested to be placed on the next meeting agenda.

44  
45 Dhaamin and Savage left the meeting at 12:30 p.m.

46  
47 *Break for lunch at 12:30 p.m.*

48 *Reconvene at 1:15 p.m.*

49  
50 **Agenda Item 6 – Meet in Subgroups Con't**

51  
52 D. Incidental Practice. Maynard said he would have this finalized and would report at the next  
53 meeting.

1 E. Jurisprudence Exam. Board members had written the requested five questions from  
2 sections of the board's statutes and regulations. The Executive Administrator indicated she  
3 would put together two or three different examinations from these questions and bring it to the  
4 next board meeting.

5  
6 It was also discussed that registrants should be able to use the jurisprudence exam for  
7 continuing education, and that the board would need to decide the amount of hours the exam  
8 would count for.

9  
10 F. Legislative Changes.

11  
12 1. Stop Work Orders: Brownfield reported that he had been in touch with Sam Kito,  
13 APDC lobbyist, regarding this. He indicated that the language from HB 172 could be used  
14 again, but would need a change to require the division investigators consult with a board panel  
15 prior to issuing a stop work order.

16  
17 **On a motion duly made by Gorlick, seconded by Fredeen, it was**

18  
19 **RESOLVED to move forward with editing the existing HB 172 and work with Sam**  
20 **Kito to get a bill introduced in the next legislative session.**

21  
22 Hearing no objection the motion passed unanimously.

23  
24 2. Delete the word "land" before "surveyors" or "surveying" in AS 08.48. Heieren  
25 explained to the board his opinion that this should be postponed for at least 12 months. This  
26 statute change was recommended because NCEES was changing its rules, but this change in  
27 the by-laws had been defeated. Heieren stated the board should get more feedback from land  
28 surveyors on a statewide basis.

29  
30 **On a motion duly made by Heieren, seconded by Baker, it was**

31  
32 **RESOLVED to postpone the proposed legislation to delete the word "land" in the**  
33 **context of land surveyors and land surveying in AS 08.48.**

34  
35 Hearing no objection the motion passed.

36  
37 3. NICET Exemption. Fredeen told the board he thought the suggested language  
38 provided to exempt NICET engineers in AS 08.48.331 was well written. He suggested that the  
39 contractors be informed of this proposed statute change.

40  
41 The board approved going forward with the legislation.

42  
43 4. Mining Seat on Board.

44  
45 **On a motion duly made by Brownfield, seconded by Leet, it was**

46  
47 **RESOLVED to change AS 08.48.011 to "11" members instead of "10" and to**  
48 **change the board composition to include a landscape architect. It was further**

49  
50 **resolved to allow the mining engineer board position to be filled by a petroleum or**  
51 **chemical engineer should a mining engineer not be available.**

52  
53 Hearing no objection the motion passed unanimously

1  
2 5. Ownership of Papers. No action taken.  
3

4 **Agenda Item 9 – Public Comment**  
5

6 Present for public comment were Michael Schoder, representing USDI, BLM and Dale Nelson,  
7 representing APDC and ASCE.  
8

9 Schoder explained a new program offered by the BLM that will train and certify land surveyors  
10 with an emphasis on providing cadastral services in Indian country. He urged the board to  
11 accept this training for continuing education.  
12

13 He then asked if was possible to get a list of all registrants currently under investigation. He  
14 was told that this information is not public until the investigation has been concluded and the  
15 matter resolved. The Executive Administrator told him he could check the on line professional  
16 license search and that would indicate if there had been a disciplinary action, or he could simply  
17 call her at the office.  
18

19 Heieren asked Schoder his opinion on the newly adopted and enacted changes to 12 AAC  
20 36.111, the practice of land surveying. Schoder said he was speaking as an individual  
21 registrant, not on behalf of any organization. He said he did not support the adoption of 12 AAC  
22 36.111 as he did not believe there was any harm to the public, so felt there was no need for this  
23 change.  
24

25 Dale Nelson then spoke to the Board. He told the board the APDC had two well-received  
26 forums last fall in Anchorage and Fairbanks.  
27

28 Nelson asked the board its position on the 30+ additional hours of education for engineers.  
29 Maynard told him the board was opposed to it and felt the additional credits should be included  
30 in the education requirement to earn an ABET accredited engineering degree.  
31

