



**DIVISION OF OCCUPATIONAL LICENSING**

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*Frank H. Murkowski, Governor*

DATE: November 1, 2004

TO: Board of Registration for Architects, Engineers, and Land Surveyors

THROUGH: Gary Veres, Chief Investigator

FROM: George Weaver & John Clark, Investigators

SUBJECT: Investigative Report for the November 18 and 19, 2004, meeting. This report reflects the status of investigative files up to and including October 31, 2004.

OPEN CASES

- 0100-04-2 Allegation that a licensed architect violated a provision of 12 AAC 36. (Opened 10/27/04)
- 0101-03-6 Allegation that an unlicensed person worked as an architect. (Opened 04/03/03)
- 0101-03-9 Allegation that an unlicensed person worked as an architect. (Opened 04/21/03)
- 0101-03-10 Allegation that an unlicensed person worked as an architect. (Opened 04/22/03)
- 0101-03-11 Allegation that a civil engineer worked as an architect. (Opened 04/29/03)
- 0101-03-13 Allegation that an unlicensed individual worked as an architect. (Opened 09/11/03)
- 0101-03-15 Allegation that an unlicensed person worked as an architect. (Opened 09/23/03)

- 0101-04-2 Allegation that an unlicensed person made architectural decisions on a commercial remodeling project. (Opened 08/30/04)
- 0102-02-4 Allegation that an engineer was not competent in the design of a structure. (Opened 12/05/02)
- 0102-03-1 Allegation that a civil engineer worked outside the scope of his license. (Opened 04/04/03)
- 0102-03-4 Allegation that an engineer did not properly sight adapt design documents. (Opened 12/03/03)
- 0102-04-2 Allegation that an engineer was incompetent. (Opened 05/25/04)
- 0102-04-3 Allegation that an engineer inappropriately sealed plans as a land surveyor. (Opened 07/19/04)
- 0102-04-4 Allegation that a licensed engineer violated a provision of 12 AAC 36. (Opened 08/04/04)
- 0102-04-5 Allegation that a licensed engineer violated a provision of 12 AAC 36. (Opened 08/05/04)
- 0102-04-6 Allegation that a licensed engineer violated a provision of 12 AAC 36. (Opened 08/06/04)
- 0102-04-7 Allegation that a licensed engineer violated a provisions of AS 08.48 and 12 AAC 36. (Opened 08/06/04)
- 0102-04-8 Allegation of unlicensed activity on the part of an engineer previously licensed in Alaska. (Opened 09/10/04)
- 0102-04-9 Allegation that a licensed engineer violated a provisions of AS 08.48 and 12 AAC 36. (Opened 09/10/04)
- 0102-04-10 Allegation that a licensed engineer violated a provisions of AS 08.48 and 12 AAC 36. (Opened 09/27/04)
- 0102-04-11 Allegation that a licensed engineer violated a provisions of AS 08.48 and 12 AAC 36. (Opened 09/29/04)
- 0102-04-12 Allegation that a licensed engineer violated a provision of 12 AAC 36. (Opened 09/30/04)
- 0102-04-13 Allegation that a licensed engineer violated a provision of 12 AAC 36. (Opened 10/26/04)

The first four numbers of the case number indicate the profession; the professional codes are as follows:

0100	Architect	0106	Corporate Authorization
0101	Unlicensed Architect	0107	Unlicensed Corporate Authorization
0102	Engineer	0150	Architect Applicant
0103	Unlicensed Engineer	0152	Engineering Applicant
0104	Land Surveyor	0154	Land Surveyor Applicant
0105	Unlicensed Land Surveyor		

