BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944
Telephone: (916) 263-2222 – Toll Free: 1-866-780-5370
Facsimile: (916) 263-2246
www.bpelsg.ca.gov

OFFICIAL NOTICE

BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

MEETING OF THE GEOLOGIST AND GEOPHYSICIST TECHNICAL ADVISORY COMMITTEE

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

A meeting of the Geologist and Geophysicist Technical Advisory Committee of the Board for Professional Engineers, Land Surveyors, and Geologists is scheduled to be held on **Tuesday August 27, 2013, beginning at 1:00 p.m.** The meeting will be held at the address above.

The meeting is open and the public is invited to attend. The meeting facilities are barrier-free, in accordance with the Americans with Disabilities Act. A person who needs disability-related accommodations or modifications in order to participate in the meeting shall make arrangements by contacting Patty Smith at (916) 263-1847 or sending a written request to Ms. Smith at the Board for Professional Engineers, Land Surveyors, and Geologists 2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodations.

Board Members are not members of the Technical Advisory Committees; however, Technical Advisory Committee meetings may be attended by Board Members.

For further information regarding this meeting, please contact Board Staff Liaison Patty Smith at (916) 263-1847. Electronic copies of this notice and agenda are available at www.bpelsg.ca.gov.

NOTE: All times indicated and the order of business is approximate and subject to change.

AGENDA

MEETING OF THE GEOLOGIST AND GEOPHYSICIST TECHNICAL ADVISORY COMMITTEE OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

Location:
California Department of General Services
3737 Main Street, 2nd Floor
Conference Room
Riverside, California, 92501
Tuesday August 27, 2013, 1:00 P.M.

GEOLOGIST AND GEOPHYSICIST TECHNICAL ADVISORY COMMITTEE – Members: William Owen, PGp, PG, CHG, Chair; Hugh S. Robertson, PG, CEG, Vice Chair; Mark Riches, PGp; William Cole, PG, CEG, CHG; and Gary Simpson, PG, CEG. Board Liaisons: Erik Zinn, PG, CEG; and William "Jerry" Silva; Board Legal Counsel Gary Duke. Staff Liaisons: Patty Smith, Lisa Chavez and Erin LaPerle.

I. Roll Call

II. Election of new chairperson and vice chairperson (Possible Action)

III. Public Comment

IV. Approve Minutes of May 13, 2013 Technical Advisory Committee meeting (Possible Action)

V. SMGB Activities - Geological and geophysical notes updates from June 13th Board Meeting

VI. Work Plan for Fiscal Year 2013/2014 (Possible Action)

VII. Update on items from previous meeting(s).
   a. New Occupational Analysis status (date of completion, not known).
   b. Update of enforcement statistics.
   c. Examination Statistics.

VIII. New Business (Possible Action)

IX. Set next meeting date.

Adjourn

AGENDA ITEM I.

GEOLOGISTS AND GEOPHYSICISTS TECHNICAL ADVISORY COMMITTEE ROLL CALL

WILLIAM OWEN, P.GP, P.G., C.E.G.

HUGH ROBERTSON, P.G., C.E.G.

MARK RICHES, P.GP

WILLIAM COLE, PG 2855, CEG 1202, CHG 403

GARY SIMPSON, PG 6000, CEG 2107

AGENDA ITEM II.

ELECTION OF NEW CHAIRPERSON AND VICE CHAIRPERSON

CHAIRPERSON _____ MOTION BY _____ SECOND BY_____

VOTE _____

VICE CHAIRPERSON_____ MOTION BY _____ SECOND BY_____

VOTE _____

AGENDA ITEM III.

PUBLIC COMMENT

AGENDA ITEM IV.

APPROVE MINUTES OF MAY 13, 2013 TECHNICAL ADVISORY COMMITTEE MEETING

CORRECTIONS:

_____

_____

_____

_____

MOTION TO APPROVE BY _____ SECONDED BY _____

VOTE_____

MEETING OF THE GEOLOGY AND GEOPHYSICS TECHNICAL ADVISORY COMMITTEE OF THE BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