32 Nelson then asked what legislative changes the board would be proposing, and that the board  
33 should get the list of items to Sam Kito, lobbyist for APDC. The Executive Administrator  
34 indicated she would do so the next week. Nelson then explained the APDC Fly-In procedure for  
35 members who had not previously participated in this.  
36

37 **Agenda Item 10 – Regulation Update**  
38

39 **12 AAC 36.061- NCARB Education Standard.**  
40

41 Having considered public comment and any cost to the public,  
42

43 **On a motion duly made by Hightower, seconded by Brownfield, it was**  
44

45 **RESOLVED to adopt the change to 12 AAC 36.061(a)(2) to reflect the current**  
46 **revision date of 2006-2007 of the NCARB publication *NCARB Education Standard*.**  
47

48 Hearing no objection the motion passed unanimously.

1 12 AAC 36.111- Practice of Land Surveying.

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

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

6  
7 **RESOLVED to adopt the current revision date of September 2006 to Section 210.25**  
8 **of the NCEES *Model Rules*, referenced in 12 AAC 36.111.**  
9

10 Heieren urged the board to not adopt this change. He said he would later be making a motion  
11 to repeal 12 AAC 36.111.

12  
13 The motion failed unanimously.

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

16  
17 **RESOLVED to ask the regulations specialist to begin a new regulation project to**  
18 **repeal 12 AAC 36.111.**  
19

20 Hearing no objection the motion passed unanimously.

21  
22 Cooperation with Investigators. The board reviewed draft regulatory language that would  
23 require registrants to fully cooperate with investigators in an investigation.  
24

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

26  
27 **RESOLVED to ask the regulations specialist to begin a new regulation project to**  
28 **require registrants to cooperate with investigators in an investigation.**  
29

30 Following discussion a roll call vote to withdraw this regulation project was conducted as  
31 follows:

32  
33 Maynard – Yes  
34 Baker – No  
35 Brownfield – Yes  
36 Fredeen – Yes  
37 Heieren – No  
38 Hightower – Yes  
39 Gorlick – Yes  
40 Walsh – Abstain  
41 Leet - No  
42

43 The motion did not pass with a majority vote and this regulation project will be abandoned.

44  
45 Regulations to implement Jurisprudence Examination: The board had not had an opportunity to  
46 review the proposed regulations to implement a jurisprudence exam. The draft regulations will  
47 be reviewed by the board prior to the next meeting and will be on the next meeting agenda.  
48

49 Definition of Engineering Surveys. Baker provided a draft definition of engineering surveys.  
50 This will be added to the Building Official's Manual being revised and Maynard will add it to his  
51 incidental practice.  
52  
53

1  
2  
3 **Agenda Item 6 – Meet in Subgroups Con't**  
4

5 I. Rewrite Comity Regulations. The Executive Administrator and Walsh had each prepared  
6 draft regulations to change the requirements for registration by comity. Since Morris is the chair  
7 of this subgroup and was not in attendance, no action was taken.  
8

9 *Break at 3:40 p.m.*

10 *Reconvene at 3:50 p.m.*  
11

12 **Agenda Item 11 – Application Review/Executive Session**  
13

14 **On a motion duly made by Fredeen, seconded by Hightower, it was**  
15

16 **RESOLVED to adjourn into Executive Session under the authority of AS 44.62.310**  
17 **for the purpose of reviewing applicant files.**  
18

19 Hearing no objection the motion passed unanimously.  
20

21 The board adjourned into Executive Session at 3:50 p.m. A sign was placed on the door  
22 indicating the board was now in Executive Session.  
23

24 The board recessed at 6:00 p.m. to reconvene at 8:00 a.m. on Friday, November 17.



1  
2 **Friday, November 17, 2006**  
3

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

6 The Chair called the meeting to order at 8:00 a.m.  
7

8 Members present and constituting a quorum of the Board were:  
9

- 10
  - Kenneth Maynard, Architect, Chairperson
  - 11 • Boyd Brownfield, PE, Civil Engineer, Vice-Chair
  - 12 • Craig Fredeen, PE, Mechanical Engineer
  - 13 • Clifford Baker, PLS, Land Surveyor
  - 14 • Charles Leet, PE, Civil Engineer
  - 15 • Richard Heieren, PLS, Land Surveyor
  - 16 • Harley Hightower, Architect
  - 17 • Daniel Walsh, PE, Mining Engineer
  - 18 • Burdett Lent, LA, Landscape Architect
  - 19 • Terry Gorlick, Public Member  
20

