

ALASKA AELS BOARD

February 2004

Quarterly Board Meeting

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AELS Quarterly Board Meeting

The Board of Registration for Architects, Engineers, and Land Surveyors (AELS) held its quarterly board meeting on February 19-20, 2004 at the State Office Building, 333 Willoughby Avenue, Juneau, AK 99811.

Board members in attendance were: Robert Miller, Chair; Kathy Gardner, Vice-Chair; Ernie Siemoneit, Secretary; Daphne Brown, Linda Cyra-Korsgaard, Robert Gilfilian, Pat Kalen, Scott McLane, Kimberly Mills, and Patricia Peirsol.

Absent: Donald J. Iverson.

Some highlights of the meeting:
**Proposed Regulation Changes
Adopted**

Sent to the Department of Law:

The Board voted to adopt proposed regulation changes and to send to the Department of Law for its final review:

1. Technical changes to Architect Education Requirements, 12 AAC 36.061(a)(2): The purpose is to reflect the revised NCARB education standards publication 2003-2004, of the annual NCARB publication updated annually, available at:

<http://www.ncarb.org/Forms/educstand.pdf>

2. Technical change to Engineering Table, 12 AAC 36.063 (a)(3)(A): An addition to the Table for combined education and experience requirements for engineers. The portion of the table would allow an:

ABET Accredited B.S. degree in engineering not in the branch of engineering applied for listed in 12 AAC 36.990 (17), and a masters or

doctorate in engineering acceptable to the Board.

The purpose is to allow a one year education credit for a masters or doctorate degree for those applicants who are applying for licensure but hold an ABET accredited degree in a discipline other than the one for which they are seeking licensure. The Board noticed that some applicants have this combination of education but there was not currently a provision for adequate education credit allowance in the table.

3. LARE retake deadline, 12 AAC 36.040: The Board voted to public notice a proposed regulation change (adopted in May 2003) to change the LARE retake deadline.

The State is charged full fees for examinations ordered 60 days prior to the LARE examination being offered. Currently, the exam retake deadline is 45 days prior to the examination. Staff currently assess retake applicants prior to ordering the exam by contacting failed applicants. Applicants are under no obligation to comply and loss of exam funds could occur under the current circumstances.

Proposed Regulations Held Over

The Board removed from its regulation project, and held for further review, the proposed change to sealing specifications under Sealing Specifications, 12 AAC 36.185:

The Board sought to clarify sealing requirements for the submission of specifications attached to sealed plans.

Current Alaska Statutes 08.48.221: When a registrant issues final drawings, specifications, surveys, plats, plates, reports, or similar documents, the registrant shall sign the documents and stamp the documents with the seal.

Although the statutes require registrants to seal final plans, in professional practice, some registrants seal plans but not the associated specifications. No added responsibility was intended by the proposed regulation change, but the Board would like its regulation to reflect the statutory requirement yet meet the common practice by some registrants. Public comment received revealed the proposed change was confusing and more work still needs to be done. The draft regulation change held over until the next Board meeting scheduled for June 3-4, 2004 in Fairbanks.

Proposed Regulations adopted to public notice for comment:

The Board adopted changes to regulations to remove portions of the tables for examinations for engineers and land surveyors that no longer applies since the date for application has passed; and for landscape architects to count certain experience towards registration (12 AAC 36.062, .063, .064, .065, and .068.

One additional proposed regulation change would allow credit for advanced degrees for landscape architect applicants in 12 AAC 36.068. Currently, no provision was made to allow for credit for advanced degrees, and this allowance is consistent with the credit for advanced engineering or land surveying degrees.

Other Proposed Regulation Changes: The Board will continue to consider comments on environmental engineering and non-discipline specific licensure.

Public Comment

Max Schillinger spoke to the Board about his education and experience. His combination of engineering education and experience do not qualify him for professional land surveyor license by exam, although he has successfully passed the national exams for professional land surveyor in another jurisdiction.

Sean Boily, stated he is a registered Architect, and felt the definition of incidental practice of

minor importance should be broadened to include some landscape architecture as an incidental practice. Since there are so few landscape architects, he feels there are occasions where some landscape architecture needs to be allowed by registrants providing service within the scope of their practice.

Michael McKamey, representing the Alaska Section of the American Society of Civil Engineers (ASCE) asked to speak in favor of mandatory Continuing Education. He felt there was a general consensus for a mandatory CE program but had questions about how a program would be administered.

Paul Whipple, representing the Alaska Professional Design Council (APDC) expressed opposition over the proposed draft regulation change regarding stamping specifications. He stated the general consensus is that no change was necessary, and the way it was written is confusing.

Dale Nelson, President, APDC, agreed with Whipple and spoke against adopting the draft regulation for sealing specifications.

John Squires, a PE, Civil exam applicant has requested an FE waiver. He asked the Board to consider his experience for the FE waiver.

Scott Sandin, representing himself, spoke in favor of changing the minimum qualifications for Architect by comity, to allow an architect to become licensed without an NCARB Council record (Blue Book). and without going through the formal process of applying for the Broadly Experienced Architect (BEA) process. He explained that the

BEA process is too costly. He feels he has met the education and experience qualifications outlined in that process. He asked the board to reopen a regulation project to allow candidates to provide alternative ways to document the architect experience and education.

