

***Annual Report***  
***Fiscal Year 2011***

**BOARD OF REGISTRATION FOR  
ARCHITECTS, ENGINEERS,  
AND LAND SURVEYORS**

***July 2011***



**DIVISION OF CORPORATIONS, BUSINESS  
AND PROFESSIONAL LICENSING**

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This Annual Performance Report is presented in accordance with Alaska Statute 08.01.070(1) and Alaska Statute 37.07.080(b). Its purpose is to report the accomplishments, activities, and the past and present needs of the licensing program.

**ALASKA STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS,  
AND LAND SURVEYORS  
FY 2011 ANNUAL REPORT**

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**ALASKA STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS,  
AND LAND SURVEYORS  
FY 2011 ANNUAL REPORT  
IDENTIFICATION OF BOARD**

<b><u>Board Member</u></b>	<b><u>Date Appointed</u></b>	<b><u>Term Expires</u></b>
<b>Richard C. Heieren, PLS, Surveyor</b> Chair PO Box 82051 Fairbanks, AK 99708	<b>March 9, 2005</b>	<b>March 1, 2013</b>
<b>Boyd J. Brownfield, PE, Civil Engineer</b> Vice-Chair 1758 Morningtide Court Anchorage, AK 99501	<b>April 24, 2004</b>	<b>March 1, 2012</b>
<b>Clifford E. Baker, PLS, Surveyor</b> Secretary Integrity Surveys 8195 Kenai Spur Hwy. Kenai, AK 99611-8902	<b>March 24, 2004</b>	<b>March 1, 2012</b>
<b>Harley H. Hightower, Architect</b> 7441 Trenton Lane Anchorage, AK 99502	<b>March 9, 2005</b>	<b>March 1, 2013</b>
<b>Craig Fredeen, PE, Mechanical Engineer</b> 3036 Redwood Street Anchorage, AK 99508	<b>April 22, 2004</b>	<b>March 1, 2012</b>
<b>Eric Eriksen, PE, Electrical Engineer</b> 17670 Pt. Lena Loop Road Juneau, AK 99801	<b>March 1, 2009</b>	<b>March 1, 2013</b>
<b>Richard Rearick, Architect</b> 11731 Broadwater Drive Eagle River, AK 99577	<b>February 3, 2009</b>	<b>March 1, 2012</b>
<b>Burdett B. Lent, Landscape Architect</b> Group Three Design 374 Sarah's Way Wasilla, AK 99654	<b>December 15, 2005</b>	<b>June 30, 2013</b>
<b>Donald W. Shiesl, Public Member</b> 3050 Danny's Avenue Wasilla, AK 99654	<b>October 16, 2008</b>	<b>March 1, 2014</b>
<b>Daniel E. Walsh, PE, Mining Engineer</b> Professor University of Alaska Fairbanks P.O. Box 73008 Fairbanks, AK 99707-3008	<b>December 15, 2005</b>	<b>March 1, 2012</b>
<b>Brian R. Hanson, PE, Civil Engineer, Mining Engineer</b> 1530 Oxford Drive Anchorage, AK 99503	<b>March 1, 2010</b>	<b>March 1, 2014</b>

**ALASKA STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS,  
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**IDENTIFICATION OF STAFF**

**Vern Jones, Executive Administrator**

Department of Commerce Community and Economic Development  
Division of Corporations, Business and Professional Licensing  
P.O. Box 110806  
Juneau, AK 99811-0806  
Work: (907) 465-1676  
Fax: (907) 465-2974

**Alicia Kelly, Licensing Examiner**

Department of Commerce Community and Economic Development  
Division of Corporations, Business and Professional Licensing  
P.O. Box 110806  
Juneau, AK 99811-0806  
Work: (907) 465-2540  
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**John Savage, Investigator**

Department of Commerce Community and Economic Development  
Division of Corporations, Business and Professional Licensing  
550 West 7<sup>th</sup> Avenue, Suite 1500  
Anchorage, AK 99501-3567  
Work: (907) 269-8176  
Fax: (907) 269-8195

