

1 STATE OF ALASKA
2
3 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC
4 DEVELOPMENT
5 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
6 BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS & LAND
7 SURVEYORS

8
9 Minutes of Meeting
10 November 6-7, 2008

11
12 Thursday, November 6, 2008

13
14 **Agenda Item 1 – Call to Order and Roll Call**

15
16 The Chair called the meeting to order at 8:05 a.m.

17
18 Members present and constituting a quorum of the Board was:

- 19
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 - Boyd Brownfield, Civil Engineer, Chair
 - Mark Morris, Electrical Engineer, Secretary
 - Clifford Baker, Land Surveyor
 - Richard Heieren, Land Surveyor
 - Harley Hightower, Architect
 - Donald Shiesl, Public Member

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26
27 Daniel Walsh, Mining Engineer, and Charles Leet, Civil Engineer, were excused from the
28 meeting.

29
30 The public member seat and one architect seat on the board are currently vacant.

31
32 Burdett Lent, Landscape Architect, joined the meeting at 8:08 a.m.

33 Craig Fredeen, Mechanical Engineer, Vice-Chair, joined the meeting at 8:10 a.m.

34
35 Representing the Division of Corporations, Business and Professional Licensing were:

- 36
37
 - Vern Jones, Licensing Examiner
 - Brian Howes, Investigator

38
39
40 Present from the Assistant Attorney General's Office was Robert Auth.

41
42 Terry Thurbon, Chief Administrative Law Judge, was also present.

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

- 45
46
 - Craig Bledsoe, representing Bristol Industries, LLC
 - Patrick Kalen, representing the Alaska Society of Professional Land Surveyors (ASPLS), the American Congress on Surveying and Mapping (ACSM) and himself
 - Terry Schoenthal, representing the Alaska Chapter of the American Society of Landscape Architects (ASLA)
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- 1 • Neil Windsor and Gordon Williams representing the Association of Professional
2 Engineers, Geologists, and Geophysicists of Alberta (APEGGA)

3
4 Newly appointed public board member, Donald Shiesl, was welcomed and he gave a brief
5 history of his professional background.

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

8
9 The following changes were made to the agenda:

- 10
11 • A new subparagraph D, correspondence, was added under Agenda Item 6,
12 New Business. Under this subparagraph was added correspondence from
13 Tammie Wilson and Roger Healy
14 • Also added to Agenda Item 6, was a new subparagraph E, proposed statute
15 changes to AS 08.48.281 and AS 08.48.291.
16 • A discussion topic was added under New Business to discuss the
17 appropriateness of APEGGA hosting a dinner for the board

18
19 **Agenda Item 3 – Ethics Reporting**

20
21 Brownfield reported that there was one potential ethics issue to discuss.

22
23 He told the board that the APPEGA had asked to be placed on the board's agenda to
24 discuss Canadian reciprocity with Alaska, and in so doing also arranged to host a dinner for
25 the board.

26
27 On a related issue Brownfield explained how the Western States want to have a level
28 playing field in regard to registering engineers from Canada. Baker agreed that the
29 requirements for registration in Canada and Alaska should be equal.

30
31 Morris brought up a point of order asking if we were now debating Canadian vs. Alaska
32 licensure as an agenda item instead of ethics.

33
34 Chair Brownfield recognized the board was getting off the subject matter of this agenda item
35 and explained that the ethics issue is that the APPEGA plans to pay for dinner for the board.

36
37 Brownfield explained that the APEGGA had previously rented a room for dinner at a nearby
38 restaurant. He further explained that he had spoken to the Attorney General's Office and
39 that each board member should pay for their own meal so there would not be an ethics
40 violation.

41
42 Brownfield encouraged all members to attend.

43
44 It was also questioned if meeting with the Canadians from APEGGA would be in violation of
45 the Open Meetings Act. Brownfield made the ruling that it would not.

46
47 **Agenda Item 4 – Review/Approve Minutes**

48
49 One change was made on page 3, line 49, of the August 7-8, 2008 minutes changing the
50 word "possible" to "possibly".

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

2
3 **RESOLVED to approve the August 7-8, 2008 meeting minutes as amended and**
4 **the August 19, 2008 teleconference minutes as written.**

5
6 Hearing no objection the motion passed unanimously.

7
8 The board returned to amending the agenda:

- 9
10 • New Section B under Agenda Item 10 – Case No. 0104-08-002 – Order of Default
11 and Decision (will be discussed in executive session)

12
13 The agenda was accepted as amended without motion.

14
15 **Agenda Item 5 – Investigative Report**

16
17 Division Investigator, John Savage, was unable to attend the meeting. Brian Howes, the
18 division's Senior Investigator was to have joined the meeting but was not yet present. He
19 joined the meeting later but did not address the board.

20
21 The board moved on to the next agenda item.

22
23 **Agenda Item 6 – New Business**

24
25 A. Meehan email – Ethical Conflict Question. Meehan's email explained to the board that a
26 civil engineer had prepared as-builts for a subdivision for his company. Subsequently a
27 second company was hired and Meehan wanted to know if there is a statutory or ethical
28 conflict for a second company to use the first company's design and alter the drawings.

29
30 Morris pointed out that there is also a second issue to be discussed here; that issue being
31 whether as-builts of subdivisions is surveying or civil engineering.

32
33 Brownfield read to the board an informal opinion he drafted that had been forwarded to
34 Meehan. He also stated that there is no simple yes or no answer to the question and he is
35 not prepared to say whether there is an ethical conflict based on the information given. He
36 said that now he needed input from the board to draft a formal board opinion.

37
38 Fredeen said his recommendation would be that the guidelines in 12 AAC 36.195, site
39 adaptation of design documents, be followed. He said that based on the letter he doesn't
40 believe there is an ethical violation. Fredeen concluded by saying the board should provide
41 a recommendation to this individual on how to proceed.

42
43 Heieren offered his opinion that this issue should be addressed in the Building and Planning
44 Official's Manual and that perhaps it should be directed to a committee. He said perhaps it
45 should also be addressed in regulation directing whether or not as-builts should be sealed.

