

**STATE OF ALASKA
BOARD OF REGISTRATION FOR
ARCHITECTS, ENGINEERS, AND LAND SURVEYORS (AELS)
POSITION PAPER**

**Relative to Proposed Amendments to AS 08.48.055 Executive secretary of the board
(Senate Bill 16)**

January 18, 2013

DISCUSSION

Chapter 48 outlines the statutes and regulations governing architects, engineers, and land surveyors in the State of Alaska. Section 08.48.011 created the State Board of Registration for Architects, Engineers, and Land Surveyors (AELS) to administer the provisions of Chapter 48 for the furtherance and enforcement of statutes and regulations.

The AELS Board is under increasing demands relative to investigations and enforcement of statutes and regulations. This situation is a result of the following conditions:

- In the recent past the AELS Board was assigned two full time investigators and one half time investigator.
- Presently the AELS Board shares one investigator with six additional boards.
- As a result of negative economic conditions in various parts of the US a significant number of corporations and individuals are relocating to Alaska and are practicing without proper licensing.
- There is increasing pressure on the AELS part time investigator to spend time on issues raised by the other six boards to which the investigator is assigned.
- With an investigator required to maintain knowledge of the various statutes and regulations of dissimilar boards, effectiveness and efficiency is reduced.

RESULTS

The current investigator has displayed an exceptional effort in reducing backlog and processing complaints and potential violations of statutes and regulations, however this is accomplished with expedience having precedence over thorough investigations. In some cases the magnitude and/or clear evidence of violation issues are elevated in the investigation process while seemingly less important violations are passed over. In addition, in the pursuit of expedience a violation may be negotiated and an advisory letter may be issued when a more serious disciplinary action is warranted. These facts create an atmosphere in our industry where registrants feel that there is a lack of resolve relative to enforcement resulting in the increase of violations.

Currently the AELS Board investigator processes approximately 500 issues annually. Information provided at Investigative Forums conducted by the National Council of Examiners for Engineers and Surveyors reveals that investigators in most jurisdictions process 15 to 25 cases annually as a general rule. This is evidence that effective enforcement and prosecution reduces the number of violations and improves the health, safety, and welfare of the public. Conversely, the lack of thorough investigation could

lead to the inappropriate prosecution of a registrant, excessive legal cost to the registrant, and legal cost and liability for the State of Alaska.

Currently the AELS Board Investigator regularly covers the geographical areas of the Mat-Su Valley, Anchorage, and the Kenai Peninsula and the remaining areas of the state are subject to minimum investigative coverage. This issue is mitigated somewhat by the close relationship and coordination between the state fire marshals office and various building departments in the state. These authorities who have jurisdiction report potential violations to the investigator. However, this is somewhat of a happenstance method.

These conditions outlined above in no way reflect on the performance of the AELS Board investigator. However, they do highlight the lack of manpower the board has to accomplish its mission. These conditions further indicate that the risk to the public is self evident and the liability to the state and this AELS Board is significant.

CONCLUSION

Statutes and Regulations governing the AELS Board, specifically Sec. 08.48.11, charge the board to “administer the provisions of Chapter 48.” The lack of a full time investigator for the AELS Board reduces the effectiveness of the board in the execution of its charges.

RECOMMENDATION

Passage of AS 08.48.055 as amended, will significantly improve the ability of the AELS Board to perform its duties as directed by law. Passage of SB 16 is recommended.

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