Shawn Florio, representing himself, spoke on the issue of adding the definition of environmental engineering. He asked the Board, if it is needed at all, not make the definition too narrow and suggested adding risk assessment to the definition. He also provided as an example of a less restrictive designation, a definition of environmental engineering that he obtained from the National Society of Professional Engineers (NSPE) website: Environmental engineering is the development of processes and infrastructure for the supply of water, the disposal of waste, and the control of all kinds of pollution. Environmental engineers protect public health by preventing disease transmission and preserve the quality of the environment by averting the contamination and degradation of air, water, and land resources.

In terms of what direction the Board should go with respect to engineer licensure, he felt the professional societies were evenly split on the issue of adding disciplines. He felt the Board needed to be in accord with other states and it appeared many other states license engineers as non discipline engineers. He expressed concern that engineers currently licensed as civil engineers may be adversely affected if environmental engineers were licensed. For example, civil engineers registered in Alaska may be

required to get licensed as an environmental engineer.

Legislation

Status Report on bills before the Legislature:

HB 252 (Rep. McGuire) contains a request for Continuing Education (CE) and Term Limits:

HB 252 passed the House and is currently before the Senate Judiciary Committee. The bill gives the Board the statutory authority to develop a mandatory CE program. The model under consideration for the CE regulatory program is based on the NCEES recommended guidelines for CE. CE would likely be phased in for the 2007 renewal cycle (in order to allow registrants time to comply with the new requirements).

Term Limits: Partial terms of less than two years would not count towards Board member Term Limits.

Additionally, a Senate Judiciary committee substitute for the bill would provide statutory authority for the Board's administrator as a partially exempt employee (reclassified as supervisory).

HB 268, (Rep. McGuire): Specialty Contractors

This bill is currently before the House Rules Committee. The companion bill (SB206, introduced by the Senate Judiciary Committee) is currently before the Senate Labor & Commerce committee.

This bill was introduced to clarify the current exemption in AS 8.48.331(7). The Board continues to have concerns about the current exemption under AS 08.48.331 (7) for specialty contractors. The Division of Occupational Licensing Investigator reports that some specialty contractors perform unlawful design work under the auspices of the specialty contractor exemption. This bill clarifies that design work must be done under a registered professional (AELS).

Subgroups

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The AELS Board did not meet in subgroups due to the large number of applications to review, but plans to meet in June 2004 to discuss the practice of Landscape Architecture, the practice of Land Surveying, and Engineering Disciplines/Sub-Disciplines.

Work continues on Issues:

Engineering Disciplines: The Board will continue to consider comments on environmental engineering and non-discipline specific licensure.

The subgroup consists of Iverson, Gilfilian, and Miller, and the group will report back at the June 2004 Board meeting.

The subgroup will continue its review of Comity issues and will consider if work experience under a registered Canadian engineer to meet U.S. engineering education requirements;
1) To review the regulation (12 AAC 36. 090) for Fundamentals of Engineering Examination (F.E.) Waiver, and consider reducing the requirement to less than 20 years of professional work experience so long as the applicant holds an ABET accredited degree or its equivalent.

Building Officials Manual

The Building Official's Manual is posted to the AELS Website at <http://www.dced.state.ak.us>. The Board considers it to be a working document, anticipates ongoing changes to the Building Officials Manual, and welcomes comments.

What's New

Board Elections:

The Board held its annual elections and elected Donald J. Iverson as Chair, Linda Cyra-Korsgaard as Vice-Chair, and Robert Gilfilian as Secretary.

AKLS Exam:

The Board will offer the Alaska Land Surveyor Examination state specific exam (AKLS) on April 16, 2004 in conjunction with the NCEES PLS exams. Future exams will be

offered annually in April, in conjunction with the national exams.

Landscape Architect Registration Exam (LARE):

Graphic sections of the exam (C, E) will continue to be administered by the Board in June and December 2004. The deadline to apply for the December LARE is August 3, 2004.

Candidates must apply directly with CLARB to take the multiple-choice sections of the exam, (A,B, and D) offered as computer administered exams in March and August, beginning in August 2003.

Candidates should contact CLARB (clarb.org) for application deadlines. CLARB candidates do not need to submit their qualifications but need to agree to the affidavit, which indicates that they meet the requirements to sit for the computer, administered sections. Multiple-choice sections will be given at LaserGrade testing locations and there are currently 8 centers in Alaska.

NCEES Exam Security-Calculators Banned

Beginning with the April 2004 exam Administration, the NCEES will ban the following calculators:

Casio CFX9850+

Hewlett Packard:

- HP 41 series
- HP 42 S
- HP 48 Series
- HP 49G

Texas Instruments:

- TI-83 Plus & TI-83 Plus Silver Edition
- TI-85, TI 86, TI 89 TI 92, and
- Voyage 200

Land Surveying data collectors, for example:

- Trimble Ranger 200C and Topcon Ranger or Husky models.