**ALASKA STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS,  
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FY 2011 ANNUAL REPORT  
NARRATIVE STATEMENT**

**BOARD MISSION**

The board adopts regulations to carry out its mission to protect the public health, safety, and welfare through the regulation of the practice of architecture, engineering, land surveying, and landscape architecture by:

- ensuring that those entering these practices meet minimum standards of competency, and maintain such standards during their practice;
- requiring licensure to practice in the State of Alaska; and
- enforcing both the licensure and competency requirements in a fair and uniform manner. (Dated 2/15/00)

Board Meetings: The Board of Registration for Architects, Engineers and Land Surveyors held four 2-day meetings in FY11 as follows:

- August 5-6, 2010 in Anchorage
- November 15-16, 2010 in Anchorage
- February 3-4, 2011 in Juneau
- May 5-6, 2011 in Anchorage

Board Appointments: There were no new board appointments during FY 11:

Application Review: During FY 11 the board reviewed 469 applications for registration and/or examination. 3 applications were denied and 28 were found to be incomplete.

For complete statistical information refer to the Statistical Overview beginning at page \_\_\_.

Investigations/Disciplinary Processes. The AELS Board considers investigation procedures and enforcement to be one of its most important responsibilities. To this end the Board has successfully instituted the use of the disciplinary guidelines developed in FY09.

In FY 10 the Board sent a letter to the Director requesting reduction of the number of Boards assigned to our investigator. To date two Boards have been removed. He still has 5 additional Boards assigned.

The annual update of the Guidance Manual was delayed due to pending regulation changes. It will be updated in the first quarter of FY12.

Board Committees: Following are the current Special and Standing Committees of the board:

Special Committees:

- General licensure
- As-Builts/Record Drawings
- Incidental Practice
- Licensure Mobility
- Mining Engineers/Geologists
- Land Surveyor Education

Standing Committees:

- Investigative Advisory (rotational 2 member teams)
- Guidance Manual
- Legislative Liaison
- Continuing Education
- Budget

National and Regional Meetings: To keep abreast of national trends, other states' standards for registration and emerging issues, board members and staff attended meetings and conferences sponsored by the following national organizations:

- National Council of Architect Registration Boards (NCARB)
- National Council of Examiners for Engineering and Surveying (NCEES)
- Council for Landscape Architect Registration Boards (CLARB)
- Western Council of Architect Registration Boards (WCARB)
- Western Zone National Council of Examiners for Engineering and Surveying

Following completion of board-related travel the attending members write in depth reports for presentation at board meetings, so that all board members benefit from attendance at these meetings.

Also, many of the board members serve on committees of these organizations:

- Craig Fredeen, PE – Engineering Education Task Force (NCEES)
- Clifford Baker, PS – Law Enforcement and Examinations for Professional Surveyors (NCEES)
- Richard Heieren, PS – Examinations for Professional Surveyors and Exam Development (NCEES)
- Boyd Brownfield, PE – Exam Development (NCEES)
- Burdett Lent, PLA – proctors the Landscape Architect Registration Exam (CLARB)
- Daniel Walsh, PE – Finance (NCEES)
- Richard Rearick, PA – Professional Conduct and NAAB Accreditation Visiting Team (NCARB)

To encourage board member and staff attendance at meetings, some meetings are funded by the national organization sponsoring the meeting.

Regulations Adopted: The following regulations were adopted during FY 11:

- 12 AAC 36.061 Architect Education Standard
- 12 AAC 36.185 Use of Seals
- 12 AAC 36.400-450 Continuing Education for Land Surveyors (repealed)
- 12 AAC 36.500-550 Continuing Education for Professional Architects, Engineers, Land Surveyors and Landscape Architects
- 12 AAC 36.180 Seal.
- 12 AAC 36.990 Definitions
- 12 AAC 36.106 Registration in Additional Branches of Engineering.

Board Policies Adopted in FY 11: The board adopted no new policies during FY 11.

Staff: There were no changes to the Staff in FY11.

