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STATE OF ALASKA

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

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**Minutes of Meeting
February 9-10, 2006**

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By authority of AS 08.01.070(2) and in compliance with the provision of AS 44.62, Article 6, the Board of Registration for Architects, Engineers and Land Surveyors (AELS), held a meeting at the State Office Building, 333 Willoughby Avenue, 9th Floor, Juneau, Alaska.

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Agenda Item 1 – Call to Order and Roll Call

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28

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

29
30

Members present and constituting a quorum of the Board were:

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- Kenneth Maynard, Architect, Chairperson
- Clifford Baker, PLS, Land Surveyor
- Boyd Brownfield, PE, Civil Engineer
- Charles Leet, PE, Civil Engineer
- Richard Heieren, PLS, Land Surveyor
- Harley Hightower, Architect
- Mark Morris, PE, Electrical Engineer
- Daniel Walsh, PE, Mining Engineer
- Burdett Lent, LA, Landscape Architect
- Terry Gorlick, Public Member

36
37

Craig Fredeen, PE, Mechanical Engineer, Vice-Chair, joined the meeting at 9:10 a.m.

38
39

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

40
41
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- Ginger Morton, Executive Administrator
- Eleanor Vinson, Licensing Examiner
- Vern Jones, Licensing Examiner
- Richard Younkens, Chief Investigator
- Naseer Dhaamin, Investigator (by teleconference)

46
47

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

- 48
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51
52
- Thom Lowther, Architect, representing the American Institute of Architects (AIA).
 - Patrick Kalen, Land Surveyor, representing the American Congress on Surveying & Mapping (ACSM).
 - Travis Arndt, Civil Engineer, representing the State of Alaska, Department of Transportation (DOT).

- 1 • Gary L. Eddy, Civil Engineer, representing DOT.
- 2 • Elmer E. Marx, Civil Engineer, representing himself and the DOT.
- 3 • George Imbsen, Civil Engineer, representing himself and the DOT.
- 4 • Arne Oydna, Civil Engineer, representing himself and the DOT.
- 5 • Shawn Florio, Civil Engineer, representing the Alaska Professional Design Council
- 6 (APDC) as the 2005 President.
- 7 • Ted Trueblood, Civil Engineer, representing the APDC.
- 8 • Terry Schoenthal, Landscape Architect, representing the American Society of
- 9 Landscape Architects (ASLA).
- 10 • Linda Cyra-Korsgaard, Landscape Architect, representing the ASLA and the APDC.

11
12 Newly appointed board members, Burdett Lent, Charles Leet, Daniel Walsh and Terry Gorlick
13 introduced themselves to the board and gave a brief history of their professional careers.

14 15 **Agenda Item 23**

16 17 **D. WCARB Annual Meeting**

18
19 Following discussion the board asked its Executive Administrator to request approval for
20 Hightower and herself to attend the WCARB Annual Meeting in Tucson, Arizona on March 17-
21 18. If approved for travel all expenses except registration fees will be reimbursed to the State
22 by WCARB as part of the membership dues paid to WCARB by the board. Maynard indicated
23 he would be requesting travel to the National Council of Architectural Registration Board's
24 (NCARB) Annual Meeting in Cincinnati, Ohio on June 22-24, 2006.

25 26 **E. NCEES Western Zone Meeting**

27
28 The Executive Administrator was requested to seek travel approval for herself, Baker,
29 Leet, Morris and Fredeen to attend the NCEES' Western Zone Meeting in Santa Fe, New
30 Mexico on June 1-3, 2006.

31
32 All members agreed that it is important that the AELS Board put in a good showing at
33 this meeting since Alaska is hosting the NCEES 2006 Annual Meeting in Anchorage, Alaska.

34 35 **Agenda Item 2 – Review/Amend Agenda**

36
37 The following amendments were made to the Agenda:

- 38
39 • Under Item 23, New Business, D and E, the Western Council of Architectural
- 40 Registration Board's (WCARB) Annual meeting and the National Council of
- 41 Examiners for Engineers and Surveyor's (NCEES) Western Zone Meeting were
- 42 moved to the first item of business on the Agenda for Thursday, February 9.
- 43 • Item 19, Meeting with Assistant Attorney General David Brower, was moved to 11:00
- 44 a.m. on Thursday, February 9.

45
46 **On a motion duly made by Baker, seconded by Brownfield, and approved**
47 **unanimously it was**

48
49 **RESOLVED to approve the agenda as amended.**

50 51 **Agenda Item 3 – Ethics Report**

52
53 The Chair asked if there were any ethics disclosures to report and there were none.

1
2 **Agenda Item 4 – Review/Approve Minutes**

3
4 The Chair asked if there were any changes to the draft minutes from the November 2005 board
5 meeting. The following change was made to the minutes:

- 6
7 • On page 4, line 42, the title of the subgroup for mandatory continuing education (CE)
8 for Architects was amended to include Engineers.

9
10 **On a motion duly made by Brownfield, seconded by Baker, and approved**
11 **unanimously it was**

12
13 **RESOLVED to approve the minutes from the November 17-18, 2005 meeting as**
14 **amended.**

15
16 Hearing no objections, the motion passed.

17
18 **Agenda Item 5 – Correspondence**

- 19
20 A. Society of Fire Protection Engineers (SFPE). The SFPE had submitted a letter dated
21 November 15, 2005, which included a copy of its position statement entitled “The Engineer
22 and the Technician Designing Fire Protection Systems.” No board action required.
23
24 B. Letter from George Imbsen re 12 AAC 36.195, Site Adaptation. Gary Eddy, Arne Oydna
25 and George Imbsen had written to the board and provided proposed changes to 12 AAC
26 36.195 regarding the wording related to site adaptations of design documents. Messrs.
27 Eddy, Imbsen and Oydna were present at the meeting.

28
29 Imbsen explained that the word “adaptation” should be replaced with “alteration” throughout
30 the regulation. He explained that as currently written changes can be made that have
31 nothing to do with site adaptations.

32
33 Imbsen’s second suggestion was that only licensed professionals should be authorized to
34 make changes and the present language allows contractors to make alterations to design
35 documents as they deem fit, and this is not the intent of the regulation.

36
37 Eddy stated that there should be a new section 6 in 12 AAC 36.195 that states the altered
38 design document must be sealed by the design professional altering the document.

39
40 It was also suggested that construction documents be clarified and defined in AELS
41 regulations.

42
43 Travis Arndt and Elmer Marx were also present and were in support of the changes
44 suggested by Eddy and Imbsen. Marx explained that contractors are not building what is on
45 the plans, and are making changes to the plans. He said it is a real problem in the
46 construction business.

47
48 Maynard indicated he would appoint a committee to look into the issues of site adaptations
49 and alteration of design documents and the board will discuss it again at the May meeting.

- 50
51 C. Letter to NCEES. The board reviewed a letter written by the Executive Administrator to
52 NCEES notifying NCEES that the board wished to modify its current Emeritus Status
53 nominations by deleting Patrick Kalen and Robert Miller, leaving only Lance Mearig.

1
2 Patrick Kalen, a former board member previously holding Emeritus Status with NCEES, was
3 in attendance and requested that his name be nominated to NCEES for Emeritus Status.
4 He explained he is not presently serving on an NCEES committee, but hopes to in the
5 future.

6
7 The board told Kalen that until he is on an NCEES committee he will not be nominated to
8 NCEES for Emeritus Status, and that he should notify the board when he will be serving on
9 an NCEES committee.

- 10
11 D. Letter from NCEES re Washington Accord. The board continues to review correspondence
12 from NCEES regarding concerns with the accreditation practice of the Washington Accord.
13 Baker explained the Washington Accord for the benefit of the new members. The board will
14 continue to monitor this situation.
- 15
16 E. Correspondence between NCEES and ABET. The board reviewed correspondence
17 between Martin Pedersen, President of NCEES, and Richard Seagrave, President of ABET,
18 also regarding the Washington Accord and ABET. No board action required.
- 19
20 F. Letter from Fred Cad, PE. Retiring registrant Fred Cady had written to the board telling it
21 how much he had enjoyed being registered in Alaska for the past 10 years. No board action
22 required.
- 23
24 G. NCEES Annual Meeting/Board Responsibilities. The board reviewed correspondence from
25 NCEES explaining the board's responsibilities for the NCEES' Annual Meeting in Anchorage
26 in September. The board will need to arrange for speakers to deliver invocations and a
27 speaker to deliver the welcome speech. Maynard offered to write a letter to Governor
28 Murkowski inviting him to speak, and if he is unable, then perhaps Lt. Gov. Leman would be
29 able to deliver a speech.
- 30
31 H. October 2005 FE Pass Rates. The board reviewed the pass rates for the October 2005 FE
32 Exam administration. The Executive Administrator explained to the board that NCEES was
33 now scoring on a pass/fail basis instead of a percentage basis, and that the pass rate was
34 significantly lower with the October administration. No board action required.