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

Monday, May 13, 2013

TAC Members Present:	William Owen, PGp, PG, CHG, Chair Hugh S. Robertson, PG CEG, Vice Chair Mark Riches, PGp
TAC Members Absent:	William Cole, PG, CEG, CHG Gary Simpson, PG, CEG
Board Staff Present:	Erik Zinn, PG, CEG (BPELSG Board Member) Gary Duke (BPELSG Legal Counsel) Richard Moore (BPELSG Executive Officer) Mike Donelson (BPELSG Registrar) Brooke Phayer (Information and Outreach Analyst) Jeffrey Alameida (BPELSG Budget Analyst) Larry Kereszt (BPELSG Enforcement Analyst) Patty Smith (G&G Program Lead Analyst) Erin LaPerle (G&G Program Staff Liaison) Jaime Ingram (G&G Program Staff Liaison) Dolly Kampfraat (BPELSG Staff Liaison)

I. Roll Call to Establish a Quorum

The meeting was called to order approximately 10:07 a.m. Patty Smith took roll and a quorum was established. Mr. Gary Duke arrived at 10:35 a.m.

II. Public Comment

Bill Fraser, representing the California Council of Geoscience Organizations and the Association of Engineering Geologists, introduced himself and offered his services as a liaison to assist the TAC and the Board. Mr. Fraser then gave a background of the associations he represents. He stated the goals of the associations are to monitor and interface with the licensing board and to encourage continuing education and to publicize existing professional practice guidelines and promote development of improved practice guidelines.

There were no further public comments.

III. Approve Minutes from the February 7, 2013 Geologist and Geophysicist Technical Advisory Committee (G&G TAC) Meeting

Hugh Robertson made a motion to approve, seconded by Mark Riches to approve the minutes of the last TAC meeting. The motion was approved with all in favor – 3-0.

IV. Update on Legislative and Regulatory Activities

Jeffrey Alameida, Erin LaPerle and Larry Kereszt gave updates on legislative and regulatory activities. Erin LaPerle introduced herself, Jeff, and Larry and reminded the TAC they are the legislation and regulation committee for the Board and they track legislation that affects the Board and also pursue the rulemaking process for regulation changes per the direction of the Board. Erin stated they would cover legislation and regulation changes they are currently working on related to the geology and geophysics program.

Erin LaPerle explained current legislation they are following is SB 822. This bill is an omnibus bill. The bill is Board sponsored. It is going to create a retired status for geologists and geophysicists. Currently there is no retired status for these professions. Retired status is something geologists and geophysicists want. Hugh Robertson asked how the Board goes about getting sponsored legislation. Jeff Alameida stated the Board talks to Assembly and Senate consultants to discuss ideas of changes the Board wants to make. We ask for support for those changes. We then find an Assemblymember or Senator to carry the bill for us. Jeff states SB 822 is an omnibus bill and is DCA wide.

Jeffrey Alameida introduced the next bill the Board is watching, SB 152. This bill deals with geologists and geophysicists written contracts. It identifies that a written contract should be in place when providing services. The bill also repeals temporary authorization for engineers, geologists, and geophysicists. The Board is in a support position for this bill. The bill was recently passed to the assembly, on April 22, and has made its way to the Business and Professions committee on May 9. Richard Moore explained this is a Board sponsored bill being carried by Senator Roth.

Jeff also updated the TAC on AB 186. This bill, along with SB 1057 deals with offering military spouses a temporary license for up to 12 months for an applicant that meets certain requirements. The Board's position is opposed unless amended. The Board is working with the author on changes to language that is currently in place because it does not identify clearly enough what a temporary license entails. The issue is in regard to the CE licensure where the individual must take and pass the California specific exams in order to determine competency. The temporary license language, as it is written, is all encompassing, meaning passing out a license with no regard for the requirements. Spouses would have to apply during this 12-month probation period and be approved for licensure, but during the 12 months they can practice as a licensed individual. This bill is sitting in the appropriations committee to determine if there are any fiscal impacts.

Jeff also spoke about AB 1057. This bill is also military related and requires a question to be included on every application if the applicant is or has ever served in the military. The Board's position is to watch. This Bill was passed to the Senate on April 29 and is sitting in the Business and Professions committee.

Jeff also stated there are multiple regulations being worked on and in various stages:

- 411, 412, 3008, and 3009. These regulations deal with the address, seal and signature of individuals. These changes are minor and have been approved by the Board for final rulemaking. They have been submitted to DCA for review.