**ALASKA STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS,  
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BUDGET RECOMMENDATIONS FOR FY 2012**

Dues for National Organizations are as follows:

NCEES: \$6500  
NCARB: \$6000  
WCARB: \$4000  
CLARB: \$5170

CLARB Exams: Anticipate \$2000 (depends on number of applicants)  
AKLS Exam: \$8500

The board anticipates no requests for out of country travel in FY 2012 and does not anticipate requiring funds for any special projects.

The following is anticipated travel requirements for FY12:

In State Board meetings: 11 members 2 staff. Figures based on FY11 travel requests.

<u>Month</u>	<u>Location</u>	<u>Estimate</u>
August	Anchorage	\$6,000
November	Anchorage	\$6,000
February	Juneau	\$10,000
May	Anchorage	\$6,000
	<b>Total</b>	<b>\$28,000</b>

Out of State travel: Locations vary. Figures are based on FY10 travel requests.

NCEES Wzone	\$11,000	4 members 1 staff	
NCEES National	\$17,344	5 members 1 staff + 2 funded by NCEES	
NCARB WCARB	\$ 5,400	2 members 1 staff	
NCARB National	\$ 7,600	2 members 1 staff	partial reimbursement for 2 Members by NCARB
CLARB Zone	\$ 6,000	1 member 1 staff	
CLARB National	\$ 5,000	1 member 1 staff	
NCARB MBE Ex	\$ 2,500	1 Staff	partial reimbursement by NCARB
NCEES Pres Assy	0.00	Board Chair	funded by NCEES
NCEES MBA Netwrk Grp	0.00	Board Exec Admin	funded by NCEES
<b>Total</b>	<b>\$47,244</b>		
<b>Total travel budget:</b>	<b>\$75,244</b>		

**ALASKA STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS,  
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FY 2011 ANNUAL REPORT  
RECOMMENDATIONS FOR PROPOSED LEGISLATION FOR FY 2012**

**Focus Area (Check all that apply)**

- Economic Development
- Government Within Our Means
- Personal Responsibility / Empowering Alaska's Families
- Administrative Legislation (Sunsets, etc.)

**1. Subject and Proposed Language (include intent and statutory reference)**

**Sec. 08.48.055. Executive secretary; investigator of the board.** (a) The department in consultation with the board, shall employ [an individual who is not a member] two individuals who are not members of the [board] board. [to serve as the] One shall be assigned as the executive secretary of the [board]. The executive secretary of the board is the principle executive officer of the board and is in the partially exempt service under AS 36.25.120.] board; the other shall be assigned as the investigator for the board.

[(b) The executive secretary shall perform duties as prescribed by the board.]

- (1) The executive secretary is the principal executive officer of the board and is in the partially exempt service under AS 39.25.120.
- (2) The executive secretary of the board shall perform duties as prescribed by the board.

**(b) The investigator shall**

- (1) Conduct investigations into alleged violations of this chapter, and into alleged violations of regulations and orders of the board;
- (2) At the request of the board, conduct investigations based on complaints filed with the department or with the board; and
- (3) Be directly responsible and accountable to the board, except that only the department has authority to terminate the investigator's employment and the department shall provide day to day and administrative supervision of the investigator.

**2. Explain the benefits the proposed legislation would provide.**

It would provide for a full time investigator for the AELS Board. Presently we share an investigator with 5 other Boards. There is enough work for a full time investigator.

**3. Explain the consequences, if any, of not implementing the proposed statutory change.**

**4. Describe any potential negative impacts of this legislation and how they would be minimized.**



**5. Who do you anticipate will support the bill and why? Include municipalities, groups, etc...**

National Council of Examiners for Engineers and Surveyors (NCEES)

National Council of Architectural Registration Boards (NCARB)

Council of Landscape Architect Registration Boards (CLARB)

And most professional societies support enforcement of statutes and regulations to protect the health, safety and welfare of the public.