35
36 **Agenda Item 6 –Subcommittees**

37
38 The board did not have time to break into subcommittees, so discussed subcommittee
39 appointments for the new members and prioritized its subcommittees. Following are the board's
40 committee appointments:

- 41
42 • Additional Engineering Disciplines. Fredeen, Chair. Members: Brownfield, Gorlick and
43 Walsh.
- 44 • CE for Architects/Engineers. Brownfield, Chair. Members: Hightower, Lent and Walsh.
- 45 • Courtesy License. Baker, Chair. Members: Hightower, Leet and Morris.
- 46 • Disciplinary Process. Maynard, Chair. Members: Brownfield, Gorlick and Lent.
- 47 • Electronic Transmittals. Fredeen, Chair. Members: Heieren and Leet.
- 48 • Incidental Practice. Maynard, Chair. Members: Baker, Leet and Lent.
- 49 • Jurisprudence Exam. Heieren, Chair. Members: Morris and Walsh.
- 50 • Legislative Changes. Morris, Chair. Members: Maynard and Baker.
- 51 • Site Adaptations. Hightower, Chair. Members: Fredeen and Gorlick.
- 52 • Stop Work Orders. Brownfield, Chair. Members: Maynard, Fredeen, Gorlick and Heieren.
- 53

1 Maynard gave a brief breakdown of the issues confronting each subcommittee for the benefit of
2 new members. He stated he feels the most pressing issues presently before the subcommittees
3 are continuing education and the disciplinary process.
4

5 Fredeen indicated he had nothing to report with regard to electronic transmittals. The Executive
6 Administrator told the board she would conduct a list serve of the NCEES' member boards for
7 regulatory language addressing electronic seals.
8

9 Hightower distributed draft regulations he had prepared for architectural continuing education
10 based on the AIA and New Mexico requirements. Brownfield stated he would have draft
11 continuing education regulations for engineers and architects to distribute at the next board
12 meeting in May.
13

14 Lent offered the information that the Alaska Society of Landscape Architects (ALSA) and the
15 Council for Landscape Architectural Registration Board (CLARB) are working together toward a
16 resolution on the continuing education issue, which it is hoped will be resolved within two years.
17 Lent indicated he would have a report for the board at the next meeting.
18

19 Maynard suggested that the landscape architects work with Hightower and Brownfield on draft
20 CE regulations for LAs as two years is too far ahead and the regulations need to be acted upon
21 sooner than that. The regulations could then be amended later as seen fit. Maynard stated that
22 he would like to have CE for all the professions enacted at the same time.
23

24 *Break at 10:30 a.m.*

25 *Reconvene at 10:40 am*
26

27 **Agenda Item 7- Investigative Report –Naseer Dhaamin**

28

29 Investigator Naseer Dhaamin joined the meeting at 10:40 a.m. by teleconference.
30

31 The board reviewed the January 25, 2006 investigative report. The board was pleased to see
32 the report in a new format and that it contained a page listing how closed cases were disposed
33 of, which the board had requested.
34

35 Maynard expressed concern that so many cases were closed with only a warning letter and
36 asked Dhaamin who makes the determination to close cases with a warning letter. Dhaamin
37 responded that he speaks with a member of the board in the same discipline as the offender or
38 speaks with his supervisor and goes by past practices.
39

40 Maynard said he was not happy with the way cases were being handled and asked Dhaamin
41 how the board could help him with his cases. Dhaamin did ask the board what he should do
42 with any old cases he comes across prior to 2006 with violations such as failing to affix a date or
43 sign a design plan.
44

45 Turning to the investigative report, Maynard said that the several 2002 cases for incompetence
46 should be, or should have been reviewed by an expert witness to determine if the case should
47 be pursued or not. He also said he would like to see these old cases put to bed, one way or
48 another.
49

50 Brownfield wondered if Dhaamin could identify those cases that are currently involved in
51 hearings, or are in court and Dhaamin said he could place a star by those cases. Fredeen then
52 asked if the investigator could add another column to the investigative report showing the
53 progress of the case so the board knows it is moving forward. Dhaamin indicated he could add
54 a progress column to the report.

1 Gorlick asked Dhaamin when the board members could review closed cases and would it be
2 possible for the board to audit some of the closed cases, as a subgroup, to look at how the case
3 was closed to see if it falls in line with the direction the board wants to go. He said he would
4 also like to see the board more involved with the more serious cases involving the health, safety
5 and welfare of the public.

6
7 Dhaamin indicated that because of the member's positions on the board he would have to
8 check with his supervisor to answer Gorlick's questions.

9
10 Maynard explained to Dhaamin that the board was going to be meeting with Investigator Rick
11 Younkins to develop a new process by which two board members would meet with Dhaamin
12 each month to determine which cases have validity and should be followed up on and then
13 determine the nature of the charge that should be assessed. Maynard said he would then like
14 to see a chart determined to see what sanctions have been imposed for certain actions so the
15 board can remain consistent in dealing with cases. He said the investigators need guidelines to
16 follow.

17
18 Heieren asked Dhaamin where complaints were coming from, i.e., by telephone, email, or US
19 Mail. He also asked Dhaamin how much public contact he receives in a normal month.

20
21 Dhaamin responded that most of the complaints are received as emails through the board's web
22 site or telephone calls. Dhaamin said he receives about 10 inquiries regarding potential
23 complaints per month.

24
25 Gorlick asked Dhaamin if there was a way of tracking similar violations so the board could
26 determine if a statute or regulation that was frequently violated might need to be studied and
27 changed.

28
29 Dhaamin said he would welcome any guidance the board could provide him.

30
31 The board thanked Dhaamin and he left the meeting at 11:00 a.m.

32
33 **Agenda Item 19 – Meet with AAG Brower**

34
35 Assistant Attorney General David Brower joined the meeting at 11:00 a.m.

36
37 The first topic of discussion was the issue of whether or not consulting engineers retained by
38 the state are required to be registered through the AELS Board. This issue had arisen as a
39 result of a memo written to DNR by Assistant Attorney General Anders, and reviewed by the
40 board at the previous meetings.

41
42 Brower stated that this would fall under the exemption in AS 08.48.331(a)(5) and consulting
43 engineers working under registered engineers would not require registration. Brower said he
44 believed the confusion arose because the "State" is not listed in the exemption, only the
45 "registered individual" under whom the consulting engineer must be working for is written in the
46 exemption. The board discussed if the State could be considered the "registered individual" for
47 purposes of this exemption. Brower stated that because in the instant case, there is a
48 registered engineer employed by the State that consults with a consulting engineer, that
49 consulting engineer does not need an Alaska registration.

50
51 Morris stated that it needs to be made clear that a state agency cannot hire a consulting
52 engineer unless there is a registered engineer employed by that state agency.

1 The board requested Brower to put his conclusions on this consulting engineer exemption in a
2 memo that the board can refer back to. Brower said that the Anders' memo is correct and does
3 not need changing. For purposes of this exemption the State is the "registered individual."
4

5 The second issue the board wished to discuss with Brower was that there is no statute that
6 specifically requires a registered design professional. Brower said there are exemptions to the
7 requirements, so anything not specifically exempted does require a registered design
8 professional. He said, for example, a 4-plex is exempted from registration requirements, so
9 anything larger would require registered individuals. He stated that in his opinion prohibited
10 practice and practice are adequately defined in statute as presently written.
11

12 Returning to the issue of the State retaining consulting engineers, Fredeen said he would like a
13 written response from the AG's office, perhaps a position statement, that says anyone hired by
14 the State must be passed through a registered individual.
15

16 Morris asked if the board needs to change the statute to specifically exempt the State, a
17 municipality or other government agency, thereby clarifying that these agencies can hire or
18 retain non-registered consulting engineers if working under a registered individual. Brower
19 responded that he thinks the current language is sufficient and that it does not need to be
20 changed.
21

22 The board thanked Brower and he left the meeting at 11:20 a.m.
23

24 **Agenda Item 8 – Investigative Process/Enforcement**

25

26 Richard Younkings, the Division's Chief Investigator joined the meeting at 11:20 a.m.
27

28 Younkings began the discussion by explaining why the division investigators use outside expert
29 witnesses. He explained that outside expert witnesses are used for high profile cases or if the
30 person being investigated is a board member.
31

32 Maynard asked who makes the determination on closing a case with only a warning letter.
33 Younkings indicated this decision is made after consulting with a board member. However,
34 Maynard explained to Younkings that he had never been contacted regarding closing cases, and
35 several were just closed with warning letters. Maynard continued that he especially has a
36 problem with someone practicing beyond their scope or unlicensed practice, only to have it
37 closed with a simple warning letter. Younkings indicated he would look into this apparent
38 disconnect.
39

40 Next Younkings explained the two-member process that other boards use for screening
41 complaints. He said the investigator would meet with two board members each month to
42 determine which new cases should be followed up on, or how they should be resolved.
43

44 Younkings had provided copies of documents to set up a board committee review. It was
45 discussed whether or not the public board member should be one of the two selected to review
46 complaints and determine merit. Younkings said that none of the other boards using this review
47 system use the public member. Following discussion the board agreed that the public member
48 should be allowed to sit on the committee review, but should recuse himself if the subject matter
49 was too technical in nature.
50

51 Younkings then explained to the board that it has statutory authority to assess a civil penalty up
52 to \$5,000, which comes through the Attorney General's Office. He said there could also be a
53 misdemeanor action through the Office of Special Prosecutions or the District Attorney's Office.
54

54 Maynard said that whether or not the Attorney General's Office pursues it depends on how

1 busy they are. Younkens explained that public safety is the priority of cases in the AG's Office
2 and if there is a case the board wants moved up the board should contact Rick Urion or himself
3 and let them know and they would address it with the AG's Office.
4

