

Statutes and Regulations **Architects, Engineers, and Land Surveyors**

October 2009

(Centralized Statutes and Regulations not included)



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

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

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**State of Alaska
Department of Commerce, Community, and Economic Development
Division of Corporations, Business and Professional Licensing
State Board of Registration for Architects, Engineers, and Land Surveyors
333 Willoughby Avenue, 9th Floor, State Office Building
P.O. Box 110806
Juneau, Alaska 99811-0806
(907) 465-2540
Web Site: <http://www.commerce.state.ak.us/occ/pael.cfm>**

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CHAPTER 48.
ARCHITECTS, ENGINEERS, AND LAND SURVEYORS.

Article

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ARTICLE 1.
BOARD OF REGISTRATION.

Section

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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 10 members appointed by the governor having the qualifications as set out in AS 08.48.031. The board consists of two civil engineers, two land surveyors, one mining engineer, one electrical or mechanical engineer, one engineer from another branch of the profession of engineering, two architects, and one public member.

(c) Notwithstanding (b) of this section, if a mining engineer who qualifies for appointment to the board and is interested in serving on the board is not available, the governor may appoint a petroleum or chemical engineer to the seat designated for a mining engineer.

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

(b) *Repealed 1987*

(c) For purposes of determining appointments and terms under AS 08.01.035, notwithstanding the reference in that section relating to eligibility for reappointment after serving a full or partial term,

(1) a member who has served all of two successive terms on the board may not be reappointed to the board unless four years have elapsed since the person last served on the board; and

(2) for purposes of (1) of this subsection, a person who serves for two years or more of a four-year term is considered to have served a full term.

Sec. 08.48.031. Qualifications. Each member of the board must have been a resident in the state for three consecutive years immediately preceding appointment and, except for the public member, must be registered and have a minimum of five years of professional practice in the member's respective field.

Sec. 08.48.041. Removal of members. The governor may remove a member of the board for misconduct, incompetency, or neglect of duty.

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: chair, vice-chair, and secretary.

Sec. 08.48.055. Executive secretary of the board. (a) The department, in consultation with the board, shall employ an individual who is not a member of the board to serve as the executive secretary of the board. The executive secretary is the principal executive officer of the board and is in the partially exempt service under AS 39.25.120.

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

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 that 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, land surveyor examiners, or landscape architect examiners, or any of their subdivisions. The total amount of disbursements issued in payment of the expenses incurred under this chapter may not exceed the amount of money appropriated by the legislature.

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, Community, 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 that 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 and the legislature

- (1) repealed 7/1/97;
- (2) repealed 7/1/97;
- (3) a report of attendance of members of the board at meetings of the board;
- (4) a list of the regulations adopted, amended, or repealed since the last report;
- (5) a report of the current purposes and goals of the board; and
- (6) a report of significant developments in the field of architecture, engineering, land surveying, or landscape

architecture of concern to the board.

(d) 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.

(e) The Department of Commerce, Community, and Economic Development shall, under AS 08.01.050, preserve the records under (a) of this section for the previous five years.

(f) The Department of Commerce, Community, and Economic Development shall assemble statistics relating to the performance of its staff and the performance of the board, including but not limited to

- (1) the number of architects, engineers, land surveyors, and landscape architects registered over a five-year period;
- (2) the rate of passage of examinations administered by the board;
- (3) the number of persons making application for registration as a professional architect, engineer, land surveyor, or landscape architect over a five-year period;
- (4) an account of registration fees collected under AS 08.01.065;
- (5) a measure of the correspondence workload of any licensing examiner employed by the department to carry out this chapter.

Sec. 08.48.091. Written examinations and examination fees. Written examinations shall be held at least once each year at places determined by the board. A candidate failing an examination may apply for reexamination in accordance with regulations adopted by the board.

Sec. 08.48.101. Regulations; bylaws; code of ethics. (a) The board may adopt regulations to carry out the purpose of this chapter, including regulations

- (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, limited liability companies, and limited liability partnerships under AS 08.48.241;
- (6) establishing continuing education requirements for persons regulated by this chapter that must be completed before a certificate may be renewed; the continuing education requirements may not exceed standards established by a national accrediting body or other recognized professional organization.

(b) The regulations, bylaws and code of ethics or professional conduct adopted by the board shall be published in the annual report to the governor.

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, corporation, limited liability companies, or limited liability partnerships 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, land surveying, or landscape architecture; or (3) a violation of this chapter, a regulation adopted under this chapter, or the code of ethics or professional conduct as adopted by the board. The code of ethics or professional conduct shall be distributed in writing to every registrant and applicant for registration under this chapter. This publication and distribution of the code of ethics or professional conduct 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 revisions or amendments. The board may, upon petition of the registrant, corporation, limited liability companies, or limited liability partnerships reissue a certificate if a majority of the members of the board vote in favor of the reissuance.

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. The 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.

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.

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 chair.

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 for registration**
- 211. Certificate of registration**
- 215. Retired status registration**
- 221. Seals**
- 231. Expirations and renewals**
- 241. Corporations**
- 251. Certain Partnerships**
- 265. Fees**

Sec. 08.48.171. General requirements and qualifications for registration. An applicant for registration as an architect, engineer, land surveyor, or landscape architect must be of good character and reputation and shall submit evidence satisfactory to the board of the applicant's education, training, and experience. However, an applicant for registration as a land surveyor may not be required to submit evidence of more than eight years of any combination of education, experience, or training.

Sec. 08.48.181. Registration upon examination. Except as provided in AS 08.48.191, for registration as a professional architect, professional engineer, professional land surveyor, or professional landscape architect, a person shall be examined in this state in accordance with the regulations of procedure and standards adopted by the board under AS 44.62 Administrative Procedure Act. The procedure and standards shall at least meet the requirements adopted by recognized national examining councils for these professions.

Sec. 08.48.191. Registration by comity or endorsement. (a) A person holding a certificate of registration authorizing the person 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, that, 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 the person to practice engineering in a state, territory, or possession of the United States, the District of Columbia, or a foreign country, that, 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.

(c) A person holding a certificate of registration authorizing the person 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 the person's certificate was issued under requirements comparable to those in this state.

(d) A person holding a certificate of registration authorizing the person to practice landscape architecture in a state, territory, or possession of the United States, the District of Columbia, or a foreign country, that in the opinion of the board meets the requirements of this chapter, based on verified evidence, may upon application, be registered under the regulations of the board. A person holding a certificate of qualification issued by the Council of Landscape Architectural Registration Boards may upon application be registered under regulations of the board.

Sec. 08.48.201. Application for registration. (a) Application for registration as a professional architect, a professional engineer, a professional land surveyor, or a professional landscape architect 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 the applicant's technical experience; and

(3) contain five references, three of whom must be architects for architectural registration, engineers for engineering registration, land surveyors for land surveying registration, and landscape architects for landscape architectural registration, having personal knowledge of the applicant's architectural, engineering, land surveying, or landscape architectural education, training or experience.

(b) *Repealed 1985.*

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, land surveyor, or landscape architect, authorizing the holder to offer or perform architectural, engineering, land surveying, or landscape architectural services or work for the public, or to certify or sign architectural, engineering, land surveying, or landscape architectural documents. Certificates 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, professional land surveyor, or professional landscape architect while the certificate remains unrevoked or unexpired.

Sec. 08.48.215. Retired status registration. (a) On retiring from practice and payment of an appropriate one-time fee, an individual who is a registrant in good standing with the board may apply for the conversion of a certificate of registration to a retired status registration. An individual holding a retired status registration may not practice architecture, engineering, land surveying, or landscape architecture in the state. A retired status registration is valid for the life of the registration holder and does not require renewal.

(b) An individual with a retired status registration may apply for a certificate of registration. Before issuing a certificate of registration under this subsection, the board may require the applicant to meet reasonable criteria as determined under regulations of the board. The criteria may include submission of continuing education credits and reexamination requirements.

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," "Registered Professional Land Surveyor," or "Registered Professional Landscape Architect," as appropriate. When a registrant issues final drawings, specifications, surveys, plats, plates, reports, or similar documents, the registrant shall sign the documents and stamp the documents with the seal. The board shall adopt regulations governing the use of seals by the registrant. An architect, engineer, land surveyor, or landscape architect may not affix or permit a 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 the registrant's 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 the registrant's direct supervision, unless the registrant certifies on the face of the document to the extent of the registrant's responsibility.

Sec. 08.48.231. Expirations and renewals. (a) To remain valid, certificates shall be renewed in accordance with AS 08.01.100. Notice of renewal dates, given under AS 08.01.050(a)(11), shall be mailed to the registrant, corporation, limited liability company, or limited liability partnership at the registrant's, corporation, limited liability company's, or limited liability partnership's 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.

(c) An expired certificate may be renewed under regulations adopted by the board establishing requirements for reexamination.

Sec. 08.48.241. Corporations, limited liability companies, or limited liability partnerships. (a) This chapter does not prevent a corporation from offering architectural, engineering, land surveying, or landscape architectural services; however, the corporation, limited liability company, or limited liability partnership 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, limited liability company, or limited liability partnership is qualified in accordance with the provisions of this chapter to offer to practice architecture, engineering, land surveying, or landscape architecture in this state;

(2) a certified copy of a resolution of the board of directors of the corporation, the managing members or manager of the limited liability company, or the general partners of a limited liability partnership designating persons holding certificates of registration under this chapter as responsible for the practice of architecture, engineering, land surveying, or landscape architecture by the corporation, limited liability company, or limited liability partnership in this state and providing that full authority to make all final architectural, engineering, land surveying, or landscape architectural decisions on behalf of the corporation, limited liability company, or limited liability partnership with respect to work performed by the corporation, limited liability company, or limited liability partnership in this state is granted by the board of directors of the corporation, the managing members or manager of the limited liability company, or the general partners of the limited liability partnership to the persons designated in the resolution; however, the filing of this resolution does not relieve the corporation, limited liability company, or limited liability partnership 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, land surveying, or landscape architectural activities in which the corporation, limited liability company, or limited liability partnership specializes in this state; if a change is made in the person in responsible charge of a major branch of the architectural, engineering, land surveying, or landscape architectural 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, limited liability company, or limited liability partnership a certificate of authorization to practice architecture, engineering, land surveying, or landscape architecture in this state upon a determination by the board that

(1) the bylaws of the corporation, the articles of organization or operating agreement of the limited liability company, or the partnership agreement of the limited liability partnership contain provisions that all architectural, engineering, land surveying, or landscape architectural decisions pertaining to architectural, engineering, land surveying, or landscape architectural activities in this state will be made by the specified architect, engineer, land surveyor, or landscape architect in responsible charge, or other registered architects, engineers, land surveyor, or landscape architects under the direction or supervision of the architect, engineer, land surveyor, or landscape architect in responsible charge;

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

(3) the applicant corporation, limited liability company, or limited liability partnership has the ability to provide architectural, engineering, land surveying, or landscape architectural 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, land surveying, or landscape architectural activities in which the corporation, limited liability company, or limited liability partnership specializes;

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

(6) the applicant corporation, limited liability company, or limited liability partnership meets other requirements related to professional competence in the furnishing of architectural, engineering, land surveying, or landscape architectural services as may be adopted 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, limited liability company, or limited liability partnership if the board finds that any of the corporation's officers, directors, or incorporators, any of the stockholders holding a majority of the stock of the corporation, any of the limited liability company's organizers, managers, or managing members, or any of the limited liability partnership's general partners 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 must specify the major branches of architecture, engineering, land surveying, or landscape architecture of which the corporation, limited liability company, or limited liability partnership 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, limited liability company, or limited liability partnership, together with the names of persons designated as being in responsible charge of the professional activities.

(e) If a corporation, limited liability company, or limited liability partnership, that is organized solely by either a group of architects, a group of engineers, a group of land surveyors, or a group of landscape architects, 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, limited liability company, or limited liability partnership based on a review of the professional records of the incorporators of the corporation, organizers of the limited liability company, or partners who formed the limited liability partnership, in place of the required qualifications set out in this section. If the ownership of the corporation is altered, the membership of the limited liability company is altered, or the partners of the limited liability partnership change, the corporation, limited liability company, or limited liability partnership shall apply for a revised certificate of authorization, based upon the professional records of the owners of the corporation, the members of the limited liability company, or the partners of the limited liability partnership, if exclusively architects, engineers, land surveyors, or landscape architects, or otherwise under the qualifications required by (b)(1)—(4) of this section.

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

(g) If the board, after a proper hearing, finds that a corporation, limited liability company, or limited liability partnership 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, land surveyor, or landscape architect who, after a proper hearing, is found by the board to have participated in committing the misconduct or malpractice.

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

(i) *Repealed 1985.*

(j) In this section,

(1) "manager" has the meaning given in AS 10.50.990;

(2) "managing member" has the meaning given in AS 10.50.990.

Sec. 08.48.251. Certain partnerships. This chapter does not prevent the practice of architecture, engineering, land surveying, or landscape architecture by partnership if all of the members of the partnership are architects, engineers, land surveyors, or landscape architects legally registered under this chapter. In this section, "partnership" does not include a limited liability partnership.