- 443, 444, 3063.1, 3037.1 dealing with exam appeals. The Board is proposing repealing the exam inspection language and the ability to appeal current exams. Staff has been directed by the Board to start the initial rulemaking package.
- 426.10, 426.14 deal with structural engineers' qualifications and experience. These changes are still in their infancy.
- 420.1 – 3021.1 related to finger printing applicants. This package is in final review by DCA. It will be returned to the Board for submittal to the Office of Administrative Law for final changes. It is anticipated that these should take effect June 30, 2013.

Erin gave a status for the regulations she is working on:

- California Code of Regulations 3060, 3061, 3064 and Board Rule 419. These all deal with enforcement; criteria for rehabilitation and substantial relationship criteria. The package is close to being ready for Public Notice. The Board has approved staff to move forward with the Rulemaking process.
- California Code of Regulations 3003b, 3003e. The GeoTAC was working on these regulations. These are in regards to definitions of geologic and geophysical work. The Board has approved staff to move forward to make the initial Rulemaking package. These changes will make the geology regulations similar or the same as the regulations for engineering and land surveying.
- 3024. This section is about postponement and abandonment of applications for geologists and geophysicists. The Board has approved staff to move forward to make the initial Rulemaking package. These changes will make the geology regulations similar or the same as the regulations for engineering and land surveying.

Larry gave a status update for the regulations he is working on:

- Board Rule 442, California Code of Regulations 3035, exam subversion regulations. This package is running the same as the package for regulations 411, 412, 3008, 3009. They both have had their 45-day comments periods, which elapsed without any comments. Final Rulemaking packages have been submitted to DCA. DCA is going through their approval and review.
- Code of Professional Conduct 475, 476, 3065. This package just had its 45-day comment period ended on May 7. There were no comments. The next step is to present at the next Board meeting and adoption.
- 3062 – 3063.4 citation regulations. This is to streamline and make consistent all the regulations for geology and engineering and land surveying. This package is still being worked on.

All information related to rule and code changes can be found on the Board's website. www.bpelsg.ca.gov

V. Review and Discuss Previous Decisions

a. Why state agencies are exempt from the geologists and geophysicists title laws:
Gary Duke explained the difference between licenses and titles. He explained that state agencies are not exempt from the law with regards to practice, meaning if a geologist or someone practicing geology as a state employee has to be licensed. Regarding the title of geologist, the State Personnel Board has constitutional authority to create whatever employee designations and classifications they deem necessary. Because of statutes, state employees not licensed cannot use the titles "Professional Geologist,"

"Professional Geophysicist," or a certified specialty geologist and/or geophysicist (§ 7804, 7804.1 of the Geologist and Geophysicist Act). If the review of geological reports requires judgment of a scientific geological nature, it has to be done under the responsible charge of a licensed geologist or geophysicist or other protected titles (§ 7804, 7804.1 of the Geologist and Geophysicist Act). There is a distinction between ministerial review (requires no geological judgment) and substantive review.

b. Previous legal position paper regarding stamp/seal requirements:
Gary Duke explained geologists could prepare Natural Hazard Disclosure (NHD) reports, but it is not necessarily a geological report. However, once the report is signed and/or sealed the geologist is responsible for any geological portions of the report.

VI. SMGB Activities – Geological and Geophysical Notes Update

No one from SMGB was present at the meeting. It was discussed that a presence from SMGB is important. A motion was made by Hugh Robertson, seconded by Mark Riches to have Eric Zinn approach the Board for permission to invite a representative from SMGB to the next Board meeting and for the TAC to interact with SMGB directly. All were in favor, and the motion was approved – 3-0.

Comments for revising Note 44 are ready for Erik Zinn to present to the Board for approval to submit to SMGB. A motion was made by Hugh Robertson, seconded by Mark Riches and passed with a 3-0 vote.

A motion was made by William Owen to have Erik Zinn request the Board to direct the GeoTAC to work with SMGB to update publication. The motion was seconded by Hugh Robertson and passed with a 3-0 vote.

VII. Review Recommendations of Geological and Geophysical Information to be added to the Building Officials Pamphlet and the Consumer Guide

Richard Moore informed the TAC a new pamphlet is being printed and a final draft would be sent to TAC members for review and comment.

