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REVIEWS

opinion or report on or certificate to any accounting or financial statement unless the corporation holds a live permit, is practicing under its registered name, and its offices in this state for the practice of public accounting are maintained and registered as required by §§ 350-380 of this chapter. (§ 15(9) ch 187 SLA 1960; am § 22 ch 147 SLA 1976)

Sec. 08.04.600. Disclosure of lack of permit. No person, partnership or corporation not holding a live permit may hold himself or itself out to the public as a certified public accountant or public accountant by use of such words or abbreviations on any sign, card, letterhead or in any advertisement or directory, without indicating that the person, partnership, or corporation does not hold a permit. This section does not prohibit (1) an officer, employee, partner, or principal of an organization from describing himself by the position, title, or office which he holds in the organization, (2) an act of a public official or public employee in the performance of his duties, or (3) any person from maintaining a bookkeeping or tax service. (§ 15(10) ch 187 SLA 1960; am § 23 ch 147 SLA 1976)

Sec. 08.04.610. Deceptive use of partnership or corporation title. No person may assume or use the title or designation "certified public accountant" or "public accountant" or an abbreviation of them, in conjunction with a name indicating or implying that there is a partnership or corporation, or in conjunction with the designation "and Company" or "and Co." or any similar designation unless there is a bona fide partnership or corporation registered under that name. However, a sole proprietor or partnership lawfully using the title or designation "certified public accountant" or "public accountant" or an abbreviation of them in conjunction with such names or designation on April 26, 1960, may continue to do so if the person or partnership otherwise complies with this chapter. (§ 15(11) ch 187 SLA 1960; am § 24 ch 147 SLA 1976)

Sec. 08.04.620. Exceptions. Nothing in this chapter prohibits

(1) a person not a certified public accountant or public accountant from serving as an employee of or as an assistant to any person, partnership or corporation holding a live permit so long as the employee or assistant does not use his name in connection with any accounting or financial statement,

(2) a certified public accountant or public accountant from indicating that he holds a certificate or license entitling him to that designation if he holds a valid certificate or license in any state, but the person shall not indicate that his services are available to the public unless he holds a live permit issued under this chapter;

(3) a holder of a certificate, license, or degree from a foreign country which constitutes a recognized qualification for the practice of public accounting in that country from indicating that he

holds the certificate, license, or degree, but the person shall not indicate that his services are available to the public unless he holds a live permit issued under this chapter. (§ 16 ch 187 SLA 1960; am § 25 ch 147 SLA 1976)

Sec. 08.04.630. Injunction against unlawful act. Whenever, in the judgement of the board, any person has engaged in any act which constitutes a violation of §§ 500-610 of this chapter, the board may apply to the appropriate court for an order enjoining the act. Upon a showing by the board that a person has engaged in the act, the court shall grant an injunction or any other appropriate order without bond. (§ 17 ch 187 SLA 1960; am § 3 ch 70 SLA 1964)

Sec. 08.04.640. Penalty. Any person who violates any provision of §§ 500-610 of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500, or by imprisonment for not more than one year, or by both. Whenever the board has reason to believe that any person has violated any provision of §§ 500-610 of this chapter it may certify the facts to the attorney general of this state or other appropriate enforcement officer, who may cause appropriate proceedings to be brought. (§ 18 ch 187 SLA 1960)

Sec. 08.04.650. Single act evidence of practice. The display or uttering by a person of a card, sign, advertisement or other printed, engraved, or written instrument or device, bearing a person's name in conjunction with the words "certified public accountant," or any abbreviation thereof, or with the words "public accountant," or any abbreviation thereof, or any words or abbreviations likely to be confused with any of them is prima facie evidence in any action brought under §§ 630 or 640 of this chapter that the person whose name is displayed caused the display or uttering of the card, sign, advertisement or written instrument or device, and that the person is holding himself out to be a certified public accountant or public accountant. In any action, evidence of the commission of a single act prohibited by this chapter is sufficient to justify an injunction or a conviction without evidence of a general course of conduct. (§ 18 ch 187 SLA 1960)

#### Article 6. Miscellaneous Provisions.

##### Section

660. Ownership of accountant's working papers

670. Construction

Sec. 08.04.660. Ownership of accountant's working papers. Statements, records, schedules, working papers, and memoranda made by a certified public accountant, public accountant, or registered foreign accountant incident to or in the course of professional service to a client, except reports submitted to a client, are the property of the accountant, in the absence of an express agreement between the accountant and the client to the contrary. No statement, record, schedule,

working paper, or memorandum may be sold, transferred, or bequeathed to a person other than a partner of the accountant without the consent of the client or his personal representative or assignee. (§ 20 ch 187 SLA 1960)

Sec. 08.04.670. Construction. If any provision of this chapter or the application of any provision to any person or to any circumstances is invalid, the remainder shall not be affected. (§ 22 ch 187 SLA 1960)

#### Article 7. General Provisions.

##### Section

680. Definitions

690. Short title

Sec. 08.04.680. Definitions. As used in this chapter

(1) "board" means the Alaska State Board of Public Accountancy;

(2) "certificate" means certificate as a certified public accountant;

(3) "license" means license as a public accountant. (§ 21 ch 187 SLA 1960)

Sec. 08.04.690. Short title. This chapter may be cited as the Accountancy Act. (§ 1 ch 167 SLA 1960; am § 5 ch 127 SLA 1974; am § 26 ch 147 SLA 1976)

ARTICLE 1.  
RULES OF PROFESSIONAL CONDUCT

## Section

- 05. Integrity and objectivity
- 10. Independence
- 15. Competence
- 20. Confidential relationship
- 30. Contingent fees
- 33. Accounting principles
- 36. Auditing standards
- 40. Use of work of others
- 50. Responsibility and disclosure
- 60. Form of opinions and reports
- 70. Forecasts
- 80. Advertising
- 90. Solicitation
- 100. Commissions
- 110. Services performed by employees
- 120. Referrals

12 AAC 04.005. INTEGRITY AND OBJECTIVITY. An accountant may not knowingly misrepresent facts, and when engaged in the practice of public accounting, including the rendering of tax and management advisory services, may not subordinate his or her judgment to others in matters relating to professional accounting decisions. In tax practice, an accountant may resolve doubt in favor of his or her client as long as there is reasonable support for his or her position. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.080

12 AAC 04.010. INDEPENDENCE. (a) An accountant or accounting firm shall express a disclaimer of an opinion on financial statements of any enterprise if he or she or the firm is not independent of that enterprise and shall disclose the lack of independence.

(b) An accountant or accounting firm is not independent if

(1) during the period of professional engagement or at the time of expressing an opinion he or any member of the firm had or was committed to acquire a direct or indirect financial interest in the enterprise; or

(2) during the period of professional engagement or the period covered by the

CHAPTER 04.  
BOARD OF PUBLIC ACCOUNTANCY

## Article

- 1. Rules of Professional Conduct
- 2. The Board
- 3. Requirements for Certificate or License
- 4. Examination
- 5. Certificates and Licenses
- 6. General Provisions
- 7. Continuing Education

financial statements or at the time of expressing an opinion he or any member of the firm was connected with the enterprise as a promoter, underwriter, voting trustee, director, officer, or employee.

(c) For purposes of this section, the word "director" shall not include gratuitous service to a charitable, religious, or nonprofit organization. (Eff. 1/20/63, Reg. 7; am 9/9/72, Reg. 43; am 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.080

12 AAC 04.015. **COMPETENCE.** An accountant may not undertake any engagement which he or she or his or her firm cannot reasonably expect to complete with professional competence. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.080

12 AAC 04.020. **CONFIDENTIAL RELATIONSHIP.** Unless required by law or court order, an accountant shall not violate a confidence of his client. A confidence is violated when information gained through the professional relationship is disclosed to another without the client's consent. (Eff. 1/20/63, Reg. 7; am 9/9/72, Reg. 43)

Authority: AS 08.04.070(b)  
AS 08.04.080

12 AAC 04.030. **CONTINGENT FEES.** Unless imposed by a court of law, no accountant may render or offer professional services for a fee which is contingent upon his findings. (Eff. 1/20/63, Reg. 7; am 9/9/72, Reg. 43)

Authority: AS 08.04.070(b)  
AS 08.04.080

12 AAC 04.033. **ACCOUNTING PRINCIPLES.**

(a) An accountant may not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if those statements contain any departure from a generally accepted accounting principle which has a material effect on the statements taken as a whole unless the accountant can demonstrate that due to unusual circumstances the financial statements would otherwise have been misleading. In such cases his or her report must describe the departure, the approximate effects of it, if practicable, and the

reasons why compliance with the principle would result in a misleading statement.

(b) Generally accepted accounting principles include, but are not limited to,

(1) statements of financial accounting standards adopted by the Financial Accounting Standards Board which are in effect when the financial statements are issued;

(2) accounting research bulletins and opinions of the Accounting Principles Board of the American Institute of Certified Public Accountants which are not superseded by action of the Financial Accounting Standards Board. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.080

12 AAC 04.036. **AUDITING STANDARDS.**

(a) An accountant may not permit his or her name to be associated with financial statements in such a manner as to imply that he or she is acting as an independent public accountant unless he or she has complied with generally accepted auditing standards or can justify departure from them.

(b) Generally accepted auditing standards include, but are not limited to, statements of auditing standards issued by the American Institute of Certified Public Accountants in effect when financial statements are examined. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.080

12 AAC 04.040. **USE OF WORK OF OTHERS.** No accountant may express an opinion on financial statements which is based in part upon work performed by another accountant unless

(1) such work was performed in accordance with generally accepted auditing standards; and

(2) employed generally accepted accounting principles; and

(3) was performed by an independent accountant as defined in sec. 10 of this chapter. (Eff. 9/9/72, Reg. 43)

Authority: AS 08.04.070(b)  
AS 08.04.080

**12 AAC 04.050. RESPONSIBILITY AND DISCLOSURE.** An accountant may not issue an opinion on representations in financial statements he has examined unless he

(1) discloses any relevant, material fact known to him which is not disclosed in the financial statements; and

(2) discloses any material misstatement contained in the financial statements; and

(3) has exercised that degree of skill which is customary in the profession; and

(4) discloses any deviation in the financial statements from customary accounting procedures. (Eff. 1/20/63, Reg. 7; am 9/9/72, Reg. 43)

Authority: AS 08.04.070(b)  
AS 08.04.080

**12 AAC 04.060. FORM OF OPINIONS AND REPORTS.** (a) In every report and opinion, an accountant shall clearly state the scope of responsibilities undertaken, all material information used, all audited facts, and when unaudited financial statements are included, the fact that they were not audited.

(b) An accountant shall not permit his name to be associated with financial statements unless he has with regard to those statements

(1) expressed an unqualified opinion; or

(2) expressed a qualified opinion which clearly specifies the reason for the qualification; or

(3) expressed an adverse opinion; or

(4) disclaimed an opinion on the statements which clearly indicates his reasons therefor. (Eff. 1/20/63, Reg. 7; am 9/9/72, Reg. 43)

Authority: AS 08.04.070(b)  
AS 08.04.080

**12 AAC 04.070. FORECASTS.** An accountant shall not permit his name to be used with a forecast or prediction of future events in a manner which may lead to a belief that he vouches or warrants that the events will in fact

occur. (Eff. 1/20/63, Reg. 7; am 9/9/72, Reg. 43)

Authority: AS 08.04.070(b)  
AS 08.04.080

**12 AAC 04.080. ADVERTISING.** Advertising and other public communication by an accountant must not

(1) misrepresent facts or fail to disclose relevant facts;

(2) create false or unjustified expectations of favorable results;

(3) imply abilities not supported by valid educational or professional attainments or licensing recognition;

(4) set forth fees without disclosing all variables and other relevant factors;

(5) imply the ability to influence improperly any court, tribunal or other public body or official; or

(6) contain any other representation or implication that is false, fraudulent or unfair, or that probably would deceive or mislead an ordinarily prudent person. (Eff. 1/20/63, Reg. 7; am 9/9/72, Reg. 43; am 2/10/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.080

**12 AAC 04.090. SOLICITATION.** An accountant may not solicit clients or offer professional services to anyone who has not explicitly indicated a desire for such services. (Eff. 1/20/63, Reg. 7; am 9/9/72, Reg. 43)

Authority: AS 08.04.070(b)  
AS 08.04.080

**12 AAC 04.100. COMMISSIONS.** (a) Commissions, brokerage, or other participation in the fees or profits of professional work shall not be paid by an accountant to any person not regularly engaged in the practice of accounting.

(b) Commissions, brokerage, or other participation in the fees or profits or work recommended or turned over to any person not regularly engaged in the practice of accounting

shall not be accepted by an accountant. (Eff. 1/20/63, Reg. 7; am 9/9/72, Reg. 43)

Authority: AS 08.04.070(b)  
AS 08.04.080

**12 AAC 04.110. SERVICES PERFORMED BY EMPLOYEES.** An accountant shall not permit an employee to perform any services which the accountant himself or his firm is not permitted to perform. (Eff. 9/9/72, Reg. 43)

Authority: AS 08.04.070(b)  
AS 08.04.080

**12 AAC 04.120. REFERRALS.** An accountant who receives an engagement for services by referral from another accountant shall not discuss or accept an extension of his services beyond the specific engagement without first consulting with the referring accountant. (Eff. 1/20/63, Reg. 7; am 9/9/72, Reg. 43)

Authority: AS 08.04.070(b)  
AS 08.04.080

## ARTICLE 2. THE BOARD

### Section

130. Annual meeting  
140. Special meeting

**12 AAC 04.130. ANNUAL MEETING.** The board shall hold an annual meeting at such time and place as may be designated by the present. Notice of such annual meeting shall be given at least 30 days prior to the date designated unless such notice is waived by unanimous consent of all board members. (Eff. 9/9/72, Reg. 43)

Authority: AS 08.04.070(b)

**12 AAC 04.140. SPECIAL MEETING.** Special meetings may be held upon the call of the president or a majority of the members of the board, at the time and place as may be designated in the call. (Eff. 9/9/72, Reg. 43)

Authority: AS 08.04.070(b)

## ARTICLE 3. REQUIREMENTS FOR CERTIFICATE OR LICENSE

### Section

150. (Repealed)  
160. References  
170. Resident defined

180. Experience  
181. Experience requirement point system  
185. Education defined for certified public accountant applicants  
187. Education verified

**12 AAC 04.150. CITIZENSHIP.** Repealed 2/10/78.

**12 AAC 04.160. REFERENCES.** Every candidate must submit names of at least three persons, one of whom must be a resident of the state who can vouch for his moral character. The board may make such other inquiries as it deems appropriate to satisfy itself that the candidate is of good moral character. (Eff. 9/9/72, Reg. 43)

Authority: AS 08.04.070(b)

**12 AAC 04.170. RESIDENT DEFINED.** (a) The term "resident" as used in AS 08.04 shall include only a person who actually resides in the state. Any applicant who has not so resided for a period of at least one year may be required to furnish the board evidence that he is in fact a bona fide resident.

(b) An applicant may meet the resident requirement by having a place of business in this state or being an employee regularly employed in the state. (Eff. 9/9/72, Reg. 43)

Authority: AS 08.04.070(b)

**12 AAC 04.180. EXPERIENCE.** (a) In order to fulfill the experience requirements set out in AS 08.04.120 and AS 08.04.290, an applicant shall show to the satisfaction of the board that his or her audit experience includes all of the following:

(1) experience in applying a variety of auditing procedures and techniques to the usual and customary financial transactions recorded in accounting records;

(2) experience in preparation of audit working papers covering the examination of the accounts usually found in accounting records;

(3) experience in planning programs of audit work and selecting the procedures to be followed;

(4) experience in the preparation of written explanation and comments on the findings of

the examination and on the content of the accounting records; and

(5) experience in the analysis, review, or preparation of audited or unaudited financial statements and of explanations and notes on them.