5 Fredeen returned to the issue of the cases that had been closed with only warning letters. He
6 wanted to know if the resolutions to these cases become public once closed. Younkens replied
7 that they would not become part of the licensing files.
8

9 Baker stated that if a case is closed and a letter written it should be on the Internet and if a
10 complaint is determined to have no merit, the board should be able to see the information in
11 order to remain consistent. He said that if numerous practitioners are doing the same wrong
12 thing then the board needs to educate the public.
13

14 Maynard stated that he wanted to move forward with two board members reviewing new cases
15 with the investigator monthly and to have that followed up with a chart that details the resolution
16 of certain types of cases so the board can be consistent in its sanctions or penalties for first
17 offenders, second offenders, etc.
18

19 Younkens told the board that in the board packets were the documents the board needed to
20 adopt to get the board committee review process going.
21

22 **A motion was duly made by Heieren, seconded by Baker and with a friendly**
23 **amendment by Fredeen to call it a draft policy and revise as necessary later.**
24

25 Following discussion there was a second friendly amendment to the motion to allow the public
26 member to also be one of the board members to review cases with the investigator.
27

28 Morris objected to this friendly amendment. The amendment passed by a majority vote, with
29 Morris voting no.
30

31 Upon a call for the question and a roll call vote with all members voting in favor, it was
32

33 **RESOLVED to adopt the documents to initiate a board committee review as a draft**
34 **board policy to be revised later as needed and to allow the public board member**
35 **to participate in reviewing cases monthly with the investigator.**
36

37 Gorlick indicated that the sentence on page 2 of the document entitled "Policy for Board Review
38 and Advice" would need to be deleted to allow a public member to be one of the two members
39 to review cases monthly.
40

41 Younkens stated it would be up to the board chair to assign the two members to review cases
42 with the investigator. It was discussed that one of the two members reviewing cases should be
43 licensed in the same profession of the registrant being reviewed.
44

45 Younkens pointed out that on the document entitled "Initial Complaint Review by Board Member
46 Panel", question three asks if there is any reason why another board member should review this
47 case. He said this addresses the problem of trying to manipulate the cases to always have a
48 member on the panel of the same discipline as the registrant being complained about.
49

50 The board then discussed with Younkens a recent Nome case of an appeal on a Cease and
51 Desist for unlicensed practice issued by the division, and the division prevailed on the appeal.
52 There was no further action taken by the division to assess a fine or civil penalty. The board
53 wanted to know if it was too late to go back and assess a penalty. Younkens said he had asked
54 the Attorney General's Office this question and he would let the board know.

1 Younkins said that in past practices a case of compliance such as the Nome case would be
2 concluded with a Cease and Desist. Maynard explained the case in point and told Younkins
3 that it had cost the board in excess of \$15,500 to defend the appeal. There followed a
4 discussion on how much it might cost to try and impose a civil penalty, and if it would be worth
5 it.

6
7 There followed a discussion on when an outside expert witness should be used. Younkins told
8 the board that the investigative unit does not make that decision, it is made by the board,
9 usually by the board chair. He said the whole purpose of the policy the board just adopted was
10 to make the decisions on a case and then give the investigative staff direction. He then said the
11 matter would come back to the board for a decision on the sanction.

12
13 Maynard reiterated that he would like to see a chart or guidelines for penalties against offenses.
14 Younkins indicated that he could get this information together and ask Brian Howes, Senior
15 Investigator, to email it to the board members.

16
17 Younkins left the meeting at 12:30 p.m.

18
19 *Break for lunch at 12:30 p.m.*

20 *Reconvene at 1:45 p.m.*

21
22 **Agenda Item 9 – Public Comment**

23
24 Present for public comment were:

- 25
26 • Ted Trueblood, PE, representing the Alaska Professional Design Council (APDC).
27 • Terry Schoenthal, LA, representing the American Society of Landscape Architects (ASLA).
28 • Lynda Cyra-Korsgaard, LA, representing the ASLA and the APDC.
29 • Patrick Kalen, PLS, representing the American Congress on Surveying & Mapping (ACSM).
30 • Shawn Florio, PE, representing the APDC as the 2005 President.

31
32 First, Schoenthal gave a brief background of his employment with Land Design North.

33
34 Schoenthal then addressed the board regarding a letter written by the Municipality of Anchorage
35 that states that all landscape plans, which are reviewed by the Urban Design Commission
36 (UDC), will require preparation by an Alaska registered landscape architect. He wanted to
37 assure the board that this is not something that had been pressed for by the ASLA.

38
39 Schoenthal told the board that this letter had been written as a result of the UDC continually
40 having problems with drawings being turned in that did not meet the municipal code, that were
41 not of good quality, and the planning department was spending a great length of time educating
42 people on how to turn in plans that were reasonably articulated and that would actually meet the
43 code.

44
45 Schoenthal stated that his take on it was that it is okay for the municipality to require more
46 stringent requirements than the state, but it is not okay for the municipality to require more
47 lenient requirements than the state.

48
49 Baker stated that he agreed that the municipality should have the ability to make regulations
50 more stringent, but at the same time he doesn't believe the municipality should be able to put in
51 regulations to restrict someone from being able to practice what they have been practicing for
52 the last 15-20 years prior to registering landscape architects. Baker said he understood the
53 problem to be not that engineers and architects are submitting landscape plans, but individuals

1 of the public are submitting inferior landscape plans and the planning department is spending
2 too much time educating them.

3
4 Brownfield offered his opinion that the average person is going to misconstrue the letter and
5 conclude that it is directed at architects and engineers as not being able to properly prepare
6 landscape plans.

7
8 Schoenthal encouraged the board to write a letter to the municipality along those lines
9 expressed by Brownfield. He said that he personally has no problem with other qualified
10 persons other than landscape architects submitting landscape plans.

11
12 Lent said he concurred one hundred percent with Schoenthal and thanked him for attending the
13 meeting.

14
15 Fredeen brought up the proposed regulation regarding a temporary license and asked
16 Schoenthal if he thought there is a health and safety issue for landscape architects and should
17 they be issued temporary licenses.

18
19 Schoenthal replied landscape architects fall into a gray area; some work with health and safety
20 areas such as roadways, but that many of the areas are not health and safety issues.

21
22 The board thanked Schoenthal for attending.

23
24 The next member of the public to address the board was Shawn Florio, current President of
25 APDC. Florio said he really didn't have anything formal to say but that he just wanted to touch
26 base with the board and meet the new board members.

27
28 Florio told the board that the incoming president voted in was Rob Lang. He said he thought it
29 important for the two organizations, APDC and the AELS Board, to continue communication,
30 and he hopes the cooperation between the two groups continues.

31
32 Maynard explained to the new members that APDC is basically a lobbying group, funded by its
33 membership.

34
35 Next to speak was former board member Patrick Kalen.

36
37 Kalen first talked about legislation to remove the word "land" from AS 08.48. Kalen said he
38 thought he could get this legislation introduced if the board would write a letter in support of a
39 committee bill and give the letter to Sam Kito to move forward with. The board agreed to write a
40 letter.

41
42 Fredeen cautioned the board that it should follow the APDC's lead on this legislation as the
43 legislature is extremely busy this session and the board does not want to annoy them by
44 introducing "housekeeping" legislation. Fredeen felt it might be wise to wait until the next
45 session to introduce this legislation.

46
47 Ken Maynard introduced Lynda Cyra-Korsgaard, landscape architect, and former board
48 member, to the other members of the board.

49
50 **Agenda Item 10 – Regulation Update/Status of Pending Regulation Projects**

51
52 Jun Maiquis, the division's Regulations Specialist, joined the meeting at 2:10 p.m.

1 Maiquis explained to the board that the following regulations, which had been adopted at the
2 November 2005 meeting, were currently at the Department of Law for review:
3

- 4 • 12 AAC 36.135 – repeal requirement for certification from corporations for firm registrations.
- 5 • 12 AAC 36.067 – date of experience
- 6 • 12 AAC 36.068 – landscape architect mentoring
- 7 • Article 4 – continuing education for surveyors

8
9 Maiquis told the board that the practice of land surveying, 12 AAC 36.111 has been re-public
10 noticed upon request of the board and the public comment period deadline is March 3. He also
11 told the board that a new section in 12 AAC 36 for courtesy/temporary license had been public
12 noticed and the public comment deadline is February 27. He handed out the public comment
13 he had received to date. He noted that most of the comments received on the courtesy license
14 were in opposition.
15

16 Maiquis said that at the last meeting the board had neglected to adopt 12 AAC 36.100,
17 removing “land” from the NCEES exam titles, so that will be need to be adopted at this meeting.
18

19 The board read the comments on the courtesy license and a discussion followed. Maynard said
20 he thinks the proposed 180 days for which the courtesy licenses would be issued is too long.
21

22 Baker noted that there were a lot of public comments against courtesy licenses for surveyors
23 during a catastrophe as there is no need. He said he feels surveyors could be exempt.
24

25 Heieren commented that in a national emergency there could be a need for a surveyor to do
26 damage assessment and surveyors should be involved, although he said he does not feel
27 strongly either way.
28

29 A discussion followed, addressing topics such as the arctic requirement, out of state Alaska –
30 registered professionals, and design work versus assessing damage. The board agreed that
31 the wording for the courtesy license needed to be worked on.
32

33 Maynard appointed a subcommittee consisting of Leet, Baker and Lent to come up with
34 additional language for courtesy licensing to be discussed at the May 2006 meeting.
35

36 **Article 4 – CE for Land Surveyors:** Heieren posed to the board that surveyors would like to
37 have the ethics requirement in the proposed regulations removed. He said that there have been
38 some major problems financially trying to accommodate the ethics classes being taught. He
39 said there are five national courses, and all are quite expensive.
40

41 Maiquis explained that if the board wanted to remove the ethics requirement from the proposed
42 regulations, it would need to re-adopt the regulations with that portion removed.
43

44 **A motion was duly made by Heieren, seconded by Hightower to remove the**
45 **ethics requirement from the proposed regulations regarding continuing education**
46 **for surveyors.**
47

48 Following discussion, Heieren withdrew his motion and asked that it be tabled until the next day
49 so that Maiquis could talk to the Department of Law regarding the proper procedure to change
50 the CE regulations adopted at the last meeting.

