

**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944

Telephone: (916) 263-2222 – Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246

www.pels.ca.gov & www.geology.ca.gov

**OFFICIAL NOTICE AND AGENDA****MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

**Board for Professional Engineers, Land Surveyors, and Geologists
2535 Capitol Oaks Drive, Third Floor Conference Room
Sacramento, California 95833
(916) 263-2222**

March 8-9, 2012, beginning at 9:00 a.m.

The meeting is open, and the public is invited to attend. The meeting facilities are barrier-free in accordance with the Americans with Disabilities Act. A person who needs disability-related accommodations or modifications in order to participate in the meeting shall make a request by contacting Celina Calderone at (916) 263-2230 or email celina.calderone@dca.ca.gov or sending a written request to Ms. Calderone at the Board for Professional Engineers, Land Surveyors, and Geologists, 2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodations.

For further information regarding this meeting, please contact Celina Calderone at (916) 263-2230. Electronic copies of this Official Notice and Agenda are available at <http://www.pels.ca.gov>.

NOTE: All times indicated and the orders of business are approximate and subject to change. It is anticipated that the Board will break for lunch from approximately 12:00 p.m. to 1:00 p.m. each day.

Copies of the bills may be obtained by the public through the Bill Room at the State Capitol. You may also access all California statutes, regulations, and pending bills through the Legislative Counsel's Internet website at <http://www.leginfo.ca.gov>.



Represents items from the Strategic Plan

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**AGENDA****MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS****March 8-9, 2012, beginning at 9:00 a.m.**

Board Members: Jerry Silva, President; Paul Wilburn, Vice President; Carl Josephson; Mike Modugno; Philip Quartararo; Hong Beom Rhee; Ray Satorre; Patrick Tami; Michael Trujillo; and Erik Zinn.

1. Roll Call to Establish a Quorum**2. Public Comment**

NOTE: The Board cannot take action on items not on the agenda. The Board will allow for Public Comment on both days, as well as during the discussion of each item on the agenda.

3. Hearing on the Petition for Reinstatement of Revoked License of George Dickey – This hearing will be held on Thursday, March 8, 2012, beginning at 9:30 a.m., or as soon thereafter as the matter may be heard.**4. Closed Session** – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126 (e)(1), and 11126(e)(2)(B)(i)]

A. Rodolfo Dimalanta v. Board for Professional Engineers and Land Surveyors, Court of Appeal, First Appellate District, Case. No. A131485 [Superior Court of Alameda County Case No. RG10513640]

B. Michael James O'Malley v. Board for Professional Engineers and Land Surveyors, Superior Court of Riverside County Case No. RIC 1116681

5. Open Session to Announce the Results of Closed Session**6. Executive Officer's Report****A. Legislation****1. Discussion of Legislation for 2011-2012 (Possible Action)**

a. Pending Legislation: AB 1588, SB 692, SB 975, SB 1061(Possible Action)

b. Temporary Authorization Repeal (Business and Professions Code Section 6760) (Possible Action) 

- c. Amendments to Business and Professions Code Section 27 Regarding Address of Record Available Via the Website (Possible Action)
 - B. Administration Committee (Possible Action)
 - C. Strategic Plan 2011-2012 Goals Status Report (Possible Action) 
 - D. Personnel
- 7. **Enforcement** (Possible Action)
 - A. Request by the California Architects Board to Co-Author a Letter Informing Planning Departments of Unlicensed Practice Issues Regarding Non-Exempt Projects (Possible Action)
- 8. **Exams/Licensing**
 - A. September/October 2011 Examination Results Report
 - B. Spring 2012 Examination Update (Possible Action)
 - C. Future Changes to the Registration Process for Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) Examinees (Possible Action) 
- 9. **Outreach**
 - A. Newsletter (Possible Action) 
- 10. **Consideration of Rulemaking Proposals, as follows:** 
 - A. Proposed Regulations to Implement the Fingerprint Program – Addition of Sections to Divisions 5 and 29 of Title 16 of the California Code of Regulations (Possible Action)
 - B. Proposed Amendments to Divisions 5 and 29 of Title 16 of the California Code of Regulations, as follows: (Possible Action)
 - i. Sections 411 and 3008 – Seal and Signature
 - ii. Sections 412 and 3009 – Address Change
 - iii. Sections 442 and 3035 – Examination Subversion
 - iv. Section 3060 – Substantial Relationship Criteria
 - v. Section 3061 – Criteria for Rehabilitation
 - vi. Sections 472-473.4 and 3062-3063.4 – Citation Program
 - vii. Sections 419 and 3064 – Disciplinary Orders
 - viii. Sections 475, 476, and 3065 – Code of Professional Conduct
- 11. **Approval of Delinquent Reinstatements** (Possible Action)
- 12. **Information Technology Updates**
 - A. BreZE Implementation Status (Possible Action) 
 - B. Credit Card Renewal Update 
- 13. **Administration**
 - A. 2011/12 Fund Condition (Possible Action)
 - B. FY 2011/12 Budgets (Possible Action)

14. **Technical Advisory Committees (TACs)**
 - A. Board Assignments to TACs (Possible Action)
 - B. Appointment of TAC Members (Possible Action)
 - C. Reports from the TACs (Possible Action)

15. **Liaison Reports**
 - A. ASBOG (Possible Action)
 - B. ABET (Possible Action)
 - C. NCEES (Possible Action)
 - D. Technical and Professional Societies (Possible Action)

16. **President's Report/Board Member Activities**

17. **Other Items Not Requiring Board Action**

18. **Approval of Consent Items** (Possible Action)
(These items are before the Board for consent and will be approved with a single motion following the completion of Closed Session. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)
 - A. Approval of the Minutes of the November 18, 2011, Board Meeting

19. **Adjourn**

PUBLIC COMMENT

Time is allotted during the meeting to provide members of the public with an opportunity to address the Board. The time allotted for each member of the public to address the Board may be limited by the Board based on the number of individuals wishing to speak.

It is requested that the speakers stand or come forward as they are recognized to speak. It is also requested, but not required, that the speakers give their names and any organizations they represent.

The public may speak on items on the agenda during the Public Comment item or when the specific item comes up for discussion by the Board. If the Board does not notice a person's request to speak during discussion of an item, it is not a deliberate attempt to limit comment. It is sometimes difficult to notice a raised hand in a meeting room. If the Board does not notice you at first, please stand so that you may be recognized to speak.

The public may speak on items not on the agenda; however, the Board may not discuss or take action on such items at this meeting. Board members cannot engage in dialogue, other than to request clarification from the speaker, regarding items not on the agenda due to constraints imposed by law. The Board may direct staff to follow up on the item with the speaker or may direct that the item be placed on the agenda of a future meeting for discussion.

The Board asks that you not discuss a pending application or a disciplinary complaint matter because the Board members will be the "judges" who ultimately decide the matter, and, by law, they are not permitted to receive information that is not part of the official administrative record in the matter. Any issues relating to such matters should be addressed in writing to the Board's Executive Officer. If a person attempts to speak on such a matter, the person will be instructed to refrain from making further comments.

If a person becomes disruptive, the person will be requested to cease the disruptive behavior. If the person fails to do so, the Board is allowed by law to request that the person leave the meeting and may even have the person removed if he or she fails to leave.