(b) Each year of experience required by AS 08.04.290 must consist of 12 calendar months' cumulative work experience, but not necessarily consecutive. (Eff. 9/9/72, Reg. 43; am 8/3/79, Reg. 70)

Authority: AS 08.04.070(b)

**12 AAC 04.181. EXPERIENCE REQUIREMENT POINT SYSTEM.** (a) In evaluating the experience of an applicant for a certified public accounting certificate, one of the following is required:

(1) a minimum of four experience points for an applicant with a four-year accounting degree recognized by the board, including 850 hours performing the attest function under the direct supervision of a CPA of which

(A) 50 hours include experience in planning programs of audit work and procedures to be followed; and

(B) 150 hours include experience in the analysis, review, or preparation of audited or unaudited financial statements and of explanations and notes on them; or

(2) a minimum of six experience points for an applicant with a four-year nonaccounting degree recognized by the board, including 850 hours performing the attest function under the direct supervision of a CPA of which

(A) 50 hours include experience in planning programs of audit work and procedures to be followed; and

(B) 150 hours include experience in the analysis, review, or preparation of audited or unaudited financial statements and of explanations and notes on them; or

(3) a minimum of eight experience points for an applicant with 60 college semester hours recognized by the board including 850 hours

performing the attest function under the direct supervision of a CPA of which

(A) 50 hours include experience in planning programs of audit work and procedures to be followed; and

(B) 150 hours include experience in the analysis, review, or preparation of audited or unaudited financial statements and of explanations and notes on them.

(b) Experience points are allocated as follows:

(1) one year experience working in public accounting under the direct supervision of a certified public accountant two experience points;

(2) one year experience working in private accounting or governmental accounting under the direct supervision of a certified public accountant, one and one-third experience points; or

(3) one year experience working as an accountant not under the direct supervision of a certified public accountant, one experience point.

(c) The board will, in its discretion, require an applicant for a certified public accountant certificate to provide work papers or other documentation to substantiate the statement of accounting experience.

(d) The requirements of this section apply to all applicants for certified public accountant certificates after January 1, 1980. (Eff. 8/3/79, Reg. 70)

Authority: AS 08.04.070(b)

**12 AAC 04.185. EDUCATION DEFINED FOR CERTIFIED PUBLIC ACCOUNTANT APPLICANTS.** (a) As used in AS 08.04.120(2), "two years of study at one or more colleges or universities recognized by the board" and "graduation from a junior or community college" means the accumulation, from a college or university whose credits would be accepted by the University of Alaska toward a degree granted by it, of

(1) 60 semester credit hours, 12 of which are in accounting subjects; or

(2) 90 quarter credit hours, 18 of which are in accounting subjects.

(b) AS used in AS 08.04.120(3)(B), an accounting major consists of not less than

(1) 24 semester credit hours or 36 quarter credit hours in subjects such as, but not limited to

- (A) accounting principles;
- (B) intermediate accounting;
- (C) income tax;
- (D) cost accounting;
- (E) auditing;
- (F) advanced accounting; or
- (G) accounting theory;

(2) three semester credit hours or five quarter credit hours of business law;

(3) three semester credit hours of five quarter credit hours of economics; and

(4) three semester credit hours or five quarter credit hours of

- (A) statistics;
- (B) computer science; or
- (C) algebra.

(c) The requirements of (a) of this section apply to a person making initial application for examination after January 18, 1978.

(d) The requirements of (b) of this section apply to a person applying for a certified public accountant certificate after January 18, 1978. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.120(2) and (3)

12 AAC 04.187. EDUCATION VERIFIED. (a) An applicant for a public accountant examination or license shall submit a transcript from his or her high school of graduation.

(b) An applicant for a certified public accountant examination or certificate shall submit a transcript or transcripts from colleges or universities necessary to verify that he or she meets the appropriate education requirements of sec. 185 of this chapter.

(c) A transcript submitted by an applicant for examination need not be certified. A transcript submitted by an applicant for a public accountant license or certified public accountant certificate must be certified unless considered impossible or impracticable by the board.

(d) If an applicant cannot submit a transcript as required by this section, the board may accept as evidence of education

(1) verification from the licensing authority of accountants in another jurisdiction;

(2) verification from a governmental agency, employer, or association which

(A) previously required documentary evidence of education; or

(B) directly verified education;

(3) oral testimony and sworn statements of the applicant and other parties; and

(4) other documentary evidence.

(c) An applicant applying under the substantially equivalent provisions of AS 08.04.120(2)(C) or AS 08.04.290(1) shall provide the board with such documentary evidence, sworn statements, and oral testimony as it requires. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.120(2) and (3)  
AS 08.04.290(1)

#### ARTICLE 4. EXAMINATION

- Section
- 190. Time and place for filing applications
  - 200. Examination
  - 210. Time and place of examination
  - 220. Notice of examination
  - 230. Examination papers

**12 AAC 04.190. TIME AND PLACE FOR FILING APPLICATIONS.** (a) Each candidate must file a written application on forms furnished on request by the department.

(b) The application, together with the required fee, must be received in the department not less than 60 days before the date set for the examination except that the applications received after that date may be accepted upon a showing of good cause.

(c) Candidates who will not be in the state on the date set for the examination may request the department to arrange for the examination to be proctored in another state.

(d) If a candidate fails to take an examination without notifying the department in writing 30 days before the examination date, the candidate's examination fee will be forfeited except upon a showing of good cause. (Eff. 9/9/72, Reg. 43; am 2/10/78, Reg. 64; am 8/3/79, Reg. 70)

Authority: AS 08.04.070(b)

**12 AAC 04.200. EXAMINATION.** The examination for certified public accountant and public accountant is the Uniform Certified Public Accountant Examination prepared by the American Institute of Certified Public Accountants. A grade of at least 75 in each subject of the examination, considered passing. In the absence of exceptional circumstances, grades are those reported by the Advisory Grading Service of the American Institute of Certified Public Accountants. (Eff. 9/9/72, Reg. 43; am 2/10/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.130  
AS 08.04.300(a)

**12 AAC 04.210. TIME AND PLACE OF EXAMINATION.** Examinations will be offered semiannually on dates set by the American Institute of Certified Public Accountants in, but not limited to, Juneau, Anchorage and Fairbanks. (Eff. 9/9/72, Reg. 43; am 2/10/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.140  
AS 08.04.300(b)

**12 AAC 04.220. NOTICE OF EXAMINATION.** Candidates whose applications for examination have been accepted will be notified of the time and place of examination at least two weeks before the examination. Notice of the examination will also be published in major newspapers at least 90 days before the examination. (Eff. 9/9/72, Reg. 43; am 2/10/78, Reg. 64)

Authority: AS 08.04.070(b)

**12 AAC 04.230. EXAMINATION PAPERS.** All examination papers remain the property of the board and none will be returned to the candidate. All examination papers shall be preserved for a period of at least six months after notification of grading at which time any candidate shall have the right to inspect his papers only in the presence of a board member or his designee. (Eff. 9/9/72, Reg. 43)

Authority: AS 08.04.070(b)

## ARTICLE 5. CERTIFICATES AND LICENSES

### Section

- 240. (Repealed)
- 250. Registration
- 260. Roster
- 270. Reciprocity for CPA's

**12 AAC 04.240. WHEN ALL REQUIREMENTS ARE MET.** Repealed 2/10/78.

**12 AAC 04.250. REGISTRATION.** Registration prescribed by AS 08.04.350, 390, 400, 410 and 420 shall be on forms provided by the department and shall be due on December 31 of each biennium. (Eff. 9/9/72, Reg. 43)

Authority: AS 08.04.070(b)

**12 AAC 04.260. ROSTER.** By March 15 following each biennial licensing period, the department shall prepare a roster of all registered individuals and partnerships. (Eff. 9/9/72, Reg. 43)

Authority: AS 08.04.070(b)

**12 AAC 04.270. RECIPROCITY FOR CPA'S.** Certificates will be granted to the holders of certified public accountant certificates granted by other states or of equivalent certificates granted by the recognized authority of foreign countries provided

(1) the applicant meets all of the personal and education requirements of AS 08.04;

(2) the applicant holds a currently valid and unrevoked certificate as a certified public accountant, or its equivalent, issued under the laws of any state or foreign country; and

(3) that the standards under which the applicant received the certificate or equivalent, on which he bases his application for a certificate are, in the opinion of the board, equivalent to those established by this state for the issuance of a certificate as a certified public accountant. (Eff. 9/9/72, Reg. 43)

Authority: AS 08.04.070(b)

## ARTICLE 6. GENERAL PROVISIONS

### Section 280. Complaints 290. Definitions

12 AAC 04.280. COMPLAINTS. A complaint against a licensed or unlicensed person or firm must be made to the department in compliance with the established complaint procedures of the department. (Eff. 9/9/72, Reg. 43; am 2/10/78, Reg. 64)

Authority: AS 08.04.070(b)

12 AAC 04.290. DEFINITIONS. In this chapter

(1) "accountant" means any person licensed in the state as either a certified public accountant or public accountant under AS 08.04;

(2) "board" means the Board of Public Accountancy;

(3) "department" means the Department of Commerce and Economic Development;

(4) "attest function" means the ordinary examination of financial statements by a CPA or PA resulting in the expression of an opinion on the fairness with which the financial statement presents the financial position, results of operations, and changes in financial position in conformity with generally accepted accounting principles; the CPA's or PA's report is the

medium through which he or she expresses his or her opinion or, if circumstances require, disclaim an opinion;

(5) "financial statement" includes, but is not limited to, a statement of position, a statement of operation, a statement of change in equity and notes, a balance sheet, an income statement, a statement of change in financial position, a statement of assets and liabilities, a statement of change in excess of assets over liabilities, and any other statement which purports to represent a statement of position or operation;

(6) "opinion" means a written conclusion, based on the use of expert knowledge in accounting and auditing, in matters for which advice is sought or required;

(7) "practice of public accounting" means the holding of a CPA certificate or a PA license and the performance for the general public of any auditing services, accounting services, tax services, management services or special accounting services for compensation; this definition does not apply to acts of public officials or public employees in the performance of their duties, or to any officer, employee, partner, or principal except for those employed as an employee, partner, principal, or practitioner of a certified public accountant firm or public accountant firm;

(8) "report" means a written presentation containing a record of facts derived from review, investigation, and examination;

(9) "statement" means a financial statement. (Eff. 9/9/72, Reg. 43; am 2/10/78, Reg. 64; am 8/3/79, Reg. 70)

Authority: AS 08.04.070(b)

## ARTICLE 7. CONTINUING EDUCATION

- ### Section
- 300. Hours of continuing education required
  - 310. Computation of nonacademic continuing education hours
  - 320. Computation of academic continuing education hours
  - 330. Challenged courses
  - 340. Approved subjects
  - 350. Nonacademic program criteria

360. Approved nonacademic continuing education programs
370. Individual study
380. Instructor or discussion leader
390. Publications
400. Report of continuing education
410. "Reasonable cause or excusable neglect" defined
420. Applicability of continuing education requirement
430. Reentry to practice

is not acceptable for continuing education. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.425(a)

**12 AAC 04.300. HOURS OF CONTINUING EDUCATION REQUIRED.** Except as provided for in sec. 430 of this chapter, an applicant for renewal of a license to practice as a certified public accountant must have completed 60 hours of approved continuing education during the two years immediately preceding the application. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.425(a)

**12 AAC 04.310. COMPUTATION OF NONACADEMIC CONTINUING EDUCATION HOURS.** (a) For the purpose of secs. 300-430 of this chapter, 50 minutes of instruction constitutes one hour.

(b) Credit is given only for full hours of instruction and not for a fraction of an hour.

(c) Credit is given only for class hours and not for hours devoted to class preparation. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.425(a)

**12 AAC 04.320. COMPUTATION OF ACADEMIC CONTINUING EDUCATION HOURS.** (a) One quarter hour academic credit from college or university constitutes 10 hours of continuing education.

(b) One semester hour academic credit from a college or university constitutes 15 hours of continuing education. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.425(a)

**12 AAC 04.330. CHALLENGED COURSES.** Academic credit earned for a challenged course

**12 AAC 04.340. APPROVED SUBJECTS.** In order to be approved by the board, a subject must contribute directly to the professional competence of a person licensed to practice as a certified public accountant. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.425(a)

**12 AAC 04.350. NONACADEMIC PROGRAM CRITERIA.** (a) Nonacademic continuing education programs requiring class attendance are approved by the board if

(1) a course outline is prepared in advance and preserved;

(2) the program is at least one hour in length;

(3) the program is conducted by a qualified instructor; and

(4) a record of registration or attendance is maintained.

(b) A qualified instructor or discussion leader is anyone whose background, training, education, or experience makes it appropriate for him to lead a discussion on the subject matter of the particular program. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.425(a)

**12 AAC 04.360. APPROVED NONACADEMIC CONTINUING EDUCATION PROGRAMS.** The following programs are approved by the board if they meet the requirements of secs. 340 and 350 of this chapter:

(1) professional development programs of the American Institute of Certified Public Accountants and its state societies;

(2) technical sessions at meetings of the American Institute of Certified Public Accountants and its state societies;

(3) formal, organized, in-firm education programs;

(4) college or university short courses not carrying academic credit;

(5) other accounting, industrial, or professional programs. (Eff. 1/18/78, Reg. 64)  
Authority: AS 08.04.070(b)  
AS 08.04.425(a)

12 AAC 04.370. INDIVIDUAL STUDY. The number of hours of continuing education credit awarded for completion of a formal correspondence or other individual study program which requires registration and provides evidence of satisfactory completion will be determined by the board on an individual basis. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.425(a)

12 AAC 04.380. INSTRUCTOR OR DISCUSSION LEADER. (a) One hour of continuing education credit is awarded for each hour completed in preparation for instruction or discussion as an instructor or discussion leader of educational programs meeting the requirements of secs. 300-430 of this chapter. The number of hours of credit so awarded may

not exceed twice the number of hours awarded under (b) of this section.

(b) One hour of continuing education credit is awarded for each hour completed as an instructor or discussion leader of educational programs meeting the requirements of secs. 300-430 of this chapter. Credit is awarded only for the initial course of instruction of the subject matter unless there have been substantial new developments in the subject since the prior presentation.

(c) Credit awarded under (a) and (b) of this section may not exceed 30 hours in any two-year period. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.425(a)

**12 AAC 04.390. PUBLICATIONS.** Continuing education credit may be awarded for publication of articles or books. The amount of credit so awarded will be determined by the board on an individual basis. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.425(a)

**12 AAC 04.400. REPORT OF CONTINUING EDUCATION.** An applicant for renewal of a license to practice public accounting shall submit, on a form provided by the department, a sworn statement of the continuing education in which he or she has participated. The statement must indicate

- (1) the sponsoring organization;
- (2) the location of the course or correspondent;
- (3) the title or description of the course or both;
- (4) the principal instructor;
- (5) the dates of attendance or period of correspondence; and
- (6) the hours of continuing education credit claimed. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.425(b)

**12 AAC 04.410. "REASONABLE CAUSE OR EXCUSABLE NEGLIGENCE" DEFINED.** For the purpose of AS 08.04.425(c), "reasonable cause or excusable neglect" includes, but is not limited to

- (1) chronic illness;
- (2) retirement;
- (3) military service; and

(4) hardships as individually determined by the board. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.425(c)

**12 AAC 04.420. APPLICABILITY OF CONTINUING EDUCATION REQUIREMENT.** The continuing education requirement of AS 08.04.425(a) does not apply to a person registered under the provisions of AS 08.04.410. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.425(d)(2)(A)

**12 AAC 04.430. REENTRY TO PRACTICE.** A person licensed under AS 08.04.410 applying for reentry as a holder of an active biennial permit to practice as a Certified Public Accountant under AS 08.04.390 may be granted an active permit on the condition that he or she complete ten hours of continuing education for each full calendar quarter between the date of reentry and the next biennial renewal date up to a maximum of 60 hours. Forty of the hours required under this section and sec. 300 of this chapter for the subsequent biennial period must be completed within six months following the date of reentry. (Eff. 1/18/78, Reg. 64)

Authority: AS 08.04.070(b)  
AS 08.04.425(c)

CHAPTER 08.  
BOARD OF BARBER EXAMINERS

## Article

1. Examinations
2. Operation of Barber Shops, Barber Schools and Colleges
3. Standards for Barber Colleges and Schools

school owner, manager, instructor, or any person to communicate with or help an applicant in any way while taking the examination, or any attempt by an applicant to secure information from another applicant will disqualify the applicant from completing the examination. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.030  
AS 08.12.220

ARTICLE 1.  
EXAMINATIONS

## Section

10. Filing of application
20. Location and date
30. Form of application
40. Applicants failing to pass
50. Disqualification during examination
60. Form of examination, required equipment, grading

12 AAC 08.060. FORM OF EXAMINATION, REQUIRED EQUIPMENT, GRADING. (a) Written examination. The applicant must obtain a grade of at least 75 percent on sanitation, Barber Science, sterilization, and common contagious and infectious diseases of the face, skin, and scalp.