**6. Who do anticipate will oppose the bill and why?**

Unknown

**7. What other state departments will be affected by this legislation? Have you discussed the impact with the affected departments, and if so who and do they support this bill?**

None

**8. Identify and describe any previous state or federal legislation or similar efforts in other states which affect or relate to this proposal.**

The Medical Boards investigator position is established by statute AS 08.64.103.

**9. Has this bill topic been previously introduced in the legislature? If so, what was the final outcome and why?**

No

**10. In the event questions should be raised during review of this request, please indicate below which board member should be contacted: Chair Harley Hightower or vice-Chair Richard Heieren.**

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**ALASKA STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS,  
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FY 2011 ANNUAL REPORT  
RECOMMENDATIONS FOR PROPOSED LEGISLATION FOR FY 2012**

**Focus Area (Check all that apply)**

- Economic Development
- Government Within Our Means
- Personal Responsibility / Empowering Alaska's Families
- Administrative Legislation (Sunsets, etc.)

**1. Subject and Proposed Language (include intent and statutory reference)**

Subject/Statutory Reference: Sec. 08.48.331. Exemptions

Proposed Language: Refer to Attachment

Intent: To clarify exemption requirements for the various entities involved in the design and construction process.

Sec.08.48.281. Prohibited Practice and Sec. 08.48.341. Definitions require revisions to further clarify

Sec.08.48.331. Refer to attachment.

- 2. Explain the benefits the proposed legislation would provide.** Clarifying intent will provide the clear and concise definition of roles and responsibilities to prevent the practice of architecture, engineering, land surveying, and landscape architecture by individuals not qualified as a result of lacking the education, examination, and examination requirements for the purpose of health, safety, and welfare of the public.
- 3. Explain the consequences, if any, of not implementing the proposed statutory change.** The investigative staff and code enforcement officials have reported to the AELS Board significant abuse under the Exemption clauses. These abuses will continue if revision are not implemented.
- 4. Describe any potential negative impacts of this legislation and how they would be minimized.**  
Negative impacts are not anticipated.
- 5. Who do you anticipate will support the bill and why? Include municipalities, groups, etc...**  
The design professionals will support this revision.  
Municipalities and State of Alaska agencies should not object because they have contracting methods that do not conflict with the proposed revisions.
- 6. Who do anticipate will oppose the bill and why?**  
Unknown
- 7. What other state departments will be affected by this legislation? Have you discussed the impact with the affected departments, and if so who and do they support this bill?**  
Department of Public Safety, Plan Review Bureau. This should make their enforcement easier.

- 8. Identify and describe any previous state or federal legislation or similar efforts in other states which affect or relate to this proposal.**

Unknown

- 9. Has this bill topic been previously introduced in the legislature? If so, what was the final outcome and why?**

Unknown

- 10. In the event questions should be raised during review of this request, please indicate below which board member should be contacted:**

Harley Hightower – 907.644.0798 – hhh@gci.net

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**ALASKA STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS,  
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RECOMMENDATIONS FOR PROPOSED LEGISLATION FOR FY 2012**

The board will be seeking changes to AS 08.48.281 (Prohibited Practice), AS 08.48.331(a)(7) (specialty contractor exemption). AS 08.48.055 to add a full time investigator to the AELS Board

In addition the board will be asking the division to seek changes to bring professional geologists under the regulation and governance of the AELS Board. (AS 08.02.011).

The board also supports the efforts of the Alaska Chapter of the American Society of Landscape Architects (ASLA) to change the landscape architect seat on the board to a permanent, voting seat.

**ALASKA STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS,  
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REGULATION RECOMMENDATIONS FOR FY 2012**

**UPCOMING REGULATION PROJECTS**

The board currently has the following regulation projects being public noticed:

- 12 AAC 36.103 Architect Registration by Comity.
- 12 AAC 36.106 Registration in Additional Branches of Engineering
- 12 AAC 36.180 Seal
- 12 AAC 36.205 Scope of Practice for Engineers
- 12 AAC 36.990 Definitions

The board will be pursuing amendments to:

- 12 AAC 36.064 Eligibility for Fundamentals of Land Surveying Examination
- 12 AAC 36.065 Eligibility for Professional Land Surveyor Examination
- 12 AAC 36.062 Eligibility for Fundamentals of Engineering Examination
- 12 AAC 36.185 Use of Seals
- 12 AAC 36.195 Site Adaption and Field Alteration of Sealed Documents

Adopted at the May 2011 board meeting and filed by the Lt. Governor the following regulation changes will be effective July 13, 2011.