21 Mark Morris, PE, Electrical Engineer, was unable to attend.  
22

23 Representing the Division of Corporations, Business and Professional Licensing were:  
24

- 25
  - Ginger Morton, Executive Administrator
  - 26 • Vern Jones, Licensing Examiner
  - 27 • Jun Maiquis, Regulations Specialist  
28

29 Representing the Department of Law, Attorney General's Office was:  
30

- 31
  - David Brower, Assistant Attorney General  
32

33 Joining a portion of the meeting were the following members of the public:  
34

- 35
  - Mike Tauriainen, representing himself
  - 36 • K. Tauriainen, representing herself
  - 37 • Martin Gutoski representing the ASPLS
  - 38 • Robert Gilfilian, PE and former board member, by teleconference  
39

40 **Agenda Item 6 – Meet in Subgroups Con't**  
41

42 G. Site Adaptations/Alterations. Hightower indicated he would write a letter to DOTPF before  
43 the end of the year. He said he would also work to review the site adaptation regulations and  
44 bring them to the next meeting.  
45

46 J. Define Surveying Coursework. Baker indicated he would work on this and bring something  
47 to the next meeting.  
48

49 **Agenda Item 8 – Expenditure Report**  
50

51 The board reviewed the Expenditure Report prepared as of November 6, 2006. No board action  
52 was required.

1  
2 **Agenda Item 14 - AAG David Brower**

3  
4 Assistant Attorney General David Brower joined the meeting by teleconference at 8:15 a.m.

5  
6 Disciplinary sanctions for failure to cooperate with investigators (possible new regulation project.). This matter was moot as the board voted against a new regulation project to require  
7 registrants to cooperate with investigators in an investigation.  
8

9  
10 Individual Names in Firm Names. The board wanted to discuss corporations, limited  
11 liability companies and limited liability partnerships where the names of the firm contain the  
12 names of unregistered persons. Brower said he didn't think these firms were in violation of the  
13 board's regulations and statutes. He said if the name of the profession is also in the name that  
14 may be a different matter as it could be construed to be false advertising.  
15

16 Fredeen stated he thought things were fine they way they presently are, and most of the other  
17 members agreed. However, Brower was asked to look into a situation where the name of a firm  
18 contains an individual's name and the profession to see if this is in violation.  
19

20 The board next asked Brower if the board has power to issue subpoenas. The Executive  
21 Administrator pointed out that AS 08.01.087 gives the division (investigators) authority to issue  
22 subpoenas. There was concern that the investigators could issue subpoenas without board  
23 knowledge, and the board feels it should be involved in the process. Brower agreed the board  
24 should be involved with the opening of cases and determining punishment.  
25

26 Brower left the meeting at 9:05 a.m.  
27

28 **Agenda Item 15 – New Business**

29  
30 A. Certificates of Authority. This was previously discussed in the conversation with AAG David  
31 Brower.  
32

33 B. UAF Strategic Plan (Walsh). Walsh addressed the board telling it that on the University of  
34 Alaska Anchorage (UAA) web site it indicates that some engineering degree programs are  
35 accredited in specialized disciplines, but they are not. He said he wanted the board to be aware  
36 that students are being misled into thinking they will be receiving an ABET accredited  
37 engineering degree when, in fact, they are not.  
38

39 Maynard suggested that a letter be written to UAA telling UAA that its graduates may not be  
40 able to get registered. Fredeen volunteered to write a letter for Maynard's signature. Maynard  
41 said he would hand carry the letter to Rob Lang.  
42

43 Fredeen said the board needs to track this and keep it on future agendas.  
44

45 C. NCEES Foreign Evaluations (The Center). NCEES "The Center" is offering a new foreign  
46 credentialing service and the Executive Administrator wanted to know if the board will be  
47 accepting foreign evaluations from them.  
48

49 **On a motion duly made by Leet, seconded by Baker, it was**

50  
51 **RESOLVED to adopt a board policy that foreign evaluations prepared by NCEES**  
52 **(The Center) will be accepted by the board.**  
53

