



**Board for Professional Engineers,
Land Surveyors, and Geologists**

**Meeting of the Board for Professional
Engineers, Land Surveyors, and
Geologists**

**January 31, 2013
10:00 a.m.**

**Board for Professional Engineers, Land
Surveyors, and Geology
2535 Capitol Oaks Drive
3rd Floor Conference Room
Sacramento, CA 95833**

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BOARD MEETING LOCATION

JANUARY 31, 2013

BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

2535 Capitol Oaks Drive
3rd Floor Conference Room
Sacramento, CA 95833

BOARD MEMBERS

Paul Wilburn, President; Erik Zinn, Vice President; Kathy Jones Irish; Carl Josephson; Mike Modugno; Philip Quartararo; Hong Beom Rhee; Ray Satorre; Jerry Silva; Robert Stockton; Patrick Tami; and Michael Trujillo

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	b. Update on Certificates of Authorization for Engineering, Land Surveying, Geological, and Geophysical Businesses	
	c. Update on Temporary Authorization Repeal for Engineering, Geology, and Geophysics (Business and Professions Code Sections 6760, 7848, and 7848.1)	
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(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.)	
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I. **ROLL CALL TO ESTABLISH A QUORUM**

II.

PUBLIC COMMENT

III.

CLOSED SESSION



IV. OPEN SESSION TO ANNOUNCE THE RESULTS OF CLOSED SESSION

V.

EXECUTIVE OFFICER'S REPORT

- A. Legislation
 - 1. Discussion of Legislation for 2013
 - 2. Legislative Proposals
 - a. Update on Amendments to Business and Professions Code Section 27 Regarding Address of Record Available Via the Website
 - b. Update on Certificates of Authorization for Engineering, Land Surveying, Geological, and Geophysical Businesses
 - c. Update on Temporary Authorization Repeal for Engineering, Geology, and Geophysics (Business and Professions Code Sections 6760, 7848, and 7848.1)
 - d. Update on Recommendation to Establish a Retired License Status for Professional Geologists and Geophysicists
 - e. Update on Recommendation to Establish Written Contracts for Professional Geologists and Geophysicists
- B. Strategic Plan Update
 - 1. Action Plan Summary for FY 2012- 2013
- C. Personnel
- D. Administrative Task Force

BPELSG Action Plan FY 2012-13

Completed	In Progress	Remaining
Goal 1		
Objective 1.1 – Reduce the aging of enforcement cases to align with DCA’s standards.		
50%	25%	25%
100%	0%	0%
0%	50%	50%
Objective 1.2 – Develop and implement a proactive plan to expand the enforcement outreach program.		
80%	17%	3%
100%	0%	0%
100%	0%	0%
40%	50%	10%
Objective 1.3 – Discourage unlicensed and incompetent activity through efficient enforcement actions.		
0%	50%	50%
0%	50%	50%
0%	50%	50%
Objective 1.4 – Improve consumer friendliness of the Board’s Web site.		
75%	15%	10%
100%	0%	0%
40%	30%	30%
85%	15%	0%
Objective 1.5 – Establish web accessible information, including linking businesses with licensees.		
10%	25%	65%
10%	25%	65%
Objective 1.6 – Significantly reduce the number of backlogged enforcement cases.		
50%	25%	25%
50%	25%	25%
Objective 1.7 – Encourage DCA to improve their license lookup functionality on the Web site.		
10%	25%	65%
10%	25%	65%
10%	25%	65%
Objective 1.8 – Participate in preparations towards the BreZe conversion.		
10%	25%	65%
10%	25%	65%
Objective 1.9 – Publish enforcement actions on the Board’s Web site.		
25%	50%	25%
25%	50%	25%

BPESLG Action Plan FY 2012-13

Goal 2	Completed	In Progress	Remaining
Objective 2.1 - Evaluate current laws and regulations and pursue changes where appropriate, with due consideration for economic impact. <ul style="list-style-type: none"> • Review licensing and certification fees for businesses as potential legislative action. (see objective 2.6) 	25%	50%	25%
Objective 2.2 - Seek fingerprinting and criminal history authority through legislation. To be completed FY 12/13 <ul style="list-style-type: none"> • Move forward with legislation to obtain authority for licensees. • Develop and adopt regulations to implement applicant fingerprinting. 	40%	10%	50%
Objective 2.3 - Implement restructuring of examination and application fees. Completed FY 11/12	0%	0%	100%
Objective 2.4 - Review delinquent reinstatement requirements and act on the findings if appropriate. <ul style="list-style-type: none"> • Consult the Board for proper direction. 	80%	20%	0%
Objective 2.5 - Conduct a review of the penalty structure for unlicensed activity. Completed FY 11/12	25%	50%	25%
Objective 2.6 - Seek statutory authority to require Certificates of Authorization for businesses. <ul style="list-style-type: none"> • Consult Board for further direction. • Identify staffing requirements of implementing business authorization. 	25%	50%	25%
Objective 2.7 - Eliminate Business and Professions Code section 6760 (temporary authorization to practice engineering). Completed FY 11/12 <ul style="list-style-type: none"> • Research has been completed. Staff are currently pursuing legislation. 	10%	50%	40%
Objective 2.8 - Amend regulations that allow appeals of national examinations. Completed FY 11/12	10%	50%	40%
Objective 2.9 - Review statutes and regulations regarding Geologist in Training certification. Completed FY 11/12	75%	25%	0%
Objective 2.10 - Review statutes and regulations to provide consistency among all of the Board's regulated professions. <ul style="list-style-type: none"> • Review statutes and regulations for consistency across both programs. 	75%	25%	0%
	35%	40%	25%
	35%	40%	25%

BPESLG Action Plan FY 2012-13

Goal 4	Completed	In Progress	Remaining
Objective 4.1 - Develop incentives and restructure compensation to retain a quality Executive Order. Completed FY 11/12			
Objective 4.2 - Pursue authorization and funding, if needed, to increase attendance at NCEES meetings and ASBOG meetings.	10%	40%	50%
<ul style="list-style-type: none"> • Justify approval & funding for out-of-state and in-state travel to required meetings. • Justify representing the interest of the licensees and consumers of California at zero-cost events and pre-paid events to Agency and the Governor's office. 	10%	40%	50%
Objective 4.3 - Develop and implement career succession plan for Board Staff.	10%	45%	45%
<ul style="list-style-type: none"> • Establish a protocol/manual for managers/staff to identify recruiting of current staff for upward mobility to disseminate to staff. • Develop a Knowledge Retention Plan which includes overlapping retiring staff with new hires. 	10%	40%	50%
Objective 4.4 - Pursue funding and hiring freeze exemptions for additional staff in all units and programs as needed. Completed FY 11/12.			
Objective 4.5 - Pursue limited-term positions for specific projects.	0%	0%	100%
<ul style="list-style-type: none"> • Issue dates to be digitally recorded. • Scan enforcement actions and organization record forms. 	0%	0%	100%
Objective 4.6 - Pursue authority and funding to hire a staff geologist.	0%	50%	50%
<ul style="list-style-type: none"> • Rewrite class specifications. 	0%	50%	50%

BPELSG Action Plan FY 2012-13		Completed	In Progress	Remaining
Goal 5				
Objective 5.1 - Expand Enforcement Outreach Program to local and state agencies, professional associations, and consumer groups.		80%	17%	3%
• See objective 1.2.		80%	17%	3%
Objective 5.2 - Obtain resources, including staff, funding, and out-of-state travel approval, to fully support outreach.		80%	17%	3%
• See objective 1.2		80%	17%	3%
Objective 5.3 - Expand the licensure outreach programs to associations, college career fairs, and schools (e.g. Math Counts, Trigstar). To be completed FY 12/13		13%	20%	68%
• Review engineering magnet schools.		25%	40%	35%
• Publicize at college career fairs.		0%	0%	100%
Objective 5.4 - Develop and revise the Board's publications, as needed. To be completed FY 12/13		0%	8%	93%
• Develop and release new tri-annual newsletter. (See Objective 5.6)		0%	0%	100%
• Revise the local officials guide to include all disciplines.		0%	10%	90%
• Update and revise consumer guide to include all disciplines.		0%	10%	90%
• Develop paper promotional materials for colleges.		0%	10%	90%
Objective 5.5 - Regularly attend NCEES, ASBOG, and ABET meetings.		73%	18%	9%
• See objective 3.9.		73%	18%	10%
Objective 5.6 - Regularly develop and distribute an electronic newsletter.		33%	33%	34%
• See objective 5.4. (Develop and release new tri-annual newsletter)		33%	33%	34%
Objective 5.7 - Keep abreast of emerging technologies and apply them appropriately.		14%	20%	66%
• Research feasibility of creating a Board "app" for smartphones, and contact DCA Public Affairs office to discuss social networking opportunities.		0%	0%	100%
• Develop license lookup through smartphone "app".		0%	0%	100%
• Develop business lookup through smartphone "app".		0%	0%	100%
• Make website more user friendly and "mobile app" friendly.		20%	50%	30%
• Explore Use of Social Media to Improve Communication (i.e. Facebook, Twitter, LinkedIn)		50%	50%	0%

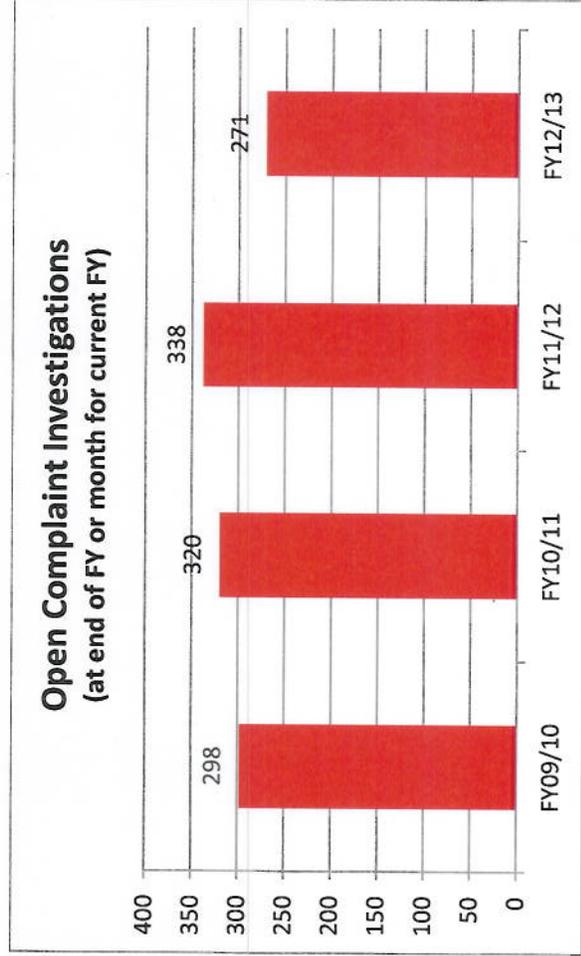
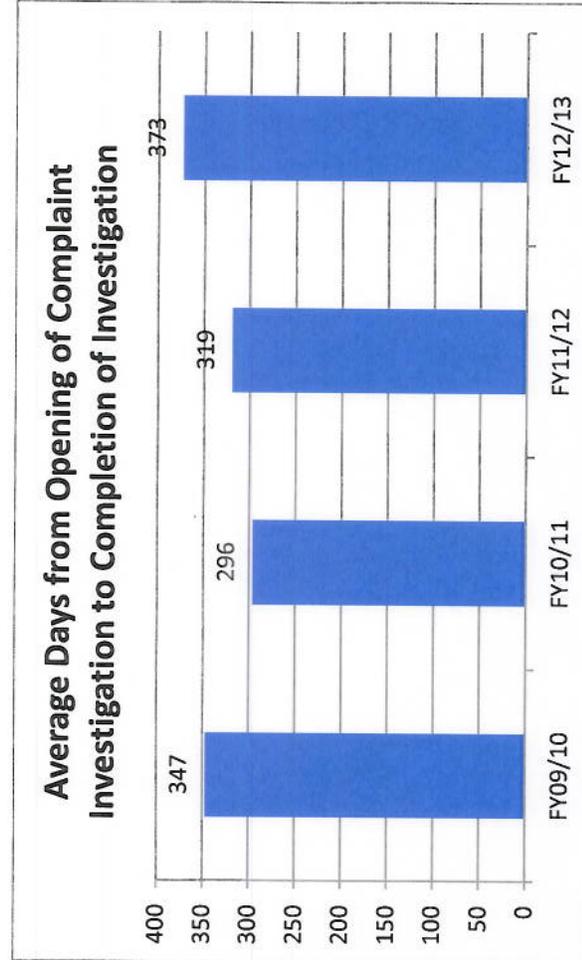
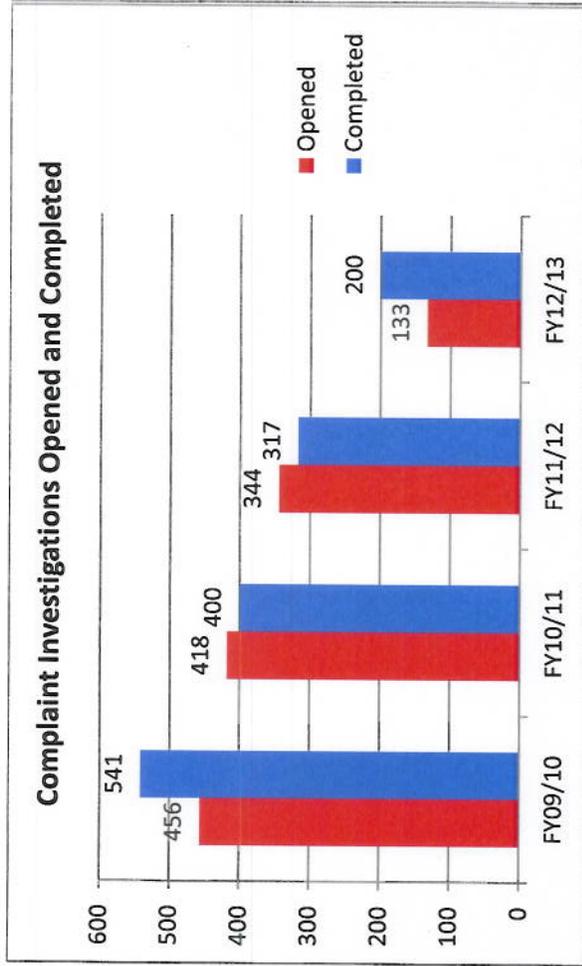
VI.