46
47 In conclusion Brownfield suggested that the members read the informal response he had
48 drafted and come back to the next meeting with suggestions on how to resolve this issue.

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

51
52 **RESOLVED to discuss this issue again at the February 2009 meeting after**
53 **board members have had a chance to review the question and Brownfield's**
54 **informal response.**

1 Hearing no objection the motion passed unanimously.
2

3 B. Definition of health, safety & welfare. Brownfield had prepared a short document
4 defining health, safety and welfare, in the context of continuing education. The proposed
5 definition was given to the committee working on the Building, Planning and Public Safety
6 Officials' Manual.
7

8 **On a motion duly made by Heieren, seconded by Fredeen, it was**
9

10 **RESOLVED to incorporate the definition of health, safety and welfare, as**
11 **prepared by Brownfield into the board's policies.**
12

13 Morris stated he does not think the board has the authority to define the health, safety and
14 welfare of the public, and perhaps the board should ask the regulations specialist. He
15 referenced 12 AAC 36.200, Ethical Standards, and 12 AAC 36.210, Professional Conduct,
16 where health, safety and welfare is referenced and stated he did not think it needed to be
17 further defined.
18

19 The members agreed the definition should be a policy only and not defined in regulation or
20 statute.
21

22 **On a motion duly made by Morris, seconded by Shiesl, it was**
23

24 **RESOLVED to table the original motion until the Attorney General's Office can**
25 **be consulted regarding whether or not there is presently a definition of health,**
26 **safety and welfare in state statute.**
27

28 Hearing no objection the motion passed unanimously.
29

30 The motion will be tabled pending advice from the Attorney General's Office.
31

32 C. Geologists. The board reviewed correspondence from Richard Hughes, mining engineer
33 and former board member, regarding the overlap between geologists and mining engineers.
34

35 Brownfield explained that geologists from other jurisdictions are asserting that a certified
36 geologist can practice mining engineering in Alaska. He told the board he had met with the
37 state licensing examiner that licenses geologists and all that is required for geologist
38 licensure is to be certified a professional geologist by the American Institute of Professional
39 Geologists. There are no other governing statutes, regulations or definitions detailing what a
40 professional geologist can do. He said there are several cases pending with the
41 investigator.
42

43 Brownfield continued by telling the board that this was going to become a significant
44 problem in Alaska because of the mining and the future gas pipeline. He explained that the
45 division is already getting complaints about geologists practicing mining engineering in the
46 state.
47

48 He said that since the AELS Board has no control over geologists, perhaps geology should
49 fall under the realm of the AELS Board so that it can be dealt with.
50

51 A new special committee was created: Mining Engineers vs. Geologists with Hightower and
52 Walsh as members.
53
54

1 D. Correspondence

2
3 Tammie Wilson. Ms. Wilson had applied to take the Fundamentals of Engineering (FE)
4 examination and wrote the board asking how she can verify her professional and
5 responsible experience when her supervisor is deceased and her current supervisor is not
6 an engineer.

7
8 It was discussed that someone from the Municipality of Anchorage (MOA), Ms. Wilson's
9 employer, could verify that she has earned the required engineering work experience and
10 responsible charge while under the supervision of an engineer, who is now deceased.

11
12 Fredeen pointed out that verifying her work experience was not the problem; the problem is
13 that her degree in science will not qualify her to take the FE examination.

14
15 Brownfield asked Morris, with the assistance of Shiesl, to draft a letter to Ms. Wilson
16 explaining that without further education she will not be eligible to sit for the NCEES
17 engineering examinations.

18
19 Roger Healy. Mr. Healy, an engineer with the State of Alaska, Department of Transportation
20 and Public Facilities (DOT&PF) wrote to the board stating that creating new disciplines of
21 engineering in Alaska could affect the delivery of the DOT&PF's core services in bridge and
22 marine structural engineering and delay public infrastructure projects.

23
24 Morris told the board he had met with Mr. Healy and several other DOT&PF engineers. He
25 told these engineers that the issue of additional engineering disciplines was in committee
26 and that they should write letters to that committee, and request a meeting with the
27 committee when the board meets in Juneau in February 2009.

28
29 Morris expressed his opinion that the issue of additional engineering disciplines was going to
30 be a contentious matter and that the board needs to get pro-active and be prepared by
31 seeking input from the state societies.

32
33 Brownfield said he had also talked with Mr. Healy. He said he explained to him that adding
34 new engineering disciplines was an interim fix and that the board was discussing changing
35 to a "one" engineer discipline.

36
37 E. Proposed Statute Change (AS 08.48.281 and .291) Heieren had provided the board with
38 copies of his proposed changes to existing statutes AS 08.48.281 (prohibited practice) and
39 AS 08.48.291 (violations and penalties).

40
41 Heieren began the discussion by explaining that this has been an issue before the board for
42 four to five years. He explained that in the past the Municipality of Anchorage (MOA) has
43 encouraged persons to change as-built drawings prepared by surveyors as part of the
44 permit process. Heieren said it was not only the MOA, but individuals had also been
45 engaging in this practice. He further explained the proposed change is a duplicate of federal
46 copyright law but he believes it should also be in state statute.

47
48 Heieren went on to explain that in 2003 the AELS Board had sent a cease and desist letter
49 to the MOA advising the MOA it was violating AS 08.48.281 and .291 by accepting altered
50 as-builts. The MOA's attorney issued a memorandum shortly afterward giving the opinion
51 that the AELS Board does not have the authority to tell the MOA to modify its policy of
52 accepting altered as-builts.

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

2
3 **RESOLVED to accept the proposed changes to AS 08.48.281 and .291 and to**
4 **move forward with a statute change.**

5
6 Morris made a friendly amendment that language be inserted after (c) in AS 08.48.281 so
7 that this does not prohibit registrants from using existing documents for their professional
8 work as allowed under statute. Morris said it needs to be made clear that (c) is talking about
9 unregistered persons.