54 Hearing no objection the motion passed unanimously.

1  
2 D. State Travel Policies. The board reviewed the memo prepared by the Executive  
3 Administrator explaining the state's travel policies. No action was required.  
4

5 E. Intern Architects. Hightower wondered if graduates without an accredited architect degree  
6 could call themselves "architectural interns". Board members felt the answer would be yes  
7 because they are pursuing registration. The board suggested other terms such as "staff  
8 architect" or "architect in training."  
9

10 **On a motion duly made by Fredeen and, seconded by Brownfield, it was**

11  
12 **RESOLVED to ask the Executive Administrator to write a policy for the board to**  
13 **adopt defining what unlicensed interns can call themselves in their title.**  
14

15 Following discussion a roll call vote was conducted as follows:  
16

17 Maynard – Yes  
18 Baker – No  
19 Brownfield – Yes  
20 Fredeen – Yes  
21 Heieren – Yes  
22 Hightower – Yes  
23 Gorlick – Yes  
24 Walsh – Yes  
25 Leet - No  
26

27 The motion passed by a majority vote so a policy will be written for the board to adopt at the  
28 February 2007 meeting.  
29

30 **Agenda Item 16 – Old Business**  
31

32 A. Building Official's Manual. Lent had made revisions to the Building Official's Manual. He  
33 said he wanted to add other public officials that review plans as well.  
34

35 Fredeen suggested that the board's policies be appended to the back of the manual.  
36

37 Additional minor changes were made and it was agreed that Brownfield and the Executive  
38 Administrator would continue to work on revising the manual and bring it back to the next  
39 meeting. Walsh agreed to write definitions for petroleum and mining engineering for inclusion.  
40

41 B. MOA Landscape Plans. Lent reported that he is monitoring this and will report back in  
42 February or May 2007.  
43

44 C. ARE Timing Issue. Maynard told the board that NCARB is still deliberating to decide which  
45 sections of the Architect Registration Examination (ARE) candidates will be allowed to take  
46 before completing the Intern Development Program (IDP). He said this issue will probably not  
47 be finalized until next year.  
48

49 The Executive Administrator told the board that perhaps the delay had something to do with the  
50 restructuring of the ARE examination.  
51  
52  
53  
54

1  
2 **Agenda Item 17 – Examiner's Report**  
3

4 Jones gave a brief recap of the Examiner's Report he had prepared.  
5

6 The board asked the Executive Administrator to check with the Board of Public Accountancy, as  
7 it uses Prometric for its computerized examination, regarding additional testing sites in Juneau  
8 and Fairbanks. Presently the only place ARE candidates are able to sit for the exam is in  
9 Anchorage, which creates additional expense and time lost from work for those residing or  
10 working outside of Anchorage. The Executive Administrator told the board that she recalled the  
11 Accountancy Board had been working with UAS and UAF for additional testing sites.  
12

13 Based on the low number of AKLS candidates that sat for the October 2006 administration of  
14 the AKLS exam, as shown on the Examiner's Report, the board requested that future AKLS  
15 exams be offered in April only.  
16

17 **Agenda Item 18 – CLARB Meeting Report**  
18

19 Lent had prepared two reports from meetings with the Council of Landscape Architect  
20 Registration Board (CLARB). He had participated in a September 1, 2006 telephonic meeting  
21 and then traveled to San Antonio in September for CLARB's national meeting.  
22

23 Lent explained that a good portion of the national meeting was devoted to subjects of  
24 enforcement, i.e., examination security, law enforcement and disciplinary programs.  
25

26 **Agenda Item 19 – NCARB MBE Report**  
27

28 The Executive Administrator had attended the NCARB Member Board Executive meeting in  
29 Arlington, Virginia in November. A report had been prepared and distributed to the board.  
30

31 She told the board two of the major topics of discussion were the restructuring of the ARE and  
32 having a member board executive serve on the NCARB Board of Directors.  
33

34 Information regarding restructuring of the ARE will be distributed to member boards in February  
35 2007.  
36

37 **Agenda Item 20 – Observer's Reports from NCEES Exam Sites**  
38

39 Because this was the first exam conducted by ELSES, board members and staff had visited the  
40 exam sites in Anchorage, Juneau and Fairbanks.  
41

42 Jones and the Executive Administrator had visited the NCEES exam site in Juneau and  
43 reported that the room was large, quiet and everything seemed in order.  
44

