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

April 18, 2013
10:00 a.m.

Hilton San Francisco Financial District
750 Kearny Street, 2nd Floor, Samsome Room
San Francisco, California, 94108
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MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS, AND GEOLOGISTS

BOARD MEETING LOCATION  
Hilton San Francisco Financial District  
750 Kearny Street, 2nd Floor, Samsome Room  
San Francisco, California, 94108

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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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: AB 186, AB 1057, AB 1063, SB 152, SB 207, SB 679, and SB 822

B. Strategic Plan Update

C. Personnel

D. Administrative Task Force
Board for Professional Engineers, Land Surveyors, and Geologists

2013 Legislative Session

AB 186 Maienschein. Professions and vocations: military spouses: temporary licenses. This bill would authorize a board within DCA to issue a provisional license for 18 months to an applicant who meets certain requirements.
RECOMMENDED POSITION: Oppose unless amended
BOARD POSITION:

AB 1057 Medina. Professions and vocations: licenses: military service. This bill would require each Board within DCA to inquire in every application for licensure if the applicant is serving in, or has previously served in, the military.
RECOMMENDED POSITION: Watch
BOARD POSITION:

AB 1063 Eggman. Surveyors and engineers. (Amends Sections 6732, 8751, 8772 of, and adds Section 8764.6 to the B&P Code) This bill would prohibit the use of certain titles using the words engineer or surveyor unless the person is appropriately licensed. Additionally it would authorize a licensed surveyor to include additional information, as specified, with a record of survey. This bill would require any monument set by a land surveyor or civil engineer to be marked as specified, and to be marked with the name of the agency and the political subdivision it serves, if set by a public agency.
RECOMMENDED POSITION: Support if amended
BOARD POSITION:

SB 152 Roth. Geologists and Geophysicists: written contracts. (Add Section 7839.2 to B&P Code) This bill would require Geologists and Geophysicists to use a written contract when contracting to provide geological or geophysical services, as specified. It will provide for consistent operations among engineers, land surveyors, geologists and geophysicists. This bill also repeals temporary authorizations for engineers, geologists and geophysicists. This is a Board sponsored bill.
BOARD POSITION: Support

SB 207 Cannella. Department of Consumer Affairs: license information. (Amend Section 27 of B&P Code) This bill will eliminate the requirement that the Board for Professional Engineers, Land Surveyors, and Geologists disclose its licensee's address of record.
BOARD POSITION: Support
SB 679  Berryhill.  Professional Engineers: licensees: reporting requirements.  (Amend Section 6770 of the B&P Code) This bill would increase the reporting provision to require that a licensee report to the Board in writing, as specified, if the amount or value of a judgment, settlement, or arbitration award is greater than $50,000. Reduce the reportable amount to $25,000 in cases which went to verdict and fault by the licensee was found by a jury, judge, or arbitration.
RECOMMENDED POSITION: Watch
BOARD POSITION:

SB 822  Committee on Business, Professions and Economic Development. Professions and vocations.  (Amend Section 7887 of, and add Section 7851 to, the B&P Code) This is one of the Committee's omnibus bills. Among other things it creates a "retired registration" for geologists and geophysicists.
RECOMMENDED POSITION: Support
BOARD POSITION:
BILL: AB 186

TOPIC: Professions and vocations: military spouses
DATE OF INTRODUCTION: 1/28/13
MOST RECENT VERSION: 4/1/13
ANALYSIS DATE: 4/2/13
BILLS LEGISLATIVE HISTORY: Referred to Committee on Business, Professions and Consumer Protection (B., P. & C.P.)
BOARD RECOMMENDATION: Oppose unless amended
BOARD POSITION:

SUMMARY: Assembly Bill (AB) 186 seeks to authorize military spouses, who have moved here on active duty orders and who have a valid professional license in another state, to receive an 18-month provisional license in the same profession for which they are applying for licensure. The licensee applicant must provide sufficient evidence of being married to, or in a domestic partnership or legal union with, an active duty member of the United States Armed Forces. Also, the licensee applicant shall not have been disciplined by another licensing entity and shall confirm, in writing, that all application information is accurate.

HISTORY: According to Assembly member Maienschein’s office, “A recent study by the California Research Bureau has found that California has approximately 72,500 military spouses residing in the state at any given time. It is estimated that over one third of these individuals are involved in a profession that requires some sort of licensing requirement.” “According to the Department of Defense, military spouses are ten times more likely to have moved across state lines in the last year compared to their civilian counterparts.” With the implementation of provisional licensing through AB 186, military spouses will be able to immediately look for employment to help support their families while taking all the necessary steps to apply and receive a license from the state.

In 2011/12, AB 1904 (Chapter 399, Statutes of 2012), introduced temporary licensure or provisional license for a spouse or domestic partner of an active duty member of the Armed Forces of the United States. AB 1904 was amended, and passed, to require boards within the Department of Consumer Affairs (DCA) to expedite the license process.

AB 186 reestablishes a provisional license, limited to 18 months, while the individual’s application is processed for licensure. To receive a provisional license, the individual must have a clean criminal history and verify, in writing, that all application information is accurate. DCA nor any of the participating Boards have offered a formal position regarding the current version.

COMMENT: The Board currently issues a temporary authorization for engineers, geologists, and geophysicists. However, this is not considered a license and authorization is granted for a specific project and is not to exceed a certain number of days. For engineers, authorization is granted for 180 days; for geologists and geophysicists, it is 60 days. Since 1995, the Board has issued temporary authorizations to forty civil engineers. However, only one (1) has been issued since December 2010. If the individual is granted a temporary authorization they are required to take the
next administration of the California specific examination. Several individuals have failed to pass the California-specific exam. Recently, the Board has proposed legislation to repeal “temporary authorizations”. Senate Bill (SB) 152 has been introduced to remove sections 6760, 7848, and 7848.1 from Business and Professions Code pertaining to temporary authorizations being issued to practice professional engineering, geology, or geophysics.

In addition to a temporary authorization, the Board provides comity licensure to all out-of-state individuals that meet the Board requirements. All applicants who’ve taken and passed a national exam shall receive a license if passage of a national exam is all that is required. If the Board has a California specific exam, like civil engineering, the individual must take and pass that exam prior to receiving licensure from the Board and also have the education, experience, and reference letters to meet licensing requirements. If the individual is not approved and requires additional qualifications the applicant may work under responsible charge of a California licensee until those requirements are met.

Historically, the Board’s concern when issuing a temporary authorization has been public safety, specifically related to the practice of civil engineering. The same concern is evident if a provisional license is available to a licensee applicant from another state. The Board cannot guarantee that the individual meets California competency levels for licensure until that individual passes the California-specific exam. Specifically, the applicant needs to demonstrate knowledge of seismic forces in the design of structures. Because California has distinctive geography experience and education is necessary before the applicant practices civil engineering proficiently. Allowing any individual to provide professional engineering, geology, or geophysics to a California consumer without proper qualifications and competency opens up California, the consumer, and the Board to potential catastrophe.

It is unknown at this time how many active military licensees the Board has licensed as current systems do not track this information. Although, this number may be very low allowing a provisional license especially for a civil engineer may be detrimental to consumer safety. The Author’s office is not willing to make an exemption for civil engineers being issued a provisional license but will consider language that will clarify what a provisional license will allow. AB 186 should be amended to explain what a provisional license allows prior to a consideration for approval from the Board.
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
BILL ANALYSIS
2013 LEGISLATIVE SESSION

BILL: AB 1057

TOPIC: Professions and vocations; licenses; military service
DATE OF INTRODUCTION: 2/22/13
MOST RECENT VERSION: 2/22/13
ANALYSIS DATE: 4/9/13
BOARD RECOMMENDATION: Watch
BOARD POSITION:

SUMMARY: This bill would require every licensing board under the Department of Consumer Affairs (DCA) to inquire on every application for licensure if the applicant is serving in, or has previously served in, the military.

HISTORY: DCA includes 36 regulatory entities that issue licenses in more than 100 business and 200 professional categories, including doctors, dentists, engineers, and contractors. Each licensing body is responsible for enforcing the minimum qualifications for licensure established by statute and regulation. In many cases, experience and education required for licensure vary between licensing bodies. Based on Committee analysis "24 of DCA's licensing programs accept military education and experience, five programs offer general reciprocity for out-of-state applicants, two programs do not have education or experience requirements that would preclude a veteran from applying, two boards do not accept military education and experience, and three programs do not issue licenses". Assembly Bill (AB) 1057, as introduced, aims to inquire, on every application, if the applicant is serving or has served in the military. The intent is to better assist military members as their professional or occupational skills received while in the military can be helpful when applying for licensure.

COMMENT: The Board already has statutory language in place that provides credit towards licensure based on experience gained in the armed forces. Business and Professions Code (B&P) Section 6753.5 states that "all applicants shall be given equal credit for engineering experience in the armed forces of the United States as with any other comparable engineering experience." On average, the Board receives 15,000 applications annually. It is unknown at this time how many military licensees the Board has licensed because current systems do not track this information. If an applicant has military experience that will meet education or experience requirements for licensure the individual needs to have their commanding officer, or immediate supervisor, verify that experience in a reference letter. If the reference is valid then the experience will be counted towards licensing requirements.

