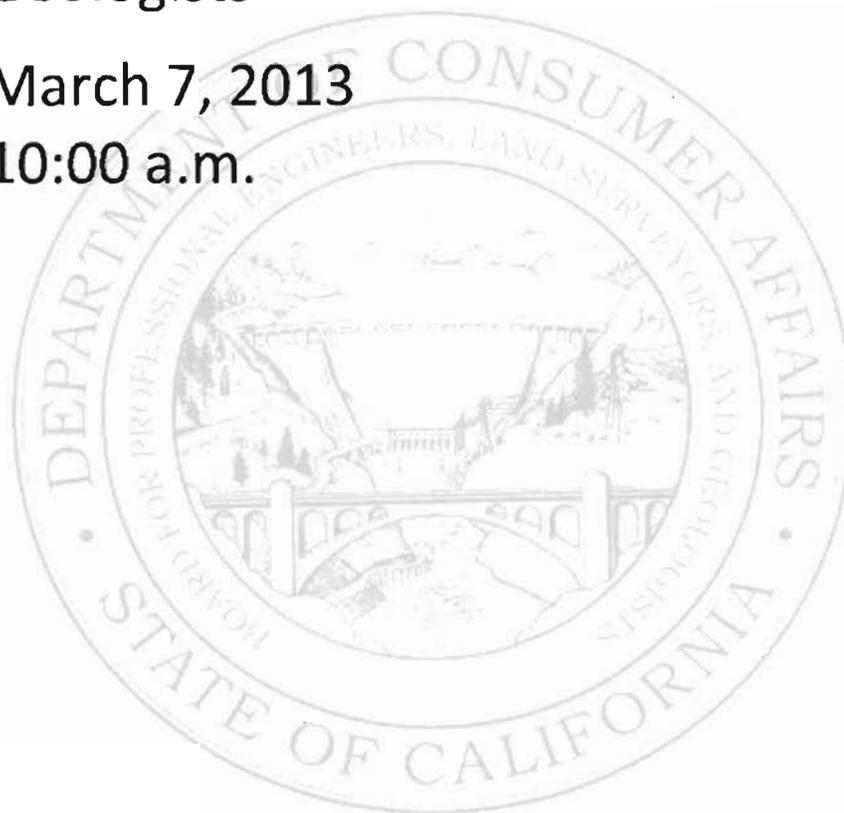




**Board for Professional Engineers,
Land Surveyors, and Geologists**

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

**March 7, 2013
10:00 a.m.**



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

TABLE OF CONTENTS

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

BOARD MEETING LOCATION

MARCH 7, 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

I.	Roll Call to Establish a Quorum	3
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.	5
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)] A. <u>Dennis William McCreary vs. Board for Professional Engineers, Land Surveyors, and Geologists</u> , Sierra County Superior Court Case No. 7361 B. <u>Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs</u> , Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS C. <u>Michael Kissel v. Ric Moore, Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs</u> , Sacramento Superior Court, Small Claims Division, Case No. 13SC00365	7
IV.	Open Session to Announce the Results of Closed Session	9
V.	Executive Officer's Report A. Legislation 1. Discussion of Legislation for 2013: SB 152 and SB 207 (Possible Action) 2. Legislative Proposals (Possible Action) a. Update on Temporary Authorization Repeal for Engineering, Geology, and Geophysics (Business and Professions Code Sections 6760, 7848, and 7848.1) b. Update on Recommendation to Establish a Retired License Status for Professional Geologists and Geophysicists B. Update on Certificates of Authorization for Engineering, Land Surveying, Geological, and Geophysical Businesses (Possible Action) C. Strategic Plan Update 1. Action Plan Summary for FY 2012- 2013 D. Personnel	11

	1. Executive Officer Performance Evaluation	
	E. Administrative Task Force	
VI.	Enforcement	19
	A. Enforcement Statistical Reports (Possible Action)	
VII.	Exams/Licensing	31
	A. Examination Update (Possible Action)	
VIII.	Approval of Delinquent Reinstatements (Possible Action)	33
IX.	Consideration of Rulemaking Proposals	37
	A. Recommendation to Amend 16 CCR 3024 (Possible Action)	
	B. Recommendation to Repeal Board Rules (16 CCR 443, 444, 3036.1, and 3037.1) Engineers, Land Surveyors, and Geologists – Inspection and Appeal of Examination (Possible Action)	
X.	Administration	45
	A. FY 2012/13 Budget Overview (Possible Action)	
XI.	Technical Advisory Committees (TACs)	49
	A. Board Assignments to TACs (Possible Action)	
	B. Appointment of TAC Members (Possible Action)	
	C. Reports from the TACs (Possible Action)	
XII.	Liaison Reports	51
	A. ASBOG (Possible Action)	
	B. ABET (Possible Action)	
	C. NCEES (Possible Action)	
	1. Western Zone Interim Meeting Update	
	D. Technical and Professional Societies (Possible Action)	
XIII.	President's Report/Board Member Activities	53
XIV.	Other Items Not Requiring Board Action	55
XV.	Approval of Consent Items (Possible Action)	57
	(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 January 31, 2013 Board Meeting	
XVI.	Adjourn	71

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: SB 152 and SB 207 (Possible Action)
 - 2. Legislative Proposals (Possible Action)
 - a. Update on Temporary Authorization Repeal for Engineering, Geology, and Geophysics (Business and Professions Code Sections 6760, 7848, and 7848.1)
 - b. Update on Recommendation to Establish a Retired License Status for Professional Geologists and Geophysicists
- B. Update on Certificates of Authorization for Engineering, Land Surveying, Geological, and Geophysical Businesses (Possible Action)
- C. Strategic Plan Update
 - 1. Action Plan Summary for FY 2012- 2013
- D. Personnel
 - 1. Executive Officer Performance Evaluation
- E. Administrative Task Force

BPELSG Action Plan FY 2012-13

Goal 1	Completed	In Progress	Remaining
Objective 1.1 – Reduce the aging of enforcement cases to align with DCA’s standards.	50%	25%	25%
<ul style="list-style-type: none"> • Reorganize work assignments to focus on citation process improvement to alleviate backlogs • Focus on reducing aging while maintaining high quality standards for enforcement cases 	100%	0%	0%
Objective 1.2 – Develop and implement a proactive plan to expand the enforcement outreach program.	80%	17%	3%
<ul style="list-style-type: none"> • Contact several like-minded local organizations and agencies • Contact Outreach unit in DCA headquarters • Develop an Outreach Plan in conjunction with the DCA Outreach Unit 	100%	0%	0%
Objective 1.3 – Discourage unlicensed and incompetent activity through efficient enforcement actions.	40%	50%	10%
<ul style="list-style-type: none"> • Collaborate with Division of Investigation to accomplish sting operations and sweeps • Increase Outreach to consumers focused specifically on the dangers of Unlicensed Activity. • Collaborate with other local agencies by sharing information and educating them on the Board’s function. 	0%	50%	50%
Objective 1.4 – Improve consumer friendliness of the Board’s Web site.	77%	13%	10%
<ul style="list-style-type: none"> • Create web mapping to combine the Professional Engineers and Geology Web sites. • Establish text recognition on all online documents in accordance with ADA compliance • Streamline the information flow and usability of the Web site 	100%	0%	0%
Objective 1.5 – Establish web accessible information, including linking businesses with licensees.	40%	30%	30%
<ul style="list-style-type: none"> • Coordinated with the release of BreEZe. 	90%	10%	0%
Objective 1.6 – Significantly reduce the number of backlogged enforcement cases.	10%	25%	65%
<ul style="list-style-type: none"> • See objective 1.1 	10%	25%	65%
Objective 1.7 - Encourage DCA to improve their license lookup functionality on the Web site.	50%	25%	25%
<ul style="list-style-type: none"> • Pending the release of BreEZe. • Coordinate with the BreEZe team to express business needs on decision posting. • Coordinate with the BreEZe team to express business needs on license functionality. 	50%	25%	25%
Objective 1.8 - Participate in preparations towards the BreEZe conversion.	10%	25%	65%
<ul style="list-style-type: none"> • See objective 1.7 	10%	25%	65%
Objective 1.9 - Publish enforcement actions on the Board’s Web site.	25%	50%	25%
<ul style="list-style-type: none"> • Update and post final disciplinary decisions on the Board’s Web site. 	25%	50%	25%

BPELSG 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.	25%	50%	25%
• 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	40%	10%	50%
• Move forward with legislation to obtain authority for licensees.	0%	0%	100%
• Develop and adopt regulations to implement applicant fingerprinting.	80%	20%	0%
Objective 2.3 - Implement restructuring of examination and application fees. Completed FY 11/12			
Objective 2.4 - Review delinquent reinstatement requirements and act on the findings if appropriate.	25%	50%	25%
• Consult the Board for proper direction.	25%	50%	25%
Objective 2.5 - Conduct a review of the penalty structure for unlicensed activity. Completed FY 11/12			
Objective 2.6 - Seek statutory authority to require Certificates of Authorization for businesses.	15%	50%	35%
• Consult Board for further direction.	20%	50%	30%
• Identify staffing requirements of implementing business authorization.	10%	50%	40%
Objective 2.7 - Eliminate Business and Professions Code section 6760 (temporary authorization to practice engineering). Completed FY 11/12	75%	25%	0%
• Research has been completed. Staff are currently pursuing legislation.	75%	25%	0%
Objective 2.8 - Amend regulations that allow appeals of national examinations. Completed FY 11/12			
Objective 2.9 - Review statutes and regulations regarding Geologist in Training certification. Completed FY 11/12			
Objective 2.10 - Review statutes and regulations to provide consistency among all of the Board's regulated professions.	45%	40%	15%
• Review statutes and regulations for consistency across both programs.	45%	40%	15%

BPESLG Action Plan FY 2012-13

Goal 3	Completed	In Progress	Remaining
<p>Objective 3.1 - Participate in development, grading, and standard-setting of national examinations.</p> <ul style="list-style-type: none"> Contract with professional community volunteer as Subject Matter Experts (pending travel freeze exemptions). Increase outreach to colleges and professional societies. Add information to Web site's "Exams" tab including links to NCEES and ASBOG. Get report from NCEES on California licensees overall involvement in exam development and track for future reporting. 	38%	35%	28%
<p>Objective 3.2 - Convert all State-specific examinations to computer based testing and provide flexible testing dates. Completed FY 11/12.</p>			
<p>Objective 3.3 - Review applications and respond to applicants in a timely manner.</p> <ul style="list-style-type: none"> Contact DCA Strategic Planning & Development Unit to engage in process improvement sessions. Streamlining of cashing and EMS approvals pending BreEze. 	20%	18%	63%
<p>Objective 3.4 - Maintain and expand the pool of licensees to help develop State-specific examinations.</p> <ul style="list-style-type: none"> Recruit for development of exams through outreach and direct contact professional associations. 	45%	30%	25%
<p>Objective 3.5 - Protect the validity of the content and security of examinations.</p> <ul style="list-style-type: none"> Continue auditing exam information for security, and monitor how it is presented to the CBT vendor Provide occupational analysis as required for each exam 	50%	40%	10%
<p>Objective 3.6 - Accept credit card and PayPal payments for application and examination fees.</p> <ul style="list-style-type: none"> Credit transactions pending BreEze 	70%	30%	0%
<p>Objective 3.7 - Participate in ABET visits.</p> <ul style="list-style-type: none"> Coordinate Board Member / Staff participation as observers at ABET visits every fall pending travel freeze exemptions. Encourage public board member participation. 	10%	25%	65%
<p>Objective 3.8 - Pursue the National Council of Examiners for Engineering and Surveying (NCEES) and the Associate of State Boards of Geology (ASBOG) administration of national examinations.</p> <ul style="list-style-type: none"> NCEES currently administers. Researched ASBOG implementation. Determined to be unfeasible at this time. 	100%	0%	0%
<p>Objectives 3.9 - Actively participate and attend NCEES and ASBOG meetings to vote on new policies and procedures relating to examinations.</p> <ul style="list-style-type: none"> Pending out-of-state travel exemptions. Organize NCEES Western Zone meetings in San Francisco, California. 	100%	0%	0%
	73%	18%	10%
	100%	0%	0%
	45%	35%	20%