10
11 Morris later changed his friendly amendment to add language to indicate these sections
12 pertain to only unregistered persons. Baker accepted this friendly amendment.

13
14 Discussion followed on whether or not the board would be able to get this into a bill during
15 the upcoming legislative session. Morris volunteered to work with the Alaska Professional
16 Design Council's (APDC) lobbyist to try and get this accomplished. To that end, Morris
17 stated he would like the board to approve some version of the changes today.

18
19 Lent made the friendly amendment to add language to say that any nonregistered person or
20 registered person cannot make changes without permission from the original registrant.
21 This friendly amendment was not seconded and not accepted. Morris explained that this
22 language was in conflict with existing regulations under site adaptation.

23
24 Fredeen made a friendly amendment to modify the language to read "not registered under
25 this chapter" in the new language being inserted in both AS 08.48.281 and .291. The
26 friendly amendment was seconded by Morris and accepted.

27
28 Morris made another friendly amendment stating that the board adopt this language in a
29 letter to whomever it may concern, that the board supports this statute change, the board
30 recognizes that it's going to be reviewed by the Attorney General's Office and slight
31 modifications might be necessary and then the board task himself as chair of the legislative
32 committee to take it to the legislature and act on behalf of the board to find a sponsor to
33 work with APDC on it.

34
35 Heieren seconded Morris' friendly amendment and it was accepted.

36
37 *The board recessed for 15 minutes.*

38
39 Baker restated his original motion as modified.

40
41 Hearing no objection the motion passed unanimously.

42
43 **Agenda Item 7 – Expenditure Report**

44
45 The board briefly reviewed the expenditure report. Brownfield asked Jones if there was
46 anything about the report he wanted to comment on. Jones told the board that it was
47 discovered during the board's sunset review that the board had not been credited with a
48 substantial amount of money brought in during the last renewal and that prior expenditure
49 reports were inaccurate.

50
51 Brownfield then told the board that he had corresponded with Legislative Audit regarding the
52 recommendations made in the preliminary audit, but that it was still in the confidential stage.
53 He told the board there could be a decrease in licensing fees as a result of the significant
54

1 amounts of money the board currently has. He commented that in the history of the board
2 there has only been one occasion where licensing fees were decreased.

3
4 **Agenda Item 8 – Committees**

5
6 A. Additional Engineering Disciplines. Fredeen reported that this committee has done
7 nothing since the last meeting. Fredeen recommended to the chair that he change the
8 current members of this committee so that the needed work gets done.

9
10 Fredeen asked the board if it still wanted to move forward with the three new disciplines of
11 engineering, understanding that general licensure will probably take two years to change the
12 regulations.

13
14 Heieren suggested that the board suspend this discussion and move on to public comment.

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

17
18 Craig Bledsoe. Mr. Bledsoe was addressing the board because of the concern for the
19 definition of health, safety and welfare. Brownfield told him this was an ongoing issue with
20 the board to try and pin down a definition. Bledsoe said that he thought the State of Alaska
21 would have the final say and the board had already agreed to check with the Attorney
22 General's office for a definition.

23
24 The board thanked Bledsoe for attending and for his comments.

25
26 Patrick Kalen. Kalen was present at the meeting representing himself, the American
27 Congress of Surveying and Mapping (ACSM) and the Alaska Society of Professional Land
28 Surveyors (ASPLS). He told the board he thought it was doing the right thing by proposing
29 statute changes to AS 08.48.281 and .291. He mentioned that perhaps these changes
30 could be added on to the board's sunset legislation that will be introduced this legislative
31 session.

32
33 Secondly, Kalen talked about the table of experience for surveyors in 12 AAC 36.064. He
34 said that there is no flexibility in the professional surveyors table of experience (12 AAC
35 36.065) because AS 08.48.171 it prohibits the board from requiring more than eight years
36 combination of education, experience and training. He said that now, because the board is
37 going to be changing the professional surveyor table in 12 AAC 36.065, it might be the time
38 to also change the statute. He further said that in his opinion persons with an associate's
39 degree or civil engineers should be required to have 9-10 years of combined education,
40 experience and training, but the board cannot require this because of AS 08.48.171. He
41 asked the board to add to its legislative agenda repealing the language in AS 08.48.171
42 which limits the amount of education, experience and training for a professional surveyor to
43 eight years.

44
45 Brownfield then said he had a question regarding the 2-hour state specific exam (AKLS
46 exam) that surveyors must take in Alaska and wanted to know if the surveyors have ever
47 discussed making that a test that can be taken on line instead of only in April, as now is the
48 case.

49
50 In conclusion, Kalen told the board that before the end of the day he would be requesting an
51 exemption to take the PE Civil exam in April. He is currently not eligible to take the exam
52 because his five years of failing to pass has lapsed and he no longer meets the
53 requirements of 12 AAC 36.063.

1 Terry Schoenthal. Schoenthal was present to represent the Alaska Chapter of the American
2 Society of Landscape Architects (ASLA). He said he was present to discuss the non-voting
3 temporary seat on the board of a landscape architect. He told the board he had recently
4 met with Division Director Mark Davis to discuss this. He said Mr. Davis' strong position was
5 that no one should sit on a board or commission and not be allowed to vote. He said that
6 Mr. Davis told him the division was putting together a housekeeping bill for various boards
7 and commissions and that he had solicited input from various administrators to see if there
8 were items that should be included. Mr. Davis said he would be very amenable to including
9 language to change the landscape architect seat on the board to a permanent, voting seat.
10 Schoenthal said he had provided proposed statutory language to Mr. Davis, but that he also
11 thought the AELS Board should provide something in support.

12
13 Schoenthal continued by telling the board that the ASLA had approached the Alaska
14 Professional Design Council (APDC) and that there is still some opposition to the proposed
15 statutory change by the surveyors because of the underlying concern about the overlap
16 between surveying and landscape architecture. He said the Alaska Chapter is working hard
17 and talking with surveyors to eliminate any controversy about making the landscape
18 architect a permanent voting position. Schoenthal thanked the board for its support in this
19 matter.