The Board should have no issues with AB 1057, but needs to identify that there will be costs associated with implementing legislation as changes will need to be made the DCA's Consumer Affairs System (CAS) or to BreEZe, a new database that centralizes the licensing and enforcement functions of all the licensing programs under DCA.
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
BILL ANALYSIS
2013 LEGISLATIVE SESSION

BILL: AB 1063

TOPIC: Surveyors and engineers
DATE OF INTRODUCTION: 2/22/13
MOST RECENT VERSION: 3/21/13
ANALYSIS DATE: 4/4/13
BILL’S LEGISLATIVE HISTORY: To be heard in Assembly Business, Professions, and Consumer Protection Committee.
RECOMMENDED POSITION: Support if amended
BOARD POSITION:

SUMMARY:
This bill would prohibit a person from using the title “city engineer,” “county engineer,” “city surveyor,” or “county surveyor,” unless the person is licensed as an engineer or surveyor, respectively, as specified. This bill would also authorize a licensed surveyor to include additional information to be filed simultaneously, as a separate document, as specified, with a record of survey. Additionally, this bill would require a monument to be marked by the surveyor or civil engineer and to be marked with the name of the agency and political subdivision it serves, if the monument is set by a public agency. (Amends Sections 6732, 8751, and 8772 of, and adds Section 8764.6 to, the Business & Professions Code)

COMMENT:
Executive Officer Ric Moore, PLS, and Ray Mathe, PLS, have concerns that some of the language is either not needed or may be confusing. The addition of Section 8764.6 is not needed as current law allows for this information to be included on Records of Survey and it may serve to confuse future research efforts by other land surveyors, agencies, title companies, or the public. It also may introduce the requirement to search multiple locations for records. The amendments to Section 8772 may generate a negative impact on the Board’s licensing and enforcement operations. This change may confuse the public into thinking one licensee has delegated authority from a public agency when another licensee is actually in responsible charge per state law. The Board may receive consumer complaints that are based solely upon the license number appearing on the public agency-set tagged monument when in fact our investigation efforts should be focused more on the records and procedures employed by the public agency.

Ric Moore has been working with the author’s office and the sponsor of the bill, ACEC – CA. He believes that they will be able to easily reach acceptable amendments.

This bill is being sponsored by ACEC - CA.
BIL莉: SB 152

TOPIC: Geologists and geophysicists: written contracts
DATE OF INTRODUCTION: 1/31/13
MOST RECENT VERSION: 3/19/13
ANALYSIS DATE: 4/5/13
BILL'S LEGISLATIVE HISTORY: Passed out of Senate Business, Professions and Economic Development Committee 4/1/13.
BOARD POSITION: Support

SUMMARY:
This bill would, subject to exceptions, require geologists and geophysicists to use a written contract when contracting to provide geological or geophysical services with a client. The bill also specifies certain information to be included in the contract. This bill would also delete the provisions allowing for a temporary authorization to practice as engineer, a geologist, or geophysicist and would make additional conforming changes. (Amends Sections 6775, 6799, and 7860 of, adds Section 7839.2 to, and repeals Sections 6760, 7848, and 7848.1 of the Business and Professions Code.)

COMMENT:
There is currently no statutory requirement that professional geologists and geophysicists execute written contracts with their clients prior to performing services. Professional engineers and land surveyors use written contracts with clients when providing professional services. The Board believes that written contracts are beneficial to both the consumer and the licensee.

Geologists and geophysicists are the only major licensed professions that do not require written contracts for services provided. Written contracts are an effective tool for protecting all parties in complex transactions of a technical nature. Written contracts enhance protection of consumers by ensuring fair contracting and billing practices. They also would protect geologists and geophysicists by ensuring that both parties understand the essential terms of a professional contract.

Temporary authorizations allow individuals who are not licensed in California, who are licensed in another State, to perform engineering and geological work in California. Most engineering disciplines can have a license issued through comity. Those wanting to practice civil engineering can be issued a temporary authorization, for 180 days, to work on a certain project but if they want to get a license through comity they must take and pass the California specific exams on seismic and surveying.
Since 1995 the Board has issued 40 civil engineering temporary authorizations granted. Of those, 20 took and passed the two special civil exams and became licensed in California, 13 did not attempt to take the two examinations, and 7 failed the exams. There has only been one temporary authorization issued to a geologist.

This bill is being sponsored by the Board.
Board for Professional Engineers, Land Surveyors, and Geologists
Bill Analysis
2013 Legislative Session

BILL: SB 207
AUTHOR: Cannella

TOPIC: Department of Consumer Affairs: licensee information (Section 27 of the B&P Code)
DATE OF INTRODUCTION: 2/08/13
MOST RECENT VERSION: 2/08/13
ANALYSIS DATE: 4/9/13
BILL'S LEGISLATIVE HISTORY: Is scheduled to be heard in Senate Business, Professions and Economic Development Committee 4/15/13
BOARD POSITION: Support

SUMMARY:
Currently, specified boards and bureaus within the Department of Consumer Affairs (DCA) are required to disclose on their respective websites, "public record" information regarding the status of their licensees. The Board would like to amend Section 27 of the Business and Professions Code to remove the requirement that licensees of the Board for Professional Engineers, Land Surveyors, and Geologists have their address of record included on the Board’s website.

IDENTIFICATION OF PROBLEM:
Currently all licensees of the Board for Professional Engineers, Land Surveyors and Geologists are required to provide an address of record that is to be published on the Board’s website. The Board believes that this is a problem due to a number of unintended consequences that have recently come to our attention. At a past Board meeting, a licensee spoke during public comment stating that she had concerns about having her address of record available to anyone with access to the Internet. She indicated that she works for a state agency where they had a disgruntled employee who obtained her address from the Board’s License Lookup on the Board’s website. As a result of him having her address he was able to show up at her home and she reported that he made threatening comments to her. She disputed the need for her address to be made public and thought it would be more useful to list an email address or telephone number for consumers to reach her. As stated above, currently the Board is required by law (Section 27 of the Business & Professions Code) to include licensee’s address of record as part of the information available through License Lookup. The Board is also aware that licensees may use a business address or a post office box but these choices may not be available or appropriate.

Another potential problem regarding the Board’s listing of licensee’s address of record on its website has recently come to light. Publishing the address of “elected, appointed and public safety personnel” is not allowable under Government Code Section 6254.21. Currently the Board has no way of tracking or identifying its licensees who are protected by Government Code Section 6254.21.
BACKGROUND & LEGISLATIVE HISTORY:
Senate Bill 492, Rosenthal - (Chapter 661, Statutes of 1997) required Internet disclosure of licensee information for a number of boards and bureaus of the Department of Consumer Affairs, and the Department of Real Estate. This information, excluding personal information, on the Internet relative to the status of every license issued by the entity, including information relative to suspensions and revocations of licenses issued by the state agency or regulatory board and other related enforcement action taken against persons, businesses, or facilities subject to licensure or regulation by a state agency or regulatory board, as specified. The information shall not include personal information including home address (unless used as a business address), home telephone number, date of birth, or social security number.

Senate Bill 1889, Figueroa – (Chapter 927, Statutes of 2000) required specified boards and bureaus within the Department of Consumer Affairs, that issue licenses, to disclose information regarding the status of the licenses of their licensees on the Internet. It also required those entities to disclose the address of record of licensees, and required those entities and the Department of Real Estate to allow the licensees to provide a post office box number or other alternative address, instead of a home address. Those boards and bureaus would also be authorized to require licensees to provide a physical business address or residence address, as specified.

PROBABLE SUPPORT & OPPOSITION:
Support – have nothing official but numerous professional organizations – ASCE, ACEC-CA, Cal GEO, CLSA -, and numerous individual licensees have indicated support.

This bill is sponsored by the Board
BILL: SB 679

AUTHOR: Berryhill

TOPIC: Licensees: reporting requirements
DATE OF INTRODUCTION: 2/22/13
MOST RECENT VERSION: 4/8/13
ANALYSIS DATE: 4/10/13
BILL'S LEGISLATIVE HISTORY: Set for hearing 4/15/13 in Senate Business, Professions, and Economic Development Committee
RECOMMENDED POSITION: Watch
BOARD POSITION:

SUMMARY: This bill would increase the minimum dollar amount of any civil action judgment, settlement, or arbitration award that a licensed professional engineer or land surveyor would be required to report to the Board from $50,000 to any amount greater than $50,000. It adds a provision that would require licenses to report any civil action judgment or binding arbitration award of $25,000 or more when the licensee is found to be at fault.

COMMENT: Existing law requires licensed professional engineers and licensed professional land surveyors to report to the Board in writing within 90 days any civil action judgment, settlement, arbitration award, or administrative action resulting in a judgment, settlement, or arbitration award against the licensee in any action alleging fraud, deceit, misrepresentation, breach or violation of contract, negligence, incompetence, or recklessness by the licensee in the practice of professional engineering if the amount or value is $50,000 or more. Reports made to the Board under this provision are not considered public information and are not disclosed on the Board's website. However, the Board can use this information to start an investigation and may pursue discipline against a licensee if deemed necessary.

Since this law was implemented in 2008, there has been an average of 46 reports exceeding $50,000 made to the Board each year. In the majority of cases, no violation of the law by the licensee was found.

This bill would:

- Revise the reportable amount from $50,000 to that of any amount greater than $50,000 in settlement cases.
- Reduce the reportable amount to $25,000 in cases which went to verdict and fault by the licensee was found by a jury, judge or arbitration.

It should be noted that no such reporting requirement exists in law for Geologists or Geophysicists.