45 The members that had expressed interest in visiting the Anchorage exam site were unable to do  
46 so.  
47

48 Walsh had visited the Fairbanks exam site and reported that he thought the room was too small.  
49

50 Heieren asked the Executive Administrator if she could prepare a small report showing the  
51 saving to the board by contracting with ELSES to administer the NCEES exams. She indicated  
52 she would do so.  
53

54 The board returned to the topic of pre-approving continuing education courses. Fredeen stated

1 he was against pre-approving CE because of the potential impact to registrants by not being  
2 able to pre-approve CE in a timely manner. Brownfield agreed with Fredeen and expressed his  
3 opinion that the board needs to make providers as broad as possible.

4  
5 Maynard said he saw no problem in small firms offering CE to their employees without pre-  
6 approval.

7  
8 Leet expressed his opinion that there are already plenty of people out there pre-approving CE  
9 and the board does not need to be involved in that process as it has more important things to  
10 do.

11  
12 **On a motion duly made by Leet, it was**

13  
14 **RESOLVED to give the matter of pre-approving CE to the CE subgroup for review**  
15 **and look at the matter again at the February 2007 meeting.**

16  
17 Hearing no second the motion died.

18  
19 Hightower agreed with the majority of the board that he doesn't think there will be problems  
20 encountered by the board not pre-approving CE.

21  
22 Walsh reminded the board that in the earlier discussion with AAG Horetski, she felt the board's  
23 definition of "health, safety and welfare" in the proposed CE regulations was too vague. The CE  
24 subgroup agreed to look at this again.

25  
26 **On a motion duly made by Leet and seconded by Heieren, it was**

27  
28 **RESOLVED to move the proposed CE regulations back to the CE subgroup for**  
29 **revision.**

30  
31 Brownfield expressed his opinion that the CE subgroup had enough information put together to  
32 move forward with another draft and move forward to get the regulations public noticed.

33  
34 Fredeen made the friendly amendment to the motion that the CE subgroup send a revised  
35 version to the entire board and the board could then vote to public notice.

36  
37 The Executive Administrator reminded the board that it cannot vote or conduct formal business  
38 outside of a properly public noticed meeting. Based on that information the motion, second and  
39 friendly amendment were withdrawn.

40  
41 **On a motion duly made by Leet and seconded by Heieren, it was**

42  
43 **RESOLVED to have the CE Subgroup work with AAG Horetski and the division to**  
44 **revise the regulations and then move forward with public noticing, without further**  
45 **input from the entire board.**

46  
47 Following discussion a roll call vote was conducted as follows:

48  
49 Maynard – Yes  
50 Baker – Yes  
51 Brownfield – Yes  
52 Fredeen – Yes  
53 Heieren – Yes

1 Hightower – Yes

4 Gorlick – Yes

5 Walsh – No

6 Leet – Yes

8 The motion passed by a majority vote.

10 *Break for lunch at 12:00 p.m.*

11 *Reconvene at 1:00 p.m.*

13 **Agenda Item 21 – NCEES President's Assembly**

15 The NCEES President's Assembly, held every other year, will be in Atlanta, Georgia on  
16 February 15-17, 2007. NCEES provides funding for one board member and the Executive  
17 Administrator. Brownfield expressed in attending, so he and the Executive Administrator will be  
18 attending.

20 **Agenda Item 22 – WCARB Regional Meeting**

22 The WCARB Regional Meeting will be held in Washington DC on March 22-24, 2007. Funding  
23 is provided by WCARB for the board chair and Executive Administrator. The Executive  
24 Administrator told the board she would like for the licensing examiner, Vernon Jones, to attend  
25 in her stead as he has not yet attended any meetings. Maynard responded that that decision  
26 could be made by the division.