ENFORCEMENT

A. Enforcement Statistical Reports

PELS ENFORCEMENT PROGRAM

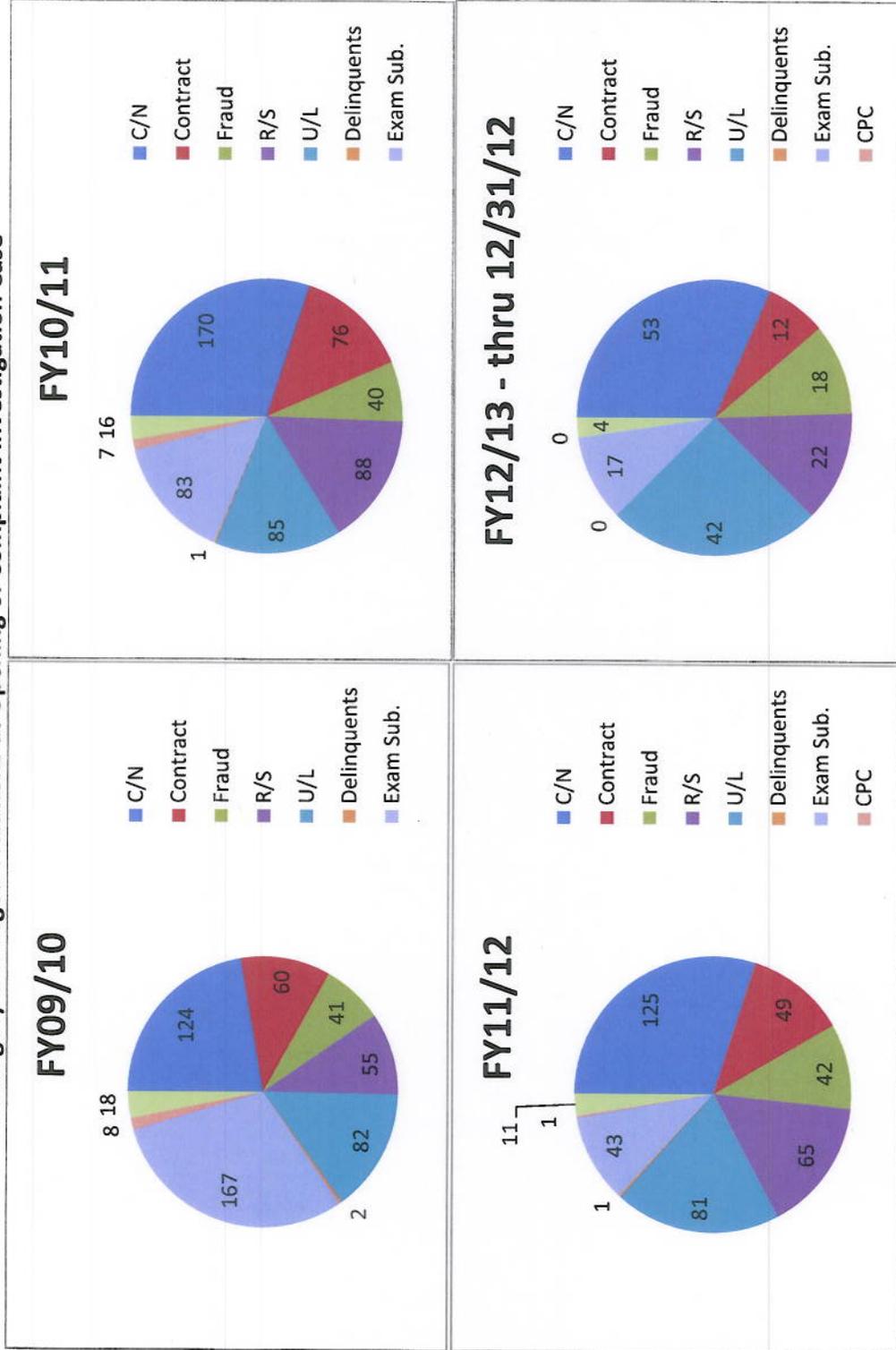
Complaint Investigation Phase



NOTE: All FY12/13 statistics are through December 31, 2012

PELS ENFORCEMENT PROGRAM

Category of Alleged Violations at Opening of Complaint Investigation Case



NOTE: May total more than the number of complaint investigation cases opened

C/N = Competence/Negligence

Contract = Contractual Issues (breach of contract, failure to execute written contract, failure to include all required elements in written contract)

Fraud = Fraud/Deceit/Misrepresentation; Aiding and abetting; Criminal conviction

R/S = Failure to file; Failure to resubmit; Monumentation

U/L = Unlicensed Activity

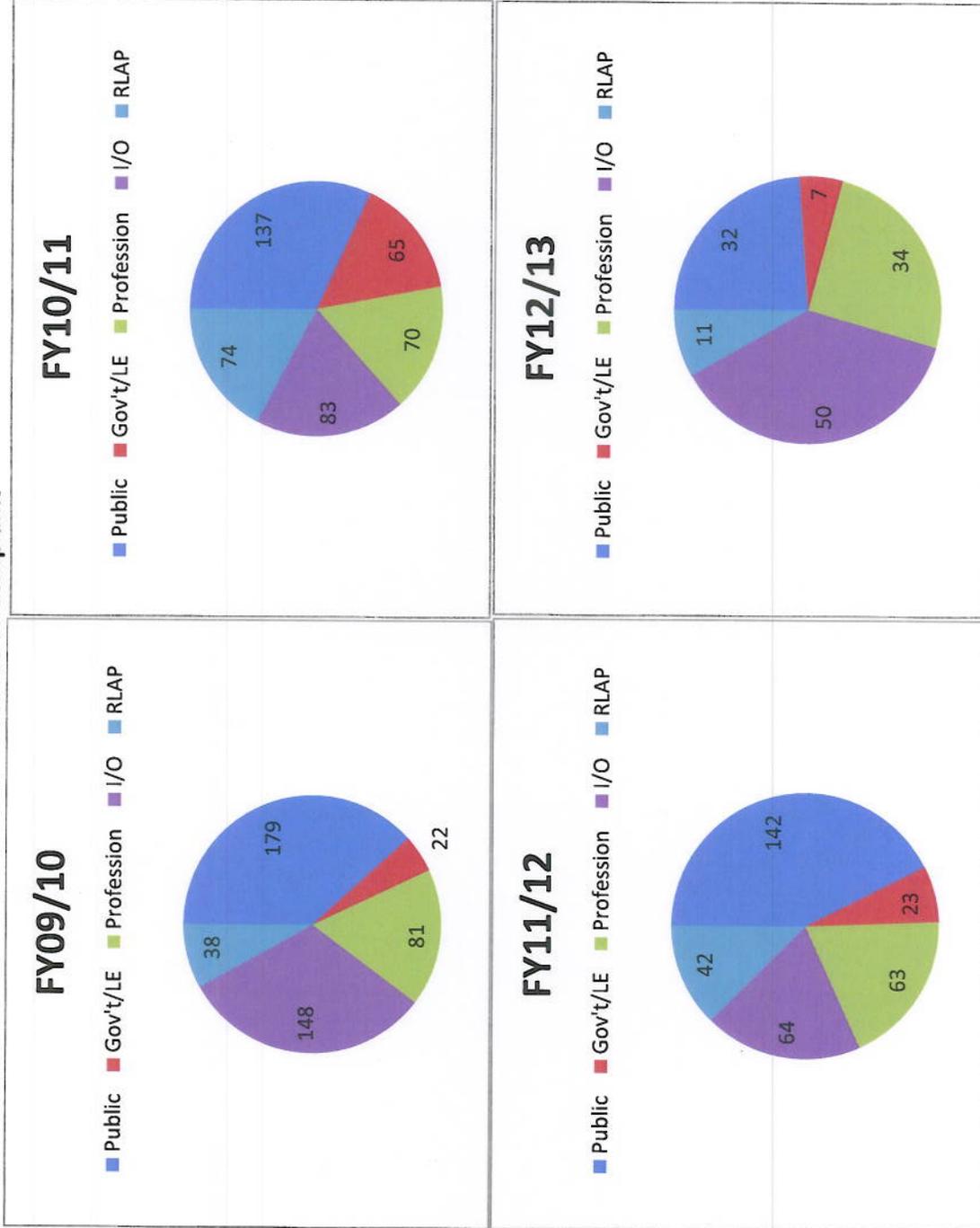
Delinquents = Delinquent Reinstatement applicants

Exam Sub. = Exam subversion (includes those removed from exams and collusion analyses)

CPC = Code of Professional Conduct (16 CCR §§ 475 & 476)

Other = Anything not covered above (i.e., failure to sign/seal; failure to file OR)

PELS ENFORCEMENT PROGRAM
Source of Complaint



NOTE: FY12/13 data through December 31, 2012

NOTE: May total more than the number of complaint investigation cases opened

Public = Consumers, individuals not licensed by BPELSG, attorneys, etc.

Gov't/LE = Government Agency or Law Enforcement (includes federal, state, and local governmental entities, e.g. County Surveyor's Office, Building Dept.)

Profession = Licensees of BPELSG; also includes professional associations (such as the JPPC)

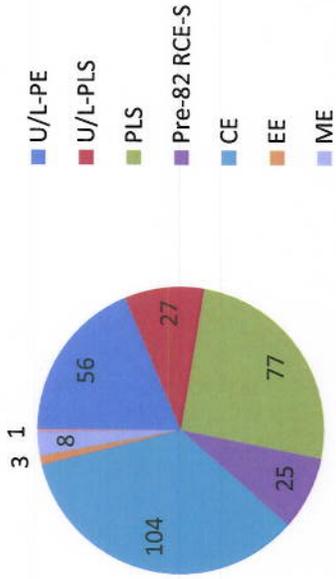
I/O = Internal/Other – no complainant (exam subversion), inquiries that result in the Enforcement Unit opening a case, anonymous

RLAP = Reporting of Legal Actions Program – cases opened as a result of receiving a report of a civil judgment, settlement, or arbitration aware or criminal conviction