This bill is being sponsored by Cal-Geo.
Board for Professional Engineers, Land Surveyors, and Geologists
Bill Analysis
2013 Legislative Session

BILL: SB 822

TOPIC: Professions and vocations
DATE OF INTRODUCTION: 3/20/13
MOST RECENT VERSION: 3/20/13
ANALYSIS DATE: 4/4/13
BILL'S LEGISLATIVE HISTORY: To be heard in Senate Business, Professions, and Economic Development Committee 4/29/13.
RECOMMENDED POSITION: Support
BOARD POSITION: 

SUMMARY:
This is the Committee on Business, Professions and Economic Development Omnibus bill. Among other things, this bill would create a new category of registration, to be known as "retired registration," for geologists and geophysicists. (Amends Section 7887 of, and adds Section 7851 to, the Business & Professions Code)

COMMENT:
Currently the Geologist and Geophysicist Act (Business and Profession Code Sections 7800-7887) does not allow a retired license status for Professional Geologists or Geophysicists; however, there are statutes in the Professional Engineers Act and the Professional Land Surveyors Act that allow a retired license status and an associated processing fee.

If a Professional Geologist or Geophysicist retires from his or her profession, they have one of two options: they can stop paying their renewal fees which will cause their license to go to a delinquent status after the license expiration date, and eventually to a canceled status, (five years after the license expiration date), or the other option would be for the individual to continue to pay their renewal fees every two years to keep their license in an active status even though they are retired from the profession.

This bill would establish a retired license status and associated fee for the Professional Geologist and Geophysicist which is consistent with the status established for the Professional Engineers and Land Surveyors.

The proposed language for a retired status for Geologists and Geophysicists was put in the Committee's Omnibus bill at the request of the Board.
Administrative Workgroup Report

Work Plan for FY 2012-13

Assignments for the AW for FY 2012-13:

1. Assist the EO and Board staff with evaluations and recommendations towards improving the overall investigative process and decreasing the complaint aging. (SP Goal 1, Objectives 1.1, 1.3, and 1.6)

One of the tasks assigned by the Board to the Administrative Task Force (ATF) is to perform a review and audit of the enforcement case processing procedures in order to ensure that enforcement cases are processed in an efficient, effective, and fair manner.

Our initial focus has been on the Board staff’s (including Enforcement Unit staff, staff licensees, Executive Officer) involvement in the investigative portion, since we have the most control over this aspect of the process, which means we have the most control over revising the procedures during this portion. We have begun gathering data regarding the internal time frames for various actions that occur during the investigative portion in preparation for the ATF review. It is expected the ATF will determine which areas of activity require the most attention and address those areas with the establishment of revised policies or procedures.

Subsequent efforts will focus on time frames currently allowed within the investigative portion for specific tasks that involve requests to/from outside parties, such as subject response, expert response, response from others, etc. Additionally and upon the completion of the investigation portion, we will also be reviewing the processing times when cases are referred for either the issuance of a citation or for formal disciplinary action, which will include both internal and external (Attorney General’s Office and Office of Administrative Hearings) sources.

In order to have a random sampling of cases across all aging categories that would reflect overall general conditions, we reviewed cases for which investigations were completed in January, February, and March 2013. This review gathered data and evaluated staff procedures, specifically focusing on how long (in days) it took staff to take action on various tasks in the investigative process. This review identified several distinct situations that appear to primarily impact the efficiency of processing investigations:

a. Need to establish procedures that reasonably and efficiently allow staff to adhere to time frame goals, both internally and when communicating with outside parties.

b. Need to better refine processes, procedures, and criteria for analysts to use when selecting expert consultants (i.e., matching “area of expertise” with “area of investigation”).

c. Need to better define role and utilization of staff licensees.
d. Consideration of other duties that contribute to daily workload (i.e., general
inquiries, special projects, required attendance at hearings to testify, etc.).

e. Recognition that some cases take longer to investigate for various, but valid,
reasons. Need to refine steps to identify these reasons and the likelihood of this
occurrence earlier in the investigation of individual cases.

Staff will be discussing these situations with the ATF during the review of the gathered data in
order to develop procedural modifications.

2. Assist the EO with facilitating an audit of licensing applications with the goal of ensuring that
the Board is appropriately and consistently performing adequate review and approval. (SP
Goal 3, Objectives 3.3)

   a. Applications – primary focus on:
      i. Auditing past applications and compliance with existing laws.
      ii. Evaluation of those current laws (BR 425) for applicability with today’s practice

   b. It is anticipated that workgroup members will be working collaboratively with the EO
and Senior Registrars. Scheduling will occur during the times when application review
volume is lower. Preliminary review of PLS applications and BR425 is already underway
in preparation for presenting data to workgroup.

3. Review the current Board Operating Procedures (last revised 3/1999) and recommend
necessary revisions as required. (SP Goal 5, Objectives 5.4)

   a. Procedures will be evaluated by workgroup members prior to meeting with comments /
recommendations presented to staff for consideration.

4. Review the Technical Advisory Committee Operating Procedures (last revised 2/1995) and
recommend necessary revisions as required. (SP Goal 5, Objectives 5.4)

   a. Procedures will be evaluated by workgroup members prior to meeting with comments /
recommendations presented to staff for consideration.
VI. ENFORCEMENT

A. Enforcement Statistical Reports
NOTE: All FY12/13 statistics are through March 31, 2013.
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)
NOTE: FY12/13 data through March 31, 2013
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
NOTE: FY12/13 data through March 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

Outcome of Completed Investigations

**NOTE:** All FY12/13 statistics are through March 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 March 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)

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 March 31, 2013
PELS ENFORCEMENT PROGRAM
Formal Disciplinary Actions Against Licensees

Number of Licensees Referred for Formal Disciplinary Action and Number of Final Disciplinary Decisions

<table>
<thead>
<tr>
<th>FY09/10</th>
<th>FY10/11</th>
<th>FY11/12</th>
<th>FY12/13</th>
</tr>
</thead>
<tbody>
<tr>
<td>88</td>
<td>52</td>
<td>43</td>
<td>25</td>
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Final Disciplinary Decisions

Average Days from Referral for Formal Disciplinary Action to Effective Date of Final Decision

<table>
<thead>
<tr>
<th>FY09/10</th>
<th>FY10/11</th>
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<th>FY12/13</th>
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<tbody>
<tr>
<td>535</td>
<td>524</td>
<td>616</td>
<td>793</td>
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Average Days from Opening of Complaint Investigation to Effective Date of Final Decision

<table>
<thead>
<tr>
<th>FY09/10</th>
<th>FY10/11</th>
<th>FY11/12</th>
<th>FY12/13</th>
</tr>
</thead>
<tbody>
<tr>
<td>1923</td>
<td>1795</td>
<td>1550</td>
<td>1591</td>
</tr>
</tbody>
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NOTE: All FY12/13 statistics are through March 31, 2013
PELS ENFORCEMENT PROGRAM
Formal Disciplinary Actions Against Licensees
Types of Decisions

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

DEF = Default Decision
PD = Proposed Decision
STIP = Stipulated Settlement
DAR/RPD = Decision After Rejection of Proposed Decision/Reduction of Order of Proposed Decision
RECON = Modification of Default Decision or Proposed Decision after Petition for Reconsideration
G&G ENFORCEMENT PROGRAM
Complaint Investigation Phase

Complaint Investigations Opened and Completed

<table>
<thead>
<tr>
<th></th>
<th>Opened</th>
<th>Completed</th>
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</thead>
<tbody>
<tr>
<td>FY09/10</td>
<td>10</td>
<td>2</td>
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<td>FY10/11</td>
<td>24</td>
<td>40</td>
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<td>FY11/12</td>
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<td>52</td>
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<tr>
<td>FY12/13</td>
<td>15</td>
<td>21</td>
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Average Days from Opening of Complaint Investigation to Completion of Investigation

<table>
<thead>
<tr>
<th></th>
<th>FY09/10</th>
<th>FY10/11</th>
<th>FY11/12</th>
<th>FY12/13</th>
</tr>
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<tbody>
<tr>
<td>Days</td>
<td>931</td>
<td>1007</td>
<td>1177</td>
<td>1222</td>
</tr>
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</table>

Complaint Investigations Open (at end of FY or month of current FY)

<table>
<thead>
<tr>
<th></th>
<th>FY09/10</th>
<th>FY10/11</th>
<th>FY11/12</th>
<th>FY12/13</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>97</td>
<td>80</td>
<td>42</td>
<td>36</td>
</tr>
</tbody>
</table>

* FY09/10 is only from January through June 2010, when BGG was merged with BPELS
NOTE: All FY12/13 statistics are through March 31, 2013
G&G ENFORCEMENT PROGRAM
Citations (Informal Enforcement Actions) and Formal Disciplinary Actions against Licensees

Number of Final Citations

<table>
<thead>
<tr>
<th></th>
<th>FY09/10</th>
<th>FY10/11</th>
<th>FY11/12</th>
<th>FY12/13</th>
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<td>Number of Citations</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>1</td>
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Average Days from Opening of Complaint Investigation to Date Citation Becomes Final

<table>
<thead>
<tr>
<th></th>
<th>FY09/10</th>
<th>FY10/11</th>
<th>FY11/12</th>
<th>FY12/13</th>
</tr>
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<tbody>
<tr>
<td>Days</td>
<td>679</td>
<td>920</td>
<td>1085</td>
<td>1014</td>
</tr>
</tbody>
</table>

Number of Licensees Referred for Formal Disciplinary Action

<table>
<thead>
<tr>
<th></th>
<th>FY09/10</th>
<th>FY10/11</th>
<th>FY11/12</th>
<th>FY12/13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Licensees</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>4</td>
</tr>
</tbody>
</table>

* FY09/10 is only from January through June 2010, when G&G was merged with BPES

NOTE: All FY12/13 statistics are through March 31, 2013
VII. EXAMS/LICENSES
   A. Examination Update
VIII. APPROVAL OF DELINQUENT REINSTATEMENTS
APPROVAL OF DELINQUENT REINSTATEMENTS

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

CIVIL

WILLIAM BIGELOW
Reinstate applicant's civil license once he/she takes and passes the California Seismic Principles and Engineering Surveying examinations.