BPELSG 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.	10%	50%	40%
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

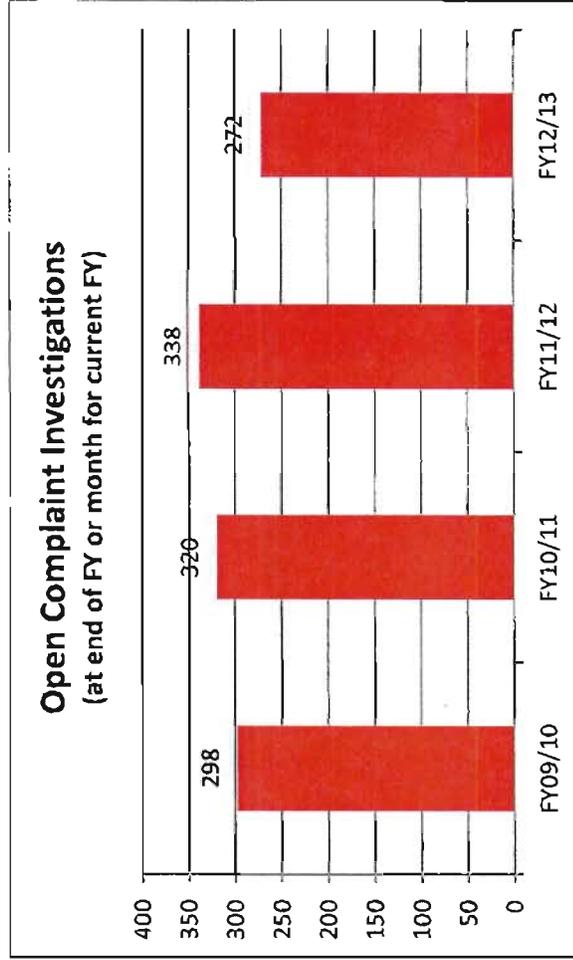
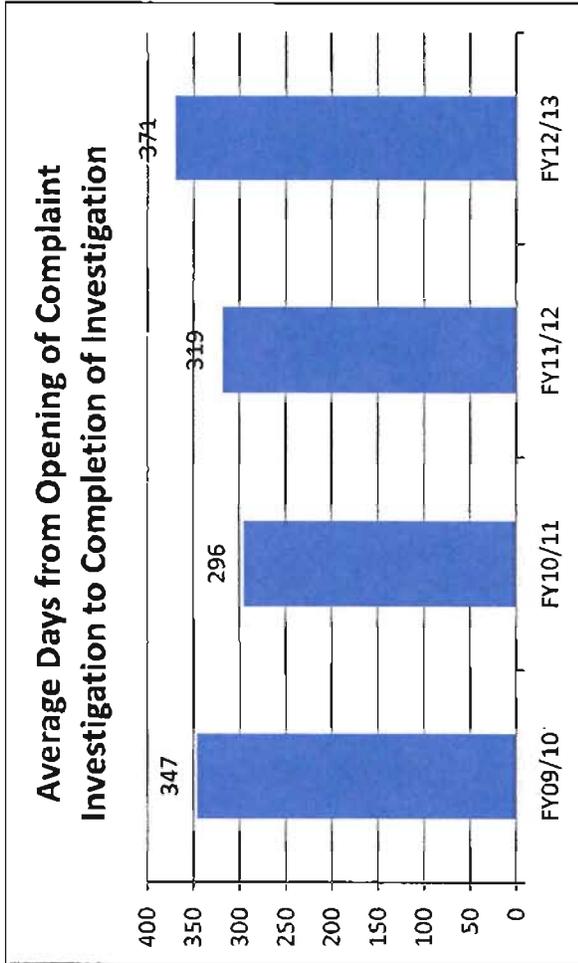
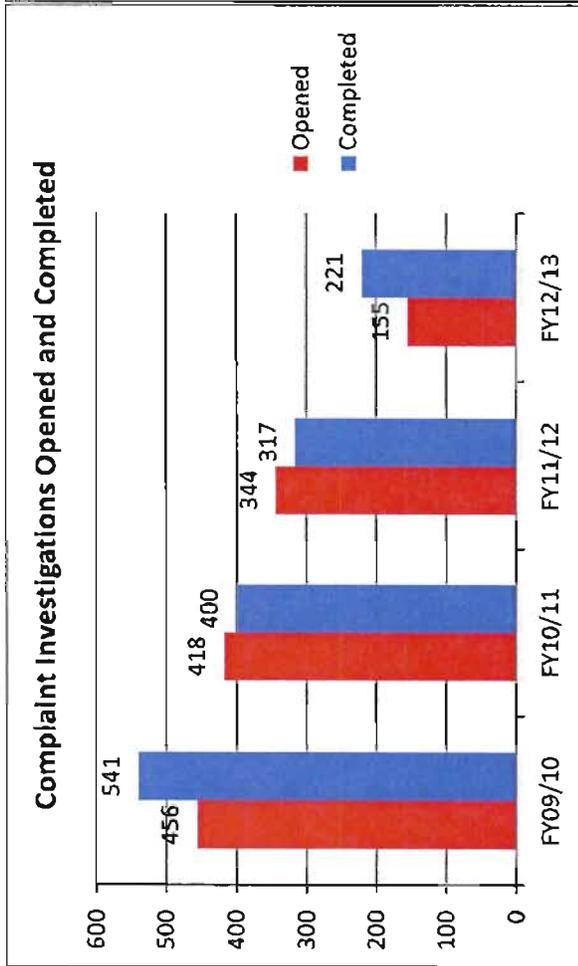
Goal 5	Completed	In Progress	Remaining
Objective 5.1 - Expand Enforcement Outreach Program to local and state agencies, professional associations, and consumer groups.	80%	17%	3%
• See objective 1.2.	80%	17%	3%
Objective 5.2 - Obtain resources, including staff, funding, and out-of-state travel approval, 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%
Objectives 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