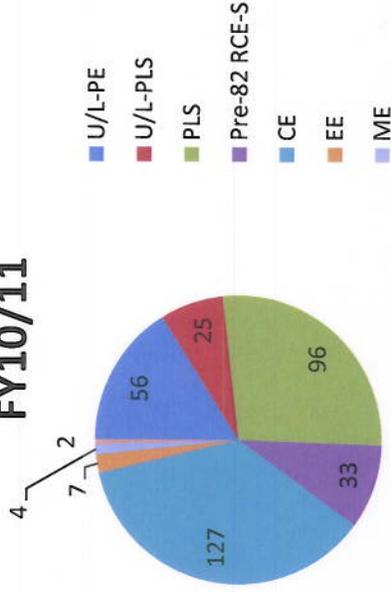
PELS ENFORCEMENT PROGRAM

Area of Practice/Licensure of Subject

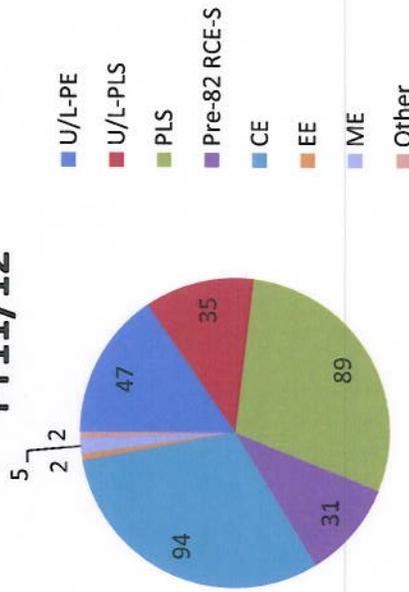
FY09/10



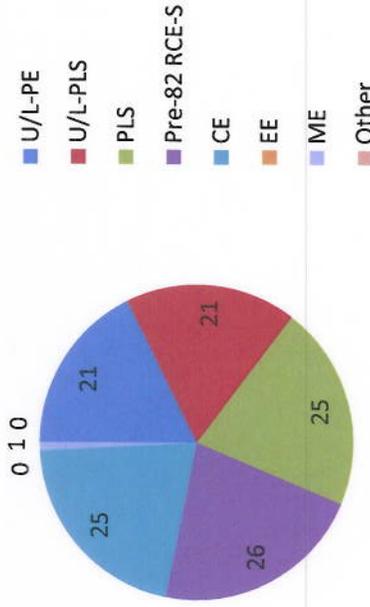
FY10/11



FY11/12



FY12/13



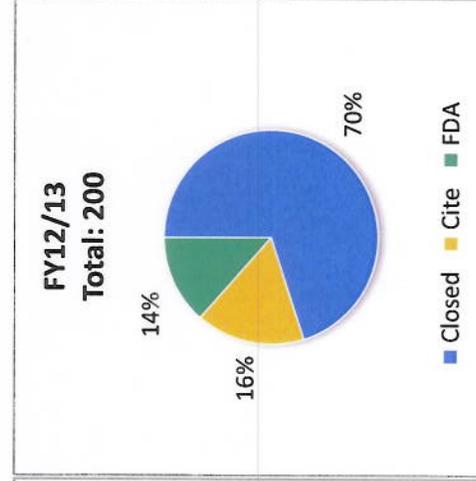
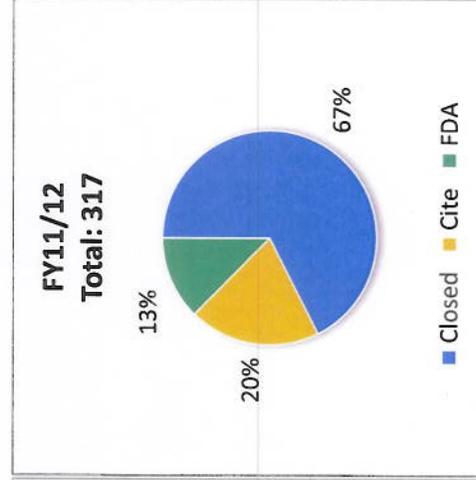
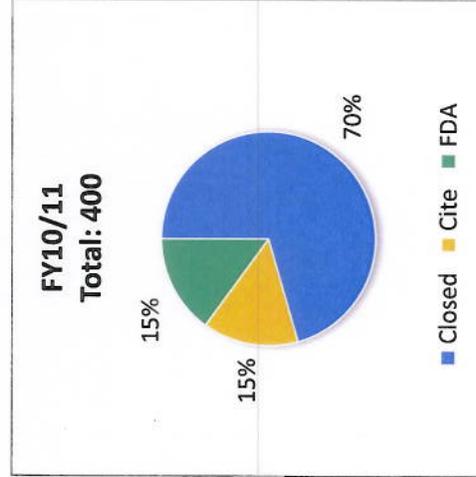
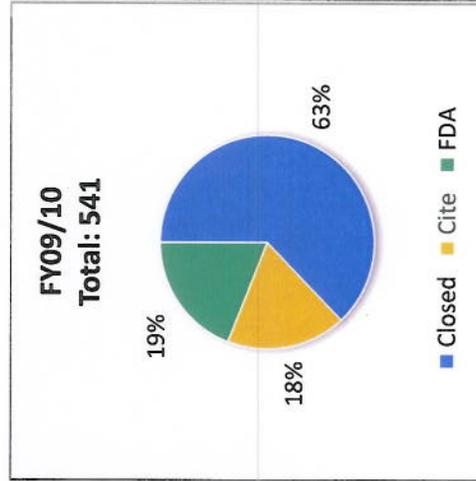
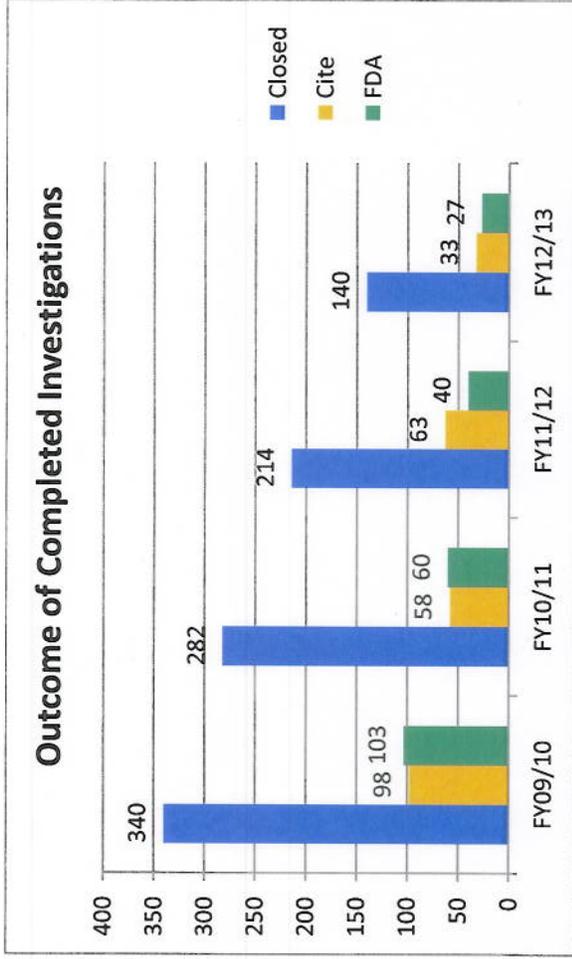
NOTE: FY12/13 data through December 31, 2012

NOTE: May total more than the number of complaint investigation cases opened

- U/L-PE = unlicensed activity relating to the practice of professional engineering
- U/L-PLS = unlicensed activity relating to the practice of professional land surveying
- PLS = allegations relating to the practice of land surveying by a Professional Land Surveyors
- Pre-82 RCE-S = allegations relating to the practice of land surveying by a Pre-82 Civil Engineer
- CE = allegations relating to the practice of civil engineering by a Civil Engineer
- EE = allegations relating to the practice of electrical engineering by an Electrical Engineer
- ME = allegations relating to the practice of mechanical engineering by a Mechanical Engineer
- Other = allegations relating to the practice of any other discipline of engineering by a licensee in the specific discipline (i.e., traffic engineering by a Traffic Engineer)

PELS ENFORCEMENT PROGRAM

Outcome of Completed Investigations



NOTE: All FY12/13 statistics are through December 31, 2012

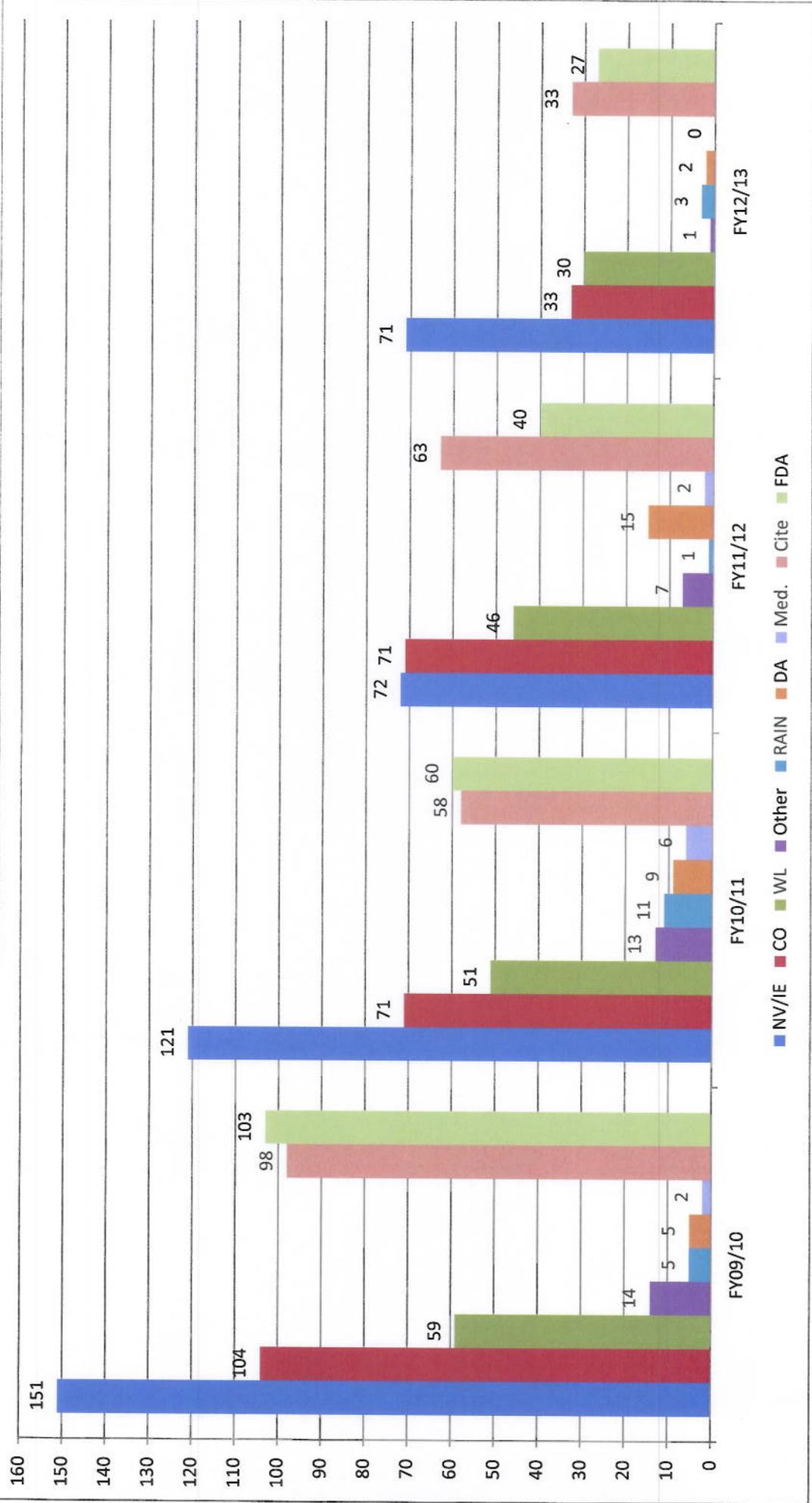
Closed = Closed with No Action Taken, includes the categories listed on the next page.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

PELS ENFORCEMENT PROGRAM

Outcome of Completed Investigations



NOTE: All FY12/13 statistics are through December 31, 2012

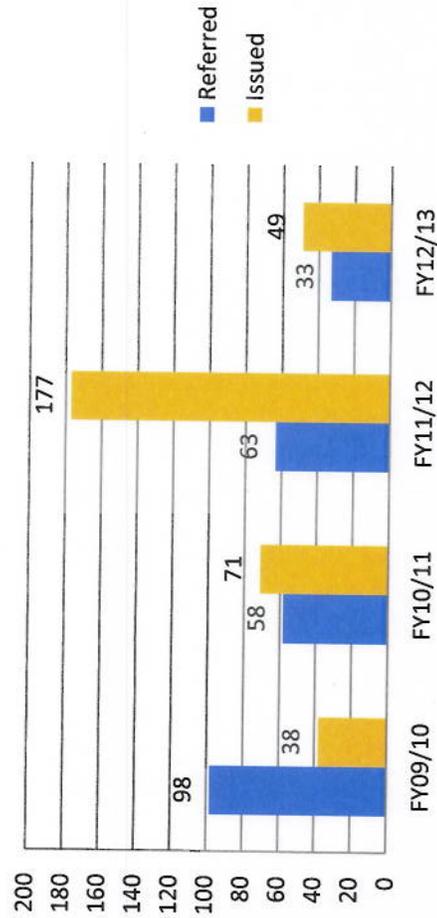
- Closed = Closed with No Action Taken, includes the categories listed below:
- NV/IE = No Violation/Insufficient Evidence
- CO = Compliance Obtained
- WL = Warning Letter
- Other = Other Reason for Closing Without Action (e.g., subject deceased)
- RAIN = Resolved After Initial Notification
- DA = Referred to District Attorney with Request to File Criminal Charges
- Med. = Mediated

- Cite = Referred for Issuance of Citation
- FDA = Referred for Formal Disciplinary Action

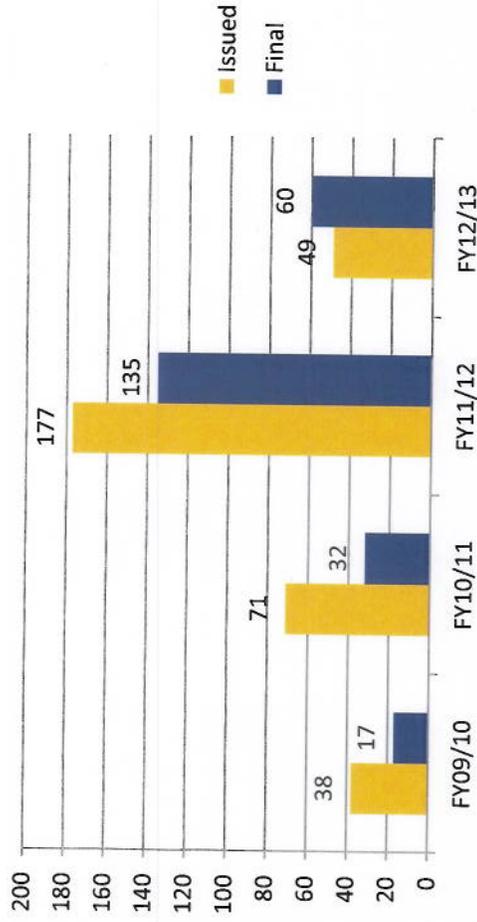
PELS ENFORCEMENT PROGRAM

Citations (Informal Enforcement Actions)

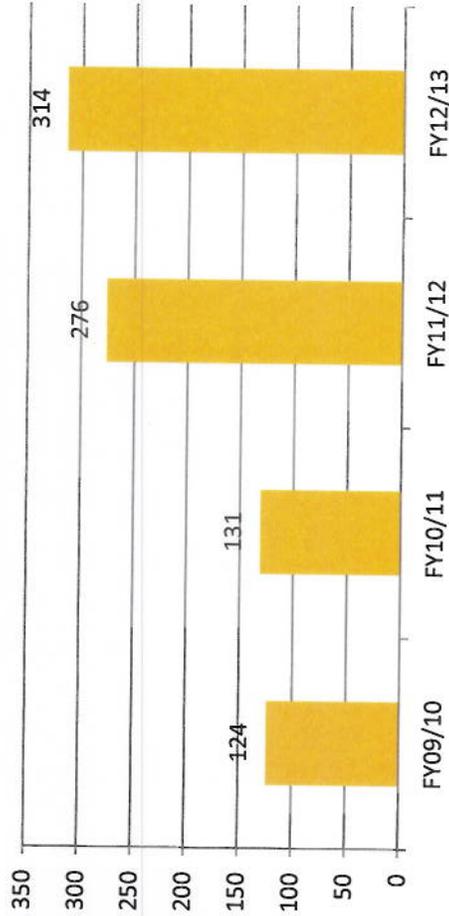
Number of Complaint Investigations Referred and Number of Citations Issued