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

MECHANICAL

ROBERT DETZNER
- Reinstate applicant's mechanical license once he/she pays all delinquent and renewal fees.
IX. CONSIDERATION OF RULEMAKING PROPOSALS

A. Adoption of Proposed Amendments to Title 16, California Code of Regulations Sections 411, 412, 3008, and 3009 (Seal, Signature, and Address Change); and 442 and 3035 (Examination Subversion)
The proposed amendments to the above regulations were noticed for public comment on March 1, 2013. The 45-day period for the submittal of written comments will end on April 15, 2013. 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 has been received.

Comment: A comment was received from a licensed Land Surveyor requesting clarification concerning the seal that the licensee currently uses.

Recommended Response: The Board states that as long as the seal meets the minimum requirements for the Professional Land Surveyor’s seal as described in Title 16, California Code of Regulations section 411, there is nothing in the laws under the Board’s jurisdiction to prohibit including additional information, as long as that additional information did not constitute a violation of any of the laws or a misrepresentation of licensure status.

As of April 8, 2013, the Board has received only this comment. If no other comments are received by the Board Meeting date of April 18, 2013, staff recommends the Board adopt the proposed changes to Title 16, California Code of Regulations sections 411, 412, 3008, and 3009 and direct staff to finalize the rulemaking file for submittal to the Department of Consumer Affairs and the Office of Administrative Law for review and approval. If other comments are received between April 8 and the close of the public comment period, this agenda item will be referred to a later Board meeting.

RECOMMENDED MOTION
Adopt the proposed changes to Title 16, California Code of Regulations sections 411, 412, 3008, and 3009 and direct staff to finalize the rulemaking file for submittal to the Department of Consumer Affairs and the Office of Administrative Law for review and approval.
Amend section 411 of Article 1 in Division 5 of Title 16 of the California Code of Regulations to read as follows:

411. Seal and Signature.

(a) The seal required by Section 6764 of the Code shall be not less than one and one-half (1 1/2) inches in diameter and shall contain the following information:

(1) Within the top border of seal: Either “Professional Engineer,” “Registered Professional Engineer,” or “Licensed Professional Engineer.”
(2) Within the bottom border of seal: “State of California.”
(3) In the center of seal:
   (A) Licensee’s name as it appears on the certificate issued by the Board or as abbreviated pursuant to subdivision (d);
   (B) Number of certificate or authority; and,
   (C) Branch or authority of engineering in which licensed.

The seal shall be of a design similar to those shown below and shall bear at minimum those elements specified above.

(b) The seal authorized by Section 8750 of the Code shall be not less than one and one-half (1 1/2) inches in diameter and shall contain the following information:

(1) Within the top border of the seal: Either “Professional Land Surveyor” or “Licensed Land Surveyor.”
(2) Within the bottom border of the seal: “State of California.”
(3) In the center of the seal:
   (A) Licensee’s name as it appears on the certificate issued by the Board or as abbreviated pursuant to subdivision (d); and,
   (B) Number of certificate.

The seal shall be of a design similar to those shown below and shall bear at minimum those elements specified above.

(c) The seal may be obtained by the licensee from any source.

(d) The seal may contain an abbreviated form of the licensee’s given name or a combination of initials representing the licensee’s given name provided the surname listed with the Board appears on the seal and in the signature.

(e) The seal shall be capable of leaving a permanent ink representation, an opaque and permanent impression, or an electronically-generated representation on the documents. The signature may be applied to the documents electronically.
(f) Preprinting of blank forms with the seal or signature, the use of decals of the seal or signature, or the use of a rubber stamp of the signature is prohibited.

(g)(1) All professional engineering plans, specifications, reports, or documents (hereinafter referred to as “documents”) shall be signed and sealed in accordance with the requirements of the Professional Engineers Act and any other laws related to the practice of professional engineering and shall be signed and sealed in a manner such that all work can be clearly attributed to the licensee(s) in responsible charge of the work.

(2) All maps, plats, reports, descriptions, or other professional land surveying documents (hereinafter referred to as “documents”) shall be signed and sealed in accordance with the requirements of the Professional Land Surveyors’ Act and any other laws related to the practice of professional land surveying and shall be signed and sealed in a manner such that all work can be clearly attributed to the licensee(s) in responsible charge of the work.

(3) When signing and sealing documents containing work done by, or under the responsible charge of, two or more licensees, the signature and seal of each licensee in responsible charge shall be placed on the documents with a notation describing the work done under each licensee’s responsible charge.

(h) Each licensee shall include the date of signing and sealing immediately below or next to the signature and seal.


Amend section 412 of Article 1 in Division 5 of Title 16 of the California Code of Regulations to read as follows:

412. Address Change.

Each person who is an applicant for, or a holder of, a certificate or license issued by the Board under provisions of the Professional Engineers Act or the Professional Land Surveyors’ Act shall file his or her address of record with the Board office. Within thirty (30) days after changing addresses, any change to his or her address of record, he or she shall notify the Board office in writing of such change.


Amend section 3008 of Article 1 in Division 29 of Title 16 of the California Code of Regulations to read as follows:

3008. Seal.

(a) The seal authorized by Section 7852 of the Code may be purchased by the registered licensee from any convenient source. It shall be of the design shown here and shall not be less than one and one-half (1 1/2) inches in diameter and shall contain the following information:
(1) The licensee’s name as it appears on the certificate issued by the Board or as abbreviated pursuant to subdivision (e);

(2) Number of license or authority.

The seal shall be of a design similar to that shown below and shall bear at minimum those elements specified above.

(b) The certified specialty geologist seal shall be of the design shown here and shall not be less than one and one-half (1 1/2) inches in diameter and shall contain the following information:

(1) The licensee’s name as it appears on the certificate issued by the Board or as abbreviated pursuant to subdivision (e);

(2) Number of certification or authority;

(3) Either “Certified Engineering Geologist” or “Certified Hydrogeologist,” depending on the certification of the licensee.

The seal shall be of a design similar to that shown below and shall bear at minimum those elements specified above.

(c) The seal authorized by Section 7852.1 may be purchased by the registrant licensee from any convenient source. It shall be of the design shown here and shall not be less than one and one-half (1 1/2) inches in diameter and shall contain the following information:

(1) The licensee’s name as it appears on the certificate issued by the Board or as abbreviated pursuant to subdivision (e);

(2) Number of license or authority.

The seal shall be of a design similar to that shown below and shall bear at minimum those elements specified above.
(d) The seals authorized by Section 7852 and Section 7852.1 shall not be used on a Real Estate Transfer Disclosure Statement required by Section 1102.6 of the Civil Code. However, the seals authorized by Sections 7852 and 7852.1 shall be used on any geologic or geophysical report or opinion, dealing with matters within the scope of the professional's license and expertise, if said report or opinion is attached separately as a substituted disclosure pursuant to a Real Estate Transfer Disclosure Statement required by Section 1102.6 of the Civil Code.

(e) The seal may contain an abbreviated form of the licensee's given name or a combination of initials representing the licensee's given name provided the surname listed with the Board appears on the seal and in the signature.

(f) The seal shall be capable of leaving a permanent ink representation, a permanent impression, or an electronically-generated representation on the documents. The signature may be applied to the documents electronically.

(g) Preprinting of blank forms with the seal or signature, the use of decals of the seal or signature, or the use of a rubber stamp of the signature is prohibited.

(h)(1) All professional geological plans, specifications, reports, or documents (hereinafter referred to as "documents") shall be signed and sealed in accordance with the requirements of the Geologist and Geophysicist Act and any other laws related to the practice of professional geology and shall be signed and sealed in a manner such that all work can be clearly attributed to the licensee(s) in responsible charge of the work.

(2) All professional geophysical plans, specifications, reports, or documents (hereinafter referred to as "documents") shall be signed and sealed in accordance with the requirements of the Geologist and Geophysicist Act and any other laws related to the practice of professional geophysics and shall be signed and sealed in a manner such that all work can be clearly attributed to the licensee(s) in responsible charge of the work.

(3) When signing and sealing documents containing work done by or under the responsible charge of two or more licensees, the signature and seal of each licensee in responsible charge shall be placed on the documents with a notation describing the work done under each licensee's responsible charge.

(i) Each licensee shall include the date of signing and sealing immediately below or next to the signature and seal.

Amend section 3009 of Article 1 in Division 29 of Title 16 of the California Code of Regulations to read as follows:

3009. Address Change.
Each person who is an applicant for registration or a holder of a certificate of registration, or license or permit from issued by the Board shall file his or her address of record with—notify the Board, at its Sacramento office, within 60-thirty (30) days after any of any and all changes, giving both his or her old and new address of record. He or she shall notify the Board in writing of such change.