20
21 Brownfield said that at this time he doesn't think there is anything more for the AELS Board
22 to do. He said the board has made it clear that it supports changing the statute, and the
23 division director is aware of that.

24 25 **Agenda Item 8 – Special Committees (con't)**

26
27 A. Additional Engineering Disciplines. Fredeen continued by saying that if the board had a
28 committee on this that was engaged it would be much quicker to add the three new
29 engineering disciplines that the board is proposing rather than going to one general
30 engineering discipline. He said he believes the committee could have a rough draft ready
31 for discussion within the next quarter with board action by the following meeting, and that
32 hopefully something would be ready for public comment by May 2009.

33
34 Morris told the board he would like to be a member of the committee on additional
35 engineering disciplines and asked that he be removed from the committee on exemptions to
36 required registration. He also asked that if Leet, the committee chair, was not interested in
37 continuing as chair, that he be replaced. He said that the board has been completely
38 negligent in not dealing with this matter, as mandated by the board's last sunset review.

39
40 Brownfield agreed that this one of the most important issues before the board at this time.
41 He said he would take this committee on as the chair unless someone else wanted to.

42
43 Morris gave his opinion that a civil engineer should chair the committee because roughly
44 one half of all the Alaska registered engineers are civil engineers.

45
46 B. Disciplinary Action/Process. Brownfield distributed a copy of his November 6, 2008 draft
47 document entitled "Guide to Disciplinary Sanctions". Brownfield asked the other members of
48 the board to read the document and give him feedback.

49
50 *Break for lunch at 12:00 p.m.*

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

1 C. Incidental Practice/ DOT Signalization. Hightower, chair of the committee on incidental
2 practice addressed the board.

3
4 Hightower said that he needed more work with the committee. He also said that he needed
5 the help of Baker on finalizing this committee. Hightower said he needed to revisit this issue
6 and would be doing so with the help of Baker and Brownfield.

7
8 With regard to DOT Signalization Brownfield said that he and Morris would meet with DOT
9 engineers and explain the board's position.

10
11 D. Exemptions to Required Registration. Hightower explained that the committee had
12 previously provided draft language to amend AS 08.48.331 regarding specialty contractors
13 that was approved by the board.

14
15 E. Board By-Laws. Heieren told the board the by-laws he had drafted were ready for
16 adoption, which will be the next day, Friday.

17
18 Brownfield then acknowledged that Assistant Attorney General Robert Auth and Chief
19 Administrative Law Judge Terry Thurbon were present.

20
21 **Agenda Item 10 –**

22
23 A. Proposed Decision in Case No. OAH 08-0025-AEL

24
25 The Division of Corporations, Business & Professional licensing had filed an accusation
26 against Clifford Baker, Professional Land Surveyor, and the Administrative Law Judge (ALJ),
27 Thurbon, had prepared a proposed decision for the board's consideration.

28
29 Thurbon explained to the board that there was nothing under the law that precludes the
30 board from hearing from the parties in the case as long as no new evidence was introduced
31 and both sides were given an opportunity to speak. She also told the board it was
32 permissible to hear from Baker and Auth, the division's attorney, before going into executive
33 session.

34
35 Brownfield then invited Auth to speak to the board about the case.

36
37 Auth told the board he was the prosecuting attorney in this case, on behalf of the Division.
38 He explained that anything he would have to say would be included in the proposal for
39 action. Auth said he wanted the board to be aware that its action in this matter would set a
40 precedent for future cases and other boards. He further explained that the board could
41 suspend Baker's license for up to one year, but the ALJ had not recommended suspension.

42
43 The board then had general questions about the accusation and proposed decision directed
44 to Baker.

45
46 **On a motion duly made by Heieren, seconded by Shiesl, it was**

47
48 **RESOLVED to adjourn into executive session under the authority of AS**
49 **44.62.310 to discuss the Proposed Decision in OAH 08-0025-AEL.**

50
51 Hearing no objection the motion passed unanimously.

52
53 Auth left the meeting and said he would be in the Division's offices on the 15th floor if the
54 board needed him.

1 Baker and licensing examiner, Vern Jones, also left the meeting

2
3 *The board adjourned into executive session at 1:15 p.m.*

4
5 *The board returned from executive session at 3:55 p.m.*

6
7 **On a motion duly made by Heieren, seconded by Shiesl, it was**

8
9 **RESOLVED to adopt as its final decision in Case No. OAH 08-0025-AEL the**
10 **September 19, 2008 proposed decision prepared by the Administrative Law**
11 **Judge under AS 44.64.060(a)(3), but to change the letter of reprimand to delete**
12 **the last sentence of the first paragraph and the entire second paragraph.**

13
14 The board voted by written ballot and the motion passed by a majority with one negative
15 vote.

16
17 **On a motion duly made by Heieren, seconded by Shiesl, it was**

18
19 **RESOLVED to adjourn into executive session under the authority of AS**
20 **44.62.310 for review of applications.**

21
22 Hearing no objection the motion passed unanimously.

23
24 *The board adjourned into executive session at 4:10 p.m.*

1 **Friday, November 7, 2008**

2
3 The board reconvened into Executive Session to complete application review at 8:10 a.m.
4 and returned from Executive Session at 9:00 a.m.

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

7
8 The board returned from Executive Session at 9:00 a.m. and the Chair called the meeting to
9 order:

- 10
- 11 • Boyd Brownfield, Civil Engineer, Chair
 - 12 • Craig Fredeen, Mechanical Engineer, Vice-Chair
 - 13 • Clifford Baker, Land Surveyor
 - 14 • Burdett Lent, Landscape Architect
 - 15 • Richard Heieren, Land Surveyor
 - 16 • Harley Hightower, Architect
 - 17 • Mark Morris, Electrical Engineer, Secretary
 - 18 • Donald Shiesl, Public Member

19 Daniel Walsh, Mining Engineer, and Charles Leet, Civil Engineer, had been excused from
20 the meeting.

21
22 One architect seat on the board is currently vacant.