- 12 AAC 36.061 NCARB Education Standard
- 12 AAC 36.115 Retired Status Registration
- 12 AAC 36.185 Use of Seals
- 12 AAC 36.400 – 450: Continuing Education for Land Surveyors (Repealed)
- 12 AAC 36.500 – 550: Continuing Education for Architects, Engineers, Land Surveyors and Landscape Architects.

**ALASKA STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS,  
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GOALS AND OBJECTIVES FOR FY 2012**

**GOALS**

The goals of the Board will be the framework through which specific objectives are enunciated. The goals of the Board are to:

- ***Protect the public by:***
  - √ promptly investigating and adjudicating law violations;
  - √ effectively discouraging violations of the statutes and regulations before they occur;
  - √ providing information and education;
  - √ fostering relationships with other state agencies; and
  - √ ensuring registrants meet minimum standards of competency, and maintain such standards during their practice.
- ***Promote statutes and regulations that are clear, relevant, unambiguous and functional***
- ***Increase public and professional awareness of the Board's:***
  - √ Mission;
  - √ Activities that protect the health, safety and welfare of the public;
  - √ Services to the public and registrants; and
  - √ Make registrants aware of the regulations and statutes governing their professions.
- ***Foster relationships with NCEES, NCARB, CLARB and Member Boards.***
- ***Ensure all materials used to establish competency in professions are appropriate.***
- ***Continue to appoint committees to work on issues of concern to the Board and the public.***
- ***Ensure adequate fiscal and human resources are available to maintain an effective operational structure so that the Board can meet its Mission and Goals.***

**ALASKA STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS,  
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FY 2011 ANNUAL REPORT  
GOALS AND OBJECTIVES FOR FY 2012**

**Objectives for Fiscal Year 2012**

<b>Goal</b>	<b>Objectives</b>
<ul style="list-style-type: none"> <li>● Protect the public by:               <ul style="list-style-type: none"> <li>- <i>promptly investigating and adjudicating law violations</i></li> <li>- <i>effectively discouraging violations of law before they occur</i></li> <li>- <i>providing information and education</i></li> <li>- <i>fostering relationships with state agencies</i></li> <li>- <i>ensuring that registrants meet minimum standards of competency and maintain such standards during their practice</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● Pursue a Statute change to provide a full time investigator</li> <li>● Active board participation in investigations and sanctions</li> <li>● Continue to foster working relationship with State Fire Marshal's Office</li> <li>● Enhance the Board's website by ensuring information is relevant and current</li> </ul>
<ul style="list-style-type: none"> <li>● Promote statutes and regulations that are clear, relevant, unambiguous and functional</li> </ul>	<ul style="list-style-type: none"> <li>● Pursue legislative changes to AS 08.48.281 Prohibited Practice, AS 08.48.221 Seals, Prohibited Practice, AS 08.48.341 Definitions, AS 08.48.291 Violations and Penalties and AS 08.48.331 Exemptions. AS 08.48.055 to include a full time investigator. Regulation Projects to amend 12 AAC 36.103, 12 AAC 36.064, 12 AAC 36.065, 12 AAC 36.106 (new – Registration in Additional Branches of Engineering (Grandfathering)), 12 AAC 36.180(b), 12 AAC 36.205 (new – Scope of Practice), 12 AAC 36.990(a), 12 AAC 36.995 (new – Design of Fire Detection or Suppression Systems Exemption) 12 AAC 36.195 and 12 AAC 36.185.</li> </ul>
<ul style="list-style-type: none"> <li>● Increase public and professional awareness of the Board's               <ul style="list-style-type: none"> <li>- <i>mission</i></li> <li>- <i>activities that protect the health, safety and welfare of the public</i></li> <li>- <i>services to the public and registrants</i></li> <li>- <i>continuing education regulations</i></li> <li>- <i>statutes and regulations</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● Promote use of the board's list serve function to interested parties</li> <li>● Continue to update and improve the board's "Guidance Manual"</li> <li>● Continually update the board's website with new and changing information</li> <li>● Extend invitations to board meetings</li> <li>● Require registrants to successfully complete a jurisprudence questionnaire</li> </ul>
<ul style="list-style-type: none"> <li>● Foster relationships with NCEES, NCARB, CLARB and other Member Boards</li> </ul>	<ul style="list-style-type: none"> <li>● Attend zone and national meetings and participate in committee work</li> <li>● Encourage board members and staff to assume leadership positions in national organizations</li> <li>● Respond to MBA-list inquiries and provide assistance to other Member Boards</li> </ul>