(b) Practical examination. The applicant must obtain a grade of at least 75 percent on each of the following subjects: haircut, shave, massage, shampoo, condition of tools.

(c) Authorized textbooks. The following are the authorized textbooks to be used by applicants: *Standard Textbook of Barbering*, published by Associated Master Barbers of America, Chicago, Illinois, and *Textbook of Practical and Scientific Barbering*, published by Journeymen Barbers, Educational Department, Indianapolis, Indiana.

(d) Equipment. Each applicant must furnish his own smock, tools, and model.

(e) Standards for grading examinations. In grading each applicant, the examiners will consider the following: care and neatness of supplies and equipment; appearance and posture of applicant; time consumed in completion of each operation. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.030  
AS 08.12.070  
AS 08.12.220

12 AAC 08.010. FILING OF APPLICATION. The application for examination must be on file 10 days before the examination date. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.030

12 AAC 08.020. LOCATION AND DATE. The location and date of the examination shall be published by the Board of Examiners at least 30 days in advance of the date of examination. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.030

12 AAC 08.030. FORM OF APPLICATION. The application shall be on a form provided by the board and shall be mailed to the secretary of the board accompanied by a \$25 examination fee; and two photographs signed on the front. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.030  
AS 08.12.070  
AS 08.12.080

12 AAC 08.040. APPLICANTS FAILING TO PASS. Applicants failing to pass an examination or failing to appear for examination may take another examination by filing the required \$25. (In effect before 7/28/59; am 2/64, Reg. 14)

Authority: AS 08.12.030

12 AAC 08.050. DISQUALIFICATION DURING EXAMINATION. Any attempt by a

STATE  
of ALASKA

# MEMORANDUM JM

APPENDIX "A"

TO: [ Don Hostak  
Director  
Division of Occupational  
Licensing  
Department of Commerce and  
Economic Development

DATE: October 27, 1978

FILE NO: J-66-183-79

TELEPHONE NO.

FROM: Bruce M. Botelho *BMB*  
Assistant Attorney General

SUBJECT: Education Regulations  
for Accountants

OCT 31 1978  
RECEIVED  
GENERAL  
52 PM '78

This memorandum is in response to your request for a determination as to whether 12 AAC 04.400, effective on January 18, 1978, will apply to those licenses expiring on December 31, 1979.

12 AAC 04.300 requires that an applicant for renewal of a license to practice as a certified public accountant complete 60 hours of approved continuing education during the two years immediately preceding the application. 12 AAC 04.400, in turn, requires that an applicant for renewal of a license to practice public accounting submit, on a form provided by the department, a sworn statement of the continuing education in which he or she has participated. The issue which you pose is, then, whether 12 AAC 04.400 may be applied to the current registration period which expires on December 31, 1979 in view of the fact that applicants for renewal will not have had an entire two year period within which to satisfy the requirements of 12 AAC 04.300.

It is our opinion that the continuing education requirements should be imposed on licensees whose licenses expire on December 31, 1979. While the effective date of 12 AAC 04.400 and the date upon which licenses will expire (December 31, 1979), is 18 days short of two years, we regard this time period to substantially satisfy the requirements of 12 AAC 04.400. However, in order to avoid any inference of unfairness in application, we propose that the board pro-rate the credit hour requirement so that an applicant for renewal of licensure who has completed 58.5 hours of continuing education on or before December 31, 1979 may be deemed to have satisfied the requirements of 12 AAC 04.300.

BMB:cb

I

STATE OF ALASKA  
Board of Registration for Architects,  
Engineers and Land Surveyors  
October, 1979

Findings

Present statutes (enacted in 1972) regulating Architects, Engineers and Land Surveyors supplanted a 1949 Act which provided for registration and licensing of professional architects and engineers.

The current Board of Registration for Architects, Engineers and Land Surveyors operates under AS 08.48 to license qualified applicants and regulate individuals within the professions. Support services are provided by the Department of Commerce and Economic Development, Division of Occupational Licensing.

The stated purpose of the Act is to safeguard life, health and property and to promote the public welfare. In its operations and application of the Act the Board has demonstrated compliance with, and furtherance of, this purpose. We believe that the Board and State regulation of these professions is in the public interest and should continue.

I. General Information

A. Regulated Parties

1. Architects
2. Land Surveyors
3. Engineers (Chemical, Civil, Electrical, Mechanical, Mining, Petroleum)
4. Corporate Authorizations

B. Definitions

"(7) 'practice of architecture' means professional services or creative work in the functional and aesthetic design of structures, the teaching of advanced architectural courses in institutions of higher learning, consultation, investigation, evaluation, planning, design and professional observation of construction of public or private structures, buildings, works or projects, and architectural review of plans and specifications by regulatory agencies; it may by regulation of the board include mechanical, electrical or structural design of relatively minor importance to the project as a whole;

(8) 'practice of engineering' means professional or creative work, the adequate performance of which requires the application of specialized knowledge of mathematics and sciences, dealing with the functional and economic design of buildings, structures, machines, equipment, utilities systems, materials, processes, works or projects, public or private; the teaching of advanced engineering courses in institutions of higher learning, the direction of or the performance of engineering surveys, consultation, investigation, evaluation, planning, design, and professional observation of construction of public and private structures, buildings, works or

projects and engineering review of plans and specifications by regulatory agencies; it may by regulation of the board include architectural design of relatively minor importance to the project as a whole, but it does not include comprehensive architectural services;

(9) 'practice of land surveying' means any service or work the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related sciences, and the relevant requirements of law for adequate evidence of the act of measuring and locating land, geodetic and cadastral surveys for the location and monumentation of property boundaries, for the platting and planning of land and subdivisions, and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys;" (AS 08.48.341)

C. Purpose of Regulation

"The object of this Act is to safeguard life, health and property, and to promote the public welfare." (Section 2, ch. 179, SLA 1972)

D. Nature and Composition of Board

1. Board members and terms:

Six-year term (no restrictions regarding consecutive terms or number of terms).

Wallace DeBoff (Chairman)	ends July 1, 1982
Wayne Jensen	ends July 1, 1984
Jim Bridges	ends July 1, 1980
Donald Cook	ends July 1, 1981
James Lake	ends July 1, 1981
Loren Lounsbury	ends July 1, 1982
Paul Stutzman	ends July 1, 1984
Gordon Unwin	ends July 1, 1980
Wallace Wellenstein	ends July 1, 1983

The combined licenses of these members provides representation by three architects, three civil engineers, three land surveyors, one mechanical engineer, one electrical engineer, and one mining engineer.

2. Representation:

Profession = 9

Public = 0

3. Qualifications:

The Board consists of two civil engineers, one land surveyor, one mining engineer, two engineers from other branches of the profession, and three architects. Members must have been a resident in the State for three consecutive years immediately preceding appointment, must be registered, and must have a minimum of five years' professional practice in their fields.

E. Licensing Data

Current licenses (effective September 30, 1979)

Architects	in-State	160
	out-of-State	204
Land Surveyors	in-State	423
	out-of-State	220
Engineers	in-State	841
	out-of-State	1,129
Corporate Authorizations	in-State	59
	out-of-State	<u>59</u>
		3,095

F. Fees

1. examination	\$ 50.00
2. reexamination	50.00
3. application by comity	50.00
4. corporate authorization	100.00
5. registration fee	15.00
6. corporate authorization registration fee	50.00
7. registration renewal (biennially)	30.00
8. corporate authorization renewal (biennially)	100.00
9. amendment to corporate authorization	20.00
10. delinquent renewal fee	30.00
11. postponement of examination	20.00
12. duplicate certificate	10.00

G. Board Revenues and Expenditures

	FY '76	FY '77	FY '78	FY '79
Receipts	\$101,502.00	\$31,086.00	\$112,970.75	\$27,608.35
- refunds	<u>125.00</u>	<u>30.00</u>	<u>2,100.00</u>	<u>219.92</u>
Total	\$101,377.00	\$31,056.00	\$110,870.75	\$27,388.43
Expenditures				
Transportation	4,879.28	5,180.64	6,740.23	5,909.11
Per Diem	5,719.75	7,062.50	7,021.73	4,874.64
Phone	166.49	304.42	452.26	930.58
Printing, Adver. & Postage	3,020.76	2,268.31	1,823.13	866.35
Fees & Services	4,054.98	4,307.27	5,099.23	5,956.24
Rents, Leases & Other	<u>35.50</u>	<u>-</u>	<u>113.90</u>	<u>5,290.98</u>
Total	<u>\$ 17,876.76</u>	<u>\$19,323.14</u>	<u>\$ 21,250.48</u>	<u>\$23,827.90</u>
Surplus	\$ 83,500.24	\$11,732.86	\$ 89,620.27	\$ 3,560.53
Deficit	-	-	-	-

(EXCLUDES DIVISION OF OCCUPATIONAL LICENSING ADMINISTRATIVE OVERHEAD)

H. Complaints

1. Number of cases received in FY '78 and FY '79	39
2. Number of cases closed in FY '78 and FY '79	4
3. Number of cases to litigation in FY '79	0
4. Number of cases pending closure by board	63
5. Total cases open effective September 30, 1979	121
(includes cases prior to FY '78)	

Of the 39 cases received in FY '78 and '79, 8 concerned architects, 23 concerned engineers, and 8 concerned land surveyors.

## I. Useful Abbreviations

1. NCARB = National Council of Architectural Registration Boards
2. NCEE = National Council of Engineering Examiners
3. NAAB = National Architectural Accrediting Board
4. ECPD = Engineer's Council for Professional Development
5. PE = Professional Engineer
6. PLS = Professional Land Surveyor
7. EIT = Engineer in Training
8. LSIT = Land Surveyor in Training
9. AKLS = Alaska Land Surveying (examination)
10. ETS = Educational Testing Service

## II. Analysis

- A. To what extent has the Board of Registration for Architects, Engineers and Land Surveyors operated in the public interest?

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Statutory duties of the Board include: holding at least four regular meetings each year, submission of an annual (fiscal year) report to the Governor, holding written examinations at least twice each year, adoption of regulations, disciplinary actions when warranted, authority to request injunctions, and passing on applicant qualifications.

During calendar year 1978, the Board held five meetings; in 1979 six will be held with one special meeting having been financed by a particular company which requested the meeting for the purpose of reviewing its employees' qualifications. An annual report was submitted by the Board for FY'79 but this has not been done in the past few years. Examinations for engineers and land surveyors are given twice each year; two different examinations for architects are given once each year. With one exception (the Alaska Land Surveyor exam) all examinations are prepared and graded nationally.

In comparison to some other boards, this one has almost unlimited latitude in promulgating and adopting regulations, the only limitations being legality and reasonableness. Regulations currently in effect outline the application and examination procedures, eligibility requirements, fees charged, rules of conduct, and definitions of terms.

Because the professions under discussion are highly technical in many aspects, the following breakdowns were prepared to condense an otherwise lengthy and involved narrative. Consideration of each profession separately may serve to clarify individual classifications as well as their interrelationships.

## ARCHITECTS

### A. Two Categories

#### 1. Qualifying Category

A. those with no degree must take qualifying exam

1. given once each year
2. consists of four sections
  - a. A through D
3. passing score is 75
4. may retake only failed sections
5. graded by ETS

#### 2. Professional Category\*

A. those holding degrees or passed qualifying take professional exam

1. given once each year
2. consists of two parts
  - A. part "A" is design

\*If graduated from NAAB approved school, may take part "A" immediately;  
three years' experience needed for part "B"

1. graded "pass-fail" by region members of NCARB

- b. part "B" has four subparts

1. must pass or retake all

2. passing score is 75

3. graded by ETS

3. All applicants must submit treatise on sub-arctic conditions

B. Applicants for Comity

1. must have taken NCARB examination

2. must submit treatise on sub-arctic conditions

- a. must also submit treatise on seismic forces if:

1. registered in California before May, 1933

2. registered by exam in Washington before 1963

3. registered in any other state before 1964

## ENGINEERS

### A. Two categories

1. Fundamentals of Engineering Category (EIT - Engineer in Training)
  - a. one examination
    1. waived for 20 years professional experience
    2. must pass entire examination
      - a. given twice each year
      - b. graded by ETS
  - b. if waived, or passed, may take Professional Exam
2. Professional Engineer Category
  - a. two years professional experience in responsible charge under a PE
  - b. must have passed or received waiver for EIT exam to be eligible
    1. six branches of engineering and examination
      - a. chemical engineering

- b. civil engineering
- c. electrical engineering
- d. mechanical engineering
- e. mining engineering
- f. petroleum engineering

2. one examination

- a. must pass entire examination

- 1. given twice each year

- 2. graded by NCEE

- 3. All applicants must submit treatise on sub-arctic conditions

B. Applicants for Comity

- 1. must have taken 16 hour NCEE examination

- 2. must have four years professional experience

- 3. must submit treatise on sub-arctic conditions

## LAND SURVEYORS

### A. Two categories

1. Fundamentals of Land Surveying Category (LSIT) - Land Surveyor in Training)
  - a. must have four years professional experience and/or education
    1. one examination
      - a. no exemptions or waivers
      - b. must pass entire examination
        1. given twice each year
        2. graded by NCEE
2. Professional Land Surveyor Category
  - a. must have passed or be approved for LSIT
  - b. appropriate professional experience and/or education
  - c. three years professional experience in responsible charge under a registered Land Surveyor
    1. professional examination portion

a. must pass entire examination

1. given twice each year

2. graded by NCEE

2. Alaska examination portion

a. must pass entire examination

1. given twice each year

2. prepared and graded by University of  
Alaska professor

3. may take LSIT, PLS and Alaska portion at the same exam

B. Applicants for Comity

1. must have taken 12 hour NCEE examination, and

2. must take 4 hour Alaska Land Surveyor examination

Applications submitted to the Board must be timely and complete and are evaluated by the Board during a regular meeting. There is no indication that the Board has acted in an arbitrary or capricious manner in approving or denying applications. On the contrary, applicants are encouraged to appear before the Board to address any questions or present additional information.

In general, the Board has operated in the public interest assuring qualified practitioners through its qualification and examination procedures and by its efforts in maintaining integrity of the profession through regulation.

- B. To what extent has the operation of the Board of Registration for Architects, Engineers and Land Surveyors been impeded or enhanced by existing statutes, procedures and practices which it has adopted, or any other matter, including budgetary, resource and personnel matters?