Sec. 08.48.265. Fees. The Department of Commerce, Community, and Economic Development shall set fees under AS 08.01.065 for examinations, registrations, certificates of authorization, and renewals of a certificate.

ARTICLE 3. UNLAWFUL ACTS.

Section

281. Prohibited practice

291. Violations and penalties

295. Civil penalty for unregistered or unauthorized practice

Sec. 08.48.281. Prohibited practice. (a) A person may not practice or offer to practice the profession of architecture, engineering, land surveying, or landscape architecture in the state, or use in connection with the person's name or otherwise assume or advertise a title or description tending to convey the impression that the

person is an architect, an engineer, a land surveyor, or a landscape architect unless the person 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, limited liability company, or limited liability partnership, unless it has been authorized under this chapter.

(b) Notwithstanding (a) of this section, this chapter does not prohibit the practice of landscape architecture by a person who is not registered to practice landscape architecture if the services being performed by the person are within the scope of practice authorized by another license that is held by the person.

Sec. 08.48.291. Violations and penalties. A person who practices or offers to practice architecture, engineering, land surveying, or landscape architecture in the state 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 to be 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.

Sec. 08.48.295. Civil penalty for unregistered or unauthorized practice. (a) In addition to any other provision of law, if a person practices or offers to practice architecture, engineering, or land surveying in the state without being registered or authorized to practice in accordance with the provisions of this chapter, the board may enter an order levying a civil penalty.

(b) A civil penalty levied under this section may not exceed \$5,000 for each offense. In levying a civil penalty, the board shall set the amount of the penalty imposed under this section after taking into account appropriate factors, including the seriousness of the violation, the economic benefit resulting from the violation, the history of violations, and other matters the board considers appropriate.

(c) Before issuing an order under this section, the board shall provide the person written notice and the opportunity to request, within 30 days of issuance of notice by the board, a hearing on the record.

(d) In connection with proceedings under (a) and (b) of this section, the board may issue subpoenas to compel the attendance and testimony of witnesses and the disclosure of evidence, and may request the attorney general to bring an action to enforce a subpoena.

(e) A person aggrieved by the levy of a civil penalty under this section may file an appeal with the superior court for judicial review of the penalty under AS 44.62.560.

(f) If a person fails to pay a civil penalty within 30 days after entry of an order under (a) of this section, or if the order is stayed pending an appeal, within 10 days after the court enters a final judgment in favor of the board of an order appealed under (e) of this section, the board shall notify the attorney general. The attorney general may commence a civil action to recover the amount of the penalty.

(g) An action to enforce an order under this section may be combined with an action for an injunction under AS 08.48.131.

ARTICLE 4. GENERAL PROVISIONS.

Section

- 311. Rights not transferable**
- 321. Evidence of practice**
- 331. Exemptions**
- 341. Definitions**
- 351. Short title**

Sec. 08.48.311. Rights not transferable. The right to engage in the practice of architecture, engineering, land surveying, or landscape architecture is considered a personal and individual right, based on the qualifications of the individual as evidenced by the individual's certificate of registration, which is not transferable.

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

(1) practices a branch of the profession of architecture, engineering, land surveying, or landscape architecture as defined in AS 08.48.341;

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

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

Sec. 08.48.331. Exemptions. (a) This chapter does not apply to

(1) a contractor performing work designed by a professional architect, engineer, or landscape architect or the supervision of the construction of the work as a supervisor or superintendent for a contractor;

(2) workers in building trades crafts, earthwork, grounds keeping, or nursery operations, and superintendents, supervisors, or inspectors in the performance of their customary duties;

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

(4) an employee or a subordinate of a person registered under this chapter if the work or service is done under the direct supervision of a person registered under this chapter;

(5) associates, consultants, or specialists retained by a registered individual, a partnership of registered individuals, a corporation, a limited liability company, or a limited liability partnership authorized to practice architecture, engineering, land surveying, or landscape architecture under this chapter, in the performance of professional services if responsible charge of the work remains with the individual, the partnership, or a designated representative of the corporation, limited liability company, or limited liability partnership;

(6) a person preparing drawings or specifications for

(A) a building for the person's own use and occupancy as a single family residence and related site work for that building;

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

(C) a building that is intended to be used only as a residence by not more than

(i) four families and that is not more than two stories high and the grounds of the building; or

(ii) two families and that is not more than three stories high and the grounds of the building, if the building is located in a municipality that has adopted a building or residential code that applies to the building and if the building complies with the building or residential code;

(D) a garage, workshop, or similar building that contains less than 2,000 square feet of floor space to be used for a private noncommercial purpose and the grounds of the building;

(7) a specialty contractor licensed under AS 08.18 while engaged in the business of construction contracting or designing systems for work within the specialty to be performed or supervised by the specialty contractor, or a contractor preparing shop or field drawings for work that the specialty contractor has contracted to perform;

(8) a person furnishing drawings, specifications, instruments of service, or other data for alterations or repairs to a building or its grounds that do not change or affect the structural system or the safety of the building, or that do not affect the public health, safety, or welfare;

(9) a person who is employed by a postsecondary educational institution to teach engineering, architectural, or landscape architectural courses; in this paragraph, "postsecondary educational institution" has the meaning given in AS 14.48.210;

(10) an officer or employee of an individual, firm, partnership, association, utility, corporation, limited liability company, or limited liability partnership, who practices engineering involved in the operation of the employer's business only, and further provided that neither the employee nor the employer offers engineering services to the public; exclusions under this paragraph do not apply to buildings or structures whose primary use is public occupancy;

(11) a person while involved in revegetation, restoration, reclamation, rehabilitation, or erosion control for disturbed land;

(12) a person while maintaining or directing the placement of plant material.

(13) an employee, officer, or agent of a regulatory agency of the state or a municipality when reviewing drawings and specifications for compliance with the building codes of the state or a municipality if the drawings and specifications have been signed and sealed by a professional architect or professional engineer or the preparation of the drawings and specifications is exempt under this section from the requirements of this chapter; in this paragraph, "building codes" includes codes relating to building, mechanical, plumbing, electrical, and fire standards;

(14) a person who is designing fire detection or suppression systems and is authorized by the Department of Public Safety to design fire detection or suppression systems.

(b) The requirement to be registered as a landscape architect under this chapter only applies to a person who practices an aspect of landscape architecture that the board has determined affects the public health or safety.

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) "building" means a structure used or intended for human occupancy;

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

- (5) “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;
- (6) “engineer” means a professional engineer;
- (7) “land surveyor” means a professional land surveyor;
- (8) “landscape architect” means a professional landscape architect;
- (9) “limited liability company” means an organization organized under AS 10.50 or a foreign limited liability company; in this paragraph, “foreign limited liability company” has the meaning given in AS 10.50.990;
- (10) “limited liability partnership” means an organization registered under AS 32.05.415 or a foreign limited liability partnership; in this paragraph, “foreign limited liability partnership” has the meaning given in AS 32.05.990;
- (11) “practice of architecture” means professional service or creative work in the design of buildings, 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 buildings, works, or projects, and architectural review of drawings and specifications by regulatory agencies; “practice of architecture” may by regulation of the board include mechanical, electrical, or structural design of minor importance;
- (12) “practice of engineering” means professional service or creative work, the adequate performance of which requires the specialized knowledge of applied mathematics and sciences, dealing with the design of 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, and professional observation of construction of public and private structures, works, or projects and engineering review of drawings and specifications by regulatory agencies; “practice of engineering” may by regulation of the board include architectural building design of minor importance, but it does not include comprehensive architectural services;
- (13) “practice of land surveying” means the teaching of land surveying courses at an institution of higher learning, or any service or work the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied 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 of land, including the topography, alignment, and grades for streets, and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys;
- (14) “practice of landscape architecture” means professional services or creative work in site investigation, reconnaissance, research, planning, design, and preparation services related to drawings and construction documents, observation of construction, and location, arrangement, and design of incidental and necessary tangible objects and features for the purpose of
- (A) preservation and enhancement of land uses and natural land features;
 - (B) location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways;
 - (C) establishing or maintaining trails, plantings, landscape irrigation, landscape lighting, and landscape grading; or
 - (D) generalized planning of the development of land areas in a manner that is sensitive to the area's natural and cultural resources;
- (15) “professional architect” means a person who has been legally registered as a professional architect by the board;
- (16) “professional engineer” means a person who has been legally registered as a professional engineer by the board;
- (17) “professional land surveyor” means a person who has been legally registered as a professional land surveyor by the board;
- (18) “professional landscape architect” means a person registered as a profession landscape architect by the board;
- (19) “responsible charge” means the direct control and personal supervision of work;
- (20) “structure” means a system of materials and components that resists horizontal and vertical loads;

Sec. 08.48.351. Short title. This chapter may be cited as the Architects, Engineers, Land Surveyors, and Landscape Architects Registration Act.

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

Article

- 1. Registration and Licensing**
(12 AAC 36.010 – 12 AAC 36.195)
- 2. Code of Professional Conduct**
(12 AAC 36.200 – 12 AAC 36.245)
- 3. Disciplinary Guidelines**
(12 AAC 36.300 – 12 AAC 36.330)
- 4. Continuing Education for Professional Land Surveyors**
(12 AAC 36.400 – 12 AAC 36.450)
- 5. Continuing Education for Professional Architects, Engineers, and Landscape Architects**
(12 AAC 36.500 – 12 AAC 36.550)
- 6. General Provisions**
(12 AAC 36.900 – 12 AAC 36.990)

ARTICLE 1.
REGISTRATION AND LICENSING.

Section

- 10. Applications**
- 40. Simplified application for reexamination**
- 50. Final filing dates**
- 55. (Repealed)**
- 60. Eligibility for architect examination and registration**
- 61. Architect education requirements**
- 62. Eligibility for fundamentals of engineering examination**
- 63. Engineering education and work experience requirements**
- 64. Eligibility for fundamentals of land surveying examination**
- 65. Eligibility for professional land surveyor examination**
- 66. Verification of land surveyor work experience**
- 67. Date of experience**
- 68. Eligibility for landscape architect registration by examination**
- 69. Standards for registration as a landscape architect**
- 70. Postponements**
- 80. Authorization to take examination**
- 90. Waiver of fundamentals of engineering examination**
- 100. Content of examinations**
- 103. Architect registration by comity**
- 105. Engineer registration by comity**
- 107. Land surveyor registration by comity**
- 109. Landscape architect registration by comity**
- 110. Arctic and seismic requirement**
- 111. (Repealed)**
- 115. Retired status registration**
- 135. Review of application for corporate authorization**
- 160. Duplicate certificate**
- 165. Expired certificates**
- 170. Fees**
- 180. Seal**
- 185. Use of seals**
- 190. Testing laboratory reports**
- 195. Site adaptation and field alterations of sealed documents**

12 AAC 36.010. APPLICATIONS. (a) An application for examination or for registration by comity must be typewritten and filed with the board on a form prescribed by the board, accompanied by the application fee established in 12 AAC 02.110.

(b) An applicant will not be admitted to an examination or approved for registration until the applicant's qualifications are accepted by the board.

(c) Except as provided in 12 AAC 36.060(a), the board will approve an application for examination or for registration by comity if

- (1) the application form is complete;
- (2) the applicable fees have been paid; and
- (3) all supporting documents have been received by the board verifying that the applicant meets the registration requirements in AS 08.48 and this chapter.

(d) Except as provided in 12 AAC 36.060(a), the board will give conditional approval of an application for examination or for registration by comity pending receipt of missing documents, payment of applicable fees for examination or registration, or other corrections to the application if the

- (1) application form is substantially complete and includes the applicant's notarized signature;
- (2) application fee has been paid;
- (3) board has determined that the applicant's qualifications as listed on the application form show that the applicant meets the registration requirements in AS 08.48 and this chapter;

(4) board has received all supporting documents required for board review of the application as defined in (i) of this section; and

(5) board has determined that any missing supporting documents and the correction of other deficiencies in the application do not require board discretion to review and approve.

(e) If the board gives conditional approval of an application, the board also will write a statement of conditional approval. The statement will identify the missing supporting documents or other corrections required to complete the application. Department staff shall change the conditional approval to "approval" when the missing documents and other corrections are received if the documents and corrections clearly show the information required by the board in its statement of conditional approval. If the missing supporting documents or corrections received require interpretation or discretion, department staff shall resubmit the application to the board for approval.

(f) Except as provided in 12 AAC 36.060(a), the board will determine that an application is incomplete, and will notify the applicant, if

(1) the board is not able to determine from the application form and supporting documents whether the applicant meets the registration requirements in AS 08.48 and this chapter; or

(2) the application form does not show that the applicant meets the registration requirements in AS 08.48 and this chapter but the board determines that the applicant will likely meet the qualifications within one year.

(g) For an application determined to be incomplete under (f) of this section, department staff shall

(1) resubmit the application to the board for review if the applicant submits to the department additional application information; and

(2) maintain an incomplete application file for the application until it either is approved or denied by the board or is considered abandoned under 12 AAC 02.910.

(h) Except as provided in 12 AAC 36.060(a), the board will deny an application for examination or for registration by comity if the application does not meet the requirements in this section for approval, conditional approval, or a determination of incomplete application.