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

- 25
- 26 • Vern Jones, Licensing Examiner

27
28 A member of the public in attendance was Patrick Kalen.

29
30 **Agenda Item 10 continued:**

31
32 B. Case No. 0104-08-002

33
34 **On a motion duly made by Morris, seconded by Heieren, it was**

35
36 **RESOLVED to adopt an Order of Default and Decision in Case No. 0104-08-002**
37 **as prepared by the Division of Corporations, Business and Professional**
38 **Licensing in the matter of Robert L. Farmer pursuant to AS 44.62.530 and that**
39 **the board revoke Professional Land Surveyor Registration No. 7071 held by**
40 **Robert L. Farmer in the State of Alaska.**

41
42 Hearing no objection the motion passed unanimously.

43
44 **Agenda Item 17 – APEGGA – Neil Windsor and Gordon Williams**

45
46 Gordon Williams and Neil Windsor of the Association of Professional Engineers, Geologists
47 and Geophysicists of Alberta (APEGGA) joined the meeting.

48
49 Windsor told the board he had last met with them in 2002 and that a lot of things at
50 APEGGA have changed since then and he wanted to give the board a briefing.

51
52 He first told the board that APEGGA has self governing legislation, which is very different
53 from the way state boards are run.

1 He then presented a power point titled “National & International Mobility for Professional
2 Members”. He stated that he has seen state to state mobility, or comity, improve
3 considerably over the past 10 years. He said that in Canada a professional can become
4 licensed in another province very easily. However, he said that cross border licensing is
5 very difficult because Canada has a different system of licensing, therefore cannot fall under
6 comity. One of APEGGA’s goals is to improve across border licensing of professionals. He
7 continued and said that the question is, is the end result the same even though the system
8 of licensing between different nations is very different.
9

10 Windsor went on to explain about the 1995 NAFTA agreement between Canada, Mexico
11 and the US which provides for mutual recognition of professional engineering qualifications.
12 He said that Texas was the only US state that signed on to the agreement, although Arizona
13 has honored it without signing. No other states have signed on.
14

15 Windsor then briefly discussed the Pacific Northwest Economic Region (PNWER) which
16 includes the states of Alaska, Oregon, Washington, Idaho, Montana and Canada. He
17 explained that there is a shortage of engineers in the PNWER jurisdictions, and even though
18 the US and Canadian licensing systems are different Canadian engineers (P. Eng.) are
19 equally qualified to offer engineering services.
20

21 He also discussed the differences between the US system of licensing and the Canadian
22 system of licensing. Windsor did tell the board that the Canadian system will now accept the
23 NCEES Fundamentals of Engineering (FE) exam. He told the board that despite the
24 differences in steps taken to obtain licensing as a professional engineer in the US or in
25 Canada, there is no evidence that the public in either country is more exposed to potential
26 harm than in the other because of the differences in those licensing systems.
27

28 Windsor then gave a brief overview of what various states have done to promote mobility
29 with Canada.
30

31 Windsor summed up with APEGGA's conclusion that US professional engineers and
32 Canadian professional engineers are equal.
33

34 *Break at 10:51 a.m.*
35 *Reconvene at 11:00 a.m.*
36

37 When asked for comments by the board chair, Morris suggested that the board set
38 deadlines for the existing Special Committees to conclude work so that a new committee
39 could be appointed to address the issue of mobility for Canadian professional engineers.
40

41 Brownfield agreed that Canadian mobility should take the place of some of the existing
42 committees as they conclude and that this issue should be considered very important.
43

44 As a result of this discussion the following motion was made and approved:
45

46 **On a motion duly made by Heieren, seconded by Lent, it was**
47

48 **MOVED to change the existing special committee “Australian Licensure” to**
49 **“Licensure Mobility.”**
50

51 Baker said he did not think a motion was required and that the board could just change the
52 name. The motion was withdrawn but the committee name was changed to Licensure
53 Mobility.
54

1 Walsh will remain the Chair of the committee and Hightower and Lent will be added as
2 members.

3
4 Fredeen made a motion to skip Agenda Item 14, NCEES Annual Meeting Report, and Item
5 15, CLARB Meeting Report, because of the lateness of the day.

6
7 Hearing no second the motion failed.

8
9 Brownfield stated that these two agenda items could be gone through very quickly.

10
11 **Agenda Item 8 – Special Committees**

12
13 E. Board Bylaws. The board returned to discussing items under the special
14 committees.

15
16 Heieren had provided the most recent draft of his proposed board bylaws.

17
18 **On a motion duly made by Shiesl, seconded by Baker, it was**

19
20 **RESOLVED to adopt the board bylaws as prepared by Heieren**

21
22 A friendly amendment was made by Baker and accepted to change Article V Meetings,
23 Section C, to read "...based upon a simple majority of a quorum of the Board."

24
25 A friendly amendment was made by Lent, but not accepted, to change the language in
26 Article III, Members, to indicate that even though the landscape architect is the non-voting
27 member, the board has voted to make the position a permanent, voting position.

28
29 A call for the question was made and by a show of hands the board voted to end the
30 discussion.

31
32 The motion passed unanimously.

33
34 G. Technical Review Committee. Brownfield reported that things have been going
35 quite well with board investigator John Savage. He told the board that on occasion he has
36 met with the investigator several times without any other members of the committee
37 because he was needed immediately.

38
39 Brownfield did say that he would like for any other board members that are available to
40 assist this committee as he would like more members to participate.

41
42 Brownfield told Shiesl that he would explain to him later what the Technical Review
43 Committee is.

44
45 **On a motion duly made by Morris, seconded by Shiesl, it was**

46
47 **RESOLVED to set aside one half hour at the next board meeting in February as**
48 **an agenda item to review changes to the bylaws as prepared by the board**
49 **members during the next three months.**

50
51 Hearing no objection the motion passed unanimously.