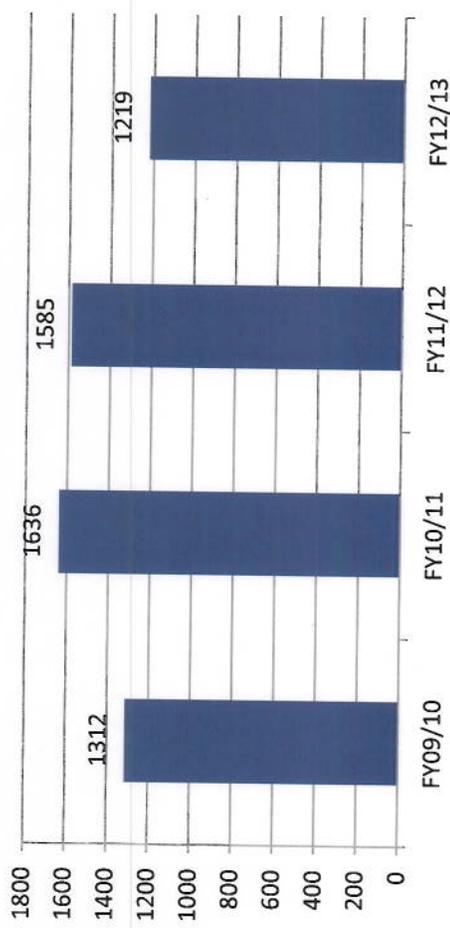
Number of Citations Issued and Final



Average Days Between Date of Issuance of Citation and Date Citation Becomes Final



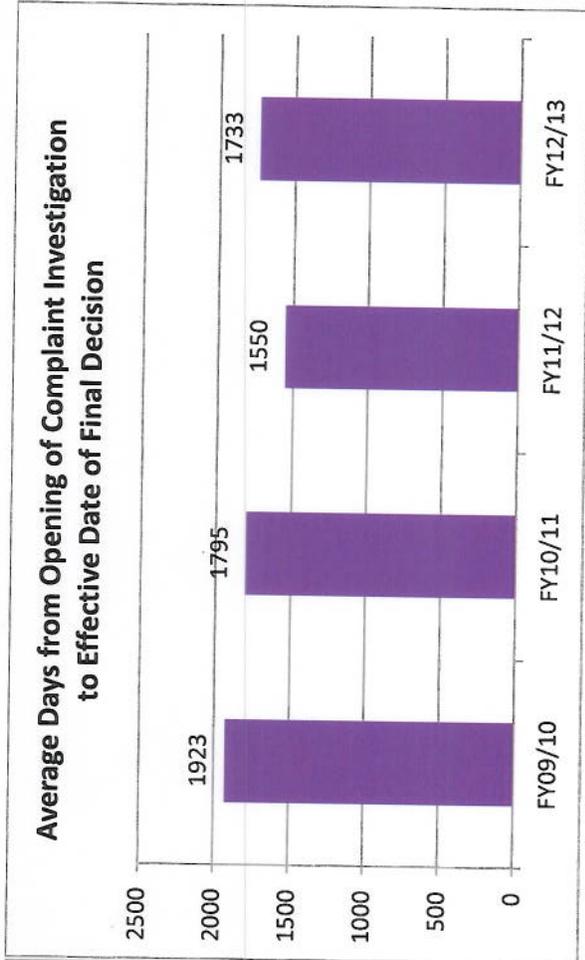
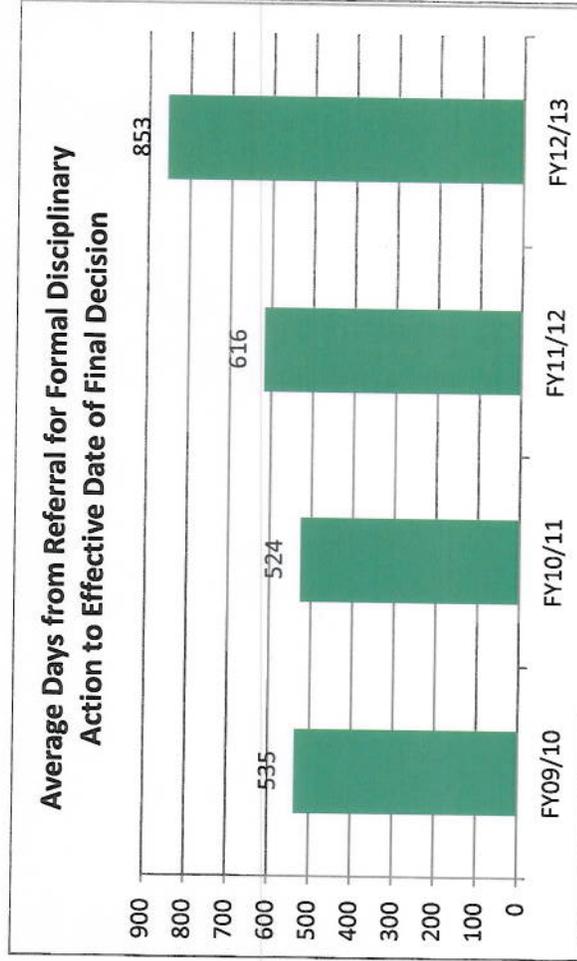
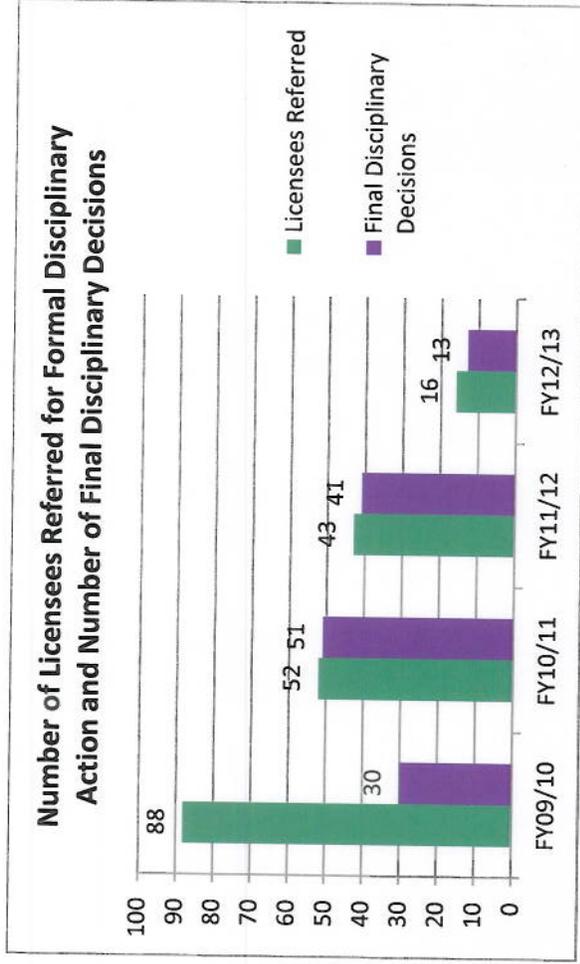
Average Days from Opening of Complaint Investigation to Date Citation Becomes Final



NOTE: All FY12/13 statistics are through December 31, 2012

PELS ENFORCEMENT PROGRAM

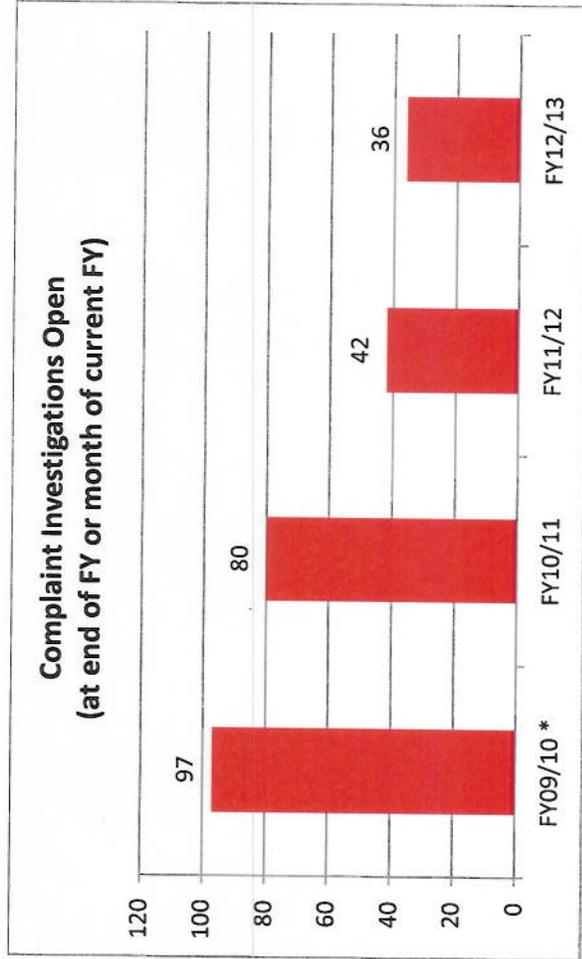
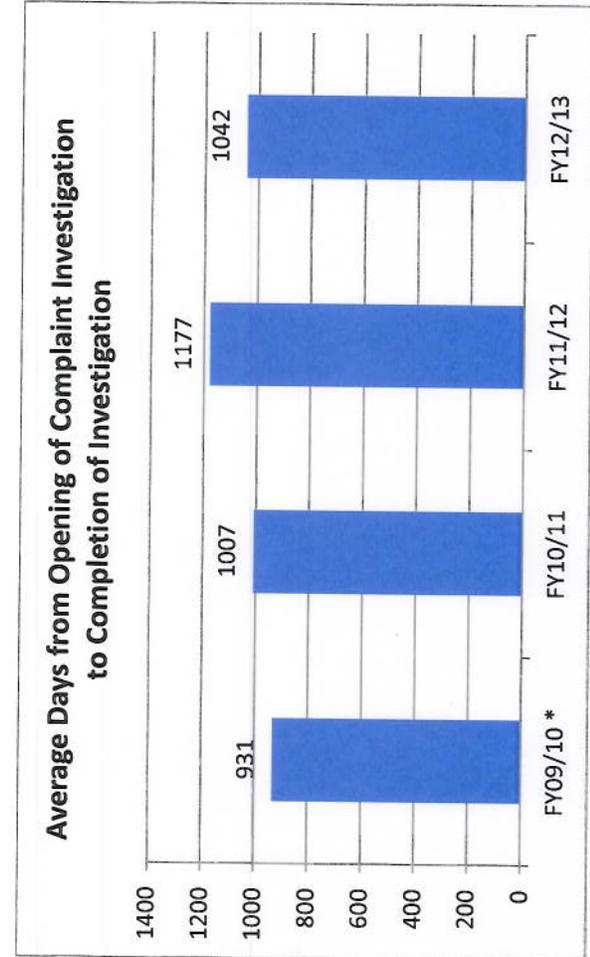
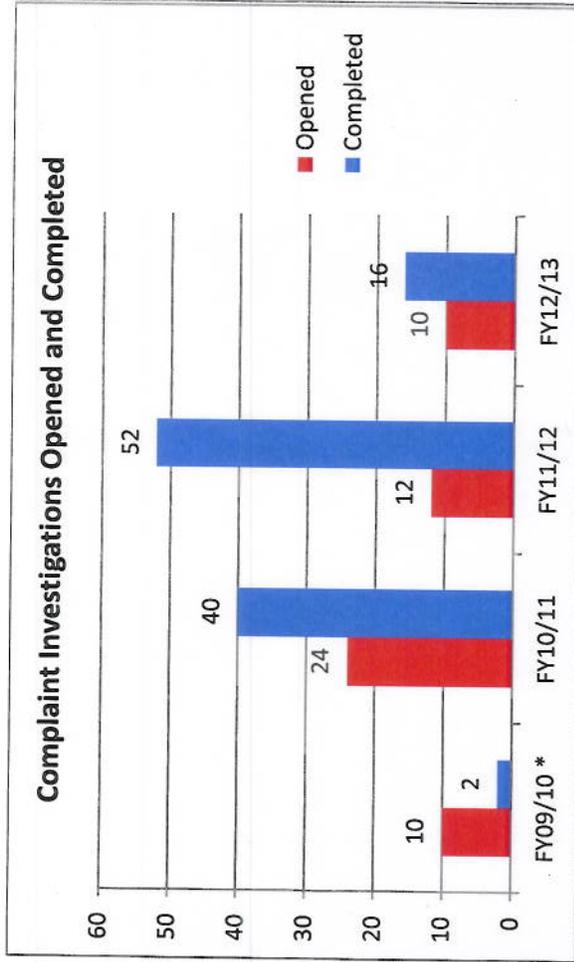
Formal Disciplinary Actions Against Licensees