- 0102-04-14 Allegation that a licensed engineer violated a provision of 12 AAC 36. (Opened 10/27/04)
- 0102-04-15 Allegation that a licensed engineer violated a provision of 12 AAC 36. (Opened 10/28/04)
- 0102-04-16 Allegation that a licensed engineer violated a provision of 12 AAC 36. (Opened 10/28/04)
- 0103-03-5 Allegation that an unlicensed person represented himself as an engineer. (Opened 12/19/03)
- 0103-04-1 Allegation that an unlicensed person worked as an engineer on a project in Alaska. (Opened 02/25/04)
- 0103-04-2 Allegation that an individual was advertising to provide engineering services. (Opened 05/14/04)
- 0103-04-4 Allegation of unlicensed engineering. (Opened 08/26/04)
- 0103-04-5 Allegation of unlicensed engineering. (Opened 08/26/04)
- 0103-04-6 Allegation of an unlicensed individual making engineering decisions. (Opened 09/27/04)
- 0103-04-7 Allegation of an unlicensed individual making engineering decisions. (Opened 09/27/04)
- 0103-04-8 Allegation of an unlicensed individual making engineering decisions. (Opened 09/27/04)
- 0104-02-1 Allegation that a licensed land surveyor is sealing and signing work without supervising the person doing the work and preparing the plats (Opened 03/26/02)
- 0104-02-4 Allegation that a land surveyor's work was below minimum professional standards on a project. (Opened November 19, 2002)
- 0104-02-5 Allegation that a land surveyor's work is below minimum professional standards. (Opened November 21, 2002)
- 0104-03-3 Allegation that a professional land surveyor was negligent regarding an as-built. (Opened 09/23/03)

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- 0104-03-5 Allegation that a land surveyor improperly placed a monument causing a property line to become clouded. (Opened 11/28/03)
- 0104-04-1 Allegation that a land surveyor's work was substandard causing a potential clouding of a property line. (Opened 04/01/04)
- 0104-04-3 Allegation that a land surveyor wrongfully removed a property corner monument and then set another property corner monument causing questions about the actual location of a property line. (Opened 07/06/04)
- 0104-04-4 Allegation that a land surveyor wrongfully moved monuments adversely affecting lot size. (Opened 07/22/04)
- 0107-03-1 Allegation that a corporation offered engineering services without being registered as an AELS corporation. (Opened 05/06/03)
- 0107-04-1 Allegation that a corporation advertised to provide engineering services without being registered as an AELS corporation. (Opened 04/19/04)
- 0107-04-2 Allegation that a corporation practiced engineering in Alaska without being registered as an AELS corporation. (Opened 07/16/04)
- 0107-04-3 Allegation that a corporation practiced engineering in Alaska without being registered as an AELS corporation. (Opened 07/16/04)
- 0107-04-5 Allegation of a corporation practicing engineering in Alaska without having a corporate registration. (Opened 08/24/04)
- 0107-04-7 Allegation of a corporation practicing architecture in Alaska without having a corporate registration. (Opened 09/28/04)
- 0152-04-1 Allegation that an applicant was not truthful on an application. (Opened 07/08/04)
- 0154-03-1 Applicant was denied and requested a hearing. (Opened 09/05/03)
- 0154-04-1 Applicant was denied and requested a hearing. (Opened 03/10/04)
- 0154-04-2 Applicant was denied and requested a hearing. (Opened 03/10/04)

**DRAFT FILINGS PENDING ATTORNEY GENERAL ACTION**

- 0105-02-2 Allegation of land surveying by an unregistered individual. (Opened 10/29/02)

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0107-03-3 Allegation that a corporation advertised to provide engineering services without being registered as an AELS corporation. (Opened 07/15/03)

MEMORANDUM OF AGREEMENT

0100-02-4 Seth Yerrington, a Professional Architect, License 2142, worked as a professional architect in the design of a warehouse addition. An expert witness reviewed Yerrington's work on the project. The expert witness is of the opinion that Yerrington's work on the project was below minimum professional standards for an architect registered in the State of Alaska. On August 19, 2004, the Board entered into a Memorandum Of Agreement (MOA) with Yerrington requiring Yerrington to pay a fine of \$2,500, his license to be in a probation status for one year during which time Yerrington is to submit all work to a licensed architect for peer review; and to submit quarterly reports to the AELS Board detailing his activity or non-activity during the quarter. (Closed 08/23/04)

0100-02-6 Seth Yerrington, a Professional Architect, License 2142, worked as a professional architect in the design of an apartment building. An expert witness reviewed Yerrington's work on the project. The expert witness is of the opinion that Yerrington's work on the project was below minimum professional standards for an architect registered in the State of Alaska. This case was included in the MOA as detailed in file 0100-02-4, (Closed 08/23/04)

