

# ALASKA AELS BOARD

February 2002

## Quarterly Board Meeting

# February Meeting Summary

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### AELS Quarterly Board Meeting

The Board of Registration for Architects, Engineers, and Land Surveyors (AELS) held its quarterly board meeting in Juneau on February 21-22, 2002 at the State Office Building. Board members in attendance were: Robert Miller, Chair; Daphne Brown, Linda Cyra-Korsgaard, Marcia Davis, Kathy Gardner, Vice-Chair; Donald Iverson, Pat Kalen, Lance Mearig, Patricia Peirsol, and Ernie Siemoneit, Secretary.

Absent were: Scott McLane (excused both days); and Don Iverson (excused on February 21<sup>st</sup>, 2002).

Some highlights of the meeting:

### Subgroups

The AELS Board did not work in subgroups due to the large number of files to review and proposed regulation changes to discuss. Subgroups will make suggested changes to be considered by the full board at subsequent meetings. Subgroups continue to work between meetings:

1. Incidental Practice of Minor Importance: Miller, Siemoneit, Iverson, Brown);
2. Building Officials Handbook: Cyra-Korsgaard, Peirsol, Executive Administrator, and Clark. The Building Official's handbook subgroup will look at models as they work to develop a draft for consideration in May 2002.
3. Work Verification: Mearig, McLane, and Davis. The

Subgroup will work to develop new work verification forms.

4. Canadian Comity: Miller, Iverson, Davis, and Gardner. The subgroup will focus on Comity issues and compare the Canadian experience, education and examinations to the U.S. system.

### Board Actions on Proposed Regulations:

#### 1. Architect by Comity

(12 AAC 36.103): The Board discussed, debated, and voted 5-4 not to adopt the proposed regulation changes.

#### Roll Call Vote on 12 AAC 36.103:

Yeas	Nays
Peirsol	Brown
Davis	Iverson
Kalen	Mearig
Gardner	Miller
	Siemoneit

**2. & 3. Non-Discipline Specific Engineering License (12 AAC 36.100); and corresponding Seals (12 AAC 36.180);** The Board voted unanimously to hold over proposed regulation changes regarding engineering disciplines (and corresponding seal requirements) to the May 2002 meeting.

4. **Definitions (12 AAC 36.990)**: The Board re-adopted the definition for "aspect of Landscape Architecture..." it adopted at its November 2001 meeting. This proposed regulation change will go to the Dept. of Law for its review.

The Board asked staff to update the Legislature on actions taken on Continuing Education and Architect by Comity proposals.

## Proposed Regulations (Public Noticed)

The Division of Occupational Licensing **public noticed** proposed regulations changes in these areas on October 1<sup>st</sup>, and again on January 17<sup>th</sup> (two comment periods and oral comments at the Feb. 02 meeting:

1. Architect by Comity (12AAC 36.103);
2. Non-Discipline Specific Engineering License (12 AAC 36.100);
3. Seal (12 AAC 36.180); and
4. Definitions (12 AAC 36.990).

## Brief Summary & Purpose of the Proposed Regulation Changes

### 1. Architect by Comity (12 AAC 36.103):

The AELS board considered a proposal made by AIA-AK at its May meeting, discussed at its August and November 2001, and February 2002 meetings. The proposed changes would require Architect by comity applicants to: hold a minimum BA or BS accredited degree (in any major), have 10 years experience subsequent to licensing (none required in Alaska), and have had no disciplinary action. The board took comment from the public about creating an alternative path to licensure for those comity applicants who do not hold, and are unable to easily obtain an NCARB Council certificate (Blue Book), which is currently required.

### 2. Non-Discipline Specific Engineering License (12 AAC 36.100)

Revise the discipline specific engineering license to a non-discipline specific engineering license.

Instead of the six discipline-specific license it currently issues, the Board could issue a general "professional engineering license" (and track the specialty in its database). This would follow the national trend (41 other

jurisdictions currently issue professional engineering licenses).

Other jurisdictions using that system have strengthened their requirements for ethics and disciplinary laws to ensure public health, welfare and safety is met.

Instead of the discipline specific license currently offered, all examination specialties offered by the national organization (NCEES) would be available as a specialty. There are currently 18 specialties, designated as Group I and Group II exams, depending on how frequently the examinations are offered (one or two times a year). The Board staff regularly receives inquiries from applicants or registrants from other states who wish to apply in Alaska in their engineering specialty. These inquiries, coupled with comment the Board has received over the past several years led the Board to believe it may be beneficial to add more disciplines such as Fire Protection, or Environmental Engineering..