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

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

5 **RESOLVED to adopt the proposed regulation 12 AAC 36.100, removing the**
6 **word “land” from NCEES examination titles; thus the Fundamentals of Land**
7 **Surveying (FLS) will become the Fundamentals of Surveying (FS) and the**
8 **Principles of Land Surveying (PLS) will become the Principles of Surveying (PS).**
9

10 Hearing no objection, the motion passed.
11

12 On a different matter Lent asked Maiquis if there had been any negative public comment on 12
13 AAC 36.068, landscape architect mentoring. Maiquis explained that this had already been
14 public commented on, and it had already been adopted by the board. The board indicated no
15 negative comments had been received during the public comment period.
16

17 Next discussed was the need for a new regulation project for electronic transmittals.
18

19 Fredeen noted that the current regulations do not allow for electronic signatures. The board
20 had determined previously that if a registrant wet-signs a drawing and makes a .pdf of it, then it
21 is acceptable as long as the original wet signed set is available for inspection.
22

23 The Executive Administrator was asked to poll other states for existing language to allow
24 electronic signatures and this would be taken up at the next meeting.
25

26 **Item 11 – Thom Lowther, AIA, re CE for Architects** 27

28 Thom Lowther, AIA, joined the meeting at 2:55 p.m. to discuss continuing education for
29 architects. He gave a brief background regarding professional development and spoke on why
30 he considers CE important. He said that it is new materials that make a difference and that is
31 what an architect needs to know.
32

33 Lowther said that there are presently 34 states that require continuing education for architects
34 and these states conduct random audits for CE compliance.
35

36 He also spoke on retaining files, investigating providers, insurance companies, rebates and
37 training. Lowther said one thing of interest is that professional development makes an impact,
38 but until states require it the licensees did not take health and safety classes.
39

40 A discussion ensued on whether or not all of the CE required should be in health and safety
41 issues and the gray areas in determining what constitutes health and safety CE.
42

43 Lowther said the AIA has a web site with approved providers for distance learning continuing
44 education, which he would show to the Executive Administrator and she said she would then
45 distribute that web address to all board members.
46

47 Lowther left the meeting at 3:45 p.m.
48

49 *Break at 3:50 p.m.*

50 *Reconvene at 4:00 p.m.*
51

52 The board returned to the tabled motion to amend the proposed regulations for continuing
53 education adopted at the November 2005 meeting by removing the ethics requirement.
54

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

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

4
5 **RESOLVED to adopt an amended Article 4 in 12 AAC 36.405 – continuing**
6 **education for land surveyors, by deleting the ethics requirement.**

7
8 Hearing no objection, the motion passed unanimously by a roll call vote.

9
10 **Agenda Item 11 – Application Review**

11
12 **On a motion duly made by Baker, seconded by Brownfield, and approved**
13 **unanimously, it was**

14
15 **RESOLVED to adjourn into Executive Session for the purpose of reviewing**
16 **applicant files.**

17
18 The board adjourned into Executive Session at 4:00 p.m. A sign was placed on the door
19 indicating the board was now in Executive Session.

20
21 The board recessed at 7:30 p.m. until 7:00 a.m. on Friday, February 10.

22
23 **Friday, February 10, 2006**

24
25 **Agenda Item 11 – Application Review**

26
27 The board remained in Executive Session to complete application review. A sign was placed on
28 the door indicating the board was still in Executive Session.

29
30 **Agenda Item 12 – Reconvene Meeting/Roll Call**

31
32 The Chair called the meeting to order at 9:05 a.m.

33
34 Members present and constituting a quorum of the Board were:

35
36 Kenneth Maynard, Architect, Chairperson
37 Craig Fredeen, PE, Mechanical Engineer, Vice-Chair
38 Boyd Brownfield, PE, Civil Engineer
39 Clifford Baker, PLS, Land Surveyor
40 Richard Heieren, PLS, Land Surveyor
41 Terry Gorlick, Public Member
42 Burdett Lent, Landscape Architect
43 Daniel Walsh, PE, Mining Engineer
44 Charles Leet, PE, Civil Engineer
45 Mark Morris, PE, Electrical Engineer

46
47 Harley Hightower, Architect, was unable to attend the second day of the meeting as he is the
48 IDP liaison to NCARB and had a meeting to attend.

49
50 Representing the Division of Corporations, Business and Professional Licensing were:

51
52 Ginger Morton, Executive Administrator
53 Eleanor Vinson, Licensing Examiner

1 Vern Jones, Licensing Examiner

2
3 Joining part of the meeting were the following members of the public:

- 4
- 5 • Dale Nelson, PE, Civil Engineer, representing the APDC.
 - 6 • Susan Whitfield of NCEES.
 - 7 • Terry Thurbon, Chief Administrative Law Judge, Office of Administrative Hearings.
 - 8 • Chris Kennedy, Office of Administrative Hearings.
 - 9 • Patrick Kalen, Surveyor, representing ACSM.
 - 10 • Douglas Mertz, Attorney at Law, representing John D. Squires
 - 11 • John D. Squires, applicant for engineering registration by examination.
- 12

13 **Agenda Item 17 – Meet with Susan Whitfield (ELSES) re Exam Administration**

14
15 Susan Whitfield from Engineer and Land Surveyor Exam Services (ELSES), a company owned
16 by NCEES joined the meeting. She came to the meeting to talk to the board about ELSES
17 taking over administration of the FE/PE and FS/PS examinations in Alaska.

18
19 Whitfield began by giving a brief history of ELSES. She told the board that in addition to
20 administering the exams ELSES has now started a new service in determining eligibility for
21 candidates to sit for the exams.

22
23 She told the board there would be changes for the candidates. There would no longer be
24 postponements, which Alaska now allows two, and the price of the exams will increase. ELSES
25 will permit a partial refund of exam fees in the case of death in the family, illness or military
26 service.

27
28 Regarding exam fees, Whitfield said that based on the candidate numbers she presently has for
29 Alaska she has estimated the exam administration fee will be \$135 per candidate, plus the cost
30 of scoring/book fees. It is estimated the FS will cost \$200 (presently \$80), PS will cost \$265
31 (presently \$95), FE will cost \$200 (presently \$75), and the PE will cost \$265 (presently \$145).
32 Whitfield explained to the board that the state or board would not bear any costs for ELSES to
33 take over exam administration.

34
35 Discussed was the issue that one of the requirements for graduating from UAF is that students
36 must take the FE exam. The board said that UAF felt the increase in exam fees could make it
37 prohibitive for students to take it.

38
39 Then discussed was one of the reasons why ELSES believes it important that it assume
40 responsibility for administering the tests, and that is liability to the state. She said if the exam
41 becomes compromised, or an exam booklet is lost, it could cost the state up to \$500,000.

42
43 Morris asked Whitfield if candidate numbers had decreased in other states when ELSES began
44 administering the exam and the exam fees increased significantly. She replied that the
45 numbers did not reflect a significant change.

46
47 Whitfield explained that there would need to be a contract in place five months prior to the
48 October 2006 exam administration in order for ELSES to administer that exam. Also discussed
49 was the administration of the AKLS. The Executive Administrator told the board that at this time
50 AELS staff will continue to administer this exam, but will have an option at a later date to turn
51 over administration to ELSES if warranted.