VIII. Old Business

a. New Occupational Analysis Status
Patty Smith presented the results of the survey and stated more information is forthcoming to develop the final analysis. The CSE response was better than expected and OPES is processing the results. The CEG survey was launched in early April after the CSE survey ended. The response and results are not yet available. The CHG survey launched on May 6th and will be available until June 7th.

b. Update of Enforcement Statistics
TAC members reviewed current enforcement statistics. Questions were asked regarding how specific numbers were reached, which were answered by Richard Moore.

c. Examination Statistics
There were no examination statistics to discuss.

IX. New Business

Add an agenda item for the next TAC meeting to elect a new chairperson and vice chairperson.

X. Set Next Meeting Date

The next meeting of the TAC is scheduled for August 27, 2013.

Adjournment

Mark Riches made a motion to adjourn which was seconded by Hugh Robertson. The motion was approved and the meeting adjourned at 1:16 p.m.

PUBLIC PRESENT

Bill Fraser from the California Council of Geoscience Organizations and the Association of Engineering Geologists.

AGENDA ITEM V.

SMGB ACTIVITIES – GEOLOGICAL AND GEOPHYSICAL NOTES UPDATES FROM JUNE 13TH BOARD MEETING

AGENDA ITEM VI.

WORKPLAN FOR FISCAL YEAR 2013/2014

CHANGES/ADDITIONS/DELETIONS:

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_____

_____

_____

_____

_____

_____

MOTION TO APPROVE BY _____ SECONDED BY _____

VOTE_____

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YEAR PLAN - 2012/2013

1. To help clarify "gray" areas in the existing laws, rules, and regulations regarding the practices of Geology and Geophysics, and make recommendations for handling and/or revising the laws, rules, and regulations, where appropriate.

2. To review proposed legislation that would affect the practice of geology or geophysics.

3. To assist the Board with information regarding the practices of geology and geophysics proposed to be included in information prepared and disseminated by the Board.

4. To review enforcement issues that significantly impacts the consumers of California and the professions of geology and geophysics.

5. To assist staff in advising, guidance, and identification of expert consultants.

6. To review minimum qualifications for Geologists and Geophysicists applying for examinations.

7. Review licensing issues affecting other states to determine if the same issues may be relevant to California.

8. Issue geologist and geophysicist pamphlet for County Building Officials to supplement the current Board Brochure. (Revision date 7/31/12)

9. Assist outreach analyst with subjects of interest for licensees.

10. Review and recommend changes to the BPELSG 2013 Handbook of Laws and Regulations.

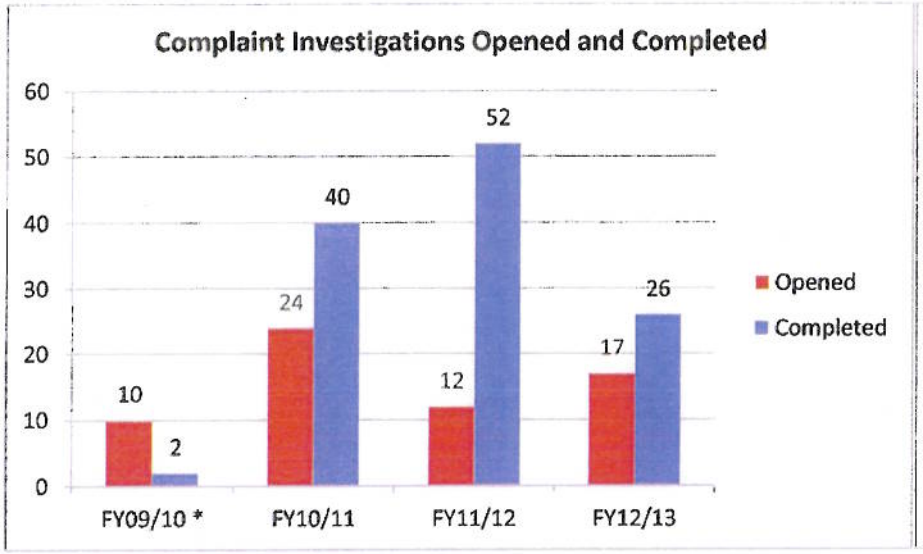
AGENDA ITEM VII.

