

ALASKA AELS BOARD

May 2002

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 in Fairbanks on May 16-17, 2002 at the UAF International Arctic Research Center (IARC) Conference Room 401, 930 Koyukuk Dr., Fairbanks, AK 99775-7340.

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

Excused was: Lance Mearig.

Some highlights of the meeting and ongoing information are:

Board Actions on Proposed Regulations:

Definition for "aspect of Landscape Architecture" (12 AAC 36.990):

The Board reviewed the Department of Law (DOL) technical edits to the proposed regulations that define "aspect of Landscape Architecture..."

Note: The initial proposed regulation change was adopted at its November 2001 meeting, and readopted at its February 2002 meeting).

Board comments regarding the edits will be forwarded to the DOL for its final review. The DOL relocated the definition to a new section (12 AAC 36.069) for easier reference.

Disciplinary Action Taken

Cease and Desist Order

The AELS Board granted their investigator the authority to issue a Cease and Desist Order to an individual who was practicing without an engineering license. The matter is confidential and the party has the opportunity to appeal the order.

License Surrender:

The AELS Board voted to accept the surrender of Noel Straiger's Land Surveyor License based on investigative activity conducted under Case # 104-96-4 and #104-97-2.

Unlicensed Practice:

The AELS Board also voted to accept the stipulated order of a civil penalty in the amount of \$5,000 for **William L. Johnson** for providing engineering services while unlicensed to practice engineering (Reference Case 0103-01-1). This is the first civil action the AELS Board has taken under the provisions of AS 08.48.295.

Brief Summary of Issues/Proposed Regulation Changes

Non-Discipline Specific Engineering License (12 AAC 36.100)

For the past year (or so) the Board has considered several proposals and public noticed (Nov 01 & Feb02) proposed regulation changes that would allow them to either revise the discipline specific engineering license to a non-discipline specific engineering license or expand engineering disciplines offered. While the public comment period closed on February 21, 2002, the Board continues to deliberate the licensure issues.

Board staff routinely receives inquiries from Engineer by Comity applicants who are interested in licensure in Alaska in their specialty discipline.

Under another proposal, instead of the six discipline-specific license it currently issues (civil, chemical, electrical, mechanical, mining, and petroleum), the Board would 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.

Under one proposal all examination specialties offered by the national organization (NCEES) would be available as a specialty.

There are currently 18 specialties, designated as Group I (Chemical, Civil (Structural Design Standards, Transportation Design Standards), Electrical/Computer, Environmental, Mechanical, Structural I, and Structural II) and Group II exams (Agricultural, Architectural, Control Systems, Fire Protection, Industrial, Manufacturing, Naval Architecture/Marine Engineering, Metallurgical, Mining/Mineral, Nuclear, and Petroleum). Note: Architectural Engineering will be added in April 2003.

These inquiries, coupled with comments the Board has received over the past several years led the Board to believe it may be beneficial to add more disciplines such as Environmental Engineering, Fire Protection, or Control Systems.

The Board asked staff to develop a definition for "environmental engineering" for possible inclusion in the regulations project. The Board's February packet included a draft definition for "environmental engineering". The Board continues to consider the matter. If adopted, the Board would add "environmental

engineering" as a discipline specialty, and would also consider adding other engineering specialties when the public interest warranted it.

Participant's Comments

1. **Bob Perkins** conceptually discussed the concept of developing a "professional degree" for engineering. Under his proposal, the professional degree would be a post-baccalaureate degree emphasizing engineering practice. Students could take the professional engineering exam prior to obtaining all their experience, but would not be eligible for registration until they had acquired 4 years work experience. Dr. Perkins wanted to make the Board aware of this potential future degree is under consideration in the engineering community. If it is developed and accepted by the Board, it would require a minor regulation change in order to make it State law.
2. **Scott Sandlin**, representing AIA-Alaska, Executive Committee, representing self discussed his concerns that the Architect by Comity regulation changes to (12 AAC 36.103) were not adopted by the Board at its February meeting. He expressed interest to work with the Board on a new proposal to assist Architects in obtaining alternate paths of licensure in Alaska and he passed out an outline of his new plan (see May 2002 AELS minutes for more detail).
3. **Bill Mendenhall** presented several suggestions and ideas: 1) His support for one license category for non-discipline specific discipline; 2) His recommendation to allow applicants to take the professional engineering (PE) examination at any time during the process; 3) His support for Continuing Education for land surveyors; 4) His encouragement that the Board develop an arctic engineering examination as a stand alone exam; 5) He thinks applicants should have a timeframe in which they must pass the examination (Note: the limit is currently 5 times in 5 years).

4. **Randy Kinney**, representing Alaska Society of Professional

Engineers (ASPE) responded to the Board's decision at its February 2002 meeting to postpone any decision about the current system until the organizations had time to discuss the matter. Kinney reported (via the Chair) on emails he received from ASPE members that he offered as feedback from the society on issues before the Board: Dick Armstrong, opposed non-discipline specific licensure; Ted Trueblood reiterated his prior comments to not expand disciplines but stay current with national trends; Michael Massin supported the current disciplines and urged the Board not to dilute designations; and to either create more individual disciplines or lump all into one category; and Craig Bledsoe, reiterated his earlier support for non-discipline specific engineering licensing.

Regulation Changes Pending

The Board voted at its February 2002 meeting to **public notice** proposed regulation changes that would modify site adaptation (12 AAC 36.195) regulations.