NOTE: All FY12/13 statistics are through December 31, 2012

G&G ENFORCEMENT PROGRAM

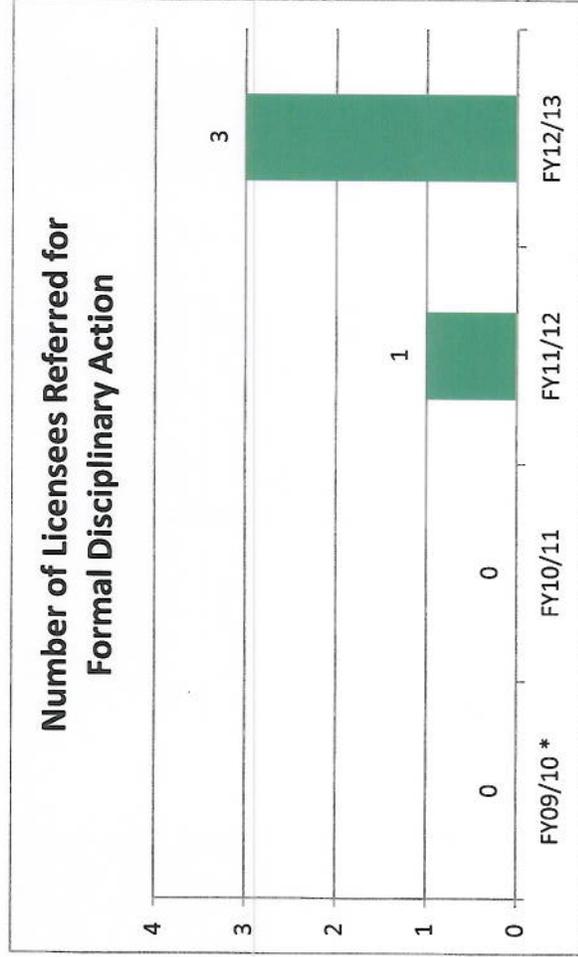
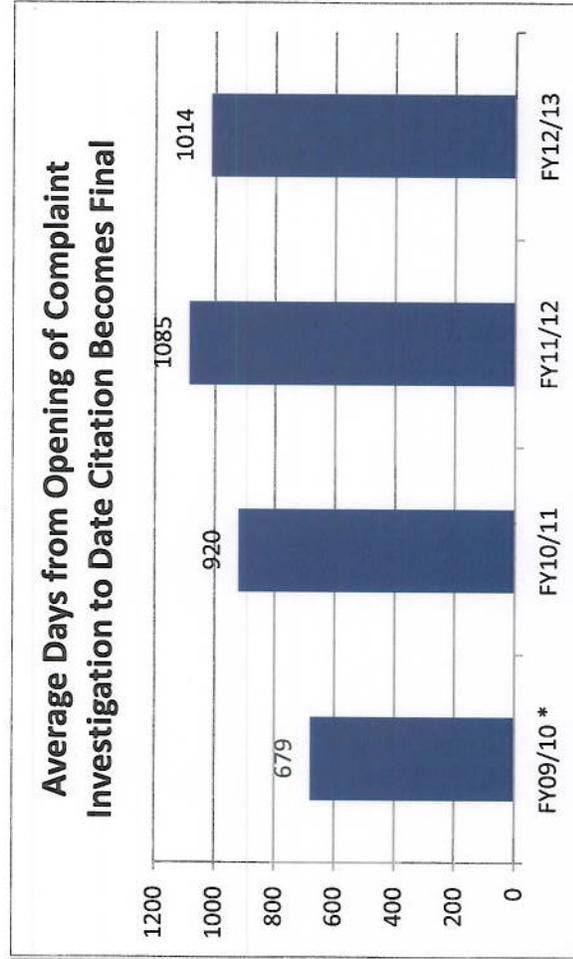
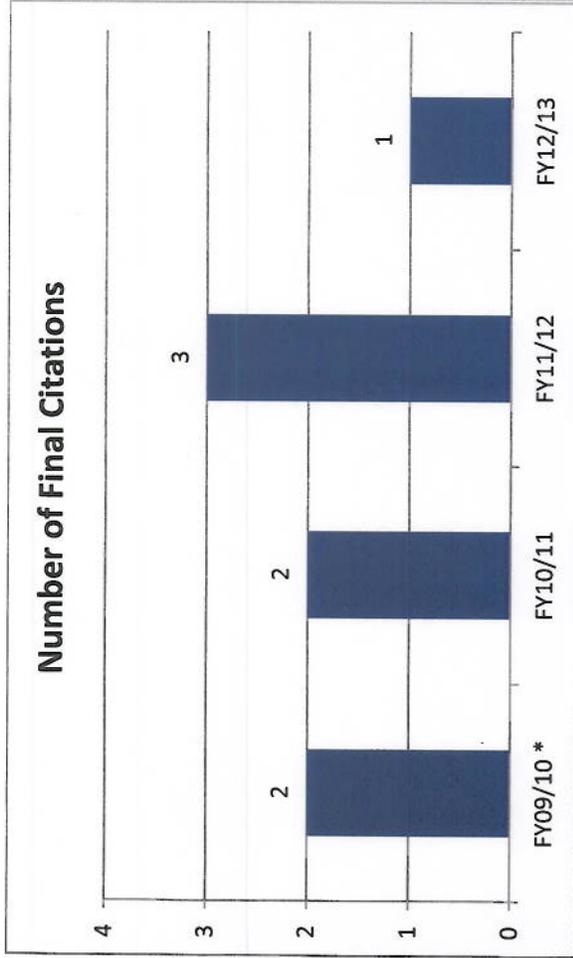
Complaint Investigation Phase



* FY09/10 is only from January through June 2010, when BGG was merged with BPELS
 NOTE: All FY12/13 statistics are through December 31, 2012

G&G ENFORCEMENT PROGRAM

Citations (Informal Enforcement Actions) and Formal Disciplinary Actions against Licensees



* FY09/10 is only from January through June 2010, when BGG was merged with BPELS
 NOTE: All FY12/13 statistics are through December 31, 2012

VII.

EXAMS/LICENSING

- A. Examination Update
 - 1. Geologist and Geophysicist Statistics
 - 2. Professional Engineer and Land Surveyor Statistics
 - 3. EIT/LSIT Application Statistics
- B. Fall Administration of California Professional Land Surveyor Exam
- C. California Civil Engineer Exam Strategy


BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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October 2012 Examination Summary

Examination	Sat	Pass	Fail	Pass %
Geologist-In-Training Candidates*	48	28	20	58%
ASBOG® Fundamentals of Geology*	51	29	22	57%
ASBOG® Practice of Geology	63	41	22	65%
California Specific Examination	122	61	61	50%
Certified Engineering Geologist Exam	36	22	14	61%
Certified Hydrogeologist Examination	20	9	11	45%
Professional Geophysicist Examination	4	3	1	75%
Examination	Sat	Pass	Fail	Pass %
*Combined total for ASBOG Fundamentals of Geology	99	57	42	57.6%

March 2012 Examination Attendance

Examination	Sat	Pass	Fail	Pass %
Geologist-In-Training*	39	27	12	69%
ASBOG Fundamentals* of Geology	49	33	16	67%
ASBOG Practice of Geology	57	46	11	81%
California Specific	100	39	61	39%
Examination	Sat	Pass	Fail	Pass %
*Combined total for ASBOG Fundamentals of Geology	88	60	28	68%

October 2011 Examination Summary

Examination	Sat	Pass	Fail	Pass %
Geologist-In-Training Candidates*	41	22	19	54%
ASBOG® Fundamentals of Geology*	66	39	27	59%
ASBOG® Practice of Geology	90	71	19	79%
California Specific Examination	123	46	77	37%
Certified Engineering Geologist Exam	31	20	11	65%
Certified Hydrogeologist Examination	14	12	2	86%
Professional Geophysicist Examination	6	3	3	50%
Examination	Sat	Pass	Fail	Pass %
*Combined total for ASBOG Fundamentals of Geology	107	61	46	57%

COMPARISON OF CALIFORNIA PASS RATES FOR ASBOG EXAMINATIONS VERSES NATIONWIDE PASS RATES

EXAMINATION	CALIFORNIA EXAMINEES	% PASSED	CYCLE	NATIONWIDE EXAMINEES	% PASSED	% OF NATIONWIDE TEST TAKERS FROM CA	CA PASS % VS	
							NATIONWIDE PASS %	NATIONWIDE PASS %
FUNDAMENTALS	116	61%	03/2008	545	60%	21%	CA 1% HIGHER	
PRACTICE	102	64%	03/2008	378	69%	27%	CA 4% LOWER	
FUNDAMENTALS	174	55%	10/2008	658	58%	26%	CA 3% LOWER	
PRACTICE	110	66%	10/2008	446	74%	25%	CA 8% LOWER	
FUNDAMENTALS	77	62%	03/2009	467	55%	16%	CA 7% HIGHER	
PRACTICE	55	51%	03/2009	303	70%	18%	CA 19% LOWER	
FUNDAMENTALS	96	68%	10/2009	516	57%	19%	CA 11% HIGHER	
PRACTICE	72	76%	10/2009	328	71%	22%	CA 5% HIGHER	
FUNDAMENTALS	92	63%	03/2010	453	59%	20%	CA 4% HIGHER	
PRACTICE	74	74%	03/2010	328	71%	23%	CA 3% HIGHER	
FUNDAMENTALS	94	62%	10/2010	461	58%	20%	CA 4% HIGHER	
PRACTICE	102	76%	10/2010	398	72%	25%	CA 4% HIGHER	
FUNDAMENTALS	65	57%	03/2011	420	57%	15%	SAME	
PRACTICE	63	65%	03/2011	325	71%	19%	CA 6% LOWER	
FUNDAMENTALS	107	57%	09/2011	478	60%	22%	CA 3% LOWER	
PRACTICE	90	79%	09/2011	352	74%	26%	CA 5% HIGHER	
FUNDAMENTALS	88	68%	03/2012	479	57%	18%	CA 11% HIGHER	
PRACTICE	57	81%	03/2012	311	73%	18%	CA 8% HIGHER	
FUNDAMENTALS	88	68%	03/2012	479	57%	18%	CA 11% HIGHER	
PRACTICE	57	81%	03/2012	311	73%	18%	CA 8% HIGHER	
FUNDAMENTALS	99	57.6%	10/2012	500	62.6%	20%	CA 5% LOWER	
PRACTICE	63	65%	10/2012	313	73.2	20%	CA 8% LOWER	

COMPARISON OF CALIFORNIA PASS RATES FOR ASBOG EXAMINATIONS VERSES NATIONWIDE PASS RATES

First ASBOG examinations administered in October of 1992; now utilized by 29 states and Puerto Rico. California first administered ASBOG examinations March of 2000. Study done from October 1992 – October 2004 – average pass rates for the Fundamentals of Geology Examination = 58% and for the

Practice of Geology Examination = 70%

First time test takers are more likely to pass both examinations when compared to repeated attempts; repeat test takers pass rates are lower with each successful attempt.

October 2012 PE and LS Examination Statistics

	Results			
	Pass	Fail	Total	Pass Rate
Land Surveying Exam				
Principles & Practices	18	29	47	38%
Civil Engineering Exams				
Principles & Practices	483	916	1,399	35%
Seismic Principles	627	901	1,528	41%
Engineering Surveying	630	947	1,577	40%
Other Engineering Discipline Exams				
Agricultural	0	3	3	0%
Chemical	24	21	45	53%
Control Systems	8	7	15	53%
Electrical	113	181	294	38%
Fire Protection	16	14	30	53%
Geotechnical	33	38	71	46%
Industrial	2	1	3	67%
Mechanical	154	106	260	59%
Metallurgical	3	3	6	50%
Nuclear	1	0	1	100%
Petroleum	4	3	7	57%
Traffic	38	41	79	48%
Structural				
Lateral Forces	40	86	126	N/A
Vertical Forces	68	82	150	N/A

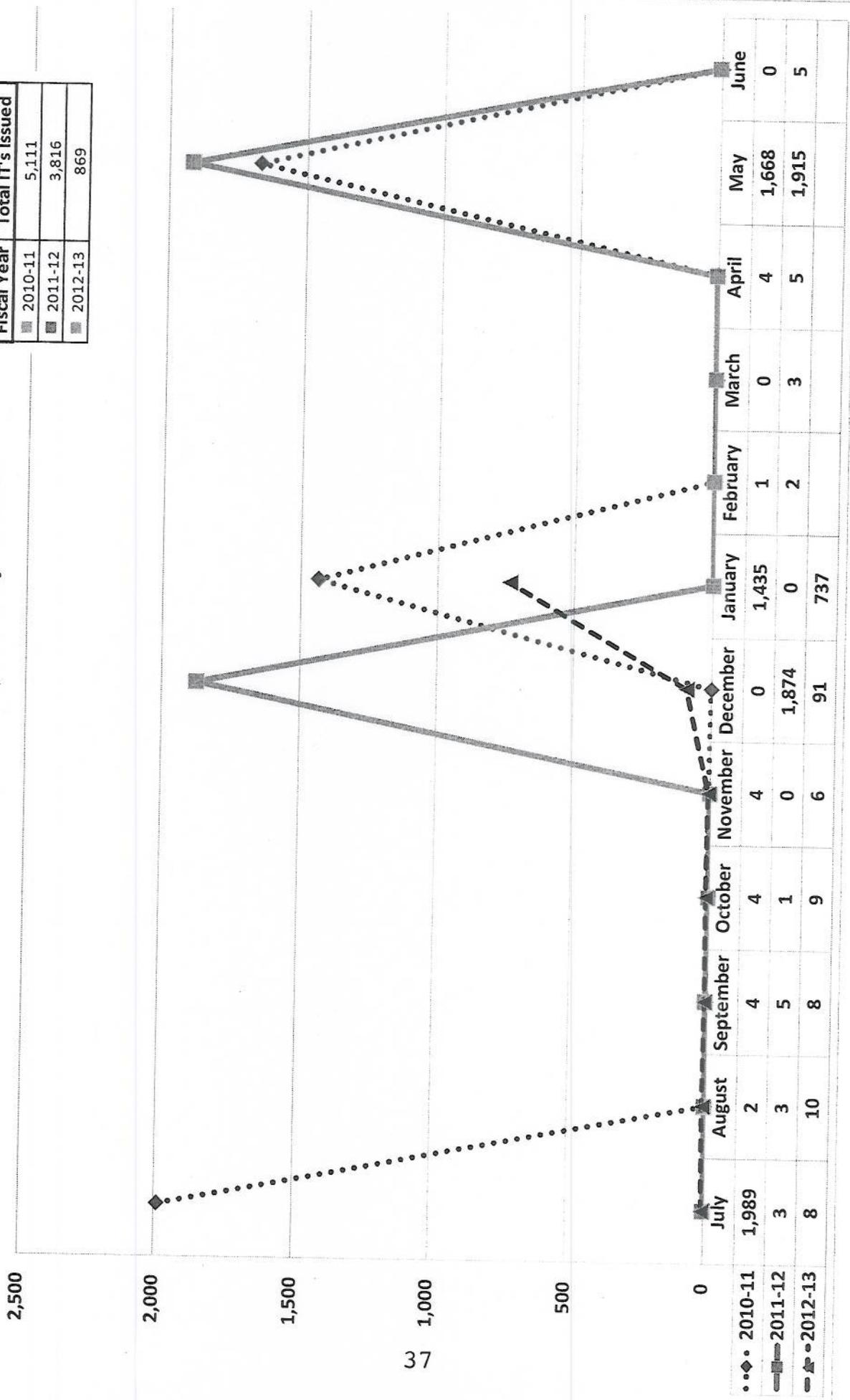
October 2012 Fundamentals Exams

Engineering	2221	2140	4,361	51%
Surveying	71	60	131	54%

Total Exams Administered October 2012 10,133

IT Certifications Issued by Month

Fiscal Year	Total IT's Issued
2010-11	5,111
2011-12	3,816
2012-13	869



	July	August	September	October	November	December	January	February	March	April	May	June
2010-11	1,989	2	4	4	4	0	1,435	1	0	4	1,668	0
2011-12	3	3	5	1	0	1,874	0	2	3	5	1,915	5
2012-13	8	10	8	9	6	91	737					

VIII. APPROVAL OF DELINQUENT REINSTATEMENTS

APPROVAL OF DELINQUENT REINSTATEMENTS

Motion: Approve the following 3 and 5-year delinquent reinstatement applications.