52
53 Whitfield then discussed the training and selection of proctors and exam sites. She said that a

1 lead or chief proctor for each exam site is flown to South Carolina for a one-day proctor training
2 session. She said they would try to use exam sites and proctors previously used by division
3 staff in administering the exams.
4

5 **On a motion duly made by Gorlick, seconded by Baker, it was**
6

7 **MOVED to proceed and accept the proposal by ELSEES for administering the FE/PE**
8 **and FS/PS examinations and allow the division to work out the final details of the**
9 **contract.**

10
11 A roll call vote was conducted:
12

13 Maynard – Yes
14 Baker – Yes
15 Brownfield – Yes
16 Fredeen – Yes
17 Heieren – Abstain
18 Hightower – Yes
19 Morris – Yes
20 Gorlick – Yes
21 Walsh – Yes
22 Leet – Yes
23

24 The motion passed by a majority vote.
25

26 *Break at 10:05 a.m.*

27 *Reconvene at 10:10 a.m.*
28

29 **Agenda Item 18 – Meet with Director Urion**
30

31 Director Rick Urion joined the meeting at 10:10 a.m.
32

33 Maynard began by telling Urion that he was happy to have had productive meetings with the
34 Department's Commissioner and Chief Investigator.
35

36 Heieren brought up the subject of staff travel. He told Urion that Alaska was hosting the 2006
37 NCEES Annual Meeting in Anchorage this coming September and he feels it is important for
38 AELS administration to attend the NCEES Western Zone meeting in Santa Fe in June 2006. He
39 said the continuity/understanding on the national level would be good. He told Urion he would
40 lobby to get as many people as possible approved to attend the Western Zone Meeting as he
41 feels it important to have a good showing at the Western Zone Meeting to encourage
42 attendance at the Annual Meeting in Anchorage.
43

44 Brownfield agreed with Heieren that Alaska needed to put in a good showing at the Western
45 Zone meeting. Baker said he also supports the administrative staff attending because there is
46 no continuity with board members as they come and go, but there is with the administration.
47

48 Morris discussed how the AELS Board is so connected to NCEES and the board needs to have
49 input at the meetings as it affects Alaska directly. He said he also believes the administrative
50 support needs to be involved in the meetings.
51

52 On another issue, Heieren asked Urion if he would be able to assist with getting the draft
53 regulations on continuing education for surveyors pushed through the Department of Law.
54 Urion explained that Department of Law is quite busy with the Legislature being in session.

1 Urion said he would like to see a way to have the mandatory continuing education pre-
2 approved, as the board currently will not pre-approve CE. Maynard stated that there already
3 are a large number of approved programs through the national organizations.
4

5 Fredeen brought up the revamping of the investigative process by implementing a two-member
6 review panel to review cases with the investigator. He asked Urion if he had any suggestions
7 that would assist the board.
8

9 Urion responded that the board was headed in the right direction and that this new process will
10 eliminate unnecessary investigations.
11

12 A short discussion followed regarding why fines go into the general fund instead of being
13 credited to each particular board. Urion said the various boards should get together and
14 discuss this item. Also discussed was how fines are collected.
15

16 Urion left the meeting at 10:35 a.m.
17

18 **Agenda Item 16 – Expenditure Report**

19
20 Cathy Mason, the division's new Administrative Manager, replacing Jennifer Strickler, joined the
21 meeting at 10:38 a.m.
22

23 The board reviewed the January 20, 2006 expenditure and revenue report in the board packets.
24

25 Mason started by showing the board on the expenditure report that to date in FY 06 it had
26 \$212.4 in personal services expenses, \$18.3 in travel expenses, \$174.6 in contractual services,
27 and \$3.7 in supplies expenses for a total of \$409.0 in both direct and indirect expenses. She
28 pointed out that in contractual services at this point the legal expenses from the Department of
29 Law have not yet been posted. Mason showed the board on the report where it presently has
30 \$1,563.8 in total revenue, which leaves an excess balance (revenue – expenses) of \$1,154.8.
31 Mason said that because the state is on a fiscal year, July 1 – June 30, these figures are
32 representative of being mid-way through FY 06.
33

34 Maynard noted that expenses are fairly consistent from year to year, but that revenue will show
35 a significant drop every other year because of the biennial renewal cycle, and that explains the
36 deficit of \$585.2 in FY 05.
37

38 Gorlick asked if it would be to the board's benefit to have another column on the report that
39 showed a proposed budget so the board would know where it is at compared to the budget.
40 Maynard suggested the elimination of FY 02 to allow for additional room on the report for this
41 column. Mason explained that the budget is for the entire division and is not broken up by
42 different boards. She said the division has an upper-level budget, but does not budget down to
43 the boards.
44

45 Gorlick said that in that case what he would like to see is what the board's limitations are. He
46 said, for example, to tell the board at the start of the fiscal year how much the board has to
47 spend on the different expenses. The Executive Administrator explained that it did not work that
48 way, that expenses are discretionary with the Commissioner and/or Director.
49

50 Maynard noted that travel expenses for FY 05 took a significant drop because travel was not
51 being approved. He explained that as board members they have a certain responsibility to
52 attend the meetings of the national organization with which the board gives and receives input
53 and guidance.
54

1 Gorlick asked how direct and indirect expenses were defined. Mason responded that indirect
2 expenses are those that cannot be specifically allocated to AELS, such as using the
3 Commissioner's Office. She said that indirect expenses are divided between all the boards in
4 the division. Indirect expenses are those that all boards benefit from but it cannot be
5 determined the amount of benefit to each program area. The AELS Board is charged a
6 percentage of indirect expenses based on the number of registrants. Currently, the percentage
7 of indirect expenses charged to the AELS Board is 12.58%. Direct expenses are those specific
8 to the AELS Board and no other board or program area.
9

10 Fredeen asked a question with regard to personal services expenses. He stated the board had
11 gone through changes in administration and investigators and the personal services had gone
12 up. He thought perhaps this amount should have decreased based on a new, lesser paid
13 investigator. He wondered if it could be because of an increase in benefits or if salaries had
14 gone up. Mason she did not have that information with her but she could do some research and
15 provide it later. She said if you look at the back-up information in the report you can see where
16 much of this is coming from. She said, for example, retirement is around \$15,000, health
17 insurance is around \$19,000 and the regular pay is around \$82,000. Mason said she would do
18 a comparison on the expenses from last year to determine why personal services increased.
19

20 Fredeen then said he gets confused on what the non-tax reimbursements are versus the airfare.
21 He wondered if the difference was between when board staff traveled for a meeting versus
22 when a member traveled and the state received a third-party reimbursement. Mason indicated
23 she did not have the answer to that, but would look into it and email the board with her answer.
24 Fredeen also asked about management consulting and program management consulting.
25 Again, Mason said she would find the answer and provide it to the board by email.
26

27 The board thanked Mason and she left the meeting at 10:45 a.m.
28

29 **Agenda Item 20 – Squires – Hearing Officer Recommendation**

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

32
33 **RESOLVED to adjourn into executive session under the authority of AS**
34 **44.62.310(a)(2) to discuss the hearing officer proposed Decision and Order in the Matter**
35 **of John Squires.**
36

37 Hearing no objection, the board adjourned into executive session at 10:50 a.m.

38 The board returned from executive session at 10:55 a.m.
39

40 John Squires and his attorney, Douglas Mertz, joined the meeting at 10:56 a.m. Mertz asked if
41 he could address the board regarding the proposed Decision and Order.
42

43 Mertz started by telling the board that the administrative law judge (ALJ) did not rule on the most
44 important issues. He told the board that there is no point in Squires taking the FE when he has
45 already passed the PE. He said he would like to present a short brief and remand the matter to
46 the ALJ for a legal analysis.
47

48 Squires then spoke stating that there is a great deal of confusion in dividing design engineering
49 from construction engineering. He briefly discussed his engineering background and said he
50 feels he is more qualified for registration than many others.
51

52 Mertz indicated he has written answers to the ALJ's proposed decision.

1 The board felt it best to return into executive session to discuss how best to proceed in this
2 matter.

3
4 **On a motion duly made by Baker, seconded by Brownfield, it was**

5
6 **RESOLVED to adjourn into executive session under the authority of AS**
7 **44.62.310(a)(2) to discuss the hearing officer proposed Decision and Order in the Matter**
8 **of John Squires.**

9
10 Hearing no objection, the board adjourned into executive session at 11:06 a.m.
11 The board returned from executive session at 11:12 a.m.

12
13 The board told Mertz and Squires it would be willing to review documents in this matter, but was
14 not willing to discuss it at this time because the board had not yet had time to review the
15 proposed Decision and Order.

16
17 Mertz indicated he would provide additional documents to the Executive Administrator by
18 February 20 to distribute to the board. The board could then decide how to proceed, and would
19 again address this matter at the May 2006 meeting in Fairbanks.

20
21 Mertz and Squires left the meeting at 11:15 a.m.

22
23 **Agenda Item 21 – Old Business**

24
25 A. Jurisprudence Exam. The board reviewed the sample jurisprudence exam the Executive
26 Administrator had prepared.

27
28 A discussion followed on how a jurisprudence exam should be administered and when. Some
29 thought it should be for initial registration, some thought it could be included as part of
30 continuing education, and some thought perhaps it should be a requirement for every
31 registration renewal.

32
33 Baker offered that surveyors should be exempt from the jurisprudence exam for initial
34 registration because they have to pass the two-hour state specific surveying exam (AKLS)
35 which covers the same subject matter.

36
37 The board agreed to review the sample exam between now and the May meeting and be
38 prepared to take action at that time.

39
40 **Agenda Item 22 – Examiner's Report**

41
42 The board reviewed the Examiner's Report, which contained statistical data regarding the
43 number and type of registrations issued since the November 2005 board meeting.

44
45 Baker remarked that the board will need to be thinking about continuing education regulations
46 for registrants in retired status that want to return to active status.

47
48 **Agenda Item 15 – Subgroup Reports**

49
50 A. Engineering Disciplines/Incidental Practice. Maynard indicated he had nothing to report at
51 this time.