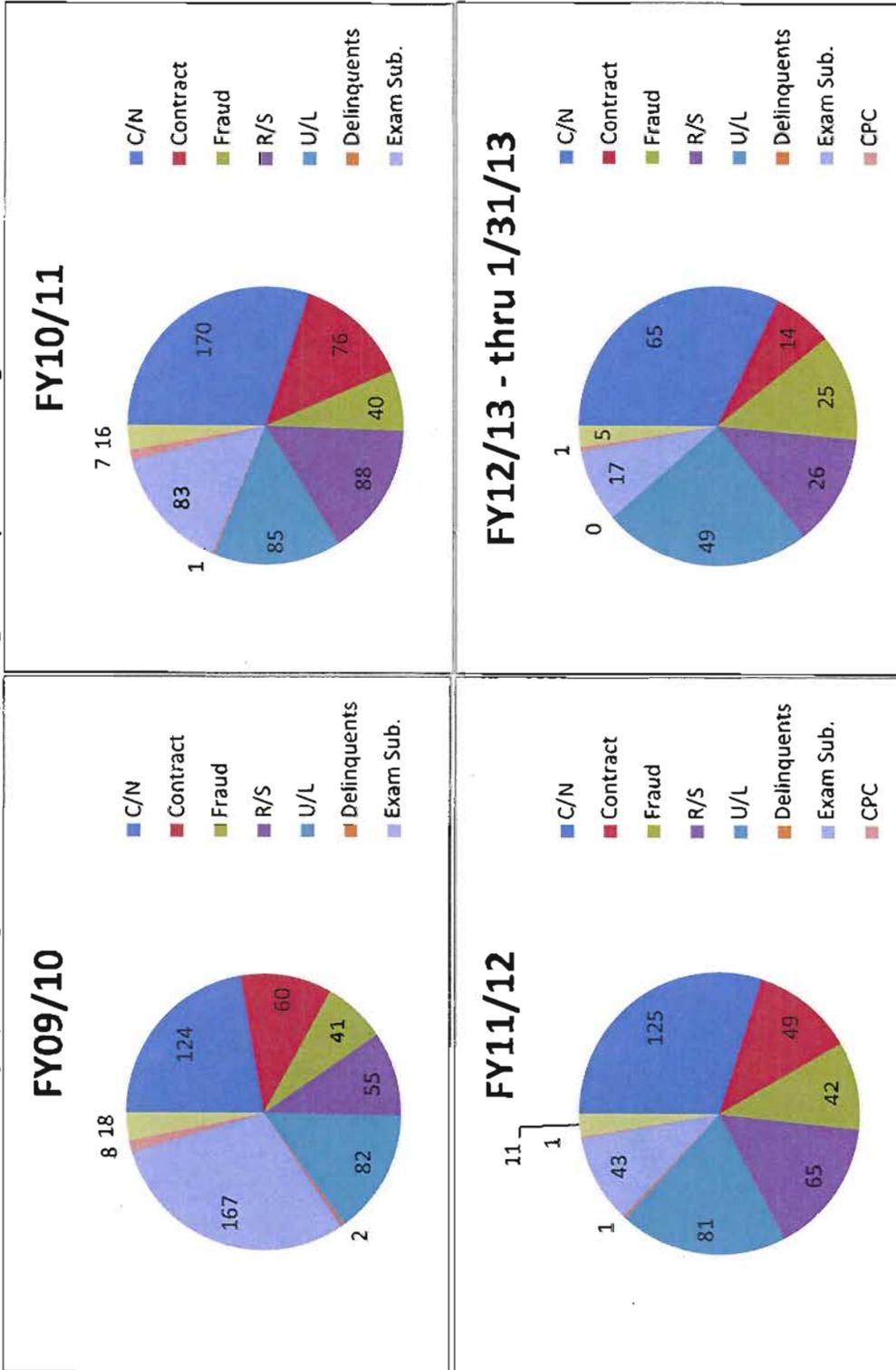
Complaint Investigation Phase



NOTE: All FY12/13 statistics are through January 31, 2013

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

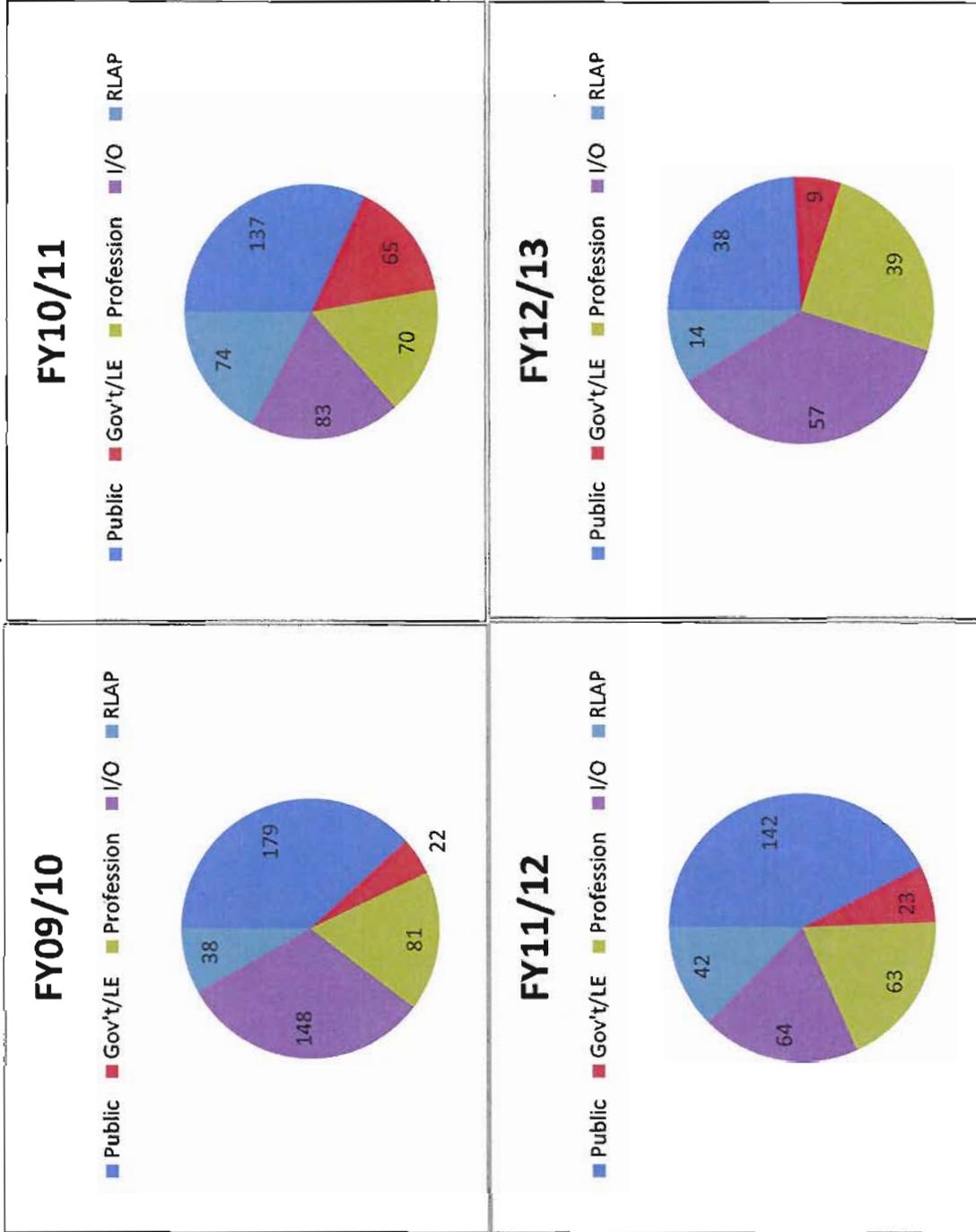
Delinquents = Delinquent Reinstatement applicants

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 January 31, 2013

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

Public = Consumers, individuals not licensed by BPEL/SG, 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.)

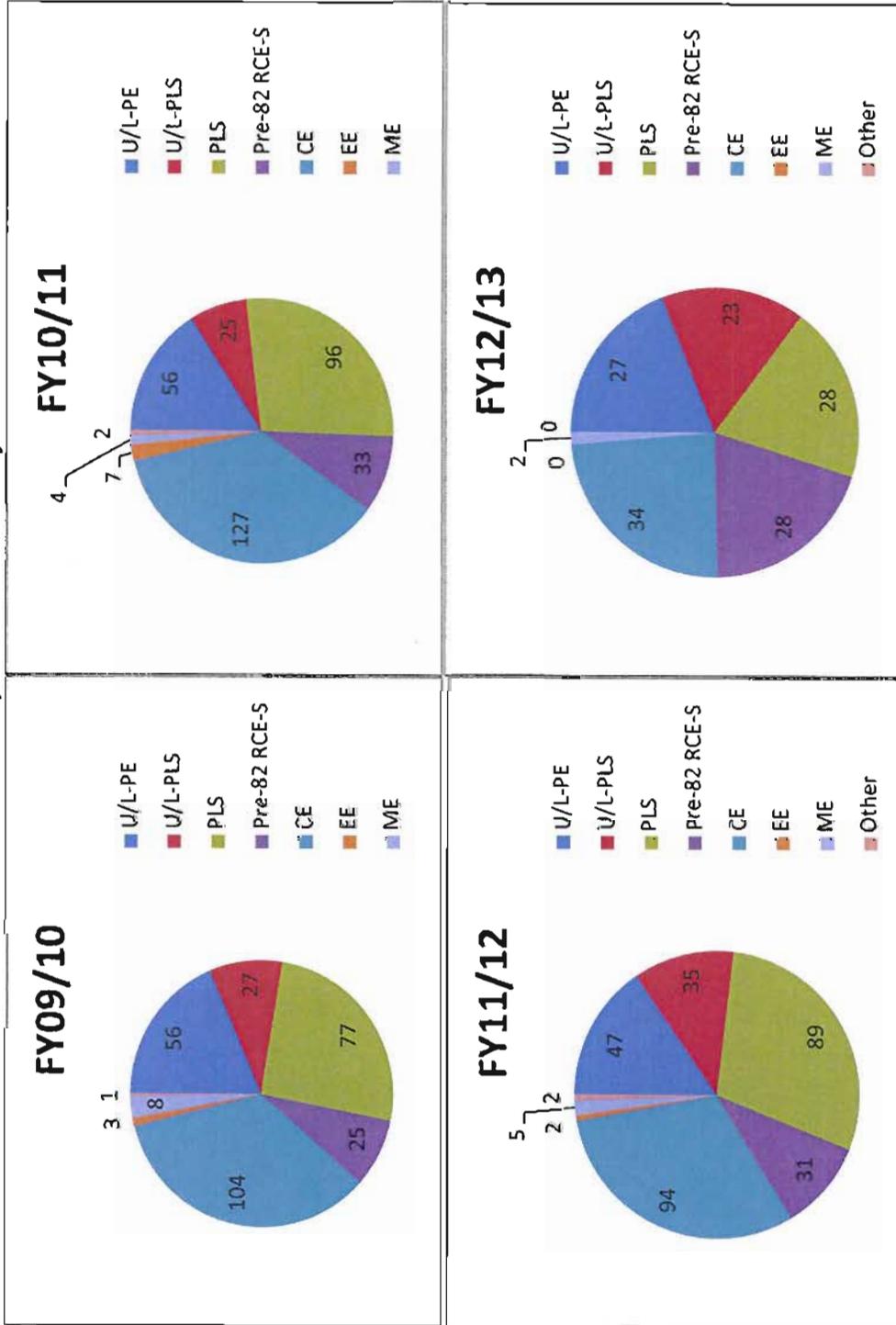
Profession = Licensees of BPEL/SG; also includes professional associations (such as the JPPC)

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



NOTE: FY12/13 data through January 31, 2013

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

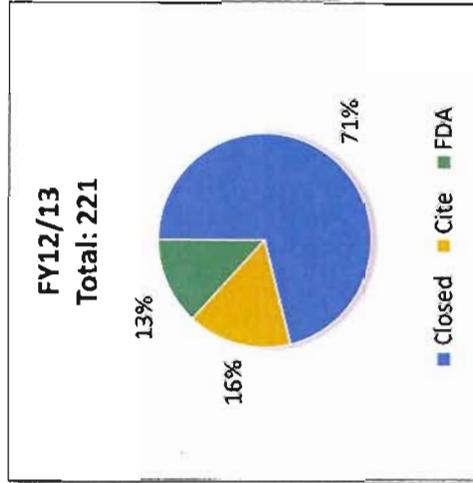
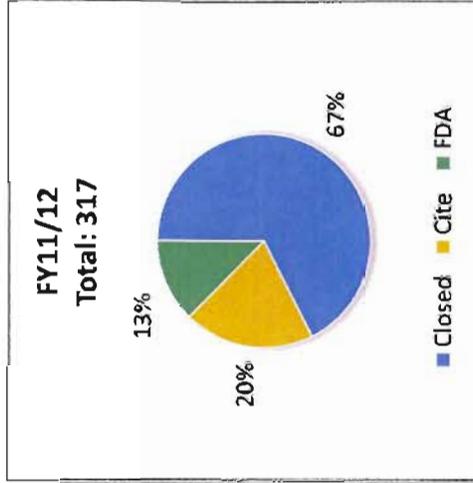
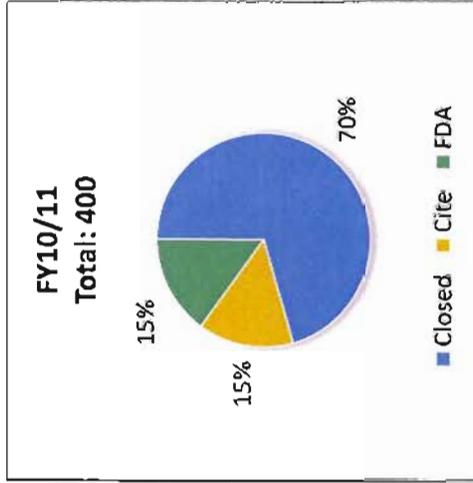
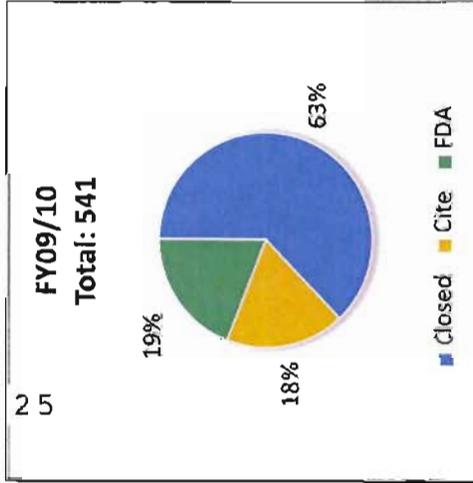
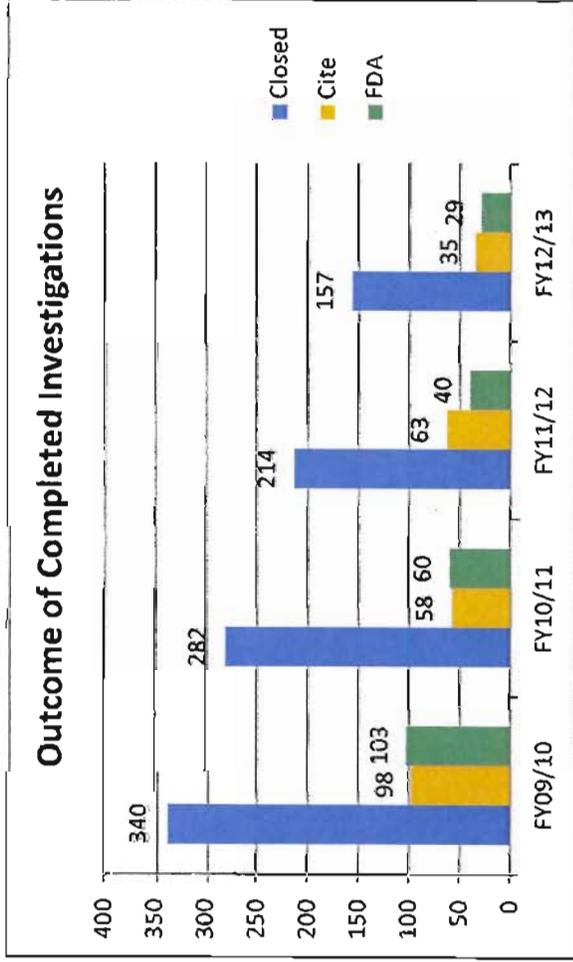
EE = allegations relating to the practice of electrical engineering by an Electrical Engineer