CIVIL

ODEN, MARCUS KWAME

Reinstate applicant's civil license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

SHACKELFORD, ROBERT FRANK

Reinstate applicant's civil license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

ELECTRICAL

GUY, WILLIAM GLENN

Reinstate applicant's electrical license once he/she pays all delinquent and renewal fees.

MECHANICAL

REID, DENNIS E.

Reinstate applicant's mechanical license once he/she takes and passes the NCEES Principles and Practices of Engineering Exam in Mechanical Engineering, once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

ROBERTS, JOHN B.

Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

IX.

CONSIDERATION OF RULEMAKING PROPOSALS

- A. Adoption of Proposed Board Rules 420.1 and 3021.1, (16 CCR 420.1 and 3021.1), Engineers, Land Surveyors, and Geologists Fingerprints
- B. Recommendation to Amend 16 CCR 3024

APPROVAL AND ADOPTION OF RULEMAKING PROPOSALS RELATING TO FINGERPRINTING

[Title 16, California Code of Regulations Sections 420.1 & 3021.1]

The proposed adoption of Board Rules 420.1 and 3021.1 were noticed for public comment October 26, 2012. The 45-day period for the submittal of written comments ended on December 11, 2012. No public hearing was scheduled on this rulemaking proposal, and none was requested during the time period in which to request a hearing. One written comment was received during the comment period.

Comment: A comment was received from a licensee suggesting that the proposed regulation is unclear regarding the requirements for fingerprinting of initial applicants versus renewal applicants. The licensee suggested that clarifying regulatory language to exclude “applicants seeking to renew a valid or expired license” would guarantee the intent of the regulation change.

Recommended Response: The proposed language is consistent with the statute (Business and Professions Code 144, specifically subdivision (c)), and the statute is clear that the requirements apply only to new applications, not renewals. Renewal of a license is in no way related a new application or a refile application for examination and licensure with the Board. It is the intent of the Board to only require fingerprints from initial applicants, and this regulation is the vehicle for that request.

RECOMMENDED MOTION

Adopt the proposed changes to Title 16, California Code of Regulations sections 420.1 and 3021.1 and direct staff to finalize the rulemaking files for submittal to the Department of Consumer Affairs and the Office of Administrative Law for review and approval.

Engineering and Land Surveying
Section 420.1 – Applicant Fingerprint Submittal

420.1. Applicant Fingerprint Submittal.

(a) Pursuant to Section 144 of the Business and Professions Code, the Board has the authority to obtain and review criminal offender record information. The information obtained as a result of the fingerprinting shall be used in accordance with Section 11105 of the Penal Code and to determine whether the applicant is subject to denial of license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code or Sections 6751, 6762.5, 6796.3, 8747.5, or 8803 of the Business and Professions Code.

(b) As a condition of application for a license, each applicant shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

(c) The applicant shall pay any costs for furnishing the fingerprints and conducting the searches.

(d) The applicant shall certify when applying for a license whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.

(e) Failure to comply with the requirements of this section renders the application for license incomplete, and the application shall not be considered until the applicant demonstrates compliance with all requirements of this section.

(f) This requirement is waived if an applicant has already submitted fingerprints to the Department of Justice as part of a previous application as required by this section or Section 3021.1 of Division 29 of Title 16 of the California Code of Regulations.

(g) Notwithstanding any other provision of law, the results of any criminal offender record information request by either state or federal law enforcement authorities shall not be released by the Board except in accordance with state and federal requirements.

(h) This section shall apply to all applicants, including those applicants who submit applications pursuant to Sections 6750, 6758, 6759, 6760, 6763, 6796.3, 8740, 8746, 8748, and 8803 of the Business and Professions Code and Section 424.5 of Division 5 of Title 16 of the California Code of Regulations.

(i) As used in this section, “license” includes certification as an engineer-in-training or a land surveyor-in-training, certificate of registration or license as a professional engineer, licensure as a professional land surveyor, and certificates of authority to use the titles “structural engineer,” “geotechnical engineer,” “soil engineer,” “soils engineer,” or “consulting engineer.”

(j) This section shall be operative for any and all applicants who submit applications for the October 2013 examination administration cycle. For applicants who are not required to take and pass a regularly-scheduled examination pursuant to Sections 6759, 6760, 6796.3, and 8803 of the Business and Professions Code, this section shall be operative for any and all applicants who submit applications on or after July 1, 2013.

Note: Authority cited: Sections 6716 and 8710, Business and Professions Code. Reference: Sections 144, 475, 480, 6750, 6751, 6758, 6759, 6760, 6762.5, 6763, 6796.3, 8740, 8746, 8747.5, 8748, and 8803, Business and Professions Code; and Section 11105, Penal Code.

Geologists and Geophysicists
Section 3021.1 – Applicant Fingerprint Submittal

3021.1. Applicant Fingerprint Submittal and Review.

(a) Pursuant to Section 144 of the Business and Professions Code, the Board has the authority to obtain and review criminal offender record information. The information obtained as a result of the fingerprinting shall be used in accordance with Section 11105 of the Penal Code and to determine whether the applicant is subject to denial of license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code or Sections 7841, 7841.1, or 7884 of the Business and Professions Code.

(b) As a condition of application for a license, each applicant shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

(c) The applicant shall pay any costs for furnishing the fingerprints and conducting the searches.

(d) The applicant shall certify when applying for a license whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.

(e) Failure to comply with the requirements of this section renders the application for license incomplete, and the application shall not be considered until the applicant demonstrates compliance with all requirements of this section.

(f) This requirement is waived if an applicant has already submitted fingerprints to the Department of Justice as part of a previous application as required by this section or Section 420.1 of Division 5 of Title 16 of the California Code of Regulations.

(g) Notwithstanding any other provision of law, the results of any criminal offender record information request by either state or federal law enforcement authorities shall not be released by the Board except in accordance with state and federal requirements.

(h) This section shall apply to all applicants, including those applicants who submit applications pursuant to Sections 7840, 7841, 7841.1, 7841.2, 7842, 7842.1, 7843, 7845, 7847, 7848, 7848.1, and 7884 of the Business and Professions Code.

(i) As used in this section, "license" includes certification as a geologist-in-training, registration or license as a professional geologist or a professional geophysicist, and registered certifications as a specialty geologist or a specialty geophysicist.

(j) This section shall be operative for any and all applicants who submit applications for the October 2013 examination administration cycle. For applicants who are not required to take and pass a regularly-scheduled examination pursuant to Sections 7847, 7848, and 7848.1 and of the Business and Professions Code, this section shall be operative for any and all applicants who submit applications on or after July 1, 2013.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 144, 475, 480, 7840, 7841, 7841.1, 7841.2, 7842, 7842.1, 7843, 7845, 7847, 7848, 7848.1, and 7884, Business and Professions Code; and Section 11105, Penal Code.

X.

ADMINISTRATION

- A. FY 2012/13 Budget Overview
- B. Proposed Governor's Budget Overview

FY 2012/13 Budget Overview:

The information provided below is a summary of the Engineers and Land Surveyors Board fund and the Geologists & Geophysicists Account. The data is based on approved Governor's Budget, projected expenditures & revenue, projections to year-end, applications received and renewals processed through October 2012.

The Engineers and Land Surveyors (PELS) Fund as of December 31, 2012:

	FY 12/13	FY 11/12
Expenditures	\$3.7 Million	\$7.8 Million
Revenue	\$5.5 Million	\$6.9 Million
Applications	5,180	8,655
Renewals	21,952	24,444

Budget Allotment	\$9.32 Million
Projection to Year-End	\$7.31 Million
Surplus/Deficit	\$2.01 Million
Revenue (Year-End)	\$9.18 Million

Expenditures have been reduced by \$4.0 Million versus last FY as a result of no longer administering national exams. Applications have decreased as a result of no longer requiring EIT and LSIT applications prior to sitting for examination. The Board projects applications to increase after the first exam cycle.

The Geologist and Geophysicists (GEO) Fund as of December 31, 2012:

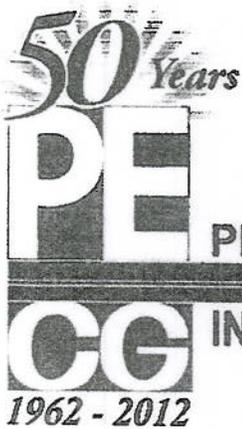
	FY 12/13	FY 11/12
Expenditures	\$763 Thousand	\$556 Thousand
Revenue	\$563 Thousand	\$516 Thousand
Applications	158	170
Renewals	1,803	2,117

Budget Allotment	\$1.37 Million
Projection to Year-End	\$1.10 Million
Surplus/Deficit	\$262 Thousand
Revenue (Year-End)	\$1.03 Million

Expenditures have increased as a result of multiple exam development and occupational analysis contracts with OPES (Office of Professional Exam Services). Overall, expenditures and revenue at year-end should remain consistent with historical averages.

XI. **TECHNICAL ADVISORY COMMITTEES (TACs)**

- A. Board Assignments to TACs
 - 1. Request for Regulatory Action – Request to Amend Title 16, California Code of Regulations section 424 (Experience Requirements – Professional Engineers)
 - 2. Report on Subsurface Utility Locating, Bill Owen, PG Geology TAC chair
- B. Appointment of TAC Members
- C. Reports from the TACs
 - 1. Reports from the Geology and Geophysics TAC
 - a. Geology and Geophysics TAC Work Plan



PROFESSIONAL ENGINEERS

IN CALIFORNIA GOVERNMENT

1962 - 2012

RECEIVED
JAN 08 2013

January 4, 2013

Board for Professional Engineers, Land Surveyors and Geologists
Attn: Ric Moore, Executive Officer
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833

Re: Recommendation to Amend Title 16, CCR § 424: Experience Requirements

Professional Engineers in California Government represents more than 13,000 engineers, land surveyors, and related professionals working for the State of California. The membership of PECG has raised concerns with the existing regulations which allow years of qualifying experience to be used only once, rather than allowing experience utilized in admittance to a civil engineering examination to also be used in meeting exam requirements to secure licensure in the overlapping title authority of traffic engineering.

Currently, Title 16, California Code of Regulations, Division 5, Section 424 (Experience Requirements-Professional Engineers) allows experience credit for education to be used more than once, but prohibits years of qualifying experience from being used more than once. PECG here proposes the Board amend the experience requirements regulation to allow qualifying experience used for admittance to the Civil Engineering practice act examination to also be used to qualify for the traffic engineering examination.

Specifically, PECG proposes the following amendment:

424. Experience Requirements – Professional Engineers.

(a) The engineering branches and title authorities described in Section 404, herein, overlap and some activities are common to two or more engineering branches and title authorities. The minimum number of years of qualifying experience in such overlapping engineering branches and title authorities may be used in securing licensure in any applicable engineering branch or title authority but cannot be used more than once. The only exceptions to this are the experience credit for education and experience credit for the traffic engineering examination. Qualifying education entitles a candidate to experience credit and this experience credit may be used again even though it has already been used to qualify for another examination. Qualifying experience used for a practice act examination in Civil Engineering may also be used again to qualify for the traffic engineering examination.

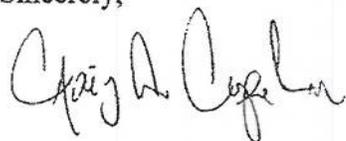
HEADQUARTERS:	455 Capitol Mall, Suite 501, Sacramento, CA 95814 • (916) 446-0400
LOS ANGELES:	215 N. Marengo Avenue, Suite 185, Pasadena, CA 91101 • (818) 500-9941
SAN FRANCISCO:	1 Sutter Street, Suite 800, San Francisco, CA 94104 • (415) 861-5720
TELEFAX:	Headquarters (916) 446-0489; Los Angeles (818) 247-2348; San Francisco (415) 861-5360

The concerns regarding experience raised by our membership who are licensed civil engineers include candidates for a Traffic Engineer title act license who hold a degree in a related technical non-engineering field. These Engineers in state service who have earned a civil engineering license based upon their work experience are encountering an artificial barrier to their continued professional development when they seek an additional title act license in traffic engineering after having worked in this area for a period of years. After obtaining their practice act civil engineering license and subsequently seeking a title act license in traffic engineering, they find that their work experience can only be used once for their practice act license and accordingly they will be required to achieve up to an additional six years of work experience.

It is PECG's contention that the practice of civil engineering for the design, construction, operation and maintenance of highways provides a very practical introduction into the practice of traffic engineering as defined in Board regulation 404 and should be considered and allowed to serve as experience toward obtaining this title act license in traffic engineering.

The Board has wide latitude in adopting rules regarding experience requirements that implement the Professional Engineers Act and serve the public. Thank you for your consideration of this proposed change which we feel appropriately expands the ability of certain individuals to obtain and utilize the traffic engineering branch title without unnecessarily waiting up to six additional years.

Sincerely,



Craig Copelan
PECG Board of Registration Liaison

Report on Subsurface Utility Locating
William "Bill" Owen, PG
Geology TAC Chair

The topic of Subsurface Utility Locating services has been brought to the Board's attention through several avenues, the most recent of which as a discussion during a Geology TAC meeting. Board staff feels that the offering and performance of these services, all inclusive or portions thereof transcends multiple disciplines, namely Civil Engineering and Land Surveying in addition to the practice of Geophysicists.