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Board minutes reflect its ongoing concern regarding inadequacy of operating funds and its dissatisfaction with complaint and investigative procedures. The Board wants to be as active as possible in enforcement and disciplinary actions but is frustrated by what it feels is slow action on the part of the Departments of Law and Commerce and Economic Development. The possibility of obtaining an Executive Secretary has been discussed by the Board as one way of improving its efficiency in this and other activities. It should, however, be noted that a licensing examiner from the Division of Occupational Licensing is assigned only to this Board rather than to three to five boards which is usually the case. Fees and revenues for all boards and commissions under the jurisdiction of the Division of Occupational Licensing are collected through the Division and are deposited into a general fund. Monies deposited and withdrawn are identified by codes so that direct board revenues and expenses may be determined.

The Board has encountered the same difficulties as have all other boards and commissions with respect to investigative services provided by the administrative agency. During FY'78 two investigator positions were vacant; as a result, one position was abolished by the Legislature. At the present time, two investigators are located in Anchorage with a Chief Investigator located in Juneau. An additional investigator position was approved in the FY '80 budget but will probably not be filled immediately due to vacancy factors incorporated into the personal service category of the budget. Procedural constraints of the administrative adjudication article of the Administrative Procedure Act (AS 44.62.330-630), while necessary, restrict timely disposition of litigation. Prioritization based on time, staffing and nature of alleged offense results in pursuit of only the most flagrant and potentially injurious licensing complaints. The administrative agency will continue to address the need for initial assessment and follow through on complaints with emphasis on magnitude of offense as it relates to public safety.

Consideration should be given to restructuring of the Board to provide more equitable representation of the professions regulated and to provide for public representation.

C. To what extent has the Board of Registration for Architects, Engineers and Land Surveyors recommended statutory changes which are generally of benefit to the public interest?

The Board is opposed to SB 257 (now in the Senate Commerce Committee) which would add Landscape Architects as another regulated profession under the Board, as being unnecessary for the health, welfare and safety of the public.

Board minutes for 1978 and 1979 cite no recommended statutory changes; minutes from the September, 1979 meeting state that the Board is concerned about ability to budget its own dollars, an executive secretary and enforcement powers (as statutory concerns.) The board would also like to have some legislative clarification of AS 08.48.261 as it pertains to waiver requirements for State employees.

- D. To what extent has the Board of Registration for Architects, Engineers and Land Surveyors encouraged interested persons to participate in and report to it concerning the making and effect of its regulations and decisions, or to report to it concerning the effectiveness, economy, and availability of service which it has provided?

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Participation concerning Board affairs has come from the professions and users of professional services. Very little "public" interest has been shown in the form of attendance at meetings or hearings although schedules are published in newspapers in the State. It may be assumed that members of the public are somewhat reluctant to involve themselves in areas of a technical nature which may be seen as too complex for consideration by laypersons. A technical and professional barrier therefore exists, due to the natures of the professions involved, which probably tends to deter public participation and knowledgeability.

The Board has not reacted favorably to the proposals for public membership; however, we believe public interests would be furthered by the presence of public members on the Board. "In recent years a number of states have added one or more public members (citizens with no particular interest in the occupation or profession governed by the board) to licensing boards in an effort to ensure that the interests of the public

would be represented in decisionmaking."<sup>1</sup> The State of California, which provides for a one-third public membership on health care boards and a public majority on others, has indicated that its experience with public members has been highly rewarding.

- E. How efficiently are public inquiries or complaints regarding the activities of the Board of Registration for Architects, Engineers and Land Surveyors processed and resolved?

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Inquiries regarding Board activities may be answered by members of the Board, the Board as a whole, or by personnel from the Department of Commerce and Economic Development. Review of files indicates that responses made are timely, appropriate and informative.

- F. To what extent does the Board of Registration for Architects, Engineers and Land Surveyors present qualified applicants to serve the public?

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The Board has established definitive qualification criteria to which it adheres on a consistent basis. Applicants are encouraged to appear before the Board to discuss their qualifications and must present further information in cases of irregularities or questions. Only when the Board is satisfied that the applicant is truly qualified is (s)he approved examination or licensure. This process, in conjunction with viable enforcement and regulation elements, helps to insure initial and on-going competence in professional services.

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<sup>1</sup>Shimberg, B. and Roederer, D., Occupational Licensing: Questions a Legislator Should Ask, The Council of State Governments, Lexington, Kentucky, March, 1978, p. 20.

- G. To what extent have State personnel practices, including affirmative action requirements, been complied with by the Board of Registration for Architects, Engineers and Land Surveyors in its own activities, and in its area of activity or interest?

Board staff consists of the support services of a licensing examiner (responsible only to this Board) employed by the Division of Occupational Licensing. This position and others, such as Division Director, Regulations Specialist, etc., are hired through the State personnel system and are subject to affirmative action.

Examination and licensing privileges in these professions are based on specific criteria to which affirmative action requirements are not applicable.

- H. To what extent are statutory, budgetary or other changes necessary to enable the Board of Registration for Architects, Engineers and Land Surveyors to better serve the interests of the public?

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Public members should be included on the Board and numbers of consecutive terms should be limited for all members. The Board should submit its fiscal report annually as required by statute; goals and objectives and a performance report were submitted by the Board this year.

AS 08.48.081 requires that a complete roster showing names and last known addresses of all licentiates be published at least once each year and mailed to each person registered, and that it may be distributed or sold to the public. The cost of printing 4,000 rosters in April, 1979 was \$2,536.00 (free of charge to registrants); postage fees for 3,000 registrants at \$.40 each would be approximately \$1,200.00; estimated time involved for labeling and mailing is ten days for one person. We believe that this information could be made available to those desiring

it without statutory requirements and taking into consideration less costly and time consuming methods.

## Chapter 48. Architects, Engineers and Land Surveyors.

### Article

1. Board of Registration (§§ 08.48.011-08.48.141)
2. Registration and Practice (§§ 08.48.171-08.48.261)
3. Unlawful Acts (§§ 08.48.281-08.48.291)
4. General Provisions (§§ 08.48.311-08.48.351)

### Article 1. Board of Registration.

#### Section

11. Board created
21. Appointments and terms
31. Qualifications
41. Removal of members
51. Organization and meetings
61. Finances
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Sec. 08.48.011. Board created. (a) There is created the State Board of Registration for Architects, Engineers and Land Surveyors. The board shall administer the provisions of this chapter and comply with the Administrative Procedure Act (AS 44.62).

(b) The board consists of nine members appointed by the governor having the qualifications as set out in § 31 of this chapter. The board consists of two civil engineers, one land surveyor, one mining engineer, two engineers from other branches of the profession of engineering, and three architects. (§ 3 ch 179 SLA 1972; am § 1 ch 44 SLA 1975)

Sec. 08.48.021. Appointments and terms. (a) The governor shall give each member of the board a certificate of his appointment, and the member shall file with the lieutenant governor his written oath or affirmation for faithful discharge of his official duty.

(b) The term of office for board members is six years. The first board shall be appointed with two members having two-year terms, two members having three-year terms, two members having four-year terms, one member having a five-year term and two members having six-year terms. A member of the board may be appointed to succeed himself. Each member shall hold office until the expiration of the term for which he is

appointed or until his successor has been appointed. If a vacancy occurs on the board due to resignation, death or other cause, the governor shall appoint a qualified person to serve the unexpired term. (§ 3 ch 179 SLA 1972)

Sec. 08.48.031. Qualifications. Each member of the board must have been a resident in the state for three consecutive years immediately preceding his appointment and must be registered and have a minimum of five years of professional practice in his respective field. (§ 3 ch 179 SLA 1972; am § 2 ch 44 SLA 1975)

Sec. 08.48.041. Removal of members. The governor may remove a member of the board for misconduct, incompetency or neglect of duty. (§ 3 ch 179 SLA 1972)

Sec. 08.48.051. Organization and meetings. The board shall hold at least four regular meetings each year. Special meetings may be held as the bylaws of the board provide. The board shall elect or appoint annually from its members the following officers: president, vice-president and secretary. A quorum of the board consists of not less than five members. (§ 3 ch 179 SLA 1972)

Sec. 08.48.061. Finances. (a) All money derived under the provisions of this chapter shall be deposited in the general fund.

(b) Each member of the board is entitled to receive per diem and travel expenses as authorized by law for other boards and commissions.

(c) The board may make expenditures from appropriated funds for any purpose which is reasonably necessary for the proper performance of its duties under this chapter. This may include the expenses of the board delegates to meetings of councils of architect examiners, engineering examiners, or land surveyor examiners, or any of their subdivisions. The total amount of warrants issued in payment of the expenses incurred under this chapter may not exceed the amount of money appropriated by the legislature. (§ 3 ch 179 SLA 1972)

Sec. 08.48.071. Records and reports. (a) The following record of the board's proceedings and of all applications for registration or authorization shall be kept by the Department of Commerce and Economic Development under AS 08.01.050:

- (1) the name, age and last known address of each applicant;
- (2) the date of application;
- (3) the place of business of the applicant;

- (4) the education, experience and other qualifications;
- (5) the type of examination required;
- (6) whether or not the applicant was rejected;
- (7) whether or not a certificate of registration or authorization was granted or endorsed;
- (8) the date of the action of the board;
- (9) other action taken by the board;
- (10) other information which may be considered necessary by the board.

(b) The record of the board is prima facie evidence of the proceedings of the board, and a transcript, certified by the secretary, is admissible as evidence with the same effect as if the original were produced.

(c) Annually, at the end of the fiscal year, the board shall submit to the governor a report of its transactions of the preceding year, and shall transmit to him a complete statement of the receipts and expenditures of the board, attested by affidavits of its president and its secretary. Board records and papers of the following class are of a confidential nature and are not public records: examination material for examinations not yet given, file records of examination problems, solutions, letters of inquiry and reference concerning applicants, board inquiry forms concerning applicants, investigation files if an investigation is still pending, and all other matters of a like confidential nature. (§ 3 ch 179 SLA 1972; am § 46 ch 218 SLA 1976)

Sec. 08.48.081. Roster. A complete roster showing the names and last known addresses of all architects, engineers and land surveyors, based on the register prepared under AS 08.01.050(12), shall be published by the secretary of the board once each year, or at lesser intervals as established by board regulations, and shall include the registrants' authorization numbers if applicable. Copies of this roster shall be mailed to each person registered, placed on file with the lieutenant governor and borough and city officials, and, upon request, may be distributed or sold to the public. (§ 3 ch 179 SLA 1972)

Sec. 08.48.091. Written examinations and examination fees. Written examinations shall be held at least twice each year at places determined by the board. A candidate failing an examination may apply for reexamination. The examination fee for applicants shall be established by the board in an amount not to exceed \$50 and shall accompany the application. (§ 3 ch 179 SLA 1972)

Sec. 08.48.101. Regulations; bylaws; code of ethics. (a) The board may adopt regulations to carry out the purpose of this chapter, including, but not limited to

- (1) describing the contents of an examination;
- (2) establishing the conduct of an examination;
- (3) establishing a minimum score for passing an examination;
- (4) establishing bylaws governing its meetings and activities;
- (5) publishing a code of ethics or professional conduct for those persons regulated by this chapter, including corporations under § 241 of this chapter.

(b) The regulations, bylaws and code of ethics or professional conduct promulgated by the board shall be published in the annual report to the governor. (§ 3 ch 179 SLA 1972)

Sec. 08.48.111. Power to revoke, suspend, or reissue certificate. The board may suspend, refuse to renew, or revoke the certificate of or reprimand a registrant or corporation who is found guilty of (1) fraud or deceit in obtaining a certificate; (2) gross negligence, incompetence, or misconduct in the practice of architecture, engineering or land surveying; (3) violation of this chapter, a regulation adopted under it, or the code of ethics or professional conduct as promulgated by the board; or (4) a crime involving moral turpitude relevant to one of those professions. The code of ethics or professional conduct shall be made known in writing to every registrant and applicant for registration under this chapter, and shall be published with the roster provided for in § 81 of this chapter. This publication constitutes due notice to all registrants. The board may revise and amend its code and, upon doing so, shall immediately notify each registrant in writing of the revision or amendments. The board may, upon petition of the registrant or corporation, reissue a certificate if a majority of the members of the board vote in favor of the reissuance. (§ 3 ch 179 SLA 1972)

Sec. 08.48.121. Disciplinary action and procedure. Any person may file with the secretary of the board a charge of fraud, deceit, gross negligence, incompetence, misconduct or violation of this chapter, a regulation adopted under it, or the code of ethics of the board. Such a charge, constituting an accusation under the Administrative Procedure Act (AS 44.62), shall be in writing and sworn to by the person making it. A charge may be dismissed by the board as unfounded or trivial. (§ 3 ch 179 SLA 1972)

Sec. 08.48.131. Injunction. The board may bring an action in the superior court to enforce compliance with this chapter or an order of

the board, or to enjoin a person from doing an act that violates this chapter. (§ 3 ch 179 SLA 1972)

Sec. 08.48.141. Legal counsel. The attorney general of the state shall act as legal advisor to the board and render legal assistance upon request of its president. (§ 3 ch 179 SLA 1972)

## Article 2. Registration and Practice.

### Section

- 171. General requirements and qualifications for registration
- 181. Registration upon examination
- 191. Registration by comity or endorsement
- 201. Application and fees for registration
- 211. Certificate of registration
- 221. Seals
- 231. Expirations and renewals
- 241. Corporations
- 251. Partnerships
- 261. State employees

Sec. 08.48.171. General requirements and qualifications for registration. An applicant for registration as an architect, engineer or land surveyor must be of good character and reputation and must submit evidence satisfactory to the board of his education, training and experience. (§ 3 ch 179 SLA 1972)

Sec. 08.48.181. Registration upon examination. Except as provided in § 191 of this chapter, for registration as a professional architect, professional engineer or professional land surveyor, a person shall be examined in this state in accordance with the regulations of procedure and standards adopted by the board in accordance with the Administrative Procedure Act (AS 44.62), which procedure and standards shall at least meet the requirements adopted by recognized national examining councils for these professions. (§ 3 ch 179 SLA 1972)

Sec. 08.48.191. Registration by comity or endorsement. (a) A person holding a certificate of registration authorizing him to practice architecture in a state, territory or possession of the United States, the District of Columbia, or a foreign country, or holding a certificate of qualification issued by the national Council of Architectural Registration Board, which, in the opinion of the board, meets the requirements of this chapter, based on verified evidence, may, upon application, be registered in accordance with the regulations of the board.

(b) A person holding a certificate of registration authorizing him to practice engineering in a state, territory or possession of the United States, the District of Columbia, or a foreign country, which, in the opinion of the board meets the requirements of this chapter, based on verified evidence, may, upon application, be registered in accordance

with regulations of the board. A person holding a certificate of qualification issued by the National Council of Engineering Examiners; Committee on National Engineering Certification may, upon application, be registered in accordance with the regulations of the board.

(c) A person holding a certificate of registration authorizing him to practice land surveying in a state, territory or possession of the United States, the District of Columbia, or a foreign country, may, upon application, be registered in accordance with the regulations of the board if his certificate was issued under requirements comparable to those in this state. (§ 3 ch 179 SLA 1972)

Sec. 08.48.201. Application and fees for registration. (a) Application for registration as a professional architect, a professional engineer or a professional land surveyor shall (1) be on a form prescribed and furnished by the board; (2) contain statements made under oath, showing the applicant's education and a detailed summary of his technical experience; and (3) contain five references, three of whom must be architects for architectural registration, engineers for engineering registration and land surveyors for land surveying registration, having personal knowledge of the applicant's architectural, engineering or land surveying education, training or experience.

(b) The registration fee for professional architects, professional engineers and professional land surveyors shall be established by the board in an amount not to exceed \$100 and shall accompany the application for registration. (§ 3 ch 179 SLA 1972)

Sec. 08.48.211. Certificate of registration. (a) An applicant who fulfills the requirements set out by the board shall be awarded a certificate of registration as a professional architect, engineer or land surveyor, authorizing the holder to offer or perform architectural, engineering or land surveying services or work for the public, or to certify or sign architectural, engineering or land surveying documents. Certificate of registration issued under this section shall be inscribed on their face in a manner determined by the board.