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 January 31, 2013

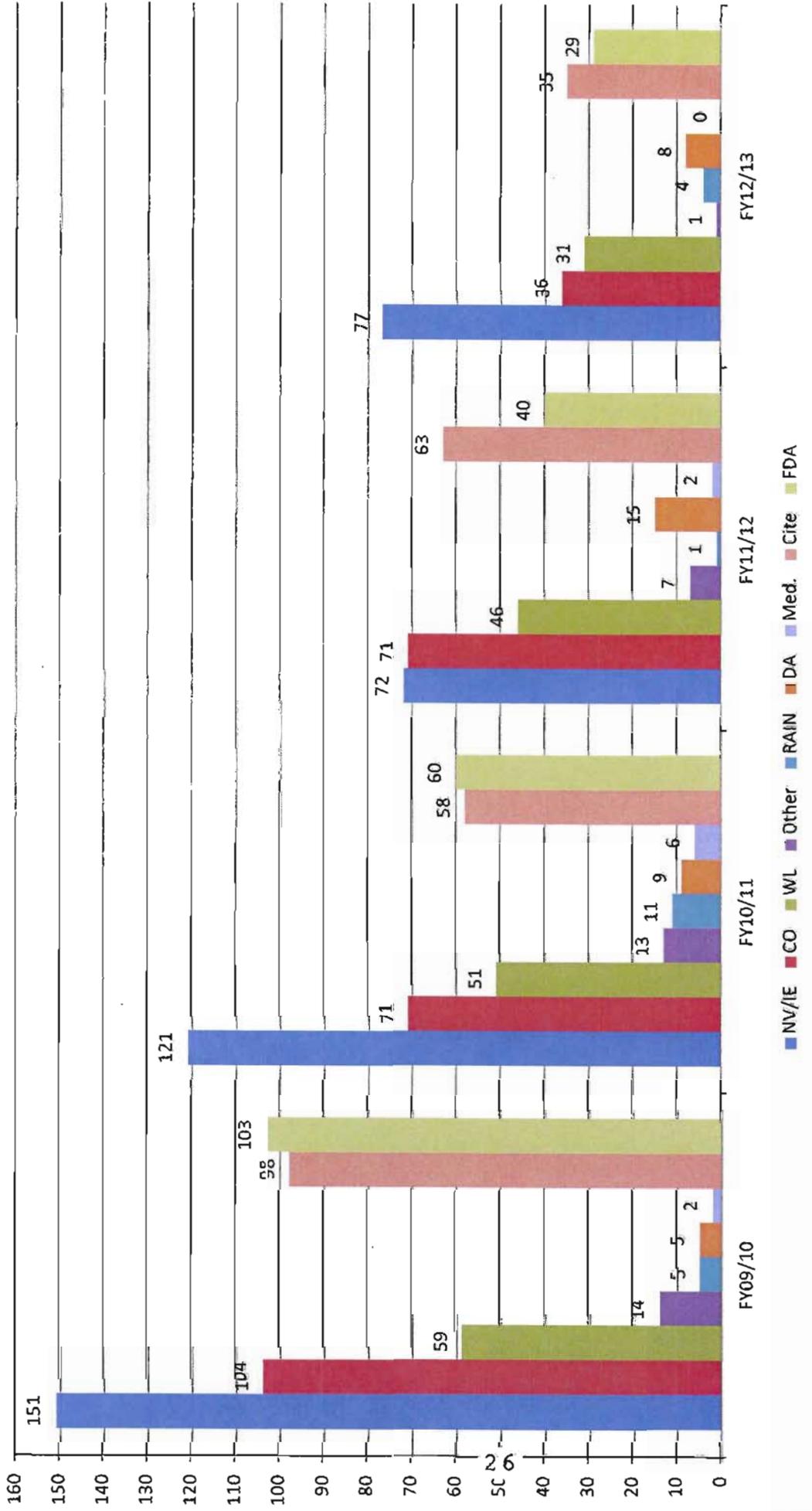
Closed = Closed with No Action Taken, includes the categories listed on the next page.

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 January 31, 2013

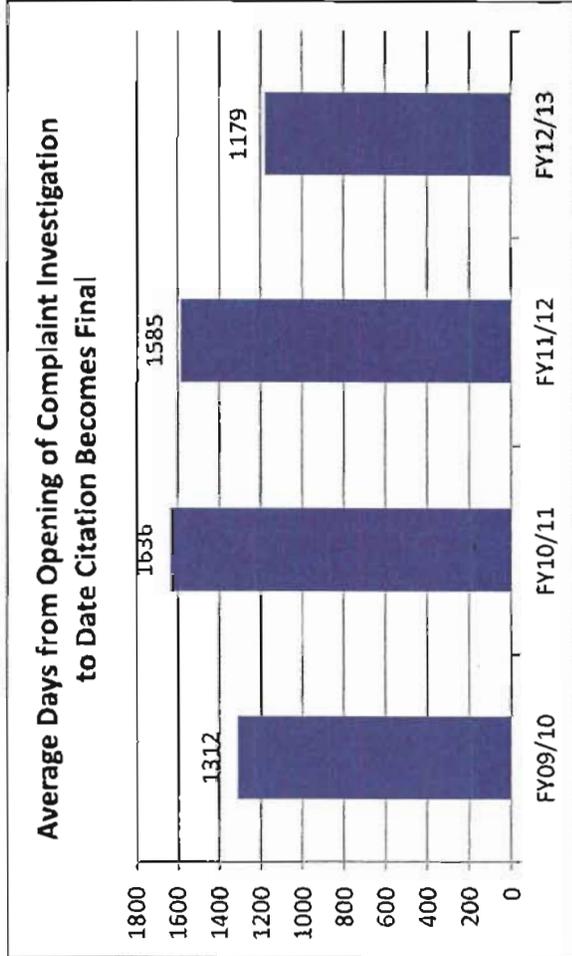
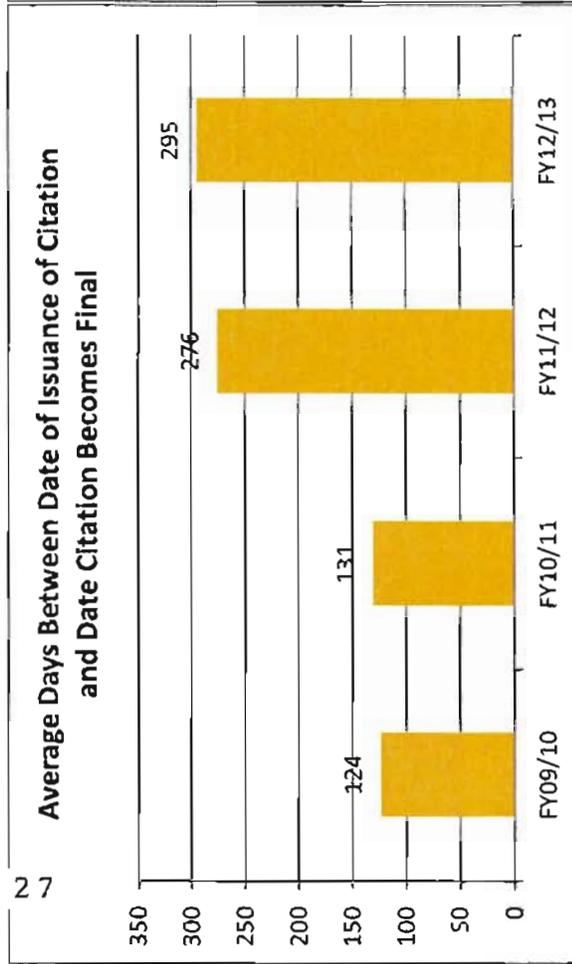
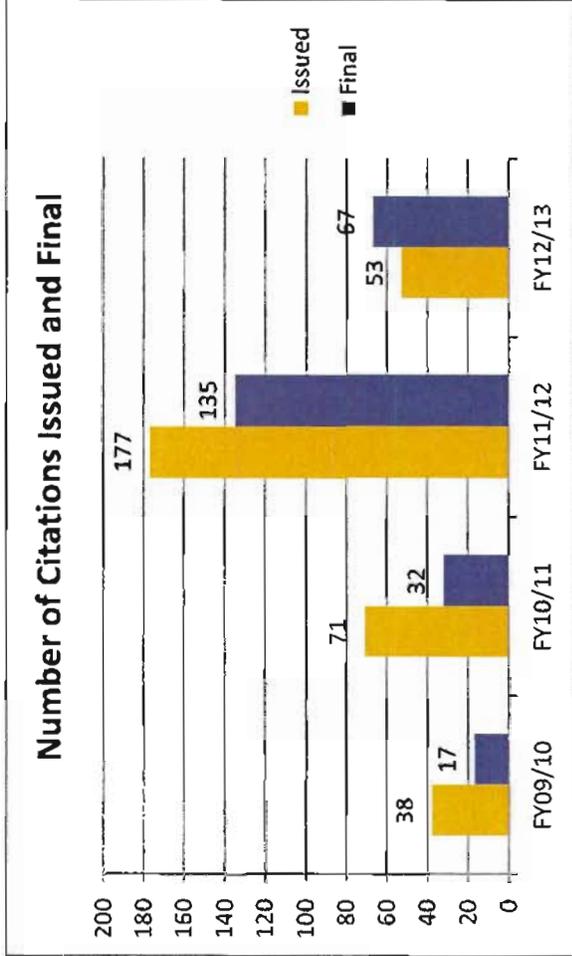
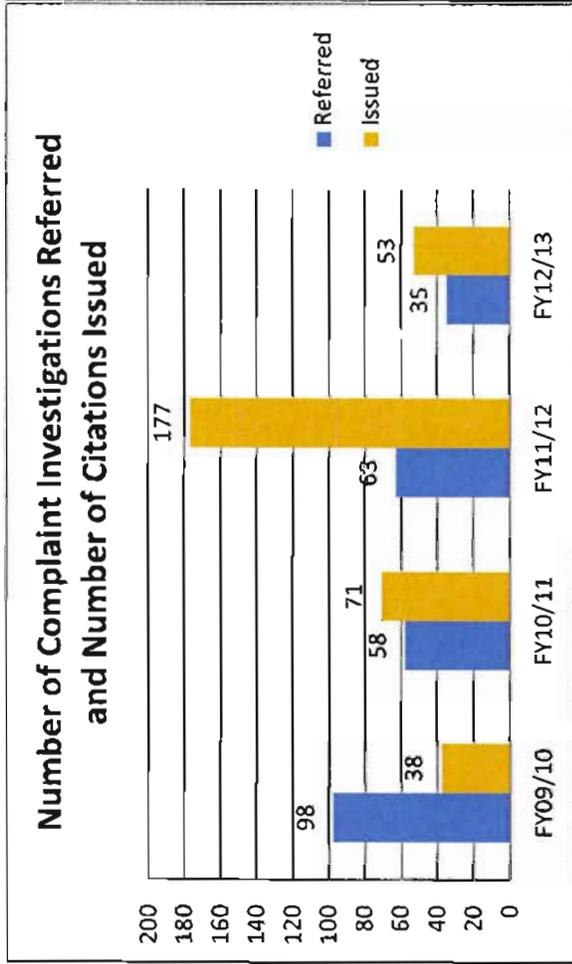
Closed = Closed with No Action Taken, includes the categories listed below:

- 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

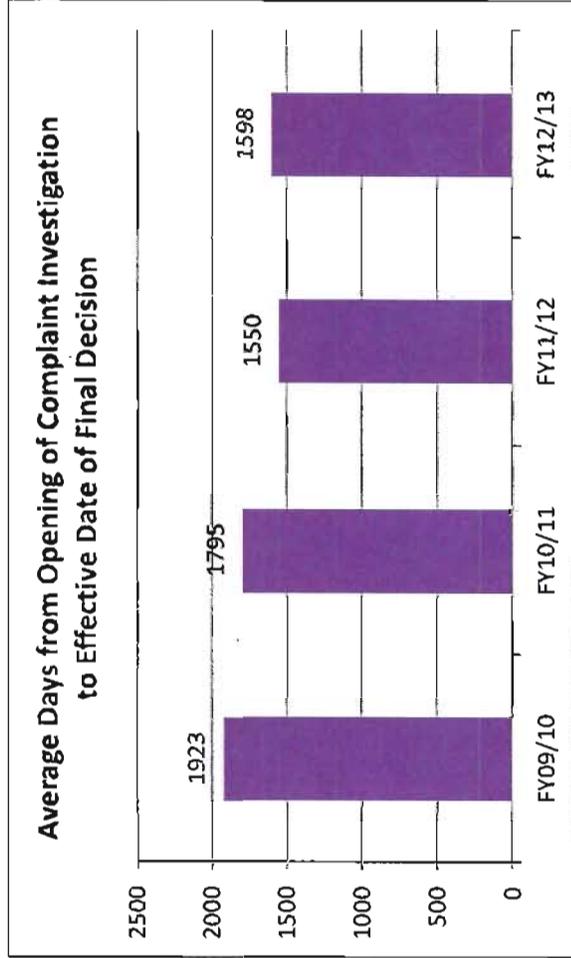
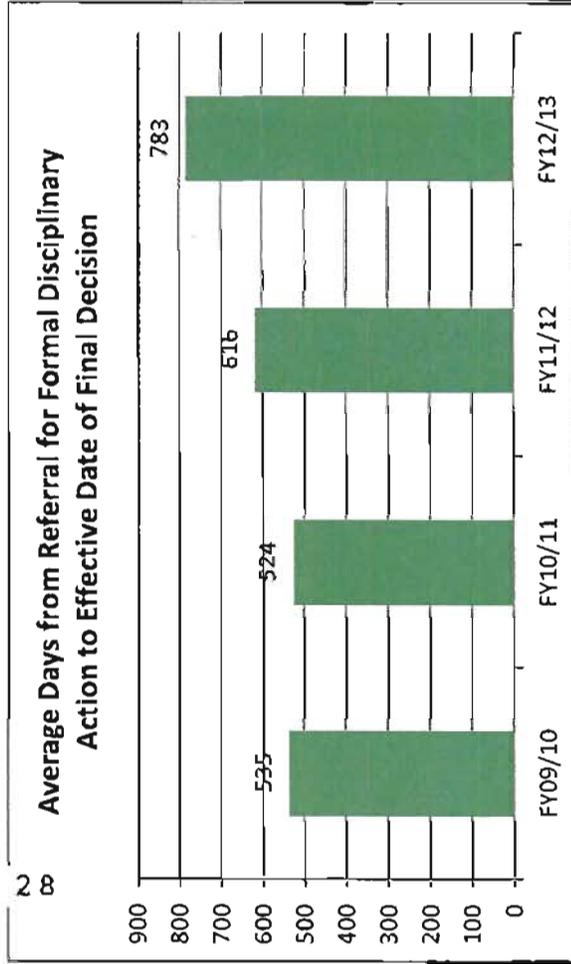
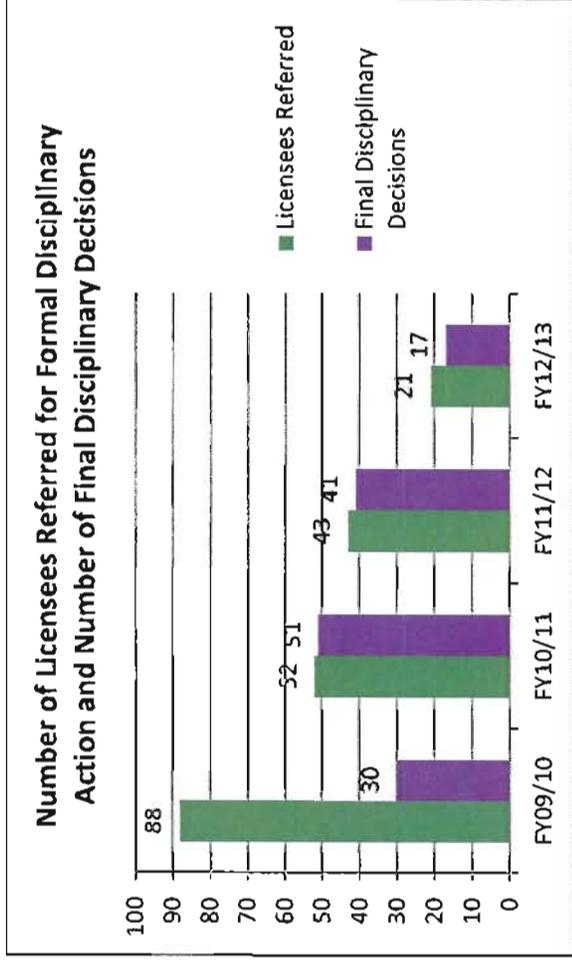
Citations (Informal Enforcement Actions)



NOTE: All FY12/13 statistics are through January 31, 2013

PELS ENFORCEMENT PROGRAM

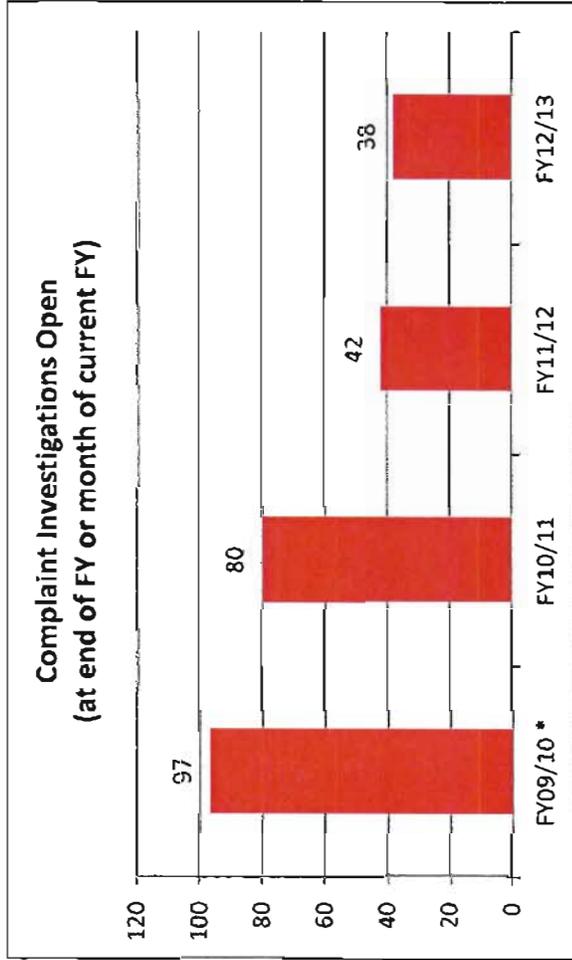
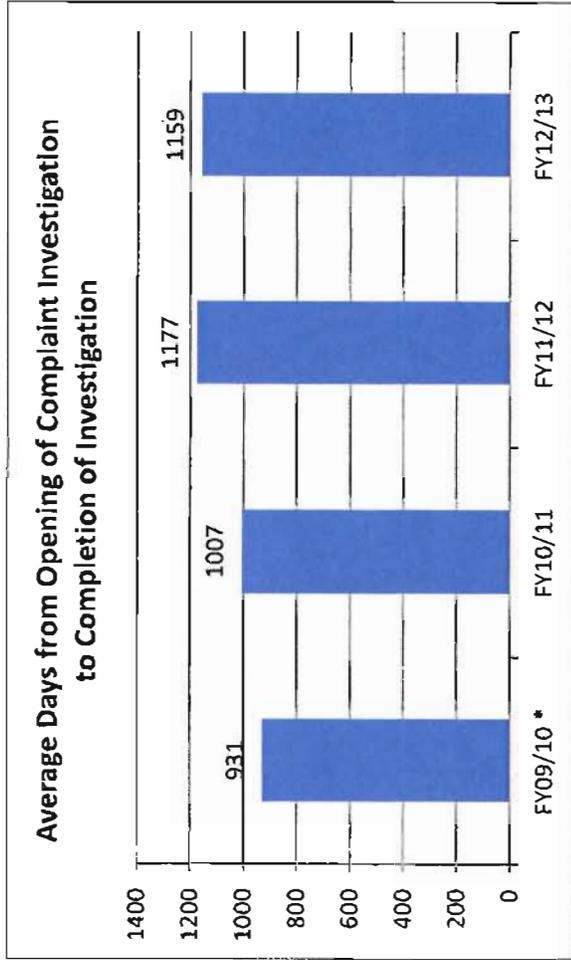
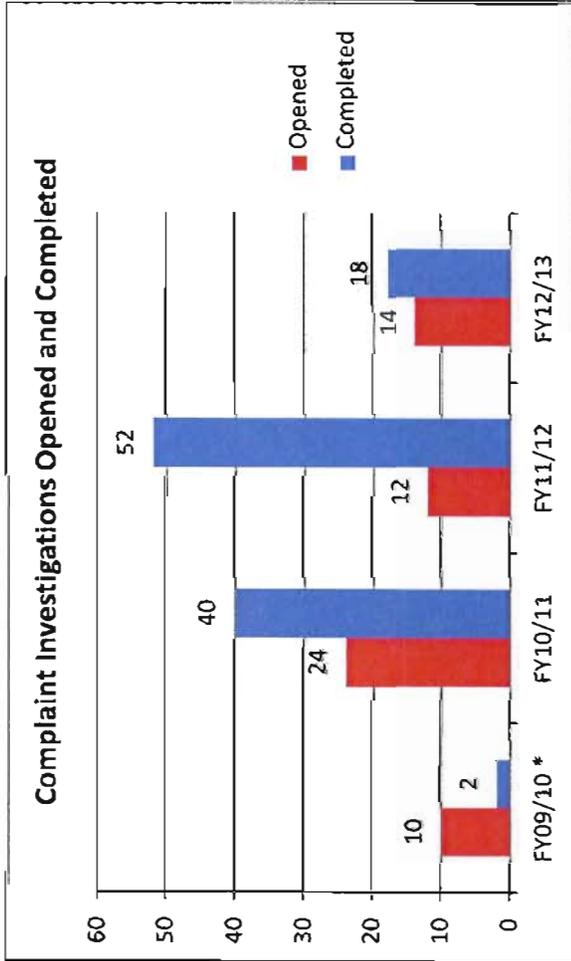
Formal Disciplinary Actions Against Licensees