(i) In this section, "all supporting documents required for board review" means documentation of the applicant's education, work experience, and responsible charge experience, as required by AS 08.48 and this chapter except for

(1) official transcripts of the applicant's education if the applicant has

(A) an ABET accredited B.S. degree in the major branch of engineering for which the applicant is applying for registration;

(B) a B.S. degree in an ABET accredited curriculum in land surveying if the applicant is applying for registration as a land surveyor; or

(C) a LAAB accredited professional degree in landscape architecture if the applicant is applying for registration as a landscape architect;

(2) verification of a license or examination in another licensing jurisdiction;

(3) verification of successful completion of arctic engineering coursework as required by 12 AAC 36.110.

Authority: AS 08.01.050 AS 08.48.171 AS 08.48.201
AS 08.48.101 AS 08.48.191

12 AAC 36.040. SIMPLIFIED APPLICATION FOR REEXAMINATION. (a) Except as provided in (b) and (c) of this section, an applicant who has failed an examination may apply for reexamination by written notice to the board, accompanied by the required examination fee, if applicable, stating that the applicant wishes to take the next examination to be offered for the profession for which the applicant has applied. The board will approve an applicant for the next applicable examination, as follows:

(1) Fundamentals of Engineering Examination, NCEES Principles and Practices of Engineering Examination, Fundamentals of Land Surveying Examination, and the NCEES Principles and Practices of Surveying Examination, as follows:

(A) for the spring April examination, the filing deadline for the written notice to the board for reexamination is February 20;

(B) for the fall October examination, the filing deadline for the written notice to the board for reexamination is August 30;

(2) Alaska Land Surveying Examination (AKLS) to be held at least 45 days after receipt of the applicant's written notice;

(3) Landscape Architect Registration Examination (LARE) to be held at least 60 days after receipt of the applicant's written notice.

(b) An applicant who has failed an examination and has not applied for reexamination within 18 months after receiving notification of that failure, or within 18 months of failing to appear for an examination, may not use the procedure prescribed in (a) of this section, but rather shall apply under 12 AAC 36.010.

(c) An applicant may apply for reexamination under (a) of this section no more than four times within the five years after the date that the board approved the applicant's original application for examination. An applicant shall apply under 12 AAC 36.010 if the applicant has not passed the examination after five attempts or within five years after the date that the board approved the applicant's original application for examination, whichever comes first. This subsection does not apply to an applicant for reexamination for the Alaska Land Surveying (AKLS) examination.

Authority: AS 08.48.091 AS 08.48.101 AS 08.48.171

12 AAC 36.050. APPLICATION DEADLINES. (a) Except as provided in (e) and (f) of this section and in 12 AAC 36.040, before the board will review an application for examination, and at least 10 days before the meeting of the board that is immediately before the examination date, the department must receive the applicant's

- (1) completed application form;
- (2) application fee established in 12 AAC 02.110;
- (3) all supporting documents required for board review of the application, as defined in 12 AAC 36.010(i).

(b) If the board has given conditional approval of an application for examination under 12 AAC 36.010(d), the department staff may not schedule the applicant for the examination unless

(1) the department receives all missing supporting documents and other required application corrections identified by the board at least 45 days before the date of the examination; and

(2) neither the documents nor the corrections must be resubmitted to the board under 12 AAC 36.010(e) because they require interpretation or discretion.

(c) To be reviewed by the board, an application for registration by comity, and all supporting documents required for board review of the application, as defined in 12 AAC 36.010(i) must be received by the department at least 10 days before the meeting of the board.

(d) If an application deadline in (a) - (c) of this section would fall upon a Saturday, Sunday, or holiday, the deadline is extended to the next business day.

(e) An application, a supporting document, or a correction is considered filed with the department on the date of receipt by the department in the Juneau office. The board will, in its discretion, accept a supporting document or a correction after the deadline set in this section upon showing of good cause.

(f) An application for registration upon examination as a professional landscape architect must be received by the department in the Juneau office at least 10 days before the quarterly meetings of the board, held in February and August, respectively, in order to review the applicant's qualifications before the Landscape Architectural Registration Examination (LARE) dates in June and December.

Authority: AS 08.48.101 AS 08.48.181

12 AAC 36.055. ARCHITECT REGISTRATION BY EXAMINATION. *Repealed 10/29/2009.*

12 AAC 36.060. ELIGIBILITY FOR ARCHITECT EXAMINATION AND REGISTRATION. (a) To be eligible for the architect registration examination required in 12 AAC 36.100(b), an applicant must submit

(1) an application showing that the applicant meets the education requirements specified in 12 AAC 36.061; and

(2) an NCARB Record Summary in Support of Application for Examination.

(b) To be eligible for registration by examination as an architect in this state, an applicant must

- (1) submit an application in compliance with 12 AAC 36.010;
- (2) meet the education requirements specified in 12 AAC 36.061;
- (3) complete the NCARB Intern Architect Development Program (IDP);
- (4) satisfy the arctic and seismic requirements of 12 AAC 36.110; and
- (5) successfully pass the examinations required in 12 AAC 36.060 and 12 AAC 36.100.

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

12 AAC 36.061. ARCHITECT EDUCATION REQUIREMENTS. (a) To be eligible for registration as an architect in this state, an applicant must

(1) have a professional degree in architecture from an academic institution accredited by the National Architectural Accrediting Board (NAAB) or certified by the Canadian Architectural Certification (CACB) not later than two years after the degree was received; only a bachelor of architecture or a master of architecture satisfies the

requirements for a professional degree under this paragraph; four-year pre-professional degrees in architectural studies or post-professional degrees in a related field do not satisfy the requirements for a professional degree under this paragraph; or

(2) satisfy the minimum education requirements of the NCARB Education Standard as prescribed in the NCARB publication *NCARB Education Standard, 2007 – 2008* and adopted by reference.

(b) To verify compliance with (a) of this section, the board will only accept documentation from NCARB of the applicant’s education credentials, and the applicant must have NCARB transmit its verification to the board by

(1) an NCARB “Council Record With Application for Jurisdiction Registration With Council Certification,” commonly known as an “NCARB Green Cover IDP Council Record,” if the applicant is applying for registration by examination; or

(2) an NCARB Council Certificate, commonly known as an “NCARB Blue Book,” if the applicant is applying for registration by comity.

Authority: AS 08.48.101 AS 08.48.171

Editor’s note: The NCARB publication *NCARB Education Standard, adopted by reference in 12 AAC 36.061(a)(2)*, may be obtained from NCARB at (202) 783-6500, by writing to the National Council of Architectural Registration Boards, 1801 K Street, N.W., Suite 1100, Washington, D.C. 20006, or by requesting one online at <http://www.ncarb.org>. The publication may also be viewed online at <http://www.ncarb.org/forms/educstand.pdf>.

12 AAC 36.062. ELIGIBILITY FOR FUNDAMENTALS OF ENGINEERING EXAMINATION. (a) For board approval of an application made on or before June 30, 2010, an applicant’s education and experience must meet the requirements of this subsection. To be eligible for the fundamentals of engineering examination, an applicant must

(1) have successfully completed at least 75 percent of the required credit hours leading to an undergraduate degree in an engineering curriculum accredited by ABET; the completed credit hours must be documented by the applicant’s educational institution; or

(2) submit to the board satisfactory evidence that the applicant’s education or work experience or both are equivalent to the requirements set out in the following table of education and experience requirements for the fundamentals of engineering examination; acceptable experience must be derived from office or field work involving the activities listed in the definition of the “practice of engineering” in AS 08.48.341 or other work experience that meets the requirements in 12 AAC 36.063:

**TABLE OF EDUCATION AND WORK EXPERIENCE
REQUIREMENTS FOR FUNDAMENTALS OF ENGINEERING EXAMINATION**

Description of Training	Equivalent Education in Years	Minimum Work Experience in Years	Total Years of Education and Work Experience
ABET accredited B.S. degree in engineering	4	0	4
ABET accredited B.S. degree in engineering technology in a branch of engineering listed in 12 AAC 36.990(17)	3	1	4
Master’s degree in engineering acceptable to the board in a branch of engineering identical or substantially similar to a branch listed in 12 AAC 36.990(17)	4	0	4
Doctorate degree in engineering acceptable to the board in a branch of engineering identical or substantially similar to a branch listed in 12 AAC 36.990(17)	4	0	4
Non-ABET accredited B.S. degree in engineering	3	1	4

Course work in ABET accredited engineering degree curriculum – no degree (course work must include a minimum of three years of credit hours in an engineering curriculum)	2	3	5
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(b) Education and work experience may not be accumulated concurrently. A maximum of 12 months' credit may be claimed for a calendar year.

(c) *Repealed 10/29/2009.*

(d) For board approval of an application made on or after July 1, 2010, an applicant's education and experience must meet the requirements of this subsection. To be eligible for the fundamentals of engineering examination, an applicant must have successfully completed at least 75 percent of the required credit hours, documented by the applicant's educational institution, leading to one of the following degrees:

- (1) ABET accredited B.S. degree in engineering;
- (2) ABET accredited B.S. degree in engineering technology in a branch of engineering listed in 12 AAC 36.990(17);
- (3) master's degree in engineering acceptable to the board in a branch of engineering identical or substantially similar to a branch listed in 12 AAC 36.990(17);
- (4) doctorate degree in engineering acceptable to the board in a branch of engineering identical or substantially similar to a branch listed in 12 AAC 36.990(17);
- (5) non-ABET accredited B.S. degree in engineering.

Authority: AS 08.48.101 AS 08.48.171

12 AAC 36.063. ENGINEERING EDUCATION AND WORK 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 12 AAC 36.090(a);
- (2) apply for examination in a branch of engineering recognized by 12 AAC 36.990(17); and
- (3) submit to the board satisfactory evidence that the applicant's education or work experience or both are equivalent to the requirements set out in the following applicable table of education and work experience requirements for a professional engineering examination:

(A) for board approval of an application made on or before June 30, 2010, an applicant's education and experience must meet the requirements of Table A of this section, as follows:

**TABLE A OF EDUCATION AND WORK EXPERIENCE
REQUIREMENTS FOR PROFESSIONAL ENGINEERING EXAMINATION**

Description of Training	Equivalent Education in Years	Minimum Work Experience in Years	Total Years of Education and Work Experience
ABET accredited B.S. degree in engineering in the branch of engineering applied for listed in 12 AAC 36.990(17), and a master's or doctorate in engineering acceptable to the board	5	3	8
ABET accredited B.S. degree in engineering that is not in the branch of engineering applied for listed in 12 AAC 36.990(17), and a master's or doctorate in the branch of engineering applied for listed in 12 AAC 36.990(17) that is acceptable to the board	4	4	8
ABET accredited B.S. degree in engineering in the branch of engineering applied for listed in 12 AAC 36.990(17)	4	4	8

ABET accredited B.S. degree in engineering technology	3	5	8
ABET accredited B.S. degree in a branch of engineering that is not the branch for which the applicant has applied	3	5	8
Master's degree in engineering acceptable to the board in the branch listed in 12 AAC 36.990(17) for which the applicant has applied or in a discipline substantially similar to the branch for which the applicant has applied	2	6	8
Doctorate degree in engineering acceptable to the board in the branch listed in 12 AAC 36.990(17) for which the applicant has applied or in a discipline substantially similar to the branch for which the applicant has applied	3	5	8
Master's or doctorate degree in engineering acceptable to the board from a school which has an ABET accredited undergraduate engineering program in the branch for which the applicant has applied	3	5	8
Non-ABET accredited B.S. degree in engineering in the branch applied for	3	6	9
Course work in ABET accredited engineering degree curriculum – no degree (course work must include a minimum of three years of credit hours in an engineering curriculum)	2	8	10

(B) for board approval of an application made on or after July 1, 2010, an applicant's education and experience must meet the requirements of Table B of this section, as follows:

**TABLE B OF EDUCATION AND WORK EXPERIENCE
REQUIREMENTS FOR PROFESSIONAL ENGINEERING EXAMINATION**

Description of Training	Equivalent Education in Years	Minimum Work Experience in Years	Total Years of Education and Work Experience
ABET accredited B.S. degree in engineering in the branch of engineering applied for listed in 12 AAC 36.990(17), and a master's or doctorate in engineering acceptable to the board	5	3	8
ABET accredited B.S. degree in engineering that is not in the branch of engineering applied for listed in 12 AAC 36.990(17), and a master's or doctorate in the branch of engineering applied for listed in 12 AAC 36.990(17)	4	4	8

that is acceptable to the board

ABET accredited B.S. degree in engineering in the branch of engineering applied for listed in 12 AAC 36.990(17)	4	4	8
ABET accredited B.S. degree in engineering technology in the branch of engineering applied for listed in 12 AAC 36.990(17)	3	5	8
ABET accredited B.S. degree in a branch of engineering that is not the branch for which the applicant has applied	3	5	8
Master's degree in engineering acceptable to the board in the branch listed in 12 AAC 36.990(17) for which the applicant has applied or in a discipline substantially similar to the branch for which the applicant has applied	2	6	8
Doctorate degree in engineering acceptable to the board in the branch listed in 12 AAC 36.990(17) for which the applicant has applied or in a discipline substantially similar to the branch for which the applicant has applied	3	5	8
Master's or doctorate degree in engineering acceptable to the board from a school which has an ABET accredited undergraduate engineering program in the branch for which the applicant has applied	3	5	8
Non-ABET accredited B.S. degree in engineering in the branch applied for	3	6	9

(b) Education for initial registration must be in the branch of engineering in which the applicant seeks registration for full credit to be given. If the education is not in the branch of engineering in which the applicant seeks registration, the board will determine the amount of credit to be given based on comparability with the branch of engineering for which the applicant has applied for registration. An applicant with a foreign degree shall submit

(1) a transcript of the applicant's education and if the transcript is not in English, submit a translation into English and a signed and notarized affidavit by the translator of the accuracy of the translation; and

(2) an evaluation of the applicant's education from an agency approved by the board unless the applicant's education has been earned at a school accredited by an accreditation agency recognized by the board.