Additionally, the Board decided (at its November 2001 meeting) to develop a definition for "environmental engineering" for possible inclusion in the regulations project. The Board February packet included a draft definition for "environmental engineering".

This alternative plan would expand the Board's current method of licensing engineers by adding only "environmental engineering" to the six engineering disciplines it currently licenses.

It would consider adding other engineering specialties when the public interest warranted it.

### 3. Landscape Architect practice defined (12 AAC 36.990)

AS 08.48.331 (b) sets out the exemption for landscape architects. The Legislature left it up to the Board to determine what aspects of landscape architecture affect public health or safety. The Board took its initial steps in making this determination and adopted draft

regulations to define the aspects of landscape architecture that require a registered landscape architect.

The Board posted an interim policy on its website, and will also work to develop a set of FAQs to be inserted in its revised Building Officials Manual, which they anticipate to print this spring.

## Public Comment- Oral Hearing

Proposed changes to regulations were re-noticed on January 17<sup>th</sup>, 2002. Written comment closed on February 20<sup>th</sup>, 2002. The Chair opened the hearing for oral comment at 1:15 p.m. Written comments from both public notice periods were in the Board packets.

Dale Nelson, ASCE; James Bibb, AIA-Alaska; Terry Schoenthal; ASLA; and Ray Plummer, ASPE-Anchorage observed. Those commenting were:

1. **Ted Trueblood, representing the Alaska Professional Design Council.** He noted that many registrants do not feel well informed about regulation changes, and about the format regulations are sent. He spoke to the proposed changes for engineering disciplines and stated that most of the Alaska Society for Civil Engineers (ASCE) members were opposed to adding "environmental engineers" to the disciplines currently offered. He felt that the reference to Group I and Group II examinations was vague, and needed clarification. He also indicated that it would be helpful to have an explanation for the regulation changes being considered, not just the regulatory language. He requested that the Board hold over, at least for one more meeting, the proposed changes for engineering and landscape architecture.
2. **Paul Whipple, APDC,** indicated he is the incoming APDC Chair. He stated that he was also representing the Alaska Association of Professional Land Surveyors (ASPLS) He stated that ASPLS has been a strong proponent of continuing education, and he was encouraged that the Board is taking action on CE. He noted that the Board relies heavily on its website to get information out to registrants and

cautioned some people do not have access to computers, particularly in remote sites of Alaska.

3. **Bob Gilfilian, NSPE's Professional Engineers in Private Practice (PEPP) past president, gave comment.** He noted that "Group I or Group II" examination specialties offered by NCEES was not clearly defined. He requested that the Board delay its actions on expanding engineering disciplines. He explained his practice is primarily environmental engineering and he had concerns about how these changes would affect his practice.
4. **Scott Sandlin, representing AIA-Alaska, Executive Committee,** discussed the draft proposal for Architect by Comity regulation changes to (12 AAC 36.103). He suggested the Board clarify "accredited" degree programs; noted that the requirement for 10 years experience was too restrictive; further indicated that there was some merit to require direct practical experience under an Alaskan architect; he indicated since these were comity applicants there was no need to require IDP. He further suggested the Board might want to develop a table of experience and education combinations that could ensure the combined total was met.
5. **Jeff Wilson, representing self,** discussed the history and process of obtaining architectural licensing, particularly the NAAB accredited degree.
6. **Jessica Cederberg, AIA,** representing self, suggested that the Board list the degrees, such as architectural engineering. She indicated the need to have strong components of education and experience requirements.

#### **Other Regulations Projects**

The Board voted to develop a Continuing Professional

Competency Program (CPC) (Continuing Education) for land surveying professionals based on a proposal prepared by the professional land surveyor society (ASPLS), and the NCEES model law. These proposed regulations would be **public noticed** once legislative authority is granted, and would be phased in (probably the 2005 renewal cycle) to allow registrants time to comply.

Other professions, architects, engineers, and landscape architects have not expressed adequate, uniform support for a mandatory CPC (or CE) program. Unless the Legislature grants authority, the attorney general's office advises the Board cannot move forward on a program.

The Board voted to **public notice** proposed regulation changes that would modify site adaptation (12 AAC 36.195) regulations. This would allow architects, engineers and landscape architects to affix to the site adaptation calculations a statement of certification that ensures the design professional has reviewed the calculations and determined they comply with all applicable codes and regulations.