1
2 B. CE – Phase II / Architects & Engineers. Brownfield provided a report to the board, along
3 with the assistance of Hightower, and indicated the first draft of proposed regulations for
4 architects and engineers had been completed. Regarding architect CE, he indicated he
5 would be providing copies to officials for initial review and discussion.

6
7 Regarding CE for engineers, Brownfield indicated he had been in contact with the ASCE for
8 their input. Again, he said this document would be provided to officials of the profession for
9 input.

10
11 Brownfield stated the goal of this subcommittee was to have completed documents for the
12 board's review at the May 2006 meeting so that the public process can begin.

13
14 C. Electronic Transmittals. Nothing to report at this time.

15
16 D. Disciplinary Action & Process/Enforcement Procedure. Maynard indicated he would be
17 meeting with the division's chief investigator, Rick Younkens, and will be working on a matrix
18 to show the penalties that should be attached to specific violations.

19
20 E. Fire Protection. Nothing to report.

21
22 F. Proposed Legislative Changes. The board has elected to not pursue any legislative
23 changes at this time, but to work between now and the next legislative session to have any
24 statutory changes desired drafted and ready to be introduced.

25
26 G. Additional Engineering Disciplines. Briefly discussed was whether or not the board should
27 move toward a single professional engineer registration, or add additional disciplines. Baker
28 noted that only 11 states have discipline specific registrations.

29
30 The board returned to its discussion, which was initiated during public comment by Terry
31 Schoenthal regarding the letter from the Municipality of Anchorage stating that all landscape
32 plans must be submitted by registered landscape architects.

33
34 **On a motion duly made by Morris, seconded by Heieren, and with a friendly
35 amendment by Lent to include a copy of the relevant AELS' regulations, it was**

36
37 **RESOLVED that the board will write a position letter to the Municipality of
38 Anchorage explaining the overlapping areas of disciplines in areas of practice on
39 registered disciplines of architects, surveyors, engineers and landscape architects.**

40
41 Hearing no objection, the motion passed unanimously by roll call vote.

42
43 *Break for lunch at 12:15 p.m.*

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

45
46 **Agenda Item 23 – New Business**

47
48 A. Proposed Legislation

49
50 1) Exempt Buildings Under AS 08.48.33. Next addressed was House Bill 377 presently before
51 the legislature, which changes the exemption in AS 08.48.331(a)(6)(C) from a two-story building
52 being exempt from registration to a three-story building. Following discussion, all members
53 agreed they are in opposition to this bill.

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

2
3 **RESOLVED to send a letter to Rep. Meyer in opposition to HB 377.**

4
5 The motion passed by a majority roll call vote as follows:

6
7 Maynard – Yes
8 Baker – Yes
9 Brownfield – Yes
10 Fredeen – Yes
11 Morris – Yes
12 Gorlick – Abstain
13 Walsh – Yes
14 Leet – Yes
15 Heieren - Yes

16
17 2) HB 172 – Stop Work Order. The board discussed HB 172, which was a bill introduced
18 last year giving the division investigator authority to stop work on a project in violation of AELS
19 statutes and regulations.

20
21 Morris was in favor of the board writing a letter in support of HB 172 to the legislature. Heieren
22 said he is very uncomfortable giving that kind of authority to the division investigator.

23
24 Fredeen stated that the board needs to use the same process that the State Fire Marshall’s
25 Office uses to stop work. The Executive Administrator was asked to find the language used by
26 the State Fire Marshall giving it the authority to issue stop work orders and forward it to the
27 board. She was also asked to forward a copy of HB 172 to all board members.

28
29 Gorlick offered that there must be a way to insure due process is afforded to those being issued
30 stop work orders.

31
32 A new subcommittee was formed to research stop work orders with Brownfield as Chair and
33 Maynard, Gorlick, Heieren and Fredeen as members.

34
35 3) Drop “land” from Surveyors’ Title.

36
37 **On a motion duly made by Baker, seconded by Heieren, it was**

38
39 **RESOLVED to send a letter to Rep. Bunde asking for a committee bill to introduce**
40 **the legislation to remove “land” from surveyors’ title in AS 08.48.**

41
42 Hearing no objection, the motion passed unanimously.

43
44 B. Emeritus Status for Robert Gilfilian. Following discussion, the board asked the Executive
45 Administrator to communicate to Robert Gilfilian that the board would nominate him for
46 Emeritus Status with NCEES in the event he is going to be appointed to an NCEES
47 committee.

48
49 **It was moved by Heieren to nominate Robert Gilfilian for Emeritus Status with NCEES.**

50
51 Following discussion, Heieren withdrew his motion.

52
53 C. UDC (MOS) Requirement for Landscape Architect. This had previously been discussed.

- 1 D. WCARB Annual Meeting. The Executive Administrator will request approval for Hightower
2 and herself to attend this meeting in Tucson on March 17-18, 2006.
3
4 E. NCEES Western Zone Meeting. Heieren, Leet, Walsh, Brownfield, Morris and Baker
5 requested the Executive Administrator to request approval from the division for them to
6 attend this meeting in Santa Fe on June 1-3.
7

8 **Agenda Item 24 – Meeting with Administrative Law Judge.**
9

10 Chief Administrative Law Judge, Terry Thurbon, and Chris Kennedy, both from the Office of
11 Administrative Hearings (OAH), joined the meeting at 2:15 p.m.
12

13 Thurbon provided a flow chart and a matrix detailing the differences between the pre-July 2005
14 cases and the post-July 2005 cases. She began by giving a brief background of the OAH.
15 Thurbon told the board that statutory language had been created, effective July 1, 2005 that
16 changed the process of administrative hearings and created the OAH.
17

18 Following the chart provided, Thurbon explained the changes that were implemented in the
19 administrative hearing process when the OAH was created. She said the important changes
20 that had been made are toward the end of the hearing process.
21

22 One important change is that if the board does not act on a proposed decision at its next
23 scheduled meeting, the decision will stand by operation of law. Thurbon said a second
24 significant change is that a board cannot completely reject an ALJ's proposed decision, the
25 board must have justification for doing so, and the board is then responsible for writing another
26 decision. Another difference from the pre-July cases is that in post-July 2005 cases the board
27 can preempt the appointed ALJ one time with no justification.
28

29 Thurbon said the new procedures are under stricter time constraints than the old procedures,
30 which will expedite the administrative hearing process.
31

32 The board then asked Thurbon if she could advise them on how to proceed in the Squires'
33 proposed decision, which is presently before it.
34

35 Thurbon advised the board that it should forward any additional documents received from
36 Squires' attorney to the ALJ and Assistant Attorney General assigned to the case so they can
37 decide if it is new information, in which case it might need to be remanded to the ALJ. She said
38 the normal procedure is for the board to act on the proposed decision, and then if Squires has
39 additional documentation he wants considered, he could file a motion for reconsideration.
40

41 The Executive Administrator indicated she would work with the OAH on the proper course to
42 follow in this matter and the board will take it up again at the May meeting.
43

44 Thurbon and Kennedy left the meeting at 3:05 p.m.
45

46 **On a motion duly made by Baker, seconded by Brownfield, it was**
47

48 **RESOLVED to adjourn into executive session under the authority of AS**
49 **44.62.310(a)(2) to discuss the hearing officer proposed Decision and Order in the Matter**
50 **of John Squires and the procedure that the board should follow.**
51

52 Hearing no objection, the board adjourned into executive session at 3:10 p.m.
53 The board returned from executive session at 3:15 p.m.
54

1 **Agenda Item 25 – Board Elections.**

2
3 **On a motion by Leet, seconded by Fredeen, and adopted, it was**

4
5 **RESOLVED to nominate Kenneth Maynard for Board Chair.**

6
7 **On a motion by Fredeen, seconded by Baker, and adopted, it was**

8
9 **RESOLVED to nominate Bo Brownfield as Vice-Chair.**

10
11 **On a motion by Heieren, seconded by Baker, and adopted, it was**

12
13 **RESOLVED to nominate Mark Morris as Board Secretary.**

14
15 Hearing no objections, Maynard was re-elected as Board Chair, Brownfield was elected as
16 Board Vice-Chair, and Morris was re-elected as Board Secretary.

17
18 **Agenda Item 2 – Review Goals and Objectives**

19
20 The board reviewed its FY 06 Goals and Objectives, and made no changes.

21
22 Golick suggested as an action item, that the Executive Administrator put together a 3-ring binder
23 for each board member with application review instructions and relevant statutes and
24 regulations that the board can review prior to the May 2006 meeting.

25
26 Leet suggested the board set deadlines for the subcommittees to complete their tasks.

27
28 **Agenda Item 27 - Read Applications into the Record**

29
30 **On a motion duly made by Brownfield, seconded by Baker, and approved**
31 **unanimously, it was**

32
33 **RESOLVED to APPROVE the following list of applications for comity and**
34 **examination as read, with the stipulation that the information in the applicant files**
35 **will take precedence over the information in the minutes:**

36
37 The Licensing Examiner read the following applications into the record.