1 D. Exemptions to Required Registration.

2
3 **On a motion duly made by Morris, seconded by Heieren, it was**

4
5 **RESOLVED to request the Exemptions to Required Registration committee**
6 **provide a report for regulation change.**

7
8 Before Morris finished his motion Hightower told him this could be done now and this
9 committee could be taken off the list.

10
11 Morris withdrew the motion and asked the board Chair to go back to Special Committee D
12 reports for action.

13
14 After lengthy discussion:

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

17
18 **RESOLVED to modify AS 08.48.331 as follows:**

19
20 **AS 08.48.331(a)(7). Work completed by a specialty contractor under this**
21 **exemption includes only work that has been originally prepared by a licensed**
22 **professional. This may be in the form of performance specifications or other**
23 **design instruments that establish design parameters. Prior to installation the**
24 **work product of the specialty contractor requires review and approval of the**
25 **licensed professional responsible for the work.**

26
27 Discussion ensued on whether this was a statute or regulation change and the processes
28 involved in both instances.

29
30 A friendly amendment was made by Heieren and accepted that the board waive the second
31 reading of this proposed statute change as required by the newly adopted bylaws.

32
33 A second motion was made before voting on the first motion:

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

36
37 **RESOLVED to waive the second reading of this motion to amend AS**
38 **08.48.331(a)(7), as per the bylaws.**

39
40 Hearing no objection the second motion passed by a majority vote.

41
42 Hearing no objection the first motion on the table passed unanimously.

43
44 Morris then made a recommendation to the board chair that the committees on Board
45 Bylaws and Exemptions to Required Registration be eliminated. The previous day a new
46 committee Mining Engineers/Geologists. The recommendation to eliminate the two
47 committees was accepted.

48
49 H. Building, Planning and Public Safety Officials' Manual. Lent reported that he was making
50 edits to the manual. Shiesl was added to this committee.

51
52 Heieren suggested that the definition of health, safety and welfare be incorporated into the
53 manual. He also stated he would like to see the name changed to "Reference Manual" as
54 the manual contains a lot of information for the general public, not just building officials. He

1 further suggested that the board approve or adopt the revised manual so it can be placed on
2 the board's web site, as the manual currently on the web site is over four years old.

3
4 Brownfield recognized Lent for the amount of work he has been putting into updating the
5 manual. He also requested that Lent, Heieren and Shiesl bring a final document to the next
6 meeting so the board can adopt it.

7
8 I. Legislative Liaison. Nothing to report.

9
10 J. Emeritus Status. The current NCEES Emeritus member, Lance Mearig, is no longer on
11 an NCEES committee so does not need reappointment.

12
13 **Agenda Item 14 – NCEES Annual Meeting Report**

14
15 Brownfield, Fredeen, Leet and Vern Jones had attended the NCEES Annual Meeting in
16 Minneapolis on August 13-16, 2008.

17
18 Brownfield had prepared a report of the meeting which the board members reviewed.

19
20 **Agenda Item 15 – CLARB Annual Conference Report**

21
22 Lent had participated in a teleconference meeting with CLARB on August 25, 2008 and
23 attended the CLARB Annual Meeting in San Diego on September 4-6, 2008. Lent had
24 prepared a summary of the meeting for the board's review.

25
26 **Agenda Item 16 – Licensing Examiner Report**

27
28 The board reviewed the Licensing Examiner Report for November 2008 prepared by Jones.

29
30 *Break for lunch at 1:10 p.m.*

31 *Return from lunch at 1:45 p.m.*

32
33 **Agenda Item 18 - Regulations**

34
35 A. 12 AAC 36.100 and .105 – Comity regulations. (Public noticed ready for adoption)

36
37 Having considered public comment and additional cost to the public, if any:

38
39 **On a motion duly made by Morris, seconded by Heieren, it was**

40
41 **RESOLVED to adopt changes to 12 AAC 36.100 and 12 AAC 36.105.**

42
43 Hearing no objection the motion passed unanimously.

44
45 B. 12 AAC 36.055 – ARE timing.

46
47 **On a motion duly made by Heieren, seconded by Hightower, it was**

48
49 **RESOLVED to submit for public notice changes to 12 AAC 36.060 as prepared**
50 **by the committee.**

51
52 Hearing no objection the motion passed by a majority vote.

1 C. 12 AAC 36.090 – FE Waiver (adopted in May, edited by Law) and
2 12 AAC 36.195 – site adapt (adopted in May, edited by Law)
3

4 Having considered public comment and additional cost to the public, if any:
5

6 **On a motion duly made by Heieren, seconded by Baker, it was**
7

8 **RESOLVED to readopt 12 AAC 36.090 and 12 AAC 36.195 as edited by the**
9 **Attorney General’s Office, modifying “a registrant may not” to “a person may**
10 **not” and removing the insertion of “another” from between “sealed by another**
11 **registrant authorized under 12 AAC 36.195.”**
12

13 Hearing no objection the motion passed unanimously.
14

15 D. 12 AAC 36.062, .063, .064 and .065 – FS/PS and FE/PE tables. This regulation
16 project has not yet been public noticed.
17

18 **Agenda Item 19 – Board Travel**
19

20 Travel has been approved for Brownfield and Jones to attend the NCEES President’s
21 Assembly in February 2009 in Atlanta, Georgia. Both attendees’ expenses will be funded by
22 NCEES.
23

24 The board’s administrator will be requesting travel for Lent to attend the CLARB meeting in
25 South Carolina in February 2009.
26

27 Travel will be requested for Hightower and the Executive Administrator to attend WCARB’s
28 Annual Meeting in Salt Lake City in March 2009.
29

30 Travel will also be requested for Heieren, Fredeen, Baker and Brownfield to attend the
31 NCEES Western Zone meeting in Alberta, Canada in May 2009. Also, a travel request will
32 be submitted for Brownfield, Shiesl, Fredeen and Heieren to attend the NCEES Annual
33 Meeting in Louisville, Kentucky in August 2009.
34