28 **Agenda Item 24 – Read Applications into Record**

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

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

	APPLICANT	DISCIPLINE	EXAM-COMITY	BOARD ACTION
1.	Adams, Sherman W.	Electrical	Comity	Approved
2.	Alexander, Brenton Jon	Civil	Exam	Conditional approval – need verification of FE exam
3.	Anderson, Steven Clark	Architect	Comity	Approved
4.	Barry, Marc T.	Civil	Comity	Approved
5.	Brown, Ronald E.	Civil	Comity	Approved
6.	Buttram, E. Rick	Architect	Comity	Approved
7.	Byers, Nathan	Mechanical	Comity	Approved
8.	Ciampa, David N.	PS/AKLS	Exam	Approved
9.	Chan, David	Electrical	Comity	Approved
10.	Crosby, Grant P.	Architect	Exam	Approved
11.	Crouch, Russell L.	Electrical	Comity	Approved
12.	Duffy, Timothy D.	Architect	Comity	Approved
13.	Ehm, Randal Jay	Architect	Comity	Approved
14.	Fleischner, Michael P.	Civil	Comity	Approved

15.	Fleming, Donald N.	Civil	Comity	Approved
16.	Gassert, Jennifer Cora	Electrical	Comity	Approved
17.	Gianopoulos, Anthony G.	Architect	Comity	Approved
18.	Gray, Susan L.	Mechanical	Exam	Approved
19.	Gutschow, Ezra Jacob	Mechanical	Exam	Approved
20.	Herrera, Miguel Angel	FE	Exam	Approved
21.	Hosseinzadeh, Jamshid K.	Civil	Comity	Approved
22.	Hou, Shandan Wendy	Civil	Exam	Approved
23.	Hunter, Carolyn, Ann	Architect	Comity	Approved
24.	Hurley, William Douglas	Architect	Comity	Approved
25.	Johnson, James Timothy	Civil	Comity	Approved
26.	Kancherla, Subhash K.	Civil	Comity	Conditional approval – must pass Arctic and need verification of PE
27.	King, Robert E.	Mechanical	Comity	Conditional approval – must pass Arctic
28.	Koland, Bradley Erick	Civil	Comity	Approved
29.	Kolodziejski, Kip	Architect	Comity	Approved
30.	Kurpanek, Detlef H.	Mechanical	Comity	Conditional approval – need transcripts
31.	Longmeier, Mark E.	Electrical	Comity	Approved
32.	Mayer, David Charles	Mechanical	Comity	Approved
33.	Monazam, Esmail R.	Mechanical	Comity	Conditional approval – must pass Arctic
34.	Mueller, Robert J.	Landscape Architect	Comity	Approved
35.	Nelson, John David	Civil	Comity	Conditional approval – must pass Arctic
36.	Neyhart, Scott	Mechanical	Comity	Conditional approval – needs \$100
37.	Olson, Scott M.	Civil	Comity	Approved
38.	Pendleton, L. Brown	Architect	Comity	Approved
39.	Pfeffer, Scott Edward	Architect	Comity	Approved
40.	Phillips, John Gilbert	Mechanical	Comity	Conditional approval – must pass Arctic
41.	Pooran, Farhad J.	Mechanical	Comity	Approved
42.	Ramos, Michelle L.	Civil	Comity	Approved
43.	Ratajczak, Glenn Erwin	Architect	Comity	Approved
44.	Rees, Ronald D.	Architect	Comity	Approved
45.	Roberts, John R.	Architect	Comity	Approved
46.	Robertson, Carl L.	Architect	Comity	Approved
47.	Rogers, Darren V.	Chemical	Comity	Approved
48.	Sande, Trevor Scott	FS	Exam	Approved
49.	Scates, Jason M.	Mechanical	Comity	Approved
50.	Seamount, Jessica Anne	Civil	Exam	Approved
51.	Simpson, Kristin R.	Chemical	Exam	Approved
52.	Skeem, Russell Reed	Civil	Comity	Approved
53.	Smith, Jeremie D.	Electrical	Exam	Approved
54.	Smith, Michael P.	Civil	Comity	Approved
55.	Teakell, Albert Keith	Mechanical	Comity	Conditional approval – need transcripts, verification of PE and Jordan's signature
56.	Van Straten, Garrit S.	Mechanical	Comity	Conditional approval – must pass PE Mechanical exam
57.	Vaughn, Ryan R.	Mechanical	Comity	Approved
58.	Vitkus, Darius Vincas	Civil	Comity	Conditional approval – must pass Arctic
59.	Weinman, Arthur W.	Architect	Comity	Approved
60.	Williams, Harry Edward	Electrical	Comity	Approved
61.	Williams Keith A.	Electrical	Comity	Approved

1 Hearing no objection the motion passed unanimously.  
2  
3  
4

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

7 **RESOLVED to find the following list of applicants for registration by comity and**  
8 **examination incomplete with the stipulation that the information in the applicants'**  
9 **files will take precedence over the information in the minutes:**  
10

