

BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

FINAL STATEMENT OF REASONS

Hearing Date: No hearing was scheduled, nor was one requested.

Subject Matter of Proposed Regulations: Criteria for Rehabilitation, Disciplinary Orders

Sections Affected: Division 5, 16 CCR § 419; Division 29, 16 CCR §§ 3061 and 3064

Updated Information:

The Initial Statement of Reasons is included in the file. The information contained therein is updated as follows:

- The Initial Statement of Reasons included proposed changes to 16 CCR §§ 3060, 3061, 3064, and 419. At its August 28, 2013 meeting, the Board for Professional Engineers, Land Surveyors, and Geologists (Board) voted to withdraw the proposed amendments to 16 CCR § 3060; therefore, any references to 16 CCR § 3060 amendments are removed from this rulemaking proposal. The Board may re-notice proposed changes to 16 CCR § 3060 at a later date.
- A non-substantive grammatical change was made to the text of 16 CCR § 3064. The first line of the proposed text of 16 CCR § 3064 originally read “For violations of Business and Professions Code sections 7860...” The text was changed to read “For violations of Business and Professions Code section 7860...” in order to make the sentence grammatically correct (“sections” was changed to “section”).

Local Mandate: None

Small Business Impact:

These regulations will not have a significant adverse economic impact on businesses.

Consideration of Alternatives:

No reasonable alternative to the proposed regulatory action would be either more effective than or as effective as and less burdensome on affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific. No reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more cost effective to affected private persons than the adopted regulation.

The alternative would be to not make any of the proposed changes, and to keep the regulations as they are currently written. Doing so would continue with the inconsistencies found in the Geologist and Geophysicists regulations, and Engineering and Land Surveying regulations. Keeping the regulations as is would do the following:

- It would go against the Board's mission to protect the life, health, property, and welfare of the public.
- It would go against the Board's 2011-2014 Strategic Plan Goals to promote clear, relevant, unambiguous, and functional regulations, and to provide consistency among all of the Board's regulated professions with regard to statutes and regulations.
- It would create confusion for consumers and licensees by having enforcement regulations that are not the same for all of the Board's professions.
- The current differences among the enforcement regulations may cause the law to be applied differently among the professions that the Board regulates; therefore, the law may not be applied fairly, consistently, effectively, and efficiently among all of the professions.

Summary of Comments Received During the 45-day Comment Period:

The Board did not receive any comments or requests for hearing during the 45 day public comment period.