(c) The minimum work experience required for registration must include

(1) two years of responsible charge experience or successful completion of a four-year responsible charge mentoring system, as defined in 12 AAC 36.990 and this section. To receive full credit for responsible charge experience, an applicant must gain responsible charge experience while under the responsible control of a professional engineer registered in the United States in the branch of engineering for which the applicant has applied. The board will determine the amount of credit given for responsible charge experience gained under the responsible control of a professional engineer registered in the United States in another branch of engineering based on the comparability with the branch of engineering to which the applicant has applied;

(2) responsible charge experience or successful completion of four years of responsible charge obtained within a mentoring system will be considered for credit only if it is gained after the applicant has completed education or work experience or both that are equivalent to the requirements set out in the table of education and work experience requirements for fundamentals of engineering examination in 12 AAC 36.062(2).

(d) For registration in more than one branch of professional engineering listed in 12 AAC 36.990, professional work experience used to qualify for registration in one branch of engineering will be evaluated by the board in considering an application for registration in another branch of engineering. Except as provided in (c) of this section, responsible charge or mentored experience must be entirely in the branch of engineering applied for and may not be counted as responsible charge experience in another branch of engineering or in land surveying.

(e) Education and work experience may not be accumulated concurrently. A maximum of 12 months' credit may be claimed for a calendar year.

(f) The board will accept a maximum of two years of credit for professional work experience used in securing registration in land surveying as experience in securing registration in civil or mining engineering based on its comparability with the branch of engineering for which the applicant has applied for registration.

(g) Work experience for initial registration must be in the branch of engineering in which the applicant seeks registration for full credit to be given. If the work experience is not in the branch of engineering in which the applicant seeks registration, the board will determine the amount of credit to be given based on comparability with the branch of engineering for which the applicant has applied for registration.

(h) The board will accept up to a maximum of two years of subprofessional work experience for up to one half of the work experience required for registration based on its meeting the definition of "subprofessional work" in 12 AAC 36.990.

(i) Notwithstanding (a) - (h) of this section, an applicant authorized by the board to take the examination before November 20, 1999 may continue to qualify for the examination under 12 AAC 36.040.

(j) To meet the mentoring requirements of this section, an applicant must complete four years of quarterly face-to-face meetings with a professional engineer registered in the United States and registered in the same discipline that the applicant is applying for. An applicant shall

- (1) prepare a report for each meeting on a form provided by the department, which includes
 - (A) a description of what topics were covered during the meeting;
 - (B) a statement indicating whether or not it was responsible charge work and if the work was performed according to industry standards;
 - (C) the professional engineer's seal and signature; and
- (2) submit as part of the final report a statement from the professional engineer, who served as the mentor, recommending the applicant for registration.

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

12 AAC 36.064. ELIGIBILITY FOR FUNDAMENTALS OF LAND SURVEYING EXAMINATION. (a) To be eligible for the fundamentals of land surveying examination, an applicant must have

- (1) successfully completed at least 75 percent of the required credit hours leading to an undergraduate degree in a surveying curriculum approved by the board; the completed credit hours must be documented by the educational institution; or
- (2) submit to the board satisfactory evidence that the applicant's education or work experience or both are equivalent to the requirements set out in the following applicable table of education and work experience requirements for the fundamentals of land surveying examination; acceptable experience must be derived from office or field work involving the activities listed in the definition of the "practice of land surveying" in AS 08.48.341 or other work experience that meets the requirements in 12 AAC 36.065:

(A) for board approval of an application made on or before June 30, 2010, an applicant's education and experience must meet the requirements of Table A of this section, as follows:

**TABLE A OF EDUCATION AND WORK EXPERIENCE
REQUIREMENTS FOR FUNDAMENTALS OF LAND SURVEYING EXAMINATION**

Classification	Education Credit Allowed in Years	Work Experience Credit Allowed in Years	Total Years of Education and Work Experience
B.S. degree in an ABET accredited curriculum in land surveying	4	0	4
Board approved A.S. degree in land surveying	2	3	5
ABET accredited or board approved B.S. degree in civil engineering	2	3	5
Course work in board approved curriculum in land surveying - no degree (minimum of two years of credit hours)	2 - 3	3 - 4	6

(B) for board approval of an application made on or after July 1, 2010, an applicant's education and experience must meet the requirements of Table B of this section, as follows:

**TABLE B OF EDUCATION AND WORK EXPERIENCE
REQUIREMENTS FOR FUNDAMENTALS OF LAND SURVEYING EXAMINATION**

Classification	Education Credit Allowed in Years	Work Experience Credit Allowed in Years	Total Years of Education and Work Experience
B.S. degree in an ABET accredited curriculum in land surveying	4	0	4
Board approved A.S. degree in land surveying	2	3	5
Course work in board approved curriculum in land surveying – no degree (minimum of two years of credit hours)	2 – 3	3 – 4	6

(b) Education and work experience may not be accumulated concurrently. A maximum of 12 months' credit may be claimed for a calendar year.

(c) *Repealed 10/29/2009.*

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

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 the applicant's education or work experience or both are equivalent to the requirements set out in the following applicable table of education and work experience requirements for professional land surveyors; the board will evaluate the applicant's education and work experience that meet the requirements of AS 08.48 and this chapter and give credit as appropriate:

(A) for board approval of an application made on or before June 30, 2010, an applicant's education and experience must meet the requirements of Table A of this section, as follows:

**TABLE A OF EDUCATION AND WORK EXPERIENCE
REQUIREMENTS FOR PROFESSIONAL LAND SURVEYORS**

Classification	Education Credit Allowed In Years	Experience Credit Allowed In Years	Responsible Charge Under P.L.S. In a Land Surveying Capacity In Years	Total Education and Work Experience Required
Graduate of an ABET accredited or board approved curriculum with a B.S. degree in land surveying and a master's or doctorate degree in land surveying	5	3	3	8
Graduate of an ABET accredited or board approved land surveying curriculum 4-year course	4	4	3	8
Graduate of an ABET accredited or board approved land surveying curriculum 2-year course	2	6	3	8

Graduate of an ABET accredited or board approved curriculum in civil engineering	2	6	3	8
Course work in board approved curriculum in land surveying – no degree (Minimum of two years credit hours)	2 - 3	5 - 6	3	8

(B) for board approval of an application made on or after July 1, 2010, an applicant’s education and experience must meet the requirements of Table B of this section, as follows:

TABLE B OF EDUCATION AND WORK EXPERIENCE REQUIREMENTS FOR PROFESSIONAL LAND SURVEYORS

Classification	Education Credit Allowed In Years	Experience Credit Allowed In Years	Responsible Charge Under P.L.S. In a Land Surveying Capacity In Years	Total Education and Work Experience Required
Graduate of an ABET accredited or board approved curriculum with a B.S. degree in land surveying and a master’s or doctorate degree in land surveying	5	3	3	8
Graduate of an ABET accredited or board approved land surveying curriculum 4-year course	4	4	3	8
Graduate of an ABET accredited or board approved land surveying curriculum 2-year course	2	6	3	8
Course work in board approved curriculum in land surveying – no degree (Minimum of two years credit hours)	2 - 3	5 - 6	3	8

(b) “Responsible charge of professional land surveying (P.L.S.)” means work as a supervisor under the responsible control of a land surveyor registered in the United States, and working in the “practice of land surveying” as described in AS 08.48.341(13). The remainder of the required work experience listed in (a) of this section must be derived from office or fieldwork involving the activities listed in AS 08.48.341(13). Partial completion of a curriculum leading to a degree in land surveying will be considered by the board in determining applicable work experience. The board will determine the amount of credit given for responsible charge experience gained under the responsible control of a professional in engineering based on applicability to professional land surveying.

(c) The board will accept up to a maximum of two years of credit for professional work experience used in securing registration in civil or mining engineering as experience in securing registration in land surveying based on its applicability to professional land surveying.

(d) The board will accept up to a maximum of two years of subprofessional work experience for up to one half of the work experience required for registration based on its applicability to professional land surveying.

(e) An applicant with a foreign degree shall submit

- (1) a transcript of the applicant's education and if the transcript is not in English, submit a translation into English and a signed and notarized affidavit by the translator of the accuracy of translation; and
- (2) an evaluation of the applicant's education from an agency approved by the board unless the applicant's education has been earned at a school accredited by an accreditation agency recognized by the board.
- (f) Education and work experience may not be accumulated concurrently. A maximum of 12 months' credit may be claimed for a calendar year.
- (g) *Repealed 10/29/2009.*

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

12 AAC 36.066. VERIFICATION OF LAND SURVEYOR WORK EXPERIENCE. (a) In support of an application for examination or registration as a land surveyor, an applicant shall arrange for verification of the work experience required in 12 AC 36.064 and 12 AAC 36.065 to be submitted to the board. Verification of work experience must be on a form prescribed by the board and must be completed and submitted directly to the board by the employer who is verifying the applicant's experience.

(b) Department staff shall open a file for retention of completed work verification forms for an individual who has not yet submitted an application for examination or registration as a land surveyor if the individual

- (1) submits a written request to open a work verification file; and
- (2) attaches the file opening fee established in 12 AAC 02.110.

(c) Department staff shall maintain a work verification file for five years from the date that an individual completes the requirements of (b) of this section. Before end of that five years, an individual may request that the department maintain a work verification file for an additional five years by again completing the requirements of (b) of this section.

(d) A work verification form received for an individual will be reviewed by the board or the department only after that individual submits an application for registration as a land surveyor.

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.201

Editor's note: The address to send the materials required in (b)(1) and (2) of this section is Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Board of Registration for Architects, Engineers, and Land Surveyors, P.O. Box 110806, Juneau, AK 99811-0806.

12 AAC 36.067. DATE OF EXPERIENCE. Computation of qualifying experience for admission to the examination as an architect, engineer, land surveyor, or landscape architect is up to the date of the examination.

Authority: AS 08.48.101 AS 08.48.171

12 AAC 36.068. ELIGIBILITY FOR LANDSCAPE ARCHITECT REGISTRATION BY EXAMINATION. (a) To be eligible for the professional landscape architect examination, an applicant must submit

- (1) a complete application on a form provided by the department; and
- (2) except as provided in (c) of this section, satisfactory evidence that the applicant's education or work experience are equivalent to the requirements set out in the following table of education and work experience for professional landscape architect:

**TABLE OF EDUCATION AND WORK EXPERIENCE REQUIREMENTS
FOR PROFESSIONAL LANDSCAPE ARCHITECT**

Classification	Education Credit Allowed In Years	Experience Credit Allowed In Years	Total Years of Education and Work Experience
LAAB accredited professional degree in landscape architecture and a master's or doctorate degree in landscape architecture	5 - 6	2 - 3	8
LAAB accredited professional degree in landscape architecture	4 - 5	3 - 4	8
Non-LAAB accredited professional degree in	4	4	8

landscape architecture and a master's or doctorate degree in landscape architecture

Non-LAAB accredited professional degree in landscape architecture	3	5	8
Non-LAAB accredited B.S./B.A. degree in landscape architecture	1 - 3	8 - 10	10
Course work in LAAB accredited landscape architecture curriculum – no degree	1 - 3	7 - 10	10
Course work in non-LAAB accredited landscape architecture program – no degree (Minimum of one year credit hours)	1	11 - 12	12

(b) Education for initial examination must be in the field of landscape architecture for full credit to be given. If the education is not in the field of landscape architecture, the board will determine the amount of credit to be given based on course work comparability with the field of landscape architecture as required by Landscape Architectural Accreditation Board (LAAB) for accredited programs. An applicant with a foreign degree shall submit

(1) a transcript of the applicant's education and if the transcript is not in English, submit a translation into English and a signed and notarized affidavit by the translator of the accuracy of the translation; and

(2) an evaluation of the applicant's education from an agency approved by the board unless the applicant's education has been earned at a school accredited by an accreditation agency recognized by the board.

(c) To receive full credit for work experience, an applicant must

(1) gain experience while under the responsible control of a professional landscape architect registered in the United States, or

(2) successfully complete a mentoring program that meets the requirements of (f) – (h) of this section.

(d) Education and work experience may not be accumulated concurrently. A maximum of 12 months' credit may be claimed for a calendar year.