0100-03-2 Allegation that Kenneth L. Butts, a Professional Architect, License 7673, sealed and signed plans containing electrical and mechanical engineering. Butts admitted sealing and signing the plans in question. Butts was previously sent advisory letters concerning sealing and signing plans outside his area of expertise. On August 19, 2004, the AELS Board entered into a MOA with Butts requiring Butts to pay a fine of \$5,000 (with \$2,000 suspended if Butts pays the fine within 120 days), and Butts is to cease and desist working or offering to work as an engineer in Alaska. (Closed 08/23/04)

0104-96-1 Allegation that Albert Bianchi, a Registered Land Surveyor, License 3141, was producing work below the minimum professional standards for a land surveyor in Alaska. Review of Bianchi's work by an expert witness substantiated that Bianchi's work was below minimum professional standards. On August 19, 2004, the AELS Board entered into a MOA with Bianchi. Bianchi agreed to surrender his land surveyor's license on January 3, 2005, to provide a list of all contracts involving land surveying on which he is working, and to never again apply for a license as a land surveyor in Alaska. (Closed 08/23/04)

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0104-98-2 Allegation that Albert Bianchi did not provide land surveying service in a timely manner. The allegation was substantiated. The licensing action was included in the MOA Bianchi entered into with the AELS Board on August 19, 2004, as described in file 0104-96-1. (Closed 08/27/04)

### CEASE AND DESIST ORDERS ISSUED

0101-03-8 Allegation that Mike Tauriainen, a Civil Engineer, worked as an architect on by doing the architectural design for a new building. Investigation established that Tauriainen did architectural work in the process of doing the design work for the project. A cease and desist order was sent to Tauriainen, who has requested a hearing on the matter. (Opened 04/08/03)

0102-03-3 Allegation that Mike Tauriainen, a Civil Engineer, worked outside the scope of education, training and licensure by doing architectural design work on a building. Investigation established that Tauriainen's design work exceeded the scope of his license as a civil engineer. A cease and desist order was sent to Tauriainen, who has requested a hearing on the matter. (Opened 04/08/03)

### OTHER CASES CLOSED:

0100-04-1 Allegation that an architect failed to sign design documents. Investigation revealed the architect did not sign two design documents. The architect reissued the design documents, which were sealed, signed and dated. An advisory letter was sent to the architect advising the architect of the statutory and regulatory requirements for sealing, signing and dating design documents. This closure was coordinated with AELS Board member Kenneth Maynard. (Closed 09/23/04)

0101-04-1 Allegation that an unlicensed person worked as an architect. Investigation revealed an unlicensed person donated drawings to a church with the understanding the church was to give the drawings to a licensed architect to site adapt. The drawings were submitted to the Alaska State Fire Marshal's Office for a building permit with the business name and address of the unlicensed person without that person's knowledge. The information developed was discussed with a representative of the Attorney General's Office and AELS Board Member Kenneth Maynard, both of whom concurred with sending the unlicensed individual an advisory letter. (Closed 10/14/04)

0103-04-3 Investigative file initiated concerning a licensed architect making engineering decisions on a commercial structure. This file was not pursued at the recommendation of the Deputy Attorney General assigned

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to this office. The Deputy Attorney General is of the opinion that since the architect is currently under a memorandum of agreement for peer review and has been advised through an attorney to cease and desist work beyond the scope of the architect's license that further pursuing this matter is not appropriate. (Closed 10/26/04)

0103-04-9 Investigative file initiated concerning a licensed architect making engineering decisions on a commercial structure. This file was not pursued at the recommendation of the Deputy Attorney General assigned to this office. The Deputy Attorney General is of the opinion that since the architect is currently under a memorandum of agreement for peer review and has been advised through an attorney to cease and desist work beyond the scope of the architect's license that further pursuing this matter is not appropriate. (Closed 10/26/04)

0107-04-4 Allegation that a corporation provided architectural services without having a corporate registration in the State of Alaska. Investigation revealed the corporation did not offer to provide the architectural services, however, the corporate name was on the design documents in a manner that would lead anyone looking at the documents to believe the firm did the design work. Upon being contacted, a corporate representative stated the corporate name on the documents was inadvertent and the corporation took immediate steps to become licensed. The corporation subsequently received a corporate registration to provide architectural services. An advisory letter was sent to the corporation. This closure was coordinated with AELS Board Member Kenneth Maynard. (Closed 09/23/04)

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