#### **Proposed Statutory Changes**

**CPC or Continuing Education:** Unless the Legislature grants authority, the attorney general's office advises the Board cannot move forward on a program to develop continuing professional competency (CPC) regulatory program for professional land surveyors. Other professions, architects, engineers, and landscape architects have not expressed adequate, uniform support for a mandatory CPC (or CE) program.

**Term Limits:** The Board voted to support a change to the statutory change requirement for term limits. The Board requests that a full term be considered two or more years. Currently, if the Governor's process to appoint a Board member extends beyond two years, a Board member who serves 6 years is prohibited from being re-appointed. This change would allow a Board

member filling a partial term to serve a full 8 years.

The Board continues to have concerns about the current exemption under AS 08.48.331 (7) for specialty contractors. The Board believes that some specialty contractors perform unlawful design work under the auspices of the specialty contractor exemption.

#### **What's New**

##### Land Surveyor Requirements for exam

Effective January 1, 2002, new regulations went into effect for requirements to sit for the Fundamentals of Land Surveying (FLS) and Principals of Land Surveying (PLS) examinations. Both examinations will require a minimum of at least two years of post-secondary education credit hours in a board-approved curriculum of land surveying to qualify to sit for the exams. (12 AAC 36.064, 065)\*

\*Refer to the full text and tables of the regulation to see the combination of education and experience required, and also check FAQs.

##### Incidental Practice overlap:

The Board continues to solicit feedback and comment on "incidental practice of minor importance" between professions. Currently, the practice of architecture and engineering definitions in statute (AS 08.48.341) allow for incidental practice of minor importance. Many states do not have such a provision and the Board has made several attempts to define "of minor importance" with little success.

#### **Other Updates**

##### Occupational Licensing Director

Catherine Reardon discussed direct and indirect costs in the AELS Budget summary, and its format, and legislative requests. She forwarded the Board's request for changes to the specialty contractor's exemptions to the Governor's office, but the Governor chose not to introduce a bill to address it. He is limiting his legislation this last year of his term.

Outreach The Board was granted \$3,500 to publish information in

yellow page directories, and online yellow page directories to alert the public of the necessity for professional licensure of architects, engineers, land surveyors, and landscape architects. The Board hopes the effort will help to eliminate unlicensed activity.

Board Autonomy Kathy Gardner will continue to research estimated costs for board autonomy and report back in May 2002.

AKLS Workshop: The Board asked for funding for the June 2002 AKLS workshop. That workshop will be held in conjunction with Test, Inc. to review the state-specific examination.

#### Host Conferences:

The AELS Board has had good participation by Board members at its national and regional conferences due to budget increments for travel. This has helped to bring the NCARB Region 6 conference to Alaska in March 2002, the NCEES Presidents' Assembly/MBA Networking Group in February 2002, and the NCEES Annual meeting to Anchorage in August 2005.

#### Board Travel:

The Board will send representatives to participate at conferences: CLARB regional meeting: March 2002; WCARB, March 2002; Western Zone, May 2002; NCARB annual meeting, June 2002.

#### **Applicant Files Reviewed**

The board reviewed 204 applicants' files for examination or comity licensure for architects, engineers, land surveyors, and landscape architects and approved 195 applicants for comity licensure or examination, found 9 applications incomplete, and did not deny any applicants for FE, PE or PLS, or AKLS exams.

#### **AELS Deadlines**

Admittance letters for the upcoming April 19-20<sup>th</sup> NCEES and AKLS examinations will be mailed out by Wednesday, March 20<sup>th</sup>.

All applications for comity and any supporting documents are due in the Juneau office no later than May 6<sup>th</sup>, 2002 to be considered at the next AELS meeting scheduled May 16-17, 2002 in Fairbanks.

The postponement deadline for the April NCEES examinations is May 20, 2002.

The June LARE examinations will be given in Anchorage on June 10-12<sup>th</sup>, 2002.

All applications for October 2002 engineer and land surveyor exams must be received in the Juneau Division of Occupational Licensing Juneau office by July 29<sup>th</sup>, 2002.

#### **Staff Reports**

##### Investigator's Report

John Clark, Occupational Licensing Investigator for the AELS Board, reported (in writing) the status on the investigative cases and actions (see attachment A, website)

Board Administrator's Report The administrator reported on the biennial renewal cycle, currently winding down for the December 31, 2001 biennial renewal cycle. Applicants were mailed a renewal form in early November and could choose to use a PIN and credit card to submit on-line. Staff reported that the process worked very well, with about 20% of registrants using the online renewal system. The administrator has been interviewing to hire a new licensing examiner.

The Executive Administrator report is attached (see attachment B, website)