(e) Work experience for initial examination must be in the field of landscape architecture for full credit to be given. If the work experience is not in the field of landscape architecture, the board will determine the amount of credit to be given based on comparability within the field of landscape architecture practice.

(f) To meet the mentoring requirements of this section, an applicant

(1) who holds a 5-year LAAB accredited professional degree in landscape architecture must complete three years of quarterly face-to-face meetings with a professional landscape architect registered in the United States;

(2) who holds a 4-year LAAB accredited professional degree in landscape architecture must complete four years of quarterly face-to-face meetings with a professional landscape architect registered in the United States.

(g) On a form provided by the department, an applicant shall submit a report for each meeting under (f) of this section, including

(1) a description of the applicant's work experience reviewed during the meeting;

(2) a statement indicating whether or not the work experience reviewed was directly applicable to professional landscape architectural work and whether the work was performed according to industry standards; and

(3) the signature and seal of the professional landscape architect who served as the applicant's mentor.

(h) An applicant who completes a mentoring program under (f) of this section must submit a final report that includes a statement from the professional landscape architect who served as the mentor recommending the applicant for registration under AS 08.48 and this chapter.

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

12 AAC 36.069. STANDARDS FOR REGISTRATION AS A LANDSCAPE ARCHITECT. In accordance with AS 08.48.331(b), and except as exempted in AS 08.48.331(a), design or creative work involving any of the following constitutes the practice of an aspect of landscape architecture that affects the public health or safety and thus requires registration as a landscape architect:

(1) grading, clearing, or shaping of land;

(2) landscape irrigation;

(3) outdoor planting plans;

(4) outdoor play apparatus;

(5) outdoor structures.

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.331

12 AAC 36.070. POSTPONEMENTS. The board will grant up to two postponements to an applicant who is scheduled to take the Alaska Land Surveying Examination (AKLS) or Landscape Architect Registration Examination (LARE) if the applicant's request for postponement is filed with the board not later than 30 days immediately following the date of the examination. An applicant who does not appear for an examination and does not qualify for a postponement is not eligible for a refund of the examination fee and shall meet the reexamination application requirements in 12 AAC 36.040 to be scheduled for a later examination.

Authority: AS 08.48.101

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.

Authority: AS 08.48.101

12 AAC 36.090. WAIVER OF FUNDAMENTALS OF ENGINEERING EXAMINATION. (a) An applicant for registration as a professional engineer by examination or comity who has not passed the fundamentals of engineering examination need not take that examination if satisfactory evidence, as verified by registered engineers, is submitted to the board documenting that applicant has at least 20 years of professional engineering experience.

(b) An applicant for registration as a professional engineer by examination or comity who is currently registered as a professional engineer in a province or territory of Canada is not required to demonstrate having passed the fundamentals of engineering examination.

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191
AS 08.48.171

12 AAC 36.100. CONTENT OF EXAMINATIONS. (a) An applicant for registration must pass the appropriate examinations designated in this section.

(b) Unless an applicant is registered by comity under AS 08.48.191(a), an applicant for architect registration must pass the NCARB Architect Registration Examination (ARE).

(c) An applicant for registration as an engineer must pass the NCEES Principles and Practices of Engineering Examination for the branch of engineering for which the applicant has applied. This subsection applies to an applicant for registration by examination and to an applicant for registration by comity.

(d) Unless an applicant is registered by comity under AS 08.48.191(c), an applicant for registration as a land surveyor must pass the professional land surveyor examination, that includes

- (1) the NCEES Principles and Practices of Surveying; and
- (2) repealed 3/16/96;
- (3) a state examination covering laws, procedures, and practices concerning land surveying in Alaska.

(e) Unless an applicant is registered by comity under AS 08.48.191(d), an applicant for registration as a landscape architect must pass the CLARB Landscape Architectural Registration Examination (LARE). The administration and grading of the examination must have been conducted in accordance with CLARB's standards in effect at the time of examination. In place of passing the CLARB registration examination, a candidate for registration must satisfy one of the following:

- (1) successful completion before 1970 of a written examination in landscape architecture prepared by a CLARB member and ten years of experience in landscape architecture after licensure;
- (2) successful completion between January 1, 1970 and December 31, 1975 of a written examination prepared by a CLARB member;

(3) successful completion of the British Columbia Society of Landscape Architects' written examination, five years of experience in landscape architecture after licensure and satisfaction of the education and experience requirements;

(4) successful completion of the California P.E.L.A., satisfaction of the licensure, education, and experience requirements, as well as successful completion of LARE, sections D and E, or the CLARB Reciprocity Validation Examination;

(5) for an applicant initially licensed in British Columbia or Ontario without successfully completing the LARE, satisfaction of the following:

(A) ten years of experience in landscape architecture, at least seven years of which must occur after licensure;

(B) successful completion of the CLARB Reciprocity Validation Examination.

(f) In addition to meeting the applicable requirements of this section, an applicant for registration by examination, except an applicant for registration as a land surveyor, must pass the state written jurisprudence examination covering the applicable provisions of AS 08.48 and this chapter. The applicant must obtain a passing score of at least 90 percent on the examination. The examination is an open-book examination. The department will mail the examination and study materials to the applicant. Within 30 days after mailing, the applicant must return

the completed examination to the department. If the applicant returns the completed examination by mail, the department will consider the postmark date to be the return date.

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191
AS 08.48.171

12 AAC 36.103. ARCHITECT REGISTRATION BY COMITY. To be eligible for registration as an architect by comity without taking the examinations specified in 12 AAC 36.060 and 12 AAC 36.100, an applicant must

- (1) submit an application for registration by comity in compliance with 12 AAC 36.010;
- (2) be currently registered or licensed in another jurisdiction;
- (3) satisfy the arctic and seismic requirements of 12 AAC 36.110;
- (4) submit verification of the applicant's education and experience by submitting an NCARB Council Certificate, which is commonly known as the NCARB "Blue Book"; and
- (5) *repealed 6/13/2003*;
- (6) complete a jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.48 and this chapter.

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.191

12 AAC 36.105. ENGINEER REGISTRATION BY COMITY. (a) Under AS 08.48.191(b), the board may issue an engineering certificate of registration to an applicant who

- (1) documents education and passage of examinations that meet the requirements of (b) of this section;
- (2) documents work experience that satisfies the requirements of (c) of this section;
- (3) has completed the arctic engineering requirements of 12 AAC 36.110; and
- (4) has completed a jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.48 and this chapter.

(b) An applicant for engineering registration by comity must

(1) submit verification of current registration to practice engineering in a state, territory, or possession of the United States, the District of Columbia, or a foreign country that was based upon education, experience, and examination requirements that, in the opinion of the board, were at least equivalent to the requirements of AS 08.48 and this chapter at the time the applicant's out-of-state registration was issued; the applicant must have passed an NCEES engineering examination in the same branch of engineering that is being applied for, as required by 12 AAC 36.100(c); and

(2) have passed the fundamentals of engineering examination or had this requirement waived under 12 AAC 36.090.

(c) An applicant for engineering registration by comity must

(1) have at least 24 months of responsible charge experience in the branch of professional engineering listed in 12 AAC 36.990(17) for which the applicant has applied, as verified by the signature and seal, except as provided in (g) of this section, of the engineer who has supervised the applicant and who was, at the time of providing the supervision,

(A) legally registered as a professional engineer in a state, territory, or possession of the United States, the District of Columbia, or a foreign country; and

(B) either

(i) registered as a professional engineer in that branch of engineering; or

(ii) practicing in the branch for which the applicant has applied, if the licensing jurisdiction where the supervising engineer was registered as a professional engineer does not register engineers in specific branches of engineering; or

(2) if the applicant has been practicing engineering as a registered engineer for five years or more in a state, territory, or possession of the United States, the District of Columbia, or a foreign country, provide two current letters of reference verifying that experience; each letter must be signed and sealed, except as provided in (g) of this section, by an engineer who is

(A) legally registered as a professional engineer in a state, territory, or possession of the United States, the District of Columbia, or a foreign country; and

(B) practicing the specific branch of engineering for which the applicant has applied.

(d) *Repealed 7/19/2009.*

(e) An applicant for engineering registration by comity may submit a council record issued by NCEES to verify the applicant's qualifications, including

(1) examination results;

(2) education; and

(3) registration in another licensing jurisdiction.

(f) *Repealed 7/19/2009.*

(g) If an engineer who provides a work experience verification under (b)(1) of this section or a reference letter under (b)(2) of this section does not possess a seal, the applicant must provide the board a statement from that engineer,

- (1) providing that engineer's registration number and branch of engineering; and
- (2) if that engineer is providing a reference letter, certifying that the registration of that engineer is current.

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191
AS 08.48.171

12 AAC 36.107. LAND SURVEYOR REGISTRATION BY COMITY. (a) Under AS 08.48.191(c), the board will, in its discretion, issue a land surveyor registration, without examination, to an applicant who

- (1) must have at least 36 months of responsible charge experience verified by a registered land surveyor who has supervised the applicant; or
- (2) documents work experience that satisfies the requirements of (c) of this section; and
- (3) has passed the state land surveyor examination identified in 12 AAC 36.100(d)(3).

(b) An applicant for land surveyor registration by comity must submit verification of current registration to practice land surveying in another licensing jurisdiction which was based upon education, experience, and examination requirements that, in the opinion of the board, were at least comparable to the requirements of AS 08.48 and this chapter at the time the applicant's out of state registration was issued.

(c) An applicant for land surveyor registration by comity

- (1) must have at least 36 months of responsible charge experience verified by a registered land surveyor who has supervised the applicant; or
- (2) must, if the applicant is registered and has been practicing land surveying for five years or more, provide two current letters of reference from registered land surveyors.

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191
AS 08.48.171

12 AAC 36.109. LANDSCAPE ARCHITECT REGISTRATION BY COMITY. (a) An applicant for landscape architect registration by comity shall comply with 12 AAC 36.110 and verify the applicant's education and experience by submitting an application in compliance with 12 AAC 36.010; and

- (1) a CLARB council certificate; or
- (2) verification of a current registration to practice landscape architecture in another licensing jurisdiction that was based upon CLARB certificate standards, or that was based upon education, experience, and examination requirements that in the opinion of the board were at least equivalent to the requirements of AS 08.48 and this chapter at the time that the applicant submits an application for registration by comity.

(b) In addition to complying with (a) of this section, an applicant for landscape architect registration by comity must complete a jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.48 and this chapter.

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191
AS 08.48.171

12 AAC 36.110. ARCTIC AND SEISMIC REQUIREMENT. (a) An applicant for registration as an architect, engineer, or landscape architect must have successfully completed a board-approved university level course in arctic engineering or its equivalent.

(b) In addition to (a) of this section, an applicant for architectural registration by comity shall pass the NCARB examination on seismic forces unless the applicant was registered by examination in

- (1) California in 1936 or later;
- (2) Alaska, Hawaii, Idaho, Montana, Nevada, or Washington state in June 1963 or later;
- (3) Utah or Arizona in December 1963 or later;
- (4) Colorado in June 1964 or later;
- (5) Guam in June 1965 or later;
- (6) New Mexico in June 1966 or later; or
- (7) any other NCARB jurisdiction in June 1968 or later.

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191
AS 08.48.171

12 AAC 36.111. PRACTICE OF LAND SURVEYING. *Repealed 8/30/2007.*

12 AAC 36.115. RETIRED STATUS REGISTRATION. (a) An individual holding a retired status registration under AS 08.48.215 may use the title "architect", "engineer", "land surveyor", or "landscape architect",

as appropriate, but may not indicate that the individual is practicing or soliciting to practice architecture, engineering, land surveying, or landscape architecture in the state.

(b) The board will issue an active certificate of registration to an individual who holds a retired status registration if the applicant

- (1) submits a completed application for reactivation on a form provided by the department;
- (2) pays the biennial registration renewal fees established in 12 AAC 02.110;
- (3) seeking an active certificate of registration

(A) as a professional architect, engineer, or landscape architect meets at the time that application is made under this section the continuing education requirements applicable under 12 AAC 36.510(j);

(B) as a professional land surveyor meets at the time that application is made under this section the continuing education requirements of 12 AAC 36.410 – 12 AAC 36.450 for one biennial registration period; and

(4) meets the requirements of 12 AAC 36.165(b), if the individual has held a retired status registration for more than five years.