(b) The certificate of registration sealed by the board is prima facie evidence that the person named in it is entitled to all rights and privileges of a professional architect, professional engineer or professional land surveyor, while the certificate remains unrevoked or unexpired. (§ 3 ch 179 SLA 1972)

Sec. 08.48.221. Seals. Each registrant may obtain a seal of the design authorized by the board, bearing the registrant's name, registration number, and the legend, "Registered Professional Architect," "Registered Professional Engineer," or "Registered Professional Land Surveyor," as appropriate. Final drawings, specifications, surveys, plats, plates, reports and other similar documents shall, when issued,

be signed and stamped with the seal. It is unlawful for an architect, engineer or land surveyor to affix or permit his seal and signature to be affixed to an instrument after the expiration of a certificate or for the purpose of aiding or abetting another person to evade or attempt to evade a provision of this chapter. The registrant, by affixing his seal to final drawings, specifications, surveys, plats, plates, reports and other similar documents, and signing them, certifies that these documents were prepared by or under his direct supervision, unless he certifies on the face of the document to the extent of his responsibility. (§ 3 ch 179 SLA 1972)

Sec. 08.48.231. Expirations and renewals. (a) To remain valid, certificate shall be renewed in accordance with AS 08.01.100. Notice of renewal dates, given under AS 08.01.050(11), shall be mailed to the registrant or corporation at his or its last known address at least one month in advance of the date of the expiration of the certificate. If the certificate has been suspended or revoked, the board may take action independent of this section.

(b) The renewal of a certificate does not require reapplication if the certificate has not expired or has not been suspended or revoked. The renewal fee for a certificate may not exceed \$100.

(c) Renewal of an expired certificate may be effected under regulations promulgated by the board regarding requirements of reexamination and penalty fees. (§ 3 ch 179 SLA 1972)

Sec. 08.48.241. Corporations. (a) This chapter does not prevent a corporation from offering architectural, engineering or land surveying services; however, the corporation shall file with the board

(1) an application for a certificate of authorization upon a form to be prescribed by the board and containing information required to enable the board to determine whether the corporation is qualified in accordance with the provisions of this chapter to offer to practice architecture, engineering or land surveying in this state;

(2) a certified copy of a resolution of the board of directors of the corporation designating persons holding certificates of registration under this chapter as responsible for the practice of architecture, engineering or land surveying by the corporation in this state and providing that full authority to make all final architectural, engineering or land surveying decisions on behalf of the corporation with respect to work performed by the corporation in this state is granted by the board of directors to the persons designated in the resolution; however, the filing of this resolution does not relieve the corporation of any responsibility or liability imposed upon it by law or by contract;

(3) a designation in writing setting out the name of one or more persons holding certificates of registration under this chapter who are in responsible charge of each major branch of the architectural, engineering or land surveying activities in which the corporation specializes in this state; if a change is made in the person in responsible charge of a major branch of the architectural, engineering or land surveying activities, the change shall be designated in writing and filed with the board within 30 days after the effective date of the change.

(b) Upon filing with the board the application for certificate of authorization, certified copy of resolution, affidavit, and designation of persons specified in this section, the board shall, subject to (c) of this section, issue to the corporation a certificate of authorization to practice architecture, engineering or land surveying in this state upon a determination by the board that

(1) the bylaws of the corporation contain provisions that all architectural, engineering or land surveying decisions pertaining to architectural, engineering or land surveying activities in this state will be made by the specified architect, engineer or land surveyor in responsible charge, or other registered architects, engineers or land surveyors under his direction or supervision;

(2) the application for certificate of authorization states the type of architecture, engineering or land surveying practiced or to be practiced by the corporation;

(3) the applicant corporation has the ability to provide architectural, engineering or land surveying services;

(4) the application for certificate of authorization states the professional records of the designated person who is in responsible charge of each major branch of architectural, engineering or land surveying activities in which the corporation specializes;

(5) the application for certificate of authorization states the experience of the corporation, if any, in furnishing architectural, engineering or land surveying services during the preceding five-year period;

(6) the applicant corporation meets other requirements related to professional competence in the furnishing of architectural, engineering or land surveying services as may be established and promulgated by the board in furtherance of the objectives and provisions of this chapter.

(c) The board may, in the exercise of its discretion, refuse to issue, or may suspend or revoke a certificate of authorization to a corporation if the board finds that any of the officers, directors,

incorporators or the stockholders holding a majority of the stock of the corporation has committed misconduct or malpractice, or has been found personally responsible for misconduct or malpractice under the provisions of this chapter.

(d) The certificate of authorization shall specify the major branches of architecture, engineering or land surveying of which the corporation has designated a person in responsible charge as provided in this section. The certificate of authorization shall be conspicuously displayed in the place of business of the corporation, together with the names of persons designated as being in responsible charge of the professional activities.

(e) If a corporation, organized solely by either a group of architects, a group of engineers, or a group of land surveyors, each holding a certificate of registration under this chapter, applies for a certificate of authorization, the board may, in its discretion, grant a certificate of authorization to the corporation based on a review of the professional records of the incorporators, in place of the required qualifications set out in this section. If the ownership of the corporation is altered, the corporation shall apply for a revised certificate of authorization, based upon the professional records of the owners, if exclusively architects, engineers or land surveyors, or otherwise under the qualifications required by (b)(1)-(4) of this section.

(f) A corporation authorized to offer architectural, engineering or land surveying services under this chapter, together with its directors and officers for their own individual acts, is responsible to the same degree as the designated individual registered architect, engineer or land surveyor, and must conduct its business without misconduct or malpractice in the practice of architecture, engineering or land surveying as defined in this chapter.

(g) If the board, after a proper hearing, finds that a corporation holding a certificate of authorization has committed misconduct or malpractice, the board shall suspend or revoke the certificate of authorization. The board shall also suspend or revoke the certificate of registration of any registered individual architect, engineer or land surveyor who, after a proper hearing, is found by the board to have participated in committing the misconduct or malpractice.

(h) Plans, specifications, designs and reports, when issued in connection with work performed by a corporation under its certificate of authorization, shall be prepared by or under the responsible charge of and shall be signed by and shall be stamped with the official seal of a person holding a certificate of registration under this chapter.

(i) For each certificate of authorization issued to a corporation under the provisions of this chapter, there shall be paid an initial fee not to exceed \$300. (§ 3 ch 179 SLA 1972)

Sec. 08.48.251. Partnerships. This chapter does not prevent the practice of architecture, engineering or land surveying by partnership if all of the members of the partnership are architects, engineers or land surveyors legally registered under this chapter. (§ 3 ch 179 SLA 1972)

Sec. 08.48.261. State employees. The head of each principal department in which there are positions necessitating use of architectural, engineering, or land surveying knowledge or skills shall specify, in the job descriptions, the positions for which registration under this chapter is required. This requirement for any position in a department may be waived by the head of the department. When the requirement is waived, the head of the department shall transmit to the division of personnel a written statement to the effect that the person filling the position is qualified to perform the duties of that position and a statement of the reasons for waiving the requirement, explaining why the employee was hired or was retained as an employee even though not registered under this chapter. The head of the department shall send a copy of the statement to the board. (§ 3 ch 179 SLA 1972)

### Article 3. Unlawful Acts.

#### Section

281. Prohibited practice

291. Violations and penalties

Sec. 08.48.281. Prohibited practice. No person may practice or offer to practice the profession of architecture, engineering or land surveying in Alaska, as defined in this chapter, or use in connection with his name or otherwise assume or advertise a title or description tending to convey the impression that he is a registered architect, engineer or land surveyor unless he has been registered under the provisions of this chapter or is a person to whom these provisions do not apply, or, in the case of a corporation, unless it has been authorized under this chapter. (§ 3 ch 179 SLA 1972)

Sec. 08.48.291. Violations and penalties. A person who practices or offers to practice architecture, engineering or land surveying in Alaska without being registered or authorized to practice in accordance with the provisions of this chapter, or a person presenting or attempting to use the certificate or the seal of another, or a person who gives false or forged evidence of any kind to the board or to a member of the board in obtaining or attempting to obtain a certificate, or a person who impersonates a registrant, or a person who uses or attempts to use an expired or revoked or nonexistent certificate, knowing of the certificate's status, or a person who falsely claims that he is registered and authorized to practice under this chapter, or a person who violates any of the provisions of this chapter, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$10,000, or by imprisonment for not more than one year, or by both. (§ 3 ch 179 SLA 1972)

## Article 4. General Provisions.

### Section

- 311. Individual right
- 321. Evidence of practice
- 331. Exemptions
- 341. Definition;
- 351. Short title

Sec. 08.48.311. Individual right. The right to engage in the practice of architecture, engineering or land surveying is considered a personal and individual right, based on the qualifications of the individual as evidenced by his certificate of registration, which is not transferable. (§ 3 ch 179 SLA 1972)

Sec. 08.48.321. Evidence of practice. A person practices or offers to practice architecture, engineering or land surveying who

(1) practices a branch of the profession of architecture, engineering or land surveying as defined in § 341 of this chapter;

(2) by verbal claim, sign, advertisement, letterhead, card, or other means represents himself to be an architect, engineer or land surveyor, or through the use of some other title implies that he is an architect, engineer or land surveyor;

(3) holds himself out as able to perform or who does perform an architectural, engineering or land surveying service recognized by the professions covered by this chapter, and specified in regulations of the board, as architectural, engineering or land surveying. (§ 3 ch 179 SLA 1972)

Sec. 08.48.331. Exemptions. This chapter does not apply to

(1) the execution as a contractor of work designed by a professional architect or engineer, or the supervision of the construction of this work as a foreman or superintendent for a contractor;

(2) superintendents, foremen, inspectors, or building trades craftsmen in the performance of their customary duties;

(3) an officer or employee of the United States government practicing architecture, engineering or land surveying as required by his official capacity;

(4) an officer or employee of the state practicing architecture, engineering or land surveying as required by his official capacity and registration is not required in his job description;

(5) the work of an employee or a subordinate of a person legally registered under this chapter, if the work or service does not include final designs or decisions or surveys, and is done under the direct supervision of and verified by a person legally registered under this chapter;

(6) the services ordinarily performed by locomotive, stationary and marine engine men, power plant operators, and manufacturers who supervise the operation of or operate machinery or equipment, or supervise construction within their own plant which affects only the property or interest of the manufacturer, unless the public health or safety is involved;

(7) the practice of any other lawfully recognized profession;

(8) associates, consultants or specialists retained by an individual, a partnership of legally registered individuals, or a corporation authorized under this chapter, in the performance of the professional services offered by the legally registered individual, partnership, or authorized corporation if responsible charge of the work remains with the individual, partnership or designated representative of the corporation;

(9) a person preparing plans, drawings, or specifications for

(A) a building for his own use and occupancy unless the public health, safety, or welfare is substantially involved;

(B) farm or ranch buildings unless the public health, safety, or welfare is substantially involved;

(C) a building intended to be used only as a residence by not more than four families and not more than two stories high;

(D) a building with a total of not more than 500 square feet of floor space;

(10) a specialty contractor licensed under appropriate Alaska Statutes, while engaged in the business of contracting, designing systems or facilities as otherwise permitted by law for work within the specialty for which his license was issued to be performed or supervised by the contractor, or any licensed contractor preparing shop or field drawings for work which he has contracted to perform;

(11) a person furnishing, either alone or with subcontractors, labor and materials, with or without plans, drawings, specifications, instruments of service, or other data covering the labor and materials to be used for any of the following:

(A) storefronts (facades), interior alterations or additions, fixtures, cabinetwork, furniture, or other appliances or equipment;

(B) work necessary to provide for installation of an item listed in (A) of this paragraph;

(C) alterations or additions to a building necessary to or attendant upon installation of an item listed in (A) of this paragraph, if the alteration or addition does not change or affect the structural system or safety of the building;

(12) an officer or employee of an individual, firm, partnership, association or corporation which officer or employee practices architecture, engineering or land surveying when required by his official capacity or work duties connected with his employment if the individual firm, partnership, association or corporation is not engaged in the business of offering architectural, engineering or land surveying services to the public. (§ 3 ch 179 SLA 1972)

Sec. 08.48.341. Definitions. In this chapter

(1) "architect" means a professional architect;

(2) "board" means the State Board of Registration for Architects, Engineers and Land Surveyors;

(3) "certificate of authorization" means a certificate issued by the board authorizing a corporation to provide professional services in architecture, engineering or land surveying through individuals legally registered by the board;

(4) "certificate of registration" means a certificate issued by the board recognizing the individual named in the certificate as meeting the requirements for registration under this chapter;

(5) "engineer" means a professional engineer;

(6) "land surveyor" means a professional land surveyor;

(7) "practice of architecture" means professional service or creative work in the functional and aesthetic design of structures, the teaching of advanced architectural courses in institutions of higher learning, consultation, investigation, evaluation, planning, design and professional observation of construction of public or private structures, buildings, works or projects, and architectural review of plans and specifications by regulatory agencies; it may by regulation of the board include mechanical, electrical or structural design of relatively minor importance to the project as a whole;

(8) "practice of engineering" means professional or creative work, the adequate performance of which requires the application of specialized knowledge of mathematics and sciences, dealing with the functional and economic design of buildings, structures, machines, equipment, utilities systems, materials, processes, works or projects, public or private; the teaching of advanced engineering courses in institutions of higher learning, the direction of or the performance of engineering surveys, consultation, investigation, evaluation, planning, design, and professional observation of construction of public and private structures, buildings, works or projects and engineering review of plans and specifications by regulatory agencies; it may by regulation of the board include architectural design of relatively minor importance to the project as a whole, but it does not include comprehensive architectural services;

(9) "practice of land surveying" means any service or work the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related sciences, and the relevant requirements of law for adequate evidence of the act of measuring and locating land, geodetic and cadastral surveys for the location and monumentation of property boundaries, for the platting and planning of land and subdivisions, and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys;

(10) "professional architect" means a person who has been legally registered as a professional architect by the board;

(11) "professional engineer" means a person who has been legally registered as a professional engineer by the board;

(12) "professional land surveyor" means a person who has been legally registered as a professional land surveyor by the board;

(13) "responsible charge" means the direct control and personal supervision of work. (§ 3 ch 179 SLA 1972)

Sec. 08.48.351. Short title. This chapter may be cited as the Architects, Engineers and Land Surveyors Registration Act. (§ 3 ch 179 SLA 1972)

**CHAPTER 36.  
STATE BOARD OF  
REGISTRATION FOR ARCHITECTS,  
ENGINEERS AND LAND SURVEYORS**

**Article**

1. Registration and Licensing
2. Rules of Professional Conduct
3. General Provisions

**ARTICLE 1.  
REGISTRATION AND LICENSING**

**Section**

10. Applications
20. Abandoned applications
30. Refund when application withdrawn
40. Reexamination application
50. Final filing dates
60. Eligibility for professional architect examination or architect's qualifying examination
62. Eligibility for fundamentals of engineering examination
63. Engineer education and experience requirements
64. Eligibility for fundamentals of land surveying examination
65. Eligibility for professional land surveyor examination
67. Date of experience
70. Postponements
80. Authorization to take examination
90. Waiver of fundamentals of engineering examination
100. Content of examination
105. Registration by comity
110. Treatise required for registration
120. (Repealed)
130. (Repealed)
140. (Repealed)
150. (Repealed)
160. Duplicate certificate
170. Fees
180. Seal
190. Testing laboratory reports

12 AAC 36.010. APPLICATIONS. (a) An application for registration or examination for registration must be typewritten and filed with the board on a form prescribed by the board, accompanied by the required fee and a recent, frontal photograph, 2" x 2½" in size.