	APPLICANT	DISCIPLINE	EXAM-COMITY	BOARD ACTION
1.	Browning, Gregory E.	Civil	FE Waiver	Incomplete – needs 12 additional months of professional experience
2.	Bensen, Kassey E.	Civil	Comity	Incomplete – needs additional work verification

11  
12 Hearing no objection the motion passed unanimously.  
13

14 **Agenda Item 25 – Review Calendar of Events**  
15

16 The board tentatively set the following dates for upcoming board meetings:  
17

18 August 9-10, 2007 in Anchorage and November 8-9, 2007, also in Anchorage.  
19

20 The board then discussed the board members wishing to attend the NCEES WZONE meeting in  
21 April and the NCEES Annual meeting in August 2007.  
22

23 Baker, Fredeen and Leet wish to attend the WZONE meeting. Brownfield asked to be an  
24 alternate to attend this meeting, but he would rather attend the Annual Meeting. Gorlick also  
25 expressed an interest in attending if there were going to be disciplinary and enforcement  
26 programs on the agenda. Walsh said it was not a high priority for him to attend.  
27

28 Regarding the NCEES Annual Meeting, Fredeen, Leet, Baker and Walsh indicated they would  
29 like to attend. Gorlick asked that he be an alternate in attending if the division would approve it.  
30

31 **Agenda Item 23 – Mike Tauriainen, Request to Address Board**  
32

33 Tauriainen had been served with a Cease & Desist (C&D) in 2002 issued by the division's  
34 investigator for practicing architecture without a proper Alaska registration. Tauriainen is a  
35 registered civil engineer in Alaska. Tauriainen appealed the C&D through the Office of  
36 Administrative Hearings and prevailed. The Administrative Law Judge (ALJ) found that  
37 Tauriainen had not been practicing architecture and the Commissioner of the Department of  
38 Commerce signed the ALJ's Findings and Decision on behalf of the Division of Professional  
39 Licensing. The board had not been involved in the process.  
40

41 Tauriainen expressed his concern that after he had been served with the C&D he could not get  
42 a return call from division investigators telling him what he had done wrong. He said the entire  
43 process caused him financial hardship, personal stress and affected the engineering work he  
44 accepted.  
45

46 Tauriainen also said his reputation had been smeared because the C&D had been placed on  
47 the division's web site before the matter had been concluded, and that it took some time after



1 the hearing for the information exonerating him of the charges to be placed on the division web  
2 site. He also said it was hard to tell from the information on the board's web site that the final  
3 ruling had been in his favor.

6 He further told the board that the Building Official's Manual should be revised as it is misleading.  
7 The board told him it is currently working on a revising and updating the manual.

9 Tauriainen made the following points:

- 11 • An investigation should not be adversarial, as he thought his was.
- 13 • The assumption of guilt should be avoided, i.e., making the C&D public information.
- 15 • The matter should have been reviewed by his peers, not just the division investigators.
- 17 • The board should review cases of civil engineer/architecture overlap from other states.  
18 He said that the courts have held that there is a huge overlap between the two  
19 professions. He told the board that the National Society of Engineers (NSPE) had a  
20 recent white paper addressing the overlap issue.
- 22 • The board and investigators need to recognize there is an overlap.
- 24 • The board and investigators should be focusing on health, safety and welfare of the  
25 public.
- 27 • The investigative process needs to change so there is initial contact from investigator to  
28 registrant. He said there is apparently a policy that the investigators won't talk with the  
29 person being investigated, as was the case with him.

31 Robert Gilfilian joined the meeting by teleconference. He told the board that during the time  
32 Tauriainen was being investigated he, Gilfilian, was an AELS Board member so he could not  
33 have contact with Tauriainen. He told the board it should learn from this unfortunate experience  
34 and do a better job in the future. He said that the investigators should have come to the board  
35 to get clear direction rather than just issuing a C&D without board review.

37 Brownfield told Tauriainen and Gilfilian that the board is working very hard on addressing  
38 overlap, revising the Building Official's Manual and improving the disciplinary and investigative  
39 process.

41 Baker agreed that the C&D should not have been public information until the appeal process  
42 had been completed and the matter closed.

44 In conclusion, Tauriainen offered assistance in helping with the Building Official's Manual and  
45 thanked the board for its time.