APPROVAL AND ADOPTION OF RULEMAKING PROPOSALS
RELATING TO
EXAMINATION SUBVERSION
[Title 16, California Code of Regulations sections 442 and 3035]

The proposed amendments to the above regulations were noticed for public comment on March 1, 2013. The 45-day period for the submittal of written comments will end on April 15, 2013. No public hearing was scheduled on this rulemaking proposal, and none was requested during the time period in which to request a hearing.

As of April 8, 2013, the Board has not received any written comments. If no comments are received by the Board Meeting date of April 18, 2013, staff recommends the Board adopt the proposed changes to Title 16, California Code of Regulations sections 442 and 3035 and direct staff to finalize the rulemaking file for submittal to the Department of Consumer Affairs and the Office of Administrative Law for review and approval. If comments are received between April 8 and the close of the public comment period, this agenda item will be referred to a later Board meeting.

RECOMMENDED MOTION
Adopt the proposed changes to Title 16, California Code of Regulations sections 442 and 3035 and direct staff to finalize the rulemaking file for submittal to the Department of Consumer Affairs and the Office of Administrative Law for review and approval.
§442. Examination Subversion.
(a) Examination subversion is the use of any means to alter the results of an examination to cause the results to inaccurately represent the competency of an examinee. Examination subversion includes, but is not limited to:
   (1) Communication between examinees inside of the examination room.
   (2) Giving or receiving any unauthorized assistance on the examination while an examination is in progress.
   (3) Having any unauthorized printed or written matter or other devices in his or her possession which might serve to aid the examinee on the examination.
   (4) Obtaining, using, buying, selling, distributing, having possession of, or having unauthorized access to secured examination questions or other secured examination material prior to, during or after the administration of the examination.
   (5) Copying another examinee’s answers or looking at another examinee’s materials while an examination is in progress.
   (6) Permitting anyone to copy answers to the examination.
   (7) Removing any secured examination materials from the examination facility.
   (8) Allowing another person to take the examination in the examinee’s place.
   (9) Placing any identifying mark upon his or her examination papers other than his or her identification number or other identifiers as directed by the examination administrator.
   (10) Use by an examinee of any written material, audio material, video material, digital material, or any other mechanism not specifically authorized during the examination for the purpose of assisting an examinee in the examination.
   (11) Writing on anything other than designated examination material.
   (12) Writing or erasing anything after time is called.
(b) At the discretion of the Executive Officer, if there is evidence of examination subversion by an examinee prior to, during, or after the administration of the examination, one or more of the following may occur:
   (1) The examinee may be denied the privilege of taking the examination if examination subversion is detected before the administration of the examination.
   (2) If the examination subversion detected has not yet compromised the integrity of the examination, such steps as are necessary to prevent further examination subversion shall be taken, and the examinee may be permitted to continue with the examination.
   (3) The examinee may be requested to leave the examination facility if examination subversion is detected during the examination.
   (4) The examinee may be requested to submit written advisement of his or her understanding of and intent to comply with understanding of the law.
(5) The examination results may be voided and the application and examination fee forfeited.

(6) The examinee may not be allowed to sit for an examination for up to three (3) years.

(c) If examination subversion is detected after the administration of the examination, the Executive Officer shall make appropriate inquiry to determine the facts concerning the examination subversion and may take any of the actions as described in subdivision (b).

(d) The Executive Officer reserves the right not to release the examination results to the examinee pending the outcome of any investigation of examination subversion.

(e) Removal from or voidance of one part of a multiple-part examination taken during a single examination administration shall constitute may be cause for removal from or voidance of all other parts of the multiple-part examination.


Amend section 3035 of Article 3 in Division 29 of Title 16 of the California Code of Regulations to read as follows:

§3035. Examination Irregularities Subversion.

(a) Examinees are forbidden to receive any unauthorized assistance during the examination. Communication between examinees or possession of unauthorized matter or devices during the examination is strictly prohibited.

(b) Only scheduled examinees, board members, the executive officer and authorized examination personnel shall be admitted to the examination room.

(a) Examination subversion is the use of any means to alter the results of an examination to cause the results to inaccurately represent the competency of an examinee. Examination subversion includes, but is not limited to:

(1) Communication between examinees inside of the examination room.

(2) Giving or receiving any unauthorized assistance on the examination while an examination is in progress.

(3) Having any unauthorized printed or written matter or other devices in his or her possession which might serve to aid the examinee on the examination.

(4) Obtaining, using, buying, selling, distributing, having possession of, or having unauthorized access to secured examination questions or other secured examination material prior to, during, or after the administration of the examination.

(5) Copying another examinee’s answers or looking at another examinee’s materials while an examination is in progress.

(6) Permitting anyone to copy answers to the examination.

(7) Removing any secured examination materials from the examination facility.

(8) Allowing another person to take the examination in the examinee’s place.

(9) Placing any identifying mark upon his or her examination papers other than his or her identification number or other identifiers as directed by the examination administrator.
(10) Use by an examinee of any written material, audio material, video material, digital material, or any other mechanism not specifically authorized during the examination for the purpose of assisting an examinee in the examination.

(11) Writing on anything other than designated examination material.

(12) Writing or erasing anything after time is called.

(b) At the discretion of the Executive Officer, if there is evidence of examination subversion by an examinee prior to, during, or after the administration of the examination, one or more of the following may occur:

(1) The examinee may be denied the privilege of taking the examination if examination subversion is detected before the administration of the examination.

(2) If the examination subversion detected has not yet compromised the integrity of the examination, such steps as are necessary to prevent further examination subversion shall be taken, and the examinee may be permitted to continue with the examination.

(3) The examinee may be requested to leave the examination facility if examination subversion is detected during the examination.

(4) The examinee may be requested to submit written advice of his or her understanding of and intent to comply with the law.

(5) The examination results may be voided and the application fee forfeited.

(6) The examinee may not be allowed to sit for an examination for up to three (3) years.

(c) If examination subversion is detected after the administration of the examination, the Executive Officer shall make appropriate inquiry to determine the facts concerning the examination subversion and may take any of the actions as described in subdivision (b) of this section.

(d) The Executive Officer reserves the right not to release the examination results to the examinee pending the outcome of any investigation of examination subversion.

(e) Removal from or voidance of one part of a multiple-part examination taken during a single examination administration may be cause for removal from or voidance of all other parts of the multiple-part examination.

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 February 2013.

The Engineers and Land Surveyors (PELS) Fund as of February 28, 2013:

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<thead>
<tr>
<th></th>
<th>FY 12/13</th>
<th>FY 11/12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td>$4.8 Million</td>
<td>$8.9 Million</td>
</tr>
<tr>
<td>Revenue</td>
<td>$6.7 Million</td>
<td>$9.0 Million</td>
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<tr>
<td>Applications</td>
<td>8,516</td>
<td>16,055</td>
</tr>
<tr>
<td>Renewals</td>
<td>27,053</td>
<td>31,303</td>
</tr>
</tbody>
</table>

Budget Allotment       | $9.23 Million |
Projection to Year-End | $7.13 Million |
Surplus/Deficit        | $2.10 Million |
Revenue (Year-End)     | $9.18 Million |

Expenditures have been reduced by $4.0 Million versus last FY as a result of no longer contracting for and 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 a reduction of 50% in EIT and LSIT applications versus last FY (FY 2011-12: 7,530; FY 2012-13: 3,316).

The Geologist and Geophysicists (GEO) Fund as of February 28, 2013:

<table>
<thead>
<tr>
<th></th>
<th>FY 12/13</th>
<th>FY 11/12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td>$890 Thousand</td>
<td>$635 Thousand</td>
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<tr>
<td>Revenue</td>
<td>$724 Thousand</td>
<td>$678 Thousand</td>
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<tr>
<td>Applications</td>
<td>215</td>
<td>179</td>
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<tr>
<td>Renewals</td>
<td>2,219</td>
<td>2,752</td>
</tr>
</tbody>
</table>

Budget Allotment       | $1.36 Million |
Projection to Year-End | $1.10 Million |
Surplus/Deficit        | $252 Thousand |
Revenue (Year-End)     | $1.04 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.
### Personal Services:

<table>
<thead>
<tr>
<th>Service Description</th>
<th>FY 2011-12 Actual Expenditures (Month 1)</th>
<th>FY 2012-13 Budget Expenditures as of 2/28/2012</th>
<th>FY 2012-13 Projected Expenditures as of 2/28/2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>1,906,748, 1,222,281</td>
<td>2,008,116, 1,278,341</td>
<td>1,914,582, 93,534</td>
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<tr>
<td>Civil Service-Perm</td>
<td>70,815, 50,311</td>
<td>101,908, 54,883</td>
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<tr>
<td>Temp Help (907)</td>
<td>0, 0</td>
<td>0, 0</td>
<td>0, 0</td>
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<td>Examiners (915)</td>
<td>0, 0</td>
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<td>0, 0</td>
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<td>Allocated Proctor Cost</td>
<td>133,913, 80,520</td>
<td>93,586, 68,407</td>
<td>15,996, 15,996</td>
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<td>105,923, 70,063</td>
<td>102,610, 9,024</td>
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<td>Board/Commission (910,920)</td>
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<td>Comm Member (911)</td>
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<td>0, 0</td>
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<td>Overtime (609)</td>
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<td>Staff Benefits</td>
<td>827,810, 536,008</td>
<td>893,773, 602,718</td>
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<td>Salary Savings</td>
<td>0, 0</td>
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<td>0, 0</td>
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<tr>
<td><strong>TOTAL, PERSONAL SVC</strong></td>
<td><strong>3,050,806, 1,965,150</strong></td>
<td><strong>3,250,792, 2,021,046</strong></td>
<td><strong>2,974,276, 276,516</strong></td>
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### Operating Expense and Equipment:

<table>
<thead>
<tr>
<th>Item</th>
<th>FY 2011-12 Actual Expenditures (Month 1)</th>
<th>FY 2012-13 Budget Expenditures as of 2/28/2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Expense</td>
<td>46,061, 33,583</td>
<td>57,474, 31,639</td>
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<td>Fingerprint</td>
<td>5,747, 31,639</td>
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<tr>
<td>Printing</td>
<td>24,312, 13,519</td>
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<td>Communication</td>
<td>23,108, 16,719</td>
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<tr>
<td>Postage</td>
<td>35,140, 33,225</td>
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<td>Insurance</td>
<td>135, 135</td>
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<td>Travel In State</td>
<td>41,702, 21,405</td>
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<tr>
<td>Travel Out-Of-State</td>
<td>0, 0</td>
<td>0.0%</td>
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<tr>
<td>Training</td>
<td>130, 50</td>
<td>2.6%</td>
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<td>Facilities Operations</td>
<td>261,785, 380,126</td>
<td>394,541, 335,272</td>
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<td>C/P Services - Internal</td>
<td>23,958, 163,215</td>
<td>325.5%</td>
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<tr>
<td>C/P Services - External</td>
<td>5,012, 295,163</td>
<td>377,015, 372,003</td>
</tr>
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<td><strong>Departmental Services:</strong></td>
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<td>Intergency</td>
<td>28,534, 28,534</td>
<td>836, 29,014</td>
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<tr>
<td>All Other DCA Pro Rata</td>
<td>1,027,393, 684,413</td>
<td>766,506, 74.5%</td>
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<tr>
<td>Consolidated Data Center (Teal)</td>
<td>344, 250</td>
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<td>Information Technology</td>
<td>11,736, 9,658</td>
<td>18,873, 56.8%</td>
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<td>Central (State) Admin Pro Rata</td>
<td>400,546, 300,397</td>
<td>298,206, 75.0%</td>
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<td>Examinations</td>
<td>567, 0</td>
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<td>Exam Supplies/Materials</td>
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<td>Exam Rent</td>
<td>131,686, 155,505</td>
<td>478, 0.1%</td>
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<td>Admin, External Sys</td>
<td>3,734,823, 4,144,659</td>
<td>169,154, 7.6%</td>
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<td>C/P SVS - Expert Exam</td>
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<td>145,322, 0</td>
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<td>25,750, 25,750</td>
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<td>Other Items of Expense</td>
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<td>308, 0</td>
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<td>Vehicle Operations</td>
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<td>Enforcement</td>
<td>0, 0</td>
<td>2,993, 0</td>
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<tr>
<td>Attorney General</td>
<td>600,745, 410,026</td>
<td>413,600, 68.0%</td>
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<tr>
<td>Office Admin, Hearing</td>
<td>126,404, 82,752</td>
<td>78,332, 48.2%</td>
</tr>
<tr>
<td>Evidence / Witness Fees</td>
<td>163,508, 80,702</td>
<td>130,767, 82.1%</td>
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<td>Court Reporters</td>
<td>13,925, 4,600</td>
<td>5,950, 0.0%</td>
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<td>DOJ - Investigation</td>
<td>380,175, 270,383</td>
<td>260,456, 75.0%</td>
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<tr>
<td>Minor Equipment</td>
<td>35,588, 31,101</td>
<td>1,253, 15.7%</td>
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<td>Special Adjustments - OE&amp;E Board of Control Claims</td>
<td>0, 0</td>
<td>0, 0</td>
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<td><strong>TOTALS, OE&amp;E:</strong></td>
<td><strong>7,453,817, 7,023,779</strong></td>
<td><strong>6,063,133, 2,799,847</strong></td>
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<tr>
<td>TOTAL EXPENSE:</td>
<td><strong>10,544,623, 8,986,929</strong></td>
<td><strong>9,313,925, 4,820,895</strong></td>
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### Reimbursements:

<table>
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<tr>
<th>Item</th>
<th>FY 2011-12 Actual Expenditures (Month 1)</th>
<th>FY 2012-13 Budget Expenditures as of 2/28/2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scheduled</td>
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<td>0, 0</td>
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<tr>
<td>External &amp; Unscheduled</td>
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<td>0, 0</td>
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<tr>
<td>Distribution Cost - Int. Geology</td>
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<td>0, 0</td>
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<td><strong>TOTAL REIMBURSEMENTS:</strong></td>
<td><strong>0, 0</strong></td>
<td><strong>0, 0</strong></td>
</tr>
<tr>
<td>NET APPROPRIATION:</td>
<td><strong>10,450,623, 8,986,929</strong></td>
<td><strong>9,229,925, 4,820,895</strong></td>
</tr>
</tbody>
</table>

**SURPLUS/(DEFICIT):** 22.75%
## FUND NO. 3205
### GEOLIGISTS AND GEOPHYSICISTS PROGRAM
#### BUDGET REPORT
##### EXPENDITURE PROJECTION

**February 28, 2013**

<table>
<thead>
<tr>
<th>MONTH</th>
<th>FY 2011-12</th>
<th>FY 20112-13</th>
<th>Mos. Remaining: 4</th>
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<td>ACTUAL EXPENDITURES</td>
<td>FY EXPENDITURES</td>
<td>CT EXPENDITURES</td>
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<td>PERSONAL SERVICES:</td>
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<td></td>
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<td>Salaries and Wages</td>
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<td>2,400</td>
<td>2,400</td>
<td>18,933</td>
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<td>Allocated Proctor Cost</td>
<td>19,165</td>
<td>11,507</td>
<td>8,282</td>
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<tr>
<td>Board/Commission (910,920)</td>
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<td></td>
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<tr>
<td>Committee Member (911)</td>
<td>700</td>
<td>700</td>
<td>900</td>
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<td>Overtime (809)</td>
<td>1,557</td>
<td>1,278</td>
<td>1,026</td>
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<td>Staff Benefits</td>
<td>80,287</td>
<td>46,947</td>
<td>118,305</td>
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<td>Salary Savings</td>
<td>0</td>
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<td>TOTAL, PERSONAL SVC</td>
<td>278,715</td>
<td>171,890</td>
<td>372,228</td>
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### OPERATING EXPENSE AND EQUIPMENT:

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<th>ACTUAL</th>
<th>FY</th>
<th>BUDGET</th>
<th>CT</th>
<th>PERCENT</th>
<th>PROJECTIONS</th>
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<tbody>
<tr>
<td>General Expense</td>
<td>7,903</td>
<td>7,324</td>
<td>15,547</td>
<td>2,154</td>
<td>13.5%</td>
<td>8,500</td>
</tr>
<tr>
<td>Fingerprint Reports</td>
<td>3,583</td>
<td>1,806</td>
<td>2,731</td>
<td>1,226</td>
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</tr>
<tr>
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<td>552</td>
<td>6,275</td>
<td>502</td>
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<td>8,323</td>
<td>6,889</td>
<td>3,731</td>
<td>2,680</td>
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<td>11,664</td>
<td>1,427</td>
<td>4,469</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>Travel, Out-of-State</td>
<td>2,231</td>
<td>250</td>
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<td>500</td>
<td>1,731</td>
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<td>Training</td>
<td>6,006</td>
<td>6,800</td>
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<td>6,800</td>
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<td>Faculties Operations</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>C &amp; P Services - Interdept.</td>
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<td>C &amp; P Services - External</td>
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<td>59,100</td>
<td>0.0%</td>
<td>59,100</td>
<td>0.0%</td>
<td>0</td>
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<td>DP Billing (OIS)</td>
<td>40,668</td>
<td>26,362</td>
<td>32,134</td>
<td>24,085</td>
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<td>32,134</td>
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<td>Indirect (Distributed Cost - OAS &amp; ISO)</td>
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<td>42,155</td>
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<td>25,761</td>
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<td>68,000</td>
<td>(42,239)</td>
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<td>Interagency Agreement (OER)</td>
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<td>146,258</td>
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<td>276,124</td>
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<td>276,124</td>
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<td>DOI Preparations</td>
<td>30</td>
<td>25</td>
<td>(52)</td>
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<td>(52)</td>
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<td>Public Affairs Office</td>
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<td>(59)</td>
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<td>Consumer &amp; Comm. Rel. (CCED)</td>
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<td>583</td>
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<td>Consolidated Data Center (CData)</td>
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<td>44</td>
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<td>Data Processing Maint/Supplies</td>
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<td>4,108</td>
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<td>61,036</td>
<td>45,777</td>
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<td>57,695</td>
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<td>EXAMINATIONS:</td>
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<td>Exam Supplies/Materials</td>
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<td>Exam Rent - Non State</td>
<td>296</td>
<td>137,000</td>
<td>359,935</td>
<td>168,307</td>
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<td>Administrative External Svcs</td>
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<td>48,465</td>
<td>110,319</td>
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<td>C/P Svs - Ext Expert Examiners</td>
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<td>0</td>
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<tr>
<td>C/P Svs - Sub Matter Experts</td>
<td>628</td>
<td>828</td>
<td>828</td>
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<td>(828)</td>
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<tr>
<td>Major Equipment</td>
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<td>0</td>
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<tr>
<td>Minor Equipment</td>
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<td>(1,500)</td>
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<td>Special Adjustments</td>
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<td>ENFORCEMENT:</td>
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<tr>
<td>Attorney General</td>
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<td>380</td>
<td>215,333</td>
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<td>160</td>
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<td>3,300</td>
<td>4,483</td>
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<td>Court Reporters</td>
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<tr>
<td>DOI Investigation</td>
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<td>TOTALS, O&amp;E:</td>
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<td>463,334</td>
<td>985,358</td>
<td>678,729</td>
<td>68.9%</td>
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<tr>
<td>TOTAL EXPENSE:</td>
<td>1,009,887</td>
<td>635,014</td>
<td>1,357,596</td>
<td>890,289</td>
<td>66.6%</td>
<td>1,106,807</td>
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<tr>
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<td>0.0%</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Sched. Reimb. - Fingerprint Reports</td>
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<td>Unsched. Reimb.</td>
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<td>TOTAL REIMBURSEMENTS:</td>
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<td>0</td>
<td>0.0%</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>NET APPROPRIATION:</td>
<td>1,009,887</td>
<td>635,014</td>
<td>1,357,596</td>
<td>890,289</td>
<td>66.6%</td>
<td>1,106,807</td>
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<tr>
<td>SURPLUS/(DEFICIT):</td>
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XI. TECHNICAL ADVISORY COMMITTEES (TACs)