NOTE: All FY12/13 statistics are through January 31, 2013

G&G ENFORCEMENT PROGRAM

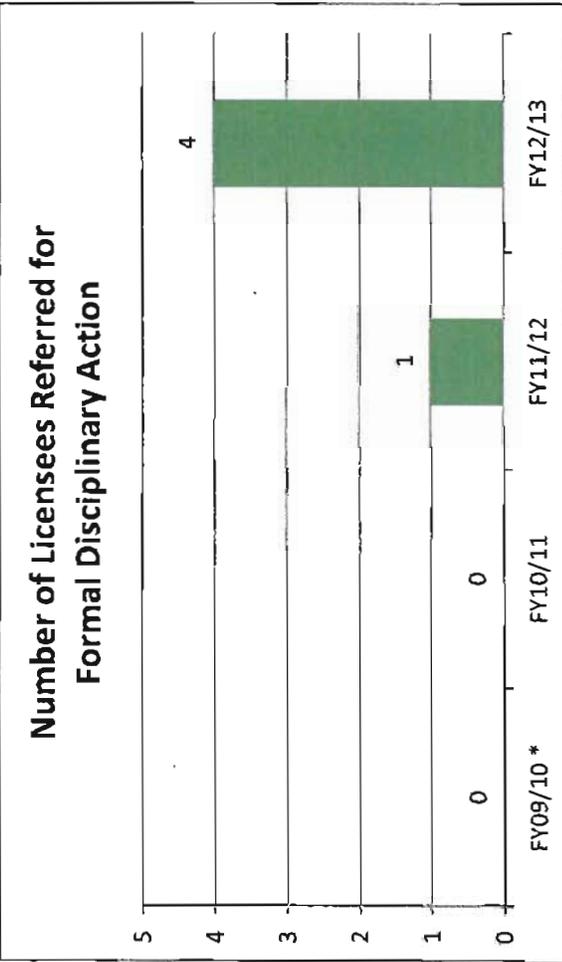
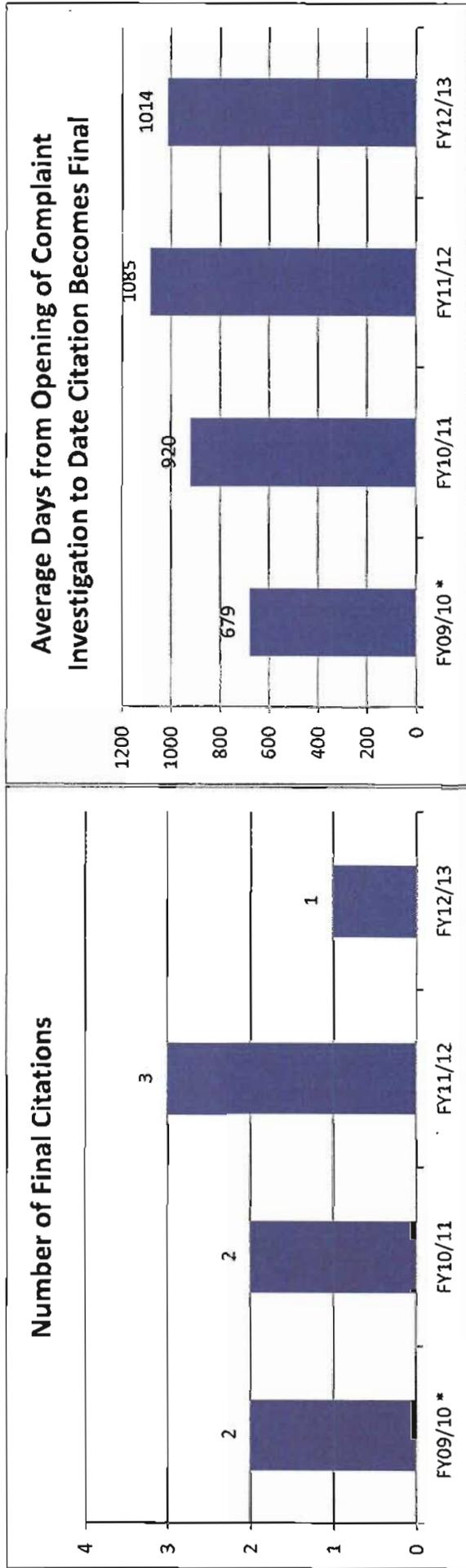
Complaint Investigation Phase



* FY09/10 is only from January through June 2010, when BGG was merged with BPELS
 NOTE: All FY12/13 statistics are through January 31, 2013

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 January 31, 2013

VII.

EXAMS/LICENSING

A. Examination Update

VIII. APPROVAL OF DELINQUENT REINSTATEMENTS

APPROVAL OF DELINQUENT REINSTATEMENTS

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

MECHANICAL

GEOFFREY BELL

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.

ROBERT BELLIZZI

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

GEORGE CHEN

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

IX.

CONSIDERATION OF RULEMAKING PROPOSALS

- A. Recommendation to Amend 16 CCR 3024 (Possible Action)
- B. Recommendation to Repeal Board Rules (16 CCR 443, 444, 3036.1, and 3037.1) Engineers, Land Surveyors, and Geologists – Inspection and Appeal of Examination (Possible Action)

**Amendment to California Code of Regulations Section 3024
Proposed Language for Abandoned Applications and Postponements**

3024. Abandoned Applications.

~~(a) In the absence of special circumstances, the board shall consider an application abandoned when:~~

~~— (1) The applicant fails to submit a registration fee within 6 months of the date of the letter of notification that the application has been received and approved or~~

~~— (2) The applicant fails to appear for a scheduled examination without obtaining a postponement from the board prior to the date of the examination or without scheduling to take the examination within the next two subsequent examinations as follows:~~

~~— (A) An applicant for registration as a geologist shall obtain a postponement no later than fifty (50) days prior to the date of the examination.~~

~~— (B) An applicant for registration as a geophysicist or certification as a specialty geologist or specialty geophysicist shall obtain a postponement no later than fifteen (15) days prior to the date of the examination, or~~

~~— (3) The applicant fails to respond within 6 months of a board request for additional information concerning the applicant's educational background or professional geological or geophysical work experience.~~

~~(b) An applicant may be granted an emergency postponement not less than five days prior to such examination by the board for good cause.~~

~~(c) The application fee will be retained by the board when an application has been declared abandoned.~~

~~(d) In the event an applicant fails to appear for a scheduled examination without obtaining a postponement from the board, the board shall retain a portion of the examination fee as follows:~~

~~— (1) For failure to appear as scheduled for two sections of the national examination the board shall retain \$75.00 of the examination fee.~~

~~— (2) For failure to appear as scheduled for one section of the national examination, the board shall retain \$50.00 of the examination fee.~~

~~— (3) For failure to appear as scheduled for an examination for registration as a geophysicist or certified engineering geologist or certified hydrogeologist, the Board shall retain \$25.00 of the examination fee.~~

In the absence of special circumstances any of following actions by an applicant for certification or licensure shall be considered to constitute abandonment of the application and shall result in cancellation of the application with no refund of the application fee:

(a) Failure to provide additional information or references within 90 days following the mailing of a request by the Board's staff; or

(b) Failure to complete that examination to which the application has been assigned within two (2) years from the date of filing of the application; or

(c) Failure to appear for examination at the designated time and place unless a postponement has been obtained in accordance with Rule 3024.1; or

(d) Failure to appear for examination at the designated time and place after having obtained two postponements.

3024.1 Postponements.

The executive officer may grant a postponement, not to exceed two such postponements for each application to any applicant who for reasonable cause is prevented from appearing for examination at the time fixed, provided the applicant's request for postponement and the reason therefor is filed with the principal office of the board at any time prior to the expiration of the ten (10) day period immediately following the date of such examination.

**Recommendation and Proposal to Repeal
California Code of Regulations Sections 443, 444, 3036.1, & 3037.1
(Inspection and Appeal of Examinations)**

Board staff recommends a repeal to California Code of Regulations Sections 443, 444, 3036.1, & 3037.1, pertaining to inspection and appeal of examinations for Engineers, Land Surveyors, Geologists, and Geophysicists.

For the following reasons, Staff recommends that Board Rules 443, 444, 3036.1, & 3037.1 be repealed:

- a. A repeal to the regulations will create clarity and consistency among the Professional Engineers Act, Professional Land Surveyors Act, and Geologist and Geophysics Act in regards to examination inspection and appeal.
- b. All examinations offered for licensure by the Board contain multiple-choice type problems that are not eligible for inspection or appeal.
- c. The current language regarding inspection and appeal is obsolete due to the makeup of the current examinations.

During the rulemaking process, amendments may be made to the language either by the Board's own motion or based on comments received during the initial 45-day public comment period. Substantive amendments would require additional noticed comment periods after the 45-day comment period.

The recommended repeal of Board Rules 443, 444, 3036.1, & 3037.1 are included in this agenda. Changes are shown in ~~strikethrough~~ text. At this time, staff recommends that the Board approve these changes and direct staff to begin the formal rulemaking process to repeal these regulations.

RECOMMENDED MOTION:

Board staff recommends that the Board approve the above proposal and direct staff to begin the formal rulemaking process to repeal California Code of Regulations Sections 443, 444, 3036.1, & 3037.1 and remove all reference to inspection and appeal of examinations.