Authority: AS 08.48.101 AS 08.48.215

12 AAC 36.135. REVIEW OF APPLICATION FOR CORPORATE, LIMITED LIABILITY COMPANY, OR LIMITED LIABILITY PARTNERSHIP AUTHORIZATION. An applicant who meets the requirements on the checklist established by the board in this section has demonstrated the necessary qualifications for a certificate of authorization for corporate, limited liability company, or limited liability partnership practice. An applicant who does not meet the requirements on this checklist or whose responses on the application form do not clearly show that the applicant is qualified to receive a certificate of authorization will not be issued a certificate unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.48.241 for a certificate of authorization. A certificate of authorization for corporate, limited liability company, or limited liability partnership practice will be issued to an applicant who submits

- (1) a completed form for application that includes the
 - (A) name and address of the corporation, limited liability company, or limited liability partnership;
 - (B) type of architecture, engineering, land surveying, or landscape architecture practiced by the corporation, limited liability company, or limited liability partnership;
 - (C) name and current state registration number of the registrant who will be in responsible charge for the activities of the corporation, limited liability company, or limited liability partnership in this state of each branch of practice requiring registration under AS 08.48;
 - (D) names of the majority stockholders of the corporation, the names of the members holding a majority interest of a limited liability company, or the names of the partners of a limited liability partnership; and
 - (E) signature and title of an agent authorized by the corporation, limited liability company, or limited liability partnership, to apply for corporate, limited liability company, or limited liability partnership authorization under this chapter;
- (2) the corporation, limited liability company, or limited liability partnership certification fee in 12 AAC 02.110;
- (3) a certified copy of a resolution of the board of directors of the corporation, the managing members or manager of the limited liability company, or the general partners of the limited liability partnership that
 - (A) designates an individual with a current registration in this state as responsible for each field of practice; and
 - (B) provides that full authority to make all final practice decisions on behalf of the corporation, limited liability company, or limited liability partnership for work performed by the corporation, limited liability company, or limited liability partnership in this state is granted by the board of directors of the corporation, the managing members or manager of the limited liability company, or the general partners of a limited liability partnership to the individual designated in the resolution as responsible for the relevant field of practice;
- (4) a copy of the bylaws of the corporation, the articles of incorporation or operating agreement of the limited liability company, or the partnership agreement of the limited liability partnership showing that the corporation, limited liability company, or limited liability partnership has complied with the requirements in AS 08.48.241(b)(1);
- (5) repealed 8/19/2006;
- (6) a statement of the experience of the corporation, limited liability company, or limited liability partnership in each field of practice of architecture, engineering, land surveying, or landscape architecture during the five years before the date of application; and
- (7) a certified statement on a form provided by the board, stating that each licensee designated in responsible charge for each branch of practice acknowledges and agrees to that designation by the corporation, limited liability company, or limited liability partnership; the statement must include each responsible charge licensee's
 - (A) state registration number;
 - (B) registration expiration date;
 - (C) professional seal; and
 - (D) signature.

Authority: AS 08.48.101 AS 08.48.241

12 AAC 36.160. DUPLICATE CERTIFICATE. A duplicate certificate will be issued by the department upon written request and payment of the duplicate license fee established in 12 AAC 02.105.

Authority: AS 08.01.065 AS 08.48.101 AS 08.48.265

12 AAC 36.165. EXPIRED CERTIFICATES. (a) A certificate of registration or corporate, limited liability company, or limited liability partnership authorization that is not renewed for a period of five years expires at the end of that period.

(b) An expired certificate of registration may be reinstated by

(1) applying for reinstatement on a form provided by the department, paying the appropriate fee in 12 AAC 02.110, and providing verification of having passed an examination that

(A) meets the applicable requirements of 12 AAC 36.100;

(B) the applicant for registration of an expired engineer certificate took to qualify for registration in this state before April 1967; or

(C) the applicant took to qualify for registration in another licensing jurisdiction; or

(2) reapplying to the board for registration by comity as required by 12 AAC 36.103 - 12 AAC 36.109 and paying the appropriate fee.

(c) An expired certificate of corporate, limited liability company, or limited liability partnership authorization may not be reinstated. A corporation, limited liability company, or limited liability partnership whose certificate of corporate, limited liability company, or limited liability partnership authorization has expired must apply for a new certificate of corporate, limited liability company, or limited liability partnership authorization under AS 08.48.241.

(d) Repealed 1/20/2002.

(e) An applicant for reinstatement of an expired certificate of registration shall meet the requirements of 12 AAC 36.110(a) unless the applicant was originally registered in the state based on an acceptable treatise.

(f) Notwithstanding (b) of this section, the board may require an applicant for reinstatement who has been sanctioned for any of the conduct described in 12 AAC 36.320 in the ten years preceding the application for reinstatement to be re-examined under 12 AAC 36.100.

Authority: AS 08.01.100 AS 08.48.231 AS 08.48.241
AS 08.48.101

12 AAC 36.170. FEES. All fees under AS 08.48 and this chapter, including application, examination, registration and renewal fees are established in 12 AAC 02.105 and 12 AAC 02.110.

Authority: AS 08.01.065 AS 08.48.101 AS 08.48.265

12 AAC 36.180. SEAL. (a) The seal authorized for use by professional architects is of the following design or a substantially similar electronic or digital representation of the design.



(b) The seal authorized for use by professional engineers is of the following design or a substantially similar electronic or digital representation of the design:



and must reflect the branch of engineering authorized by the board. This identification is to be placed below the registrant's name and preceding 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 or a substantially similar electronic or digital representation of the design:



(d) The seal authorized for use by professional landscape architects is of the following design or a substantially similar electronic or digital representation of the design:



Authority: AS 08.48.101

AS 08.48.221

12 AAC 36.185. USE OF SEALS. (a) A registrant may

- (1) not sign or seal a drawing or document dealing with professional services in which the registrant is not qualified to sign or seal by virtue of education, experience, and registration;
 - (2) approve and seal only design documents and surveys that are safe for public health, property and welfare in conformity with accepted architecture, engineering, land surveying, and landscape architecture standards in Alaska;
 - (3) seal only final drawings, surveys, reports, and required construction documents for which the registrant is qualified to seal and for which the registrant claims responsibility;
 - (4) not knowingly allow the use of his or her seal by another person on a document that the registrant has neither prepared nor reviewed personally;
 - (5) not use the seal or a reproduction of the seal of another registrant on a document, regardless of the intended use of the document;
 - (6) not sign a name other than his or her own name over a seal, and may not forge the signature of the individual to whom the seal was issued by the board; and
 - (7) not sign or seal drawings, documents, or other professional work for which the registrant does not have direct professional knowledge and direct supervisory control.
- (b) If portions of drawings, documents, or other professional work are prepared by other registered professionals, a registrant may seal only that portion of the work for which the registrant has direct professional knowledge and direct supervisory control.
- (c) Each office maintained for the preparation of drawings, specifications, reports, or other professional work that will require a professional seal must have a registrant assigned to and regularly employed in that office who has direct knowledge and supervisory control of that work.
- (d) The registrant shall include the date each time the registrant signs and seals a document by inserting the date within the seal or in a close proximity to the seal.
- (e) The registrant, by sealing final drawings, takes responsibility for related discipline specifications included in the final drawings, unless under AS 08.48.221 the registrant certifies on the face of the document the extent of the registrant's responsibility.

Authority: AS 08.48.101 AS 08.48.111 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.

Authority: AS 08.48.101

12 AAC 36.195. SITE ADAPTATION AND FIELD ALTERATIONS OF SEALED DOCUMENTS. Except as specified in this section, a person may not alter, or contribute to the altering of, any document that has been sealed by a registrant authorized under AS 08.48. A registrant may site adapt or field alter in this state sealed documents prepared by another registrant of the same discipline if the registrant

- (1) has written permission
 - (A) to adapt or alter the sealed documents from the registrant who sealed the original sealed documents; or
 - (B) from the legal owner of the original sealed documents; the legal owner of the original sealed documents must have written proof of ownership of the sealed documents from the registrant who sealed the documents;
- (2) reviews the sealed documents and makes all necessary revisions to bring the sealed documents into compliance with applicable codes, regulations, and job-specific requirements;
- (3) affixes to the calculations of the
 - (A) site adapted documents a sealed certification, "I certify that I have reviewed the relevant calculations for the site adapted documents in accordance with 12 AAC 36.185", or the registrant shall independently prepare and seal all calculations for site adapted documents; or
 - (B) field altered documents a sealed certification, "I certify that I have reviewed the relevant calculations for field altered documents in accordance with 12 AAC 36.185 and that the alterations will have no significant effect on other design considerations of the originally sealed documents", or the registrant shall independently prepare and seal all additional calculations for field adapted documents;
- (4) reissues the sealed documents after review with the title block and seal of the registrant performing the site adaptation, or in the case of field altered documents have provided additional sealed drawings with the title block and seal of the registrant performing the work; and

(5) maintains professional control over the use of the site-adapted or field altered sealed documents as if they were any other original sealed documents of the registrant and maintains the sealed documents on file.

Authority: AS 08.48.101

AS 08.48.221

ARTICLE 2. CODE OF PROFESSIONAL CONDUCT.

Section

- 200. Ethical standards**
- 210. Professional conduct**
- 220. Conflict of interest**
- 230. Solicitation of employment**
- 232. Offer to practice**
- 235. Advertising**
- 245. Full disclosure**

12 AAC 36.200. ETHICAL STANDARDS. (a) In order to establish and maintain a high standard of integrity, skill, and practice in the professions of architecture, engineering, land surveying, or landscape architecture, and to safeguard the life, health, property, and welfare of the public, 12 AAC 36.200—12 AAC 36.245 are binding upon every individual holding a certificate of registration as an architect, engineer, land surveyor, or landscape architect, and upon all partnerships, corporations, limited liability companies, limited liability partnerships, or other legal entities authorized to offer or perform architectural, engineering, land surveying, or landscape architectural services in this state.

(b) A registrant shall act with complete integrity in professional matters.

(c) A registrant may not practice architecture, engineering, land surveying, or landscape architecture if the registrant's professional competence is substantially impaired.

Authority: AS 08.48.101

AS 08.48.111

12 AAC 36.210. PROFESSIONAL CONDUCT. (a) A registrant

(1) must at all times recognize that a registrant's primary obligation is to protect the safety, health, property, and welfare of the public in the performance of his or her professional duties;

(2) must, if the registrant's professional judgment is overruled creating circumstances in which the safety, health, property, and welfare of the public are endangered, notify his or her employer, client, and other proper authority of the situation and possible consequences as may be appropriate;

(3) may perform assignments only if the registrant's associates, consultants, and employees are qualified by education, training, or experience and, if required, registered in the specific technical branches or fields involved;

(4) shall be completely truthful in all professional reports, statements, or testimony, and shall include in them all relevant and pertinent information known to the registrant;

(5) may not knowingly associate with, or permit the use of his or her name or firm name in a business venture by a person or firm that the registrant knows or has reason to believe is engaging in business or professional practices in a fraudulent or dishonest manner;

(6) shall inform the board if he or she has knowledge or reason to believe that another person or firm might be in violation of AS 08.48, or a regulation adopted under it, and shall cooperate with the board by furnishing all further information or assistance required;

(7) may not offer or make a payment or gift to a government official, whether elected or appointed, with the intent of influencing the official's judgment in connection with a prospective or existing project in which the registrant is interested;

(8) may not knowingly design, layout, certify, approve, or otherwise imply or certify as suitable or fit for use a project in violation of applicable federal, state, or local laws relating to the practice of architecture, engineering, land surveying, or landscape architecture;

(9) may not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with an application for registration or renewal of a registration issued under AS 08.48;

(10) shall make every reasonable effort to provide professional services in a complete and efficient manner so as not to unduly delay a project.

(b) If, in the course of a registrant's work on a project, the registrant becomes aware of a decision made by his or her employer or client, against the registrant's advice, which violates applicable state or municipal building laws and as a result of which the finished project will, in the registrant's judgment, materially and adversely affect the safety of the public the registrant shall

(1) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws; and

(2) refuse to consent to the decision.

Authority: AS 08.48.101 AS 08.48.111

12 AAC 36.220. CONFLICT OF INTEREST. (a) A registrant

(1) shall attempt to avoid all conflicts of interest with his or her employer or client, but, if some conflict is unavoidable a registrant shall promptly inform his or her employer or client of the registrant's business association, interests, or circumstances that could influence the registrant's judgment or the quality of the registrant's service to the employer or client;

(2) may not accept financial or other compensation from more than one party for services on or pertaining to the same project, unless the circumstances are fully disclosed to and agreed to by all interested parties or their authorized agents;

(3) may not solicit or accept financial or other valuable consideration from a supplier for specifying a supplier's product, unless the registrant is the vendor or supplier of the specified product and has fully disclosed that fact to the client; and

(4) may not solicit or accept gratuities from other parties dealing with the registrant's client or employer in connection with the work for which the registrant is responsible.

(b) If a registrant is in public service as a member, advisor, or employee of a government body, the registrant may not review work previously performed by the registrant or the registrant's former private sector employer.

Authority: AS 08.48.101 AS 08.48.111

12 AAC 36.230. SOLICITATION OF EMPLOYMENT. (a) A registrant may not pay, solicit, nor offer, directly or indirectly, a bribe or commission for professional employment, except for payment of the usual commission for securing salaried position through a licensed employment agency.

(b) Deleted 1983.

(c) A registrant may not falsify or permit misrepresentation of his or her associates' academic or professional qualifications. A registrant may not misrepresent or exaggerate his or her degree of responsibility in or for the subject matter of prior assignments. A registrant shall accurately represent his or her qualifications as required by 12 AAC 36.245(2).

(d) Brochures or other presentations incident to a registrant's solicitation of employment may not, with the intent and purpose of enhancing the registrant's qualifications and work, misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or the registrant's past accomplishments.