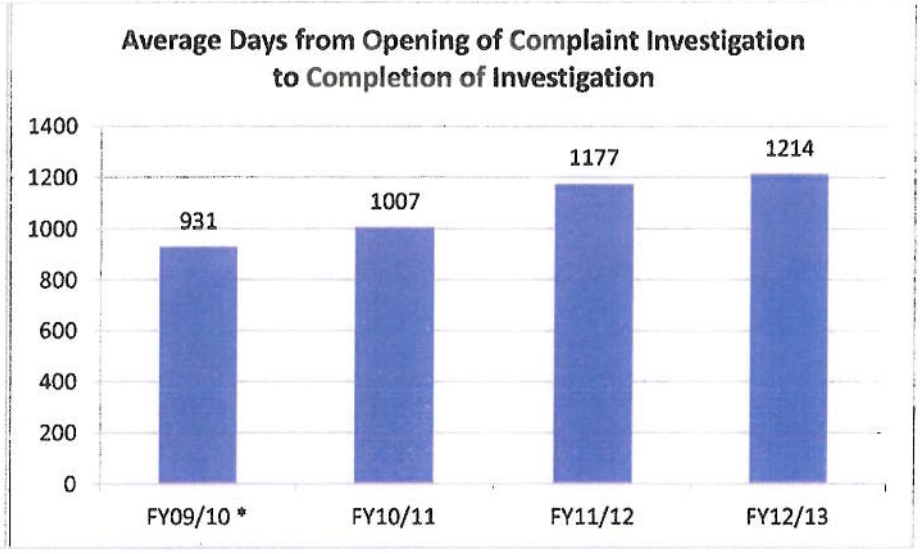
UPDATE ON ITEMS FROM PREVIOUS MEETING(S)

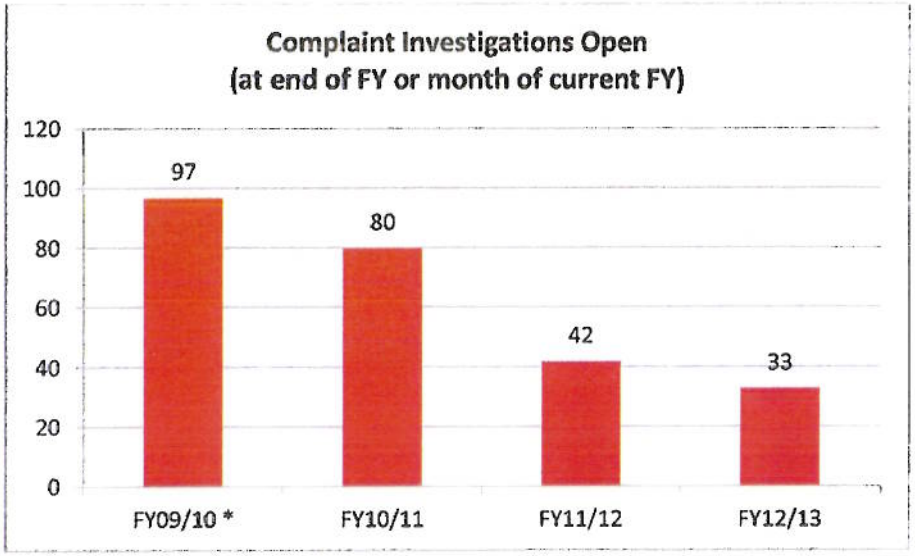
A. NEW OCCUPATIONAL ANALYSIS STATUS
B. UPDATE OF ENFORCEMENT STATISTICS
C. EXAMINATION STATISTICS