**Board Rules and Regulations Relating to the Practices of
Professional Engineering and Professional Land Surveying**

**California Code of Regulations
Title 16, Division 5**

443. ~~Inspection of Examination.~~

~~(a) The following definitions as used in these regulations have the meaning expressed in this section:~~

~~(1) "Essay type problem" means an engineering or land surveying problem in which the examinee provides a free response as solution and is graded for method, computations and answers. Scoring is determined by comparing examinee solutions with pre-determined scoring plans.~~

~~(2) "Multiple choice type problem" means an engineering or land surveying problem which requires the examinee to select an answer from a multiple response format. Computations are not considered in the grading process for multiple choice items.~~

~~(b) Multiple choice type problems shall not be reviewed.~~

~~(c) An applicant who meets the criteria specified in subparagraph (1) below shall be granted 8 hours to review or write an appeal for an essay type problem or problems attempted during the written examination.~~

~~(1) Who is no more than 15% below the passing score on a State specific Professional Engineering or Professional Land Surveying examination.~~

~~(d) Time and location of the examination review or appeal session shall be designated by the executive officer.~~

~~(e) At the time of the review or appeal session, no one other than the examinee and representatives of the board shall have access to such examination papers.~~

~~(f) Evidence that the applicant erased, deleted, removed or altered the examination papers, or the material contained thereon during such inspection, may result in the applicant being disqualified by the board from taking future examinations.~~

~~(g) The applicant shall have access to his or her examination, test booklets and solutions when reviewing or preparing an appeal of an essay type problem during the time period specified in subsection (e).~~

444.—~~Examination Appeal.~~

~~(a) Applicants who were unsuccessful in the Professional Engineers or Professional Land Surveyor Examination will be notified by mail with the notice of results of the date and time in which they may attend a review or appeal session. The appeal fee referred to in section 407(d) must be received by the board within twenty one (21) days from the date of the notice of the results of his or her examination. Applicants who decide to submit an appeal will be required to submit their appeal at the end of the review or appeal session.~~

~~(b) An appeal of an essay type problem of the examination shall be made in writing; and it shall state the reason for appeal, citing the item or items against which the appeal is directed, and it shall be accompanied by the appropriate appeal fee. The applicant shall identify the specific item(s) being challenged; the specific reasons for the challenge; and cite reference materials, facts and figures to substantiate the appeal. The appeal fee shall be payable for an appeal directed at an essay type problem of the examination. An appeal may be directed to any specific essay type problem or problems or sub parts thereof, but an appeal shall cause the entire problem to be rescored. Rescoring of an essay type problem may result in one of the following three actions: points may be added; points may be deducted; or the score may remain the same. If the appeal results in the appellant being deemed to have passed the examination, the full appeal fee shall be refunded.~~

~~(c) The executive officer may deny any appeal requesting a review of an examination that is not accompanied by information supporting the reason for such request, is not accompanied by the correct appeal fee, or is not filed within the period of time provided in paragraph (a) of this rule.~~

~~(d) The Board's decision on an appeal of an essay type problem is final and shall not be re-evaluated. A multiple choice type problem is not appealable.~~

**Regulations Relating to the Practices of
Geology and Geophysics**

**California Code of Regulations
Title 16, Division 29**

~~3036.1. — Inspection of Geophysicist or Specialty Geologist or Specialty Geophysicist Examination.~~

~~(a) An applicant for registration as a geophysicist or certification as a specialty geologist or specialty geophysicist who obtains a failing score of 10 percentage points or less below the passing score established by the criterion referenced pass point method on the written examination may inspect the applicant's examination papers at such times and locations as may be designated by the executive officer. Inspection of such examination papers shall be permitted within 60 days after receipt of notice by the applicant of the applicant's failure to pass the examination. Applicants who score more than 10 percentage points below the established criterion referenced pass point shall not be allowed to inspect their examinations.~~

~~(b) At the time of inspection, no one other than the examinee or the applicant's attorney and a representative of the board shall have access to such examination papers.~~

~~3037.1. — Geophysicist or Specialty Geologist or Specialty Geophysicist Examination Appeal.~~

~~(a) At the time of inspection of an applicant's examination papers as provided in section 3036.1, an applicant for registration as a geophysicist or certification as a specialty geologist or specialty geophysicist who obtained a failing score of 10 percentage points or less below the passing score established by the criterion referenced pass point method on the examination may appeal to the board for a review of the applicant's examination papers. Applicants who score more than 10 percentage points below the established criterion referenced pass point shall not be eligible to appeal their examination results.~~

~~(b) The appeal for a review shall be made in writing stating the reason for such appeal and citing the item or items against which the request is directed.~~

X. **ADMINISTRATION**

A. FY 2012/13 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 January 2013.

The **Engineers and Land Surveyors (PELS) Fund** as of January 31, 2013:

	FY 12/13	FY 11/12
Expenditures	\$4.3 Million	\$8.3 Million
Revenue	\$6.3 Million	\$7.8 Million
Applications	8,196	13,840
Renewals	23,877	27,249

Budget Allotment	\$9.23 Million
Projection to Year-End	\$7.18 Million
Surplus/Deficit	\$2.01 Million
Revenue (Year-End)	\$9.25 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 January 31, 2013:

	FY 12/13	FY 11/12
Expenditures	\$829 Thousand	\$582 Thousand
Revenue	\$669 Thousand	\$618 Thousand
Applications	214	176
Renewals	2,019	2,479

Budget Allotment	\$1.36 Million
Projection to Year-End	\$1.10 Million
Surplus/Deficit	\$259 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 (Possible Action)
- B. Appointment of TAC Members (Possible Action)
- C. Reports from the TACs (Possible Action)

XII. **LIAISON REPORTS**

- A. ASBOG
- B. ABET
- C. NCEES
 - 1. Western Zone Interim Meeting Update
- D. Technical and Professional Societies

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 January 31, 2013 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

Thursday, January, 2013, beginning at 10:00 a.m.

Board Members Present: Paul Wilburn, President; Erik Zinn, Vice President; Kathy Jones Irish; Carl Josephson; Mike Modugno; Hong Beom Rhee; Ray Satorre; Robert Stockton; and Patrick Tami

Board Members Absent: Philip Quartararo; Jerry Silva; and Michael Trujillo

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 Wilburn. Roll call was taken and a quorum established at 10:01 A.M.

II. Public Comment

No public comment

VII. Exams/Licensing

A. Examination Update

1. Geologist and Geophysicist Statistics

Ms. Smith presented the October 2011, March 2012, and October 2012 geologist and geophysicist examination summaries.

2. Professional Engineer and Land Surveyor Statistics AND

B. Fall Administration of California Professional Land Surveyor Exam

Mr. Mathe presented statistics for the October 2012 state engineering and land surveying examinations and indicated that the numbers do not deviate much from historical statistics. He reported that the fall exam administration went well. The Civil seismic principles and engineering surveying examinations were offered as CBT (Computer Based Testing)

for the first time. He also added that there is a large civil candidate population. Mr. Tami also reported that 547 candidates took the NCEES surveying principles and practice (PS) exam nationwide with a 50% pass rate and 683 took the NCEES Fundamentals of Surveying (FS) examination with a 60% pass rate. He pointed out that NCEES typically prefers to look at first time test takers for the statistics. Mr. Mathe discussed that the California land surveying exam has traditionally been offered only once per year. Since the Board has begun administering the NCEES PS exam it is been offered twice per year. Before CBT, it was not practical to consider going to twice per year for the California Land Surveyor exam as it would have been quite expensive with the design essay questions. Scoring it required the recruitment of 40-50 land surveyors to grade the examinations. CBT offers flexibility with 22 testing centers in California alone and over 250 sites in North America. The land surveying candidate population traditionally is just California candidates. There is a small percentage of comity or out of state applicants. This April will be the second administration using CBT for the California land surveying exam. Multiple choice questions have been developed and the item bank is being built. As the item bank grows, it is viewed as being at minimal cost to administer twice per year. The land surveyor candidate population is not as large as the civil population, which can be 2,000-3,000 per administration twice per year, whereas the land surveyor population would be around 400 candidates once per year. Mr. Mathe explained that the national exam is offered twice per year while the California exam is only offered once which makes it difficult to become licensed in a timely manner. Mr. Mathe would like consideration to work towards offering the California land surveying exam twice per year, not necessarily commit to administer the examination this October but in the future be in line with the national examination.

Mr. Tami concurred with Mr. Mathe and indicated that the national PS exam is moving towards windows of administration similar to the fundamentals exams. He would like to see how much it would cost to administer the California exam twice or possibly three times per year and to determine what it would take to develop enough items in the bank. Mr. Modugno inquired if the exam is not offered in October 2013 when would be the next opportunity. Mr. Mathe indicated that it would take place in April 2014. Mr. Stockton asked if there is a database with NCEES in which exam problems exist. Mr. Tami has worked on the national examination and indicated that NCEES retires questions but there may be a security issue. They can be approached to possibly provide examples to the item writers, however the odds are slim. Mr. Moore explained that exam development has evolved. Items are continually being written. While the exam development team already has the examination set up for April 2013, there are many more items that are in various stages of

development. In addition, exam development meetings have been scheduled every month.

Mr. Tami moved that the Board move towards administering exams more often when fiscally and logistically possible no later than October 2014.

MOTION: Mr. Tami and Mr. Josephson moved to support.

VOTE: 9-0, Motion carried

C. California Civil Engineer Exam Strategy

Mr. Mathe provided an update for the California civil engineer exam strategy in that the plan has been adjusted and are currently working towards a five year plan to get to a LOFT (Linear on the Fly) delivery. This means there are enough tested, proven, and evaluated items in the item bank to test what is just competent for both Engineering Surveying and the Seismic Principles exams. The definition of LOFT is that an exam would not be pre-assembled; a date set, and have the delivery of the exam. There could be continuous testing where the candidate goes to the testing center and the test is created as they log in. There would be some pretest items that would not count towards their score. It is a big commitment to make the item bank larger and acquire the statistics that support the problems. A big candidate population is needed for the statistics and to show whether or not the problems are effectively measuring the candidate's performance. There would be a mix of problems to fit the various content areas. Mr. Mathe hopes that in 2016, there will be four windows and deliver the exams via LOFT by 2017. Ms. Jones Irish inquired if there is any outreach to convey the new information. Mr. Phayer indicated that he is communicating with colleges and universities and NCEES.

John Ware representing Prometric explained how exams are being equated and scored today. After the test, the items are reviewed and an analysis is done to ensure there is fairness. When you move into a LOFT model where a deep bank of items are developed to fulfill the examination, there will be a percentage of easy, medium, and hard questions. You ultimately get to pre-equating so the cut score is established ahead of time. Whatever the section of the exam would be, it would be a distribution amongst the individual test takers as the form is being assembled it is equally calibrated, easy, medium, and hard questions. This is how the algorithm works. He explained pre-testing involves newly written items that are interwoven into an examination as a way of gathering data. These items would not necessarily affect the score but will help create an item bank and acquire the necessary statistics. Mr. Mathe will provide updates as it progresses.

3. EIT/LSIT Application Statistics

Ms. Mueller reported that currently, 48% of those that have passed the Fundamentals of Engineering (FE) exam from October 2012 have received their certificate. 52% of those that passed the Fundamentals of Surveying (FS) exam from October 2012 have received their certificates. There are approximately 800 more that are in the middle of being processed.

Mr. Moore added that Ms. Mueller provided him with a list of 263 more candidates to approve. Mr. Donelson and Ms. Brown both have sent e-mails reminding those who sat for the exam and passed, that they must apply for certification, explaining that passing the exam alone was not certification.

III. Executive Officer's Report

A. Legislation

1. Discussion of Legislation for 2013

No report given.

2. Legislative Proposals

a. Update on Amendments to Business and Professions Code Section 27 Regarding Address of Record Available Via the Website

Ms. Arnold reported that she met with Mr. Tami, Mr. Moore, Mr. Duke, and Tracy Rhine of DCA's Legislative Unit surrounding the possible controversy.

Thursday Mr. Moore and Ms. Arnold met with Senator Cannella's staff, during which they provided them with a copy of the proposed legislation. They agreed to put the language into bill form allowing Ms. Arnold to find an author; this legislation is referred to as "unbacked" legislation. They are currently waiting to meet with Senator Cannella as he was unavailable at the time.