(b) No candidate will be admitted to an examination or approved for registration until his qualifications are accepted by the board. (Eff. 5/23/74, Reg. 50; am 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)  
AS 08.48.171  
AS 08.48.191  
AS 08.48.201

12 AAC 36.020. ABANDONED APPLICATIONS. (a) In the absence of special circumstances, the board will consider an examination application abandoned if

(1) the applicant fails to appear for examination at the time fixed without obtaining a postponement as set out in sec. 70 of this chapter;

(2) the applicant, after two postponements, fails to appear for examination at the time fixed.

(b) An applicant whose application is considered abandoned will have his application denied without prejudice and his application fee will be forfeited.

(c) An application is considered abandoned if 18 months have elapsed since correspondence was last received from the applicant. (Eff. 5/23/74, Reg. 50; am 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)

12 AAC 36.030. REFUND WHEN APPLICATION WITHDRAWN. An applicant who withdraws his application before board action will be refunded his application fee except for five dollars. (Eff. 5/23/74, Reg. 50)

Authority: AS 08.48.101

12 AAC 36.040. REEXAMINATION APPLICATION. An applicant who has failed the examination may, within 18 months of notification of the failed examination, reapply for examination. Another examination fee is required. (Eff. 5/23/74, Reg. 50; am 9/30/78, Reg. 67)

Authority: AS 08.48.091  
AS 08.48.101(a)  
AS 08.48.171

12 AAC 36.050. FINAL FILING DATES. (a) The final filing date for applications for examination is 60 days before the examination

and will be advertised as such by the board at least 30 days before that date.

(b) Repealed. (9/30/78, Reg. 67)

(c) Whenever the final filing date for an examination falls upon a Saturday, Sunday or holiday, it will be extended to the next business day.

(d) If an application is filed with the board through the United States mail, it will be considered filed on the date shown by the Post Office cancellation mark stamped on the envelope containing it, or on the date mailed if satisfactory proof is made that the mailing occurred on an earlier date. (Eff. 5/23/74, Reg. 50)

Authority: AS 08.48.101

**12 AAC 36.060. ELIGIBILITY FOR PROFESSIONAL ARCHITECT EXAMINATION OR ARCHITECT'S QUALIFYING EXAMINATION.** To be eligible for the professional architect examination or the architect's qualifying examination, an applicant must meet the education and experience requirements adopted by the NCARB. An applicant for examination may receive a copy of the requirements upon submission of a written request to the board. (Eff. 5/23/74, Reg. 50; am 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)  
AS 08.48.171  
AS 08.48.181

**12 AAC 36.062. ELIGIBILITY FOR FUNDAMENTALS OF ENGINEERING EXAMINATION.** To be eligible for the fundamentals of engineering examination, an applicant must

(1) have successfully completed at least 85 percent of the required courses leading to an undergraduate degree in an engineering curriculum accredited by ECPD; or

(2) have been engaged in engineering work acceptable to the board for a period of not less than four years; or

(3) submit to the board satisfactory evidence that his education or experience or both are equivalent to the requirements as set out in the

following EIT table of equivalent experience:

**ENGINEER IN TRAINING TABLE OF EQUIVALENT EXPERIENCE**

Classification	Education In Years	Experience In Years	Total Education And Experience
Graduate of ECPD accredited engineer curriculum 4 or 5 year course w/B.S.	4	-0-	4
Graduate of non-ECPD accredited engineer curriculum 4 or 5 year course w/B.S.	2	2	4
No formal education	-0-	6	6

(Eff. 9/30/78, Reg. 67)

Authority: AS 08.48.101  
AS 08.48.171

**12 AAC 36.063. ENGINEER EDUCATION AND EXPERIENCE REQUIREMENTS.** (a) To be eligible for a professional engineering examination, an applicant must

(1) have been approved for or have passed the fundamentals of engineering examination or had these requirements waived under sec. 90(a) of this chapter; and

(2) apply for examination in a branch of engineering recognized by sec. 250(17) of this chapter; and

(3) be a graduate of an engineering curriculum accredited by ECPD within the branch of engineering applied for and have been engaged in professional engineering work in the applicant's branch for at least four years and during that period have had direct personal supervision or responsible charge of professional engineering work as a supervisor or assistant under the supervision of a registered professional engineer in the applicant's branch, for not less than two years; or

(4) have been engaged in professional engineering work in the applicant's branch for a period of not less than 12 years and during that

period have had direct personal supervision or responsible charge of professional engineering work as a supervisor or assistant under the supervision of a registered professional engineer in the applicant's branch, for not less than two years; or

(5) submit to the board satisfactory evidence that his education or experience or both are equivalent to the requirements as set out in the following professional engineer table of equivalent experience:

**PROFESSIONAL ENGINEER TABLE OF EQUIVALENT EXPERIENCE**

(Education and experience for initial registration must be in the branch in which the applicant seeks registration for full credit to be given. If the education experience is not in the branch in which the applicant seeks registration, any credit in excess of 1/2 will be determined by the board.)

Classification	Education In Years	Experience In Years	Responsible Charge Under P.E.	Total Education And Experience
Graduate of ECPD accredited engineering curriculum with M.S. or Ph.D.	5	3	2	8
Graduate of ECPD accredited 4 or 5 year course w/B.S.	4	4	2	8
Graduate of non-ECPD accredited engineering curriculum 4 or 5 year course	2	6	2	8
No formal education	-0-	12	2	12

(b) For registration in more than one branch of engineering, professional work experience used in securing registration in one branch of engineering will be evaluated by the board in considering an application for registration in

another branch or field of engineering. (Eff. 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)  
AS 08.48.171  
AS 08.48.181

**12 AAC 36.064. ELIGIBILITY FOR FUNDAMENTALS OF LAND SURVEYING EXAMINATION.** To be eligible for the fundamentals of land surveying examination, an applicant must have four years of experience. The required experience may be any combination of the experience credit set forth in the professional land surveyor table of equivalent experience in sec. 65(a)(2) of this chapter. (Eff. 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)

**12 AAC 36.065. ELIGIBILITY FOR PROFESSIONAL LAND SURVEYOR EXAMINATION.** (a) To be eligible for the professional land surveyor examination, an applicant must

(1) have been approved for or have passed the fundamentals of land surveying examination; and

(2) submit to the board satisfactory evidence that his education or experience or both are equivalent to the requirements set out in the following professional land surveyor table of equivalent experience:

**PROFESSIONAL LAND SURVEYORS TABLE OF EQUIVALENT EXPERIENCE**

Classification	Education Credit Allowed In Years	Experience Credit Allowed In Years	Responsible Charge Under R.L.S. In a Land Surveying Capacity	Total Education And Experience Required
Graduate of a board approved surveying curriculum 4-year course	4	4	3	8
Graduate of a board approved surveying curriculum 2-year course	2	6	3	8

Classification	Education Credit Allowed In Years	Experience Credit Allowed In Years	Responsible Charge Under R.L.S. In a Land Surveying Capacity	Total Education And Experience Required
Graduate of an E.C.P.D. accredited curriculum in civil engineering or related engineering sciences	2	6	3	8
No formal education	-0-	12	3	12

(b) Responsible charge of professional land surveying work as a supervisor under the direct supervision of a registered land surveyor, and working in a land surveying capacity. The remainder of the required experience must be derived from office or field work involving the activities listed in AS 08.48.341(9). Partial completion of a curriculum leading to a degree in land surveying, civil engineering, or mining engineering will, in the discretion of the board, be considered by the board in determining applicable experience. (Eff. 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)  
AS 08.48.171  
AS 08.48.181

**12 AAC 36.067. DATE OF EXPERIENCE.** Computation of qualifying experience for admission to the examination as an architect, engineer, or land surveyor is up to the date of the examination. (Eff. 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)  
AS 08.48.171

**12 AAC 36.070. POSTPONEMENTS.** The board will, in its discretion, grant postponements, not to exceed two postponements for each type of examination given, to any applicant who, for reasonable cause, is prevented from appearing for the examination at the time fixed, if the applicant's request for postponement and the reason for it are filed with the board not later than 10 days immediately following the date of the examination. (Eff. 5/23/74, Reg. 50; am 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)

**12 AAC 36.080. AUTHORIZATION TO TAKE EXAMINATION.** Notification of the applicant's authorization to take the examination will be made at least 30 days before the examination. (Eff. 5/23/74, Reg. 50; am 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)

**12 AAC 36.090. WAIVER OF FUNDAMENTALS OF ENGINEERING EXAMINATION.** (a) An applicant for registration as a professional engineer who has not passed the fundamentals of engineering examination need not take that examination if satisfactory evidence is submitted to the board to verify 20 years of professional experience.

(b) An applicant for registration in any branch of engineering who holds a valid registration in another branch of engineering meeting this state's requirements will not be required to take the fundamentals of engineering examination. (Eff. 5/23/74, Reg. 50; am 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)

**12 AAC 36.100. CONTENT OF EXAMINATION.** Except as provided in AS 08.48.191, an applicant for registration as an architect, engineer or land surveyor is required to take and pass an examination either as currently prepared by NCEE, NCARB, or for those cases where no national examination is prepared, as prepared or selected by the board. (Eff. 5/23/74, Reg. 50)

Authority: AS 08.48.101  
AS 08.48.171  
AS 08.48.181

**12 AAC 36.105. REGISTRATION BY COMITY.** (a) A person holding a certificate of registration to engage in the practice of engineering issued to him by a proper authority of a state or possession of the United States, the District of Columbia or any foreign country based on requirements that do not conflict with the provisions of AS 08.48 and were of a standard not lower than that specified in the applicable registration Act in effect in this state at the time that certificate was issued, will upon application be registered without further examination.

(b) A person, holding a valid certificate issued by the Committee on National Engineering

Certification of the National Council of Engineering Examiners, whose qualifications as evidenced by his council record meet the requirements of AS 08.48, will upon application be registered without further examination.

(c) A person holding a valid certificate of registration to practice land surveying issued on comparable qualification from a state, territory or possession of the United States, the District of Columbia or a foreign country with experience satisfactory to the board, is required to pass a written examination of not less than four hours' duration which includes questions on laws, procedures, and practices pertaining to land surveying in this state. The board will, in its discretion, require additional examination unless the examination requirements under which the applicant was initially registered, were equivalent to this state's examination requirements at the time of the initial registration.

(d) The board will not grant temporary registration under any circumstances.

(e) The board will not recognize or grant professional registration by eminence. (Eff. 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)  
AS 08.48.191

**12 AAC 36.110. TREATISE REQUIRED FOR REGISTRATION.** (a) An applicant for architectural registration must

(1) submit a treatise on construction under arctic and subarctic conditions acceptable to the board prior to the issuance of a certificate of registration; or

(2) have successfully completed either a course or seminar in arctic engineering approved by the board.

(b) An applicant for architectural registration by comity must also submit a treatise on seismic forces, except for an applicant

(1) registered in California in May, 1933 or later;

(2) registered by examination in Washington State in 1963 or later;

(3) registered by examination in any other state in 1964 or later.

(c) An applicant for engineering registration must

(1) submit a treatise on construction under arctic and subarctic conditions, emphasizing his specific branch, that is acceptable to the board; or

(2) have successfully completed either a course or seminar in arctic engineering approved by the board. (Eff. 5/23/74, Reg. 50; am 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)  
AS 08.48.171

**12 AAC 36.120. EXPERIENCE CREDIT.**  
Repealed. (9/30/78, Reg. 67)

**12 AAC 36.130. DATE OF EXPERIENCE.**  
Repealed. (9/30/78, Reg. 67)

**12 AAC 36.140. ARCHITECTURAL CURRICULA APPROVED BY THE BOARD.**  
Repealed. (9/30/78, Reg. 67)

**12 AAC 36.150. ENGINEERING CURRICULA APPROVED BY THE BOARD.**  
Repealed. (9/30/78, Reg. 67)

**12 AAC 36.160. DUPLICATE CERTIFICATE.**  
Duplicate certificates will be issued by the board to registrants and corporations upon written request and payment of a \$10 fee. (Eff. 5/23/74, Reg. 50; am 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)  
AS 08.48.211

**12 AAC 36.170. FEES.** Following are the prescribed fees:

(1) application by examination, \$50 per examination;

(2) reexamination fee, \$50 per examination;

(3) application by comity, \$50;

(4) application for corporate authorization, \$100;

(5) registration fee, \$15 per year for balance of biennial period;

(6) corporate authorization registration fee, \$50 per year;

(7) registration renewal, \$15 annually, payable biennially by December 31 of odd-numbered years;

(8) corporate authorization renewal, \$50 annually, payable biennially by December 31 of odd-numbered years;

(9) amendment to corporate authorization, \$20;

(10) delinquent renewal fee for reinstatement of expired registration, \$30;

(11) postponement of examination, \$20. (Eff. 5/23/74, Reg. 50; am 9/30/78, Reg. 67)

Authority: AS 08.01.100  
AS 08.48.091  
AS 08.48.101(a)  
AS 08.48.201(b)  
AS 08.48.231(b) and (c)  
AS 08.48.241(i)

12 AAC 36.180. SEAL. (a) The seal authorized for use by professional architects is of the following design:



(b) The seal authorized for use by professional engineers is of the following design:



and must reflect the branch of engineering authorized by the board. This identification is to be placed below the registrant's number on the seal as noted:

- EC - Chemical engineer
- CE - Civil engineer
- EE - Electrical engineer
- ME - Mechanical engineer
- EM - Mining engineer
- EP - Petroleum engineer

(c) The seal authorized for use by professional land surveyors is of the following design:



(Eff. 5/23/74, Reg. 50; am 9/30/78, Reg. 67)  
Authority: AS 08.48.101(a)  
AS 08.48.221

12 AAC 36.190. TESTING LABORATORY REPORTS. Reports issued by testing laboratories shall be prepared by or under the supervision of a registered engineer and signed or sealed by him whenever such reports go beyond the tabulation of test data (compositions of material, breaking stress, etc.) by

(1) interpreting the data to draw conclusions as to the characteristics of a civil engineering structure or parts of one;

(2) expressing engineering judgment in the form of recommendations derived from the results of the test; or

(3) performing design work in the preparation of plans, specifications and other instruments requiring registration as an engineer. (Eff. 5/23/74, Reg. 50)

Authority: AS 08.48.101

**ARTICLE 2.**

**RULES OF PROFESSIONAL CONDUCT**

**Section**

- 200. Integrity
- 210. Responsibility to the public
- 220. Conflict of interest
- 225. Public service
- 230. Solicitation of employment
- 235. Advertising
- 240. Improper conduct

12 AAC 36.200. **INTEGRITY.** An architect, engineer or land surveyor shall act with complete integrity in professional matters for each client or employer as a faithful agent or trustee and shall be honest and impartial in serving the public, his client and his employer. (Eff. 5/23/74, Reg. 50)

Authority: AS 08.48.101  
AS 08.48.111

12 AAC 36.210. **RESPONSIBILITY TO THE PUBLIC.** (a) In order to establish and maintain a high standard of integrity, skills, and practice in the professions of architecture, engineering and land surveying, and to safeguard the life, health, property and welfare of the public, the following rules of professional conduct are adopted and are binding upon every individual holding a certificate of registration as an architect, engineer, or land surveyor and upon all partnerships or corporations or other legal entities authorized to offer or perform architectural, engineering, or land surveying services in the state.