More information is posted to our website at the URL:

http://www.dced.state.ak.us/occ/pub/NCEES_April_2004_Exams.pdf

or refer to NCEES.org.

Engineer Requirements for FE/PE exam applicants:

As of January 1, 2004, applicants for engineering examination are no longer eligible to sit for the exam with work experience only, but must have a minimum of at least three years of post-secondary education credit hours in a board-approved curriculum of engineering to qualify to sit for the exams. Less than three years of course work or a non-ABET accredited degree in Engineering Technology will no longer be considered to meet the education requirement.*

Refer to specific regulations to sit for the Fundamentals of Engineering (FE) and Principles of Engineering (PE) examinations (12 AAC 36.063-064*). Tables outline the combination of education and experience required. AELS regulations are located at <http://www.dced.state.ak.us/occ/pub/aelsstatutesregs.pdf>

Forms are interactive on the website and contain checklists. URL: <http://www.dced.state.ak.us/occ/pael6.htm>

Other Updates

Occupational Licensing Director

The Board discussed ongoing areas of interest with the Director:

Public Outreach-

The Board wants staff to send a letter to licensed contractors outlining the need for licensed design professionals' involvement in commercial and public projects in order to curb unlicensed activity.

The Board wants staff to send a letter to Specialty contractors to solicit feedback on HB 268, a bill that would more clearly define the role of specialty contractors.

The Board strongly supports administrator travel to regional and national committees and would like travel reinstated. The Board felt the upcoming Western Zone meeting was particularly important since Alaska will host the regional meeting in May 2005, and to keep abreast of issues before the Board.

Legislative Requests: The Board requested support for bills before the Legislature.

Enforcement: The Board requested strong support for investigations to curb unlicensed activity.

Applicant Files Reviewed

The board reviewed 167 applicant files for examination or comity licensure for architects, engineers, land surveyors, and landscape architects.

The Board approved 154 applicants for comity and examination, found 11 applications incomplete and denied 2 applicants for Land Surveyor exam.

AELS Deadlines

All applications for comity and any supporting documents are due in the Juneau office no later than **May 24, 2004** to be considered at the next AELS meeting scheduled for June 3-4, 2004 .

The meeting will be held in Fairbanks at the UAA Fairbanks Campus, Natural Sciences Building, Runcorn Room, 700 Yukon Drive, Fairbanks, AK 99775.

All exam applicants for the NCEES and AKLS Exam must apply by August 3 in order to sit for the October 2004 exams.

Disciplinary Action Taken

The AELS Board voted to reprimand Michael A. Swan, PLS #6940, for performing work below the minimum professional standards of land surveying by improper setting and recording of monuments. The Board required Swan to satisfactorily complete three land surveying courses: two in boundary law, one in municipal and civil geomatics, and to complete a course in professional ethics.

Until the additional education is completed, Swan is not eligible to set property line

monuments or file any documents or plats affecting property lines that require a boundary survey. The Board required supervision of his land surveyor activities, and Swan must hire a professional land surveyor (PLS) to review the next 25 plats filed with the State Recorders office that affect property lines or reflect monuments set that affect property lines (Case # 0104-01-002).

The AELS Board voted to reprimand Richard Shoemaker Cobb, Architect #6213 for falsely answering questions on his architect license renewal form, and for unlicensed practice by advertising services as a professional engineer. Additionally, the Board considered that Cobb falsified applications in another jurisdiction for applications for the national engineering examinations (Fundamentals of Land Surveying, and Professional Engineering examinations).

The Board imposed a \$4,000 fine to be paid within 90 days, and required Cobb to successfully complete a college level professional ethics course (Case # 0100-02-005).

Regional and National Participation

The Board will send representatives to and the Region 6, WCARB meeting in March 2004, and the Western Zone meeting in May 2004.

Board Chair, Robert Miller, volunteers on a NCEES task force: Engineering Licensure Qualifications Task Force (ELCOG).

Board Member Bob Gilfilian volunteers on a national NCEES Committee on Examinations for Professional Engineers.

Board Member Pat Kalen volunteers on a NCEES Committee for Uniform

Procedures and Legislative Guidelines (UP & LG) and on the Western Zone as Chair of the Nominating Committee.

Board Member Daphne Brown volunteers on the NCARB committee to look at changes to the ARE Exam and on the Regional Chairs Committee. She also has been Regional Chair for Region 6 (WCARB) of NCARB for the past two years and has been on the Executive Committee for WCARB for the past 4 years.

Board Member Linda Cyra-Korsgaard Volunteers as a “grader” to score the LARE exams for the Council of Landscape Architectural Registration Boards (CLARB).

Former AELS Board member, Lance Mearig serves as an emeritus member for the NCEES Examination Policy and Procedures (EPP) Committee.

Staff Reports

Investigator’s Report

John Clark, Occupational Licensing Investigator for the AELS Board, reported the status on the investigative cases and actions. The report is located on our website at:
<http://www.dced.state.ak.us/occ/pael21.htm>

Board Administrator’s Report

The AELS Board administrator reported on statistics of registrants and exams. Staff reports are posted to the AELS website at:
<http://www.dced.state.ak.us/occ/pael21.htm>