Mr. Alameida provided information on a mass e-mail that he sent to all analysts of each board and bureau that are listed in B&P section 27. He received responses from 9 of the 20. Six oppose any change to B&P 27 as it is currently, as they see it as a transparency issue that they are willing to provide the address of record. Of those six responses, they have indicated there are other options such as a P.O. Box as written in B&P 27. Three others support the proposed change but one would like to keep the city and county in place and remove the address. He added that one of the responders initially opposed being included in B&P 27 and they do not comply with it and agree that it is a safeguard issue for the licensee. In some cases, the

issue was stalking and they did not want to be a part of it because of this reason. Others maintain that the addresses should be public as it is the only source of communication and that it is necessary for consumers to contact them.

Mr. Tami's concern for the Board is non-compliance with the Government Code which does not allow for posting of the home addresses of elected, appointed, and peace officers. He is interested in the nine boards that opposed and how they gathered the data so that they are not posting the addresses of those individuals and how they circumvent the liability issue.

Ms. Grisby representing the Center for Public Interest Law inquired how this would protect the consumer's interest as the Board does not have a duty to protect the licensee's privacy but the consumer. Mr. Wilburn pointed out that the Board is trying to find a balance and does not have a lot of traction to support the issue. Mr. Moore indicated that any consumer doing business with a licensee should have access to that information, but for the most part, the public is doing business with the company and not directly with the licensee.

Mr. Tami pointed out that the addresses for most licensees of other boards are not available on the internet and questioned why the Board treats its licensees differently. Mr. Alameida advised that 19 of 36 regulatory board and bureaus institutes that participate in B&P section 27, 14 provide a full address, 3 provide county only, and 3 provide city and state only.

President Wilburn asked for an update at the next meeting.

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

Mr. Alameida is continuing to compare similarities and differences between California and other states. He has received most of the information from other states that participate in a COA and is currently reviewing the various laws and regulations. He hopes to have more information at the next Board meeting.

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 it was placed in the Omnibus Bill, but the Republican Caucus stated that they did not want to include it, and therefore it was pulled. It has been submitted to the

Legislative counsel to print in bill form so that Ms. Arnold may seek an author.

d. Update on Recommendation to Establish a Retired License Status for Professional Geologists and Geophysicists
Ms. Arnold reported that it will go into the Omnibus Bill.

e. Update on Recommendation to Establish Written Contracts for Professional Geologists and Geophysicists
Ms. Arnold reported that Senator Roth agreed to carry this proposal; it is Senate Bill 152.

B. Strategic Plan Update

1. Action Plan Summary for FY 2012- 2013

Mr. Alameida provided an update on various sections of the Strategic Plan. He previously asked Board Members to provide input on the plan's progression. He received some responses requesting more information, such as providing additional columns to identify outcomes based on real numbers, identify an objective of where the plan is going, and add a task or objective to the current plan.

C. Personnel

An Office Technician was hired and will start March 4, 2013 for the Geologists and Geophysicists program. A class specification is being modified to incorporate a registered geologist.

CalHR recently initiated a review of the Board's recruitment performance and the Board was notified that it is in compliance.

D. Administrative Task Force

The first item is for the workgroup to assist in evaluations and recommendations toward improving the investigation process and decrease the aging of cases. Former Board members Gregg Brandow and Jim Foley are both active in the workgroup. Mr. Moore and Ms. Eissler are working with the enforcement staff. They will schedule a conference call with the workgroup in February to progress further.

The additional topics for the Task Force include the application review process and the review of the Board and TAC's operating procedures.

IV. **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. Dennis William McCreary vs. Board for Professional Engineers, Land Surveyors, and Geologists, Sierra County Superior Court Case No. 7361

V. Open Session to Announce the Results of Closed Session

Ms. Eissler reported that pending litigation was discussed as noticed in the agenda and action was taken on a petition for reconsideration, a stipulation, a default decision, and two proposed decisions. Mr. Duke reported that the Board discussed personnel issues and examination preparation.

VI. Enforcement

A. Enforcement Statistical Reports

Ms. Eissler went over the statistical charts pertaining to various areas of enforcement.

She also presented to the Board the latest copy of the Board-published 2013 Handbook of Laws and Regulations.

VII. Approval of Delinquent Reinstatements

MOTION: Mr. Tami and Mr. Josephson moved to approve.

VOTE: 9-0, Motion carried

VIII. Consideration of Rulemaking Proposals

B. Recommendation to Amend 16 CCR 3024

Ms. LaPerle presented the Board with a handout of the Recommendation and Proposal to Amend Title 16, California Code of Regulations Section 3024. She explained that it pertains to abandoned Geologist and Geophysicist applications, postponements and the partial refund of exam fees for exam no-shows. The proposal is to change the regulation to be more in line with the engineering and land surveying regulations.

The PE/PLS regulations require the submission of the postponement request after the exam occurs and the PG/PGp regulations require the submission of the request prior to the exam. Postponements made prior to the exam are not conducive to unforeseen emergencies or other industry standard and acceptable postponement reasons.

She recommended the Board approve the proposal and direct staff to begin the formal rulemaking process to amend title 16, California Code of Regulations Section 3024 and create a separate section for postponements.

MOTION: Mr. Zinn and Mr. Satorre moved to approve proposed recommendation.

VOTE: 9-0, Motion Carried

A. Adoption of Proposed Board Rules 420.1 and 3021.1, (16 CCR 420.1 and 3021.1), Engineers, Land Surveyors, and Geologists Fingerprints

Mr. Alameida reviewed the proposal to add Title 16, California Code of Regulations sections 420.1 and 3021.1 and requested that the Board adopt the final language 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.

MOTION: Ms. Jones Irish and Mr. Josephson moved to adopt proposed changes and direct staff to the rulemaking file.

VOTE: 9-0, Motion Carried

IX. Administration

A. FY 2012/13 Budget Overview

Mr. Alameida reported that as of December 31, 2012 PELS expenditures have been reduced 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 examinations. The Board projects applications to increase after the first exam cycle.

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

B. Proposed Governor's Budget Overview – No report given.

X. 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)

Mr. Moore indicated that the Board received a letter from PECG requesting a change in Board Rule 424. He recommends that the Board assign it to the Civil TAC for discussion and further recommendation to the Board. President Wilburn directed it to be assigned to the Civil TAC.

2. Report on Subsurface Utility Locating, Bill Owen, PG Geology TAC chair

Mr. Owen, Chair of the Geology TAC, introduced himself. He indicated that he is the Chief of Geophysics and Geology Branch for the California Department of Transportation. He reported that one of the things that the department is becoming involved in is the field of Subsurface Utility Engineering. Subsurface Utility Engineering is a branch of engineering practice that combines civil engineering, land surveying, and geophysics in order to mitigate risks to construction

projects due to underground utilities. He explained that it is a process that has been pushed by the Federal Highway Administration. Currently, 24 states have adopted a form of Subsurface Utility Engineering practice. The contract administration process evaluation report (CAPE) in 2010 indicated that 44% have an impact due to unknown utilities that were identified as a risk. Two-thirds suffered project delays due to unknown utilities.

The American Society of Civil Engineers issued their standard guidelines in 2003 which attempted to outline the process. One thing established were the quality levels for subsurface utility information. Purdue University did a study that found the return on investment on the use of the Geophysical techniques was nearly 4-1 and the range of unknown utilities range from 10-50%.

Mr. Owen noted from his estimates 90-130 companies exist in California that offer subsurface utility services. Many of these companies are advertising themselves as subsurface utility engineering firms in which some are not qualified.

His proposal to the Board is to establish a work group within the TAC to evaluate this issue further and provide recommendations.

MOTION: Mr. Tami and Mr. Zinn moved to direct staff to pursue a comprehensive evaluation of this topic with the assistance of the Geology, Civil, and Land Surveying TAC members and present a report to the Board at a future date outlining their findings and recommended course of action.

VOTE: 9-0, Motion Carried

- C. Reports from the TACs
 - 3. Reports from the Geology and Geophysics TAC
 - a. Geology and Geophysics TAC Work Plan

MOTION: Mr. Zinn and Ms. Jones Irish moved to adopt a draft of a new GEO TAC workplan with added item #10 review and recommend potential changes to the BPELSG 2013 Handbook of Laws and Regulations that are relevant to the practice of Geology and Geophysics.

VOTE: 9-0, Motion Carried

- B. Appointment of TAC Members

MOTION: Mr. Stockton and Ms. Jones Irish moved to appoint Jim Foley to the Civil TAC and Douglas C. Hohbach to the Structural TAC

VOTE: 9-0, Motion Carried

XI. Liaison Reports

- A. ASBOG – No report given
 - B. ABET – No report given
 - C. NCEES
2. CBT Webinar

Mr. Moore explained that NCEES is scheduled to complete the transition of the Fundamentals of Engineering and Fundamentals of Surveying exams to computer-based testing (CBT) on January 2, 2014 and therefore no more pencil to paper examinations will be administered. There will be open windows, two months on, one month closed, four open windows per year. During an analysis with the psychometric contractor, they have shortened the overall CBT appointment time from eight hours down to six, which includes a tutorial, exam time, a break, and a survey. The exam will consist of 110 questions for both FS and FE. Results will be received within 48 hours. Candidates will be allowed to sit for the exam up to three times per year as defined by 12 months from the first time the candidate takes the exam.

1. Online License Verification System

Mr. Moore outlined the electronic NCEES verification system in which California has been part of the initial testing group. A licensee will log on to the NCEES website where they can enter their licensing and examination information. From there it is sent to our board's representative to be completed and submitted to the requesting Board. NCEES will begin processing March 1, 2013 and they are asking all boards to be active on this system by June 14, 2013 in time for the October exam administration.

A webinar was also presented that thoroughly explained the process and procedure in order for the licensee to obtain verification and the process of providing verification from the Board.

3. Western Zone Interim Meeting Update

Mr. Moore outlined registration costs and what is included. He also is hoping all members can attend as it may be the only opportunity to attend due to out-of-state travel restrictions. He also noted that Senator Anthony Cannella, P.E. is scheduled to present the Welcome Message and the surveyor and engineer involved with the challenges associated with moving the space shuttle from LAX to the museum would be presenting at the Friday luncheon.

MOTION: Mr. Satorre and Mr. Tami moved to nominate Mr. Moore to Western Zone Secretary Treasurer at the Western Zone Interim Meeting.

VOTE: 9-0, Motion Carried

D. Technical and Professional Societies
No report given.

XII. President's Report/Board Member Activities

No report given

XIII. Other Items Not Requiring Board Action

Mr. Tami suggested looking into the NCEES credentialing program as an item for discussion at a future meeting.

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 December 7, 2012 Board Meeting

MOTION: Mr. Zinn and Mr. Stockton moved to approve

VOTE: 9-0, Motion Carried

XV. Adjourn

Meeting Adjourned at 4:01 P.M.

PUBLIC PRESENT

Roger Hanlin, CLSA

Guadalupe Castillo, DCA Division of Legislative and Policy Review

Bob DeWitt, ACEC

Erin Grisby, CPIL USD School of Law

Steve Hao, CalTRANS

Richard Markuson, ASCE

Joanna Gin, Assembly Business, Professions, and Consumer Protection Committee

XVI.

ADJOURN