A. Board Assignments to TACs
B. Appointment of TAC Members
C. Reports from the TACs
APPPOINTMENT OF NEW CIVIL ENGINEERING TECHNICAL ADVISORY COMMITTEE MEMBERS

REPORT: There are currently four vacant positions on the Civil Engineering Technical Advisory Committee (CE-TAC). Board member Robert Stockton has nominated Adam White of Oakland and Neal Colwell of Lodi for appointment to the CE-TAC.

Mr. White has been a licensed civil engineer since 1998 and is employed by the U.S. Coast Guard in Oakland. He specializes in civil engineering design for renovation, restoration, and new construction.

Mr. Colwell has been a licensed civil engineer since 1999 and is employed by Kjeldsen, Sinnock & Neudeck in Stockton. He specializes in projects relating to potable water and wastewater systems for public agencies.

The appointment of these candidates will enhance the civil engineering expertise on the committee and continue the practice of maintaining a diverse TAC membership.

PROPOSED MOTION:

That Adam White and Neal Colwell be appointed as members of the Civil Engineering Technical Advisory Committee.
XII. LIAISON REPORTS

A. ASBOG
B. ABET
C. NCEES
   1. Mr. Jerry Carter, Executive Director – Update on NCEES Activities
   2. Appointment of Associate Member
D. Technical and Professional Societies
FP 3 Travel Expenses

A. The Council shall budget for and pay travel expenses of members of the board of directors, committee members and consultants as authorized by the president, and Council staff to attend meetings representing NCEES. In addition, the Council may pay travel expenses for the nominees of the Committee on Nominations as well as the chairs of standing committees and task forces to attend the annual business meeting. Registration fees shall be waived for each funded individual and for a guest of each member of the board of directors and each Committee on Nominations nominee.

The president and the president-elect, with the oversight of the treasurer, have the discretion to purchase business class airfares for trips greater than or equal to 3 hours’ actual flying time. If no business class is available, first class may be considered.

Unbudgeted international travel shall require authorization by the board of directors. All authorized travel and reimbursements shall be in accordance with the NCEES travel policy.

B. The Council shall pay the travel expenses of a minimum of one delegate from each full member board to the annual business meeting as specified by the member board. Expenses shall be paid according to the current expense payment policies of NCEES. The annual business meeting registration fee for the delegate shall be waived. The cost of optional functions not included in the registration fee shall not be paid by NCEES. Member boards must meet the Bylaws requirements for voting to receive the benefits of a funded delegate. The Council shall also pay the travel expenses and registration fee of one first-time attendee from each member board, within 18 months of initial appointment, to the annual business meeting. Member Boards with more than __________ registrants will be entitled to one additional funded delegate to the annual business meeting beyond the number officially determined annually by the board of directors.

C. The Council shall pay the travel expenses and registration fee of a minimum of one delegate from each full member board to that board’s respective zone interim meeting as specified by the member board. The delegate must be a member of the member board or associate member designated to vote for the member board. Expenses shall be paid according to the current expense payment policies of NCEES. The cost of optional functions not included in the registration fee shall not be paid by NCEES. Member Boards with more than __________ registrants will be entitled to one additional funded delegate to that board’s respective zone interim meeting beyond the number officially determined annually by the board of directors.

FP 8 Membership Fees

All membership fees will be reviewed and approved by the Council. The current approved schedule is included here for reference.

<table>
<thead>
<tr>
<th>Member Boards</th>
<th>Current Price</th>
<th>Date Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 through 150 registrants</td>
<td>$750</td>
<td>annually 01/01/09</td>
</tr>
<tr>
<td>151 through 500 registrants</td>
<td>$2,600</td>
<td>annually 01/01/09</td>
</tr>
<tr>
<td>501 or more registrants</td>
<td>$6,500</td>
<td>annually 01/01/07</td>
</tr>
</tbody>
</table>
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 March 7, 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, March 7, 2013
Beginning at 10:00 a.m.

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

Board Members Absent: Kathy Jones Irish; Hong Beom Rhee; Robert Stockton

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); Erin LaPerle (Analyst, Geology Program); Larry Kereszt (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 could not be established.

II. Public Comment
Bob Dewitt representing ACEC indicated that their legislative effort is in a bill, AB1063, that relates to surveyors. He pointed out that there are three components. The first is the ability to file with a record of survey a document that supports the information shown on a map. They found that it may be difficult to explain everything on the map. This would provide a method of recording a multipage document with the county recorder’s office that would link with the map.

The second component involves monument marking. Public agencies do not have to show the license number on a monument. He explained that the membership feels that there should be responsible charge for monuments.

The third item relates to the use of the title of “County Engineer” or “City Engineer” or “City Surveyor” when a person is not licensed. This legislation would restrict the title to professional members.

Ms. Arnold reported that Mr. Moore and Mr. Mathe have ongoing dialogue with Mark Smith.
Mr. Trujillo arrived at 10:08 AM, and a quorum was established at this time.

V. Executive Officer’s Report

A. Legislation

1. Discussion of Legislation for 2013: SB 152 and SB 207

Ms. Arnold reported that Senate Bill 152 and Senate Bill 207 are sponsored by the Board. SB 152 involves written contracts for Geologists and Geophysicists. She is optimistic that there will not be any problems with the written contracts. AEG is neutral and CalGeo will most likely support it, and she hopes that ACEC supports the bill.

Senate Bill 207, relating to eliminating the requirement that the address of record appear on the Board’s website is scheduled to be heard April 1, 2013 in Senate Business and Professions Committee.

MOTION: Mr. Tami and Mr. Zinn moved to support SB 152 and SB 207.

VOTE: 8-0, Motion carried

2. Legislative Proposals

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

She added that SB 152 will be amended to include the repeal of temporary authorizations. Temporary authorization for land surveyors has already been eliminated.

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

Ms. Arnold indicated that it is in the Omnibus Bill. She has yet to receive a number.

Ms. Arnold added that she will be providing information at the next Board meeting on the following bills: AB 1063 (ACEC); SB 679 (CalGeo); and AB 186, military spouses: temporary licenses.

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

Mr. Moore indicated that staff is still researching and will provide an update at the next meeting. He continued that if there is unlicensed activity where the unlicensed person(s) has a legitimate corporation and is offering engineering, land surveying, or geology services, the individual is fined, not the company, and we cannot collect the fine from the company. Mr. Duke confirmed that the fines are on an individual basis and not a company basis.
C. Strategic Plan Update
   1. Action Plan Summary for FY 2012- 2013
      Mr. Moore reviewed the information provided in the agenda and
      provided a progress report. Mr. Satorre would like to see actual
      numbers. Mr. Moore will bring more information to the April meeting.

D. Personnel
   Mr. Moore introduced Jaime Ingram as the new office technician for the
   Geology Unit.

   Last September, due to budgetary constraints, the Governor eliminated
   retired annuitants. At that time, requests to maintain both Ms. Strubinger
   and Ms. Buerger were granted on a temporary basis. Requests to extend
   their time as retired annuitants have been denied.

   1. Executive Officer Performance Evaluation
      President Wilburn indicated that DCA issued a new Executive Officer
      evaluation that he will be initiating. Guidelines will be provided to all
      Board members to evaluate Mr. Moore's performance. He will
      coordinate with Ms. Calderone to distribute accordingly.

E. Administrative Task Force
   Mr. Moore reported during January's meeting that he was attempting to
   organize a conference call with the taskforce; however, it was not able to
   be organized due to scheduling conflicts. He is hoping to accomplish this
   task within the next few weeks.