Authority: AS 08.48.101 AS 08.48.111

Editor's Note: As of Register 88, Jan. 1984, 12 AAC 36.230(b) was deleted by the regulations attorney under AS 44.62.125(b)(6) and in accordance with a Stipulation and proposed Final Judgment filed on November 18, 1983 by the Board of Architects, Engineers and Land Surveyors and the United States Department of Justice in the United States District Court for the District of Alaska in United States v. Alaska Board of Registration for Architects, Engineers and Land Surveyors, Civil Action No. A82-423 CIV. This Stipulation and proposed Judgment were filed because 12 AAC 36.230(b) was in violation of section 1 of the Sherman Antitrust Act [15 U.S.C. § 1 (1977)]. The proposed Final Judgment became final on May 17, 1984 and also prohibits further enforcement of any ban or board policy against competitive bidding.]

12 AAC 36.232. OFFER TO PRACTICE. For the purposes of AS 08.48.281, 08.48.291, 08.48.295, and 08.48.321, an "offer to practice" architecture, engineering, land surveying, or landscape architecture includes

(1) a response to a request for proposals (RFP) that contains information that could be used to qualify as a potential provider of services;

(2) a proposal in which a monetary value is suggested as the acceptable payment for services offered; or

(3) an acceptance of employment for the purpose of providing service or work described in the "practice of architecture", "practice of engineering", "practice of land surveying", or "practice of landscape architecture" in AS 08.48.341

Authority: AS 08.48.101 AS 08.48.281 AS 08.48.295
AS 08.48.111 AS 08.48.291 AS 08.48.321

12 AAC 36.235. ADVERTISING. A registrant may not advertise his or her services in a deceptive or untruthful manner.

Authority: AS 08.48.101 AS 08.48.111

12 AAC 36.245. FULL DISCLOSURE. A registrant

(1) may not issue a statement, criticism, or argument on professional matters connected with the public interest which are inspired or paid for by an interested party, unless the registrant has prefaced the comment by disclosing the identity of the party and the existence of any pecuniary interest;

(2) shall accurately represent to a prospective or existing client or employer his or her qualifications and scope of responsibility in connection with work for which the registrant is claiming credit; and

(3) may not solicit or accept a professional contract from a governmental body on which a principal or officer of the registrant's organization serves as a member, except upon public disclosure of all pertinent facts and circumstances, consent of appropriate public authority, and compliance with all other applicable laws.

Authority: AS 08.48.101 AS 08.48.111

ARTICLE 3. DISCIPLINARY GUIDELINES.

Section

300. Purpose of disciplinary guidelines

310. Violations

320. Disciplinary guidelines

330. Definitions for disciplinary guidelines

12 AAC 36.300. PURPOSE OF DISCIPLINARY GUIDELINES. To ensure that the board's disciplinary policies are known and are administered consistently and fairly, the disciplinary guidelines in 12 AAC 36.310—12 AAC 36.330 are established.

Authority: AS 08.48.101 AS 08.48.111

12 AAC 36.310. VIOLATIONS. A person who, after a hearing under the Administrative Procedure Act (AS 44.62), is found to have violated a provision of AS 08.48 or this chapter, is subject to the disciplinary penalties listed in AS 08.01.075, including public notice of the violation and penalty in appropriate publications.

Authority: AS 08.48.101 AS 08.48.111

12 AAC 36.320. DISCIPLINARY GUIDELINES. (a) Nothing in this section prohibits the board from imposing greater or lesser penalties than those described, depending on the circumstances of a particular case.

(b) The board will, in its discretion, issue a public reprimand in connection with a disciplinary action taken under AS 08.48 and this chapter.

(c) The board will, in its discretion, revoke a registration or certificate in cases of

(1) gross negligence;

(2) incompetence that caused the life, health, or safety of a member of the public to be placed in jeopardy of death or injury;

(3) fraud or deceit in obtaining or attempting to obtain a registration or certificate.

(d) The board will, in its discretion, suspend a registration or certificate for up to three years, followed by probation if the board considers it appropriate in cases of

(1) incompetence that caused property to be placed in jeopardy of loss or injury;

(2) incompetence that caused the design or engineering of a project to be unusable or unsafe;

(3) incompetence that caused a land survey to be unusable; or

(4) incompetence that caused undue harm.

(e) The board, in its discretion, will suspend a registration or certificate for up to two years in cases of

(1) incompetence involving violation of AS 08.48 and 12 AAC 36; or

(2) misconduct that caused undue harm by action or nonaction.

(f) The board will, in its discretion, suspend a registration or certificate for up to one year in cases of misconduct which caused no undue harm.

(g) The board may impose a disciplinary sanction if, after registration in this state, the registrant has had a disciplinary action taken with respect to a license, registration, or certificate to practice engineering, architecture, land surveying, or landscape architecture in another state or territory of the United States, or a province or territory of Canada, unless such action was caused by the failure of the registrant to pay fees to that state, territory, or province.

(h) In a board proceeding involving a disciplinary sanction under (g) of this section, certified copies of the final findings of fact, conclusions of law, and order of the authority taking the prior disciplinary action is prima facie evidence of the disciplinary action taken and the grounds for such action.

Authority: AS 08.48.101 AS 08.48.111

12 AAC 36.330. DEFINITIONS FOR DISCIPLINARY GUIDELINES. In 12 AAC 36.320

(1) "fraud or deceit in obtaining a registration or certificate" includes

(A) giving false statements or facts or forging letters of work experience or letters of reference related to an application form or renewal notice; or

(B) intentional misrepresentation of the number of hours, months, or years of employment on an application or renewal notice;

(2) "gross negligence" means the intentional or reckless failure to perform the registrant's duties and responsibilities according to AS 08.48 or this chapter, resulting in

(A) the life, health, or safety of a member of the public being placed in jeopardy of death or injury; or

(B) a person's property being placed in jeopardy of loss or injury;

(3) "incompetence" means lacking the ability, knowledge, skills, or professional judgment to discharge the professional duties of a registrant as required by law;

(4) "misconduct" means the failure to perform a registrant's responsibilities according to AS 08.48 and this chapter, if the failure does not constitute gross negligence.

Authority: AS 08.48.101 AS 08.48.111

ARTICLE 4. CONTINUING EDUCATION FOR PROFESSIONAL LAND SURVEYORS.

Section

- 400. Purpose of continuing education**
- 410. Continuing education requirements**
- 420. Computation of continuing education credit**
- 430. Exemptions**
- 440. Record keeping and review of records**
- 450. Definitions**

12 AAC 36.400. PURPOSE OF CONTINUING EDUCATION. The purpose of the continuing education program is to maintain a continuing level of competency of professional land surveyors in this state.

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.410. CONTINUING EDUCATION REQUIREMENTS. (a) Unless exempted under 12 AAC 36.430, a professional land surveyor must meet the continuing education requirements of 12 AAC 36.410 – 12 AAC 36.450 as a condition of the renewal or reinstatement of the professional land surveyor registration.

(b) Unless exempted under 12 AAC 36.430, a professional land surveyor seeking renewal or reinstatement of a professional land surveyor registration shall submit, on a form provided by the department, a certification that the professional land surveyor has met the continuing education requirements of 12 AAC 36.410 – 12 AAC 36.450.

(c) To renew a professional land surveyor registration for the biennial registration period that begins January 1, 2008, a professional land surveyor must obtain 15 professional development hours during the 24 months immediately preceding the registration period that begins January 1, 2008.

(d) To renew a professional land surveyor registration for a biennial registration period that begins on or after January 1, 2010, a professional land surveyor must obtain 30 professional development hours during the 24 months immediately preceding that registration period.

(e) To reinstate a lapsed professional land surveyor registration, the professional land surveyor seeking reinstatement must obtain during the 24 months immediately preceding the application for reinstatement of the professional land surveyor registration

(1) except as provided in (2) of this subsection, beginning January 1, 2008, 15 professional development hours;

(2) on or after January 1, 2010, 30 professional development hours.

(f) A professional land surveyor who obtains more professional development hours during a biennial registration period than needed to qualify for renewal or reinstatement of the professional land surveyor registration may apply up to 15 of the excess professional development hours to the continuing education requirement for the subsequent biennial period for professional land surveyor registration.

(g) Continuing education courses or activities that satisfy the requirements of 12 AAC 36.410 – 12 AAC 36.450 include the professional land surveyor's

(1) successful completion of college courses;

(2) successful completion of continuing education courses;

(3) successful completion of short courses, tutorials, correspondence, web-based courses, and televised or videotaped courses;

(4) presenting or attending seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences;

(5) teaching or instructing at activities listed in (1) – (4) of this subsection;

(6) authoring published papers, articles, or books; and

- (7) serving as an officer or actively participating in a committee of professional or technical societies.
- (h) Continuing education courses or activities are not pre-approved by the board, but must meet the following criteria:
 - (1) the course or activity must be relevant to the practice of professional land surveying, and may include technical, ethical, or managerial content;
 - (2) the course or activity must be designed to maintain, improve, or expand professional land surveying skills and knowledge;
 - (3) each course or activity must be well organized and the content presented in a sequential manner;
 - (4) the presentation must be made by persons who are well qualified by education or experience in the subject;
 - (5) a system must exist for documentation of the professional land surveyor's participation in the course or activity, including information required for record keeping and reporting.
- (i) A professional land surveyor who also holds a registration as a professional land surveyor in another licensing jurisdiction may meet the requirements of 12 AAC 36.410 – 12 AAC 36.450 by establishing that the professional land surveyor has met the mandatory continuing education requirements for renewal of the professional land surveyor registration in the other licensing jurisdiction, if the mandatory continuing education requirements of the other jurisdiction are substantially similar to or exceed those of 12 AAC 36.410 – 12 AAC 36.450 at the time that continuing education credit is claimed.

Authority: AS 08.48.101

12 AAC 36.420. COMPUTATION OF CONTINUING EDUCATION CREDIT. (a) The board has final authority with respect to the acceptance of courses, activities, credits, professional development hour values, and other methods of earning continuing education credits. Continuing education credit is computed as follows:

- (1) credit for college approved courses is based upon course credit established by the college;
- (2) credit for qualifying seminars, in-house courses, workshops, and professional or technical presentations is based on one professional development hour for each hour of attendance at the seminar, in-house course, workshop, or professional or technical presentation;
- (3) attendance at qualifying programs presented at professional and technical society meetings, conventions, or conferences earns one professional development hour for each hour of attendance at the program;
- (4) the computation of credit for published papers, articles, or books is
 - (A) based on one professional development hour for each hour of professional preparation of the paper, article, or book;
 - (B) the responsibility of the professional land surveyor; and
 - (C) subject to review and approval by the board using the standards contained in 12 AAC 36.410 – 12 AAC 36.450;
- (5) credit for participating in professional and technical societies may be claimed for a year of service as an officer or in active participation in a committee of the society; professional development hour credits are earned under this paragraph at the end of each full year of service or participation.
- (b) The computation of credits of professional development hours is as follows:
 - (1) one unit of college semester credit equals 45 professional development hours;
 - (2) one unit of college quarter credit equals 30 professional development hours;
 - (3) one unit of professional land surveyor continuing education credit equals 10 professional development hours;
 - (4) one hour of a seminar, in-house course, workshop, or professional or technical presentation attended at meetings, conventions, or conferences equals one professional development hour;
 - (5) one hour of initial instruction of the subject matter when teaching professional development courses, seminars, or professional or technical presentations equals two professional development hours; this provision does not apply to full-time faculty;
 - (6) up to 10 professional development hours may be claimed for each published paper, article, or book, based on the amount of time and effort required to produce the paper, article, or book;
 - (7) for serving as an officer or actively participating in a committee of professional and technical societies, up to eight professional development hours per year for each professional or technical society.

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.430. EXEMPTIONS. (a) A professional land surveyor is exempt from the continuing education requirements of 12 AAC 36.410 – 12 AAC 36.450 for the first biennial registration renewal period following initial issuance of the professional land surveyor registration.

(b) A professional land surveyor is exempt from the continuing education requirements of 12 AAC 36.410 – 12 AAC 36.450 for renewal of the professional land surveyor registration for the biennial registration period immediately following a period of service by the professional land surveyor on active duty in the armed forces of the United States exceeding 120 consecutive days in a year.

(c) A professional land surveyor who is in retired status under 12 AAC 36.115 is exempt from the continuing education requirements of 12 AAC 36.410 – 12 AAC 36.450 during the time the professional land surveyor is retired. A retired professional land surveyor who wishes to return to the active practice of professional land surveying must meet the requirements of 12 AAC 36.115.

(d) A professional land surveyor may request an exemption from the continuing education requirements of 12 AAC 36.410 – 12 AAC 36.450 by submitting a written request to the board that describes the reasons for the request and includes supporting documentation. If the board finds good cause, the board will grant an exemption under this subsection to a professional land surveyor who is experiencing a physical disability, serious illness, family emergency, or other extenuating circumstance.