Excerpts from the Federal Highway Administration Utility Program
(<http://www.fhwa.dot.gov/programadmin/sueindex.cfm>)

Subsurface Utility Engineering - Subsurface Utility Engineering (SUE) combines civil engineering, surveying, and geophysics. It utilizes several technologies, including vacuum excavation and surface geophysics. Its use has become a routine requirement on highway projects in many states. The proper and successful use of SUE benefits both highway agencies and the impacted utilities.

SUE Standards and Definitions - The American Society of Civil Engineers' (ASCE) *Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data* was published and distributed in 2003. The ASCE standard makes it very clear that SUE is a process, not a technology. It defines SUE as a branch of engineering practice that involves managing certain risks. These activities, combined with traditional records research and site surveys, and utilizing new technologies such as surface geophysical methods and non-destructive vacuum excavation, provide "quality levels" of information.

How SUE Works in Project Development - The engineer, when involved, will advise the highway agency of utility risks and recommend an appropriate quality level of utility data as described above for a given project area at the appropriate time within the project planning and design process. The highway agency will then specify to the engineer the desired quality level of utility data. The engineer will furnish the desired utility quality level to the highway agency in accordance with the standard of care and will be responsible for negligent errors and/or omissions in the utility data for the certified utility quality level.

Recommended Action: Staff is requesting that the Board direct staff to pursue a comprehensive evaluation of this topic with the assistance of the Geology, Civil (Board Member Robert Stockton until such time as a minimum number of TAC members are appointed), and Land Surveying TAC members and present a report to the Board at a future date outlining their findings and recommended course of action.

DRAFT
New Geo TAC Work Plan

The Technical Advisory Committee (TAC) recognizes its position as an advisory committee to the Board, providing input to the liaison Board members on matters requested by the Board of Professional Engineers, Land Surveyors, and Geologists. The input may take the form of assistance to Board staff, direct assistance to the two liaison Board members, or recommendations made directly to the Board in the form of proposed motions or recommendations. In all cases, the focus of the activities of the TAC will be in the interest of safeguarding property and public welfare.

YEAR PLAN - 2012/2013

1. To help clarify "gray" areas in the existing laws, rules, and regulations regarding the practices of Geology and Geophysics, and make recommendations for handling and/or revising the laws, rules, and regulations, where appropriate.
2. To review proposed legislation that would affect the practice of geology or geophysics.
3. To assist the Board with information regarding the practices of geology and geophysics proposed to be included in information prepared and disseminated by the Board.
4. To review enforcement issues that significantly impacts the consumers of California and the professions of geology and geophysics.
5. To assist staff in advising, guidance, and identification of expert consultants.
6. To review minimum qualifications for Geologists and Geophysicists applying for examinations.
7. Review licensing issues affecting other states to determine if the same issues may be relevant to California.
8. Issue geologist and geophysicist pamphlet for County Building Officials to supplement the current Board Brochure. (Revision date 7/31/12)
9. Assist outreach analyst with subjects of interest for licensees.

**Motion to approve 2012/2013 work plan – Hugh Robertson, seconded by Gary Simpson
Work Plan Approved 4-0**

XII.

LIAISON REPORTS

- A. ASBOG
- B. ABET
- C. NCEES
 - 1. Online License Verification System
 - 2. CBT Webinar
 - 3. Western Zone Interim Meeting Update
- D. Technical and Professional Societies

MEMO

DATE: January 22, 2013

TO: Member Boards and Testing Services

FROM: Jerry Carter, Executive Director *Jerry T. Carter*

RE: Notice of Initiation of Computer-Based Testing

NCEES is scheduled to complete the transition of the Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) exams to computer-based testing (CBT) on January 1, 2014. The transition to CBT involves significant changes to the format of the exams and the procedures for administering them. NCEES Exam Development Policy 9 requires that member boards be formally notified one year in advance of any change in exam administration procedures or format that requires dissemination to applicants. Those changes are outlined below.

In 2010, the Council approved a motion that NCEES prepare and administer the FE and FS exams via CBT at the earliest feasible date. Since that action, NCEES has worked with our selected CBT vendor, Pearson VUE, to complete the transition of these exams from a pencil-and-paper format to a CBT delivery system. A content review was completed for the FE and FS exams, which resulted in new specifications for each exam. The new specifications are posted on the NCEES website (ncees.org/cbt).

The following information concerning the conversion of the FE and FS exams is provided for your information and dissemination as appropriate:

- The October 2013 exam administration will be the last administration of the FE and FS exams in pencil-and-paper format. Effective January 1, 2014, the FE and FS exams will only be offered via CBT.
- The Principles and Practice of Engineering (PE) and Principles and Practice of Surveying (PS) exams will continue to be offered twice each year (April and October) in pencil-and-paper format, pending further action by NCEES exam committees.
- Computer-based FE and FS exams will be administered only at approved Pearson VUE testing centers.
- Registration for all exams will open Monday, November 4, 2013. The first available seating at a Pearson VUE testing center for the FE and FS exams will be Tuesday, January 2, 2014. Registration for the PE and PS exams in pencil-and-paper format will be for the April 2014 administration.
- There will be four testing windows for the FE and FS exams annually. Each of these windows will last two months, with a month between them. Therefore, exam appointments will be available in January and February, with no exams offered in March; exam appointments available in April and May, with no exams offered in June, etc.
- Candidates for a CBT exam may take the exam only one time per testing window and no more than three times in a 12-month period.
- Effective with the opening of registration on November 4, 2013, candidates registering to take the FE or FS exam will be required to pay NCEES directly for all exam-related fees. This will be included as a part of the online registration process and will require payment with MasterCard or Visa.

- The FE and FS exams will be six hours in length, which will include a tutorial, breaks, the exam, and a brief survey at the conclusion of the exam.
- The FE and FS exams will continue to be closed book. Supplied reference material for the exams will be electronic and will be available on the NCEES website.
- Examinees will be allowed to bring and use NCEES-approved calculators on CBT exams.
- Sample exams for the computer-based FE and FS will be available for purchase after the October 2013 exam administration.

The NCEES Committee on Member Board Administrators has worked with the NCEES staff to develop two options to register candidates for the FE and FS exams, effective with the opening of registration on November 4, 2013:

Option 1: Automatic—Examinees will be required to attest to the following statement:

“Passage of the FE/FS exam alone does not ensure certification as an engineer/surveyor intern or engineer-/surveyor-in-training in any U.S. state or territory. To obtain certification, you must file an application with an engineering/surveying licensing board and meet that board’s requirements.”

Once examinees attest to this statement, they are automatically approved to take the exam. Examinees are notified directly of their results and can typically log in to retrieve them within 48 hours of taking the exam. When a board receives an application for intern certification, the board would then verify the FE/FS results. (Several NCEES member boards already use this option.)

Option 2: Manual—The board must manually approve examinees for each exam attempt. Once approved by the board, examinees register with NCEES. Results can be released to boards or directly to the examinees, typically within 48 hours.

The NCEES exam committees, Computer-Based Testing Implementation Task Force, and NCEES staff continue to work to finalize details related to this significant change in the future delivery system of the FE and FS exams. We are also working with Pearson VUE to identify potential sites for new testing centers to ensure there is adequate seating capacity at locations convenient to our candidate population centers.

There will be several presentations on the transition to CBT at the Board Presidents’ Assembly, which will be held February 8–9, 2013. NCEES will continue to post updates to the CBT website, which can be accessed from the NCEES homepage or at ncees.org/cbt.

If we can provide additional information or respond to any questions, please let me know.

C: NCEES Board of Directors
Bob Zahl, P.E., EPE Chair
Dave Whitman, Ph.D., P.E., EPE Vice Chair
Tom Orisich, P.L.S., EPS Chair
Ivan Hoffman, P.L.S., EPS Vice Chair
Gary Thompson, P.L.S., EPP Chair
Lance Kinney, P.E., CBT Implementation Task Force Chair
Davy McDowell, P.E., Associate Executive Director
Tim Miller, P.E., Director of Exam Services
Jeannie van der Zalm, CPA, Director of Finance
Steven Matthews, Director of IT

XIII.

PRESIDENT'S REPORT BOARD MEMBER ACTIVITIES

XIV.

OTHER ITEMS NOT REQUIRING BOARD ACTION

XV. APPROVAL OF CONSENT ITEMS

- A. Approval of the Minutes of the December 7, 2012 Board Meeting

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

2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
(916) 263-2222

Friday, December 7, 2012, beginning at 10:00 a.m.

Board Members Present: Paul Wilburn, President; Erik Zinn, Vice President; Carl Josephson; Mike Modugno; Ray Satorre; Jerry Silva; Robert Stockton; Patrick Tami; and Michael Trujillo

Board Members Absent: Kathy Jones Irish; Philip Quartararo; and Hong Beom Rhee

Board Staff Present: Ric Moore, (Executive Officer); Joanne Arnold (Assistant Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Susan Christ (Staff Civil Engineer); Ray Mathe (Staff Land Surveyor); Jeff Alameida (Budget Analyst); Erin LaPerle (Analyst, Geology Program); Larry Kereszt (Enforcement Analyst); Tiffany Criswell (Enforcement Analyst); Brooke Phayer (Outreach Coordinator); and Gary Duke (Legal Counsel).

I. **Roll Call to Establish a Quorum** – The meeting was called to order by President Paul Wilburn at 10:05 a.m. Roll call was taken, and a quorum was established.

II. **Public Comment**

Craig Copelan, representing PECG, presented two items to the Board. The first item was raised by a member of PECG regarding experience requirements for traffic engineering license. This person attained her license through work experience and had a degree in a related technical engineering area, not necessarily from an ABET accredited university. She earned her work experience and sat for the exam. It has now been a couple of years since she earned her license and is interested in obtaining an additional title act license in the area of traffic engineering and discovered that because she does not have a degree from an ABET accredited institution it is necessary for her to go through the work years of experience again. PECG is concerned and would like to see people advance in their area by obtaining their licenses. PECG is preparing correspondence recommending changes to Board Rule 424.

The second issue relates to employees within the Air Resources Board (ARB) who are interested in obtaining the necessary experience for licensure within the area of civil engineering but are being denied the opportunity to sit for the exam.

Mr. Copelan introduced Mr. Earl Withycombe and Jeremy Herbert who provided information about the academic institutions in California that have courses within the area of air resources and air quality.

Mr. Withycombe distributed a handout in reference to qualifying ARB engineers for admission to the California Civil examination. He indicated the applicants were denied admission to the civil engineering exam because work experience was not deemed to be civil engineering as it was not related to fixed works as specified in Business and Professions Code 6731.

Mr. Withycombe provided some history of Business and Professions Code 6731 adoption and air pollution control and recommend clarification of Business and Professions Code 6731.

He asked that the Board consider an interpretation for use by civil engineering graduates who work for the ARB, who want to know what types of qualifying experience they can gain with the ARB that would be credible and would be acceptable for admission to the examination. Another option would be to adopt regulation or change statute.

Mr. Withycombe stated that 48 states have adopted credentialing processes and registered environmental engineers with the exception of California and Hawaii. He recommends appointment of a task force to review the ARB civil examination decisions and recommend policies for interpreting 6731. Secondly, the task force should review the range of ARB engineer job duties and recommend a list of duties that qualify as acceptable work experience. In addition, he would like to have the task force review the definition of Civil Engineering adopted by other states and recommend changes to the 1931 definition.

Jeremy Herbert spoke with regards to his denial into the examination. He is a recent graduate from California State University, Sacramento. In his curriculum, he was provided with air pollution education. Once he discovered that there was evidence that civil engineering students being denied access to the PE exam with ARB experience, he began to research several universities for air quality classes in civil engineering.

He indicated that air quality does not fit in chemical engineering but that is what is being offered for licensure in lieu of the civil examination.

Mr. Stockton asked to confirm what Mr. Herbert said, that in order to further advance in the ARB you are required to obtain licensure. Mr. Herbert responded that in state service there are ranges A, B, C, and D. Depending on the experience one has in state service will determine the range you are in. One can promote as high as range C without licensure.

Mr. Herbert is currently finishing an analysis for assisting the Air Quality District with long-range planning. He is involved in the Transportation Conformity and General Conformity to make long range decisions.

President Wilburn directed the Civil TAC to review this issue and determine what actions, if any, the Board may want to consider.

Rick Keene representing the Geotechnical Engineers Association of California indicated that they are preparing legislative concepts which have been discussed with staff. There is an issue with the automatic referral cases to the Board. If someone has a settlement in a case that exceeds \$50,000.00, they are automatically referred to the Board for a disciplinary review. The issue is that \$50,000.00 is the deductible limit on most insurance policies. The insurance companies can settle those without permission of the engineer and, therefore, those cases are automatically referred to the Board for discipline. They would like to work out a solution and possibly moving the limit so that it is more than \$50,000.00. He understands the Board is concerned about consumer protection. One idea is to drop the limit in some cases, perhaps an adjudication of liability in exchange for an adjustment.

Rob McMillan commended the Board staff for online renewals.

V. Executive Officer's Report

A. Legislation

1. Discussion of Legislation for 2013
Currently, there is no new legislation.
2. Legislative Proposals
 - a. Update on Amendments to Business and Professions Code Section 27 Regarding Address of Record Available Via the Website.

Mr. Moore stated that at this time the Board has researched other boards within DCA and also discussed it with DCA's Policy Review Unit. They have indicated that they would not be in support of an amendment to Section 27. They believe that the way the current language reads is supporting the consumers and provides licensees an option to use an alternate address other than a home address. It was also discussed with GV Ayers, consultant for the Senate Business, Professions and Economic Development Committee. He provided some insight and indicated that it would not go much further. At this point, a sponsor is still needed. Mr. Duke added that the Department of Consumer Affairs is for transparency and added that there is a provision in the law that allows people to use an alternate address of record. Mr. Tami pointed out that the safety and wellbeing of the licensees should take precedence over transparency. Mr. Moore indicated that research with other boards could be done to gain joint interest. Ms. Arnold said that it will be next to impossible to obtain as

author considering DCA and the Senate Business and Professions committee have indicated they likely would oppose it.