#### 47 **Item 26 – Board Member Comments, Housekeeping Items**

49 The next agenda item was Board Member Comments and Housekeeping Items

51 The Chair signed the Wall Certificates and the August 2006 meeting minutes. The Wall  
52 Certificates will be hand carried to the board's secretary, Mark Morris, since he was not present  
53 at the meeting.

The board members made the following comments:

Brownfield: He thanked the staff for their hard work and felt it was a good, productive meeting.

Heieren: No comment.

Gorlick: No comment. Gorlick offered his thanks to the work done by the Executive Administrator and the licensing examiner, Vernon Jones.

Baker: Baker wished everyone a Happy Thanksgiving. He restated his position that investigative information should not be made public, on the board's web site or elsewhere, until the matter is resolved.

Leet: No comment.

Fredeen: Fredeen said he felt it was a very productive meeting. He said the board does well at agreeing to disagree and then moving on.

Lent: Lent said it was nice the board could work together as gentlemen, accomplish a lot and have a wonderful meeting. He said he was amazed at the effort put out by some members in their subgroups and that he is excited to be involved with the board.

Lent also said that he had talked with Dennis Nottingham, who had received the board's response to his correspondence to the board, and that Nottingham felt the board had "missed the point." Lent said he told Nottingham if he was unhappy with the board's response he could address the board again.

Hightower: Hightower thanked all members for their hard work and thanked board staff as well.

### **Task List Assignments**

#### **Maynard**

Serve as Chair on disciplinary process subgroup.
Serve as Chair on incidental practice subgroup.
Serve on legislative changes subgroup.
Serve on stop work order subgroup.

#### **Morris**

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

#### **Brownfield**

Serve on additional engineering disciplines subgroup.
---

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

### **Fredeen**

Serve as Chair on additional engineering disciplines subgroup.
Serve on subgroup to rewrite comity regulations
Serve on site adaptations subgroup.
Serve on stop work orders subgroup.
Write letter to UAA for Ken's signature regarding the misleading non-ABET degrees offered by UAA.

### **Gorlick**

Serve on additional engineering disciplines subgroup.
Serve on disciplinary process subgroup.
Serve on stop work orders subgroup.

### **Heieren**

Serve as Chair on jurisprudence exam subgroup.
Serve on stop work orders subgroup.
Serve on subgroup to rewrite comity regulations.

### **Hightower**

Serve on continuing education for architects and engineers subgroup.
Serve on jurisprudence exam subgroup.
Letter to DOTPF re site adaptations – let them know what board is doing. Verbiage for regulation change.

### **Leet**

Serve on incidental practice subgroup.
Serve on engineering disciplines.

1  
2  
3  
  
4

## Walsh

Serve on additional engineering disciplines subgroup.
Serve on continuing education for architects/engineers subgroup.
Serve on jurisprudence exam subgroup.
Serve on subgroup to rewrite comity regulations.
Write definitions for petroleum and mining engineering for Building Official's Manual.

## Lent

Serve on incidental practice subgroup.
Serve on continuing education for architects/engineers subgroup.
Serve on disciplinary process subgroup.
Report back to board on MOA landscape plans.

## Baker

Define "board approved coursework" for surveyors.
Serve on legislative changes subgroup.
Serve on incidental practice subgroup.

## Executive Administrator

Write letter to Robert Bell re continuing education.
Write letter to Bill Mendenhall.
Question to MBA list regarding pre-approving CE.
Create two jurisprudence exams from questions submitted.
Username and passwords for board to access CouncilNet.
Write board policy defining titles that can be used by "interns" or "engineers-in-training."
Work with Bo on Building Official's Manual.
Check with CPA Board and Prometric re computerized testing sites in Juneau and Fairbanks.
Send report to Heieren reflecting savings to board by contracting with ELSSES for exam administration.
Change board web site to reflect the AKLS will be administered in April only.
Edit CE regulations, forward to AAG Horetski, send back to board for final review, public notice.
Email Sam Kito re legislative projects.

Inform contractors of proposed legislation re NICET exemption.
Add Baker's definition of "engineering surveys" to FAQs on board's web site

The meeting adjourned at 2:30 p.m.

Respectfully submitted:

\_\_\_\_\_  
Ginger Morton, Executive Administrator

Approved:

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

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

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