(b) Each architect, engineer, or land surveyor shall

(1) at all times recognize his primary obligation to protect the safety, health, property, and welfare of the public in the performance of his professional duties; if his professional judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered, he shall inform his employer or client of the possible consequence and notify such other proper authority of the situation as may be appropriate; and

(2) undertake to perform assignments only when he or his associates, consultants, or employees are qualified by education, training, experience, and licensing in the specific technical branches or fields involved;

(3) be completely objective and truthful in all professional reports, statements, or testimony and shall include all relevant and pertinent information in such reports, statements, or testimony when the result of an omission would, or reasonably could, lead to a fallacious conclusion; and

(4) not affix his signature or seal to any plan or document dealing with professional services in which he is not qualified by virtue of education, experience, and licensing; and

(5) issue no statements, criticisms, or arguments on architectural, engineering, or land surveying matters connected with public interests which are inspired or paid for by his interested party or parties unless he has prefaced his comment by explicitly identifying himself by disclosing the identities of the party or parties on whose behalf he is speaking, and by revealing the existence of any pecuniary interest. (Eff. 5/23/74, Reg. 50; am 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)  
AS 08.48.111

**12 AAC 36.220. CONFLICT OF INTEREST.**

(a) Each architect, engineer or land surveyor shall avoid conflicts of interest with his employer or client but, when unavoidable, the architect, engineer, or land surveyor shall promptly inform his employer or client of any business association, interests, or circumstances and identify any circumstances which could influence his judgment or the quality of his service to his employer or client.

(b) An architect, engineer, or land surveyor may not accept compensation, financial or otherwise, from more than one party for services on the same project or for services pertaining to the same project unless the circumstances are fully disclosed to and agreed to by all interested parties or their authorized agents.

(c) An architect, engineer, or land surveyor may not solicit or accept financial or other valuable consideration from suppliers for specifying their products.

(d) An architect, engineer, or land surveyor may not solicit or accept gratuities from other parties dealing with his client or employer in connection with the work for which he is responsible. (Eff. 5/23/74, Reg. 50; am 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)(5)

**12 AAC 36.225. PUBLIC SERVICE.** When in public service as a member, advisor, or employee of a government body, an architect, engineer, or land surveyor may not participate in considerations or actions with respect to services provided by him or his organization. An architect, engineer, or land surveyor, in his capacity as an elected, retained, or employed public official, may not review or approve work that he has performed, whether it was under his direction or on behalf of another employer or client. (Eff. 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)(5)

**12 AAC 36.230. SOLICITATION OF EMPLOYMENT.** (a) An architect, engineer or land surveyor may not pay, solicit nor offer, directly or indirectly, any bribe or commission for professional employment with the exception of his payment of the usual commission for securing salaried positions through licensed employment agencies.

(b) Each architect, engineer, or land surveyor shall seek professional employment on the basis of qualifications and competence for proper accomplishment of the work. He may not knowingly solicit or submit proposals for professional services on the basis of competitive bidding.

(c) An architect, engineer or land surveyor may not falsify or permit misrepresentation of

his or his associates' academic or professional qualifications. He may not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments.

(d) Brochures or other presentations incident to an architect's engineer's or land surveyor's solicitation of employment may not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his work. (Eff. 5/23/74, Reg. 50)

Authority: AS 08.48.101  
AS 08.48.111

**12 AAC 36.235. ADVERTISING.** An architect, engineer, or land surveyor may not advertise his or her services in a deceptive, self-laudatorial, or untruthful manner. (Eff. 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)(5)

**12 AAC 36.240. IMPROPER CONDUCT.** (a) An architect, engineer, or land surveyor may not knowingly associate with or permit the use of his name or firm name in a business venture by any person or firm which he knows or has reason to believe is engaging in business or professional practices in a fraudulent or dishonest manner.

(b) If an architect, engineer, or land surveyor has knowledge or reason to believe that another person or firm may be in violation of the provisions of AS 08.48, or any of these rules of professional conduct, he or she shall present that information to the board in writing and shall cooperate with the board in furnishing such further information or assistance as may be required. (Eff. 5/23/74, Reg. 50; am 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)

### ARTICLE 3. GENERAL PROVISIONS

Section  
250.

Definitions

**12 AAC 36.250. DEFINITIONS.** For the purposes of this chapter and AS 08.48, unless the context requires otherwise

(1) "advanced courses" means courses in institutes of higher learning beyond the second academic year;

(2) "board" means the State Board of Registration for Architects, Engineers and Land Surveyors;

(3) "chemical engineering" means that branch of professional engineering which embraces studies and activities relating to applied chemistry, both industrial and nonindustrial, concerned with chemical materials, their composition, locations, transportation, and storage; chemical and physical-chemical processes naturally occurring or artificially operated, their matter and energy changes, the conditions of temperature, concentration and media for those changes including apparatus and analytical control; chemical products, their quality, quantity, applications, uses, and values; preparation of materials for public or industrial use including water supply, waste abatement, and pollution control;

(4) "civil engineering" means that branch of professional engineering which embraces studies and activities in connection with research, design, and construction of fixed works for irrigation, drainage, waterpower, water supply and treatment, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, sewerage, refuse disposal, foundations, structures, or bridges;

(5) "design" means the original and unique application of basic aesthetic, mathematical and physical and chemical principles to provide an acceptable solution of a problem or project;

(6) "direct supervision" means personal control, at the working level, of the preparation of professional documents;

(7) "ECPD" means Engineers' Council for Professional Development;

(8) "electrical engineering" means that branch of professional engineering which embraces studies and activities relating to generation, transmission and utilization of electrical energy and to telecommunications

systems and facilities, including the design of electrical, electronic and magnetic circuits and components, and the technical control of their operation and of the design of electrical and telecommunications gear; it is concerned with the research, organizational and economic aspects of these studies and activities;

(9) "mechanical engineering" means that branch of professional engineering which deals with engineering problems relating to generation, transmission and utilization of energy in the thermal or mechanical form, and also with engineering problems relating to the production of tools, machinery and their products and to mechanical processes, heating, air conditioning, refrigeration and plumbing; it is concerned with the research, design, production, operational, organizational and economic aspects of these studies and activities;

(10) "mining engineering" means that branch of professional engineering which embraces studies or activities relating to the exploration, location, and recovery of mineral commodities; it is concerned with research, design, construction, and development of structures, devices, and facilities of production and the economic aspects related to these studies and activities;

(11) "NAAB" means the National Architectural Accrediting Board;

(12) "NCARB" means the National Council of Architectural Registration Boards;

(13) "NCEE" means the National Council of Engineering Examiners;

(14) "petroleum engineering" means that branch of professional engineering which embraces studies or activities relating to the exploration, location, and recovery of natural fluid hydrocarbons; it is concerned with research, design, production, and operations of devices, and the economic aspects of these studies and activities;

(15) repealed (9/30/78, Reg. 67);

(16) repealed (9/30/78, Reg. 67);

(17) "professional engineering" includes the branches of

- (A) chemical engineering;
- (B) civil engineering;
- (C) electrical engineering;
- (D) mechanical engineering;
- (E) mining engineering;
- (F) petroleum engineering;

(24) "registration by comity" means registration by recognition of the applicant's credentials accepted by another jurisdiction. (Eff. 5/23/74, Reg. 50; am 9/30/78, Reg. 67)  
Authority: AS 08.48.101(a)

(18) "professional work" means the time the applicant has been occupied in architecture, engineering or land surveying work of higher grade and responsibility than that of subprofessional work;

(19) "responsible charge of work in the field" means the direction of work, the successful accomplishment of which rested upon the applicant, where the applicant has to decide questions of methods of execution and suitability of materials without relying upon advice or instructions from his superiors and where the applicant has to supply solutions to deficiencies in plans or has to correct errors in designs without first referring them to higher authority for approval, except where the approval is a matter of form;

(20) "responsible charge" as it pertains to "work in the office" means undertaking investigations or carrying out assignments, which demand resourcefulness and originality, or making plans, writing specifications, and directing drafting and computations for the design of architectural, engineering or land surveying work with only rough sketches, general information and field measurements for reference;

(21) "state" means the State of Alaska;

(22) "subprofessional work" means time spent working as rodman, chainman, recorder, draftsman, clerk of works, instrument man, inspector, or similar work where personal responsibility and technical knowledge are slight;

(23) "speciality contractor" means a contractor registered to offer not more than two labor trades;

J

STATE OF ALASKA  
Board of Marine Pilots  
(October, 1979)

Findings

Review of the responsibilities and activities of the Board of Marine Pilots indicates that regulation of this profession is in the public interest and should be continued.

Observations made in the review are designed to enhance Board operation and efficiency.

The Board functions under AS 08.62 to license qualified applicants and regulate individuals within the profession. Support services are provided by the Department of Commerce and Economic Development, Division of Occupational Licensing.

I. General Information

A. Regulated Parties

1. Marine Pilots
2. Vessels subject to AS 08.62 must register with the Board

B. Definitions

"Pilotage waters" includes all inside Alaska waters, with exceptions noted in Board regulations (12 AAC 56.110).

C. Purpose of Regulation

AS 08.62.040 requires the Board to "provide for the maintenance of efficient and competent pilot service on all waters covered by this chapter to assure protection of shipping and the safety of human life and property..."

D. Nature and Composition of Board

1. Board members and terms:

Four-year term (no restrictions regarding consecutive terms or number of terms).

Charles R. Webber, Commissioner  
Department of Commerce & Economic Development (Chairman)

Capt. Donald Oldow	ends June 1, 1980
Capt. Jack Maroni	ends June 1, 1979
Charles Stover (Agent)	ends June 1, 1980
Marvin Taylor (Agent)	ends June 1, 1979
Kenneth Peavyhouse (public) (public member vacancy)	ends June 1, 1983

2. Representation:

Profession = 4  
State Government = 1  
Public = 2

3. Qualifications:

The Board "consists of two pilots licensed under this chapter who have been actively engaged in piloting on vessels subject to this chapter, two agents or managers of vessels subject to this chapter, two public members in accordance with AS 08.01.025, and the commissioner or his designee. Not more than one pilot and one agent or manager shall be from any one judicial district. All members of the board shall be residents of the state."  
(AS 08.62.010)

E. Licensing Data

Current licenses (effective September 30, 1979)

in-State = 36  
out-of-State = 16  
Total = 52

F. Fees

1. application fee	\$ 10.00
2. biennial license fee	200.00
3. temporary license fee	50.00

G. Board Revenues and Expenditures

	FY '76	FY '77	FY '78	FY '79
Receipts	\$ 990.00	\$11,122.10	\$1,830.00	\$10,722.00
- refunds	-	-	50.00	-
Total	990.00	11,122.10	1,780.00	10,722.00
Expenditures				
Transportation	865.50	2,444.46	1,648.74	3,549.00
Per Diem	1,313.75	2,271.68	1,692.00	3,105.75
Phone	32.98	42.12	49.96	463.56
Printing, Adver. & Postage	501.29	706.10	358.94	750.79
Fees & Services	-	35.00	-	70.00
Rents, Leases & Other	-	15.75	70.00	173.57
Total	<u>\$2,713.52</u>	<u>\$ 5,515.11</u>	<u>\$3,819.64</u>	<u>\$ 8,112.67</u>
Surplus	-	\$ 5,606.99	-	\$ 2,609.33
Deficit	\$1,723.52	-	\$2,039.64	-

(EXCLUDES DIVISION OF OCCUPATIONAL LICENSING ADMINISTRATIVE OVERHEAD)

H. Complaints

Cases received during FY '78 and FY '79	= 14
Cases closed during FY '78 and FY '79	= 16
Cases to litigation during FY '78 and FY '79	= 1
Cases pending closure before the Board	= 0
Cases on file for investigation	= 12

All twelve open cases were filed by members of the profession or industry; seven concern unlicensed activity, three pertain to failure to report accidents, and two are of an undetermined nature.

## II. Analysis

- A. To what extent has the Board of Marine Pilots operated in the public interest?

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The Board assures competency of Marine Pilots through its qualifications for licensure as outlined in Board regulations. The Board meets in May and December of each year to pass on applicant qualifications, conduct examinations, and consider other Board business.

Temporary permits are available (pending full examination at a regular meeting) for qualified applicants for unlimited, limited or channel pilot licenses, subsequent to submission of qualifications and brief examination by two members of the Board. These two members have traditionally been either the pilot and agent from Southwest Alaska or the pilot and agent from Southeast Alaska. Authorization of the temporary permit is documented by these members and forwarded to the administrative agency for issuance of the permit.

Regular examinations held during Board meetings consist of written and oral testing. Content of the written exam is cited in 12 AAC 56.070 and appears to be similar in nature to the examination given for a license by the U.S. Coast Guard; a Coast Guard license is a prerequisite for a State license. Applicants are also tested orally by the Board regarding specific conditions and situations of vessels and maneuvers in the particular geographical area for which licensure is being sought. In view of the fact that there appears to be redundancy in the Coast

Guard and State tests, and the fact that applicants must have a Coast Guard license, the Board should consider eliminating some or all of the written portion of its examination.

Marine Pilot licenses are renewed biennially on December 31 of even-numbered years. Recent professional activity and certification of physical fitness are renewal requirements. Licentiates are required by regulations to file with the administrative agency quarterly reports on all vessels served; however, in many instances this has not been done on a consistent basis.

The Board has not kept a register of vessels, operators, agents or managers as required by AS 08.62.040(a)(3).

The Board has adopted substantive regulations pursuant to its mandate to provide for competent service in the protection of shipping and safety of human life and property.

B. To what extent has the operation of the Board of Marine Pilots been impeded or enhanced by existing statutes, procedures and practices which it has adopted, or any other matter, including budgetary, resource and personnel matters?

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As with all boards and commissions for which support services are provided by the Division of Occupational Licensing, this Board functions within strict budgetary and personnel limitations. Direct staff support is provided by a licensing examiner who is also responsible for two other boards. Fees and revenues for all boards and commissions under the jurisdiction of the Division of Occupational Licensing are collected through the Division and are deposited into a general fund. Monies deposited and withdrawn are identified by codes so that direct board revenues and expenses may be determined. Revenues for this Board are not sufficient to support its operation.

The Board has encountered the same difficulties as have all other boards and commissions with respect to investigative services provided by the administrative agency. During FY'78 two investigator positions were vacant; as a result, one position was abolished by the Legislature. At the present time, two investigators are located in Anchorage with a Chief Investigator located in Juneau. An additional investigator position was approved in the FY '80 budget but will probably not be filled immediately due to vacancy factors incorporated into the personal service category of the budget. Procedural constraints of the administrative adjudication article of the Administrative Procedure Act (AS 44.62.330-630), while necessary, restrict timely disposition of litigation. Prioritization based on time, staffing and nature of alleged offense results in pursuit of only the most flagrant and potentially injurious licensing complaints. The administrative agency will continue to address the need for initial assessment and follow through on complaints with emphasis on magnitude of offense as it relates to public safety.

Although the Board of Marine Pilots usually holds two meetings each year, two additional special meetings were held early in 1979 relative to the statutory provision (AS 08.62.040(a)(4)) that the Board "regulate pilotage fees." One of the two Marine Pilot associations representing a portion of Alaska licensees had requested a hearing before the Board on a proposed tariff increase, which was finally denied by the Board in June of 1979 but has been scheduled again for the December, 1979 meeting. Representatives from the Southwest Alaska Pilots' Association, the shipping industry, the Department of Commerce and Economic Development, and the Department of Law, as well as most members of the Board, were actively involved in these hearings.

Because no definitive guidelines or procedure for tariff hearings have been established, there is a considerable amount of time consuming confusion related to this Board activity. A number of areas of concern

regarding tariff hearings have been cited by the Department of Law including possible antitrust suits arising from negotiated uniform fees to be charged by the association on behalf of "independent" pilots and the potential for conflict of interest in that the Board membership includes two pilots and two shipping agents who constitute a majority of the Board and without whom there could be no quorum (see Appendices A and B).

A number of suggestions were made by the Department of Law to establish hearing procedures and guidelines; however, this has not been done. Regulations proposed by the Department of Law (see Appendix C) addressing some of these problem areas were rejected by the Board at its last meeting.

We do not believe that a State board should involve itself in "labor negotiations" or in fee setting for industry and would recommend statutory amendments which would resolve the conflicts seen in present hearing procedures, whether it be specific authority to permit prehearing negotiations between pilots and shippers, reconstitution of the Board, delegation of tariff hearing authority, or complete disassociation as a State regulatory function.