38

APPLICANT	DISCIPLINE	EXAM COMITY	BOARD ACTION
1. Alger, Nelson Kenneth	FE	Exam	Approved
2. Anderson, Jennifer Ann	FE	Exam	Approved
3. Balster, Kimberly Joy	FE	Exam	Approved
4. Baumann, Dominic	FE	Exam	Approved
5. Bentz, Christopher Lucas	FE	Exam	Approved
6. Billings, Matthew E.G.	FE	Exam	Approved
7. Binning, Elizabeth Ann	FE	Exam	Approved
8. Brouhard, Larre Glenn	FE	Exam	Approved
9. Brown, David Allen	FE	Exam	Approved
10. Brusehaber, Daniel Mark	FE	Exam	Approved
11. Bryson, Gwendolyn Rae	FE	Exam	Approved

12. Carleton, Jeffrey Scott	FE	Exam	Approved
13. Casanova, Marvin C.	FE	Exam	Approved
14. Caswell, Adam James	FE	Exam	Approved
15. Chalup, Coleman James	FE	Exam	Approved
16. Chaney, Joshua Marcus Colin	FE	Exam	Approved
17. Chi, Kim L.	FE	Exam	Approved
18. Chi, Kyungyun	FE	Exam	Approved
19. Croteau, Sarah Mae	FE	Exam	Approved
20. Dale, Monica	FE	Exam	Approved
21. Dehmlow, Alicia Joslyn	FE	Exam	Approved
22. Earls, Nathaniel Glen	FE	Exam	Approved
23. Ervice, Anne Marie	FE	Exam	Approved
24. Evans, Robert Francis	FE	Exam	Approved
25. Groeschel, Virginian Corazon	FE	Exam	Approved
26. Hall, Iveta	FE	Exam	Approved
27. Hardie, Kyle Walker	FE	Exam	Approved
28. Hebnes, Nicholas Thomas John	FE	Exam	Approved
29. Horazdovsky, Andrew M.	FE	Exam	Approved
30. Hughes, Aaron Christopher	FE	Exam	Approved
31. Hughes, Todd Vince	FE	Exam	Approved
32. Hunting, Aaron Lothaire	FE	Exam	Approved
33. Hutchison, Daniel David	FE	Exam	Approved
34. James, Joshua Ian	FE	Exam	Approved
35. Jennings, Holy Patricia	FE	Exam	Approved
36. Jensen, Rebecca Elaine	FE	Exam	Approved
37. Jernstrom, Gregory	FE	Exam	Approved
38. Johannes, II, Lon Richard	FE	Exam	Approved
39. Johnston, Elizabeth Tiffner	FE	Exam	Approved
40. Jutric, Damjan	FE	Exam	Approved
41. Knorr, Kristina H.	FE	Exam	Approved
42. Lamson, Brian C.	FE	Exam	Approved
43. Little, Lauren	FE	Exam	Approved
44. Lyons, Fintan J.	FE	Exam	Conditionally approved pending receipt of fees
45. Marcott, Brandon J.	FE	Exam	Approved
46. McMullen, Craig William	FE	Exam	Approved
47. McNulty, Michael	FE	Exam	Approved
48. Mitchel, Megan	FE	Exam	Approved
49. Moore, Jason	FE	Exam	Approved
50. Morse, Adam	FE	Exam	Approved
51. Nabers, Michael J.	FE	Exam	Approved
52. Nelson, Eric Andrew	FE	Exam	Approved
53. Olson, Dustin L.	FE	Exam	Approved
54. Peterson, Daniel Christian	FE	Exam	Approved

55. Pineda, Armando J. L.	FE	Exam	Approved
56. Posma, Andrew J.	FE	Exam	Approved
57. Rhea, Jared Dean	FE	Exam	Approved
58. Rivera, Jon	FE	Exam	Approved
59. Schultz, Andrew Michael	FE	Exam	Approved
60. Shangin, Melody Dawn	FE	Exam	Approved
61. Smith, Kristina Anne	FE	Exam	Approved
62. Stine, Brooklyn T.	FE	Exam	Approved
63. Sweeney, Brian	FE	Exam	Approved
64. Taylor, George C.	FE	Exam	Conditionally approved pending receipt of transcripts showing approved degree OR 75% letter
65. Thatcher, Garrett	FE	Exam	Approved
66. Thompson, Kelly J.	FE	Exam	Approved
67. Trivette, Marcus E.	FE	Exam	Approved
68. Van Hagen, Timothy	FE	Exam	Approved
69. Vestoski, Jacob P.	FE	Exam	Approved
70. Villanueva, Sharon Tangca	FE	Exam	Approved
71. Wadeson, Christopher Aaron	FE	Exam	Approved
72. Webb, Aaron L.	FE	Exam	Approved
73. Weiland, Hans	FE	Exam	Approved
74. Wichman, Benjamin Graham	FE	Exam	Approved

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APPLICANT	DISCIPLINE	EXAM COMITY	BOARD ACTION
1. Brown, Susan Gale	FS	Exam	Approved
2. Esposito, James Dominic	FS	Exam	Conditionally approved pending 75% letter of completion of a 4 year program or 3 yrs work experience
3. Leonard, Julie	FS	Exam	Approved
4. Meyers, Brian	FS	Exam	Approved
5. Mildon, Kathleen M.	FS	Exam	Approved
6. Pendergraft, Dayna	FS	Exam	Approved
7. Test, Travis W.	FS	Exam	Approved
8. Anderson, Geoff E.	Architect	Comity	Approved
9. Black, Thomas Edward	Architect	Comity	Conditionally approved pending successful completion of Board approved Arctic Engineering course
10. DeBoer, Kenneth G.	Architect	Comity	Conditionally approved pending successful completion of Board approved Arctic Engineering course
11. Dufault, Timothy J.	Architect	Comity	Approved
12. Wrocklage, Ryan	Architect	Exam	Approved
13. Pedersen, Brian	PE – Chemical	Comity	Conditionally approved pending successful completion of Board approved Arctic Engineering course
14. Kay, Quyen Chau	PE – Chemical	Exam	Approved
15. Peters, Brian	PE – Chemical	Exam	Conditionally approved pending receipt of fees
16. Anderson, James M.	PE – Civil	Comity	Approved
17. Baron, Mark John	PE – Civil	Comity	Conditionally approved pending successful completion of Board approved Arctic Engineering course & PASSING PE exam
18. Bridges, Paul Ellis	PE – Civil	Comity	Conditionally approved pending successful completion of Board approved Arctic Engineering course
19. Burnett, Alan E.	PE – Civil	Comity	Conditionally approved pending receipt of reference letter & fees
20. Collins, Kevin Richard	PE – Civil	Comity	Approved
21. Dailey, Stephen	PE – Civil	Comity	Approved
22. DiGregorio, Stephen	PE – Civil	Comity	Conditionally approved pending successful completion of Board approved Arctic Engineering course
23. Erickson, Brandon W.	PE – Civil	Comity	Approved
24. Folmar, Daniel M.	PE – Civil	Comity	Approved
25. Hollingsworth, Oscar Dwight	PE – Civil	Comity	Approved
26. Laurence, William	PE – Civil	Comity	Conditionally approved pending successful completion of Board approved Arctic Engineering course

27. Lockwood, Gary	PE – Civil	Comity	Approved
28. Mekhail, Nagy	PE – Civil	Comity	Approved
29. Mettler, Matthew	PE – Civil	Comity	Approved
30. Questad, Larry	PE – Civil	Comity	Approved
31. Strohlein, Brett	PE – Civil	Comity	Approved
32. Wright, John	PE – Civil	Comity	Conditionally approved pending receipt of fees
33. Anderson, Robert	PE – Civil	Exam	Conditionally approved pending successful completion of Board approved Arctic Engineering course & receipt of fees, transcripts , & verification of FE exam
34. Boles, Luke Joseph	PE – Civil	Exam	Approved
35. Bott, James Wescott	PE – Civil	Exam	Approved
36. Brady, Karen Ann	PE – Civil	Exam	Approved
37. Caron, Paul	PE – Civil	Exam	Conditionally approved pending successful completion of Board approved Arctic Engineering course
38. Carsten, Todd	PE – Civil	Exam	Conditionally approved pending receipt of fees
39. Crewdson, James A.	PE – Civil	Exam	Approved
40. Daly, Patrick D.	PE – Civil	Exam	Approved
41. Dinstel, Daniel A.	PE – Civil	Exam	Approved
42. French, David L.	PE – Civil	Exam	Approved
43. Gastrock, Brian T.	PE – Civil	Exam	Approved
44. Gibbons, Scott A.	PE – Civil	Exam	Approved
45. Giessel, Peter A.	PE – Civil	Exam	Conditionally approved pending verification of FE
46. Halverson, David L.	PE – Civil	Exam	Approved
47. Henry, Chism L.	PE – Civil	Exam	Conditionally approved pending successful completion of Board approved Arctic Engineering course
48. Jarnagin, Aaron D.	PE – Civil	Exam	Approved
49. Kingsbury, Brian Alan	PE – Civil	Exam	Approved
50. Lester, Darryl	PE – Civil	Exam	Approved
51. Lovelace, Toby	PE – Civil	Exam	Approved
52. Mendez, Johnny	PE – Civil	Exam	Approved
53. Metts, Shawn	PE – Civil	Exam	Approved
54. Nelson, Eric A.	PE – Civil	Exam	Conditionally approved pending successful completion of Board approved Arctic Engineering course