35 Lastly, approval will be requested for Hightower to attend the NCARB Annual Meeting in
36 Chicago in June 2009.
37

38 On a different topic the board requested that changes be made to the next meeting agenda.
39 Old Business will be discussed on the first day, expenditure report will be moved to the
40 second day of the meeting, Regulations will be on the first day, and New Business will be
41 moved to the second day.
42

43 **Agenda Item 21 – Review Calendar of Events**
44

45 The board tentatively set the following dates for upcoming board meetings:
46

- 47 • February 12-13, 2009, in Juneau to coincide with the APDC Fly-In
 - 48 • August 27-28, 2009 in Anchorage
 - 49 • May 21-22, 2009 in Fairbanks
- 50
51
52
53

1 **Agenda Item 20 – Read Applications into Record**

2
3 **On a motion duly made by Baker, and seconded by Heieren, it was**

4
5 **RESOLVED to approve the following list of applicants for registration by**
6 **comity and examination as read, with the stipulation that the information in the**
7 **applicants’ files will take precedence over the information in the minutes:**
8

APPLICANT	DISCIPLINE	EXAM-COMITY	BOARD ACTION
Andrews, Michael	Professional Landscape Architect	Comity	Approved – conditional on passing an approved arctic engineering course and the jurisprudence questionnaire.
Appelt, Gernot D.	Professional Civil Engineer	Comity	Approved – conditional on passing an approved arctic engineering course and the jurisprudence questionnaire.
Beasley, Kyle Sean	Professional Civil Engineer	Comity	Approved
Bono, Richard S.	Professional Electrical Engineer	Comity	Approved – conditional on passing the NCEES Principles and Practice of Civil Engineering exam
Budetti, Robert Peter, Jr.	Professional Architect	Comity	Approved
Bullard, John Warner	Professional Civil Engineer	Comity	Approved – conditional on passing the jurisprudence questionnaire
Buske, Scott E.	Professional Mechanical Engineer	Comity	Approved – conditional on passing the jurisprudence questionnaire
Chikigak-Steadman, Ivan Thomas	Fundamentals of Engineering	Exam	Approved
Collins, Patrick C.	Professional Electrical Engineer	Exam	Approved – conditional on passing the NCEES Principles and Practice of Electrical Engineering exam, verification of FE exam and passing the jurisprudence questionnaire
Connolly, Dennis Joseph	Professional Civil Engineer	Comity	Approved – conditional on passing the jurisprudence questionnaire
Crowell, James R.	Professional Architect	Comity	Approved – conditional on passing an approved arctic engineering course and jurisprudence questionnaire.
Culver, Paul A.	Professional Land Surveyor	Comity	Approved – conditional on passing the Alaska Land Surveying exam (AKLS)
Derrick, Andrew Dean	Professional Civil Engineer	Comity	Approved – conditional on passing the arctic engineering course.
Diamond, Robert J.	Professional Architect	Comity	Approved

Downing, Liet J.	Professional Architect	Exam	Approved – conditional on passing all divisions of the Architect Registration Examination and jurisprudence questionnaire.
Drouhard, Linus A.	Professional Mechanical Engineer	Comity	Approved – conditional on verifying PE Mechanical exam and verification of reference discipline.
Emerson, Scott Lowrey	Professional Architect	Comity	Approved
Enga, Brian Paul	Professional Electrical Engineer	Comity	Approved
Evensen, Darrel	Professional Civil Engineer	Comity	Approved – conditional on passing the jurisprudence questionnaire
Fitzwater, David Michael	Professional Civil Engineer	Comity	Approved – conditional on passing the jurisprudence questionnaire
Fletcher, Mathew A.	Professional Civil Engineer	Comity	Approved – conditional on verification of exams and license, passing an approved arctic engineering course and jurisprudence questionnaire.
Franco, Gustavo	Professional Civil Engineer	Comity	Approved
Gibson, Thomas Stanley	Professional Civil Engineer	Comity	Approved
Graper, William P.	Professional Land Surveyor	Comity	Approved – conditional on verification of the PS exam and passing the Alaska Land Surveying exam (AKLS)
Haggenmiller, Todd Gerard	Professional Mechanical Engineer	Comity	Approved
Hamilton, Robert William	Professional Mechanical Engineer	Comity	Approved
Hanson, Kirk Lee	Professional Mine Engineer	Comity	Approved – conditional on passing an approved arctic engineering course
Hansen, Stacy N.	Professional Architect	Exam	Approved – conditional on passing all divisions of the Architect Registration Examination and the jurisprudence questionnaire
Harmsen, Bradley J.	Professional Architect	Comity	Approved – conditional on passing an approved arctic engineering course.
Hill, Martin L.	Professional Architect	Comity	Approved – conditional on passing an approved arctic engineering course and jurisprudence questionnaire
Hoffman, Marsha K.	Professional Architect	Comity	Approved – conditional on passing an approved arctic engineering course and jurisprudence questionnaire.

Holley, Marc C.	Professional Mechanical Engineer	Comity	Approved
Jerdonek, Edward C.	Professional Architect	Comity	Approved – conditional on passing an approved arctic engineering course.
Jonlin, Duane L.	Professional Architect	Comity	Approved
Khng, George Y.C.	Professional Civil Engineer	Comity	Approved – conditional on passing the NCEES Principles and Practice of Civil Engineering exam, passing an approved arctic engineering course and the jurisprudence questionnaire
Kitchen, Douglas Orville	Professional Mechanical Engineer	Comity	Approved – conditional on passing the jurisprudence questionnaire
Knight, Clifton T.	Professional Mechanical Engineer	Comity	Approved
Kuhlmann, Robert E.	Professional Chemical Engineer	Comity	Approved – conditional on passing the jurisprudence questionnaire
Kyle, Dennis A.	Professional Civil Engineer	Comity	Approved – conditional on passing an approved arctic engineering course and the jurisprudence questionnaire
Lee, Seungwoo	Professional Civil Engineer	Comity	Approved – conditional on passing the jurisprudence questionnaire
Lund, Michael C.	Professional Civil Engineer	Comity	Approved – conditional on passing the NCEES Principles and Practice of Civil Engineering examination and receipt of fees.
Luth, Gregory P.	Professional Civil Engineer	Comity	Approved – conditional on passing the jurisprudence questionnaire
Ma, Xian	Professional Civil Engineer	Comity	Approved
Malone, Chad J.	Professional Civil Engineer	Comity	Approved
Meador, Shawn A.	Professional Electrical Engineer	Comity	Approved – conditional passing the jurisprudence questionnaire
Mestas, Amy Kephart	Professional Civil Engineer	Exam	Approved – conditional on receipt of transcripts and passing an approved arctic engineering course
Miranda, John Kyle	Fundamentals of Engineering	Exam	Approved
Murray, Shawn Creig	Professional Mechanical Engineer	Comity	Approved