The purpose of the regulation change is to allow architects, engineers and landscape architects to affix a statement of certification that ensures the design professional has reviewed the calculations and determined they comply with all applicable codes and regulations for 12 AAC 36.195, Site Adaptation.

The specific proposed regulation change would read:

(3) independently performs all calculations and maintains them on file or affixes to the calculations to be site adapted the following sealed statement, "I certify that I have reviewed these calculations and they comply with all applicable codes and regulations."

The Division of Occupational Licensing will **public notice** these proposed regulations changes adopted at its February 2002 meeting to interested parties, along with a cover letter explaining the changes.

Proposed Statutory Changes

Continuing Education for Land Surveyors:

Until the Legislature grants authority, the attorney general's office has advised the Board that it does not have explicit authority to develop a continuing professional competency (CPC) regulatory program for professional land surveyors. The other professions (architects, engineers, and landscape architects) have not expressed adequate, uniform support for a mandatory CPC (or CE) program.

Once statutory authority is granted, regulations could be developed for land surveyor's CE and would be **public noticed**. The model being considered is based on the NCEES recommended guidelines for CE. If adopted, CE would likely be phased in for the 2005 renewal cycle (in order to allow registrants time to comply with the new CE requirements).

The Board will work to have legislative action taken on these issues during next legislative session.

Legislative Requests:

Term Limits:

The Board voted at its February 2002 meeting to support a change to the statutory requirement for term limits. 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. The Board will request that a full term be considered two or more years. This change would allow a Board member filling a partial term to serve a full 8 years.

Specialty Contractors:

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.

Subgroups

The AELS Board worked informally in subgroups: Building Officials; Canadian Reciprocity; and Land Surveyor Model Law. Subgroups will make suggested changes to be considered by the full board at subsequent meetings. Subgroups continue to work between meetings:

Building Officials Handbook:

The Building Official's handbook subgroup will circulate a draft version to the Board and then to Building officials and groups for comments.

Canadian Reciprocity: The subgroup will continue its focus on Comity issues and compare the Canadian experience, education and examinations to the U.S. system.

Land Surveyor Model Law: The subgroup discussed the changes happening at the national level.

The Work Verification:

The Subgroup did not meet at the May 2002 meeting but will work to develop new work verification forms that will be on the August 2002 agenda.

What's New

The Board will offer the Alaska Land Surveyor Examination (AKLS) on October 25, 2002, due to interest within the Land Surveying community to hold the exam more than once a year. This is subject to change, depending on the number of applicant requests, so candidates should check with the AELS Board staff or the website for future AKLS exam dates for 2003.

Land Surveyor Requirements for FLS/PLS exam applicants:

Effective January 1, 2002, new regulations went into effect for educational requirements to sit for the Fundamentals of Land Surveying (FLS) and Principles 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.

Landscape Architect Registration Exam (LARE):

The 2003 LARE Exams will only be offered in Anchorage unless otherwise posted on the website. Candidates should check with the AELS Board staff or the website for future LARE exam locations.

Incidental Practice overlap:

The Board continues to ask for feedback and comments 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. Please let us know your thoughts and ideas.

Arctic Engineering -Board Approved Courses:

The Board approved the current list of seven arctic engineering courses as meeting the requirements under 12 AAC 36.110. The list will be updated (current contacts), posted to the AELS website, and included in architect, engineer & landscape architect application forms.

Other Updates

Occupational Licensing Director

Catherine Reardon discussed legislative requests, and technology updates such as on-line applications.

Outreach In February 2002, the O.L. Director granted the Board expenditures of up to \$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 this effort will help to eliminate unlicensed activity.

Board Autonomy: Kathy Gardner will continue to collect information on board autonomy. Please let her know your thoughts and ideas.

AKLS Workshop: The Board asked the O.L. Director for additional funding for a November 2002 AKLS workshop. That 2nd workshop would be held in conjunction with Test, Inc. to review the state-specific examination and to develop test questions.

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 2003; the NCEES Presidents' Assembly/MBA Group in February 2003; the Western Zone regional meeting (NCEES) in May 2005, and the NCEES Annual meeting in September 2006. All meetings will be held in Anchorage (or the Anchorage area).

Board Travel:

The Board will send representatives to participate at conferences: NCARB annual meeting, June 2002; and the NCEES annual meeting, August 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 29th, 2002.

Staff Reports

Investigator's Report

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

Board Administrator's Report

The AELS Board administrator reported on statistics of registrants and exams. Staff reported that the 12/31/01 online renewal process worked very well, with about 20% of registrants using the online renewal system. The administrator will be interviewing to hire a 2nd licensing examiner vacated when Susan Frederick transferred to another Department.

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

Applicant Files Reviewed

The board reviewed 50 applicants' files for examination or comity licensure for architects, engineers, land surveyors, and landscape architects and approved 27 applicants for comity licensure, and 21 for examination, 2 for reinstatement, found 1 application incomplete, and did not deny any applicants for FE, PE or PLS, or AKLS exams or comity licensure.

AELS Deadlines

All applications for comity and any supporting documents are due in the Juneau office no later than August 12, 2002 to be considered at the next AELS meeting scheduled for August 22-23, 2002 in Anchorage.

The June LARE examinations will be given in Anchorage and Fairbanks on June 10-12th, 2002.