If no statutory amendments are made, it is suggested that the Board immediately proceed in setting up specific hearing procedures. The Board should also reconsider its position on needed regulatory amendments.

C. To what extent has the Board of Marine Pilots recommended statutory changes which are generally of benefit to the public interest?

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Two public members were added to the Board in 1976; in 1979 penalties for unlicensed activity were increased from a minimum of \$500 and maximum of \$1,000 to a minimum of \$1,000 and maximum of \$5,000 (with Board approval).

Review of Board minutes for the past two years indicates no other recommended statutory changes: either specifically in the public interest or otherwise.

- D. To what extent has the Board of Marine Pilots encouraged interested persons to participate in and report to it concerning the making and effect of its regulations and decisions, or to report to it concerning the effectiveness, economy and availability of service which it has provided?

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Participation concerning Board affairs has come from the profession and related industries. No "public" interest in Board activities has been demonstrated. Efforts could be made by the Board to promote public awareness but probably would have minimal effect.

Public interests are furthered by a presence of public members on the Board. "In recent years a number of states have added one or more public members (citizens with no particular interest in the occupation or profession governed by the board) to licensing boards in an effort to ensure that the interests of the public would be represented in decision-making."<sup>1</sup> The State of California, which provides for a one-third public membership on health care boards and a public majority on others, has indicated that its experience with public members has been highly rewarding.

- E. How efficiently are public inquiries or complaints regarding the activities of the Board of Marine Pilots processed and resolved?

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<sup>1</sup>Shimberg, B. and Roederer, D., Occupational Licensing: Questions a Legislator Should Ask, The Council of State Governments, Lexington, Kentucky, March, 1978, p. 20.

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General inquiries regarding the activities of the Board are responded to by Department staff and by members of the Board. Indications are that these responses are both accurate and timely and that information disseminated is appropriate.

Efforts are being made by the Division of Occupational Licensing to further organize and expedite the complaint and investigation process for all boards and commissions.

F. To what extent does the Board of Marine Pilots present qualified applicants to serve the public?

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Regulations regarding licensure qualifications have been adopted to insure competency of pilots, and are adhered to by the Board. This process, in conjunction with viable enforcement provisions, functions to assure initial and on-going professional ability.

G. To what extent have State personnel practices, including affirmative action requirements, been complied with by the Board of Marine Pilots in its own activities, and in its area of activity or interest?

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Board staff consists of the support services of a licensing examiner (also responsible to two other boards), employed by the Division of Occupational Licensing. This position and others, such as Division Director, Management Analyst, Regulations Specialist, etc., are hired through the State Personnel System and are subject to affirmative action requirements.

Examination and licensing privileges in this profession are based on specific criteria to which affirmative action requirements are not applicable.

H. To what extent are statutory, budgetary or other changes necessary to enable the Board of Marine Pilots to better serve the interests of the public?

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Investigation and complaint procedures are being addressed by the administrative agency with emphasis being placed on magnitude of offense and public safety.

Board and administrative expenses outweigh revenues collected through regulation of this profession. Fees collected are not adequate to cover transportation and per diem for meetings and examinations, and Division of Occupational Licensing administrative overhead such as staff salaries, examination expenses, and investigative services.

AS 08.62.110 may be repealed as well as a portion of §120. Fees could be increased, particularly the \$10 application fee. Statutory terms such as "incompetent" and "misconduct" should be defined. The Board should revise its regulations with respect to quorums for the conduct of its business and, as a matter of general policy, follow through on advice given it by the Department of Law.

Significant decisions need to be made with regard to the Board's role in tariff hearings. Continued confusion or inaction is not a suitable alternative to the many potential problems faced by the Board in its present situation. It is hoped that clarification and direction will be provided as a result of Legislative consideration.

## Chapter 62. Marine Pilots.

### Article

1. Board of Marine Pilots (§§ 08.62.010-08.62.040)
2. Licensing (§§ 08.62.080-08.62.150)
3. General Provisions (§§ 08.62.160-08.62.200)

### Article 1. Board of Marine Pilots.

### Section

10. Creation and membership of board
20. Appointment and term of office
30. Meetings
40. Powers and duties

Sec. 08.62.010. Creation and membership of board. There is created the Board of Marine Pilots. It consists of two pilots licensed under this chapter who have been actively engaged in piloting on vessels subject to this chapter, two agents or managers of vessels subject to this chapter, two public members in accordance with AS 08.01.025, and the commissioner or his designee. Not more than one pilot and one agent or manager shall be from any one judicial district. All members of the board shall be residents of the state. (§ 2 ch 106 SLA 1970; am § 8 ch 258 SLA 1976)

Sec. 08.62.020. Appointment and term of office. The governor shall appoint the pilot and agent or manager members of the board, subject to confirmation by a majority of the members of the legislature in joint session, for terms of four years, or until their successors are appointed. The first members shall be initially appointed for one, two, three and four year terms. (§ 2 ch 106 SLA 1970)

Sec. 08.62.030. Meetings. The board shall hold a regular annual meeting. The board may hold special meetings at the call of the chairman with prior approval of the governor. (§ 2 ch 106 SLA 1970)

Sec. 08.62.040. Powers and duties. (a) The board shall:

(1) provide for the maintenance of efficient and competent pilot service on all waters covered by this chapter to assure protection of shipping and the safety of human life and property;

(2) consistent with the law, adopt regulations, subject to the Administrative Procedure Act (AS 44.62), establishing the qualifications of pilots and providing for the examination of pilots and the issuance of original or renewal pilot licenses to qualified persons;

(3) keep a register of licensed pilots, vessels, operators, agents, and managers;

(4) regulate pilotage fees;

(5) make available, upon request, copies of this chapter and the regulations adopted under it.

(b) The board may, by regulation, make any other provision for proper and safe pilotage upon the waters covered by this chapter and for the efficient administration of this chapter. (§ 2 ch 106 SLA 1970)

## Article 2. Licensing.

### Section

- 80. License requirement
- 90. Application
- 100. Qualifications
- 110. Previous licensure
- 120. Duration, renewal
- 130. Lapsed license
- 140. Fees
- 150. Denial, revocation or suspension

Sec. 08.62.080. License requirement. No person may pilot a vessel subject to this chapter unless he is licensed under this chapter. (§ 2 ch 106 SLA 1970)

Sec 08.62.090. Application. (a) A person who desires to be licensed under this chapter shall apply in writing to the department.

(b) The application shall provide the information and be made on a form prescribed by the board. (§ 2 ch 106 SLA 1970)

Sec. 08.62.100. Qualifications. A person is entitled to a license under this chapter if he

(1) is of good moral character;

(2) is a citizen of the United States;

(3) passes the examination given by the board; and

(4) qualifies under the regulation adopted under § 40(a)(2) and (b) of this chapter. (§ 2 ch 106 SLA 1970)

Sec. 08.62.110. Previous licensure. A license that was issued under AS 30.10 is considered as having been issued under this chapter. (§ 2 ch 106 SLA 1970)

Sec. 08.62.120. Duration, renewal. A license issued under this chapter shall be renewed biennially on dates set by the department. A license issued under AS 30.10 lapses at the end of calendar year 1970.

A license issued between May 7, 1970 and the end of 1970 shall be issued for a fee of \$100. A license shall be renewed without examination upon the payment of the biennial license fee. (§ 2 ch 106 SLA 1970)

Sec. 08.62.130. Lapsed license. A lapsed license may be reinstated without examination if it has not remained lapsed for more than two years. However, if the license is lapsed for less than two years and the board has reason to believe that the person applying for reinstatement of his license is incapable or incompetent to carry out the duties of a licensed marine pilot, the board may require the applicant to take and pass the examination given by the board. (§ 2 ch 106 SLA 1970; am § 1 ch 22 SLA 1973)

Sec. 08.62.140. Fees. The following fees shall be imposed under this chapter when applicable:

- |                               |       |
|-------------------------------|-------|
| (1) application fee.....      | \$ 10 |
| (2) biennial license fee..... | 200   |

(§ 2 ch 106 SLA 1970)

Sec. 08.62.150. Denial, revocation or suspension. (a) The board, after compliance with the Administrative Procedure Act (AS 44.62), may deny, revoke or suspend the license of a person who

- (1) is incompetent in the performance of his pilotage duties;
- (2) is habitually intoxicated;
- (3) illegally uses or sells narcotic or hallucinogenic drugs;
- (4) makes a false statement to obtain a license;
- (5) violates a provision of this chapter or a regulation adopted under it; or
- (6) is guilty of misconduct during the course of his employment.

(b) A license denied, revoked or suspended under (a) of this section may not be granted or reinstated until

- (1) the reason for the license denial, revocation or suspension has been remedied; and
- (2) the period of suspension has been served and all fines imposed under this chapter have been paid. (§ 2 ch 106 SLA 1970)

### Article 3. General Provisions.

#### Section

- 160. Mandatory employment of licensed pilots
- 170. Pilot's lien for compensation
- 180. Exemptions
- 185. Certain licensed pilots required for oil tankers
- 190. Penalty
- 200. Definitions

Sec. 08.62.160. Mandatory employment of licensed pilots. A vessel subject to this chapter navigating the inside coastal waters of Alaska as determined by regulation shall employ a pilot holding a valid license under this chapter. (§ 2 ch 106 SLA 1970)

Sec. 08.62.170. Pilot's lien for compensation. Each vessel, its tackle, apparel and furniture and the owner of the vessel are jointly and severally liable for the compensation of a pilot employed on the vessel and the pilot has a lien on the vessel, her tackle, apparel and furniture for his compensation. (§ 2 ch 106 SLA 1970)

Sec. 08.62.180. Exemptions. This chapter does not apply to

(1) vessels under enrollment, except as provided in § 185 of this chapter;

(2) fishing vessels registered in the United States or in British Columbia, Canada;

(3) motorboats as defined in sec. 1 of the federal Motor Boat Act of 1940 (54 Stat. 163; 46 U.S.C., sec. 526 et seq.);

(4) vessels of United States registry of less than 300 gross tons and tow boats of United States registry and vessels owned by the State of Alaska, engaged exclusively

(A) on the rivers of Alaska, or

(B) in the coastwise trade on the west coast of the United States including Alaska, Hawaii, and British Columbia, Canada;

(5) vessels of Canada, including Canadian cruise ships, engaged in frequent trade between British Columbia and Alaska, if reciprocal exemptions are granted by Canada to vessels owned by the State of Alaska and those of United States registry; and

(6) pleasure craft. (§ 2 ch 106 SLA 1970; am § 1 ch 43 SLA 1972; am § 2 ch 78 SLA 1977)

Sec. 08.62.185. Certain licensed pilots required for oil tankers.  
(a) Any oil tanker, whether enrolled or registered, of 50,000 dead weight tons or greater, shall, when navigating in state waters beyond Alaska pilot stations either

(1) employ a pilot licensed by the state under this chapter,  
or

(2) utilize a federally licensed pilot whose duty station has been on that tanker throughout that specific voyage.

(b) The pilot required in (a) of this section shall control the vessel during all docking operations. (§ 3 ch 78 SLA 1977)

Sec. 08.62.190. Penalty. A master or owner of a vessel required by this chapter to employ a licensed pilot who fails to do so when a licensed pilot is available, unless the perils or hazards of the sea prevent the employment of a pilot, is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not less than \$1,000 nor more than \$5,000. A person who violates any other provision of this chapter or a regulation adopted under it is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not less than \$1,000 nor more than \$5,000. (§ 2 ch 106 SLA 1970; am § 1 ch 34 SLA 1979)

Sec. 08.62.200. Definitions. In this chapter

(1) "board" means the Board of Marine Pilots;

(2) "commissioner" means the commissioner of the Department of Commerce and Economic Development;

(3) "department" means the Department of Commerce and Economic Development;

(4) "vessel" means all vessels not exempt under § 180 of this chapter. (§ 2 ch 106 SLA 1970; am § 48 ch 218 SLA 1976)

CHAPTER 56.  
BOARD OF MARINE PILOTS

## Article

1. Administration of Board
2. Licensing
3. Inside Waters
4. Rates
5. General Provisions

ARTICLE 1.  
ADMINISTRATION OF BOARD

## Section

10. Quorum
20. Meetings

12 AAC 56.010. QUORUM. (a) For the purpose of approving applications for examination and administering the examination for a temporary license, two members of the board are a quorum.

(b) For the purpose of board meetings, hearings, examinations and for conducting all other board business, three members are a quorum. (Eff. 6/11/71, Reg. 38; am 6/1/72, Reg. 42)

Authority: AS 08.62.040(b)

12 AAC 56.020. MEETINGS. The annual meeting of the board shall be in December on the date, time and place designated by the chairman. Special meetings will be held at times and places designated by the chairman with approval of the governor and members of the board. (Eff. 6/11/71, Reg. 38)

Authority: AS 08.62.030  
AS 08.62.040(b)

ARTICLE 2.  
LICENSING

## Section

30. Qualifications for unlimited pilot's license
40. Qualifications for limited pilot's license
50. Qualifications for channel pilot's license
60. Temporary license
70. Examinations
80. Biennial license renewal

12 AAC 56.030. QUALIFICATIONS FOR UNLIMITED PILOT'S LICENSE. An applicant for an unlimited pilot's license shall apply on a form provided by the Department of Commerce

(1) pay the required fee; and

(2) submit a full-sized, certified reproduction of a valid United States Coast Guard license as first-class pilot upon the waters for which applying; and

(3) submit a full-sized, certified reproduction of a valid United States Coast Guard license for master of steam or motor vessels of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels; and

(4) have practical knowledge of the navigation of vessels and of the conditions of navigation in the waters for which he is applying, which will be determined by oral and written examination before the board from topics listed in sec. 70 of this chapter; and

(5) have met the following requirements:

(A) have a minimum of one year as a master or pilot of a vessel in the waters for which applying, and have executed under the direct supervision of a pilot holding an unlimited pilot's license under AS 08.62.100 a minimum of 10 dockings and 10 undockings while holding a United States Coast Guard license as a first-class pilot upon the waters for which applying and a United States Coast Guard license for master of steam or motor vessels of 500 gross tons or better including tow boat or freighting vessels, but excluding fishing vessels. No more than five of the required dockings or undockings may have been under the direct supervision of the same supervisory pilot; or

(B) have executed under the direct supervision of a pilot holding an unlimited pilot's license under AS 08.62.100 a minimum of 20 dockings and 20 undockings while holding a United States Coast Guard license as a first-class pilot upon the waters for which applying and a United States Coast Guard license for master of steam or motor vessels of 500 gross tons or better including tow boat or freighting vessels, but excluding

fishing vessels. No more than five of the required dockings or undockings may have been under the direct supervision of the same supervisory pilot; and

(C) all dockings and undockings must be certified as having been made within two years prior to the date of application; and

(6) have satisfactorily completed a physical examination within 30 days of the date of application. The physical examination required of all pilots shall demonstrate that he is physically fit to perform his duties as a pilot and shall include an examination of his eyesight, hearing, blood pressure and anything else necessary in the opinion of the examining physician; and

(7) be at least 25 years of age. (Eff. 6/11/71, Reg. 38; am 6/1/72, Reg. 42)

Authority: AS 08.62.040(a)(2)

12 AAC 56.040. QUALIFICATIONS FOR LIMITED PILOT'S LICENSE. (a) A limited pilot's license is a license to pilot vessels of 2,000 gross tons or less.

(b) An applicant for a limited pilot's license shall apply on a form provided by the Department of Commerce

(1) pay the required fee; and

(2) submit a full-sized, certified reproduction of a valid United States Coast Guard license for first-class pilot upon the waters for which applying; and

(3) submit a full-sized, certified reproduction of a valid United States Coast Guard license for master; and

(4) have practical knowledge of the navigation of vessels and of the conditions of navigation in the waters for which he is applying, which will be determined by oral and written examination before the board from topics listed in sec. 70(b) and (c) of this chapter; and