Norkoli, Ryan Neal	Professional Civil Engineer	Comity	Approved – conditional on verification of exams and license, investigative clearance and passing the jurisprudence questionnaire
Nowka, Matthew R.	Professional Civil Engineer	Comity	Approved – conditional on passing the jurisprudence questionnaire
Olson, Randall M.	Professional Mechanical Engineer	Comity	Approved – conditional on passing the jurisprudence questionnaire
Pao, Stanley	Professional Architect	Comity	Approved – conditional on passing the jurisprudence questionnaire
Patwardhan, Ashok	Professional Mechanical Engineer	Comity	Approved – conditional on passing an approved arctic engineering course and jurisprudence questionnaire
Pierce, Grant	Professional Land Surveyor	Exam	Approved – conditional on passing the NCEES Principles and Practice of Surveying and the Alaska Land Surveying exam (AKLS)
Piggott, Stephen Kinsey	Professional Civil Engineer	Comity	Approved – conditional on passing the NCEES Principles and Practice of Civil Engineering examination and jurisprudence questionnaire
Plump, Richard A.	Professional Civil Engineer	Comity	Approved – conditional on passing an approved arctic engineering course and the jurisprudence questionnaire
Rafter, Edward P.	Professional Electrical Engineer	Comity	Approved
Rajendran, Padmanabhan	Professional Civil Engineer	Comity	Approved – conditional on passing an approved arctic engineering course and the jurisprudence questionnaire.
Richards, John M.	Professional Civil Engineer	Comity	Approved
Rubel Zigmund	Professional Architect	Comity	Approved – conditional on passing an approved arctic engineering course and jurisprudence questionnaire.
Saez, Jaime Mauricio	Professional Civil Engineer	Comity	Approved – conditional on receipt of fees.
Schoen, Paul Wilson	Professional Chemical Engineer	Comity	Approved – conditional on passing an approved arctic engineering course and jurisprudence questionnaire
Shropshire, Russell S.	Professional Civil Engineer	Comity	Approved – conditional on passing the jurisprudence questionnaire
Snell, Christopher Kent	Professional Civil Engineer	Comity	Approved
Sowa, Lori A.	Professional Civil Engineer	Exam	Incomplete – needs to verify 24 months of responsible charge experience and pass the jurisprudence questionnaire

Stone, Michael A.	Professional Electrical Engineer	Comity	Approved – conditional on investigative clearance and passing the jurisprudence questionnaire
Tague, Jonathan B.	Professional Civil Engineer	Exam	Approved – conditional on passing the jurisprudence questionnaire
Thompson, Robert M.	Professional Electrical Engineer	Comity	Approved
Thibodeaux, Kimberly Grail	Fundamentals of Engineers	Exam	Approved
Tilley, William A.	Professional Mining Engineer	Comity	Approved – conditional on passing the jurisprudence questionnaire.
Utt, Richard V.	Professional Architect	Comity	Approved
Vayner, Mikhail G.	Fundamentals of Engineering	Exam	Approved
Vo, Mike Vuoi Van	Professional Mechanical Engineer		Approved – conditional on passing an approved arctic engineering course and jurisprudence questionnaire
Wilkas, Edward Paul	Professional Architect	Comity	Approved – conditional on receipt of fee’s and passing the jurisprudence questionnaire.
Woodruff, Tommy E.	Professional Electrical Engineer	Comity	Approved – conditional on passing the jurisprudence questionnaire.

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Hearing no objection the motion passed unanimously.

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

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

APPLICANT	DISCIPLINE	EXAM-COMITY	BOARD ACTION
Enos, gregory J.	Professional Electrical Engineer	Comity	Incomplete – Needs to verify work under a PE who supervised him and verify exams and license in another jurisdiction and pass the jurisprudence questionnaire.
Fellows, Jeffrey A.	Professional Civil Engineer	Comity	Incomplete – Needs to verify 12 years experience as of date of licensure
Hibbs, Anthony S.	Professional Mechanical Engineer	Comity	Incomplete – verification of 24 months responsible charge per 12 AAC 36.105, passing an approved arctic engineering course and jurisprudence questionnaire
Poon, Aaron Wah-Yu	Professional Electrical Engineer	Comity	Incomplete – Needs to verify 12 years experience, pass an approved arctic engineering course and jurisprudence questionnaire

Wilson, Tammie Lynn	Fundamentals of Engineering	Exam	Incomplete – doesn't meet the education requirements of 12AAC 36.062
York, Clark A.	Professional Civil Engineer	Comity	Incomplete – needs to verify experience per 12 AAC 36.105

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Hearing no objection the motion passed unanimously.

Agenda Item 22– Board Member Comments, Housekeeping Items

The Chair signed the August 7-8, 2008 meeting minutes and the August 19, 2008 teleconference meeting minutes. The Wall Certificates were signed by the Chair and the board's Secretary.

The board members made brief closing comments.

The meeting adjourned at 4:30 p.m.

Respectfully submitted:

Ginger Morton, Executive Administrator

Approved:

Boyd Brownfield, PE, Chair
Board of Registration for Architects,
Engineers, and Land Surveyors

Date: _____