

**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

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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**

**Thursday, May 12, 2011, immediately following the Public Hearing
Regarding Proposed Amendments to Title 16, California Code of
Regulations section 3005 [hearing scheduled to begin at 9:00 a.m.],
and continuing on
Friday, May 13, 2011, 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>.

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

Thursday, May 12, 2011, immediately following the Public Hearing Regarding Proposed Amendments to Title 16, California Code of Regulations section 3005 [hearing scheduled to begin at 9:00 a.m.], and continuing on Friday, May 13, 2011, beginning at 9:00 a.m.

Board Members: Mike Modugno, President; Jerry Silva, Vice President; James Foley; Carl Josephson; Philip Quartararo; Hong Beom Rhee; Ray Satorre; Patrick Tami; Michael Trujillo; Paul Wilburn; 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. Public Hearing on the Continued Regulation of the Practice of Geophysics and Licensure of Professional Geophysicists
NOTE: This hearing will be held on Thursday, May 12, 2011, beginning at 10:00 a.m., or immediately following the Public Hearing regarding Proposed Amendments to the California Code of Regulations.
4. Continued Regulation of the Practice of Geophysics and Licensure of Professional Geophysicists (Possible Action)
NOTE: This item will be discussed after the Public Hearing on the Continued Regulation of the Practice of Geophysics and Licensure of Professional Geophysicists.
5. DCA Director Updates
6. 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. Executive Officer Interviews
NOTE: The interviews will be conducted on Friday, May 13, 2011, beginning at 9:30 a.m.

7. Open Session to Announce the Results of Closed Session
8. Nomination and Election of President and Vice President for Fiscal Year 2011-2012 (Possible Action)
9. Adoption of 2011-2013 Strategic Plan (Possible Action)
10. Temporary Authorization Applications (Possible Action)
11. Executive Officer's Report
 - A. Legislation
 1. Discussion of Legislation for 2011: AB 172, AB 275, AB 958, AB 1023, AB 1210, SB 541, SB 543, SB 692, and SB 944 (Possible Action)
 2. Legislative Proposals for 2011:
 - a. Proposed Amendments to the Geologist and Geophysicist Act (Business and Professions Code section 7800, et seq.) Relating to Qualifications for Certification as a Geologist-in-Training (Possible Action)
 - B. Sunset Review (Possible Action)
 - C. Personnel
 - D. Governor's Executive Order B-06-11 Relating to Travel
12. Enforcement
13. Exams/Licensing
 - A. Report on April 2011 PELS Examination Administration
 - B. Report on March 2011 Geology Examination Administration
 - C. October 2011 Examinations (Possible Action)
14. Consideration of Rulemaking Proposals, as follows:
 - A. Proposed Amendments to Title 16, California Code of Regulations Sections 419, 443, and 444 – Examination Appeals (Possible Action)
 - B. Adoption of Proposed Amendments to Title 16, California Code of Regulations section 3005 – [Geology & Geophysics Fees] (Possible Action)
15. Approval of Delinquent Reinstatements (Possible Action)
16. Information Technology Updates
 - A. On-Line Renewals/Credit Card Renewals (Possible Action)
17. Adoption of a Precedential Decision Regarding the Provisions of the Professional Land Surveyors' Act (Business and Professions Section 8700, et seq.) and Division 5 of Title 16 of the California Code of Regulations Relating to the Filing of Records of Survey and Corner Records (Possible Action)
18. Administration
 - A. Fund Condition (Possible Action)
 - B. FY 2010/11 Budget (Possible Action)
 - C. FY 2011/12 Budget Change Proposals (Possible Action)
 - D. FY 2012/13 Budget Change Proposals (Possible Action)

19. 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)
 1. Report from the Geology TAC
 2. Report from the Land Surveying TAC
 - a. Recommendation to Amend Business and Professions Code Section 8762(b)(4) (Possible Action)
20. Liaison Reports
 - A. ASBOG (Possible Action)
 - B. ABET (Possible Action)
 - C. NCEES (Possible Action)
 1. Appointment of Emeritus Members (Possible Action)
 - D. Technical and Professional Societies (Possible Action)
21. President's Report/Board Member Activities
22. Other Items Not Requiring Board Action
 - A. Date of Next Board Meeting: July 14 or 21, 2011, Sacramento, California
23. 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 March 24 & 25, 2011, Board Meeting
24. 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.

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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.

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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.

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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.

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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.

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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.