Mr. Silva arrived at 10:35 AM

VI. Enforcement
   A. Enforcement Statistical Reports
      Ms. Eissler presented the statistics through the end of January; she is
      currently working on the statistics that are through the end of February.
      The Enforcement Unit has made progress with the backlog in cases
      waiting for citations to be issued, others where citations have been issued
      and formal appeal hearings have been requested to be submitted to the
      AG's office. The backlog has almost been eliminated and the work is
      currently being managed on a flow basis as the investigations are
      completed. She believes that by the end of April the backlog will be
      eliminated for the citation cases waiting to be sent to the AG for the formal
      appeal hearing. Most likely by the end of the fiscal year, the backlog will
      be eliminated of those awaiting issuance of a citation. She explained that it
      will not be immediately reflected in the aging but will be in months to
      come.
She and Mr. Moore have been preparing for the conference call with the taskforce about information they want to take from the complaint investigation cases to figure out where there seems to be aging and what needs to be done to shorten time frames. Mr. Moore presented graphs that reflected the decrease in aging overall throughout the year. Mr. Tami asked for timeframe for several other events such as from receipt of complaint to opening of complaint. Mr. Moore explained that they are working on providing that.

VII. Exams/Licensing
A. Examination Update
Mr. Moore reported that both State Civil exams; engineering surveying and seismic principles, and the state professional land surveying exams are being finalized for publishing for CBT. Staff has been reviewing the final versions with Prometric. There were minor issues with scheduling. A weekly conference call is held with Prometric leading up to the examination to ensure that publishing is progressing.

He explained that staff sent out an e-mail to all approved candidates and followed up with mailings due to invalid email addresses. During the first day, 800 of 1700 civil candidates were scheduled. The single Sacramento exam site filled up quickly.

Occupational Analysis for the Geology based California special component has been prepared. The 30 minute survey will be available for a month.

He reported that at the last Board meeting it was discussed and authorized that the state professional land surveyor exam would be offered twice per year as soon as feasibly and practically possible no later than October 2014. The cost to administer the exam, a second time, based on applications, historical costs to publish and score the exam, and the increased Subject Matter Expert (SME) costs to help maintain the item bank would be approximately $5,000.00. There are approximately 400 examinees for the spring cycle. Mr. Moore anticipates that there would be an increased interest in the fall exam and a decreased interest in the spring exam then level out. Exam staff currently has content for April and October. Exam development is moving along very well. It may be possible to administer an October 2013 exam. Mr. Mathe is working with exam staff and Prometric. It would then be promoted before the October exam's final filing date of May 1, 2013. Mr. Tami noted that it would be a huge benefit for consumers and applicants. Mr. Moore explained that it is possible for candidates to take the spring exam in April, receive results, and if the candidate did not pass they will have an opportunity to refile for the October 2013 examination.
He added EIT/LSIT applications for certification are up from 50% to 75%. Staff is continuing to promote that certifications are required by sending emails, reaching out to colleges, universities, and professional societies, and posting on the Board’s website and Facebook page.

VIII. Approval of Delinquent Reinstatements
Mr. Donelson indicated that there are three mechanical reinstatements that have been reviewed by President Wilburn and Mr. Silva.

MOTION: Mr. Silva and Mr. Satorre moved to approve.
VOTE: 9-0, Motion carried

IX. Consideration of Rulemaking Proposals
A. Recommendation to Amend 16 CCR 3024
Ms. LaPerle, representing the Geologists and Geophysicists Program, presented staff’s recommendation to amend 16 CCR 3023 related to geologists and geophysicists abandoned applications and postponements. The proposed language mirrors the PE/PLS Board Rules 428 and 446. Staff recommends approving the proposed language.

One of the main differences is that the PE/PLS regulations require the postponement be received within 10 days after exam administration whereas the geology postponement requirements is that they be submitted before, which does not allow for exam day emergencies.

MOTION: Mr. Satorre and Mr. Zinn moved to approve language with regulation process.
VOTE: 9-0, Motion carried

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
Mr. Moore reported that approximately one year ago the Board approved changing Board Rule 443 which allowed appeal of the National exams that met certain criteria. The Board has since eliminated appeals of national exams, partly because of the complexity of the scoring of the structural engineering exam. He has been advised several times by OPES and Prometric that multiple choice exams are psychometrically valid and are not structured to be appealed. His recommendation is to eliminate language allowing for review and appeals of exams all together. Mr. Duke pointed out that the statutes were placed at a time when the Board independently developed its own examinations. There was a certain amount of subjectivity involved at that time. Since the Board has shifted to national exams, they are designed much different than in the past. Psychometricians are opposed to appeals.
Mr. Moore indicated that there is a preliminary item analysis after the examination is administered to validate how questions performed.

**MOTION:** Mr. Josephson and Mr. Silva moved to approve staff’s recommendation to repeal the regulations allowing for inspection and appeal of examinations.

**VOTE:** 9-0 motion approved

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

Mr. Moore reported that as of the end of January 2013, PELS applications are down primarily due to not having received all EIT/LSIT applications. In addition, renewals are down compared to last year. There is a surplus of over $2 million. The Board projects EIT/LSIT applications to increase in the future pending the Board’s outreach efforts.

The Geologists and Geophysicist applications are slightly up and renewals are down. The budget allotment is on course, and there is a surplus of $259,000. Expenditures have increased due to examination development efforts to build up the item bank for CBT and an overdue occupational analysis.

Mr. Satorre requested a more detailed report. Mr. Moore indicated that a full report was distributed at one of the two last meetings. Mr. Tami confirmed that the Board asked for a snapshot overview at each meeting and detail twice per year. President Wilburn decided to continue with the report as it is and provide a detailed report twice per year. Mr. Moore indicated that the detailed report can be provided again in July as it is the beginning of the fiscal year. Mr. Duke stated that if any board member would like access to the details behind the general report, staff can provide it directly to them.

XI. **Technical Advisory Committees (TACs)**
A. **Board Assignments to TACs**

Mr. Moore indicated that they are searching for candidates for the Civil TAC and are promoting it in various presentations. Mr. Silva offered to distribute information regarding the Civil TAC to the American Society of Civil Engineers.

Mr. Modugno would like to discuss developing a clearer definition of an electrical engineer as lighting is becoming more involved. The Land Surveyor TAC meeting is scheduled for April 12, 2013.

B. **Appointment of TAC Members**

No report given
C. Reports from the TACs
   No report given

XII. Liaison Reports
A. ASBOG
   The spring council of examiners workshop is scheduled for April 5-6, 2013 in Richmond, VA. Mr. Moore asked the Board to approve appointing Mr. Zinn as a Subject Matter Expert.

   MOTION: Mr. Tami and Mr. Trujillo moved to support appointing Erik Zinn to ASBOG as a Subject Matter Expert
   VOTE: 9-0 motion approved

B. ABET
   No report given

C. NCEES
   1. Western Zone interim Meeting Update
      Mr. Moore reported that travel to San Francisco for the Board meeting travel has been approved. However, negotiations are still taking place to obtain approval from DCA and the Agency Secretary to attend the NCEES Western Zone (WZ) meeting in San Francisco. It is important that the California Board is represented and that Board staff is on hand to assist with registrations and help facilitate the various meetings.

      The Board meeting will be conducted on Thursday, April 18 with registration for the NCEES WZ meeting taking place that afternoon. State Senator Anthony Cannella will be present to welcome everyone to the Western Zone meeting. There will be zone committee appointments, presentations, and sessions that will discuss important policies and procedures.

D. Technical and Professional Societies
   Mr. Moore provided an overview on the promotions and outreach that he and other staff members have completed and future commitments to provide information to promote the new CBT exams, test plans, and the EIT/LSIT certification process.

   Mr. Zinn and Mr. Moore are scheduled to attend AEG, San Francisco chapter, to speak. Mr. Moore is hopeful to attend more ACEC events.

XIII. President’s Report/Board Member Activities
   President Wilburn is hopeful approval to attend the Western Zone conference to represent the Board will be obtained.
Mr. Modugno and Mr. Silva were appointed by president Wilburn to be the nomination committee.

XIV. Other Items Not Requiring Board Action
Mr. Moore indicated that Mr. Trujillo and President Wilburn are in their grace year; he is in touch with the Department regarding term expirations.

Mr. Dewitt, representing ACEC, stated that ACEC will support reappointments.

Mr. Hanlin representing CLSA, commented that CLSA appreciates the strong commitment from the Board and noted that Frank Lehman is a registered forester and may be consulted.

Mr. Moore discussed tentative changes to Board meeting dates. He would like to eliminate both May and July meetings and have a June 13 meeting.

He added that Doug McCauley suggested hosting a joint board meeting that would be held at DCA’s Board room June 13.

XV. 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.)

F. Approval of the Minutes of the January 31, 2013 Board Meeting

MOTION: Mr. Silva and Mr. Josephson moved to approve the minutes as amended.

VOTE: 9-0 Motion approved.

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

B. Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS

C. Michael Kissel v. Ric Moore, Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court, Small Claims Division, Case No. 13SC00365

IV. Open Session to Announce the Results of Closed Session
Ms. Eissler announced that the Board discussed the three law suits as noticed on the agenda and took action on a petition for reconsideration, a default decision, a decision after rejection of a proposed decision, and two proposed decisions.

IV. Enforcement (cont.)
President Wilburn noted that as part of the Administrative Task Force, he would like a review of actual enforcement cases and would like it broken down to see where the delays are occurring. Ms. Eissler also suggested looking at other factors such as waiting to hear from someone, has it moved to another agency such as the Division of Investigation, Attorney General’s Office, or the Office of Administrative Hearings. All of these are considerations and whether or not the staff has an influence.

XVI. Adjourn

PUBLIC PRESENT
Jim Wood, Consulting Geologist
Steve Hao, CalTrans
Roger hanlin, CLSA
Bob DeWitt, ACEC
XVI. ADJOURN