Mr. Moore introduced Jeff Alameida, Larry Kereszt, and Erin LaPerle as the Board's legislative committee.

b. Update on Certificates of Authorization for Engineering, Land Surveying, Geological, and Geophysical Businesses

Mr. Alameida pointed out that Certificates of Authorization or Organizational Records are required from businesses that identify the principle in charge. For this purpose, staff can seek out someone to pinpoint in regards to the services provided. The direction from the Board was to research and possibly modify the form. The term used nationally is Certificate of Authorization. Geology has no statutory authority for a Certificate of Authorization. Mr. Alameida researched other states to determine who has certificates of authorization. He discovered that of 56 states and territories, 41 required a type of certificate of authorization. Twelve states do not require them and he is still awaiting information from the three remaining states. Other research included fees, renewals, etc. Suggested seeking out a more defined responsible charge definition as this may open the door to possible licensing businesses.

Mr. Moore conferred with G.V. Ayers and they agreed that it is not a candidate for omnibus legislation, because it is possibly too controversial. It would require more research. BreEZe may help. They also reached out to various professional societies which indicated that it appeared to be another business tax and possibly taking the focus off of the licensed individual. Mr. Moore added that workload increase must be considered, as well as an examination of responsible charge criteria, he recommends more research. Mr. Tami wondered why staff workload would be affected since the workload for the current Organization Record would just be replaced by this workload.

d. Update on Recommendation to Establish a Retired License Status for Professional Geologists and Geophysicists

Ms. LaPerle recalled from the August 2012 Board meeting that the Board approved staff to pursue the rulemaking process for the purpose of establishing a retired status for Geologists and Geophysicists. At that time, there was discussion about making the change through the rulemaking process. However, after further review and discussion, staff determined that legislation needs to be pursued and not a regulatory change to establish retired status. At this time a new motion is needed to amend and clarify the previous motion made at the August 2012 Board meeting.

MOTION: Mr. Tami and Mr. Stockton moved to pursue legislation to create the retired license for Geologists and Geophysicists.

VOTE: 9-0, Motion Carried

- c. Update on Temporary Authorization Repeal for Engineering, Geology, and Geophysics (Business and Professions Code Sections 6760, 7848, and 7848.1)

Ms. Arnold indicated that this will be included on the omnibus bill and language prepared to repeal the current temporary authorization for engineers will be prepared.

- e. Update on Recommendation to Establish Written Contracts for Professional Geologists and Geophysicists

Ms. Arnold indicated that they will be seeking an author. Mr. Moore added that CalGEO is in support and offered assistance in seeking a sponsor. They feel that it would be beneficial. Ms. Arnold pointed out that AEG is no longer in opposition.

B. Strategic Plan Update

1. Action Plan Summary for FY 2012- 2013

Mr. Moore provided a status update for the Board's goals for 2012-2013. Mr. Alameida indicated that the Geology BCP that was proposed for the Senior Registrar position was approved and will be incorporated into the Governor's 2013-2014 budget proposal. Negotiations took place and the Board's savings were used to support the position. Mr. Moore added that they are in the process of reviewing the classification for the Senior Registrar position. Currently they are working with DCA's Personnel office to help expedite process. Mr. Moore stated that the Board is half-way through the Strategic Plan and suggested that Board members review the Strategic Plan and provide suggestions and comments to him prior to the January Board meeting.

C. Personnel

Joyce Hirano, Senior Registrar, will be retiring at the end of the year; temporary staff has been hired to assist in the examination unit due to staff member on maternity leave; and effective Monday December 10, the office will have a new receptionist as Venessa Martinez left the Board.

D. Administrative Task Force

Mr. Moore indicated that Gregg Brandow and Jim Foley will assist with the Task Force. He has also reached out to several geology and land surveying experts for the application audit.

Mr. Moore and Ms. Eissler have been working to gather as much information before involving Mr. Brandow and Mr. Foley on the enforcement audit. The enforcement goal will be to ensure that the process is operating effectively, efficiently, and in a fair and impartial manner.

Mr. Moore was reminded that Mr. Josephson offered to assist as liaison with the Board in the legislative effort. Mr. Stockton has provided contacts as well, to help in the search for a sponsor.

III. 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)]

IV. Open Session to Announce the Results of Closed Session

The Board took action on four stipulations, one default decision, and two proposed decisions.

VI. Enforcement

A. Enforcement Statistical Reports

Ms. Eissler provided several charts that provided information on various areas within enforcement.

The first chart referenced sources of complaints, such as complaints from the public, Government agency or law enforcement, profession, internal or other or from reporting of legal actions program (RLAP).

The category of alleged violations at the opening of the complaint investigation case chart includes competence/negligence, contract, fraud, failure to file, unlicensed activity, delinquents, exam subversion, code of professional conduct, and other.

The area of practice/licensure of subject is broken down into the following categories: unlicensed activity relating to the practice of professional engineering and unlicensed activity relating to the practice of land surveying, allegations relating to the practice of land surveying by a PLS, Pre-82 RCE-S allegations relating to the practice of land surveying by a Pre-82 Civil Engineer, allegations relating to the practice of civil, electrical, mechanical engineering, and other which entails allegations relating to the practice of any other discipline of engineering by a licensee in the specific discipline such as Title Act disciplines.

Mr. Modugno would like to see this type of information in the Board bulletin to inform the public.

Ms. Eissler recalled that at the last Board meeting, there was a question in reference to the fines collected through Franchise Tax Board (FTB). When a citation becomes final and the person has not paid the fine, they are referred to FTB where they will attach tax refunds or lottery winnings. This occurs mostly with unlicensed people. With licensees, if they fail to pay the fine they

cannot renew their license. A report recently released by FTB stated that beginning around April or May of 2012 and through the middle of November, 2012, 49 citations were referred to FTB for a total amount of \$209,000.00. This is dependent on filing of their taxes and being owed a refund, or lottery winnings. To participate in this program we must be able to identify the person with a Social Security number. Ms. Eissler can provide this information on a periodic basis and if any funds are collected from the program.

B. Presentation on Probation Monitoring

Ms. Eissler explained that Probation Monitoring is what occurs after a formal disciplinary decision becomes effective. If it orders outright revocation or voluntary surrender of a license, on the effective date, the license status is updated in the database and the subject is notified to return the wall certificate and pocket identification card.

If the decision orders any kind of terms and conditions of compliance it goes into the probation monitoring program. The probation monitor communicates the terms and conditions and how to comply. Ms. Eissler included a sample letter that outlines the terms and conditions specified in the decision and consequences if they fail to comply. The decision is the legal document that the subject must comply with even in the event they do not receive a letter that outlines procedures. The probationer is in contact with Ms. Eissler, as the probation monitor, to send her information on courses or if they have questions. If they have not complied by the deadline, she sends a letter that provides an opportunity to comply before further action is taken against the license. If they do not comply, action is taken to impose the stayed revocation. It then goes through the formal disciplinary process for further action. If the probationer complies with all the terms and conditions and has successfully completed it within the time period allotted, their license is unconditionally restored.

VII. Exams/Licensing

A. Examination Update

Mr. Mathe reported that the traffic exam was administered October 25, the geotechnical exam was administered October 24, the engineering surveying and seismic principles exams were administered over a three-week period from October 17 through November 7, provided through Computer Based Testing which was offered nationwide. There were three candidates that were affected by Hurricane Sandy but were rescheduled.

The National PE and surveying exams were administered October 26 and the FE and FS were administered October 27 and the 16-hour Structural exam was administered October 26 and 27 with a portion of the results coming in and data is being reviewed. Mr. Mathe is optimistic that results will be released by the end of December. Mr. Josephson indicated that structural grading was going to take place over the weekend in Clemson, NC in which a significant number of California licensees are participating.

December 17 through February 21, 2013 will be the window to register for the NCEES examinations. The final filing date for the PE and PLS refile applications will be January 22, 2013. October 2013 will be the last pencil to paper examination for the Fundamentals of Engineering and Fundamentals of Surveying. Computer based testing will commence in 2014.

There was conflicting information on the NCEES website that indicated that the professional surveyor examination for April 2013 will be open book when in fact it is closed book. Mr. Tami noted that closed book does not mean closed reference. There may be supplied reference provided by NCEES similar to the fundamentals exams.

- B. **Audit of National Professional Geologist Written Examinations Outline**
Mr. Moore discussed that the vendor for the geology based exams, OPES is working on an occupational analysis for state exams and also an audit of the ASBOG national exam. They have reached out to ASBOG to acquire information and requested assistance from the Board in contacting them to negotiate more information to help make the audit more effective in terms of sharing information.

VIII. Approval of Delinquent Reinstatements

MOTION: Mr. Josephson and Mr. Satorre move to approve

VOTE: 9-0, Motion Carried

IX. Administration

A. **FY 2012/13 Budget Overview**

Mr. Alameida provided an overview of the budget process and breakdowns. He explained that expenditure authority is broken down into two categories, non-discretionary and discretionary. Non-discretionary includes salaries and wages, staff benefits, and pro-rata. Discretionary includes general day-to-day operating expense, travel, training, and enforcement.

Mr. Alameida introduced the various Revenue and Revenue codes. Application/License Fees revenue code are categorized under 125700, Renewal fees are categorized under 12580, and delinquency fees are categorized under 125900. These are coded as part of the CalStars accounting and reporting system.

He explained that appropriation is the annual expenditure authority approved by the Governor. The Governor is proposing the next budget for 2013-14 by January 10, 2013. The table provided is a snapshot of how it appears on the Department of Finance's website specifically for our program and that funds are exchanged through what is referred to as Fund Codes.

In his presentation he provided pie charts that identified projected expenditures and projected revenue for both PELS and Geology.

Items that may impact future funding include the budget change proposals (BCP's) for Senior Registrar, General fund loans, and the Pilot Performance Based Budgeting program (DCA)

The 2012-13 Budget overview indicates expenditures have been reduced by \$4.0 million versus last Fiscal Year as a result of no longer administering national exams. Applications have decreased as a result of no longer requiring EIT and LSIT applications prior to sitting for examination. The Board projects applications to increase after the first exam cycle.

For the Geology Fund, expenditures have increased as a result of multiple exam development and occupational analysis contracts with OPES. Overall expenditures and revenue at year-end should remain consistent with historical averages.

X. Technical Advisory Committees (TACs)

A. Board Assignments to TACs – There may be future assignments as both Mr. Stockton and Mr. Josephson have expressed interest in starting TAC's and staff is currently working on recruitment. Mr. Tami reported a vacancy on the Land Surveying TAC.

B. Appointment of TAC Members - No Report given

C. Reports from the TACs

1. Reports from the Geology and Geophysics TAC

Mr. Zinn provided a report and indicated that they would like to make a language change to the qualifications for registration for geologists. They completed a draft work plan that they would like Board approval for at the January meeting and would like TAC member, William Owen, geophysicist, to provide a presentation on subsurface utility locating guidelines to get guidance from the Board as there are professional issues that are confusing to the consumer, geophysicists, and surveyors. Mr. Moore indicated that it would be helpful.

2. Report from the Land Surveying TAC

Mr. Mathe provided a report from the October 19, 2012 LS TAC meeting. As Mr. Tami noted, one member resigned and the Board is currently taking applications for members. They discussed Board Rule 425, which is the regulation that revolves around the qualifications for the LS examination. A revision in language may need to take place to keep up with changing technology.

XI. Liaison Reports

A. ASBOG – Mr. Moore indicated that the Board is currently reaching out to them to gain information on how they did their recent occupational analysis for the national examination as to not reinvent the wheel.

- B. ABET - Mr. Phayer provided a report on the ABET visits that took place. Mr. Tami pointed out that per ABET, the names of the schools visited are not to be disclosed. Mr. Phayer continued by indicating that the level of communication can be greater between schools and ABET; however, the schools were satisfied with the level of participation from the Board. Mr. Modugno added that a school administrator requested a Fundamentals of Engineering exam presentation. Possibly assemble a package presentation for all schools.

President Wilburn also expressed that he received a request to participate in a lecture in an engineering professionalism course.

C. NCEES

Mr. Moore reported that NCEES is seeking nominations for secretary and treasurer for Western Zone and also nominations for Distinguished Service awards. He also indicated that the 2013 Western Zone budget was approved, and we are finalizing speakers. The Board President Assembly will take place February 8 and 9, 2013. Board Presidents are encouraged to attend.

Mr. Tami reported that the Mobility Task Force is trying to make mobility between states easier for someone who is already licensed.

Mr. Josephson indicated that NCEES will be hosting a structural item writing session in Sacramento in January 2013.

D. Technical and Professional Societies

Mr. Moore reported that staff is attending exam preparation seminars in Sacramento and the East Bay CLSA to discuss CBT. He has been requested to sit on a panel for the Fresno State Geomatics conference in January regarding the benefits and importance of licensure. He will also be speaking at the California/Nevada Civil Engineering Land Surveying Association's Annual Meeting January 24, 2013. The Board is also receiving requests for speaking engagements at professional practices committees for ACEC chapters.

Mr. Hanlin, representing CLSA, expressed his appreciation for Board staff attending chapter meetings and participating in forums.

XII. President's Report/Board Member Activities - No report given

XIII. Other Items Not Requiring Board Action

Mr. Moore indicated that FE/FS results will be released soon. Email sent to all California candidates who took exam regarding certification process.

Mr. Silva thanked Mr. Moore and Staff for all their hard work.

XIV. Approval of Consent Items

(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 October 11-12, 2012 Board Meeting

Correct the spelling of Ms. Eissler's name and correct location of meeting.

MOTION: Mr. Silva and President Wilburn moved to approve minutes as corrected.

VOTE: 9-0, Motion Carried

XV. Adjourn

PUBLIC PRESENT

Craig Copelan
Annette Lockhart
Earl Withycombe
Jeremy Herbert
Bob DeWitt
Roger Hanlin
Bob Lokteff
Rick Keene
Steve Hao

XVI.

ADJOURN