Goal	Objectives
<ul style="list-style-type: none"> <li>● Ensure all materials used to establish competency in professions are appropriate</li> </ul>	<ul style="list-style-type: none"> <li>● Board member to participate in June AKLS Workshop</li> <li>● Update NCARB educational standards annually in regulation</li> <li>● Review Arctic engineering courses annually</li> </ul>
<ul style="list-style-type: none"> <li>● Continue to appoint committees to work on issues of concern to the Board and the public.</li> </ul>	<ul style="list-style-type: none"> <li>● Hold committee meetings between board meetings and have written reports prepared in advance of meetings on the following issues: <ul style="list-style-type: none"> <li>- <i>Study re additional engineering disciplines per 2005 Legislative Audit Report</i></li> <li>- <i>As-Builts/Record Drawings</i></li> <li>- <i>Incidental practice</i></li> <li>- <i>Licensure Mobility</i></li> <li>- <i>Mining Engineers/Geologists</i></li> <li>- <i>Technical Review Committee</i></li> <li>- <i>Continue to Update Guidance Manual</i></li> <li>- <i>Legislative Liaison</i></li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>● Ensure adequate fiscal and human resources are available to maintain an effective operational structure so that the Board can meet its Mission and Goals.</li> </ul>	<ul style="list-style-type: none"> <li>● Evaluate administrative processes and staffing functions to ensure effective use of human resources and equipment</li> </ul>



**ALASKA STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS,  
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SUNSET AUDIT RECOMMENDATIONS  
(From the 2008 Audit)**

**Recommendation No. 1: Review registration fees as provided by statute and consider decreasing fees.**

The fees for 2010/2011 were reduced.

**Recommendation No. 2: Ensure that Corporations, Limited Liability Companies and Limited Liability Partnerships are licensed in accordance with state regulations.**

The acknowledgement from the person designated in responsible charge was missing from several files. This was corrected.

**Recommendation No. 3: Office of the Governor should fill vacant seats in a timely manner.**

Appointments in FY10 were timely.

# FISCAL YEAR 20\_\_\_\_ STATISTICAL OVERVIEW

Program: \_\_\_\_\_

AS 08. \_\_\_\_\_

12 AAC \_\_\_\_\_

Name of Individual Completing Report: \_\_\_\_\_

Date: \_\_\_\_\_

CATEGORY	NEW-ISSUED FY 20____	TOTAL AS OF 6/30/____	EXAMINATION/ CREDENTIAL
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**A. Current Active Licenses, Endorsements, Permits, Exam Fees, Course Approval Fees**  
*(student, locum tenens, limited, courtesy licenses)*

**List type and if issued by examination or credential, as applicable**  
*(Do not list "temporary permits" or "temporary licenses")*

Example: License Type	10	250	Exam: 6 Credentials: 4
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
<b>TOTAL</b>			

**B. Current Inactive Licenses (not lapsed licenses)**  
*(Only Medical, Chiropractic, CPA, and Real Estate)*

CATEGORY	TOTAL AS OF 6/30/____
1.	
2.	
3.	
4.	
<b>TOTAL</b>	