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.440. RECORD KEEPING AND REVIEW OF RECORDS. (a) A professional land surveyor shall maintain records that may be used to verify professional development hours claimed under 12 AAC 36.410 – 12 AAC 36.450. These required records include

(1) a log showing the course or activity claimed, the sponsoring organization, the location and duration of the course or activity, the name of the speaker or instructor, and the unit of credit or number of professional development hours earned; and

(2) attendance verification records in the form of completion certifications, signed attendance receipts, receipts for the payment of tuition or fees, a copy of a list of participants signed by the speaker or instructor, or similar documents showing evidence of attendance.

(b) Records required under (a) of this section must include sufficient detail to permit verification during an audit, and must be maintained for at least four years from the date that the course or activity was completed.

(c) The board may request at any time that a professional land surveyor provide proof of compliance with the continuing education requirements of 12 AAC 36.410 – 12 AAC 36.450. A professional land surveyor must provide a copy of the records required under (a) of this section to the board for audit verification purposes within 30 days of receipt of a request for the records.

(d) Audits of compliance of professional land surveyors' continuing education requirements will be conducted in accordance with 12 AAC 02.960.

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.450. DEFINITIONS. In 12 AC 36.400 – 12 AAC 36.450, unless the context requires otherwise,

(1) "college" includes a community college and a university;

(2) "continuing education unit" means a uniform unit of measure for continuing education and training established by a nationally recognized professional or technical society acceptable to the board;

(3) "course or activity" means a course or activity with a clear purpose and objective to maintain, improve, or expand the skills and knowledge relevant to the practice of professional land surveying that meets the requirements of 12 AAC 36.410;

(4) "professional development hour" means not less than 50 minutes of instruction or presentation in a continuing education course or activity that meets the requirements of 12 AAC 36.410;

(5) "professional land surveyor" has the meaning given in AS 08.48.341.

Authority: AS 08.48.101

ARTICLE 5. CONTINUING EDUCATION FOR PROFESSIONAL ARCHITECTS, ENGINEERS, AND LANDSCAPE ARCHITECTS.

Section

500. Purpose of continuing education

510. Continuing education requirements

520. Computation of continuing education credit

530. Exemptions

540. Record keeping and review of records

550. Definitions

12 AAC 36.500. PURPOSE OF CONTINUING EDUCATION. The purpose of the continuing education program is to maintain a continuing level of competency and standards for professional architects, engineers, and landscape architects, in order to promote the public health, safety, and welfare within this state.

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.510. CONTINUING EDUCATION REQUIREMENTS. (a) Unless exempted under 12 AAC 36.530, a professional architect, engineer, or landscape architect must meet the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 as a condition of the renewal, reinstatement, or reactivation of the professional architect, engineer, or landscape architect registration.

(b) Unless exempted under 12 AAC 36.530, a professional architect, engineer, or landscape architect seeking renewal, reinstatement, or reactivation of a professional architect, engineer, or landscape architect registration shall submit, on a form provided by the department, a certification that the professional architect, engineer, or landscape architect has met the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550.

(c) To renew a professional architect, engineer, or landscape architect registration for a biennial registration period that begins on or after January 1, 2010, a professional architect, engineer, or landscape architect must obtain 24 professional development hours during the 24 months immediately preceding that registration period.

(d) To reinstate a lapsed professional architect, engineer, or landscape architect registration that begins on or after January 1, 2010, a professional architect, engineer, or landscape architect seeking reinstatement must obtain 24 professional development hours during the 24 months immediately preceding the application for reinstatement of the professional architect, engineer, or landscape architect registration.

(e) A professional architect, engineer, or landscape architect who obtains more professional development hours during a biennial registration period than needed to qualify for renewal or reinstatement of the professional architect, engineer, or landscape architect registration may apply up to 12 of the excess professional development hours to the continuing education requirement for the subsequent biennial period for professional architect, engineer, or landscape architect registration.

(f) A professional architect, engineer, or landscape architect holding multiple registrations in the state is required to earn the total number of professional development hours of continuing education as those required for a single registration holder. However, at least eight hours of the professional development hours must be in each registration held.

(g) Continuing education courses or activities are not pre-approved by the board, but must meet the following criteria:

(1) the subject matter must address the public's health, safety, and welfare by instructing in the proper planning and design in the area of the registrant's registration or discipline, for the construction of buildings, structures, infrastructure, or the spaces within and surrounding such facilities so that generally

- (A) risk of injury to persons or property is minimized;
- (B) the results are durable and environmentally friendly;
- (C) the results function properly in all relevant respects; or
- (D) the results enhance the general welfare of the public;

(2) the course or activity must be relevant to the practice of professional architecture, engineering, or landscape architecture, and may include technical, ethical, or managerial content;

(3) the course or activity must be designed to maintain, improve, or expand professional architect, engineer, or landscape architect skills and knowledge;

(4) each course or activity must be well organized and the content presented in a sequential manner; and

(5) the presentation must be made by persons who are well qualified in the subject by education or experience in the subject.

(h) The sponsoring organizations that provide continuing education may be an educational institution, a professional association, or a business or governmental organization. Sponsoring organization's continuing education that satisfies the requirements of this section includes the professional architect's, engineer's, or landscape architect's

(1) successful completion of college courses;

(2) successful completion of continuing education courses;

(3) successful completion of short courses, tutorials, correspondence, web-based courses, and televised or videotaped courses;

(4) attending seminars, in-house workshops, or professional or technical presentations at meetings, conventions, or conferences; and

(5) teaching or instructing the activities listed in (1) – (4) of this subsection.

(i) A professional architect, engineer, or landscape architect who also holds a registration as a professional architect, engineer, or landscape architect in another licensing jurisdiction may meet the requirements of 12 AAC 36.510 – 12 AAC 36.550 by establishing that the professional architect, engineer, or landscape architect has met the mandatory continuing education requirements for renewal of the professional architect, engineer, or landscape architect registration in the other licensing jurisdiction, if the mandatory continuing education requirements of the other jurisdiction are substantially similar to or exceed those of 12 AAC 36.510 – 12 AAC 36.550 at the time that continuing education credit is claimed.

(j) To reactivate a retired professional architect, engineer, or landscape architect registration that begins on or after January 1, 2010, a professional architect, engineer, or landscape architect seeking reactivation must obtain 24 professional development hours during the 24 months immediately preceding the application for reactivation of the professional architect, engineer, or landscape architect registration.

12 AAC 36.520. COMPUTATION OF CONTINUING EDUCATION CREDIT. (a) The board has final authority with respect to the acceptance of courses, activities, credits, professional development hour values, and other methods of earning continuing education credits. Continuing education credit is computed as follows:

- (1) credit for college approved courses is based upon course credit established by the college;
- (2) credit for qualifying seminars, in-house workshops, and professional or technical presentations is based on one professional development hour for each hour of attendance at the seminar, in-house workshop, or professional or technical presentation;
- (3) attendance at qualifying programs presented at professional and technical society meetings, conventions, or conferences earns one professional development hour for each hour of attendance at the program.

(b) The computation of credits of professional development hours is as follows:

- (1) one unit of college semester credit equals 45 professional development hours;
- (2) one unit of college quarter credit equals 30 professional development hours;
- (3) one continuing education unit of professional architect, engineer, or landscape architect continuing education equals 10 professional development hours;
- (4) one hour of a seminar, in-house workshop, or professional or technical presentation attended at meetings, conventions, or conferences equals one professional development hour;
- (5) one hour of initial instruction of the subject matter when teaching professional development courses, seminars, or professional or technical presentations equals two professional development hours; this provision does not apply to full-time faculty.

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.530. EXEMPTIONS. (a) A professional architect, engineer, or landscape architect is exempt from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 for the first biennial registration renewal period following initial issuance of the professional architect, engineer, or landscape architect registration.

(b) A professional architect, engineer, or landscape architect is exempt from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 for renewal of the professional architect, engineer, or landscape architect registration for the biennial registration period immediately following a period of service by the professional architect, engineer, or landscape architect on active duty in the armed forces of the United States exceeding 120 consecutive days within a 12-month period.

(c) A professional architect, engineer, or landscape architect who is in retired status under 12 AAC 36.115 is exempt from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 during the time the professional architect, engineer, or landscape architect is retired. A retired professional architect, engineer, or landscape architect who wishes to return to active practice as a professional architect, engineer, or landscape architect must meet the requirements of 12 AAC 36.115, including continuing education requirements applicable under 12 AAC 36.510(j).

(d) A professional architect, engineer, or landscape architect may request an exemption from the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550 by submitting a written request to the board that describes the reasons for the request and includes supporting documentation. If the board finds good cause, the board will grant an exemption under this subsection to a professional architect, engineer, or landscape architect who is experiencing a physical disability, serious illness, family emergency, or other extenuating circumstance.

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.540. RECORD KEEPING AND REVIEW OF RECORDS. (a) A professional architect, engineer, or landscape architect shall maintain records that may be used to verify professional development hours claimed under 12 AAC 36.510 – 12 AAC 36.550. These required records include

- (1) a log showing the course or activity claimed, the sponsoring organization, the location and duration of the course or activity, the name of the speaker or instructor, and the unit of credit or number of professional development hours earned; and
- (2) attendance verification records in the form of completion certifications, signed attendance receipts, receipts for the payment of tuition or fees, a copy of a list of participants signed by the speaker or instructor, or similar documents showing evidence of attendance.

(b) Records required under (a) of this section must include sufficient detail to permit verification during an audit, and must be maintained for at least four years from the date that the course or activity was completed.

(c) The board may request at any time that a professional architect, engineer, or landscape architect provide proof of compliance with the continuing education requirements of 12 AAC 36.510 – 12 AAC 36.550. A professional architect, engineer, or landscape architect must provide a copy of the records required under (a) of this section to the board for audit verification purposes within 30 days of receipt of a request for the records.

(d) Audits of compliance of professional architect, engineer, or landscape architect continuing education requirements will be conducted in accordance with 12 AAC 02.960.

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.550. DEFINITIONS. In 12 AAC 36.500 – 12 AAC 36.550, unless the context requires otherwise,

- (1) “college” includes a community college and a university;
- (2) “continuing education unit” means a uniform unit of measure for continuing education and training established by a nationally recognized professional or technical society acceptable to the board;
- (3) “course or activity” means a unit of instruction
 - (A) with a clear purpose and objective to maintain, improve, or expand the skills and knowledge relevant to the practice of a professional architect, engineer, or landscape architect; and
 - (B) that meets the requirements of 12 AAC 36.510;
- (4) “in-house workshop” means a seminar, program, or training session presented by a professional with expertise in the field of architecture, engineering, or landscape architecture;
- (5) “professional development hour” means not less than 50 minutes of instruction or presentation in a continuing education course or activity that meets the requirements of 12 AAC 36.510.

Authority: AS 08.48.101 AS 08.48.341

ARTICLE 6. GENERAL PROVISIONS.

Section

- 900. Current address**
- 910. Board member absences**
- 990. Definitions**

12 AAC 36.900. CURRENT ADDRESS. A registrant shall maintain a current, valid mailing address on file with the division at all times. The latest mailing address on file for an active, inactive, or lapsed registration or certificate is the appropriate address for official communications, notifications, and service of legal process.

Authority: AS 08.48.101

12 AAC 36.910. BOARD MEMBER ABSENCES. (a) The board may recommend to the governor that a member be removed from the board if that member has three or more unexcused absences from regularly scheduled board meetings in a 24-month period.

(b) Before the close of each regularly scheduled board meeting, the board will determine whether a member's absence from that meeting is excused or unexcused. An absence will be considered excused if it is pre-approved by the chair of the board or due to an emergency.

Authority: AS 08.01.020 AS 08.48.041 AS 08.48.101

12 AAC 36.990. DEFINITIONS. (a) 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) repealed 8/26/98;
- (7) “ABET” means Accreditation Board for Engineering and Technology;
- (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) repealed 1997;

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

(13) “NCEES” means the National Council of Examiners for Engineering and Surveying

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

(15) repealed 1978;

(16) repealed 1978;

(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;

(18) “professional work” means the time the applicant has been occupied in architecture, engineering, land surveying, or landscape architecture 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, instrumentman, inspector, or similar work where personal responsibility and technical knowledge are slight;

(23) “specialty contractor” means the same as in AS 08.18.171;

(24) “registration by comity” means registration by recognition of the applicant’s credentials accepted by another jurisdiction;

(25) “registrant” means an individual architect, engineer, land surveyor, landscape architect, corporation, limited liability company, or limited liability partnership, registered or issued a certificate of authorization under this chapter;

(26) “A.S. degree” means an associate of science degree;

(27) “B.S. degree” means a bachelor of science degree;

(28) “M.S. degree” means a master of science degree;

(29) “IDP” means the Intern-Architect Development Program administered by NCARB and constitutes the record keeping system for verifying an intern-architect’s fulfillment of the education and training standards established by NCARB;

(30) “responsible control” means that amount of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered engineers, land surveyors, and landscape architects applying the required professional standard of care.

(31) “CLARB” means Council of Landscape Architect Registration Boards;

(32) “LAAB” means Landscape Architectural Accreditation Board;

(33) “landscape architect” means a person registered as a professional landscape architect;

(b) For purposes of this chapter, “department” means the Department of Commerce, Community, and Economic Development.

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191
AS 08.48.171