G&G ENFORCEMENT PROGRAM

Complaint Investigation Phase





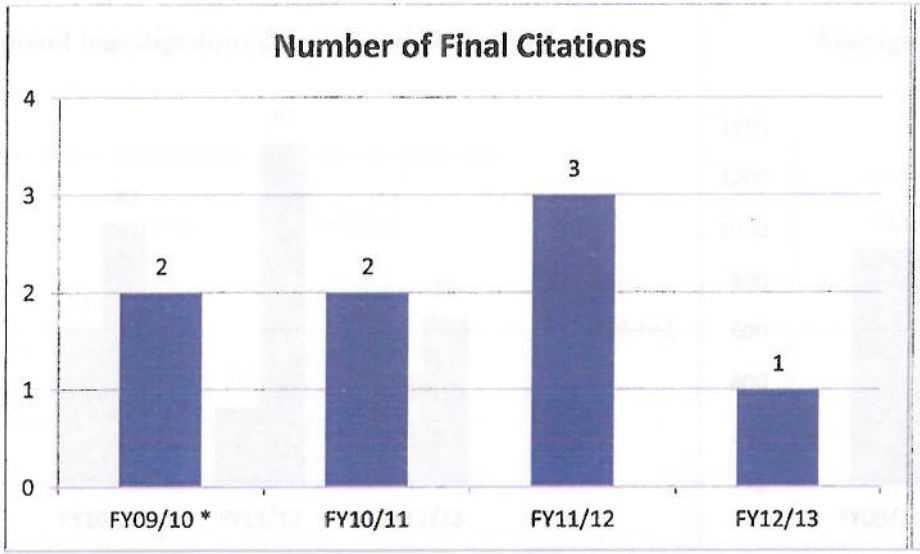


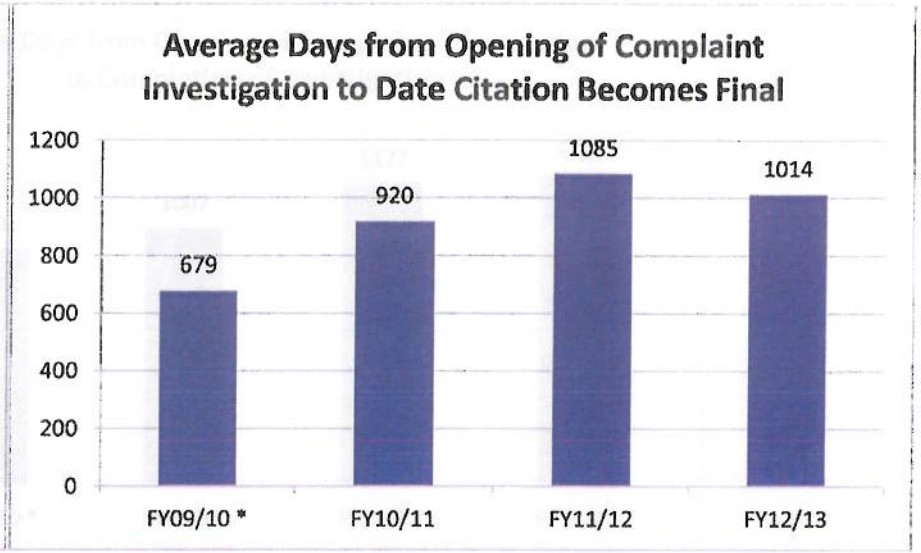
* FY09/10 is only from January through June 2010, when BGG was merged with BPELS

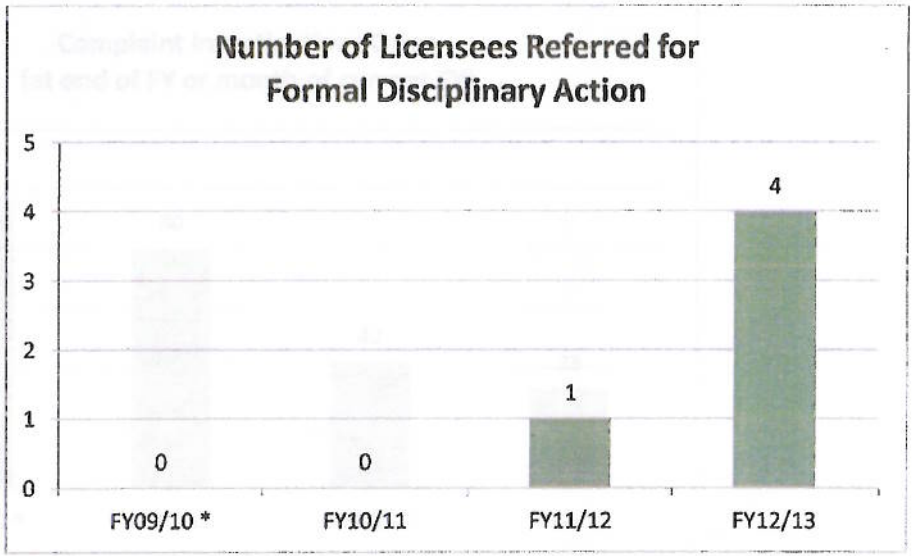
NOTE: All FY12/13 statistics are through May 31, 2013

G&G ENFORCEMENT PROGRAM

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







*** FY09/10 is only from January through June 2010, when BGG was merged with BPELS**

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

AGENDA ITEM VIII.

NEW BUSINESS

AGENDA ITEM IX.

SET NEXT MEETING DATE