OFFICIAL NOTICE AND AGENDA

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

California Department of General Services
3737 Main Street, 2nd Floor Conference Room
Riverside, CA 92501

August 28-29, 2013
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. Regardless of the position of Closed Session shown on the agenda, the Board typically conducts Closed Session during the lunch break and for a period of time immediately after as necessary. It is anticipated that the Board will break for lunch from approximately 12:00 p.m. to 1:00 p.m.

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
AGENDA
MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
August 28-29, 2013
Beginning at 9:00 a.m.

Board Members: Erik Zinn, President; Kathy Jones Irish, Vice President; Diane Hamwi; Carl Josephson; Coby King; Mike Modugno; Philip Quartararo; Hong Beom Rhee; Ray Satorre; Jerry Silva; Robert Stockton; and Patrick Tami

I. Roll Call to Establish a Quorum

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

III. Executive Officer’s Report
A. Legislation
   1. Discussion of Legislation for 2013: AB 186, AB 1057, AB 1063, SB 152, SB 207, SB 679, and SB 822 (Possible Action)
B. Strategic Plan Update
C. Personnel
D. Administrative Task Force (Possible Action)
E. BreEZé Status Update
F. Discussion of Plastic ID Cards (Possible Action)

IV. Enforcement
A. Enforcement Statistical Reports (Possible Action)
   1. Fiscal Year 2012/2013 Year End Report
   2. Fiscal Year 2013/2014 Report
B. Posting of Enforcement Actions on the Board’s Website (Possible Action)

V. Exams/Licensing
A. EIT/LSIT Certificate Process Discussion (Possible Action)
B. Update on October 2013 Exams (Possible Action)

VI. Approval of Delinquent Reinstatements (Possible Action)
VII. **Reconsideration of Decision Regarding Delinquent Reinstatement Application of Dennis Reid** (Possible Action)
This reconsideration will be discussed on Thursday, August 29, 2013, beginning at 9:00 a.m., or soon thereafter.

VIII. **Consideration of Rulemaking Proposals** (Possible Action)
A. Proposal to Amend Title 16, California Code of Regulations Sections 416 and 3060, Substantial Relationship Criteria
B. Adoption of Proposed Amendments to Title 16, California Code of Regulations section 3060 (Substantial Relationship Criteria), 3061 (Criteria for Rehabilitation), and 3064 and 419 (Disciplinary Orders)
C. Adoption of Proposed Amendments to Title 16, California Code of Regulations Sections 411, 412, 3008, and 3009 (Seal, Signature, and Address Change)
D. Adoption of Proposed Board to Title 16, California Code of Regulations sections 420.1 and 3021.1 (Applicant Fingerprinting Requirements)
E. Adoption of Proposed Amendments to Title 16, California Code of Regulations Sections 442 and 3035 (Examination Subversion)

IX. **Administration**
A. Board Budget Presentation Options (Possible Action)
B. FY 2012/13 Budget Overview and FY 2013/14 Introduction (Possible Action)

X. **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. Civil TAC
      a. Discussion and Possible Recommendation Regarding Request to Amend Title 16, California Code of Regulation section 424 (Experience Requirements – Professional Engineers)
      b. Discussion and Possible Recommendation Regarding Request to amend Business and Professions Code section 6731 (Civil Engineering Defined)
   2. Joint TAC
      a. Evaluation of Subsurface Utility Engineering (Locating) pertaining to Business and Professions Code, sections 6731, 6731.1, 7802.1, and 8726.
D. Approval of Proposed 2013/2014 Workplans (Possible Action)

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

XII. **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. Civil Litigation
   1. Dennis William McCreary vs. Board for Professional Engineers, Land Surveyors, and Geologists, Sierra County Superior Court Case No. 7361
   2. Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS

XIII. Open Session to Announce the Results of Closed Session

NOTE: It is anticipated that Items XII and XIII will be discussed on Thursday, August 29.

XIV. President’s Report/Board Member Activities

XV. 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 June 13, 2013, Board Meeting

XVI. Other Items Not Requiring Board Action
A. Future Board Meeting Schedule

XVII. Adjourn
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.