55. Nelson, William E.	PE – Civil	Exam	Approved
56. Osborne, Lucas	PE – Civil	Exam	Conditionally approved pending successful completion of Board approved Arctic Engineering course
57. Roeder, Paul	PE – Civil	Exam	Approved
58. Smith, Nichelle	PE – Civil	Exam	Conditionally approved pending verification of 24 months of responsible charge & fees
59. Strong, Kevin	PE – Civil	Exam	Conditionally approved pending 2 months responsible charge
60. Taylor, Anastasia J.	PE – Civil	Exam	Conditionally approved pending successful completion of Board approved Arctic Engineering course
61. Valentine, Christopher	PE – Civil	Exam	Conditionally approved pending successful completion of Board approved Arctic Engineering course & receipt of transcripts showing proof of BS in Civil Engineering
62. Webb, Jason	PE – Civil	Exam	Approved
63. Winemiller, Marjorie	PE – Civil	Exam	Conditionally approved pending successful completion of Board approved Arctic Engineering course &, receipt of FE verification & transcripts
64. Winfree, Paula	PE-Civil	Exam	Approved
65. Wood, David	PE – Civil	Exam	Approved
66. Wright, Tyson	PE – Civil	Exam	Approved
67. Cleven, Timothy	PE – Electrical	Comity	Approved
68. Cook, James E.	PE – Electrical	Comity	Approved
69. Haidle, Jeffrey L.	PE – Electrical	Comity	Conditionally approved pending successful completion of Board approved Arctic Engineering course
70. Skinner, Joseph	PE – Electrical	Comity	Conditionally approved pending receipt of PE exam & current license
71. Ayers, Mark	PE – Electrical	Exam	Approved
72. Mills, Ryan	PE – Electrical	Exam	Conditionally approved pending successful completion of Board approved Arctic Engineering course
73. Nelson, Eric	PE-Electrical	Exam	Conditionally approved pending successful completion of Board approved Arctic Engineering course
74. Scarborough, Jr., Jimmy R.	PE – Electrical	Exam	Conditionally approved pending successful completion of Board approved Arctic Engineering course
75. Watters, George	PE – Electrical	Exam	Approved pending payment of fees

76. Hicks, Gary L.	PE – Mechanical	Comity	Approved
77. Larwood, William	PE – Mechanical	Comity	Conditionally approved pending PE exam verification & transcripts & proof references are PEs
78. Lukner, Hans D.	PE – Mechanical	Comity	Approved
79. McKain, Michael	PE – Mechanical	Comity	Approved
80. Pennock, Timothy	PE – Mechanical	Comity	Conditionally approved pending successful completion of Board approved Arctic Engineering course & verification of PE & current license & transcripts & receipt of original letters
81. Rexwinkle, Randy	PE – Mechanical	Comity	Approved
82. Schenck, Ralph	PE – Mechanical	Comity	Conditionally approved pending successful completion of Board approved Arctic Engineering course
83. Scott, Michael	PE – Mechanical	Comity	Approved
84. Frame, Mark A.	PE – Mechanical	Exam	Approved
85. Jamal, Sajid Ali	PE – Mechanical	Exam	Approved
86. Jennings, Holy Patricia	PE – Mechanical	Exam	Conditionally approved pending receipt of fees
87. McDonough, Amber	PE – Mechanical	Exam	Approved
88. Mey, Rolf	PE – Mechanical	Exam	Approved
89. Peairs, Matthew	PE – Mechanical	Exam	Conditionally approved pending verification of 4 months experience after 1/18/06 & fees
90. Player, Brian	PE – Mechanical	Exam	Conditionally approved pending verification of FE & fees
91. Read, Rhett T.	PE – Mechanical	Exam	Conditionally Approved pending receipt of fees
92. Schock, Eric	PE – Mechanical	Exam	Conditionally approved pending successful completion of Board approved Arctic Engineering course & verification of FE
93. Schneller, Laura	PE - Mechanical	Exam	Approved
94. Kiest, Karen Susan	Landscape Arch	Comity	Approved
95. Lanstra-Nothdurft, Ardith	Landscape Arch	Comity	Approved
96. Bigler, Dave C.	PS	Comity	Conditionally approved pending successful completion of AKLS exam
97. Garten, Ted J.	PS	Comity	Conditionally approved pending successful completion of AKLS exam
98. Langen, Jason	PS	Comity	Conditionally approved pending successful completion of AKLS exam
99. Warwick, Mickie	PS	Comity	Conditionally approved pending successful completion of AKLS exam
100. Brechan, Donna L.	PS/AKLS	Exam	Approved
101. Frost, Christopher	PS/AKLS	Exam	Approved
102. Huhta, Kurt D.	PS/AKLS	Exam	Conditionally approved pending verification of FS exam

103.	Keiner, Robert M.	PS/AKLS	Exam	Approved
104.	Morris, Samuel	PS/AKLS	Exam	Approved
105.	Smail, Joshua	PS/AKLS	Exam	Approved

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On a motion duly made by Brownfield, seconded by Hightower, and approved unanimously, it was

RESOLVED to find the following applications for registration by examination or comity incomplete, with the stipulation that the information in the applicant files will take precedence over the information in the minutes:

APPLICANT	DISCIPLINE	EXAM COMITY	BOARD ACTION
1. Yager, Garrett	FS	Exam	INCOMPLETE Needs 2 more years of coursework in surveying
2. Corsentino, Mark	PE – Civil	Exam	Incomplete Needs 24 months experience
3. Frost, Chester	PE – Mechanical	Comity	Incomplete Needs a total of 60 months experience & successful completion of Board approved Arctic Engineering course & verification of PE exam & current license
4. Hermann, Julie L.	PE – Mechanical	Exam	Incomplete Needs 9 more months of work experience after 1/06 & payment of fees
5. Macedo, Michael	PE – Mechanical	Exam	Incomplete-needs 8 months responsible charge after 1/06
6. Eid, Marc F	PS	Exam	Incomplete needs receipt of appropriate survey transcripts
7. Ranson, Craig	PS/AKLS	Exam	Incomplete-needs 6.5 months Responsible charge experience after 4/06
8. Stoll, A. William	PS/AKLS	Exam	Incomplete needs 15 months professional experience

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Agenda Item 28 – Review Calendar of Events

The board confirmed the following meeting dates and locations:

- May 24-26, 2006 – Fairbanks
- August 17-18, 2006 – Anchorage
- November 16-17, 2006 – Anchorage

Following discussion, the board decided to begin the May 2006 meeting on Wednesday, May 24 at 1:00 p.m. and to use that afternoon to discuss procedures for reviewing applications.

Agenda Item 29 – Board Member Comments, Task List, Sign Wall Certificates, Housekeeping, Collect TAs, Receipts

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

The existing members welcomed the new members to the board. Maynard commended the new members for taking active participation in the meeting. Maynard also thanked the board staff for a job well done.

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- 2 Wall certificates were signed and the November 2005 minutes were signed.
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- 4 The board then concluded its housekeeping duties.
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Task List:

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.
	Write to Gov. Murkowski inviting him to speak at NCEES Annual Mtg.

Baker	Serve as Chair on courtesy license subgroup.
	Serve on incidental practice subgroup.
	Serve on legislative changes subgroup.

Brownfield	Serve on additional engineering disciplines subgroup.
	Serve as Chair on continuing education for architects/engineers subgroup.
	Serve on disciplinary process subgroup.
	Serve as Chair on stop work orders subgroup.

Fredeen	Serve as Chair on additional engineering disciplines subgroup.
	Serve as Chair on electronic transmittals subgroup.
	Serve on site adaptations subgroup.
	Serve on stop work orders subgroup.

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

Heieren	Serve on electronic transmittals subgroup.
	Serve as Chair on jurisprudence exam subgroup.
	Serve on stop work orders subgroup.

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Hightower	Serve on continuing education for architects and engineers subgroup.
	Serve on courtesy license subgroup.
	Serve as Chair on site adaptations subgroup.

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Morris	Serve on courtesy license subgroup.
	Serve on jurisprudence exam subgroup.
	Serve as Chair on legislative changes subgroup.

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Leet	Serve on courtesy license subgroup.
	Serve on electronic transmittals subgroup.
	Serve on incidental practice subgroup.

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Walsh	Serve on additional engineering disciplines subgroup.
	Serve on continuing education for architects/engineers subgroup.
	Serve on jurisprudence exam subgroup.

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Lent	Serve on incidental practice subgroup.
	Serve on continuing education for architects/engineers subgroup.
	Serve on disciplinary process subgroup.

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Executive Administrator	Start matrix for application review. Prepare 3-ring binder for each member.
	Send HB 172 to all board members.
	Obtain stop work order language from Fire Marshall's Office
	E-list for language re electronic transmittals/seals.
	Letter to UAF Professors re ELSEES Contract and increase in fees.
	Re-type regulations for Bo and email to him.
	Prepare travel requests for WCARB, NCARB and NCEES meetings.

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	Email AIA CE web site to all members.
	Work with division and ELSEES to get exam contract in place.
	Add Washington Accord to board policies.
	Change May meeting to 3-days.
	Add Board Committee Review to board policies.

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On a motion by Brownfield, seconded by Baker and approved unanimously, it was

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RESOLVED to adjourn the meeting at 4:00 p.m.

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There were no objections and the meeting was adjourned.

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Respectfully submitted:

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Ginger Morton, Executive Administrator

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Approved:

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

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Date: _____

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